

Report for Resolution

Report to:	Planning Applications Committee	Item 5(1)
	10 September 2009	
Report of:	Head of Planning and Regeneration Services	
Subject:	09/00320/F Land adjacent to and west of Vulcan House Vulcan Road Norwich	

SUMMARY

Description:	Proposed Bus Parking (60 spaces) for First Eastern Counties, ancillary car parking(20 spaces),site resurfacing, installation of lighting, formation of landscaped bund and boundary treatment including acoustic fencing
Reason for consideration at Committee:	Minor development generating several objections
Recommendation:	Approve subject to conditions
Ward:	Old Catton
Contact Officer:	Malcolm Dixon Senior Planner
Date of validation:	21 st April 2009
Applicant:	First Eastern Counties
Agent:	JC Planning Consultants

INTRODUCTION

The Site

Location and Context

1. The open site measuring 0.7 hectares approximately is situated within the Vulcan Road /Fifers Lane Industrial Estate and is identified in the adopted Local Plan as a General Mixed Use Employment Area (Policy EMP5)
2. It is located to the west of the bend where Vulcan Roads North and South converge, behind and to the west of a Bus Repair garage operated by the same applicants, to the south of an industrial unit and to the north of a container storage compound. To the west there are 6 residential properties at the head of two cul de sacs Brabazon Road and Waldemar Avenue

Planning History

3. Planning reference 4/2002/0379 - Erection of Warehouse unit with associated open storage areas, access, parking and servicing was approved on 16/07/2002 but not implemented; and Planning reference 07/00251/U - Installation of acoustic screen adjacent to residential properties and retrospective application for use of land for bus parking (40 vehicles), bus driver car parking, and erection of 2 No. temporary mobile

lighting units was refused on 06/07/2007.

4. In planning terms the site has had a chequered past and therefore to put the current application in context, the following is a summary of the planning background between 1997 and 2006. Complaints were received in 1997 concerning the alleged unauthorised use of part of the site for steel fabrication, associated storage, including gantries. On 21st May 1998 the Councils Development Control Sub Committee resolved to take enforcement action. This achieved the desired result and the offending use ceased and structures removed. Subsequently complaints were received concerning the use of the site as a bus park and in this connection, the attached table at Appendix 1 provides the background leading up to the submission of the present planning application.

The Proposal

5. The proposal involves the regularisation of the existing unauthorised bus park use by the formal provision of 60 numbered/identified parking bays for buses (12m x 3m). 34 bays will be used by the city bus service, a further 14 by Park and Ride vehicles and the remaining 12 are to be held in reserve should demand increase in the future. The existing generator and temporary lighting will be removed as part of the proposal once the new lighting is installed. In support of the proposal the applicants have also suggested that the direct link with the bus garage alongside and the high cost of land elsewhere highlight the advantages of the Vulcan Road site over other less sustainable alternatives. They state that 6 other sites have been considered but none have been thought suitable for several reasons.
6. Integral to the scheme the following details are also included:
 - a 1 metre high bund on the western boundary topped by supplementary 3metre high standard tree(17 no.)/shrub planting and a 3 metre high acoustic timber fence (also on the north west and south east corners) over 150 metres in length
 - the erection of a 2.4m high palisade fence on the northern boundary,
 - repairs to the existing 2.4m high western boundary fence
 - the installation of 12 no. 8 metre high lighting columns(comprising 8 no. double and 4 no. single light fittings)
 - the installation of 9 no. CCTV columns,
 - the erection of 1 no. cycle shelter and rack
 - the erection of an electricity sub station at the entrance
 - the erection of a secure cabinet for a site manager at the entrance
 - Surfacing by either asphalt or concrete and surface and foul water drainage systems

7. The application has also been accompanied by :

- A Site Management Plan
- A preliminary Flood Risk and Drainage Statement
- An Environmental Noise Assessment (and supplementary correspondence)
- Lighting Design Proposal assessment
- A Tree Survey ,Impact Assessment and Method Statement

Representations Received

6. The original application was advertised in local press and by site notice. Neighbouring properties were also notified. Initially, 4 letters of objection were received from neighbours, 2 from Broadland District ward councillors (one with a request to speak at the Committee meeting), one from Hellesdon Parish Council and one from the previous MP. One response requested an extension to the acoustic fence. Following amendments being received to extend the acoustic fence, together with supplementary tree planting, a re-consultation exercise with residents was undertaken and 2 further letters have been received. Any additional comments received will be reported verbally at Committee.

Issues Raised:	Response:
Handling of issue by Local Planning Authority allowing unauthorised and unlawful activity to carry on for 18 months and wishes of local residents ignored– enforcement action required to stop use immediately(before summer season) and criticising lack of response from LPA to several letters	See sequence of events attached at Appendix 1
Early departures and late arrivals-noise disturbance(including shouting)	See paragraph 13.1
Acoustic fencing would only be partially effective in baffling noise.	See paragraph 13.1
Vibration	See paragraph 9
Use of bio diesel –effect from smell/fumes, and particulates affecting lungs and washing	See paragraph 9
Responsibility for policing operations	See paragraph 12.4
Remove generator to reduce noise	See paragraph 5
Contrary to Policy EMP5 in Norwich Local Plan/use alternative site	See paragraph 11.1
Noise Assessment –does it account for the actual no. of proposed buses in relation to noise.	See paragraph 9
Remove (or at least lop) poplars adjacent to 58 and 60 Brabazon Road	See paragraph 14.1 and 17.1
Concern over Bus Co. future operation re. additional buildings, speed limits, pollution restrictions but lighting detail is supported	See paragraph 12.4

Extend acoustic fencing in north west corner to protect against noise intrusion	See paragraph 8
Alternative siting should be pursued / Bus Co. reneged on using Spitfire Rd site	See paragraph 12.1
Retain trees	See paragraph 14.1 and 17.1
Devaluation	Not normally a planning consideration
Restrict use to avoid Sunday operations	See paragraph 9

Consultation Responses

Broadland District Council (BDC) Local Planning Authority:

7. To relay concerns of Broadland Ward Councillors regarding conflict with policy and the suggestion that Spitfire Road provides a more appropriate location. Initially a holding objection on the grounds that it has not been demonstrated (at the time of the submission) that residents amenities are safeguarded adequately with the proviso that that should permission be granted then the following conditions should be included:

- prevent early morning use and use at any time on Sundays and Bank Holidays and to restrict use after an agreed time in the evenings;
- Direct lighting away from residential properties;
- Complete bunding, landscaping and fencing within 2 months of grant of permission.

Tree Officer:

- Has recommended supplementary standard (3m high) native tree species on western boundary.

Landscape Officer:

- Content with planting to encourage bio diversity but concerned about possible impact of bund on poplar tree root zones

Norwich Society:

- Consideration for neighbours and with regard to light pollution.

Broadland District Council Environmental Health Service:

- Noise tests carried out at neighbouring property reveals that with mitigation as proposed then there should be no material impact on residential amenities.
- Lighting to be angled downwards
- Lighting switched off when not in use

Norwich City Environmental Service:

- Concur with BDC Environmental Health Service comments plus bunding and fencing will negate vibration

- Contamination - drainage system should cover this
- Construction work limited to 7.30 am -6.30 pm Mon to Fri and 8 am to 1pm sats (no other times Sun/Bank holidays)

Transportation :

No adverse comments received

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

- PPS1 Delivering Sustainable Development
- PPS1 Supplement Planning and Climate Change
- PPG4 Industrial, Commercial Development and Small firms
- PPG13 Transport
- PPG24 Planning and Noise

Relevant Strategic Regional Planning Policies (East of England Plan adopted May 2008)

- E1 Job Growth - 35,000 new jobs in Norwich area 2001-2021
- E2 Provision of land/premises for employment
- E3 (Norwich) Identification of strategic employment sites to support regeneration
- T13 Public Transport Accessibility
- NR1 Norwich Key Centre for development and change:
Employment growth in and around the Airport;
Achieve major modal shift to public transport, walking, cycling

Relevant Saved Local Plan Policies (City of Norwich Replacement Local Plan adopted November 2004)

- EMP2 Expansion of existing businesses
- EMP 5 General Mixed Use Employment Areas
- EP22 Residential Amenity
- TRA16 Public Transport Measures to increase efficiency and attractiveness

Principle of Development

Policy Considerations

8. The site lies within the Vulcan Road/Fifers Lane Industrial Estate which is a General Mixed Use Employment Area allocated under City of Norwich Replacement Local Plan Policy EMP5 and intended for development principally for B1, B2 and B8 uses albeit with more flexibility for other uses than applies in Prime Employment Areas. Under

policy EMP5 the use is acceptable on the basis that the facility would be ancillary to the existing bus garage site alongside.

Other Material Considerations

9. Planning permission was granted on 3rd March 2008 for a bus park at Spitfire Road. The applicant's contention that the direct link with the bus garage alongside and the high cost of land elsewhere highlight the operational advantages of the Vulcan Road site over other less sustainable and/or viable alternatives is a relevant and material planning consideration.
10. Should this proposal proceed and the bus garage were to close or relocate, it would no longer be ancillary to any other facility already on the estate and would conflict with the relevant policy; therefore it would be sensible to condition the use of the bus park to continue alongside operation of the garage. The applicants have indicated that they are happy to proceed on this basis.
11. Furthermore they have given a written assurance that they will not take up the permission relating to Spitfire Road so that there is not a loss of two parcels of land from industrial use. However it should be noted that this is not enforceable.
12. In view of the proximity of the site to nearby residential properties it would also be prudent to require a Site Management Plan to be the responsibility of the bus company whilst enabling the Local Planning Authority to exercise control of activities and hours of operation if necessary.

Impact on Living Conditions

Noise and Disturbance

13. Following on from views raised by neighbours and further negotiations with the Local Planning Authority, the scheme has been designed to ensure minimum impact on residential amenities. This will be implemented by means of both engineering works, and landscape planting as described at para. 6 above including generous supplementary tree planting. In addition the proposed Site Management Plan(SMP) will introduce strict controls on the day to day operation of the business :
 - e.g hours of operation, protocol to ensure drivers do not slam car doors, restrict idling times for buses (5 mins max.),
 - on site 10 MPH (by signage) deactivating reversing alarms.
 - lighting to be deactivated no later than 30 minutes following the last arrival.(This should also cover lighting up i.e. no earlier than 5.45 am when first drivers can arrive at the site .These restrictions are caveated in the event of either operational or emergency conditions prevailing.)
 - The landscape will benefit from on going maintenance access to which will be via a doorway in the acoustic fence.
14. The scheme will also benefit from resurfacing in asphalt or concrete to deaden impact. This together with the proposed bunding should mitigate against noise and vibration and therefore a combination of all the above measures should ensure that the effect on

amenities is minimised to an acceptable degree.

15. The Noise Assessment methodology used by the applicants Acoustic Consultant (AC) was initially questioned by both Broadland and Norwich City Environmental Health Services. Similarly the AC disputed the rationale behind the methodology being advocated by BDC and NCC. Nonetheless the relevant assessments have been carried out and all three professional parties are in agreement that once all the engineering works are in place there will be no material impact on residential amenities. Nonetheless conditions restricting hours of operation are suggested to support this position.

Overshadowing

16. The poplar trees are directly to the east of residential gardens and therefore this planting together with the new trees once established will have an impact albeit minimal (early morning post dawn) given the relationship between the site and its neighbours.

Design

Layout.

17. The resurfacing, new fencing, landscaping, including trees, and identifying individual bus spaces (to enable control of buses leaving by planning condition) should all combine to create an environment which is much more conducive to a bus parking use than existing. Members may want to consider the removal of the poplars alongside no. 58 and 60 Brabazon Rd in order to overcome possible health and safety issues with overhanging boughs or at the very least consider significant lopping. In either case it is considered that with additional tree planting as proposed both the layout and neighbour amenities should not be unduly affected.

Transport and Access

Car Parking

18. Adequate car parking space is provided to accommodate the shift patterns operated by the bus company. Obviously the use spans many hours thus shift working is inevitable and bus drivers also will need to rely on cars in order to get to and from the depot.

Cycling Parking

19. Provision is made but it is suggested that a condition would be necessary in securing adequate cycle storage.

Environmental Issues

Site Contamination and Remediation

20. No permanent structures are being built and therefore there is no obvious need for any remediation. However it is recognised that there may be occasional fuel spillages. With this in mind the applicants have been in dialogue with Anglian Water and will

incorporate proprietary underground storm water storage units. The system will incorporate a full retention separator (alarmed and vented) to provide pollution control.

Air Quality

21. As the area is not in an Air Quality Management Area an Air Quality Assessment has not been required and both BDC and NCC are satisfied that air quality will not be unduly affected by the bus operation.

Flood Risk

22. The site benefits from existing infrastructure for both foul and surface water drainage systems and being less than 1 hectare in Flood Zone 1 (as identified by the EA), it is considered to be least vulnerable to flooding and therefore a FRA is not required. A linear drainage system will be incorporated with in built storage and flow control facilities (e.g 'gatic Slotdrain') based on normal run off rates of 20 litres per second.

Energy Efficiency and Renewable Energy

23. The wider benefit of this type of use is that it enables the provision of a suitable more sustainable alternative mode of mode of transport to the motor vehicle.

Lighting and CCTV

24. Lighting has been carefully designed to avoid spillage towards residential properties and a condition would be required to safeguard this position. Similarly CCTV will be strategically placed to avoid breaching privacy of the neighbours. A condition in this respect would also be necessary.

Trees and Landscaping

Loss of Trees or Impact on Trees

25. The Tree Survey identifies a number of mature trees on the western boundary of the site including poplar, ash and Lleylandii. Some boughs are low which could have health and safety implications for neighbouring properties. Furthermore the bund may have an impact on root systems, although the Tree Officer has indicated that poplars are fairly resilient and therefore should survive this possible trauma. Nonetheless the neighbours immediately adjacent have requested their removal, involving up to 8 poplar trees from a total of 9 approximately. If this is not possible they have requested that significant lopping be carried out.

Additional Planting

26. 33 additional trees of native species as recommended by the Tree officer will be planted to either supplement or replace existing trees on the western boundary. Once established they will form a significant visual screen and on this basis removal of poplars adjacent to no's 58 and 60 Brabazon Rd appears to be reasonable under these circumstances. Supplementary planting will also be required on the southern

boundary to replace existing shrub planting and all landscaping will be covered by a Method statement included in the Tree Survey, which also advocates limitations on construction works within tree protection areas etc, and the introduction of bird and bat boxes to encourage biodiversity

Conclusion

27. As outlined above, following negotiation with the Local Planning Authority and through constructive dialogue with the respective Environmental Health Services of both Broadland District and Norwich City Councils, it is now considered that, subject to appropriate conditions, the scheme as proposed will overcome the understandable concerns of residents in the vicinity. It also needs to be borne in mind that some residents immediately adjoin land allocated in the Local Plan for industry and it is inevitable in such situations that there would be some localised impacts. A heavily engineered and landscaped solution has been arrived at on the western boundary which is considered to create not only adequate acoustic protection but in time a soft landscaped solution which will in due course improve the visual appearance of the area. In addition the development will offer a more environmentally friendly mode of transport to use of the motor car and therefore provides a sustainable use. On this basis the scheme is recommended for approval.

RECOMMENDATIONS

To approve application no 09/00320/F Land Adjacent to and West of Vulcan House, Vulcan Road North, Norwich and grant planning permission, subject to conditions covering the following matters:-

1. Design Details to be submitted, approved and commenced within an agreed timetable covering precise details of:
 - Precise details of acoustic fencing
 - Pallisade and boundary fencing
 - Bunding
 - Landscaping (including Method Statement)
 - Trees to be removed
 - Installation of bird and bat boxes
 - Permanent lighting
 - CCTV
 - Cycle Storage
 - Secure cabinet(for supervisor)
 - Hard surfacing
 - Drainage
 - Electricity Sub Station
 - Speed restriction signage

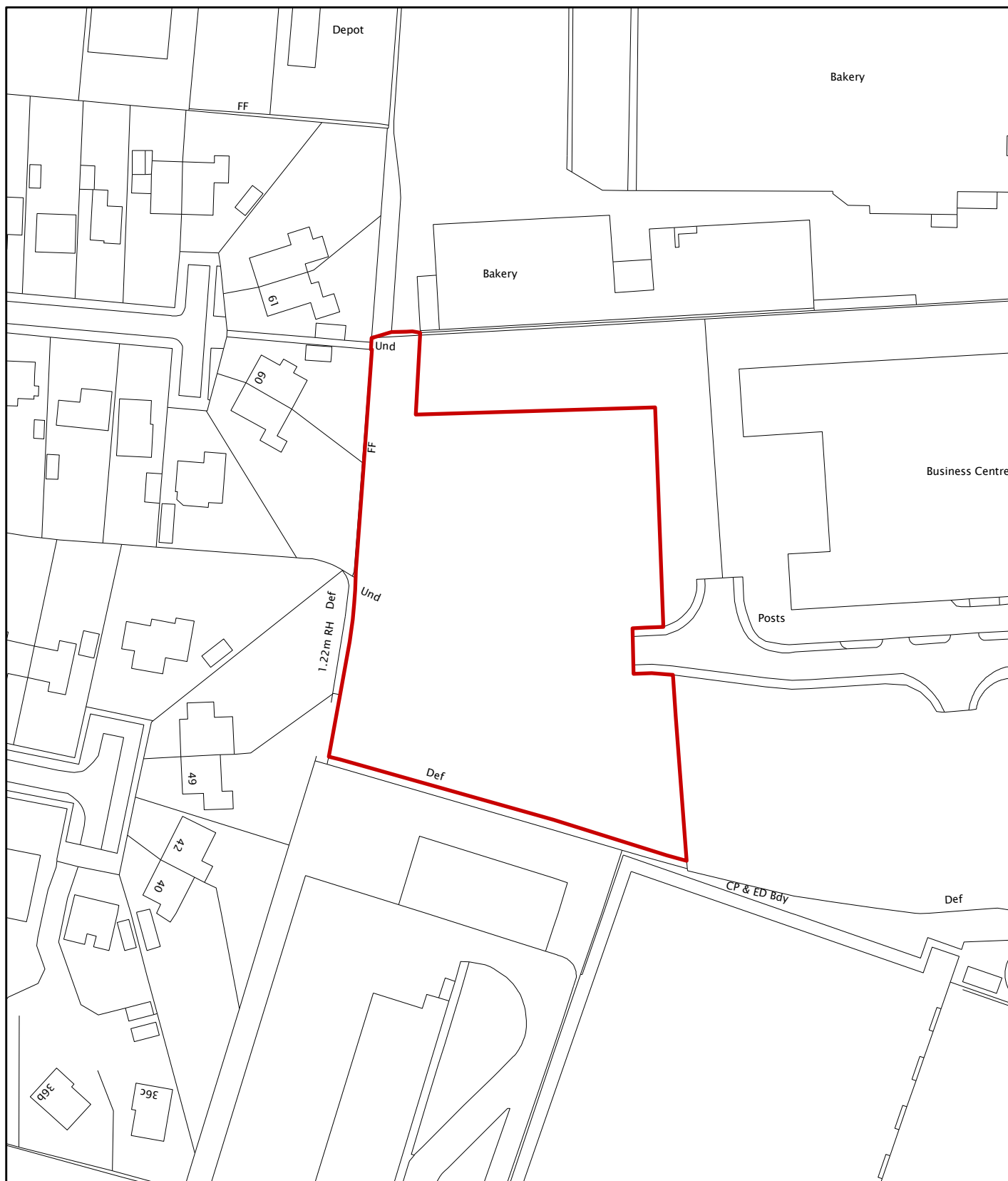
2. Within a timetable to be agreed the following structures shall be removed from the site:
electricity generator
Temporary lighting
4. Hours of operation of:
Use(Site opening no earlier than 05.45 am and closing no later than 20.45hours, buses leaving no earlier than 06.00 and arriving no later than 20.30 arriving and no use on Sunays or Bank holidays) ,
Lighting (05.40 till 20.50)
5. Earliest buses to leave and arrive to be located in identified bays 1- 12only.
6. Root Protection Area identified and maintained during construction
7. Protective fencing for planting
8. Landscaping timetable, schedule, maintenance, replacement as necessary
9. Site Management Plan
10. Ancillary to bus garage use
11. Development to accord with amended plans

Reasons for Recommendation

Following negotiation and the constructive input of the respective Environmental Health Services of Broadland District and Norwich City Councils, it is considered that the development as proposed, subject to the imposition of appropriate planning conditions, will not materially undermine the amenities of the adjacent residential area. It will also encourage a sustainable alternative mode of transport to use of the motor car. In coming to this conclusion national, regional and the following saved policies from the City of Norwich Replacement Local Plan (2004) EMP2,EMP5,EP22 and TRA16.

Appendix 1

20 NOV 06	First complaint received concerning noise received concerning noise Discussed internally with officers
01 MAR 07	Application for change of use at Vulcan Road site submitted.
05 JUL 07	Application presented to Norwich City Council Development Control Committee. Resolution to refuse planning permission.
26 JUL 07	Committee authorised enforcement notice to secure cessation of unauthorised use
05 DEC 07	Application for change of use on the Airport Industrial Estate (Spitfire Road) as an alternative, therefore enforcement action held in abeyance.
31 MAR 08	Planning permission issued for Spitfire Road site
24 AUG 08	Calls from residents requesting update. Spitfire. A site visit carried out establishing that no work was underway.
12 SEP 08	Letter from First Eastern Counties Bus Co. confirming that contractors should be engaged within 3/4 weeks.
03 DEC 08	Further contact from residents. Enforcement Officer contacted First Eastern Counties for update
05 DEC 08	First eastern Counties indicate that Lease about to be signed, and work on the Spitfire Road site about to commence in January 2009 with the aim of commencing operations in March 2009.
03 MAR 09	Meeting between LPA and First Eastern Counties (including Managing Director).Unable to obtain sufficient funding to acquire Spitfire Road site. Indication given that a new planning application, including improvements, to regularise the use at Vulcan Road to be submitted in near future.
18 MAR 09	JC Planning Consultants; agent for First Eastern Counties, confirmed that that planning application to be submitted in week beginning 14 th April for the Vulcan Road site and that First intended to hold a meeting with the residents beforehand.



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Planning Application No- 09/00320/F

Site Address - Land adjacent to and West of Vulcan House, Vulcan Road North, Norwich

Scale - 1:1250



NORWICH
City Council

DIRECTORATE OF REGENERATION
AND DEVELOPMENT

