

REPORT OF CHIEF PLANNER

Morrisons Supermarket, Green Lane

1 SUMMARY

- Application No: 17/02258/PFUL3 for planning permission
- Application by: Peacock And Smith Ltd on behalf of William Morrison Supermarket PLC
- Proposal: Mixed use retail (Class A1-A3 and Class A1/A3) and leisure scheme (Class D2) comprising two units adjacent to Green Lane and five units adjacent to the supermarket building.

The application is brought to Committee because it is a major application on a prominent site where there are important layout and design considerations.

To meet the Council's Performance Targets this application should have been determined by 27th December 2017, but an extension of time has been agreed until 27.04.2018.

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

(a) Prior completion of a S106 planning obligation which shall include:

A financial contribution of £30,000 towards improvements to the pedestrian link between the application site and Southchurch Drive; and

(b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

2.2 Power to determine the final details of the S106 planning obligation and of the conditions to be delegated to the Chief Planner.

2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (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.

2.4 That Committee are satisfied that the planning obligation sought would not exceed the permissible number of obligations according to the Regulation 123(3) Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 The site comprises the existing Morrisons store fronting Green Lane within the Clifton Town Centre. The main retail frontage of the Town Centre is located to the east of the store, along Southchurch Drive.
- 3.2 The application site is a Morrisons store and car park. It is currently a 3124 sq m gross (1,604 sq m net) food store with 270 car parking spaces. It is a single storey red brick building which sits back from the main frontage to Green Lane. The main car parking area is located in front of the store but with some further car parking to the west of the store. All the public parking is accessed from Green Lane. There is also pedestrian access to the site via the service yard at the rear of the Southchurch Drive shopping parade and from the north via an internal road which connects to Donington Road. The rear of the store backs onto Donington Road which provides access to the service yard and the staff car park.
- 3.3 Residential properties are located on the opposite side of Green Lane and immediately to the west of the site on Green Lane, Wayne Close, Dunsby Close, Stanesby Rise and Langstrath Road.
- 3.4 There are a number of historic applications relating to the application site but the following are of particular relevance:
- 3.5 Application ref.11/01372/PFUL3 was granted planning permission in 2011 for the erection of extensions to the store to create additional sales area, warehousing, café and the creation of additional car parking, following demolition of leisure club.
- 3.6 Application ref.12/01896/PVAR3 was granted planning permission in 2012 for the erection of extensions to the existing store to create additional sales area, warehousing, café and creation of additional car parking, following demolition of leisure centre. This was a re-submission of 11/01372/PFUL3 to allow variation of condition 19 to allow servicing of the premises between 06:00 and 20:00 Mondays to Saturdays and 06:00 and 19:00 Sundays and Bank Holidays.
- 3.7 Application ref. 12/02311/PVAR3 was granted planning permission in 2012 for the continued use of the supermarket with deliveries between 06:00 and 20:00 Monday to Saturday and 06:00 and 19:00 Sundays and Bank Holidays.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought to create seven additional units within the Morrisons car park in two blocks containing retail and leisure uses. The smaller of the two blocks is proposed at the southern end of the existing car park adjacent to Green Lane (block 1), and the larger of the two blocks is proposed adjacent to the Morrisons store (block 2).
- 4.2 The scheme proposes an additional 1653 sq m of new retail (Class A1- A3 and mixed A1/A3 uses) and leisure (Class D2 use) floorspace. It is proposed that the Class D2 use would be a gym.
- 4.3 Block 1 (units A-B) would be single storey and would provide 237 sq m of floorspace in two units. This would be constructed from brick and cladding and incorporates a gently sloping mono pitch roof. Glazing is proposed on the elevations facing both eastward into the carpark and southwards onto Green Lane.

- 4.4 Block 2 (units C-G) would be located immediately to the west of the existing food store and would provide 848 sq m of floorspace at ground floor level with an additional 569 sq m of floorspace located at first floor level. This additional floorspace would provide five additional units. The two-storey element would be located over the three easternmost units and would accommodate the Class D2 use. It is proposed to create a short link between the food store and the first unit (unit F) and it has been confirmed that this would be a cafe for the Morrisons food store, which is a facility that is not currently present. This building incorporates a combination of brick on the ground floor southern and western elevations, with cladding elsewhere. The primary southern elevation is extensively glazed.
- 4.5 Servicing of units A-B in block 1 would take place from a dedicated bay adjacent to the units within the car park. Servicing of units C-G in block 2 would take place from a service yard at the rear of the units, accessed from an existing roadway which currently leads to a staff car park and a large electricity substation. Service vehicles would approach the service yard via Donington Road. It is proposed that the maximum size of vehicles using the proposed service area would be 12m long rigid vehicles and that the servicing and refuse collection would take place between 08:30 – 18:00 Monday to Saturday and 10:00 – 17:00 on Sundays.
- 4.6 There is a gated pedestrian route within the Morrisons site which links to this access road and some improvements for pedestrians are proposed both to the route within the site and along the access road.
- 4.7 It is also proposed to narrow the existing vehicular access from Green Lane into the Morrisons car park and to provide a segregated pedestrian route through the car park, connecting the units proposed on the Green Lane frontage with the units proposed alongside the food store and the food store itself.
- 4.8 Employment and training opportunities will arise from this development and the applicant has agreed to work with Nottingham Jobs to secure the delivery of local construction and operational employment opportunities.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

- 5.1 The application has been advertised on site and in the press. Nearby occupiers on Southchurch Drive, Green Lane, Langstrath Road, Dunsby Close, Wayne Close, Donington Road and Stanesby Rise have also been notified on two occasions. The first time was upon receipt of the application and the second time was more recently following receipt of revised proposals and additional information. The expiry date for comments on the second consultation was 29th March 2018 but this has been further extended to 17th April 2018, to allow consideration of an Acoustic Assessment.
- 5.2 In response to the first consultation, two objections were received from nearby residents (Dunsby Close and Wayne Close). The grounds of objection are:
- Increase in noise and disruption;
 - Loss of daylight;
 - Lack of focus in application on impact upon residents of Wayne Close and Dunsby Close, particularly in respect of the use of the service road;
 - Proposed servicing route from Donington Road to units C-G is not wide enough for vehicles and pedestrians with no dedicated footpath;

- Potential highway safety issues at the junction of the service road at the Donington Road/Stanesby Rise junction;
- Reference to historic problems with service vehicles using the service road;
- Service vehicles would result in noise and pollution for local residents;
- Noise assessment should be submitted;
- No assessment of extra staff car parking;
- Transport Assessment does not properly assess the service route and traffic generation;
- Disruption during the construction period.

5.3 In response to the more recent consultation a further objection has been received from the resident of Wayne Close. This raises many of the same concerns previously identified which are set out above. In addition, the following points are also raised, which are cross-referenced to Local Plan policies:

- Note the addition of a footpath along the service road but do not consider this to be adequate and maintain there will be conflict between pedestrians and vehicles;
- Query why a noise assessment has not been undertaken;
- Noise impacts from service vehicles will be significant;
- Service road will become the “haul road” during construction and cause further disturbance;
- Consider it misleading to compare to the previously approved scheme for an extension to the store;
- Query why servicing of the units could not be from the front of the store;
- Favours the layout A which is considered as an option in the Layout Justification document which includes servicing from the front and would therefore remove the concerns about the impacts of service vehicles using the access road.

5.4 A representation has also been received from a Clifton resident who fully supports the proposal and considers that together with the Clifton Triangle development, this will be fantastic for Clifton. Considers it would make Clifton a more desirable place to live and that the proposed gym would provide choice.

5.5 Another Clifton resident has raised the following issues:

- Lack of information relating to the effect of the proposal of the vitality and viability of Southchurch Drive and connectivity with the development of Clifton Triangle and Southchurch Drive;
- Apparent lack of vision with these proposals, which are in reality creating three unique but separate retail destinations within relatively close proximity;
- The highly important connectivity between the application site and Southchurch Drive does not seem to have any improvements suggested. The current linkages are poor, via a poorly maintained service road;
- An integrated vision and masterplan for both developments, with connectivity to the public transport stops and existing shopping offer on Southchurch Drive, would have benefited all;
- Need reassurance that the delivery of further retail will not damage the existing retail frontage and offer on Southchurch Drive, especially important given its connectivity with the tram and bus stops;
- Subject to vitality of the retail offer on Southchurch not being compromised to unacceptable levels, it is difficult to object to the proposals;

- Clear economic development benefits and the proposals are in a sustainable location, but the lack of overall vision for a retail solution for Clifton means the proposals and those at Clifton Triangle represent an opportunity missed;
- Are there plans to remove the speedbumps along Green Lane with the proposed schemes?

Environmental Health and Safer Places: No objection to the application as originally submitted subject to conditions relating to contamination, an environmental noise assessment, details of extraction system for Class A3 uses and a noise management plan in relation to servicing. With regard to the Acoustic Assessment have commented as follows: The proposed design for fixed plan and equipment at the site used different assessment criteria than those used by the City Council and therefore recommend the submission of a further environmental noise assessment based upon the Council's noise criteria. Also recommends a condition controlling the hours of servicing or collection of refuse to the hours of 08:30-18:00 Monday to Friday and 10:00-17:00 on Sundays and Bank Holidays. Also recommend that if deliveries to units C-G were to increase from the one a day anticipated by the Acoustic Assessment, a noise impact assessment should be carried out.

Highways: The proposal will reduce the overall car parking on the site from 270 spaces to 208 spaces whilst increasing the retail and leisure offering from 3124m² to 4795m². The highway data supplied in support of the planning application states that currently the car park operates at a peak period (Saturday) maximum occupancy of 69% occupied. With the proposed introduction of the additional retail/leisure units, the peak period maximum occupancy rises to 103%. However the Transport Assessment goes on to qualify that this period of occupancy will only occur for the peak 15 minute period within the Saturday peak period. At most times the car park, even on a Saturday, will operate well below capacity. The parking on the Morrison site is also used by shoppers using the main parade of shops on Southchurch Drive but with the creation of the Clifton Triangle development this will be spread between the two sites reducing the demand on the Morrison's site for general shopper parking serving the District Centre.

The impact of the reduction in car parking is not considered to be detrimental to the operation of the highway network due to the development of the Clifton Triangle site which will take pressure off parking demand for this site and due to the sites sustainable location adjacent to the District Centre and Net Line 2. The site offers alternative modes of transport to the private car with many visitors choosing to walk, cycle, use the bus or the tram to access the site. The site is not reliant on the private car for accessibility and indeed the needs of pedestrians and cyclists are as important on this site as car users due to it being located adjacent to the District Centre and serving a large residential community that surrounds the site.

In addition, the introduction of the retail units will reduce the car parking capacity of the site and thus reduce the overall number of vehicles that can enter the site, in turn reducing traffic generation. Existing Traffic Regulation Orders on Green Lane will control any off-street parking that could potentially be generated by the site and there would be no additional Traffic Regulation Orders to be introduced as a result of this development.

The proposed off site highway works, namely the narrowing of the existing vehicular access off Green Lane to make it more pedestrian friendly, the removal of a pedestrian refuge in the junction of the site with Green Lane and improvements to

the pedestrian refuge on Green Lane to the south-west of the access junction are acceptable. The applicant is proposing new segregated pedestrian routes through the car park, which are welcomed.

A Construction Management Plan is requested by condition.

It is proposed to service the proposed retail and leisure units C-G from the private service access road which has its junction with Stanesby Rise and Donington Road. The applicant has provided tracking to show that there is sufficient turning area within the curtilage of the site for a 12m rigid vehicle to enter and leave the site in a forward gear, and we are satisfied that this is the case. Request a condition is attached however stating that this is the maximum size of vehicle that should be allowed to service the site.

From a Road Safety perspective, the service road will provided adequate segregation of pedestrians and traffic and will allow safe passage of 2 vehicles provided that a formal layby is introduced to allow vehicles to pass with a footway around it. The service road (even including the deliveries to the new retail units) will be lightly trafficked and will operate satisfactorily provided the new layby is introduced. Details of the proposed layby should be submitted for approval prior to works commencing on site.

Subject to the applicant introducing a formal layby for servicing vehicles on the service road to the rear of units C to G, and the inclusion of the conditions referred to above, there are no highway concerns regarding this proposal.

Tree Officer: No objection. Most peripheral trees are shown as retained but it would be positive to see some limited tree planting within the car park. Trees in car parks are highly prized by shoppers for the shade provided in summer and they mitigate the impact of large hard featureless open space. Conditions required securing the submission of an Arboricultural Method Statement and landscaping.

Drainage: No comments.

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 the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and support the transition to a low carbon future.
- 6.3 Para 23 sets out that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of

centres over the plan period. LPAs should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.

- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Aligned Core Strategies (2014):

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change

Policy 4: Employment Provision and Economic Development

Policy 6: Role of Town and Local Centres

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Nottingham Local Plan (November 2005):

Policy ST1: Sustainable Communities

Policy NE5: Trees

Policy NE9: Pollution

Policy NE10: Water quality and flood protection

Policy NE12: Derelict land

Policy S4: Retail development within town centres

Policy S7: Food and Drink

Policy T2 – Planning Obligations and Conditions

Policy T3: Car, cycles and servicing parking

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of development;
- (ii) Layout and design;

- (iii) Impact on neighbours;
- (iv) Highway impacts;
- (v) Planning obligation.

(i) Principle of development (Aligned Core Strategies policy 6 and Local Plan policies ST1, S4 and S7)

- 7.1 The existing Morrisons store falls within the defined shopping area of the Clifton Town Centre, as identified in the Local Plan. The store is the largest shopping facility offered by the town centre and it generates significant footfall within the centre, thus helping to maintain its overall health.
- 7.2 Clifton is identified within policy 6: Role of Town and Local Centres in the Aligned Core Strategies as a centre in need of enhancement/underperforming. The policy states that the vitality and viability of all centres will be maintained and enhanced, including widening the range of uses whilst maintaining a strong retail character.
- 7.3 Saved policy S4 of the Local Plan supports the provision of new retail development subject to certain criteria. The application site occupies a prominent location within the centre and the proposed development would maintain the compactness of the shopping area. The proposal would diversify and widen the range of retail and leisure outlets available in the Town Centre, thus enhancing the vitality of the centre and contributing positively to the its' overall performance. Although the site is located within the Clifton Town Centre, the pedestrian connection between the application site and the Southchurch Drive shopping parade and the NET tram stop is currently poor. To address this the applicant has offered a financial contribution towards environmental improvements to improve this link, which would assist in making the whole Town Centre generally more accessible and cohesive. This matter is considered in more detail in para 7.24.
- 7.4 The proposal accords with national policy which supports sustainable development that enhances the vitality of town centres. The application site is located in a highly sustainable location, well served by public transport and close to the primary residential areas that it serves.
- 7.5 The principle of the development in this location is therefore considered acceptable and in accordance with local and national policy requirements which directs town centre use development of this nature to existing town centre locations. The NPPF, Aligned Core Strategies policy 6 and Local Plan policies ST1, S4 and S7 are therefore satisfied.

(ii) Layout and design (Aligned Core Strategies policy 10)

- 7.6 The proposal is for two separate blocks; the smaller block 1 on the Green Lane frontage and the main block 2 adjacent to Morrisons food, store facing south across the car park. Various options for the layout have been considered by the applicant at the request of the City Council with the objective of enhancing the prominence of the development from Green Lane. However, it has been satisfactorily demonstrated that the proposed option is the most practicable having regard to all relevant issues, including the amenity of nearby residents, servicing and loss of car parking.

- 7.7 In terms of design, block 2 significantly differs from the existing Morrisons store and is a building of more modern appearance with large, individual glazed shop fronts and significant areas of glazing to both the stair core and within the gym itself. The mix of predominantly brickwork to the groundfloor with cladding above is considered to be an appropriate balance that is respectful to its context yet creates its own character. Block 1 has a similar architectural style and provides some frontage development to Green Lane, which is beneficial to the street scene and helps to reinforce the 'retail frontage' in this part of the town centre, that links Southchurch Drive to the new 'Clifton Triangle' retail development.
- 7.8 The proposals include a segregated and safe pedestrian route through the car park connecting Green Lane and block 1 with block 2 and the Morrisons store. This is considered a significant improvement on the existing provision for pedestrians within the car park and will help to better connect the two separate parts of the proposed development and also the wider town centre to Morrisons and Green Lane.
- 7.9 In conclusion, it is considered that the layout and design are acceptable and policy 10 of the Aligned Core Strategies is therefore satisfied.

(iii) Impact on neighbours (Aligned Core Strategies policy 10 and Local Plan policy NE9)

- 7.10 The properties to the north and west of the application site are residential. At the closest point the single storey part of block 2 would be approximately 12m from the nearest dwelling on Dunsby Close and the two storey part would be approximately 20m. The impact would also be lessened by the change in level between the two. Taking into account the separation distances proposed between and the change in level, it is considered that the impact of block 2 would be acceptable and would not result in an unreasonable overbearing or overshadowing impact on the neighbouring residents.
- 7.11 Block 2 is a single storey building proposed to be located approximately 11 m metres from the boundary of the site. The area alongside the boundary at this point is densely planted with trees and the nearest residential property, 147 Green Lane, is also elevated above the site. It is therefore considered that the scale and mass of block 2 would not have an adverse impact upon the occupiers of this property.
- 7.12 The proposal would result in a greater amount of retail floorspace on the site with a likely increase in the number of customers, cars and deliveries. The principle of an increase in floorspace and the impact of this upon nearby residents was previously accepted by the previous planning permission for an extension with a total floor area of 1639 sq m (gross retail floor area 740 sq m), granted planning permission in 2012 (but not implemented). The impact of the current proposals should also be viewed within the context of the existing activity on the site and whether restrictive conditions can be used to mitigate against any further impact on residential amenity. It should be noted that the proposed units would be built within the existing Morrisons car park which would remove car park associated activity further to the centre of the site, away from the nearest residential properties along the northern boundary.
- 7.13 A significant change arising out of this proposal, as compared with the planning permission for the extension granted in 2012, is the creation of a service yard at the

rear of block 2. It is proposed that this would be accessed by an existing roadway within the site, which connects to Donington Road. This access road is currently used to access the Morrisons staff car park and an electricity substation. There is also a gated route used by pedestrians from the existing Morrisons car park that connects to the access road.

- 7.14 The access road is adjacent to the rear gardens of four properties on Wayne Close. Historically, this road was used as the access for all delivery vehicles to the Morrisons store. However, it was the subject of significant complaints about noise nuisance arising from loading and unloading operations, vehicle movements and refuse collection in the service area. A Breach of Condition and an Abatement Notice were served in 1999 and as a result the main service yard to the store was relocated and is now accessed from the service road to the east, off Donington Road.
- 7.15 The use of the length road to the proposed service yard is a source of significant concern to a long-standing resident of Wayne Close. This aspect of the proposal has therefore been carefully assessed and additional information has been submitted in the form of an Acoustic Assessment to assist in judging the possible impacts upon the nearby occupiers.
- 7.16 The Acoustic Assessment provides more information about the noise impacts of both servicing and the operation of plant and equipment that would be located on the roof and rear elevation of block 2. With regard to servicing, the report anticipates that the level of service vehicles for the proposed units would be low – in the order of one delivery vehicle per day/per unit and that servicing would take place within the hours of 08:30 – 18:00 Monday to Saturday and 10:00 – 17:00 on Sundays and Bank Holidays. It is also anticipated that the units would typically receive deliveries from smaller vehicles. The proposed Morrisons café would be serviced directly from Morrisons main service yard and this would mean that there would be likely to be no more than four deliveries a day to block 2 via the service yard.
- 7.17 Environmental Health and Safer Places have carried out an assessment of the overall proposal and considered the Acoustic Assessment. They have not raised an objection subject to the imposition of conditions requiring the submission of an environmental noise assessment for plant/equipment and a noise management plan to ensure that deliveries to the site would not result in unacceptable noise and disturbance, which would minimise and mitigate any impact arising from the proposals.
- 7.18 It is recognised that the number of deliveries which would be generated by units of the size and type proposed would be low and would not be likely to result in an unacceptable level of noise and disturbance to nearby residents, subject to the hours of use being controlled. Environmental Health and Safer Places have also recommended that if the number of delivery vehicles were to exceed one delivery vehicle per unit/per day, an environmental noise assessment should be submitted. It is considered that it would be both unreasonable and unenforceable to control the exact number of deliveries per day by condition and it is, in any event, unlikely that the level of use of the access road and the service yard would increase to a point where it would result in significant noise nuisance given the size of the units. It is therefore considered that subject to the recommended conditions restricting the delivery hours for servicing and refuse collection and a noise management plan,

that in terms of the impact upon nearby residents the proposed servicing arrangements are acceptable.

7.19 Concerns have also been expressed about the use of the access road during the construction period and the nuisance that might result from this. This is not a matter which can be controlled by planning condition but if noise problems there are other powers which can be exercised by Environmental Health and Safer Places to address this. A Construction Management Plan is required by condition but the main purpose of this is to ensure that the site is operated in a way that would not result in highway safety issues in the vicinity.

7.20 Aligned Core Strategies policy10 and Local Plan policy NE9 are therefore satisfied.

(iv) Impact on highways (Aligned Core Strategies policy 10 and Local Plan policy T3)

7.21 The Transport Assessment (TA) confirms that the application site is in a sustainable location within the defined Town Centre. It is surrounded by residential development and is readily accessible on foot and by cycle. It is also close to existing bus and tram stops, which provide good public transport accessibility from further afield.

7.22 The proposed development would result in the loss of 62 car parking spaces reducing the total number to 208. This in part due to the construction of blocks 1 and 2 on the car park but also due to the inclusion of a segregated pedestrian link through the car park. Highways have confirmed that the overall reduction in car parking numbers is acceptable, taking into account the sustainable location of the development, which is very well served by public transport. The Clifton Triangle site, which is located to the west of the application site, off Green Lane, which is currently under construction, will also provide 218 retail car parking spaces, which will significantly add to the level of car parking serving the town centre as a whole. Parking for 10 cycles is also proposed.

7.23 An objector has raised concerns about the safety of pedestrians along the access road to leading to Donington Road and possible conflict with service vehicles. It has been agreed that this will be improved by providing a kerbed footway along its' eastern side and a painted crossing over the road itself. The width of the access road has also been reviewed in terms of its width and the ability of service vehicles to be able to pass each other. Highways have confirmed that the proposed arrangement will be satisfactory provided that a layby is introduced to allow vehicles to pass with a footway around it. A condition is proposed requiring details of this. It is also proposed to impose a condition requiring the size of service vehicles using the site to 12m rigid vehicles. It has been demonstrated that a vehicle of this size would be able to able to turn within the service area.

7.24 The proposed off site highway works, namely the narrowing of the existing vehicular access off Green Lane to make it more pedestrian friendly, the removal of a pedestrian refuge in the junction of the site with Green Lane and improvements to the pedestrian refuge on Green Lane to the south-west of the access junction are acceptable. These would improve safety for pedestrians along this route and help make the walking route along Green Lane more attractive.

7.25 A Travel Plan for the existing store has also been submitted with the application and a condition is recommended requiring submission of a further, more detailed Travel Plan following completion of the development.

(v) **Planning obligation** (Aligned Core Strategies policy 10 and Local Plan policies T2 and S4)

7.26 As referred to in para 7.3 the applicant has agreed to make a financial contribution of £30,000 towards environmental improvements to the pedestrian route that connects the Southchurch Drive shopping parade to the application site. The route currently comprises a narrow pedestrian walkway between properties on Southchurch Drive, which leads to a rear service road and then Morrisons to the west of this. The walkway element predates the construction of Morrisons and was not designed for the purpose it is now used for, which is as a very well used route between Southchurch Drive and Morrisons. The proposed development will further intensify its' use and the proposed environmental improvements would make it a significantly more attractive and safer route between the application site and the Southchurch Drive shopping parade. The absence of an overall vision for Clifton town centre and the lack of connectivity between this site, Southchurch Drive and the Clifton Triangle site is an issue which has been commented upon a Clifton resident. Although the environmental works proposed would not be a complete solution to the issues identified, they are nevertheless welcome and are part of wider works in Clifton Town Centre which the City Council are proposing to undertake.

7.27 The Section 106 obligation sought would not exceed the permissible number of obligations in accordance with Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

8 SUSTAINABILITY / BIODIVERSITY (Local Plan policy NE5 and Aligned Core Strategies policies 1 and 17)

8.1 The application is accompanied by a Sustainability report that sets out a proposed lean fabric design, efficient use of building services and solar PVs. The use of air source heat pumps and PVs would achieve a 17% carbon emissions reduction against the Building Regulations Part L2A (2013). In addition, the proposed technologies would generate around 11% of the total predicted energy demand of the development.

8.2 A landscaping condition is proposed which will enable more tree planting to be undertaken as part of the proposals which will contribute to biodiversity in addition to contributing to the appearance of the development.

8.3 Local Plan policy NE5 and Aligned Core Strategies policies 1 and 17 are therefore satisfied.

9 FINANCIAL IMPLICATIONS

The development secures a financial contribution of £30,000 towards the improvement of the pedestrian route between the development and the town centre.

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: Utilising a site within the town centre with a good quality, sustainable development.

Working Nottingham: 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 neighbourhood.

14 CRIME AND DISORDER ACT IMPLICATIONS

None

15 VALUE FOR MONEY

None.

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

1. Application No: 17/02258/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OX8VDZLY01B00>

2. Comments from local residents dated 25.10.2017, 22.10.2017, 11.10.2017, 09.10.2017 and 27.03.2017

3. Email from Environmental Health and Safer Places dated 10.11.2017 and 03.03.2017

4. Email from Tree Officer dated 20.10.2017

5. Email from Drainage dated 09.10.2017

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

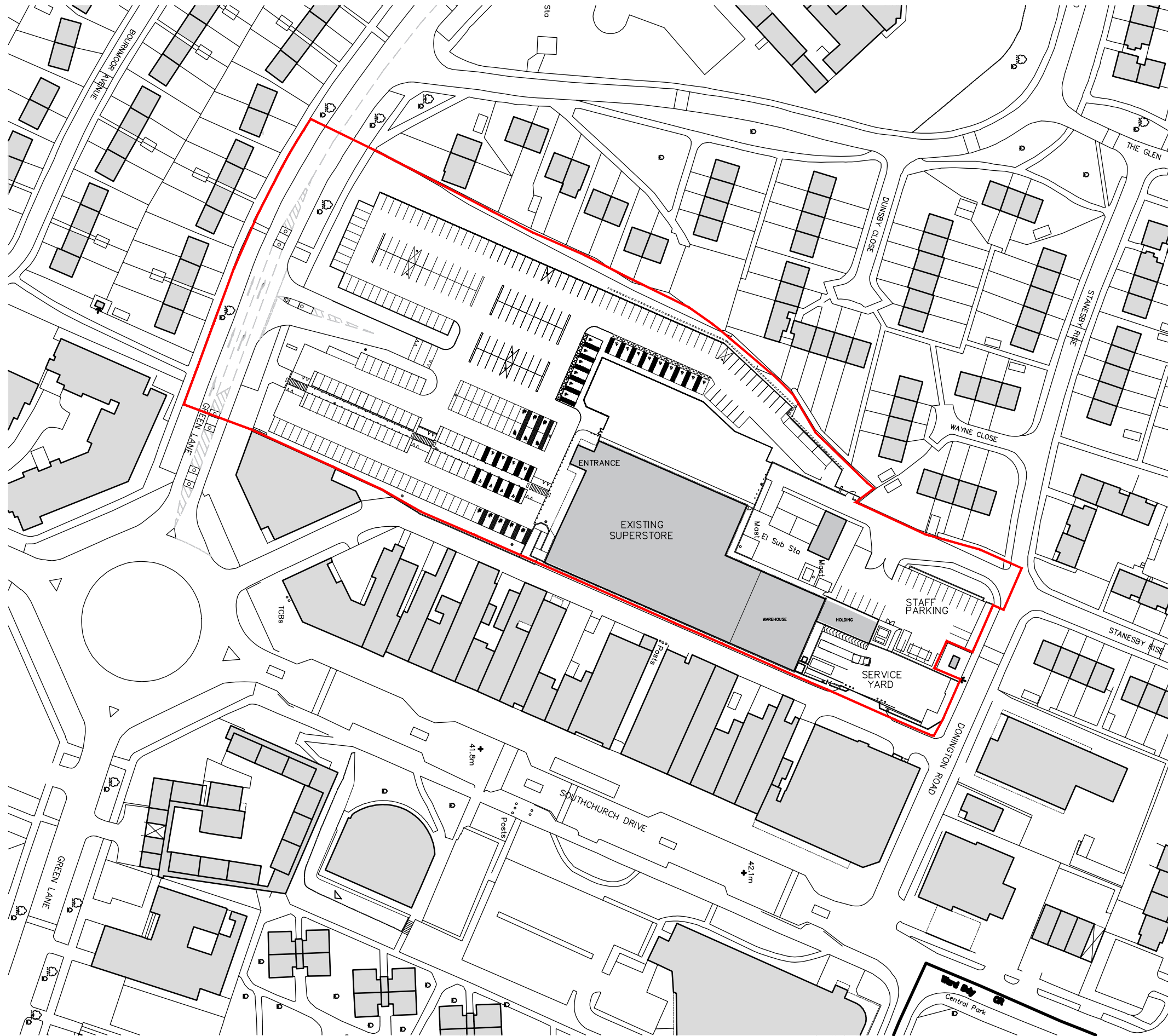
Aligned Core Strategies (2014)

National Planning Policy Framework

Contact Officer:

Mrs Janet Keble, Case Officer, Development Management.

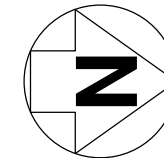
Email: janet.keble@nottinghamcity.gov.uk. Telephone: 0115 8764056



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IF IN DOUBT ASK:
Materials not in conformity with relevant British or European Standards/Codes of practice or materials known to be deleterious to health & safety must not be used or specified on this project.



APPLICATION BOUNDARY
4.977 acres / 2.014 hectares

No.	Date	Description	Drwn/Chkd By
B	01/09/17	Revised site boundary and area	WF/DC
A	25/08/17	Amendment to key	WF/DC
CLIENT			

Total Property Solutions

PROJECT

Green Lane, Clifton

TITLE

Location Plan

DRAWING STATUS

Planning

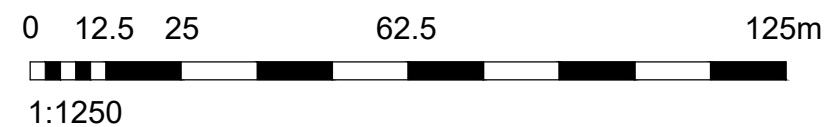
DRAWN	WF	CHECKED	DC
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SCALE 1:1250 @ A3

DATE June 2017

Whittam Cox ARCHITECTS
 Chesterfield / 01246 260261
 London / 020 3388 0019
 Leeds / 0113 3366018
 whittamcox.com

JOB NO.	DRAWING NO.	REV
15-503	PL_01	B



My Ref: 17/02258/PFUL3

Your Ref:

Contact: Mrs Janet Keble (Tues,Wed,Thurs)

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

Peacock And Smith Ltd
Mr Gareth Glennon
9C Josephs Well
Manover Walk
Leeds
West Yorkshire
LS3 1AB

Date of decision:

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

Application No: 17/02258/PFUL3
Application by: William Morrison Supermarket PLC
Location: Morrisons Supermarket, Green Lane, Nottingham
Proposal: Mixed use retail (Class A1-A3 and Class A1/A3) and leisure scheme (Class D2) comprising two units adjacent to Green Lane and five units adjacent to the supermarket building

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)



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2. The development shall not be commenced until a Remediation Strategy that includes the following components to deal with the risks associated with ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground gas contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 and NE12 of the Nottingham Local Plan.

3. No development shall be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:
- (a) Management of the highway network;
 - (b) The parking of vehicles of site operatives and visitors;
 - (c) Loading and unloading of plant and materials;
 - (d) Storage of plant and materials used in constructing the development;
 - (e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (f) Wheel wash facilities;
 - (g) Measures to control the emission of dust and dirt during construction;
 - (h) A scheme for recycling/disposing of waste resulting from demolition and construction works.

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.



4. The development shall not be commenced until an environmental noise assessment and sound insulation scheme have 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 as a whole 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).

Reason: In the interests of the amenity of nearby residents to comply with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategies.

5. Prior to the installation of any mechanical services plant or equipment (including any air handling plant), an environmental noise assessment shall be submitted to and approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the noise from the proposed mechanical services plant or equipment (including any air handling plant) running at 100% load, combined with any existing mechanical services plant or equipment, 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 development shall be implemented in accordance with the approved details.

Reason: In the interests of the amenity of nearby residents to comply with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategies.

6. Any approved Class A3 use within the development shall not be brought into use until, if required, they have been fitted with a fume extraction and ventilation system. The system shall not be installed other than in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

The development shall be implemented in accordance with the approved details.

Reason: In the interests of the amenities of neighbouring occupiers and the visual amenity of the area, in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategies.

7. No equipment, machinery or materials shall be brought onto the site in connection with either element of the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction: Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

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

8. The development shall not be commenced until details of all external materials have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategies.

9. The development shall not be commenced until details of the areas to be hard landscaped, which should be of permeable materials where possible, have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategies.

10. The development shall not be commenced until details of lighting in the service yard and along the footpath between the western edge of the site to the service access road have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of the amenity of nearby residents and community safety to comply with Policy 10 of the Aligned Core Strategies.

11. The development shall not be commenced until details of the means of enclosure of the service yard have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategies.

Pre-occupation conditions

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



12. Any approved Class A3 or Class A1/A3 use within the development shall not be brought into use until:
- (i) if required, they have been fitted with a fume extraction and ventilation system. The system shall not be installed other than in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.
- The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.
- (ii) Verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance for that unit has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.
- Reason: In the interests of the amenity of nearby residents and the visual amenity of the area, in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategies.*

13. Prior to the occupation of any part of the development a Noise Management Plan shall be 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 which are likely to cause noise disturbance to sensitive receptors and:
- (a) Minimise noise arising from operational and other activities by technical and physical means, and through management best practice;
- (b) Identify the person responsible for recording, investigating and dealing with complaints from any residents;
- (c) Regularly review the Noise Management Plan.
- Reason: In the interests of the amenity of nearby residents to comply with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategies.*

14. Prior to the occupation of any part of the development written verification shall be submitted to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented.
- Reason: In the interests of the amenity of nearby residents to comply with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategies.*

15. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- A Verification Report, 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: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 and NE12 of the Nottingham Local Plan.*

16. No part of the development shall be occupied until details of a landscaping scheme including details of the type, height, height, species and location of proposed trees and shrubs (which shall be of native species), together with details of proposed tree pits and a management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall be provided in accordance with the approved details within the first planting season following the completion of the development.

Any trees or plants provided as part of the approved landscaping scheme which die or are removed or become seriously damaged or diseased within five years of being planted shall be replaced in the next planting season with other plants of a similar size and species, unless otherwise prior agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategies.

17. No part of the development shall be occupied until the cycle parking has been provided in accordance with the approved plans.

Reason: In the interests of highway safety and to promote sustainable modes of transport in accordance with Policy 10 of the Aligned Core Strategy.

18. No part of the development shall be occupied until the hard landscaped areas, lighting and enclosure have been completed in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategies.

19. Units C-G shall not be occupied until the improvements to the facilities for pedestrians along the access road, to be in general accordance with the Proposed Site Plan (dwg no. 15-503PL-03 rev L), have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To improve the conditions of pedestrian safety along the access road in accordance with Policy 10 of the Aligned Core Strategies.

20. No part of the development shall be occupied until the following have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority:

(i) Alterations to the vehicular access to the site from Green Lane and the pedestrian refuge on Green Lane;

(ii) Alterations to the access road to the service yard to provide a segregated footway and a means of enabling vehicles to pass.

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

Reason: To improve the conditions of pedestrian safety along Green Lane and the access road to the service yard in accordance with Policy 10 of the Aligned Core Strategies.

21. The development shall not be occupied until the pedestrian route through the car park has



been provided in accordance with the approved plans.

Reason: To improve the conditions of pedestrian safety along the access road in accordance with Policy 10 of the Aligned Core Strategies.

Regulatory/ongoing conditions

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

22. Within 6 months of occupation of the extended facilities, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable, and enforcement mechanism) to promote travel by sustainable modes and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority

Thereafter the Final Travel Plan shall be implemented at all times.

Reason: In order to promote sustainable modes of travel in accordance with Policy 14 of the Aligned Core Strategies.

23. The service yard and the access road leading to it shall not be used by delivery or waste collection vehicles outside the hours of 08:30 hours - 18:00 hours Monday to Saturday and 10:00 hours - 17:00 hours on Sundays.

Reason: In the interests of the amenity of nearby residents to comply with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategies.

24. Servicing of units A-B, including the waste collection, shall not be undertaken outside the hours of 08:30 hours - 18:00 hours Monday to Saturday and 10:00 hours - 17:00 hours on Sundays.

Reason: In the interests of the amenity of nearby residents to comply with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategies.

25. The maximum size of vehicle which shall use the service yard and the access road shall be 12m rigid vehicles.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategies.

26. Units C-F shall not be sub-divided without the prior consent of the Local Planning Authority.

Reason: To ensure that the servicing arrangements are satisfactory to comply with Policy 10 of the Aligned Core Strategies.

27. The development shall be carried out in accordance with the Flood Risk and Drainage Assessment (GHD QL17467/FRDA Rev D).

Reason: To ensure that the site is properly drained and any flood risk addressed in accordance with Policy NE10 of the Local Plan.

Standard condition- scope of permission



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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 27 September 2017.

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. Highway related

1. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

2. 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 Liz Hiskens in Highway Network Management in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

3. Planning consent is not consent to work on the highway. To carry out off-site works 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. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

4. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site you must contact Highways Network Management on 0115 876 5293 to ensure all necessary licences and permissions are in place.

5. If the public have enjoyed walking or riding over land for a period of 20 years the presumption is that the landowner has dedicated that land to the public as a highway / public right of way unless there is sufficient evidence that during that period the landowner had no intention to dedicate it, such as a locked gate or a sign stating "no public right of way". This is covered by S31(1) of the Highways Act 1980.

To rebut anyone claiming a public right of way over their land, as well as locking a gate or putting up signs, a landowner may deposit a statutory declaration with the Council's highway authority. The declaration confirms that the landowner has no intention of dedicating any public rights of way over their land (it also acknowledges any existing public rights of way). These declarations do not operate retrospectively so they cannot be used to rebut any public rights of way already created over the land. It's a simple cost effective process available to all landowners who do not mind the public using their land but do not want anyone to claim any permanent rights. The declarations have to be refreshed every twenty years. This is covered by S31(6) of the Highways Act 1980. If



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the applicant wishes to pursue the rebuttal of future rights of way claims then they should contact John Lee on tel 0115 8765246 for further information.

4. 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.

5. Control of Odour & Provision of Adequate Ventilation

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (Defra, 2005).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire & Rescue Service (email: fireprotectionsouth@notts-fire.gov.uk). (NB Cheshire Fire & Rescue Service have useful advice on their website See - <http://www.cheshirefire.gov.uk/business-safety/fire-safety-guidance/restaurants-fast-food-outlets-and-take-away-shops>).

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour or risk of fire:

Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

Adequate Ventilation

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.



The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf> .

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf> .

The onus for ensuring that the system does not cause odour nuisance or present a risk of fire rests with the operator. If the system is found to be causing an odour nuisance or a risk of fire at any point, then suitable modification works will be required to be carried out and an enforcement notice may be served.

6. Noise Management Plan

Noise from the operation of the development must not exceed the following internal noise levels at any nearby noise sensitive premises:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB L_{Amax}(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

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

7. 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 0830-1700)

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 Environmental Health and Safer Places section.

8. Ground Gas Contamination



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The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' 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.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

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.

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.



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RIGHTS OF APPEAL

Application No: 17/02258/PFUL3

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.

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.



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