

Report for Resolution

Report to Planning Applications Committee
Date 17 May 2012
Report of Head of Planning Services
Subject 10/01107/RM – Land known as Riverside Heights, Geoffrey Watling Way (Norwich City Football Club), Carrow Road, Norwich, NR1 1JE.

Item
5(4)

SUMMARY

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| Description: | Reserved Matters for the access, appearance, landscaping, layout and scale of the revised design of the second phase of the residential development (174 residential units) for outline planning permission (App. No. 4/2002/1281/O) 'Replacement of South Stand (8000 seats), new corner stand (1500 seats), hotel, decked car park and residential development with associated highway works'. – Revisions to terms of proposed Section 106 Agreement, revised siting of the buildings, revised designs of proposed residential apartment blocks, and inclusion of materials and further details to satisfy the terms of conditions proposed within former committee resolution of 14 th October 2010. |
| Reason for consideration at Committee: | Major development; Objection; Obligation requirements; Changes to original committee resolution. |
| Recommendation: | Approved |
| Ward: | Thorpe Hamlet |
| Contact Officer: | Rob Parkinson Senior Planning Officer 01603 212765 |
| Valid Date: | 3rd August 2010 |
| Applicant: | Mr Mark Edmonds, Taylor Wimpey East Anglia. |
| Agent: | Mr Richard Abbott, Type 3 Studios. |

INTRODUCTION

The Site

1. The site is the land under development known as NR1 Riverside Heights east of the two blocks of apartments at Geoffrey Watling Way / Carrow Road, at the area south of the football club. The proposals for residential development were first considered by the planning applications committee on 14th October 2010, with an update on 21st December 2010. Since then revisions have been needed prior to issuing the permission.

2. The original committee report, minutes and addendum are provided at Appendices 1 & 2.
3. This report addresses only the relatively minor changes of circumstance in the development proposal and updates to the policies of the development plan which have changed and apply to the scheme.
4. Changes in the scheme include:
 - Re-siting the positions of the 6no. apartment blocks, all to be built further east;
 - Alterations to the appearance and access of Blocks 5 and 6 (the east end of the site);
 - Amendments to the appearance and height of Blocks 3 and 4 (the middle of the site);
 - New proposals for renewable energy systems to be provided within the scheme; and,
 - Alterations to the proposed tenure and period for delivery of affordable housing.
5. There are no changes to the area or its constraints since original consideration.

Planning History

Essentially the planning history for the Riverside Heights area of land can be summarised as:

4/2001/0564/O – the first principle of residential development with associated highway works was approved in 2002.

4/2002/1281/O – A revised application for the principle of residential development of the site was approved at the same time as works to replace the south stand and provide the hotel at the football club (approved 2003).

4/2002/1282/RM – These were the first detailed proposals, showing apartment blocks along the riverside, from Carrow Bridge to the eastern edge of the current site. These were Reserved Matters subsequent to the outline planning permission of 4/2002/1281/O, and were also approved in 2003. The first two blocks of apartments with their under-croft parking have been built under this permission for 330no. apartments with associated access, parking and landscaping. Of the 330 apartments permitted, 186 have been built in the first two blocks (Blocks A and B).

06/00012/VC – This permission approved a masterplan and revised the approach to the whole football club site's development, introducing the idea of decked car parking flats proposals immediately north of this site. The scheme was approved in March 2008. The current reserved matters application is the only scheme to be brought forward since 2008.

6. Residential development of the gravel car park area to the west of this site has also previously been accepted in principle, and large apartment blocks were previously proposed in 2008, but the relevant planning permission for this has lapsed without implementation. There is now an outline planning application proposal to develop the gravel car park for 208no. apartments and a 190sq.m. office space. There is a pending

outline application which follows the principle of decked apartment blocks and lower than previously approved and similar to this application. The proposals are available to view via current planning application 11/02104/O, although they are still pending consideration.

Commencement of development

7. Members may be aware that development at the site under consideration today has commenced. At the time of writing this report, the works undertaken have involved groundworks and pre-commencement investigations for archaeology and site contamination. Construction at the east end of the site has been limited to installing drainage and utilities for Blocks 5 and 6, and construction of the frame/shell of these blocks to 4th storey height. There are no works underway at Blocks 1-4. The works as at 3rd May 2012 can be seen in pictures at Appendix 3.
8. The Council has been aware of these works since they began during summer 2011. At the time, the Council agreed that the applicant could undertake such works as needed only to satisfy the requirements of the formerly-proposed pre-commencement conditions (for example the archaeology and contamination surveys). The applicant is fully aware that the further works to install foundations and construct the shell have not been authorised and are made entirely at the applicant's own risk, based on their assessment that the material differences to the scheme wouldn't be substantial enough to cause such an impact as to require refusal of the previously-accepted scheme. During these works the Council and applicant have been discussing an acceptable approach to affordable housing provision and revising the content of the S106 agreement.
9. An approval of these proposals would regularise the unauthorised works and grant approval to further developments of proposed Blocks 1, 2, 3 and 4.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

10. The application is being re-considered by planning committee because there have been changes proposed to the scheme since it was first considered. The original form of proposals were considered acceptable by planning committee but the circumstances of the scheme and its content changed before the terms of the legal agreement could be formally agreed and signed-off. Amendments concern both the appearance of the development and the tenure of, and timing for, the affordable housing provision.
11. The physical / outward changes to the scheme since it was first considered are:
 - Repositioned siting of all 6 blocks, moving between 1.5 and 3.5 meters eastwards.
 - Alterations to the design of the east and west elevations of Blocks 5 and 6, to fill-in the gap between the two blocks by providing a new entrance gate and full height lift core.
 - Additional storeys on top of Blocks 3 and 4 to create some 'duplex' units, raising the height of this central portion of the development from 7 to 8 storeys.

12. Some details of the design have also been submitted relating to materials, energy generation, boundary treatments and elements of flood risk and drainage strategies. By proposing these details now, the application hopes to avoid such details being left outstanding and subject to later agreement by condition.
13. The proposed revisions to the terms of the affordable housing delivery, to be secured through the Section 106 Agreement, are:
 - The former expectation that 54 affordable housing apartments will be provided in 'Block 1' has been retained, but the tenures of those units are proposed to change from being 80% (43no.) social rented units and 20% (11no.) shared ownership units, to 100% affordable rented units (a form of 'intermediate tenure' housing whereby the rents charged are limited to a maximum of 80% of the market rent rates in the area).
 - The affordable housing will no longer be delivered as the first block in the new scheme, as was previously anticipated/expected, and will instead be delivered before there is any further development other than at Blocks 5 and 6 which are part-commenced.

Representations Received

14. Subsequent to public consultation in 2010, the revised proposals have been subject to public re-consultation on two occasions (initially when the scheme proposed only re-siting of the blocks, and again when the variations in height and further details were proposed). At both times, the scheme was advertised on site and in the press, and adjacent and neighbouring properties were notified in writing, as were those people who made representations to the scheme originally.
15. 1 letter of representation has been received in response to the re-consultation and the revised proposals and information submitted; this was from the occupiers of Carrow Works to the south, expressing their concerns that acoustic defence measures need to be as stringently applied as was originally required, and noting that the proposed balustrade locations, and suggested glazing capabilities, appear comprehensive. See also para 45.
16. Members should also be aware that a member of the public submitted a representation on the day of, but after, the committee had made their original resolution to approve the scheme on 14th October 2010. This person's concerns related to design, traffic and the likely purchase price of the properties, but it is considered these were adequately debated during the course of the original meeting; the report and minutes of this are at Appendix 1.

Consultation Responses

17. **Environment Agency** (20.01.12): There are no objections to the revised siting, and a completely revised FRA is not required. The EA agree with the applicant that high groundwater levels on the site means use of infiltration drainage is not appropriate, and consider that the proposed surface water scheme of restricted discharge to the river is acceptable in principle, and are satisfied that the proposed design for surface water drainage is acceptable.
18. However, a few details remain outstanding to allow complete approval of the proposed

drainage and flood defence wall schemes, and these can be resolved by conditions requiring agreement prior to commencement of further work at Blocks 1-4. With regard to information submitted concerning proposed conditions, there remains insufficient detailing of the flood proofing and basement/car park flood management and evacuation access measures, and they should be reinstated. The works already underway have not compromised the intended strategy for either detail.

19. **Strategic Housing:** Subject to completion of the legal agreement and compliance with the terms proposed, the scheme provides the same number of affordable housing dwellings as originally anticipated. The forced change in affordable housing tenure is regrettable but understandable, and can be accepted as the applicant has made best efforts to secure a Registered Provider to operate the affordable homes and the on-site provision is preferable to gaining a commuted sum as 'payment in lieu'. The proposals have been endorsed by the Portfolio Holder for Housing, and should be encouraged to be delivered as soon as possible within the build programme.
20. On-site provision should be the preferred delivery option. If necessary, perhaps if there are tenure concerns, an alternative affordable housing scheme with fewer units provided on site should include a commuted sum to cover the balance. Any commuted sum should be provided at the per-dwelling rate set out in the original Section 106 Agreement and should be paid at the same time as the actual dwellings should be provided under the terms of the 'preferred option'.

21. **Environmental Health, Pollution Control:**

- The revised **air quality** assessment has compared predicted increase in pollutant concentrations between the proposed development and no development taking place. The increase in NO₂ is predicted to be around 0.2µg/m³ which the EPUK Planning for AQ update determines as a "slightly adverse" effect. I feel this report now deals with our concerns regarding AQ and shows that AQ does not significantly prejudice this scheme. The scheme does, nonetheless, elevate NO₂ levels and, most critically, those that are already above the AQ national objective levels. This inevitably makes the Council's ability to reduce levels, in order to comply with the limits, even more difficult. It may therefore be useful to recognise this when details of the Section 106 are determined.
- With regards to the **noise environment**, all glazing which has a line of sight with either the railway bridge or Britvic/Unilever and Lawrence Scott factories must have 'red rating' glazing denoting the need for the highest levels of protection. Provided this is the case, then glazing specifications are acceptable to be agreed by condition. There are no specific details of the acoustic balustrades' acoustic properties of the glass. However the details do mention that the balcony balustrade will be very similar to the existing Block B. If the acoustic properties are the same as Block B where all glazing which has a line of sight with either the railway bridge or Britvic/Unilever and Lawrence Scott factories have a 'red rating' glazing, then this would be acceptable.
- In terms of **land contamination**, the applicant has made investigations and submitted the anticipated investigative report. The surveys found little risk to groundwater although there are more significant risks to health of the future site occupiers and risk to the utility services such as water supply pipes. Accordingly, a mitigation strategy has been proposed, including such measures as requiring the supply pipes to be upgraded to a more resilient level and that areas of soft

landscaping be covered with a clean topsoil layer of at least 450mm. The measures are considered sufficient to mitigate the risks and the report suitably addresses the action to be taken if further contamination is identified. It also proposes a suitable verification testing and reporting system. The works should be conditioned to be undertaken in accordance with the strategy, with further conditions requiring a verification report when completed.

22. **Transportation Planner:** If the revisions to Block 1 are needed the car park arrangements, refuse and cycle stores are awkward but functional.
23. **Conservation and Design Officer:** The increased height to Blocks 3 and 4 are encouraged. The shifting eastwards is acceptable, and provides a better focal point to the development from Kerrison Road. It retains adequate separation to the proposed development to the east and for access to the river. The materials submitted and shown in samples are acceptable, providing a good mix of contrasts and a high quality design, although the details of coloured glazing panels are still to be agreed.
24. **Norfolk Constabulary:** Concerns have been raised about the design approach taken to the scheme, by locating residential units so close to the football club, which might become a security target given recent success and attraction of large numbers of people. The design's intended use of full length glazing and balconies, and flint block gabion walls, all increase vulnerability for residents and visitors should an explosion take place.
25. **Norfolk Historic Environment Service (Archaeology):** Archaeological evaluation was considered necessary to determine the best means of preserving any heritage assets present, which may have included nationally important Palaeolithic remains (a continuation of the deposits previously uncovered under the football stadium). The necessary works have been undertaken and a report has been submitted, which reviews the investigation and discussed the evaluation and means of results being publicised. The evaluation showed that the deposits under the football ground do not extend into this area, so no further archaeological involvement is needed if the scheme is approved.

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 8 – Promoting healthy communities
- 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
- Section 13 – Facilitating the sustainable use of materials

Relevant policies of the adopted East of England Plan Regional Spatial Strategy 2008

When previously considered, the East of England Plan had been revoked and wasn't part of the development plan. The Plan has since been re-instated and now again forms part

of policy. The applicant has sought to address the requirements of the relevant policies below:

- T14 - Parking
- ENV3 - Biodiversity and Earth Heritage
- ENV6 - The Historic Environment
- ENV7 - Quality in the Built Environment
- WAT1 – Water Efficiency
- WM6 - Waste Management in Development
- ENG1 – Carbon Dioxide Emissions and Energy Performance
- NR1 - Norwich Key Centre for Development and Change

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

When previously considered, the JCS was also not a part of the development plan.

- Policy 1 – Addressing climate change and protecting environmental assets
- Policy 2 – Promoting good design
- Policy 3 – Energy and water
- Policy 4 – Housing delivery
- Policy 6 – Access and transportation
- Policy 9 – Strategy for growth in the Norwich Policy Area
- Policy 12 – Remainder of Norwich area

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

The policies listed below all apply to the scheme, and may differ from the 2010 list at Appendix 1 in that some have since been superseded on JCS adoption in 2011 (e.g. HBE19, HOU4). The * denotes policies that apply to the specific amendments under consideration.

NE4 – Street trees to be provided by developers

NE9 – Comprehensive landscaping scheme and tree planting

*HBE7 – Evaluation of standing archaeology

*HBE8 – Development affecting a Conservation Area

*HBE12 – High quality of design, with special attention to height, scale, massing and form of development

*EP1 - Contaminated land

*EP5 – Air pollution emissions and sensitive uses

*EP6 – Air Quality Management Areas

*EP10 – Noise between residential and other uses

EP16 – Water conservation and sustainable drainage system

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

HOU5 – Accessibility for wheelchair users

HOU6 – Contribution for community needs and facilities by housing developers

HOU9 – Sites allocated for mixed use development including housing

HOU18 – Conversion of properties to houses of multiple occupation and building flats

SR4 – Provision of open space to serve new development

SR7 – Provision of children's equipped playspace to serve development

SR11 – Footpath and cycling network along river corridor

SR12 – Green links network, including provision by developers

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 – Provision for servicing
TRA9 – Car free housing
TRA11 – Contributions for transport improvements in the wider area
TRA12 – Travel Plans
*TRA14 – Enhancement of the pedestrian environment and safe pedestrian routes
TRA15 – Cycle network and facilities
TRA16 – Public transport measures to increase efficiency and attractiveness
TRA18 - Major Road Network
TRA24 – Improving transport and environment in the city centre
CC14 – Land adjoining football club

Supplementary Planning Documents and Guidance

Open Space and Play Provision (Adopted June 2006)
*Flood Risk and Development (Adopted June 2006)
Transport Contributions (January 2006)
*Green Links and Riverside Walks (Adopted December 2006)
Biodiversity Supplementary Planning Guidance for Norfolk (Adopted April 2005)
*Energy Efficiency and Renewable Energy (Adopted December 2006)
Accessible and Special Needs Housing (Adopted June 2006)
*Affordable Housing Interim Statement on the off-site provision of affordable housing (Adopted December 2011)

Other Material considerations

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

Principle of Development

Policy Considerations

26. The principle of residential development has already been accepted through the initial resolution to approve the scheme. The alterations will not intensify the site's use. Notwithstanding this, the scheme still needs to comply with both the current development plan and the terms of the original outline planning permission and any relevant parts of the original Section 106 Agreement, as varied.
27. The scheme is unable to provide affordable housing in accordance with the existing terms of the overarching outline planning permission (already itself lower than the level required by current development plan policy), but is providing the 'next best thing' and has been accepted by strategic housing colleagues and the Portfolio holder.

Other Material Considerations

28. The changes to the development plan (namely the introduction of the Joint Core Strategy and reinstatement of the East of England Plan Regional Spatial Strategy) have brought with it an expectation to provide at least 10% on-site renewable energy. This has been attended to by the applicant and is discussed at paragraphs 69-70.

Housing Proposals

Housing Numbers and Density

29. The overall number of dwellings on site is not being altered; the scheme is still proposing 174 dwellings across 6 apartment blocks (5no. 24-unit blocks and 1no. 54-unit block), which will provide 360 apartments at the Riverside Heights development

when including those of the existing blocks A and B to the west. This retains a net increase of 30no. flats more than the previously permitted reserved matters scheme in 2003.

Affordable Housing

30. The affordable housing is still proposed within Block 1, and will still provide 54no. dwellings as was formerly required, and which is consistent with the 15% provision rate within the terms of the existing S106 Agreement.
31. The historic context to affordable housing delivery and negotiations is complex. The proposals were designed and presented in 2010 as being able to construct the affordable housing as the first block, or alongside the first block of open-market housing.
32. The 2003 S106 agreement includes a clause requiring a commuted sum to be paid in lieu of the affordable housing delivery on-site if the affordable housing wasn't provided by a certain time-trigger. Although the point at which the commuted sum was due has long since passed, the pre-application discussions in 2009 suggested that on-site delivery would indeed be possible, as part of the newly-designed scheme. Officers have always expressed a preference for on-site affordable housing, as this meets a known housing need helps create sustainable and mixed communities endorsed by national and local policy.
33. As such the resolution and the S106 were initially drafted in 2010/2011 to deliver the affordable housing on-site within Block 1 at the earliest opportunity. Unfortunately, during initial discussions and drafting of the agreement the applicant was unable to find a Registered Provider (RP) with capacity to operate and manage the units within Block 1. Further, if an RP had been available at the time, the construction of this block as the first block to be built in the development would also substantially constrain the development's viability because the income from an RP buying the block would be lower than income from open-market dwellings. Accordingly it was agreed that the affordable housing block could be slightly delayed in the overall build programme to allow the applicant some initial cash-flow, such as from off-plan sales of limited numbers of open-market housing. By delaying the Block 1 construction to part-way through the first two blocks of open-market housing it allows the developer some initial funding and promotes full delivery of the overall scheme.
34. Unfortunately, recent research behind the recently-adopted Interim Affordable Housing Statement (Dec 2011) showed that the commuted sum within the existing S106 Agreement would no longer be sufficient to deliver the equivalent number of affordable homes on a different site, especially so if the sum was intended to provide the preferred social rent form of tenure.

The 'preferred option' for affordable housing delivery

35. Recent discussions between officers and the applicant, and another concerted effort by the applicant to attract an RP, has now provided firm encouragement that the affordable housing will be provided. An RP has agreed in principle to accept and manage the entire Block 1 of 54 units as part of their property portfolio, although their offer to the applicant is made only on the basis of all the 54 units being available as affordable rent tenure.
36. Strategic Housing colleagues are mindful that this was the only RP to show an interest in the proposals following a search from locally-active and nationally-accredited RPs.

The relatively small level of interest is due in part to an RP not being involved in the design of the scheme from the outset, and in part due to this being a large commitment to an RP's resources which have been planned for some years already, and also partly due to a lack of finance since the removal of government subsidies over the last year. As such, the proposal for all affordable housing units to be affordable rent is considered acceptable, despite both the original Committee resolution and the current 'standard' JCS policy 4 expecting affordable housing to comprise 85% social rent and 15% intermediate tenure. The scheme will be providing all the expected units on site; even 80% of market rent is considered the 'next best thing' to social rent and the original resolution.

37. In terms of a timescale for delivery, the applicant has agreed that Block 1 can be built alongside the works currently ongoing and can be made ready for occupation before any other works on other blocks are commenced. As such, the timescales proposed within the S106 are:

- No commencement of any groundworks or parts of the construction of Blocks 2, 3 or 4 until Block 1 has been built and transferred to the RP;
- No occupation of more than Block 5 and 50% of (or 12 units within) Block 6 [the blocks already under construction] until the superstructure (meaning the frame and external envelope) of Block 1 has been built;
- No occupation of any dwellings other than those in Block 5 and 6 until the internal works are complete to the RP's requirement and the block is transferred to the RP.

38. A clause will also be used in the agreement requiring the developer to transfer the Block 1 dwellings to the named RP and on the terms set out above. If this part of the applicant's obligation is not fulfilled, the applicant will be in breach of the obligation and the S106 will need to be renegotiated, the viability of the scheme investigated again, and the Committee's resolution formally amended, so it is considered to hold sufficient control over the affordable housing delivery.

The 'alternative option' for affordable housing delivery

39. Although the above proposals represent the outcome of long negotiations, the applicant and Council have approached the issue cautiously. During the course of negotiations the same RP also offered to accept 27 of the 54 units in Block 1 as affordable rent affordable housing, leaving the remaining 27 units within Block 1 as open market housing, and opening-up the possibility for a commuted sum to be paid in lieu of the outstanding 27 affordable dwellings being provided. The commuted sum would be used by the City Council to finance construction and provision of some off-site dwellings with 'social rent' tenures. If Committee felt that the preferred delivery option described above shouldn't be pursued because the tenure mix deviated too much from that anticipated originally, then this option should be pursued as a feasible alternative.

40. The equivalent commuted sum for 27 units would be calculated using the formula within the existing overarching s106 agreement, and paid in the following terms:

- 50% of the sum would be paid before occupation of the 12th apartment in Block 5 (assuming complete occupation of Block 6 beforehand); and
- 100% of the sum would be paid prior to the earlier of (i) the occupation of the last Market Dwelling (excluding show units) within Block 5 (again, assuming complete occupation of Block 6 beforehand), or (ii) the practical completion of the Affordable Housing Units.

41. The 27 no. affordable housing units would be provided as above, namely:
- No commencement of any groundworks or parts of the construction of Blocks 2, 3 or 4 until Block 1 has been built and the 27 affordable housing units transferred to the RP;
 - No occupation of more than Block 5 and 50% of (or 12 units within) Block 6 [the blocks already under construction] until the superstructure (meaning the frame and external envelope) of Block 1 has been built;
 - No occupation of any dwellings other than those in Block 5 and 6 until the affordable housing internal works are complete to the RP's requirement and the affordable housing units within the block are transferred to the RP.
42. Members should be aware that the implications of using the 'alternative option' are that: (i) the commuted sum received would not provide 27 dwellings elsewhere, particularly not at social rent tenures; (ii) the effective level of affordable housing on site in this Riverside Heights part of the football club area would comprise only 7.5% and would be even less of a sustainable mixed community than the level hoped-for; (iii) the design of Block 1 would have to change to provide a second, separate entrance for residents, and with it a separate lift core, leading to a requirement to increase the block height from the currently proposed 7 storeys to 8 storeys; (iv) the redesign would require a loss of 8no. car parking spaces from Block 1 and the scheme overall; and (v) the redesign would also result in a loss of communal amenity space for the open-market dwellings as the affordable dwellings require specific areas maintained by the RP.
43. Notwithstanding the possible drawbacks of the 'alternative' affordable housing option, the Council has received revised plans and consulted on the design and layout alterations of the scheme (in March 2012). No objections were received to this, and the opinion of consultees was that the changes could be acceptable if they facilitated delivery of the scheme. The design benefits of providing an extra storey's height at Block 1 was particularly encouraged because it brought variety and bridged the potential 'gap' between the 7-storey proposed development and the 9-10 storey existing Blocks A and B.
44. If the 'preferred' affordable housing delivery option was pursued, the scheme would be built as per the original design for Block 1, albeit with a slightly relocated siting position described further at paragraphs 48-49.

Noise and Disturbance

45. The proposals continue to have regard to the site's position opposite the Carrow Works food and drinks manufacturing industrial activities of Britvic and Unilever. The designs still propose to provide balconies facing south to the factory, north to the road, and east to the noise of the rail bridge. The former resolution included conditions requiring agreement of the design and acoustic specification of windows and balconies throughout the development, ensuring residents would be protected by an acoustic balustrade glazing screen, and be provided with acoustic glazing that reduces dB levels to an acceptable level within the standards of the World Health Organisation and British Standards.
46. Although some details of their appearance have since been submitted and are considered acceptable, details of acoustic performance remain unresolved, so

conditions will require agreement of acoustic performance glazing and balconies and means to provide adequate (forced or passive) ventilation to the interior, before occupation. Although there is additional height added to some of the blocks, which in theory increases the noise received by those units, residents can still be adequately protected through use of the same conditions. An advisory note will be added to any permission to make clear that industrial noise is taken to form part of the existing background noise level.

Overlooking

47. There will be no additional or exacerbated overlooking from either the re-siting of the blocks, or the additional storey heights proposed for Blocks 3 and 4 and, if necessary, Block 1.

Design and landscape

Layout and landscaping

48. The layout is essentially the same as the original scheme in respect of block orientation, facilities, access and function, and the only alterations concern the position of the buildings in relation to one-another. During site surveys, the applicant has found drainage supplies alongside Block 1, and Anglian Water have required an easement of 3m distance where buildings should be avoided if at all possible. This is acceptable from a design perspective; by siting the blocks further east there is more room for access between the existing and new developments, the buildings read as a different design style, and the scheme feels more 'open'. Although there is a 3m shift eastwards at Block 1, the difference is taken up by a progressively smaller distance at each block in the scheme, so the shift eastwards is less obvious or severe at Blocks 4-6 for example, and the difference becomes so minimal at Blocks 5 and 6 that it retains almost the same, adequate separation from the proposed outline scheme further east.

49. Unfortunately, the loss of useable 'internal' site area is felt in the communal amenity space provision, most dramatically at Block 1. Nevertheless a high quality of landscape strategy should be able to make the most of this space, and the balconies reduce the need for residents to rely on that space as their only form of external play, recreation or leisure area. A comparison of the former and revised site positions is seen in the plans attached.

50. The landscape strategy submitted originally had little information other than in-principle details, so the final scheme's layout, appearance and content will be resolved through conditions. The re-siting of the blocks has created a larger space between existing Block B and proposed Block 1, and this might allow improved public access and temporary or permanent links / spur to the Riverside Walk, and therefore improved access to the riverside.

51. Delivery of the Riverside Walk is being pursued outside this scheme. The land ownership of the river walk area is complicated, currently being shared between the Council and the Football Club, but the obligations relating to the walk's construction appear to still remain with the football club. The obligations will remain within the existing and revised Section 106 Agreement. The intention remains that landscaping within this site should link-in with the riverside walk landscape, both visually and, where possible, physically. Management of landscaping within this scheme will be maintained by the applicant or their maintenance company, with details to be agreed by condition.

Form, height and scale

52. The proposals were originally designed to use timber-framed construction buildings. Loading restrictions of the timber frames meant the design originally needed limiting to 7-storey heights; this wasn't an ideal design proposal, but was accepted because by virtue of the lower build cost could provide the affordable housing first. However, the applicant has since found timber frames to be inappropriate to their business model and has again reverted to concrete-frame construction.
53. Using concrete now allows additional loading and a welcome opportunity to revise the design form from that originally proposed. Confirmed changes are proposed to Blocks 3 and 4 through the addition of an extra (seventh) storey to each block, by creating duplex units out of the former top-floor apartments. The apartments on the 7th floor will be duplex's with internal stairs providing access to the 8th floor living space above. This avoids adding to overall unit numbers and having to extend the stairs and change the fire strategy for those blocks.
54. The proposed additional storey is set-back slightly from the block edge and is proposed to be clad with coated plywood as used on the balconies below, which gives a sense of being a lighter form of material than the remainder of the block. This gives a pleasing sense of relief and interest to the street scene in views from Carrow Road and Kerrison Road, whilst retaining consistency and rhythm to the units below. Officers welcome these proposals as they introduce variety to the overall development, breaking up the former monotonous appearance of the six blocks which have an otherwise uniform style and appearance.
55. The affordable housing discussions (see paragraphs 30-44) also necessitated a re-think of Block 1. If it is necessary to pursue the 'alternative option' then an 8th storey would be added to Block 1 in addition to Blocks 3 and 4. There would be no additional units; the height is needed as a result of internal layout reorganisations to accommodate ground-level alterations and lift cores. This is acceptable, as discussed at paragraphs 42-43.
56. The minor changes as Blocks 5 and 6 concern the 'infilling' of a former separation between the two blocks on the east elevation. Whereas previously they were connected only by a ground-floor communal pedestrian access into the car park, the two blocks have now been joined by a glazed stair and lift core. This lifts the height slightly, but retains the former end elevations and by being glazed, and with a slight recess, is able to appear to still remain separate. The changes are considered relatively minimal and acceptable.
57. There are good design and residential amenity reasons why the glazing and balconies should be retained at lower levels in each block. In terms of materials, the palette proposed is a high quality, if perhaps overly-uniform, design. The bulk of the block buildings is proposed to be clad in bright brushed aluminium, interspersed with grey aluminium windows, doors, curtain walling and metalwork at car park grills for example. The balconies and additional stories are made of plywood and clad in black polypropylene; they appear dark and heavy but are a good contrast to the aluminium. Details of the glazing and balcony balustrade colours, safety specification, design and acoustic performance will still need agreement by condition.
58. Notwithstanding the concerns of the Norfolk Constabulary, it is considered unnecessary and unhelpful to change the design approach to fenestration and the proposed ground floor gabion wall materials from the knapped flint material as shown.

It is also considered rather late in the process for the police to raise these concerns, given that they chose not to do so when the scheme was first proposed; it would be rather unfair on the applicant to be asked to adopt a new design approach and possibly cause the scheme to be unviable or further delayed if a new approach were needed. Although perhaps rather heavy in appearance, there is a landscaping and design logic to continuing the gabion wall feature linked to those at the existing Blocks A and B in terms of providing a feel of rhythm and familiarity at ground level. The gabions can be planted with rockery style vegetation to make them appear softer (as part of the landscaping strategy), but their potential for fragmentation should be reduced by the eventual transport strategy for the football club as a whole, which should minimise the number of vehicles using the area.

59. In reducing water loss and improving habitat in the area, the applicant is also proposing 'brown roofs' using a 'biodiversity roof system'. Details haven't been provided but this is supported in principle, with finer details to be agreed through conditions.

Environmental Issues

Site Contamination and Remediation

60. The applicant has provided a contamination investigation survey and proposed remediation strategy. This identifies little risk to groundwater but shows that the more significant risks are to the health of the future site occupiers and risk to the utility services such as water supply pipes. To mitigate the risks the remediation strategy requires the supply pipes to be upgraded to a more resilient level and that areas of soft landscaping be covered with a clean topsoil layer of at least 450mm.
61. These measures are considered sufficient to mitigate the risks and the report suitably addresses the action to be taken if further contamination is identified. It also proposes a suitable verification testing and reporting system. The works should be conditioned to be undertaken in accordance with the strategy, with further conditions requiring a verification report be provided when completed.

Noise

62. The applicant will be required to confirm the details of their proposed glazing specifications. All units with a line of site to the factories to the south and north-east, and the rail bridge, will need to use glazing with an acoustic performance sufficient to meet the decibel level reductions of a 'red rating' level. This includes details of the acoustic balustrades within the balconies. It is proposed to retain the same methodology as originally intended in 2010, with details of balconies being similar to those already in use at existing Block B.

Air Quality

63. There remains sufficient concern that the area could be vulnerable to a worsening air quality environment given the known history of problems at Carrow Road and King Street and the activities of minerals processing sites in the area. In response, the applicant has surveyed the proposal and compared the predicted increase in pollutant concentrations between the proposed development and no development taking place. The survey update reveals a "slightly adverse" effect would be likely from resultant elevated NO₂ levels, although these are already higher than national air quality objective standards. Nevertheless, the Environmental Health Officer is satisfied that air quality does not significantly prejudice this scheme in principle.

64. In terms of mitigation, the Council's recent declared intention to designate the whole of the city centre as an Air Quality Management Area will help address some of the concerns about already-high ambient NO₂ levels. However, some concerns remain, and the scheme will need to mitigate against this as much as possible. The applicant has already approached this issue by reducing the level of car parking needed at the site since the proposals were first designed in 2003, and the proposed inclusion of car club membership and purchasing a car club car to be based at the site will hopefully further reduce the need for car ownership. In addition, the scheme will need to provide an air quality mitigation strategy as final designs are worked-up; for example, the eventual landscaping strategy can also improve the air quality by enhanced breeze-dispersal or appropriate planting. Details of car park ventilation measures and an air quality study have been provided recently in response to the former resolution's intended conditions.

Flood Risk and Drainage

65. The original flood risk assessment was updated in September 2010 prior to committee's first resolution, which led to original proposed flood risk and drainage conditions 18,19,21-26 being suggested in light of the Environment Agency's advice of 2010.

66. Since then the Flood Risk Assessment has again been updated in January 2012 in light of the revised siting layout, and the applicant's attempts to satisfy the former conditions. The Environment Agency is satisfied that the siting changes don't affect flood risk, but do need further details of the implementation of drainage and flood defence works.

Archaeology

67. The applicant received a revised brief and proposed a method statement for archaeological evaluation to determine the best means of preserving any heritage assets present – the site may have included nationally important Palaeolithic remains (a continuation of the deposits previously uncovered under the football stadium). The applicant has undertaken borehole and trench surveys as required and assessed the position of peat layers and an underlying sand bar to suggest if pre-historic habitation took place. The chance of this being the case are now thought to be slim, so further works on site would be unnecessary. A report has been submitted, which reviews the investigation and discussed the evaluation and means of results being publicised. The evaluation showed that the deposits under the football ground do not extend into this area so no further archaeological involvement is needed if the scheme is approved.

68. The former resolutions' requirements to undertake archaeological investigation and evaluation have been met and the County Historic Environment Service confirmed they are happy with the resultant report. There is no longer considered a need for further work.

Energy Efficiency and Renewable Energy

69. The applicant in 2010 formerly did not need to provide any on-site renewable energy as the application fell between revocation of the East of England Plan and adoption of the Joint Core Strategy. The scheme has now responded to JCS policy 3 and provides an up-to-date energy generation strategy and proposes to provide 10% of the whole scheme's energy demand through a photo-voltaic panel renewable energy system installed at Block 1. Although the final details may need to be changed when designed with the Registered Provider, this is acceptable in principle. Final designs would need

to be determined through conditions but the indicative 135sqm of PVs can easily be accommodated on the roof of Block 1, behind the parapet, and will therefore not effect the plans or elevations submitted.

70. In terms of energy efficiency, the scheme demonstrates an improvement over Building Regulations for the whole development and the affordable housing at Block 1 achieves Code for Sustainable Homes Level 3, which requires at least a 25% carbon emission reduction over the levels required by the 2006 Building Regulations. Water efficiency measures will be required to be agreed through conditions to comply with JCS policy 3.

Sustainable Construction

71. The original timber frame block design has been replaced with concrete frame construction methods. In theory this reduces the overall sustainability of the scheme's construction overall, contrary to the aims of JCS policy 3. Nevertheless, the scheme is designed to a very high standard of energy efficiency, through its thermal retention and construction. These are considered the most practicable and viable forms of sustainable construction methods in this circumstance, and the use of concrete frames brings with it the additional benefit of being able to add additional storey height to Blocks 3 and 4, to the overall benefit of the scheme's design.

Conclusions

72. The alterations to the development proposal have been submitted to account for changes in site circumstance and new design possibilities borne out of revised construction techniques. The changes cause only minor alterations to the outward appearance of the scheme, and improve the design, function and performance of the development.
73. By revising the terms of the affordable housing provision, there is improved confidence that the scheme can come forward and deliver the affordable housing on site, which is a much more preferable situation than pursuing the commuted sum expected under the terms of the original Section 106 Agreement. Although there are two scenarios proposed for affordable housing delivery, officers recommend the 'preferred option' approach which delivers more affordable housing on site, albeit at a less desirable tenure than formerly envisaged, and at an earlier stage in construction than would be possible through commuted sums in lieu of off-site provision.
74. If the scheme again fails to deliver the affordable housing when required, the development will not be able to be pursued and the applicant would be expected to reappraise their development viability, deliverability and site design. If necessary, the design of the scheme would be revised under the terms of a new planning application, and consequently be expected to deliver against the requirements of new planning policies, including even higher rates of affordable housing.
75. There have been no concerns raised, nor material differences to the application site, since the former committee resolution. The revisions are considered sufficiently minor to allow recommendation of approval subject to the original list of conditions, which are proposed to be amended as appropriate once progress on their agreement has been confirmed, and the revised terms for affordable housing delivery within the Section 106 Agreement as described within the terms of the 'preferred option' within the report above.

RECOMMENDATIONS

(1) To approve application 10/01107/RM at Norwich City Football Club, Carrow Road, Norwich, NR1 1JE, and **GRANT PLANNING PERMISSION** subject to the satisfactory completion of a Section 106 Agreement, to include affordable housing provision (to be delivered within the terms of the 'preferred option' described within the report), sustainable transport measures and library contributions as appropriate, and subject to the following conditions (which shall be revised and amended as necessary under delegated authority to the Head of Planning):

1. Standard time limit;
2. Development to be in accordance with the approved plans;
3. Phasing plan to be agreed, to include construction of Block 1 / the 54-unit Affordable Housing block at the earliest opportunity, with its subsequent completion being closely linked to provision of selected private / open-market dwelling blocks.
4. (a) Site contamination remediation measures should be implemented as recommended in the report, (b) any unidentified contamination shall be treated accordingly, (c) a validation report should be submitted and verified on completion of the development.
5. Air quality remediation strategy techniques to be provided and approved.
6. Car park areas below residential blocks will be fitted with ventilation details submitted.
7. Landscape strategy to be finalised and approved, and to include details of: all surface treatments and hard and soft landscape materials; inlet design, access, swale, and pontoon facilities; moorings; roof-top garden/amenity areas; screening to the car parks; sculptural lawns along the riverbank; floating habitat or planting boxes; Riverside Walk; maintenance schedules; materials palette; planting specifications; facade treatments; apartment amenity space planting and boundary treatments; and gabion designs.
8. Car Club parking site location to be provided and made available prior to occupation.
9. Details of secure covered cycle stores for residents and visitors to be agreed.
10. Design details of acoustic glazing to units facing factories and railway to be agreed.
11. Design details of acoustic balustrades to units facing factories and railway to be agreed, to meet 'red rating' and reduce noise to acceptable levels sitting on balconies.
12. Details of ventilation to be agreed, sufficient to allow windows and doors to be closed to reduce exposure to noise whilst still allowing adequate ventilation to the interior.
13. Details and samples of coloured glazing, colour and appearance to be agreed.
14. Details of brown roofs and biodiversity enhancements to be agreed.
15. Water efficiency strategy to be provided and the units to be constructed to Level 4.
16. Incorporate the energy efficiency measures set out in the energy efficiency study.
17. Details of photovoltaic installation at Block 1 shall be agreed, to provide 10% energy.
18. Treatment of areas between blocks 5 and 6, and to east and west perimeters of site.
19. Landscaping and surface water flooding dispersal, attenuation and infiltration strategy to be agreed and development implemented according to the details.
20. Details of groundwater protection scheme to be agreed for surface treatments, to include oil interceptors for example.
21. Details of any external lighting to be agreed prior to installation.
22. The development shall have a finished floor level of at least 5.80m AOD.

23. Details of flood proofing measures and their provision and implementation, shall be agreed, and such measures shall be provided prior to occupation.
24. A basement car park flood risk management scheme shall be agreed for situations where 1 in 1000 year flood events may occur.
25. Details of a safe exit route shall be agreed, which shall ensure it avoids adversely affecting the flood regime, and which shall land outside the 1 in 100 year floodplain. The route must be provided prior to first occupation.
26. A scheme to provide a raised flood defence measures shall be submitted and agreed, and the defences provided prior to first occupation.
27. A scheme for surface water drainage and its implementation and future management and maintenance shall be agreed. The scheme shall be installed prior to first occupation.
28. Car Club parking bay to be provided, marked out and available for use.
29. Travel Plan to be implemented and carried forward, including provision of the Car Club car.
30. The acoustic glazing, acoustic balustrades and means of ventilation agreed by conditions 11, 12, 13 to be installed and made available for use.
31. Refuse stores to be provided and available for use.
32. Cycle stores to be provided, marked out and available for use.
33. Car parking areas to be provided, marked out made available for use.
34. Flood Warning and Evacuation Plan to be agreed and implemented, which shall detail safety of the inhabitants and the basement car parks up to a 1 in 1000-year flood event, and which shall include means to include use of the pre-evacuation early weather warning scheme.

Informative advisory notes:

- 1 – Noise mitigation measures.
- 2 – Need for separate Flood Defence Consent.
- 3 – Construction practices recommendations.

(2) In the event that completion of a satisfactory Section 106 Agreement is not achieved by 30th June 2012, to include affordable housing provision, sustainable transport measures and library contributions as appropriate, to delegate authority to the Head of Planning Services to:

(a) refuse application 10/01107/RM at Norwich City Football Club, Carrow Road, Norwich, NR1 1JE, for the following reason:

In the absence of a legal agreement or undertaking relating to the provision of affordable housing, sustainable transport measures and library contributions the proposal is contrary to policy 4 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011), and saved policies TRA11 and HOU6 of the adopted City of Norwich Replacement Local Plan (November 2004);

And,

(b) to delegate authority to the Head of Planning to commence enforcement action proceedings against the unauthorised construction of the first parts of the development currently underway.

Appendix 1:

Original committee report (A) and Minutes (B): 14 October 2010.

(A) REPORT: Report for Resolution

| | | |
|------------------|--|-------------|
| Report to | Planning Applications Committee | Item |
| Date: | 14 th October 2010 | |
| Report of | Head of Planning Services | |
| Subject | 10/01107/RM - Norwich City Football Club, Carrow Road, Norwich, NR1 1JE | |

SUMMARY

Description: Reserved Matters for the access, appearance, landscaping, layout and scale of the revised design of the second phase of the residential development (174 residential units) for outline planning permission (App. No. 4/2002/1281/O) 'Replacement of South Stand (8000 seats), new corner stand (1500 seats), hotel, decked car park and residential development with associated highway works'.

Reason for consideration at Committee: Objections and Major Development

Recommendation: Approve

Ward: Thorpe Hamlet

Contact Officer: Mr Rob Parkinson Senior Planning Officer
(Development)

Date of validation: 10th June 2010

Applicant: Taylor Wimpey East Anglia

Agent: Type3 Studio

INTRODUCTION

The Site

Location and Content

76. The site concerns the vacant, as yet undeveloped, rectangular tranche of the land fronting the River Wensum adjacent to the Norwich City Football Club, sited between the two blocks of existing flats and the gravel car park used by the Football Club.

77. The site is accessed from the north along Geoffrey Watling Way, which branches into the football club area from Kerrison Road, and from the west via the old Carrow

Road at its join with the Carrow Bridge and Koblenz Avenue / King Street.

78. Neighbouring uses are the Football Club's east and south stands and offices within the stadium's east stand, and restaurant in the south stand. One of the two existing 8-9 storey blocks of Riverside Heights apartments adjoin the site to the west. Car parking (for the stadium, offices, Carrow Road community football centre and the Holiday Inn hotel) lies opposite the site to the north, and temporary match-day car and coach parking uses the unmade gravel surface land in front of industrial buildings to the east. Although the site is bounded to the south by the River Wensum, the Carrow Works Britvic and Unilever site buildings on the opposite bank are located hard against the river; as a result these factory buildings are approximately 35m from the closest of the proposed buildings. An area of river-edge landscaping by the existing flats forms part of the Riverside Walk and this strip continues across the application site along the length of the river edge.

Planning History

79. There are very many recent planning permissions for this site, as on a number of occasions it featured as part of multiple successive redevelopment proposals for various parts of the football club stadium itself and its environs, and was historically within the Football Club's ownership. Of particular note are the following:

4/2001/0564/O - Replacement of South Stand and development of land with hotel, fitness and leisure club, decked car park and residential with associated highway works. (Revised Proposals) (Approved July 2002)

4/2002/1281/O - Replacement of South Stand (8000 seats), new corner stand (1500 seats), hotel, decked car park and residential development with associated highway works. (Approved May 2003)

4/2002/1282/RM - Redevelopment of site to provide 330no. residential apartments with associated access, parking and landscaping. (Part Conditions 1& 15 of Outline Planning Permission No. 4/2002/1281/O) (Approved May 2003)

03/00333/D - Condition 3(d): Phasing plan for previous outline planning permission 4/2002/1281/O. (Approved April 2004)

05/00077/D - Detail of condition 12: Details of Riverside Walk and associated works for previous planning permission 4/2002/1281/O (Replacement of South stand (8000 seats) new corner stand (1500 seats) hotel, decked car park and residential development with associated highway works). (Approved February 2006)

06/00012/VC - Variation of Condition 2: Approval of Master Plan for previous outline planning permission 4/2002/01281/O 'Replacement of South stand (8000 seats), new corner stand (1500 seats), hotel, decked car park and residential development with associated highway works' (Revised Scheme - Additional information received regarding Transportation). (Approved March 2008)

06/00891/D - Condition 26a: access road alignments; Condition 26b: surface treatment; Condition 26c levels; Condition 26g: traffic control measures for previous planning permission 4/2002/1281/O 'Replacement of South Stand (8000 seats), new corner stand (1500 seats), hotel, decked car park and residential development with associated highway works'. (Refused June 2008)

80. Overall, the site is part of an area of transition envisaged through a 'NCFC Masterplan' approved as part of previous planning permissions. At present, the majority of the car parking to the north already has extant permission for comprehensive redevelopment to provide apartments and decked car parking, known as Masterplan Phase 1. This permission remains 'live'. The gravel car park area to the west, known as Masterplan Phase 2, has, through previous planning permissions, accepted the principle of a comprehensive residential development of the site to provide large apartment blocks, but the relevant planning permission for this part of the scheme is thought to have lapsed without implementation.

Constraints

81. The site is allocated in the Replacement Local Plan as a site for comprehensive regeneration and residential development (saved policies CC14 and HOU9). The site needs to include provision for the continuation of the Riverside Walk (policy SR11) and Strategic Cycle Network (policy TRA15). The site is not a part of the Conservation Area, although it does form part of the City Centre, including for transportation purposes. Koblenz Avenue also forms part of the Major Road Network (TRA18).

Topography

82. The site is entirely level but does include a small inlet within the river bank (the current use of which is unclear). Surrounding buildings are all high-rise.

The Proposal

83. The current proposal seeks permission to redevelop the unfinished site as an overlapping Reserved Matters application based on the principles established through the existing and part-implemented Outline Planning Permission (App. No. 4/2002/1281/O). Whilst the proposal is nominally for approval of access, appearance, landscaping, layout and scale of the revised design of the second phase of the residential development, it is now proposing 174 apartment units (99 no. 2-bed flats and 75 no. 1-bed flats) and associated car parking within 6 blocks. This is 30 more apartments than would otherwise remain to be built under the unimplemented balance of the previous Reserved Matters permission (App. No. 4/2002/1282/RM), and takes the 'on-site' total within the whole Riverside Heights scheme to 360 residential units with associated car parking.

84. Whilst it may be unusual to apply for overlapping Reserved Matters applications, the original Outline permission (or its successive variations) did not place a restriction on the number of apartments allowed within the subsequent Reserved Matters schemes. Nor does any approval of this application supersede, nor automatically cause to be revoked, the previously-permitted Reserved Matters scheme, and it should be noted that the applicant is still entitled to develop some, all or none of either the previous scheme, or, if permitted, this scheme. However, conditions attached to any permission here must still be relevant to the original outline scheme.

Representations Received

85. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two letters of representation have been received citing the

issues as summarised in the table below.

| Issues Raised | Response |
|---|--|
| It is vitally important to the operations at the Carrow Works site that the viability of their businesses is not jeopardised by developments at adjoining sites which might place restrictions on the operations of either of the two companies located there. The following concerns are expressed on behalf of Carrow Works: | See paragraphs 16-17, 54-57, 62 and use of conditions. |
| 1) The apartments are proposed in close proximity to the Carrow Works site and could be susceptible to noise, light or odour emissions being generated by the factory site workings, which is a 24-hr operation, and which might in turn lead to complaints being made about the site. The scheme should demonstrate that it will not expose future residents to potentially harmful effects from nearby noise, light or odour emissions. | |
| 2) The construction of the development could also give rise to dust being blown over to the Carrow Works site and causing complications with open-air food product storage, either by direct contamination or even through perception of product contamination, for example. | |
| 3) The aquifers around the site which feeds boreholes used by the factory must not be allowed to be contaminated, nor the surface water become contaminated, for example by diesel. | See para 53, and use of conditions. |
| The existing inlet in the River Wensum is proposed to be redesigned and used for canoe launches and more of a leisure area, leading to a loss of habitat for nesting river wildfowl. | See paragraphs 20, 45 and use of conditions. |

86. In addition, the applicant has undertaken a fairly extensive public consultation exercise, which included a week-long demonstration exhibition at the existing Riverside Heights apartments, as well as an ongoing website. Public feedback, comment and Frequently Asked Questions from these forums have been submitted.

Consultation Responses

87. **Environment Agency:** Part of the site lies within Flood Zone 3a, though most is within zone 2. The principle of development has already been accepted but a Flood Risk Assessment (FRA) is still needed. The submitted FRA did not originally provide sufficient consideration of either safe access in the event of flooding or flood risk as arising from the development (e.g. surface water flooding from run-off. Initially the Environment Agency objected to the proposals due to the inadequate survey.

88. However further technical analysis was provided to the Environment Agency on 8th September, sufficient to satisfy the Agency's concerns only on the provision that a number of suggested conditions are adhered to, provide details of flood proofing measures, emergency exit routes, flood defence walls and sustainable drainage systems, for example. In addition, the Agency highly recommend the use of a condition to require the provision of a Flood Warning and Evacuation Plan, to ensure that the safety of future inhabitants, and the safety of the basement car park, can be managed in all flood events up to the extreme 1 in 1000 year flood event.

89. Clarification is also requested on the foul drainage measures and sewerage capacity proposed, as well as requesting that conditions are used to require remediation and validation of contaminated land treatments. The sewerage capacity has since been

confirmed. Contamination conditions will be used to assist the remaining issue.

90. **Emergency Planning Officer:** The proposals do not acknowledge the county flood plan provisions that are already in place, nor follow the basic principle of evacuate and not rescue. The existing weather warning scheme that is in place gives various levels of alerts which if used correctly would allow evacuation before the event occurred, but at present the proposals do not reflect reference to this.
91. **Environmental Health, Pollution Control:** (i) The potential for contaminated land should be investigated prior to commencement of development through re-appraisal and site investigation, which can be required by conditions. (ii) There are likely to soon be two Air Quality Management Areas in the immediate vicinity and a busy road and aggregate works close by. As such a desk-top study of local air quality should be carried out and approved, prior to commencement of development. Ventilation systems for the car parking beneath the site should be subject to details being approved to ensure adequate fume discharge. (iii) Care must be taken over the dust and noise caused during construction, and external lighting should be controlled to avoid any subsequent impacts on residential amenity.
92. **Noise** (iv) There is significant background noise experienced at the site which has been verified and suitably recorded through an acoustic survey conducted during the course of this application. This is significantly contributed to by the operations of the Carrow Works factory site opposite, a 24-hr operation, often 7 days a week. There is potential for this to be considered a noise nuisance in the future for residents of the proposed development. Accordingly, all reasonable measures should be taken at the proposed development to minimise the exposure to noise which might affect future residents. Conditions are suggested to agree suitable provision of acoustic balustrades to the apartment balconies, acoustic glazing and means to provide adequate (forced or passive) ventilation to the interior. As such it is not considered necessary to either require the removal of balconies, or prevent the use of opening windows within apartments facing the Carrow Works site.
93. **Strategic Housing:** The 54 Affordable Housing units within a total 360 dwellings represent 15% of the total, despite the 'usual' current 40% requirement. The units should be constructed to appropriate design standards. There is currently no information as to the proposed tenure split between rent and shared ownership; the Norwich housing needs study would suggest 46 should be rented and 8 should be available for intermediate tenure or shared ownership. The affordable housing units should better reflect the overall mix of housing types in this proposal and as a result be given a larger share of 2-bed flats than 1-bed flats – a better reflection should be closer to 57% of 2-bed flats instead of the 44% currently proposed. Cycle parking provision for affordable housing is welcome at the 1:1 ration proposed, but in practice a housing association may require more car parking spaces for the affordable housing units as only 44% have access to a parking space (compared to the 63% provision amongst private dwellings) and the two figures should be equal. The design features and space standards are all welcome, as is the intended early start date. However, concern is raised that the last block to be constructed will be next to the affordable housing which could expose occupants to noise and dust.
94. **Norfolk Landscape Archaeology:** The site is within an area of archaeological interest and previous development investigations have found particularly significant remains and therefore conditions are suggested to ensure archaeological investigation and evaluation is undertaken to identify the presence and means of

preservation of underlying archaeological deposits. If necessary the significance of the assets may need to be preserved through specially arranged foundation designs.

95. **Ecology and Natural Areas Officer:** The inlet's likely intensive use will reduce its value as a resting or nesting site for birds, and the increasing use of hard materials to built-up banks along the river marginalises the areas for wildlife. The detailed plans should make more provision for nesting/loafing areas for wildfowl, such as floating islands, ideally including both bare mud and vegetation cover. Any such mitigation measures would be valuable in maintaining the inlets value for wildlife.
96. **Broads Authority:** Concern is raised that the scale, bulk and form of the design are inappropriate to the location and will be detrimental to the character and value held to the river, and make no reference to the river location and are not sympathetic enough to the river by not being stepped back. It will create an over-dominance of uniform buildings of this type along the river and in this area and fails to meet Broads Authority objectives for riverside locations, not least because of the river being so much lower than the banks. The scheme has effectively turned its back to the river as there are inadequate views through the site to the river and little interaction with the ground floor level activity and the river.
97. **Norfolk County Council:** As Strategic Highway Authority, the County Council are satisfied that the scheme will not have a material impact on the strategic highway network over and above that already identified with the original outline permission.
98. **Norwich International Airport:** No concerns over the height of the buildings.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

PPS1 - Delivering Sustainable Development
PPS1 Supplement – Planning for Climate Change
PPS3 – Housing
PPS4 – Planning for Sustainable Economic Growth
PPS5 - Planning for the Historic Environment
PPG13 – Parking
PPS23 - Planning and Pollution Control
PPG24 – Planning and Noise
PPS25 – Development and Flood Risk

Saved Norfolk Structure Plan (1999) policies:

T.2 - Transport - New Development

Saved City of Norwich Replacement Local Plan (2004) policies:

NE4 – Street trees to be provided by developers
NE9 – Comprehensive landscaping scheme and tree planting
HBE7 – Evaluation of standing archaeology
HBE8 – Development affecting a Conservation Area
HBE12 – High quality of design, with special attention to height, scale, massing and

form of development

HBE 14 - Gateways to the city

HBE19 – Design for safety and security including minimising crime

EP1 - Contaminated land

EP5 – Air pollution emissions and sensitive uses

EP6 – Air Quality Management Areas

EP10 – Noise between residential and other uses

EP16 – Water conservation and sustainable drainage system

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

EMP 15 – Kerrison Rd/ Hardy Rd

HOU4 – Affordable housing

HOU5 – Accessibility for wheelchair users

HOU6 – Contribution for community needs and facilities by housing developers

HOU12 – Allocation for housing

HOU18 – Conversion of properties to houses of multiple occupation and building flats

SR4 – Provision of open space to serve new development

SR7 – Provision of children’s equipped playspace to serve development

SR11 – Footpath and cycling network along river corridor

SR12 – Green links network, including provision by developers

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 – Provision for servicing

TRA9 – Car free housing

TRA11 – Contributions for transport improvements in the wider area

TRA12 – Travel Plans

TRA14 – Enhancement of the pedestrian environment and safe pedestrian routes

TRA15 – Cycle network and facilities

TRA16 – Public transport measures to increase efficiency and attractiveness

TRA18 - Major Road Network

TRA24 – Improving transport and environment in the city centre

CC14 – Land adjoining football club

Supplementary Planning Documents and Guidance

Open Space and Play Provision (Adopted June 2006)

Flood Risk and Development (Adopted June 2006)

Transport Contributions (January 2006)

Green Links and Riverside Walks (Adopted December 2006)

Principle of Development

Policy Considerations

99. The principle of this form of development at the site, along with a wider-scale regeneration of the surrounding area, has already been accepted through approval of the original Outline planning permission and ‘NCFC Masterplan’. The broad nature of the design and density as proposed has also already been found acceptable through the prior approval of the part-implemented Reserved Matters permission in 2003.

100. The increase in overall numbers and density of homes at the site (i.e. the 30no. apartments over and above those already permitted) is also considered acceptable and appropriate for this location, given the good access to public transport (train station, bus links and, in time, direct bus connections), leisure and retail (Riverside) and employment within the city centre (a 20 minute walk).

Other Material Considerations

101. Whilst the proposed scheme must be considered on its own merits, it is also important to recognise the existing permission at the site, which could be completed.

Housing Proposals

Affordable Housing

102. The scheme proposes to assign a block of 54 dwellings for Affordable Housing. This would be Block C, sited adjacent to existing apartments and, once the scheme is completed, this would effectively be at the centre of the development. It is a welcome design approach, and in terms of construction phasing will allow the affordable housing to at least be started, if not provided, first.

103. The existing Outline permission and its legal agreement requires 15% affordable housing provision. As there is no cap on the maximum number of dwellings allowed under that permission, and this is an application made pursuant to the content of the extant outline permission, it is not considered reasonable nor appropriate to impose a requirement for a higher proportion of affordable housing provision as part of this application. The 54 affordable housing dwellings proposed within the current application accounts for the 15% required from the previous scheme as well as 15% from the net increase in dwellings proposed here. This is considered appropriate provided that the affordable housing contingent is to be constructed first.

104. The previous Outline permission and subsequent existing Reserved Matters include a requirement within the associated Section 106 Agreement for the developer to have provided affordable housing as the next phase of construction should implementation of the existing permission be continued. If this were not to be possible a financial contribution would be required in lieu of the houses. The applicant of the proposed scheme recognises this obligation, and proposes to construct the affordable housing block as the first phase of this new development (albeit in tandem with some blocks of private housing). Obligations will be placed on the development as a part of the new or revised S106 Agreement to ensure the affordable housing will be available for occupation at the earliest feasible opportunity.

105. A phasing plan will need to be agreed as part of planning conditions to ensure Block C is commenced first, and the effects on occupants of later phased construction minimised. Further, obligations within the Section 106 Agreement will expect satisfactory arrangements to be made for the affordable housing to be available for occupation at the earliest possible opportunity whilst respecting the likely need for some private houses to be available for open-market sales also.

Housing Numbers and Density

106. Being a proposal made entirely of apartments, there is very little variety in housing types, comprising as it does 99 no. 2-bed flats and 75 no. 1-bed flats.

Further, there is a noted discrepancy in the balance of units provided for affordable housing, which is more loaded with smaller unit types. However, on balance, and when assessing the combined Riverside Heights developments, the density of development is considered appropriate and the mix of units a reflection of the permission already extant. The increase in unit numbers can be justified by the significant opportunities to access public transport and facilities and the fact that it creates only a very marginal transportation impact.

Impact on Living Conditions

Noise and Disturbance

107. Subject to satisfactory measures to minimise future resident's exposure to high background levels of noise at the site, a number of steps have been taken to reduce the development's effects on surrounding developments.

Overlooking, Loss of Privacy, Overshadowing, Relationship to adjoining sites

108. The scheme has considered the need to be compatible with the existing apartments to the west and takes care not to cause overshadowing of these blocks. Although the scheme includes some single-aspect apartments on side elevations, these are positioned sufficiently well to avoid directly affecting existing or future residents within facing apartment blocks.

109. In particular, consideration has been given to the potential to redevelop the land adjacent to this site, to the east, along the river, where previous outline permission schemes at this site included apartment blocks, for example. Whilst there may have been a very slight easterly advance towards the boundary through siting of the easterly blocks within these proposals, the overall effect is marginal. The proposed scheme now reduces the number of apartments facing this site compared to the current extant permission, and is now a lot lower in its building height than its predecessor design. Notwithstanding these changes, it will still be just as necessary for any neighbouring development to account for this proposal's design in the future.

Design

Layout

110. Using more blocks instead of the previously permitted scheme, the design proposes a staggered building line along the river's edge, with a more uniform setting to the road to the north. This is considered a high quality of design appropriate to the site.

111. The layout has caused some concern in that it seems to address the road more than the river, but this is not considered the case. Instead, the layout allows maximum vantage of the river setting, to the benefit of future residents and public recreation along the Riverside Walk. The set-back from the river has increased somewhat from the previous permission, and allows a bit more clearance to the river, preventing the river from becoming squeezed and its historic and cultural significance minimised.

Form

112. The site is next to the Bracondale Conservation Area and its impact should be considered carefully, particularly given the prominent River Wensum location. Taken with the different alignments of blocks, the balconies provide relief to the blocks and variety to elevations. Southern aspect solar gain has been optimised and natural surveillance of both the private areas and public realm has been improved all round the site, which is an improvement to the designs over the existing permission.
113. Using the inlet and creating a swale will maintain the historic character of the river and bring interest to the area and the riverside walk. It will be crucial that a satisfactory setting is provided to the scheme through landscaping and continued maintenance, which includes making the best use of roof-top garden areas. Ground floor facade treatments will also be particularly important in softening the development, and conditions are proposed to finalise these details. Screening to the car parks should be provided to improve the visual setting for residents in flats that overlook the car park areas. Conditions can be used to include these aspects in a landscaping scheme.

Height and Density

114. The proposed apartment blocks have no variation in height to the buildings which is considered regrettable as it may look overly uniform, although the heights are lower than that approved previously. In the context of wider site regeneration this may appear a bit more acceptable if the heights of buildings along the river were to lessen as distance from the city increases.
115. The reduced height also reduces the canyon effect and reduces the effects of noise reflecting off tall buildings. It opens up the private spaces within the amenity areas and gives them more light, improving living conditions for residents.

Landscape Strategy

116. The fairly massive scale of development and buildings will lead to the landscape being subservient to the overall picture. However, the scheme recognises the importance of the landscape setting and uses some positive and imaginative features to create successful features that both soften and enliven the development. Each block of apartments is afforded its own private 'courtyard' of physically-separated but visually-connected landscaped amenity space. These are integrated into a wider landscape strategy that brings recognisable identity to the site.
117. The public realm is a little marginalised, restricting access to the river to one or two routes (whereas perhaps greater permeability towards the river might have been allowed with a revised layout), but it does still accommodate the necessary Riverside Walk with interesting public features around the existing inlet and sculptural lawns along the riverbank setting, and potentially 'floating habitat' or planting boxes.
118. Away from the river, the landscaping strategy includes interesting gabion and facade features at the base of the apartment blocks surrounding and shielding the basement car parking. Whilst these could look overbearing and do present some security concerns at the existing blocks, it is an acceptable premise which can be finalised through conditions to establish a variety of materials and planting opportunities, such as within the car parks or green walls. This will be particularly

important given that the area between the blocks and the road is so narrow.

119. On balance, the landscape masterplan principles are considered positively and will likely prove even more successful once the remainder of the Riverside Walk is provided. Conditions will be used to establish the finer details, such as maintenance schedules, materials palette, planting specifications, facade and gabion designs.

Habitat, Green Links and river connection

120. There has been some concern that the existing inlet offer a bird nesting habitat that would possibly be lost through the development bringing more human and mechanical activity to the site and deterring bird nesting. It is acknowledged that the hard edges to the river will reduce nesting potential, and this would continue along the river's edge as other riverside developments occur. Hopefully some mitigation will be possible through landscaping designs which aim to enhance the wildlife and habitat connections along the river, such as by using floating habitat boxes to replace the potential loss of nesting sites from the inlet. The loss of potential nesting sites would be regrettable, and the developer would need to be mindful of the requirement to avoid disturbing nesting species during construction, but on balance it is considered more appropriate to ensure public access and connection to the river particularly if the landscape scheme includes a workable canoe launch pontoon.

Building for Life

121. A Building for Life assessment found the scheme to have reached 14 points, demonstrating a high standard of both character of the development and streetscape planning for design, parking and pedestrianisation.

Transport and Access

Transport Assessment

122. There is no objection to the increased number of units nor consequent slight uplift in parking spaces as the Transport Assessment has demonstrated that there is actually a much-reduced car ownership rate at the existing apartments than was first anticipated at outline permission stage. Hence, the overall traffic impact is likely to be much lower.

Vehicular Access and Servicing

123. The bins for the apartments are housed within the parking basements, and provide an acceptable amount and layout, being close enough for ease of collection from the highway. General servicing to the apartments will be possible by using service bays.

Car Parking

124. Parking is provided in basement areas beneath each apartment block. There is not as much as 1:1 car parking because the detailed transport assessment submitted with the application found the current car ownership and use to be much lower than previously anticipated. Hence, residents of the new apartments will not automatically be provided with a car parking space, and will instead be able to apply for a space. This reduced parking has allowed for an improved site layout, whilst the car free element of housing is encouraged given the highly accessible location, the

Car Club involvement and the smaller-sized housing units being less car-reliant.

Cycle Routes and Pedestrian Links

125. There is already reasonably good cycle and pedestrian access from the city centre to the site along the Riverside Walk, which will be extended further, to pass the site in due course (albeit as a requirement on other parties as part of earlier planning permissions). Cycle and walking routes from the north are less convenient but still offer adequate connections. The scheme will also contribute to improved recreation access for residents of the 'Harbour Triangle' area to the east.

Cycling Parking

126. The scheme provides for 1:1 cycle parking for each apartment, located in the car park areas, and some visitor spaces, which is consistent with policy standards

Travel Plan

127. A Travel Plan has been submitted and is largely acceptable. Its content includes a range of measures to reduce car dependency; of particular note is the intention to provide Car Club membership to its residents, as well as actually purchasing a car for the Car Club Scheme too. The requirement to comply with the Travel Plan and to confirm the site of its parking location within the overall Riverside Heights scheme will be included by planning condition, whilst the obligations for providing Car Club membership to new residents forms a part of the Travel Plan. Financial commitments for providing a Car Club car will be included in the S106 Agreement.

Environmental Issues

Site Contamination and Remediation

128. It is acknowledged that some site investigation work has already been undertaken in preparation of the residential blocks already built, but it is considered necessary to revisit these in light of the time that has elapsed between construction phases. As such conditions are suggested to ensure that revised site contamination investigations and a re-appraisal are undertaken prior to commencement, and remediation measures should be implemented if necessary, whilst any unidentified contamination shall be treated and a validation report should be submitted and verified on completion of the development. Conditions will also be used to agreed and provide a groundwater protection measures within surface landscaping designs.

Noise

129. The effects to neighbours from noise created by this scheme is not likely to cause direct problems, however, the impacts experienced from neighbouring uses on future residents should also be considered.

130. Outline planning approval has already been granted at the site for a development with residential units with balconies adjacent to the river. In addition there are residential developments adjacent to Carrow Bridge where traffic noise delivers higher ambient noise levels than those measured at this site. The noise experienced at the site could be fairly considerable as consistent background noise, but is not as significant as the King Street / Koblenz Road area can become as a result of traffic

noise.

131. An acoustic survey has been undertaken in order to understand the situation better, in accordance with national policy guidance PPG24. In circumstances such as this, where noise predominantly arises from industrial sources, assessment should revert to the relevant British Standard, which suggests that background noise heard at over 55dB within a dwelling could become a nuisance.
132. It is considered that the balance between protecting residential amenity against noise from normal industrial operations can best be achieved by allowing future residents to manage their own noise environment by ensuring noise mitigation measures are in place so that they can be used as and when required. Although the designs of the apartment blocks include balconies that would be more exposed to the effects of noise, it is considered reasonable to use conditions to minimise the effects of noise reaching residents, through agreeing the designs of acoustic balustrades and acoustic glazing to the south-facing apartments, and ensuring that adequate forced or passive ventilation is provided to the interior even if windows are kept closed. In addition, as there are higher-than-normal external noise levels which prevail almost constantly, it is felt that prospective residents of this development should be forewarned of both the need for retaining the noise mitigation measures, and also the consideration that industrial noise is taken to form part of the existing background noise level. As such an advisory note will be added to any permission.

Air Quality

133. The existing Riverside Road Air Quality Management Area and the potential declaration of King Street also as an Air Quality Management Area in the near area are sufficient to cause concern over the effects of air quality for future residents, particularly as these could be exacerbated by the busy road and aggregate works sited close by. As such conditions are suggested to require an air quality study to be approved prior to commencement, to ensure that its results can inform detailed supporting strategies such as landscaping or travel plans if it would help to reduce any air quality impacts at the site. Conditions are also proposed for ventilation systems to be installed at the car parking areas beneath the apartment blocks to ensure adequate fume discharge.

Flood Risk

134. The site includes some areas of Flood Zone 3a, the high probability flood zone, although the remainder of the area is Flood Zone 2, the medium probability flood zone. For the most part, designs have accommodated these constraints and should be able to provide a means to overcome flood emergency problems, such as evacuation procedures.
135. The proposed development involves the construction of a raised defence through using the Riverside Walk retaining and raising the hard surfaced areas to suitable heights that allow this phase of the construction to tie into the defences constructed under Phase 1 so ensure that the entire development is defended in the event of a flood. The defence will ensure that the site is protected from flooding through overtopping of the defences. The previous outline permission included an assessment of the effect of the defences on the offsite flood risk which concluded that there would be no increase in flood levels elsewhere as a result.
136. Paragraph E2 of PPS 25 requires the proposed development to be safe in the

event of a flood. The residential floor levels of the development will provide safe refuge in the event of an extreme 1 in 1000 year flood as required by PPS25. The Environment Agency had originally had concerns that the safety of the access route had not been determined. A topographical survey has been carried out along the access route, which shows that the majority of the access route would be dry in the 1 in 100 year flood event and those areas that aren't present only a very low hazard, if the defences breached. Consequently the Agency are satisfied that a safe route would be available from the development should it be required in the event of a breach flood event.

137. However, in instances where flooding is at a 1 in 1000 year flood event severity, the access route would be flooded by over a metre of flood water, and the basement car parking would be flooded too. There is no need to provide a safe access route during these events, so long as an evacuation plan is in place and considered acceptable to the Local Authority Emergency Planner. Accordingly the Flood Risk Assessment (FRA) proposes to manage this through using both the refuge available in the properties and a Flood Warning and Evacuation Plan that will be included in the Flood Management Plan for the site. These will be agreed through conditions in liaison with the Local Authority Emergency Planning Officer, to ensure the safety of the proposed development in an extreme 1 in 1000 year flood event. The Emergency Planning Officer has expressed concern that at present the FRA proposals do not acknowledge the county flood plan provisions that are already in place, nor follow the basic principle of evacuate and not rescue, but this can be remedied through conditions, which can also require the evacuation management plan to include links to the existing weather warning scheme, the use of which will give various levels of alerts to allow evacuation before flood events.

138. Surface water drainage will need to be resolved prior to construction of the development, as it is very unlikely that infiltration drainage will be able to be used since it is probable that there are high groundwater levels and impermeable material on the site. As such, though infiltration testing will be undertaken, it is proposed to provide on-site underground attenuation storage tanks within the landscaped swale areas. There will be some above ground surface water flooding during 1 in 100 year rainfall events but there is sufficient space on site to enable the water to be stored and prevent it from flooding buildings or flowing offsite. The location and volumes of water flooding from the surface water pipes will need to be determined once the pipe network has been designed, dependent on infiltration testing, and so details of the underground attenuation storage and means of disposal within a final surface water drainage scheme are recommended to be agreed by conditions.

Archaeology

139. Given the particular archaeological interest at the site, conditions are suggested to ensure archaeological investigation and evaluation is undertaken to identify the presence and means of preservation of underlying archaeological deposits. If necessary the significance of the assets may need to be preserved through specially arranged foundation designs.

Energy Efficiency and Renewable Energy

140. An energy efficiency study has been submitted with the application and finds the scheme to offer high energy efficiency, in large part due to innovative construction techniques. Conditions will be imposed to allow final details of on-site renewable

energy to be agreed and implemented.

Light and Odour

141. Light may be visible and odour detectable from the factory area opposite, but are considered unlikely to cause detriment to future residential amenity. Future provision of external lighting will need to be agreed first through conditions.

Planning Obligations

Transport Improvements

142. Provisions have been made in earlier permissions for transport contributions, but the obligations as proposed will include car club membership as part of the finalised Travel Plan, and a Car Club parking space at the site, as well as providing a vehicle for (or financial contribution to allow a vehicle to be added to-) the Car Club fleet, which will bring notable benefits to future residents. If the S106 Agreement is unable to secure the Car Club benefits, financial contributions will be required in lieu.

Open Space and Play Equipment

143. These are not required as sufficient on-site provision was made at the site in the form of the community football facility at Kerrison Road, which provides for over and above even the uplift of 30 units currently proposed.

Library and Education Contributions

144. The County Council did not consider the outline development necessary to make contributions to education facilities although library contributions are required in the existing agreement that should be revised to reflect the new dwelling numbers. The County Council has confirmed it does not wish to impose new requirements on a Reserved Matters application when existing legal agreements are in place to cover the impact of the development.

Affordable housing

145. Affordable housing details will include agreement on tenure and release of housing for occupation in co-ordination with availability of open-market housing.

Conclusions

146. The development is proposed in a suitable sustainable and highly accessible location for such a high density scheme, further enhanced through proposed measures within the Travel Plan and proposed S106 Agreement. The proposals provide a high quality design that is appropriate to the position in the city and the prominent location on the river, without causing detrimental impact to the setting of the nearby Conservation Area. With suitable facilities in the area and improved accessibility and recreation around the river location, the scheme will include a high standard of amenity for future occupants, and conditions can be used to provide adequate mitigation of noise and other environmental effects. Subject to the satisfactory completion of conditions, and fulfilment of the planning obligations, the proposal is considered suitable to be approved.

RECOMMENDATION

(1) To approve application 10/01107/RM at Norwich City Football Club, Carrow Road, Norwich, NR1 1JE, and **GRANT PLANNING PERMISSION** subject to the satisfactory completion of a Section 106 Agreement by 14th December 2010, to include affordable housing provision, sustainable transport measures and library contributions as appropriate, and subject to the following conditions:

1. Standard time limit;
2. Development to be in accordance with the approved plans;

Prior to commencement

3. Phasing plan to be agreed, to include construction of Block C / 54-unit Affordable Housing block first, and its subsequent completion being closely linked to provision of selected private / open-market dwelling blocks.
4. Site contamination investigations and re-appraisal and report submission, and (b) remediation measures should be implemented as recommended, (c) any unidentified contamination shall be treated accordingly, (d) a validation report should be submitted and verified on completion of the development.
5. Air quality study to be provided and approved.
6. Details of how car park areas below residential blocks will be fitted with ventilation units to ensure dispersal of fumes, unless demonstrated that adequate natural ventilation will be provided.
7. Landscape strategy to be finalised and approved, and to include details of: all surface treatments and hard and soft landscape materials; inlet design, access, swale, and pontoon facilities; moorings; roof-top garden/amenity areas; screening to the car parks; sculptural lawns along the riverbank; floating habitat or planting boxes; Riverside Walk; maintenance schedules; materials palette; planting specifications; facade treatments; apartment amenity space planting and boundary treatments; and gabion designs.
8. Archaeology – site investigation and full evaluation, mitigation and recording.
9. Car Club parking bay site location to be arranged and agreed.
10. Details of secure and covered cycle stores for residents and visitor cycle stores to be agreed.
11. Design and details of acoustic glazing to units facing the factory to be agreed.
12. Design and details of acoustic balustrades to units facing the factory to be agreed sufficient to reduce noise to acceptable levels if sitting on balconies.
13. Details of providing adequate ventilation to the units facing Carrow Works to be agreed, sufficient to allow windows and doors to be closed to reduce exposure to noise whilst still allowing adequate ventilation to the interior.
14. Details and samples of facing material, colour and appearance to be agreed.
15. Development to incorporate the energy efficiency measures set out in the energy efficiency study.
16. Methods of on-site renewable energy shall be designed and agreed.
17. Treatment of the area between blocks 5 and 6.
18. Landscaping and surface water flooding dispersal, attenuation and infiltration strategy to be agreed and development implemented according to the details.
19. Details of groundwater protection scheme to be agreed for surface treatments, to include oil interceptors for example.
20. Details of any external lighting to be agreed prior to installation.
21. The development shall have a finished floor level of at least 5.80m AOD.
22. Details of flood proofing measures and their provision and implementation, shall be agreed, and such measures shall be provided prior to occupation.

23. A basement car park flood risk management scheme shall be agreed for situations where 1 in 1000 year flood events may occur.
24. Details of a safe exit route shall be agreed, which shall ensure it avoids adversely affecting the flood regime, and which shall land outside the 1 in 100 year floodplain. The route must be provided prior to first occupation.
25. A scheme to provide a raised flood defence measures shall be submitted and agreed, and the defences provided prior to first occupation.
26. A scheme for surface water drainage and its implementation and future management and maintenance shall be agreed. The scheme shall be installed prior to first occupation.
- 27. Prior to first occupation**
28. Car Club parking bay to be provided, marked out and available for use.
29. Travel Plan to be implemented and carried forward, including provision of the Car Club car.
30. The acoustic glazing, acoustic balustrades and means of ventilation agreed by conditions 11, 12, 13 to be installed and made available for use.
31. Refuse stores to be provided and available for use.
32. Cycle stores to be provided, marked out and available for use.
33. Car parking areas to be provided, marked out made available for use.
34. Flood Warning and Evacuation Plan to be agreed and implemented, which shall detail safety of the inhabitants and the basement car parks up to a 1 in 1000-year flood event, and which shall include means to include use of the pre-evacuation early weather warning scheme.

Informative advisory notes:

- 1 – Noise mitigation measures.
- 2 – Need for separate Flood Defence Consent.
- 3 – Construction practices recommendations.

Reasons for Recommendation:

The recommendation is made having regard to national and development plan policy and all material considerations. The development is proposed in a suitable sustainable and highly accessible location for such a high density scheme, further enhanced through proposed measures within the Travel Plan. The proposals provide a high quality design that is appropriate to the position in the city and the prominent location on the river, without causing detrimental impact to the setting of the nearby Conservation Area. With suitable facilities in the area and improved accessibility and recreation around the river location, the scheme will include a high standard of amenity for future occupants, and conditions can be used to provide adequate mitigation of noise and other environmental effects. Subject to the satisfactory completion of conditions, and fulfilment of the planning obligations, the proposal is considered suitable to be approved. As such the development is considered to comply with PPS1, PPS3, PPS4, PPS5, PPG13, PPS23, PPG24 and PPS25 and saved policy T2 of the Norfolk Structure Plan (Adopted 1999), and saved policies NE4, NE9, HBE7, HBE8, HBE12, HBE 14, HBE19, EP1, EP5, EP6, EP10, EP16, EP17, EP18, EP22, EMP15, HOU4, HOU5, HOU6, HOU12, HOU18, SR4, SR7, SR11, SR12, TRA3, TRA5, TRA6, TRA7, TRA8, TRA9, TRA11, TRA12, TRA14, TRA15, TRA16, TRA18, TRA24, and CC14 of the adopted City of Norwich Replacement Local Plan (November 2004).

(2) In the event that completion of a satisfactory Section 106 Agreement is not achieved by 24th December 2010, to include affordable housing provision,

sustainable transport measures and library contributions as appropriate, to delegate authority to the Head of Planning Services to refuse application 10/01107/RM at Norwich City Football Club, Carrow Road, Norwich, NR1 1JE, for the following reason:

In the absence of a legal agreement or undertaking relating to the provision of affordable housing, sustainable transport measures and library contributions the proposal is contrary to saved policies HOU4, TRA11 and HOU6 of the adopted City of Norwich Replacement Local Plan (November 2004).

(B) MINUTES of meeting (extract):

APPLICATION NO 10/01107/RM NORWICH CITY FOOTBALL CLUB, CARROW ROAD, NORWICH, NR1 1JE

(Councillor Blower declared a personal interest in this item because he was a Norwich City football club share holder. He did not take part in the decision making process.)

The senior planner (development) presented the report with the aid of slides and plans and referred to the concerns from Britvic and Unilever that complaints raised from residents of the new flats could lead to restrictions at their factory. However, they had since withdrawn their objections following assurance of sound proofing and suitable ventilation. Officers advised members that another objection had been received concerning the proximity of the building footprint to the undeveloped land to the east which could reduce its future development potential, although officers consider this to be only a marginal difference and something which development on the adjoining site should take into account. Also concerns were raised to the re-design of the inlet into the river which could lead to the loss of wildlife habitat. The applicant addressed the committee and said in reply to member's concerns that the affordable housing would start at the same time as the other housing and considered that to be an improvement over previous schemes. He considered wildlife had been taken into account through the landscape design. Discussion ensued around design quality and construction techniques, cycling provision, affordable housing provision, landscaping, the riverside walk, wildlife habitat, renewable energy and energy efficiency, flood risk, play facilities and car parking and traffic generation.

Councillor Read moved and Councillor Collishaw seconded the application be refused for the reasons of flood risk, excessive traffic, lack of affordable housing and visual character.

RESOLVED, with 2 members voting in favour of refusal (Councillor Collishaw and Read) and 6 members voting against (Councillor Bradford, Little, Banham, J Wright and Driver) and 3 members abstaining (Councillors Lay, Offord and Gee).

The chair then proposed that the vote be taken on the recommendations of the report.

RESOLVED, with 6 members voting in favour and 2 members voting against (Councillor Collishaw and Read) and 3 members abstaining (Councillors Lay, Offord and Gee) to approve application no 10/01107/RM Norwich City Football Club, Carrow Road, Norwich, NR1 1JE -

(1) to approve application 10/01107/RM at Norwich City Football Club, Carrow Road, Norwich, NR1 1JE, and GRANT PLANNING PERMISSION subject to the satisfactory completion of a Section 106 Agreement by 14th December 2010, to include affordable housing provision, sustainable transport measures and library contributions as appropriate, and subject to the following conditions:

- (a) standard time limit;
- (b) development to be in accordance with the approved plans;

Prior to commencement

- (c) phasing plan to be agreed, to include construction of Block C / 54-unit Affordable Housing block first, and its subsequent completion being closely linked to provision of selected private / open-market dwelling blocks;
- (d) (a) site contamination investigations and re-appraisal and report submission, and (b) remediation measures should be implemented as recommended, (c) any unidentified contamination shall be treated accordingly, (d) a validation report should be submitted and verified on completion of the development;
- (e) air quality study to be provided and approved.
- (f) details of how car park areas below residential blocks will be fitted with ventilation units to ensure dispersal of fumes, unless demonstrated that adequate natural ventilation will be provided;
- (g) landscape strategy to be finalised and approved, and to include details of: all surface treatments and hard and soft landscape materials; inlet design, access, swale, and pontoon facilities; moorings; roof-top garden/amenity areas; screening to the car parks; sculptural lawns along the riverbank; floating habitat or planting boxes; Riverside Walk; maintenance schedules; materials palette; planting specifications; facade treatments; apartment amenity space planting and boundary treatments; and gabion designs;
- (h) archaeology – site investigation and full evaluation, mitigation and recording;
- (i) car club parking bay site location to be arranged and agreed;
- (j) details of secure and covered cycle stores for residents and visitor cycle stores to be agreed;
- (k) design and details of acoustic glazing to units facing the factory to be agreed;
- (l) design and details of acoustic balustrades to units facing the factory to be agreed sufficient to reduce noise to acceptable levels if sitting on balconies;
- (m) details of providing adequate ventilation to the units facing Carrow Works to be agreed, sufficient to allow windows and doors to be closed to reduce exposure to noise whilst still allowing adequate ventilation to the interior;
- (n) details and samples of facing material, colour and appearance to be agreed;
- (o) development to incorporate the energy efficiency measures set out in the energy efficiency study;
- (p) methods of on-site renewable energy shall be designed and agreed;
- (q) treatment of the area between blocks 5 and 6;
- (r) landscaping and surface water flooding dispersal, attenuation and infiltration strategy to be agreed and development implemented according to the details;
- (s) details of groundwater protection scheme to be agreed for surface treatments, to include oil interceptors for example;
- (t) details of any external lighting to be agreed prior to installation;
- (u) the development shall have a finished floor level of at least 5.80m AOD;
- (v) details of flood proofing measures and their provision and implementation, shall be agreed, and such measures shall be provided prior to occupation;

- (w) a basement car park flood risk management scheme shall be agreed for situations where 1 in 1000 year flood events may occur;
- (x) details of a safe exit route shall be agreed, which shall ensure it avoids adversely affecting the flood regime, and which shall land outside the 1 in 100 year floodplain. The route must be provided prior to first occupation;
- (y) a scheme to provide a raised flood defence measures shall be submitted and agreed, and the defences provided prior to first occupation;
- (z) scheme for surface water drainage and its implementation and future management and maintenance shall be agreed. The scheme shall be installed prior to first occupation;

Prior to first occupation

- (aa) car club parking bay to be provided, marked out and available for use;
- (bb) travel Plan to be implemented and carried forward, including provision of the car club car;
- (cc) the acoustic glazing, acoustic balustrades and means of ventilation agreed by conditions 11, 12, 13 to be installed and made available for use;
- (dd) refuse stores to be provided and available for use;
- (ee) cycle stores to be provided, marked out and available for use;
- (ff) car parking areas to be provided, marked out made available for use;
- (gg) flood Warning a and Evacuation Plan to be agreed and implemented, which shall detail safety of the inhabitants and the basement car parks up to a 1 in 1000-year flood event, and which shall include means to include use of the pre-evacuation early weather warning scheme.

Informative advisory notes:

- 1 – Noise mitigation measures.
- 2 – Need for separate Flood Defence Consent
- 3 – Construction practices recommendations

Appendix 2:

Former Committee update report (A) and minutes (B): 21st December 2010.

(A) UPDATE REPORT: Planning Applications Committee: 21st December 2010

URGENT ITEM

Riverside Heights, Norwich City Football Club, Carrow Road.

Case Officer contact details:

Rob Parkinson, Senior Planning Officer (Development) (01603 212765)

Proposal:

Variation to the resolution of the Planning Applications Committee made on 14th October 2010 to grant planning permission for application 10/01107/RM at Riverside Heights, Carrow Road, to allow an extension to the period of time allowed for completion of the associated S106 Agreement.

1. The above application ref 10/01107/RM was described as “Reserved Matters for the access, appearance, landscaping, layout and scale of the revised design of the second phase of the residential development (174 residential units) for outline planning permission (App. No. 4/2002/1281/O) 'Replacement of South Stand (8000 seats), new corner stand (1500 seats), hotel, decked car park and residential development with associated highway works”.
2. Members may recall that the planning application was considered by Committee on 14th October 2010 and the Committee resolved to grant planning permission for the scheme subject to the completion of a satisfactory S106 Agreement for affordable housing, transportation and appropriate library contributions.
3. However, the application was also determined with a dual resolution, whereby in the event of the Section 106 Agreement not being completed by 24th December 2010, Members resolved to delegate authority to the Head of Planning Services to refuse the application for the following reason:

“In the absence of a legal agreement or undertaking relating to the provision of affordable housing, sustainable transport measures and library contributions the proposal is contrary to saved policies HOU4, TRA11 and HOU6 of the adopted City of Norwich Replacement Local Plan (November 2004).”
4. Whilst some progress has been made in preparing the agreement, arranging the final details is proving a lengthy process, and it is considered appropriate to ask Members to revise their resolution and allow completion of the Section 106 Agreement by 31st March 2011.

Recommendation

Members are asked to agree a deed of variation to the resolution of the Planning Applications Committee, to allow an extension of time for completion of the S106

Agreement for application 10/01107/RM, at Riverside Height, Carrow Road, and resolve to:

(1) to approve application 10/01107/RM at Norwich City Football Club, Carrow Road, Norwich, NR1 1JE, and GRANT PLANNING PERMISSION subject to the satisfactory completion of a Section 106 Agreement by 31st March 2011, to include affordable housing provision, sustainable transport measures and library contributions as appropriate, and subject to the conditions and advisory notes, and for the same reasons, as listed in the original resolution [14th October 2010].

(2) In the event that completion of a satisfactory Section 106 Agreement is not achieved by 31st March 2011, to include affordable housing provision, sustainable transport measures and library contributions as appropriate, to delegate authority to the Head of Planning Services to refuse application 10/01107/RM at Norwich City Football Club, Carrow Road, Norwich, NR1 1JE, for the following reason:

In the absence of a legal agreement or undertaking relating to the provision of affordable housing, sustainable transport measures and library contributions the proposal is contrary to saved policies HOU4, TRA11 and HOU6 of the adopted City of Norwich Replacement Local Plan (November 2004).

Ends.

Graham Nelson
Head of Planning Services
21st December, 2010

(B) MINUTES of meeting (extract):

1. RIVERSIDE HEIGHTS, NORWICH CITY FOOTBALL CLUB, CARROW ROAD

(Councillor Blower had declared an interest in this item.)
(The Chair agreed to take this as an urgent item.)

The solicitor explained that the report was requesting a variation to a resolution of the committee at its meeting on 14 October 2010 to grant planning permission for Application No 10/01107/RM at Riverside Heights, Carrow Road and to allow an extension to the period of time allowed for completion of the associated S106 Agreement. He pointed out that the report, which was circulated at the meeting, had not been publicised on the website. The head of planning services had been delegated authority to refuse the application if it was not determined by 24 December 2010 and could choose not to exercise this and report back to the next committee for an extension or members could approve the recommendations contained in the report.

RESOLVED to:-

(1) approve application 10/01107/RM at Norwich City Football Club, Carrow Road, Norwich, NR1 1JE, and GRANT PLANNING PERMISSION subject to the satisfactory completion of a Section 106 Agreement by 31st March 2011, to include affordable housing provision, sustainable transport measures and

library contributions as appropriate, and subject to the conditions and advisory notes, and for the same reasons, as listed in the original resolution [14th October 2010].

- (2) In the event that completion of a satisfactory Section 106 Agreement is not achieved by 31 March 2011, to include affordable housing provision, sustainable transport measures and library contributions as appropriate, to delegate authority to the Head of Planning Services to refuse application 10/01107/RM at Norwich City Football Club, Carrow Road, Norwich, NR1 1JE, for the following reason:

In the absence of a legal agreement or undertaking relating to the provision of affordable housing, sustainable transport measures and library contributions the proposal is contrary to saved policies HOU4, TRA11 and HOU6 of the adopted City of Norwich Replacement Local Plan (November 2004).

Appendix 3:

Current progress of construction of Block 5 (foreground/north) and 6 (rear).



View from north-east corner on gravel car park outside site.



View from car park showing context of existing Block B.

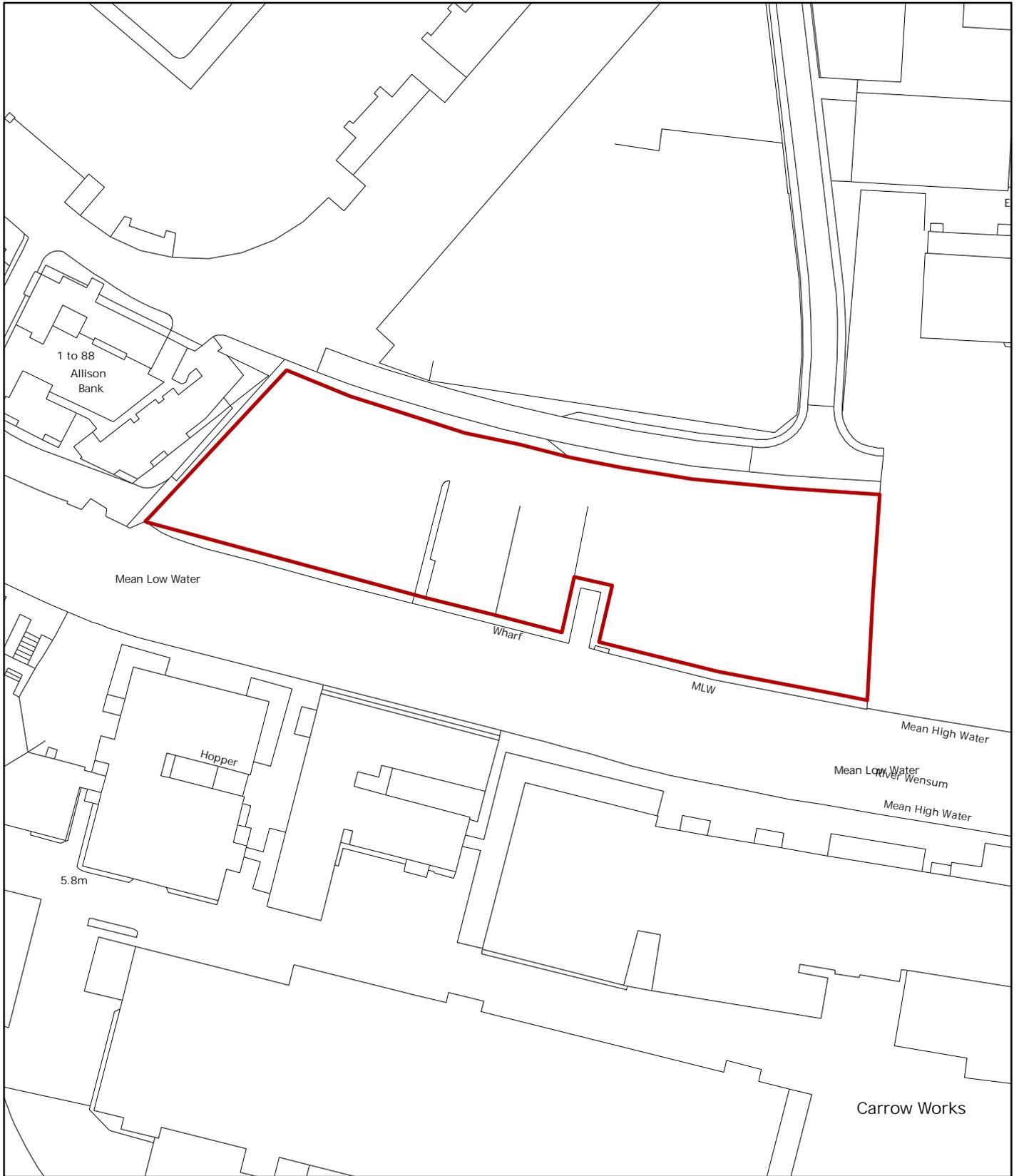


View from north (Kerrison Rd) with Carrow Works in background (above) and from west (Carrow Rd) with context of Blocks A & B and football stadium.





View from west showing development to have reached 4th storey of living accommodation above ground floor parking.



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Planning Application No 10/01107/RM
Site Address Land being developed as Riverside Heights
Scale 1:1,250



NORWICH
City Council

PLANNING SERVICES





- APPROVED BUILDING LOCATIONS
- PROPOSED REVISED BUILDING LOCATIONS

| | | | |
|---|---|--------------------------------|---|
| Project Title Norwich for Taylor Wimpey East Anglia | Design Firm Type3 studio 38a Southampton Road London NW5 4JR www.type3studio.com | Designed By T3S | Date 00/00/00 |
| Scale Sheet Scale | Drawn By T3S | Checked By T3S | Revision Revision |
| Drawing No. 1004/AA/00/0530 | Consultant MLM Engineering Ipswich | Reviewed By T3S | Project ID NR1 - RIVERSIDE HEIGHTS |
| 1 of 1 | Submitted By T3S | Project Manager TWEA | Drawing Code 1004_SettingOut |
| | | | No. 1 |
| | | | Date 3/10/11 |
| | | | Issue Notes TAMDOWN CONSTRUCTION ISSUE |
| | | | No. 1 |
| | | | Date 3/10/11 |
| | | | Revision Notes |
| | | | Zone |
| | | | Apr |



NR1 BLOCKS 5 & 6

NR1 BLOCK 4

NR1 BLOCK 3

NR1 BLOCK 2

NR1 BLOCK 1

7
6
5
4
3
2
1

7
6
5
4
3
2
1

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|---|--|---|--|-------------------------|--|--|--|--|--|----------|--|-----------------|--|--|--|----------------|--|------|--|-----|--|
| Project Title Norwich for Taylor Wimpey East Anglia | | Design Firm Type3 studio 38a Southampton Road London NW5 4JR www.type3studio.com | | Drawn By TSS | | Date 00/00/00 | | Revision Revision | | No. 1 | | Date 20/3/12 | | Issue Notes PLANNING ISSUE MARCH 2012 | | Revision Notes | | Zone | | Apr | |
| Drawing Title East Elevations | | Consultant MLM Engineering Ipswich | | Checked By TSS | | Project ID NR1 - RIVERSIDE HEIGHTS | | Drawing Code 1004_GroundFloorSiteLayout | | No. 1 | | Date 20/3/12 | | Issue Notes PLANNING ISSUE MARCH 2012 | | Revision Notes | | Zone | | Apr | |
| Scale 1:250@A1 / 1:500@A3 | | Drawing No. 1004/AA00/0701 | | Project Manager TWEA | | Project Name 1004_GroundFloorSiteLayout | | Drawing Code 1004_GroundFloorSiteLayout | | No. 1 | | Date 20/3/12 | | Issue Notes PLANNING ISSUE MARCH 2012 | | Revision Notes | | Zone | | Apr | |



EXISTING BLOCK B

NR1 BLOCK 1

NR1 BLOCK 2

NR1 BLOCK 3

NR1 BLOCK 4

NR1 BLOCKS 5 & 6

PROPOSED
BROADLAND
HOUSING
DEVELOPMENT

RIVER ELEVATION



NR1 BLOCKS 5 & 6

NR1 BLOCK 4

NR1 BLOCK 3

NR1 BLOCK 2

NR1 BLOCK 1

EXISTING BLOCK B

PROPOSED
BROADLAND
HOUSING
DEVELOPMENT

STREET ELEVATION

| | | | | | | | |
|---------------|----------|---|----------|--------------|---------------------------|----------------------------|---------------------------|
| Project Title | | Norwich for Taylor Wimpey East Anglia | | Design Title | | Long Elevations | |
| Design Firm | | Type3 studio 38a Southampton Road London NW5 4JR www.type3studio.com | | Consultant | | MLM Engineering Ipswich | |
| Designed By | TSS | Drawn By | TSS | Checked By | TSS | Reviewed By | TSS |
| Date | 00/00/00 | Revision | Revision | Project ID | NR1 - RIVERSIDE HEIGHTS | Drawing Code | 004_GroundFloorSiteLayout |
| Submitted By | TSS | Project Manager | TWEA | Scale | 1:250@A1 / 1:500@A3 | Issue No. | 1 |
| Issue No. | 1 | Date | 20/3/12 | Issue Notes | PLANNING ISSUE MARCH 2012 | | |
| No. | 1 | Date | | No. | | Date | |
| Zone | | Revision Notes | | Zone | | Apr | |