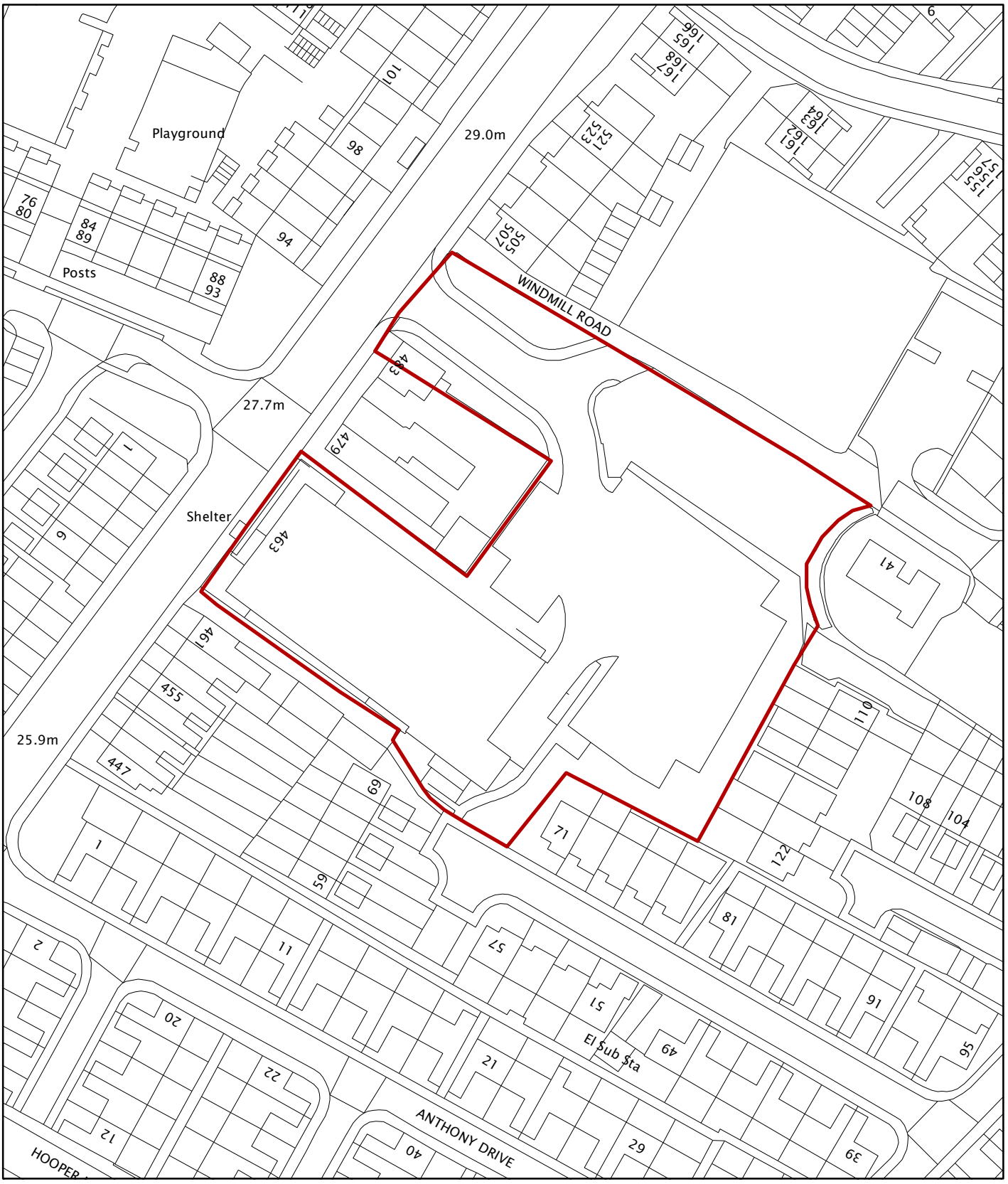
Report to	Planning applications committee 1 October 2015	**Item**
Report of	Head of planning services	
Subject	Application no 15/00509/VC - 463 - 503 Sprowston Road, Norwich	5(A)
Reason for referral	Objection	

Ward:	Catton Grove
Case officer	Lee Cook - leecook@norwich.gov.uk

Development proposal		
Variation of condition 15 of 13/01609/VC to detail car park barrier opening times and to allow for a car park barrier rather than bollards to control access to the car park.		
Representations		
Object	Comment	Support
2	1	0

Main issues	**Key considerations**
1 Principle	Provision of services. Management of site
2 Amenity	Impact on amenities of neighbouring properties (site operation impact).
3 Transportation	Provision of parking and servicing. Suitable access.
Expiry date	14 August 2015
Recommendation	Approve subject to deed of variation on S106 agreement



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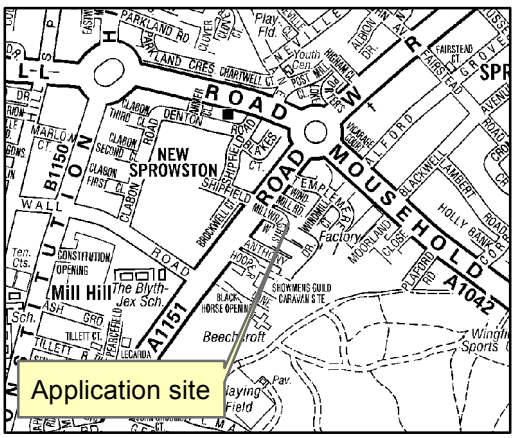
Planning Application No 15/00509/VC

Site Address Aldi 463-503 Sprowston Road

Scale 1:1,000



NORWICH City Council

PLANNING SERVICES

The site and surroundings

1. The site is located on the east side of Sprowston Road towards the junction with the outer ring road. The site had been vacant for a number of years, with previous applications for a retail unit and housing submitted on the site. A full site description is given in the original application report (13/00208/F) which can be found here: https://cmis.city.norwich.gov.uk/cmis_live/Archive/tabid/131/FolderID/169/18-April-2013.aspx

2. The only significant change to the site since the last report was made is the construction of the retail store. With specific reference to this current application, the land around 461 Sprowston Road contains residential units surrounding the rear car park including a proposed area of residential development to the north side and further residential and retail properties facing Sprowston Road to the west.

Constraints

3. The site is adjacent to the Sprowston Road/Shipfield local centre. The site formed part of housing allocation R12 under the draft Site Allocations Plan and now lies adjacent to the remaining area of allocation under R19 following commencement of development of the application site. There is one protected tree on site to the south adjoining Anthony Drive (ref. TPO.215).

Relevant planning history

4.

Ref	Proposal	Decision	Date
13/00208/F	Mixed use development incorporating a foodstore, 9 No. flats and associated access, car parking and landscaping (revised design).	Approved	11/06/2013
13/00976/D	Details of Condition 3a) Materials, 4) Windows, 6) Landscaping, 10) Construction Operations, 17) Servicing, Waste, Recycling, Storage and Collection, 19) Car Park Management Plan, 20) SW Drainage, 22) Low Carbon Energy, 31) Dock Shroud and Buffers, 34) Contamination, 35) Long Term Monitoring of Contamination, and 39) Travel plan of previous planning permission 13/00208/F.	Approved	06/12/2013
13/01126/A	Display of advertisements.	Approved	01/08/2013
13/01595/A	Display of advertisements.	Approved	11/10/2013

Ref	Proposal	Decision	Date
13/01609/VC	Variation of Condition 8 - No use of the retail store shall take place until details of the surface treatment of the access track to the south of the application site and to the north of 461 Sprowston Road have been submitted to and agreed in writing by the Local Planning Authority, providing a pedestrian link from Anthony Drive to Sprowston Road of previous planning permission 13/00208/F	Approved	19/12/2013
13/01911/D	Details of Condition 5) historic interpretation of previous planning permission 13/00208/F.	Approved	16/12/2013
13/01982/F	Erection of metal steps to the south elevation emergency exits and provision of 1.8m fence to the southern boundary.	Refused	07/03/2014
14/00365/VC	Variation of Condition 24 of previous planning permission 13/01609/VC to allow use of delivery vehicle reversing alarms during the hours of 08:00 - 22:00 Monday to Saturday and 10:00 - 16:00 Sundays and Bank Holidays.	Withdrawn	17/04/2014
14/00886/D	Details of Condition 21: Plant and machinery and 22: Ventilation and fume extraction of previous permission 13/01609/VC.	Approved	29/07/2014
15/00515/MA	Alterations to layout of proposed flats - amendment to permission 13/00208/F.	Pending	

5. In determining application 13/01982/F , members agreed to authority for enforcement action to secure the removal of unauthorised steps to the side of the building and the installation of access ramps as approved.

6. The operation of the store has been subject to complaints from local residents including concerns related to delivery times, use of reversing alarms and security/closing of the car park area. A neighbour has also reported a light pollution issue following damage to one of the car park light shrouds which has now been repaired by ALDI.

7. The retailer has attempted over time to ensure compliance with conditions of permission 13/01609/VC. However; following continued complaints from residents the Council served a breach of condition notice (BCN) in February against the deliveries to the store taking place outside the hours of 07.00 to 23.00 Monday to

Saturday, and 09.00 to 16.00 hours on Sundays/Bank Holidays (condition 20); and against the use of reversing alarms by service delivery vehicles on the site (condition 24). Since that time the breach of these conditions has declined however the Council enforcement team have recently received a list of breaches for the summer period.

The proposal

8. At the time of serving the BCN the applicant was advised the council were still in receipt of complaints about non-compliance with condition 15 of the permission relating to the management of the car park. At that stage the decision was made not to enforce against this particular condition given that there is no application process which had formally agreed to the use of a gate rather than bollards to secure the car park.

9. The concern however remained about the impacts that non-compliance was having on local residents and it was suggest that action was taken to both secure the car park and that if the use of a gate is the preferred option of ALDI to secure the area that this is formally agreed. Given the wording of condition 15 this requirement to agree revised details would by way of a section 73 (VC) application to vary condition 15 as now submitted.

Summary information

Proposal	**Key facts**
Appearance	
Materials	Painted barrier and supports.
Operation	
Opening hours	Monday to Saturday – 7 a.m. to 11 p.m. Sunday 9 a.m. to 5 p.m.
Ancillary operation and equipment	Barrier to be raised and lowered by staff and secured by means of a padlock.
Transport matters	
Vehicular access	Newly constructed roadway from Sprowston Road
No of car parking spaces	72 parking spaces agreed under 13/00208/F
Servicing arrangements	From Sprowston Road via the car park area. Deliveries take place within the north-east corner of the retail building.

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at http://planning.norwich.gov.uk/online-applications/ by entering the application number.

11. Councillor Stonard has also been involved in contact with local residents and has expressed support for local concerns about operations on this site including the proposed timing for closure of the car park barrier.

Issues raised	Response
Concern about when car park will be locked and whether ALDI will adhere to any revised condition	
Concern about approach by ALDI to vary conditions from those originally imposed	
Record of previous complaints against breaches of condition and commented on related unease that this has caused	
Noise from deliveries affects amenities and not reasonable to allow extra access to car park	
In favour of swing down gate which was originally suggested by residents to replace previous bollards which were not preventing access to the car park	
Concern on timings for Sundays and bank holidays. Noted opening times on Sundays and bank holidays. Observed that gate open on Sundays to 6:30 p.m. suggest that asking for gate to be secured by 5:15 to allow any shoppers to leave would be reasonable	
Planning condition limits deliveries on bank holidays to between 9:00 a.m. and 4:00 p.m. only. Further variation is likely to erode peace and quiet and would not wish to see this eroded further	

Consultation responses

12. Consultation responses are summarised below the full responses are available to view at http://planning.norwich.gov.uk/online-applications/ by entering the application number.

Environmental protection

13. No written comment; informally discussed at pre-application stage in terms of planning enforcement and reported breaches of conditions.

Highways (local)

14. No comments

Assessment of planning considerations

Relevant development plan policies

15. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
    - JCS1 Addressing climate change and protecting environmental assets
    - JCS2 Promoting good design
    - JCS5 The economy
    - JCS6 Access and transportation
    - JCS9 Strategy for growth in the Norwich policy area
    - JCS12 The remainder of the Norwich urban area including the fringe parishes
    - JCS19 The hierarchy of centres
    - JCS20 Implementation

16. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
    - DM1 Achieving and delivering sustainable development
    - DM2 Ensuring satisfactory living and working conditions
    - DM3 Delivering high quality design
    - DM11 Protecting against environmental hazards
    - DM16 Supporting the needs of business
    - DM17 Supporting small business
    - DM18 Promoting and supporting centres
    - DM21 Protecting and supporting district and local centres
    - DM30 Access and highway safety
    - DM31 Car parking and servicing
    - DM33 Planning obligations and development viability

17. **Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)**
    - Adjacent to R19: land north of windmill Road – housing development

Other material considerations

18. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
    - NPPF0 Achieving sustainable development
    - NPPF1 Building a strong, competitive economy
    - NPPF2 Ensuring the vitality of town centres
    - NPPF7 Requiring good design

Case Assessment

19. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan polices are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following

paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

20. Key policies and NPPF paragraphs – JCS2, DM2, DM3, DM18, DM21, NPPF paragraphs 9, 14, 17, 40 and 66.

21. The principle of the split retail/residential development on the site has been established through application 13/00208/F and implemented in part through the delivery of the retail store. In considering that application the amenity of existing residents surrounding the site was considered in relation to disturbance from noise, anti-social behaviour, overlooking, outlook and overshadowing and appropriate conditions imposed on the permission.

22. In terms of the earlier report it was considered that the site could be prone to anti-social behaviour after store opening hours. The potential for anti-social behaviour however could be reduced "through the use of gates at the edge of the car park which should be shut outside of store delivery hours" and details of this were conditioned to secure the car park and to ensure compliance with any agreed site operations.

23. The choice of security measures has been discussed and options for bollards, gates or barriers considered. In earlier discussions including those with local residents it was considered that a barrier system would provide for better security of the site subject to it being locked and not being left open or unlocked for ad-hoc access or deliveries outside of specified times. The principle of car park security related to delivery hours has therefore been established and the suitability of a barrier system seen to be appropriate subject to ongoing management of its closure.

Main issue 2: Amenity

24. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 40 and 66.

25. As mentioned above the operation of the store has been subject to complaints from local residents including concerns related to delivery times, use of reversing alarms and security/closing of the car park area.

26. In the absence of ongoing action from ALDI and the local store to comply with condition 20 relating to delivery times to and collection of refuse from the store and condition 24 for restricting use of reversing alarms for delivery vehicles attending the store and in the interests of protecting the amenities of the area a BCN has been served which initially resolved this source of local concern but now appears to have restarted. The planning enforcement team have been alerted to breaches and are considering next actions against the store.

27. Earlier action in some sense provided impetuous for ALDI to conform to their previous commitments to have regard to the wellbeing and living environment of nearby residents affected by the operation of the store. The installation of a barrier instead of the previous bollards was a measure initially suggested and supported by local residents and taken up by ALDI. The application seeks to formally agree this detail to allow technical condition compliance. The proposal also seeks confirmation

that the barrier should be lowered outside of the following times of Monday to Saturday – 7am to 11pm and Sunday – 9am to 5pm.

28. Under condition 20 deliveries are permitted Monday to Saturday during 7am-11pm and access to the car park entrance and parking area is required to allow this to happen. The agent explains that whilst deliveries are restricted 9am-4pm on Bank Holidays, opening hours are not, and it is requested that the proposed hours for the use of the barrier reflect this as ALDI currently trade their normal hours on Bank Holidays. In respect of Sundays, the permitted delivery hours are 9am-4pm, whilst opening hours are 10am to 4pm.

29. Staff are likely to be on site beyond store closing times for a number of activities, such as shelf replenishing, stock taking and opening the store to receive deliveries. As delivery and servicing vehicles should not accessing the site outside of the controlled delivery hours and the store is open to the public between 8am to 10pm Monday to Saturday and 10am to 4pm Sundays it would appear reasonable to align some of the activities on site with timings for the car park to be closed to the public or for deliveries.

30. Availability of staff on site should mean that the barrier can be closed at appropriate times and for ALDI to secure the site overnight. The suggested timings also include a request to allow sufficient time for all customers to vacate the car park. For weekdays this would be an hour after closing and tied into the stop of deliveries at 11pm. For Sundays this was proposed for 5pm but is now suggested as being 5:15pm as it is understood that the store now opens 11am to 5pm and this increase will allow some time for shoppers to clear the car park and follows on from a comment by one local resident.

31. As ALDI's staff are permitted to park in the car park as required to undertake out of hours work, in terms of site operation it will be important to allow for the raising of the barrier by ALDI staff outside of the main hours to allow access and egress for staff attending the store. It is therefore appropriate to agree some provision be given to allow ALDI staff to raise and lower the barrier when required, subject to the padlock being replaced outside of the hours above.

32. The views and ongoing comments from local residents should be taken into consideration with this proposal. They can be regarded to have acted positively in many ways in suggesting alternatives to the company and in taking on board the logic in some of the rationalisation of car park operating times. On balance this regularisation of the installation of the barrier and proposed practice for cars parking on site appears reasonable.

33. In terms of enforcement use of the car park will remain separated from noisier activities which might occur from use of the space for deliveries which would still be controlled under condition 20. Given the range of issues raised by local residents rather than trying to merge conditions to control the site by imposing a clearer and relevant condition to control the car park the Council would have options to take enforcement action against potential breaches of individual conditions.

Main issue 3: Transport

34. Key policies and NPPF paragraphs – JCS6, DM30, DM31, NPPF paragraphs 17 and 40.

35. The layout of the access road, entrance and car park were considered at the time of the main application and designed to allow suitable access to service and parking areas adjacent to the retail store. The roadway also allows for suitable access to the site north of Windmill Road. Provision of earlier bollards or the droppable barrier as now installed have been positioned to avoid potential highway impacts on the short entrance road to the site and allow for vehicles to stop or turn if the barrier is down without causing significant disruption within the area or any requirement to reverse back onto Sprowston Road.

36. In terms of management of the space the use of the barrier as a single means of preventing access is potentially more effective than the previously proposed bollards in preventing a range of vehicles from entering the site and in ensuring that the area is secured by staff at appropriate times of the day. The use of a barrier arm in the position as installed is considered to provide an effective means of closing off the space and securing the site.

Compliance with other relevant development plan policies

37. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition 5
Car parking provision	DM31	Yes subject to condition 5
Refuse Storage/servicing	DM31	Yes subject to condition 13

Other matters

38. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:

39. Design

40. The appearance of the barrier and equipment whilst basic is appropriate for the function proposed and is visible to road to help ensure safe use of the area. The bulk of the equipment when viewed from the surrounding area should create any adverse impact on visual amenities and is typical of equipment you would generally find for the nature of the wider development.

Equalities and diversity issues

41. There are no significant equality or diversity issues.

S106 Obligations

42. The earlier applications 13/00208/F and 13/01609/VC were subject to a S106 agreement and subsequent deed of variation. Given the nature of the application and at present as yet undischarged requirements of the legal agreement mainly related to the provision of affordable housing it is considered appropriate to seek to agree a further deed of variation for the permission.

Local finance considerations

43. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.

44. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.

45. In this case local finance considerations are not considered to be material to the case.

Conclusion

46. The proposal to retain the barrier as now installed and for the barrier be lowered and secured outside of the following times of Monday to Saturday – 7am to 11pm and Sunday – 9am to 5:15pm, except to allow access to cars of ALDI staff who are attending site to work at the store to raise and lower the barrier when required to enter or leave the car parking area, subject to the padlock being replaced outside of the hours above makes clear and rationalises actions required on site for the security of the car park. On balance this approach is proportionate and should help respond to concerns of local residents.

47. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 15/00509/VC - 463 - 503 Sprowston Road, Norwich and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing and subject to the following conditions:

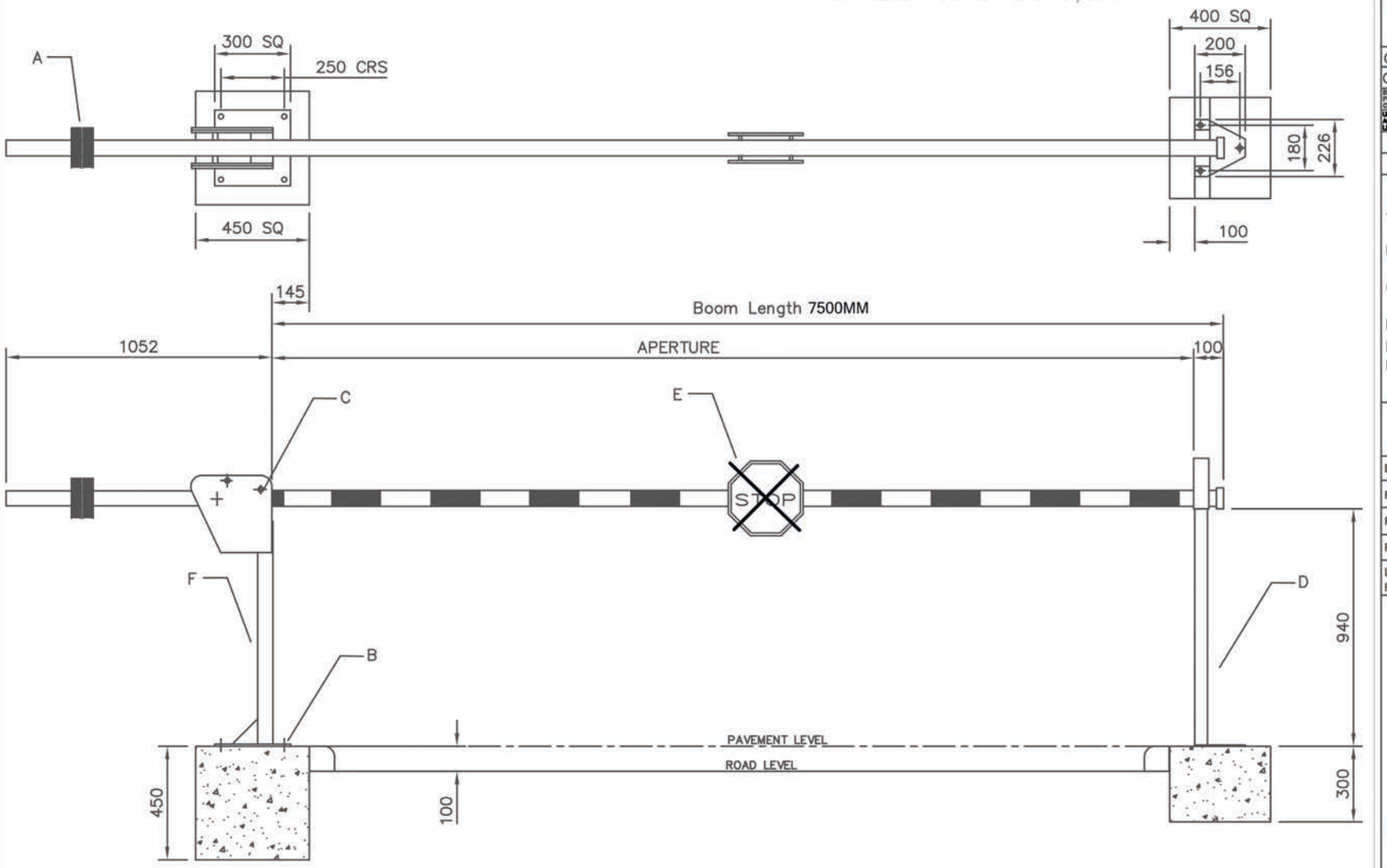
1. In accordance with plans;
2. Details materials to be submitted; details for store in accord with 13/00976/D;
3. Details glazing and fixing to be submitted; windows to store on north side obscure glazed and fixed shut;
4. Historic interpretation in accord with 13/01911/D;
5. Details residential landscaping to be submitted; details for store in accord with 13/00976/D;
6. Pedestrian access routes retained in accord with cond 5;
7. Surface materials of the access track south of the store to be submitted;

8. No removal of vegetation March to September inclusive;
9. No works within root protection areas unless under arboricultural supervision;
10. Footpaths and driveways in identified areas in no dig construction only;
11. Tree protection areas;
12. Siting of services and limited ground works in tree protection areas;
13. Servicing, collection, storage etc. for retail store in accord with 13/00976/D;
14. Details to be submitted for residential servicing, collection, storage etc.;
15. Car park management plan and barriers as agreed under 13/00976/D;
16. Surface water drainage scheme in accord with 13/00976/D;
17. Details to be submitted for residential water saving measures;
18. Energy requirement for retail store in accord with 13/00976/D;
19. Details to be submitted for energy requirement for residential scheme;
20. Restriction on delivery times;
21. Details plant and machinery in accord with 14/00886/D; new p&m details to be submitted;
22. Details ventilation or fume extraction in accord with14/00886/D; new vent or fume extraction to be submitted;
23. No materials to be stored in open or outside agreed areas;
24. No use of reversing alarms;
25. Switching off of refrigeration units on delivery vehicles;
26. Loading and unloading for store in designated areas only;
27. Details of dock shroud in accord with13/00976/D;
28. No cages to be used for transfer of goods in open;
29. Archaeological investigation if features are found during construction;
30. Details contamination remediation to be submitted; remediation for store area in accord with13/00976/D;
31. Details contamination verification to be submitted; verification for store area in accord with13/00976/D;
32. Stop works if unknown contamination is found;
33. Details of imported topsoil to be submitted;
34. Control on maximum non-convenience sales area to 198sq.m. of floorspace;
35. Travel information plan in accord with13/00976/D;
36. Blocking of access across Windmill Road and safeguarding of route into area of future development;

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, following discussions with the applicant at the pre-application stage the application has been approved subject to suitable land management, measures to seek compliance with the S106 agreement, appropriate conditions and for the reasons outlined within the committee report for the application.

CONCRETE SPECIFICATION
CONCRETE TO BE A DESIGNED MIX IN ACCORDANCE WITH B.S. 5328–1992.
CEMENT TO B.S. 12 (OP)–1992.
AGGREGATE TO B.S. 882–1992 max.
SIZE OF AGGREGATE – 20mm.
CONCRETE TO GRADE C–30.
MIN. CEMENT CONTENT 275 KG./CU.M.



DRAWING NUMBER	ISSUE
37473-01	1

TITLE
GARRISON MANUAL BARRIER

FINISH	MATERIALS
BODY: ZINC PRIMED PAINT: POLYESTER POWDER COAT	STEEL TUBE AND ALUMINIUM BOOM SECTION

CUSTOMER
Dance and Dean

CHANGE	ISSUE	DATE	C\N	SIG'N	CKD.	APPD.
ORIGINAL	1	1,10,97	1356	P.W.	B.W.	D.E.
BASE PLATE, FOUNDATIONS, KEY CHANGED	2	8.2.99	1687	A.A.	B.W.	D.E.
UP TO 4.5M ADDED TO BOOM LENGTH	3	22.3.99	1729			

KEY
A = NUMBER OF BALANCE WEIGHTS WILL VARY ON BOOM LENGTH
B = PEDESTAL FIXED TO FOUNDATIONS USING 4 180 LONG X 16 DIA. PARABOLTS
C = HOLE FOR LOCKING PIN 20 DIA. PIN SUPPLIED
D = FIXED END REST
E = OPTIONAL BOOM SIGN
F = PEDESTAL

OPTIONS

	Y	N		Y	N
BOOM SIGN		/	STRAIN WIRE		
FIXED END REST	/		EURO LOCK		
POGO END REST			EURO LOCK END REST		
FOLDING SKIRT			BASE FIXING	/	
LOCKING PIN END REST			CAPTIVE KEY EURO LOCK BARRIER		

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