

WARDS AFFECTED: Clifton South

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. The application was deferred from the April Committee to enable Committee's consideration of a technical appraisal of neighbouring resident's representations concerning the Applicant's Acoustic Assessment.

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 31.05.2018.

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 a second 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 They additionally commented on the Acoustic Assessment submitted with the application as follows:

- Properties in Wayne Close are not included in the Site Location Plan which outlines the ‘noise sensitive areas’ and queries this when the report states that the gardens in Wayne Close are in a noise sensitive area?
- Access road behind Wayne Close has no lorries currently and the change in noise levels will be marked. Only reference to Wayne Close in the report is in paragraph 6:17 where it is stated that vehicles traversing the service yard access road will be approximately 7m from the closest noise sensitive gardens on Wayne Close. This is not true and is therefore misleading.
- The boundary fence of 4 Wayne Close is adjacent to the road with no buffer of any sort and the lorries will therefore be ‘traversing’ alongside my back garden.
- The conclusion in the report, paragraph 7:3 states that, ‘Deliveries to the proposed units will produce similar levels and character as the existing soundscape near the closest receptors. It is therefore considered that servicing activity would have no adverse effect.’ This is simply not true.
- There are no large vehicles traversing the length of this road at present, any extra activity in the form of 12m lorries would change massively the ‘character and soundscape of the area’, particularly to residents living in Wayne Close.
- The final conclusion considers the proposals will have a negligible effect and will have a noise reducing effect on some of the receptors. The statement is not true and again could be construed as misleading.

- I suffered from severe noise intrusion when the Co-op store (now Morrisons) was originally built with no regard for its residential neighbours and this has continued for many years.
- The report suggests that ‘... retailers will ensure that any installed fixed plant and equipment does not exceed the cumulative design limit’ and this is backed this up by saying ‘such matters can be dealt with by way of a suitable imposed condition.’ Conditions have been neither adhered to or enforced and what assurances can be given that this will not be the same here?
- Is it proposed to use the access road during construction. There is no mention of the noise this will generate and the detrimental effect this will have on the local residents if this is the case.

5.5 A report has also been received (17.04.2018) specifically relating to the Acoustic Assessment from a noise consultant acting on behalf of the above neighbouring resident, raising the following points:

- There should be a reassessment of background sound levels and predicted noise levels at adjacent dwellings
- Noise impact from the movement of heavier vehicles has not been assessed, which do not currently use the access road
- The Acoustic Report appears to be an initial assessment rather than a final report, with insufficient information. No assessment of plant noise is provided
- The suggested condition, which is not valid, seeks to apply a maximum noise rating of 35dB LAeq,15min during the night time and 40dB LAeq, 1hr during the day. A cumulative noise condition for the 5 units is not appropriate and the noise ratings/levels used are not correct
- Noise monitoring has not been carried out in the incorrect place

5.6 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.

5.7 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 applicant's Acoustic Assessment have commented as follows: The proposed noise limits for fixed plant and equipment at the site uses 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.

In response to the representation from the neighbour's noise consultant they comment as follows:

The noise consultant raised the following points in his objection to the report submitted on behalf of Morrison's:

1. *He queried the assessment of noise from plant & equipment*
2. *He also queried the assessment of noise from the delivery vehicles*

We feel that both will be resolved by the planning conditions that we have recommended. In order to give some guidance to the developers, I have added some details below to assist.

The noise consultant suggested the BS4142 to assess the noise from plant and equipment. We recommended a noise assessment to be carried out for the new noise sources. This would include a frequency analysis of the noise which would identify any problematic frequencies. We would then expect to see how they would mitigate them. We think that this is a better approach in this case. Our condition also specifies that machine and plant noise from all the proposed units running at 100% should produce a noise that is 10dB below the current background level. This will ensure that the plant noise does not cause a problem for the residents by increasing the noise in the area. This can be achieved by adequate screening for example.

The developers informed us through the documents provided in the planning submission that the vehicles that will be used for deliveries to the units will be combi or transit type vans. They also proposed that the units will be serviced by one delivery per day, totalling 4 deliveries for units C to G. We note that we cannot condition this proposal, so we would recommend that the developer puts it into their noise management plan that they limit their deliveries to 1 a day using the small combi or transit type vans. The delivery time restriction proposed by the developer would need to remain in place by planning condition. I also recommend that they do not have any deliveries on Sundays and bank holidays in order to minimise the impact of the delivery activities and vehicles on the local residents.

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 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 as well as the additional technical report/commentary submitted on 17th April 2018 on behalf of a neighbouring resident. They have not raised an objection and retain this position following review of the above mentioned technical report/commentary, subject to the imposition of conditions in the attached draft decision notice. These require 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)
- 7.22 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.

- 7.23 The proposed development would result in the loss of 62 car parking spaces reducing the total number to 208. This is 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.
- 7.24 An objector has raised concerns about the safety of pedestrians along the access road 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 turn within the service area.
- 7.25 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.
- 7.26 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)
- 7.27 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.

- 7.28 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