



PLANNING APPLICATIONS COMMITTEE

Date: **Thursday 6 February 2014**

Time: **9.30am**

Venue: **Mancroft room, City Hall**

COMMITTEE MEMBERS:

Councillors:

Bradford (chair)
Gayton (vice chair)
Ackroyd
Blunt
Brociek-Coulton
Button
Grahame
Jackson
Little
Neale
Sands (S)
Storie

FOR FURTHER INFORMATION PLEASE CONTACT -

Committee officer: Jackie Rodger
Tel. No: 01603 212033
E-mail: jackierodger@norwich.gov.uk

Democratic services
City Hall
Norwich
NR2 1NH

AGENDA

Page No.

1. Apologies

2. Declarations of interest

(Please note that it is the responsibility of individual members to declare an interest prior to an item if the members arrive late for the meeting).

3. Minutes

5

To agree the accuracy of the minutes of the meeting held on 9 January 2014.

- 4. Planning applications** **15**
(Report of the head of planning services)
- Purpose** - To determine the current planning applications as summarised on pages **11-12** of this agenda.
- Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 5 above are required to notify the committee officer by 10am on the day before the meeting.
- Further information on planning applications can be obtained from the council's website:- <http://planning.norwich.gov.uk/online-applications/>
- 5. Performance of the Development Management Service, Oct-Dec 2013 (Quarter 3, 2013-14)** **105**
(Report of the head of planning services)
- Purpose** - To report the performance of the development management service to members of the committee.
- 6. Performance of the Development Management Service: Appeals: 1 October to 31 December 2013 (Quarter 3 2013 - 14)** **111**
(Report of the head of planning services)
- Purpose** - To report the performance on planning appeals to members of the committee.
- 7. Performance of the Planning Enforcement Service, Oct-Dec 2013 (Quarter 3, 2013-14)** **119**
(Report of the head of planning services)
- Purpose** - To report the performance of the planning service to members of the committee.

Please note:

- The formal business of the committee will commence at 9.30am.
- The committee may have a comfort break after two hours of the meeting commencing.
- Please note that refreshments will not be provided. Water is available.
- The committee will adjourn for lunch at a convenient point between 1pm and 2pm if there is any remaining business.

29 January 2014



If you would like this agenda in large print, audio, Braille, alternative format or in a different language, please call Jackie Rodger, Senior committee officer on 01603 212033 or email jackierodger@norwich.gov.uk

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PLANNING APPLICATIONS COMMITTEE

9.30am to 10.40 am

9 January 2014

Present: Councillors Bradford (chair), Gayton (vice chair), Ackroyd, Blunt, Button, Grahame, Jackson, Little, Neale, Sands (S) and Storie

Apologies: Councillor Brociek-Coulton

1. DECLARATION OF INTERESTS

There were no declarations of interest.

2. MINUTES

RESOLVED to approve the minutes of the meeting held on 5 December 2013, subject to amending the start time of the meeting to 9.30am.

3. APPLICATION NO 13/01740/O 2 UPTON CLOSE NORWICH NR4 7PD

The planner (development) presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports which was circulated at the meeting and contained summaries of five further representations and the officer response. The applications was recommended for approval and it was proposed that an additional informative should be added to advise the developer that the permission was for a single storey dwelling.

Three residents of Upton Close addressed the committee and highlighted their objections to the proposal which included concerns about the amenity to neighbouring properties from vehicles using the new drive way adjacent to the boundary with no 4 Upton Close and about traffic safety as the access/egress to the site was situated on a bend in the road which served as the main route to around 70 dwellings and there were concerns about on street parking. One of the residents who lived opposite to the site said that he had not received notification of the planning application and that he was concerned about the affect that the proposal would have on the aesthetic value of the house at no 2 Upton Close.

The agent then addressed the committee and spoke in support of the application and said that it was for a small residential dwelling in a sustainable location.

The planner referred to the report and together with the planning development manager responded to the issues raised by the speakers and answered members'

questions. Members were advised that the house opposite 2 Upton Close was outside the 10 meters of the “redline” of the proposal site and therefore was not included in the criteria for letters to neighbours. The boundary between nos 2 and 4 Upton Close was outside the redline of the proposal site and therefore concerns about boundary treatment and noise and disturbance to the residents of no 4 Upton Close was not material to this application. Upton Close was an unclassified road and planning permission was not required for access/egress to dwellings.

During discussion one member expressed concern that the access/egress to the site would be near a bend in the road. Another member noted that approval for landscaping would be considered under reserved matters and requested that the condition be expanded to ensure that the beech hedges were not removed during the bird nesting season.

RESOLVED, with 8 members voting in favour (Councillors Bradford, Gayton, Blunt, Button, Grahame, Little, Neale, Sands), 1 member against (Councillor Ackroyd) and 2 members abstaining (Councillors Jackson and Storie):

- (1) to approve application no 13/01740/O at 2 Upton Close and grant outline planning permission, subject to the following conditions:-
 1. Standard time limit.
 2. Approval of reserved matters in relation to access, layout, scale, external appearance and landscaping, and to ensure that the beech hedges to the front of the property are not removed during the bird nesting season;
 3. In accordance with plans.
 4. Works in accordance with AIA including tree protection.
 5. Ground protection, arboricultural supervision and siting of services.
 6. Water efficiency.
- (2) that the committee will determine the planning application for reserved matters in respect of this site.

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 and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

Informative Notes:

1. Vehicle crossover/dropped kerb information.
2. Street naming information.
3. Permission is given for a single storey dwelling only.

4. APPLICATION NO 13/01218/F 13 - 14 GENTLEMANS WALK, NORWICH, NR2 1NA

The planner (development) presented the report with the aid of plans and slides, highlighting the issues raised in response to the consultation.

Discussion ensued in which the planner and the planning development manager answered members' questions. Members were advised that the applicant must comply with the hours of operation as conditioned and would not be able to extend opening hours through a subsequent application under the Licensing Act 2003 for a premises licence. It was standard policy that sites outside the city's night time economy zone closed at midnight and would be difficult to justify staying open after that time. Members were advised that this application was sui generis for the use specified by the applicant. The planning development manager explained that an informative would be added in order to make it clear to the applicant that the planning permission would be for a sui generis use as a restaurant and karaoke bar and for no other use. The application was subject to conditions on materials, plant and restrictions on amplified sound equipment. The environmental protection officers were aware of the application and the assessment was based on the maximum use of all the rooms on the third floor. It was noted that there would be insulation between the rooms.

During discussion officers undertook to seek clarification on whether it would be possible to specify the times when the waste bins could be placed in the alley and whether the applicant's waste collection service could collect from inside the premises, and raise this in discussions on the management plan as set out in condition 10 (a). Members suggested that bins should be placed outside after closing time so as not to affect the amenity of the patrons using the external seating area of the Walnut Tree Shades public house.

RESOLVED, unanimously, to approve application no 13/01218/F at 13-14 Gentleman's Walk and grant planning permission, subject to the following conditions:-

1. Standard time limit condition
2. In accordance with the details and drawings submitted with the application
3. Submission of details of all new doors and windows (external and internal)
4. Details of external materials to be submitted
5. Restriction on use of amplified sound equipment
6. Details of any plant/ machinery /fume/ extract systems to be submitted
7. Details of position of air-conditioning or refrigeration plant and maintenance schedule
8. Premises not open to the public between the hours of 00:01 hours and 07:00 hours
9. The storage receptacles associated with the operation approved shall only be left on Old Post Office Court or Gentleman's Walk for collection purposes outside pedestrianised and at no other time
10. Submission of a construction and management plan to include the following:
 - (a) details of how waste will be stored and removed from the site;
 - (b) details of how deliveries will be made to the site;
 - (c) storage of materials;
 - (d) provision of pedestrian routes past the site (if appropriate);

(e) hours of construction.

Informatives:

1. No vehicles are permitted adjacent to the premises at any time as Old Post Office Court is a narrow pedestrian thoroughfare. Vehicles must wait at the Castle Street end of Old Post Office Court or on Gentleman's Walk outside pedestrianised hours of operation.
2. Refuse and recycling bins to be purchased by the applicant prior to occupation.
3. The new floorspace created as part of the proposal although technically liable for Community Infrastructure Levy (CIL) is below the threshold of 100sq.m. for minor developments and will not therefore incur a fee unless before the time planning permission first permits the chargeable development the government amends the threshold.
4. The development hereby approved relates to a change of use to a mixed sui generis use as a restaurant and karaoke bar, which does not fall within a specific use class as defined in the Use Classes Order 1987 (as amended) and for no other use.

5. APPLICATION NO 13/01963/VC: UNIT A, YAREFIELD PARK, OLDHALL ROAD, NORWICH, NR4 6FF

The senior planner (development) presented the report with the aid of plans and slides, and referred to the supplementary report of updates to reports which was circulated at the meeting.

In response to a member's question, the senior planner proposed that the head of planning, in consultation with the chair and vice chair, should be delegated to determine whether any adverse representations or objections received before the closure of the consultation period (15th January) would require the application to be referred back to the committee. A member expressed concern that people who had made representations would be denied an opportunity to speak at committee.

RESOLVED, unanimously,

- (1) to approve application no 13/01963/VC at Unit A, Yarefield Park, Oldhall Road, Norwich, NR4 6FF, and grant planning permission, subject to the following:
 - (a) not receiving any adverse representations or objections from the public or consultees before 16 January 2014;
 - (b) the following conditions:
 1. Development shall commence by 23 August 2016.
 2. The development shall be in accordance with the plans and details within permission 13/00870/F, amended appropriately to include the highways plans detailed on this decision notice.
 3. Restrictions on use of site and users of the school – as per Condition 3 of 13/00870/F.
 4. Water conservation measures shall be provided – as per Condition 4 of 13/00870/F.

5. Provision of: on-site bus stop; landscaping and servicing areas; fencing and gates; landscaping; car parking and sports area; pedestrian safety markings; and cycle parking – as per Conditions 5a-5g of permission 13/00870/F.
6. There shall be no use until the following features are provided:
 - (a) provide the Hall Rd / Oldhall Rd cycle link shown on drawings 02 and 03;
 - (b) undertake signage adjustments shown in drawings 04 and 05;
 - (c) provide a vehicle direction sign to Oldhall Road on Hall Road as shown on drawing 06 and to the specification shown at plan Appendix 12/1;
 - (d) provide the pedestrian safety measures at the Oldhall Road junction previously required by condition 6f of 13/00870/F unless otherwise agreed in writing by the Local Planning Authority;
 - (e) provide the bus stop improvements previously required by condition 6f of 13/00870/F unless otherwise agreed in writing by the Local Planning Authority.
7. No use of the development until the following measures have been provided in general accord with plan PL/TR/3329/738-2, unless otherwise agreed in writing with the LPA:
 - (a) double yellow lines along the length of Oldhall Road as shown on drawing PL/TR/3329/738-2A.
 - (b) double yellow lines along Neatmarket as shown on drawings PL/TR/3329/738-3 and PL/TR/3329/738-3B..
 - (c) double yellow lines within the entrances to access drives / unadopted roads, as shown in the plan PL/TR/3329/738-2.
 - (d) the application site shall be marked as a 'no drop off' zone by using signage as shown in drawings Appendix 12/1.
8. There shall be no use until street lighting is provided to Oldhall Road – as per Condition 8 of permission 13/00870/F;
9. There shall be no use until photovoltaic panels are provided – as per Condition 9 of permission 13/00870/F.
10. Fulfil Travel Plan requirements of Condition 10 of permission 13/00870/F.
11. External lighting details to be agreed - as per Condition 11 of permission 13/00870/F.
12. Servicing and delivery restrictions for HGVs – as per Condition 12 of permission 13/00870/F.
13. Restrictions on installation of plant and machinery – as per Condition 13 of permission 13/00870/F.

- (2) in the case of any adverse representations or objections being received before 16 January 2014, delegate to the head of planning services, in consultation with the chair and vice chair, to consider the representations and either confirm the committee's decision or refer the application back to committee for determination.

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 pre-application discussions and negotiations with the applicant, the proposals have been approved subject to appropriate conditions and reasons as outlined above.

Informative Note:

1. Construction good practice guidance.

CHAIR

Applications for Submission to Planning applications committee

ITEM

6 February 2014

4

Item No.	Case Number	Page	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
4(1)	13/01928/F	15	293 - 293A Aylsham Road	Rob Parkinson	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.	Objections	Approve
4(2)	12/01598/VC	53	Wentworth Green (former Civil Service Sports Ground)	Rob Parkinson	Variation of conditions 2 and 7 - changes to approved plans and details and schedule of trees to be retained; and condition 8 - changes to required drainage system designs, of planning permission 07/01018/F 'Erection of 78 dwellings, associated vehicle and pedestrian/cycle accesses, ground works and open space'. Variations concern tree felling strategy, tree works and landscaping proposals, and maintenance thereof, and drainage systems construction and ongoing management thereof.	Objections	Approve
4(3)	13/01964/F	63	Land Adjacent To 25 - 27 Quebec Road	Kian Saedi	Erection of 2 No. semi detached three bedroom dwellings.	Objections	Approve

Item No.	Case Number	Page	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
4(4)	13/02009/F	77	514 Earlham Road	Lara Emerson	Erection of single and first floor extensions and car port.	Objections	Approve
4(5)	13/02028/F	83	154 Gipsy Lane	Lara Emerson	Demolition of existing rear extension and erection of two storey rear extension and conversion to 2 no. flats.	Objections	Approve
4(6)	13/02089/VC	93	Three Score Site Land South Of Clover Hill Road, Bowthorpe	Mark Brown	Variation of Conditions 8 (spine road), 10 (lighting of spine road), 28 (roads, footways and cycleways) and 47 (fire hydrants) of previous planning permission 12/00703/O in order to change the trigger point for submission of details.	Major and City Council Owned Site	Approve

STANDING DUTIES

In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the committee will also have due regard to these duties.

Equality Act 2010

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The introduction of the general equality duties under this Act in April 2011 requires that the council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

The council must in the exercise of its functions have due regard to the need to eliminate unlawful discrimination against someone due to their marriage or civil partnership status but the other aims of advancing equality and fostering good relations do not apply.

Crime and Disorder Act, 1998 (S17)

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its

various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

- (2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority.

Natural Environment & Rural Communities Act 2006 (S40)

- (1) Every public authority must, on exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Planning Act 2008 (S183)

- (1) Every Planning Authority should have regard to the desirability of achieving good design

Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law

Article 8 – Right to Respect for Private and Family Life

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of his right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the rights and freedoms of others.
- (3) A local authority is prohibited from acting in a way which is incompatible with any of the human rights described by the European Convention on Human Rights unless legislation makes this unavoidable.
- (4) Article 8 is a qualified right and where interference of the right can be justified there will be no breach of Article 8.

Report to Planning Applications Committee
Date 6 February 2014
Report of Head of Planning Services
Subject 13/01928/F Land and Buildings rear of and Including 293 -
293A Aylsham Road Norwich

Item
4(1)

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.
Reason for consideration at Committee:	Major Development; Objections; Contrary to policy.
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

Location and Context

1. The site is located to the north of the city centre and is relatively flat. It has a frontage to 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. Management functions and fleet servicing are also carried out on the site.
2. The part of the site with a frontage to Aylsham Road has been used variously as a car showroom and bath store but currently stands empty, and in recent years the area to the south of the showroom has been used for car and van sales / hire.

Constraints

3. The site is located to the east of the Mile Cross conservation area and St Catherine's Church (Grade II* listed). The A140 is part of the Major Road Network and the parade of shops to the north are a defined District Centre. The churchyard is a defined Urban Greenspace contributing to the open nature of townscape in this part of the area.

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 - 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)

12/02192/F - Demolition of existing buildings and redevelopment of site with construction of new foodstore (3,437sq.m. gross internal floorspace, A1 Use Class) at rear with 206 car parking spaces, relocated electrical sub-station and associated sprinkler tank unit, landscaping and servicing. Includes reconfiguration and enlargement of site access to north, and highway works to facilitate, and removal of existing access gates to south. (WITHDRAWN - 21/03/2013)

The Proposal

4. To demolish all the buildings on the site south of the Smith and Pinching offices, including the existing car sales yard, the former bath centre showroom, and the two-storey garages at the rear of the site currently adjoining residential gardens. In its place, a single-storey supermarket is to be built on the site frontage, rising to two storeys towards the rear (the higher element being for staff offices). The store is served by a revised access drive in the place of the existing drive to the site and Smith and Pinching, and a new customer access to the car park at the south, adjacent to the existing brick wall adjoining the neighbouring takeaway. 200 car parking spaces are proposed behind and to the south of the store, highways works are proposed, and a service yard and new electricity substation are positioned behind. The supermarket is a foodstore; according to the submitted Planning and Retail Statement the scheme is proposing 3,435sq.m. gross floorspace with a maximum of 2,117sq.m. net retail floorspace, of which 20% (approximately 423sq.m. net) is used for comparison goods.

Representations Received

5. The applicant conducted a pre-application stage community consultation event in 2012 prior to the submission of the previous application (ref 12/02192/F since withdrawn). The current application has changed the layout of the site and the applicant undertook a proportionate additional consultation to advertise the local changes. This meets the expectation of the Council's guidance Statement of Community Involvement.
6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 5 letters of objection and 7 letters of support have been received. In addition, a publicity initiative by the applicant has generated 36 separate letters of support received on pro-forma postcards. All representations have been considered, as summarised in the table below.

Issues Raised	Response
Objections	
The gross floorspace would exceed the limit proposed in the emerging Local Plan Site Allocations policy, by 935 sq.m.	See paragraphs 37-39, 49-54.
The area for comparison goods sales would exceed the limit proposed in the emerging Local Plan Site Allocations policy, by 423 sq.m.	See paragraph 40-42, 49-54.
The emerging policy, if adopted, would require a Development Brief to account for servicing and access arrangements and a comprehensive development plan for the allocation site as a whole, including public consultations to inform the Brief. The Council cannot be sure that this application will accord with the scope of the policy and deliver comprehensive development. As such the proposal represents a piecemeal approach which does not accord with emerging policy which should be afforded 'significant weight' and as such this scheme is premature.	See paragraph 25, 49-54. The scheme has followed those aspirations of the emerging policy and ensures the accesses include a potential route for access to the north. The remainder of the allocation is largely in separate ownership or existing use making simultaneous development unlikely.
The submitted impact assessment does not sufficiently consider the implications of this scheme on the town centre vitality and viability. The approach is too convenience-retail based: There is no quantitative assessment of the impact of the comparison goods expenditure in the proposed store; and the assessment only considers trade diversion from individual stores. No aggregate impact is considered on a centre or centres as a whole.	See paragraph 43-48. The comparison floorspace proposed above that proposed in the policy allocation is relatively minor, and the impact on the town centre will be negligible. The extent of comparison goods can be controlled by conditions.
The baseline information used in the submitted Retail Impact Assessment is founded on the 2007 Retail Study by GVA Grimley, commissioned by the GNDP. This is considered out-of-date and, significantly, pre-dates the recession and change in retail trading patterns, and insufficient evidence is available to provide a robust assessment of the development against policy, and consequently the impact of the development cannot be assessed adequately.	See paragraph 28-31, 35-54. This is noted but the characteristic of the site do suggest the main trade would be from diverted car-based journeys or providing a necessary facility for a large catchment residential area.
The submitted Retail Impact Assessment has not accounted for the recent addition of floorspace (e.g. Aldi, Plumstead Road, Aldi Sprowston Road) or intention to provide more floorspace (e.g. Morrisons at Neatmarket, Hall Road) at various centres or locations around the city since 2007.	See paragraph 28-31, 35-54. This is noted but the LPA has maintained a monitor of the retail developments since the 2007 report and has assessed the scale of the new floorspace as being comparable and able to be accommodated without significant

	detrimental impact to this or other centres.
Transport impacts could be significant, congestion could increase and accidents at the Woodcock Road junction in particular could increase. Only recently the Woodcock Road / Aylsham Road junction was redesigned but still cause long traffic delays which this will only exacerbate.	See paragraph 73-79. The highways works should improve the safety of vehicles in the area and act to slow speeds. There will be an increase in traffic volumes over what exists but the increase can be accommodated and the access to the store is in the safest possible location for this particular use.
There is no need for an additional supermarket as many stores are in walking distance already and Asda within driving distance. In addition, the smaller businesses will experience impacts on their trade (e.g. the many bakeries already in the area), and cause a loss of community feeling in the Aylsham Road area.	See paragraph 32-34. Stores within walking distance are considered too small to serve everyday shopping needs. The supermarkets are too far away and difficult to access by public transport and residents should not have to drive to use such facilities, especially in a residential catchment population that has very low car ownership.
The site would be better used for housing. The original permission for housing and offices would be appropriate.	See paragraph 25, 55. The site is now proposed in emerging policy for a new supermarket as has always been anticipated in some form at the district centre since 2004. Housing will still be possible on the site to the rear / north.
Jobs created will not be as many as proposed by the application.	See paragraph 26-27. Even part-time jobs would exceed the small number of staff at the current facility and further office / industry / employment uses would perhaps be better located to employment areas or city centre.
The church congregation could experience difficulties accessing the site for services and the various activities at the church hall, due to traffic congestion, causing a loss of community and people using facilities elsewhere.	See paragraph 25, 32-34, 73-80. Accessibility for pedestrians and cyclists should be improved and the supermarket car park will include overflow parking for local users of the district centre.
The Statement of Community Involvement did not receive enough feedback to advise a proper submission and many local businesses and services were not consulted.	See paragraph 5-6. Local people were consulted and had the opportunity to comment on the proposals at pre-application and formal application.
The design of the supermarket building should be more sympathetic to the church opposite.	See paragraph 59-69.
A bridge should be provided to help people cross Aylsham Road.	See paragraph 73-80, 88.

Observations	
The development should ensure that it improves the crossing facilities across Aylsham Road to promote links with the library and improve access to the bus stop.	See paragraph 73-80, 88. A new crossing and improved existing refuge will be provided.
The level of parking proposed may be too low for local services to benefit from.	See paragraph 72-85. There will be peak use at certain times but the proposals include an excess over the maximum policy parking threshold and the excess is designed to provide for visitors to the wider centre.
Support	
The current site is an eyesore and the works would improve the appearance of the area, particularly on the main road into the City.	See paragraph 59-69.
The jobs created would benefit the area, particularly in this less prosperous area.	See paragraph 26-27.
The supermarket would meet the needs for people in the area and provide more fresh produce; the Lidl is cheap but does not have the range of goods required, Asda is too far and inaccessible, being dangerous on foot and difficult by bus, and the site would be beneficial for the elderly and infirm.	See paragraph 32-34.
Using the proposed supermarket would also encourage use of other shops in the area.	See paragraph 32-34, 41-43.
The site has good links via public transport.	See paragraph 26-27, 75, 88.
The proposed screening at the front of the site is sensitive.	See paragraph 63, 66-69.
The proposed operator is too far away at present and needs two buses to reach it, and offers a good retail experience; a British supermarket should be provided and would be well supported. More competitive prices are needed.	See paragraph 16-24. It is important to note that the brand of applicant / operator of the store is neither a material consideration nor necessarily the same operator who would build and use the site as permission 'runs with the land'.
The servicing and loading will be no different to the existing situation but loading at the back is preferable.	See paragraph 76-80.
The new layout is more in keeping with the area, and if social housing cannot be provided here then this is the next best use for the site.	See paragraph 59-69.

Consultation Responses

- County Council as Highways Authority** – Following discussions with the County Council and Highway Authority and the City Council Transport Planner it has been resolved that for a supermarket of this scale, in this location, the transport impacts are just acceptable. Although the highways arrangements have only recently been upgraded and redesigned at the Woodcock Road / Mile Cross Road / Aylsham Road junction, there is considered sufficient capacity in the junction to account for the increase in traffic volumes.

8. **Environment Agency** – The submitted Flood Risk Assessment has demonstrated that the proposed development will not increase flood risk elsewhere, but conditions should be used (as suggested) to clarify the finer details of the drainage system and ensure sustainable drainage measures are compatible with the hydro-geological and known contamination constraints at the site, and ensure appropriate management of the SUDs system. There is a lot of contamination on site from its previous uses; a significant contamination remediation programme will be required by conditions.
9. **Anglian Water** – Confirmation should be sought from the Environment Agency to ensure the proposed drainage / surface water management scheme is acceptable, and then should be confirmed by planning condition.
10. **English Heritage** – No objection to the application following the revisions from the previous application's proposals. The site is a significant location and development has the potential to enhance the setting of the conservation area and St Catherine's Church. The supermarket building needed to be brought closer to the road and the entrance arranged so that it can make a positive contribution to the streetscape (unlike the previously-proposed expanse of car parking). The current application brings interest and modulation to the street elevation by using glazing, varied cladding and a set-back roof. More soft landscaping and planting should be provided at the building's frontage to soften it and create a visual link with the churchyard across the street, to avoid looking too 'hard'.
11. **Environmental Health (Pollution Control)** – (18.12.13) Despite the contamination identified as a risk to groundwaters, the proposals will not present a contamination risk to human health. Given the proximity of residential neighbours, particularly to the east and south, the noise associated with the use will need to be very carefully controlled. Conditions will be required for agreeing the type and location and noise characteristics of plant and machinery.
12. **Norfolk Historic Environment Service (Archaeology)** – No comment; the site is not of significant archaeological interest to require surveys or pre-commencement conditions.
13. **Norfolk Police (Architectural Liaison)** – The car park barrier is welcome, but should be relocated closer to the site entrance to prevent gathering and anti-social behaviour when the store is closed. Car park security is lacking in places, and the cycle store on the east side of the building does not benefit from natural security surveillance. Some general advice is offered. The police advise they may seek Section 106 contributions in the future.
14. **Norfolk Fire & Rescue Service** – No objection, provided the scheme can provide a sprinkler system and be able to provide appropriate hydrant connections within 90m.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

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

Paragraph 14 – Presumption in favour of sustainable development

Paragraphs 203-206 – Planning conditions and obligations

Section 1 – Building a strong, competitive economy

Section 2 – Ensuring the vitality of town centres

Section 4 – Promoting sustainable transport

Section 6 – Delivering a wide choice of high quality homes

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
Section 12 - Conserving and enhancing the historic 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 3 – Energy and water

Policy 4 – Housing delivery

Policy 5 – The economy

Policy 6 – Access and transportation

Policy 12 – Remainder of Norwich area

Policy 19 – The hierarchy of centres

Policy 20 – Implementation

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

NE4 – Street trees to be provided by developers

NE8 - Management of features of wildlife importance and biodiversity

NE9 - Comprehensive landscaping scheme and tree planting

HBE7 – Evaluation of standing archaeology and significant buildings

HBE8 - Development in Conservation Areas

HBE9 – Development affecting Listed Buildings

HBE12 - High quality of design in new developments

EP1 - Contaminated land

EP16 - Water conservation and sustainable drainage systems

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

EP18 - High standard of energy efficiency in new developments

EP22 - High standard of amenity for residential occupiers

EMP3 – Protection of business units and land reserved for their development

SHO1 – Limit on major non-food shopping development

SHO3 – Locational conditions for new retail development – sequential test

SHO9 – Retail development contributions to enhancement of public facilities in the area

SHO12 – Retail development in District or Local Centres

SHO14 – Improvements to safety and attractiveness of District and Local Centres

HOU13 – Proposals for new housing development on other sites

SR3 – Urban Greenspace

TRA3 – Modal shift measures in support of NATS

TRA5 - Approach to design for vehicle movement and special needs

TRA6 - Parking standards - maxima

TRA7 - Cycle parking standards

TRA8 - Servicing provision

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

TRA11 – Contributions for transport improvements in the wider area

TRA12 – Travel Plans for employers and organisations in the city

TRA14 - Enhancement of the pedestrian environment and safe pedestrian routes

TRA15 - Cycle network and facilities

TRA18 - Major road network

Supplementary Planning Documents and Guidance

Trees and Development (Adopted September 2007)

Statement of Community Involvement (March 2010)

Other Material Considerations

The Localism Act 2011 – s143 Local Finance Considerations
Written Ministerial Statement: Planning for Growth March 2011

Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):

Site Allocations Development Plan Document – Pre-submission policies (April 2013).

R23: Land at Aylsham Road

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

DM1 Achieving and delivering sustainable development

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

* **DM3** Delivering high quality design

* **DM6** Protecting and enhancing the natural environment

DM7 Trees and development

* **DM8** Planning effectively for open space and recreation

DM9 Safeguarding Norwich's heritage

* **DM11** Protecting against environmental hazards

* **DM12** Ensuring well-planned housing development

* **DM16** Employment and business development

** **DM18** Promoting and supporting centres

* **DM20** Protecting and supporting city centre shopping

* **DM25** Retail warehousing

* **DM28** Encouraging sustainable travel

DM29 Managing car parking demand in the city centre

* **DM30** Access and highway safety

* **DM31** Car parking and servicing

DM33 Planning obligations and development viability

and **Retail Topic Paper** - submitted to the Planning Inspectorate for examination for use in support of the emerging Development Management and Site Allocations and Site Specific Policies Development Plan Documents, April 2013.

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. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. 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.

*In the case of DM2, DM3, DM6, DM8, DM11, DM12, DM16, DM20, DM25, DM28, DM30 and DM31, only limited weight is apportioned to their use given that objections to the draft policy were raised at public consultation. In the case of DM3 and DM30 only very limited weight can be applied to these emerging policies due to the nature of objections received to their draft status, however, their objectives are suitably covered through existing saved adopted policies HBE8, HBE12, TRA5, TRA6, TRA7, TRA8, TRA14 and TRA18 of the Replacement Local

Plan, and saved policy T2 of the adopted Norfolk Structure Plan.

** In the case of policy DM18, no weight at all has been applied to its draft content due to objections being received which if followed-through could materially alter the content of the policy as drafted. However, for background purposes the policy concerns promoting retail and town centre uses in the district centres where the scale would be appropriate to the centre's position in the retail hierarchy. It aims to deliver development that is sequentially suitable (i.e. sited in the right places at the most appropriate level of the hierarchy) and provided at a scale appropriate to the centre in which they would be located and the catchment they would serve.

Principle of Development

National planning policy context

15. The National Planning Policy Framework (NPPF) does seek to promote competition amongst retailers and promote economic growth, but expects growth to be directed to sustainable and accessible locations, with retail proposals being proportionate and of an appropriate scale to the centre.
16. Accordingly, any proposed development for a main town centre use (like retail) needs to be subject to a sequential test if it is not in an existing centre and not in accordance with an up-to-date Local Plan (NPPF paragraph 24). Stores should be directed to town centres and edge-of-centre sites before out-of-centre areas are considered, and all sites should be shown to be accessible and well connected to the centre / town centre. In instances where developments are proposed that might be larger than anticipated, for example, the NPPF does expect both applicants and local planning authorities to be flexible on issues such as format and scale (NPPF paragraph 24).
17. An impact assessment is required by the NPPF (paragraph 26) to look at the impact of a proposal on existing, committed and planned investment in a centre(s) in the catchment area of the proposal, and impacts on the town centre, considering the impact over at least 5 years. LPAs are expected to refuse an application where a proposal would have a 'significant adverse impact' on either or both district/local centres and/or the town centre (NPPF para 27).
18. It is worth noting that the NPPF has removed any requirement to consider the 'need' for retail development to be justified, as used to be present in its predecessor national policy.

Local development plan planning policy context

19. Using terminology of Greater Norwich, the Aylsham Road / Woodcock Road cluster of shops adjacent to the site (to the north) is defined as a District Centre. The Joint Core Strategy (JCS) Policy 19 expects retail development to be directed to defined centres, and the scale of development to be proportionate or appropriate to the 'form and functions' of the centre's position in the retail hierarchy. The Aylsham Road district centre is in the third tier of centre in Greater Norwich, on a par with the level of services expected to serve the likes of large villages such as Long Stratton and Acle, and centres in the Norwich urban area such as Bowthorpe, Plumstead Road and Dussindale which already contain their own large convenience foodstores. The policy expects such district centres to meet the daily needs of their local resident populations, and are areas which are considered for additional improvements as shopping destinations.
20. JCS Policy 12 also promotes regeneration and neighbourhood-based renewal of tired suburbs, and requires development to improve townscape and retain the best of local

character, particularly on major routes from the urban edge to the city centre, to promote local jobs, improve local services, and protect and enhance district centres. The same policy identifies a specific 'Northern Wedge' area (from the north city centre to Mile Cross and New Catton) as needing physical and social regeneration.

21. Within the existing City of Norwich Replacement Local Plan (adopted 2004), saved policy SHO12 supports appropriate development and expansion within and adjacent to district centres, subject to being at an appropriate scale in relation to the retail hierarchy and demonstrating that proposals would have no detrimental impact on existing centres or on committed proposals for retail development (this is essentially the impact test principle also in the NPPF, the JCS and emerging policy DM18).
22. The supporting text to RLP policy SHO12 makes reference to the potential for expansion of the district centre but does not propose a scale of development considered acceptable; this was envisaged either through development along the Aylsham Road frontage, to link the present district centre with the Lidl store at Copenhagen Way, or through expanding the existing district centre by utilising adjacent industrial backland at Arminghall Close. This latter proposal is shown as the preferred option on the adopted Local Plan proposals map, but is not specifically reflected in any site-specific policy in the plan. Nevertheless, the original intention to develop in this location is clear and is considered for the purposes of this decision to be contrary to the aims of the existing adopted Local Plan.
23. Further criteria for retail development at the Aylsham Road centre as set out in policy SHO12 are the need to demonstrate no significant detrimental impact on vitality and viability of existing centres and proposed enhancements thereof, no significant detrimental impact on landscape, townscape, residential amenity of quality of the built environment, and the development will need to achieve safe and attractive pedestrian and cycle movement and satisfactory access, parking and servicing. The question of impact is discussed within this section of the report, whilst the remaining issues are further below.

The emerging Local Plan allocation policy context

24. Within the context of emerging policy for the allocation of part of this site for redevelopment in the emerging Local Plan, this 3.48 hectare site reflects a long term aspiration to regenerate and enhance the Aylsham Road district centre by providing for a mixed development of housing and retail uses, which integrates with and enhances the existing centre and its facilities. The emerging site specific policy includes the application site as part of a larger area of potential development land extending to the north and including the Arminghall Close backland identified for development for up to 100 dwellings. It is intended that development on this part of the allocation site effectively extend the area of the designated district centre. This adjoining land is currently occupied by a range of poorer quality industrial premises.

The principle of development

25. The site forms part of a mixed use residential and retail redevelopment allocation in the emerging Local Plan, specifically allocation R23 within the Site Allocations and Site Specific Policies Development Plan Document (submitted for examination April 2013). Positioned on the west of the application site, and the south-west corner of the proposed allocation site, this is adjacent to an existing district centre on a road that forms part of the major road network. The proposal for retail use on the site is located in the area of the site anticipated for retail in the emerging policy.
26. As such the key considerations for the proposed development are the principle of retail, the ability to deliver housing on the remaining parts of the allocation, and the impacts of

the development in the context of access, parking, cycle storage and servicing, design and layout of development, setting of the conservation area, archaeology and heritage assets, residential amenity, the natural environment, trees and biodiversity, water conservation, energy efficiency, land contamination and fulfilment of planning obligations.

Retail capacity and scale of development

27. Although the assumptions underpinning the submitted Retail Impact Assessment have been taken from the assessed need and capacity for retail floorspace in the Norwich area set out in the Norwich Sub Region Retail and Leisure Study published in 2007, there is considered to be merit in these figures, so long as the developments since 2007 are accounted for. By way of background, the 2007 Retail Study assessed the level of retail need up to 2016 and 2021 consistent with the forecasts for housing growth. As some objectors point out, the recession has promoted a change in retail habits; there is a growing national trend in convenience retailing for customers to shop at out-of-town supermarkets less and to increasingly use home delivery for their main convenience goods purchases and district and local centres on a regular basis for top up purchases, using a more diverse range of shops. Such a trend is consistent with national and local retail policy aims to promote local and district centres and to reduce the need to travel for everyday shopping.
28. This trend has been amply demonstrated by sustained growth in convenience retail floorspace, some at the expense of comparison space, with significant growth in particular in small-scale (under 500m²) and medium scale (500-1500m²) foodstores in inner urban and suburban locations. The main additions to convenience floorspace, and the permissions granted for the Anglia Square large district centre store and the Hall Road district centre store since the study base date in 2007 are detailed in the Retail Topic Paper which was used to inform the allocation for the emerging site allocations plan. The stores that have not been accounted for in the Topic Paper are the recently-built Aldi at Sprowston Road and the intended opening of Morrisons next to B&Q at Hall Road. The Aldi store is the same catchment area as the application site but meets the needs of the adjoining Local Centre. The Morrisons store is able to take advantage of an historic unrestricted planning consent despite being in an undesirable location for a convenience goods supermarket and besides is outside the catchment area of this application site.
29. The rapid spread of small and medium-scale foodstores in the Norwich area has resulted in the predicted growth in floorspace requirements to 2016 (as forecast in the 2007 retail study) already being greatly exceeded; over 12,000 sq.m of new convenience floorspace has been developed or approved between 2007 and 2011 alone, as against the forecasted requirements to 2016 of 10,790 sq.m. Consequently any new foodstores will, automatically, be impacting on existing outlets by diverting and redistributing trade rather than meeting new demand arising from population growth; as competition and increased consumer choice is actively encouraged by the NPPF, however, it is not appropriate to restrict further retail growth on the basis of the once-forecast capacity having been exceeded. Instead, retail proposals should be considered only on the basis of the impacts of the development when assessed against the performance of the proposed store and its relationship to the overall performance of centres in the area.

Policy constraints

30. Within the existing adopted Replacement Local Plan (2004), there is no designated policy allocation for this site, so it would be considered a brownfield windfall site usually more appropriate for housing development, but the presence of an emerging policy allocation which promotes this for retail as part of a residential-led mixed use development would supersede this general expectation. The site is just to the south of the defined district

centre. Although it may not be directly adjacent to the existing district centre, it is considered to be 'edge of centre' both within the existing 2004 Local Plan and within the draft development management policy, which considers the allocation an opportunity to expand and strengthen and reinvigorate the existing district centre.

Application of the sequential test / appropriateness of the location

31. Notwithstanding the emerging policy, a sequential test is required to justify the location outside the existing district centre boundary, both to prove that a preferred location is not available in an existing centre, and to demonstrate that appropriate sustainable links are possible to existing centres. It should be noted however that the site is proposed to be allocated for both retail and in the region of 100 dwellings under the draft Site Allocations Plan. Looking at other sequentially preferable sites available there are no sites within defined centres that are available for this retail development.
32. With the works proposed, the application ensures there are good pedestrian links from the district centre to this site, and from nearby residential and other centres to the site. Therefore, the site would provide a more sustainable location for food shopping in the north of the city compared with existing superstores at Blue Boar Lane (Tesco) and Drayton High Road/Boundary Road (Asda).
33. Given that the general location of the site is acceptable, and the scheme can demonstrate appropriate accessibility enhancements, this edge of centre site is considered to be a suitable location for the proposed retail store, meaning the scale of the retail floorspace should be considered in terms of its impact on- and the contribution it can make to- the adjoining district centre, as well as its impact on existing defined centres in the local vicinity (i.e. within the same reasonable catchment area as the proposed store).

Considering the impact of the development

34. The regeneration and potential expansion of the Aylsham Road District Centre has been a long term policy aspiration for the City Council. Aylsham Road in general has been an inner suburban shopping "strip" which grew incrementally as part of inter-war ribbon development along Aylsham Road. The main concentration of shops is grouped around Woodcock Road and Mile Cross Road to the north of the application site (forming the identified Aylsham Road district centre). There is one smaller local centre further north at the Boundary and two further local centres south around (respectively) Glenmore Gardens and Junction Road. The recent addition of the Tesco in a recently-converted pub and the Lidl at Copenhagen Way, to the south of both the existing district centre and Glenmore Gardens, has led to the proposal in the emerging Local Plan to also designate the Half Mile Road group of shops as a local centre.
35. With regard to impact assessment, saved adopted Local Plan policy SHO3 sets a threshold for requiring impact assessments of 1,000sqm gross floorspace, which for reference is lower than the NPPF's threshold of 2,500sq.m. floorspace but reflects the strong retail position of the city centre and the generally smaller nature of such district centres. In this case the impact assessment would need to be focused on the impact of the development on the vitality and viability of existing centres in the catchment or along similar transport corridors, and in this case that is considered to comprise the Aylsham Road district centre and the planned large district centre of Anglia Square, and the nearby local centres along Aylsham Road and within Catton (Woodcock Road, Grove Road and Mile Cross Lane), at Drayton Road / Mile Cross Road, at Sprowston Road / Chartwell Road, and both the Dixon Shopping Centre and Middleton's Lane shops, Reepham Road.

Impact on the Aylsham Road district centre

36. Although there are shops and services distributed sporadically along the main road from the outer ring road to the verges of the city centre, in actual fact the shopping facilities in this area lack an obvious focus. This is a substantial residential area around Mile Cross and Catton and the proposed store will fill a role by serving the day-to-day needs of these areas; other than the Lidl at Copenhagen Way, the closest similar facilities at defined centres are the comparatively small Lidl at Drayton Road (within a district centre), the much smaller Morrisons (ex Somerfield) in the Catton Grove Road local centre, and the comparatively smaller recently approved and constructed Aldi at Sprowston Road / Windmill Road (on the edge of a local centre). These stores have been considered to be an appropriate size and scale to provide for most of the daily needs of residents of a very local catchment, but do not generally have the range nor extent of goods needed to serve large catchments or attract people from further afield; this is not something that is dictated simply by the type of foodstore operator which could change if one of 'the Big 4' occupied the shop instead, rather it is a result of the smaller size of retail unit. Consequently, the impact of the proposed store on these sites should be minimal as the role of the proposed store will be different to that of the existing facilities. Further, the Aylsham Road Tesco and other small outlets are small enough to be considered 'top-up' shops only and should continue to remain largely unaffected.
37. The development would enhance the vitality and viability of the existing district centre by providing another retail destination for people to visit and create linked trips with the existing district centre, which includes banks, other shops and a library opposite, for example. Although existing pedestrian links are less than ideal, the application will greatly improve the situation by including removing the existing missing pavements and providing highways works to create a continuous north-south pavement and pedestrian route on the east side of Aylsham Road, install a new pedestrian refuge and crossing point opposite the store entrance, and improve the existing refuge to the south. In crossing the new site access at the south entrance the application provides an acceptable pedestrian crossing facility.
38. Despite being slightly larger in floorspace than anticipated by the emerging policy allocation (some 935sq.m. gross floorspace above the allocation's expected 2,500 sq.m. gross floorspace), the redevelopment of this site with 2,117sq.m. net / trading floorspace, of which some 1,692sq.m. would be used for convenience sales, and therefore being predominantly a foodstore, is considered on balance to be an appropriate scale of development for the district centre's position in the hierarchy of district and local centres within Norwich and the surrounding suburbs to the north and west.
39. The proposed retail floorspace at 80% convenience goods, 20% comparison goods, would lead to some direct competition between existing retailers in the district centre. The addition of the food store and parking which can be used by general visitors to the area, however, would increase footfall to the district centre. Therefore whilst it is acknowledged that the store would likely have some impact on existing units in the same district centre, some of which may eventually even be detrimental, this is considered by the NPPF to be healthy competition and the impact would be outweighed by the positive benefits this store brings to the centre overall. In particular, for the proposals to have relocated the store to the front of the site (as also expected by emerging policy) there is a strong likelihood that day-to-day shopping can be complementary to the trade of the rest of the centre, and by providing the café as suggested, the glazed frontage of the site will greatly improve the sense of activity and vibrancy around the district centre.
40. Further, recent experience has shown that additional convenience floorspace within a local

centre can promote vitality and viability of the centre as a whole; the Unthank Road Local Centre for example has reduced its vacancy rate and increased the range of outlets in the centre since the edge-of-centre Tesco store was built, which is reflected in the Retail Topic Paper written to accompany the submitted version of the emerging Local Plan. Although the floorspace is scaled-up to reflect the Aylsham Road centre's status as a district centre, it would be considered unusual for a district centre to continue to be without such an 'anchor' store. Therefore the principle of the retail development in this location, when considering the impact of the proposal on the existing centre, and notwithstanding the indicative smaller retail threshold of emerging policy, is considered to be acceptable in retail terms. Nevertheless, to ensure that there is no impact on other outlets or centres in relation to comparison goods, it is recommended any permission uses a planning condition to ensure that the split of sales floorspace is required to remain at 80% convenience to 20% comparison goods. Further, to ensure the development maintains its role as being a foodstore to meet the needs of the resident catchment population, planning conditions shall be used to ensure there is no subdivision of the store, and shall ensure there is no additional mezzanine floor constructed (which might lead to more floorspace which would exceed the acceptable impact of this scheme), and shall ensure there are no separate entrances provided to the comparison goods sales area or operation by different operators (to prevent the comparison goods element creating an excessive impact on its own).

41. Notwithstanding, contrary to the NPPF requirement (at paragraph 24), the applicant has shown remarkably little flexibility with regard to the scale of the development, and since the previous application the only addition to the proposed scheme has been the addition of a street-facing café area. Throughout pre-application and during the previous application concerns were raised regarding the larger scale of development but the applicant asserted the site could only come forward with this size and scale of floorspace. On balance, the assessment has considered the comparable floorspace from other district centres and found the Plumstead Road district centre to have 3 national retailers, the Bowthorpe district centre has c.2,100sq.m. of foodstore, and the recently-approved Hall Road district centre would trade from a much greater 3,406sq.m. of net floorspace if developed under permission 12/02003/F.

Impact on other centres

42. On balance this proposal is considered to be consistent with similar scale district centre developments and able to provide for the needs of the area. Although the store's size may mean the catchment area is larger than other comparable district centres, it is felt the site's position on the A140 would draw trade from other car-based superstores e.g. Asda Boundary Rd, Tesco Sprowston and Morrisons Riverside, rather than other centres as a whole.
43. When considered against these other comparable retailers, the Tesco at Sprowston is considered large enough to experience little impact from trade diversion and has a much more immediate catchment area (and greater catchment through planned residential growth), the Riverside Road Morrisons is not only at the edge of the likely catchment for this site but also is the same operator as proposed, so would be unlikely to proposed if there was felt to be an unacceptable impact, and the Asda at Boundary Road is not in a defined centre in policy terms so is not considered to be relevant to the tests of the NPPF. Although the planned Anglia Square Large District Centre has permission for a store of approximately 4,500sq.m. net sales floorspace, this is part of a wider regeneration package that will help bring that key site forward and being on the inner ring road will serve a much wider area and maintain its success despite any competition as may arise from this application.

44. In terms of the potential impact on these large superstore sites, the NPPF promotes competition and diversity amongst retailers, and aims to ensure retail development is accessible and available to means of transport other than the car. If there are any diversions of trade away from established superstores (which the submitted retail impact assessment suggests the vast majority of trade would come from, as opposed to people shopping currently shopping in the city centre or outlying smaller centres), the impact would be one of competition and a reduction in the need to travel significant distance by car. Therefore, it can be said to be promote fewer journeys and promote diversity and competition amongst large-scale retailers, and so the impact on other centres as whole would be acceptable.
45. The proposed Aylsham Road district centre supermarket is designed to be 3,435 sq.m. 'gross floorspace' (i.e. whole building), of which only 2,117sq.m. would be used for trading floorspace; this is the 'net floorspace'. Of this 2,117sq.m. net floorspace, the vast majority (80% or 1,692sq.m.) is intended for convenience (day-to-day) retailing, and 20% or 423sq.m. is proposed for comparison goods trading (i.e. the items not needed everyday, which in supermarkets might be element of clothes, housewares, toys or multimedia goods). This means the net floorspace (tradable area) works out to be 62% of the gross (overall) floorspace for the proposed occupant (Morrisons).
46. It is understood from other applications in the city that other operators are said to use a 70-80% net floorspace area; for comparison, 75% net floorspace area in this development would be around 2,576sq.m. This low ration of trading floorspace makes Morrisons somewhat unusual, but it was questioned at pre-application stage and is known to be a Morrison-specific factor, which may derive either from creating a specific shopping experience in their stores (e.g. having a less dense shelving or including the 'street market' area) or from their competitors being less accurate in floorspace use assessments. Nevertheless, if the emerging site allocations policy was to expect as much as an 80% use of floorspace for trading out of the suggested 2,500sq.m. gross floorspace in the allocation, it would be feasible for an operator to trade from up to 2,000sq.m. net floorspace. This would be only 100-200sq.m. less trading floorspace than is presented in the current proposal. It is therefore considered that the proposal does not represent an unacceptable excess of floorspace over what could be possible within the constraints of the gross floorspace threshold submitted for examination and anticipated adoption in the emerging Local Plan Site Allocations Policy R23. Therefore, it is not considered that the development will cause an unacceptable retail impact on existing centres either at Aylsham Road or at other defined centres within it's retail catchment.
47. Overall, it is considered acceptable to accept a store of this scale with the characteristics of gross:net floorspace as proposed, in the proposed location, because the net benefits brought to the adjacent district centre and surrounding local centres are considered to greatly outweigh any detrimental impact likely to be experienced by the large national retailers of comparable size in outlying areas. This is particularly so as the NPPF promotes competition and choice amongst retail offers provided new development is proposed in the appropriate locations. As there is no up to date technical evidence to demonstrate conclusively that the proposed store would have an unacceptable impact on existing and proposed centres *as a whole*, or harm prospects for their improvement it is not considered appropriate to object to the proposal on grounds of impact or scale of the development.

Relationship to the emerging Local Plan policy

48. For context, the emerging site allocation policy R23 suggests setting a maximum threshold of 2,500sq.m. gross floorspace for the site, of which a maximum of 300sq.m. is suggested to be appropriate for comparison goods. Of the (slightly larger) net floorspace anticipated

through this development (2,117sq.m.), the proportion of convenience to comparison goods retailing is 80% convenience (1,692sq.m.) and 20% comparison (423sq.m.). Notwithstanding the small increase of proposed comparison floorspace to that anticipated by emerging site allocations policy, this 80%:20% ratio is actually much more food- or convenience-retail orientated than was the case in the Hall Road district centre permission 12/02003/F, for example, which has a 66% convenience to 33% comparison floorspace ratio (maximum 1,124sq.m. comparison within a 3,406sq.m. net floorspace).

49. It is acknowledged that in some respects the saved policies of the adopted City of Norwich Replacement Local Plan (2004) are becoming out of date and have been partly superseded by more up to date policies and guidance. However, the principle of retail development to expand and consolidate the Aylsham Road district centre is accepted as a long term aspiration, and is perhaps better considered against the aims of emerging policy.
50. The emerging policy has a threshold of 2,500sq.m. gross floorspace because it:
 - reflected developer aspirations for the site when first drafted, and would help to deliver a viable mixed use scheme with an element of housing.
 - It would fulfil the long term local plan aspiration of a much improved focus for the Aylsham Road District centre, by expanding and consolidating its range of services.
 - It would deliver local shopping facilities in a particularly accessible and sustainable location on a bus rapid transport corridor and with a substantial residential catchment population.
 - It would help to promote a more sustainable pattern of retail facilities in this part of the city which is disproportionately dependent on large freestanding foodstores (Asda, Tesco).

Summary of retail policy considerations

51. Currently, any stores that are large enough to provide for complete day-to-day shopping needs are located too far away from the resident catchment population and as a result the district centre lacks a focus and should be promoted for expansion to provide greater variety and choice of retail format. The Asda store on Boundary Road / Drayton Road is not in a defined centre and is not easily accessible by public transport, and is very far and not easily reached by cycling, walking or mobility scooter. Consequently it is not in a sustainable enough location to fulfil the needs of the Aylsham Road district centre. The closest alternative store of similar size to Asda would be Tesco at Blue Boar Lane, Sprowston, also reliant on car journeys. Therefore, it is considered entirely appropriate for a store of fairly substantial size to be provided on the edge of the defined District Centre, as is reflected by the emerging site allocations policy R23 which identifies a role for a foodstore of up to 2,500 sq.m. gross floorspace to serve the local residential catchment.
52. To summarise the assessment of the principle of such foodstore development in this location, it is considered that the proposals are acceptable in terms of their overall sustainability benefits for the area. The degree of impact from the development on the adjacent centre and nearby centres as a whole is considered acceptable, as detrimental impacts experienced are likely to be from trade drawn away from the nearby larger stores (which the NPPF considers to be appropriate competition), rather than local trade because there is a lack of such an existing facility to serve the needs of the district centre and surrounding large residential catchment without in an accessible non-car dependent location. Whilst there is a small increase above the expected limit for floorspace proposed in the emerging policy allocation, the character of retail offer suggests that the impacts would be acceptable, and the negligible additional comparison floorspace proposed is felt acceptable given the district centre's position in the retail hierarchy.

53. Overall, the proposals are consistent with the aims of the existing adopted Local Plan. Significant weight can be attributed to proposed emerging Local Plan policy allocation R23 as there are no objections to the principle of the allocation; the scheme also meets the expectations of this policy by extending the district centre with an anchor foodstore of a scale that is appropriate to the centre's position in the retail hierarchy.

Future Housing Delivery

54. It is important to note that the way that supermarket site is designed and integrated into the existing centre is a critical consideration and the NPPF and JCS Policy 2 have a very strong emphasis on achievement of high quality design. Emerging policy R23 states that development is required *on the street frontage* to recreate a strong frontage and provide effective integration with the existing centre. There is also a requirement for a significant component of housing on the adjoining site as part of the emerging allocation; importantly the proposals do not preclude an access route, if only pedestrian, being provided to this potential housing as access remains possible from the northern service route across the Smith and Pinching land also within the same proposed allocation. Highways officers suggest the most appropriate for any future vehicle access to this allocation should come via the north and Arminghall Close (to avoid traffic impact on Aylsham Road). In summary, although the application itself does not include any housing, it positions and designs the retail store in such a way as to facilitate delivery of the housing on the remainder of the allocation site to the north and provide a potential link to housing in the future.

Impact on Living Conditions

Noise and Disturbance

55. The proposed use will likely be more neighbourly to residents immediately adjacent than the existing use, although the noise from cars and deliveries should be controlled.

Overlooking, Overshadowing and Loss of Privacy

56. The supermarket is far enough from neighbouring uses to avoid causing overshadowing or loss of privacy, although tree and hedge screening will improve the relationship further.

Overbearing Nature of Development

57. The current buildings are in places hard up against the boundaries, effectively screening the neighbours from views and some noise of the workshop and other activities of the site. The previous application proposed siting the store against the boundaries again, which would have been unacceptable, but as re-positioned the new proposals will allow a lot more room between uses and light to reach neighbours' gardens, and will avoid overlooking from the (limited) upper floor office and staff area. As a result the building is more neighbourly and is not really overbearing especially given the proposed use of screening around the boundaries.

Design

Scale and historic context

58. Historically, in C19 (as shown on the 1880s map) there was a small cluster of buildings to the east of the Mile Cross Road/Aylsham Road junction, with this site in use. By 1907-14 a tallow factory had been erected on the site which is likely to have created a significant smell so it is not surprising that the buildings were originally set back from the road. Nursery greenhouses were built further along the road to the south.

59. During the inter-war years the area was significantly developed with social housing, with

later more speculative 'mock tudor' semi-detached housing along Aylsham Road around Glenmore Gardens to the south on the opposite side of the road. St Catherine's Church, church hall and vicarage were built to the west of the site between Half Mile Lane and Aylsham Road, and to the south of that site Mile Cross public library. To the south of the site a baths and ballroom were constructed, with shops in the small space between. In the post war years a further parade of shops with flats above were built to the west. The site in question became a garage with the Goff Petroleum depot behind. The garage built a showroom on part of the frontage, replacing a smaller semi-detached building.

60. As a result, the historic context shows that whilst there has traditionally been a few buildings of stature on the site they are not of a great scale so the proportions of a new building should be comparable to the existing neighbouring development rather than neglecting historic context altogether or becoming too much of a landmark statement at the entrance to the conservation area.
61. The existing buildings on the site are of no architectural or historic merit and can be considered harmful to both the adjacent listed buildings and the character and appearance of the Mile Cross Conservation Area.

Layout and Form

62. Following the feedback on the previous scheme, the design of the scheme has been discussed at length. The building is now positioned towards the front of the site, with car parking at the rear, and therefore responds far more positively to the existing streetscene. Although the building is orientated at a slight angle and does not follow the general building line parallel to the street, it does face toward the more open area of the junction, and is aligned with and has a relationship to St Catherine's Church opposite. Landscaping to the front further eases the introduction of what is a relatively large scale building into the existing streetscene and compliments existing landscaping in an area noted for its landscaped verges.
63. The actual design of the building has been appropriately scaled considering the proposed use and will be constructed of materials that are interesting but not overly fussy or decorative, and do not therefore detract from setting of the adjacent Grade II* listed St Catherine's Church.
64. The building is articulated with a canopy to the front which both provides solar shading, and an effective way of reducing the perceived bulk of the building. The entrances to both the street and car park entrances are well defined and legible within views and approaches. The front of the building has an active frontage to the street with the use of the front area as a café. To the side the elevations, which are blank and relatively monotonous through functional necessity, are broken up with rhythmic changes in materials to introduce some variety and interest.

Conservation Area – Impact on Setting

65. This part of Aylsham Road forms the boundary of the Mile Cross conservation area, the southern end of which is marked by the Grade II* listed building of St Catherine's Church, its parish hall and the public library, with the formally planned housing beyond. The existing gap in the street scene fails to make any contribution to these heritage assets and detracts from the appearance of the area overall.
66. Whilst the mass and position of the building are important for complementing the conservation area and being appropriate neighbours to the listed building and residential scale of the surrounding area, it would be inappropriate for the scheme to be too pastiche

in its use of materials. The proposals should deliver a high quality contemporary design to lift the area and provide interest and a focus to this part of the conservation area. The street elevation is glazed with proposed grey metallic panels to the roof fascia, helping it recede in street views, with complementary terracotta bands. In a particularly modern element, the designs propose 'chameleon' cladding panels which alternative between green and brown colouring when viewed from different sides. Having viewed a sample of the panels, the conservation and design officer is satisfied that the materials palette as proposed should be successful for the area. For the avoidance of doubt, a planning condition will be used to ensure they are still available and the tone and texture are right.

67. Landscaping at the front of the site would be important to soften the site and development positioned closer to the road, and enhance the setting to the conservation area by providing a visual connection to the churchyard over the road, when read in longer views from afar. There is more hard landscaping in the proposal than would be ideal, but the scheme has to strike a balance whereby shoppers are encouraged to pause and use this piece of space which the district centre currently lacks. It is hoped the raised planters and seats will provide a barrier to the road, create a meeting area and complement the activity of the stores café within. A landscaping scheme will further enhance the setting of the conservation area when it determines an interesting paving design and appropriate tree selection for the site.
68. Overall the development can be considered to be appropriately designed and an enhancement of both the setting of the neighbouring listed buildings and Mile Cross conservation area.

Security

69. The car park barrier is a benefit to the scheme, and was positioned further into the site following pre-application advice, on the basis that spaces should remain available for using other shops and services when the store was closed. However, there will be few occasions when the store is closed when other stores are open, and there will still be some on-street parking available to accommodate this, so it is not an unreasonable by the police to move the barrier closer to the site entrance. On balance, despite losing some off-street parking available to the wider public 'after-hours', this is favourable in the interests of preventing cars gathering and anti-social behaviour taking hold when the store is closed. Details of the car park barrier should be secured by condition (due to potential impact on trees and site appearance). Security advice details can be provided through Informatives.
70. The car park will be screened along the boundaries for purposes of providing residential privacy, but it does leave some areas without natural security surveillance. At quieter times, when the store is less busy, there should be ample parking close to the entrance and as the car park will be closed when the store is closed, it is not expected to be a significant concern, and the store will probably use CCTV systems anyway. The position of CCTV cameras, their appearance and their field of view should be controlled by planning condition. The cycle stores at the rear of the store are for staff, and are expected to be a secure and covered enclosure anyway, with appropriate lighting to match.
71. The development will need to ensure the layout and designs account for providing appropriate fire hydrant connections within 90m of the building's entrance, which will be secured by planning condition. The scheme already includes a sprinkler protection system; although quite utilitarian in appearance, the sprinkler container is sited behind the building and far enough from the nearest residential dwellings to avoid being detrimental.

Transport and Access

Transport Assessment

72. The development has assessed the scale of the proposed development and comparison against the existing use, which is predominantly a distribution of the site's heating and petroleum products, and repairs of vehicles. Following discussions with the County Council and Highway Authority and the City Council Transport Planner it has been resolved that for a supermarket of this scale, in this location, the transport impacts are just acceptable. Although the highways arrangements have only recently been upgraded and redesigned at the Woodcock Road / Mile Cross Road / Aylsham Road junction, there is considered sufficient capacity in the junction to account for the increase in traffic volumes.
73. There will be some additional peak hour traffic and likely congestion as a result of shoppers diverting into the store on their route home, but this is offset by the reduction in car journeys being made to other outlying stores and the overall impact is one of benefit through shorter car journeys and fewer trips being needed in general. Importantly, the revised design has now positioned the customer access to the south of the site, as far away as possible from the newly-upgraded junction to the north.
74. The increased car parking proposal over the City Council policy limit is still within the higher limit used by the County Council in Broadland and South Norfolk, and accounts for some displacement of existing spaces needing to be lost from the highway. Bus journeys will not be compromised by this scheme and the bus stop will be relocated to accordingly.

Vehicular Access and Servicing

75. There are two accesses into the site, in roughly the same positions as the existing accesses into the site (the one which serves the Smith & Pinching offices and the Goff activities, and the southern one which serves the current car sales area). The northern access is to be reconfigured slightly by resurfacing and creating a new raised table access into the site, which will extend further back to create a consistent area of hard landscaping flowing from the front of the building. The 'carriageway' will be marked (e.g. by bollards) to direct service vehicles within the general 'shared surface' appearance of the service road. Importantly, the new raised table will include a continuation of the pavement to better connect the site to the district centre to the north.
76. This northern access will provide for servicing and deliveries to the supermarket delivery area at the north side, and retains access for the existing Smith & Pinching car park and, potentially, a form of access to the northern part of the housing allocation site, even if this should only need to be a shared pedestrian and cycle route (in the interests of avoiding more vehicles entering and leaving this congested part of Aylsham Road).
77. The southern access is positioned at the southern-most part of the site's frontage to Aylsham Road, and is proposed for customer vehicles. The most important element of this junction is to provide a safe north-south passage as a continuation of the pavement, balanced against the need to avoid too much delay for cars leaving or entering Aylsham Road. A pedestrian refuge island is proposed (in revised plans) to separate access and egress, and cars are able to leave safely with appropriate visibility when turning either north or south. This is quite a wide section of crossing but cars leaving should be slow enough to see pedestrians crossing, so is acceptable.
78. Of more concern is the access into the site for customer vehicles, which is relatively wide, so encourages sweeping entry for cars at higher speeds. The Highway Authority has

consistently suggested to the applicant that a raised table should be used as well as the pedestrian refuge, but the applicant is concerned this could lead to accidents from cars slowing down to cross the raised table and being shunted from behind. The Highways Authority's transport planners do not consider this a particular safety risk as traffic speeds should be slow enough to accommodate any delay, and would prefer the raised table to be included to provide even more pedestrian visibility and priority, and an improved north/south pedestrian link. However, the junction as proposed is designed to an acceptable level of safety and a new east-west crossing over Aylsham Road will also be provided for enhanced access to the bank and library and Glenmore Gardens shops and services on the west side of Aylsham Road.

79. Other highways measures will need to include a revision to on-street parking controls (including more double-yellow lining to prevent on-street parking causing congestion), a relocation of the existing bus stop, an enhancement to the safety of the existing pedestrian refuge crossing south of the site, and a replacement of the two street trees being lost as a result of creating the new southern access. On balance, therefore, it is considered that the various highways works and landscaping of the street frontage will achieve much-improved accessibility and safety for pedestrians and cyclists using the area, and minimise traffic congestion as a result of the revised parking controls to be introduced to the area. Conditions will require all these elements to be in place prior to first use of the new store.

Car Parking

80. The planning application includes a car park for 200 car spaces, which includes 10no. disabled spaces and 10no. parent and toddler spaces positioned adjacent to the store entrance. This means 180 spaces are available for 'standard' car parking spaces.
81. By comparison, the existing Local Plan policy (TRA6, Appendix 4) allows for a maximum of 172 spaces on this edge-of-centre site, having a maximum threshold standard of one parking space per 20 sq.m. gross floor area. The over-provision of 28no. additional car parking spaces is considered acceptable only because some off-site spaces currently on-street will need to be lost as a result of the development, and because there is some uncertainty around the national government guidance on car parking allowances in local plans, which may ultimately affect the emerging policy thresholds for car parking. The disabled parking and parent and toddler allocations as proposed are acceptable (both achieving the required 5% of the overall total).
82. In terms of car parking layout, all spaces are accessed via the new south access on site, and 10 'standard' spaces and the 10 disabled spaces are currently shown outside the car park security access barrier, but this may change on the advice of the police (to be confirmed at the planning committee meeting; see paragraph 69).
83. The applicant has said there will be a permitted 3 hours of free parking for any purpose, not necessarily requiring patronage at the store; this will be required by condition as a car park management plan. The applicant believes this is 50% longer than usually required for shoppers at the supermarket, but reflects the intention for the car parking to serve the district centre as a whole and enable meals in the store café or promote the linked trips to the nearby church, library, other shops, church hall or bank. This reflects the intention of creating an 'anchor' store at the district centre.
84. The extended period of time available for general parking also helps to justify the excess of parking spaces on site in this particular proposal, because a number of existing on-street parking spaces would need to be removed from the Aylsham Road area outside the site, to accommodate the changes to the highway layout. For example, cars can currently

park on either side of Aylsham Road along the length of the site's frontage, but this will not be possible if traffic flows are to be maintained when the new accesses and a new central lane are created and the new pedestrian refuge is built.

Car Park Landscaping

85. The car park does not have a lot of landscaping space within the site, and includes small 'pockets' of trees separating large parking areas rather than using individual trees to break up the spaces and create a softer overall appearance. However, the important areas around the perimeter are shown for landscaping and are capable of being further developed with more planting; despite the less-than-ideal width of growing area around the edges of the site, the landscaping strategy and the growing mediums can be finalised by planning condition, and the applicant acknowledges the need for the drainage system to irrigate the new planting. It will not be acceptable to continue with only the minimal planting currently shown, 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 should rectify this shortcoming.

86. In general terms, the layout of the car park as shown will be suitable for manoeuvring around the site and providing safe and convenient pedestrian routes to the store.

Cycle Routes, Pedestrian Links and Cycle Parking

87. Links for all users of the district centre will be improved through the highways works included in the scheme. Cycle parking is appropriate and fairly extensive at the front of the site, with good natural surveillance, whereas staff parking should be secure and separate.

Travel Plan

88. A Travel Plan has been provided within the application. This is acceptable and will be required to be implemented by planning condition. The County Council have advised that a performance bond will be required from the applicant to the value of £75,000, to secure the Travel Plan commitments if not fulfilled by the applicant. This will be secured through its inclusion in the Section 106 Agreement. No case for the travel plan monitoring fee which would have to be covered by CIL.

Environmental Issues

Site Contamination and Remediation

89. As may be expected from the previous long-term use of the site for heating chemical storage and distribution, there are significant and known soil and groundwater contamination risks at the site, but the applicant has sought to remedy these in partnership with the Environment Agency over many months. This has been an important factor in the choice of drainage strategy, and potentially the end-use of the site, should the previous planning consents be implemented and/or carried forward.

90. Long term monitoring of groundwater level at the site has shown that it fluctuates seasonally between about 15 and 18m below ground level. The applicant has, in liaison with the Environment Agency, undertaken specific investigation which has established that contamination is present within the near surface soil across part of the site, but it is thought that migration or permeation of the near surface soil contaminants to depth has not occurred. As a result the contamination in the groundwater, and that of the deeper soils associated with the groundwater, may have an entirely differing character to contamination in the soils closer to the surface. Thus, the remediation method statement prepared and agreed in response to the previous residential-led permission at the site (ref 12/00441/D),

addressed separately the two main characters of contamination.

91. A 'free floating' contaminant product is known to exist locally on the groundwater linked to the heating oil stored previously in the large surface tanks. Dissolved contaminants are also present in the groundwater below part of the site which also derives from heating oil, having dissolved originally from the floating contamination.
92. The applicant has been keen to point out that a remediation and risk mitigation strategy associated with the near-surface contamination has previously been accepted by Environmental Health for the current mixed-use consent (08/00823/O); this included treatment of areas of intended hard surfacing and also amenity soft landscaping that would be similar in character to the range of surfacing associated with the proposed new supermarket use. Therefore, in terms of contamination works solely for protection of human health, it is reasonable for the existing agreed strategy (of 12/00441/D) to be transferrable from the current consent to any new conditions imposed on this application.
93. However, the applicant believes the Environment Agency (EA) is being unreasonable or onerous in its suggestion that a full contamination strategy should be submitted for approval. Although there have been no remedial works undertaken yet relating to the near surface contamination, the applicant believes a remediation strategy for the groundwater and deeper contaminated soils has progressed in earnest since October 2012 and, as regular interim validation reports have been submitted to the EA for discussion and comment over that time, the applicant believes the EA should be satisfied that the works underway are sufficient.
94. The applicant has suggested that the contamination remediation and validation of the works are well progressed and intends that these will be seen to completion regardless of any change to the intended use of the site. Apparently, the applicant believes that their groundwater quality risk assessment will soon show absolutely that the groundwater and wider environment will not be at risk. If this is seen through, it is the applicant's contention that the EA's request for extensive monitoring would be unreasonable and commercially inappropriate because monitoring is already included in the present remediation and validation programme.
95. Nevertheless, as the applicant acknowledges, the works have not yet been completed, the remediation strategy has not yet been properly verified, and, in fact, the Environment Agency are still in some dispute with the applicant regarding the nature of the testing and assessment and the likelihood of the remediation works being successful. The EA made clear to the applicant in November 2013 what they expected of the works and analytical process of the investigation; it considered entirely feasible for the level of treatment required to be undertaken within the constraints of this site, and as such the principle of the development is acceptable subject to: (i) the groundwater remediation strategy being agreed and continued, (ii) a scheme for the monitoring of the remediation works being agreed and implemented, (iii) verification of the remediation being agreed and implemented, and (iv) a programme of long term monitoring being agreed. These will all be required by planning conditions, in liaison with the Environment Agency.
96. As the applicant acknowledges, the current groundwater remediation strategy and its present status and its future continuation may well be reasonably directly transferrable from the previous consent to a new supermarket permission, and the EA and LPA both recognise the value of the works carried out to date. However, clearly the EA require some finer points of the strategy to be agreed, and the LPA must consider this application on its own merits; for example, if the recommended conditions were not imposed on this

permission and were instead left as a process related only to the previous consent, there would be no planning controls in place to ensure the necessary remediation would take place if the supermarket scheme were developed, and as such would be contrary to the need to protect and enhance the natural assets (i.e. soils and groundwater) and promote sustainable development, as required by the NPPF. It is suggested that the final form of the recommended conditions as listed in the recommendation will be agreed in liaison with the applicant and the EA prior to permission being issued, but the applicant may seek to clarify this at the planning committee meeting itself.

97. In summary, whilst one remediation strategy has been approved in relation to protection of human health and some elements of the EA's expectation, there are still some areas which remain unresolved. In some respects, remediation works can be continued but the EA need some further clarity on its effectiveness and monitoring thereof.

Waste Management

98. Waste receipt, disposal and servicing will be agreed through a refuse and servicing management plan by conditions intended to avoid impact on neighbouring amenity.

Noise

99. Noise from the shoppers' activities of the store and its car parking in particular are important considerations give the relocation of parking to the rear of the site and the longer opening hours associated with supermarkets. No assessment has been made of the forecast noise impacts at night time when ambient background noise levels will be much lower than the daytime levels measured in the noise assessment. The impact from noise during the day is considered acceptable. However, whilst there is no supporting evidence to suggest that late night opening, and consequent customer car noise, would be an acceptable level, it is not considered appropriate to permit late night opening without supporting evidence to justify longer hours. It is therefore recommended that opening hours at the store should be restricted to 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.
100. Noise from activities of delivery vehicles and loading / unloading are also a concern for the protection of residential amenity, particularly as deliveries tend to take place at quieter times of the evening, night or early morning. The applicant has submitted an unsatisfactory noise assessment in terms of the likely delivery noise, suggesting that the noise from delivery vehicles is comparable to the background noise experienced from the general traffic using the A140. These are not comparable elements though, because the road traffic will be a distant and relatively constant background noise as a 'hum', but the HGVs and other deliveries, and the noise of wheeling trolleys and fork lifts around the delivery bay, would be far more impactful, intermittent, intrusive and generally disturbing to the nearby residential properties. In addition, the noise report has based its delivery impact assessment predictions using a much longer duration of servicing than would realistically be expected, so the intensity of the noise is likely to be much higher.
101. As a result, it is not considered acceptable to allow servicing and deliveries to take place at sensitive hours of the day when general ambient noise is a lot lower and residents should be able to expect an acceptable level of amenity during the evening, night and early morning. This is proposed to be restricted by condition to limit servicing hours to 0700 (7am) – 2000 hours (8pm) Monday – Saturday, and 1000 (10am) – 1700 hours (5pm) on Sundays and Bank Holidays.
102. In addition, certain controls should be applied to the servicing activity itself, specifically:

requiring that servicing and reversing alarms to not be used; requiring engines to be switched off in vehicles and auxiliary motors (e.g. on fridges) when vehicles are stationary; and, requiring all loading to take place directly into the delivery bay collection area (to avoid excessive manoeuvring around the site). The fact that there is a specific, enclosed delivery area and separate access route built into the proposals should ensure that servicing can take place at any time that the store operates, and that minor controls such as not using reversing alarms should not be a cause for concern regarding viability of store operations. The controls recommended by planning condition are consistent with those recently varied controls affecting the Brazengate Sainsbury's store where similar closely-neighbouring residential amenity has to be balanced against commercial ideals.

103. The applicant has recently asked for both the opening hours of the store and the delivery hours to be allowed by planning to be from 04.00am until 11.00pm Monday to Saturday. This is not considered acceptable for the reasons outlined above, namely the absence of appropriate supporting information to justify such a move away from the proposed restrictions. Nevertheless, this may be something which the applicant asks Committee to consider as part of the planning committee meeting. It will be open to the operator to make an application to vary any condition imposed, with the support of relevant technical information to justify extended opening hours from those conditioned (cond 4).
104. No details of the type, location and noise characteristics of any proposed plant and machinery have been submitted, so conditions will require these details for any equipment proposed to be installed.

Flood Risk

105. The final details of the drainage system have not yet been resolved because they are dependent on the conclusion of ongoing contamination treatment, but the preferred option for the applicant (as stated in the Flood Risk Assessment) is that the surface water will drain to a large soakaway if the soil conditions allow. Whilst infiltration testing has not yet begun, the Environment Agency has accepted the principle of using infiltration based on the FRA's forecast infiltration rate and a capacity of soakaway within the car park, designed to contain a 1 in 100 year rainfall event (including tolerance for climate change).
106. If a soakaway proves to be unfeasible, the alternative would be to contain surface waters within a large attenuation tank below the car park, and slowly release the water into Anglian Water sewers at a slower rate than existing run-off rates into the sewer. Again, the attenuation tank would be designed to contain a 1 in 100 year rainfall event (including tolerance for climate change). Anglian Water has confirmed this is acceptable in principle.
107. Given the final strategy depends in large part on the results of the contamination testing (to determine the best location for a soakaway) and subsequent infiltration testing, and possible relationship to positions of trees in the car park, and their irrigation, it is necessary to resolve the drainage strategy and associated management and maintenance regimes by planning conditions, prior to the commencement of development.

Archaeology

108. The site is not of significant archaeological interest to require surveys / pre-commencement conditions, having experienced lots of past below-ground disturbance.

Energy Efficiency and Renewable Energy

109. The applicant has submitted sufficient information to ensure the scheme will make efficient and practicable energy savings, cut carbon emissions and minimise water use, as required by policy 3 of the Joint Core Strategy.

110. The necessary 10% renewable energy generation on site will come from solar PV panels positioned on the roof, to take advantage of the southern-orientation of the roof. For info, the proposed 325sq.m. of PV panels is said to be able to produce 50kW and save around 22,716kg CO2 per year.

Plant

111. Plant has potential to cause noise for nearby residents, and potentially to detract from the appearance of the new development, so details of plant and machinery noise, location and appearance will be required to be agreed by conditions.

Lighting and CCTV

112. Both lighting and CCTV are proposed for the car park area. Subject to conditions to determine their field of illumination and CCTV coverage, this is acceptable.

Trees, Landscaping and Ecology

Loss of Trees or Impact on Trees

113. The application has been supported with an Arboricultural Impact Assessment (AIA). The Council's Tree Officer states that he generally concurs with the findings of the submitted AIA as there are few trees which should be retained on site. However, the proposals need to supplement the proposed landscape strategy by providing a much more detailed landscape scheme for the site which demonstrates appropriate replacement and enhancement of the biomass currently found on site. This can be secured through condition and will ensure that the development can proceed and that any trees lost will be replaced with more appropriate specimens around the perimeter of the site and where possible in the car park planted 'islands' which in turn will enhance the amenity of the area.

Green Links and Ecology

114. The application includes very little in the way of specified biodiversity enhancement measures, and the current site has negligible ecological value and little connectivity to nearby ecological areas given the position of buildings and vehicle activity. On its own, the development and loss of vegetation would represent a minor adverse effect, but there is potential to require this shortcoming to be rectified as part of the landscaping scheme, the finer details of which need to be agreed by planning conditions. Essentially, planting around the boundaries will enhance and provide an ecological corridor linking to residential gardens and thereafter towards the park to the north. Species such as native hedging and an under-storey of shrubs and native bulbs will greatly enhance the site boundaries, though care should be taken when changing the soils around retained existing trees.
115. Other controls, such as lighting specifications, can ensure biodiversity moving into the site or using the tree belts as a feeding corridor, can be protected.

Local Finance Considerations

116. There may be an increase in business rate receipts given the increase in active floorspace, but it is understood that the Community Infrastructure Levy will not apply to the scheme because there is actually a net reduction in floorspace once all the demolition has been accounted for.

Planning Obligations

Street Trees

117. Appropriate provision will be made for street tree planting and maintenance thereafter,

to cover a period of 25 years.

Transport Improvements

118. Highways works will be required by planning condition, as will implementation of the Travel Plan, but the planning obligations will need to include a clause to promote fulfilment of the travel plan in the event the applicant does not meet their stated targets.

Equality and Diversity Issues

Age and Disability

119. A number of the letters of support received have mentioned how the proposals would improve access to a large foodstore shop for local residents with mobility problems and infirmity, and the highways works proposed (including new crossing point opposite the library) would further improve the links to community facilities and housing areas. Census data for the Mile Cross / Catton Wards show that car ownership is low (XXX%) and relative income levels are also low, so the need to provide a foodstore at the local centre for these wards should be of benefit in terms of both access and competition. Specific parking areas for categories of user would be provided, together with level entrance and disabled WC/Changing facilities for customers.

Conclusions

120. The proposed store would add further to the amount of committed and trading convenience goods floorspace in the Norwich area, which already significantly exceeds the short and medium-term forecasts of need and capacity for such floorspace identified in the 2007 study. However there is no basis in national or local policy to resist this or any other proposal through lack of need and additional proposals should be accepted where they are accessibly and sustainably located and accord with the retail hierarchy in the JCS, and avoid impacts on existing defined centres.
121. There is no evidence to suggest that the proposal would have a significantly detrimental impact on the city centre, other district and local centres or retail development commitments. Given the acceptance in emerging policy of the principle of retail development to support and enhance the Aylsham Road District centre, the location is endorsed by the city council as suitable in general terms and accords with the hierarchy of centres set out in JCS policy 19. It would not be appropriate to resist the proposal on the grounds of impact on the existing centre or individual retail outlets within it as the proposal would complement the district centre function.
122. Although the scale of development exceeds the indicative 2500 sq.m maximum set out in emerging policy, the scale of additional floorspace is not so excessive as to constitute a threat to other centres or be entirely out of scale with the existing centre and there is thus no objection to the general scale of the proposal.
123. Previously expressed concerns over the design and layout appear to have been addressed and the strong frontage to Aylsham Road and separate access for delivery vehicles and customers is welcomed, as is the consequent improvement in the site's relationship with neighbouring residents and the improved opportunities for providing landscaping around and within the site.
124. The revised design is a significant improvement to the existing situation and greatly enhances the streetscape, and by using a palette of interesting and contemporary materials it will provide a high quality design that respects and enhances the setting of the neighbouring heritage assets and will promote use the district centre as a shopping destination.

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 25 February 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

(2) subject to the following conditions:

1. Development to commence within 3 years;
2. Development to be in accordance with the approved plans and documents;

Operations of the store

3. 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;
4. There shall be no future subdivision of the retail store into smaller units;
5. There shall be no mezzanine floorspace added to the store, even through the usual permitted development allowance of 200sq.m;
6. 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;
7. 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;
8. 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;
9. All engines to be switched off in delivery / servicing vehicles and auxiliary motors (e.g. on fridges) when vehicles are stationary;
10. 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;
11. 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.
12. Upon first use of the store, the Travel Plan to be implemented and carried forward.

Prior to commencement of development

13. Contamination investigation, remediation scheme, and verification plan to be agreed, with investigations to continue consequent to that;
14. Contamination monitoring and maintenance details to be agreed;
15. Contamination precaution condition in the event of discovering unknown contamination;
16. Landscape plan and planting and irrigation details to be agreed and provided;
17. Landscape management details to be agreed;
18. Biodiversity and ecology enhancement measures to be agreed and provided, based on the recommendations of the submitted ecological proposals;
19. Details of materials and substation materials to be agreed;
20. Details of solar panels to be agreed;
21. Boundary treatments to be agreed;

22. A scheme for fire hydrants to be agreed;

Prior to first use of the site

23. Contamination remediation verification details to be submitted and agreed;
24. 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;
25. Agree details of an enhancement to the safety of the existing pedestrian refuge crossing south of the site, and provide thereafter;
26. Notwithstanding the details shown on submitted plans, the development needs to provide the two new access details in accordance with new detailed access plans to be agreed, and make the associated application for street works and highway control to Highways;
27. CCTV positions, detail, appearance and their field of view to be agreed and installed;
28. External lighting scheme to be agreed and installed, including being wildlife-friendly and compatible with neighbouring residential amenity;
29. Employee cycle store design and security lighting to be agreed and installed;
30. Visitor / shopper cycle rack designs to be agreed and installed;
31. The type and location and noise characteristics of any plant and machinery to be agreed prior to installation and use of the premises;
32. No extract, ventilation or flue equipment to be installed without prior agreement of the machinery, acoustic performance and location of such units, and noise minimisation details to be agreed.
33. Car park management plan to be agreed and implemented thereafter, to include a minimum 3 hours free car parking for the public available irrespective of shoppers' patronage.
34. Agree a servicing and refuse management plan.

Informative Notes

1. Soakaway and sustainable drainage system advice;
2. General security advice from the police re: car parking, building fabric, glazing, lighting and bollard / access gate designs;

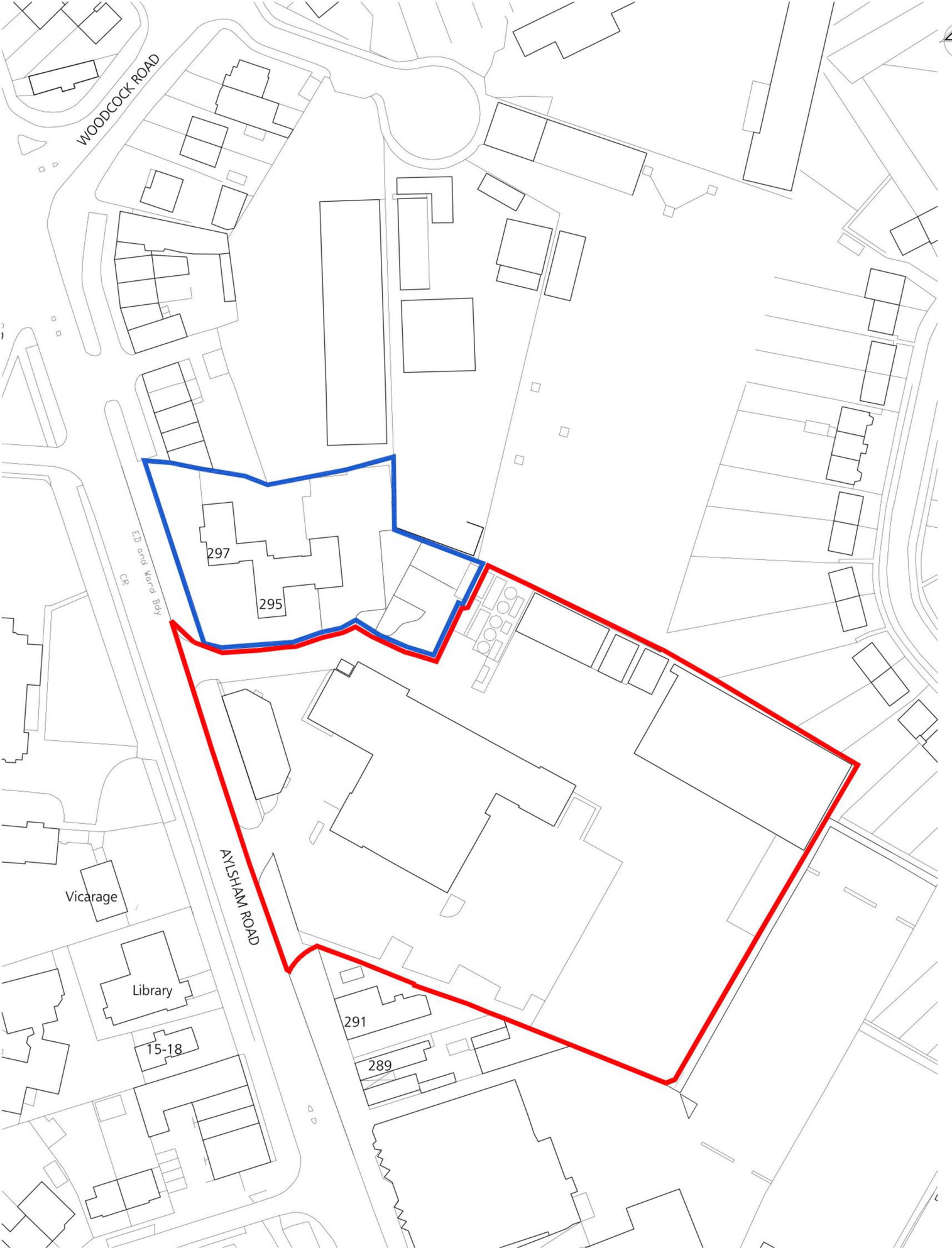
Article 31(1)(cc) Statement

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.

(3) where a satisfactory S106 agreement is not completed prior to 25 February 2014, that delegated 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 promotes 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

(November 2004) and policies 4 and 11 of the adopted Joint Core Strategy (March 2011).



LEGEND

- : Application boundary
- : Land owned by the applicant



PLANNING



George J Goff Ltd
New Supermarket
Aylsham Road
Norwich

Site Block Plan

4053
200-051
B
Sept 2012
1:250@A1

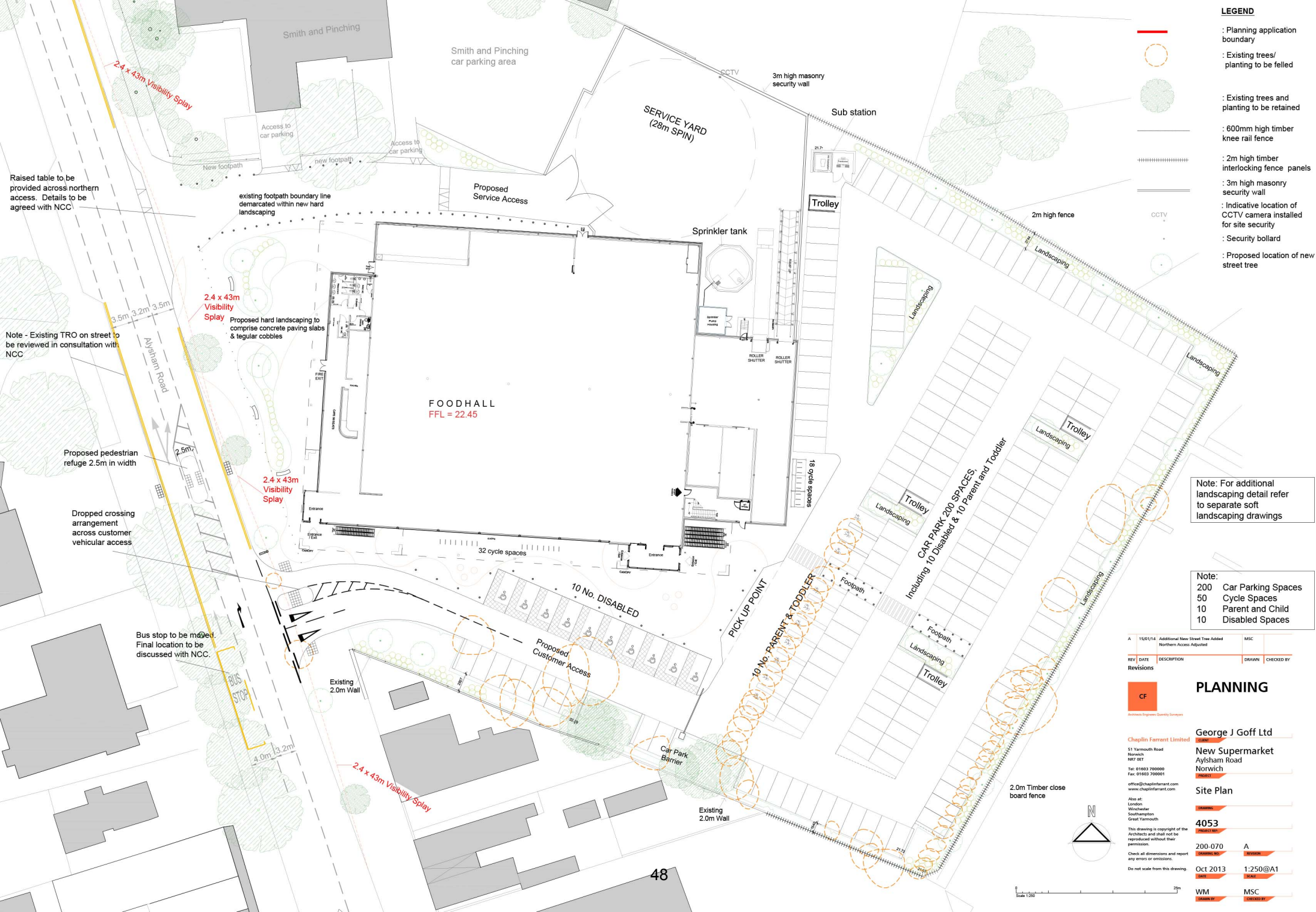
REV	DATE	DESCRIPTION	DESIGNED BY	CHECKED BY
0	12/12/12	Car and light transport operations	MC	MC
A	09/03/12	Additional notes added	MC	MC
1	01/04/12	Survey information incorporated	MC	MC

Revisions

www.georgejgoff.com

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NR1 1JF
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www.charlesfarnell.com

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- 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

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George J Goff Ltd

Senior

New Supermarket
Aylsham Road
Norwich

Planner

Site Plan

4053

200-070

Oct 2013

WM

A

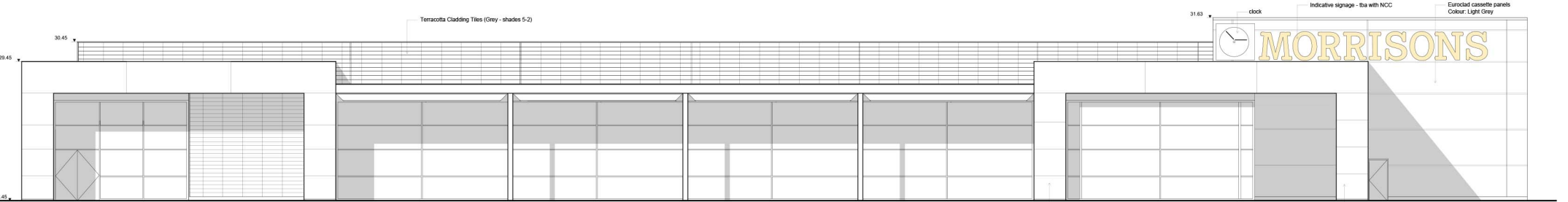
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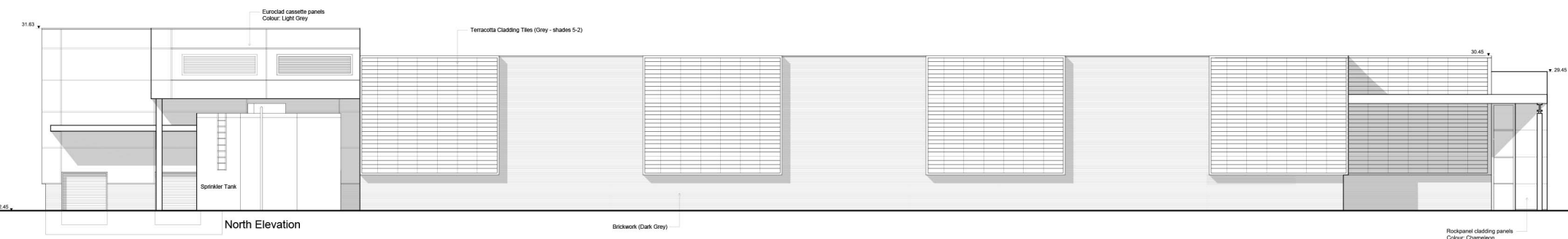
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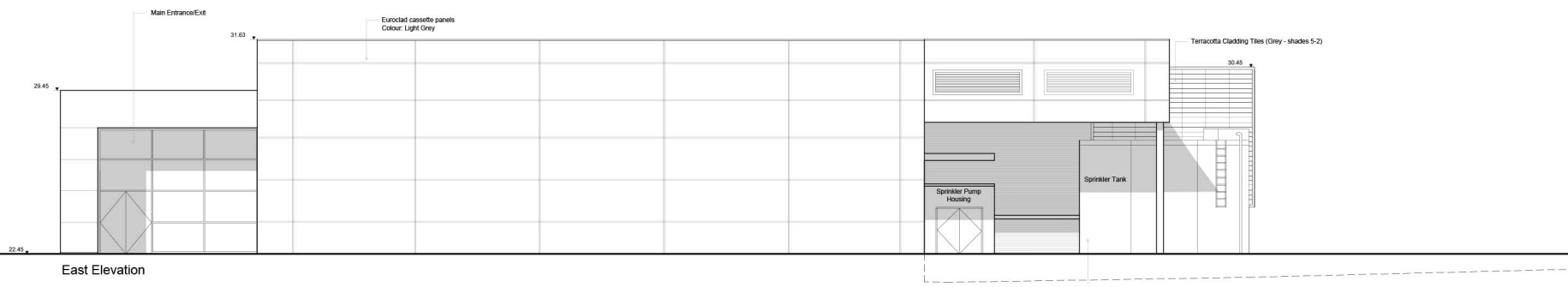
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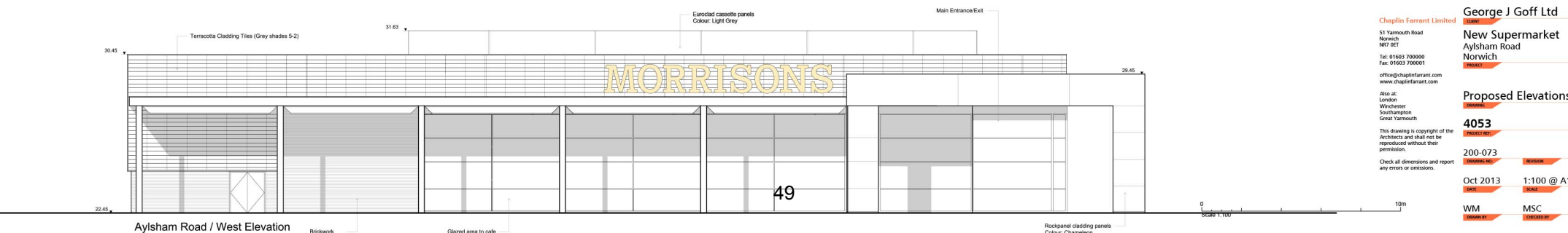
South Elevation



North Elevation



East Elevation



Aylsham Road / West Elevation

REV	DATE	DESCRIPTION	DRAWN	CHECKED BY
Revisions				
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Proposed Elevations

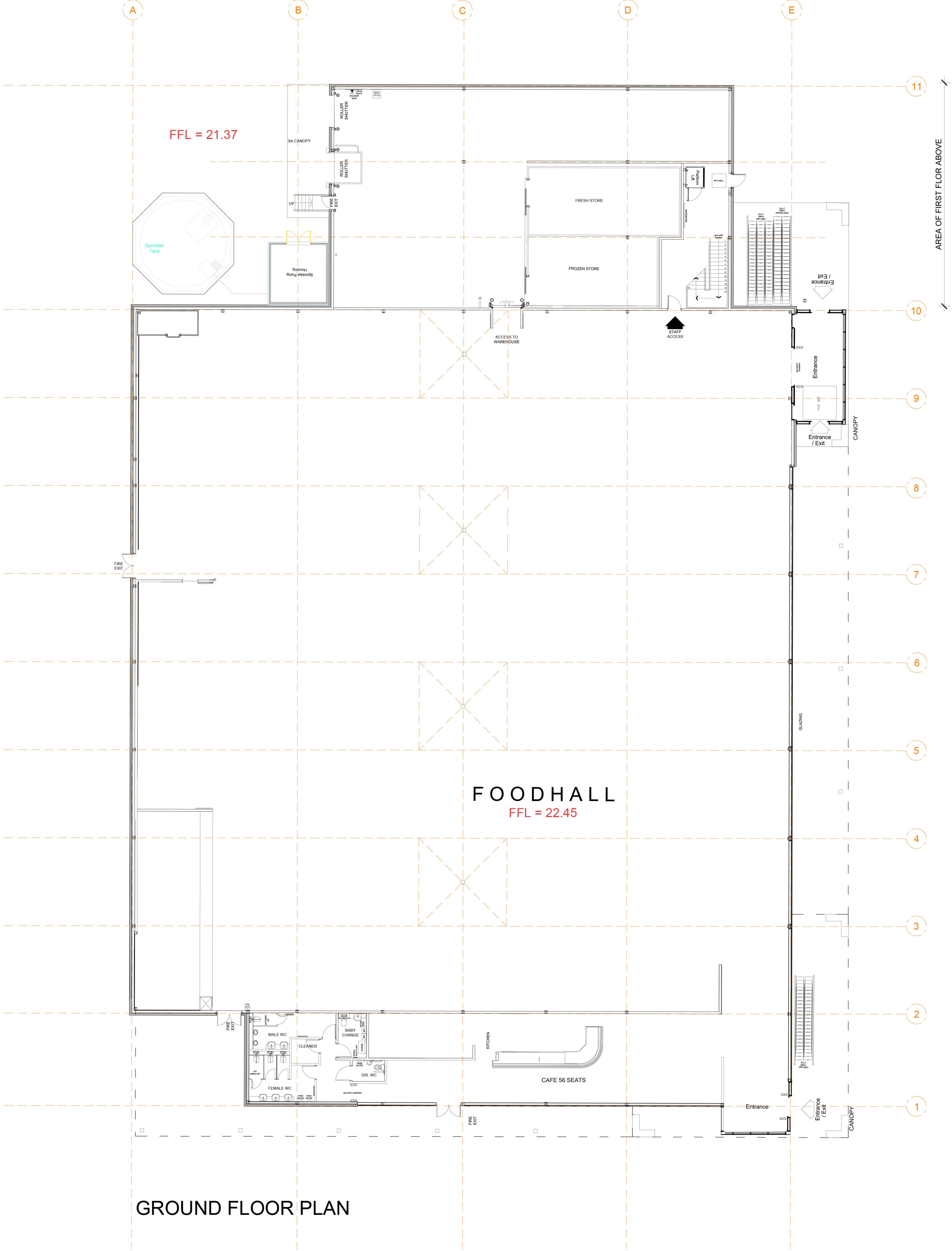
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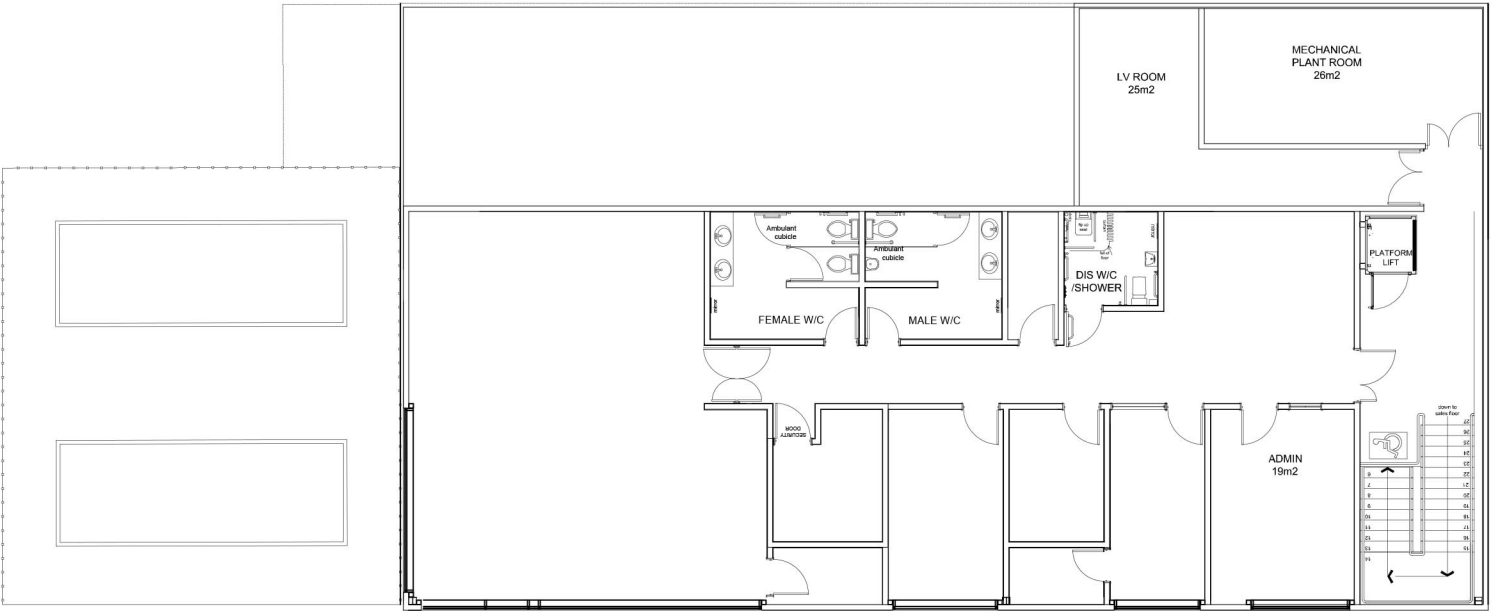
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WM MSC



GROUND FLOOR PLAN



FIRST FLOOR PLAN

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Revisions				

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Client

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Project

Proposed Ground &
First Floor Plan

Drawing

4053

Project Ref:

200-071

Drawing No:

Revision

Oct 2013

Date

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Scale

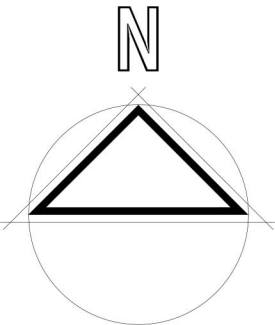
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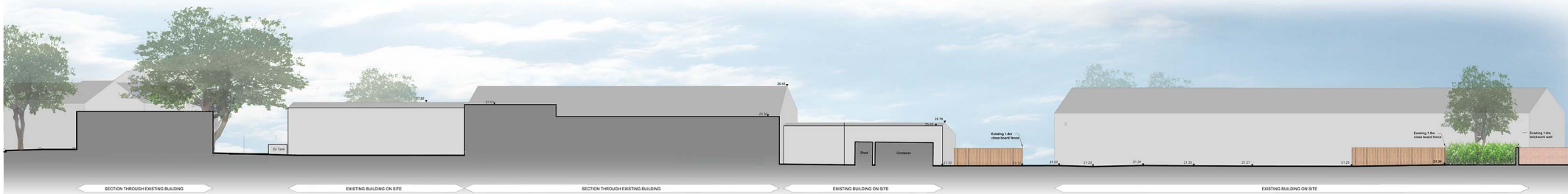
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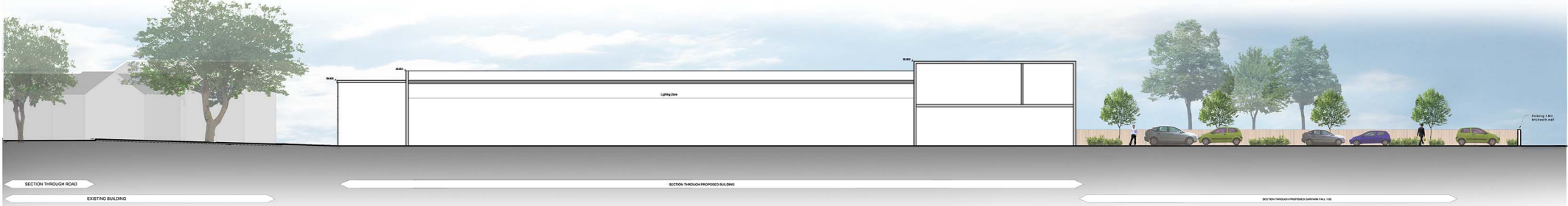
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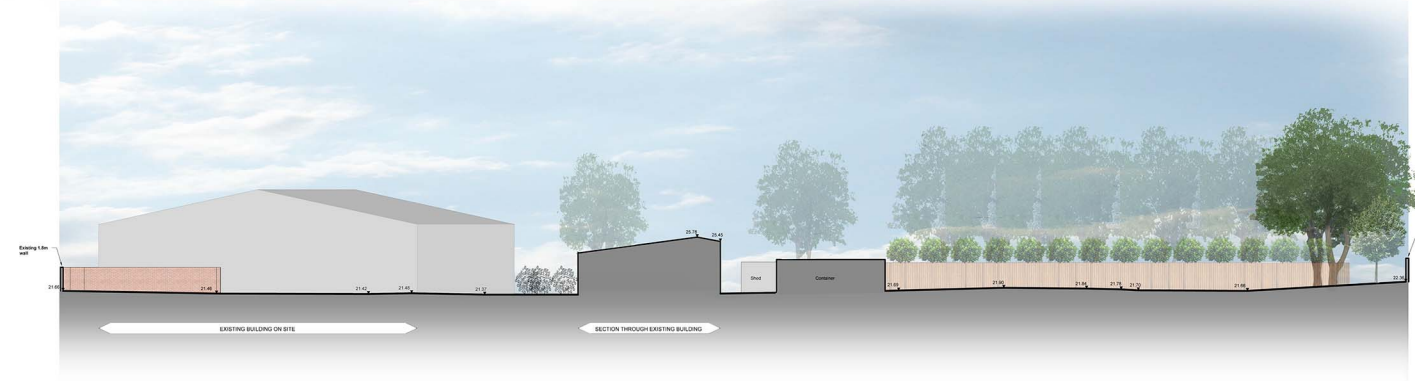




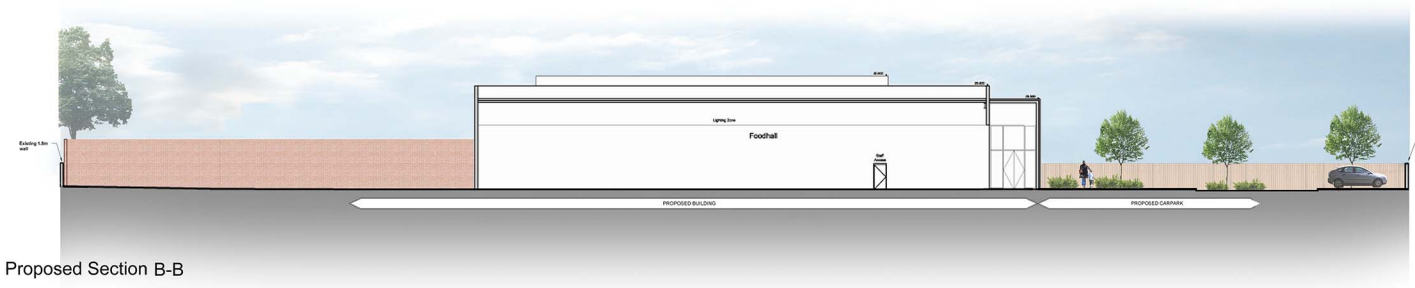
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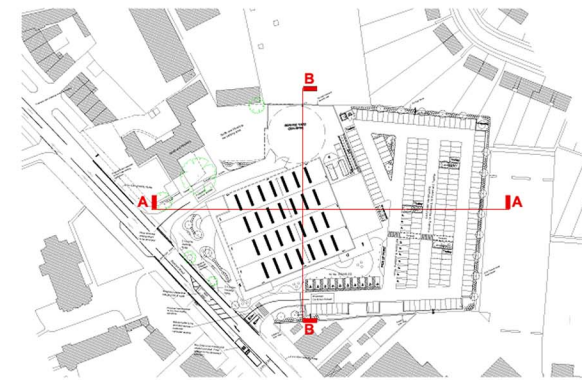
Proposed Section A-A



Existing Section B-B



Proposed Section B-B



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Retail Proposal
 297 Aylsham Road
 Norwich

Existing and Proposed Site Sections

4053
 PROJECT NO:

200 - 075
 DRAWING NO:

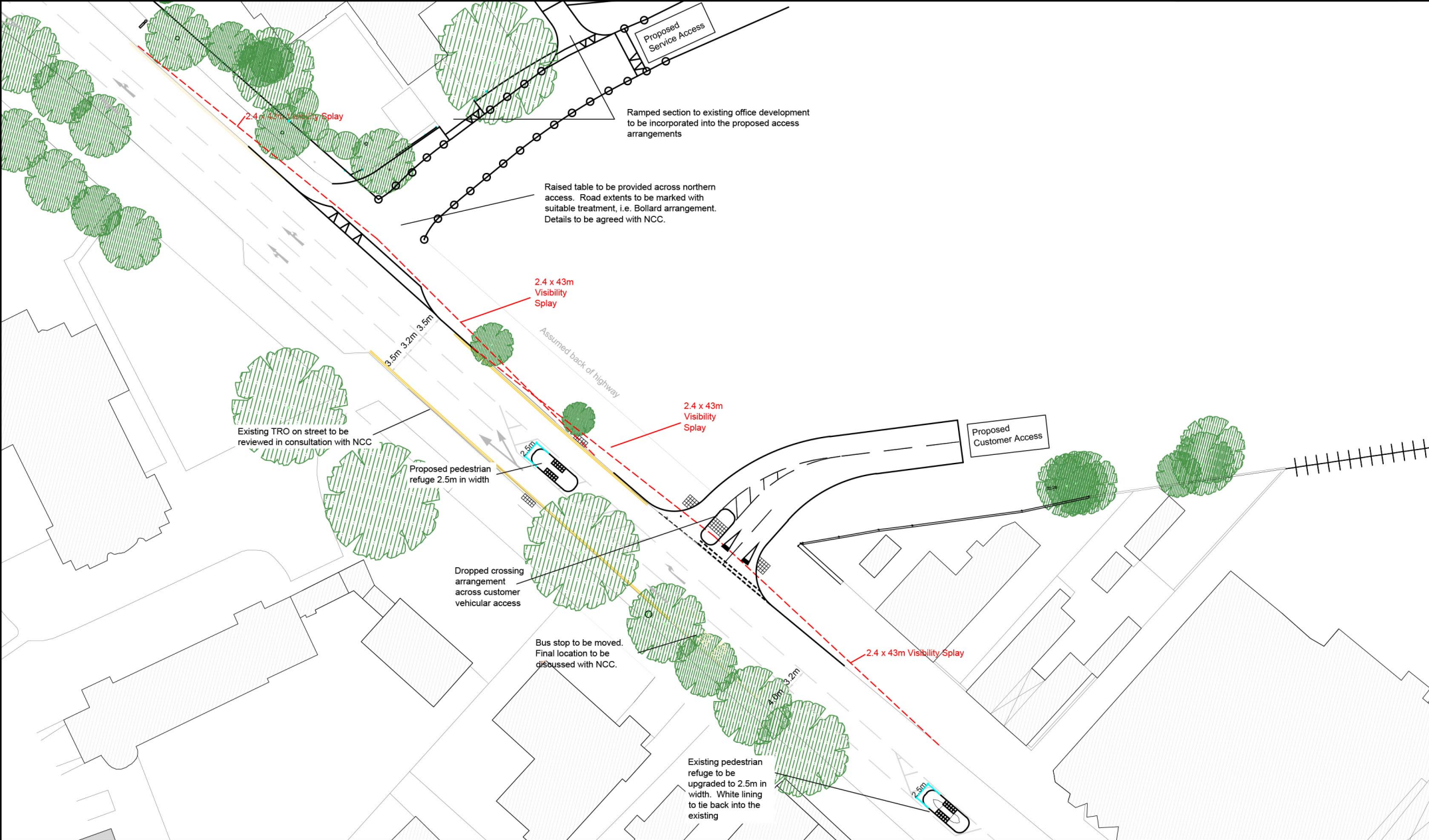
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Report to Planning applications committee
Date 6 February 2014
Report of Head of planning services
Subject 12/01598/VC Wentworth Gardens, (site of former Civil Service Sports Ground, Wentworth Green)

Item
4(2)

SUMMARY

Description:	<p>Variations to the terms of the approved Section 106 Agreement forming part of the planning permission 07/01018/F, pending agreement and variation through pending application 12/01598/VC: "Variation of conditions 2 and 7 - changes to approved plans and details and schedule of trees to be retained; and condition 8 - changes to required drainage system designs, of planning permission 07/01018/F 'Erection of 78 dwellings, associated vehicle and pedestrian/cycle accesses, ground works and open space'. Variations concern tree felling strategy, tree works and landscaping proposals, and maintenance thereof, and drainage systems construction and ongoing management thereof."</p> <p>Alterations are now required to the terms of the original Section 106 Agreement in addition to previous committee resolutions.</p>	
Reason for consideration at Committee:	Obligation Requirements; Objections.	
Recommendation:	Approve proposed changes to Section 106 Agreement.	
Ward:	Eaton	
Contact Officer:	Rob Parkinson	Senior Planning Officer 01603 212765
Valid Date:	4th August 2012	
Applicant:	Persimmon Homes.	
Agent:	Persimmon Homes.	

INTRODUCTION

The Site

Location and Context

1. The site is the development known as Wentworth Gardens, currently under construction and partially occupied at the former Civil Service Sports Ground accessed from Wentworth Green and Brentwood.
2. Committee is asked to consider only a proposed change to the terms of the highways works and on-site drainage scheme maintenance as currently required under permission 07/01018/F, but which is already required be varied by application 12/01598/VC.
3. There are no changes proposed as part of this report which would affect the external

appearance of the development, or its physical relationship to the surrounding residential area, or the other terms of the agreement or planning permission which have previously been agreed by planning committee.

Relevant Planning History

07/01018/F – The original permission for “Erection of 78 dwellings, associated vehicle and pedestrian/cycle accesses, ground works and open space”, which was approved in Nov 2009. The report to planning committee for the original permission can be seen under committee meetings of 21st August 2008 at:

<http://www.norwich.gov.uk/CommitteeMeetings/Pages/Councilmeetingsfor2008.aspx>

The on-site affordable housing provision in the original permission and 2009 S106 Agreement was required to be 30% Affordable Housing (23 out of the 78 dwellings), of which 75% (17 dwellings) were to be social rented tenure, and 25% (6 dwellings) were to be ‘shared ownership’ tenures.

Committee approvals have twice allowed changes to the terms of affordable housing provision within the S106 Agreement, on 11th November 2010 and 23rd August 2012.

The November 2010 approved changes (if implemented) would allow the 25% ‘shared ownership’ units to instead be delivered as ‘Intermediate Tenure’ housing. The previous report and minutes of Committee in November 2010 are seen at:

<http://www.norwich.gov.uk/CommitteeMeetings/Pages/Councilmeetingsfor2010.aspx#November%202010>

The August 2012 approved changes (if implemented) would allow the 25% 6no. dwellings to actually all be used as Shared Equity housing. The Shared Equity housing would be marketed and sold at 75% of the open market value, with the remaining 25% equity in the property being transferred to the City Council. This is the format of affordable housing currently being pursued by the applicant. The previous report and minutes of Committee in August 2012 are seen at:

<http://www.norwich.gov.uk/CommitteeMeetings/Pages/Councilmeetingsfor2012.aspx>

12/01598/VC - Various details of the original permission have been approved, or minor alterations made, and there is a current application pending determination for changes to the agreed tree protection, landscaping and drainage schemes – ref 12/01598/VC. The planning committee report and minutes can be seen at:

<http://www.norwich.gov.uk/CommitteeMeetings/Planning%20applications/default.aspx?InstancelD=154>

Application 12/01598/VC was considered, determined and approved in principle by planning committee on 14th February 2013, but the decision has not yet been issued because there are delays in agreeing the Section 106 Agreement. The matters considered in this item are the final elements of the Agreement considered by Officers to be in need of variation before the decision can be issued.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

4. (i) To remove an obligation on the developer to pay a commuted sum to the Council for

drainage system maintenance,

5. (ii) To remove obligations on the developer to provide a range of highways works within Wentworth Green and Newmarket Road.

Representations Received

6. Application 12/01598/VC has been advertised on site and in the press and adjacent and neighbouring properties have been notified in writing. Various letters of representation have been received during the course of the application. One letter of representation has frequently been sent to the Council to request that the Highways works be finished.

Consultation Responses

7. **Highways Authority** – the highways works to Wentworth Gardens and Newmarket Road as built, are acceptable. There have been no known incidences of traffic problems arising from the missing items and which might have been prevented had they been installed. The drainage maintenance payment is unnecessary as the Council as Highway Authority will not be adopting the on-site drainage chamber system.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant policies were all considered at the time of the original planning application 12/01598/VC.

Transport and Access

8. The completed and outstanding Highways works are listed below:

Highways Works within the Section 106 Agreement of permission 07/01018/F:

- 1) Pay Transport contribution of £22,007.70p to the Council – PAID.
- 2) Pay Traffic Regulation Order fees of £1,495.00 to the Council - PAID.
- 3) Construct 2x cycle routes across the site. – COMPLETED.
- 4) Provide highways alteration works defined in the Section 106, namely:
 - (i) Realign Sunningdale's central white line – COMPLETED.
 - (ii) Provide Keep Clear signage on Newmarket Road – COMPLETED.
 - (iii) Provide details on approved plan 2475/03/04 Rev A, comprising:
 - Build a Raised Table with asphalt ramps leading into the new site within the new access road. – COMPLETED.
 - Install 2x timber bollards within the Wentworth Green pavement, one either side of the new access. – NOT PROVIDED.
 - Narrow the road / widen the pavement to create a

4.8m-wide road carriageway. – NOT PROVIDED

(NB, the kerbs outside no. 18 Wentworth Green are 5.6m apart; the kerbs outside no. 22 are 5.65m apart).

- Provide a realigned kerb line to the new site entrance, creating a 6m kerb radii at the new junction. – NOT PROVIDED.
- Provide coloured surfacing on Wentworth Green. – NOT PROVIDED.
- Provide cycle measures across the Newmarket Road / Sunningdale junction (in accordance with a plan to be first agreed with the Council). – NOT PROVIDED.
- Provide on-site bollards across the entrance to the site's cycle routes. - COMPLETED.
- Provide on-site cycle signage at the entrance to the site's cycle routes. - NOT PROVIDED.

Environmental Issues

Drainage system

9. The applicant has varied the design and capacity of the on-site sustainable drainage system from that originally proposed, but this amendment has already been approved in principle by planning committee (February 2013).
10. The original agreement anticipated adoption of this system by the Council, which has since transpired is not possible and instead the maintenance and management will need to be through the on-site Residents Management Group. As such, the requirement to pay a financial contribution of £5,000 to the Council to cover 15 years maintenance of the on-site drainage system is no longer appropriate and should be deleted.

Local Finance Considerations

11. There will be no impact on Council resources as there will be no maintenance liability on the Council.

Planning Obligations

12. As there has been some local interest in the content and progress of the various parts of the original Section 106 Agreement, it is considered worthwhile to provide a schedule of the changes necessary to all of the original planning obligations in this development. Appendix 1 refers.

Conclusions

13. The obligations for providing outstanding highways works and payment of a commuted sum for drainage maintenance are either not relevant or not justified subsequent to the largely successful functioning of the Wentworth Gardens development.
14. In combination with the revisions proposed subsequent to previous planning committee approval, the amended Section 106 Agreement and the provisions of planning

application 12/01598/VC will ensure the development delivers a high quality of housing with appropriate on-site provision and maintenance of sustainable drainage, play facilities, open space, landscaping, tree maintenance and cycling and pedestrian links, and will continue to provide suitable means of access which avoids detriment to residential amenity.

RECOMMENDATIONS

To approve Application No 12/01598/VC: Wentworth Gardens, site of former Civil Service Sports Ground, Wentworth Green, Norwich, and its subsequent changes to the anticipated Section 106 Agreement, and grant planning permission, subject to the conditions outlined in the committee approval of 14 February 2013, and the completion of a satisfactory S106 agreement to include the obligations set out in the committee approval of 14 February 2013, with amendments to highways works and drainage maintenance sums as discussed above, for the reasons given in the planning committee approval of 14 February 2013.

Appendix 1:

Wentworth Gardens – S106 alterations required prior to issuing permission

Highways / Transport matters

S106 of 07/01018/F – currently requires:

- Transport contribution £22,007.70p – PAID.
- TRO contribution £1495.00 - PAID.
- 2x cycle routes across the site. – COMPLETED.
- Highways works comprising details on plans, namely:
Realign Sunningdale White Line – COMPLETED.
 - Keep Clear signage – COMPLETED.
 - Details on an applicant's approved plan 2475/03/04 Rev A, comprising:
 - Raised Table with asphalt ramps leading into new site within new access road. – COMPLETED.
 - 2x timber bollards on pavement, one either side of the new access. – NOT PROVIDED.
 - Road narrowing / pavement widening to create 4.8m wide road carriageway. – NOT PROVIDED (Kerbs outside no. 18 Wentworth Green are 5.6m apart; Kerbs outside no. 22 are 5.65m apart).
 - New kerb line to new site entrance, for 6m kerb radii at junction. – NOT PROVIDED.
 - Coloured surfacing on Wentworth Green. – NOT PROVIDED.
 - Cycle measures across Newmarket Road / Sunningdale (in accord with a plan to be agreed with Council) – NOT PROVIDED.
 - On-site signage and bollards across the site. – Bollards – PROVIDED; Cycle Signs - NOT PROVIDED.

Drainage

S106 of 07/01018/F – currently requires:

- Drain contribution of £5,000 to Council to cover 15 years maintenance. – NOT REQUIRED – used when it was assumed Council would adopt.
- Drainage Management Scheme – PROVIDED as details within the Residents Management Group Management Report – Refer to this in the new S106 to ensure maintenance is OK when passing into Residents Management Group.
- Drain Provision Scheme – plans and specs for drainage scheme. – PROVIDED WITHIN THE APPLICATION.

Include in the s106 a new clause requiring Drainage to be provided and laid out as per the details of the named Drainage Spec plans and maintained as per the Management Report, but also to be approved by planning condition anyway.

Library Contribution

S106 of 07/01018/F – currently requires:

£4,680.00 payment to County Council. – PROVIDED.

Public Open Space

POS is not to be adopted, but needs to remain publically accessible in perpetuity.

Public Open Space Specification – needs Council agreement – details submitted, needs approval through planning condition and as a letter confirming s106 obligation satisfied and transferred to condition.

Needs a new clause – provide and maintain POS as per the POS plans and landscape plans and provide prior to first occupation of 77th or final dwelling on site.

Children's Play Equipment

Play equipment is not to be adopted, but needs to be provided and retained as per the play equipment spec agreed with the Council.

Play equipment specification – does not need specific Council agreement – but details submitted for planning condition and needs approval through planning condition.

Needs a new clause – provide and maintain play equipment as per the plans and provide prior to first occupation of 77th or final dwelling on site.

Tree Belt Maintenance

The Council will not adopt the tree belts and Conditions will require the trees to be managed satisfactorily. Therefore there is no need for payment of tree belt maintenance.

Planning committee has approved the removal of these payment clauses.

Affordable Housing

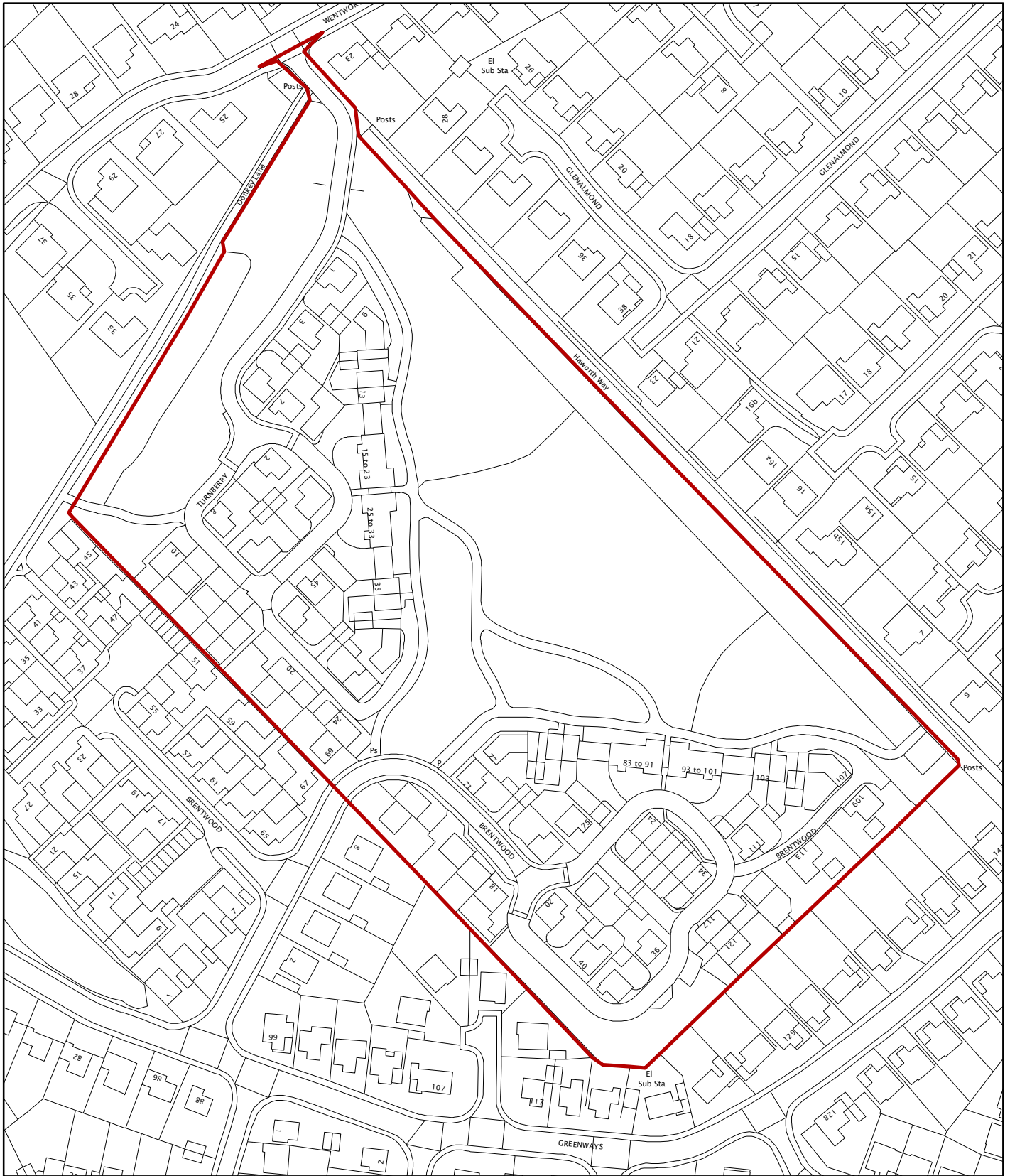
The s106 as worded requires 23 affordable houses on site, of which 17 affordable rented houses, and 6 shared ownership. The committee has agreed to the use of more Intermediate Tenure in lieu of the 6 shared ownership, comprising Shared Equity (up to 75% stake) and/or Intermediate Rent, but this has not been changed in an agreed s106 A document yet (although Shared Equity is drafted to be required rather than shared ownership in latest draft s106 doc 'dlowe755 15.08.12').

Planning committee has approved the above alteration to affordable housing.

S106 matters at January 2014**Obligations fulfilled / outstanding – proposals for new S106 or revised S106A.**

S106 Chapter + Para	Obligations	Require / Delete?
Schedule 3 Part 2 Para 1	Children's Play Equipment Contribution – if Public Open Space is to be adopted, needs a transfer of POS to Council and pay Play Space commuted sum to Council.	Delete – Council will not adopt land and it will be managed by RMG (the Residents Management Group). No need for Play payment.
Schedule 3 Part 2 Para 2	Transport contribution payment to Council.	Delete – fulfilled.
Schedule 3 Part 2 Para 3	3.1 & 3.2 Public Open Space – if POS is to be adopted, needs a transfer of POS to Council and pay POS maintenance commuted sum to Council.	Delete – Council will not adopt land and it will be managed by RMG. No need for POS maintenance payment.
	3.3 - Public Open Space Specification – needs Council agreement. 3.4 – POS provision – provide POS as per the agreed spec.	POS Spec still needs formal approval. Amend – require POS to be provided and laid out as per the details of the named POS Spec Doc.
	3.5 – Occupancy restriction around POS provision. 3.6 – Providing public access in perpetuity as per POS Spec.	Amend – require the POS and the cycle routes / paths across to be accessible to public in perpetuity.
	3.7 – POS to remain as POS as defined by POS A, B, C.	Retain.
Schedule 3 Part 2 Para 4	TRO Payment to Council.	Delete – fulfilled.
Schedule 3 Part 2 Para 5	5.1, 5.2 - Drainage Contribution (maintenance) Commuted Sum.	Delete – Council will not adopt drainage scheme and it will be managed by RMG. No need for drainage maintenance payment.
	5.3 – Drainage Provision Scheme to be agreed by Council.	Drainage Provision Scheme still needs formal approval. Amend – require

		Drainage to be provided and laid out as per the details of the named Drainage Spec designs (which is also to be approved by planning condition) and refer to the works proposed in the Residents Management Group Management Report.
	5.4, 5.5 – Drain Facility to be provided as per approved details.	Amend – require Drainage to be provided and laid out as per the details of the named drainage details.
Schedule 3 Part 2 Para 6	To pay Tree Belt Maintenance Contributions to Council.	Delete – Council will not adopt tree belt and it will be managed by RMG. No need for any tree maintenance payments. Note in letter the need for trees to be managed as per the docs in the planning conditions.
Schedule 3 Part 3	Affordable Housing	Amend. – delete reference to shared ownership and replace with requirement for 6 units to be shared equity as per the draft s106 clauses of 15 th Aug ‘12.
Schedule 3 Part 4	Highways Works – provide all features as specified in the s106 definition of Highways Works i.e. in the plans, discussed above.	Delete – fulfilled as reasonably expected by the Highways Authority. Note in letter the works have been fulfilled. Highways should send a formal letter confirming works are done.
Schedule 4	Library contribution payment to County Council.	Delete – fulfilled.



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Planning Application No 12/01598/VC

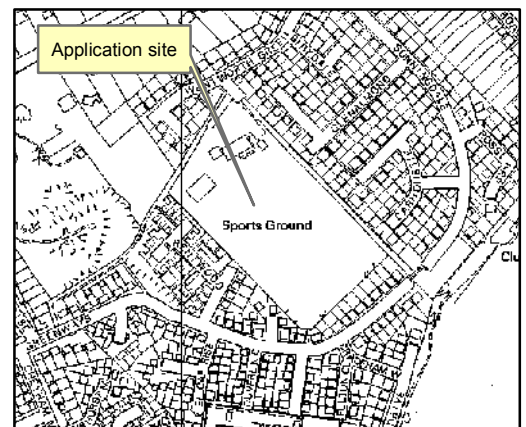
Site Address Civil Service Sports Ground
Wentworth Green

Scale 1:1,750



NORWICH
City Council

PLANNING SERVICES



Report to Planning applications committee
Date 6 February 2014
Report of Head of planning services
Subject 13/01964/F Land Adjacent To 25 - 27 Quebec Road
Norwich

Item
4(3)

SUMMARY

Description:	Erection of 2 No. semi detached three bedroom dwellings.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Thorpe Hamlet
Contact Officer:	Mr Kian Saedi Planner 01603 212524
Valid Date:	20th December 2013
Applicant:	Mr Anthony Hudson
Agent:	Mr Matthew Griggs

INTRODUCTION

The Site

Location and Context

1. The site is accessed via Quebec Road and located between Thorpe Ridge and Thorpe Hamlet conservation areas. The site is surrounded by residential properties with the exception of the William IV Public House which neighbours the site to the east.
2. The level of the land drops steeply to the north and west of the site and the site is currently vacant and characterised by overgrown vegetation. OS maps dating from 1885 indicate that there were previously two buildings on the plot, which were likely to have been demolished around the latter half of the 20th century.
3. The site is covered by an area Tree Preservation Order (TPO).

Planning History

4. No relevant planning history.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

5. The proposal is for the erection of two no. semi-detached 3-bedroom dwellings.

Representations Received

6. Adjacent and neighbouring properties have been notified in writing. Letters of objections have been received from five persons (including Cllr Price) citing the issues as summarised in the table below.

Issues Raised	Response
Loss of light	Par. 13 & 18
Access	Par. 17, 20 & 22
Overlooking	Par. 10-12 & 17
Loss of trees	Par. 27-29
Over dominant building	Par. 17-18
Out of scale development	Par. 17-18
Poor design	Par. 17-19 & 29
Ground stability	Par. 23
Loss of view and property value	Par. 14
Drainage/Flood Risk	Par. 20 & 23

Consultation Responses

7. Comments of internal consultees are discussed within the body of this report.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Section 4 – Promoting sustainable transport
- Section 6 – Delivering a wide choice of high quality homes
- 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
- Section 12 - Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014

- Policy 2 – Promoting good design
- Policy 3 – Energy and water
- Policy 4 – Housing delivery
- Policy 6 – Access and transportation
- Policy 11 – Norwich City Centre
- Policy 20 - Implementation

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

- NE3 - Tree protection, control of cutting and lopping
- NE8 - Management of features of wildlife importance and biodiversity
- NE9 - Comprehensive landscaping scheme and tree planting
- HBE12 - High quality of design in new developments

EP16 - Water conservation and sustainable drainage systems
EP18 - High standard of energy efficiency in new developments
EP22 - High standard of amenity for residential occupiers
HOU13 – Proposals for new housing development on other sites
TRA5 - Approach to design for vehicle movement and special needs
TRA6 - Parking standards - maxima
TRA7 - Cycle parking standards
TRA8 - Servicing provision

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

DM1 Achieving and delivering sustainable development – **Significant weight can be applied.**

DM2* Ensuring satisfactory living and working conditions – **Significant weight can be applied.**

DM3* Delivering high quality design – **Only limited weight can be applied.**

DM7 Trees and development – **Significant weight can be applied.**

DM9 Safeguarding Norwich's heritage – **Significant weight can be applied.**

DM12* Ensuring well-planned housing development – **Significant weight can be applied.**

DM28* Encouraging sustainable travel – **Significant weight can be applied.**

DM30* Access and highway safety – **Only limited weight.**

DM31* Car parking and servicing – **Significant weight can be applied.**

DM33 Planning obligations and development viability – **Significant weight can be applied.**

Supplementary Planning Documents and Guidance

Trees and Development (Adopted September 2007)

Other Material Considerations

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 now submitted the emerging Local Plan policies for examination and considers most of these to be wholly consistent with the NPPF.

The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date.

In the light of the recent appeal decision on part of the former Lakenham Cricket Club it has been established that the Norwich Policy Area (NPA) is the relevant area over which the housing land supply should be judged.

Since the NPA does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless:

- "Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits ... or
- Specific policies in the NPPF indicate development should be restricted".

The lack of an adequate housing land supply is potentially a significant material consideration in the determination of the proposals for housing. This is likely to considerably reduce the level of weight that can be attributed to existing and emerging Local Plan policies which restrict housing land supply, unless these are clearly in accordance with specific restrictive policies in the NPPF. In this case this means that policy HOU13 of the Local Plan can be given no weight in the determination of this application.

Principle of Development

Policy Considerations

8. New housing development is considered against statement 6 of the National Planning Policy Framework and policy 4 of the Joint Core Strategy. In accordance with the National Planning Policy Framework and local planning policies, the proposal promotes the redevelopment of previously developed land in an accessible location with good access to local shops and bus routes which serve the City Centre.

Impact on Living Conditions

9. The proposed dwellings must be assessed both in terms of the quality of living being provided for both prospective residents at the site and also the potential implications of the new development upon those residents currently occupying properties in the vicinity of the site.
10. Both properties feature balconies on the south-west elevation along with a glazed frontage at first floor level. The layout of the site provides sufficient distance from the property immediately to the west (number 27 Quebec Rd) to minimise the opportunity for overlooking from the proposed balconies. The land drops abruptly at the boundary with 27 and such is the set back nature of the proposed dwellings that the line of view into the neighbouring garden is restricted. Any overlooking onto the neighbouring property (number 27) is further restricted by existing mature tree growth on the boundary and the applicant proposes to introduce native hedging, which, once established, will provide an additional source of natural screening between the two sites.
11. The staggered nature of the development and distance between neighbouring properties also mean that overlooking from the balconies is limited and not significant enough to detrimentally affect the living conditions of those properties located along Primrose Road.
12. Overlooking from the south-west elevation has already been discussed but it is considered that all other windows on the property have been sensitively designed and positioned as not to carry any significant potential for overlooking, which might otherwise harm the privacy of neighbouring properties. The two dwellings are situated centrally on the site and the proposed layout achieves sufficient separating distance from neighbouring properties to avoid any significant overlooking issues. Oblique views onto the rear of properties along Quebec Road will be possible from the first

floor windows located on the north-east elevation, but again, the separating distance between properties and proposed landscaping on the boundary will help avoid any significant issue of overlooking.

13. The application is supported with a sun-path analysis which illustrates the extent to which the proposed development will increase overshadowing onto neighbouring properties. This will be presented at committee for members to see in more detail, but in summary, any increase in overshadowing predominantly affects the garage and parking area located to the north of the site and does not result in any significant increase in overshadowing to the rear gardens and habitable rooms of properties located along Quebec Road.
14. Objections have been received regarding views that might be affected by the proposed development. Whilst the design of the scheme can be considered in relation to its impact upon the skyline, loss of view cannot feature as a material planning consideration. The potential impact upon the development upon house prices in the surrounding area also cannot be considered material to the assessment of the application.
15. Each proposed dwelling features a balcony and benefits from ample garden space at both front and rear. Any planning permission will be conditioned to ensure that the external areas of the site are landscaped to a high standard to ensure that an attractive living environment is provided as well as ensuring that the scheme relates well to the surrounding built and natural environment. Both dwellings satisfy internal space standards set out in policy DM2 of the emerging Development Management Plan and the installation of rooflights will ensure that the living rooms and kitchens located at first floor level will ensure high levels of daylighting and thermal insulation.
16. It is therefore considered that the scheme provides for a high standard of living conditions for both prospective and neighbouring residents in accordance with saved policy EP22 of the adopted Local Plan.

Layout, Scale and Design

17. The layout of the site provides for adequate external space for future occupants as well as providing good levels of outlook. The two dwellings are positioned centrally on the site and provide sufficient separating distance between neighbouring properties to prevent any sense of overbearing and minimise issues of overlooking. The layout of the site also provides an adequate turning area in the forecourt area, which is essential for allowing vehicles to enter and leave the site safely in a forward gear. Both dwellings feature side passages allowing easy access to rear gardens where refuse is also proposed to be stored.
18. The two properties have been stepped in order to break the overall mass of the development. Roofs have also been pitched away from properties on the north and south boundaries of the site which has assisted in minimising any impact of overshadowing and potential sense of overbearing. The layout, scale and massing of the site is therefore considered to be acceptable and does not result in the development being over dominant in any way.

19. The site is located between two conservation areas, but such is the surrounding built/natural environment that the proposed dwellings will only be visible from glimpsed views in the surrounding area. The proposed dwellings are of a contemporary design, but the proposed materials are considered acceptable for the local area. Red brick is predominant and the black pantiles should help to break up the red brick walls of the buildings. The timber boarding and glazed upper floor frontage will also help to break up the elevations of the buildings as well as providing visual interest to the scheme. Further detail of materials and windows/doors will be conditioned to ensure that the development integrates positively and sensitively with the surrounding context of the site. Subject to conditions therefore, it is considered that the proposal accords with the NPPF, policy 2 of the JCS and saved policy HBE12 of the adopted Local Plan.

Transport and Access

20. Vehicular access is provided from Quebec Road via a relatively steep access road leading into the site. The scheme provides for an adequate parking forecourt that provides sufficient turning space for cars to enter and depart the site in a forward gear, which will ensure that cars can safely enter onto the highway. It is recommended that a non-slippery material be used for the access slope and any hard-surfacing must also be permeable to ensure satisfactory drainage at the site. These matters will be ensured by condition.
21. Parking provision is compliant with the maximum standards set out in Appendix 4 of the adopted Local Plan and the parking forecourt benefits from a natural source surveillance provided from the ground floor bedroom windows and glazed first floor frontage.
22. The applicant has indicated that cycle parking will be provided from the side alleys running alongside each dwelling. It is considered that cycle parking would be better suited in the rear gardens of the two proposed dwellings where a dual functioning cycle/bin storage unit could be installed integral to the site. This will ensure that the side access is free from obstruction in order to allow for the ease of collection of bin receptacles, and that cycle storage is both secure and covered. Conditions are suggested to ensure adequate provision of refuse/cycle storage.

Environmental Issues

23. Concern has been raised regarding the ground stability of the site and potential for inadequate drainage from the site following the construction of the two dwellings. The site is not recognised as an area susceptible to subsidence as identified in saved policy EP2 of the adopted Local Plan. The matter of ground stability is therefore not material to the assessment of this application. Although not a standard course of procedure, CNC Building Control have been consulted informally following concern raised by a member of the public. It was confirmed that ground stability would form part of the assessment of the scheme to satisfy Building Regulations.
24. There are no records to show that the buildings previously built on the site were of any significance and there are no identified archaeological implications associated with the development.
25. The applicant has included an energy statement setting out the intended water efficiency measures to be incorporated into the scheme. Policy 3 of the JCS requires

that all residential development achieve Code for Sustainable Homes level 4 for water on adoption. Any planning permission will be conditioned to ensure that an assessment is performed by a qualified code assessor and results submitted to the Council for approval prior to first occupation of the dwellings.

26. The scheme is not required by policy to provide any level of on-site renewable energy production. The applicant has nevertheless proposed to install photovoltaic panels on each of the south facing roofs of the dwellings in order to help the scheme achieve an overall level 3/4 Code for Sustainable Homes. This is welcomed and will reduce the reliance of the development upon carbonised sources of energy.

Trees, Landscaping and Ecology

27. In order to facilitate the development a number of trees are to be removed. Several of these trees are known as U category trees, which means they are unsuitable for retention due to either being dead or presenting a safe useful life expectancy of less than 10 years. Several other trees, especially those located further within the site are to be removed due to being located in the proposed footprint of the built development. These trees are known to be C category trees which are identified as being of such quality and value that are least suitable for retention.
28. The Council's Tree Protection Officer has reviewed the application and is satisfied with the proposal provided that planning permission can be conditioned to require full compliance with the submitted Arboricultural documentation.
29. The development will sit within much of the existing green edge of the site and will carry the potential for any landscaping scheme to enhance the amenity value and biodiversity on site. The applicant has indicated that native hedging will be planted around the site, which will act to both mitigate the loss of some of the trees as well as providing a natural form of boundary treatment and screening from surrounding properties. It will also be important to ensure a suitable mix of hard/soft landscaping at the front of the property in order to achieve a satisfactory appearance of the development. It is suggested to condition planning permission to require a detailed landscaping scheme to be submitted for approval prior to works commencing.
30. The ecology on site has been assessed for the presence of any protected species and any associated measures that may be necessary to ensure protection. A strong potential for breeding birds and hedgehogs to be present on site has been reported. It is recommended that any clearance should take place outside of the bird breeding season (1 March to 31 August) in order to protect any birds from the destruction of their nests. A number of measures are also recommended in Section 6 of the Ecological Survey and full compliance with this survey will be required by way of condition.

Local Finance Considerations

31. The proposal would, if approved, result in additional Council Tax revenue for the council and new homes bonus and under section 143 of the Localism Act the council is required to consider the impact of new development proposals on local finance. However, it is also important to take into account other material considerations in

assessing the merits of proposals, which in this case include the location of residential development, impact on residential amenities, design, transport and environmental considerations, amongst other things.

32. The proposed development of the site by the erection of three new dwellings is CIL liable and would be charged at a rate of £75 per sq.m of internal floorspace being created.

Conclusions

33. The proposal delivers two units of housing on previously developed land in an accessible location with good access to local shops and bus routes which serve the City Centre. The design, scale and layout of the development is such that the proposal will not result in any significant harm to the living conditions of neighbouring properties surrounding the site and the design of the dwellings is considered to relate positively to the surrounding context of the site. Sufficient turning space has been provided to allow safe vehicular access and egress from the site and adequate cycle/refuse storage will be ensured by condition. The development carries a number of implications for the ecology of the site, but provided that works to the site are carried out in accordance with the recommendations set out in the supporting arboricultural and ecological assessments the biodiversity interest of the site can be protected and enhanced. Subject to the imposition of conditions, the proposal is considered acceptable and will provide for much needed housing in this part of the city.

RECOMMENDATIONS

To approve application ref. 13/01964/F (Land adjacent to 25-27 Quebec Road) and grant planning permission subject to the imposition of the following conditions:

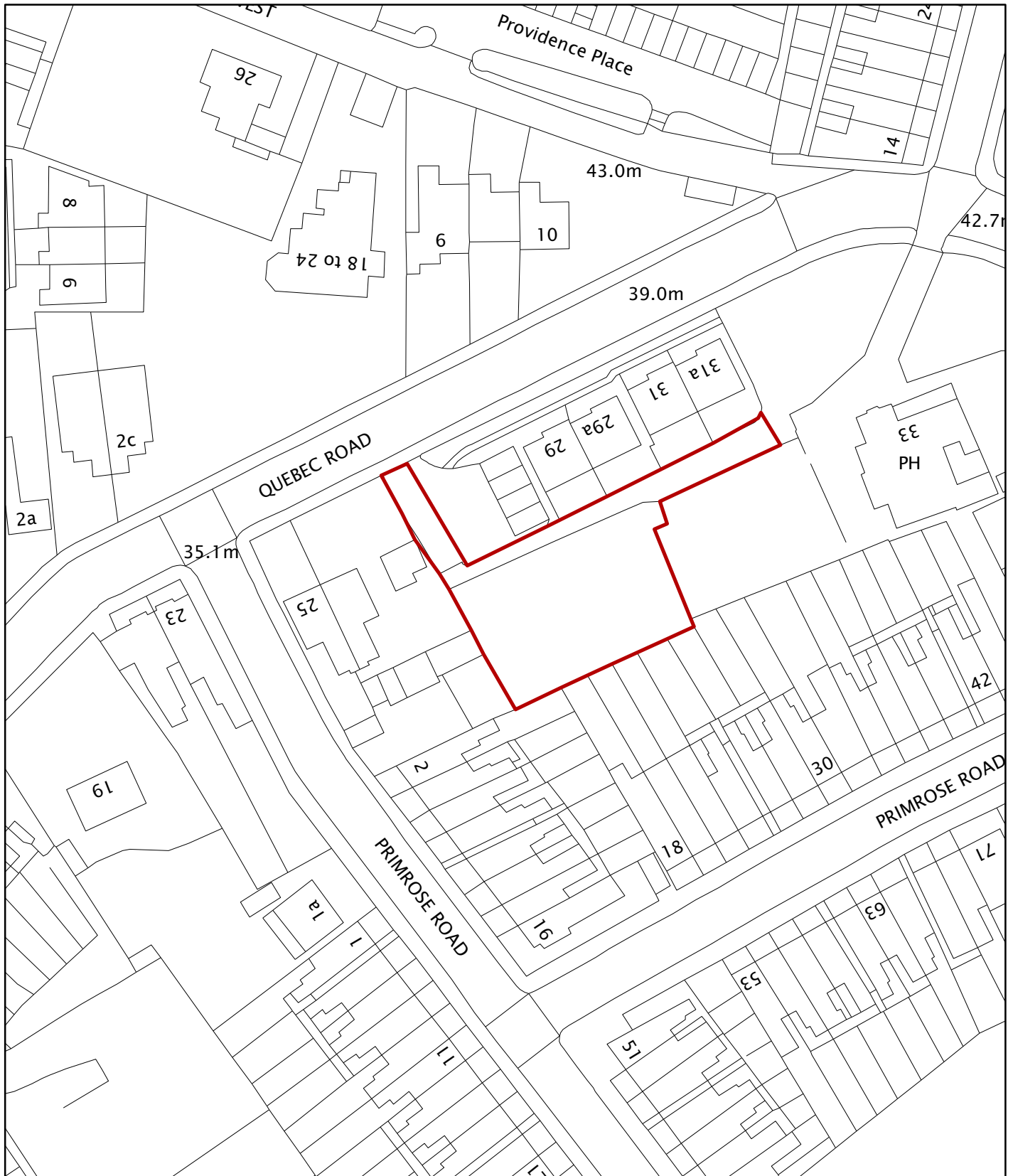
- 1) Commencement of development within three years from date of approval;
- 2) Development in accordance with plans;
- 3) Details of facing and roofing materials, joinery, photovoltaic panels and any boundary treatments;
- 4) Details of hard and soft landscaping, planting and biodiversity enhancements;
- 5) Full compliance with arboricultural documentation;
- 6) Full compliance with the summary recommendations made in section 6 of the Ecological Survey;
- 7) Details of cycle/refuse storage;
- 8) Water efficiency;

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 [at the pre-application stage] the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

The following informatives should be added to any consent:

- 1) Considerate construction and timing to prevent nuisance
- 2) Site clearance to have due regard to minimising the impact on wildlife.



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Planning Application No 13/02089/VC

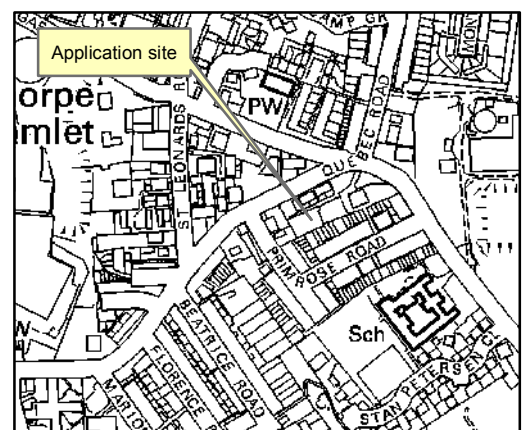
Site Address Land adjacent to 25-27 Quebec Road

Scale 1:750



NORWICH
City Council

PLANNING SERVICES





Key:

1. Existing crossover point
2. Existing access to garage block and up to site
3. Existing garage block
4. 2no. parking spaces with timber beam & block carport to define parking area
5. Mix of hard/soft landscaping

6. Bin store for 3no. 240 litre bins
 7. Rear garden
 8. Free draining gravel/ shingle
 9. Paving
 10. Proposed shrubs and foliage approximately 1100mm high
 11. Proposed native hedging
 12. Non-slip free draining surface
 13. Refuse collection point
- Note: Bicycle storage to side alleys



Site Boundary



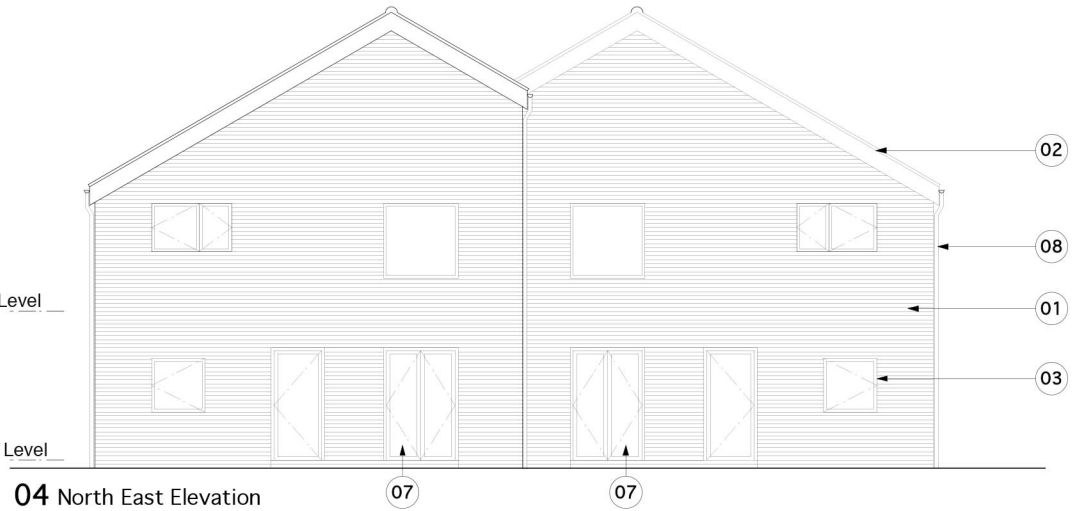
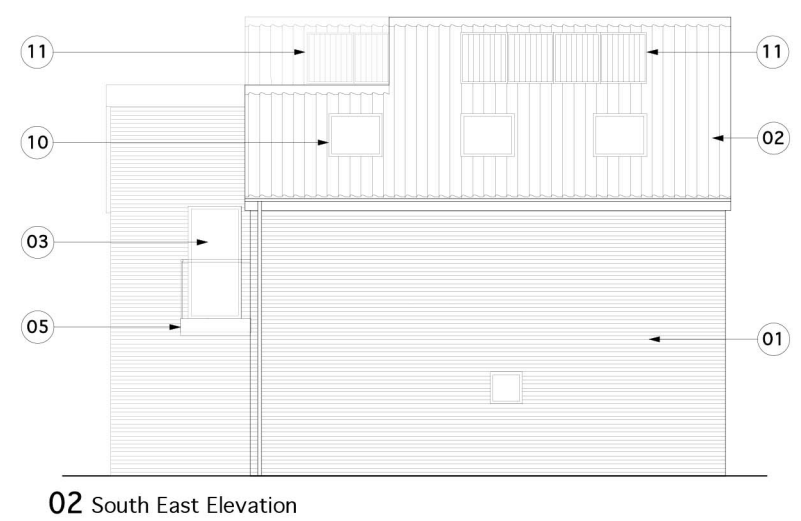
Existing Right of Way/
Sloped access



Areas of paving

73

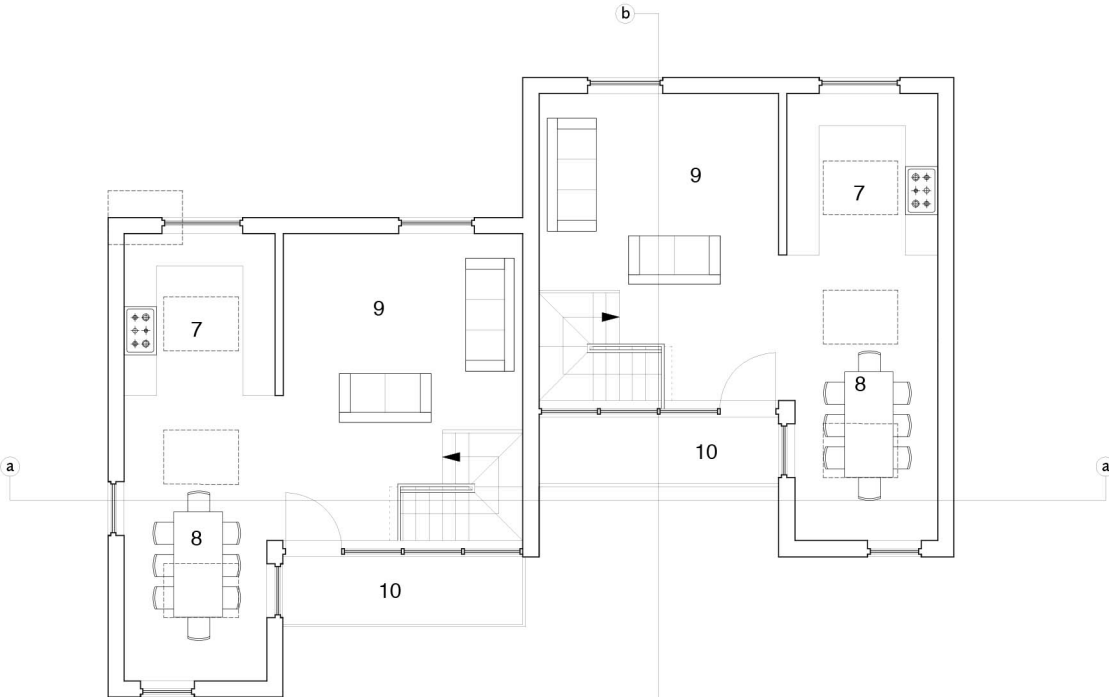
status PLANNING		HUDSON Architects	
revisions		9-10 Redwell Street Norwich NR2 4SN tel 01603 766 220 fax 01603 630 469 www.hudsonarchitects.co.uk info@hudsonarchitects.co.uk	
P1	29.11.13	Issued for Planning;	
		job 2 DWELLINGS QUEBEC ROAD	
		LAND OFF QUEBEC ROAD	
		address NORWICH, NORFOLK	
		dwg title PROPOSED SITE PLAN	
		scale 1:200@A3 date MAY 2013	
		P-01	
QUE		drawing number	P1 revision
Do not scale off dimensions. Check all dimensions on site and report any apparent discrepancy immediately. This drawing is copyright.			



- Key:**
1. Red brick
 2. Black pantile roof
 3. Metal frame window, powder coat finish
 4. Timber door with side light
 5. External balcony with glass balustrade
 6. Metal framed glazed door and glazing
 7. Metal framed glazed doors
 8. Aluminium gutters and downpipes
 9. Vertical timber boarding
 10. Rooflights
 11. Solar PV panels



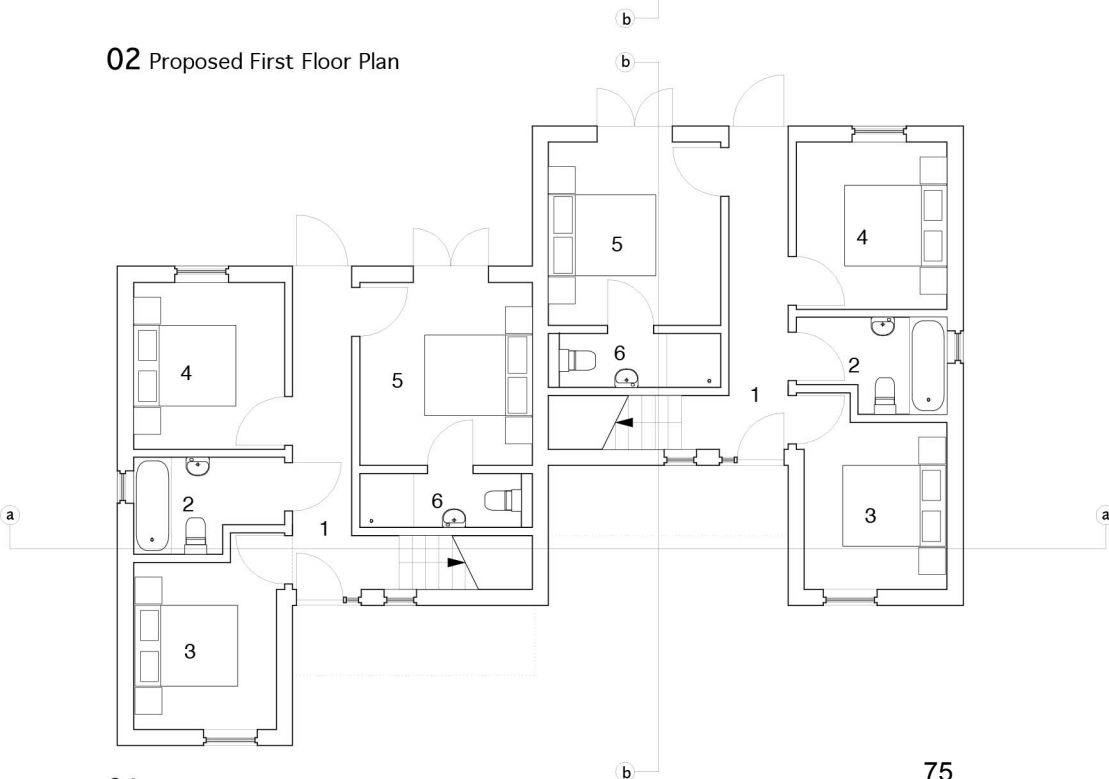
status		PLANNING		HUDSON Architects	
revisions					
P1	29.11.13	Issued for Planning;		9-10 Redwell Street Norwich NR2 4SN tel 01603 766 220 fax 01603 430 469 www.hudsonarchitects.co.uk info@hudsonarchitects.co.uk	
				job 2 DWELLINGS QUEBEC ROAD	
				LAND OFF QUEBEC ROAD	
				address NORWICH, NORFOLK	
				dwg title PROPOSED ELEVATIONS	
				scale 1:100@A3 date MAY 2013	
QUE		P-03		P1	
job reference		drawing number		revision	
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02 Proposed First Floor Plan

First Floor Key:

- 7. Kitchen
- 8. Dining
- 9. Living
- 10. External balcony



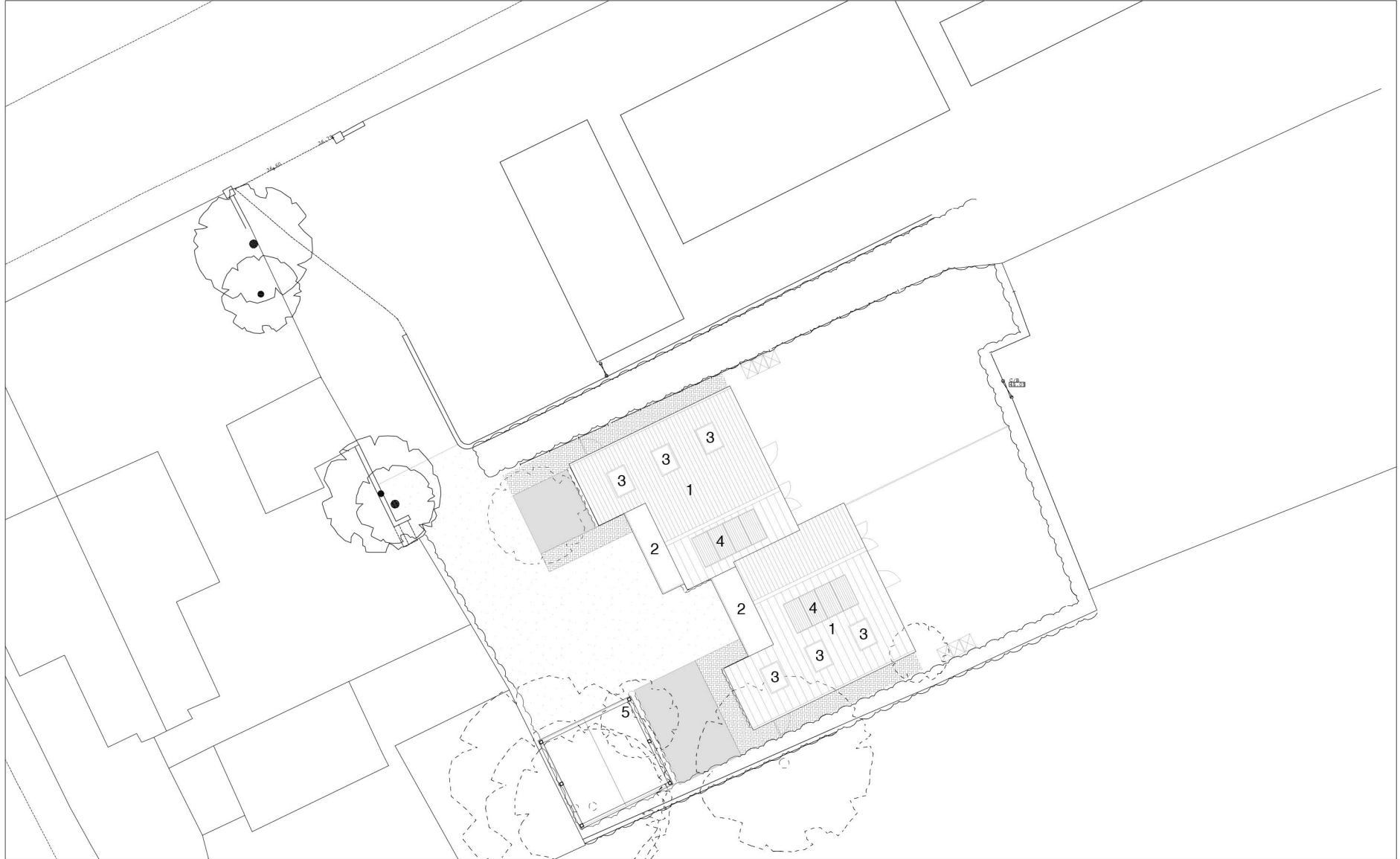
01 Proposed Ground Floor Plan

Ground Floor Key:

- 1. Entrance Hall
- 2. Bathroom
- 3. Bedroom 3
- 4. Bedroom 2
- 5. Master Bedroom
- 6. Master Ensuite



status		PLANNING		<div>HUDSON Architects</div> <div>9-10 Redwell Street Norwich NR2 4SN tel 01603 766 220 fax 01603 630 469 www.hudsonarchitects.co.uk info@hudsonarchitects.co.uk</div>	
revisions					
P1	29.11.13	Issued for Planning;			
		job 2 DWELLINGS QUEBEC ROAD			
		LAND OFF QUEBEC ROAD			
		address NORWICH, NORFOLK			
		dwg title PROPOSED FLOOR PLANS			
		scale 1:100@A3 date MAY 2013			
QUE		P-02		P1	
job reference		drawing number		revision	
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Key:

1. Black pantile roof
2. External balcony with glass balustrade
3. Rooflights
4. Solar PV panels to south facing roofs
5. Timber post and beam car port



status		PLANNING		<div>HUDSON Architects</div> <div>9-10 Redwell Street, Norwich, NR2 4SN tel 01603 766 220 fax 01603 430 469 www.hudsonarchitects.co.uk info@hudsonarchitects.co.uk</div>			
revisions							
P1		29.11.13				Issued for Planning;	
job 2 DWELLINGS QUEBEC ROAD							
LAND OFF QUEBEC ROAD							
address NORWICH, NORFOLK							
dwg title PROPOSED ROOF PLAN							
scale 1:200@A3 date SEPT 2013							
QUE		P-05		P1			
job reference		drawing number		revision			
Do not scale off dimensions. Check all dimensions on site and report any apparent discrepancy immediately. This drawing is copyright.							

Report to Planning applications committee
Date 6 February 2014
Report of Head of planning services
Subject 13/02009/F 514 Earlham Road Norwich NR4 7HR

Item
4(4)

SUMMARY

Description:	Erection of single and first floor extensions and car port.
Reason for consideration at Committee:	Objections
Recommendation:	Approve
Ward:	University
Contact Officer:	Lara Emerson Planner 01603 212257
Valid Date:	10th December 2013
Applicant:	Mr Mike Peters
Agent:	Mr Neil Withington

INTRODUCTION

The Site

Location and Context

1. The site is located on the southern side of Earlham Road which is located to the west of the city.
2. At this point, Earlham Road is very wide and is lined with mature trees and a deep grass verge on both sides. The area is predominantly made up of detached and semi-detached residential dwellings set well back from the road. Most of the houses near to this property are of a matching and distinctive 1930s style.

Constraints

3. There are no planning constraints on the site.

Planning History

4/1997/0684 - Erection of single storey side and rear extensions (Refused 30/10/97)

4/1997/0907 - Erection of single storey rear extension. (Approved 31/12/97)

4/2001/1080 - Single storey side extension and conservatory to the rear. (Approved 21/06/02)

13/01888/F - Erection of single and first floor extensions and car port. (Withdrawn 28/11/13)

NB: the current application is a revised scheme which has been amended to be more acceptable in design terms following advice from the planning officer

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

4. The proposal is for the erection of a first floor extension to the western side of the property and the erection of a small single storey extension and a covered car port along the eastern side of the property.
5. The first floor extension creates 2 additional bedrooms and a bathroom. It will be flush with the existing building line and will have a dual pitched roof with a total height of 7m and an eaves height of 4.7m (below the ridge and eaves heights of the existing dwelling). It is to be built over an existing ground floor extension which provides self-contained accommodation and was permitted in 2001. The first floor extension hereby proposed is to be accessible from the main dwelling and not from the self-contained ground floor side extension. Additional windows are proposed for the front and rear elevations on the first floor extension. Materials are all to match existing.
6. The single storey extension is located to the west of the site and has a footprint of 2.5m by 3.2m. It has a lean-to roof with a total height of 4.5m and a ridge height of 2.5m. Materials are all to match existing.
7. The car port is constructed of exposed beams with a pantile roof and is set back a distance of 0.35m from the main building line.

Representations Received

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation have been received citing the issues as summarised in the table below.
- 9.

Issues Raised	Response
Access to the property is currently used in an illegal way by driving over the grass verge resulting in damage to the grass verge and tree roots	Paragraph 19
A 2m high fence has recently been erected on the front boundary	Paragraph 18 This does not form part of the application. The erection of the fence requires planning permission which has not been sought or obtained. The applicant has been made aware that a planning application is required and is intending to submit an application in the near future. The fence will therefore be considered within a future application.

Consultation Responses

10. No internal or external consultations have been undertaken.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Policy:

National Planning Policy Framework:

Statement 6 – Delivering a wide choice of high quality homes

Statement 7 – Requiring good design

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

Policy 2 – Promoting good design

Policy 12 – Remainder of Norwich area

Relevant Saved Policies of the adopted City of Norwich Replacement Local Plan 2004:

HBE12 - High quality of design

EP22 – Protection of residential amenity

Principle of Development

Policy considerations

11. The key policy considerations are Replacement Local Plan policy HBE12 which relates to design and policy EP22 which relates to the protection of residential amenity.

Impact on Living Conditions

Loss of Privacy

12. The first floor extension, with windows on the rear elevation, will create more opportunity for overlooking the neighbouring garden at 512 Earlham Road. However, this is not considered reason enough for refusal given the distance and the fact that there are already windows facing in this direction and no sensitive spaces will be overlooked.

Loss of Light and Outlook

13. There is no concern regarding loss of light or outlook.

Impact of Additional Accommodation

14. The extensions proposed here would turn this 3 bedroom dwelling into a 6 bedroom dwelling. The plans indicate that these extra bedrooms would be used for further accommodation incidental to the enjoyment of the dwelling house, rather than for any business use or as a separate unit of accommodation (as has previously been the case) and the application is being considered under such an assumption.

Design

Form, Scale and Height

15. It is important that any extensions to the property appear subservient to, and do not dominate, the existing dwelling. The previous scheme (13/01888/F) was of a design that was inappropriate in terms of its scale.
16. The ridge height of the first floor extension has been lowered and the car port has been set back from the main building line. As such, the extensions are now considered to appear subservient to the existing dwelling and the proposals are considered acceptable in design terms subject to the use of matching materials as recommended to be conditioned.

Transport and Access

Vehicular Access and Car Parking

17. This increase in accommodation will potentially lead to an increase in the level of traffic and parking requirements. The front of the property currently has space for the parking of approx 4 cars (plus a space which will be created with the erection of the car port) which is considered sufficient.

Other Matters Raised

18. The recently erected 2m+ high fence does not form part of this application and will be considered under a future application.
19. 2 letters of representation cite the alleged mis-use of driveways over the grass verge from Earlham Road. This application does not indicate that access from Earlham Road is to be altered. As such, it is assumed that vehicular access to the property is gained from the designated access-way leading to the left of the house. A future application for the recently erected fence may dispute this and therefore this issue surrounding access will be dealt with separately at a later date.

Equality and Diversity Issues

20. There are no significant equality or diversity issues.

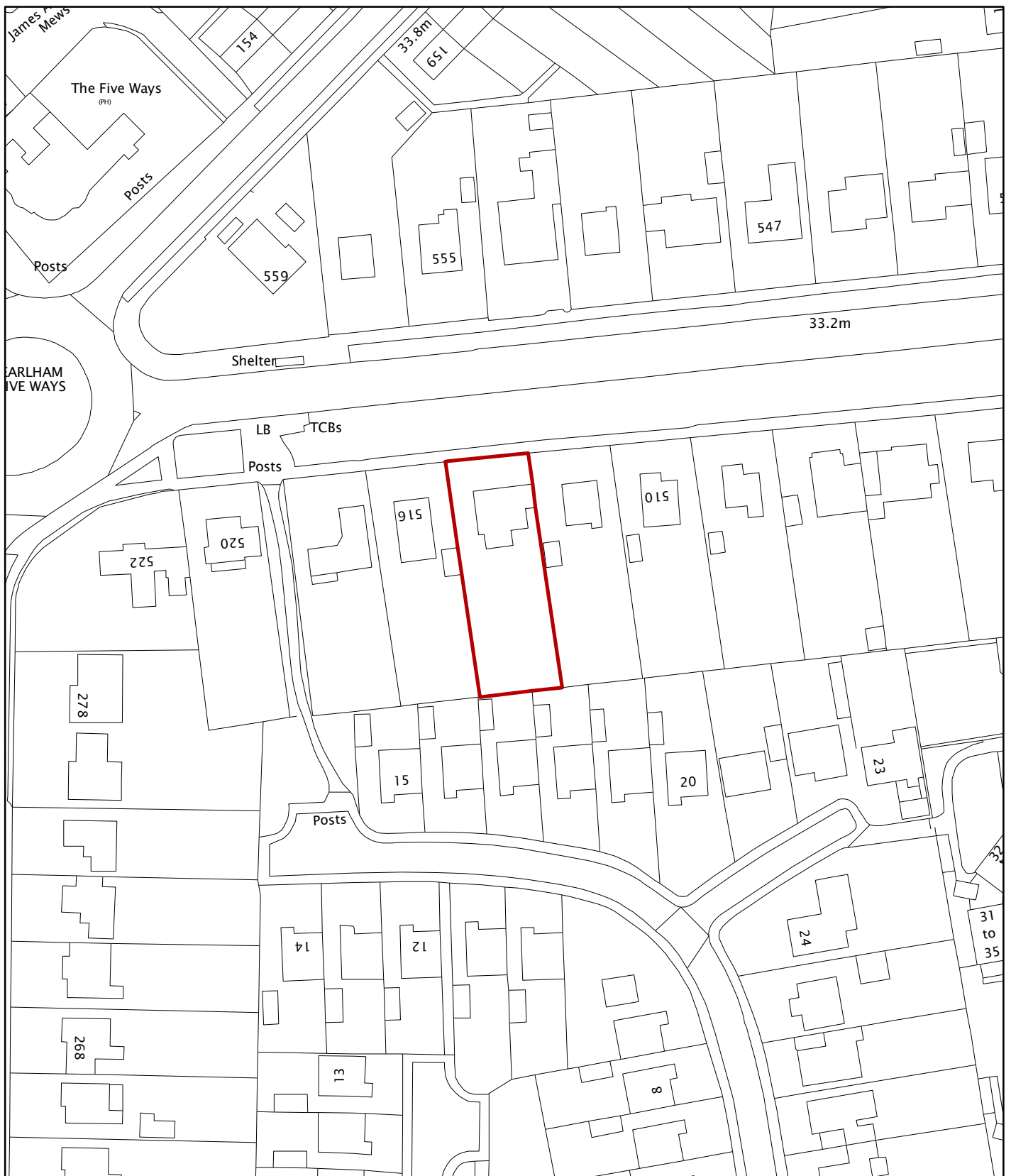
Conclusions

21. It is considered that the design is in keeping with the property and that the proposal is unlikely to have an adverse impact on the amenities of the immediate neighbours or the wider area. As such the proposal accords with the criteria set out within policies HBE12 and EP22 of the City of Norwich Replacement Local Plan and policy 2 of the Joint Core Strategy.

RECOMMENDATIONS

To approve application 13/02009/F, 514 Earlham Road Norwich NR4 7HR, and grant planning permission, subject to the following conditions:

- 1) Time limit
- 2) In accordance with plans
- 3) Materials to match existing property



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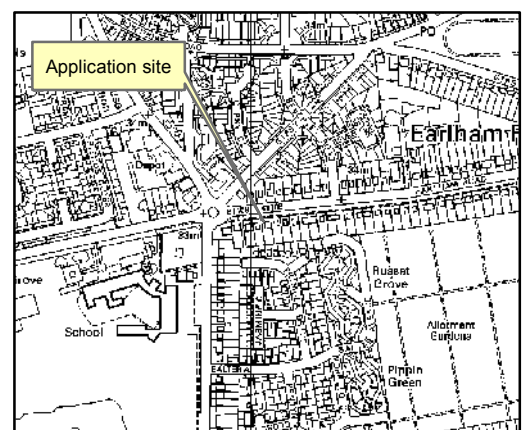
Planning Application No 13/02009/F
Site Address 514 Earham Road

Scale 1:1,000



NORWICH
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PLANNING SERVICES



Revisions

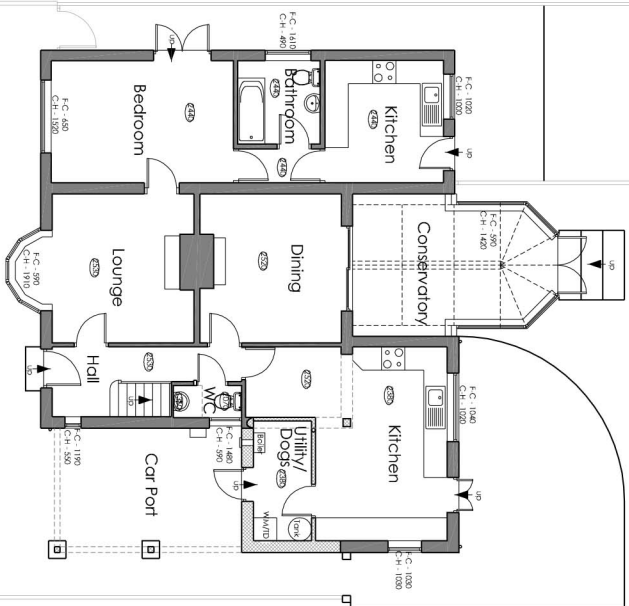
Rev A - 05/12/13 -
Planning A1s

Proposed Plans &
Elevations

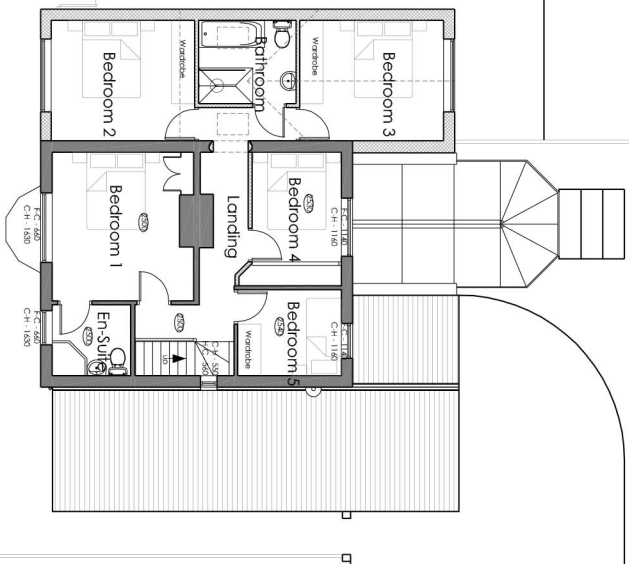
Alterations to Fair
View, 514 Earlham
Road, Norwich
for Mike Peters

October 2013

Scale: 1:100 @ A2
13-002-14A



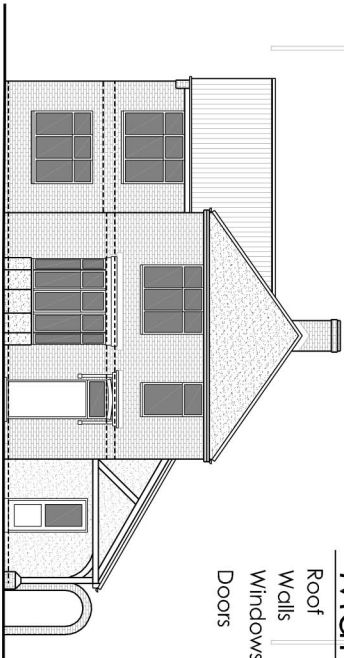
Ground Floor Plan



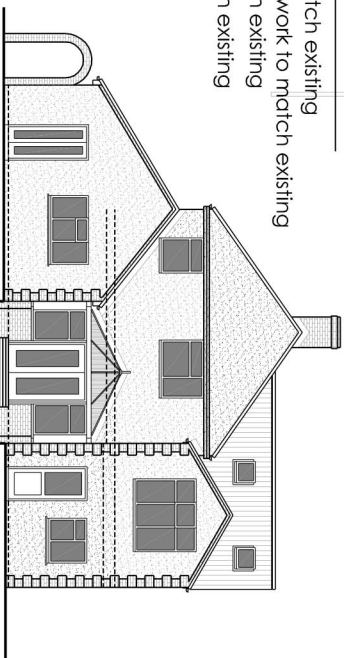
First Floor Plan

Materials

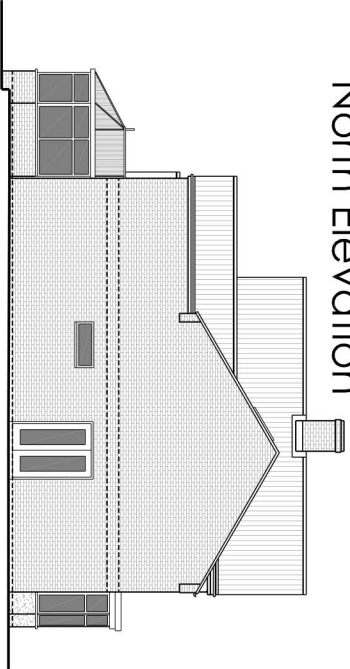
- Roof : Pan Tiles to match existing
- Walls : Render & Brickwork to match existing
- Windows : UPVC to match existing
- Doors : UPVC to match existing



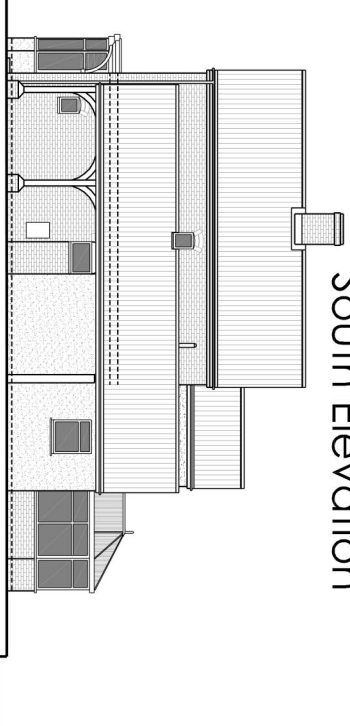
North Elevation



South Elevation



East Elevation



West Elevation

Report to Planning applications committee
Date 6 February 2014
Report of Head of planning services
Subject 13/02028/F 154, Gipsy Lane, Norwich NR5 8AZ

Item
4(5)

SUMMARY

Description:	Demolition of existing rear extension and erection of two storey extension and conversion to 2 No. flats.
Reason for consideration at Committee:	Objections
Recommendation:	Approve
Ward:	Wensum
Contact Officer:	Lara Emerson Planner 01603 212257
Valid Date:	14th December 2013
Applicant:	Mr M Modesti
Agent:	Kevin Cole

INTRODUCTION

The Site

Location and Context

1. The site is located on the north-west side of Gipsy Lane.
2. It is close to the Fiveways roundabout and separated from the site of the Fiveways public house by a driveway. The surrounding area is largely residential in nature comprising 2 storey terraced dwellings similar in size and appearance to the application property.

Constraints

3. At the rear of the site there are 3 large trees (but these are not subject to TPOs). There are no other constraints on the site.

Planning History

No recent planning history.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

4. The proposal is for the erection of a single and two storey rear extension and for the conversion of this single 4-bedroom dwelling into two flats. It is indicated on the plans that these flats are each to have 3 bedrooms.

5. The two storey rear extension stands 6.2m high, 0.1m below the ridge height of the existing dwelling. The eaves are 4.6m high, 0.2m below the existing eaves height. The single storey extension is flat roofed. There are windows on both floors on all elevations except facing towards the neighbouring property at 152 Gipsy Lane. Materials are all to match existing.

Representations Received

6. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation have been received citing the issues as summarised in the table below.

7.

Issues Raised	Response
The existing occupants disturb neighbours by playing football at night time	Paragraph 15
The trees at the rear of the garden already block light from 1 Gipsy Close and the proposed extension will further block the light	Paragraph 17
Poor maintenance of property, especially trees at rear of garden	Paragraph 30

Consultation Responses

8. Consultee: Transportation (Local Highway Authority)

Comments: The new parking space would necessitate the removal of a hedge and the creation of hardstanding which may be detrimental to local amenity. Sheds or freestanding cycle stands should provide space for the parking of at least 2 cycles per dwelling. Space for 6 no. 240 litre refuse bins should be provided and these should be located in a place which provides easy access to Gipsy Lane. Hardstanding should be porous.

9. Consultee: NCC Environmental Health (Pollution Enforcement)

Comments: The site is located close to two sources of noise (the road and the public house). The intensification of the living space reduces the opportunity for residents to retreat to less noisy areas. A Noise Impact Assessment (NIA) is considered excessive in this case. Instead, a condition should be included which requests that details of sound-insulating ventilators are submitted to and approved by the local authority.

10. NCC Private Sector Housing was also consulted but no response was received.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 6 – Delivering a wide choice of high quality homes

Statement 7 – Requiring good design

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

Policy 2 – Promoting good design

Policy 3 – Energy and water

Policy 4 – Housing delivery

Policy 6 – Access and transportation

Policy 12 – Remainder of Norwich area

Policy 20 – Implementation

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

HBE12 – High quality of design

EP18 – Energy efficiency in development

EP22 – Protection of residential amenity

HOU13 – Criteria for housing developments

HOU17 – Conversion of two-storey terraced houses to flats

TRA6 – Parking standards

TRA7 – Cycle parking provision

TRA8 – Provision in development for servicing

Emerging DM Policies

DM1 – Achieving and delivering sustainable development

DM2 – Ensuring satisfactory living and working conditions

DM3 – Delivering high quality design

DM4 – Providing for renewable and low carbon energy

DM9 – Safeguarding Norwich's heritage

DM31 – Car parking and servicing

DM33 – Planning obligations and development viability

Principle of Development

Policy Considerations

11. The most relevant policies to this application are those relating to design, residential amenity and transport (Replacement Local Plan policies HBE12, EP22, TRA6 & TRA7).

Other Material Considerations

12. The residential use of this site is established but the conversion to two flats creates a more intensive use which must be considered.

13. A recent appeal decision has identified that the council does not have a five-year housing land supply for the Norwich Policy Area. Under paragraph 49 of the NPPF, housing policies within a local plan should be considered not up-to-date if there is no demonstrable five year housing land supply. In this instance this means that policy HOU17 (which states that conversions of this type should not be permitted) of the local plan can be given no weight in determining this planning application. As such, the NPPF requires planning permission to be granted unless "Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits... or ... specific policies in the NPPF indicate development should be restricted".

14. As such the principle of this conversion is acceptable and the considerations that should be taken into account are design, vehicular access, car parking provision, refuse and cycle storage and the amenity of existing and future residents.

Impact on Living Conditions

Disturbance

15. One letter of representation has been received citing issues of noise disturbance from existing residents. The behaviour of existing residents is not an issue which can be considered within planning, and thus the complainant has been directed to the council's Environmental Health team. Whilst this disturbance in itself is not a material planning consideration, it is prudent to consider the impact of additional residents through the intensification of the site. This is an established residential area and given the location of size of units it is considered unlikely that each flat would have more than 3 occupants. This would potentially lead to a total of 6 occupants, which would be a conceivable number to see housed in the existing 4 bedroom dwelling. As such, the works proposed here are unlikely to cause a significant increase to the overall use of the site.

Loss of Privacy

16. Windows have been considerably placed away from sensitive areas. No loss of privacy can be expected as a result of these proposals.

Loss of Light

17. The proposals are of modest single storey height near to boundaries with neighbouring residential properties. One letter of representation mentions concerns about loss of light to the rear garden of 1 Gipsy Close which is to the rear of the site. However, the proposed extensions are at a distance of at least 18m from the rear boundary. As such, no significant loss of light will result from these works.

Loss of Outlook

18. The siting and height of the proposals means that no loss of outlook.

Residential Amenity for Future Occupants

19. In terms of residential amenity for the future occupants, policy EP22 of the Replacement Local Plan seeks to create acceptable living conditions. Policy DM2 of the Emerging Local Plan (which has been submitted but is not yet adopted) states that new dwellings should exceed the city council's indicative minimum space standards.
20. The submitted plans indicate that it is intended for the 2 flats to provide 3 bedrooms each. According to the council's space standards a single storey 3-bedroom dwelling should have a minimum of 74 sq.m. to 86 sq.m. gross internal area (GIA) depending on the number of occupants. However in reality it is considered that if occupied by a family one of the indicated bedrooms could easily be used as a further reception room and (given the location and existing occupation) if occupied by students there would be three occupants of each flat with a communal area. The GIA within this proposal is approximately 66m² and 54m² for the ground floor and first floor flat respectively which is well below this requirement. Both flats are limited in space and in particular the first floor flat has combined kitchen, dining and living space of 15m² which is considered meagre for a 3-bedroom dwelling.
21. However, it is noted that this application is simply for an extension and conversion to flats with an unspecified number of bedrooms and that, in any case, internal layout and use of rooms can be changed without planning permission. In practice the applicant could simply label one of the rooms as a "store" or omit an internal wall which is to be built out. Therefore it is not considered to be appropriate to request an amendment to the submitted plans, particularly as other than size there are no specific amenity concerns or identified areas of harm. The benefits of gaining an additional dwelling (and potentially six bedspaces for students), the financial implications of receiving New Homes Bonus together with the lack of a 5 year land supply means that there are no adverse impacts which would significantly and demonstrably outweigh the benefits... or ... specific policies in the NPPF that indicate development should be restricted.
22. As highlighted by the comments from Environmental Health, the property is in close proximity to a road and a large public house. Due to the intensification of the site and the limited communal living space provided, residents may be forced to spend more time in the noisier parts of the flats. As such, a condition is recommended which aims to reduce the noise within the property's habitable rooms.
23. The large rear garden, which is proposed to be shared between the two flats, is considered to be of sufficient size to offer adequate outdoor amenity space for the future residents of the two flats.

Design

24. The site is in a prominent location as it is on the end of a terrace and adjacent to a large pub car park. As such, the proposals will be visible from much of the surrounding area.

Scale

25. The scale of the extension is considered acceptable since it will appear subservient due to having a ridge and eaves height lower than that of the existing building and due to being set back from the side of the existing building.

Materials

26. It is important in such a visible location for the materials to match those of the existing building and so a condition to this effect is recommended.

Transport and Access

Car Parking

27. The proposal will create a more intensive use of the site and as such additional car parking may be necessary to prevent undue pressure on the on-street parking in the vicinity. There are currently 2 car parking spaces at the front of the property and it is proposed that a hedge is removed to create an extra space. Policy TRA6 of the Replacement Local Plan states that a maximum of 2 parking spaces should be provided per 3-bedroom dwelling in this location.
28. The creation of a new vehicle crossover will need consent from Norwich City Council Highways department (informative 2).

Cycling Parking

29. Storage for 4 cycles in a locked shed is to be provided in the communal rear garden which has direct access to the road via a side passage. This is in accordance with the relevant policies (condition 3).

Trees and Landscaping

Loss of Trees or Impact on Trees

30. An informal conversation with Norwich City Council's Tree Protection Officer confirms that the three trees at the rear of the site are of low value and are at a sufficient distance away from the proposals so as not to be of concern.

Other Matters Raised

31. The alleged poor maintenance of the property, as commented upon within one letter of representation, is not a material planning consideration and should not influence the decision.

Local Finance Considerations

32. Under Section 143 of the Localism Act the council is required to consider the impact on local finances as a material consideration. The benefits from the finance contributions for the council however must be weighed against the above planning issues. In this case the financial considerations are relatively limited and therefore limited weight should be given to them.

Financial Liability	Liable?	Amount
Council Tax	Yes	Band not yet known
New Homes Bonus	Yes	Based on council tax band. Annual payment for six years
Community Infrastructure Levy	Yes	£75/m ² for all additional floorspace (46m ²) = £3450 total
Business Rates	No	-

Equality and Diversity Issues

33. There are no significant equality or diversity issues.

Conclusions

34. There proposals are considered acceptable in terms of design and in terms of impact upon the amenity of neighbours. Future residents are to be provided with small but sufficient living space. As such the proposal accords with the criteria set out within policies HBE12 and EP22 of the City of Norwich Replacement Local Plan and policy 2 of the Joint Core Strategy.

RECOMMENDATIONS

To **Approve** application 13/2028/F, 154 Gipsy Lane subject to the following conditions:

- 1) Time limit
- 2) In accordance with plans
- 3) Provision of cycle and refuse storage as shown on plans
- 4) Details of water conservation
- 5) Sound-insulating ventilators to front and side elevation to be approved by LPA
- 6) Materials to match existing

Informatives:

- 1) Refuse and recycling bins for residential development.
- 2) Vehicle crossovers/dropped kerbs.
- 3) Permeable hardstanding.
- 4) Underground utilities.
- 5) Street naming and numbering.



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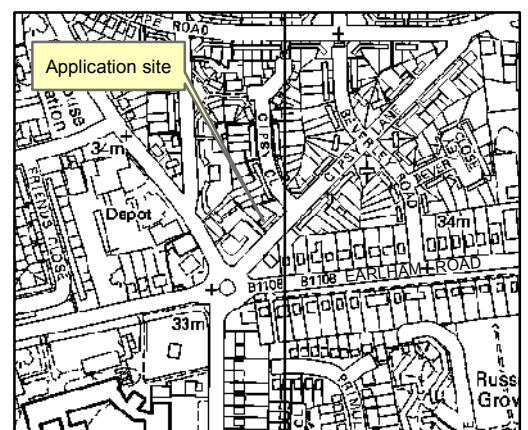
Planning Application No 13/02028/F
 Site Address 154 Gipsy Lane

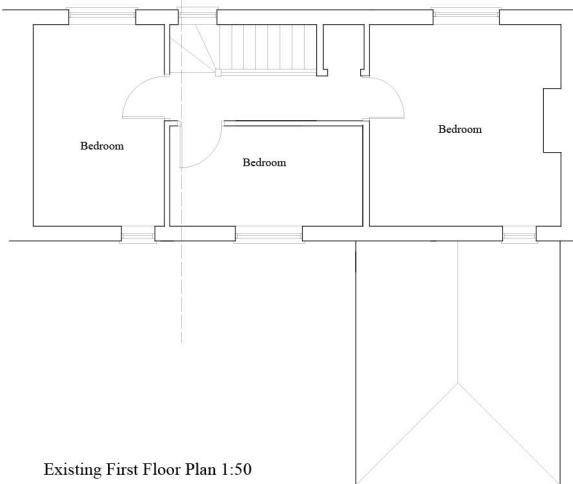
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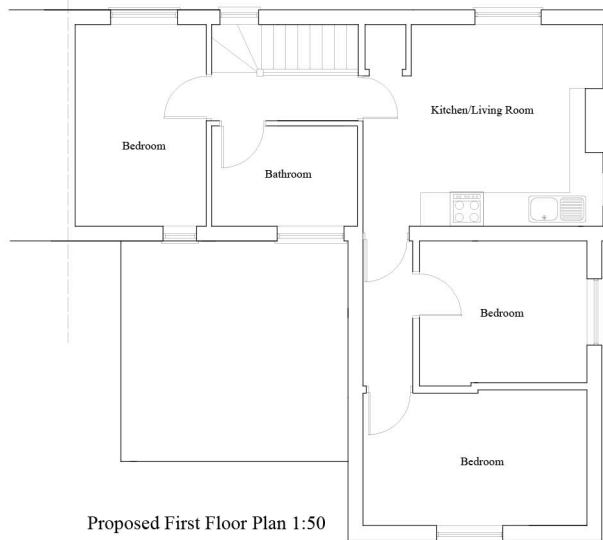
NORWICH
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PLANNING SERVICES





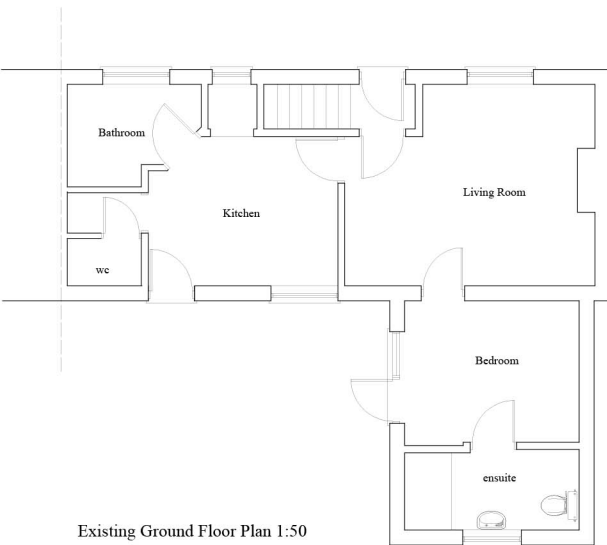
Existing First Floor Plan 1:50



Proposed First Floor Plan 1:50



Block Plan 1:500



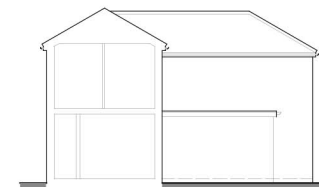
Existing Ground Floor Plan 1:50



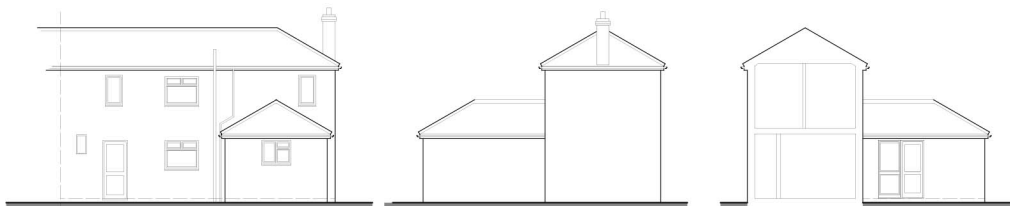
Proposed Ground Floor Plan 1:50



Site Location Plan 1:1250



North East Elevation

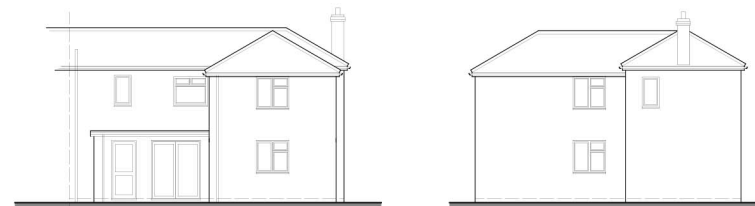


North West Elevation

South West Elevation

North East Elevation

Existing Elevations 1:100



North West Elevation

South West Elevation

Proposed Elevations 1:100

R.J. COLE (BA (hons) ARCH DIP: TP MRTPI)
 43 Park Lane
 Norwich
 NR2 1EF
 Tel 01603 491415
 Fax 01603 491416
 kjr@rjcole.co.uk

Client
Matteo Modesti
 Drawing Title
**154 Gypsy Lane
 Norwich**
 Conversion of house to flats

Date	Scale	Ref
11.09.13	1:50	
Job No.	Drawing No.	Rev
12/300	PL02	

Report for Resolution

Report to Planning Applications Committee
Date 06 February 2014
Report of Head of Planning Services
Subject 13/02089/VC Three Score Site Land South Of Clover Hill
Road Norwich

Item
4(6)

SUMMARY

Description:	Variation of Conditions 8 (spine road), 10 (lighting of spine road), 28 (roads, footways and cycleways) and 47 (fire hydrants) of previous planning permission 12/00703/O in order to change the trigger point for submission of details.
Reason for consideration at Committee:	Relates to Council Owned Site
Recommendation:	Approve subject to conditions and S106 agreement
Ward:	Bowthorpe
Contact Officer:	Mark Brown Planning Team Leader 01603 212505
Valid Date:	24th December 2013
Applicant:	Norse Care
Agent:	NPS Property Consultants Ltd

INTRODUCTION

The Site & Background

1. Outline planning consent was granted in July 2013 for redevelopment of the Three Score site at Bowthorpe with up to 1000 homes, including affordable housing, care home, a new village centre including at least one local shop, public open space and associated roads and infrastructure. The consent was granted following the completion of a legal agreement and the resolution of planning applications committee to approve the application on 14 March 2013. The committee report and minutes of that meeting are available at the link below:
<http://www.norwich.gov.uk/CommitteeMeetings>
2. The site is predominantly uncultivated grass land and forms the last area of undeveloped land within Bowthorpe as it was initially envisaged in the 1970's. A full description of the site and its constraints along with a planning history is given within the committee report for the outline application. These have not materially changed since that report was written.
3. The redevelopment of the site will come forward in a number of phases and each phase will require reserved matters consent. The first phase of the Three Score site is proposed to be a care facility located to the northeast of the site to the north of the plantation tree belt. A reserved matters application has been submitted by Norse Care Limited for this phase (application reference 13/02031/RM) and comprises an 80 apartment dementia care and 92 flat housing with care scheme occupying block 5 and part of block 4 within the block layout approved at outline stage. It is expected that this reserved matters application

will be reported to the planning applications committee in March.

4. This first phase has received funding from the Homes and Communities Agency and the Department of Health which is subject to a start on site in early 2014 (and gaining the necessary consents to do so).
5. The outline planning consent was subject to a number of pre-commencement conditions which prevent any works on site until certain details are agreed. To enable an early start on site and to secure funding (subject to the necessary consents being granted) this application seeks to move back the timescales for agreeing a number of the pre-commencement details. The applicants intention is that this would allow for some works to commence on site (such as site clearance, digging of foundations, installation of underground infrastructure and laying of foundations etc) whilst exact design details of some works which happen latter on in the construction process are agreed.

Equality and Diversity Issues

6. It is not considered that the variation of the conditions in question would result in any equality or diversity issues.

The Proposal

7. The application seeks to vary conditions 8, 10, 28 and 47 of outline permission 12/00703/O in order to vary the time scale for the submission of details for those conditions. Conditions 8, 10, 28 and 47 seek the following:
 - Condition 8 seeks to agree details of the design, construction and surfacing of the spine road (as detailed in the approved drawings listed under condition 2) base carriageway.
 - Condition 10 seeks to agree details of any lighting to the accesses and spine road, including temporary lighting proposed to the base spine road.
 - Condition 28 seeks to agree details of the design, construction and surfacing of roadways, footpaths and cycleways in each phase (other than the spine road).
 - Condition 47 seeks to agree details for the provision of fire hydrants in each phase.
8. The fully worded conditions are provided at appendix A of this report. All other conditions and the reasons are contained within the decision notice for 12/00703/O which can be viewed at the link below by entering the application number and selecting documents.

<http://planning.norwich.gov.uk/online-applications/>
9. In the case of conditions 8 and 10 the details are required to be submitted before commencement of development with the exception of any site clearance works, archaeological work, tree protection works and ground investigations.
10. In the case of conditions 28 and 47 the details are required to be submitted before commencement with the exception of development relating to the access and spine road.
11. The application seeks that the conditions are revised so that for the purposes of the part of the site where the first phase is currently proposed (the care facility) to the northeast

corner of the site the details are required to be submitted within six months of commencement.

Representations Received

12. Advertised on site and in the press. Contributors to the previous outline application 12/00703/O have been notified in writing. No letters of representation have been received.

Consultation Responses

13. Norfolk County Council Planning Obligations – No Response.
14. Local Highway Authority – The variations to conditions requested will have no material impact on the strategic road network of Norwich and I am content for these matters to be dealt with by City Council officers under the terms of the highways agency agreement between the City Council and Norfolk County Council.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

15. The policies listed below are those which are pertinent to the conditions which are proposed to be varied. A full list of policies against which the outline application was considered is given within the committee report for the outline application a link to this is provided at paragraph 1 above.

National Planning Policy Framework:

- Presumption in Favour of Sustainable Development
- Promoting Sustainable Transport
- Delivering a Wide Choice of Quality Homes
- Requiring Good Design
- Promoting Healthy Communities
- Conserving and Enhancing the Natural Environment

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 20: Implementation

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

- NE1 Protection of environmental assets from inappropriate development
- NE7 Protection of locally designated sites of nature conservation interest
- NE8 Management of features of wildlife importance and biodiversity
- HBE12 High quality of design, with special attention to height, scale, massing and form of development
- EP22 High standard of amenity for residential occupiers
- TRA14 Enhancement of the pedestrian environment and safe pedestrian routes
- TRA15 Cycle network and facilities

Other Material Considerations

- The Localism Act 2011 – s143 Local Finance Considerations
16. During the time that passed between the resolution of planning committee for the outline planning consent and the issue of the decision there were some changes to material considerations which were assessed by officers. These changes were that the 12 month anniversary of the NPPF passed and therefore existing policies needed to be assessed for their consistency with the NPPF and the new local plan consisting of the Site Allocations Development Plan Document and the Development Management Policies Development Plan Document were submitted for examination.
17. All policies in the adopted local plan have been assessed for their compliance with the NPPF. In terms of the outline application for Three Score none of the relevant policies have been deleted as a result of this process.
18. Policies HBE4, HBE9 and EP5 have been assessed as partially compliant with the NPPF. In relation to HBE4 the policy does not have the NPPF paragraph 132 caveat that in exceptional circumstance development that does not meet the normal archaeological requirements may be permitted. With HBE9 the NPPF sets a stronger requirement in relation to listed buildings in a poor state of repair and with EP5 the focus of policy EP5 is on mitigating the impact of pollution-causing development and does not fully take into account the impacts of locating other forms of development close to existing sources of air pollution. None of these matters had any material impact on the assessment of the outline application and are not pertinent to the conditions being varied here.
19. All other adopted local plan policies used in the assessment of the outline application were considered to be consistent with the NPPF.
20. In relation to policies of the new Local Plan policy R41 of the site allocations development plan pre-submission document allocates the site for housing in the region of 1,200 dwellings this policy was considered as part of the former assessment of the outline application and the proposals are considered to be consistent with this policy. The policy is not particularly pertinent to the conditions being varied.
21. In relation to the Development Management Policies Development Plan Document – Pre-submission policies (April 2013), these policies were considered to be consistent with the resolution made for the outline application and therefore it was not considered that changes in material considerations between resolution and issue of the outline decision would have materially impacted on the decision. Of relevance to this variation of condition application are the following policies of the Development Management Policies Development Plan Document (April 2013):
- DM1 Achieving and delivering sustainable development
 - * DM2 Ensuring satisfactory living and working conditions
 - * DM3 Delivering high quality design
 - * DM6 Protecting and enhancing the natural environment
 - * DM12 Ensuring well-planned housing development
 - * DM28 Encouraging sustainable travel
 - * DM30 Access and highway safety
22. Policies with an * are currently subject to specific objections or issues being raised at pre-submission stage. In this case it is considered that significant weight can be given to policies DM2, DM6, DM12 and DM28 as the objections are specific and not particularly

relevant to this case. Limited weight should be given to DM30 due to objections and very limited weight given to DM3.

Procedural Guidance

23. The application seeks to vary conditions on the outline consent by changing the trigger point by which details are to be submitted for agreement. The application does not seek to change the details required or their implementation only delay the submission of details so that unrelated works can commence on site.
24. The application is made under section 73 of The Town and Country Planning Act 1990 as amended and therefore it is only the question of the conditions subject to which planning permission should be granted that can be considered. Therefore no opportunity is provided to reassess the principle or acceptability of the development in general.
25. Any approval of the variation would issue a new consent which could be implemented independently of the original outline consent and therefore it is necessary to re-impose any conditions which are not subject to the request for variation under this application. It will also be necessary to link the S106 agreement for the original outline consent to any new consent via a deed of variation to the original agreement.
26. The variation of condition application has been screened under The Environmental Impact Regulations 2011. The variation will not have any effect on the characteristics of development, location of development or the characteristics of the potential impact which have all been extensively considered under the environmental assessment for the outline consent 12/00703/O. Neither will the proposals affect the mitigation or enhancement measures secured as part of that consent. The exact details required by some conditions will be delayed but ultimately still agreed and implemented before any occupation of the development. Therefore the proposed variations will not have any significant effects and the development is not EIA development.
27. The original outline consent was issued before the implementation of the Community Infrastructure Levy. Under section 128A of the CIL regulations an application to vary conditions (a section 73 application) is liable to CIL but only for any increase which would arise between the original and the varied consent were the original subject to CIL. Given the variations in question there will be no change to the level of development proposed and therefore no increase in any CIL liability. As such the CIL liability and chargeable amount is £0.

Implications of the amended time frame for submission of details

Condition 8 – design, construction and surfacing of the spine road base carriageway

28. The proposal to delay the submission of these details until 6 months after commencement of the first phase is considered to be broadly acceptable. This can allow ground works to take place in areas other than the location of the spine road whilst the details are being finalised. Ultimately it will not prevent the submission of the details, their agreement and the construction of the spine road in accordance with those details in an acceptable manner.
29. However the proposed wording which provides for the details to be submitted 6 months after commencement solely for the part of the site identified for the first phase, automatically makes assumptions over the location of the first phase. Whilst it is currently

the applicants and land owners intention that care facility will be the first phase, such a wording is arguably not future proof or robust should for any reason this change. It is considered acceptable for the condition to simply be revised so that no development relating to the provision of the access and spine road shall take place until these matters are agreed.

Condition 10 – lighting including temporary lighting of the spine road base carriageway

30. The proposal to delay the submission of these details until 6 months after commencement of the first phase is considered to be broadly acceptable. This can allow ground works to take place in areas other than the location of the spine road whilst the details are being finalised. Ultimately it will not prevent the submission of the details, their agreement and the construction of the spine road in accordance with those details in an acceptable manor.
31. For the same reasons as explained above at paragraph 29 it is considered acceptable for the condition to simply be revised to allow details to be submitted on commencement of development relating to the provision of the accesses and spine road.

Condition 28 – design, construction and surfacing of roadways, footpaths and cycleways

32. The proposal to delay the submission of these details until 6 months after commencement of the first phase is considered to be broadly acceptable. This can allow ground works to take place in areas other than the location of the spine road whilst the details are being finalised. Ultimately it will not prevent the submission of the details, their agreement and the construction of the spine road in accordance with those details in an acceptable manor.
33. For broadly the same reasons as explained above at paragraph 29 it is considered acceptable for the condition to simply be revised to allow details to be submitted within 6 months of commencement.
34. A new condition will be required to make clear when each phase of development has commenced and therefore when the 6 month clock starts ticking. This will require notification of the commencement date to be provided to the planning authority.

Condition 47 – provision of fire hydrants

35. The proposal to delay the submission of these details until 6 months after commencement of the first phase is considered to be broadly acceptable. This can allow ground works to take place in areas other than the location of the spine road whilst the details are being finalised. Ultimately it will not prevent the submission of the details, their agreement and the construction of the spine road in accordance with those details in an acceptable manor.
36. For broadly the same reasons as explained above at paragraph 29 it is considered acceptable for the condition to simply be revised to allow details to be submitted within 6 months of commencement.
37. A new condition will be required to make clear when each phase of development has commenced and therefore when the 6 month clock starts ticking. This will require notification of the commencement date to be provided to the planning authority.

Conclusions

38. For the reasons outline above the delay in submission of these specific details is considered to be acceptable. In order to ensure the wording of the conditions can as far as possible deal with unknown eventualities the suggested wording has been revised albeit have the same effect as required by the applicant. It is therefore recommended that the conditions be revised in accordance with the recommendation below, all previous unvaried conditions be appended to the new consent and a new condition added to provide for the notification of commencement. The decision will also be subject to a deed of variation under S106 to link the original S106 agreement to the new consent.

RECOMMENDATIONS

To approve Application No (13/02089/VC Three Score Site Land South Of Clover Hill Road Norwich) and grant planning permission, subject to:

- (1) the completion of a satisfactory deed of variation under S106 to link the completed S106 agreement for the original outline consent 12/00703/O to this new varied consent; and
- (2) subject to the re-imposition of all conditions other than 8, 10, 28 and 47 from the original outline consent 12/00703/O (note a variation of condition application cannot grant an extension of time so the time limit condition will be reworded so that the expiry dates are the same as the original consent 12/00703/O); and
- (3) subject to the following varied conditions:
 - a. Condition 8 varied to read – “No development relating to the provision of the accesses and spine road shall take until details of the design, construction and surfacing of the spine road (as detailed in the approved drawings listed under condition 2) base carriageway have been submitted to and approved in writing with the Local Planning Authority. The spine road shall be provided in full accordance with the agreed details prior to the first occupation of any dwelling on the site.”
 - b. Condition 10 varied to read – “No development relating to the provision of the accesses and spine road shall take place until details of any lighting to the accesses and spine road, including temporary lighting proposed to the base spine road (as detailed in the approved drawings listed under condition 2) have been submitted to and agreed in writing with the Local Planning Authority. The information shall include the lighting to be used its location and hours of use. The lighting shall be provided in full accordance with the agreed details.”
 - c. Condition 28 varied to read – “No later than 6 months following commencement of development (as notified under condition 48) of any phase agreed under condition 14 details of the design, construction and surfacing of roadways, footpaths and cycleways for that phase shall be submitted to and approved in writing by the Local Planning Authority. The roadways, footpaths and cycleways shall be constructed in full accordance with the approved details.”
 - d. Condition 47 varied to read – “No later than 6 months following commencement of development (as notified under condition 48) of any phase agreed under condition 14 details for the provision of fire hydrants for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The details shall provide for one hydrant per fifty dwellings on a 90mm main and one hydrant on a minimum 150mm main for the care facility and shall include a plan of the hydrants locations and associated infrastructure. No occupation of any part of the development hereby approved shall take place until the hydrant serving that part of the development has been provided in full accordance with the approved details. The hydrants shall be

retained as such thereafter.”

- (4) A new condition (which will be no. 48) which reads “No development of any phase as agreed under condition 14 shall take place until details of the commencement date of that phase have been provided in writing to the Local Planning Authority. The development shall commence on the notified commencement date unless the Local Planning Authority is first notified of any variation in writing.”

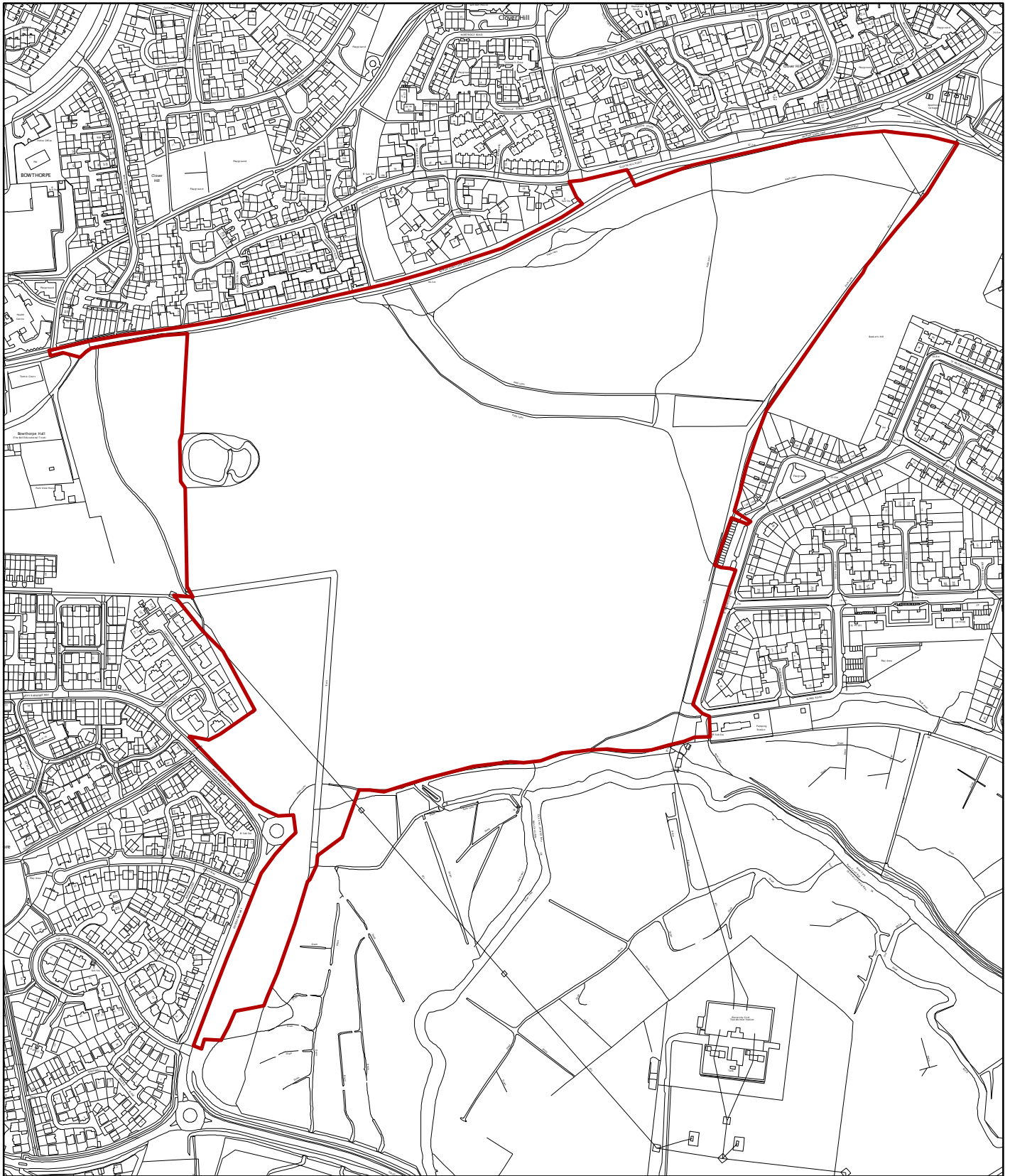
Appendix A

Subject 13/02089/VC Three Score Site Land South Of Clover Hill
Road Norwich

The table below provides the existing and recommended wording of the conditions in question.

No.	Existing Condition	Recommended Varied Condition
8	With the exception of any site clearance works, archaeological work, tree protection works and ground investigations, no development shall take place in pursuance of this permission until details of the design, construction and surfacing of the spine road (as detailed in the approved drawings listed under condition 2) base carriageway have been submitted to and approved in writing with the Local Planning Authority. The spine road shall be provided in full accordance with the agreed details prior to the first occupation of any dwelling on the site.	No development relating to the provision of the accesses and spine road shall take until details of the design, construction and surfacing of the spine road (as detailed in the approved drawings listed under condition 2) base carriageway have been submitted to and approved in writing with the Local Planning Authority. The spine road shall be provided in full accordance with the agreed details prior to the first occupation of any dwelling on the site.
10	With the exception of any site clearance works, archaeological work, tree protection works and ground investigations, no development shall take place in pursuance of this permission until details of any lighting to the accesses and spine road, including temporary lighting proposed to the base spine road (as detailed in the approved drawings listed under condition 2) has been submitted to and agreed in writing with the Local Planning Authority. The information shall include the lighting to be used its location and hours of use. The lighting shall be provided in full accordance with the agreed details.	No development relating to the provision of the accesses and spine road shall take place until details of any lighting to the accesses and spine road, including temporary lighting proposed to the base spine road (as detailed in the approved drawings listed under condition 2) have been submitted to and agreed in writing with the Local Planning Authority. The information shall include the lighting to be used its location and hours of use. The lighting shall be provided in full accordance with the agreed details.
28	With the exception of the accesses and spine road (as detailed under condition 2), no development of any phase agreed under condition 14 shall take place until details of the design, construction and surfacing of roadways, footpaths and cycleways have been submitted to and approved in writing by the Local Planning	No later than 6 months following commencement of development (as notified under condition 48) of any phase agreed under condition 14 details of the design, construction and surfacing of roadways, footpaths and cycleways for that phase shall be submitted to and approved in writing by the Local Planning Authority. The

	Authority. The roadways, footpaths and cycleways shall be constructed in full accordance with the approved details.	roadways, footpaths and cycleways shall be constructed in full accordance with the approved details.
47	With the exception of the accesses and spine road (as detailed under condition 2), no development of any phase agreed under condition 14 shall take place until details for the provision of fire hydrants have been submitted to and agreed in writing by the Local Planning Authority. The details shall provide for one hydrant per fifty dwellings on a 90mm main and one hydrant on a minimum 150mm main for the care facility and shall include a plan of the hydrants locations and associated infrastructure. No occupation of any part of the development hereby approved shall take place until the hydrant serving that part of the development has been provided in full accordance with the approved details. The hydrants shall be retained as such thereafter.	No later than 6 months following commencement of development (as notified under condition 48) of any phase agreed under condition 14 details for the provision of fire hydrants for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The details shall provide for one hydrant per fifty dwellings on a 90mm main and one hydrant on a minimum 150mm main for the care facility and shall include a plan of the hydrants locations and associated infrastructure. No occupation of any part of the development hereby approved shall take place until the hydrant serving that part of the development has been provided in full accordance with the approved details. The hydrants shall be retained as such thereafter.



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Planning Application No 13/02089/VC

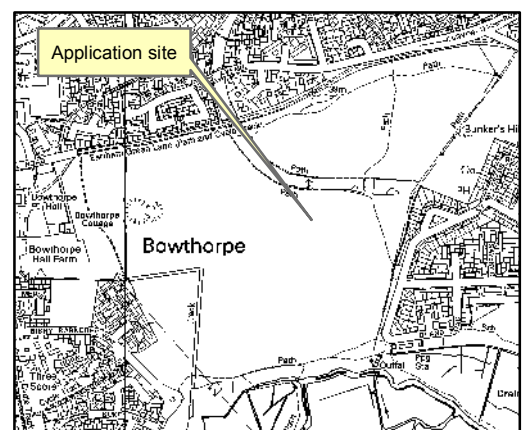
Site Address Three Score site land
 South of Clover Hill Road

Scale 1:5,396



NORWICH
City Council

PLANNING SERVICES



Report to Planning Applications Committee
6 February, 2014

Item

5

Report of Head of Planning Services

Subject Performance of the Development Management Service,
Oct-Dec 2013 (Quarter 3, 2013-14)

Purpose

To report the performance of the development management service to members of the committee.

Recommendations

That the report be noted.

Financial Consequences

The financial consequences of this report are none.

Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority “Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future” and the implementation of the planning improvement plan.

Contact Officers

Graham Nelson, Head of Planning Services
Ian Whittaker, Planning Development Manager

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Background Documents

None.

Report

Background

1. On 31 July 2008 Planning Applications Committee considered a report regarding the improved working of the Committee which included a number of suggested changes to the way the Committee operates. In particular it suggested performance of the development management service be reported to the Committee and that feedback from members of the Committee be obtained.

Performance of the development management service

2. Table 1 of the appendix provides a summary of performance indicators for the development management service. The speed of determining applications is National Indicator 157. Table 2 shows the numbers received, pending and on hand at the end of the quarter. The National Performance Indicators (NI157) for majors are a significant improvement on the previous quarter and are all above target and higher than the previous quarter.
3. Major schemes achieved 100% on time with all being determined within 13 weeks (37 percentage points higher than the previous quarter), 88.8% for minors (2 percentage points higher) and 82.6% for others (9 percentage points higher). The figures for majors, minors and others are all above the locally set targets of 80%, 85% and 90% respectively. The national average for quarter 1 being 59%, 68% and 82% respectively i.e. these are all exceeded by between 20 and 41 percentage points. The government has changed the way that it collects data so that major applications are now excluded from the NI157 data if the applicant has agreed a "post application agreement" i.e. there is mutual agreement between the applicant and council that the decision process is best served by extending the 13 week period. There were no such applications recorded this quarter – all majors were determined in 13 weeks.
4. The government has commenced collecting and publishing data on decisions made in 26 weeks as part of the "planning guarantee". From 1st October 2013, there are opportunities for applicants to request the refund of fees if decisions have taken longer than 26 weeks to determine, unless there is either a planning performance agreement signed pre-submission, or a written agreement to extend the time period for determination for major applications. In such cases the applications are not eligible for a refund and are excluded from the NI157 13 week performance data. In the last quarter all but one minor application was not dealt with in 13 weeks (and was an historic application to which the refund does not apply). This was a substantially higher figure compared to the previous two quarters.
5. Overall the data is very positive and results from improvements to processes to speed up the early stages of processing, a good quality pre-application advice service and improved information on the website, and more effective ways of working. There are very few old applications still pending and the future performance of the planning service should be close to target levels in the coming months.

6. The government has announced that it will take action if councils perform poorly on major applications or have a very poor appeal success rate. This will result in “designation” and applicants would then have the right to bypass the local planning authority and have the application dealt with by the planning Inspectorate. It is not anticipated that there will be any issues in Norwich with the appeal rate of success. However, care will have to be taken with respect to the monitoring of the speed of handling major applications over the coming months. “Designation” will be linked to previously submitted NI157 data. The government has suggested a figure of 40% in 13 weeks for the two years ending 30th June 2014 (compared to 30% in last autumn’s designation round) then the council would be designated by a decision made in the autumn of 2014. Applicants would then have the option of submitting applications direct to the Planning Inspectorate and the council would lose the planning fee. However, and more importantly, designation would have reputational harm, and have negative impacts on trust by developers in the proper working of the planning function.
7. For the two years ending 30th June 2013 the figure for determination of major applications in 13 weeks was 39.7%, above the government’s floor for “designation” of 30%. The government has suggested that it may increase the minimum figure to 40% for the next round. For the latter half of that period, however, the figure is 30.2% so it will be very important that the figures for the year 1 July 2013 – 30 June 2014 are excellent to avoid a risk of designation in the autumn of next year. The cumulative figure for the five quarters ending 30th September, 2013 was 42.8% and for 6 quarters ending 31st December it was 47.8%. The remaining two quarters should be in excess of this level and so the final outturn for the 2014 designation round is expected to be well above the existing or possible designation thresholds.
8. The percentage of decisions delegated to officers was 92.7% (previous quarter 86.1%). The national average for district council’s is 91%.

Table 1

Speed of determination of planning applications recorded by National Indicator 157

	2008 - 2009	2009 - 2010	2010 - 2011	2011- 2012	2012 - 2013					2013 - 2014				
	Year	Year	Year	Year	Q1	Q2	Q3	Q4	Year	Q1	Q2	Q3	Q4	Year
Major % 13 wks	37%	72.5%	75.7%	52.9%	77.7%	50%	14.2%	7.1%	35%	50%	68.5%	100%		
% 26 wks	47.4%	73.8%	88.9%	73.5%	88.8%	90%	28.6%	35.7%		58.3%	73.6%	100%		
Minor % 8 wks	75%	88.4%	78.9%	67.2%	81.5%	69.6%	66.1%	63.3%	73.4%	70%	86.5%	88.8%		
% 26 wks			99.6%	95.9%	97.7%	98.5%	100%	96.6%		96.2%	95.9%	98.4%		
Others % 8 wks	80%	90.3%	89.6%	81.6%	86.4%	77.2%	78.6%	82.4%	81.1%	85.5%	83.9%	92.6%		
% 26 weeks			99.6%	97.9%	100%	98.6%	100%	97.7%		100%	98.5%	100%		

Table 2**Numbers of planning applications recorded by National Indicator 157**

	2010 - 2011				2011 - 2012				2012 - 2013				2013 - 2014			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Received	212	222	197	255	184	245	176	221	273	255	171	207	223	193	188	
Withdrawn/called in	15	11	19	15	9	21	10	8	17	6	8	8	5	25	9	
On hand (pending) at end of quarter	144	132	136	206	169	160	119	179	190	154	149	173	168	104	106	
Decisions	197	222	174	169	212	232	203	157	246	223	167	175	223	231	178	

Report to Planning Applications Committee
6 February 2014

Item

6

Report of Head of Planning Services

Subject Performance of the Development Management Service:
Appeals: 1 October to 31 December 2013 (Quarter 3 2013
- 14)

Purpose

To report the performance on planning appeals to members of the committee.

Recommendations

That the report be noted.

Financial Consequences

The financial consequences of this report are none.

Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority “Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future”.

Contact Officers

Graham Nelson, Head of Planning Services
Ian Whittaker, Planning Development Manager

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Background Documents

None.

Report

Background

1. The purpose of this report is to ensure members are aware of the outcome of planning appeals.
2. Appendix 1A provides details of appeals lodged which are pending. There were seven planning appeals pending or awaiting decision at the end of the quarter. However since the 31st December some decisions have been received. One appeal was a case where members overturned the officer's recommendation and refused the application (13/00403/U) at 85 Grove Road). This proposed a change of use of part of the ground floor from residential (Class C3) to a hair salon (Class A1). This appeal has now been allowed. Five of the appeals were delegated officer decisions where the application was refused. Application no. 13/00013/F (419 Dereham Road) was also allowed. A further appeal against a Committee decision (refused against officer advice) is application no. 13/00637/F for 195 – 197 Sprowston Road) and is pending.
3. Appendix 1B shows there was one appeal Allowed during this quarter. This was application no. 12/01885/O (Lakenham Sports and Leisure Centre). The appeal was dealt with by a Public Inquiry. This was a case where members overturned the officer's recommendation and refused the application. This was reported on at the last quarterly report stage as the decision was made just within the previous quarter.
4. Appendix 1C shows there was one appeal dismissed during this quarter. This was for application no. 13/00888/F (22 Valley Side Road) for the demolition of existing detached bungalow and erection of 2 No. detached bungalows. This case was a delegated decision to officers.

Planning Appeals in Progress – Quarter 3 (1 October to 31 December) 2013 / 2014

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
13/00008/REF Application No. 13/00726/F	APP/G2625/A/13/2202491	Performance House Barrow Close Sweet Briar Road Industrial Estate Norwich NR3 2AT	Refusal of planning permission for Change of use from light industrial (Class B1) to a children's nursery (Class D1) with internal and external alterations.	5th August 2013	Written Reps	In Progress
13/00011/REF Application No. 13/00406/F	APP/G2625/A/13/2006403	Garden Land Rear Of 63 - 69 Lawson Road Norwich	Refusal of planning permission for Erection of 1 No. new dwelling with associated parking.	10th October 2013	Written Reps	In Progress

Appendix 1A

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
13/00012/ADVT Application No. 13/01202/A	APP/G2625/H/13/2208014	Part First Floor And Second Floor 13 - 25 London Street Norwich NR2 1JE	Refusal of advertisement consent for Display of 2 No. non- illuminated wall signs.	5th November 2013	Written Reps.	In Progress
13/00013/REF Application No. 13/00637/F	APP/G2625/A/13/2210266	195 - 197 Sprowston Road Norwich NR3 4JR	Refusal of planning permission for Demolition of existing property and erection of convenience store and 2 No. residential flats.	17th December 2013	Written Reps.	In Progress

Appendix 1A

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
14/00001/REF Application No. 13/01593/CLP	APP/G2625/X/14/2211377	8 Taylors Buildings Magdalen Road Norwich NR3 4AL	Refusal to grant a certificate of lawful use or development for Application for a Lawful Development Certificate for a single storey side extension.	9th January 2014	Written Reps.	In progress
13/00007/REF Application No. 13/00403/U	APP/G2625/A/13/2199109	85 Grove Road Norwich NR1 3RT	Refusal of planning permission for Change of Use of part of ground floor from residential (Class C3) to hair salon (Class A1).	17th July 2013	Written Reps.	In progress at end of quarter. (Allowed on 15th January 2014).

Appendix 1A

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
13/00010/REF Application No. 13/00013/F	APP/G2625/A/13/2203105	419 Dereham Road Norwich NR5 8QH	Refusal of planning permission for Subdivision of ex-garden land and erection of 1 No. two bedroom house.	12th August 2013	Written Reps.	In Progress at end of quarter. (Allowed on 2nd January 2014).

Planning Appeals Allowed – Quarter 3 (01 October to 31 December) 2013 / 2014

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
13/00004/REF Application No. 12/01885/O	APP/G2625/A/13/2195084	Lakenham Sports And Leisure Centre Carshalton Road Norwich NR1 3BD	Refusal of planning permission for Outline application to redevelop site to provide 75 No. dwellings (50 No. market, 25 No. Housing Association including mobility accessible dwellings) along with new public allotments, children's playground and five-a-side football pitch.	3rd April 2013	Public Inquiry	Allowed

Planning Appeals Dismissed – Quarter 3 (01 October to 31 December) 2013 / 2014

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
13/00009/REF Application No. 13/00888/F	APP/G2625/A/13/2203403	22 Valley Side Road Norwich NR1 4LD	Demolition of existing detached bungalow and erection of 2 No. detached bungalows	15th August 2013	Written Reps.	Dismissed

Report to	Planning applications committee 6 February, 2014	Item
Report of	Head of planning services	7
Subject	Performance of the Planning Enforcement Service, Oct-Dec 2013 (Quarter 3, 2013-14)	

Purpose

To report the performance of the planning service to members of the committee.

Recommendations

That the report be noted.

Financial Consequences

The financial consequences of this report are none.

Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority “Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future”.

Contact Officers

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Michael Stephenson, Public Protection Manager	01603 212283

Background Documents

None.

Report

Background

1. During 2013 members of the planning applications committee expressed a desire to see information relating to enforcement cases that had previously been referred to the Committee and where enforcement action had been recommended. This is the first version of such a report.
2. The day to day work of planning enforcement is undertaken by officers within public protection and who deliver an integrated enforcement role and covers other related areas such as noise, contamination etc.

Performance of the planning enforcement service

2. Table 1 of the appendix provides a summary of the key data showing the numbers of cases received and being investigated, together with data on the formal actions instigated.
3. Table 2 identifies the current status of all the cases that have previously been referred to Planning Applications Committee since 1st April, 2014. The intention will to keep members abreast of what has actually happened in relation to the case where they have agreed to take action. Note that it is not a comprehensive summary of all cases where action is being undertaken – and therefore the data in table 2 does not match table 1.
4. There are currently 182 pending cases, in hand, with the planning enforcement service. This is a large number but is substantially lower than it was some two years ago. In future it is hoped to provide improved reporting on the numbers.

Table 1

Planning enforcement – key data

	2011-12	2012	-	2013		2013	-	2014	
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
No. of new cases received	87	123	104	108	64	91	101	72	
No. of cases closed down	n/a	n/a	n/a	n/a	n/a	139	74	54	
Formal action instigated*	1	5	15	3	13	11	6	11	

* formal action includes enforcement notices, breach of condition notices, prosecutions, stop notices, cautions, fixed penalty notices etc

Table 2
Enforcement action previously agreed by Committee (since 1st April, 2013).

Case no.	Address	Development	Date referred to Committee	Current status	To be deleted at next review
12/00048/BPC/ENF	Unit 1, ABC Wharf, King St	Change of use from office (Class B1) use to residential (Class C3) use.	18 th April, 2013	Use has ceased. Application approved for café/coffee roasting use.	Yes
13/00010/EXTEN/ENF	13 Trafalgar St	Structure (enclosed balcony)	16 th May 2013	Breach of Enforcement Notice has been witnessed, matter has been reported for prosecution, court date fixed for 19/02/2014.	
12/00070/CONSRV/ENF	124 Earlham Road	Replacement windows (Article 4)	16th May 2013	The installation of bespoke replacement windows as agreed with Design and Conservation Officer's recommendations should be completed by end of February 2014. Failure to install on deadline will result in matter being referred for prosecution.	
12/00146/UCU/ENF	6 Nelson Street	Change of use from A1 to A3 without permission	25th July 2013	Notice came into force (after time for compliance) on the 14th November 2013, no breach of Notice has been reported or observed – Notice to stay in force.	Yes
13/00080/CONSRV/ENF	33 Grosvenor Road	Replacement windows (Article 4)	25th July 2013	Enforcement Notice is currently subject to an appeal, awaiting outcome.	
13/00068/EXTEN/ENF	268 Heigham Street	Unauthorised development - (shipping container on land)	7th November, 2013	Draft notice with NPLAW for comment, Notice to be served once agreed..	