

BROXTOWE BOROUGH COUNCIL

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990

Application submitted by :
Mr Peter Edwards
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London
W1J 6NE

BROXTOWE BOROUGH COUNCIL having considered an application by or on behalf of

Applicant : **Tesco Stores Limited**
File Reference : **08/00833/FUL**
Proposal : **Proposed development by Tesco Stores Limited for a foodstore/unit shops of 9,185 sq.m (gross external) with decked car park for 440 vehicles, with vehicular access from Station Road and Middle Street and associated highway improvements (revised scheme)**
Site Address : **Land Between Station Road, Middle Street, Acacia Walk & Union Street. No.28 High Road, The Former Cow Public House, Middle Street Beeston.**

as shown on the plans submitted with the application, which application and plans and any relevant correspondence are hereinafter referred to as "the application", HEREBY in pursuance of their powers under the above mentioned Act

GRANT PERMISSION

for the development in accordance with the application, subject to compliance with the Conditions imposed, and the subsequent approval of all matters referred to in the conditions, for the reasons set out below.

Conditions :

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
2. No part of the development hereby permitted shall be brought into use until all the approved off site highway works shown on drawing number 3656.TSK.30.P (including the introduction of any necessary Traffic Regulation Orders and any necessary Highway Stopping Up Procedures undertaken) have been completed to the satisfaction of the Local Planning Authority.
3. No building operations shall be carried out until details of the materials to be used in facing the elevations of the building and the car park have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed only in accordance with those details.
4. (a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the local planning authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.

(b) No building to be erected pursuant to this permission shall be first occupied or brought into use until:

i) all the necessary remedial measures have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and

Continued...



- ii) it has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified, unless an alternative has first been approved in writing by the Local Planning Authority.
5. Deliveries and collections by commercial vehicles to the site as defined by the red line as shown on drawing number 3653.RL1 shall not take place except between the hours of 07.00 and 23.00 Monday to Saturdays and 09.00 and 18.00 on Sundays, Bank Holidays and other Public Holidays.
 6. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:
 - (a) numbers, types, sizes and positions of proposed trees and shrubs
 - (b) proposed boundary treatments and any other fences, walls, compounds or means of enclosure
 - (c) proposed hard surfaces
 - (d) planting, seeding/turfing of other soft landscape areas
 - (e) external lighting.
 7. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 10 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.
 8. Prior to the commencement of development, plans for the detailing on the Station Road wall and for the canopy as indicatively shown on drawing 3653.TSK34 shall be submitted to and approved in writing by the Local Planning Authority. The wall and canopy shall be constructed in accordance with the approved details prior to the building first being brought into use.
 9. None of the shops hereby permitted shall be first open to customers until the parking spaces have been marked out and made available for use in accordance with the approved plans and details, and those areas shall not thereafter be used for any purpose other than for parking.
 10. The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to any of the shops first being opened to customers
 11. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 13.00 Saturday and at no time on Sundays or Bank Holidays.
 12. Notwithstanding the details shown on drawing number 3653.TSK30P, the service yard boundary wall shall be constructed in brick, the details of which shall have first been submitted to and approved in writing by the local planning authority. The boundary wall for the service yard shall be constructed prior to the shop first being brought into use.
 13. No excavation or development shall take place within the application site until details of a scheme for archaeological treatment is submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full accordance with the approved details.
 14. No fixed plant and/or machinery shall be operated on the site until details are submitted to and approved in writing by the Local Planning Authority. The rating level of noise emitted from any fixed plant/or machinery on the site shall not exceed 41dBA between 23.00 hours and 07.00 hours and 44dBA between 07.00 and 23.00 hours. The noise levels shall be determined by measurement or calculation at the nearest noise sensitive premises according to BS4142: 1997.

15. The development shall be carried out in accordance with the recommendations of paragraph 3.5 of the flood risk assessment dated September 2008 – Revision B submitted in support of the application. None of the shops hereby permitted shall be first brought into use until all the recommended works have been completed.
16. The wall proposed on the southwest and southeast boundary of The Lilacs shall be constructed in accordance with the details on drawing number 3653.TSK 30 P, prior to any of the shops first being brought into use.
17. The building constructed pursuant to this permission shall not be first occupied and brought into use until a green travel plan has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. The approved travel plan shall include details for monitoring and review.
18. No development hereby permitted shall commence until wheel washing facilities have been installed on the site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that it is not discharged or carried onto a public highway. The wheel washing facilities shall be retained on the site until all construction work on the site has been completed.
19. Prior to the commencement of development a car park management scheme for queue management of the Station Road access, shall be submitted to and approved in writing by the Local Planning Authority. The car park management scheme shall be implemented in accordance with the approved details prior to the occupation of the building.
20. Prior to the commencement of development details, including a noise report, of the Combined Heat and Power Plant, the sprinkler tank, the transformer plant and any other equipment housing (as shown in principle on drawing number 3653.TSK30P) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
21. No equipment, machinery or materials shall be brought onto the site for the purposes of the development in advance of the erection of fencing for the protection of the trees retained on site. Such fencing shall be erected in accordance with details which shall have been submitted to and approved by the Local Planning Authority. The fencing shall be maintained until all the equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
22. Prior to the commencement of development, details of the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be brought into use until the recommendations of the approved method statement have been carried out and this shall be maintained for the life of the development.
23. Notwithstanding the details of drawing number 3653.TSK30P, no part of the development hereby permitted shall be brought into use until details of cycle racks have been submitted to and approved in writing by the Local Planning Authority and the cycle racks have been erected in accordance with the approved details.
24. The use of the mezzanine floor hereby permitted as part of this development shall be restricted to non-food and for no other purpose falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or an amendment or replacement thereof.

Reasons :

1. To comply with S.91 of the Town and Country Planning Act 1990.
2. In accordance with the terms of the application and in the interests of highway safety and in accordance with policy S2a of the Broxtowe Local Plan (2004).

3. No such details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of policy E1 of the Broxtowe Local Plan (2004).
4. In the interests of public health.
5. To protect the residents from excessive delivery noise and in accordance with policy E34 of the Broxtowe Local Plan.
6. No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of policy E1 of the Broxtowe Local Plan (2004).
7. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of policy E1 of the Broxtowe Local Plan (2004).
8. No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of policy E1 of the Broxtowe Local Plan (2004).
9. To ensure adequate parking is available within the site in the interests of highway safety and amenity and in accordance with the aims of policy S2a of the Broxtowe Local Plan (2004)
10. To reduce the risk of pollution to ground and surface waters.
11. To protect the residents from excessive building related noise and in accordance with policy E34 of the Broxtowe Local Plan.
12. To protect the residents from excessive building related noise and in accordance with policy E34 of the Broxtowe Local Plan.
13. To allow for the assessment of potential archaeological interest at the site and its protection and in accordance with the aims of PPG16 Archaeology and Planning.
14. To protect the residents from excessive noise and in accordance with policy E34 of the Broxtowe Local Plan.
15. To ensure flood risk issues are adequately addressed in the development of the site.
16. To protect the residents from excessive noise and in accordance with policy E34 of the Broxtowe Local Plan.
17. To reduce reliance on the use of the private car in the interests of congestion and the environment.
18. In the interest of highway safety and in accordance with policy T11 of the Broxtowe Local Plan.
19. In the interest of highway safety and in accordance with policy T11 of the Broxtowe Local Plan.
20. No such details were submitted and in the interests of the residential amenity of local residents, and in accordance with Policy E1 of the Broxtowe Local Plan (2004).
21. To ensure that all retained trees are suitably protected during construction of the development.
22. To prevent light pollution and unnecessary glare and in accordance with the aims of Policy E1 of the Broxtowe Local Plan (2004).
23. To reduce reliance on the use of the private car in the interests of congestion and the environment and in accordance with Policy T11 of the Broxtowe Local Plan (2004).
24. To allow all of the floor space to be given over to food retailing would adversely affect the viability and vitality of the town centre.

Summary of policies and of reasons for decision :

The proposal generally accords with the objectives of PPS1 (Delivering Sustainable Development), PPS6 (Planning for Town Centres), PPG13 (Transport), PPG 16 (Archaeology and Planning) and Local Plan Policies S2a, S1, E1, E2, E29, E34, T1 and T11, and in the opinion of the Local Planning Authority there are no other material considerations of compelling weight that indicate the decision should be taken at variance with these policies. The Local Planning Authority has considered all representations made in response to the application and all the material considerations listed in the committee report. In the determination of this application the Local Planning Authority has also had regard to the Beeston Town Centre Plan (2008) and Greater Nottingham Retail Study (2008) in respect of retail matters and to the proposed capacity improvements to the Station Road/Middle Street junction.

Note to Applicant

1. This permission relates only to the scheme as amended by drawing numbers 3653.TSK30P and 3653.TSK25L received by the Local Planning Authority on 8 May 2009 and 9 December 2008 respectively and as supplemented by the additional Transport Assessment dated April 2009 and drawing number 3653.TSK34 received by the Local Planning Authority on 28 November 2008.
2. This permission shall be read in conjunction with the Section 106 Agreement dated 14 October 2009 and reference should be made thereto.
3. The applicant is advised to contact the NET office prior to the commencement of any highway works to investigate the possibility of incorporating any necessary works or diversion of services to the Station Road/Middle Street junction, that would be required by NET in conjunction with the construction of Phase 2 of the NET system.
4. In order to carry out the off-site works required, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you need to enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council at an early stage. You are also advised to contact Nottinghamshire County Council regarding any potential amendments to existing traffic regulation orders.
5. Advice regarding travel plans can be obtained from the Travel Plan Officer at Trent Bridge House, Fox Road, West Bridgford, Nottingham, NG2 6BJ. Tel: 0115 9774570.
6. It is an offence under Sections 148 and 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. Please note Condition 18 in this regard.
7. The proposed development may require a Stopping-up Order. No part of the development permitted or any temporary works being undertaken in relation thereto shall obstruct the public highway until an Order has been secured. Applications should be made to the Government Office for the East Midlands (GOEM).
8. The applicant is advised that a public sewer crosses the site. Severn Trent Water Limited advise that no permanent structure should be constructed within 3m of this sewer and therefore the applicant may wish to divert the sewer in accordance with Section 185 of the Water Industry Act 1991 or for a Building Over a Public Sewer Agreement.



Authorised Officer

Date: 14 October 2009

Attention is drawn to the notes enclosed