
Dated: 7th April 2017

- (1) Bolsover Properties Limited
- (2) Ashfield District Council

Section 106 Agreement

Relating to Hucknall Town Football Club

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BETWEEN

- (1) **BOLSOVER PROPERTIES LIMITED** (Company Registration Number: 877920) whose registered office is at Portland Estate Office, Cavendish House, Wilsbeck, Worksop, Nottinghamshire S80 3LL ("the Owner")
- (2) **ASHFIELD DISTRICT COUNCIL** of Council Offices, Union Road, Kirby-in-Ashfield, Nottinghamshire, NG17 8DA ("the Council")

1. Definitions

1.1 IN THIS AGREEMENT the following words and phrases shall have the following meaning:-

"the Act" means Town and Country Planning Act 1990 (as amended) and terms not otherwise defined in this Agreement have the meaning ascribed to them in the Act unless a contrary intention appears;

"the Application" means the Planning Application dated 2 August 2016 in respect of the Proposed Development to which has been allocated the Council's Planning Application Reference No. V/2016/0615;

"the Application Site" means the land for which planning permission is sought to carry out the Proposed Development and which is shown for the purposes of identification only edged red on Plan 1;

"Community Organisations" means such Youth Clubs, Scouts, Cubs and Beaver troops; Gaiters, Brownies and Rainbows packs; Sports Clubs (Adult and Youth) affiliated to the relevant governing body for their sport (e.g. the Football Association); Schools, Colleges and Universities; Voluntary and Charity Groups as shall for the time being have their main premises, or place of regular meeting within the administrative district of Ashfield together with such other not-for-profit organisations as the Head of Land and Property may notify to the Owner in writing from time to time and as shall be approved by the Management Committee;

"Community Use" means in respect of the Facilities use by any of the Community Organisations or such individuals, groups or teams as the Management Committee shall approve;

"Facilities" means the football grass training pitch forming part of the Proposed Development;

"Management Committee" means the body formed pursuant to and described in paragraph 2 of the Second Schedule;

"the Obligation Land" means the land to be made subject to the Obligations and comprising of the land in the Application Site shaded pink on Plan 1;

"the Obligations" means the planning obligations contained or referred to in the First and Second Schedules to this Agreement;

"Operative Week" means a period of 7 days beginning on a Monday and ending on the following Sunday during any part of which the Facilities or any part of them are in use by any person, business or organisation other than a Community Organisation pursuant to the provision of the First Schedule to this Agreement;

"Plan 1" means the plan attached to this Agreement and marked for identification purposes "Plan 1";

"Plan 2" means the plan attached to this Agreement and marked for identification purposes as "Plan 2";

"the Planning Permission" means the grant of Planning Permission pursuant to the Application in the terms of the draft attached to this Agreement;

"the Proposed Development" means construction of football ground with clubhouse and spectator facilities, including spectator stands, 3 no. portable WC buildings, hospitality box, turnstiles and associated facilities incorporating training pitch, car and coach parking and servicing areas, groundman's store, proposed communal building for use with B1 or as a trade sale counter and showroom, engineering works to reprofile existing ground contours and formatting access road to remove turning head.

2. Recitals

WHEREAS:-

- 2.1 The Owner is seized of the Obligation Land for an estate in fee simple in possession.
- 2.2 The Owner has submitted the Application.
- 2.3 The Council is the Local Planning Authority for the purposes of the Act for the area in which the Application Site is situated.
- 2.4 The Council's Local Plan Review adopted in November 2003 contains Inter site Policy TR6 (Transport Provision).
- 2.5 The Council acting through the delegated powers of its Head of Land and Property has resolved to grant the Planning Permission for the Proposed Development in accordance with the Application and subject to the terms of this Agreement without which the Planning Permission would not be granted.
- 2.6 The Owner has agreed to enter into this Agreement for the purpose of procuring the issue of the Planning Permission.

3. Powers

- 3.1 THE parties hereto enter into this Agreement under and pursuant to Section 106 of the Act.

4. Planning Obligations

- 4.1 The Obligations are planning obligations for the purposes of Section 106 of the Act to the extent that the Obligations shall be binding and enforceable without time limit against the Owner and any persons deriving title from him in the manner specified in Section 106 of the Act.
- 4.2 The Council is the Authority entitled to enforce the Obligations.

5. Conditionality

- 5.1 The Obligations are conditional upon the issue of the Planning Permission.

4. **Covenant**

6.1 THE Owner hereby covenants with the Council pursuant to Section 106 of the Act that the Application Site shall be subject to the Obligations and that the Owner will at its own expense duly carry out and perform the Obligations.

7. **Agreements and Declarations**

It is agreed and declared as follows:

- 7.1 Any reference to a party to this Agreement shall where the context so admits include their successors in title and assigns.
- 7.2 Words importing one gender shall be construed as importing any gender, and words importing the singular shall be construed as importing the plural and vice versa.
- 7.3 No person shall be liable for breach of covenant contained in this Agreement after he shall have parted with all interest in the Application Site or the part in respect of which such breach occurs but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest.
- 7.4 If the Planning Permission having been granted shall expire before the Proposed Development is begun, or shall at any time be revoked, this Agreement shall forthwith determine and cease to have effect.
- 7.5 Nothing in this Agreement shall prohibit or limit the right to develop any part of the Application Site in accordance with a planning permission (other than the one relating to the Proposed Development as specified in the Application) granted after the date of this Agreement.
- 7.6 Wherever there is more than one person named as a party and where more than one party undertake an obligation all their obligations can be enforced against all of them jointly and against each individually.
- 7.7 The Agreement is a Local Land Charge and shall be registered as such.

8. **Costs**

8.1 The Owner shall on the execution of this Agreement pay the Council's costs incurred in the preparation and settlement of this Agreement.

IN WITNESS whereof the parties have executed this Agreement as a Deed the day and year first before written.

1 SCHEDULE 1

Necessary Payments

1. Prior to the first occupation of any employment unit on the Proposed Development there shall be paid as a commuted sum to the Council for integrated transport improvements and initiatives within the administrative district of Ashfield a sum calculated as follows:

1.1 TWENTY THOUSAND POUNDS (£20,000) per One Thousand square metres (1000m²) or part thereof of gross floor area in any building whose first occupation falls within Use Class B1 or as a trade sales counter and showroom.

2. Prior to the commencement of Development there shall be paid to the Council for the upgrading of the footpath shown for identification coloured blue on the attached Plan 2 the sum of ELEVEN THOUSAND FOUR HUNDRED POUNDS (£11,400)

3. Where any amount is payable pursuant to Paragraph 1 of this First Schedule the amount to be paid shall be adjusted for inflation in accordance with the following formula :-

$$(P - A) \times B$$

Where:-

P = the amount payable pursuant to Paragraph 1 of this First Schedule

A = the 'all items' figure of the Retail Prices Index published by the Office for National Statistics or any successor body (the 'RPI figure') in respect of the month of January 2017

B = the RPI figure for the month in which the relevant payment is made or (if earlier) falls due to be made

But so that if at any time B shall be less than A the amount payable pursuant to the relevant paragraphs as the case may be shall nevertheless be paid in full without reduction.

PROVIDED ALWAYS that:

- (a) if such sum(s) or any part thereof due on or before a date calculated in accordance with paragraph 1 shall not be paid by that due date it shall carry interest at 4% per annum over Bank of England base lending rate from the date of first occupation or commencement of Development as the case may be until actual payment;
- (b) payment of the commuted sum(s) shall not in itself constitute commencement of the Proposed Development for the purposes of implementing the Planning Permission.

2 SCHEDULE 2

Community Use of the Facilities

1. The Owner shall for the period of 80 years from the date of first use of the Facilities permit the Community Organisations to use the Facilities authorised by the Planning Permission for not less than 20 hours in aggregate in every Operative Week in accordance with the following terms of this Second Schedule.
2. Prior to the occupation of the Proposed Development there shall be established the Management Committee consisting of (1) the Council's Head of Land and Property or his nominee (2) the Council's Environment Portfolio Holder or his nominee (3) two persons nominated by the Owner (4) two representatives of the Community Organisations appointed by majority decision of the other members aforesaid and (5) two persons nominated by the organisation which is entitled to possession of the Facilities (if not the Owner) and (6) a representative appointed by the Nottinghamshire Football Association. The Management Committee shall meet (as often as may be necessary) to agree the following matters:-
 - 2.1 The rules of procedure of the Management Committee itself including:
 - 2.1.1 Quorum
 - 2.1.2 Appointment of additional, replacement or substitute members
 - 2.1.3 Conduct of meetings
 - 2.1.4 Frequency of meetings
 - 2.2 A scheme for the management of the Community Use of the Facilities to include arrangements for booking, setting up and clearing away, supervision of activities and control of players and spectators.
 - 2.3 The charges which may be made for the Community Use PROVIDED ALWAYS THAT the charges shall not at any time be fixed at more than that which is for the time being set by the Council for use of its equivalent municipal sports facilities.
3. Pursuant to the scheme of management the Owner shall:
 - 3.1 Permit a minimum of eleven hours Community Use per Operative Week of the grass training pitch but so that use as a mini soccer facility receives priority.
 - 3.2 Not permit use of the floodlights after 10 pm on any night.
4. The Owner shall be bound by all decisions of the Management Committee duly made in relation to the matters falling within the control of the Management Committee as if these decisions were themselves Planning Obligations contained in this Schedule.
5. The Owner, shall or shall procure that its tenant, licensee or other person occupying the Facilities with the consent of the Owner shall maintain a policy of insurance providing cover of at least five million pounds in respect of any one claim in respect of any accident or injury to any person lawfully on the Application Site in connection with the Community Use and shall produce evidence of such insurance to the Council whenever required but not more than once in any calendar year.
6. Where any matter provided for in this Second Schedule is to be agreed whether between the Owner and the Community Organisations, or between the Community Organisations themselves or by the Management Committee, if at any time it shall appear to the Head of Land and Property that no such Agreement exists and there is no reasonable prospect of it existing the Head of Land and Property on the application of any officer for the time being of any of the Community Organisations may by an instrument in writing signed by him

pursuant to the provisions of this paragraph make any ruling as may be necessary to make good the deficiency in agreement and the ruling of the Head of Land and Property as aforesaid shall for the purpose of the foregoing parts of this First Schedule be treated as being such agreement for the time being. For the avoidance of doubt a ruling by the Head of Land and Property made under the Provisions of this paragraph shall continue in force until such time as the parties required to reach agreement for which the Head of Land and Property's ruling is a substitute shall in fact make such agreement and notify it (signed by both parties) to the Head of Land and Property in writing and for the further avoidance of doubt the Head of Land and Property may himself vary by further instrument in writing made under this paragraph any such previous ruling.



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EXECUTED as a DEED by

ROBIN JAMES BROWN and

TIMOTHY JOHN HAGGIE as Attorneys for

BOLSOVER PROPERTIES
LIMITED

in the presence of

Witness signature:

Made in their capacity:

WARREN LAND

Address:

EXECUTED AS A DEED by

ASHFIELD DISTRICT COUNCIL,

having affixed its COMMON SEAL

to this deed in the presence of



Authorized Officer
Chief Executive
Ashfield District Council

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Contact: Scott Davidson
 Direct Line: 01623 457376
 Email: s.davidson@ashfield-dc.gov.uk

Your Ref: PP-05377134
 Our Ref: V/2016/0515
 Date: 10/11/2016

Dear Sir/Madam

PLANNING DECISION OF THE LOCAL PLANNING AUTHORITY
 Major Full Application

APP NO: V/2016/0515
 SITE: Land Off Aerial Way Hucknall Nottingham
 PROPOSAL: Construction of Football Ground with Clubhouse and Spectator Facilities, including Spectator Stands, 3no. Portable WC Buildings, Hospitality Box, Turnstiles and Associated Facilities incorporating Training Pitch, Car and Coach Parking and Servicing Areas, Groundsman's Store Proposed Communal Building For Use With B1 or As A Trade Sale Counter and Showroom; Engineering Works to Reprofile Existing Ground Contours and Formatting Access Road to Remove Turning Head.

I refer to your planning application for the above and I enclose a copy of the Decision Notice together with the relevant notes. Should you wish to discuss any aspect of the Decision then do not hesitate to contact the case officer, Scott Davidson.

The applicant/developer is strongly advised to ensure compliance with all planning conditions if any, attached to the decision notice. Failure to do so could result in LEGAL action being taken by the Council to ensure full compliance. This planning permission does not constitute an approval under the Building Regulations and the applicant/developer is advised to acquire any necessary permission under such before commencing work.

I trust that you have been satisfied with the service provided by my Development and Building Control Section. If this has fallen short of your expectations then please contact me at your earliest convenience, as I am eager to improve the service wherever possible.

Yours faithfully
 Robert Mitchell
 Chief Executive

Address: Council Offices, Urban Road, Kirkby-in-Ashfield, Nottingham, NG17 8DA
 Tel: 01623 450000 Fax: 01623 457585
 www.ashfield-dc.gov.uk

Where possible adjustments are needed to fully engage with the Authority - contact 01623 450000

DRAFT

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Permitted Development) (England) Order 2015
 Town and Country Planning (Development Management Procedure) (England) Order 2015
 Town and Country Planning (Control of Advertisements) (England) Regulations 2007
 Town and Country Planning (Tree Preservation) England Regulations 2012
 Planning (Listed Buildings and Conservation Areas Act 1990
 Planning (Hazardous Substances) Act 1980
 Planning and Compensation Act 1991

Approval Notice**Major Full Application**

Approval has been granted by Ashfield District Council for the development referred to below providing it is carried out in accordance with the application and plans submitted. The approval is subject to the conditions set out on the attached sheet.

Application Details

Planning Reference Number: **V/2016/0515**

Location of Development: **Land Off Aerial Way
 Hucknall
 Nottingham**

Description of Development: **Construction of Football Ground with Clubhouse and Spectator Facilities. Including Spectator Stands, 3no. Portable WC Buildings, Hospitality Box, Turnstiles and Associated Facilities incorporating Training Pitch, Car and Coach Parking and Servicing Areas, Groundsman's Store Proposed Communal Building For Use With B1 or As A Trade Sale Counter and Showroom; Engineering Works to Reprofile Existing Ground Contours and Formatting Access Road to Remove Turning Head.**

Notes: Council Offices, Urban Road, Kirkby-in-Ashfield, Nottingham NG17 8DA
 Tel: 01623 450000 Fax: 01623 457585
www.ashfield-dc.gov.uk

Additional adjustments are needed to fully engage with the Authority - contact **01623 450000**

Applicant Name: **Bolsover Properties Ltd**

Date: **XXXXXXXX**

CONDITIONS:

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. No development comprising the construction of external walls and roofs shall take place until samples of the materials and finishes to be used for the external elevations and roofs of the proposal have been agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation.
3. Notwithstanding the submitted details no occupation of the development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, 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.
4. The development hereby approved shall only be carried out in accordance with the details and specifications shown on the following plans:
 - Existing Site Survey - 1932(02)002 B. 28 July, 2016
 - Location Plan - 1932(02)001 B. 28 July 2016
 - Block Plan - 1932(08)001 B. 28 July, 2016
 - Proposed Site Plan - 1932(08)002 B. 28 July, 2016
 - Proposed Clubhouse Ground Floor Plan - 1932(08)003. 12 July, 2016
 - Proposed Clubhouse First Floor Plan - 1932(08)004. 12 July, 2016
 - Proposed Clubhouse Elevations - 1932(08)005. 15 July, 2016
 - Proposed Clubhouse Sections - 1932(08)006. 25 July, 2016
 - Spectator Stands - 1932(08)007. 21 July, 2016
 - Spectator Stand Elevations - 1932(08)008. 12 July, 2016
 - Proposed Portakoo Cabins - 1932(08)009. 18 July, 2016
 - Proposed Hospitality Box and Groundsman Store - 1932(08)010. 22 July, 2016
 - Turnstiles and Fencing - 1932(08)014. 25 July, 2016
 - Fencing Types - 1932(08)015. 1 August, 2016
 - Proposed Elevations - 1932(08)01. 16 July, 2016
 - Proposed Hybrid Units Ground and First Floor Plans - 1932(08)010. 18 July, 2016
 - Hybrid Units Elevations - 1932(08)011. 18 July, 2016
 - Hybrid Units Section A-A - 1932(08)012. 25 July, 2016
 - Landscape Strategy 1019-001A. 3 August, 2016
 - External Floodlighting Hucknall Town FC LKS11742/2 17 August 2016

5. Floodlighting should operate between 9am and 10pm in response to need on any day, unless otherwise agreed in writing by the Local Planning Authority.
6. The gates at the access point shall open inwards only, be set back 6 metres from the highway boundary and constructed in accordance with details which have been first submitted to and approved in writing by the LPA. The approved gates shall then be retained for the life of the development.
7. No part of the development hereby permitted shall be brought into use until any new vehicle access serving the site has been constructed with provision to prevent the unregulated discharge of surface water from the access to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
8. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment by Met Engineering dated July 2016 and restricting the discharge rate to greenfield rates.
9. No development shall take place until a Arboricultural Method Statement which demonstrates the protection (during construction) of existing trees on and adjacent to the site, and most notably the tree to the south east corner and trees along the southern boundary, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those details, unless the Local Planning Authority gives written approval to any variation.
10. No part of the development hereby permitted shall be brought into use until two pedestrian refuges are provided on Watnall Road, located either side of Aerial Way, are available for use and constructed in accordance with the Highway Authority specification. Details should be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development.
11. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are provided in accordance with the approved plans. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.
12. No development (other than the construction of a suitable vehicle access onto Aerial Way) shall commence on any part of the application site unless or until suitable vehicle access onto Aerial Way is provided, as shown on the drawing entitled 'Proposed Site Plan', drawing no.1932(08)002, revision B to the satisfaction of the Local Planning Authority.
13. No part of the development hereby permitted shall be brought into use until the existing street lighting located on Aerial Way is upgraded for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
14. No part of the development hereby permitted shall be brought into use until any new vehicle access serving the site has been surfaced in a bound material (not loose gravel). Any surfaced vehicle accesses shall then be maintained in such bound material for the life of the development.

15. Notwithstanding the submitted details no occupation of the development shall take place until the following matters have been submitted to and agreed in writing by the Local Planning Authority:

- i. Full details of the proposed treatment of the site's boundaries.
- ii. A phasing scheme for the implementation of the agreed boundary treatment.

The boundary treatment shall be undertaken in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

16. The hours of working on site during construction, including deliveries, shall be between 8.00am and 5.00pm only, Monday to Friday, and 8.00am to 1.00pm on Saturdays with no working on Sundays and Public Holidays. Any variation to these hours must be agreed in writing by the Local Planning Authority prior to the change in working hours being implemented.

17. No occupation of the development hereby permitted shall be take place until such time as a cycle parking scheme, including phasing, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

18. No occupation of the development shall take place until precise details of the treatment of the footpaths which cross the application site, including surfacing, lighting and gradient, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the new stadium is first brought into use.

REASONS:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

To ensure the satisfactory appearance of the development.

To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.

To define the terms of this permission and for the avoidance of doubt.

In the interests of amenity.

In the interests of highway safety.

In the interests of highway safety.

To prevent flooding by ensuring the satisfactory storage of surface water from the site.

To safeguard the visual amenity of the area.

In the interests of highway safety.

In the interests of highway safety.

In the interests of highway safety.

In the interests of pedestrian safety.

To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

To ensure both the satisfactory appearance of the completed development.

To safeguard the amenities of residents living in the vicinity of the application site.

In the interests of sustainable development.

To ensure the development meets the required standards.

INFORMATIVE

1. The applicant is advised that unless the s106 agreement is agreed, executed and signed within 3 months of the date of this report, the proposal may be reconsidered.
2. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
3. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Highways Development Control North Office on 0300 500 80 80 for details.
4. **Prevention of Mud on the Highway**
It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
5. **Stopping Up of Highway**
The proposed works require stopping up of the Public Highway, this is a separate legal process to planning and needs to be completed by means of an application to the Secretary of State of Transport under Section 247 of the Town and County Planning Act 1990. It is recommended you start this process as soon as possible in order to avoid any delay to your works. Further information regard the process can be found at: <https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

For further detail on the decision please see the application report by contacting the Development Section on 01623 457388.

REASONS FOR APPROVAL

The decision to grant permission has been taken having regard to the policies and proposals in the Ashfield Local Plan Review (2002) and all relevant material considerations, including Supplementary Planning Guidance:

PREDICTIVE WORKING

The processing of this application has been undertaken in accordance with the requirements of the National Planning Policy Framework (Core Planning Principles).

Robert Mitchell
Chief Executive

IMPORTANT NOTES

It is your responsibility to make sure that where necessary approval under Building Regulations has been obtained before you start work. The approved plans for both Building Regulations and Planning Permission must be for the same development. You must make sure that any changes made to meet Building Regulations are sent to the Planning Department as well. In some cases you may need further planning approval.

Where residential layouts are involved, a favourable planning decision does not necessarily imply that the infrastructure will be suitable for an adoption agreement under the Highways Act 1980.

Details of how to appeal against the conditions on this decision are given on the attached sheet.

Appeals to the Planning Inspectorate

You can appeal against this decision within the time given below. Appeals should be made to the Planning Inspectorate in all cases. In respect of applications for:

- Planning Permission
- Details pursuant to an outline planning permission
- Removal or variation of a condition
- Discharge of condition
- Listed building consent
- Conservation area consent and
- Applications for the determination of prior approval of details.

You have 6 months from the date of the decision to appeal.

In respect of householder applications you have 12 weeks from the date of decision to lodge an appeal.

Planning Inspectorate
Temple Quay House
1 The Square
Temple Quay
Bristol
BS1 6PN

Telephone: 0117 372 6372
Email: enquiries.pins@gtnot.gov.uk

Website: <https://www.gov.uk/government/organisations/planning-inspectorate>

Confirmation of Compliance with Planning Conditions

A fee is now payable for the confirmation of compliance with planning conditions at the following rates:

householder applications	£28.00 per request
Other applications	£97.00 per request

The fee is payable for each separate occasion on which application is made to confirm compliance for any conditions.

The authority has a period of up to 12 weeks to consider such information. Planning your building programme to allow a reasonable time for this confirmation to be issued – particularly the choice of materials is therefore advised.

Forms for applications for approval of details reserved by condition are available from the Planning Portal www.planningportal.gov.uk, the Council officers or on the Council's website www.ashfield-dc.gov.uk/planning.

Compliance with plans and conditions.

We expect strict compliance with all conditions. Failure to do so may result in issuing a Breach of Condition Notice and prosecution.

You are reminded that the development must be carried out strictly in accordance with the details shown on the approved drawings. Failure to do so may result in enforcement proceedings.

If you need to vary any details from those submitted with your application, we would be pleased to advise you whether or not a further planning application is required. Please send copies of any amended plans to both the Development Advice and Building Control Section.

For any further correspondence regarding this application contact the Development Advice and Control section quoting the reference number on the decision notice.

Contact Details

Development Advice & Control
Ashfield District Council
Market Road,
Bury-in-Ashfield,
Nottingham,
NG17 8DA

Telephone: 01623 457388
Email: planning_admin@ashfield-dc.gov.uk
Website: www.ashfield-dc.gov.uk/planning



CONDITION DISCHARGE

This portion to be filled in and retained with sample / plan

One sheet for each item

Date Submitted _____

Contact Name _____

Contact Number _____

Application Reference Number V/2016/0515

Condition Number _____

Site Address Aerial Way Hucknall Nottingham

Plan/Report - Type _____

Track Sample (Name) _____

Site Sample (Name) _____

Householder applications £28.00 per request
 18/11/2022 Receipt Number _____

Other applications £97.00 per request
 18/11/2022 Receipt Number _____

CONFIRMATION OF DETAILS SUBMITTED

This portion to be filled in and retained by the Customer

Date Submitted _____

Application Number V/2016/0515

Plans submitted _____

Notes for applicants who intend to carry out works that affect new or existing highway and Public Open space:

It is strongly recommended that the applicant contact the Council at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

Correspondence with the Council should be addressed to:-

Nottinghamshire County Council
Highways Management (North)
Fountain Court
Bevercotes House
Sharwood Energy Village
Ollerton
Nottinghamshire
NG22 9FF

Telephone contact - 01623-520021

Email contact - hdc.north@nottscc.gov.uk

Section 38 Agreement (Highways Act 1980)

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Council, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for road works.

www.leics.gov.uk/htd

Advanced Payments Code (Highways Act 1980)

The Advanced Payments Code in the Highways Act 1980 applies and under section 21B of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The code applies both to roads/streets that are to remain private and those that are to be adopted. The developer should contact the Council with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the applicant contact the Council as early as possible to discuss this.

Provisions, 'stopping up' of public rights of way or highway (Section 247 & 257 of the Town & Country Planning Act 1990)

The proposed development may affect a public right of way. Following a grant of planning permission, the local planning authority may make an order to stop up or divert a footpath or bridleway if they are satisfied that it is necessary to enable development to be carried out in accordance with Planning Permission.

The granting of planning permission does not mean that public rights of way will automatically be diverted or stopped up. A separate application must be made to stop up or divert a footpath or bridleway following the granting of planning permission. The

applicant will need to contact **Legal Services 01623-457323** to ascertain the legal steps required to be undertaken.

Any preliminary obstruction of or interference with the public rights of way concerned is not only an offence but may make it impossible for the local planning authority to proceed with the making of the Order.

Green Space & Sustainable Urban Drainage Systems (SUDS) schemes

It is important that the applicant contact the Council at an early stage when looking to introduce any Green Space areas and features or SUDS proposals into any future development sites, to agree long term maintenance issues and help eliminate future land ownership problems and concerns including boundaries, perimeters and public access points.

Correspondence with the Council for Green Space and SUDS enquiries should be addressed to:-

For public open/green space land transfer-

*Estates Manager
Telephone contact 01623-457277*

And for future maintenance-

*Service Lead – Waste & Environment
Telephone contact 01623-457873*

Notes for applicants who intend to carry out work which will include the demolition of a building of more than 50 cubic metres:

You will be required to serve a notice on the Authority under Section 80 of the Building Act 1984. The notice should be accompanied by a location plan. Upon receipt of the notice we will consult with the necessary bodies and, where appropriate, a consent to demolish will be issued (under Section 81 of the Act) together with conditions, which must be complied with when demolition is carried out. An application form for demolitions can be obtained on our website under Building Control www.ashfield-dc.gov.uk/buildingcontrol

Notes for applicants who intend to carry out work to which the Building Regulations apply:

Now that your Planning permission has been granted, you will also need to consider applying for Building Regulation approval. The process should be straight-forward and is in simple terms a technical exercise to ensure that your project will comply with current national building standards. These are minimum standards that aim to ensure your health and safety (and other members of your household) is not compromised.

Ashfield District Council's Land & Property Division provides a customer focussed Building Control Service, delivered by a team of staff who have excellent local knowledge of the area and who are more than willing to help and guide you through the construction process. If you wish to discuss our service further, please contact the **Building Control Section on 01623 457387**.

Application forms together with useful information can be found on our web site: www.ashfield-dc.gov.uk/buildingcontrol.

Or you can make an e-mail enquiry by contacting bcadmin@ashfield-dc.gov.uk or telephone 01623 457387

What Building Control will do for you

- ✓ Our qualified team of building control officers will assess applications submitted for compliance with the Building Regulations and provide a constructive response to you or your agent.
- ✓ In order to help ensure that your building work meets the minimum safety standards our Surveyors will carry out all necessary site inspections. There is no imposed limit on the number of inspections we carry out and we will provide you and your contractor with on-site advice throughout the duration of the project.
- ✓ We offer a same day inspection service (for all inspections booked before 10.00am) and will tailor our inspections to suit your requirements. Both early and late inspections can be accommodated by agreement with the officer dealing with your application.
- ✓ As a Local Authority Building Control Service – you can be assured of an impartial and independent service. Building Control aim to be a self-financing service, not driven by profit and therefore our primary concern is that your project meets current construction standards and that your health and safety (and other members of your household) is given the highest priority.

www.ashfield-dc.gov.uk/buildingcontrol