

Planning Applications Committee

12 March 2009

Agenda Number:	B4
Section/Area:	OUTER
Ward:	CATTON GROVE
Officer:	Lee Cook
Valid Date:	1 November 2007
Application Number:	07/01228/F
Site Address :	2 Hurricane Way, Norwich. NR6 6EW
Proposal:	Erection of 6 no. industrial warehouse units (Class B1/B8) together with associated parking and landscaping areas.
Applicant:	East Anglian Property Ltd
Agent:	Chaplin Farrant Limited

Background

Members will recall that this application was taken to Committee on 17 April 2008 when it was resolved to approve the development subject to the imposition of a number of planning conditions and the successful completion of a Section 106 Agreement. A copy of the original report is attached to this report as an appendix.

Since this previous Planning Applications Committee, negotiations have been undertaken with the applicant to secure this contribution. The applicant has requested that a payment be made upon commencement of the development controlled by way of an appropriately worded condition. However, it is inappropriate to request such contributions by way of a condition as reinforced by High Court judgments as this fails to adhere to guidance in Government Policy Circular 05/05 which advises that contributions should not be sought by way of a condition as this would not be precise and could be unenforceable.

The applicant's main concern related to the overall legal cost of providing a S.106 as the Council's solicitor, as is common, was unable to provide an exact quote of the fees expected to be covered by the applicant. Whilst capped fees were offered to the applicant for the Council's solicitor to undertake the S.106, this was not agreed. In addition, the Planning Officer also suggested to the applicant an alternative method of payment by way of a Unilateral Undertaking, which would have reduced the applicant's expenditure. Whilst a draft Unilateral Undertaking was issued to the applicant

to assist in the matter, no response was provided. As the contribution is considered a significant aspect of the proposal as it would assist in addressing the increased peak time traffic movements, it is recommended that the application be refused. It is now understood that the applicant is currently reassessing the site and considering submitting an amended proposal.

Despite best endeavours, unfortunately to date the Legal Agreement remains outstanding and as there is a commitment to clearing the backlog of older applications before April, it is necessary to bring the planning application back to committee seeking a resolution for delegated powers to refuse planning permission should the Agreement remain unsigned up till 27th March 2009.

Recommendation

If a section 106 agreement or satisfactorily worded undertaking is not completed prior to 27 March 2009 that delegated authority be given to the Head of Planning and Regeneration Services to refuse planning permission for the following reason:

1. In the absence of a legal agreement or satisfactory undertaking relating to the provision of transportation contributions to offset the increase in peak time traffic movements and to provide sustainable transport improvements the proposal is contrary to saved policy TRA11 of the City of Norwich Replacement Local Plan Adopted version 2004.

References

Planning Applications Committee Report and Minutes 17 April 2008.

APPENDED REPORT

Planning Applications Committee

Section C

17 April 2008

Agenda Number:	C1
Section/Area:	OUTER
Ward:	CATGRO
Officer:	Lee Cook
Valid Date:	1 November 2007
Application Number:	07/01228/F
Site Address :	2 Hurricane Way, Norwich, NR6 6EW
Proposal:	Erection of 6 no. Industrial warehouse Units (Class B1/B8) together with associated parking and landscaping areas.
Applicant:	East Anglian Property Ltd
Agent:	Chaplin Farrant Limited

THE SITE

The application site forms part of the main entrance to the airport industrial estate along Hurricane Way. The current building on site is the Former Old Guardhouse building which is now vacant. The front of the site facing Fifers Lane has recently been enclosed and used on a temporary basis for storage. The site is within an established employment area and surrounded by other commercial land and buildings. To the east is a woodland strip which separates the new housing off Fifers Lane from the industrial area.

PLANNING HISTORY

The site forms part of long standing commercial land to the east of Hurricane Way and is allocated within the Adopted Local Plan as part of the Prime Employment Area. The site has historically been used as premises for the RAF social club.

THE PROPOSAL

The erection of 6 no. industrial warehouse Units together with associated parking. Following discussion the units have also been moved away from the south and east boundaries to allow for enhanced landscaping to the Fifers Lane frontage and the protection of trees on the adjoining site.

APPENDED REPORT

CONSULTATIONS

Advertised on site and in the press: No comments received.

PLANNING CONSIDERATIONS

Relevant Replacement Local Plan Policies:

EMP1	small scale business development
EMP5	general employment area
TRA6	maximum parking standards
TRA7	cycle storage
TRA8	servicing standards
TRA10	contribution by developers for off-site works to access the site
TRA11	contributions for transport improvements in wider area
TRA12	requirement for travel plans
HBE12	quality of design
NE2	woodland protection
NE3	tree protection
NE9	landscaping of new development

The proposal is for redevelopment to provide six high-specification industrial units totalling 1885 sq.m, intended as the initial phase of a larger scheme involving redevelopment of the former married quarters site further along Hurricane Way (the larger of the two sites which are allocated for employment development under Local Plan policy EMP12). The principle of redevelopment is acceptable and is in general accordance with Policy EMP1 supporting new development for small businesses and Policy EMP4 promoting development for uses within classes B1, B2 and B8 within Prime Employment Areas.

The Airport Industrial Estate is characterised in part by rather dated and poor quality buildings and is in need of major upgrading. The areas Local Plan designation as a Prime Employment Area recognises its location adjoining the major transport hub of the Airport and the potential for new high quality business development and new job opportunities supporting the growth agenda, including airport-related uses.

The layout of the proposed development has been negotiated to ensure the provision of a planting buffer fronting Fifers Lane and buildings located to ensure protection of protected trees and woodland. The site is reasonably visible in the immediate area and the existing building on site lacks merit. The appearance of the new buildings, although still industrial in nature, is designed to enhance the entrance into the estate. Overall the proposed units would be in keeping with design and character of area as well as introducing a strong landmark feature building leading into the estate. The landscape buffer will also maintain the green edge along Fifers Lane which has developed over recent years.

The proposal will significantly enhance the main “gateway” into the estate and as well as providing new high-quality employment development will make a significant improvement to the environmental quality and general appearance of the area. In terms of other visual amenity issues further detail would be required on materials, landscaping and new lighting. Controls are also suggested on external storage to ensure that this does not become an issue for the operation of the area.

APPENDED REPORT

Turning and parking provision are an issue with such uses, however, following discussion with the agent a scheme has been provided to show that adequate operational facilities can be achieved within the site and parking has been provided at levels generally consistent with the proposed use. The main access is sited away from the light controlled junction of Hurricane Way and Fifers lane and given that there is no significant change in the types of vehicles using the site the development would not have any major impact on the adjacent highway or operation of estate.

Planning Obligations

As the proposal provides additional peak time traffic movements, over and above the existing use of the land, a contribution towards transportation improvements, in the form of a commuted payment, would be required under Policy TRA11. On the basis of the information provided a contribution of £20,359.33 would currently be sought.

CONCLUSION

The proposed development will be located within a designated Employment Area and in terms of the design of buildings and location of the use is considered acceptable. Landscaping improvements are included in the scheme together with the enhancement of the entrance to the estate. The longstanding under developed employment site will be brought into beneficial use and the site will be able to operate without significant impact on highway safety or an adverse affect on amenities of either adjacent occupiers or within the wider area.

RECOMMENDATION

SUBJECT TO: -

- a) The completion of a legal agreement relating to a contribution towards the City-wide transport infrastructure improvement programme:

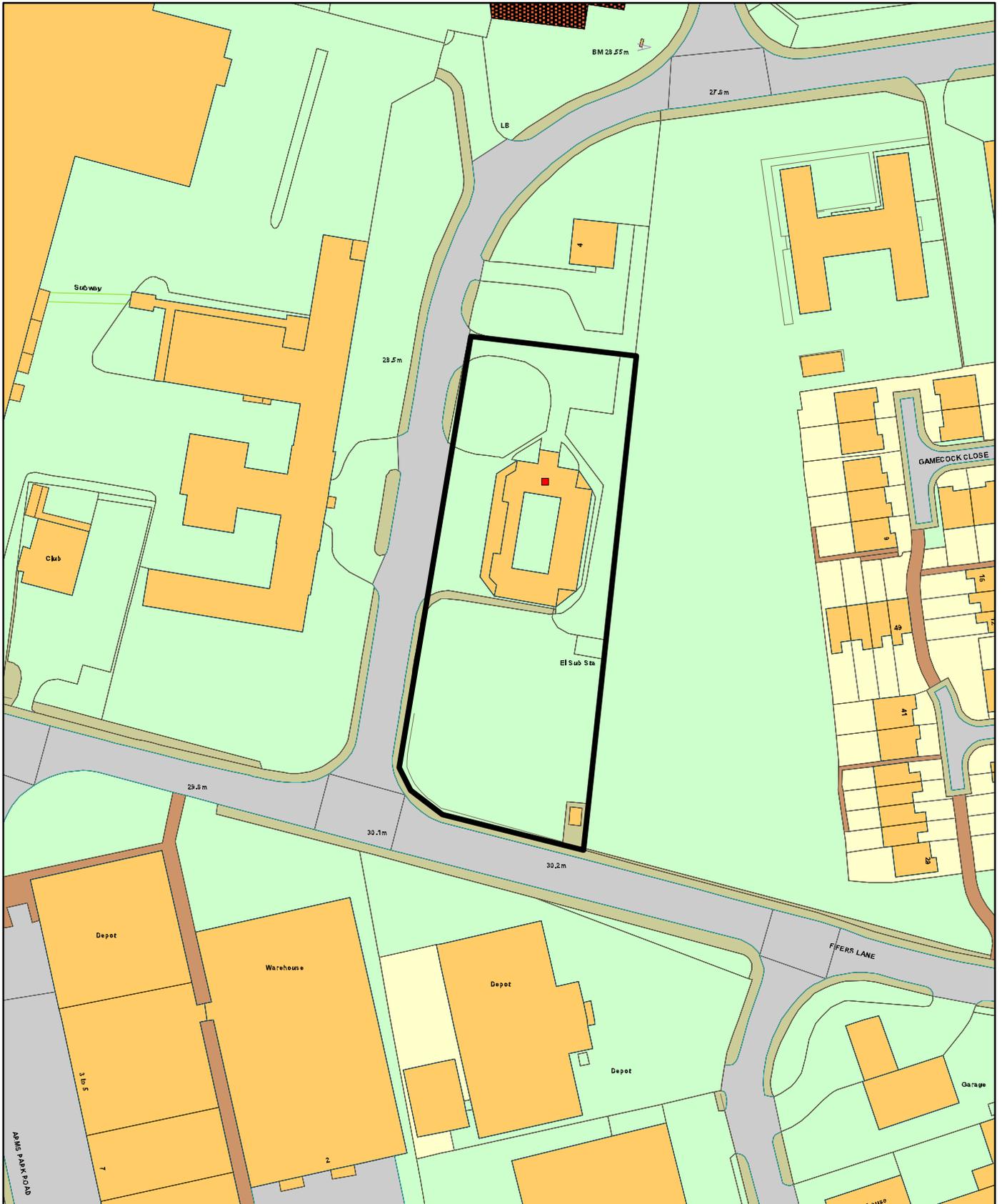
GRANT PLANNING PERMISSION subject to the following conditions:

- (1) Development must be begun within 3 years
- (2) Further details of: - a) boundary walls and fences; b) lighting; c) facing materials d) bin stores; e) cycle stores.
- (3) Laying out of car parking, cycle parking and service areas
- (4) Implementation of travel plan.
- (5) Details of protection of existing trees and woodland during construction.
- (6) Maintenance of tree protection.
- (7) Details of landscaping
- (8) Maintenance of landscaping
- (9) Details of plant and machinery
- (10) Details fume and flue
- (11) Details of investigation of site contamination and a scheme for risks associated with contamination.
- (12) No external storage.

APPENDED REPORT

REASONS FOR APPROVAL

The decision to grant planning permission has been taken having regard to policies EMP1, EMP5, TRA6, TRA7, TRA8, TRA10, TRA11, TRA12, HBE12, NE2, NE3 and NE9 of the City of Norwich Replacement Local Plan (November 2004) and to all other material planning considerations. The proposed development would comply with the Local Plan designation. There is adequate servicing area within the site for the proposed use in accordance with Policy and subject to a planning obligation, the proposal will make an appropriate contribution towards sustainable transport improvements in this area. Subject to the additional requirements of the conditions the proposal should safeguard highway safety and amenity in the area.



© Crown copyright. All rights reserved. Licence No. 100019747 2004

Planning Application No - 07/01228/F
 Site Address - 2 Hurricane Way
 Scale - 1:1250



NORWICH
 City Council

DIRECTORATE OF REGENERATION
 AND DEVELOPMENT

