Item

Report to Planning applications committee

13 October 2016

Report of

Head of planning services

Subject

16/00606/F - 297 Aylsham Road Norwich NR2 3RY

Reason

for referral

Objection

Ward:	Catton Grove
Case officer	Mr Kian Saedi - kiansaedi@norwich.gov.uk

Development proposal			
Demolition of existing buildings and the erection of a foodstore, formation of			
access, car parking, landscaping and associated works.			
Representations			
Object	Comment	Support	
2	1	0	

Main issues	Key considerations
1 Principle of development	Allocated site (R21) - impact on
	deliverability of housing, principle of retail
	development, sequential justification for site
	location, retail impacts
2 Design and Heritage	Impact on setting of heritage assets, impact
	on character of adjacent conservation area
3 Trees, landscaping and	Loss of trees, ecological impacts,
biodiversity	landscaping, replacement tree planting
4 Transport	Highway impacts and improvements, car
	parking, accessibility
5 Amenity	Noise, overbearing, outlook and
	overshadowing
6 Contamination	Response to comments received from the
	Environment Agency.
Expiry date	12 August 2016 extended to 20 October
	2016
Recommendation	Approve



© Crown Copyright and database right 2016. Ordnance Survey 100019747.

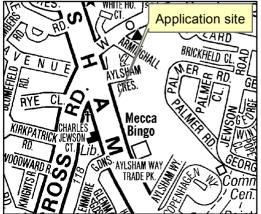
Planning Application No 16/00606/F

Site Address 297 Aylsham Road

Scale 1:1,000







The site and surroundings

- 1. The site is located to the north of the city centre and is relatively flat. It has a frontage to Aylsham Road (A140) and is surrounded by residential, commercial, retail and entertainment uses. The site has been used for storage and distribution of heating oil since the 1960s. The rear part of the site accommodates fuel storage tanks, parking for a fleet of delivery vehicles and administrative and support facilities. Management functions and fleet servicing are also carried out on the site.
- 2. The site lies within the setting of the Grade II* listed—St Catherine's Church, Grade II Listed St Catherine's Church Hall and neighbouring locally listed vicarage and Mile Cross Library all located along the western side of Aylsham Road immediately opposite the application site. The Mile Cross Conservation Area is also located to the west.
- 3. The part of the site with a frontage to Aylsham Road has been used variously as a car showroom and bath store but currently stands empty, and in recent years the area to the south of the showroom has been used for car and van sales / hire.
- 4. The site is not within a defined centre but is adjacent to the Aylsham Road District Centre. As such the site is defined as edge-of-centre in terms of NPPF definitions.
- 5. The application site forms part of the allocation (R21) for the wider site, for mixed use redevelopment. The allocation states that development at the allocated site will:
 - include retail provision on the street frontage, up to a maximum of 2,500 square metres (gross), with a maximum of 300 square metres (net) for comparison goods sales and appropriate parking provision;
 - include housing development (in the region of 100 dwellings) in the north of the site:
 - minimise impacts on setting of heritage assets;
 - protect trees within the site and provide landscaping and site linkages;
 - be designed to mitigate noise impact from the main road. A noise assessment will be required.
- 6. The above and other material considerations are considered in the following sections of this report.

Constraints

- 7. Critical Drainage Area
- 8. Site is located adjacent to the Mile Cross Conservation Area, the Grade II listed St Catherine's Church and Church Hall and neighbouring locally listed vicarage and Mile Cross Library, which are all located on the western side of Aylsham Road immediately opposite the application site.

Relevant planning history

9.

Ref	Proposal	Decision	Date
13/01928/F	Demolition of existing buildings and redevelopment of site to construct a new foodstore with associated landscaping and car parking. Reconfiguration of site access and highway works to accommodate.	APPR	12/06/2014
14/01225/D	Details of Condition 14: Verification plan proposals for remediation of near-surface/subsoil contamination; Condition 16: Long term monitoring/maintenance plan for confirming completion of near-surface/subsoil contamination treatment; Condition 17: Detailed Quantitative Risk Assessment for the dissolved phase / floating product groundwater contamination; Condition 18(a): Remediation Verification Plan for treatment of dissolved phase / floating product groundwater contamination; Condition 18(b): Remediation Verification Report into treatment of dissolved phase / floating product groundwater contamination; Condition 19(a): Longer term monitoring/maintenance plan for groundwater/floating product/dissolved contamination product; Condition 19(b): Submission of longer term monitoring reports and any contingency actions taken, for groundwater/floating product/dissolved contamination; Condition 19(c): Final Detailed Quantitative Risk Assessment of groundwater/floating product/dissolved phase contamination; Condition 21:Drainage Strategy (a) Infiltration testing; (b) storage; (c) infiltration drainage; (d) surface water drainage; and (e) modelling of on-site surface water network; of previous permission 13/01928/F 'Demolition of existing buildings and redevelopment of site to construct a new foodstore with associated landscaping and car parking. Reconfiguration of site access and	APPR	01/09/2015

highway works to accommodate.'		

The proposal

10. The applications seeks consent for the demolition of existing buildings and the erection of a foodstore, formation of access, car parking, landscaping and associated works.

Summary information

Proposal	Key facts		
Scale			
Total floorspace	Gross floorspace - 2,755 sq.m		
	Net retail floorspace – 1,690 sq.m		
	For the sale of convenience goods – 1,352 sq.m		
	For the sale of comparison goods – 338 sq.m		
No. of storeys	2		
Max. dimensions	Ridge height of 7.57 metres and eave height of 5.28 metres.		
Appearance			
Materials	White mineral render, silver metallic finish cladding, standing seam aluminium sheet roofing, graphite grey powder coated aluminium framed windows.		
Operation			
Opening hours	07:00 – 22:00 (Mon – Sat) 10:00 – 17:00 (Sun)		
Ancillary plant and equipment	Located in enclosed compound in south-east corner of store as well as on first floor above the freezer/chiller area.		
Transport matters			
Vehicular access	From Aylsham Road – New vehicle access.		
No of car parking spaces	156, including 10 disabled parking spaces.		
No of cycle parking	20 indicated onsite plan. Details to be secured by		

spaces	condition.
Servicing arrangements	Enclosed loading bay in south-east corner of site.

Representations

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. One letter of representation has 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
Objections	
The development is not in accordance with an up to date local plan and paragraph 26 of the NPPF requires applicants to provide a Retail Impact Assessment to assess the impact of the development upon current, committed and planned private and public investment in the centres within the catchment of the proposed foodstore, and the impact of the proposal on town centre vitality and viability up to five years out from the project.	Main Issue 1
Paragraph 27 of the Framework requires a local planning authority to refuse permission where an application fails to satisfy the sequential test or where an application will have a significant adverse impact on either the current, committed and planning proposals, or on the vitality and viability of town centres.	Main Issue 1
Given the applicant has failed to provide any evidence that the development proposal would not have a severe impact, and has failed to undertake the sequential test, instead mistakenly trying to argue that the application meets the local policy R21, the council would be well within its rights to refuse the application on these grounds alone.	
Loss of trees	Main Issue 3
The applicant has failed to assess how removing the existing trees from the site will	Main Issue 3

impact the green infrastructure network throughout the city, which is recommended as a response to JCS1.	
The development proposal put forward by the applicant does not respect, enhance or even respond to the character and local distinctiveness of the area. The proposal does not have regard to the character of the surrounding neighbourhood, or to the elements contributing to its overall sense of place. The proposal does not give any weight to the uses and activities around it, or to the historic context of the streetscape.	Main Issue 2
The applicant's Travel Plan is ambiguous and flawed, and should not be considered satisfactory to fulfil the obligations under Policy JCS6 and supporting text in Paragraph 5.49in the JCS, Policy 8 of the Norwich Area Transportation Strategy (NATS), and Policy DM28 of the Local Plan.	Main Issue 4
Comment	
We support the comments made by Historic England regarding the street presence.	

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.

Design and conservation

- 13. "It is acknowledged that the past approval may have created a better street presence and offered more to enhance the setting of neighbouring heritage assets (particularly in terms of car parking). Nevertheless, this application has to be determined on its own merits and provided that the LPA can come to some agreement on the following issues, the proposals would be considered to comply with Local Plan and NPPF policy including paragraphs 132 and 137. The scheme will result in an improvement upon the status-quo; it will result in the redevelopment of a rather dilapidated and unattractive site and the setting of neighbouring heritage assets will be positively enhanced.
- 14. Issues to be resolved:-

Location of the disabled parking area;

Landscaping to the western boundary (we would want to condition that this must be completed before store operation commences);

Street trees will be maintained/relocated;

Replacement trees will be agreed across the site;

Proposed hardstanding to be agreed;

Signage and lighting across the site;

Proposed materials."

15. The conservation officer has subsequently agreed (verbally) that the proposed materials and disabled parking is acceptable. A detailed landscaping scheme will be secured by condition but the indicative plan exhibits much merit in terms of providing an attractive frontage to Aylsham Road.

Historic England

16. "The proposed development will have an impact on the setting of the listed church and church hall and of the adjacent conservation area. While we have previously accepted the development of a large food store on this site we do not feel the current design will fully realise its potential to enhance the setting of heritage assets. The NPPF, paragraph 137 asks local planning authorities to favour proposals that do achieve real enhancement. We would therefore not support the proposals as they stand and recommend the Council consider a revised design that brings the new building closer to the street and has a more positive relationship with the public realm and redesigning the western elevation."

Environmental protection

17. With respect of contamination:

"As the EA are now satisfied with the situation re contamination, I have no further comments to add."

- 18. With respect of noise:
- 19. "I have looked at this application and believe it is necessary to restrict delivery times as below:

No trade deliveries or collections, including trade waste or clinical waste shall take place before 07:00 hours and after 23:00 hours Monday to Saturday. There shall be no trade deliveries or collections, including trade waste or clinical waste, on Sundays or Bank or Public Holidays."

Environment Agency

20. "Thank you for providing the drainage strategy and assessment of residual risk and mitigation measures dated July 2016 by CSG Consulting Engineers. We have had the opportunity to consider the information in these documents and are able to recommend the removal of the holding objection outlined in our previous letter (AE/2106/120451/01, dated 3/6/2016). Without these conditions, the proposed

development on this site poses an unacceptable risk to the environment and we would object to the application."

21. Conditions are recommended to deal with contamination.

County Council (Lead Local Flood Authority (LLFA))

22. "I can confirm that the County Council as Lead Local Flood Authority has no comments to make".

Anglian Water

- 23. "The sewerage system has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under S106 of the Water Industry Act 1991.
- 24. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.
- 25. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented."

Highways (local)

- 26. Agree with comments submitted by County as strategic highways authority.
- 27. The travel plan for the application is considered to be acceptable. The site is adjacent to a district centre meaning that it is already highly accessible by bus, walking and cycling and will not be entirely car dependent. It is also considered that by relocating from the current site closer to Mile Cross and Hellesdon area make it more accessible by these sustainable modes.

Highways (strategic)

- 28. "The application is for the relocation of a Lidl store on Aylsham Road, Norwich. The Aylsham Road at this point is a strategic route. The site previously had permission for a Morrison's Supermarket.
- 29. Access is proposed using a Right Hand Turn Lane with the access road having a central D splitter to encourage pedestrian and cycle access. The City Council has raised concerns that a more appropriate access would be a narrow access road without the D splitter. If the applicant can demonstrate that this can be achieved then the strategic highway authority is happy to accept the City Councils recommendations. Should a revised access strategy not work, then that proposed is considered acceptable. There will also be revisions required to the waiting restrictions along Aylsham Road. These will need to be secured via a Traffic Regulation Order which the city will promote.

- 30. The strategic highway authority recommends no objection subject to conditions and subject to an access strategy being agreed with the City Council. The City Council may wish to add conditions if they consider them necessary particularly in relation to the required TROs"
- 31. The applicant has subsequently amended the scheme to remove the D-splitter at the vehicular access and this strategy is considered to be acceptable as confirmed verbally by the council's Principal Transport Planner. The removal of the D-splitter and narrower access carry benefits in terms of creating a shorter distance for pedestrians to walk across and for deterring vehicles from swinging into the site at high speeds.

Landscape

32. Several recommendations made relating to replacement landscaping and protection of street trees and trees located on adjacent sites. The indicative landscaping scheme has subsequently been amended to address these recommendations. A detailed landscaping scheme will be secured by condition.

Norfolk county planning obligations

33. The strategic highways authority has confirmed that there will be no S106 requirement and that all off-site works including the TRO will be secured by condition.

Norfolk historic environment service

34. No archaeological implications.

Norfolk police (architectural liaison)

35. Recommendations have been made to enhance the security of the site.

Tree protection officer

36. Concerns initially raised with respect to the level of information that had been submitted and the potential impact of the scheme on street trees and trees on adjacent sites. Additional information has subsequently been submitted and adequately addresses the concerns of the tree officer. Planning permission will be conditioned to require compliance with the approved arboricultural information. A comprehensive scheme of tree replacement come forward as part of the landscaping scheme which is to be conditioned.

Norfolk Fire and Rescue

37. No objections, providing the proposal meets the necessary requirements of Building Regulations 2010 – Approved Document B.

Assessment of planning considerations

Relevant development plan policies

38. 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
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS5 The economy
- JCS6 Access and transportation
- JCS12 The remainder of the Norwich urban area including the fringe parishes
- JCS18 The Broads
- JCS19 The hierarchy of centres
- JCS20 Implementation

39. 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
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM15 Safeguarding the city's housing stock
- DM18 Promoting and supporting centres
- DM21 Protecting and supporting district and local centres
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

40. Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)

• R21 - Land at Aylsham Road - mixed use development

Other material considerations

41. 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
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

42. Supplementary Planning Documents (SPD)

Main town centre uses and retail frontages SPD adopted December 2014

Case Assessment

43. 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 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

- 44. Residential Key policies and NPPF paragraphs JCS 4, DM15, R21, NPPF paragraphs 17, 47 -50
- 45. Non Residential Key policies and NPPF paragraphs JCS19, DM 18, DM21, NPPF 17, 23-27
- 46. The site forms part of a wider allocated site for mixed use development (R21) and part of the allocation specifies that development should include retail provision on the street frontage. Policy R21 also aims to deliver housing development for up to 100 dwellings, specifically to be located in the north of the site. It is envisaged that redevelopment of the site presents an opportunity to strengthen the Aylsham Road District Centre.
- 47. In considering the principle of the development there are two main issues to consider. The first is whether the proposed development will harm the deliverability of the remainder of the allocation for housing and the second relates to the principle of retail development on the site.

Impact on the deliverability of housing:

- 48. The allocation is clear that the north side of the site should be redeveloped for housing and it also states that retail development should be provided on the street frontage. The design merits of the scheme are discussed in the following section of this report, but plans show that the store is located in the south area of the site and set slightly back from the main road. In doing so the proposal avoids prejudicing the deliverability of housing on the remainder of the site.
- 49. Vehicular entrance to the site is provided via the existing access off Aylsham Road, but the entrance will be widened to allow access/egress and to accommodate larger servicing vehicles. The proposals retain the opportunity to provide access to the remainder of the site from the existing northern service route across Smith and Pinching land. It is envisaged that future vehicle access to the housing allocation should come via the north and from Arminghall Close, which will reduce any traffic impact on Aylsham Road.
- 50. It is considered therefore that the proposed store is located appropriately with respect of ensuring the deliverability of the remaining housing allocation in the northern part of the site and providing a potential link to the housing in the future.

Principle of retail development:

- 51. The site forms part of a mixed use residential and retail redevelopment allocation in the *Local Plan*, specifically allocation R21 within the *Site Allocations and Site Specific Policies Development Plan Document*. The store is proposed on the south of the site which is in line with the allocation to position residential in the northern part of the site. The site straddles the Aylsham Road/Glenmore Gardens Local retail Centre to the south and is adjacent to the Aylsham Road/Mile Cross District Centre to the north. Aylsham Road forms part of the major road network.
- 52. While the site is not located directly within a local or district centre, the fact that it straddles a local centre and is located in close proximity to a district, mean that the site is as close to being within a defined centre as possible without being located within one. The site can therefore be said to be edge-of-centre with respect of NPPF policy classification. R21 also recognises the opportunity to strengthen the Aylsham Road District Centre by providing additional retailing to meet every day needs and development in the proposed location will effectively extend the adjacent local retail centre to the south.
- 53. Planning permission was granted in June 2014 for a Morrison's supermarket on the application site and this permission is still extant. The approved retail use was for a larger store than that being proposed under the current application with the gross floorspace being 3,435 sq.m (compared to 2,755 sq.m under current assessment), with 423 sq.m used for the sale of comparison goods (compared to 338 sq.m under current assessment).
- 54. R21 states that retail development at the site will provide a maximum of 2,500 sq.m (gross) and 300 sq.m (net) for comparison goods. Policy DM18 of the *Local Plan* states that proposals for main town centre uses which are not located within a defined centre (other than those forming part of a specific development allocation within the Site allocations plan) will be permitted where:
 - (a) the proposal would not conflict with the overall sustainable development criteria set out in policy DM1 of this plan, and
 - (b) the proposal is justified by a sequential site assessment (and where applicable, impact assessment) applying to the scale of development proposed.
- 55. The current proposal is considered to be broadly adherent to the principles of sustainable development outlined in DM1. A sequential site assessment has been submitted with the application but a retail impact assessment is absent. Both the sequential assessment of the site and retail impacts of the proposal are discussed below.

Sequential site assessment

56. The site straddles a local retail centre and is located adjacent to a district centre. The site is also allocated under policy R21 for retail development and planning permission already exists for a larger foodstore to be constructed at the application site (13/01928/F). R21 sets maximum thresholds for gross floorspace and floorspace given to the sale of comparison goods and the current proposal exceeds these thresholds by 255 sq.m and 38 sq.m respectively. The current proposal is however considered to largely be in accordance with the allocation and given the fact that the thresholds are only marginally exceeded, that the site is allocated for

retail development in an up-to-date development plan and that planning permission already exists at the site for a larger foodstore, the need for a sequential assessment is perhaps questionable.

- 57. A sequential assessment was nevertheless requested in the understanding that market availability of sequentially preferential sites may have changed in the time since the approval of the 2014 approval for a foodstore at the site, especially given the smaller size of the foodstroe under current assessment. It was agreed that a scaled down sequential assessment would suffice due to the proximity of the site to the local and district centre and likelihood that city centre sites would not be suitable as they wouldn't serve the intended catchment area.
- 58. The current application effectively represents an intended relocation of the existing Lidl store located ~300 metres south of the application site in the Half Mile Road local retail centre. The applicant contended therefore that the sequential assessment should only look at sites/premises larger than that at Copenhagen Way (or at least capable of accommodating the increase in floorspace that Lidl require to meet the needs of their customers) and that since Lidl was proposing to improve its offer on Aylsham Road, that any sequential assessment should not be remote from its existing catchment. The local planning authority agreed that this represented a reasonable basis for the sequential site assessment and a search within a one mile radius of the application site was agreed as appropriate.
- 59. A sequential assessment of sites within district and local centres within a one mile radius of the site was undertaken and revealed that there were no more suitable sites that were sequentially preferential to the application site.
- 60. Policy R21 for the 3.48 hectare site reflects a long term aspiration to regenerate and enhance the Aylsham Road district centre by providing for a mixed development of housing and retail uses, which integrates with and enhances the existing centre and its facilities.
- 61. The site's location adjoins an existing district centre which is identified in the hierarchy of centres in the adopted JCS (Policy 19) and is on a high frequency bus route with a high degree of accessibility to adjoining residential areas at Mile Cross and New Catton. In addition to the results of the sequential site assessment it is therefore concluded that the location is appropriate for retail development

Retail impacts:

- 62. A retail impact assessment was included as part of previous permission 13/01928/F for the development of a 3,435 sq.m (gross) foodstore at the site. The NPPF advises that local planning authorities should request a retail impact assessment when assessing applications for retail development outside of a defined centre which are not in accordance with an up-to-date Local Plan.
- 63. As previously stated, the *Local Plan* allocates the site for retail development and sets maximum thresholds of 2500 sq.m (gross floorspace) and 300 sq.m (comparison goods). The current proposal marginally exceeds these thresholds and is broadly considered to accord with the site allocation, unlike the previous application (13/01928/F), which proposed significantly more gross floorspace and sale of comparison goods.

- 64. The retail impacts of the previous permission were considered extensively during the 2014 assessment of the application and found to be acceptable. The previous permission is still extant, which technically would allow a retailer to implement the consent for the larger approved store.
- 65. The previous retail assessment looked at the impact on the Aylsham Road district centre and determined that the existing stores in the centre did not have the "range nor extent of goods needed to serve large catchments or attract people from further afield". This influence was found to be dictated by the size of unit as opposed to the type of foodstore operator. The role of a larger store (like the approved and like the one being proposed), is to serve a much larger catchment. The impact of the larger store is unlikely to harm existing smaller outlets, which are regarded more as 'top-up' shops only. Further, and as stated in the assessment of the previous application, "the proposal carries the potential to enhance the vitality and viability of the adjacent centres by providing another destination for people to visit and create linked trips". This is reflected in the wording of R21 which states that retail development will "strengthen the Aylsham Road district centre by providing additional retailing to meet every day needs".
- 66. In terms of the impact on adjacent centres and nearby centres, the assessment of approved application 13/01928/F concluded that the degree of impact was acceptable and that any detrimental impacts experienced, are likely to be trade drawn away from larger nearby stores, which the NPPF encourages for promoting competitive centres. It is not considered that the impact of the smaller foodstore under current assessment will be any greater than the extant permission for the much larger foodstore as granted under 13/01928/F.
- 67. The proportion of convenience to comparison goods for the current proposal is 80% convenience (1,690 sq.m) to 20% comparison (338 sq.m). In order to ensure no impact on other retail units/outlets with regards to the sale of comparison goods, planning permission will be conditioned to ensure that the proportion of comparison goods sales does not exceed that which is proposed. This is consistent with the assessment made for previous permission 13/01928/F.
- 68. An additional factor in considering the retail impacts of the current proposal concerns the existing Lidl store on Copenhagen Way. The application states that while the current store trades well, it is now too small to accommodate Lidl's operational model or meet customer needs. It is intended to effectively upgrade the existing store by relocating into modernised premises on the application site. This will allow Lidl to serve the same catchment area and customer base. The current proposal must therefore be considered in this context, whereby the impact of the proposal is offset by the existing Copenhagen Way store which would cease operating with the establishment of the proposed store. This of course differs from the previously approved foodstore, which presented an additional impact on top of the Copenhagen Way store, and the associated retail impacts were still found to be acceptable. The applicant's intention to cease operating the existing store is demonstrated by a recently submitted planning application to the local planning authority, seeking outline consent for residential redevelopment of the site.

Main issue 2: Design and Heritage

- 69. Key policies and NPPF paragraphs JCS2, DM3 and DM9, NPPF paragraphs 9, 17, 56, 60-66 and 128-141.
- 70. Policy DM3 requires development to respect, enhance and respond to the character and local distinctiveness of the surroundings. Accordingly development should be designed having regard to the context, with appropriate attention to height, scale, massing, layout and appearance. Given the location of the site immediately adjacent to designated conservation areas, design considerations are extended and strengthened, as DM9 requires development to protect and enhance the historic environment.
- 71. The site lies within the setting of the Grade II* listed—St Catherine's Church, Grade II Listed St Catherine's Church Hall and neighbouring locally listed vicarage and Mile Cross Library all located along the western side of Aylsham Road immediately opposite the application site. The Mile Cross Conservation Area is also located to the west the impact of the proposal upon the setting of the conservation area must also be considered. Aylsham Road is characterised by street trees on either side of the road which contribute positively to the landscape character of the surrounding area.
- 72. The site is currently occupied by mid 20th Century industrial buildings of 1-2 storey and of little architectural merit. The buildings close to the street frontage with Aylsham Road are in a state of disrepair and make a negative contribution to the character of the wider area. The demolition of these buildings is therefore welcomed and provides an opportunity to enhance the appearance of the site.
- 73. The current scheme proposes the erection of a 2-storey foodstrore, with a rectangular form and mono-pitched roof. The building is set back from the main road and positioned at an angle to the street owing to the irregular form of the site. The front of the building is glazed and fronts onto Aylsham Road. It is proposed to provide disabled car parking in front of the store adjacent to the main entrance to the store. Landscaping is then proposed along the frontage of the site with Aylsham Road on either side of the main vehicular access to the site. The main car park is then located behind the landscaping to the side of the store. It is apparent that the design of the store is based upon the current business model for Lidl, the internal configuration of which seeks to achieve operational efficiency and functionality.
- 74. Allocation R21 states that development will include retail provision on the street frontage and minimise impacts on the setting of the adjacent heritage assets. The current application includes both a Design and Access Statement and Heritage Impact Assessment, which seek to justify the design of the scheme in relation to its impact on the wider historic environment.
- 75. It is noted that the store would be set back from Aylsham Road and further back from the street than the previously approved Morrison's scheme (13/01928/F). The application states that the store has been pushed closer to the street in response to pre-application advice, but it was still hoped that a stronger frontage might be created by positioning the site closer to Aylsham Road and efforts were made during negotiations for the scheme to be amended to further address this issue. However, the applicant has resolved to maintain the set-back position of the store and has sought to justify the position of the store in terms of its impact on the setting

of adjacent listed buildings, continuing the historic pattern of development and providing a strong landscaped frontage to complement the character of the wider area.

- 76. Historic England have provided comments on the application and whilst they have not expressly objected to the proposal, do not support the current proposals because it is not felt that the current design will "not fully realise the potential to enhance the setting of the heritage assets". It is recommended that the council consider a revised design that brings the building closer to the street to provide a more positive relationship with the public realm and to redesign the western elevation. While it is agreed that such revisions might improve the design of the scheme, negotiations to bring the store closer to the street frontage to create a stronger street presence have unfortunately not proved successful and so the application must be assessed in its current form.
- 77. Development at the site has historically been set back from the street frontage, with the exception of the car showroom which is a more modern addition. However, development at the site has been industrial in character and has not contributed positively to the character of the wider area. It does not therefore represent a form of development which should necessarily be echoed in the redevelopment of the site. However, it is considered that the removal of the existing buildings and redevelopment of the site as proposed will enhance the appearance of the site and setting of the adjacent heritage assets. It is noted that the listed heritage assets opposite the site are also set back from the street frontage.
- 78. The store is predominantly glazed on the western front elevation and is otherwise clad in modern materials. The mono-pitched roof ensures that the height of the building is minimised with the scale effectively indicative of 1.5-storey along the south boundary of the site. The design of the building is contemporary and has a regular and uniform built form. In positioning the building against the south boundary of the site, the building has been configured at an angle to Aylsham Road and a larger space is created in front of the building. While this reduces the street presence of the building, especially when compared to that created by the approved scheme, it does provide an opportunity to incorporate landscaping to the site, which will prevent a large 'gap' being created in the streetscape and will help to temper the impact of the development upon the setting of the neighbouring heritage assets opposite the site.
- 79. An attractive landscaped frontage will carry the opportunity to enhance the appearance of the site and contribute positively to the surrounding area, which is characterised by street trees and areas of landscaping in front of buildings, especially further north along Aylsham Road. As such the scheme will enhance the existing appearance of the site and subject to agreeing a detailed and high quality landscape scheme, will also enhance the character and setting of the adjacent heritage assets as well as presenting an opportunity for biodiversity enhancements and replacement tree planting.
- 80. Materials have been indicated on plans but a sample and manufacturers specification and joinery details for the glazed western elevation, will be required by condition to ensure a satisfactory appearance of the development.
- 81. Disabled parking has been provided in front of the building adjacent to the main entrance doors. Alternative locations for disabled parking were explored during the

assessment of the application which could still have provided close entry to the front doors of the store. This would have enabled the building to move closer to the street and removed any opportunity to for the front of the site to be car dominated. In discussions with the agent for the application it was stated to be important to the operational requirements of the business to have parking clearly visible in front of the store. The number of disabled spaces is relatively small and it is anticipated that the spaces will not be fully occupied for the majority of time, and so it is not considered that the proposals will result in a car-dominated frontage.

82. In summary therefore, while the concerns of Historic England are noted, subject to agreeing landscaping details, the current scheme will greatly improve the appearance of the site from the its existing state and will enhance the setting of the adjacent heritage assets. The proposals are therefore considered to comply with policies DM3 and DM9 of the *Local Plan* and NPPF policy, including paragraphs 132 and 137.

Main issue 3: Trees, landscaping and biodiversity

- 83. Key policies and NPPF paragraphs JCS1, DM3 and DM6 and DM7, NPPF paragraphs 109 and 118.
- 84. R21 states that the design of any development "should take account of trees with preservation orders at 295-297 Aylsham Road and other landscape features within the site worthy of retention". The Tree Removal Plan shows that the trees served by TPO are located just beyond the north boundary of the application site and will not be affected as part of the development proposals.
- 85. The landscape character of Aylsham Road is enhanced by a healthy coverage of street trees. The Tree Protection Plan (TPP) shows that protective fencing will be placed around the street trees adjacent to the vehicular entrance to the site to ensure their wellbeing and retention. Planning permission will be conditioned to ensure compliance with the TPP.
- 86. In order to facilitate the development all trees within the application site are to be removed. Arboricultural information submitted with the application shows that the majority of these trees are classified as C or U (low and no retention value). There is potential for birds to be nesting in the trees and hedges proposed for removal and it therefore recommended that the mitigation measures outlined in the ecology report are fully complied with to ensure that clearance works on these habitats are carried out outside of the bird nesting season.
- 87. The loss of such a large number of trees is clearly regrettable and it is therefore paramount that a suitable scheme of replacement planting be secured as part of any planning consent. Indicative landscaping schemes have been submitted with the application which generally reflect a high standard of replacement planting. However, the final landscaping scheme will be secured by condition to ensure adequate tree replacement, tree planting within the car park, suitable boundary treatments and the introduction of plant species of wildlife value. The final landscaping scheme will also ensure that an attractive frontage is created, which will enhance the setting of the adjacent historic environment as well as providing public amenity benefits. The opportunity to provide further biodiversity enhancements such as bird/bat boxes and hedgehog friendly fencing will also be explored in the assessment of the final landscaping scheme.

- 88. The application also includes indicative landscape proposals of the landscaped areas at the front of the site will provide connectivity to the site as well as publically accessible amenity spaces. The landscape proposals include planting around the border of the site, which will provide an ecological corridor linking to adjacent residential gardens. Subject to condition securing landscaping details therefore, the proposal carries the potential to enhance biodiversity at the site and contribute to the green infrastructure network of the city by providing areas of landscaped open spaces.
- 89. During the assessment of the application several trees were identified as being located on neighbouring land in the rear gardens of Palmer Road. These trees were omitted from the tree survey and concern was therefore raised that the construction works might interfere with the Root Protection Area (RPA) of these trees. The arboricultural assessment has subsequently been updated to take account of these trees. At present the trees are located behind one of the buildings to be demolished and it has not therefore been possible to fully establish the extent to which development works might affect the tree. The trees will be reviewed when the building is being demolished and assessment of the potential root impacts will be taken. The applicant is advised that once the building has been demolished, any machinery used to break up the remaining hardstanding shall work back from the boundary with Palmer Road. This will ensure that the area adjacent to the garden will not be compacted which could otherwise result in harm to these trees.
- 90. Planning permission will be conditioned for full compliance with the approved Arboricultural Impact Assessment (AIA) and TPP. Planning permission will also be conditioned for compliance with the mitigation and compensation/enhancement measures outlined in section 6 of the Ecological Appraisal, in order to ensure the protection of bird, bat, badger and hedgehog populations.

Main issue 4: Transport

- 91. Key policies and NPPF paragraphs JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
- 92. The application includes a Transport Assessment, which considers the transport and highway impacts of the proposal. Norfolk County Council as the Strategic Highway Authority has taken the lead in assessing the transport implications of the scheme and their comments have been supported by the council's transport officer.
- 93. The original submission of the scheme featured a wider vehicular access into the site and included a 'D-splitter'. It was recommended that the entrance be narrowed and the D-splitter removed and plans have subsequently been amended to reflect this. The removal of the D-splitter and narrower access carry benefits in terms of creating a shorter distance for pedestrians to walk across and for deterring vehicles from swinging into the site at high speeds. The narrowing of the access has also moved development further away from the street trees, which is beneficial for ensuring their protection.
- 94. The application proposes a series of off-site highway improvement works including the construction of pedestrian refuge islands, widening of existing pedestrian islands, introduction of yellow lines and the provision of a raised table across the main vehicle access to the site to aid pedestrians. Revisions to the waiting restrictions along Aylsham Road will also be required. These will be secured via a Traffic Regulation

Order as part of a scheme to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

- 95. Further conditions are recommended to ensure the following:
 - Appropriate gradient for the vehicle access into the site;
 - Permanent availability of parking/manoeuvring area;
 - That a scheme be agreed detailing provision of on-site parking for construction workers for the duration of the construction period and that wheel cleaning facilities for construction vehicles are provided.
- 96. Car parking numbers are ~20 spaces greater than maximum standards recommended in the *local plan*. However, the number is considered to be acceptable and mark a significant reduction in the number of spaces approved under the existing permission.
- 97. The County Council have confirmed that there will be no Section 106 requirement and that all off-site works, including the TRO can instead be secured by condition.
- 98. The application includes a Travel Plan which has been reviewed by the council's transport officer. The Travel Plan is considered to be acceptable and will ensure that the development supports sustainable modes of transport. Planning permission will be conditioned to ensure that the travel plan is implemented and carried forward. The site is adjacent to a local centre and district centre meaning it is already highly accessible by bus, walk and cycling and it will not therefore be entirely car dependent. The relocation of the store from the current site closer to the Mile Cross and Hellesdon area makes it more accessible by these sustainable modes.
- 99. Details of cycle parking for staff and customers will be secured by condition in order to ensure adequate specification and capacity.

Main issue 5: Amenity

100. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.

Noise:

- 101. A noise assessment has been submitted with the application and has been reviewed by the council's environmental protection officer. Several residential properties neighbour the application site, most notably to the east on Palmer Road and to the south where flats are located above some of the commercial units. These properties are picked up in the noise assessment, which compares existing ambient noise levels at the nearest noise sensitive locations with the increased noise levels resulting from plant, deliveries and customer vehicle movement.
- 102. The proposed plant is to be located within a compound to the south-east side of the delivery bay. The noise report recommends that a 2.6m high acoustic barrier be installed on the northeast, southeast and southwest sides of the plant compound to prevent noise disturbances to the surrounding area. The report also makes recommendations for how the acoustic fences could be constructed but provides no firm construction details for either the compound or acoustic fencing. A condition is therefore recommended to require details of the compound and acoustic fencing to

be submitted to the local planning authority for approval. The noise assessment shows that with the recommended acoustic mitigation measures in place, noise from the plant measured at the noise receptor locations will actually be lower than existing night time background noise levels. A daytime assessment is then made which takes account of peak customer vehicle movements, plant noise and deliveries and shows only a 1dB(A) increase above existing background noise levels at one of the noise receptor locations (R3), measured adjacent to the north boundary of the application site in the remaining section of the allocated site. The increase in noise from plant in this location is so marginal any future residential development in this location would not be significantly affected. It is also worth noting that the for the peak daytime measurements, the anticipated measurements were unchanged from existing background levels at one of the residential locations and reduced noise levels by 10 dB at the other, representing an improvement to the present noise environment.

- 103. An assessment was then made of the impact of night time plant noise and deliveries, which showed significant adverse impacts at two of the noise receptor locations when compared against existing background levels. The study therefore showed a potential significant noise impact from night time deliveries (23:00 07:00). The assessment then measures the impact of night time plant noise and deliveries against night-time ambient noise levels, which is a different way of measuring existing noise levels. Against existing ambient noise levels the noise impact of night time deliveries and plant was found to increase only marginally. The noise report contends that consideration shoud be given to the granting of unrestricted deliveries to the site.
- 104. The results of the study have been considered extensively and it is considered necessary to restrict deliveries so that none shall take place between the hours of 23:00 and 07:00 (Mon Sat) and none between the hours of 10:00 and 18:00 (Sundays and Bank/Public holidays). The council's environmental health officer has confirmed that such restrictions will be sufficient to avoid any significant noise disturbance to the surrounding area.
- 105. The noise assessment also fails to set any management measures to mitigate for noise disturbances resulting from delivery activities. Given the presence of residential properties in the surrounding area and ambition for the site to the north to be developed for residential in the future, it is considered necessary to require a delivery management plan to demonstrate how noise disturbance from delivery activities will be minimised. The delivery management plan might include operational arrangements to minimise noise, including use of broadband reversing alarms, engines being turned off during deliveries, the use of a delivery shroud (linking the HGV to the delivery dock), switching off refrigeration units before delivery vehicles enter the site and contact with the store prior to entering Norwich to ensure the store is ready for the arrival.

Overbearing, outlook and overshadowing

106. The majority of residential properties in the surrounding area are located far enough away from the proposed building that they will not be affected by any impact of overshadowing or overbeating. It was noted however that several of the commercial units located on Aylsham Road to the south of the site carried the potential to have flats in upper floors, which might be affected by the proximity to the foodstore. The

- applicant was advised to explore the situation and provide additional information to demonstrate the amenity impacts of the scheme.
- 107. It was subsequently found that that a flat exists on the upper floor of 291 Aylsham and a plan was produced which illustrates the relationship between 291 Aylsham Road and the proposed application building. While the proposal will affect views from 291, there is a distance of 17.5 metres looking directly forward from the nearest window to a habitable room. The lowest height of the building is positioned adjacent to the southern boundary of the site and it can be seen that outlook will not be significantly affected. Furthermore, the space between the rear of 291 and the application site is occupied by single storey buildings associated with the commercial use of the premises and then service yard. The space between does not serve as a residential garden, which might otherwise be affected by overbearing. This also means that any impact of overshadowing will not be significant, because it will largely impact upon the roofs of the single-storey buildings and only during morning/early afternoon hours.

Main issue 6: Contamination

- 108. Key policies and NPPF paragraphs DM11, NPPF paragraphs 120-122.
- 109. Significant and known groundwater and soil contamination risks have previously been identified at the site, associated with the old fuel depot. As part of previous application 13/01928/F, considerable site investigation, detailed Quantitative Risk Assessment and remediation was undertaken to deal with hydrocarbon contamination of soils and groundwater at the site.
- 110. The EA initially submitted a holding objection to the proposal subject to the applicant providing documents for the assessment of contamination at the site which formed part of the previous application. The drainage strategy and 'assessment of residual risk and mitigation measures', documents were subsequently submitted to the EA and the holding objection has been removed.
- 111. The EA have recommended two conditions to deal with the remaining contamination on site. They also offer advice to the applicant and local planning authority in respect of the soakaway location and surface water management strategy. It is recommended that a revised surface water drainage strategy be agreed by condition to address the recommendations of the EA. This will include the need to undertake soil testing at the base of the proposed soakaway to ensure the installation is into natural (impacted) ground. If any unexpected contamination is found then it will be necessary for the results and details of contamination removal be submitted to the local planning authority for approval prior to commencing development. The EA also advise that the SUDS management train for the interceptor is revisited to ensure any hydrocarbons are adequately treated prior to discharge.

Compliance with other relevant development plan policies

112. 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 Relevan	nt policy Compliance	
---------------------	----------------------	--

Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes subject to condition
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	Yes subject to condition. An energy scheme has been submitted with the application but relates to a different site. The applicant has agreed that a site specific energy scheme should be agreed by condition and this will need to demonstrate that 10% of the site's energy will come from decentralised and renewable or low carbon sources.
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition. While a drainage strategy has been submitted with the application, revisions are needed to address the recommendations of the EA
Flood risk	JCS1 DM5	Yes. The drainage strategy will ensure that the development does not increase the risk of surface water flooding in the surrounding area. Norfolk County council as Lead Local Flood Authority have reviewed the application and confirmed that they have no comments to make.

Equalities and diversity issues

113. There are no significant equality or diversity issues. Level access is provided into the store and disabled parking is provided adjacent to the main entrance to the store.

Local finance considerations

- 114. 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.
- 115. 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.
- 116. In this case local finance considerations are not considered to be material to the case.

Conclusion

117. 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. 16/00606/F - 297 Aylsham Road Norwich NR2 3RY and grant planning permission subject to the following conditions:

- 1. Standard time limit;
- 2. In accordance with plans;
- 3. Details materials and joinery;
- Comprehensive landscaping scheme (soft and hard) to include boundary treatments, high quality landscaping to frontage, biodiversity enhancements, replacement tree planting including trees to be planted in the car park, seating, trolley parking;
- 5. Compliance with the AIA and TPP;
- 6. The development shall provide a maximum of 1,690sq.m. net retail floorspace, of which no more than 338sq.m. / 20% floorspace shall be used for comparison goods sales, whichever is the greater;
- 7. There shall be no future subdivision of the retail store into smaller units:
- 8. There shall be no mezzanine floorspace added to the store, even through the usual permitted development allowance of 200sq.m;
- 9. There shall be no use of the comparison goods floorspace separately from that of the main retailer or as a separate unit / via a separate entrance;
- 10. Restriction on store opening hours 07::00-22:00 (Mon-Sat), 10:00-17:00 (Sun);
- 11. Restriction on delivery hours No trade deliveries or collections, including trade waste or clinical waste shall take place before 07:00 hours and after 23:00 hours (Mon-Sat) and not before 10:00 hours and after 18:00 hours (Sundays and Bank Holidays);
- 12. Plant compound and acoustic fencing-full details and provision;
- 13. Delivery management plan;
- 14. Cycle parking and servicing details;
- 15. No occupation shall take place on the site until the changes to waiting restrictions facilitated by a Traffic Regulation Order have been secured by the Highway Authority. No occupation of the development hereby approved shall take place unless and until the provisions required within the Traffic Regulation Order have been put in place;
- 16. Gradient of the vehicle access shall not exceed 1:12 for the first 10 metres into the site:
- 17. Prior to the commencement of the use hereby permitted the proposed access / on-site car and cycle parking / servicing / loading, unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use;

- 18. Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period;
- 19. (a) No works shall commence on site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority;
 - (b) For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning facilities provided referred to in part (a);
- 20. (a) Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works as indicated on drawing number SCP/16013/SK02 Rev A (as included within the Transport Statement) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority;
 - (b) Prior to the commencement of the use hereby permitted the off-site highway improvement works referred to in Part (a) of this condition shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.
- 21. Details of plant and machinery
- 22. Details of ventilation & fume extraction
- 23. Upon first use of the store, the Travel Plan to be implemented and carried forward;
- 24. Unknown contamination;
- 25. Surface water drainage strategy. No systems to be installed until details have been agreed. Details must address issues raised by the EA and demonstrate no resultant unacceptable risk to controlled waters.
- 26. Energy scheme;
- 27. Water efficiency details and provision;
- 28. Compliance with mitigation measures in ecology report;
- 29. Provision of charging point for vehicles (minimum of three).

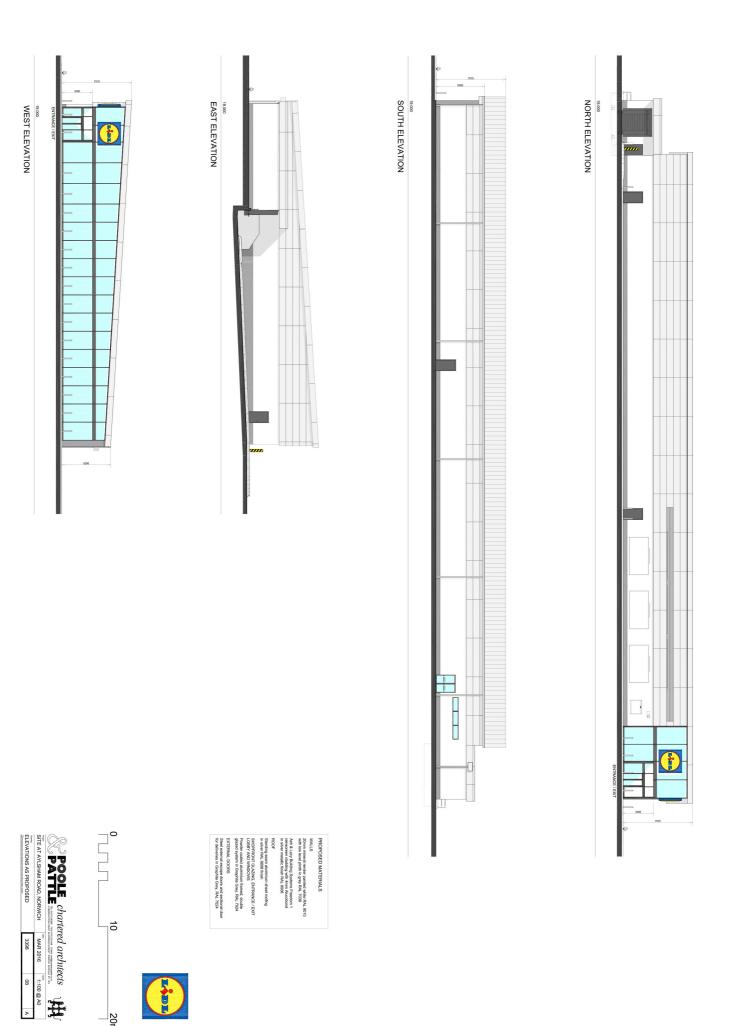
Informatives:

- 1) An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991."
- 2) EA Aedvice for LPA (first sentence)
- Detauiled landscaping plan indicative only and needs to make provision for adequate tree replanting and trees in car park

- 4) Advertising needs to form part of a separate application
- 5) In addition to the need to explore biodiversity enhancements and adequate replacement tree planting, the final landscaping scheme should provide a strong front boundary line with the introduction of low level hedging or similar.
- 6) The applicant is advised to refer to BS8545:2015 'Trees: from nursery to independence in the landscape', with respect to ensuring that the tree planting to be detailed on the final landscape plan is of a high quality.
- 7) The applicant is advised that once the building adjacent to Palmer Road has been demolished, any machinery used to break up the remaining hardstanding shall work back from the boundary with Palmer Road. This will ensure that the area adjacent to the garden will not be compacted which could otherwise result in harm to these trees.
- 8) Works to highway
- 9) Works to highway

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 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.





20m



Additional Chillers Bakery Warehouse Bakery Prep

> 64 84

> > Utility

Internal partitions

Circulation

67

PATTLE chartered architects

PATTLE CHARTER AND PROBLEM OF THE 2016

SITE AT ANSHAM ROAD, NORWICH

FEB 2016

1.200 @ A3

FEB 2016

1:200 @ A3

GROUND FLOOR PLAN AS PROPOSED

3398

