

Report of Director of Planning and Transport

Land West Of Speedo House Unit 6, Enterprise Way, Nottingham

1 Summary

- Application No: 22/02486/PFUL3 for planning permission
- Application by: SRA Architects on behalf of Marshall Motor Group Ltd / March Property Developments Ltd
- Proposal: Erection of a new Volvo car showroom and workshop, offices, storage, spare parts and MOT bay, with separate valeting accommodation and associated parking and landscaping.

The application is brought to Committee because it is a departure from the Local Plan.

To meet the Council's Performance Targets this application should have been determined by 24th April 2023. An extension of time will be sought with the applicant to cover the extended period of negotiation and completion of the S106 obligations.

2 Recommendations

2.1 GRANT PLANNING PERMISSION subject to:

- a) No adverse, material comments being received by the 28th July 2023 which arise from further publicity and consist of issues other than those already addressed by this report.
- b) Prior completion of a planning obligation which shall include:
 - (i) a financial contribution of £14,209 towards local employment and training together with the provision of employment and training opportunities during the construction phase.

2.2 Power to determine the final details of the planning obligation and conditions of planning permission to be delegated to the Director of Planning and Regeneration.

2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3 Background

3.1 The application site is an undeveloped brownfield site along Enterprise Way within the NG2 Business Park (hereby referred to as 'NG2'). To the east of the site is a

three-storey office building currently occupied by Speedo. To the south is Enterprise Way which is lined with trees protected by Tree Preservation Orders (TPOs) and along which the NET line runs. Further to the south are various two storey office buildings. To the west of the site is another undeveloped brownfield site, which is currently used as an unauthorised, temporary carpark. To the north is the mainline railway with the Lenton Triangle Local Wildlife Site beyond.

- 3.2 NG2 is an allocated business park within the Local Plan (Policy EE2) and the site forms part of an allocated Development Site for employment (B1a/b use) (site reference SR41). The application site was also included within the outline planning permission (16/00526/POUT) where it was identified for office use within the masterplan.
- 3.3 The site is within Flood Zone 2 and is underlain by a principal aquifer. Prior to the construction of NG2, the application site was formerly an ordnance factory (creation of military weapons and ammunition) with associated fuel storage.
- 3.3. In terms of similar uses, there are three other car dealerships within NG2 (Jaguar Landrover, Mercedes-Benz and CarShop Nottingham). Although these are outside of the allocated business park designation.

4 Details of the proposal

- 4.1 The proposal is for the erection of a new Volvo car showroom and workshop, offices, storage, spare parts and MOT bay, with separate valeting accommodation and associated parking and landscaping. There would be seven bays in the workshop and one bay for MOTs. There would be a total of 220 parking spaces, 67 of which are display parking spaces and 20 for customers (including 2 accessible spaces), located front of house. There would be 120 back of house parking spaces and 13 demonstrator spaces. As a car dealership the proposal is classified as a 'Sui Generis' use, ie. one that does not fall within any of the use classes.
- 4.2 The proposed building is two-storey and of contemporary design with a flat roof and curtain wall glazing (etched glass) to its frontage that also wraps around onto its side elevations. The remainder of the building is to be finished in a largely dark grey rainscreen cladding. The front and sides of the site would be used for vehicle storage and customer parking, with the valet and service area to the rear of the building. The building would create 1897 square metres of floorspace over the two storeys.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

5 neighbouring office buildings were notified of the proposed development by letters dated 24th January 2023.

The application was publicised as a major development through a site notice (posted 27th January 2023) and a press notice (published 2nd February 2023). The application was also publicised as a departure from the local plan through a site notice (posted 3rd July 2023) and a press notice (published 6th July 2023).

No representations have been received as of the date of this report.

Biodiversity: recommend conditions for the landscape and planting plan and landscape management plan, to ensure newly created habitats will be managed to ensure they thrive. Initially raised concern that no green/brown roofs or green walls had been provided on at least 25% of the roof space. Accept principle of landscaped area being increased to compensate, providing high quality habitats are created.

Drainage: recommend conditions that no development shall take place until details in relation to the management of surface water on site during construction has been submitted. Also, that prior to commencement of construction, details of surface water drainage shall be submitted and, due to contaminants on the site, that surface water shall not be disposed of via infiltration or soakaways.

Environment Agency: will not be making any formal flood risk comments on this submission. However, would object to the proposal without a number of conditions relating to water pollution being included. Previous use of the site as an ordnance factory and the location of the site on a Principal aquifer means there is a medium/high risk of contamination that could be mobilised during construction to pollute controlled waters. Applicant's site investigation concludes the site does not present a risk to controlled waters. Recommend various conditions regarding; if contamination is found then no further development should take place until a remediation strategy has been submitted; no infiltration of surface water shall be permitted by soakaway or infiltration unless it has been demonstrated that there is no resultant unacceptable risk to controlled waters; and, that piling or other foundation designs using penetrative methods shall not be permitted unless it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Environmental Health: prior to occupation, a Verification Report shall be submitted to demonstrate that the findings of the applicant's contamination report have been fully implemented and completed.

Highways: raise concern that car transporters entering the site would conflict with vehicles exiting the site and oncoming traffic, and that car transporter exiting the site would enter the swept path of trams approaching from the opposite direction. There is insufficient space for a transporter to manoeuvre within the site without conflicting with other vehicles or obstructing vehicles entering the site.

Network Rail: no objection in principle, subject to several conditions. These relate to; submitting a construction methodology to demonstrate consultation with Network Rail and that construction work can be undertaken without impact to railway safety; drainage details that demonstrate surface water will flow away from the railway; a requirement for trespass proof fencing; and, that landscaping includes planting that would not impact railway safety.

Nottingham Express Transit (Trams): not satisfied that sufficient information has been provided with regards to transporter vehicle deliveries. Transporters delivering during customer hours could lead to conflicts with customer access. Also concern that unfamiliar visitors to the site would miss the entrance or turn right out of the site and would continue on to the 'tram only' section of track on Lenton Lane bridge. Measures to prevent vehicle incursions have not been successful at Lenton Lane bridge and evidence from previous incursions onto the bridge are that they are result of those visitors unfamiliar with the area. The proposal would increase the number of visitors unfamiliar with the area and could lead to further incidents. These incidents cause thousands of pounds worth of damage and financial

penalties for NET due to significant delays.

Have requested a traffic incident review and a review of the junction timings and road layout at Queens Drive/ Enterprise Way junction. The existing approach signage needs to be reviewed and new signage may need to be installed, as well as other measures to provide visual prompts to drivers to prevent incursions onto the Lenton Lane bridge. Recommend the exit of the site should have a sign to warn visitors of trams on exit.

Also need to see a construction traffic plan to ensure how construction would be managed to prevent debris and damage to the tramway and overhead lines. Lighting column to the west of the entrance needs to be positioned to not be a hazard to tram drivers.

Nottingham Jobs: have provided an Employment and Training Plan including the requirement for a financial contribution of £14,209 towards delivering the local employment and jobs services.

Tree Officer: acceptable now that the proposal no longer includes the removal of the TPOd trees along Enterprise Way.

6 Relevant policies and guidance

National Planning Policy Framework (2019)

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible.

Paragraph 47 states planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 81 notes planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 126 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategy (September 2014):

Policy A - Presumption in Favour of Sustainable Development

Policy 1 - Climate Change

Policy 4 - Employment Provision and Economic Development

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

Policy 19 - Developer Contributions

Land and Local Planning Policies (LAPP) (Local Plan Part 2 Document)

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy EE1: Providing a Range of Employment Sites

Policy EE2: Safeguarding Existing Business Parks / Industrial Estates

Policy EE4: Local Employment and Training Opportunities

Policy DE1: Building Design and Use

Policy DE2: Context and Place making

Policy TR1: Parking and Travel Planning

Policy TR2: The Transport Network

Policy EN6: Biodiversity

Policy EN7: Trees

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy SA1: Site Allocations

Supplementary Planning Documents

Biodiversity (2020)

7. Appraisal of proposed development

Main Issues:

(i) Principle of Development

(ii) Layout, Design and Appearance

(iii) Highways and Access

(iv) Flood Risk and Contamination

(v) Trees, Biodiversity and Sustainability

(vi) Planning Obligations

Issue (i) Principle of the Development (Policies 1 and 4 of the ACS, Policies EE1 and EE2 of the LAPP)

- 7.1 Policy EE1 of the LAPP states that provision will be made across the City for a minimum of 253,000 square metres of office floorspace (B1 (a & b)), and around 25 hectares for other employment uses (B1 (c), B2 and B8). This includes sites outlined in Appendix 4 of the LAPP for employment delivery, of which the application site is included as Site SR41 (NG2 West – Enterprise Way). This is allocated for class B1 a (office) and b (research & development) uses. The Use Classes Order has been amended since the adoption of the LAPP and both of these now fall within class E, which also incorporates a wide variety of alternative uses, including retail.
- 7.2 Policy EE2 of the LAPP states that within major business parks, permission will only be granted for employment uses. The definition of employment uses within the glossary of the LAPP is ‘Encompasses B1, B2 and B8 Use classes, (B1 Business, B2 General industrial Use, B8 Storage or distribution), together with ‘sui generis’ uses (uses that stand alone, and do not fall within any of the use classes) of a similar nature which are suitably located on employment sites. Examples of sui generis uses which may be appropriate include sorting offices, waste management development etc. The nature of the site, whether office or industrial and warehouse orientated, will determine the appropriateness of the particular sui generis use.
- 7.3 The proposal, which is a vehicle showroom with associated workshop, is a sui generis use. Given the site allocation for B1 a & b uses, the proposal is therefore a departure from the Local Plan.
- 7.4 In terms of the three existing car dealerships within NG2, the site of the Jaguar Landrover dealership was included as a car dealership in the 2016 outline planning permission (16/00526/POUT), establishing its use in principle. The Mercedes-Benz dealership was granted permission in 2004 (04/00768/PFUL3); part of the case for justifying its suitability at that time looked at the component elements of the use, with the office (B1) and workshop (B2) elements comprising the majority of floorspace within the scheme. Furthermore, it was recognised that car dealerships are compatible with high quality business parks, where they are often found, and are in general terms considered to be supportive of business park activity and attractiveness. The CarShop was granted permission for a showroom with MOT facility in 2019 (19/00189/PFUL3). This was granted on the basis that the previous use of the site was retail (Homebase) rather than an office, and because the applicants provided sufficient evidence that the use would enhance the role and vitality of NG2.
- 7.5 Although the site has good public transport connections due to the tram, the site is outside of the City Centre boundary where it is recognised that the demand for office use has been in decline for many years, with a preference for the accessibility and multiple facilities that City Centre locations offer. This has resulted in out of centre business parks such as the Nottingham Business park near Junction 26 and NG2 seeing no new office buildings for at least 10-15 years, a trend that is not expected to be reversed in the future.
- 7.6 As with considerations concerning the Mercedes-Benz dealership, the largely B class nature of the use and its compatibility with the NG2 offer is again acknowledged. The proposed dealership is to relocate from current premises on

Valley Road, with all staff being transferred, along with an anticipated 40 new FTE jobs being created.

- 7.7 Taking all of the above factors into account, it is considered the car dealership and associated workshop is acceptable in this location, as a departure from Policies 1 and 4 of the ACS, Policies EE1 and EE2 of the LAPP.

Issue (ii) Layout, design and appearance (Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP)

- 7.8 The proposed building's two storey scale and simple, contemporary design, with a mix of curtain wall glazing (etched opaque glass) and dark grey rainscreen cladding, are considered appropriate for the site and its NG2 context. The front elevation is to be set back 17m from Enterprise Way and the existing TPOd trees along the frontage of the site are to be retained. Details of the external materials can be conditioned to ensure that they are of an appropriately high-quality finish. The proposal therefore complies with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

Issue (iii) Highways and Access (Policies TR1 and TR2 of the LAPP)

- 7.9 Access to the site will be directly from Enterprise Way, which is used by both vehicles and trams. The site is close to the tram stop for NG2. A Transport Assessment and details of transporter movements entering and exiting the site have been provided. Concerns have been raised from Highways and NET regarding vehicles entering and exiting the site, as well as transporter movements within the site curtilage.
- 7.10 When transporters enter the site, they will have to block access to customer parking temporarily whilst manoeuvring. Concern was raised this would lead to a backlog of vehicles on Enterprise Way which would disrupt the tram network. However, it is felt that this would be self-regulating because if a vehicle approached the site and the entrance was temporarily blocked by a transporter vehicle, the vehicle could continue along Enterprise Way rather than block a tram.
- 7.11 Concern was also raised that a car transporter exiting the site would enter the path of trams approaching from the opposite direction. Again, it is felt that this would be self-regulating and that transporter drivers would check for vehicles and trams approaching in both directions before exiting the site. In addition, car transporters exiting the nearby Jaguar Landrover dealership currently have to make a similar manoeuvre and therefore it would be unreasonable to require a different arrangement in this instance. No issues with the existing arrangement at Jaguar Landrover have been reported as part of this application.
- 7.12 A further concern was raised regarding the increased usage of the Queen's Drive junction. However, given the site allocation for development and that the outline planning permission has previously established the principle of the site as an office building with associated car parking, this is not considered to be a basis on which the scheme could be resisted.
- 7.13 A pre-commencement condition can be included to require details of a construction traffic management plan in order to prevent damage to the tram power lines, road and tram tracks. Pre-occupation conditions would be included requiring details of measures to warn visitors exiting the site of tram movements, and also ensuring that lighting at the site does not result in a distraction to tram drivers.

7.14 It is therefore considered that the proposal complies with Policy TR1 and TR2 of the LAPP.

Issue (iv) Flood Risk and Contamination (Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP)

7.15 The application site is within Flood Zone 2. However, it is also located on a Principal aquifer within a source protection zone 3. Prior to the construction of NG2 the site was an ordnance factory (construction of military weapons and ammunition) with associated fuel storage. The site therefore presents a medium/high risk of contamination which could be mobilised during construction.

7.16 The applicant's site investigation states the site does not present a risk to controlled waters. However, the Environment Agency have advised this needs to be explored further and have recommended a number of conditions relating to drainage and contamination.

7.17 Subject to the necessary conditions, it is considered the proposal complies with Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP.

Issue (v) Trees, Biodiversity and Sustainability (Policies 1 and 17 of the ACS and Policies CC1, EN6 and EN7 of the LAPP and Biodiversity SPD)

7.18 The scheme proposes to compensate for the 25% ground cover lost to the building (320sqm) with an additional 400sqm of planting at the site. The Council's Biodiversity and Greenspace Policy Officer states that this is acceptable in principle, providing the species and selection of landscape practices is beneficial to pollinators, birds and small mammals. A pre-commencement condition for a landscape and planting plan can be included, as well as a landscape management plan.

7.19 The southern edge of the site, along Enterprise Way, is lined with TPO protected trees. Originally the proposal was to remove these trees and replace them with fewer, smaller trees, for improved site visibility and to prevent detritus falling onto vehicles. However, in response to officer concern in this regard, they are now to be retained. An Arboricultural method statement outlining measures to be put in place to protect the trees during construction can be conditioned.

7.20 Given the intervening railway line, it is considered the proposed lighting would not have a negative impact on the Lenton Triangle Local Wildlife Site beyond.

7.21 In terms of sustainability, carbon emissions would be reduced using passive measures and high efficiency building services. To minimise heat gain in summer and heat loss in winter, thermal transmittance (U-Values) for external walls and the roof are proposed to exceed Building Regulations standards. The showroom would have a large expense of glazing which would be opaque but also double glazed with an argon filled cavity and low transmittance (G-Value). Solar panel arrays and VFR heat pump system are also to be used.

7.22 It is considered the proposal is in accordance with Policies 1 and 17 of the ACS and Policies CC1, EN6 and EN7 of the LAPP.

Issue (vi) Planning Obligations (Policy 19 of the Aligned Core Strategies and Policies EE4 and IN4 of the LAPP)

7.23 In order to comply with development plan policy, the proposed development attracts the following S106 obligation:

- a financial contribution of £14,209 towards local employment and training together with the provision of employment and training opportunities during the construction phase.

8 Financial Implications

None.

9 Legal Implications

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

10 Equality and Diversity Implications

None.

11 Risk Management Issues

None.

12 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of an allocated brownfield site for employment development

Working Nottingham: An employment generating use with additional opportunity to secure training and employment for local citizens through the construction of the development

Safer Nottingham: The development is designed to contribute to a safer and more attractive, environment

13 Crime and Disorder Act implications

None.

14 Value for money

None.

15 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 22/02486/PFUL3 - link to online case file:
<https://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RNC62MLYH5000>

16 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

NPPF (2021)

Biodiversity SPD (2020)

Contact Officer:

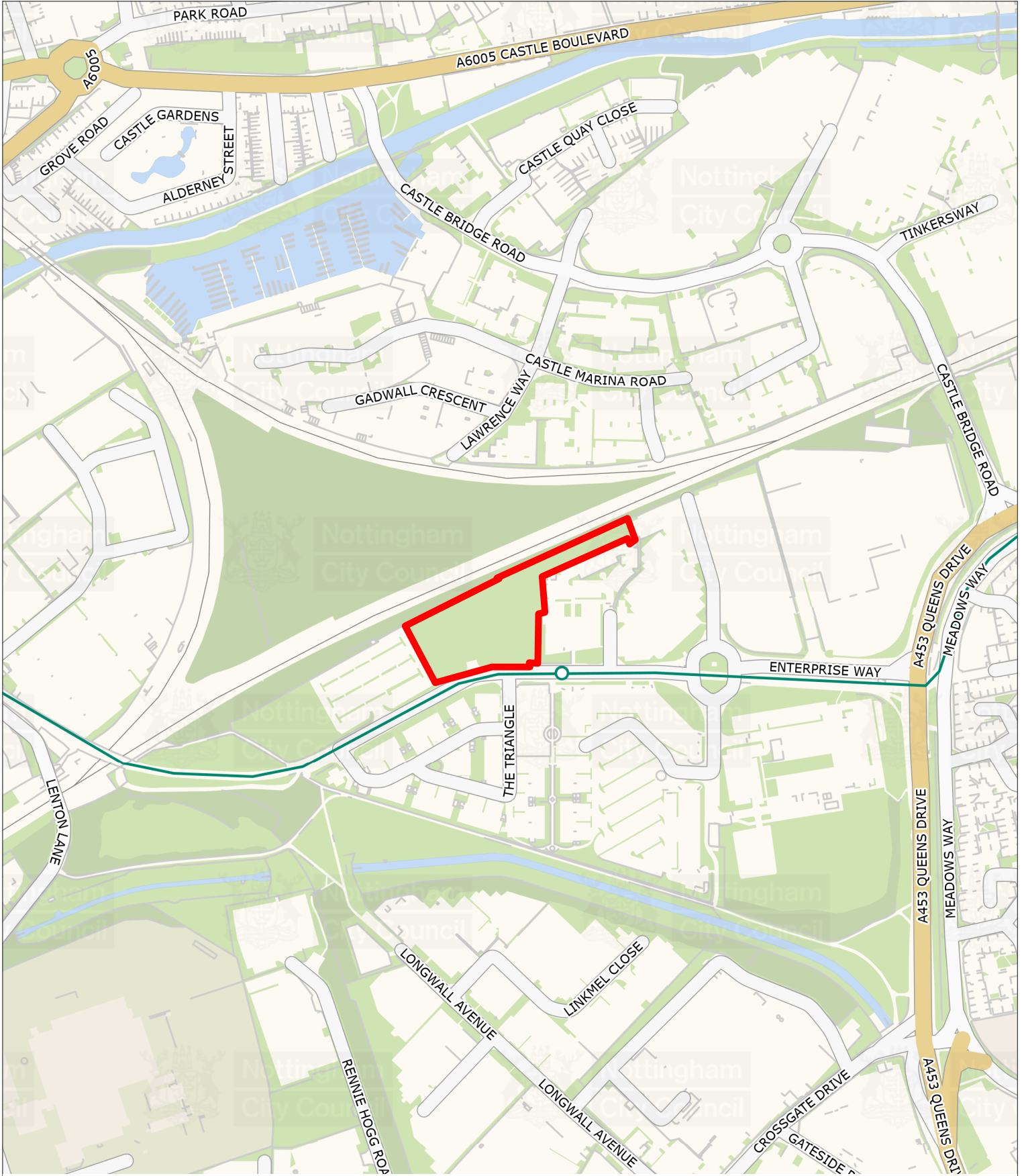
Ms Katherine Lowe, Case Officer, Development Management.

Email: katherine.lowe@nottinghamcity.gov.uk Telephone: 0115 8762435

Site Location Plan
(Not to scale)



Nomad printed map



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0 0,1 0,2 km 

Key
 City Boundary

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Description
A map printed from Nomad.

My Ref: 22/02486/PFUL3 (PP-11498818)
Your Ref:
Contact: Miss Katherine Lowe
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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 22/02486/PFUL3 (PP-11498818)
Application by: Marshall Motor Group Ltd / March Property Developments Lt...
Location: Land West Of Speedo House Unit 6, Enterprise Way, Nottingham
Proposal: Erection of a new Volvo car showroom and workshop, offices, storage, spare parts and MOT bay, with separate valeting accommodation and associated parking and landscaping.

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. Prior to the commencement of above ground construction, details of the external materials (including plant) and hard surfacing to be used in the development, including arrangement and fixings of the rainscreen cladding, shall be submitted to and be approved in writing to Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that complies with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.



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3. The development shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing TPO trees along the southern boundary with Enterprise Way that are shown to be retained on the approved plans.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy EN7 of the LAPP.

4. Prior to the commencement of development a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles during the construction period. 'Goalposts' on construction traffic exits shall be detailed and installed in order to ensure vehicles are below safe height of the tramway lines. Vehicles delivering to the site cannot be permitted to wait/park on the highway or tramway. The Construction Traffic Management Plan shall also include a construction traffic routing agreement and strategy for managing mud or similar debris on the adjacent public highways and tramway.

Reason: To ensure that the construction of the development has no adverse impact on the local highway and tramway network and has no significant impact on neighbouring properties to accord with policy TR1 of the LAPP.

5. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, to prevent damage to the final surface water management systems through the entire development construction phase, to control risk of contamination to controlled water and to accord with policy CC3 of the LAPP.

6. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure development can be undertaken safely and without impact to operational railway safety in accordance with Policy TR2 of the LAPP.

7. Prior to the commencement of construction, details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Due to contaminants on site, surface water shall not be disposed of via infiltration or soakaways other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

The scheme shall demonstrate that surface water flows away from the railway, that there is no ponding of water adjacent to the boundary with the railway.

Where a sustainable drainage scheme is to be provided the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface sewers;



- ii) Include a timetable for its implementation; and
- iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure operation of the scheme throughout its lifetime.

Prior to the occupation of the building hereby approved the surface water drainage works shall be carried out and the sustainable drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development and to accord with policy CC3 of the LAPP.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

8. The development hereby permitted shall not be brought into use until a detailed landscaping and planting scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority. Planting near the railway boundary should comply with Network Rail's 'Recommended Planting Species' (2015).

The scheme shall include a timetable for phasing and implementation and a landscape management plan.

The approved landscaping scheme (hard and soft) shall be carried out in accordance with the approved timetable for implementation and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of biodiversity in accordance with Policies 10 and 17 of the ACS and Policies DE1, DE2 and EN6 of the LAPP.

9. Prior to the occupation of the site, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements such as but not restricted to (surface water attenuation devices/areas, flow restriction devices, outfalls).

Reason: To ensure the Drainage system is constructed to the National Non-Statutory Technical Standards for SuDS and to accord with policy CC3 of the LAPP.



10. Prior to first occupation of the development a Verification Report, based on the findings and recommendation within the Phase 1 & 2 contamination report by Eastwood & Partners, report number 46649 dated 3rd October 2022 which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

Reason: In the interests of public health and safety and in accordance with the aims of Policy 10 of the ACS and Policy IN2 of the LAPP.

11. Prior to the development hereby approved being first brought into use, details and the location of signage, road markings and other measures to warn drivers of trams when exiting the application site shall be submitted to the the Local Planning Authority. The approved scheme shall be retained for the lifetime of the development.

Reason: To minimise the risk of disruption to the tramway network from vehicles exiting the site in accordance with Policy TR2 of the LAPP.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

12. If, during development, contamination not previously identified in the Phase 1 & 2 Geotechnical and Geo-Environmental Site Investigation (by Eastwood & Partners dated 3 October 2022) is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Strategy shall be implemented as approved.

Reason: In the interests of public health and safety and in accordance with the aims of Policy 10 of the ACS and Policy IN2 of the LAPP. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

13. During construction, piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure construction does not risk polluting or mobilising contamination which would impact groundwater (including aquifers) in accordance with Policy 10 of the ACS, Policy IN2 of the LAPP and paragraph 174 of the NPPF.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 23 January 2023.

Reason: To determine the scope of this permission.

Informatives



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1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. Noise Control: hours of work and equipment during demolition/construction
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)

Saturday: 0830-1700 (noisy operations restricted to 0830-1300)

Sunday: at no time

Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9152020).

Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

4. The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of how gas precautions including any radon gas precautions will be validated.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground gas contamination of the site.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the



site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

5. Network Rail Standard Drainage Requirements

We ask that all surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site.

Water must not be caused to pond on or near railway land either during or after any construction-related activity.

Any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

Wayleaves and or easements for underline drainage assets

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

Protection of existing railway drainage assets within a clearance area

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site.

Please contact Asset Protection (assetprotectioneastern@networkrail.co.uk) for further information and assistance.

6. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

7. All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network RAILS infrastructure or railway land.

8. Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

9. Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

10. Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

11. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

12. Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

13. From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

14. Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

15. The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

16. All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

17. Land contamination risk assessments should be written in accordance with the Environment Agency's online guidance Land Contamination: Risk Management, which can be viewed via the following link: <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

18. Infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

19. Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- o Position statement on the Definition of Waste: Development Industry Code of Practice and;
- o website at <https://www.gov.uk/government/organisations/environment-agency>

20. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- o Duty of Care Regulations 1991
- o Hazardous Waste (England and Wales) Regulations 2005
- o Environmental Permitting (England and Wales) Regulations 2010
- o The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency>

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 22/02486/PFUL3 (PP-11498818)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Planning Inspectorate website at <https://www.gov.uk/appeal-planning-decision>.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.

STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible, quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue