

Report to Planning applications committee
Date 8 May 2014
Report of Head of planning services
Subject Application nos 13/01928/F Land and Buildings rear of And including 293 - 293A Aylsham Road Norwich

Item
4(2)

SUMMARY

Description:	Demolition of existing buildings and redevelopment of site to construct a new foodstore with associated landscaping and car parking. Reconfiguration of site access and highway works to accommodate. Technical update relating to changes in requirements for contamination, drainage, access designs, travel plan bond planning obligation, and conditions.
Reason for consideration at Committee:	Changes to committee's current resolution of 06 February 2014.
Recommendation:	Approve
Ward:	Catton Grove
Contact Officer:	Rob Parkinson Senior Planning Officer 01603 212765
Valid Date:	26th November 2013
Applicant:	Mr Michael Goff, Goff Petroleum.
Agent:	Mr Mark Camidge, Chaplin Farrant.

INTRODUCTION

The Site

1. The site is the former car showroom and heating oil storage and distribution depot located on the east side of Aylsham Road (A140) and is surrounded by residential, commercial, retail and entertainment uses. The site has been used for storage and distribution of heating oil since the 1960s. The rear part of the site accommodates fuel storage tanks, parking for a fleet of delivery vehicles and administrative and support facilities, whilst the frontage to Aylsham Road currently stands empty. In recent years the area to the south of the showroom has been used for car and van sales / hire.

Relevant Planning History

08/00823/O - Proposed mixed use development comprising 88 No. residences and 8,000 sq.ft. A2/B1 office space. (APPROVED - 31/03/2009)

11/00877/RM - Reserved matters of appearance, landscaping, layout and scale for previous planning permission 08/00823/O 'Proposed mixed use development comprising 88 No. residences and 8,000 sq. ft. A2/B1 office space.' Revised details. (APPROVED - 05/04/2012)

12/00441/D - Details of condition 11 – remediation method strategy for site contamination, of previous planning permission 08/00823/O 'Proposed mixed use development comprising 88 No. residences and 8,000 sq.ft. A2/B1 office space'. (APPROVED - 21/09/2012)

Note – this was 'part-approval' only of the former Condition 11, as the site contamination works still needed to be carried out, and a remediation works verification/validation plan and monitoring programme remain outstanding.

13/01928/F – The current proposals were considered by planning committee on 06 February 2014. Committee considered the application should be approved subject to completion of the necessary Section 106 Agreement and resolution of certain conditions and planning obligations. The two planning committee reports (both the original and the 'supplementary report part 1') are available alongside the minutes of the meeting of 6th February 2014, at: <http://www.norwich.gov.uk/CommitteeMeetings/Planning%20applications/default.aspx?InstanceID=168>

The Proposal

2. To demolish all the buildings on the site south of the Smith and Pinching offices, and redevelop with a 1 to 2-storey supermarket built towards the site frontage with 200 car parking spaces behind and to the south of the store. A customer access drive is proposed along the south boundary and delivery / servicing access to the north. The layout of the development is shown in a plan attached to this report.
3. This committee approved the proposals on 06 Feb, 2014 , subject to certain matters being agreed by delegated powers. The Committee is now requested to consider only certain technical matters that have arisen during discussions over matters of detail.
4. The original proposals have not changed and no public consultations have been necessary. The issues presented are technical and linked to planning conditions for:
 - Contamination remediation strategy;
 - Surface water drainage strategy;
 - Southern / customer access drive designs;
 - Landscaping, tree protection and street trees requirements;
 - Travel Plan Bond within planning obligations.

Representations Received

5. No additional public representations have been received since planning committee considered the proposal on 06 February 2014.

Consultation Responses

6. **County Council as Highways Authority** – Agree the revised southern access plan; confirmed the requirement and validity of including a Travel Plan Bond to the

value of £75,000 as a planning obligation in the Section 106 Agreement.

7. **Local Transport Planner** – Agree the revised southern access plan.
8. **Environment Agency** – Reiterate the advice of their original consultation response (20.12.13) that a surface water drainage scheme needs to be confirmed based on further assessment of the site's ground conditions and infiltration rates. The preferred solution should be via sustainable drainage using attenuation and infiltration, but any proposed non-infiltration scheme should be able to demonstrate a reduced run-off rate into the Anglian Water sewer network. The Flood Risk Assessment has demonstrated that either scheme should be able to work, but the finer details of the drainage system and appropriate management of the SUDs system should still be confirmed by condition.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

The following adopted policies relate to the updated technical matters only, as the full range of relevant policies were discussed at the original planning committee.

National Planning Policy Framework (NPPF) (March 2012):

Paragraph 14 – Presumption in favour of sustainable development

Paragraphs 203-206 – Planning conditions and obligations

Section 4 – Promoting sustainable transport

Section 7 – Requiring good design

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 – Conserving and enhancing the natural environment

Saved Policies of the Adopted Norfolk Structure Plan (October 1999):

T.2 - Transport - New Development

Policies of the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted January 2014*) (*previous interim adoption March 2011)

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 6 – Access and transportation

Policy 7 – Supporting communities and protecting quality of life

Policy 20 – Implementation

Relevant saved policies of the adopted City of Norwich Replacement Local Plan (2004):

NE4 – Street trees to be provided by developers

NE9 - Comprehensive landscaping scheme and tree planting

HOU6 - Contribution to community needs and facilities by housing developers

EP1 - Contaminated land

EP16 - Water conservation and sustainable drainage systems

EP17 –Protection of watercourses from pollution from stored material, roads & car park

EP22 - High standard of amenity for residential occupiers

TRA3 – Modal shift measures in support of NATS

TRA5 - Approach to design for vehicle movement and special needs

TRA10 – Contribution by developers for works required for access to the site

TRA12 – Travel Plans for employers and organisations in the city

TRA14 - Enhancement of the pedestrian environment and safe pedestrian routes

Supplementary Planning Documents and Guidance

Trees and Development (Adopted September 2007)

Other Material Considerations

The Localism Act 2011 – s143 Local Finance Considerations

Contamination and remediation requirements

9. The original committee reports described in detail the nature of contamination on site, the expectations of the Environment Agency for its remediation, and the works undertaken to date by the applicant over the last 18 months or so.
10. There are two types of contamination at the site: subsurface contaminants within the near-surface soils, and 'floating product' pollutants. The former exists from previous uses at the site and was closely associated with oil storage and underground storage tanks, for example. The latter was present in a state that can be crudely described as 'floating' above the groundwater and which moves up/down with rising/falling groundwater levels (known as the 'smear zone'). As a result, the pollutants fell into contact with the groundwater and have been partly dissolved. There remains a risk that some of the smear zone pollutants could enter the groundwater in its dissolved phase, and there has been some debate about where the dissolved phase extends to and the migration patterns of the groundwater, but a partially-agreed remediation strategy is at least underway.
11. The contamination within the near surface soil is not thought to have migrated or permeated to depth, but there is potential for the new development to create such linkages or routes through the subsurface to the groundwater. The remediation method statement prepared and agreed for the previous permission at the site (approved under application 12/00441/D) is considered appropriate to treat the near-surface contamination, and it is proposed to use conditions to require this work to be undertaken as a part of this development. This intention was clear within the previous report but the conditions within the committee's resolution were left to delegated powers to resolve. For the avoidance of doubt, Committee is recommended to endorse the use of new planning Condition 4.
12. The applicant has acknowledged the approved remediation strategy to be applicable and transferrable from the previous consent to this new supermarket permission, and the process should not detract from the value of the works undertaken to date. However, there still needs to be an agreement for validation / verification of the remediation, and monitoring its success, which remains outstanding. This is carried forward through proposed new Condition 15. Condition 16 will require the subsoil remediation strategy to be completed and a verification report to be provided and approved. Condition 17 will require a long-term programme of monitoring the sub-soil contamination.
13. In the previous committee reports most of the emphasis on the conditions concerning contamination was placed on the unresolved and ongoing requirements to agree a contamination remediation scheme for the floating product, groundwater and 'smear zone' pollutants. Whilst treatment works are ongoing, the final parts of this remediation programme are still not quite resolved, and again the details of a scheme required for verifying / validating the remediation of groundwater floating product, and associated monitoring programme, remaining unresolved. This

intention was also clear within the previous report but the conditions within the committee's resolution were left to delegated powers to resolve. For the avoidance of doubt, the proposed new conditions 18 (groundwater remediation strategy), 19 (groundwater remediation verification report), and 20 (groundwater contamination monitoring programme) all refer. Condition 21 is a precautionary condition for remediating any unknown contamination.

Surface water drainage strategy

14. The original committee report described how the scheme needed to confirm its proposed drainage strategy, based on the results of infiltration testing and eventual treatment of contamination on site. The preferred option which is agreed by the applicant is for the surface water to drain to a large soakaway and infiltrate into groundwater if the soil conditions and infiltration rates allow.
15. The report stated that it is necessary to resolve the drainage strategy and associated management and maintenance regimes by planning condition, prior to the commencement of development, but the committee's resolution did not actually include this condition. Committee is therefore recommended to endorse the use of new planning Condition 22.

Access road design

16. The initial proposals included an access into the site at the southern boundary which the highways authority and transport planner considered to be acceptable from a vehicle safety perspective but which was not ideal in terms of providing improved connections with the surrounding area, providing optimum pedestrian safety and promoting convenient pedestrian access into the site. Planning committee subsequently resolved that this southern access drive required revising through planning conditions to address the shortcomings.
17. A revised design for this southern access has now been submitted, showing a raised table which extends only to the back of the rebuilt footpath, with a pedestrian refuge between the access and egress points. This slows vehicle speeds when leaving the site to provide safety for pedestrians and maintains visibility of pedestrians, and improves the sense of priority for footpath users because only the raised footpath extends across the access. No other highways changes have been made from those originally 'approved'.
18. Both highway authority and transport planner approve of the revisions and agree that they meet the expectations of planning committee. See new planning Condition 30.

Car Park Landscaping, tree protection and street trees requirements

19. The car park perimeter will continue to receive additional landscaping over what was shown previously, and there will be some small 'pockets' of trees dotted around the large parking areas. However, the trees that are proposed to be retained do need some protection measures to be in place during development. It is important for this and a specification of the tree pit growing medium for the two street trees in the adopted highway to be confirmed within the overall landscaping condition requirements. New planning conditions 3 and 23 refer.
20. The emphasis of the former landscape requirements will remain: It is still not acceptable to continue with only the minimal planting proposed to date, because this neither adequately screens the development from neighbouring residents, nor

provides a soft enough edge to the site, nor replaces the tree biomass lost, nor enhances the ecological corridor required for development of this site. Planning conditions will rectify this shortcoming.

Travel Plan and Performance Bond

21. A Travel Plan is included within the application and will be required to be implemented by planning condition. The County Council will monitor the travel plan use but advised that a performance Bond would be expected from the applicant to the value of £75,000, to allow the County Council to secure the Travel Plan's 5-years' worth of sustainable travel commitments if not fulfilled by the foodstore operator.
22. Planning committee's previous resolution to approve the proposals was subject to clarification between the Head of Planning and Highways Authority regarding which mechanism would be used to secure the Travel Plan Bond. Since then it has been confirmed the Bond will be secured through the Section 106 Agreement.

Refuse and servicing management plan

23. The previously-approved use of a condition to agree a refuse and servicing management plan is no longer considered necessary because the requirements to be a 'good neighbour' in this respect are already addressed by proposed Conditions 10, 11, 12 and 13. Consequently former condition 36 in the minutes of the last committee is removed.

Local Finance Considerations

24. There are no changes to local finance considerations as a result of these amendments.

Planning Obligations

25. The Section 106 Agreement will now contain both street tree contributions and the travel plan performance bond to ensure fulfilment of the travel plan in the event the applicant does not meet their stated targets.

Equality and Diversity Issues

Age and Disability

26. The southern access revisions will ensure the proposals improve access to the store for pedestrians with mobility restrictions or infirmity, particularly so when promoting links to existing local facilities.

Conclusion

27. The technical changes clarify expectations for the applicant and confirm previously-delegated requirements. The contamination works required at the site are possibly more exacting than the applicant would like them to be, but are necessary, proportionate and relevant to the development and are required to prevent linkages developing between contaminants and groundwater contamination. The southern access has been much improved now, and as a result will promote vitality and vitality of the district centre, and convenient access and improved safety for pedestrians. The travel plan performance bond will secure sustainable transport measures in the development's operation, whilst landscaping and tree protection requirements, and drainage expectations, are clarified. As such the proposals further enhance the scheme and bolster the committee's original resolution to

approve the development proposals, and should be approved subject to the revised recommendation below.

RECOMMENDATIONS

To approve Application No. 13/01928/F: Land and buildings rear of and including 193-193A Aylsham Road, Norwich, and grant planning permission, subject to:

(1) the completion of a satisfactory S106 agreement by 23 May 2014, to include the provision of contributions to street tree provision and maintenance, and a Travel Plan performance bond to the value of £75,000, and subject to the following conditions:

Implementation and construction requirements

1. Development to commence within 3 years;
2. Development to be in accordance with the approved plans and documents;
3. Tree protection measures during development;
4. Construction works on the foodstore shall not commence until the site has been subjected to the contamination remediation methods strategy for sub-soil and near-surface contamination within the method statement approved through application 12/00441/D, to the written approval of the Local Planning Authority in consultation with the Environment Agency, unless otherwise first agreed in writing by the LPA.

Operational requirements of the supermarket / foodstore

5. The development shall provide a maximum of 2,117sq.m. net retail floorspace, of which no more than 423sq.m. / 20% floorspace shall be used for comparison goods sales, whichever is the greater;
6. There shall be no future subdivision of the retail store into smaller units;
7. There shall be no mezzanine floorspace added to the store, even through the usual permitted development allowance of 200sq.m;
8. There shall be no use of the comparison goods floorspace separately from that of the main retailer or as a separate unit / via a separate entrance;
9. Opening hours restriction of 0700 – 2300 hours Monday – Friday, and 0900 – 1800 Saturday, and 1000 – 1700 Sundays and Public Holidays, and outside of those times there should be no trolley manoeuvring or other servicing in the general car park;
10. No servicing and reversing alarms to be used on delivery and servicing vehicles, and details of reverse warning system to be agreed by the LPA prior to first use;
11. All engines to be switched off in delivery / servicing vehicles and auxiliary motors (e.g. on fridges) when vehicles are stationary;
12. Loading and servicing to only take place in the designated delivery yard accessed from the northern access route only, and all deliveries and loading to take place directly into the delivery bay collection area, unless otherwise agreed in writing by the LPA;
13. No deliveries to the store (with the exception of daily newspapers), nor refuse disposal from the store to take place outside the hours of 0700-2000 Monday – Saturday, and 1000-1700 hours on Sundays / Bank Holidays.
14. Upon first use of the store, the Travel Plan to be implemented and carried forward.

Details to be agreed prior to commencement of development

15. Contamination of subsoil -
 - (a) Details of a proposed verification plan for the remediation method statement for sub-soil / near-surface contaminants approved in application 12/00441/D needs to be agreed, to confirm the details of the data that will be collected in order to demonstrate that the works set out in the 12/00441/D remediation strategy are complete. (b) Details need to be agreed for a proposed scheme for providing monitoring of the remediation strategy, maintenance of the remediation, and a contingency plan.
16. Contamination of subsoil – contamination works to be completed and a verification report based on Condition 15(a) shall be submitted to and approved in writing by the LPA in consultation with the Environment Agency. Details to include results of sampling and monitoring agreed by Condition 15(a) pursuant to the remediation method statement required by Condition 4.
17. Contamination of subsoil – (a) the long-term monitoring system agreed under Condition 15(b) shall be commenced and thereafter monitoring reports shall be supplied; (b) on completion of monitoring, a final report shall be submitted and approved.
18. Contamination of groundwater / floating product / dissolved phase – A remediation strategy to be agreed, to include (a) a preliminary risk assessment, (b) a site contamination investigation scheme, (c) a remediation method statement, and (d) a verification plan to include remediation monitoring, maintenance and arrangements for contingency action arising despite the use of the remediation strategy agreed by 18(c);
19. Contamination of groundwater / floating product / dissolved phase – contamination works to be completed and a verification report submitted to and approved in writing by the LPA in consultation with the Environment Agency. Details to include results of sampling and monitoring agreed by Condition 18(d);
20. Contamination of groundwater / floating product / dissolved phase – (a) a long-term monitoring system shall be agreed; (b) monitoring reports shall thereafter be supplied; (c) on completion of monitoring, a final report shall be submitted and approved.
21. General contamination – A precaution measure used to agree a scheme for remediation of in the event of discovering any unknown contamination;
22. Surface water drainage scheme to be agreed and provided;
23. Landscape plan, boundary treatments, tree planting and irrigation details to be agreed and provided, and landscape management details to be agreed;
24. Biodiversity enhancement measures to be agreed and provided;
25. Details of materials of the supermarket to be agreed;
26. Details of the materials of the substation and sprinkler tanks to be agreed;

Details to be agreed and provided prior to first use / occupation

27. Details of solar panels to be agreed and provided thereafter;
28. A scheme for fire hydrants to be agreed and provided thereafter;
29. Submit and agree a revision to on-street parking controls (including more double-yellow lining to prevent on-street parking causing congestion) and relocation of the existing bus stop, and provide thereafter;
30. Highways and access works to be designed in detail, to be based on the designs shown on approved plan 12/239/TR/004 Revision H, dated 24.04.2014 and received 01.04.2014): (a) enhanced safety of the existing pedestrian refuge crossing south of the site; (b) providing the southern access into the site featuring both a pedestrian refuge and a 'raised table' crossing; and (c) the raised reinstatement of the footpath and a shared-surface access drive from

- Aylsham Road into the north of the site for servicing and delivery vehicles;
31. (a) An access scheme to be designed for serving allocated housing site R23 to the north; (b) such land to be reserved for that future access thereafter.
 32. CCTV positions, detail, appearance and their field of view;
 33. External lighting scheme, including being wildlife-friendly and compatible with neighbouring residential amenity;
 34. (a) Employee cycle store and security lighting, and (b) Visitor / shopper cycle racks;
 35. Car parking management plan to include a minimum 3 hours free car parking for the public irrespective of shoppers' patronage;
 36. There shall be no installation of any plant or machinery, flues or fume extraction or ventilation equipment until the type and location and noise characteristics are agreed;

Informative Notes

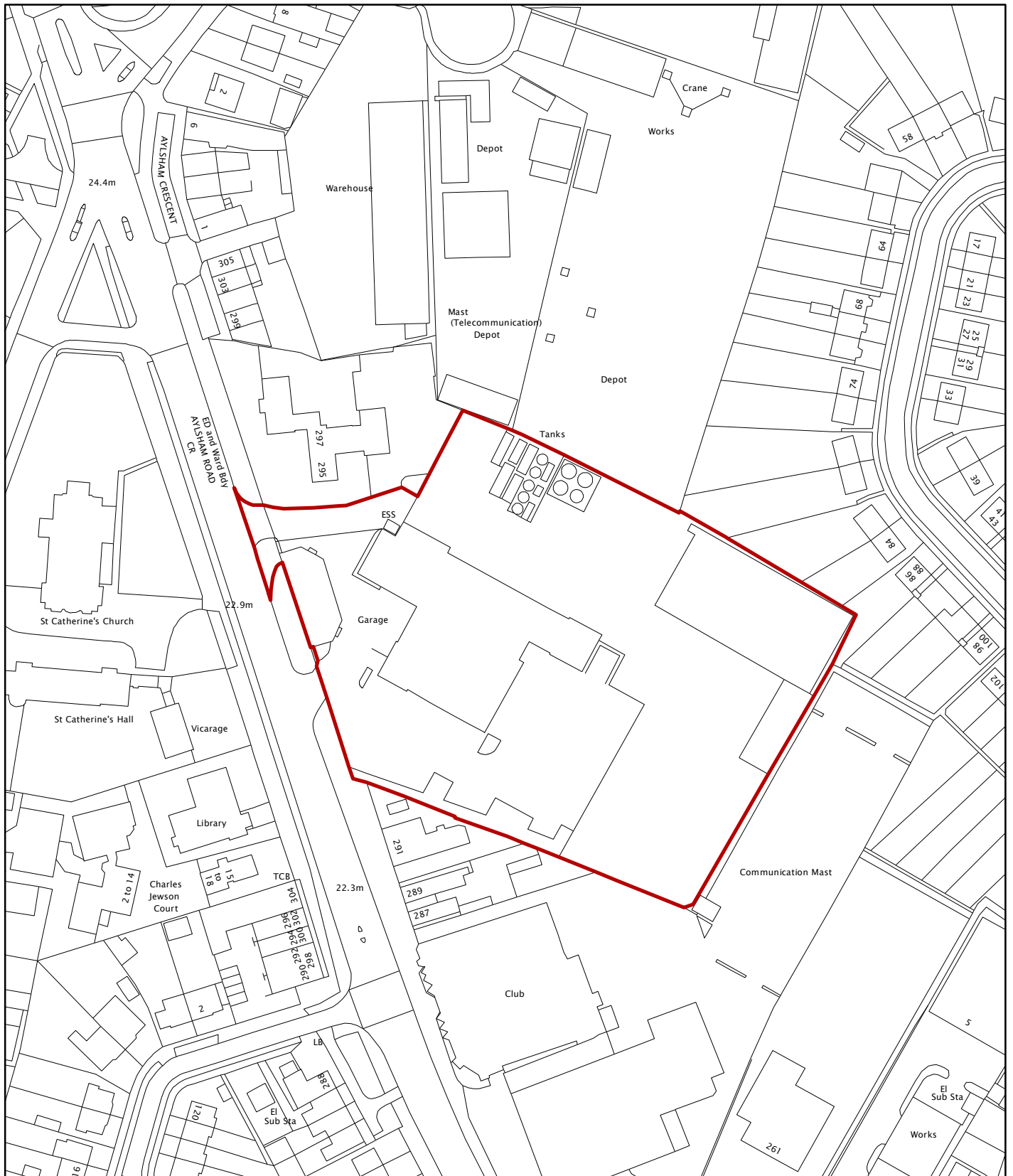
1. Planning obligation and Section 106 Agreement advice;
2. CIL advice;
3. Tree protection measures advice;
4. Sustainable urban drainage system advice from the Environment Agency;
5. Design advice from Norfolk Constabulary;
6. Construction good practice advice.

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations. Following negotiations with the applicant and subsequent amendments, including extensive discussions, negotiations and amendments at the pre-application stage, the application has been approved subject to appropriate conditions, fulfilment of the Section 106 legal agreement, and for the reasons outlined in the planning applications committee report.

(2) if a satisfactory S106 agreement is not completed prior to 23 May 2014, that authority be given to the Head of Planning Services to refuse planning permission for Application No. 13/01928/F: Land and buildings rear of and including 193-193A Aylsham Road, Norwich, for the following reason:

In the absence of a legal agreement or undertaking relating to the provision of street trees and a travel plan bond arrangement, the proposal is unable to provide the necessary street trees to replace those lost as part of the development and to form part of the streetscape landscaping required to make the scheme acceptable, and is unable to ensure the scheme will fulfil its travel plan requirements to ensure the scheme is as sustainable as possible and able to satisfactorily promote travel to the site via non-car means of transport, and as such is contrary to saved policies NE4, NE9, TRA12 and HOU6 of the adopted City of Norwich Replacement Local Plan (2004) and policies 4 and 11 of the adopted Joint Core Strategy (2014).



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Planning Application No 13/01928/F

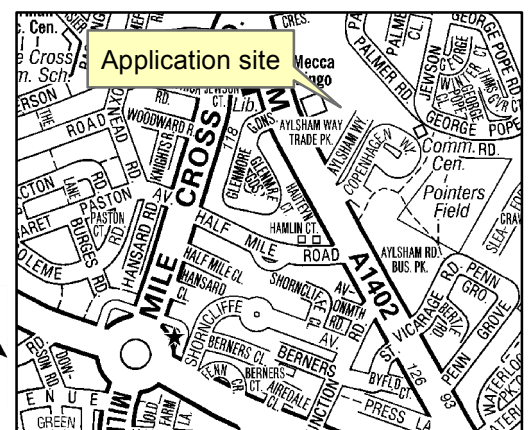
Site Address Former Goff Petroleum,
Aylsham Road

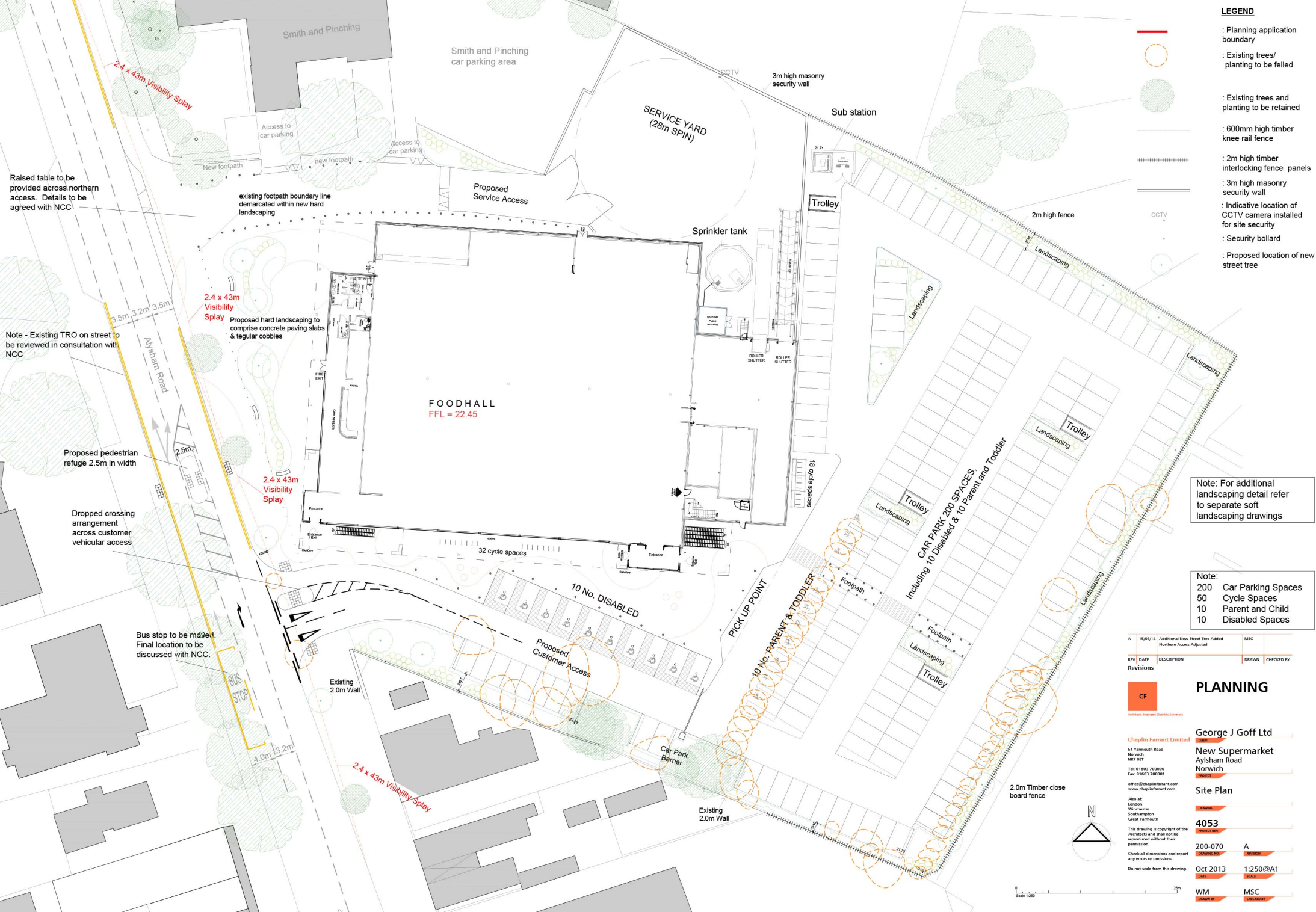
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NORWICH
City Council

PLANNING SERVICES





- LEGEND**
- : Planning application boundary
 - : Existing trees/ planting to be felled
 - : Existing trees and planting to be retained
 - : 600mm high timber knee rail fence
 - : 2m high timber interlocking fence panels
 - : 3m high masonry security wall
 - : Indicative location of CCTV camera installed for site security
 - : Security bollard
 - : Proposed location of new street tree

Note: For additional landscaping detail refer to separate soft landscaping drawings

- Note:
- 200 Car Parking Spaces
 - 50 Cycle Spaces
 - 10 Parent and Child
 - 10 Disabled Spaces

A	15/01/14	Additional New Street Tree Added Northern Access Adjusted	MSC	
REV	DATE	DESCRIPTION	DRAWN	CHECKED BY

Revisions

CF

Architects Engineers Quantity Surveyors

PLANNING

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200-070	A
Project No.	Rev
Oct 2013	1:250@A1
Date	Scale
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