

Report to Planning applications committee
Date 2 October 2014
Report of Head of planning services
Subject Application no 14/01288/VC Land And Buildings rear of
and including 293 - 293A Aylsham Road, Norwich

Item
4A

SUMMARY

Description:	Variation of condition 8, condition 12 and condition 34 of planning permission 13/01928/F to: extend the approved store opening hours from 0700-2300 Monday to Friday, 0900-1800 Saturdays and 1000-1700 Sundays and public holidays, to 0400-2300 Monday to Saturday and 1000-1700 Sundays and public holidays; and to vary the approved store delivery hours from 0700-2000 Monday to Saturday and 1000-1700 Sundays and public holidays, to allow unrestricted (24hr) deliveries on any day. Variation of store's car parking restrictions to allow free use on short-term basis (not necessarily 3 hours minimum). <ul style="list-style-type: none"> - Variation of the approved permission for a supermarket: permission 13/01928/F: 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.
Reason for consideration at Committee:	Objections Major Development
Recommendation:	Approved
Ward:	Catton Grove
Contact Officer:	Rob Parkinson Senior Planning Officer 01603 212765
Valid Date:	3 September 2014
Applicant:	Mr Michael Goff
Agent:	Mr Mark Camidge

INTRODUCTION

The Site

1. The application is a slightly-amended proposal of the extant permission for a supermarket development on the Goff Petroleum site on the east side of Aylsham Road, south of the Woodcock Road / Mile Cross Road / Aylsham Road junction. The supermarket will have an internal net trading floorspace of 2,117sq.m. and has a car park with 200 car parking spaces behind (east) and to the south of the store, with delivery access to the north.

- All site descriptions, constraints and contextual information can be seen in the appended committee report from 06 February 2014 (reference application 13/01928/F). Subsequent to 06 February 2014 some technical amendments including to contamination requirements were agreed by planning committee on 08 May 2014. The section 106 agreement and decision were issued on 12 June; the scheme should be commenced by 12 June 2017.
- The full report and meeting minutes from original permission 13/01928/F are available at:

<http://www.norwich.gov.uk/CommitteeMeetings/Planning%20applications/default.aspx?InstanceID=168>

- Neighbouring uses include both existing and anticipated residential development.

Planning History

See report referred to in para 3 above.

A recent proposal to amend the opening and delivery hours was made in June 2014, but the application was withdrawn immediately prior to its consideration by planning committee on 4 September 2014 (application 14/00401/VC). The applicant provided detailed reasons for withdrawing the application at that planning committee meeting; essentially the variations applied for at the time did not meet the changed requirements of their intended supermarket operator and the applicant did not want to confuse matters or take up Members' time with an application that would not be implemented. The committee report for 4th September can be viewed at:

<http://www.norwich.gov.uk/CommitteeMeetings/Planning%20applications/default.aspx?InstanceID=177>

Equality and Diversity Issues

There are no significant equality or diversity issues arising from the proposed amendments.

The Proposal

- To extend both the opening hours of the store, and the delivery / servicing hours, of the approved store, from those already approved by permission 13/01928/F, as below.

<i>Variations proposed</i>	FROM existing hours:	TO proposed hours:
Public Opening Hours <i>(Condition 8 of permission 13/01928/F)</i>	Mon – Fri: 07:00 – 23:00 Sat: 09:00 – 18:00 Sun & Public Holidays: 10:00 – 17:00	Mon – Fri: 04:00 – 23:00 Sat: 04:00 – 23:00 Sun & Public Holidays: 10:00 – 17:00 (no change)
Delivery / Servicing Hours <i>(Condition 12 of</i>	Mon – Fri: 07:00 – 20:00 Sat: 07:00 – 20:00 Sun & Public Holidays:	Mon – Fri: unrestricted (24hr) Sat: unrestricted (24hr) Sun & Public Holidays:

<i>permission 13/01928/F)</i>	10:00 – 17:00	unrestricted (24hr)
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Representations Received

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing, as have all previous members of the public who commented on the former applications 13/01928/F and 14/00401/VC.

The public consultation period ends on 1st October. At the time of writing, one letter of representation for this application (14/01288/VC) had been received, although two letters had previously been received for previous amendments to hours of use (application 14/00401/VC), all citing the issues as summarised in the table below.

Issues Raised	Response
A first floor flat in an adjoining premises will be affected by noise, especially when windows are opened for ventilation and background noise levels are lower in the evenings. 4am deliveries are too early.	See paragraph 21-37.
The noise created by extended opening hours and 24hr deliveries will adversely affect residents in Palmer Road.	See paragraph 21-37.
Extended hours on Saturday will lead to additional traffic congestion and increase noise levels in the area.	See paragraphs 11-20.
Deliveries before 7am are unacceptable in a residential area and 4am is unacceptable and between 8pm-11pm are disruptive to residents.	See table at paragraph 10 and paragraphs 21-37.

Consultation Responses

Environmental health – no objections.

7. The noise from extended opening hours will not be inconsistent with the character of the area. The predicted noise levels from customers' use of the store takes into account the noise of trolleys relating to the individual trolleys used by each customer, rather than the noise generated by store personnel rounding up and returning large volumes of trolleys from around the car park. If the variation is granted the resultant condition 8 should be altered to restrict the trolley collection/car park servicing such that it is prevented during the night time hours of 2300-0700, so protecting residential amenity.
8. The predicted noise generated by the unloading activities is low and certainly well below the level likely to cause any discernable disturbance. The predicted noise generated by the HGV delivery lorries is a little higher, and slightly higher than existing environmental / background noise, but is unlikely to be noticeable as the noise is not intrusive and is very short-lived. All noise created will still be within World Health Organisation guidelines.

Strategic highway authority – no objections.

9. **Local Highway Authority:** No objections. The deliveries will ease congestion on the major road network if they can operate further outside peak hours, and extended opening hours will ease traffic flows at peak times. The potential to vary the allowable duration of free parking can be discussed through the car parking management plan when agreeing the details of conditions; so long as the free parking applied to all irrespective of patronage, the highways authority would be happy with free parking being for only 2 hours maximum.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

The proposed amendments concern issues that were considered through the original planning committee meeting, and the development plan and national guidance have not altered since. All relevant policies pursuant to the permission are detailed within the former planning committee report. The most relevant policies related to the proposed change in operating hours and car park stay duration / management only are:

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

Section 1 – Building a strong, competitive economy
Section 2 – Ensuring the vitality of town centres
Section 4 – Promoting sustainable transport
Section 8 – Promoting healthy communities

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

Policy 5 – The economy
Policy 6 – Access and transportation
Policy 7 – Supporting communities and protecting quality of life
Policy 9 – Strategy for growth in the Norwich Policy Area
Policy 12 – Remainder of Norwich area
Policy 19 – The hierarchy of centres

Saved Policies of the Adopted City of Norwich Replacement Local Plan (November 2004):

EP22 - High standard of amenity for residential occupiers
EP5 – Air pollution emissions and sensitive uses
SHO12 – Retail development in District or Local Centres
TRA3 – Modal shift measures in support of NATS
TRA6 - Parking standards - maxima
TRA8 - Servicing provision

Impact on Neighbours

10. Distances from the main points of noise are shown in the table below. None of the distances shown are considered so close as to make extended opening hours or unrestricted delivery hours become detrimental to the amenity of occupants,

provided that controls on trolley use are used.

The locations described are marked on a layout plan attached to this report at Appendix 1. Locations D, E and F are considered the noisiest areas of the new development, where vehicles are manoeuvring, idling or opening / shutting car doors.

<i>Locations identified on the plan at Appendix 1.</i>	Distance from centre of proposed delivery yard on N. side of the store. <i>Location D.</i>	Distance from south access into the site, at the egress point of cars having to wait. <i>Location E.</i>	Distance from centre aisles of car park at rear. <i>Location F.</i>
Flats above shops to the south (291 Aylsham Road). <i>Location A.</i>	Approximately 90m, and the store stands between the yard and neighbours.	Approximately 27m, from central egress line to centre of building.	Approximately 75m.
Houses on Palmer Road (not gardens) facing towards the site from the east. <i>Location B.</i>	Approximately 85m at the closest point.	Approximately 152m at the closest point.	Approximately 55m at the closest point.
Proposed residential development site to north, from Arminghall Close (proposed site allocation R23). <i>Location C.</i>	Adjacent.	Approximately 105m.	Approximately 75m.

Transport and highway capacity

11. The proposed amended opening hours (to allow opening between 04:00 – 23:00 Monday-Saturday) are not incompatible with the activities of the area and this is a major trunk road which such development and traffic should be using. As traffic loads will potentially be dispersed for longer throughout the day rather than being concentrated in peak hours, the risk of congestion is lower and thus the general flow of traffic will improve.

12. The former planning committee report discussed how most of the trips made to the supermarket will be from 'diverted' journeys drawn away from the existing trade of the Hellesdon Asda and Sprowston Tesco, most of which are made at peak hours anyway. There is no reason to believe that extending the store opening hours will bring so many additional journeys to the site at a time which the highway network could not accommodate.
13. The applicant has provided a noise assessment linked to a transport assessment that has accounted for traffic movements, taking base data from the national TRICS traffic flow database as used for the original Transport Assessment, and taking derived car parking figures accordingly, to create an average value based over several days of survey data at similar stores.
14. In effect, the additional 3no. earlier public opening hours on weekday mornings between 4am - 7am will be largely unnoticed; whilst the number of shoppers using the site would be increased, the applicant's submission predicts only 17 vehicle movements per hour between 4am - 7am. Activity increases from 7am, with the trips to the store numbering 195 vehicle movements during the general peak hour traffic flow between 0800-0900, rising to 398 vehicle movements between 1200-1300, before dropping slightly and then rising again to 399 vehicle movements between 1700-1800.
15. Whilst the earlier Saturday morning hours and later Saturday evening hours (04:00 – 23:00) will in theory bring people into the site at quieter periods, it is in practice unlikely to create a noticeable impact as the great majority of shopping events will still occur within the already-permitted hours anyway. Although some car visits could be noticeable to neighbouring residents if using their gardens, the proposals would not change shopping patterns to such an extent as to cause an unacceptable change to living conditions or highway safety.
16. In terms of amending the permitted hours of free use of the car park, there are no highways concerns to allow this to be varied. Highways officers would prefer to see a cap on the maximum length of free parking (which is expected) to prevent long-stay events, which would be in the interests of the developer anyway; the highways authority recommends a maximum two hours free parking. However, this approach is concerned only with traffic flows, and a balance must be struck with ensuring that shoppers to the wider district centre are encouraged to make convenient linked trips, which was a core element of the original permission. This will still be possible if a revised condition retains the requirement that free parking be available "irrespective of a shoppers' patronage", and that parking shall not be used for non-district centre shopping purposes. It is considered suitable to agree the final arrangements for parking through conditions to agree the car parking management plan
17. Delivery frequencies and number of movements will be low and not create a detrimental impact on residential amenity as a result of servicing / delivery vehicles accessing the site.
18. As the size of the store remains unaltered, and in all respects the design is the

same as the original permission, there can be no expectation of the number of deliveries increasing, so highway impact should be lessened by the wider spread of possible delivery periods.

19. The applicant has provided a description of current activity on the site for the purposes of comparison, and has outlined how operations may need to change if the site was not developed for the supermarket and Goff Petroleum remained in situ.
20. At present the existing Goff Petroleum site does not have any planning restrictions on its allowable delivery hours, so could receive deliveries throughout the night. The depot would need to become more active and brought back into full operational use if Goff remains on site, in order to serve north Norfolk. Articulated tankers would be required to deliver fuel into the site during the night, ready for distribution during the day, estimated to be 10 deliveries per night (20 movements), plus associated movement of staff and ancillary vehicles. This would potentially be much more intense than would be expected for the supermarket.

Environmental Issues

Noise

21. **Noise assessment** - The applicant has submitted a prediction as to the noise levels that might be expected. Background noise was assessed in the original application from various points in and around the site, and was made overnight for 13 hours (1900 – 0800 on a Tuesday night in September). The predicted noise impacts on 'sensitive receptors' included a forecast of impacts at a point next to the houses on Palmer Road to the east, 30m from the site, considering noise at first floor height to represent impact on bedroom windows.
22. The subsequent predictions of what level of noise would be generated have been calculated for its impact on the Palmer Road houses, taking into account the number of car parking spaces, the hourly number of vehicle movements per space, and the car park being for use as a 'shopping centre', which factors-in additional noise from shoppers' trolleys and car doors and boots being slammed. By using figures based on the original 2013 Transport Assessment informed by the TRICS database, a store of this size, with 200-space car park, in this location, was expected to generate between 395 and 402 movements in the Friday PM peak hour, and 432 in the Saturday peak hour.
23. The noise assessed now has included assessing the peak traffic period 12:00-13:00 when 398 vehicle movements are expected. The peak of background noise was actually experienced at 06:00-07:00 (56dB), which may have been due to current activities on the site and some traffic close to rush hour. Morning 'rush hour' periods produced 54-55dB maximum between 07:00 and 09:00, falling to 41-46dB between 19:00-23:00. Night time readings between 23:00 and 06:00 were between 40-52dB background noise.
24. **The existing and alternative use** – The existing Goff Petroleum operations do not have any planning restrictions on its activity or delivery hours. Currently the site's workshop services all the business's diesel-engine 100 HGVs and 25 cars and

vans, and these could be worked on overnight if needed. The site is still capable of operating as a fuel distribution depot, despite the company relocating that part of its business to Wymondham temporarily whilst the site is treated for its contamination. Goff believe the site will have to revert to the former use again as a depot to serve North Norfolk if Morrisons do not progress this scheme. In such a scenario, articulated tankers could arrive at the site overnight ready to allow distribution from 6am. There would be 20 tanker movements throughout the night, and fuel pumping would be necessary, during which time the loud diesel engines have to run for at least 40 minutes at a time as pumps are engine-driven at high revs. Across the day, all vehicle movements from a resumption of normal business would be at least 386 (as was last recorded in 2008). In addition, all HGVs are required to test their horns and reversing alarms at the depot daily. Therefore, the alternative 24-hour use, potentially 7 days a week, without restrictions, would be significantly more noticeable and probably detrimental to residential amenity than either the current activity or certainly the Morrisons activities against which planning controls will be in place.

25. Existing site characteristics – Even the current operations on site are potentially very noisy in themselves. There are no noise barriers between activity and the nearest sensitive receptors; staff parking and HGV manoeuvring in the east of the site is next to residential gardens and is not contained by buildings as would be the case with the delivery yard and superstore building.

26. Operational restrictions on permitted superstore activity – The existing permission 13/01928/F has certain planning controls imposed on its servicing and deliveries anyway, all of which are proposed to remain in place despite any possible extension of opening or delivery / servicing hours. These are:

- Condition 5 and 7 – trading floorspace remains restricted, so deliveries and customer numbers should not effectively / significantly increase due to retailing 'attraction'.
- Condition 6 – the store shall remain only as one unit and with one trader.
- Condition 9 – there shall be no use of reversing alarms for deliveries / servicing.
- Condition 10 – delivery vehicle engines and refrigeration units shall be turned off.

27. Extended opening hours – There are no environmental health nor transport objections to the variation of condition 8 (public opening hours of the store), and no additional changes are proposed to Sunday or Public Holiday trading, which is still also subject to non-planning Sunday trading laws of a maximum of 6 hours (between the approved 1000-1700 window).

28. As stated at paragraph 14, the additional weekday morning hours (0400-0700) will lead to only 17 vehicle movements at most per hour in the 200-space car park, so most will park closest to the store, i.e. furthest from residents to the east and closest to the ambient background road traffic noise. Even so, the noise created by 17 movements is predicted to be 38dB compared to a prevailing background noise of between 40-52dB between 23:0-06:00 and 56dB during 06:00-07:00.

29. On Saturday mornings, the additional earlier opening hours of 0400-0900 will lead to a maximum 195 additional car movements on site during 0800-0900 (one additional movement per space per hour). However, this will create a predicted 45dB noise, which is significantly below the 55dB background noise measured on-site during those hours. Before that, between 0400-0800 there would be a maximum 143 car movements in total, 92 of which are between 0700 and 0800, all predicted to create less noise than found at existing background levels. Even as movements begin to increase throughout the morning, the noise from the car park remains lower than the ambient background noise as general traffic activity increases.
30. On Saturday evenings, the extended hours from 1800-2300 will also see an increase in traffic within the site but only to a limited extent, and this is after the peak hour has already passed (and the store in itself will not be of a sufficient 'draw' to shift the peak hour characteristic on its own). 256 vehicle movements are expected between 1900 and 2000, which creates 47dB, compared to the existing background 46dB. The 2000-2100 period will however create 45dB noise compared to the existing 41dB background characteristic, but Environmental Health Officers do not consider this 4dB increase to be a problem in principle because the type of noise is short-lived and of the same characteristics as the surrounding area, and by this point the noise is more heavily concentrated towards the store entrance.
31. Further to the distances shown in the table of paragraph 10, the small numbers of public shoppers visiting the site during the extended hours of public use would be most likely to park closest to the building behind the superstore, to the effect of adding between 25-45m as an additional 'buffer' to the neighbours on the eastern side of the site. The measured noise readings also show a consistent background noise level being between 46-41dB between 1900-2300, but the predicted car park vehicle noise would drop from 47-34dB in the same period.
32. It is worth noting that the measured background noise level between 0000-0400 was found to be typically 40-41dB at the measurement point closest to Palmer Road. To reach this level there would need to be approximately 60 car movements per hour; further, to exceed the guideline World Health Organisation value for sleep disturbance would require a steady 3 vehicle movements per minute (180 cars per hour), a level which is predicted to occur only between 0800-2000 when background levels are much higher anyway.
33. Despite the Environmental Health Officer's confidence in the assessment undertaken, there remains however a concern regarding noise relating to trolley collection and other servicing in the car park. The predicted noise levels from customers' use of the store takes into account the noise of individual trolleys but does not specifically address the potential noise from servicing the car park and collection of supermarket trolleys by staff; it seems to relate only to individual trolleys used by each customer, rather than noise generated by store personnel rounding up and returning large volumes of trolleys from around the car park.
34. Accordingly, having been satisfied that extended opening hours can be accommodated in principle without noticeable detriment to residential amenity, a revised permission should include the expectation that condition 8 should be

altered to restrict the trolley collection/car park servicing such that it is prevented during the night time hours of 2300-0700 Monday – Saturday, and 1700–1000 Sundays and Public Holidays. This means that any possible rumble of long chains of trolleys being manoeuvred around the site will only take place when the store is in its greatest use anyway. In reality, there should be little need for this in the later hours of the evening when patron numbers decrease anyway. The newly-proposed condition 8(b) is more restrictive than the opening hours at condition 8(a) to ensure optimal protection of residential amenity.

35. **Extended deliveries / servicing hours** – Allowing an extension to the delivery hours to allow 24hr-a-day deliveries, loading and unloading will not result in additional journeys being made, only greater flexibility for the operator to make deliveries (e.g. to ensure fresh produce is on the shelves as for the same days' trading). The delivery vehicle route and turning area will still be contained to the northern yard, and there is room designed-in to the scheme to ensure delivery vehicles back up right to the storage yard doors to take deliveries directly into the store and keep external trolleys etc. to a minimum.
36. Other than for a very short-lived spike in maximum noise levels as articulated lorries turn into position, the noise from the unloading is predicted to fall well below the background noise levels. Even though the nature of the noise is different to the character of the background noise, the actual levels created are low enough that noise should not be noticeable or intrusive (even during the quietest part of the night between 0200 and 0400).
37. There is considered to be adequate protection in place for the nearest existing residential neighbours (to the east and south) through the existing conditions (e.g. no use of reversing alarms and no idling of engines), and the design and location of the delivery yard and its perimeter walling, and the fact that its position directly against the wall of the superstore provides an inherent barrier to noise travelling south.
38. The future development of any Arminghall Close residential estate through emerging allocation R23 will have to take into account the operations of the store and in all likelihood might position gardens towards this area to account for its southerly aspect, thus providing more resistance to amenity disturbance. Nevertheless the existing condition 12 can be clarified to impose prevention of deliveries from taking place on Aylsham Road itself (with the exception of newspaper deliveries).

Air quality

39. Although no problems were anticipated originally, any issues will be reduced if the HGVs can be dispersed further from peak hour congestion.

Site security

40. During the original application some residents were concerned about the site attracting antisocial behaviour. If there are longer hours in which the store can open and operate, there will be a much greater sense of security added to the area through natural surveillance and general activity. There will remain a barrier in place to prevent access out-of-hours.

Retail and Regeneration

41. The applicant has suggested that their intended operator of the supermarket W.M. Morrisons will not be able to invest in the development of the site unless the proposed changes are approved, being a condition of the development contact. How much planning weight as a material consideration should be afforded to the preference of one superstore operator is not especially clear, but there is good reason to believe that Morrisons are the only large-format national convenience retailer who could have a realistic interest at the site, given close proximity of Tesco, Asda and Sainsbury's at Longwater. Further, any alternative interest from one of the national discount retailers e.g. Lidl / Aldi would also likely necessitate their reconsideration of the development's design and retailing impact (e.g. one of the significant benefits of this proposal is the café and bakery / fresh produce market area). In all, there are considered good reasons to believe that to not progress with extended opening hours would be to cause a delay to the redevelopment of this key brownfield site. Ultimately the ability to deliver the regeneration of the Aylsham Road District Centre and provide an anchor foodstore is a significant material consideration.
42. The NPPF does require planning to "operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system." (para 19); clearly if there are further delays in bringing such a development forward then there would be implications for the delivery of the regeneration of the District Centre. The scheme has been designed to provide an anchor foodstore, the need for which has already been discussed in detail in the former planning committee report; delays would mean that less sustainable trips continue to be made to other supermarkets, there would be less convenient and affordable shopping for the large residential population around the site, the setting of the conservation area and listed buildings would continue to be affected, and the additional jobs may not materialise.
43. The above concern is related to delays possibly not delivering the foodstore of a scale broadly in line with expectations of the emerging site allocation (to which great weight should be afforded). However the remainder of site allocation R23 to the north, earmarked for residential development, may also not be able to deliver its development as quickly if there is any uncertainty about the future of this application site (particularly as the sites are in different ownership). A continuation of the existing use, and indeed possible intensification of activities, would create a more complicated environment around which to design a residential scheme, and could see site values be compromised a little which could ultimately affect viability and delivery of affordable housing.
44. Further, the NPPF does expect planning to help promote competition amongst retailers in sustainable locations: "To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century". (para 20). The extended hours of use would also help ensure emerging policy R23 complies with the approach to "...be positive, promote competitive town centre environments and...define a network and hierarchy of centres that is resilient to anticipated future economic changes." (para 23).

45. By enabling the new superstore to provide longer hours of opening, the site will be able to fulfil a need currently catered for only by Asda. It is considered necessary to allow the extended hours of opening and delivery for the district centre to be able provide a competitive service to the surrounding residents.
46. Overall, it is possible that not securing the committed investment from W.M. Morrisons would put at risk the delivery of the site's redevelopment, meaning that the owners could have to reinvest in intensifying their activity on the same site, in turn meaning there could be implications for neighbourly relations and amenity of residents (not least the significantly delayed regeneration of the District Centre and possible delivery of housing allocation R23).

Local Finance Considerations

47. Business rates and CIL would be payable, and there is no change from the approved scheme.

Planning Obligations

48. All obligations of the existing consent remain, subject to minor amendments regarding the recently-increased cost of street trees and arrangements for their provision; a deed of variation of the formal existing agreement is required, which the applicant has agreed to.

Equality and Diversity Issues

49. No consequential issues from these amendments.

Environmental Impact Assessment

50. As an EIA screening opinion was adopted for the original application (which was screened negatively meaning that EIA was not needed), a new screening opinion has been adopted for this proposal. The changes do not result in more than local effects and so will not give rise to effects which have a significant impact on the environment, so this proposal is also not considered to be EIA development and an Environmental Statement is unnecessary.

Conclusions

51. The changes proposed are not considered to create a significant impact that cannot be mitigated sufficiently by existing conditions or additional modifications to avoid any possible worsening of residential amenity. Whilst there may be periods when the car parking noise may be noticeable, the levels created and the acoustic character of the noise should not be intrusive and should be similar to the existing noise environment (which itself could in theory become significantly noisier anyway if Goff Petroleum operated the site to its full unrestricted capacity, e.g. receiving and pumping fuel through the night).
52. The proposals will contribute to the continued delivery of the expanded District Centre and would likely improve the potential highways operations of the site by dispersing peak traffic flows of those relatively few journeys made which are not 'en

route' trips.

53. It is considered in the best interests of delivering the new local plan's allocations and future housing growth that the minor expansion in opening hours, and the unrestricted delivery hours should be approved, particularly as their overall impact on amenity is relatively small.

54. Accordingly, the recommendation made is that the permission be granted subject to the same conditions imposed through permission 13/01928/F, albeit with condition 1 amended to ensure commencement by the same time as was originally expected, the opening hours and delivery hours varied as requested (see Conditions 8 and 12), and revision to allow car parking durations to be agreed by condition. These would be subject to the additional restrictions within those conditions that trolleys should not be moved around the site and the car park areas shall not be serviced between 23:00 and 07:00 Monday – Saturday, and 1700 – 1000 Sundays and Public Holidays (condition 8), and clarification that servicing and deliveries shall not take place from Aylsham Road (condition 12).

RECOMMENDATIONS

To approve Application No 14/01288/VC, 293-293a Aylsham Road and grant planning permission, subject to:

(1) the completion of a satisfactory S106 agreement by 03 December 2014, to include the provision of contributions to street trees provision and maintenance, and a Travel Plan performance bond to the value of £75,000, and subject to the following conditions:

1. **[Variation]** The development hereby permitted shall be begun before 12th June 2017.
2. [Unchanged condition from former permission 13/01928/F] - The development shall be in accordance with the approved details.
3. [Unchanged from 13/01928/F] - Site operations shall accord with the approved Arboricultural Impact Assessment and protective fencing to trees shall be retained.
4. [Unchanged from 13/01928/F] – Site contamination shall accord with the remediation method statement report ref AFH/10.042/OPPCond11/RMS/Rev01 and subsequently updated reports.
5. [Unchanged from 13/01928/F] – There shall be no more than 2,117sq.m. of net retail floorspace, including 423sq.m. or 20% of the net retail floorspace for comparison A1 retail.
6. [Unchanged from 13/01928/F] – No subdivision of the superstore shall take place, and any comparison retail floor space provided shall not be accessed separately to convenience floor space, nor operated by a different retailer, nor

operated separately to the convenience space.

7. [Unchanged from 13/01928/F] – No mezzanine floor shall be installed within the superstore without the specific grant of a further permission.
8. **[Variation]** – (a) The development hereby permitted shall not be open to the public, trading, or have members of the public, as customers or guests, on the premises between the hours of 23:01 and 03:59 on Mondays to Saturdays, and 17:01 and 09:59 on Sundays and Public Holidays.
[Variation] – (b) Notwithstanding the requirements of Condition 8(a) above there shall be no collection, relocation or manoeuvring of shopping trollies for purposes other than use by individual shoppers, and no other servicing activities shall take place within the car park of the development hereby permitted, during the hours of 2300-0700 Monday – Saturday, and 1700 – 1000 Sundays and Public Holidays.
9. [Unchanged from 13/01928/F] – There shall be no use of reversing alarms by servicing or delivery vehicles on the site.
10. [Unchanged from 13/01928/F] – Delivery vehicle engines and refrigeration units fitted to delivery / servicing vehicles shall be switched off at all times when on site and stationary.
11. [Unchanged from 13/01928/F] – No use of the superstore hereby permitted shall take place until the delivery and servicing yard and the associated access drive are provided, and thereafter loading and unloading of vehicles serving the superstore shall only take place within the service yard, which shall be accessed only from the designated northern access drive.
12. **[Variation, to delete restrictions on delivery hours]** – With the exception of the delivery of daily newspapers, there shall be no servicing, collections or deliveries to and from the premises from vehicle parked on Aylsham Road or any other public highway.
13. [Unchanged from 13/01928/F] – No use until the approved Travel Plan has been implemented.
14. [Unchanged from 13/01928/F] – Contamination remediation verification plan to be agreed.
15. [Unchanged from 13/01928/F] – Contamination remediation verification report to be agreed.
16. [Unchanged from 13/01928/F] – Long-term contamination monitoring proposals to be agreed.
17. [Unchanged from 13/01928/F] – Risk assessment for groundwater contamination to be agreed.

18. [Unchanged from 13/01928/F] – Contamination reports confirming remediation to be provided.
19. [Unchanged from 13/01928/F] – Long-term monitoring and maintenance plan in respect of groundwater contamination to be agreed and reports submitted subsequent to that.
20. [Unchanged from 13/01928/F] – Ongoing contamination precautions.
21. [Unchanged from 13/01928/F] – Surface water drainage scheme to be agreed.
22. [Unchanged from 13/01928/F] – Detailed landscaping scheme to be agreed.
23. [Unchanged from 13/01928/F] – Ecology strategy to be agreed.
24. [Unchanged from 13/01928/F] – Design materials palette for superstore to be agreed.
25. [Unchanged from 13/01928/F] – Design materials palette for substation to be agreed.
26. [Unchanged from 13/01928/F] – Photovoltaic panels and energy strategy details to be agreed.
27. [Unchanged from 13/01928/F] – Sprinkler system and fire hydrant provision to be agreed.
28. [Unchanged from 13/01928/F] – Revision of existing on-street parking controls to be agreed.
29. [Unchanged from 13/01928/F] – Highway improvement works to be agreed.
30. [Unchanged from 13/01928/F] – Details of possible access route from Aylsham Road to the north of the development site to serve future allocation site R23 to be agreed.
31. [Unchanged from 13/01928/F] – CCTV strategy to be agreed.
32. [Unchanged from 13/01928/F] – Exterior lighting plan to be agreed.
33. [Unchanged from 13/01928/F] – Cycle storage details to be agreed.
34. **[Variation]** – A car parking management plan to be agreed, which shall include free parking irrespective of shoppers' patronage, with a minimum period of free parking to be agreed, and to ensure parking is used only in association with the activities, events and hours of operation of the development and uses of the adjoining district centre.
35. [Unchanged from 13/01928/F] – Restriction on machinery, plant, flue, ventilation installation.

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.

Informative notes:

1. [Unchanged from 13/01928/F] – Planning obligations.
2. [Unchanged from 13/01928/F] – Community Infrastructure Levy.
3. [Unchanged from 13/01928/F] – Tree protection measures during development.
4. [Unchanged from 13/01928/F] – Sustainable urban drainage system advice.
5. [Unchanged from 13/01928/F] – Norfolk Police Architectural Liaison Officer advice.
6. [Unchanged from 13/01928/F] – Fire hydrant provision advice from the Fire Protection Officer.
7. [Unchanged from 13/01928/F] – Good practice construction advice.

(2) if a satisfactory S106 agreement is not completed prior to 3 December 2014, to delegate authority to the head of planning services to refuse planning permission for Application No 14/01288/VC at Land And Buildings Rear Of And Including 293 - 293A Aylsham Road, 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).