

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**The Wollaton Public house And Kitchen , Lambourne Drive**

**1 SUMMARY**

Application No: 15/01700/PFUL3 for planning permission

Application by: ID Planning on behalf of Punch Partnerships (PTL) Ltd

Proposal: Convenience store (class A1) with associated car park and other works. Outbuilding to existing public house following demolition of existing outbuilding and extension to public house car park and associated works.

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation.

To meet the Council's Performance Targets this application should have been determined by 7th September 2015

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to the indicative conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Head of Development Management.

**3 BACKGROUND**

The application site is located on the east side of Lambourne Drive and it is currently part of the car park for the Wollaton Public house and Kitchen. It is bounded to the north by a care home and to the east by the rear gardens of residential properties on Brendon Road, with the public house to the south. On the opposite side of Lambourne Drive is group of four commercial properties and to the north of these is the William Olds Court elderly person's accommodation. The existing vehicular access to the car park is from Lambourne Drive.

**4 DETAILS OF THE PROPOSAL**

4.1 Planning permission is sought for the erection of a convenience store (Class A1) with associated car park and other works, an outbuilding to existing public house following demolition of an existing outbuilding and an extension to public house car park and associated works.

4.2 The convenience store would have a gross floorspace of 372 sq m. It is proposed it be sited alongside the northern boundary of the site and set back in line with the care home to the north and the public house to the south. The store is a rectangular

building with a gable to the front elevation with a hipped roof running to the rear. It includes areas of glazing to the front elevation and the part of the side elevation nearest the street. The main entrance to the store would be from the front elevation. It is proposed it be constructed from brick with a replica slate roof. The store would be serviced from a bay at the rear of the building.

- 4.3 Since the submission of the planning application a revised site plan has been submitted showing the re-siting of the convenience store building further from the northern boundary of the site and additional information in the form of a parking accumulation survey has been received.
- 4.4 It is also proposed that an existing storage building at the rear of the public house be demolished to enable this area to be opened up to provide additional car parking to serve both the public house and the convenience store, replacing that displaced by the development. A new free standing storage building with a floor area of 36 sq. m is proposed to replace the demolished building and this would be located at the rear of the public house. This would be brick with a tiled roof to match the public house.
- 4.5 A total of 58 car parking spaces are proposed to serve both the public house and convenience store. The additional car parking is proposed in the currently unused area between the rear of the public house and the rear gardens of the residential properties on Brendon Road which has, in part, been used as an outdoor seating and play area. The existing vehicular access to the site from Lambourne Drive remains in the same position but it is proposed to alter it to a dropped vehicular crossing. Parking for six cycles is also proposed on the site frontage.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

- 5.1 The application has been advertised on site, in the press and the following nearby occupiers notified on the application as originally submitted.  
7, 9, 11, 15, 17, 19, 19A and 21 Brendon Road  
Wollaton Park Care Home 2A, Flats 1-28 William Olds Court, Living accommodation above Wollaton Public house and Kitchen, British Telecom, Flat above 11, 14,15, 15A, 17A,17B, 17C, 17D Lambourne Drive  
344, 344A, 346, 346A, 350 Wollaton Road
- 5.2 Nearby occupiers originally notified and those who also responded to the original consultation have been re-consulted upon a revised layout plan and additional supporting information. A site notice has also been posted.
- 5.3 In response to the original consultation a total of 36 responses were received, of which 33 were objections, 2 were neutral and 1 in support. In response to the re-notification 5 responses have been received of which 3 are objections, 1 is neutral and 1 is in support. These include correspondence from the North Wollaton Residents Association, the Mansfield Road (Nottm) Baptist Housing Association (who operate William Olds Court) and the Wollaton Care Home, in addition to residents who live in the vicinity.
- 5.4 The issues the objectors have identified following the original consultation and the re-notification are similar and focus on the following:
- Disagree that there is limited provision of convenience shopping in this part

- of Wollaton and many local shopping trips in the area are multiple in nature;
- Local shopping provision is already good for a low density suburban area and there is no evidence of need for a further store;
  - Scheme of the size proposed would be more appropriately located on a main road, preferably in a local shopping centre and Lambourne Drive is not a suitable location;
  - Already issues with on street parking on Lambourne Drive associated with the care home, the public house, events at the Kingswood Methodist Church, the veterinary practice and visitors to the William Olds Court, and store likely to result in a further increase to detriment of highway safety;
  - Proposed car parking not adequate to cater for public house and convenience store;
  - Proposed development would be very close to the south facing elevation of the adjacent care home and moves activity closer to the rear gardens of properties on Brendon Road;
  - Store will block light from bedrooms in the care home and overlook the garden, particularly as the home is lower than the application site;
  - Questionable whether a store would be sustainable in this location;
  - Could impact upon other local businesses which are already suffering and should be supporting these;
  - Consultation exercise undertaken by the applicant prior to submission of the application and analysis of the results is flawed;
  - Convenience store likely to attract groups of young people in the evenings and may give rise to problems;
  - Concerns about disturbance at anti social hours resulting from the inclusion of an ATM;
  - Piecemeal development could ruin the streetscene and result in “town cramming”;
  - Would be better to increase public house car parking and for the public house to share car parking with the adjacent care home;
  - Car park will back on to the Lucy Derbyshire Memorial Homes which are occupied by elderly residents and concerned that extra noise, particularly in the evening, could be disturbing;
  - Have previously been drainage issues on Lambourne Drive and road is in need of repair and suggestion made that the development should fund repair of the latter for the benefit of the community;
  - Various suggestions made to improve highway safety and reduce car parking on Lambourne Drive, to be paid for by the developer.

5.5 The Mansfield Road (Nottm) Baptist Housing Association in principle welcome the store as it would provide a much needed local shopping facility. However, have identified a specific issue with regard to parking and request permit parking only in front of William Olds Court and extra parking at the side to be funded by the developer. Further, already have concerns about residents crossing the road and consider this will be exacerbated by the convenience store; possible opening times and deliveries may impact upon their residents and query whether a pelican crossing should be considered.

**Additional consultation letters sent to:**

**Pollution Control:** Whilst not recommending refusal of the application, have previously identified concerns at the pre-application stage about the potential for nearby residents to suffer from noise nuisance and disturbance. Identify that the

potential noise issues on site would be from air handling/refrigeration equipment; noise from deliveries, particularly in the evening and at weekends; the opening times of the store and noise from car doors, voices and increased traffic, but consider it is possible to manage these effectively. In the specific context of the proposed hours of servicing of the store, express disappointment that the developer is not proposing to minimise the impact to nearby residents by introducing more restricted hours at weekends and Bank Holidays. Recommend that conditions be imposed requiring the submission of an environmental noise assessment and a noise management plan to control the hours of opening and the timing of servicing and deliveries.

**Highways:** No objection. Following the receipt of a parking accumulation survey have concluded that the proposed parking layout represents an under-provision of spaces meaning that some vehicles could be displaced on to the highway. However it is considered that this could be offset with the provision of a travel plan, more secure, covered and lit cycle parking, and a car parking management plan for customers of the public house and the convenience store. Therefore recommend that these, together with a construction management plan, be secured by condition.

**Policy:** No objection. The proposal is in an out of centre location and within a Primary Residential Area as defined in the Saved policies of the Nottingham Local Plan (2005). An Impact Assessment is not required due to the scale of the proposal but a sequential test is necessary. The sequential test submitted with the proposal is considered to meet the requirements of the test and confirms there are currently no alternative suitable premises available. Also note that as the proposal is located within a primarily residential area, careful consideration is required on the impact the proposal may have on the amenity of existing occupiers in relation to the design and location of the building, additional vehicle trips, local parking and potential noise and disturbance in line with Policy 10 of the Nottingham City Aligned Core Strategy.

**Tree Officer:** No objection. Concurs with the overall findings of the tree report and recommends a condition requiring the submission of an arboricultural method statement. Suggests that the applicant should look to reinforce existing street tree planting as part of mitigating for losses on site.

**Biodiversity Officer:** No objection. Satisfied that the bat survey submitted with the application did not find any evidence of emerging or returning bats in the outbuilding proposed to be demolished.

**Drainage:** No objection. Opportunity should be taken to incorporate SUDS techniques within the drainage of the car park and recommend a condition requiring the submission of details of drainage of the new car park and the building using SUDS techniques with a 30% reduction in run-off rates.

**Police Architectural Liaison Officer:** Convenience store could increase noise in the area as a result of additional activity it could generate; store could result in young persons "hanging around" but given the low level of anti-social behaviour in the area this is unlikely; suggests that closing earlier than 11pm may reduce the opportunity for anti-social behaviour and noise; provision of ATM unlikely to increase anti-social behaviour in the area but if it a 24 hour ATM could result in additional noise during the later hours.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework**

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF sets out the core planning principles in paragraph 17, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development; encourage the efficient use of land by reusing brownfield land; secure high quality design; promote mixed use developments; conserve heritage assets; support the transition to a low carbon future; to manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 6.3 Paragraph 24 requires the application of a sequential assessment for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The NPPF recognises town centres as the heart of communities and local planning authorities should pursue policies to support their viability and vitality. Local authorities should promote competitive town centres that provide customer choice and a diverse retail offer.

### **Greater Nottingham Aligned Core Strategy (2014)**

Policy A: Presumption in Favour of Sustainable Development

Policy 6: Role of Town and Local Centres - aims to maintain and enhance the vitality and viability of all centres

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

### **Nottingham Local Plan (November 2005)**

ST1 - Sustainable Communities

NE3 - Conservation of Species

NE5 - Trees

NE9 – Pollution

NE10 -Water Quality and Flood Protection

H7 –Inappropriate uses in residential areas

S5 - Retail development, Edge/Outside Centres

## 7. **APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main issues**

- (i) Principle of the retail use;
- (ii) Design and appearance;
- (iii) Parking and servicing;
- (iv) Impact upon adjoining occupiers.

#### **(i) Principle of the retail use** (Local Plan policies ST1 and S5 and ACS policies A and 6)

- 7.1 The NPPF and Policy 6 of the ACS requires the application of a sequential test that should first seek to direct such retail uses to town centres, then to edge of centre locations and only if suitable sites are not available should out of centre sites be considered. A formal impact assessment is not required for a development of the scale proposed. Local Plan policy 5 deals with proposed retail developments on the edge of or outside existing centres and applies to retail development other than that to meet purely local needs. In this case the application relates to an out of centre site and a retail assessment including a sequential test has been submitted with the application.
- 7.2 The area of search for the sequential test focussed upon Middleton Boulevard and Beechdale Road. It has been confirmed by Planning Policy that the requirements of this have been met and there are no sequentially preferable sites available in the area of search which would meet the requirements of a convenience store.
- 7.3 The gross floor area of the convenience store is 372 sq m which would serve the local area, providing for day to day top up shopping with existing residential areas within walking distance and bus stops close to the site. The site is also already part of a commercial use, being a car park for the public house, and although it falls within a Primary Residential Area as designated in the Local Plan, there is a small cluster of commercial uses at the southern end of Lambourne Drive which it would be part of. The comments of objectors with regard to the adequacy of local retail provision elsewhere in the locality and the impact on other nearby small businesses are noted but these are not considerations material to the determination of this planning application.
- 7.4 The principle of the convenience store is therefore considered to be acceptable and does not conflict with Local Plan policies ST1 and S5, and ACS policies A and 6, subject to other relevant development plan policies relating to the physical impacts of the proposal being satisfied. These are considered in the following sections of the report,

#### **(ii) Design and appearance** (ACS policy 10)

- 7.5 The convenience store is a simple, single storey building with areas of glazing on both the front elevation and the side forming a shop front. It has been sited to maintain the building line along Lambourne Drive and this set back from the street allows some hard and soft landscaping along the frontage which reflects the character of this part of Lambourne Drive. The existing trees on the site frontage which are to be retained and the street trees will also soften its appearance in the

streetscene. The proposed materials will be brick and artificial slate, the final details of which will be secured by condition to ensure they are complementary to the area. The site is currently an area of open parking which presents a gap in the built form of the street and the partial infilling of this with a suitably designed building will help to close this and enhance the overall streetscene.

- 7.6 The storage building for the public house is proposed to be located at the rear of the building. It is functional in appearance and will be constructed of materials to match the public house. In this location it is considered to be acceptable.
- 7.7 ACS policy 10 is therefore satisfied.

**(iii) Parking and servicing** (Local Plan policy T3 and ACS policy 14)

- 7.8 In order to replace the existing car parking which would be lost by the construction of the convenience store it is proposed to create a new area of car parking to the rear of the public house building. The car parking on site would effectively become shared between the public house and convenience store and this has been taken into account in calculating the car parking requirements, with the potential for some linked trips. The main concern raised by those objecting to the application is that the convenience store would add to on street car parking on Lambourne Drive, which is already seen as a problem, and would in turn adversely impact upon highway safety.
- 7.9 Highways have not objected to the application but have commented, based upon the proposed level of car parking and the car parking accumulation survey submitted with the application, that there could be times when there is a shortfall in car parking on the site which could result in on street parking on Lambourne Drive. This would be most notably on a Sunday afternoon when the public house is at its busiest. However, it has been suggested this could be mitigated by a travel plan for the convenience store and the public house, a car park management plan for customers of both the public house and the convenience store, and better cycle parking facilities. It is therefore recommended that these be secured by condition. On this basis it is considered that the level of car parking proposed on site would be adequate to cater for both uses. It is clearly not possible to prevent customers parking on the street should they choose to do so but the conclusion of the analysis of the information submitted with the application is that, taken together with the suggested mitigation measures, the level of car parking proposed on within the site is acceptable.
- 7.10 The representations from the operator of William Olds Court and the suggestions of another objector that off site works should be required to address existing issues associated with current on street parking, traffic flows, the condition of the highway and on-going drainage issues, are not justified by this proposal.
- 7.11 The tracking information submitted with the application demonstrates that servicing both the public house and the convenience store can be satisfactorily carried out within the site. The proposals also involve the removal of the existing kerbed access into the site and replacement with a dropped crossing which is beneficial to pedestrians using the footway. A separate pedestrian access to the store is also proposed directly from Lambourne Drive.
- 7.12 The parking and servicing arrangements are therefore considered to be acceptable and Local Plan policy T3 and ACS policy 14 are satisfied.

**(iv) Impact upon adjoining occupiers** (Local Plan policies H7 and NE9 and ACS policy 10)

- 7.13 There are residential properties to the rear of the site, a care home to the north and other residential properties on the opposite side of Lambourne Drive, so the impact of the proposals upon these needs to be taken into consideration.
- 7.14 The two issues to be addressed in terms of impact on nearby residents are firstly, the effect of the building on the care home and secondly, the activity associated with the convenience store.
- 7.15 In respect of the first issue, the manager of the adjacent care home has expressed concern about the impact upon residents, particularly those who have bedrooms facing towards the application site and bearing in mind that the store is to the south and the application site is slightly elevated. In response to these concerns the siting of the store has been amended to increase the overall distance from the care home and a shadow analysis has also been submitted which assesses the impact. The rear part of the store is now 10 m away from the care home with its nearest point, towards the Lambourne Drive, being 6.6 m from the care home. The rear part of the roof of the building has also purposely been designed with a low hip to reduce the impact upon the care home. In its revised form it is considered that the proposed building would not unduly affect the amenity of the residents of the care home in terms of loss of sunlight, daylight or outlook.
- 7.16 The convenience store will introduce further activity to the site but this does need to be considered in the context of the existing use of the site as a public house car park, which will already generate activity into the late evening and at weekends. However, it is recognised that the convenience store would generate further activity from the comings and goings of customers. The hours of opening of the store are proposed to be 07.00 hours -23.00 hours on any day which is considered to be acceptable and will be secured by planning condition. A further revised plan is to be submitted omitting the ATM from the front elevation as this is now proposed to be housed within the store.
- 7.17 The main concern about the convenience store is the proposed location of the servicing area at the rear of the building, where there are residential properties adjacent to the east and the care home to the north. Various options have been considered for the location of this but the only practical location is the one proposed. Noise and Pollution Control have not objected to the application but have identified the risk of disturbance to nearby residents arising from service vehicles as a result of both the overall noise level from a delivery and the higher noise levels resulting from, for example, reversing beepers and moving cages. It is proposed to erect an acoustic fence around the service area and the applicants have also agreed to restrict servicing to 08.00 hours – 20.00 hours Monday to Friday and 09.00 hours to 16.00 hours on weekends and Bank Holidays. These hours will be controlled by planning condition and it is considered that with these controls in place, the impact upon nearby residents would be acceptable.
- 7.18 The proposed car park will introduce activity into the area at the rear of the public house where there are residential properties to the east. However, the car parking is inset from the boundary by 4 m with this area to be landscaped and some additional tree planting undertaken. The properties in question have good sized



rear gardens and overall it is considered that the impact upon their amenity from any noise and disturbance would be acceptable.

- 7.19 It is therefore considered that the proposals satisfy policies H7 and NE9 of the Local Plan and policy 10 of the ACS.

#### **Other matters**

- 7.20 The comments of Drainage regarding the use of SUDS to reduce surface water run off is addressed by condition. This satisfies Local Plan policy NE10.

### **8. SUSTAINABILITY / BIODIVERSITY**

- 8.1 There are a number of trees on the site which will need to be removed to accommodate the car parking. However, the Tree Officer is satisfied with the proposals and subject to the submission of an arboricultural method statement, has no objection. New tree planting is proposed alongside the eastern boundary of the site to mitigate for the tree losses.
- 8.2 A bat survey has been submitted with the application and the Biodiversity Officer has confirmed that there are no concerns.
- 8.3 Local Plan policies NE3 and NE5 are therefore satisfied.

### **9 FINANCIAL IMPLICATIONS**

None.

### **10 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.

### **11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

### **12 RISK MANAGEMENT ISSUES**

None.

### **13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham – enhancing local retail facilities  
Working Nottingham – providing job opportunities and economic growth

### **14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

### **15 VALUE FOR MONEY**

None.

**16 List of background papers other than public houselisted works or those disclosing confidential or exempt information**

1. Application No: 15/01700/PFUL3 - link to online case file:

<http://public.houselicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NQJTAQLYCB000>

2. Highways 30.07.2015 and 01.12.2015

3. Noise and Pollution Control 25.08.2015, 13.10.2015, 01.12.2015

4. Biodiversity Officer 27.07.2015 and 01.10.2015

5. Tree Officer 24.08.2015

6. Drainage 04.09.2015

7. Planning Policy 20.08.2015

**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

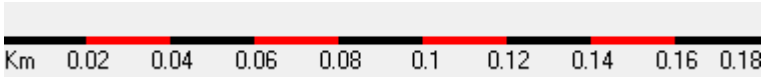
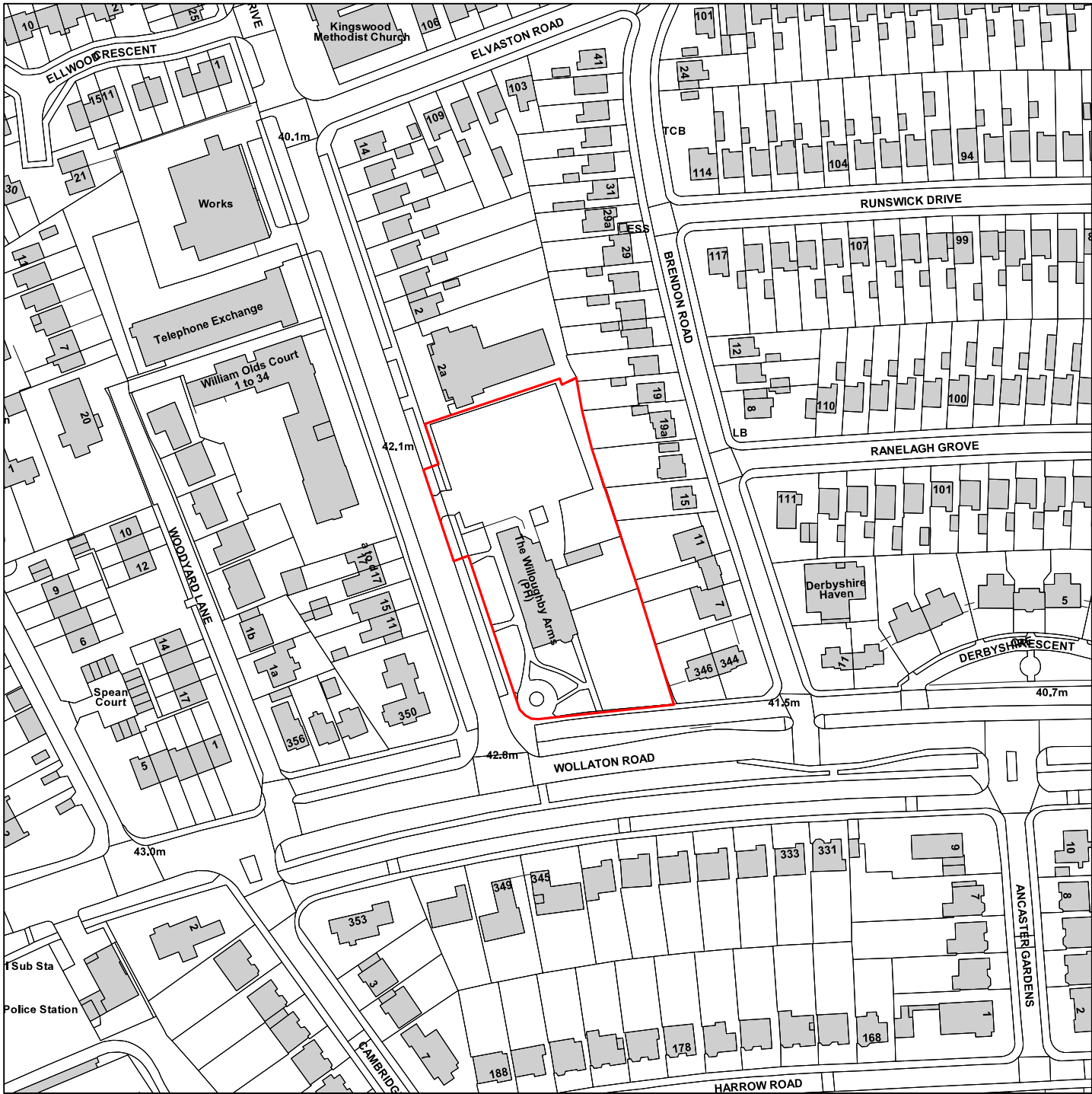
Greater Nottingham Aligned Core Strategy (September 2014)

National Planning Policy Framework

**Contact Officer:**

Mrs Janet Keble, Case Officer, Development Management.

Email: [janet.keble@nottinghamcity.gov.uk](mailto:janet.keble@nottinghamcity.gov.uk). Telephone: 0115 8764056



**My Ref:** 15/01700/PFUL3 (PP-04251615)  
**Your Ref:**  
**Contact:** Mrs Janet Keble  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
City Planning  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

ID Planning  
FAO: Mr Jeremy Williams  
Atlas House  
21 King Street  
Leeds  
LS1 2HL

Date of decision:

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

---

Application No: 15/01700/PFUL3 (PP-04251615)  
Application by: Punch Partnerships (PTL) Ltd  
Location: The Wollaton Pub And Kitchen , Lambourne Drive, Nottingham  
Proposal: Convenience store (class A1) with associated car park and other works.  
Outbuilding to existing pub following demolition of existing outbuilding and extension to pub car park and associated works.

---

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

<b>Time limit</b>
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  <i>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.</i>
<b>Pre-commencement conditions</b> (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)



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

**DRAFT <sup>1</sup> ONLY**  
**Not for issue**

Continued...

2. No development, including site clearance, shall be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The plan, as a minimum, shall include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision, site security, traffic & pedestrian management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.
- The Construction Method Statement shall be implemented in accordance with the approved details.
- Reason: To ensure that the amenity of nearby occupiers is protected during construction of the proposed development and in the interests of highway safety in accordance with Policy T3 of the Local Plan and Policies 10 and 14 of the Aligned Core Strategy.*
- 
3. The development shall not be commenced until a surface water drainage scheme, based on SUDS principles, including a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority.
- Thereafter the surface water drainage scheme shall be implemented in accordance with the approved details and timetable.
- Reason: In the interests of sustainable drainage and in accordance with the aims of Policy NE10 of the Local Plan.*
- 
4. The development shall not be commenced until details of the external materials have been submitted to and approved in writing by the Local Planning Authority.
- The scheme shall be carried out in accordance with the approved details.
- Reason: To ensure that the appearance of the development will be satisfactory in accordance with Aligned Core Strategy policy 10.*
- 
5. The development shall not be commenced until details of the external hard surfacing have been submitted to and approved in writing by the Local Planning Authority.
- The scheme shall be carried out in accordance with the approved details.
- Reason: To ensure that the appearance of the development will be satisfactory in accordance with Aligned Core Strategy policy 10.*
- 
6. The development shall not be commenced until details of the means of enclosure to all site boundaries has been submitted to and approved in writing by the Local Planning Authority.
- The scheme shall be carried out in accordance with the approved details.
- Reason To ensure that the appearance of the development will be satisfactory and in the interests of highway safety in accordance with Local Plan policy T3 and Aligned Core Strategy policy 10.*

7. The development hereby permitted 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 trees that are shown to be retained on the approved plans.

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*

8. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development hereby permitted, and retained for the duration of construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*

**Pre-occupation conditions**

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

9. The use of the convenience store shall not be commenced until a environmental noise assessment and sound insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

The scheme shall be carried out in accordance with the approved details.

*Reason: To safeguard the amenities of adjoining occupiers in accordance with Aligned Core Strategy policy 10.*



10. The use of the retail store shall not be commenced until a detailed Noise Management Plan has been submitted to and be approved in writing by the Local Planning Authority.

The Noise Management Plan shall identify the types and locations of operational and other activities including customers and non customers using the car park, which are likely to cause noise disturbance to sensitive receptors, and:

- Minimise noise arising from operational & other activities by technical and physical means, and through management best practice.
- Identify the person responsible for recording, investigating & dealing with complaints from any residents.
- Set out proposals to regularly review the Noise Management Plan.

No part of the development hereby permitted shall be brought into use until the approved Noise Management Plan has been implemented and thereafter shall remain in place while the development continues to be occupied.

*Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan.*

11. The use of the retail store shall not be commenced until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Car Park Management Plan shall then be adhered to for the life of the development.

*Reason: In the interests of sustainable transport and to reduce the impact of vehicles on the surrounding highway in accordance with Policy T3 of the Local Plan and Policy 14 of the Aligned Core Strategy*

12. The use of the retail store shall not be commenced until a Travel Plan for the development and the public house has been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall be adhered to for the life of the development.

*Reason: To encourage the use of sustainable means of transport in accordance with Policy T3 of the Local Plan and Policy 14 of the Aligned Core Strategy.*

13. Notwithstanding the details shown on the submitted plans the use of the retail store shall not be commenced until the cycle parking has been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved plans.

*Reason: To encourage the use of sustainable means of transport in accordance with Policy T3 of the Local Plan and Policy 14 of the Aligned Core Strategy.*

14. The development shall not be occupied until the external lighting has been implemented in accordance with the details that shall first have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

*Reason: To ensure that the appearance of the development will be satisfactory and to safeguard the amenities of nearby occupiers in accordance with Policy 10 of the Aligned Core Strategies.*

15. The development shall not be brought into use until the existing site access on to Lambourne Drive, including radius kerbs, is removed and replaced with a heavy duty driveway crossover with localised footway resurfacing, the details of which shall first be submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests and promotion of pedestrian safety along Lambourne Drive in accordance with Policy T3 of the Local Plan and Policy 14 of the Aligned Core Strategy.*

16. The development shall not be occupied until details of a landscaping and planting scheme indicating the type, height, species, location, sectional pit details and maintenance arrangements of the proposed trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority.

The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development 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 to comply with Aligned Core Strategy policy 10.*

17. The use of the retail store shall not be commenced until the following have been carried out in accordance with the approved details:

- (i) the circulation areas and the car park are provided, surfaced and the car parking spaces marked out;
- (ii) any approved means of enclosure has been erected.

*Reason: In the interests of highway safety and to ensure that the appearance of the development is satisfactory in accordance with Local Plan policy T3 and Aligned Core Strategy policy 10.*

### **Regulatory/ongoing conditions**

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

18. The Class A1 retail store the ATM shall not be open to customers outside the hours of 07:00 hrs and 23:00 hrs on any day.

*Reason: To safeguard the amenities of nearby occupiers in accordance with Aligned Core Strategy policy 10.*

19. No deliveries or collections (excluding the delivery of newspapers) from the Class A1 retail store, including refuse collections, shall be undertaken outside the hours of 08:00 hours to 20:00 hours Monday to Fridays and 09:00 hours to 16:00 hours at weekends and on Bank Holidays.

*Reason: To safeguard the amenities of nearby occupiers in accordance with Aligned Core Strategy policy 10.*

20. Delivery vehicles to the convenience store shall not use reversing beepers within the site.

*Reason: To safeguard the amenities of nearby occupiers in accordance with Aligned Core Strategy policy 10.*



21. The car parking area shall not be used for any external storage, including bins.

*Reason: To safeguard the amenities of nearby occupiers and in the interests of visual amenity in accordance with Aligned Core Strategy policy 10.*

**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 13 July 2015.

*Reason: To determine the scope of this permission.*

**Informatives**

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. Planning consent is not consent to work on the highway. To carry out the amendments to the access on Lambourne Drive associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

4. Advice on Travel Plans can be sought from Transport Strategy on 0115 876 3947.

**5. Commercial Noise**

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

**6. Noise Management Plan**

The operator must adhere to the agreed Noise Management Plan while the premises remain operational. The Noise Management Plan must be regularly reviewed. Any significant amendments which may have an impact on noise sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders. 'Best practice' would include minimising the number of daily deliveries particularly at weekend / Bank Holidays.

7. The Arboricultural Method Statement to be submitted shall be prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations'. It may include the following elements as appropriate:

- Protective fencing for retained trees
- Schedule of tree work
- Method of working within identified root protection areas
- Installation of service and utility runs
- Arboricultural monitoring and record keeping
- Pre-commencement site meeting
- Method of working for landscape operations

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: 15/01700/PFUL3 (PP-04251615)

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 Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes).

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.