

BROXTOWE BOROUGH COUNCIL

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990

Application submitted by :
Planning Perspectives
25 Bruton Street
London
W1J 6QH

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

Applicant : **Ing Real Estate Development**
File Reference : **03/00223/OUT**
Proposal : **Proposed foodstore, petrol filling station, customer and staff car park, new vehicular access and highway improvements and associated development**
Site Address : **Land Between Station Road, Middle Street, Acacia Walk & Union Street. No.28 High Road, The Cow Public House, Middle Street Beeston Nottingham**

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. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be commenced either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. (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
 - 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.
4. Before any development commences in respect of each of the following separately identified parts of the scheme, detailed drawings and particulars showing the following shall be submitted to and approved by the local planning authority:

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In respect of the store and petrol filling station

- (a) the design and external appearance of all buildings;
- (b) the particulars of the materials to be used in the facing of the external surfaces of all buildings;
- (c) details of cycle routes;
- (d) details of CCTV equipment
- (e) proposed lighting details.

In respect of the employment centre building

- (f) the siting design and external appearance of the building(s);
- (g) the particulars of the materials to be used in the facing of external walls and roofs;
- (h) details of access and parking facilities

In respect of the BOBA building

- (i) the design and external appearance of all buildings;
- (j) the particulars of the materials to be used in the facing of the external surfaces of all buildings.

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

5. Vehicle movements, delivery services or despatch of goods within the service delivery yard and deliveries of fuel to the petrol filling station shall only be permitted between the hours of 7.00 am. and 11.00 p.m. Monday to Saturdays and 9.00 a.m. and 6.00 p.m. on Sundays.
6. a) No part of the development hereby approved shall be commenced until a comprehensive analysis of air quality has been carried out and a report submitted to and approved in writing by the local planning authority. The report shall have regard to the pollutants referred to in the air quality regulations and the effect this development will have on standards therein. The report shall include details of any necessary measures to be taken to address any identified problems;
b) all recommendations shall be fully implemented in accordance with the agreed and approved details.
7. a) No building to be erected pursuant to this permission shall be brought into use until a noise assessment has been completed and approved in writing by the local planning authority, and
b) all recommendations shall be fully implemented in accordance with the agreed and approved details.
8. 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
 - (c) proposed hard standing treatment
 - (d) planting, seeding/turfing of other soft landscape areas
9. 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 5 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.
10. The store shall not open to customers until the parking/access/servicing facilities 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/access/servicing in connection with the development.

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11. No building to be erected pursuant to this permission shall be first occupied or brought into use until all the off-site highway works as listed below have been constructed to the satisfaction of the local planning authority.
 - a) Proposed means of access and improvements to the Station Road/Middle Street junction as indicated in principle on drawing 46069/001C.
 - b) Alterations to Acacia Walk and Union Street as indicated in principle on drawing 3653.P10D.
 - c) Provision of a Puffin/Toucan crossing on Station Road in the vicinity of the pedestrian entrance to the store.
12. The erection of fencing for the protection of the preserved trees shall be undertaken in accordance with details to be submitted to and approved by the Local Planning Authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all 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.
13. Underground tanks and pipework associated with the petrol filling station should be double-skinned and fitted with interstitial monitoring. In addition facilities shall be installed for continuous stock monitoring and regular groundwater monitoring using boreholes suitably placed around the tank farm.
14. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
15. No development shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the local planning authority in consultation with the Environment Agency. The scheme shall be implemented in accordance with the approved details.
16. No development shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The scheme shall incorporate sustainable drainage principles and shall be implemented in accordance with the approved programme and details.
17. No building to be erected pursuant to this permission shall 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 agreed recommendation of the travel plan shall include details for monitoring and review and shall be implemented in full prior to the store being opened to customers.

Reasons :

1. To comply with S.92 of the Town and Country Planning Act 1990.
2. To comply with S.92 of the Town and Country Planning Act 1990.
3. In the interests of public health and safety.
4. The application was submitted in outline only and no such details were provided and in accordance with the aims of Policy SH2 and EV13 of the Adopted Broxtowe Local Plan (1994).
5. In the interests of the amenities of nearby residents.
6. In the interests of minimising air pollution.
7. To minimise the emission of noise in the interests of the amenities of nearby residents.

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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 EV13 of the Adopted Broxtowe Local Plan (1994).
9. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy EV13 of the Adopted Broxtowe Local Plan (1994).
10. To ensure adequate parking/access/servicing is available within the site in the interests of highway safety and amenity and in accordance with Policy TR7 of the Adopted Broxtowe Local Plan (1994).
11. In accordance with the terms of the application and in the interests of highway safety and in accordance with Policy TR7 of the Adopted Broxtowe Local Plan (1994).
12. To ensure the existing trees protected by a Tree Preservation Order are not adversely affected and in accordance with Policy EV18 of the Adopted Broxtowe Local Plan (1994).
13. To ensure that petroleum product is not being lost from the facility and to limit the risk to surface and ground water quality in the area.
14. To prevent pollution of the water environment.
15. To prevent pollution of the water environment.
16. To prevent the increased risk of flooding.
17. To reduce reliance on the use of the private car in the interests of congestion and the environment.

Summary of policies and of reasons for decision :

The proposal generally accords with the objectives of Policy S2 of the adopted Broxtowe Local Plan and Policy SH2 of the Broxtowe Local Plan Review Revised Deposit Draft, and in the opinion of the Local Planning Authority there are no other material considerations that indicate the decision should be taken at variance with these policies.

Note to Applicant

1. Please note that this permission has been granted contemporaneously with an agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
2. For guidance on the requirements of Condition nos. 3 and 6 the applicant is advised to contact the Council's Environmental Health Officers.
3. This permission relates only to the application as amended by the revised plans received by the local planning authority on 28 June 2004.



Authorised Officer

Date: 7 July 2004