**Report to** Planning applications committee

8 December 2016

**Report of** Head of planning services

Subject Application nos 13/02087/VC and 13/02088/VC - Norwich

City Football Club Carrow Road, Norwich, NR1 1JE

Reason Planning Obligation requirements – alterations to original

for referral terms and conditions as approved by planning committee.

Ward:	Thorpe Hamlet
Case officer	Tracy Armitage - tracyarmitage@norwich.gov.uk

#### **Development proposal**

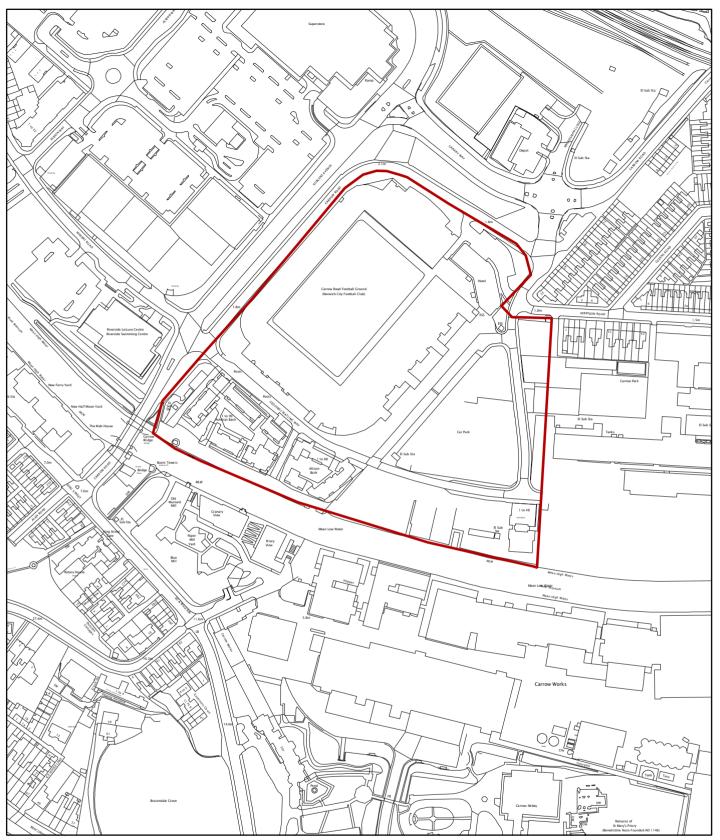
13/02087/VC: Changes to the requirements for providing a Riverside Walk, landscaping and utilities connections around the existing residential developments in the vicinity of the football club, through an application for Variation of Condition 12: Provision of Riverside Walk; Variation of Condition 21: Hard and Soft Landscaping details; and, Condition 25: Underground Utility Routes, of previous planning permission 4/2002/1281/O affecting The Jarrold Stand, N&P Stand, Ashman Bank and Allison Bank: 'Replacement of South Stand (8000 seats), new corner stand (1500 seats), hotel and residential development along the north bank of the River Wensum only, with associated highway works.'

13/02088/VC: Changes to the requirements for providing a Riverside Walk, landscaping and utilities connections around the ongoing residential developments in the vicinity of the football club, through an application for Variation of Condition 6: Hard and Soft Landscaping; Condition 10: Underground Utility Routes and Condition 12: Provision of a Riverside Walk, of previous planning permission 06/00012/VC affecting The Jarrold Stand and the Riverside Heights / NR1 development: '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 and residential development along the north bank of the River Wensum only, with associated highway works'.'

	Representations	
Object	Comment	Support
0	0	0

Main issues	Key considerations		
1 Principal of development	Planning requirements for landscaping and riverside walk works		
2 Design	Design and timescale for delivery of landscape works		
3 Promoting recreational use of	Design and timescale for delivery of		

R.Wensum	riverside works	
Recommendation	Approve both application subject to modified conditions and deed of variations to S106 Obligations	



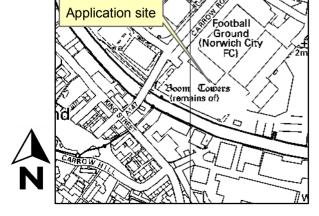
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Planning Application No 13/02087/VC & 13/02088/VC Site Address Norwich City Football Club

Carrow Road

Scale 1:3,000





#### Report

#### Introduction

These applications were first considered by planning application committee on the 6th March 2014. Committee resolved to approve both applications subject to planning conditions and variation of the relevant S106 legal Obligations. Since this date there has been further consideration of planning obligation requirements particularly in relation to works to the river bank. The landscape proposals have also been revised. The applications are referred back to Planning Application Committee to update members on the current position and to seek amended resolutions.

#### The Site

- 1. Both applications concern the area of and around Norwich City Football Club, including the housing developments north of the River Wensum (Ashman Bank, Allison Bank and the NR1 development), the triangle-shaped car park to the east of the football stadium South Stand, the Holiday Inn hotel, the Geoffrey Watling Way road running north-south from Kerrison Road and east-west from Carrow Road in front of the N&P stand, and the area of riverbank on the north side of the River Wensum.
- 2. Neighbours to the south of the river are the residents of Paper Mills Yard and the Carrow Works (Unilever and Britvic) factory site. The riverside retail park and swimming pool adjoin the site to the west, the residents of the Harbour Triangle to the north-east and the spaces for sport and gravel car park of Carrow Quay to the east. The site is not within a conservation area but the Bracondale Conservation Area is to the south beyond the river. The site is level but Bracondale Ridge rises to the south.

# Planning History and background

- 3. The provision of a Riverside Walk, landscaping and road construction around the site have all been required to be featured within the mixed use developments at the site since the first permission of 2002. Both planning permissions ref: 4/2002/1281/O and ref: 06/00012/VC include conditions requiring these works to be undertaken. Their non-provision since 2008 has been reluctantly tolerated on the understanding that alternative large scale housing development schemes have been in gestation since then, most recently the NR1 development. Since the current applications were first considered by planning applications committee, progress has been made in the provision of outstanding infrastructure, with highway works along Geoffrey Watling Way and Canary Fields now complete and scheduled for adoption by the Highway Authority. In addition landscaping works adjacent to the river, along with the construction of a section of riverside walk were carried out in 2014/2015. Works which remain outstanding relate to the landscaping of Geoffrey Watling Way and the area to the south of the South Stand and works specified in the S106 Obligation relating to the detailed specification of the Riverside Walk.
- 4. The original outline planning permissions required all reserved matters applications to be submitted to the LPA for approval within three years of the date of each outline consent, and subsequently were required to be implemented within two years of that permission (or five years of the outline consent, whichever was the later). Reserved Matters applications were approved for the housing development, for the hotel and for

the stadium expansion (see 'planning history'). However, no Reserved Matters proposals were submitted for the triangle car park pursuant to either outline planning permission, and therefore no 'live' permissions are in place on that site. Accordingly, the descriptions of the new permissions created by these applications are revised to remove reference to the former decked car park or residential developments proposed on the triangle car park. Even though no 'commencement date' condition will be used on either new permission as all development is underway or complete, this shall not infer any resurrection of the previously-expired consents on the triangle car park. An Informative Note will make this clear.

# Relevant planning history

Ref	Proposal	Decision	Date
4/2001/0564	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)	APCON	03/07/2002
4/2002/1281	Replacement of South Stand (8000 seats), new corner stand (1500 seats), hotel, decked car park and residential development with associated highway works.	APCON	06/05/2003
4/2002/1282	Redevelopment of site to provide 330 residential apartments with associated access, parking and landscaping. ( Part Conditions 1 & 15 of Outline Planning Permission No. 4/2002/1281/O)	APPR	07/05/2003
4/2002/1283	Redevelopment of South Stand (8000 seats) and new infill corner stand (1500 seats). Part condition 1 & 15 of Outline Planning Permission No. 4/2002/1281/O).	APPR	07/05/2003
4/2003/0685	Development of site with 148 bedroom hotel with associated access, car parking and landscaping (Conditions 1 & 15 of Outline Planning Permission No. 4/2002/1281/O).	APPR	02/10/2003
03/00333/D	Condition 3(d): Phasing plan for previous outline planning permission 4/2002/1281/O.	APPR	02/04/2004
03/00370/D	Condition 3(e): Landscape Master Plan and Condition 21: Details of hard and soft landscaping for previous outline planning permission 4/2002/1281/O	APPR	03/12/2004
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	APPR	13/02/2006

	development with associated highway works).		
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).	APPR	18/03/2008
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'.	REF	03/06/2008
10/01107/RM	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 14th October 2010.	APPR	05/10/2012
13/01639/MA	Amendments to the massing, designs and increased floorspace to 7th storey within Blocks 3 and 4, and changes to ground floor layouts of all Blocks 1 - 6, of the NR1 development, as alterations to existing planning permission 10/01107/RM 'Reserved Matters for the access, appearance, landscaping, layout and scale of the second phase of the residential development (174 residential units) for outline planning permission 4/2002/1281/O 'Replacement of South	APPR	07/03/2014

Stand (8000 seats), new corner stand	
(1500 seats), hotel, decked car park and	
residential development with associated	
highway works.'	

# **Equality and Diversity Issues**

There are no significant equality or diversity issues.

# The Proposals

- 5. The applications seek to vary planning conditions attached to planning permissions **4/2002/1281/O** and **06/00012/VC** to allow the outstanding development requirements to be delivered in accordance with an agreed timescale.
- 6. 13/02087/VC Variations to certain conditions of the original planning permission 4/2002/1281/O affecting Ashman Bank and Allison Bank, in particular:
- Condition 21 to revise the timeframe for submission of landscape scheme details, to allow the works to the area to be lawful rather than in breach of the existing condition.
- 7. 13/02088/VC Variations to certain conditions of the planning permission 06/00012/VC affecting the NR1 development, in particular:
- Condition 6 to revise the timeframe for submission of landscape scheme details, to allow the works to the area to be lawful rather than in breach of the existing condition.
- 8. Landscape plans have been submitted indicating a scheme for Geoffrey Watling Way and the area to the south of the South Stand. The plans show a comprehensive hard and soft landscaping scheme.
- 9. Plans have been recently submitted detailing works to the riverbank. These works are a requirement of the S106 Obligation associated with the development of this site. The legal agreement requires the provision of a riverside walk including a footpath for pedestrian and cycle use as well as appropriate provision for:
- Mooring posts and rings;
- Seating;
- Lighting;
- Bollards to prevent unauthorised assess;
- Lifebelts:
- Safety ladders;
- Safety chains;
- Fendering; and
- Repairs to the piled bank as may be necessary.
- 10. The legal agreement allows amendments to the specification to be agreed by the council. The applicant has submitted plans detailing works to provide moorings suitable for de-masting and short–stay visitor use.
- 11. The applicant has proposed the following timescale for the completion of the outstanding works:
- Phase 1 landscape works (Geoffrey Watling Way) to commence at the end of the

- current football season to be completed by 1st September 2017
- Phase 2 landscape works (south of South Stand) to commence at the end of the 2017/2018 football season to be completed by 1<sup>st</sup> September 2018
- Riverside works to be completed by 1<sup>st</sup> September 2018

# Representations Received

12. Both applications have been advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received for either application.

# **Consultation Responses**

13. **Broads Authority** – The plans that have been submitted to the City Council, detailing the works to be carried out – Drawing ref: 161006 SL-02 Rev P1 and Drawing Ref: 161006 SL-01 Rev P2 are acceptable and have been approved by the Broads Authority's River Engineer. Throw lines are recommended as suitable rescue equipment for the location and signage will be required to allow effective management of the mooring use.

### ASSESSMENT OF PLANNING CONSIDERATIONS

# **Relevant Planning Policies**

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

Paragraph 14 – Presumption in favour of sustainable development

Paragraphs 203-206 – Planning conditions and obligations

Section 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

# Policies of the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted January 2014\*)

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 6 – Access and transportation

Policy 7 – Supporting communities

Policy 11 – Norwich City Centre

Policy 12 – Remainder of Norwich area

Policy 18 – The Broads

Policy 20 - Implementation

# Development Management Policies Development Plan Document – (Adopted December 2014).

**DM1** Achieving and delivering sustainable development

**DM2** Ensuring satisfactory living and working conditions

**DM3** Delivering high quality design

**DM6** Protecting and enhancing the natural environment

**DM7** Trees and development

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

**DM9** Safeguarding Norwich's heritage

**DM12** Ensuring well-planned housing development

**DM13** Communal development and multiple occupation

**DM28** Encouraging sustainable travel

**DM30** Access and highway safety

**DM31** Car parking and servicing

**DM32** Encouraging car free and low car housing

**DM33** Planning obligations and development viability

#### Site Allocations Development Plan Document – (Adopted Dec 2014).

CC17: Land adjoining Norwich City Football Club, Kerrison Road

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

Landscape and Trees (June 2016)

#### **Other Material Considerations**

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

# **Principle of Development**

#### **Policy Considerations**

14. The landscaping and riverside works are fundamental elements of the residential development of the football club area and essential features for promoting recreation and tourism in Norwich. Adopted policies for the site (CC17) as well as DM3 and DM8 provide a robust policy basis to the requirements. Development in this location is now complete and there is no further justification for outstanding works to be delayed any longer.

#### Design and timescale for delivery of landscape works

- 15. The landscape works to the areas surrounding the football club stadium will require the breaking up of existing areas of hardstanding and the laying of large areas of decorative paving. These works will directly affect access to the stadium and during construction disrupt the full operation of the building. The applicant proposes to undertake the works during the closed football season. Given the extent of the operational works the applicant proposes two construction phases, to be carried out over two consecutive close of season periods (2017 and 2018). Having regard to the need to ensure the effective and safe operation of the stadium this timescale is considered acceptable.
- 16. The landscape details indicate an essentially hard landscaped scheme design. A pallet of different materials is proposed to create variation in texture, colour and pattern. The applicants landscape architect states:

'The strong decorative paving pattern reflects the rich heritage of Norwich's historic weaving tradition and particularly the connection with the canaries, which has been adopted by Norwich City Football Club. Canaries were brought to Norwich by the skilled Flemish weavers, who arrived in the city after 1565 after fleeing religious

persecution in what is now Holland and Belgium. The native population adopted rearing canaries as a hobby and, by the 18th century, Norwich had become famous for its canaries. The coloured black and green blocks with gold 'threads' are inspired by the pattern books that were used by the weavers. The distinctive paving serves to enliven and give meaning to a public realm that would otherwise seem rather bleak and empty for much of the time.'

- 17. The landscape strategy seeks to create multi-functional spaces around the stadium, creating public realm areas which also allow for the safe movement of crowds on match days. In addition, to allow for the full operation of the stadium, space is required immediately adjacent to the stadium to accommodate articulated lorries and other large vehicles associated with TV coverage of football matches and large scale events. This, along with the routing of drainage/utilities along Geoffrey Watling Way and CCTV visibility requirements, restricts the scope for large scale tree planting and soft planting areas. Tree planting however is proposed on the eastern side of Geoffrey Watling Way and along the western boundary of the main car park. The Council's landscape officer is satisfied that the combined hard and soft planting proposals will create an attractive and durable area of public realm.
- 18. The design of the hard landscaping may make the areas prone to unauthorised car parking. The primary use of these spaces is as open public realm areas and as such there is the need to ensure this is not compromised. It is accepted that the in terms of the functioning of the stadium and the associated restaurants and outlets there may be the need for drop off and collection and overspill parking associated with large scale events. The applicant has agreed to a management plan for these areas to restrict parking in an agreed manner. A planning condition requiring the submission and agreement of a management plan is recommended to control use and long term operation of these areas.

#### Design and timescale for delivery of riverside works

- 19. The works to the riverbank include fixtures and safety features to facilitate the use of the river frontage for de-masting moorings and short stay visitor moorings. Limited bank repair works are proposed in the mooring locations including the removal of hazardous metal projections. The provision of moorings for this stretch of the river is supported by the Broads Authority and they have confirmed the detailed design to be acceptable. It is considered that the measures comply with the riverwalk specification set out in the relevant legal agreement and once the works have been implemented will discharge this particular S106 Obligation requirement.
- 20. The riverside walk will require long term maintenance and management. The terms of the S106 agreement obligate Norwich City Council as agents for Norfolk County Council to adopt the riverside walkway as highway and maintainable at the public expense. The issue of the maintenance and management of the moorings and associated safety features has been a matter of recent discussion between the S106 parties.
- 21. Legal advice obtained by the council indicates that the obligation to adopt the riverside walkway is restricted solely to the surface of the riverside walk access route which will be used as public highway and therefore excludes any feature or activities which are not part of the highway function. The responsibility for these elements would fall to the landowner which in this case is Kerrison Holdings (Norwich Football Club). Agents acting for the football club have questioned this position and maintain that on the basis

- of the definition of the riverside walk specification contained in the S106, Norwich City Council acting as agents for the County Council is bound by the obligation to adopt the full scope of the works.
- 22. At the time of writing this matter is still being discussed by the relevant parties. A verbal update will be provided at the committee meeting but members should note that since the applications are not seeking a modification to these particular S106 Obligations, the applications can be approved without this matter being resolved.

# Other matters - parking

23. As referred to in para 4, a multi-storey car park to serve the needs of the development is a component of the original outline consent which has not been progressed and for which planning permission has now expired. As an interim measure temporary planning permission has been approved for parking on land around the stadium - this includes on land either side of Carrow Road and land to the east of NR1(ref:09/00379/F). This application has now lapsed and the applicant is currently in dialogue with planning officers regarding an application to regularise this matter.

#### Conclusion

- 24. The proposed changes to the specified planning conditions in para. 6-10 are considered satisfactory and will allow outstanding landscaping works to come forward within a fixed time period. The agreed riverside works will be undertaken by 1<sup>st</sup> September 2018 and this will be clarified in the revised planning conditions. The effect of the S73 application process is that new decision notices are issued. Where previously imposed planning conditions have been fully discharged these are not reimposed. In addition where consequential changes are required to other conditions, these are made. These modifications will be made as well as the imposition of an additional requirement in relation to car park management. Where necessary other planning conditions will be modified to reflect planning requirements that have now been discharged.
- 25. The planning obligations required from the various previous planning permissions' Section 106 Agreements will remain relevant, and Section 106A Deed of Variation agreements will be required to bring those obligations into this permission. The applicant has already agreed to this principle.

#### RECOMMENDATIONS

#### Recommendation 1.

To approve Application No 13/02087/VC at Norwich City Football Club, Geoffrey Watling Way and Carrow Road, Norwich, NR1 1JE, and grant planning permission, subject to:

- (1) the completion of a satisfactory Section 106A Deed of Variation legal agreement to include obligations of the original consents with the necessary amendments to the definition of development, and amended planning conditions as summarised below:
- 1. New time conditions provision of
  - By 1 September 2017, the hard and soft landscaping and street trees either side of the east-west Geoffrey Watling Way
  - By 1 September 2018, the landscaping around the South Stand and the provision of street trees adjoining the adopted highway on the southern boundary of the existing surface 'triangle' car park
  - By 1 September 2018, works to the riverbank shall be provided in accordance with the specification detailed on drawings ref 161006 SL-01 P2 and 161006 SL-02 P1received. The works, associated safety features and signage shall thereafter be permanently retained in a condition and manner which facilitates use as de-masting and short stay visitor moorings.
- The development hereby approved shall take place substantially in accordance with the layout shown on Masterplan drawing number 1011/NO/P02 dated 16<sup>th</sup> April 2007
- 3. Prior to first use of hard landscaped area submission and agreement of Parking Management Plan operation thereafter in accordance with agreed plan
- 4. Condition requiring full detailed specification of landscape scheme
- 5. Previous condition arrangements for drop-off and collection of fans on match days
- 6. Previous condition control of installation of any plant and machinery on any non-residential premises
- 7. Previous condition control of installation of any extract ventilation or fume extraction system within the non-residential premises
- 8. Previous condition control Foul drainage
- 9. Previous condition control of discharge into any watercourse, surface water, sewer or soakaway system
- 10. Previous condition Litter bins
- 11. Previous condition All exterior
- 12. Previous condition pedestrian areas outside the buildings available for public access shall be kept free of all obstructions, unless first agreed in writing with the local planning authority.
- 13. Previous condition control amplified sound
- 14. Previous condition non-residential servicing arrangements
- 15. Previous condition Parking controls within the residential developments
- 16. Previous condition PD restrictions
- 17. Previous condition Replacement of any trees or plants failure within 5 year
- 18. Previous condition Tree protection.
- 19. Previous condition Restrictions on deliveries
- 20. Previous condition Community use of facilities.

#### Recommendation 2.

AUTOTEXTLIST \s "Type 2" \\* MERGEFORMAT

To approve Application No 13/02088/VC at Norwich City Football Club, Geoffrey Watling Way and Carrow Road, Norwich, NR1 1JE, and grant planning permission, subject to:

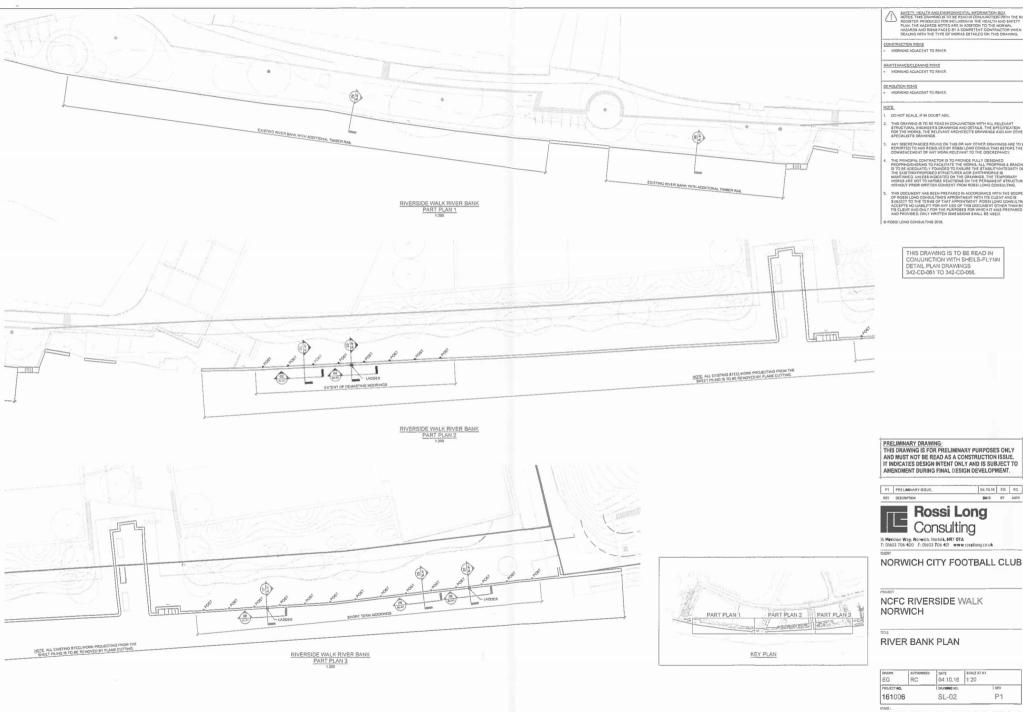
- (1) the completion of a satisfactory Section 106A Deed of Variation legal agreement to include obligations of the original consents with the necessary amendments to the definition of development, and amended planning conditions as summarised below:
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  - By 1 September 2017, the hard and soft landscaping and street trees either side of the east-west Geoffrey Watling Way
  - By 1 September 2018, the landscaping around the South Stand and the provision of street trees adjoining the adopted highway on the southern boundary of the existing surface 'triangle' car park
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- 16. Previous condition PD restrictions
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- 18. Previous condition Tree protection.
- 19. Previous condition Restrictions on deliveries
- 20. Previous condition Community use of facilities.
- 21. Previous condition CCTV

# Article 35(2) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

# **NCFC Masterplan** Geoffrey Watling Square and South Square





SAFETY, HEALTH AND ENVIRONMENTAL REPRIMATION BOX

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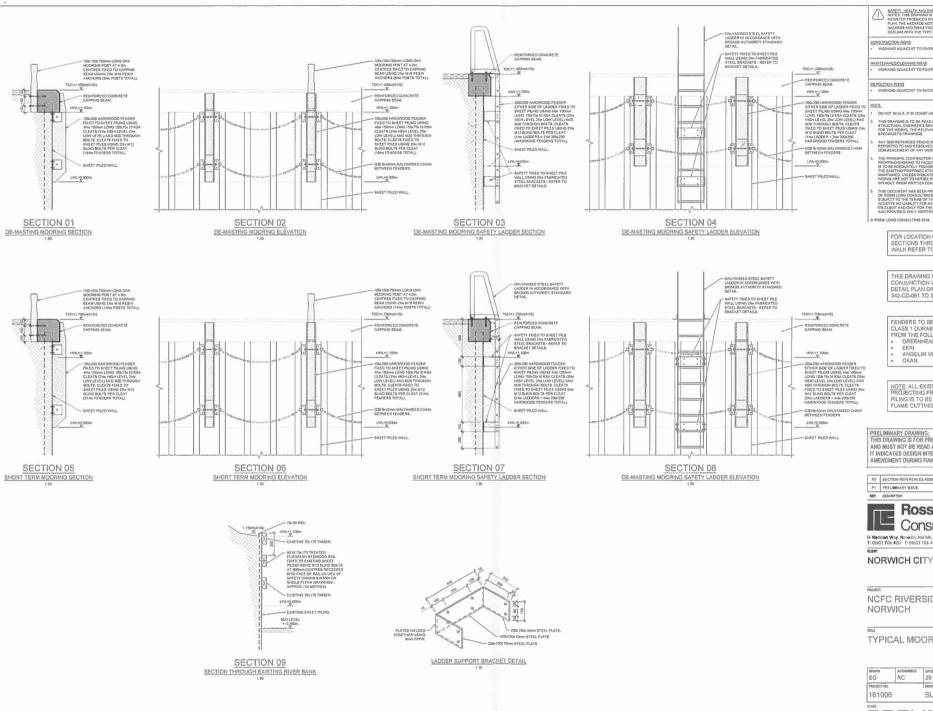
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AND PROVINCE, ONLY WITHER MEMBRASIONS SHALL BE USED.

FOR LOCATION OF TYPICAL SECTIONS THROUGH RIVERSIDE WALK REFER TO DRAWING SL-02.

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH SHEILS-FLYNN 342-CD-061 TO 342-CD-066

FENDERS TO BE HARDWOOD WITH CLASS 1 DURABILITY SELECTED FROM THE FOLLOWING SPECIES:

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NOTE: ALL EXISTING STEELWORK PROJECTING FROM THE SHEET PILING IS TO BE REMOVED BY

PRELIMINARY DRAWING:
THIS DRAWING IS FOR PRELIMINARY PURPOSES ONLY AND MUST NOT BE READ AS A CONSTRUCTION ISSUE. IT INDICATES DESIGN INTENT ONLY AND IS SUBJECT TO AMENDMENT DURING FINAL DESIGN DEVELOPMENT.

P2	SECTION REFERENCES ADDED TO TITLES.	04.10.16	23	RC
P1	PRELIMINARY ISSUE.	29.09.16	EG	RC
REY	DESCRIPTION	DATE	BY	AUT



16 Meridian Way, Norwich, Norfolk, NR7 OTA T: 01603 706 420 F: 01603 706 421 www.rossilong.co.uk

NORWICH CITY FOOTBALL CLUB

NCFC RIVERSIDE WALK NORWICH

TYPICAL MOORING DETAILS

EG	RC	29.09,16	1:20
PROJECT NO		DRAMBIG NO.	REV
16100	6	SL-01	P2

PRELIMINARY