

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

110 Trowell Road, Nottingham, NG8 2DH

1 SUMMARY

Application No: 19/02746/PFUL3 for planning permission

Application by: Lidl GB Ltd.

Proposal: Demolition of covered walkway, extension to south west corner, external alterations to north, south and west elevations to form shopfronts for 8 units including Lidl, reconfiguration of car park and installation of bollards.

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

To meet the Council's Performance Targets this application should have been determined by 04 February 2020. An extension of time has been agreed with the applicant until 28 February 2020.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

- 2.1 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 conditions to be delegated to the Director of Planning and Regeneration.

3 BACKGROUND & SITE

- 3.1 The site is located to the north of Trowell Road. The area of the site is approximately 2.1ha and comprises the former Waitrose foodstore, which was closed in November 2019.
- 3.2 In addition to the retail floorspace of the Waitrose, the building also formerly accommodated an ancillary post office and cafe. The Wollaton Farmer's Market utilises the southwest corner of the car park on the first Saturday of each month.
- 3.3 The large single storey supermarket building is sited to the east of the site, set back from the road with an enclosed service area to the south of the building. The vehicular access is directly off Trowell Road. The remainder of the site, mainly to the west, is laid out for car parking.

- 3.4 There are residential properties to the north and east of the site, as well as a vacant pub located to the eastern site boundary. Trowell Road is to the south, beyond which is a residential area, car garage and pet shop. To the west there is a railway line bordered by further trees, beyond which there are more residential properties.
- 3.5 There are trees along the northern and southern boundaries, with some additional trees inside the site. Trees along the southern boundary are protected, as are three trees within the service area. All protected trees and the majority of other trees would be retained.
- 3.6 The site is not located within a conservation area, nor is it in proximity to any listed buildings.

4 DETAILS OF THE PROPOSAL

- 4.1 The application relates to works associated with the re-use of the vacant Waitrose store by Lidl, including the provision of seven other retail units within the same building. The use of the former Waitrose unit by Lidl and the sub-division of the remainder of the floorspace to provide further retail units does not in itself require planning permission. The applicant has confirmed that the new units would operate within the same A1 (retail) use class, therefore no change of use would be involved.
- 4.2 The proposal would also include a small extension to southwest corner to provide 36sqm of new A1 floorspace. This extension would provide space for proposed Units 1 and 2; Unit 1 is to be occupied by the Post Office and Unit 2 by a local bakery. The applicant has confirmed that one of other new units would be occupied by a charity shop.
- 4.3 In summary, this application seeks planning permission for:
- Demolition of the covered walkway;
 - Extension to southwest corner to provide 36sqm of new A1 floorspace;
 - External works to south and west elevations to create new shopfronts;
 - Reconfiguration of the car park; and
 - Installation of bollards.
- 4.4 Whilst 7 additional retail units would be created there would be no external changes to the north and east elevations.
- 4.5 The proposal also includes the re-configuration of the car park to provide an increase of 16 car parking spaces (a total of 338 spaces). This includes 12 disabled parking spaces and the addition of 9 parent and child spaces (at present there are none).

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 Consultation letters were sent extensively to neighbouring properties, including re-consultation, with a final expiry date of 30 January 2020.
- 5.2 34 representations of objection have been received, raising the following issues:
- If the proposal include fast food takeaway then it would bring antisocial

behaviour to the local area

- Concern about hours of operation related to fast food takeaway
- Would prefer an upmarket supermarket like Waitrose and M&S rather than Lidl as there is a Lidl close by
- Concern about too many sub units
- Concern about noise during demolition and alteration
- Concern about operational noise from lorries and delivery drivers after midnight
- Lighting to the rear of the site caused issue in the past
- Concern about privacy
- Additional air conditioning and heating units would create additional noise
- Increased risk of crime within an area near to the shops
- Would increase traffic to the site and surrounding area
- Would prefer a traffic light controlled exit from the site
- Adverse visual impact
- Any additional takeaway would be detrimental for the area
- Lack of adequate information within the consultation letter
- New development would worsen traffic congestion in Torvill Drive
- Loss of Waitrose, post office and café for the local community, especially for the elderly and infirm
- No mention of use of the units and their opening hours
- Increase noise, litter and gathering of youths
- Concern about placing waste bins near to the houses
- Overdevelopment of the site, do not want to see it as a retail park
- No mention of advertisement signs
- The risk of accidents will undoubtedly increase

5.3 5 representations of support have been received. They support the development as it would deliver many benefits including new jobs and greater convenience for those living close by. They also consider that the proposals would ensure that a key local site that has been disused would again play an important commercial role in the future of the area.

5.4 Notts Farmers Market Traders Association - Have held a farmers market on this site for many years (began when it was owned by the Co-op). Feel that the plans that Lidl have for this site will be of great benefit to the local community. Having several smaller units as well as their main store will offer locals a wider choice of retail opportunities. Also consider that it will benefit the farmers market as it won't be competition but compliment it. Believe that the proposals will offer employment opportunities for a wide range of people and will be of benefit to the local community.

5.5 Councillor Cate Woodward - Contacted by local residents regarding this application as she understands the original consultation letter did not mention the 7 additional retail units; the units are only apparent from viewing the actual plans on the website. As a result, the description has be revised and further public consultation carried out.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection subject to conditions relating to an environmental noise assessment and sound insulation scheme,

provision of electric vehicle charging points and restriction on operation, servicing and delivery times.

Highways: No objection subject to submission of a construction traffic management plan, provision of adequate cycle and disabled parking space and provision of Electric Vehicle charging points.

Tree Officer: No objection.

Lead Local Flood Authority: No objection. It is recommended that the small areas of landscaping to be removed be compensated for with green space/planters added elsewhere, as these would provide ecological benefits as well as absorb rainfall, removing some volume from the drainage system.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (February 2019)

The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 8 explains that key to this is building a strong responsive and competitive economy, supporting strong, vibrant and healthy communities by creating high quality built environments with accessible local services that reflect the communities needs and which supports its social wellbeing by protecting and enhancing the natural, built and historic environment.

Paragraph 11 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.

Paragraph 124 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development. Paragraph 127 encourages developments to establish a sense of place, using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the development.

Aligned Core Strategy (ACS) (September 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
Policy 17 - Biodiversity

Land and Planning Policies Document (LAPP) (January 2020):

Policy CC1 - Sustainable Design and Construction
Policy CC3 - Water
Policy SH7 - Centres of Neighbourhood Importance (CONIs)
Policy DE1 - Building Design and Use
Policy DE2 - Context and Place Making
Policy DE4 - Shopfronts

Policy TR1 - Parking and Travel Planning

Policy TR3 - Cycling

Policy EN7 – Trees

7. APPRAISAL OF PROPOSED DEVELOPMENT

i) Principle of the Development (Policies A, 4 and 6 of the ACS; Policy SH7 of the LAPP)

- 7.1 This large supermarket site and has been vacant since 2019. Its reuse for continued retail purposes is welcomed and supported by the national and local planning policy.
- 7.2 The site is designated as a Centre of Neighbourhood Importance (CONIs) in the LAPP. Policy SH7 of the LAPP states that planning permission for development in CONIs will be granted where both the retail function and the local character of the CONI are not undermined, and its vitality and viability are maintained or enhanced. Although the additional units would be largely within the envelope of the existing building (a total of 8 including Lidl), as suggested by the views of the Notts Farmers Market Traders Association, it is felt that these smaller units alongside the main store would offer a wider choice of retail opportunities and indeed, would enhance the centre's vitality and viability.
- 7.3 The proposed development would bring a neighbourhood centre that serves a large local residential population back into an economic use, creating 70 jobs in a range of full and part time roles and leading to direct and indirect benefits to the local community and economy. The principle of the development is therefore considered to be acceptable.

ii) Layout, design and appearance of the proposed development (Policy 10 of the ACS; Policies DE1, DE2 and DE4 of the LAPP; the Shopfront Design Guide)

- 7.4 The proposed new shop fronts are primarily on the west elevation, facing the main car park. These would create an attractive frontage where there is presently a long blank elevation. Each opening is to be largely curtain wall glazing, incorporating an extended frontage for the Lidl store alongside the new units. The proposed shopfronts would enhance the existing character and appearance of the building.
- 7.5 The revised car parking layout and new bollards would create an improved, more efficient car parking layout while retaining pedestrian routes through the car park and cycle parking. The proposed demolition of the covered walkway would increase visibility across the site and help to open up the west elevation as an integral part of this neighbourhood centre.
- 7.6 The slight increase to the overall footprint of the building is appropriate within this established retail centre.
- 7.7 Overall it is considered that the proposal would revitalise the site and building, creating a more attractive retail destination for the local community in accordance with Policy 10 of the ACS and Policies DE1, DE2 and DE4 of the LAPP.

(iii) Impact on Residential Amenity (Policy 10 of the ACS; Policy DE1 of the LAPP)

- 7.8 Concerns have been raised by members of the public relating to the impact of the proposed development on their amenity, particularly in terms of noise, privacy, visual impact, lighting, anti-social behaviour, location of the waste bins and hours of operation/deliveries. It should be noted that a number of letters received are also in support of this proposal.
- 7.9 The nearest residential properties back onto the north and east boundaries of the site of the site, which have substantial boundary enclosures. There is a concern that the units on this side of the building would introduce more activity in this part of the site, to the detriment of these neighbouring properties. This area has always been part of the car park and this situation will remain unchanged. Furthermore, the two units at this part of the site are not shown with any shop fronts, so there is to be little change to the north and east elevations. Whilst the proposals may result in some increased pedestrian activity in this part of the site, this would be a positive from the perspective of natural surveillance and designing out crime and it is not felt that this would be at a level to result in a meaningful change over and above the current situation regarding the neighbours amenities.
- 7.10 The service yard to the south of the building is to be retained for servicing to Lidl, who would receive only two deliveries a day. All the other smaller units would be serviced via the car park but these units would require very minimum servicing and delivery. The applicant proposes that the hours of opening would be in line with the former Waitrose store (0800 – 2200 Monday to Saturday and 1000 -1700 Sundays). Deliveries would take place no earlier than an hour before the opening and no later than an hour after closing.
- 7.11 Environmental Health have considered the issue of noise from the development and recommended that the movement of vehicles for delivery to, or refuse removal from, units 3 to 7 at the northern end of the building (and the adjacent bin store) should be restricted to between 08.00 until 20.00. The proposed arrangements for the Lidl service yard and new units on the southern side of the building are considered to be acceptable given both a greater separation distance from the nearest neighbouring residential properties and the shielding offered by the building itself. These restrictions can be secured through condition.
- 7.12 To address the concerns of the nearby residents regarding noise and odour, the refuse area has been relocated to the rear of the building (eastern side) away from the residential properties.
- 7.13 A few local residents have raised concerns about anti-social behaviour should there be any fast food takeaways within the new units. It should be noted that the proposals currently does not involve any fast food takeaways (A5 use class), for which separate planning permission would be required.
- 7.14 Environmental Health have also considered the other amenity and pollution related issues and raised no objection subject to conditions to secure an Environmental Noise Assessment and Sound Insulation Scheme. It should also be noted that no new lighting is proposed.
- 7.15 The proposal therefore complies with the requirements of policy 10 of the ACS and Policy DE1 of the LAPP.

(iv) Highways and Access (Policies 10 and 14 of the ACS; Policies DE1, TR1 and TR3 of the LAPP)

- 7.16 Concerns have been raised by the local residents regarding potential impacts generated by the traffic movements to and from this development.
- 7.17 The proposal includes revisions to the car park comprising an increase of 16 parking spaces, to create a total of 338 spaces. This includes 12 disabled parking spaces, and the addition of nine parent and child spaces (at present there are none). The addition of new and replacement bollards, as well as zebra crossings throughout the site, would create a number of safe pathways for pedestrians to travel from Trowell Road and from the car park to the retail units.
- 7.18 Highways have assessed the proposals and are satisfied with the access arrangements and level of parking provision. They consider that the impact of the development on traffic flows and road safety would be acceptable. However they recommended that there should be minimum 18 disabled parking spaces, which can be secured through condition.
- 7.19 Highways also recommend a greater number of cycle parking spaces, to meet the Council's cycle parking standard. A condition can be attached to secure the required number (a minimum of 16 spaces) from the scheme.
- 7.20. The LAPP encourages the provision of electric vehicle charging infrastructure within new development. In this instance there is no change in use and the amount of floorspace would be only marginally increased. However, the applicants have agreed to provide a double fast Electric Vehicle Charging Point within the site, to serve two car parking spaces. This would be secured through a suitably worded condition.
- 7.21 Subject to the conditions requested by Highways, the development is considered to accord with Policy 10 and 14 of the ACS and policies DE1, TR1 and TR3 of the LAPP in this regard.

(v) Landscaping and Trees (Policy 17 of the ACS; Policy EN7 of the LAPP)

- 7.22 All protected trees within the site are to be retained and the majority of landscaping would also be retained. To the centre of the car park and adjacent to the covered walkway that is to be demolished, three trees, which are not protected, and a small area of landscaping are to be removed. This is to enable the reconfiguration of the car park to provide a more organised, efficient and pedestrian friendly layout. A condition is proposed to seek appropriate replacements.
- 7.23 All other retained landscaping and trees are to be pruned and maintained, including adjacent to the service yard where the mature trees are to be cut back so as not to encroach into the pathway of delivery vehicles.
- 7.24 Subject to a condition regarding the replacement trees, the proposal would accord with policy 17 of the ACS and policy EN7 of the LAPP.

8. SUSTAINABILITY (Policy 1 of the ACS; Policies CC1 and CC3 of the LAPP)

- 8.1 The new build element of the scheme is limited to a 36m² extension. However, Lidl advise that they are committed to deliver as sustainable a development as possible. It tends to have energy demands well below the UK benchmark for retail uses, a reflection of their low cost business model which seeks to minimise costs at all stages.
- 8.2 The design and layout of their stores is to a standard which would enable energy efficiencies to be achieved, including the use of motion sensors and intelligent energy-conserving lighting systems. They also use energy saving refrigeration units and water-efficient technologies within their buildings.
- 8.3 Lidl have invested heavily in reducing the distance travelled by products, including buying from British farmers and retailers and working with logistic partners to carefully plan the most efficient routes for vehicles. All vehicles are loaded as close to capacity as possible to minimise the number of required trips. HGVs delivering goods to store also take waste away from the site, thus reducing the number of vehicles entering and leaving each site.
- 8.4 In the first instance however, Lidl seek to reduce their waste by re-using where possible and recycling waste. Lidl's ambition is to achieve zero waste to landfill, at present over 98% of mixed waste is either recycled or recovered.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

The proposed development would be designed to be compliant with current building regulation standards in terms of accessibility and requirements under the Disability Discrimination Act. The building will have accessible doors suitable for wheel chair users.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Redevelopment of a brownfield site with a sustainable development.

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

14 CRIME AND DISORDER ACT IMPLICATIONS

The development would provide a retail development with good natural surveillance.

15 VALUE FOR MONEY

None.

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

1. Application No: 19/02746/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

17 Published documents referred to in compiling this report

Aligned Core Strategies (September 2014)
Land and Planning Policies Document (January 2020)
Shopfront Design Guide Supplementary Planning Guidance

Contact Officer:

Mr Mohammad Taufiqul-Islam, Case Officer, Development Management.

Email: Mohammad.Taufiqul-Islam @nottinghamcity.gov.uk Telephone: 0115 8764044

NOMAD printed map



Copyright Nottingham City Council

© Crown copyright and database right 2020. Ordnance Survey Licence number 100019317. Aerial photography © Getmapping Plc and Bluesky International Limited 2019. NOMAD print generated by a NOMAD user on 10/02/2020. THIS MAP IS UNSUITABLE FOR PUBLICATION: contact gi@nottinghamcity.gov.uk for high quality maps.



Key

 City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 19/02746/PFUL3 (PP-08338786)
Your Ref:
Contact: Mr Mohammad Taufiqul-Islam
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

WSP Indigo Miss Julie White
WSP Indigo
Toronto Square
Toronto Street
Leeds
LS1 2HJ

Date of decision:

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

Application No: 19/02746/PFUL3 (PP-08338786)
Application by: Lidl GB Ltd C/o WSP Indigo -
Location: 110 Trowell Road, Nottingham, NG8 2DH
Proposal: Demolition of covered walkway, extension to south west corner, external alterations to north, south and west elevations to form shopfronts for 8 units including Lidl, reconfiguration of car park and installation of bollards.

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)



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

DRAFT ¹ ONLY
Not for issue

Continued...

2. The development shall not be commenced until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the type, size and frequency of delivery vehicles to/from the site, haul routes (if any), site security, traffic management plans, measures to prevent the deposit of debris on the highway, working times and a timetable for its implementation. This should also include an outline of the proposed method of construction, a risk assessment in relation to the railway and a construction traffic management plan.

Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policies TR1 of the LAPP.

3. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

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

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

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

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy DE1 of the LAPP.

Pre-occupation conditions

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

4. The applicant shall submit written verification 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 prior to occupation of any part of the development.

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy DE1 of the LAPP.

5. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the parking of 16 cycles in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. Cycle provision shall be conveniently located, covered and secure, and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To promote sustainable forms of travel in accordance with Policies 10 and 14 of the Aligned Core Strategy.



6. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for 18 disabled parking spaces, in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. The disabled parking area shall not thereafter be used for any purpose other.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site, to provide adequate access for those with disabilities in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policy DE1 of the LAPP.

7. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for 1x Electric Vehicle rapid charging point to service 2x parking bays, in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable modes of travel in accordance with Policy 10 of the Aligned Core Strategy and Policy DE1 of the LAPP.

8. a) No part of the development shall be occupied until a detailed landscaping scheme indicating the type, height, species and location of all replacement trees and shrubs has been submitted to and approved in writing by the Local Planning Authority, including replacements for the trees to be removed on a two for one basis, and the approved landscaping scheme shall be carried out in the first planting and seeding seasons following its occupation;
b) Any trees or plants which die, are removed or become seriously damaged or diseased within five years following the occupation of the development; shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation; and
c) No part of the site included in the landscaping scheme shall be used for any other purpose without the prior written consent of the Local Planning Authority.

Reason: To ensure that the loss of existing trees be mitigated by new planting and landscaping in accordance with Policy EN7 of the LAPP.

Regulatory/ongoing conditions

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

9. The retail units within the site shall not be operated outside of the following hours:
- o 08:00 - 22:00 Monday to Saturday
 - o 10:00 - 17:00 on Sunday

Reason: To protect the amenities of neighbouring residential in accordance with Policy 10 of the Aligned Core Strategy and Policy DE1 of the LAPP.



10. The movement of vehicles for delivery, servicing and refuse removal shall not be carried out outside of the following hours:

Lidl, Unit 1 and Unit 2

- o 07:00 - 23:00 Monday to Saturday
- o 09:00 - 18:00 on Sunday

Unit 3 to 7

- o 08:00 - 22:00 Monday to Saturday
- o 10:00 - 17:00 on Sunday

Reason: To protect the amenities of neighbouring residential in accordance with Policy 10 of the Aligned Core Strategy and Policy DE1 of the LAPP.

11. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiry of 3 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (2010) Recommendations for tree work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. If any retained tree is topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority, then remedial pruning or replacement planting as appropriate shall be undertaken as specified in writing by the local planning authority.

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

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 10 December 2019.

Reason: To determine the scope of this permission.

Informatives

1. 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.



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

DRAFT ⁴ ONLY

Not for issue

Continued...

2. 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.

3. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway may be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

4. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Network Management. 0115 876 5238 or email Highway.Agreements@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

5. It is recommended that the small areas of landscaping proposed to be removed, are compensated for and green space/planters are added elsewhere as these would provide ecological benefits as well as absorbing rainfall, removing some volume from the drainage system.

6. 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.

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

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

RIGHTS OF APPEAL

Application No: 19/02746/PFUL3 (PP-08338786)

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.



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

DRAFT ONLY

Not for issue