

**Report to** Planning applications committee  
**Date** 18 April 2013  
**Report of** Head of planning services  
**Subject** 13/00208/F 463 - 503 Sprowston Road Norwich

**Item**  
**5(1)**

## SUMMARY

<b>Description:</b>	Mixed use development incorporating a foodstore, 9 No. flats and associated access, car parking and landscaping.
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Catton Grove
<b>Contact Officer:</b>	Jo Hobbs Planner 01603 212526
<b>Valid Date:</b>	25th January 2013
<b>Applicant:</b>	Aldi Stores Ltd
<b>Agent:</b>	Mr Rob Scadding

## INTRODUCTION

### The Site

#### Location and Context

1. The site is located on the east side of Sprowston Road towards the junction with the outer ring road. The site has been vacant for a number of years, with previous applications for a retail unit and housing submitted on the site. The former uses of the site include a petrol station, bakery and previously brick kilns. Sprowston Windmill was located on elevated land outside of the site boundary to the north east of the site.
2. The site has some shrubs and trees along Sprowston Road and Windmill Road, although the site has recently been cleared of smaller shrubs.
3. There is an existing single storey building to the west of the site facing onto Sprowston Road that forms a hairdressing use. A planning application has been received to relocate this use as detailed in the planning history section below.
4. At 479 to 481 Sprowston Road there are commercial uses at ground floor with residential units to the upper floors and to the rear of these buildings. There are residential units to the south of the site which face onto Sprowston Road, along with workshop buildings on an un-adopted track to the south of the site.
5. There were previously two other buildings on the site that formed dwellings at 463 and 503 Sprowston Road. There was also a petrol station in the centre of the site forming 475 Sprowston Road.
6. There are further residential units to the south and east of the site. Windmill Court is located to the north east of the site. To the north of the site there is a piece of undeveloped land that forms the remainder of the housing site allocation, although

this is in separated ownership to the applicants. There are also residential units to the north of the site adjacent to the junction of Windmill Road and Sprowston Road.

7. Windmill Road to the north of the site is an unmade piece of land with a well-trodden path used by pedestrians and cyclists. There is also a pedestrian cut-through from Anthony Drive to the un-adopted track to the south of the site.

### **Constraints**

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

### **Topography**

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

### **Planning History**

10. There are a number of planning applications relating to the previous redevelopment proposals of the site. There is also planning history for the relocation of the temporary hairdresser building on site. These relevant applications are detailed below:

#### **Redevelopment of 463-503 Sprowston Road**

- 07/00962/O - Mixed use development comprising retail food store, replacement retail units with residential above, access, parking and associated works, plus further residential to the rear. Withdrawn 11 November 2009.
- 07/00012/O - Mixed use development comprising retail food store and 3 retail units with six no. flats above, associated car parking and servicing and additional residential development and associated works to rear of site. Withdrawn 27 March 2007.
- 04/00204/O - Mixed use development comprising food retail store and 3 retail units with 6 flats above and associated works and parking and residential development (revised drawings). Withdrawn 28 March 2008.
- 01/0875/F - Residential development, comprising erection of 21 dwellings with access from Sprowston Road. Refused 19 June 2003 on grounds of piecemeal development which would not have achieved objectives of affordable housing and a play area on site.
- 98/0505/O - Redevelopment of site for residential use with associated access from Anthony Drive. Refused 17 December 1998. (Dismissed at appeal on grounds of access to development not acceptable via Anthony Drive).
- 89/0604/O - Redevelopment of site to provide 27 flats with associated access

and parking (Revised Scheme). Refused 28 September 1989.

- 76/0755/F – Erection of 22 2-bed flats in two blocks with car parking spaces for 41 units at Windmill Court off Templemere. Approved 12 July 1976.

### **Temporary hairdresser unit (formerly 483 Sprowston Road)**

- 13/00211/F - Demolition of existing hair salon unit (former garage) and construction of a new enlarged hair salon (Class A1) at 483 Sprowston Road. Approved 22 March 2013.
- 08/01342/F - Renewal of consent for temporary composite unit with associated parking on the site for a 3 year period. 483 Sprowston Road. Temporary consent granted 13 March 2009.
- 06/01113/F - Renewal of consent for temporary composite unit use and associated car parking. Approved 12 December 2006.
- 05/00354/F - Construction of a temporary composite unit and associated car parking. Approved 24 June 2005.

## **Equality and Diversity Issues**

11. There are some equality and diversity issues. These are considered further in the report.

## **The Proposal**

12. The application is for the redevelopment of the site. The proposals are for a 1,438sq.m. convenience retail unit with 72 parking spaces, 9no. flats with associated parking, landscaping and access to the remainder of the allocated site to the north of Windmill Road.

## **Representations Received**

13. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 7 letters of objection and 3 letters of support have been received.

14. Comments from letters of support

<b>Issues Raised</b>	<b>Response</b>
Good redevelopment of brownfield site	Noted.
Support from local retailer for additional retail offer that will be provided.	Noted.

15. Comments from letters of objection

<b>Issues Raised</b>	<b>Response</b>
Comprehensive redevelopment was better	Paragraphs 42-47
Landscaping and separation between some houses thin	Paragraph 86

Anti-social behaviour	Paragraph 89
Light pollution	Paragraph 104
Views of the development and advertising	Paragraph 96
Loss of daylight	Paragraphs 99-100
Noise	Paragraphs 82-88
Protection of boundary treatments	Paragraph 120
Bus stop relocation	Paragraph 51
Need for footpaths through/around site	Paragraphs 69-75
Pedestrian safety around new junction	See paragraph 54
Construction noise	Paragraph 88
Parking around existing flats on site during construction and once development is complete	Paragraph 56
Poor appearance to modern development behind 19 <sup>th</sup> century buildings being retained	Paragraph 8
Store closer to houses than previously proposed in earlier applications	The merits of the application submitted can only be assessed as to whether they are acceptable or not in terms of policy. Previous proposals are a consideration but cannot be solely used as a reason to determine an application.
Use of pedestrian link from Anthony Drive to Sprowston Road -increased liability for landowner of the access track and disturbance to commercial tenants	Paragraph 73
New road adjacent to Windmill Road junction dangerous	Paragraphs 76-77
Parking for existing businesses	Paragraph 56
Disturbance to existing tenants/residents of 471 to 481 Sprowston Road	Paragraphs 81-104
Surface water drainage onto neighbouring properties	Paragraph 107
Lack of child play space	Paragraphs 40
Contracts between land owners	This is a civil matter outside of planning legislation.
Boundary fences will block outlook	Paragraph 95

## Consultation Responses

16. Natural England – no objections in principle, the likelihood of protected bat species on site should be given further consideration.
17. Environment Agency – no objections subject to conditions on groundwater and land contamination to identify appropriate mitigation measures.
18. Norfolk Heritage and Environment Services – no objections, subject to standard condition
19. Local Highway Authority – no objections subject to provision of cycle and car parking and loading areas provided prior to first use.

20. Broadland District Council – no response received.
21. Fire Safety Officer – no response received.
22. Norfolk Police Architectural Liaison – no objections subject to lighting and security recommendations.
23. Health and Safety Executive – no response received.
24. Environmental Health – no objections subject to conditions.
25. Housing Strategy – no objections, although would prefer to see the site come forward with land to the north of Windmill Road.
26. Natural Areas Officer – No objections, subject to conditions.
27. Norwich Society – no objections.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

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

Paragraphs 9 & 14 – Presumption in favour of sustainable development

Statement 1 – Building a strong, competitive economy

Statement 2 – Ensuring the vitality of town centres

Statement 4 – Promoting sustainable transport

Statement 6 – Delivering a wide choice of high quality homes

Statement 7 – Requiring good design

Statement 8 – Promoting healthy communities

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

Statement 11 – Conserving and enhancing the natural environment

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

Policy 4 – Housing delivery

Policy 5 – The economy

Policy 6 – Access and transportation

Policy 9 – Strategy for growth in the Norwich Policy Area

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**

NE8 – Management of features of wildlife importance and biodiversity

NE9 – Comprehensive landscaping scheme and tree planting

HBE4 – Other areas of archaeological interest

HBE12 – High quality of design

EP15 – Water conservation and sustainable drainage systems  
EP17 – Protection of watercourses from surface water runoff  
EP18 – High standard of energy efficiency for new development  
EP19 – Renewable energy development  
EP22 – High standard of amenity for residential occupiers  
SHO3 – Locational conditions for new retail development – sequential test  
HOU12 B38 – Sites allocated for housing development – Sprowston Road  
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 standard  
TRA8 – Servicing provision  
TRA10 – Contribution by developers to works required for access  
TRA11 – Contributions for transport improvements in wider area  
TRA12 – Travel plans for employers and organisations in the City  
TRA14 – Enhancement of the pedestrian environment and safe pedestrian routes  
TRA18 – Major road network

### **Supplementary Planning Documents and Guidance**

Energy Efficiency and Renewable Energy (Adopted December 2006)  
Trees and Development (Adopted September 2007)  
Transport Contributions (January 2006)  
Heritage Interpretation (Adopted December 2006)

### **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).**

**R21:** Sprowston Road/Land North of Windmill Road

The site in question is being taken forward under site reference R21 along with land to the north of Windmill Road and existing shops on Sprowston Road for mixed use development consisting of a food store with in the region of 25 dwellings. The policy seeks a comprehensive scheme for the redevelopment of the whole site.

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

**DM1** Achieving and delivering sustainable development  
**DM2** Ensuring satisfactory living and working conditions  
**DM4** Providing for renewable and low carbon energy  
**DM6** Protecting and enhancing the natural environment  
**DM7** Trees and development  
**DM9** Safeguarding Norwich's heritage  
**DM11** Protecting against environmental hazards  
**DM12** Ensuring well-planned housing development  
**DM28** Encouraging sustainable travel  
**DM31** Car parking and servicing  
**DM33** Planning obligations and development viability

### **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.

## **Principle of Development**

### **Policy Considerations**

28. The site forms part of a housing allocation adjacent to an existing local centre on a road that forms part of the major road network. The proposal entails both retail and residential on site. As such the key considerations for the proposed development are the principle of retail, housing and the proposed development in the context of the housing allocation, access, parking, cycle storage and servicing, design and layout of development, archaeology and heritage assets, residential amenity, the natural environment, trees and biodiversity, water conservation, energy efficiency, land contamination and planning obligations.

### **Other Material Considerations**

29. Under Section 143 of the Localism Act the council is required to consider the impact on local finances, through the potential generation of grant money from the New Homes Bonus funding from central government. The completion of new dwellings would lead to grant income for the council. This is a material consideration but in the instance of this application the other material planning considerations detailed above must be fully considered.

## **Retail**

30. The site in question is edge of centre both within the existing local plan and within the draft development management policy. A sequential test is therefore required. It should be noted however that the site is proposed to be allocated for both retail and 25 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 such development (Appendix 1). Therefore this edge of centre site is considered to be a suitable location for the proposed development.

31. The development would also enhance the vitality and viability of the existing local centre by providing another retail destination for people to visit and link trips with the existing local centre. There are good pedestrian links to the local centre with a pedestrian crossing enabling good movement of pedestrians across the centre.

32. 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 and Drayton High Road/Boundary Road.

33. The redevelopment of this site with 990sq.m. trading convenience floorspace is an appropriate scale of development to the hierarchy of the centre as a local centre within Norwich. Therefore the principle of the retail development is considered to be acceptable in retail terms.
34. With regard to the impact assessment saved local plan policy SHO3 sets a lower threshold for impact assessments at 1,000sqm gross. In this case the impact assessment would need to be focused on the impact of the development on the vitality and viability of the existing Sprowston Road local centre. The proposed retail floorspace at 80% convenience goods, 20% comparison goods, would lead to some direct competition between existing retailers in the local centre. The addition of the food store and parking however would increase footfall to the local centre. Therefore whilst the store would have an impact on the existing units in the local centre, the impact would be outweighed by the positive benefits this store brings to the centre.
35. To ensure that there is no impact on other centres in relation to comparison goods, it is recommended that the split of sales of 80% convenience to 20% comparison goods is conditioned.
36. The retail floorspace is predicted to create 25 to 30 new jobs according to supporting information submitted with the application.

### **Housing and site allocation**

37. The site in question is allocated under policy HOU12 for housing development to provide a minimum of 40 dwellings with some small scale retail on the frontage to Sprowston Road. The site allocations DPD however intends to amend this allocation to a mixed use allocation for convenience retail and 25 dwellings. The principle of residential on this site is therefore considered to be acceptable. Application 07/00962/O which had a committee resolution to grant consent for a store of a similar size has also established the mixed use of this site to include retail.
38. The draft site allocations DPD seeks comprehensive redevelopment of the site, this is particularly important given the site constraints, topography and relationship of properties within the site. The proposed development only seeks to redevelop part of the site. However, the proposed development submitted indicates that the wider housing allocation could be met on land to north of Windmill Road. To assist with the viability of developing this site to the north the applicants have offered to provide 9 affordable dwellings on the application site. This is discussed further in the sections below.
39. This would enable the affordable housing component to be delivered on the wider housing allocation. Access has also been indicated to an adoptable standard to the site to the north of Windmill Road from the application site. The proposed development is therefore not considered to compromise the ability of the housing allocation to come forward.
40. The housing allocation also identifies policies that should be taken into account on the site. The policies identified are dealt with within this report with the exception of open space and childrens play space. These contributions would only be required for sites of more than 25 dwellings or 10 child bed spaces respectively. As the proposed development is only 9 dwellings (6x2bed and 3x1bed) neither contribution



would be triggered for this application. Should development to the north come forward the provision across the whole of the allocation would exceed these thresholds however by then these contributions would likely be replaced by CIL.

41. The principle of only part of the wider site allocation is considered further below under Affordable Housing.

### **Comprehensive redevelopment**

42. The previous resolution to grant permission entailed a more comprehensive redevelopment of the site. This included land at 479 to 481 Sprowston Road to be used in part for retail units with flats overhead but also a public plaza. The current application does not include this land however.
43. The current scheme is not considered to be as successful as the previous comprehensive redevelopment put forward under application 07/00962/O. There are a number of issues with the proposed development in relation to residential amenity and quality of the pedestrian environment which are discussed in the report further. These concerns must be weighed against the benefit of redeveloping the vacant site to determine the acceptability of this application.
44. A viability report has been submitted identifying the cost of implementing the previous scheme with three shops and six flats in this location, and the cost of the use of compulsory purchase (CPO) powers to deliver public open space in this area. The first option of redeveloping the site with shops and flats would be more costly but deliver more homes and employment opportunities. The cost of compulsory purchase would be slightly less, but would be within the region of £1m and deliver solely open space and views through to the store.
45. Whilst the use of compulsory purchase has been considered on this site the benefits it would deliver have not been considered significant enough by the applicants to merit pursuing them. Circular 06/2004 states that public benefit to CPOs should outweigh private loss. The retention of these buildings on the site does lead to design and amenity issues. The benefits that the scheme delivers must be considered against these issues and the investigation of other solutions to overcome these issues. These are considered in further detail below.
46. Evidence submitted in the form of title deeds for the application land indicate the right to pass over Windmill Road from the application site. However to ensure the land to the north of Windmill Road can still be developed at a future date a condition is recommended to ensure the adoptable road is provided as indicated on the submitted plan.
47. The issue of land to the north of Windmill Road being held up by the consideration of land ownership issues around Windmill Road. The deeds to the land on the application site identify a right to pass over Windmill Road. It should be possible to achieve access into the site even if the application site is developed. Land ownership issues surrounding ransom strips is not a matter that can be taken into account in a planning application in any case. There is extensive case law on this matter, the general view of which is that it is not proper to insist that access is required to such sites. In this instance the applicants are keen to ensure that the wider site allocation can come forward, and the deeds to the land indicate that access to the remainder of the housing allocation is possible from the application site. A condition is recommended to ensure access is safeguarded to the site to the

north of Windmill Road.

### **Affordable housing**

48. The proposals include residential development to provide 9 flats, including 3 one-bedroom and 6 two bedroom flats. As such under policy 4 of the Joint Core Strategy 20% of this housing would need to be affordable housing, resulting in the requirement for two units. However the site is part of a wider allocation and the subdivision of the housing elements would reduce the level of affordable housing which would normally be at 33%.

49. The applicants have demonstrated their commitment to providing all 9 units as social rented. The applicants have demonstrated that housing can come forward across the housing allocation to the required level in the emerging housing allocation. It is considered that the delivery of the 9 affordable flats as affordable would assist the delivery of affordable housing across the whole site. This is particularly the case as there is a ransom strip in question which may affect the viability of the site to the north. As discussed elsewhere in this report, whilst this cannot be avoided in planning terms, it is considered appropriate in this case to secure all the affordable housing for the whole allocation at this stage via the S106 agreement and therefore for the S106 should secure all 9 units as affordable with a mix of 85% social rented and 15% intermediate tenures.

50. The phasing of the housing has been considered. Whilst a comprehensive mixed use development would generally require phasing through a S106 agreement, it is not considered reasonable in the instance of this application. The application site is in the ownership of Aldi. The applicants intend to develop the retail element for the scheme and make the land identified for housing available to the registered provider of affordable housing. The wider site could still be redeveloped for housing and so there is reasonable prospect to consider that the remaining allocation for 25 dwellings could be brought forward. It is not considered necessary to require housing to be delivered before the store in this instance.

### **Access and transportation**

#### **Accessibility**

51. The site is in an accessible location to a large number of residences in the surrounding area, with a bus stop outside of the store on Sprowston Road (being relocated at time of application by a few metres to the south to enable the proposed development). The principle of retail and residential has already been established on the site. However to make the scheme integrate into the surrounding area the existing informal pedestrian and cycling routes should be retained and enhanced where possible.

52. The principle of a new access onto the classified road is considered to be acceptable. The former use of the site as a petrol station is a consideration, as this would have led to a certain number of traffic movements previously on the site. The siting of the new junction on the east of Sprowston Road would be located at a sufficient distance from the junction with Shipfields on the west of Sprowston Road to enable safe traffic movements.

53. Traffic regulation orders (TROs) for the last application have now expired and would need to be applied for again. Double yellow lines for those TROs should go right up to the boundary for the site to the proposed residential development on the

Windmill Road site. The access road should be an adoptable standard up to the t-junction for the store and proposed housing. A travel information plan is recommended to be conditioned to promote sustainable transport methods for both staff and customers. A full travel plan was considered but given the previous use of the site as a petrol filling station this was considered to be unreasonable.

54. Appropriate treatment of the surface materials around this junction will also be important to ensure pedestrians can cross the junction with ease. The details of the landscaping of these hard surfaces is recommended to be agreed through condition.

### **Car parking**

55. Sufficient car parking has been provided for the proposed residential units, with one disabled space provided.
56. Car parking has been provided to the maximum standard for the retail floorspace proposed. Disabled parking spaces have been adequately provided and parent and child spaces in excess of the required standards. Motor cycle parking to the required standard has been provided. This car parking is also to be made available for the wider local centre to encourage linked trips. A car park management condition is recommended to ensure that this is carried out. Car parking during construction has been raised. The control of construction vehicles parking on private land would be a civil matter outside of planning.

### **Cycle storage**

57. Sufficient cycle storage has been provided for the proposed residential units in the form of a cycle store with 18 spaces. Visitor cycle parking could also be accommodated in this store.
58. Cycle parking is not provided to the minimum standards set out at policy TRA7, however on discussion with the Local Highway Authority it is understood that these standards are more suited to small scale development, and for large schemes such as this the level of provision can be scoped on an individual basis. A reasonable amount of cycle storage has been provided for both staff and customers, which would encourage access via cycles.
59. The location of this cycle storage is not immediately adjacent to the store entrance. However, given the constrained nature of the site there is not sufficient room for cycle storage at the front of the store without removing some proposed landscaping to the south west of the site or leading to conflicts with pedestrians near the store entrance. Therefore whilst this is not considered to be ideal, the location of the proposed cycle storage is in a location where cyclists can easily cycle and within fairly close vicinity to the store entrance.

### **Servicing**

60. Sufficient refuse storage has been provided for the residential units. Servicing for the retail unit would occur through a private contractor, via the loading bay. The impact of these vehicle movements is considered further under the residential amenity section of this report.

## **Design and layout**

### **Site layout**

61. The revised scheme places the store with some frontage onto Sprowston Road with residential units to the rear of the site. Whilst it would be preferable to have greater visibility of the store from Sprowston Road, buildings at 479 to 481 would now be retained on site. An application has also been recently approved to demolish and redevelop 483 Sprowston Road to provide a larger building for the established hairdresser use.
62. The applicants have demonstrated how the removal of all buildings on site through compulsory purchase powers would not be viable. The revised scheme has therefore been put forwards instead.
63. The pedestrian walkway between the store and 479 will be narrow, poorly overlooked and enclosed. The plans have been revised to show more detail of the landscaping this walkway would have, and the north elevation of the store amended to provide more design detail to give more of a sense of entrance to the store.
64. Historic interpretation material has now also been put forward to be included on part of this wall to provide more of a focal point for pedestrians.
65. Through improved landscaping the overall quality of the pedestrian environment has been significantly improved.

### **Design**

66. The design of the store is a contemporary flat roofed building with a render finish and anthracite grey window and door frames. This is very similar to the design of the Aldi on Plumstead road which won a Civic Award from the Norwich Society.
67. The residential units would form a three storey block of traditional design and form. The scale of the development would be greater than surrounding development but due to the increase in land levels to the east of the site, this development would sit within the scale of surrounding development comfortably.
68. The site has been subject to a housing allocation in the adopted local plan. Some form of development has therefore been intended for the site. The surrounding area has a mix of different ages of development and architectural styles. The addition of a more contemporary appearing store and traditional form and design to the flats would lead to an appropriate addition to the existing mixed form of development.

### **Pedestrian routes**

69. The pedestrian movement around the site has been identified in the site allocation as being an important design principle. Accessibility for the surrounding residents to move through the site to Sprowston Road is an important consideration for overall pedestrian movement in the surrounding area.
70. There are two key pedestrian routes. From Anthony Drive through to Sprowston Road and along Windmill Road to the north of the site. The land to the south of the site outside the boundary for the application is within ownership of another party. The applicants however have rights of access over this land and a duty to pay towards the resurfacing under the deeds for the site. A condition is therefore

recommended for the resurfacing of this road and details of bollards and other structures such as fences and walls to be agreed.

71. Concerns have been raised by the landowner of this track for increased liability for the public accessing their land. The path along this track has been in use for over 40 years according to local knowledge. The path is therefore well used by the public. Given the rights of the applicants over the land and the established footpath it is considered unreasonable to raise this as a reason for refusal.
72. A pedestrian link between Anthony Drive and the store car park will be created adjacent to the protected walnut tree to the south east of the site. This pedestrian link is not direct with turns in the path to accommodate the root protection zone of this tree and built form of the store. Appropriate conditions however can ensure that only low diamond rail fencing could be used to prevent easy pedestrian access over the land whilst allowing views across the pedestrian footpath to increase surveillance and safety of pedestrians using the path. The precise route of this footpath underneath this tree can be agreed through condition to more closely follow desire lines.
73. It has been suggested that this route could be removed to increase safety on the site and reduce disturbance to adjoining neighbours. The link path has been encouraged through the site allocation for housing in the local plan. The above existing footpath through from Anthony Drive to Sprowston Road will be close to this new proposed footpath. There is not considered to be a significant increase in level of disturbance from this additional path, particularly given the restriction on opening hours to the store. Whilst the potential for individuals to evade police through this pedestrian path has been considered, the opening of this route creates a less enclosed environment within the car park which could deter people from congregating.
74. The land that forms Windmill Road is an unmade track that has a well-defined footpath indicating good use by pedestrians. This land is outside of the application site and in the ownership of some of the residents of Windmill Court to the east of the road. It is considered that this road should be resurfaced and bollards put in place to enable good quality pedestrian and cyclist links between residential areas to the northeast to the application site.
75. However the road is outside of the ownership of the applicants and in multiple ownership. This resurfacing has been explored by Aldi and due to land ownership issues a condition requiring resurfacing of Windmill road may be unreasonable as it would prevent redevelopment altogether. The pedestrian and cyclist access exists at present, although the land is unmade and not of a high quality. In the absence of the agreement of the landowner of this road it would be unreasonable to refuse the proposed development on the basis of no improvement to this pedestrian link. Nevertheless it is hoped that the owners of the road may co-operate with Aldi in the future to seek the resurfacing of the road particularly given the likely higher use and that the owners of the road no doubt could be liable for the health and safety of anyone using the road.

### **Vehicular routes**

76. There is one vehicular route into the site which will form adoptable highway up to the entrance to the store. This road will also have a separate route built to adoptable standards that will lead towards the site to the north of Windmill Road.

Windmill Road itself is an established right of way, although it is an unmade road that is not to adoptable standards.

77. The use of Windmill Road as well as the proposed road into the application site could lead to two vehicle access points in close vicinity to each other. The provision of the proposed new access road to an adoptable standard to land to the north of Windmill Road however would provide an available route for any future traffic from Windmill Court and land to the north of Windmill Road that would negate the need for use of the existing junction of Windmill Road and Sprowston Road. It is considered highly unlikely that Windmill Road would be resurfaced and brought into vehicular use when an adoptable road is being provided as part of this application instead and in any case depending on the circumstances this may require planning consent in itself and it is unlikely that the highway authority would support the adoption of Windmill Road once the new adopted access is provided.

### **Archaeology and heritage assets**

78. There are two known heritage assets on site relating to the former Sprowston Windmill to the north east of the site and former brick kilns to the centre of the site (references NHER26548 and NHER26549 respectively).
79. A condition is recommended for works to stop should any further archaeological artefacts be found on site through the course of construction.
80. To recognise the history of the site a heritage interpretation board is proposed on the north elevation of the store adjacent to the pedestrian walkway to the store. The details of this are to be agreed through condition.

### **Residential amenity**

81. The amenity of existing residents surrounding the site must be considered in relation to disturbance from noise, anti-social behaviour, overlooking, outlook and overshadowing.

### **Noise**

82. Noise has been considered to ensure an adequate level of amenity is retained for surrounding residents and future residents of the proposed housing. The use of close boarded fences and walls around the site have been proposed to provide visual and acoustic screening. Conditions are recommended to agree the final details of these.
83. Deliveries and servicing collections from the store could lead to disturbance to the surrounding neighbours. To prevent unacceptable levels of disturbance conditions are recommended to restrict the hours of use (including deliveries and servicing to 07:00 to 23:00 Mondays to Saturdays and 09:00 to 16:00 on Sundays and Bank Holidays), no use of cages to transport goods, the use and maintenance of a rubber shroud around the loading bay to limit noise escape, no reversing alarms to be used on lorries on site and no use of refrigeration units on vehicles whilst on site. The noise levels would be reduced by the above restrictive conditions.
84. Any plant or machinery to be installed on site is recommended to be agreed through condition. These should include appropriate mitigatory measures to prevent noise disturbance to surrounding neighbours.

85. The general noise of customers using the store through cars parking and trolleys being pushed across the car park has been considered. The car parking would be at a sufficient distance from the parking bays to prevent these leading to an unacceptable level of disturbance to neighbouring residents. The majority of residents surrounding the car park would have around 15m between the car parking and their houses, with wooden fencing and landscaping in between. Car parking bays are closer on the south boundary of the site, but due to a 600mm retaining wall, fencing and landscaping there would be some separation. Subject to the landscaping scheme being conditioned the general noise from the car park is considered to be to an acceptable level.
86. The landscaping strip between 71 to 79 Anthony Drive is quite narrow at around 1m. This edge of the car park however would be at a lower level with a 600mm retaining wall around this section of the site. This in conjunction with landscaping in the 1m strip and the 2m wooden panel fence along the boundary of the site would provide an adequate barrier between the car park and residential properties to retain an acceptable level of amenity.
87. When considering the change in disturbance on site for the neighbouring residents the previous use must be a consideration. Whilst the site is currently vacant there was a previous use of the site as a petrol station. The former use has now ceased, but there had been a commercial use on the site that would have led to a certain level of disturbance to surrounding residents.
88. The noise through the construction phase of the development has been considered. The development of the site would occur in phases with the retail store coming forward first. It is not known when the residential development would be built, this would most likely come forward at the same time as the land to the north of Windmill Road. The disturbance from these construction phases would be dependent on the hours of construction. An informative note is recommended to identify suitable construction hours to maintain amenity for surrounding residents.

### **Anti-social behaviour**

89. The site would be screened from Sprowston Road by built form, and views from surrounding residents would be reduced by appropriate landscaping to ensure a good standard of privacy. The site could therefore be prone to anti-social behaviour after store opening hours. The potential for anti-social behaviour however can be reduced through the use of gates at the edge of the car park which should be shut outside of store delivery hours. Details of this are conditioned to ensure compliance.

### **Overlooking**

90. The proposed retail store would lead to some potential overlooking from within the store to the neighbouring flats at 479 Sprowston Road that face south. Views have been generated from within the store to indicate what would be visible. There could be views to the first floor windows from within the store, except for the level of hanging advertising within the store. As this advertising could be removed it is recommended that these window should be obscure glazed to prevent direct views into neighbouring flats. Whilst this may reduce light levels into the store and increase lighting energy demands in the instance of this store the close proximity to the flats outweighs these concerns, as the privacy of these tenants should not be significant undermined.

91. The proposed residential units would also be close to 41 Windmill Court. The rear windows would only be 15m from the conservatory of 41 Windmill Court. Due to the change in land levels the ground floor of the proposed residential block would not overlook, but the first and second floors would overlook. Changes were recommended to the applicants and subsequently made to move living room windows away from the east facing elevation to reduce the level of overlooking to an acceptable level. Whilst bedroom windows remain on this elevation the level of overlooking at 15m to rooms that are used less frequently throughout the day is considered to be acceptable on balance.

### **Outlook**

92. The residential component of the scheme would block some views from the dwelling at 41 Windmill Court. This would lead to some loss of outlook, but in the context of an urban environment and when balanced against the benefit of new homes being delivered this is not considered to be sufficient enough to merit refusal of the application on this ground.

93. The retail store would block a more significant amount of outlook from the residents in flats facing south at 479 Sprowston Road. Due to the retention of these buildings in the revised layout under the current application, a significant amount of outlook will be lost to the residents of the ground floor flat which faces south. This would be through both a 2m wall/fence for privacy along the boundary of the sites but also through the height of the proposed store.

94. The outlook of the dwellings to the south at 461 Sprowston Road would also lose some outlook from the store to the north of the access track along the south boundary of the property. A row of trees were previously present on this site which did limit the outlook to some degree. The distance created by the access track also mitigates the loss of outlook. This is not considered to be sufficient to lead to a significant loss of outlook from the scheme.

95. The new fences proposed around the site would have an impact on some of the residents in relation to outlook. However, a 2m fence could be installed at any time under permitted development rights. Therefore it would be unreasonable to state that the proposed fences would lead to a significant loss of outlook when this could occur at any time.

96. The issue of the view of new advertising for the store has been raised. There is no right to a view in terms of planning legislation, but any illuminated advertising would require advertisement consent. Advertisements that would lead to significant light pollution or loss of amenity to surrounding residents are unlikely to receive consent.

### **Loss of direct sunlight and overshadowing**

97. The proposed development would lead to some loss of direct sunlight to 41 Windmill Court in late evenings in summer. The extent of sunlight lost however would be minimal and only during mid-summer months due to the orientation of the new dwellings directly to the west of the site. The direct sunlight lost would therefore not be substantial enough to be considered a significant loss.

98. The orientation of the remainder of the development would lead to a loss of direct sunlight to residents of 479 Sprowston Road with south facing windows. This loss would be significant.



### **Loss of daylight**

99. The residential development proposed would be at a sufficient distance from 41 Windmill Court and surrounding development to not lead to a loss of daylight.

100. The retail store would be in close proximity to development at 479 Sprowston Road and 461 Sprowston Road. The store would lead to a loss of daylight to both of these properties. The loss would be more significant for 479 due to the orientation to the north of the development, losing daylight from the south.

### **Consideration of loss of amenity**

101. The loss of amenity outlined above has arisen in part over the retention of the buildings at 479 to 481 Sprowston Road in this current application. This has led to the proposed store being closer to the boundaries of the adjoining sites with less available land to move the development around the site. This land is in separate ownership to the applicants and so is out of their control. In previous applications this land had been included but no agreement could be made over the associated S106 agreements which led to no permission actually being granted on the site.

102. The resulting situation on the site is now that an application has been submitted with the current proposals, and the acceptability of these must be considered. When considering the adverse impacts, under paragraph 14 of the NPPF there should be a presumption in favour of sustainable development unless the adverse impacts outweigh the benefits of the scheme.

103. The benefits of this scheme would be to regenerate a brownfield site in an accessible location, providing a new foodstore and nine new homes. The benefits of this scheme coming forward would be significant. Therefore in this instance the loss of outlook, direct sunlight and daylight for the residential units at 479 Sprowston Road in particular would be outweighed by the benefits delivered by this scheme.

### **Lighting**

104. Lighting has been considered by the applicants and a preliminary lighting strategy proposed. Parking areas would be lit for safety whilst the store was open and pedestrian routes lit by low level lights in bollards. Lighting has been kept to a minimum along the entrance to the store from the car park, through the use of low level lighting on bollards. This would reduce light disturbance to neighbouring properties at 479 Sprowston Road. A lighting scheme is recommended to be agreed across the site specifying the locations and type of lighting to ensure light pollution is kept to a minimum across the site for both the retail and residential components.

### **Amenity of future occupants**

105. A private amenity area has been provided to the rear of the residential flats. This space is quite small in relation to the number of flats provided. The flats however contain three 1 bed units and 6 two bed units which would reduce the demand for amenity for family for example. Given that cycle storage and refuse storage is provided in separate areas, and the smaller sizes of the flats the amenity space is considered on balance to be acceptable in this instance.

## **Water and energy**

### **Flood risk**

106. The site has been considered for the potential for groundwater flooding. Due to the nature of the soils on site and water catchment characteristics it is considered unlikely that there would be groundwater floods.

### **Sustainable urban drainage**

107. The permeability of the soils on site has been considered and sustainable urban drainage (SUDS) would be possible on the site. This would prevent surface water from running off the site and into neighbouring properties. Both hard surfaces and roof structures could drain surface water to SUDS surfacing. The landowner at this time would be liable for the maintenance of the SUDS surfacing. It has been recommended that adoptable highway and footpaths would drain to two trench soakaways. To ensure that the SUDS remain in effective use and do not silt up a condition is recommended for the maintenance schedule of the SUDS system.

### **Water conservation**

108. Under local policy the only requirement would be for the new dwellings to meet Code for Sustainable Homes Level 4 for water, which is water usage of only 105 litres per person per day. A Code for Sustainable Homes report has been submitted demonstrating that water usage will be to this level per dwelling, per person, per day. A condition is recommended to ensure this is achieved.

109. A BREEAM assessment has also been submitted for the retail store, which identifies that water efficiency for the commercial building has been maximised where possible.

### **Energy**

110. Under policy 3 of the Joint Core Strategy 10% of energy required by the superstore would need to be provided from renewable sources. It has been proposed to provide heat recovery from refrigeration systems to re-use elsewhere in the store. This however would not be using any form of renewable energy to start with, just re-using non-renewable resources. A condition is therefore recommended for renewable energy generation details to be submitted and agreed.

## **Natural environment**

### **Impact on Trees**

111. The only tree of note on the site is a walnut tree (reference T6) which is subject to a Tree Preservation Order (reference TPO.215). The proposed development is not considered to have an adverse impact on this tree, provided that the recommended conditions are adhered to. These relate to a pre-construction site meeting, arboricultural supervision during works, the appropriate siting of services, works to be in accordance with the submitted Arboricultural Implications Assessment, protection of ground around the tree, use of no-dig methods around the tree and works to the tree prior to development commencing.

112. Some mature shrubs and self-sown trees are present along the north-west boundary of the site with Sprowston Road. Whilst the loss of these would be unfortunate for the streetscape it would be unreasonable to request protection of all of these trees as they are smaller in size, category C trees and not of great arboricultural merit. A condition for mitigatory replacement tree planting across the site has been recommended to ensure replacement of the biomass lost. There is an

opportunity to enhance the mix of species present on the site within any landscaping scheme for proposed development.

### **Biodiversity and protected species**

113. The likelihood of protected species on site has been considered through a protected species survey carried out on the site. Although the site is within the proximity of some Sites of Special Scientific Interest, Local Nature Reserve and County Wildlife Site the likelihood of any protected species using the site is considered to be limited.

114. There is potential to enhance biodiversity through appropriate landscaping and other mitigation measures such as bird boxes allowing wildlife to use the site. Appropriate lighting to minimise light spill and disturbance to protected bat species is also recommended to be detailed through condition.

### **Landscaping**

115. The landscaped areas form both hard and soft landscaping. The soft landscaping as detailed above will include replacement tree species and native species around the store and car parking area to soften the appearance of the development and provide a natural buffer for the surrounding residential properties. There are soft landscaping proposals in front of the store facing onto Sprowston Road to soften the appearance of the new store. There would also be landscaping proposed at the new vehicular entrance.

116. There is currently an application being considered at 483 Sprowston Road for the replacement of the existing hairdresser buildings. The application proposes a building over part of the proposed landscaped area. If this separate application is granted permission the landscaping for the retail store would need to be revisited. There would still be sufficient land to enable landscaping to be installed to soften the entrance to the site and provide replacement landscaping in this area.

117. The landscaping within the site is directed to the edges of the site. To reduce the visual impact of the parking trees in-between spaces would assist in softening the appearance of this hard landscaped area. The agents have confirmed this would be possible. Final details can be agreed through the recommended landscaping condition.

118. The area around the proposed residential units would be confined and the landscaping to buffer the residential car parking from the views into the site is non-existent at present. Landscaping however can be introduced to soften the appearance of both the car parking area and the new proposed residential development.

119. All new hard standing should be permeable and enable water run-off to be directed to a sustainable drainage system as detailed above.

120. Boundary treatments are also recommended to be agreed through condition as part of the landscaping condition. This would ensure any existing boundaries that do not have a fence to the site are appropriately screened from the proposed development.

## **Land contamination**

121. The previous uses of the site included a petrol filling station. As such ground contamination requires careful consideration, particularly in relation to the more sensitive residential uses proposed.

122. The ground contamination report identified the presence of certain contaminants. The levels however were considered to be within the reasonable limits for the uses proposed on the site. A condition is recommended for a watching brief for any unforeseen land contamination, so that it is dealt with as appropriate if encountered. Any imported topsoil should also be uncontaminated, a condition is recommended as such.

## **Equality and Diversity Issues**

### **Age**

123. The site of the retail use that would be publically accessible is in an accessible location through a range of public transport. The accessibility of the site would therefore not be reduced to those who are not able to travel by car.

### **Disability**

124. The site has been considered in relation to its accessibility. Good access is maintained across site through the proposed use of low kerbs and tactile paving at crossing points. The floorplans indicate finished floor levels that would provide level access and egress from the main entrance and fire escapes from the retail floorspace for customers. Windmill Road is not proposed to be resurfaced and may hinder access from residential areas to the northeast, however for reasons detailed above it is not considered reasonable to insist on its resurfacing in this case. There is level access for staff using the store rooms to the rear of the shop. There is a fire escape from the loading bay of the shop that entails stairs. There is a refuge area at the top of these stairs that would accommodate space for one wheelchair. Any future operator of the site would know the whether staff needed assistance in evacuating the building in the event of an emergency. An adequate staff evacuation plan based on the numbers of staff and any requiring disabled access out of the building could therefore be produced.

125. The residential units will be subject to part M of Building Regulations. The remainder of the site is indicated to have low level kerbs on pedestrian routes with tactile paving at crossing points.

## **Conclusions**

126. The proposed development would provide a mixed use redevelopment of a previously developed piece of land close to a local centre. The proposed retail floorspace of 1438sq.m. and 9 residential dwellings would provide both homes and jobs to the surrounding area. The location of the site is considered to be the most sequentially preferable site for this development and the impact the additional convenience retail would have on the existing local centre would be mitigated by the positive impact of increased footfall to the Sprowston Road local centre.

127. The residential development would provide affordable housing, and enable the wider emerging site allocation for 25 dwellings to be met. The provision of a road into the site and providing access to the site to the north of Windmill Road to adoptable standards would ensure the future development of the remaining site

allocation.

128. The design and siting of the retail unit would lead to a notable loss of amenity through loss of outlook, daylight and direct sunlight to residents in flats at 479 Sprowston Road. This loss of amenity is regrettable but has been weighed against the benefits that this development would bring. The benefits of redeveloping a sequentially preferable site for retail, and the provision of nine dwellings, can afford significant weight under paragraph 14 of the National Planning Policy Framework. In this instance the loss of outlook, direct sunlight and daylight for the residential units at 479 Sprowston Road in particular would be outweighed by the benefits delivered by this scheme.

129. The development is therefore considered to be acceptable subject to the completion of a S106 agreement to provide affordable housing and transport contribution for the development, and subject to the conditions recommended below.

130. It is considered that the proposed development would deliver a beneficial redevelopment of brownfield land and be in accordance with saved policies NE8, NE9, HBE4, HBE12, EP15, EP17, EP18, EP19, EP22, SHO3, HOU12, TRA3, TRA5, TRA6, TRA7, TRA8, TRA10, TRA11, TRA12, TRA14 and TRA18 of the adopted City of Norwich Replacement Local Plan (2004), policies 1, 2, 3, 4, 5, 6, 9, 12, 19 and 20 of the Joint Core Strategy, paragraphs 9 and 14 and statements 1, 2, 4, 6, 7, 8, 10, 11 and 12 of the National Planning Policy Framework (2012) and all material planning considerations.

## **RECOMMENDATIONS**

To approve Application No 13/00208/F at 463 to 503 Sprowston Road and grant planning permission, subject to:

(1) the completion of a satisfactory S106 agreement to include the provision of affordable housing and contributions to transportation and subject to the following conditions:

1. Standard time limit
2. In accordance with plans

### *Approval of details*

3. Prior approval of details:
  - a. External materials
  - b. Gate to vehicular entrance of site
  - c. Lighting locations and types
4. Use of obscure glazing within high level windows in retail store
5. The content, materials and fixing of the historic interpretation materials to the north elevation of the store

### *Landscaping and trees*

6. Hard and soft landscaping (including permeable hard surfacing, walls and fences for privacy and acoustic screening) and details for the surfacing and bollards to the pedestrian link from Anthony Drive to Sprowston Road.

7. Maintenance and replacement of landscaping within 5 years
8. Mitigatory replacement tree planting
9. No removal of trees, shrubs or buildings on site during bird breeding season (March to August inclusive)
10. Pre-construction site meeting and submission of further details
11. Arboricultural supervision
12. Works to trees first
13. No dig methods
14. Protection of areas
15. Siting of services
16. Works in accordance with AIA

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

17. Provision of car parking, cycle parking and refuse storage as indicated on plans
18. Car park management plan

#### *Water and energy efficiency*

19. Provision and maintenance of SUDS system (in consideration with ground contamination present on site)
20. Water resource conservation to Code for Sustainable Homes Level 4 for homes
21. Provision of renewable energy for retail store to 10%

#### *Restrictions to protect amenity*

22. Hours of store opening, opening of vehicle gate into site and delivery and servicing, outside of which time no delivery or servicing vehicles may enter site 07:00 to 23:00 Mondays to Saturdays and 09:00 to 16:00 Sundays and Bank Holidays
23. Pedestrian accesses across site retained as agreed
24. Details of resurfacing of pedestrian link between Anthony Drive and Sprowston Road
25. Details of fume and flues to be submitted and agreed
26. No plant or machinery installed unless agreed in writing
27. Removal of permitted development rights for ventilation and fume extraction for any future plant required at the store after implementation
28. No storage or materials on site outside of designated areas unless first agreed
29. No use of reversing alarms on lorries on site
30. Refrigeration units on delivery vehicles to be switched off
31. Loading/unloading in designated areas only
32. Rubber shroud around delivery bay to be implemented and retained
33. No cages to be used on site

#### *Archaeology and ground contamination*

34. Archaeology – stop work if any artefacts found
35. Watching brief for land contamination
36. Remediation strategy for ground contamination
37. Unidentified contamination found on site

#### *Other conditions*

38. Goods sold limited to 198sq.m. of floorspace for non-convenience goods
39. Travel information plan to be agreed and implemented
40. Safeguarding of access to site to north of Windmill Road, as indicated by access road on proposed site plan

(Reasons for approval: The proposed development would provide a mixed use redevelopment of a previously developed piece of land close to a local centre. The proposed retail floorspace of 1438sq.m. and 9 residential dwellings would provide both homes and jobs to the surrounding area. The location of the site is considered to be the most sequentially preferable site for this development and the impact the additional convenience retail would have on the existing local centre would be mitigated by the positive impact of increased footfall to the Sprowston Road local centre.

The residential development would provide affordable housing, and enable the wider emerging site allocation for 25 dwellings to be met. The provision of a road into the site and providing access to the site to the north of Windmill Road to adoptable standards would ensure the future development of the remaining site allocation.

The design and siting of the retail unit would lead to a notable loss of amenity through loss of outlook, daylight and direct sunlight to residents in flats at 479 Sprowston Road. This loss of amenity is regrettable but has been weighed against the benefits that this development would bring. The benefits of redeveloping a sequentially preferable site for retail, and the provision of nine dwellings, can afford significant weight under paragraph 14 of the National Planning Policy Framework. In this instance the loss of outlook, direct sunlight and daylight for the residential units at 479 Sprowston Road in particular would be outweighed by the benefits delivered by this scheme.

The development is therefore considered to be acceptable subject to the completion of a S106 agreement to provide affordable housing and transport contribution for the development, and subject to the conditions imposed.

It is considered that the proposed development would deliver a beneficial redevelopment of brownfield land and be in accordance with saved policies NE8, NE9, HBE4, HBE12, EP15, EP17, EP18, EP19, EP22, SHO3, HOU12, TRA3, TRA5, TRA6, TRA7, TRA8, TRA10, TRA11, TRA12, TRA14 and TRA18 of the adopted City of Norwich Replacement Local Plan (2004), policies 1, 2, 3, 4, 5, 6, 9, 12, 19 and 20 of the Joint Core Strategy, paragraphs 9 and 14 and statements 1, 2, 4, 6, 7, 8, 10, 11 and 12 of the National Planning Policy Framework (2012) and all material planning considerations.

#### Article 31(1)(c) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined above.)

#### Informative notes:

- 1) Soakaways to consider ground contamination on site and only be installed on permeable ground
- 2) Tree protection barriers

- 3) Protected species licence required if any bats found on site
- 4) Considerate construction

(2) where a satisfactory S106 agreement is not completed prior to 26 April 2013 that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No 13/00208/F at 463-503 Sprowston Road for the following reason:

- 1) In the absence of a legal agreement or undertaking relating to the provision of affordable housing and transportation contributions the proposal is contrary to saved policies TRA11 and HOU6 of the adopted City of Norwich Replacement Local Plan (November 2004) and policy 4 of the adopted Joint Core Strategy (March 2011).



## Appendix 1 – Sequential assessment of other sites

### Main Town Centre Uses Sequential Test

April 2013

The tables below consider sequentially preferable sites for medium scale retail development (circa 500-2000sqm).

The sequential test requires in-centre sites to be considered, and if no in-centre sites are available edge-of-centre and then out-of-centre sites with preference given to accessible sites that are well connected to the centre.

The list below does not necessarily indicate acceptability of a main town centre proposal. It is solely for the purposes of the sequential test and there may be numerous other reasons why a site may remain unacceptable. For example if a site passes the sequential test by virtue of there being no other available sequentially preferable sites, it may still be unacceptable on grounds of accessibility and sustainable transport.

#### In centre sites:

Site	Size (approx)	Availability
Shoemaker Public House Earlham Centre	0.17h	The site has consent for 18 residential dwellings consent 08/00864/F. Pre-commencement conditions have been discharged, however it is not currently clear if full implementation is proposed. Its availability for main town centre uses is questionable.
Former Bally Shoe Factory Hall Road	1.6h – allocated site (site with planning consent is 3.4h)	The site has consent for a new District Centre (08/00319/O, 09/00735/VC and revised application 12/02003/F).  The site is currently in the hands of administrators and it is understood that ASDA have an option to purchase the site subject to planning permission. As a result it is not considered likely to be available in the short term for other operators. The sites availability in the long term is likely to depend on the outcome of the current application.

**Likely future in-centre sites (by virtue of allocation within the site allocations DPD or an existing consent)**

<b>Site</b>	<b>Size (approx)</b>	<b>Availability</b>
Sprowston Road Land north of Windmill Road	1.0h	[Application site]
Land at Aylsham Road	3.48 (part of site only)	<p>The most up to date iteration of the site allocations DPD identifies this site for mixed use development comprising a convenience store of about 2,500sqm gross on the site frontage, and residential development. An application had been received for a 3,437sq.m. food superstore under application 12/02192/F, but subsequently withdrawn.</p> <p>The southern part of the site which has frontage onto Aylsham Road is now largely disused and whilst this has consent for residential development the owner has shown interest in opportunities for convenience retail on the site.</p>
Roundhouse Way Cringelford (In South Norfolk)	0.7h of larger 30+h residential development site	2008/2347/O granted outline consent for residential development including 1,486sqm of 'A class' uses.

### **Edge of Centre Sites (defined as well connected and within 300m of a centre in NPPF)**

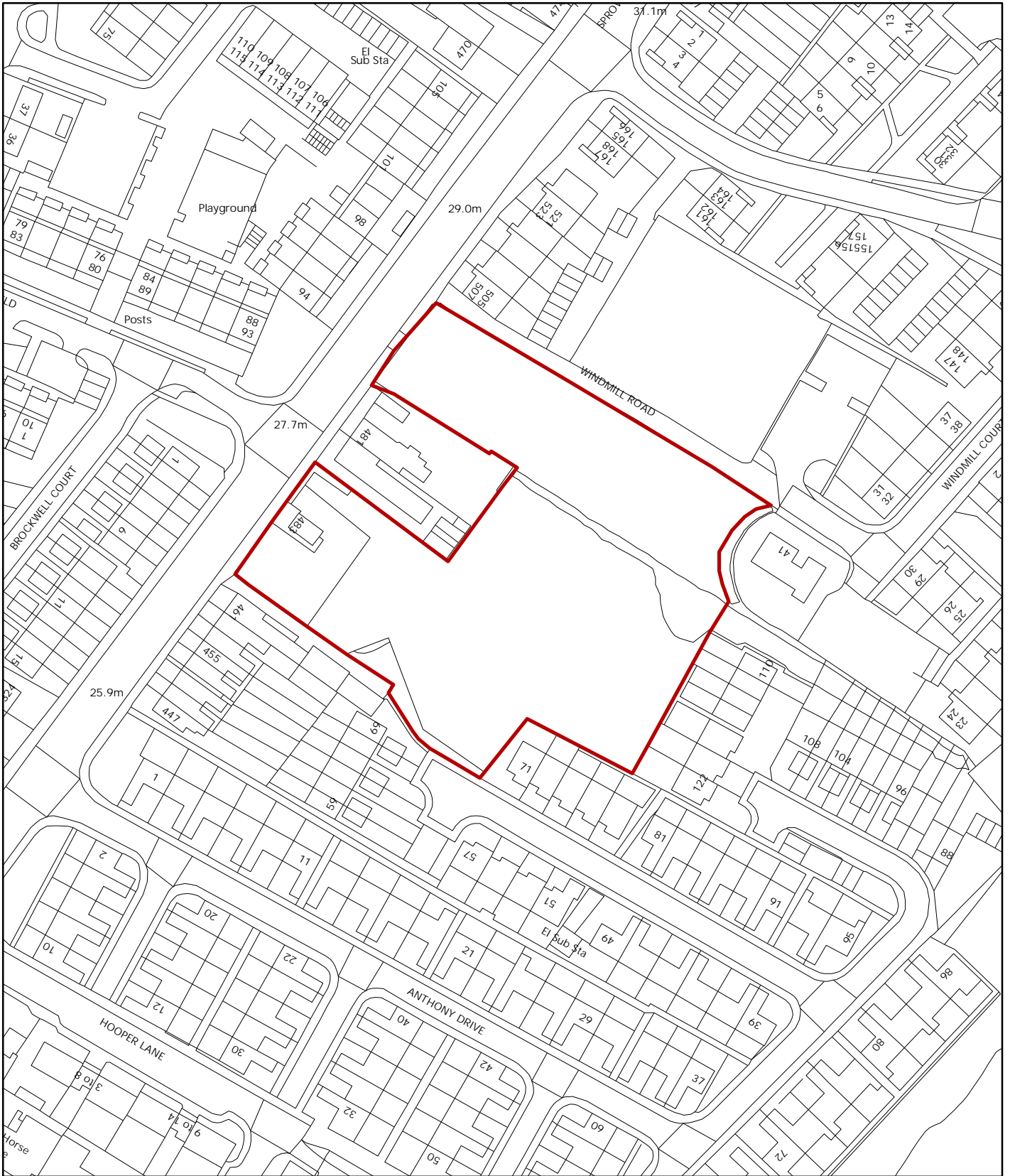
It is questionable whether all the sites below can be defined as 'well connected' nevertheless they are within 300m of a centre.

<b>Site</b>	<b>Size (approx)</b>	<b>Accessibility</b>	<b>Availability</b>
Former Volvo Car Sales Showroom Cromer Road.  In Broadland DC.	Circa 0.4h	The site is located on Cromer Road and is just over 50m from Reepham Road. Both Road are arterial roads out of the City Centre with a number of bus services which link the site to other nearby centres in	The property is currently vacant. An application has been approved by Broadland District Council for a change of use with alterations and extensions of car showroom and workshops to create a

		<p>Broadland and in Norwich along Aylsham Road.</p> <p>The site is closely associated with other main town centre uses at the junction of the 'Boundary' and the Aylsham Road District Centre beyond. The site has bus stops immediately adjacent to it with regular services.</p> <p>The site is within walking distance of residential areas of Hellesdon and pedestrian access could be easily be improved (i.e. via new crossing etc).</p>	<p>community facility including church auditorium, restaurant, day care centre, crèche, motor museum, youth facility, shops, fitness suites and relocation of vehicular access onto Cromer Road (reference 2013/0107, approved at committee on 26 March 2013)</p> <p>It is unallocated within the Broadland Local Plan.</p>
Mile Cross Deport	Large 4+h site north east corner would be best located and is circa 0.2h	The northeast corner of the site is well within 300m of the Local Centre and could offer a redevelopment opportunity. The site is adjacent to residential areas to the north and east. Regular bus services run past the site with other services operating on Drayton Road.	Various parts of the site are currently underused and being advertised to let.
Former Lexus Car Sales Showroom Reepham Road.  In Broadland DC.	Circa 0.25h	The site is located on Reepham Road and is just over 50m from Cromer Road. Both roads are arterial roads out of the City Centre with a number of bus services which link	<p>It is unallocated within the Broadland Local Plan.</p> <p>An application for change of use to showroom for display and sale of conservatories and</p>

		<p>the site to other nearby centres in Broadland and in Norwich along Aylsham Road. The site has bus stops adjacent to it and is in reasonably well associated with other main town centre uses at the junction of the 'Boundary'.</p> <p>The site is within walking distance of residential areas of Hellesdon and pedestrian access could be easily be improved (i.e. via new crossing etc).</p>	<p>windows reference 2012/1474, indicating a bulky goods retail coming into use on the site.</p>
<p>Former surface car sales site Reepham Road</p> <p>In Broadland DC.</p>	<p>Circa 0.95h</p>	<p>The site is located on Reepham Road and is also just over 50m from Cromer Road. Both Road are arterial roads out of the City Centre with a number of bus services which link the site to other nearby centres in Broadland and in Norwich along Aylsham Road. The site has bus stops adjacent to it and is in reasonably well associated with other main town centre uses at the junction of the 'Boundary'.</p> <p>The site is within walking distance of residential areas of Hellesdon and pedestrian access</p>	<p>The site is largely vacant and underused.</p> <p>It is unallocated within the Broadland Local Plan.</p>

		could be easily be improved (i.e. via new crossing etc).	
Former Start Rite Site Mousehold Lane	0.9h	<p>The site is located on the ring road with extremely limited bus services compared to arterial roads out of Norwich – There is a single circular bus extremely early in the morning and morning buses run past the site to Tesco at Sprowston (run by Tesco).</p> <p>Residential Areas of Sprowston are located to the North East and pedestrian access could possibly be improved via new crossings.</p>	<p>The site is derelict. The owner has shown interest in opportunities for convenience retail on the site.</p> <p>The site is allocated for residential development both in the existing local plan and in the draft site allocations DPD.</p>



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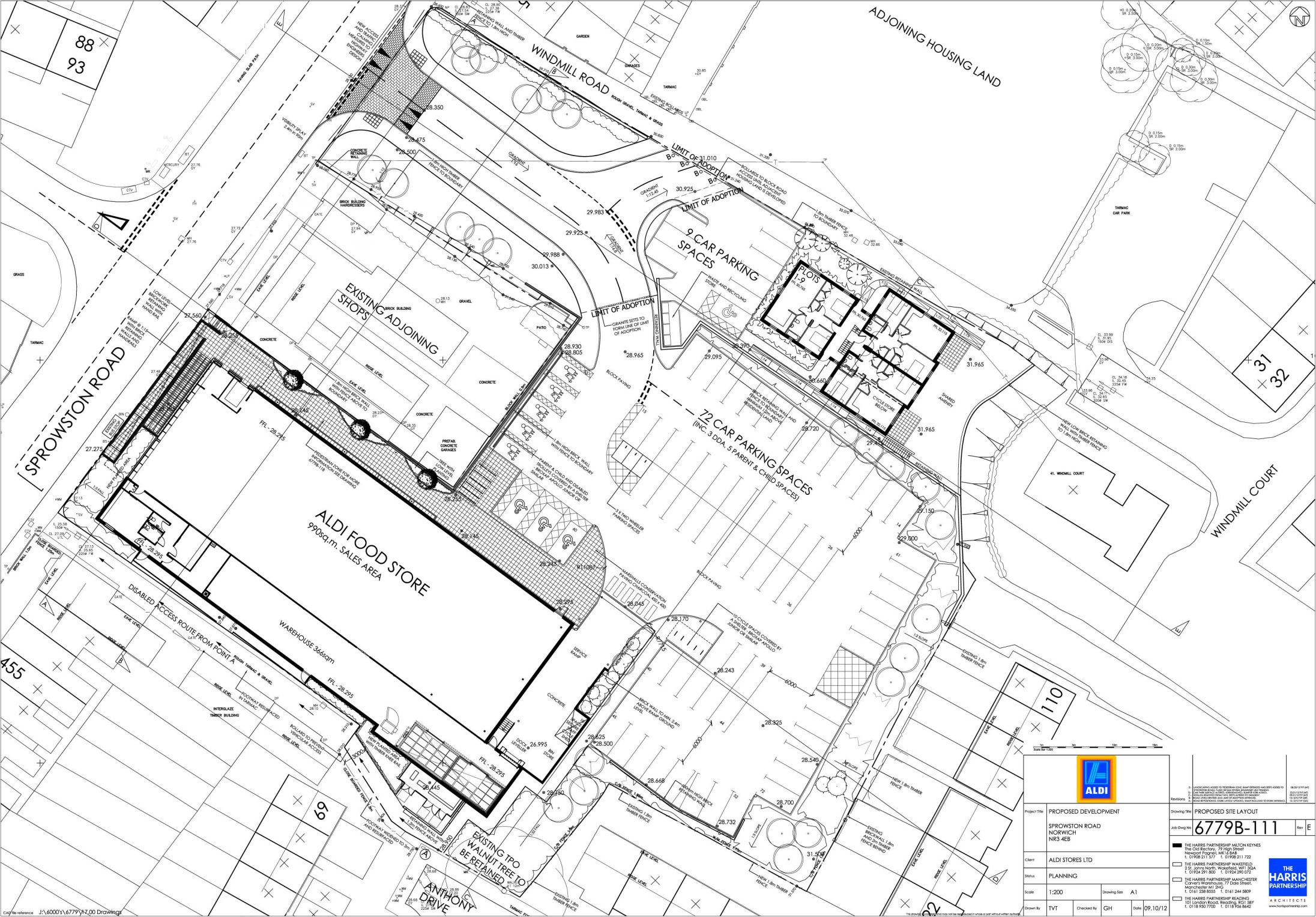
Planning Application No 13/00208/F  
 Site Address 463-503 Sprowston Road  
 Scale 1:1,250



**NORWICH**  
 City Council

PLANNING SERVICES





Project Title <b>PROPOSED DEVELOPMENT</b> SPROWSTON ROAD NORWICH NR3 4EB		Drawing Title <b>PROPOSED SITE LAYOUT</b>	
Client <b>ALDI STORES LTD</b>		Job/Dwg No <b>6779B-111</b>	
Status <b>PLANNING</b>		Rev <b>E</b>	
Scale <b>1:200</b>	Drawing Size <b>A1</b>	Date <b>09/10/12</b>	
Drawn By <b>TVT</b>	Checked By <b>GH</b>	Rev <b>E</b>	

THE HARRIS PARTNERSHIP MELTON KEYNES  
 THE COI Factory, 79 High Street  
 Newport Pagnell, MK22 6AB  
 T: 01924 211577 F: 01924 211722

THE HARRIS PARTNERSHIP WACCFIELD  
 225, SPROWSON ROAD, WACCFIELD, MK45 2AA  
 T: 01924 291800 F: 01924 291872

THE HARRIS PARTNERSHIP MANCHESTER  
 COVENANT WAREHOUSE, 77 DASH STREET,  
 MANCHESTER, M14 6JG  
 T: 0161 238 8555 F: 0161 244 9809

THE HARRIS PARTNERSHIP READING  
 101 London Road, Reading, RG1 2BP  
 T: 0118 950 7700 F: 0118 950 8462

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 www.harrispartnership.co.uk