

Report of Director of Planning and Transport

Former Site of Chronos Richardson Ltd, Belconnen Road

1 Summary

Application No: 22/00709/PFUL3 for planning permission

Application by: Ms Julie White on behalf of Lidl GB Ltd

Proposal: Development of food store with car park, landscaping, plant and associated works and access from Belconnen Road

The application is brought to Committee because it is a major development that represents a departure from the Local Plan.

To meet the Council's Performance Targets this application should have been determined by 4th July 2022.

2 Recommendations

2.1 GRANT PLANNING PERMISSION subject to:

Prior completion of a planning obligation which shall include:

- (i) a financial contribution of £35,503.57 towards off-site Biodiversity Net Gain
- (ii) provision of local employment and training including a financial contribution of £10,660 towards its delivery.

2.2 Power to determine the final details of the planning obligation and conditions of planning permission to be delegated to the Director of Planning and Regeneration.

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

3 Background

3.1 The application relates to approximately 1ha of land within the western portion of the former site of Chronos Richardson. It is a former industrial site which has since been cleared and remains vacant. Part of the site is currently owned by the Council and part is owned by an external party. It is proposed that the land to which this application relates, together with the adjoining land which forms the wider Chronos Richardson site, are sold as one development site.

- 3.2 The application site, together with the remaining portion of land within the former site of Chronos Richardson, make up site allocation reference SR13, as defined within Policy SA1 of the LAPP. The site allocation requires the delivery of 63-87 dwellings. The site has been subdivided to form two application sites, this application for a Lidl food store, and a concurrent application for residential development.
- 3.3 The site is bound to the north by Arnold Road and the rear boundaries of properties on The Green Mews, to the south by the remainder of the vacant industrial site beyond which there is a public footpath running east / west and connecting to Nottingham University Hospital to the south. To the east of the site lies part of the vacant industrial site, beyond which is Arnside Road and Wyton Close. To the east of the site is Belconnen Road and further residential development.
- 3.4 The site levels drop down below that on Arnold Road and fall away to the south although the area of the previously demolished buildings is generally level. There are existing trees and mature landscaping within the site, particularly on its frontage to Arnold Road.
- 3.5 The site falls within Flood zone 1.

4 Details of the proposal

- 4.1 The application seeks permission for the development of a Lidl food store (Use Class E) with car park and associated plant and landscaping with access off Belconnen Road, on an out of town centre site. The proposals for the store have been amended, resulting in a slight decrease in the floor area of the store. As amended, the store would have a gross internal area of 1,895sqm with a net sales area of 1,251sqm.
- 4.2 The layout, as amended, shows the store adjacent to the eastern boundary of the site with car parking to the north and west. Landscaping is proposed to the north and eastern boundaries and along parts of the western and southern boundaries. The car park would provide 100 standard spaces, 4 disabled, 9 parent and child and 4 with Electric Vehicle Charging points. 20% of the spaces will be fitted with the infrastructure required to introduce additional charging points in the future.
- 4.3 The Lidl store would be single storey with a pitched roof. The building would comprise a steel frame structure with a combination of metal cladding for the roof and cladding panels on the elevations and a powder coated aluminium and glazed shopfront.
- 4.4 The site would be enclosed by brick faced retaining walls where it adjoins the existing pavement and acoustic or timber fencing to rear/internal boundaries.
- 4.5 Vehicular access will be via Belconnen Road. The geometry of the access has been revised slightly in response to Highways requirements. The vehicle access would lead customers to the car park and delivery vehicles to the HGV service dock to the south of the store. External plant would be contained within an area to the south of the building and all refuse would be stored within the store.

- 4.6 It is estimated that the store will create 40 Full time equivalent jobs.
- 4.7 As referenced above, the remainder of the site (reference SR13) is subject of a concurrent planning application for residential development of 62 dwellings (planning application reference 22/00675/PFUL3).

5 Consultations and observations of other officers

Adjoining occupiers consulted:

109 neighbouring properties were notified of the proposed development by letters dated 13th April 2022.

Following changes to the proposal further notification letters were sent to the same addresses on 18th August 2022. The response date for representations was 9th September 2022. No further representations were received to the second round of notification letters.

Notification included properties on the following neighbouring streets: Belconnen Road, Wyton Close, Embley Road, The Green Mews, Williamson Row, Arnside Road and Arnold Road.

The application was also publicised through a site and a press notice.

The application was advertised as a departure application.

Responses

10 representations from 9 individuals were received in response to this publicity, of which 9 were in support of the proposed development, citing the following reasons why the development will be welcomed;

- The long term vacant site will be brought back into use, reducing the opportunity for vandalism and misuse.
- The retail store will provide a much needed local supermarket for the Bestwood area
- The accompanying development will bring new houses
- The development will create employment opportunities

One letter of objection was received, although this expressed support for the development in principle. The points of objection were as follows:

- Loss of trees/flowers/shrubs, will these be replanted?
- Concern that the retail store will result in a parking 'free for all' on surrounding streets
- Concern that customers will leave engines running whilst parked.

This application was published on the agenda for September Planning Committee 2022. Prior to Committee, two objections from Martin Robeson Planning Practice (MRPP) on behalf of a competitor supermarket (Tesco Stores Limited) were received, setting out the following points of objection:

- The critical lack of any 'Health Check' analysis of nearby town centres in order to inform retail impact assessment,
- Lack of credibility in some of the retail impact assessment's outputs,
- Failure to have proper and effective regard to the application of flexibility in the sequential testing of preferable opportunities,
- Failure of the sequential test in not confirming a preferable opportunity as 'suitable'
- Loss of allocated housing land,
- The environmental effects that arise from the unsuitability of the site for the proposed retail purpose, and
- The proposal is an unsustainable form of retail development when sited in this out-of-centre location
- The proposal is not in a sustainable location in terms of transport and accessibility,
- The proposal fails the sequential test since there is a more accessible, preferable opportunity
- Lack of credibility in the assessment of retail impact,
- Non-disclosure of the removal of mature trees and its impact on the assessment of application against policy,
- Misinterpretation of policy relating to biodiversity,
- Incorrect calculation of the loss in delivery of housing units,
- A misleading visual of the proposed development, and
- Lack of balancing exercise to address the proposal's departure from the Local Plan

Following receipt of the two letters, WSP, on behalf of the applicant, issued a response which can be summarised as follows;

- The objection was submitted some 6 months after the validation date of the application and 3 working days before Committee. It is assumed that the timing of the objection is for commercial reasons. A delay would be beneficial to any competitor but also places undue pressure on the Local Planning Authority and public funds.
- The impact of such actions inevitably effects other work Local Planning Authorities (LPAs) are engaged with. Slowing down decision making has an economic impact for a Council area. It slows down the delivery of an Authority's wider strategic objectives, which particularly at this time of a cost of living crisis, is something we would have hoped all commercial organisations would be cognisant of.
- At the time of submission it was not considered necessary to carry out Health checks based on an assumption that trade draw would be limited
- Customers seeking to shop in a discount supermarket have several options to choose from in the locality and will have already made their decision to shop in an Aldi or Lidl regardless of the application proposals coming forwards. Therefore, the trade drawn from existing locations is concentrated on the existing discount supermarkets.
- The scope of the retail assessment, including the level of flexibility required to be demonstrated, was agreed with the Local Planning Authority (the LPA) in accordance with paragraph 017 Reference ID: 2b-017-20190722 of

NPPG. The levels of flexibility required are not prescribed by the NPPF or the NPPG. It is a matter for professional judgement and agreement with the LPA.

- No sequential sites have been identified within or to the edge of district or local centres within the catchment area by either the Council or MRPP. The alternative site at Gala Way raised by MRPP (which is out of centre and not sequentially preferable), has been reopened by Buzz Bingo since the assessment was initially undertaken and is no longer available. The sequential test has therefore been satisfied.
- The Lidl application proposals have been developed in conjunction with the residential proposals on the adjacent site. All of the proposed residential development will be affordable dwellings and the number, mix and type of dwellings proposed on the allocated site is considered acceptable by officers
- The application site is clearly suitable for the development proposed and an acceptable engineering solution has been found to enable the development to progress. Officers have assessed the proposal and found it to be acceptable. The officers should not be expected to assess a hypothetical scenario as suggested by MRPP.
- It is common ground that there are no in-centre or edge of centre locations capable of accommodating the proposals. The site is located within a residential community and the proposals therefore provide a destination that is accessible by a range of modes of transport, including customers arriving on foot.

Additional consultation letters sent to:

Environmental Health and Safer places: No objection, subject to conditions relating to ground gas contamination protection and commercial plant noise.

Highways: No objection. Following a series of amendments to the access and car park, the Highway Authority are satisfied with the layout, subject to conditions relating to construction traffic management, electric vehicle charging, cycle parking, tracking and refuse collection.

Drainage: No objection. A drainage strategy has been submitted and reviewed by the Drainage Team (Lead Local Flood Authority). Following a request for additional information, the Drainage Team are satisfied with the proposed strategy, subject to conditions requiring further details of surface water drainage works and maintenance.

Planning Policy: No objection. Additional information and analysis has been provided by the applicant in support of the Sequential Test and Retail Impact Assessment. A comprehensive appraisal of this information and analysis has been undertaken by a Retail Planning Consultant. The Council is satisfied with the conclusions reached within the submitted information and within the appraisal undertaken by the Retail Planning Consultant. The proposal is considered to be in accordance with Aligned Core Strategy (2014) Policy 6 and Land & Planning Policies Development Plan Document (Local Plan Part 2) Policy SH4. Loss of residential land is acknowledged, but the number of dwellings to be provided on the remainder of the LAPP allocation (62) is acceptable compared to the LAPP range

of 63-87 in the LAPP. The number of homes is included in an appendix rather a LAPP policy, and so the range is indicative, and does not have the weight of Policy. Para 6.32 of the LAPP states “The Development Principles set out the range of acceptable uses for each site”. The remainder of the site is to be developed in compliance with Policy SR13 of the LAPP.

Nottingham Jobs: An employment and training plan is recommended, including a proposed contribution of £10,660 to support the services provided by the Jobs Hub.

Biodiversity and Greenspace Officer: No objection subject to s106 contribution to offsite Biodiversity Gain. The funds will be used for the creation of habitats.

Carbon Neutral Policy Team: Consideration should be given to additional planting to compensate the loss. There is no indication of the extent of PV panels or consideration of alternatives to the ASHP and PV panels. There is no evidence that SUDS will be combined with natural planted areas and further consideration to on site mitigation should be given to avoid off site compensation.

6 Relevant policies and guidance

National Planning Policy Framework

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 126 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 7 of the NPPF relates to the vitality of Town Centres.

Paragraphs 87-89 require the sequential approach to site selection to be applied to all development proposals for main town centre uses that are not in an identified centre and not in accordance with an up-to-date Development Plan. It states that Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 90 requires all retail, leisure and office development outside of town centres to be subject to a retail impact assessment if over a proportionate, locally set threshold. Where no local threshold exists the default is 2,500sqm. Impact assessments should include assessment of:

- Impact of the proposed on existing, committed and planning public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Where a development fails the sequential test or will have a significant adverse impact on one or more of the above considerations it should be refused in accordance with paragraph 91.

Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 180(d) states that when determining planning applications, local planning authorities should support development whose primary objective is to conserve or enhance biodiversity while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Aligned Core Strategy (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

Policy 19: Developer Contributions.

Land and Local Planning Policies (LAPP) (Local Plan Part 2 Document)

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy EE4: Local Employment and Training Opportunities

Policy DE1: Building Design and Use

Policy DE2: Context and Place making

Policy SH4: Development of Main Town Centre Uses in Edge of Centre and Out of Centre Locations

Policy TR1: Parking and Travel Planning

Policy EN6: Biodiversity

Policy EN7: Trees

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy SA1: Site Allocations

Supplementary Planning Documents

Biodiversity (2020)

7. Appraisal of proposed development

Main Issues:

- (i) Principle of Development
- (ii) Suitability of Retail use in this out of centre location
- (iii) Layout, design and appearance
- (iv) Residential amenity
- (v) Highways and access
- (vi) Biodiversity and trees
- (vii) Planning Obligations

Issue (i) Principle of the development (Policies 4, and 6 of the ACS and Policies EE4, SH4 and SA1 of the LAPP)

- 7.1 The site is a vacant former industrial site that has been cleared. The reuse of brownfield sites is actively encouraged and supported by national and local planning policy.
- 7.2 The application site is part of a wider site allocated as a development site by Policy SA1 of The Local Plan Part 2 (site ref. SR13). Policy SA1 states that the sites are “allocated and protected to meet the development needs of Nottingham to 2028”. The main purpose of the allocation is to ensure an adequate supply of land to meet the needs of the city. The appendix to Policy SA1 sets out an anticipated delivery of

63-87 dwellings on the site. The application is accompanied by a concurrent planning application for residential development (22/00675/PFUL3) for 62 dwellings.

- 7.3 The loss of land that could otherwise be developed for housing is acknowledged, but the number of dwellings to be provided on the remainder of the LAPP allocation (62) is considered to be acceptable compared to the LAPP range of 63-87 in the LAPP. The number of homes is included in an appendix rather a LAPP policy, and so the range is indicative, and does not have the weight of Policy. The shortfall relative to this indicative range is considered to have an insignificant impact on the city's ability to meet its housing needs, and in this context it should be noted that there is a housing land supply that is currently in excess of six years, against a five year requirement. Para 6.32 of the LAPP states "The Development Principles set out the range of acceptable uses for each site. Whilst the precise quantum of development will be subject to review during the development management process, appendices three, four and five set out the broad number of residential units". The LAPP therefore provides a degree of flexibility in terms of numbers of homes on LAPP sites. The proposed development would comprise 100% affordable dwellings, providing a mix of house types and sizes, thus contributing to the creation of a balanced community. The requirement within the Development Principles for the creation of new open space, is in the context of a 100% housing site. Para 6.29 of the LAPP "The Development Principles give an indication of key issues relating to each site but are not intended to be comprehensive development briefs." Policy EN2 of the LAPP provides for developer contributions to enhance existing areas of open space or additional open space in the area. The part of SR13 for which a planning application for residential development is under consideration is anticipated to provide a policy compliant level of open space contribution through a S106 agreement.
- 7.4 Policy HO1 of the LAPP encourages development of sites for family housing. It does not set targets nor is it prescriptive about the level of family housing, this being a matter of judgment based on the characteristics of the site, as set out in Para 4.14 of the LAPP. The scheme is for 100% affordable housing, which satisfies 2d of HO1 by meeting other aims of the City Council, as evidenced by Greater Nottingham & Ashfield Housing Needs Assessment, October 2020.
- 7.5 Taking account of these factors, the proposed loss of housing land within the allocated site is considered to be acceptable, and there is no objection in principle to the delivery of retail development in addition to the residential development.
- 7.6 Notwithstanding the above, National and Local Planning Policies require a sequential Test and Retail Impact Assessment to be carried out for Out of Town Retail development of this scale. Paragraph 90 of the NPPF requires all retail, leisure and office development outside of town centres to be subject to a retail impact assessment if over a proportionate, locally set threshold. Policy 6 of the ACS requires the Sequential Test to be satisfied for Out of Town retail development and Policy SH4 of the LAPP requires an Impact Assessment for retail development greater than 1,000 square metres or greater of new (gross) floorspace on the edge of or outside an existing Centre. The NPPF para 90 states that Impact assessments should include assessment of:
- Impact of the proposed on existing, committed and planning public and private investment in a centre or centres in the catchment area of the proposal; and

- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

7.7 These assessments have been provided with the application and updated as appropriate. Following concerns raised in the objection from MRPP on behalf of Tesco stores limited, WSP, on behalf of the applicant, has undertaken further analysis in support of the Sequential Test and has provided an updated Planning Retail Statement together with a response to the Tesco objection.

7.8 Acknowledging the comments made on behalf of Tesco in relation to credibility of the assessment of retail impact and given the technical and specialist nature of these issues, The Council has instructed an independent appraisal of the Planning Retail Statement and the applicant's response to the objection made on behalf of Tesco. Officers have taken independent advice from Applied Planning, a retail planning consultancy. The Preliminary analysis of the submitted information, as undertaken by Applied Planning, identified several areas of concern as follows;

Sequential Test

- The submitted Planning Retail Statement set a minimum site search area in the sequential test of 0.87ha. The Council's Consultants considered that this represented insufficient flexibility and that a 0.65ha site search area represents a reasonable minimum site search criteria for the purposes of the sequential test. The Planning Consultant referenced the use of this minimum site search criteria for other applications by Lidl and Aldi and concluded that there were no material considerations which justified a departure from these parameters in this instance.
- The objection from Tesco sets out a series of reasons why the development site at Gala Way is sequentially preferable to the application site. The Council's consultants concluded that further analysis was required, specifically in relation to whether this site is more accessible and well connected to a town centre than the application site. It was also recommended that a detailed sequential analysis of this site was undertaken, having regard to the 0.65ha minimum site search criteria referenced above.

Retail Impact Assessment

- The original Planning Retail Statement did not provide health checks of the centres which may be affected by the proposed development. In order for a robust judgment to be made of likely trade draw and whether any identified impact is adverse, health checks of nearby centres were needed. These health checks should be in accordance with the indicators set out in Planning Policy Guidance. Taking account of geographical proximity as well as the existing trade draw provided by the applicant it was recommended that health checks were undertaken for:
 - Beckhampton Road Local Centre
 - Carrington Local Centre
 - Bulwell Town Centre
 - Arnold Town Centre
 - Sherwood District Centre
 - Nuthall Road Local Centre

- These centres are all within, or in proximity to, the 5-minute drive time of the proposed store and would therefore be potentially affected by the proposed development.
- The Council's Consultants noted that trading densities given within the Planning Retail Statement were lower than trading densities used in recent impact assessments prepared by the applicant in support of Lidl applications. Clarification was therefore requested for the reasons a lower benchmark trading density was utilised in this instance.
- Furthermore, the Council's Consultants cited a number of concerns in relation to the assumed trade diversions, namely an over reliance on trade diversion from Limited Assortment Discounters (LAD) and an underestimate of the draw from superstores within and on the edge of the catchment area (Tesco Extra (Top Valley Way), Tesco Extra (Jennison Road), Morrisons, (Leen Road) and Sainsburys (Sir John Robinsons Way). It was also concluded that Trade diversion was generally under-estimated for local top-up convenience stores in close proximity to the application site; including Co-op Food, Nisa and Select & Save on Arnold Road and Tesco Express, 10 Oxengate. As a consequence, the Consultant recommended that sensitivity testing was undertaken of trade diversions from existing centres and stores, to be informed by health checks for the centres.

7.9 The conclusions of the preliminary assessment outlined above were given to the applicant and they have subsequently provided updated information as set out within their letter dated 2nd November 2022. This information has been reviewed by Applied Planning and the findings form part of the assessment of the proposed development. Ultimately it is concluded that there are no site/units which are suitable and available for the proposed development and that based on the information available, the application complies with the sequential test. It is also concluded that the development would not have a significant adverse impact on the considerations within Paragraph 90 (a) and (b). These findings and the analysis of the submitted information is discussed in further detail in the following section of the report (Issue ii).

7.10 Notwithstanding the above issues it is noted that the proposed development would bring the vacant site back into an economic use and create an estimated 40 FTE jobs, as well as contributing £10,660 through Section 106 for the Nottingham Jobs Hub, leading to direct and indirect benefits to the local economy in compliance with Policy 4 of the ACS and Policy EE4 of the LAPP.

7.11 The proposed development would be accessible to a large local residential population. The new store would provide a new facility in the area, which provides the opportunity for existing and new residents (a link is provided through the proposed residential development) to shop without using a car.

7.12 In conclusion it is considered that the principle of the development is acceptable and in accordance with Policies 4 and 6 of the ACS and Policies EE4, SH4 and SA1 of the LAPP.

Issue (ii) Suitability of Retail use in this out of centre location (Section 7 of the NPPF, Policy 6 of the Aligned Core Strategy and Policy SH4 of the Local Plan)

7.13 The application site is not in an identified centre. Policy SH4 of the LAPP and paragraphs 87-89 of the NPPF require the sequential approach to site selection to

be applied to all development proposals for main town centre uses that are not in an identified centre and not in accordance with an up-to-date Development Plan. The NPPF states that applications for main town centre uses should be in town centres, then edge of centre locations, and only if suitable sites are not available within a reasonable period, should out-of-centre sites be considered.

- 7.14 Policy SH4 also states that for out of centre retail developments of more than 1000sqm, a Retail Impact Assessment must be carried out and where proposals which would result in a significant adverse impact on in-centre investment or the vitality and viability of a centre within the catchment area of the proposal, they will not be supported. This broadly reflects the requirements of the NPPF paragraph 90.
- 7.15 As detailed above, the application is supported by a Planning and Retail Statement which includes a sequential test and impact assessment. This has been updated and additional supporting letters from WSP on behalf of the applicant, dated 16th September 2022 and 2nd November 2022, have been received. The latter responds to the Preliminary response from AppliedPlanning, the Council's Consultants, which identified a number of concerns in relation to the Sequential Test and the Retail Impact Assessment.

Sequential Test

- 7.16 Applied Planning's appraisal of the Sequential Test queried the use of the 0.85ha search criteria and recommended that it was carried out again with a search criteria of 0.65ha. Whilst Tesco suggested lowering the search criteria to 0.3ha, Applied Planning concluded that this site size would only be capable of delivering a 2-storey 'Metropolitan' store business model with limited parking provision which isn't the broad type and format of the business model proposed in this application. Applied Town Planning cite recent caselaw (Aldergate v Mansfield District Council & Anor [2016]) which clarifies that the sequential test should be considered on the basis of the broad type and format of the proposed land use, allowing for appropriate flexibility in respect of format and scale. As such, the applicant has carried out a search of sites with an area of 0.65ha and this is considered satisfactory and justified.
- 7.17 No sequential sites have been identified within or to the edge of district or local centres within the catchment area, despite lowering the site area search criteria to 0.65ha. The alternative site at Gala Way raised by MRPP (which the applicant considers to be out of centre and not sequentially preferable), has been reopened by Buzz Bingo since the Planning and Retail Statement assessment was initially undertaken and is, therefore, no longer available.
- 7.18 In reviewing the applicant's response above, Applied Planning concludes that the applicant's assumptions are fair and that no sequentially preferable sites have been identified. It is therefore considered that the Sequential Test is passed.

Retail Impact Assessment

- 7.19 The submitted Retail Impact Assessment uses the criteria set out within Paragraph 90 of the NPPF:
- (a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

(b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

It is noted that Paragraph 91 of the NPPF and the associated Practice Guidance, 'Town centres and retail', refer to 'significant adverse impact' and that the policies and guidance have been purposefully drafted in these terms because it is accepted that most new developments will have some impact.

- 7.20 As outlined above, the preliminary appraisal of the Retail Impact Assessment, carried out by Applied Town Planning, identified a number of issues with the initial findings. In response to this, WSP on behalf of the applicant, have provided additional information and carried out further analysis. WSP have confirmed that the benchmark trading intensities have been taken from the latest available data from 2021 which is why the figures may differ from data used from earlier applications made by Lidl. Given that the data used is up to date from a reliable data source, this is considered acceptable. The Retail Planning Consultant, in their appraisal, concur with this conclusion.
- 7.21 WSP on behalf of the applicant, carried out Health checks of Beckhampton Road Local Centre, Carrington Local Centre, Bulwell Town Centre, Arnold Town Centre and Sherwood District Centre, in October 2022. All centres were found to be healthy and in their appraisal of this information, Applied Town Planning Consultants agreed with these findings. Whilst the applicant opted not to carry out a Health Check on Nuthall Road Centre on account of it being beyond the 5 minute drivetime of the application site, it not having any comparable stores that the development would draw trade from, and it not being identified as a destination within the Household Survey. Despite the applicant's conclusions in this regard, Applied Town planning carried out their own health check of Nuthall Road Centre and found it to be healthy.
- 7.22 The Health checks have allowed for a greater depth analysis of the potential impact arising from the proposed development. Alongside these checks, WSP on behalf of the applicant, have also carried out sensitivity testing on the trade draws from each of the centres. They conclude that although the larger stores, such as Sainsbury's, Tesco and Morrisons remain popular, in each location there is an Aldi or Lidl less than 1 mile away. As such, if a shopper wanted to shop at a discount retailer, they would have made that choice already and the trade diversion from these stores to a discounter would have already taken place.
- 7.23 The applicant therefore maintains the view that most trade will be diverted from the six Aldi or Lidl stores within the catchment area. WSP assumptions about the trade draw from the local top-up convenience stores have been adjusted. It was evident from the health checks that these stores primarily provide for a very localised top-up shop primarily from a walk-in catchment. The household survey indicated that there was very little (if any) consistent use of these stores. As such it is not considered that these stores would experience significant trade diversion. Despite this the assumed trade draw has been adjusted to show that 1% of Lidl's turnover will come from the Co-op at Beckhampton Road Local Centre and 1.5% from other smaller out of centre locations along Arnold Road.
- 7.24 Whilst Applied Planning's analysis of Trade draw differs from WSP's in terms of the percentage draw, the conclusions for each of the Local Centres is the same, that the proposed development would be unlikely to have any significant impact upon any single store or centre.

- 7.25 In considering the impact on investment in centres, the applicant states that they are not aware of any current, committed and planned investment within the 5-minute drivetime with the exception of proposals at Sherwood District Centre, on edge of the catchment area (Sherwood Library site). However, as outlined in the sequential assessment, the nature of the proposed retail floorspace within this redevelopment is different to the proposed food store, particularly in terms of its size (at only 259sqm net). It is also only a small part of a wider development scheme which is focussed on the re-provision of a new library facility and new residential dwellings. As such, it is not considered that the proposed Lidl food store will impact on the delivery of this mixed-use development proposal. Applied Planning reach a similar conclusion in their appraisal.
- 7.26 Following a comprehensive assessment of the submitted Retail Impact Assessment by Applied Planning and consideration of these conclusions by the Council's Planning Policy Team, the applicant's conclusions are accepted and it is agreed that the proposed development of a food store, would not result in any significant adverse impact upon existing businesses or upon committed or planned in-centre investment. As such, it is considered that the development would comply with section 7 of the NPPF, Policy 6 of the ACS and Policy SH4 of the LAPP.

Issue (iii) Layout, design and appearance (Policy 10 of the Aligned Core Strategy and Policies DE1 and DE2 of the LAPP)

- 7.27 The layout of the site has been designed to provide an active frontage and high visibility of the store on Arnold Road, albeit set back from that road, with a legible car park which minimises the opportunity for misuse and anti-social behaviour. The scheme has evolved in response to highways, drainage and urban design feedback, improving pedestrian routes into and through the site and ensuring vehicular movements are safe whilst making efficient use of the land available. The layout of the development balances the constraints of the site, and in particular the site shape and gradient, with the requirements of the retailers to create a viable and deliverable scheme.
- 7.28 The store building follows a standard layout for the retailer and has been rationalised in response to their latest floorspace and delivery requirements. The scale, form and massing of the building are considered to be appropriate and the palette of materials proposed, comprising steel frames, metal cladding and a powder coated aluminium and glazed shopfront is also acceptable. The delivery and plant areas are contained to the south side of the store away from the boundaries with residential development.
- 7.29 As amended, the pedestrian routes into the site are acceptable and footpath links between the retail site and the residential development beyond, allow for the comprehensive and cohesive redevelopment of the wider site. A new pedestrian link running north south, through the Lidl site and landscaped area to the south is proposed. This will link to the existing pathway to the south of the site which also connects to the hospital site to the south. Landscaping proposals have been enhanced with increased tree planting and screening to boundaries.
- 7.30 The vehicular access into the site has been amended in accordance with Highways requirements and similarly the access to the substation has been reconfigured in line with Highways recommendations. The car park would provide a sufficient mix of

standard and accessible spaces as well as bays with Electric Vehicle Charging points. Infrastructure to enable further charging points to be provided in the future, is also to be incorporated during construction, which is welcomed.

- 7.31 In summary, the design and layout are considered to be appropriate for the nature of development proposed and in response to site constraints. Amendments have been made to enhance and improve accessibility and pedestrian routes to and within the site. The development therefore accords with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP in this regard.

Issue (iv) Impact on Amenity (Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP)

- 7.32 Policy 10 of the ACS and Policy DE1 of the LAPP require all new developments to consider the impact on the amenity of nearby residents or occupiers. Policy IN2 of the LAPP requires the impact of noise upon residential properties to be considered. Plant equipment and delivery bays have been sited to the south of the store, away from boundaries with residential properties. A Noise Assessment has been submitted and reviewed by the Environmental Health Team who have no concerns in this regard. A pre-occupation condition is recommended to ensure the plant equipment and associated noise barrier are installed in accordance with the details.
- 7.33 It should be noted that no 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.
- 7.34 Although the east boundary of the site will adjoin the rear boundaries of properties within the proposed residential development (reference 22/00675/PFUL3) it is not considered that the scale or massing of the building would give rise to any significant adverse impact upon the light to or outlook from these properties.
- 7.35 The store opening times proposed are 08.00 to 22.00 Monday to Saturday, and for any six hours between 10.00 to 18.00 on Sundays, which is considered to be reasonable. Deliveries are proposed between 07:00-23:00. Typically, there would be two HGV deliveries within a 24-hour period, although at busier times such as Christmas and Easter this could increase to three deliveries. All deliveries would be made to the service dock which, as detailed above, would be located to the south elevation of the store. It is considered that this is located at a sufficient distance from the nearest existing and proposed residential properties to avoid any significant noise and disturbance.
- 7.36 In view of the above it is considered that the proposed development would comply with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.

Issue (v) Highways, Access and Parking (Policies 10 and 14 of the ACS and Policy TR1 of the LAPP)

- 7.37 The Highway Authority has assessed the proposals, including the Transport Assessment carried out by the applicants. They are satisfied with the content and findings of this report, and that the impact of the development, as amended, on traffic flows and road safety are acceptable. The level and arrangement of car parking proposed is also acceptable. It is considered that the development would be in compliance with Policy TR1 of the LAPP.

- 7.38 The changes to geometry of the site access have resulted in a reduction in the width of the access road. This would make it easier for pedestrians to cross the road whilst ensuring safe access and egress for vehicles.
- 7.39 The footpath links with the proposed residential development and beyond the site would allow and encourage visitors to the store on foot and bike, thus reducing the reliance on travel by car, with cycle storage being provided within the development. It is considered that the proposal accords with Policy 14 of the ACS in this regard.
- 7.40 Conditions requiring a Construction Management Plan and the implementation of car parking, cycle parking and Electric Vehicle Charging are recommended. In summary, the development is considered to comply with Policies 10 and 14 of the ACS and Policy TR1 of the LAPP.

Issue (vi) Trees and Biodiversity (Policies 17 and 19 of the ACS and Policies EN6, EN7 and IN4 of the LAPP, Biodiversity SPD)

- 7.41 Policy EN6 of the LAPP states that development will only be permitted where significant harmful ecological impacts are avoided. Where harmful impacts cannot be avoided they should be mitigated through the design, layout and detailing of the development, or as a last resort compensated for, which may include off-site measures. The Biodiversity SPD further supports this.
- 7.42 The application is accompanied by an Ecological Appraisal, Ecological Enhancement Scheme and Biodiversity Net Gain Assessment. At the time the assessment was carried out, the site comprised areas of established woodland and grassland. Whilst much of which is proposed to be removed to facilitate the development, a comprehensive scheme of tree replanting and ecological enhancements (including bird and bat boxes, sensitive lighting and hedgehog connectivity) has been submitted (and in itself is considered satisfactory by the Council's Biodiversity Officer) this is not sufficient to offset the loss of habitats and the Biodiversity Net Gain Assessment demonstrates an overall loss in Biodiversity rather than a gain.
- 7.43 The proposals for the removal of woodland and grassland have been reconsidered by the developer but in their opinion it is not possible to increase the retention due to the harm arising from the disturbance of the adjacent areas of grassland/woodland. As such, the developer proposes a contribution towards off-site biodiversity gain as additional mitigation in order to achieve an overall gain. With mitigation in the form of a financial contribution proposed, It is considered that the benefits of developing a long term vacant site which clearly has economic benefits as well as providing affordable housing for this city, outweighs the harm arising from the removal of the grassland and woodland. The Biodiversity Officer has assessed the proposals and provided calculations for a contribution towards off-site Biodiversity Gain based upon a figure per unit for both grassland and woodland. This amounts to a figure of £35,503.57 which is to be requested through the s106 Agreement. The contributions will be placed in a ringfenced account which will be used for the creation of habitats. Taking account of the on-site proposals and the off-site compensation to be provided by a s106 contribution, it is considered that the development complies with Policies 17 and 19 of the ACS, Policies EN6, EN7 and IN4 of the LAPP and the Biodiversity SPD.
- 7.44 Policy EN7 of the LAPP relates to Trees and seeks to retain and protect trees of high value, and other trees and landscaping where possible, and secure adequate

mitigation/replanting for the loss of trees. A Tree Survey and Arboricultural Impact Assessment have been submitted with the application which concludes that none of the trees on the site are/were category 'A' (high value) trees. No trees on site benefit from any statutory protection and as such consent to remove any trees is not required from the local planning authority. The lowest value trees are to be removed during site clearance.

- 7.45 Where trees are not proposed for retention, mitigation in the form of replanting is proposed. This approach is considered to reach an acceptable balance between the loss of the trees and the viable redevelopment which will provide onsite mitigation. It is considered that the development in this regard, complies with Policy EN7 of the LAPP.

Issue (vii) Planning Obligations (Policies 17 and 19 of the Aligned Core Strategies, Policies EN6, EE4 and IN4 of the LAPP and the Biodiversity SPD)

- 7.46 The application site comprises land which is partly in the Council's ownership and partly owned by a third party. As the Council cannot enter into an agreement with itself it is proposed that the planning obligation required to enable this permission to be granted will initially only be secured against the land which is in third party ownership. However, on completion of the land transfer it is proposed that the planning obligation subsequently be varied to ensure that it binds the remainder of the application site.

- 7.47 A policy compliant development would be expected to provide the following planning obligations:

- a financial contribution of £35,503.57 towards off-site Biodiversity Net Gain
- Local employment and training opportunities, including a financial contribution of £10,660 towards their delivery

The total contribution is therefore £46,163.57

- 7.48 The applicant has committed to the above Policy compliant contributions. To conclude, the contributions satisfy Policies 17 and 19 of the Aligned Core Strategies, Policies EN6, EE4 and IN4 of the LAPP, and the Biodiversity SPD.

8. Sustainability (Policy 1 of the ACS and Policy CC1 and CC3 of the LAPP)

- 8.1 Policy 1 of the ACS affirms the presumption in favour of sustainable development. Policy CC1 (sustainable design and construction) of the LAPP promotes energy efficient buildings and sustainable design, and Policy CC3 (water) seeks to protect water quality, promote efficient water use and require sustainable drainage where possible.
- 8.2 The proposed development would incorporate various measures to mitigate and adapt to climate change. The proposal incorporates passive design strategies to take advantage of natural daylight and enhanced fabric efficiencies. The proposed store will also incorporate active design strategies to reduce energy consumption by introducing heat recovery ventilation to pre-heat incoming fresh air and installing low energy lighting.

- 8.3 As a company, Lidl seeks to reduce CO2 emission rates from its buildings by over 20% when compared with a building of the same type, size and use. The fully glazed, front façade maximises natural daylight entering the building, whilst sensor controlled exterior sun blinds automatically operate to mitigate the effects of excessive heat from solar gain. Finally, photovoltaics, to capture solar power for use in store, will be applied to the roof of the store. As detailed earlier within the report, Electric vehicle charging points are proposed within the car park.
- 8.4 The site is in Flood Zone 1 and therefore at the lowest risk of flooding. A condition requiring the submission of details of surface water drainage provision has been recommended by the Drainage Team. Overall the scheme will comply with Policy 1 of the ACS and Policies CC1 and CC3 of the LAPP.

9 Financial Implications

None.

10 Legal Implications

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

11 Equality and Diversity Implications

None.

12 Risk Management Issues

None.

13 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of a cleared brownfield site with a high quality, sustainable development.

Safer Nottingham: The development enhances the pedestrian Connectivity, contributing to a safer and more attractive neighbourhood

Ensuring Nottingham's workforce is skilled through Local Employment and Training Opportunities

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: 22/00709/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9SWP6LYK5800>

17 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

NPPF (2021)

Biodiversity SPD 2020

Greater Nottingham & Ashfield Housing Needs Assessment, October 2020.

Contact Officer:

Mrs Zoe Kyle, Case Officer, Development Management.

Email: zoe.kyle@nottinghamcity.gov.uk Telephone: 0115 8764059

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0 0.03 0.05 km 

Key

 City Boundary

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Description

A map printed from Nomad.



Nottingham
City Council

My Ref: 22/00709/PFUL3 (PP-10406758)
Your Ref:
Contact: Mrs Zoe Kyle
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Nottingham
NG2 3NG

Tel: 0115 8764447
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Ms Julie White
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Millshaw Park Lane
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LS11 0DL
United Kingdom

Date of decision:

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

Application No: 22/00709/PFUL3 (PP-10406758)
Application by: Lidl GB Ltd
Location: Former Site Of Chronos Richardson Ltd, , Belconnen Road, , Nottingham, NG5 5HZ
Proposal: Development of food store with car park, landscaping, plant and associated works and access from Belconnen Road

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)

2. Prior to the commencement of the development, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - (i) plans incorporating the gas protection measures recommended in the previously submitted Phase 2 Investigation Report.

Reason: To ensure necessary mitigation for gas contamination in accordance with Policy IN2 of the Local Plan.



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3. Prior to the commencement of the development, details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment to be provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface sewers;
- ii) Include a timetable for its implementation; and
- iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure operation of the scheme throughout its lifetime. Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy 1 of the Aligned Core Strategies and Policies CC1 and CC3 of the Local Plan

4. Prior to the commencement of the development, details of the management of surface water during construction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy 1 of the Aligned Core Strategies and Policies CC1 and C3 of the LAPP.

5. Prior to the commencement of development a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, offloading, within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway. The Construction Traffic Management Plan shall also include a construction traffic routing agreement and strategy for managing mud or similar debris on the adjacent public highways.

Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy 10 of the ACS

6. Prior to the commencement of development, details of all external materials, including samples, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan.



Pre-occupation conditions

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

7. Prior to the occupation of the development hereby permitted, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements such as but not restricted to (surface water attenuation devices/areas, flow restriction devices, outfalls).

Reason: To ensure the Drainage system is constructed in accordance with relevant standards in accordance with Policy 1 of the Aligned Core Strategy and Policies CC1 and CC3 of the Local Plan.

8. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

(i) A Verification Report, which shall demonstrate the satisfactory incorporation of the gas protection measures into the building's structure.

Reason: To ensure necessary mitigation against gas contamination in accordance with Policy IN2 of the Local Plan.

9. Prior to the occupation of the development hereby permitted, the applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment specified to serve the development and the Noise Barrier have been implemented in accordance with the approved details.

Reason: To safeguard the amenity of nearby residential properties in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and IN2 of the Local Plan.

10. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the approved landscaping plan. The planting and seeding shall be carried out in the first planting and seeding seasons following the completion of the development and any trees which die are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development and ecological value of the site are satisfactory in accordance with Policy 10 of the Aligned Core Strategy and Policies DE1, DE2 and EN7 of the LAPP

11. The development hereby permitted shall not be occupied until ecological enhancements as outlined within the approved Ecological Enhancement Plan and accompanying report, have been carried out in accordance with the approved details.

Reason: To ensure ecological enhancements are carried out in accordance with Policy 17 of the Aligned Core Strategies and Policy EN7 of the Local Plan.

12. Unless otherwise agreed in writing, the development hereby permitted shall not be occupied until boundary enclosures have been provided in accordance with the approved details.

Reason: To ensure the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies and Policies D1 and DE2 of the Local Plan.

13. Unless otherwise agreed in writing, the development hereby permitted shall not be occupied until bin storage for the development has been provided in accordance with the approved details.

Reason: To ensure the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies and Policies D1 and DE2 of the Local Plan.

14. The development hereby permitted shall not be occupied until the car park for the development has been laid out in accordance with the approved plans, including the provision of electric vehicle charging points.

Reason: To ensure adequate car parking provision is provided for the development in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1, DE2 and TR1 of the Local Plan.

15. Unless otherwise agreed in writing, the development hereby permitted shall not be occupied until cycle storage for the development has been provided in accordance with the approved details.

Reason: To ensure adequate cycle storage is provided in accordance with Policies 1 and 10 of the Aligned Core Strategies and Policies D1, DE2 and CC1 of the Local Plan.

Regulatory/ongoing conditions

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

16. Unless otherwise agreed in writing by the Local Planning Authority, the food store hereby permitted shall only be open for business between the hours of 08.00 to 22.00 Monday to Saturday, and for any six hours between 10.00 to 18.00 on Sundays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and IN2 of the Local Plan.

17. Unless otherwise agreed in writing by the Local Planning Authority, deliveries to the food store hereby permitted shall only take place between the hours of 07:00 to 23:00 on any day.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and IN2 of the Local Plan.

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 following drawings/documents:

Drawing reference A-PL-003 revision D, received 18 August 2022

Drawing reference A-PL-004 revision B, received 18 August 2022

Drawing reference A-PL-005 revision B, received 18 August 2022

Drawing reference A-PL-006 revision B, received 18 August 2022

Drawing reference A-PL-007 revision B, received 18 August 2022

Drawing reference A-PL-008, received 6 April 2022

Drawing reference A-PL-009 revision B, received 18 August 2022



Drawing reference A-PL-010 revision B, received 18 August 2022
Drawing reference A-PL-011 revision B, received 18 August 2022
Drawing reference A-PL-012, received 18 August 2022
Drawing reference A-VIS-001 revision E, received 22 September 2022
Other reference Design and Access Statement revision C, received 18 August 2022
Other reference Planning and Retail Statement revision 9, received 18 August 2022
Other reference BNG Assessment revision A, received 18 August 2022
Other reference Planting Plan LBW01 revision C, received 18 August 2022
Other reference Ecological Enhancement Plan LBW02 revision A, received 18 August 2022
Other reference Arboricultural Impact Assessment 220815-1.1-BN-AIA-MW revision 1.1, received 18 August 2022
Other reference Transport Assessment VN201754 revision 3, received 6 April 2022
Other reference Appendix Technical Note VN201754 revision 1, received 6 April 2022
Other reference Air Quality Assessment 102539v45 revision 5, received 18 August 2022
Other reference Noise Assessment 102540-2 revision 5, received 15 September 2022
Other reference Badger Survey 2202-PHA, received 6 April 2022
Other reference Ecology Report 404.06660.00029 revision 3, received 13 April 2022
Other reference Phase 1 site investigation and preliminary risk assessment 841.01.01 revision 1, received 6 April 2022
Other reference Phase 2 Ground Investigation 841.02.01 revision 1, received 6 April 2022
Other reference Statement of Community Engagement, received 6 April 2022

Reason: To determine the scope of this permission.

Informatives

1. 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.

2. Informatives

1. Construction Traffic Management Plan (CTMP) & mud on the road
The applicant should provide a CTMP as conditioned. 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. If the development works will have any impact on the public highway, please contact Network Management via email highway.approvals@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

2. Highway licences

The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them via highway.approvals@nottinghamcity.gov.uk. All costs shall be borne by the applicant.

3. Section 278 agreement - highway works

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 at highway.management@nottinghamcity.gov.uk or 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time



for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

4. Cycle Parking

The applicant is to contact our cycling team CyclingTeam@nottinghamcity.gov.uk to progress the cycle facilities.

5. Electric Vehicle Charging points (EVCPs)

Please contact Rosie.coyle@nottinghamcity.gov.uk to seek advice on the electric vehicle charging points (EVCP).

6. Traffic Regulation Orders

The applicant is to contact Traffic Management Traffic.Management@nottinghamcity.gov.uk to pursue TRO requirements. All costs to be borne by the applicant.

7. Public Rights of Way and Access

The applicant is to contact John Lee (Traffic and Safety) John.Lee@nottinghamcity.gov.uk to ensure the links to the South of the development that lead into an adopted public right of way are sensitively treated and that gradients, lighting, materials and landscaping as well as boundary treatments are suitable. All costs to be borne by the applicant.

3. Ground Gas Contamination

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).

4. Construction & Demolition - Noise Control: Hours of Work

The acceptable hours for demolition or construction work (including deliveries to & from the site) are detailed below; -

Monday to Friday:	07.30 hrs - 18.00 hrs (noisy operations restricted to 08.00 hrs -18.00 hrs)
Saturday:	08.30 hrs - 17.00 hrs (noisy operations restricted to 09.00 hrs - 13.00 hrs)
Sunday:	at no time
Bank Holidays:	at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed with Nottingham City Council's Environmental Health Team (email: pollution.control@nottinghamcity.gov.uk)

5. 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.

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: 22/00709/PFUL3 (PP-10406758)

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.

STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible,



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quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.

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