

Planning Applications Committee: 4 September 2014

Updates to reports

Application no: 14/00911/F – Chapel at rear of Theatre Royal, Chantry Rd

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Clarification of report

Paragraphs 47, 48 – The applicant has **clarified the siting of the building**. The building will actually be separated by a gap of 8.1m to the gable of the Ishan mosque (not the 6.6m as reported), so any overbearing effect is further reduced.

Paragraph 56 – The extent of ‘**harm**’ **caused to the conservation area** is perhaps not as clearly presented as it could be. The NPPF requires any harm to the designated asset to be assessed in terms of significance (NPPF paragraph 132). As reported, the harm to the non-designated heritage asset (the building) is “total harm”, and the harm to the neighbouring locally-listed and listed buildings is “less than substantial” as their settings are not detrimentally affected, and the harm to the conservation area resulting from demolition is “less than significant”; there is little harm to the appearance and streetscape and the immediate environs of the site (and which forms part of a large conservation area).

The design benefits to the conservation area following the re-development are notable (by framing the street in east-west views and offering a more unified townscape in north-south views), but the NPPF (para 134) requires ‘less than substantial’ harm to be weighed against public benefits of the scheme. The new building’s design, scale, massing and materials will have a positive impact on the streetscape, will create a new activity space and will also increase footfall in the area, including in the evenings. Therefore in accordance with para 134 of the NPPF the public benefits of the scheme are considered to outweigh the “less than substantial harm” of the demolition.

Paragraph 65 – requiring **servicing** to take place only within the service yard was intended to protect residential amenity, but in fact there are existing loading bays on the south side of Chantry Road right beside the Chapelfield flats. As these restrictions are unaffected by the proposal, and are available for anyone to use, it is not considered reasonable to prevent on-street servicing for this relatively small development.

Change to recommended decision

Condition 21 is revised as below:

21. Servicing / loading shall not take place during 0000 and 0800 hours on any day and during such activities the HGV engines shall be turned off.

~~and loading / unloading shall only take place within the theatre's service yard.~~

Application No. 14/00401/VC - 293-293A Aylsham Road

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The applicant has requested that the application be withdrawn. A supporting statement from the applicant describes the reason for this decision, below:

“Goff Petroleum and supermarket operators Wm. Morrison in 2013 entered into a legal agreement for Lease containing a list of specific points which Morrison's define as “onerous conditions”. Agreement was sought and obtained from Wm. Morrison on changes to how in practice they intend to trade the store, with specific reference to opening hours, deliveries and short stay car parking. The applicant carried out all the evidence based research need to support these changes and a planning application was made. In early August 2014 we were made aware by Wm. Morrison's solicitors that they intended to challenge the applicant's view that the obligations in the Agreement had been met; it now transpires that unless Goff Petroleum satisfied the onerous conditions in full, it seems likely that Wm. Morrison will seek to terminate the Agreement.

As a result we now need to submit a new planning application which is legally compliant with the Agreement. We believe it would be wrong to take up Members valuable time on Thursday 4th September with an application which fails to meet these legally binding conditions.

My client is mindful of its role and responsibility it has as a long term employer and the excellent relationship it has with the City Council. We share the Council's view that Wm. Morrison would allow the district centre to be regenerated, and the significant investment and new jobs the new store would bring is vital to the immediate area.

We are now committed to providing additional data and hope that the Members will understand every effort is being made. Please accept our apology for this belated withdrawal.”

Members should note that the new planning application referred to above has been received and is now being consulted on. It is likely to be referred to the October Planning Applications Committee

Application no: 14/00633/F – land west of 27 Vulcan Road North

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Following further discussions with both the applicant and council's Environmental Protection Officers, it's recommended to grant greater flexibility in terms of the permitted operational hours of the business.

The applicant has set out a draft management plan that sets out some of the proposed measures that customers will need to adhere to in order to mitigate potential noise disturbance to neighbouring properties. This is a working document and will need to be conditioned to ensure efficacy.

The council's Environmental Protection Officer is satisfied that opening hours can be extended to be open no later than 9pm on any day, with 24 hour access being permitted to a restricted number of shipping containers (to be agreed as part of the site layout plan (condition 2)). The 24 hour containers will have to be positioned as far away from neighbouring properties as possible in order to minimise any disturbance. The final site layout plan will need to allow for dual circulation to prevent vehicles from driving in the western part and close to neighbouring properties.

Part of the noise management plan also proposes to permit 24 hour access to all containers under exceptional circumstances where access to the site would need to be pre-arranged and supervised by a member of the management team in accordance with the requirements of the management plan to be agreed under condition 8.

Additional and amended condition recommendations:

Condition 7 to be added: Development in accordance with plans (with the exception of layout plan to be agreed under cond 2).

Condition 8 to be added: A noise management plan must be submitted to and agreed by the LPA prior to use of the site and not altered unless with written agreement from the LPA.

Condition 2 to be amended: To require each shipping container to be allocated a number corresponding to the provision of 24 hour access.

Condition 4 to be amended: Opening hours restricted so that the site is not open to the public or for trade deliveries or collections, between the hours of 9pm and 7am on any day, unless access relates to a 24 hour storage unit as located on the layout plan approved under condition 2, or if access is pre-arranged and supervised in accordance with the management plan approved under condition 8.