

**Report to** Planning applications committee  
**Date** 5 December 2013  
**Report of** Head of planning services  
**Subject** 13/01609/VC 463 - 503 Sprowston Road Norwich

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**Item**  
**5(2)**

## SUMMARY

<b>Description:</b>	Removal of Condition 8) No use of the retail store shall take place until details of the surface treatment of the access track to the south of the application site and to the north of 461 Sprowston Road have been submitted to and agreed in writing by the Local Planning Authority, providing a pedestrian link from Anthony Drive to Sprowston Road of previous planning permission 13/00208/F 'Mixed use development incorporating a foodstore, 9 No. flats and associated access, car parking and landscaping (revised design)'.
<b>Reason for consideration at Committee:</b>	Previously determined at committee/neighbour objections
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Catton Grove
<b>Contact Officer:</b>	Jo Hobbs Planner 01603 212526
<b>Valid Date:</b>	15 October 2013
<b>Applicant:</b>	Aldi Stores Ltd
<b>Agent:</b>	Mr Rob Scadding

## INTRODUCTION

### Purpose of application

1. This report seeks to vary an existing planning condition. This condition was attached to the previously approved application 13/00208/F which was for the redevelopment of the above site with a retail store.
2. The retail store is programmed to open to the public on 28 November. The application seeks to remove condition 8, but as the report details it is instead suggested that the wording of the condition is instead varied.
3. Condition 8 relates to the resurfacing of the track to the south of the site, that connects Anthony Drive to Sprowston Road past 461 Sprowston Road. The wording of the condition is as follows:

“No use of the retail store shall take place until details of the surface treatment of the access track to the south of the application site and to the north of 461 Sprowston Road have been submitted to and agreed in writing by the Local Planning Authority, providing a pedestrian link from Anthony Drive to Sprowston Road. The resurfacing shall be carried out in full accordance with the agreed details prior to the first use of the retail store.”

## **The Site**

### **Location and Context**

4. The site is located on the east side of Sprowston Road towards the junction with the outer ring road. The site has been vacant for a number of years, with previous applications for a retail unit and housing submitted on the site.
5. A full site description is given in the original application report (13/00208/F) referred to the April 2013 Committee and which can be found here:  
<http://www.norwich.gov.uk/CommitteeMeetings/Planning%20applications/Document%20Library/156/REPPlanning511300208F463503SprowstonRoad20130418.pdf>  
The only significant change to the site since the last report was made is the construction of the retail store.
6. The building at 483 Sprowston Road has also been rebuilt since the last application was approved, granted permission under application 13/00211/F.
7. With specific reference to this current application, the land around 461 Sprowston Road contains residential units to the south of the site which face onto Sprowston Road, along with workshop buildings on an un-adopted track to the south of the site.

### **Constraints**

8. The site is adjacent to the Sprowston Road/Shipfield local centre. The site forms part of housing allocation HOU12 B38 under the City of Norwich Replacement Local Plan and proposed allocation R12 under the Site Allocations Plan. There is one protected tree on site to the south adjoining Anthony Drive (ref. TPO.215).

### **Topography**

9. The land to the east of the site is elevated, leading to residential development along Windmill Court and Anthony Drive. As indicated above, the site of the former windmill (41 Windmill Court) is elevated compared to the rest of the site. Land along the north of the site is also elevated compared to land to the south of the site.

### **Planning History**

10. The full planning history of the site can be found within the original report for application 13/00208/F (see link in paragraph 5). Since the previous application was approved, the hair salon at 463 Sprowston Road granted permission under 13/00211/F has been rebuilt. Details for the new retail store have also been mostly submitted and agreed (13/00976/D).
11. The planning history for the adjacent site on Anthony Drive is also relevant. The development of the residential dwellings on this site in the 1970s identified pedestrian links in the planning conditions:
  - 751157/D – Details including condition iv) planting and site treatment, including pedestrian links.
  - 741524/F – Extension of existing residential estate by the erection of 33 dwellings with garage and 5 parking spaces at land of Antony Drive, Sprowston

Road. Approved 06 May 1975. Condition 3 of this permission required pedestrian links to the west of this site to be agreed to connect the site to Sprowston Road.

- 32580 – Layout of roads and sewers and erection of 71 terrace houses with garages at Sprowston Road (between nos. 427 and 447). Approved 05 April 1967.

## **Equality and Diversity Issues**

12. There are some equality or diversity issues. These are discussed further in the report.

## **Representations Received**

13. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two letters of representation have been received citing the issues as summarised in the table below.

14.

<b>Issues Raised</b>	<b>Response</b>
Application made to designate route as public right of way	Paragraphs 31-35
Foot path currently blocked by land owner	As above

## **Consultation Responses**

15. Local Highway Authority – no response received.

# **ASSESSMENT OF PLANNING CONSIDERATIONS**

## **Relevant Planning Policies**

### **National Planning Policy Framework:**

Statement 4 – Promoting sustainable transport

Statement 7 – Requiring good design

Statement 8 – Promoting healthy communities

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

### **Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011**

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 6 – Access and transportation

### **Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004**

HBE12 – High quality of design

EP16 – Water conservation and sustainable drainage systems

EP22 – Protection of residential amenity

TRA14 – Enhancement of the pedestrian environment and safe pedestrian routes

## **Procedural Matters Relating to the Development Plan and the NPPF**

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

## **Emerging DM Policies**

(Please note that these policies were submitted to the Planning Inspectorate on 17<sup>th</sup> April 2013. After this time some weight can be applied to these policies. Some policies subject to objections have not been included in this list as these issues are unlikely to be resolved within the time frame of the application, and therefore should not be given much weight.)

**DM1** - Achieving and delivering sustainable development

**DM2** - Ensuring satisfactory living and working conditions

**DM3** - Delivering high quality design

**DM5** – Planning effectively for flood resilience

**DM28** - Encouraging sustainable travel

**DM30** - Access and highway safety

## **Emerging Site Allocations**

**R21:** Sprowston Road / land north of Windmill Road

## **Principle of Development**

### **Policy Considerations**

16. The application raises the following key considerations – safety of pedestrians, residential amenity, the accessibility around the site and the appearance of the access track. The current application to designate the route as a public right of way is also a consideration.

### **Safety**

17. The safety of pedestrians using the site is a consideration. This is both in terms of personal safety from crime and safety from other road users.

18. The principle of the pedestrian link has already been established through the permission granted under 13/00208/F. The pedestrian link has also been in use previously which has been used safely to the best knowledge of officers. The sight lines through the access track to Sprowston Road also reduce the opportunity for threats to personal safety. The pedestrian link would be subject to limited lighting, but given the close proximity to neighbouring dwellings it would be difficult to have significant lighting over and above the existing lighting on Anthony Drive and Sprowston Road. The access track is therefore considered to be designed to be sufficiently safe for pedestrians to use.

19. A neighbour to the site raised concerns over site safety if the path continued to be used. They were concerned over potential conflict with vehicles using the track to

access 461 Sprowston Road and the commercial unit to the rear of 461. These concerns were not however put in writing. In response to these concerns, the principle of using the footpath for pedestrians was established under application 13/00208/F. Further to this the size of the commercial unit, the frequency of commercial and domestic vehicles using the track, along with the good visibility down the track to not raised significant enough concerns to merit refusal of using this track as a pedestrian link. The pedestrian use would only be occasional and no more intense than has already occurred over the past few years. Vehicles using the track would be travelling at a sufficiently low speed to be able to react to pedestrians on the route. Appropriate surface materials can be selected to create pedestrian priority areas as well.

### **Residential amenity**

20. There are residential properties facing onto the access track and adjacent to it on Anthony Drive. The amenity of residents is a key consideration. Disturbance could occur from increased footfall past residential windows. This has been considered, but given the access track has been in use and the fact there would be no increase in dwellings on Anthony Drive using the access track, it is unlikely there would be a sufficient loss of amenity to prevent public access being acceptable.

### **Accessibility**

21. The intention of the original condition 8 was to ensure pedestrian links around the allocated site were provided to ensure good urban design principle were followed. Enabling residents on Anthony Drive to access Sprowston Road on foot and by bike were intended to increase pedestrian permeability through the site.
22. The pedestrian link from Anthony Drive to Sprowston Road, alongside 461 Sprowston Road, has been an issue of dispute with the land owner of 461 Sprowston Road. The owner of the land has maintained that the land is not publically accessible and has taken action over several years to prevent access over their land. This has included erecting barriers such as the wooden structure currently present on the site.
23. The right to use this access is also being pursued as a public right of way with Norfolk County Council. An application with supporting evidence to show the use for over 20 years as a public right of way has been submitted. No determination has been made on this application at present however.
24. It is also worth noting that the original planning application for the dwelling on Anthony Drive identified pedestrian links to be agreed by planning condition (74/1524/F). The status of the agreed plans within application 75/1157/D however is not clear, with a 'pedestrian footpath to Sprowston Road' shown on a superseded plan, but not on a finally agreed plan. There is also a letter from the planning officer at the time identifying that the issue needed to be resolved but no further action was taken before discharging the conditions. Therefore this does provide evidence there was an intention to provide pedestrian links, but the approved plans would be difficult to enforce against.
25. Therefore there are a number of issues that require consideration before removing the requirement for a pedestrian access to be provided.

### **Design and appearance**

26. The resurfacing of the access track was also requested within the condition. This

was to ensure that the new development had an appropriate setting and landscaping that was of benefit to the new development.

27. The newly surfaced pathway would also be of benefit to the people using the access track as an improved surface that was level would be of benefit to pedestrians, in particular those with reduced mobility or those using wheelchairs.
28. The appearance of the track is therefore of concern, but also strongly relates to the accessibility issues identified above. These issues are discussed further in the conclusion.

## **Equality and Diversity Issues**

29. As referred to above there are some equality and diversity issues. The provision of an access reduces the distance residents of Anthony Drive would need to travel to reach Sprowston Road where there are shops and public transport routes. The resurfacing of this track would also provide an improved access track which could help those using mobility aids or push chairs for young children.
30. The removal of this condition would therefore lead to some negative impact on those with reduced mobility, using wheelchairs or for people using push chairs for young children.

## **Conclusions**

31. The impact of removing the condition has been discussed above. The issues raised include reduced accessibility for surrounding residents and a loss in the potential quality of the final appearance of the approved development for the retail store.
32. There is also the consideration of the public right of way application that is currently being sought by local residents with Norfolk County Council. If this application were approved, the condition removed and the right of way application were successful, there would be a missed opportunity to resurface the pedestrian link and bring the appearance up to a good standard.
33. The concerns the landowner has over resurfacing the existing track may also change should the route be designated as a public right of way. The requirement to bring the track up to a good standard of surfacing and finish may be more pertinent if the general public have the right to use the route.
34. It is therefore suggested that condition 8 is reworded to enable more time before the resurfacing and provision of the pedestrian link need to be provided. Given the likely timescale of the public right of way application, including the time for the landowner to appeal should the application be successful, it is suggested the following wording is used:

“Within 18 months of the retail store opening details of the surface treatment of the access track to the south of the application site and to the north of 461 Sprowston Road shall be submitted to and agreed in writing by the Local Planning Authority, providing a pedestrian link from Anthony Drive to Sprowston Road. The resurfacing shall be carried out in full accordance with the agreed details within 6 months of the details being agreed.”

35. This will enable review of the condition once the situation relating to the public right of way is known in further detail. This would also mean the opportunity for the track to be resurfaced would not be lost should the right of way application be successful.
36. As this is a variation of condition application it will be necessary to re-apply former conditions from application 13/00208/F. Some have been discharged under application 13/00976/D, the conditions below are re-applied as necessary.

## **RECOMMENDATIONS**

To approve Application No 13/01609/VC at 463-503 Sprowston Road and grant planning permission, subject to the following conditions:-

1. In accordance with plans

### *Approval of details*

- 2.
- a. Details for retail store - external materials and gate to vehicular entrance of site to be installed as agreed under application 13/00976/D.
- b. Details for residential units – external materials
3. Use of obscure glazing within high level windows in retail store
4. The content, materials and fixing of the historic interpretation materials to the north elevation of the store

### *Landscaping and trees*

- 5.
- a. Landscaping scheme for retail unit as agreed under 13/00976/D
- b. Landscaping scheme for residential units including permeable hard surfacing, walls and fences for privacy and acoustic screening as required)
6. Pedestrian links through store site provided

### **Precise wording of condition 8:**

7. The materials to be used for the surface treatment of the access track to the south of the application site and to the north of 461 Sprowston Road shall be submitted to and agreed in writing by the Local Planning Authority, by 28 May 2015. The resurfacing shall be carried out in full accordance with the agreed details within six months of the details being agreed to provide a pedestrian link from Anthony Drive to Sprowston Road.

9. No removal of trees, shrubs or buildings on site during bird breeding season (March to August inclusive)
11. Arboricultural supervision
13. No dig methods
14. Protection of areas
15. Siting of services

### *Car parking, cycle and refuse storage*

17. Servicing provision – retail – as agreed under 13/00976/D
18. Servicing provision – residential to be agreed
19. Car parking management plan – as agreed under 13/00976/D

### *Water and energy efficiency*

20. Provision and maintenance of SUDS system – as agreed under 13/00976/D

21. Water conservation to Code for Sustainable Homes Level 4 for homes – to be agreed
22. Provision of renewable energy for retail store to 10% - as agreed under 13/00976/D
23. Provision of renewable energy for residential units to 10% - to be agreed

*Restrictions to protect amenity*

24. Hours of store opening, opening of vehicle gate into site and delivery and servicing, outside of which time no delivery or servicing vehicles may enter site  
07:00 to 23:00 Mondays to Saturdays and 09:00 to 16:00 Sundays and Bank Holidays
25. Plant and machinery installed – to be agreed
26. Removal of permitted development rights for ventilation and fume extraction for any future plant required at the store after implementation
27. No storage or materials on site outside of designated areas unless first agreed
28. No use of reversing alarms on lorries on site
29. Refrigeration units on delivery vehicles to be switched off
30. Loading/unloading in designated areas only
31. Rubber shroud around delivery bay – as agreed under 13/00976/D
32. No cages to be used on site

*Archaeology and ground contamination*

33. Archaeology – stop work if any artefacts found
34.
  - a. Retail - watching brief for land contamination – as agreed under 13/00976/D
  - b. Residential – watching brief for land contamination
35.
  - a. Retail - remediation strategy for ground contamination as agreed under 13/00976/D
  - b. Residential – remediation strategy for ground contamination to be agreed
36. Unidentified contamination found on site
37. Agreement of any imported topsoil

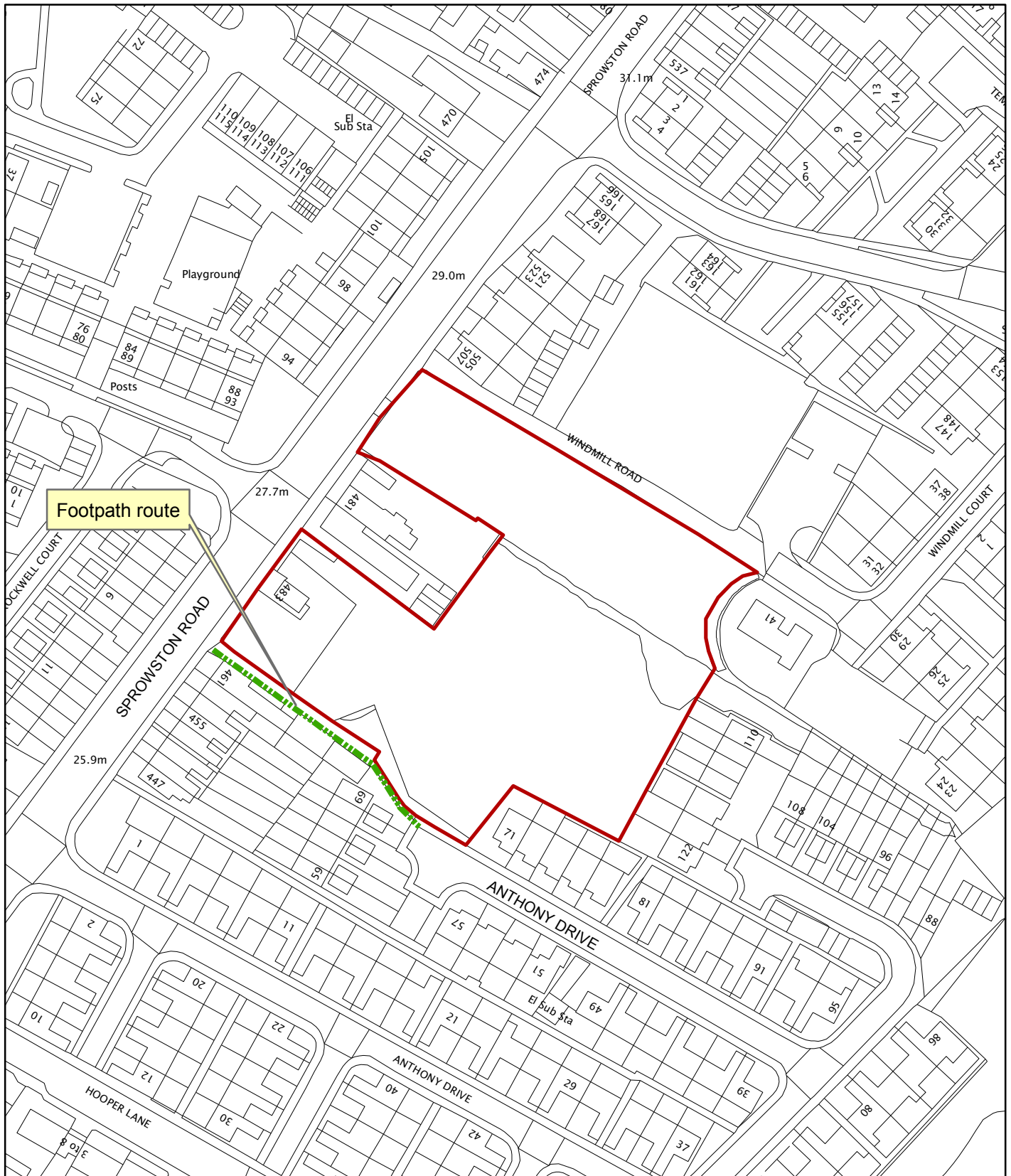
*Other conditions*

38. Goods sold limited to 198sq.m. of floorspace for non-convenience goods
39. Travel information plan – as agreed under 13/00976/D
40. Safeguarding of access to site

Article 31(1)(c) 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 the application has been approved subject to appropriate conditions and for the reasons outlined above.)





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Planning Application No 13/01609/VC  
463-503 Sprowston Road

Site Address

Scale 1:1,250



**NORWICH**  
City Council

PLANNING SERVICES

