

Report to Planning applications committee

Item

29 October 2015

Report of Head of planning services

Subject Application no 15/00689/F - Car Park adjacent to
6 Albion Way, Norwich

Applicant Henderson Global Investors

Reason Objection

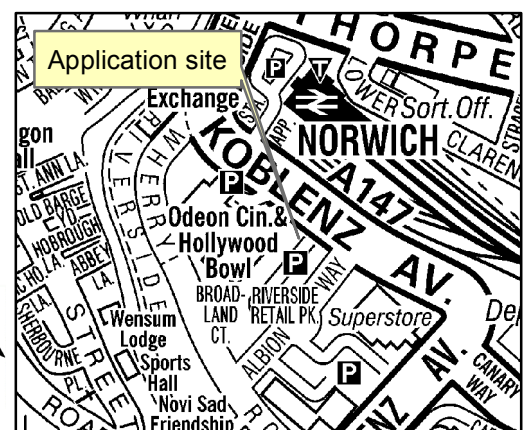
for referral

4(B)

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

Development proposal		
Erection of 2 no. new units for mixed use within A1 or A3 and associated physical works.		
Representations		
Object	Comment	Support
3		

Main issues	Key considerations
1 Principle of development	Acceptability of new retail development given severe highway constraints
2 Design	Siting and appearance of the development
3 Loss of parking	Impact of loss of parking on the functioning of the retail centre and adjacent highway
4 Flood risk	Acceptability of development on land at medium risk of flooding
Expiry date	3 July 2015
Recommendation	Approve, subject to Unilateral Undertaking and conditions



The site and surroundings

1. The application site consists of land within the existing boundary of the Riverside Retail Park. The 0.1 ha site is currently in use as car parking including ancillary landscaping. The site is located to the north east of the retail park, adjacent to Koblenz Avenue.

Constraints

2. Flood risk - the site is located on the periphery of flood zone 2

Relevant planning history

- 3.

Ref	Proposal	Decision	Date
07/00880/F	Car Wash and valeting service.	WITHDN	27/12/2007
08/00245/F	Construction of a canopy for use as car park valleting service plus the addition of a cabin.	REF	09/05/2008
11/01632/A	Display of 1 No. internally illuminated (8m high) replacement totem sign.	APPR	30/09/2011

The proposal

4. The proposal is summarised in the table below. The application has been amended since first submission. Originally the application sought flexibility for the new building to be used for A1(retail), A3(cafe/restaurant) and A5 (hotfood takeaway) purposes. Reference to A5 use has now been deleted and the flexibility to allow cafe/restaurant use is now sought for half of the floorspace (either one of the 2x units proposed).

Summary information

Proposal	Key facts
Scale	
Total floorspace	278sqm of floorspace - sub-divided into two units
	Flexible use – A1 (retail), A3 (restaurant and café)
No. of storeys	Single storey – max height 4.5m
Appearance	
Materials	Timber cladding (Siberian larch)

	Frameless glazed curtain walling shop fronts Glazed canopy Microrib composite metal cladding
Operation	
Opening hours	Not specified/known
Ancillary plant and equipment	Within enclosure to the rear of building
Transport matters	
Vehicular access	Access arrangements serving existing retail park
No of car parking spaces	Loss of 36 existing parking spaces, 7 new car parking spaces are proposed (to the front of Hobbycraft), resulting in a net overall loss of 29 spaces
No of cycle parking spaces	Stands for 10 cycles
Servicing arrangements	Bins would be trolleyed to the existing retail park service yard to the north of the site

Representations

5. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Three 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.

Issues raised	Response
Loss of car parking spaces	See main matter 3
Car park insufficient in size to cater for additional demand created by new development	See main matter 3
Additional units will increase dwell time on the retail park slowing down the turnover of spaces and creating more pressure on the car park	See main matter 3
Detrimental effect on existing congestion within the car park and movement of traffic on the public highway	See main matter 3

Issues raised	Response
Development will mask visibility of existing retailers from Koblenz	See main issue 2 – the development has the potential to mask the existing units however this is considered positive in main issue 2. The commercial implications are not considered to be a basis on which to withhold consent as this would not be considered to have an adverse impact on the viability or vitality of the centre.

Consultation responses

6. 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.

Highways (local)

7. The proposed development is appropriate in transportation terms for its location within the Riverside retail park which forms a Large District Centre in the Norwich Local Plan. The submitted Transport Statement and subsequent revisions to the application have responded to officer advice to help mitigate traffic impact arising from the development and to adequately respond to Policy DM18.

Highways (strategic)

8. The removal of the A5 land use is considered to considerably reduce the likely impacts of the development as the A1 and A3 use are far more complimentary to the existing offer on the retail park and so rather than attract new customers just improve the offer to the existing retail park customers. The new floor area is comparatively small compared with the existing retail park and the loss of the car parking unlikely to lead to severe residual impacts. I note that it is now proposed to service these units from the existing service yard of Koblenz Way rather than use Albion Way. In the light of the above advice Norfolk County Council as Strategic Highway Authority recommends no objection and suggests conditions in relation to servicing arrangements, and provision of revised parking arrangements for cars and cycles.

Landscape

9. In principle the proposal for the pergola could work, its success will be down to the selection of planting and execution of the design. Full details of proposed soft landscape should be conditioned, including planting plans to detail the location, species and quantities of new planting, accompanied by a planting schedule, and written specification covering operations required to implement the scheme

Assessment of planning considerations

Relevant development plan policies

10. **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
 - JCS11 Norwich city centre
 - JCS19 The hierarchy of centres
11. **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
 - DM5 Planning effectively for flood resilience
 - DM7 Trees and development
 - DM18 Promoting and supporting centres
 - DM21 Protecting and supporting district and local centres
 - DM22 Planning for and safeguarding community facilities
 - DM28 Encouraging sustainable travel
 - DM29 Managing car park demand in the city centre
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

12. **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
 - NPPF4 Promoting sustainable transport
 - NPPF7 Requiring good design
13. **Supplementary Planning Documents (SPD)**
 - Main town centre uses and retail frontages SPD adopted (Dec 2014)

Case Assessment

14. 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 policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils 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

15. Key policies and NPPF paragraphs – JCS19, DM18, NPPF paragraph 23.
16. The application proposes new A1 retail floorspace with the flexibility for 50% to be used as a restaurant/café (A3 use). Such uses are identified by the NPPF as ‘main town centre uses’, which under DM18 are permitted in identified centres subject to a number of criteria being met. JCS 19 defines the hierarchy of retail centres (city centre/large /district and local centres) for the Norwich Policy Area and specifically identifies Riverside Retail Park as a large district centre within that hierarchy.
17. Notwithstanding the general permissive approach towards new retail development within identified centres, DM18 states that there will be no further retail development at Riverside large District Centre, *‘unless it provides sustainable transport improvements to significantly enhance accessibility by public transport and pedestrian and cycle linkages from the retail park to the primary and secondary retail areas, sufficient to offset any potentially harmful impacts on traffic congestion and highway safety arising from additional trip generation associated with the development’*. This restrictive approach is a response to both the severely constrained local highway network and the format of this retail destination which is predominantly orientated towards car-borne customers. Significantly the retail park is situated on a critical part of the strategic road network where both the inner and outer ring roads are combined, and suffers from routine and severe congestion, exacerbated by customers accessing the retail park.
18. During the public examination into the Local Plan the council indicated that a proportionate approach would be taken to new development at Riverside and that case by case exemptions could be made for very minor development which has no implications for increased trip generation. The amount of new floorspace proposed is relatively modest compared to the scale of the existing retail park (278sqm compared to an existing total of approximately 18,580sqm, an increase of 1.5%). However, as first submitted the application sought flexibility for the whole of the floorspace to be used for purposes within classes A1, A3 and A5. It was considered that the introduction of a hot food operation or a restaurant use of the whole building had the potential to attract additional customers to the location and significant additional vehicular trips. The Highways Officer (County – Strategic network) raised concerns over the highway impact of this additional traffic generation on the existing severely congested highway network. As a result of these concerns the proposal has been amended, the A5 use (hot food takeaway) has been removed from the range of uses sought and the applicant has confirmed that A3 use (café/restaurant) is now only sought for one of the two retail units proposed. The use of the proposed floorspace for A1 general retail use and a café/restaurant use, limited to 139sqm, increases the likelihood that the floorspace will improve and extend the range of goods and services available to existing customers rather than generating significant additional new trips in its own right. To offset the impact of any additional trip generation officers have negotiated a financial contribution (£13,000) from the developer to fund measures to improve the accessibility of the site by other modes of transport. On the basis it is considered that the scale of proposed development at Riverside is acceptable and consistent with policy DM18.

Main issue 2: Design

19. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
20. DM3 seeks to deliver high quality design and development which enhances and responds in terms of height, massing and materials to the surrounding area. The existing retail park was constructed in the late 1990s/early 2000s and consists of large format stores aligned to face an expansive surface level customer parking area. The Koblenz Avenue frontage is currently open, with Poundland and Morrisons presenting side elevations to the road and a wide landscaping bed delineating the highway boundary. The landscaped frontage is characterised by low shrub and tree planting and acts to both frame the retail park and filter views of the car park area.
21. The proposed development departs from the existing retail units at the district centre in a number of ways. Significantly the building is lower in height, free standing and proposed adjacent to the Koblenz Avenue frontage which is currently open and free of buildings. Although not heavily used by pedestrians, Koblenz Avenue is a principal route within the city and as such it is considered that new development in this location should enhance the appearance of this shopping location.
22. The revised plans orientate the front of the new building towards the customer car park. This principal elevation includes two frameless glazed shop fronts which extend around the two adjacent corners of the building. The rear of the building which faces Koblenz Avenue is functional, unglazed and timber enclosures are proposed for bin and plant equipment. This elevation of the building will be highly visible from the adjacent road and will reduce open views across the car park. In order to screen the service enclosures and to create visual interest, a projecting pergola structure is proposed. This extends 7.5m from the rear of the building over an existing pedestrian pathway and landscaped frontage. The plans show this area replanted and includes plant types which will grow up and over the pergola's timber and stainless steel wire frame. Once the climbers are established, the resulting green archway structure will have a significant effect on the appearance of the new building. The rear elevation of the building which is to be clad in Siberian larch timber cladding will be viewed in this context. On this basis the design of the new development is considered acceptable and provides the opportunity for the rather dated and tired frontage landscaping to be renewed.

Main issue 3: Loss of parking

23. Key policies and NPPF paragraphs – DM29 and DM31 NPPF paragraphs 29,32 and 35.
24. There are currently two car park areas serving the retail park (total 540 spaces). The proposed development results in the loss of 36 existing parking spaces, 7 new car parking spaces are proposed, resulting in a net overall loss of 29 spaces. The Transport Statement submitted with the application includes a survey of existing car parking demand. The survey recorded car park use on two peak shopping days (Friday and Saturday) and shows continuous use on those days and heavy use at particular times. A number of representations have been received from existing retailers highlighting existing demand and congestion in the car park and the

negative consequences of reducing provision and increasing demand for spaces through new development.

25. The retail park is located in a part of the city centre where it has been identified that there is currently a substantially higher level of parking relative to the level of retail and leisure provision. As a result, the adopted policies map identifies this area as a location for reduced parking and subject to the provisions of DM29. The level of free parking available at Riverside promotes car –based shopping trips, contributes to local highway congestion and discourages linked trips between this centre and the primary shopping area/city centre. On the basis of addressing congestion and encouraging more sustainable patterns of travel, there is no in principle objection to the loss of car parking spaces at this large district centre. Although this is likely to both increase demand for spaces and extend periods of congestion within the car park, the submitted survey indicates that at most of time of the day/ and times of the week, spare capacity will still remain. The proposed cycle parking and the funding of measures to improve public transport access will assist in promoting access to the location by means other than by car and mitigate the loss of parking provision. The Highway officer (county) has indicated that the level of parking reduction will have negligible impact on the functioning of the adjacent strategic highway network.

Main issue 4: Flood risk

26. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
27. The site and the entire retail park are within Flood Zone 2 and at medium risk of fluvial flooding. The development is proposed to support the vitality and viability of Riverside large district centre and as such alternative sites at lower flood risk would not be suitable to meet this site specific objective. It is therefore considered that there are no sequentially preferable sites to accommodate the development. Where the sequential test is satisfied the NPPG identifies retail as less vulnerable development appropriate within the medium risk flood zone.
28. Applying the environment agencies standing advice the proposals are considered acceptable subject to conditions relating to the finished floor levels, surface water management and warning and evacuation procedures.

Compliance with other relevant development plan policies

29. 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
Refuse Storage/servicing	DM31	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition/No – expand/Not applicable

Other matters

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

Equalities and diversity issues

31. There are no significant equality or diversity issues.

S106 Obligations

32. The applicant has offered a Unilateral Undertaking (UU). A UU like a S106 is a legal deed where developers covenant to perform planning obligations - in this case the payment of a commuted sum of £13 000 to fund measures to improve the accessibility of the site by other modes of transport. The UU will secure the payment of the sum prior to first use of the commercial floorspace.

Local finance considerations

33. 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.
34. 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.
35. In this case local finance considerations are not considered to be material to the case.

Conclusion

36. The new development will support the vitality and viability of Riverside large district centre without generating significant additional traffic generation. Any additional trip generation will be mitigated by improvements to sustainable access to be funded by a financial contribution from the applicant. 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

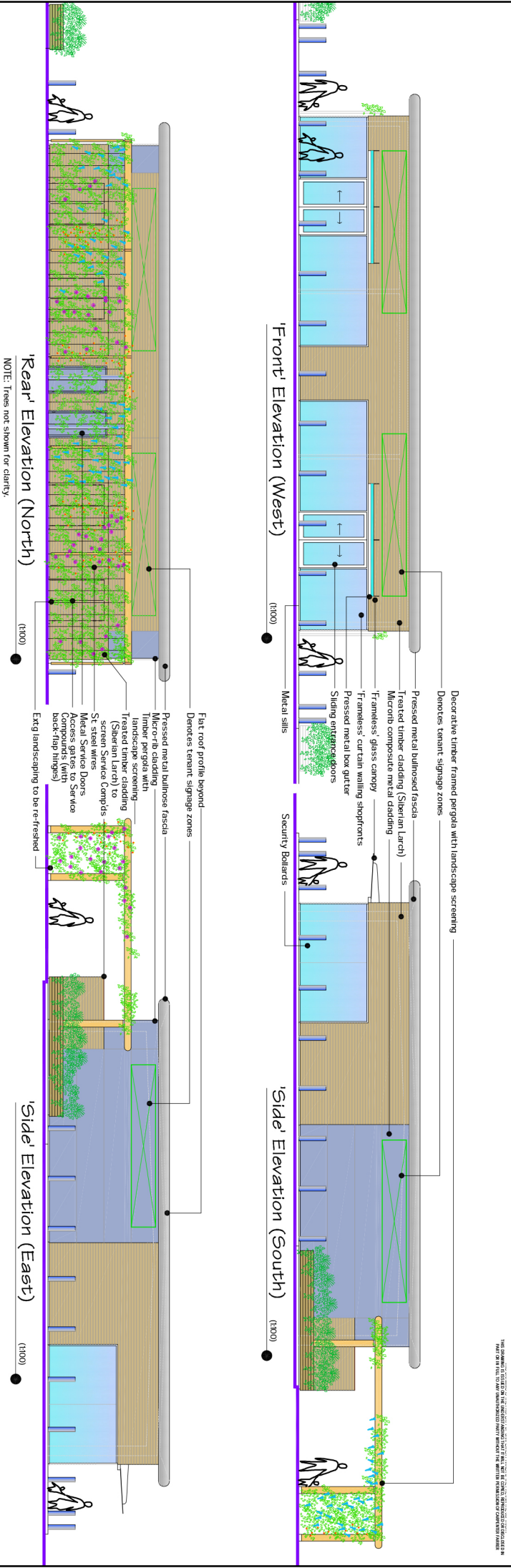
To approve application no. 15/00689/F - Car Park adjacent to 6 Albion Way, Norwich and grant planning permission subject to the completion of a satisfactory legal agreement to secure payment of a commuted sum to fund measures to improve the accessibility of the site by other modes of transport and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans and details;

3. Use restrictions – A3 use of no more than 139sqm / - all floorspace, removal of PD rights for changes of use;
4. Contamination - stop work if unknown contamination encountered;
5. No piling unless details approved – to include contamination risk assessment and where necessary remediation;
6. Finished floor level to reduce risk of flooding;
7. Flood warning and evacuation plan;
8. Detailed landscape proposals including - landscape management;
9. Provision of servicing facilities and cycle parking.

Article 32(5)

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 negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.



Raised Planter Selections:

(Suggested Species)

- Hebe 'Silver Queen'
- Euonymus 'Emerald and Gold'
- Cotoneaster 'Horizontalis'
- Cytisus
- Lithodora diffusa 'Heavenly Blue'
- Ophiopogon planiscapus
- Yucca gloriosa 'Variegata'
- Acorus gramineus 'Ogon'

Perimeter Site (Local) Planting to be 'thinned' and Invigorated with the introduction of:

(Suggested Species)

- Ceanothus
- Cornus Alba
- Cornus Sericea
- Viburnum dentati
- Skimmia Japonica
- Malonia Aquiliflorum
- Malonia Japonica
- Acorus gramineus
- Malonia Japonica
- Hypericum calycinum

Pergola Climbing Plants (self supporting):

(Suggested Species)

- Wisteria floribunda
- Parthenocissus quinquefolia (Boston Ivy)
- Lonicera x heckrodtii (Honeysuckle)
- Clematis

Perimeter Tree Planting

Existing trees that have failed/died are to be replaced with like for like species



Wisteria floribunda



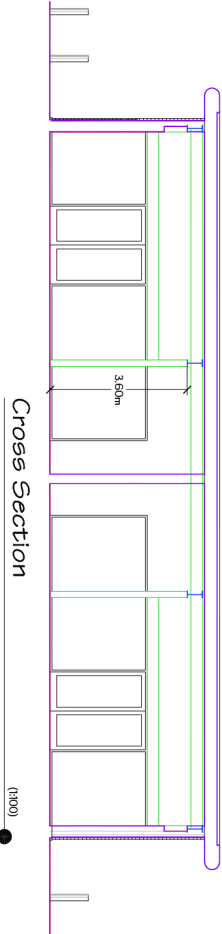
Parthenocissus quinquefolia (Boston Ivy)



Clematis



Lonicera x heckrodtii (Honeysuckle)



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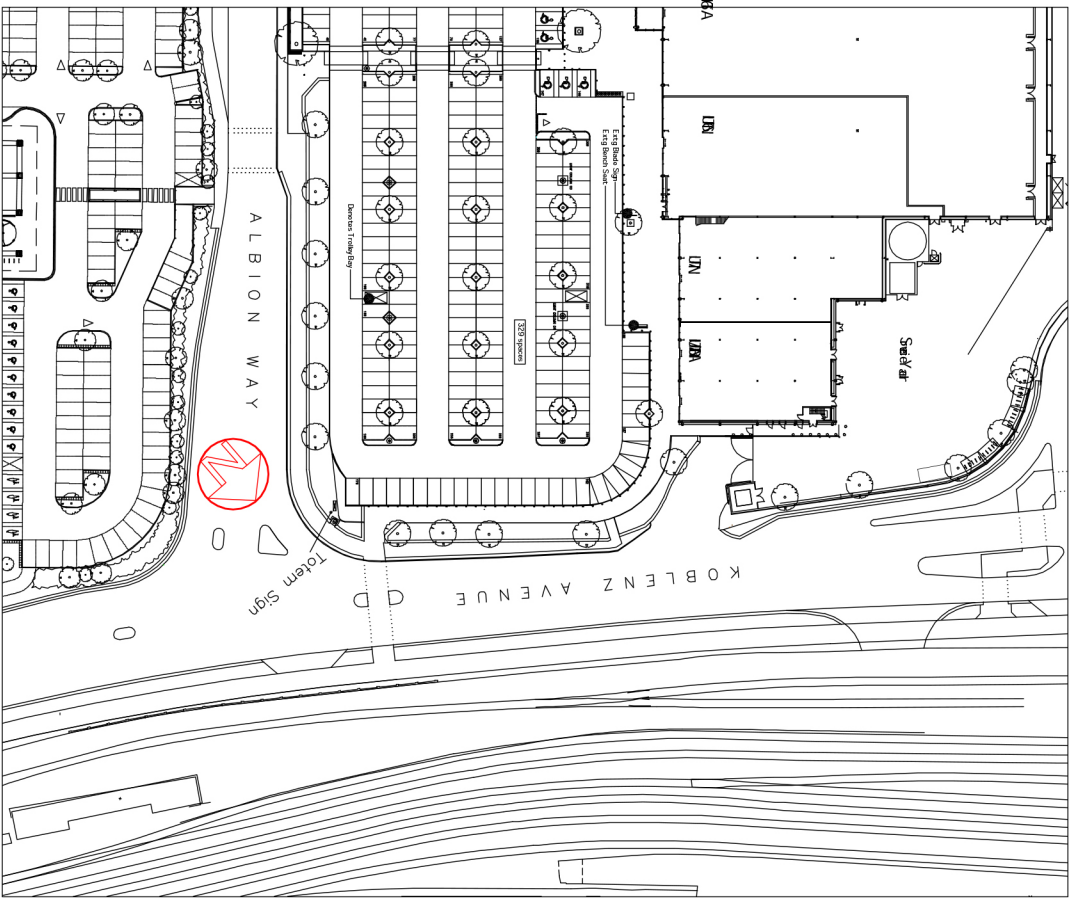
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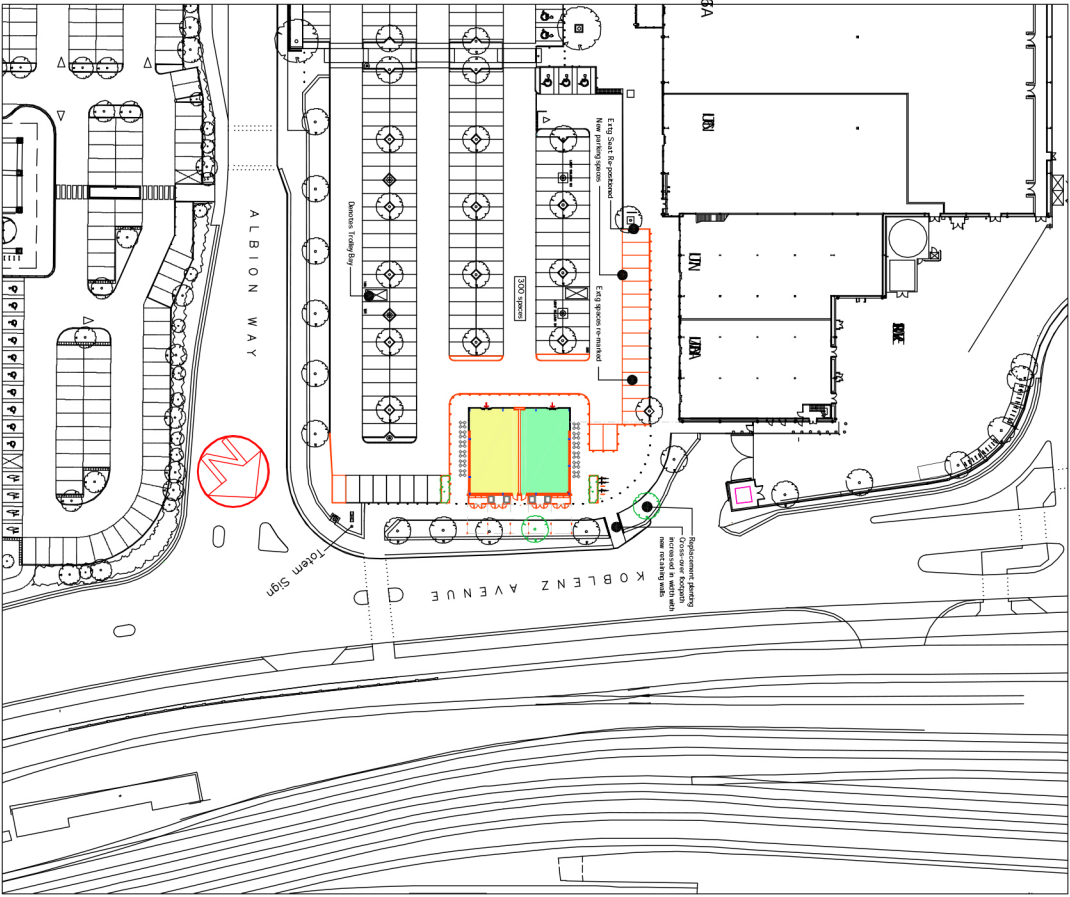
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Part Retail Park Layout (EXISTING)

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Part Retail Park Layout: PROPOSED

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CARPENTER FARRER

Architecture | Project Management | Construction Consultants

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Project:

New Retail Units, Riverside Retail Park, Norwich

Clients:

Henderson UK RWF

Revisions:

Scales:
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Job No
14.002

Rev
C
Drawn By
PI/04

Rev C: 8.10.15; Desired/cross-over footpath improved
Rev B: 7.10.15; Parking re-arranged and pergola added

Date:
8.5.15

Existing and Proposed Site Layouts