

Report to Planning Applications Committee
Date 6 December 2012
Report of Head of Planning Services
Subject 12/02003/F Former Bally Shoe Factory Ltd Hall Road
Norwich NR4 6DP

Item
6(2)

SUMMARY

Description:	Demolition of existing buildings and redevelopment of site to provide a new district centre to include a food store, customer cafe, retail units (Class A1, A2, A3 or A5), community use, restaurant/public house unit, business units (Classes B1 and B8), gym, car parking, public realm and associated access and servicing.
Reason for consideration at Committee:	Objection/Contrary to Policy
Recommendation:	Approve subject to S106 agreement and conditions
Ward:	Lakenham
Contact Officer:	Mark Brown Senior Planning Officer 01603 212505
Valid Date:	6th October 2012
Applicant:	ASDA Store Limited and Healthweb (UK) Limited
Agent:	Drivers Jonas Deloitte

INTRODUCTION

Background

1. The application is a resubmission of and is identical to application 12/00739/F which was reported to planning applications committee on 20 September 2012 where members resolved to refuse planning permission for the following reasons:
 - a) Saved policy SHO3 of the adopted City of Norwich Replacement Local Plan details that retail development will only be permitted where it is of a scale consistent with the catchment appropriate to a centre's position in the hierarchy. Part of the application is allocated as a District Centre under saved policy SHO13 of the adopted City of Norwich Replacement Local Plan. The superstore proposed is significantly larger than the site allocation and whilst it can be argued that an anchor convenience store of the size proposed can fit into the district centre level of the hierarchy, it is considered that the size of the superstore must relate to the size of the centre proposed as a whole. The level of floorspace within the superstore is disproportionately large when compared to the amount of other town centre uses. It is therefore not considered that the centre as a whole constitutes a District Centre and as such the proposals are contrary to policy 19 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk, saved policies SHO3 and SHO13 of the adopted City of Norwich Replacement Local Plan and the objectives of the sequential test set out at part 2 of the National Planning Policy Framework.

- b) The surface car parking takes up a significant proportion of the site and this coupled with the scale of the superstore limits the extent of the site available for other development or main town centre uses. The proposals have failed to make use of innovative design solutions to enable provision for a greater degree of development on the site. The proposals are therefore considered contrary to saved policy TRA5 of the adopted City of Norwich Replacement Local Plan, policy ENV7 of the adopted East of England Plan, policy 1 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk and the objectives of the National Planning Policy Framework to optimise the potential of the site to accommodate development.
 - c) The design of the proposals is dominated by surface car parking which fails to provide a positive and attractive setting to the development and as such the proposals are considered to be contrary to saved policies HBE12 and TRA5 of the adopted City of Norwich Replacement Local Plan.
 - d) The proposals fail to maximise accessibility to the site by sustainable modes of transport. The main entrance to the superstore is located at the lower ground floor level fronting onto the surface car park. The proposals design is orientated to users of the private car and access to the superstore for pedestrians, cyclists and users of public transport involves either navigating the surface car park or a significant change in level between Hall Road and the store entrance. The proposals are therefore considered to be contrary to saved policies TRA3 and HBE12 of the adopted City of Norwich Replacement Local Plan, policies 1 and 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk and the objectives of the National Planning Policy Framework for development to be designed to give priority to pedestrian and cycle movements.
 - e) The proposal would result in the loss of a significant number of trees protected by a tree preservation order including the complete loss of one group of protected trees. The loss of the trees would not allow for a substantially improved overall approach to the design of the development that would outweigh the loss of the trees. The design has failed to avoid or successfully mitigate harm to the biodiversity of the site and as such fails to take opportunities to enhance biodiversity through its design. The proposals are therefore considered to be contrary to saved policies NE3 and NE9 of the adopted City of Norwich Replacement Local Plan, policy 1 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk and the objectives of the National Planning Policy Framework.
2. The committee report for 12/00739/F has been appended to this report subject to the amendments which were reported verbally to committee on 20 September 2012. An extract of the minutes of the meeting have also been appended.

The Site

Location and Context

- 3. The application site is located to the east of Hall Road, bounded by Sandy Lane to the North and Bessemer Road to the east. The site measures 3.4 hectares in size and consists of the former Bally Shoe Factory and former T. Gill & Sons sites.
- 4. The site is to the south of Norwich located between the Tuckswood estate to the west and Old Lakenham to the east beyond the railway line. Areas to the east beyond Bessemer Road and south of the site are characterised by a mixture of light industrial and business uses including a number of car showrooms. To the north of

the site beyond Sandy Lane is the Hall Road Retail Park. To the east of the retail park is Whiting Road and the Norwich Business Park.

5. The site slopes eastwards down towards Bessemer Road. There are three groups of trees subject to Tree Preservation Orders (TPO's) these are located on the corners of Sandy Lane with Bessemer Road and Sandy Lane with Hall Road and just to the south of the main Shoe Factory building. Currently glimpses of the Yare Valley can be seen from Hall Road past the Shoe Factory. Buildings on the site are now vacant and disused and much of the curtilage of the buildings is hard surfaced with the exception of the areas occupied by TPO trees and a landscaping strip along Hall Road.
6. There are currently access points into the site from Hall Road, Sandy Lane and Bessemer Road with Hall Road forming a main arterial route into the City Centre.

Planning History

7. Outline planning permission was granted in May 2009 under application number 08/00319/O for the redevelopment of a wider site (including some development in the Hall Road Retail Park to the north) for a mixed use district centre to include retail, leisure, hotel, housing, employment, arts centre, parking and public realm uses; the development of retail and leisure uses at the Hall Road Retail Park and the provision of associated parking and public realm enhancements between the two. The committee report and minutes provide further information and can be viewed at the following link and by navigating to the committee meeting of 21 August 2008:- www.norwich.gov.uk/CommitteeMeetings
8. Permission 09/00735/VC was approved in December 2009 and approved variations to conditions of 08/00319/O which had the effect of allowing two of the blocks (D and E) to be used as a single retail unit, essentially allowing for a larger retail superstore. The committee report and minutes provide further information and can be viewed at the following link and by navigating to the committee meeting of 22 October 2012:- www.norwich.gov.uk/CommitteeMeetings. Within the confines of the Bally Shoe Factory and T. Gill & Sons site this consent permitted a total 20,984sqm gross commercial floorspace with up to 220 flats and associated decked car parking as per the following:
 - a. A food superstore of 5,667sqm gross (4,534sqm net) of which a maximum of 3,174sqm net would be convenience floorspace (everyday essential items including food, drinks, newspapers/magazines and confectionary) and a maximum of 1,360sqm net would be comparison floorspace (items not obtained on a frequent basis including clothing, footwear, household and recreational goods).
 - b. 1,962sqm gross B1 office floorspace;
 - c. 1,178sqm gross of A1/A2/A3 (retail/professional services/café/restaurant) floorspace restricted to maximum retail unit sizes of 500sqm net;
 - d. A maximum of 7,195sqm gross floorspace which could be used as a C1 hotel and of which 1,877sqm gross floorspace could be used as either B1 office floorspace or D1 non-residential institution floorspace. Of the D1 floorspace a minimum of 800sqm gross was to be provided as a community arts centre;
 - e. 3,040sqm gross D2 fitness club floorspace;
 - f. 1,346sqm gross A1 retail floorspace restricted to be associated directly with the fitness club;
 - g. 596sqm gross A2/A3/A4 floorspace (professional

- services/café/restaurant/drinking establishments);
 - h. Circa 220 residential flats and houses.
 - i. A decked car park providing 673 spaces, 452 associated with the commercial elements of the scheme and 221 spaces associated with the residential elements. 144 spaces were provided at surface level and 529 spaces were provided within the underground car park.
9. Application 12/01018/ET (which was submitted by the owners of the Hall Road Retail Park and not the applicants of the current application) sought an extension of time to 08/00319/O. The application was submitted just before the expiry of 08/00319/O however was made invalid and subsequently cancelled as it was no longer possible to validate the application following the expiry of 08/00319/O. No appeal has been submitted and as a result consent 08/00319/O has now expired.
10. Application 12/00739/F was identical to the current proposals and was refused following the resolution of the planning applications committee on 20 September 2012 as detailed in the background section above.

The Proposal

11. The application seeks full planning permission for the demolition of existing buildings on the site and redevelopment to provide the following:
- a. A food superstore of 5,796sqm gross floorspace (3,406sqm net) of which 2,282sqm net are proposed as convenience floorspace and 1,124sqm net is proposed as comparison floorspace. The store is proposed to the southwest corner of the site with service yard to the south (roughly in the location of the T Gill & Sons site).
 - b. A community centre of 422sqm gross floorspace located to the northern corner of the site close to the junction of Sandy Lane and Hall Road.
 - c. An A3/A4 restaurant/public house of 590sqm gross floorspace located to the centre and north of the site adjacent to Sandy Lane and the main access to the site.
 - d. Four business/light industrial/storage and distribution units, use classes B1 and B8 providing a total of 1,100sqm gross floorspace in four blocks along the eastern boundary with Bessemer Road, three measuring 220sqm and one measuring 440sqm.
 - e. A D2 (assembly and leisure) building of 1,110 sqm gross floorspace located adjacent to and to the east of the food superstore.
 - f. Four A1/A2/A3/A5 (retail/professional services/café-restaurant/hot food takeaway) units providing a total gross floorspace of 1,075sqm gross floorspace. Due to the sites topography these are split level with frontage both to Hall Road and the surface car park in the centre of the site.
 - g. A surface car park located in the centre of the site providing 334 car parking spaces including 24 disabled spaces, 20 parent and children spaces and 4 electrical charging spaces. 6 motorcycle spaces are provided along with 40 staff cycle spaces and 56 customer cycle spaces. An area for household recycling is proposed to the southern end of the car park.
 - h. In addition 24 car parking spaces are provided for the business units (including 2 disabled spaces) and 2 motorcycle spaces.
12. Access to the main car park is proposed from Sandy Lane and Bessemer Road. Access to the service area is from Bessemer Road. The business units have their own accesses onto Bessemer Road. Cycle and pedestrian access is provided via

Hall Road, Bessemer Road and Sandy Lane. On Hall Road the main access down to the store is via a number of steps and a Lombard Street style series of ramps this leads to an east-west link through the site onto Bessemer Road. A north-south pedestrian route is also proposed through the car park between the frontage to the D2 building and the pub/restaurant. Pedestrian and cycle routes are also provided cutting the corner of Hall Road and Sandy Lane.

Applicants Response to Reasons for Refusal

13. The applicant has responded to each of the reasons for refusal of 12/00739/F (as detailed in the background section above) as follows:

- “Reason for refusal 1 – Size of the superstore

The application is supported by a Retail Statement that reviews the scale of the food store in relation to the hierarchy of centres within the catchment area, as required under Policy SH03 and SH013 of the City of Norwich Replacement Local Plan (Local Plan) and Policy 19 of the Core Strategy. The Planning Statement also reviews the principle of the District Centre using the former definition as detailed within the now cancelled PPS4. It should be noted that the National Planning Policy Framework (NPPF) does not provide definitions for the different types of centres.

Both the Retail Statement and Planning Statement confirm that the food store is of an appropriate scale when taking into consideration the hierarchy of existing centres and the requirement for an in-centre food store to compete with out-of-centre facilities ensuring more sustainable shopping patterns as advocated in the NPPF.

A number of uses that are suitable for district centres are proposed including business, community and leisure uses, to ensure that a District Centre is developed in line with the aspirations of the Local Plan and forthcoming Development Plan documents.

Furthermore, the proposal seeks to provide a District Centre that is viable and meets the requirement for a new District Centre now. ASDA is committed to ensuring that the District Centre is delivered and has committed to bringing forward the majority of the District Centre in one phase. An independent Viability Report is also submitted in support of the application. The Report reviews a number of scenarios for the District Centre, as requested by Norwich City Council. This concludes that the District Centre presented in this application is viable and that other more intensive uses of the site cannot be delivered.

It is therefore evident that the current proposal provides for a viable, deliverable District Centre that meets current requirements. The proposal sits within the current hierarchy of centres and includes a range of uses suitable to its District Centre allocation.

Finally, it is important to note that a sequential assessment is not required to support the application as detailed at Paragraph 23 of the previous Committee Report.

The proposal therefore fully accords with Part 2 of the NPPF, Policies SH03 and SH013 of the Local Plan and Policy CS19 of the Core Strategy.

- Reason's for refusal 2 & 3 – Car parking and design

In line with the objectives of the NPPF and Policy ENV7 of the East of England Local Plan, and as detailed above, the Site has been optimised to ensure that a viable District Centre is delivered that provides a mix of uses and building types that meets the current needs of the surrounding communities.

Car parking has been carefully considered to ensure that sufficient car and disabled spaces are available to meet the shared requirements of the District Centre as a whole in line with Policy TRA5 of the Local Plan. The Design and Access Statement details the design evolution of the scheme. A range of design options were considered by the team as part of the pre-application process and it is considered that the option presented as part of this application provides the optimal design solution and makes the most efficient use of the space available to create a deliverable District Centre. Furthermore, and in line with Policy ENV7 the proposal seeks to ensure that a high quality District Centre is created which complements the distinctive character and best qualities of the local area and promotes regeneration of a Site which has remained vacant for a number of years.

In line with Policy HBE12 the Design and Access Statement clearly demonstrates how the proposal responds to the surrounding area and uses whilst creating a distinctive District Centre appropriate to it's gateway location. The Design and Access Statement sets out from the outset the site context and demonstrates throughout how the proposal responds to this in terms of scale, height, massing and materials. The proposal responds well to the topographical constraints of the Site and successfully uses this as an advantage through the orientation and sitting of the buildings.

The proposal therefore fully accords with the objectives of the NPPF, Policy ENV7 of the East of England Plan and Policy TRA5 of the Local Plan.

- Reason for refusal 4 – Accessibility by sustainable modes of transport

Accessibility to the Site has been a constant consideration throughout the design evolution of the District Centre. It was recognised from the outset that the topographical constraints at the Site would need to be carefully integrated into the proposal to ensure that access to the District Centre for pedestrians, cyclists, users of public transport and disabled customers is maximised.

It is recognised that there is a level change from Hall Road to the ground floor of the food store / car park level, therefore stepped access and DDA compliant sloped access is provided adjacent to the bus stops on Hall Road. In addition the retail units can be accessed from both Hall Road and at car park level.

The inclusion of a second set of doors to the food store café from Hall Road has been reviewed by the design team. The mezzanine floor height is approximately 800-900 mm above Hall Road floor level, this is a direct result of the required cut/fill balance. Therefore a second entrance to the Store would require steps and ramps of approximately 15-20 m in length. This would not be user friendly and would result in a cluttered environment dominated by steps and ramps fronting Hall Road. Notwithstanding the aforementioned, the proposed design,

which brings footfall into the Site itself, passing the retail units, rather than just into the food store, is integral to the promotion of a fully inclusive District Centre.

Cycle spaces are provided throughout the Site for customers and staff. The number and location of the cycle spaces were considered during the application process for 12/00739/F to ensure that access for cyclists is optimised. In addition, pedestrian access through the car park has been optimised with clearly defined tree lined walkways and pedestrian access to the Site is also improved from Sandy Lane, specifically through the landscaped area, and Bessemer Road. Access was improved during application discussions in relation to 12-00793/F to include a widened north – south walkway through the car park and an additional access through the north west landscaped area.

Priority parking for disabled customers is included throughout the car park with allocated disabled spaces included adjacent to all the District Centre uses.

The proposal therefore fully accords with the NPPF, Policies TRA3 and HBE12 of the Local Plan and Policies 1 and 2 of the Core Strategy.

- Reason for refusal 5 – Loss of trees

A comprehensive landscape strategy is submitted as part of the proposal and the District Centre has been designed to protect as many trees as possible in line with Policy NE9 of the Local Plan. Replacement trees are proposed throughout the Site to mitigate against the loss of any existing trees.

The Landscape Masterplan makes provision for planting new specimen trees throughout the Site. The landscape proposal includes the planting of native specific and those with a known attraction or benefits to local wildlife. This will result in an enhancement of foraging opportunities for birds and bats by leading to an increase in invertebrate diversity within the Site.

Specifically two extensive landscaped areas are proposed to the north east and north west corners of the Site. The north east area is proposed to be retained as existing and will be maintained. The north west landscaped area is to be maintained and used by the public ensuring that landscaping, tree preservation and biodiversity enhancement is fully integrated into the scheme and can be enjoyed by all.

Furthermore in line with Policy NE3 of the Local Plan, the Landscape Management Plan secures the proper maintenance of trees and provides mechanisms to ensure that the removal of trees and the construction of the District Centre will not impede the survival or growth prospects of other protected trees on Site.

It is therefore considered that the landscape strategy, replacement trees and in particular the improvements to the north west landscaped area outweighs the loss of trees as a result of the proposal.

The proposal therefore fully accords with the NPPF, Policies NE3 and NE9 of the Local Plan and Policy 1 of the Core Strategy.”

Representations Received

14. The full content of representations is available on Norwich City Councils Planning Public Access website by entering the application number at the following link:
<http://planning.norwich.gov.uk/online-applications/>
15. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 7 letters of representation have been received making the following comments and objections to the proposals:

Issues Raised	Response
Concern over noise from deliveries particularly if 24 hours. Noise from reversing alarms would reduce neighbour amenity and limit the ability to open windows during the night.	See paragraphs 96-97 of the appended report.
The Hall Road/Robin Hood Road junction is congested and increased traffic would worsen congestion and lead to traffic collisions.	See paragraphs 82-83 of the appended report.
Concern that the new junction onto Sandy Lane is likely to cause unnecessary traffic problems and that it would be preferable to have ingress only from Hall Road and egress only via Bessemer Road.	See paragraphs 82-84 of the appended report.
Increased traffic from the store would impact on the safety of pedestrians and cyclists on Sandy Lane.	See paragraphs 79-86 and paragraph 59 of the appended report.
This is not a District Centre but a superstore intended to compete with other major stores it will also sell non food items which will have a negative effect on existing businesses.	See paragraphs 26-32 and 39 of the appended report.
A large car park is not a good use of a valuable site, homes and employment are needed not car parks.	See paragraphs 33-34 and 53-55 of the appended report.
The car park and change in levels significantly compromises access for pedestrians and cyclists. The ramp down from Hall Road is a hazard given the number of users it would need to accommodate.	See paragraphs 33-34 of the appended report.
A pedestrian refuge is needed on Bessemer Road to avoid conflict between pedestrians crossing Bessemer Road and vehicles using the Bessemer Road Access.	See paragraphs 79-86 of the appended report. Proposed shared pedestrian and cycle paths along Bessemer Road link to crossings at the junction of Bessemer Road and Sandy Lane.
How will cyclists access the site from Tuckswood and how is the proposed shared surface along Hall Road to the north of the ring road to be accessed.	See paragraphs 79-86 of the appended report. The main cycle link to Tuckswood is via a proposed Toucan crossing on Hall Road. A proposed shared surface along Hall Road to the north of the ring road is accessed from the Barrett Road roundabout and would provide cycle links towards the City Centre to the north. The proposed Toucan Crossing on Barrett Road provides for cyclists heading east along Barrett Road.
The reasons for refusal of the previous	See section 13 of this report above.

application are valid and need to be addressed by the applicant.	
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16. 12 letters of representation have been received in support of the proposals and making the following comments:

- the proposals would provide local job opportunities and boost the economy;
- it is closer and easier to access than alternatives;
- the proposals would provide for the redevelopment of a derelict site;
- It would provide new shopping facilities for the local area;

17. **Capital Shopping Centres** – Comments have been submitted on behalf of Capital Shopping Centres who are owners and operators of Chapelfield Shopping Centre. No objection is raised subject to the imposition of the same conditions recommended in the committee report for 12/00739/F relating to the use and floor areas of the retail units.

18. **Homebase** – Object to the proposal for the following reasons:

- The proposals is a foodstore led scheme and is dominated by the superstore and car park.
- The main access to Homebase via Whiting Road is immediately adjacent to the proposed access to the site which is also adjacent to Homebase's dedicated service access. As a result of this and the significant number of increased movements considerable pressure will be placed on the Sandy Lane junctions leading to delays and queuing of traffic into the retail park dissuading Homebase customers from using Sandy Lane or the store itself. Delays for delivery vehicles could also undermine the Homebase stores operation.
- The committee report of 20 September concluded that the development was only acceptable subject to non-car improvements and off site junction improvements. Given the scale of the proposals and the fact that the proposal appears to be car dominated this places to greater weight on the highway impact of the scheme being mitigated by customers using other modes of transport.

Consultation Responses

19. The full content of consultation responses is available on Norwich City Councils Planning Public Access website by entering the application number at the following link:

<http://planning.norwich.gov.uk/online-applications/>

20. **South Norfolk Council** – Make no comments on the proposal.

21. **Local Highway Authority** – No objection subject to S106 obligations and conditions.

22. **Environmental Health** – No objection subject to conditions.

23. **Anglia Water** – No objection subject to conditions.

24. **Environment Agency** – No objection subject to conditions.
25. **Sport England** – No objection to the proposed gym and comment that the community centre could be of use to the local population for classes such as dance or yoga.
26. **Norfolk Historic Environment Service** – No comments.
27. **Norfolk Constabulary** – Make comments on the landscaping, lighting, boundary treatments, glazing, security of ATM's at the site. They have also placed a holding objection on the application on the basis that they wish to pursue financial contributions from the development via a S106 agreement towards the delivery of police services in the area and collating information on the impact of the development.
28. **Norwich Society** – If approved, it is important that the whole scheme is implemented at the same time, not just the supermarket. This will include landscaping and screening. Whether a new pub is a necessary building, in view of the closure of so many Norwich pubs, is debateable. More emphasis could be given to the new Community Centre instead. New signage/lettering should be in proportion to the building to which it is fixed. The previous scheme for this site included housing; however this latest scheme does not. As this is a retail park/industrial area, we do not think housing is necessarily suitable or desirable in this development.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Presumption in Favour of Sustainable Development

1. Building a strong, competitive economy;
2. Ensuring the vitality of town centres;
4. Promoting sustainable transport;
7. Requiring good design;
8. Promoting healthy communities;
10. Meeting the challenge of climate change, flooding and coastal change;
11. Conserving and enhancing the natural environment;
12. Conserving and enhancing the historic environment.

Relevant policies of the adopted East of England Plan Regional Spatial Strategy 2008

SS1 – Achieving Sustainable Development

T14 – Parking

ENV7 – Quality in the built environment

ENG1 – Carbon dioxide emissions and energy performance

WM6 – Waste Management in Development

NR1 – Norwich Key Centre for Development and Change

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 1 – Addressing Climate Change and Protecting Environmental Assets

Policy 2 – Promoting Good Design

Policy 3 – Energy and Water
Policy 5 – The Economy
Policy 6 – Access and Transportation
Policy 7 – Supporting Communities
Policy 8 – Culture, Leisure and Entertainment
Policy 19 – The Hierarchy of Centres
Policy 20 – Implementation

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

NE3 – Tree protection, control of cutting, lopping etc.
NE4 – Street Trees
NE8 – Management of Features of Wildlife Importance and Biodiversity
NE9 – Comprehensive landscaping scheme and tree planting
HBE12 – High quality of design
EP16 – Water conservation and sustainable drainage systems
EP17 – Protection of watercourses from pollution from stored materials
EP18 – High standard of energy efficiency for new development
EP20 – Sustainable use of materials
EP22 – High standard of amenity for residential occupiers
EMP4.3 – Policy for prime employment areas
EMP6.1 – Hall Road – area for motor vehicle showrooms
SHO1 – Limit on major non-food shopping development
SHO2 – Major convenience goods stores – limited to small size
SHO3 – Locational conditions for new retail development – sequential test
SHO12 – Retail development in District or Local Centres
SHO13 – Development of new District Centre at Hall Road
AEC1 – Major art and entertainment facilities – location and sequential test
AEC2 – Local community facilities in centres
SR6 - Dual Use of Open Space and Recreational Facilities
SR13 – Locational considerations for indoor sports activities
TVA8 – Heritage Interpretation
TRA3 – Modal shift measures in support of NATS
TRA5 – Approach to design for vehicle movement and special needs
TRA6 – Parking standards – maxima
TRA7 – Cycle parking standard
TRA8 – Servicing provision
TRA10 – Contribution by developers to works required for access to the site
TRA11 – Contributions for transport improvements in wider area
TRA12 – Travel Plans for employers and organisations in the City
TRA18 – Major road network

Supplementary Planning Documents and Guidance

Trees and Development SPD adopted – October 2007
Transport Contributions from Development SPD Draft for Consultation – January 2006

Other Material Considerations

Norwich Sub Region: Retail and Town Centres Study (GVA Grimley) – October 2007
The Localism Act 2011 – S143 Local Finance Considerations
Site Allocations and Site Specific Policies Development Plan Document Regulation 19
Pre-Submission Draft Plan for Consultation – August 2012 – Site R3

Overview of Assessment

29. The proposals have not changed since the previous application which was reported to committee on 20 September 2012. The report to 20 September meeting is appended. There have been some further representations and consultations responses which are discussed below.

Further Responses to Consultation

30. The Norwich Society have commented on the phasing of the scheme, this is addressed at paragraph 109 of the appended report and phasing conditions are proposed to ensure a district centre is delivered on the site and not just a superstore. With regard to adverts these would be dealt with separately via advertisement regulations and advertisement consent where required.
31. Homebase have objected due to concerns over potential congestion and impact on traffic movements particularly along Sandy Lane. This is dealt with at paragraphs 79-86 of the appended report. The impact on traffic movements has been examined using models based on up to date traffic surveys and these have been subject to the scrutiny of the Local Highways Authority as well as an independent safety audit. Subject to a package of improvements both to the road network including road widening of Sandy Lane and junction improvements to Hall Road/Sandy Lane junction along with a package of non-car improvements listed at paragraph 80 of the appended report the proposals can be accommodated within the highway network and the Local Highway Authority has no objection to the proposals. There is no evidence from the surveys undertaken that there will be any significant queuing in this area or material effect on the service yard of Homebase. With regard to comments in the Homebase objection over the scale of the store these are addressed within paragraphs 26-32 of the appended report.
32. A response has been received from Norfolk Constabulary who did not respond to the previous application. Their response to the current application places a holding objection on the proposals whilst the Constabulary gathers evidence with a view to seeking commuted sums from the developer via a S106 agreement. The Constabulary have recently sent standard responses such as this to a number of large schemes in Norwich. Whilst policies 7 and 20 of the Joint Core Strategy identify police infrastructure important to facilitate development, the policies do not detail the specific funding source for new infrastructure. The policies could be used to forward supplementary planning documents which brought about a policy framework to seek developer contributions for police infrastructure, however at present such a policy framework is not in place and taking such policy documents forward would not be logical with the likely implementation of CIL and the resultant removal of commuted sums in S106 agreements. The Constabulary have not identified any specific infrastructure or facilities which would be necessary as a result of the development or that any new infrastructure/facilities are required on site. As such the request would fall a long way short of meeting the tests for planning obligations. As in order to meet the tests a clear policy framework would need to be in place and the infrastructure or facilities required as a result of the development would need to have been identified and costed. This view is supported by a recent appeal decision in South Norfolk.

Conclusions

33. Given that the proposal is identical to the previous application it has not been considered necessary to repeat the professional advice provided under the previous application within the current report. This advice is readily available within the report for the previous application which is appended. Responses to new consultation responses are given above, however these either do not raise new issues or where they do (i.e. in the case of Norfolk Constabularies request for commuted payments) they are not considered by officers to materially affect the balance of judgement.
34. The applicants response to the reasons for refusal are also not considered to materially effect the balance of judgement. The main point to note is in relation to the provision of an access point to the superstore directly onto Hall Road. The applicants have advised that provision of such an access is not as simple as adding doors onto the elevation but that the internal mezzanine is approximately 0.8-0.9m above the level of the road and therefore a more significant redesign would be required to facilitate this. This is material to paragraph 33(d) of the appended report but is not considered to materially affect the overall conclusions from paragraph 112.
35. Officers have taken into account the previous balanced member decision and the officer's recommendation for the current application remains consistent with the professional advice given under the previous application. It is considered that this is a finely balanced decision and on balance it is considered that the economic and community benefits delivered by the proposal and described in the appended report outweigh the shortfalls of the application proposals. The recommendation is therefore to approve the application subject to conditions and a S106 agreement.
36. Members may notice that the order and number of conditions as summarised in the recommendation has changed, the intention is to impose the same restrictions/requirements via conditions however following a review of the conditions in more detail it is suggested that some conditions be combined and others separated into multiple conditions for clarity.

RECOMMENDATIONS

To approve Application No (12/02003/F Former Bally Shoe Factory Ltd Hall Road Norwich NR4 6DP) and grant planning permission, subject to:

- (1) the completion of a satisfactory S106 agreement to include the provision of a transport contribution of £915,800 minus deductibles, the provision of a travel plan bond and monitoring charge, clauses for the delivery of a community centre on the site, clauses for the delivery of community use of the D2 sports building and subject to the following conditions:
1. Standard time limit;
 2. Development undertaken in accordance with approved plans and documents;
 3. Phasing conditions to require the retail units, pub/restaurant, sports/D2 building, community centre and 3 of the four employment units to be complete prior to trading from the superstore.
 4. Provision to allow an alternative timetable for construction of the pub/restaurant subject to agreement including details of interim landscaping;
 5. No subdivision of superstore;

6. Comparison retail not to be accessed separately to the convenience foodstore or run independently;
7. Net floorspace within the ASDA store not to exceed 3,406sqm net (excluding the first floor cafe) and comparison floorspace to be limited to 1,124sqm net;
8. Café to be provided at first floor level of the ASDA store;
9. Details of the glazing to café be agreed;
10. Removal of permitted development rights for the insertion of a mezzanine floor within the ASDA store;
11. 'Retail units' to be A1, A2, A3 or A5 only, shall not be combined to form less than 4 units in total, at least 1 retained in A1 use and no more than 2 of each of A2, A3 or A5;
12. Community centre only to be used as a community centre;
13. Details of the ongoing management and maintenance of the community centre to be agreed;
14. The D2 'gymnasium' restricted to a D2 sports use;
15. Removal of permitted development rights at the restaurant/pub to change to A2;
16. No use of the public house between 00:01 and 06:59 on any day;
17. No use of the any hot food takeaway at the upper level of the retail units beyond 23:00 on any day (until 07:00 on the following day);
18. Business units only to be used for B1 or B8 use only;
19. Submission of landscaping details for each phase, including all hard and soft treatments, also including lighting plans, the provision of offsite landscaping on highway land and interim landscaping for parts of the site not developed under phase 1 to be agreed. Landscaping to be maintained and any new trees/shrubs lost to be replaced;
20. Compliance with the submitted arboricultural statement and submission of further method statements to be agreed;
21. No works to take place within root protection areas of trees;
22. Arboriculturist competent and experienced in both above and below ground arboriculture to undertake tree works;
23. No new services in root protection areas of trees;
24. Agree details of materials including samples where necessary;
25. Agree details and provision of heritage interpretation;
26. Agree details and provision of bat and bird boxes;
27. Provision of access, parking, refuse, cycle parking and servicing areas;
28. Agreement of a construction traffic management plan and access route;
29. Provision of construction vehicle wheel cleaning facilities;
30. Provision of off-site highway improvement works;
31. Agree details of the interim travel plan;
32. Agree a full travel plan following occupation;
33. Details of any plant or machinery including details of noise mitigation;
34. Details of dust suppression;
35. Unloading of vehicles shall only take place directly to/from the designated delivery docking bay and delivery docking bay and associated rubber buffers shall be maintained in a good state of repair at all times to prevent egress of noise.
36. Delivery vehicle engines and refrigeration units fitted to delivery vehicles shall be switched off at all times when on site and stationary;
37. Contamination conditions for a scheme to deal with contamination to be agreed;
38. Verification of contamination;
39. Development to cease if contamination not previously identified is found;
40. Agree a scheme for pollution control for the discharge of water to soakaways;
41. Scheme in accordance with the FRA for the provision, implementation and

- management of surface water drainage to be agreed;
42. Scheme for water, energy and resource efficiency measures to be submitted in accordance with the energy efficiency statement and details of the provision of 10% of the sites energy from decentralised and renewable or low carbon sources.

(Reasons for approval: The decision has been made with particular regard to policies SS1, T14, ENV7, ENG1, WM6 and NR1 of the adopted East of England Plan 2008, policies 1, 2, 3, 5, 6, 7, 8, 19 and 20 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, saved policies NE3, NE4, NE8, NE9, HBE12, EP16, EP17, EP18, EP20, EP22, EMP4.3, EMP6.1, SHO1, SHO2, SHO3, SHO12, SHO13, AEC1, AEC2, SR6, SR13, TVA8, TRA3, TRA5, TRA6, TRA7, TRA8, TRA10, TRA11, TRA12 and TRA18 of the adopted City of Norwich Replacement Local Plan 2004, the National Planning Policy Framework and other material considerations.

The proposals provide for the redevelopment of the site to provide a convenience superstore (5,796sqm gross), retail units (1,075sqm gross), a community centre (422sqm gross), a pub/restaurant (590sqm gross), a D2 building (1,110sqm gross) and business units (1,100sqm gross). The site is allocated for a district centre although with a far smaller anchor convenience store than that proposed.

Whilst in retail planning terms a convenience store of the size proposed can be said to be of an appropriate scale for the district centre level of the retail hierarchy it is considered that the size of the superstore also needs to relate to the size of the centre proposed as a whole. In this regard the level of floorspace within the superstore is considered to be disproportionately large when compared to the amount of other town centre uses. It is considered that what is proposed must constitute a 'district centre' and not a superstore with a small number of ancillary units.

Coupled with the concerns raised above relating to the scale of the store in comparison to the rest of the proposed town centre uses is the layout of the store and intensity of the development. The centre of the site is occupied by a surface car park located below the level of Hall Road with the main entrance to the superstore located at this lower level fronting onto the car park. This broad approach to the layout has a number of implications. Firstly the surface car parking takes up a significant proportion of the site and this coupled with the scale of the superstore limits the extent of the site available for other development or main town centre uses. Secondly, an entire group of TPO'd trees is proposed for removal to make way for surface level car parking and partly for the D2 building and thirdly no entrance to the superstore is provided directly onto Hall Road and alternatively the entrance is located at a lower level fronting onto a car park. It is considered that this approach fails to favour sustainable transport modes of access to the site.

For the above reasons it is not considered that the proposals optimise the potential of the site to accommodate development in line with the objectives of the NPPF. A more innovative solution could in officers opinion feasibly and viably provide for a greater degree of development on the site whilst responding better to site constraints such as trees.

Having said the above, it is considered that for the form of development in question (i.e. a superstore with a small number of ancillary units arranged around a surface

car park) the proposals have generally, with the exception of certain tree constraints, been designed well. The car park is well screened from the surrounding area and the appearance and elevational treatment is considered to be high quality within the context of a suburban location such as this.

Against the context of the above, the decision needs to be balanced against a number of economic and community benefits which would be delivered by the proposals. Bringing forward development which brings about economic growth is a key strand of the NPPF. The proposals will clearly have the benefit of redeveloping a brownfield site which has now been out of viable economic use for a considerable amount of time.

In addition to the main town centre uses the proposals also include B1/B8 units which are fairly flexible in their design allowing for a range of sizes of units and can provide for start up units. Delivering a supply of adequate and affordable units such as this will assist a number of priorities of the Greater Norwich Economic Strategy and is in line with policy 5 of the JCS to meet the needs of small, medium and start-up businesses through new employment sites. It is considered that a reasonable amount of weight can be given to the provision of these as part of the development particularly given that three smaller units will be provided speculatively towards the beginning of the development.

In terms of job creation the submissions detail that the store will provide a variety of part and full time jobs at a range of levels. Up to 300 full time equivalent employment positions are estimated to be provided within the store and it is estimated that a further 125 jobs could be created over the rest of the development. In this case it is considered that a significant amount of weight can be given to this in balancing the merits of the application.

The proposals provide for a community centre as part of the scheme which is intended to serve the local community. This is consistent with policy AEC2 which seeks the provision of such uses within district centres to ensure easy access for all residents. It is considered that significant weight can be given to the community benefits of delivering such a centre at an early stage of the development and putting mechanisms in place for the centres management to allow use by local community groups.

Community benefits are also proposed as part of the provision of the D2 sports building on the site via provision of the building or parts of it for use by local schools/colleges and local social/community/sports groups. This is consistent with policy SR6 which seeks dual use of such facilities by the local community. It is considered that a reasonable level of weight can be given to the community benefits of securing such provision.

This is a finely balanced decision and on balance it is considered that the economic and community benefits delivered by the proposal outweigh the shortfalls of the proposals.

There are a number of other issues and considerations which have been taken into account in determining the application and where there is an impact, it is considered that these can be overcome via conditions on any approval or via a S106 agreement.)

Report for Resolution

Report to Planning Applications Committee
Date 20 September 2012
Report of Head of Planning Services
Subject 12/00739/F Former Bally Shoe Factory Ltd Hall Road
 Norwich NR4 6DP

Item
5 (1)

SUMMARY

Description:	Demolition of existing buildings and redevelopment of site to provide a new district centre to include a food store, customer cafe, retail units (Class A1, A2, A3 or A5), community unit, restaurant/public house unit, business units (Classes B1 and B8), gym, car parking, public realm and associated access and servicing.
Reason for consideration at Committee:	Objection/Contrary to Policy
Recommendation:	Approve subject to S106 agreement and conditions
Ward:	Lakenham
Contact Officer:	Mark Brown Senior Planning Officer 01603 212505
Valid Date:	18th April 2012
Applicant:	ASDA Store Limited and Healthweb (UK) Limited
Agent:	Drivers Jonas Deloitte

INTRODUCTION

The Site

Location and Context

1. The application site is located to the east of Hall Road, bounded by Sandy Lane to the North and Bessemer Road to the east. The site measures 3.4 hectares in size and consists of the former Bally Shoe Factory and former T. Gill & Sons sites.
2. The site is to the south of Norwich located between the Tuckswood estate to the west and Old Lakenham to the east beyond the railway line. Areas to the east beyond Bessemer Road and south of the site are characterised by a mixture of light industrial and business uses including a number of car showrooms. To the north of the site beyond Sandy Lane is the Hall Road Retail Park. To the east of the retail park is Whiting Road and the Norwich Business Park.
3. The site slopes eastwards down towards Bessemer Road. There are three groups of trees subject to Tree Preservation Orders (TPO's) these are located on the corners of Sandy Lane with Bessemer Road and Sandy Lane with Hall Road and just to the south of the main Shoe Factory building. Currently glimpses of the Yare Valley can be seen from Hall Road past the Shoe Factory. Buildings on the site are now vacant and disused and much of the curtilage of the buildings is hard surfaced with the exception of the areas occupied

by TPO trees and a landscaping strip along Hall Road.

4. There are currently access points into the site from Hall Road, Sandy Lane and Bessemer Road with Hall Road forming a main arterial route into the City Centre.

Planning History

5. Outline planning permission was granted in May 2009 under application number 08/00319/O for the redevelopment of a wider site (including some development in the Hall Road Retail Park to the north) for a mixed use district centre to include retail, leisure, hotel, housing, employment, arts centre, parking and public realm uses; the development of retail and leisure uses at the Hall Road Retail Park and the provision of associated parking and public realm enhancements between the two. The committee report and minutes provide further information and can be viewed at the following link and by navigating to the committee meeting of 21 August 2008:- www.norwich.gov.uk/CommitteeMeetings
6. Permission 09/00735/VC was approved in December 2009 and approved variations to conditions of 08/00319/O which had the effect of allowing two of the blocks (D and E) to be used as a single retail unit, essentially allowing for a larger retail superstore. The committee report and minutes provide further information and can be viewed at the following link and by navigating to the committee meeting of 22 October 2012:- www.norwich.gov.uk/CommitteeMeetings. Within the confines of the Bally Shoe Factory and T. Gill & Sons site this consent permitted a total 20,984sqm gross commercial floorspace with up to 220 flats and associated decked car parking as per the following:
 - a. A food superstore of 5,667sqm gross (4,534sqm net) of which a maximum of 3,174sqm net would be convenience floorspace (everyday essential items including food, drinks, newspapers/magazines and confectionary) and a maximum of 1,360sqm net would be comparison floorspace (items not obtained on a frequent basis including clothing, footwear, household and recreational goods).
 - b. 1,962sqm gross B1 office floorspace;
 - c. 1,178sqm gross of A1/A2/A3 (retail/professional services/café/restaurant) floorspace restricted to maximum retail unit sizes of 500sqm net;
 - d. A maximum of 7,195sqm gross floorspace which could be used as a C1 hotel and of which 1,877sqm gross floorspace could be used as either B1 office floorspace or D1 non-residential institution floorspace. Of the D1 floorspace a minimum of 800sqm gross was to be provided as a community arts centre;
 - e. 3,040sqm gross D2 fitness club floorspace;
 - f. 1,346sqm gross A1 retail floorspace restricted to be associated directly with the fitness club;
 - g. 596sqm gross A2/A3/A4 floorspace (professional services/café/restaurant/drinking establishments);
 - h. Circa 220 residential flats and houses.
 - i. A decked car park providing 673 spaces, 452 associated with the commercial elements of the scheme and 221 spaces associated with the residential elements. 144 spaces were provided at surface level and 529 spaces were provided within the underground car park.
7. Application 12/01018/ET (which was submitted by the owners of the Hall Road Retail Park and not the applicants of the current application) sought an extension of time to 08/00319/O. The application was submitted just before the expiry of 08/00319/O however was made invalid and subsequently cancelled as it was no longer possible to validate the application following the expiry of 08/00319/O. As a result consent 08/00319/O has

expired unless an appeal is submitted.

The Proposal

8. The application seeks full planning permission for the demolition of existing buildings on the site and redevelopment to provide the following:
 - a. A food superstore of 5,796sqm gross floorspace (3,406sqm net) of which 2,282sqm net are proposed as convenience floorspace and 1,124sqm net is proposed as comparison floorspace. The store is proposed to the southwest corner of the site with service yard to the south (roughly in the location of the T Gill & Sons site).
 - b. A community centre of 422sqm gross floorspace located to the northern corner of the site close to the junction of Sandy Lane and Hall Road.
 - c. An A3/A4 restaurant/public house of 590sqm gross floorspace located to the centre and north of the site adjacent to Sandy Lane and the main access to the site.
 - d. Four business/light industrial/storage and distribution units, use classes B1 and B8 providing a total of 1,100sqm gross floorspace in four blocks along the eastern boundary with Bessemer Road, three measuring 220sqm and one measuring 440sqm.
 - e. A D2 (assembly and leisure) building of 1,110 sqm gross floorspace located adjacent to and to the east of the food superstore.
 - f. Four A1/A2/A3/A5 (retail/professional services/café-restaurant/hot food takeaway) units providing a total gross floorspace of 1,075sqm gross floorspace. Due to the sites topography these are split level with frontage both to Hall Road and the surface car park in the centre of the site.
 - g. A surface car park located in the centre of the site providing 334 car parking spaces including 24 disabled spaces, 20 parent and children spaces and 4 electrical charging spaces. 6 motorcycle spaces are provided along with 40 staff cycle spaces and 56 customer cycle spaces. An area for household recycling is proposed to the southern end of the car park.
 - h. In addition 24 car parking spaces are provided for the business units (including 2 disabled spaces) and 2 motorcycle spaces.
9. Access to the main car park is proposed from Sandy Lane and Bessemer Road. Access to the service area is from Bessemer Road. The business units have their own accesses onto Bessemer Road. Cycle and pedestrian access is provided via Hall Road, Bessemer Road and Sandy Lane. On Hall Road the main access down to the store is via a number of steps and a Lombard Street style series of ramps this leads to an east-west link through the site onto Bessemer Road. A north-south pedestrian route is also proposed through the car park between the frontage to the D2 building and the pub/restaurant. Pedestrian and cycle routes are also provided cutting the corner of Hall Road and Sandy Lane.

Representations Received

10. The full content of representations is available on Norwich City Councils Planning Public Access website by entering the application number at the following link:
<http://planning.norwich.gov.uk/online-applications/>
11. The application has been advertised on site and in the press, adjacent and neighbouring properties have been notified in writing. 3 letters of representation have been received making the following comments and objections to the proposals:

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Issues Raised	Response
Concern over noise from deliveries particularly if 24 hours. Noise from reversing alarms would reduce neighbour amenity and limit the ability to open windows during the night.	See paragraphs 96-97
Concern over loss of view as a result of the service yard fencing along Hall Road which is 6.5m in height.	See paragraph 91
The Hall Road/Robin Hood Road junction is congested and increased traffic would worsen congestion and lead to traffic collisions.	See paragraphs 82-83
Concern that the new junction onto Sandy Lane is likely to cause unnecessary traffic problems and that it would be preferable to have ingress only from Hall Road and egress only via Bessemer Road.	See paragraphs 82-84

12. 24 letters of representation have been received in support of the proposals and making the following comments.

- the proposals would provide local job opportunities and boost the economy;
- it is closer and easier to access than alternatives;
- the proposals would provide for the redevelopment of a derelict site;
- it would be easier to access than alternatives for the elderly and disabled;
- it would promote competition;
- one of the letters in general support comments that a mini-roundabout or some improvements should be made to the junction of Hall Road and Robin Hood Road as increased traffic is likely to make turning out of Robin Hood Road extremely difficult;
- A further letter generally in support raises potential concern over congestion and the impact on cyclists and promotes any improvements to cycle routes.

13. **Capital Shopping Centres** – Comments have been submitted on behalf of Capital Shopping Centres who are owners and operators of Chapelfield Shopping Centre. They comment that the store is significantly larger than the site allocation allows for and specifically that the 1,124sqm of comparison floor space is far larger than the 500sqm policy limit. Given the policy allocation, retail and town centres study and the precedent set by planning history capital shopping centres accept the level of convenience and comparison floor space proposed is acceptable. However, to ensure that the retail floor space is of a scale appropriate for a district centre serving the surrounding area, the following conditions are requested to control the scale and mix of A1 retail floor space:

- A limit on the size of retail units 1-4 to 500sqm net and a restriction on units being amalgamated to units in excess of 500sqm net;
- Removal of permitted development rights for mezzanine units to be installed in retail units 1-4;
- A limit on the maximum net floor space of the supermarket;
- A limit on the maximum net comparison floor space of the supermarket.

14. Norwich Cycling Campaign – make the following comments:

- There has been no effort to engage cycle groups such as Norwich Cycling Campaign;
- The large amount of car parking will be a disincentive to travel by cycle and other modes of sustainable transport;
- The cycle parking is below City Council cycle parking standards;
- Both crossings on Hall Road should be toucan crossings with shared surfaces leading to them;
- Facilities should be provided for cycle crossing across Bessemer Road;
- The path between the pub and community building should be shared use;
- Wheeling channels should be incorporated adjacent to the steps next to unit 1 and from Hall Road down to the site;
- Cycle parking to the rear of the retail units should be relocated to the front;
- Cycle parking with a higher level of security should be provided for employees.

Consultation Responses

The full content of consultation responses is available on Norwich City Councils Planning Public Access website by entering the application number at the following link:

<http://planning.norwich.gov.uk/online-applications/>

15. South Norfolk Council – Make no comments on the proposal.

16. Local Highway Authority – No objection subject to S106 obligations and conditions.

17. Environmental Health – No objection subject to conditions.

18. Anglia Water – No objection subject to conditions.

19. Environment Agency – No objection subject to conditions

20. Sport England – No objection to the proposed gym and comment that the community centre could be of use to the local population for classes such as dance or yoga.

21. Norfolk Historic Environment Service – No comments.

22. GNDP Design Review Panel – (Comments based on a pre-application review of an earlier but similar scheme). The Panel recognised that there are industry standards with regard to the design of large superstores but there was an overall disappointment that the opportunity to present an area of positive public realm had not been further explored.

The Panel acknowledged that the landscaped areas around the edges of the site offered areas of enhanced public space for the local community. However, it was felt that the large car park in the centre of the site detracted from these with the overall visual impact of the site being one of concrete. The Panel were disappointed that a sub-level carpark, which it was felt the geography of the site would have allowed, had not been explored further.

The Panel discussed the design of the superstore building and expressed concerns over the treatment of the timber cladding to comply with fire regulations. The saw tooth roof design over the Hall Road end of the building was noted as a statement but the Panel felt that the flat roof over the remainder of the building was lacking inspiration and that a more imaginative design could have been worked up. However, the limitations on superstores

around usable space and ceiling height were recognised.

The Panel felt that the café frontage at ground level on Hall Road presented an opportunity to open an access point to the store and questioned why this had not been further explored. The removal of the need for pedestrians to walk through the car park could have enhanced access.

The deliverability and credibility of the scheme as a district centre was questioned by the Panel. It was considered that the scheme lacked the range of facilities or the density of development capable of establishing a district centre, being essentially a superstore with peripheral units. The panel felt that a phased approach should be followed if a larger scheme was not viable at this stage. However, the developer's intention to provide a building for community use was welcomed and the Panel was encouraged by efforts made to engage the local community in the use and management of the building.

In summary the Panel understands the challenge and difficulties faced but as a Design Panel feel disappointed at the solution being presented which it felt did not exploit the potential of the site and would not fulfil the local planning authority's policy for a District Centre.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Presumption in Favour of Sustainable Development

1. Building a strong, competitive economy;
2. Ensuring the vitality of town centres;
4. Promoting sustainable transport;
7. Requiring good design;
8. Promoting healthy communities;
10. Meeting the challenge of climate change, flooding and coastal change;
11. Conserving and enhancing the natural environment;
12. Conserving and enhancing the historic environment.

Relevant policies of the adopted East of England Plan Regional Spatial Strategy 2008

SS1 – Achieving Sustainable Development

T14 – Parking

ENV7 – Quality in the built environment

ENG1 – Carbon dioxide emissions and energy performance

WM6 – Waste Management in Development

NR1 – Norwich Key Centre for Development and Change

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 1 – Addressing Climate Change and Protecting Environmental Assets

Policy 2 – Promoting Good Design

Policy 3 – Energy and Water

Policy 5 – The Economy

Policy 6 – Access and Transportation

Policy 7 – Supporting Communities
Policy 8 – Culture, Leisure and Entertainment
Policy 19 – The Hierarchy of Centres
Policy 20 – Implementation

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

NE3 – Tree protection, control of cutting, lopping etc.
NE4 – Street Trees
NE8 – Management of Features of Wildlife Importance and Biodiversity
NE9 – Comprehensive landscaping scheme and tree planting
HBE12 – High quality of design
EP16 – Water conservation and sustainable drainage systems
EP17 – Protection of watercourses from pollution from stored materials
EP18 – High standard of energy efficiency for new development
EP20 – Sustainable use of materials
EP22 – High standard of amenity for residential occupiers
EMP4.3 – Policy for prime employment areas
EMP6.1 – Hall Road – area for motor vehicle showrooms
SHO1 – Limit on major non-food shopping development
SHO2 – Major convenience goods stores – limited to small size
SHO3 – Locational conditions for new retail development – sequential test
SHO12 – Retail development in District or Local Centres
SHO13 – Development of new District Centre at Hall Road
AEC1 – Major art and entertainment facilities – location and sequential test
AEC2 – Local community facilities in centres
SR6 - Dual Use of Open Space and Recreational Facilities
SR13 – Locational considerations for indoor sports activities
TVA8 – Heritage Interpretation
TRA3 – Modal shift measures in support of NATS
TRA5 – Approach to design for vehicle movement and special needs
TRA6 – Parking standards – maxima
TRA7 – Cycle parking standard
TRA8 – Servicing provision
TRA10 – Contribution by developers to works required for access to the site
TRA11 – Contributions for transport improvements in wider area
TRA12 – Travel Plans for employers and organisations in the City
TRA18 – Major road network

Supplementary Planning Documents and Guidance

Trees and Development SPD adopted – October 2007
Transport Contributions from Development SPD Draft for Consultation – January 2006

Other Material considerations

Norwich Sub Region: Retail and Town Centres Study (GVA Grimley) – October 2007
The Localism Act 2011 – S143 Local Finance Considerations
Site Allocations and Site Specific Policies Development Plan Document Regulation 19 Pre-Submission Draft Plan for Consultation – August 2012 – Site R3

Principle of Development

Main Town Centre Uses Sequential Test

23. The NPPF requires Local Planning Authorities to apply a sequential test to planning

applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan. The development plan including saved policies of the local plan is considered to be up-to-date within the context of paragraphs 211 – 214 of the NPPF. The sequential test is therefore only applied where the proposals are not in an existing defined centre. In this case the site is defined as a proposed centre and therefore it is not considered necessary to apply the sequential test in this case.

Main Town Centre Uses Impact Assessment

24. Under the NPPF proposed main town centre uses located outside of town centres, which are not in accordance with an up-to-date development plan are subject to the impact assessment to assess the impact of the development on investments in centres and the impact on town centre vitality and viability.
25. In this case the proposals are located within a proposed centre. Unlike previous iterations of national policy the impact assessment in the NPPF does not give regard to the scale of proposals within that centre and if they are of an appropriate scale to the position of the centre in the hierarchy. The emphasis in the NPPF is on local policies setting out the location and hierarchy of centres. In this regard saved local plan policy SHO3 details that retail development will only be permitted where it is of a scale consistent with the catchment appropriate to a centre's position in the hierarchy and states that new retail development will only be permitted if there is no significant detrimental impact on the vitality and viability of existing centres. These matters are discussed further in the sections below.

Site Allocation and Scale of Proposals

26. The northwest corner of the site is allocated for a new district centre under policy SHO13. This is to include a foodstore of no more than 1,300sq m net together with at least three local shops of not more than 500sq m net each.
27. The policy also allows for residential, office and service facilities. Food and drink uses are acceptable subject to 60% of the total frontage being in retail use. The principle of a district centre on the site is therefore established by this policy.
28. The National Planning Policy Framework defines district centres as a form of town centre for the purposes of retail policy. District Centres are defined in the JCS as a group of shops containing at least one supermarket or superstore and other services, providing for a catchment extending beyond the immediate locality. This is fairly consistent with the definition in former PPS4 which defines a district centre as usually comprising groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library.
29. It is acknowledged as it was under the previous approvals that an anchor store of sufficient size at Hall Road is required to establish a District Centre and indeed a superstore is generally recognised (as a result of the former definition within PPS4) to be a predominately convenience goods store of 2,500sqm or more and a supermarket of 2,500sqm or less. However clearly the store must anchor the provision of a variety of other town centre uses appropriate to the scale of a district centre in the retail hierarchy. It is considered that to be policy compliant what is proposed must constitute a 'district centre' and not a superstore with a small number of ancillary units.
30. The site allocations pre-submission document continues to take forward an allocation for a district centre on the site although allowing for a larger anchor store of a maximum of

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4,000sqm gross (with comparison goods floorspace in the store limited to 500sqm) and a minimum of 6 other A class units of no more than 300sqm net each, with employment uses focused on Bessemer Road and community uses.

31. In the context of the previous approvals under 08/00319/O and 09/00735/VC the anchor store was considered to be of an appropriate size given the quantum of development it was anchoring. The current proposals are considered to tread a fine line in this regard. The district centre elements of the proposals consist of the superstore, 4 small A class units, a D2 building, a small community centre and a public house/restaurant. The ratio of the foodstore to other main town centre floor space (64:35) is not representative of other district centres in the Norwich Area (at least 50:50) nor is the number of units on a par (for other district centres in the Norwich area this is in the region of 13-27 units to 1 food or super store, the majority of which have anchor stores less than 2,500sqm).
32. Saved local plan policy SHO3 details that retail development will only be permitted where it is of a scale consistent with the catchment appropriate to a centre's position in the hierarchy. The centre's allocation is at the district centre level and whilst it can be argued that an anchor convenience store of the size proposed can fit in to the district centre level of the hierarchy it is considered that the size of the superstore also needs to relate to the size of the centre proposed as a whole. In this regard the level of floorspace within the superstore is considered to be disproportionately large when compared to the amount of other town centre uses, the quantum of which is considered to be more at the local centre scale when a comparison is made to other centres in the area.

Layout and Intensity of Development

33. Coupled with the concerns raised above relating to the scale of the store in comparison to the rest of the proposed town centre uses there are also concerns over the layout of the store and intensity of the development. The centre of the site is occupied by a surface car park located below the level of Hall Road with the main entrance to the superstore located at this lower level fronting onto the car park. This broad approach to the layout has a number of implications (many of which are discussed in further detail within the design sections below) as detailed below:
- a) The overall quantum of development is much less than the site has the capacity to deliver. For example the former approvals on the site permitted 20,984sqm of gross commercial floorspace along with up to 220 flats around a decked car park. In comparison the current scheme delivers 10,093sqm of commercial floorspace with no residential around a surface car park.
 - b) Surface car parking takes up a significant proportion of the site and this coupled with the scale of the superstore limits the extent of the site available for other main town centre uses.
 - c) An entire group of TPO'd trees is proposed for removal to make way for surface level car parking and partly for the D2 building (the same group of trees was approved for removal under the previous schemes; however this made way for a far more intensive and substantially improved overall approach to the design of the development in line with policy NE3);
 - d) No entrance to the superstore is provided directly onto Hall Road and alternatively the entrance is located at a lower level fronting onto a car park. It is considered that this approach fails to favour sustainable transport modes of access to the site.
34. For the above reasons it is not considered that the proposals optimise the potential of the site to accommodate development in line with the objectives of the NPPF.

Viability

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35. The applicants have argued that the previous approvals for the site (under consents 08/00319/O and 09/00735/VC) are not viable and that the current scheme represents a viable proposal for the site which can be delivered. The applicants also argue that more intense alternatives with decked parking would not be viable. This is considered to be material to the consideration of the proposals to the extent that whilst there are concerns over the form of development proposed as outlined above, if this form of development is the only form of development likely to be viable on the site in the near future it may be considered appropriate to accept such a form of development in order to bring forward development on the site in the short term.
36. The applicants have submitted a viability assessment with the application which has assessed the viability of the following:
- a) The former approvals for the site under consent 09/00735/VC (see paragraph 6 above);
 - b) A scheme based on the development plan policy for the site under policy SHO12 (see paragraph 26 above);
 - c) The current proposal; and
 - d) An alternative scheme with a similar sized superstore, retail units and community centre built around a decked car park with land reserved for future development.
37. The viability assessment submitted outlines that the only viable scheme out of the above is the development currently proposed. Officers have sought external advice on the submitted viability assessment. This confirms that scenarios a) and b) are not viable and that scenario c) the current proposals are viable. With regard to scenario d) external advice suggests that the viability of such a scheme is better than the applicants appraisals appear to suggest and that such a scenario could be marginally viable.
38. In sum it is considered that it may be possible to make an alternative decked scheme work in terms of viability although it is likely to be marginal. The current scheme is viable and the former scheme and development plan allocations are not viable. Given these findings it is not considered that the current form of development is necessarily the only form of viable development on the site. Having said this the weight given to the above should be limited given the limitations of the viability assessment and the external advice sought which did not involve a full detailed design or the involvement of quantity surveyors to review development costs.

Comparison Retail

39. The application includes proposals for 1,124sqm net of comparison floorspace exceeding the 500sqm net limit within saved policy SHO13. It is considered that this in itself is unlikely to have a significant impact on the vitality or viability of any other defined centre. However this is considered to be the case on the basis that the comparison floor space would be part of a larger predominantly convenience food store and as such is unlikely to create an additional pull away from other defined centres and is unlikely, in transportation terms, to create further unlinked trips to the centre. It is considered that sub-division of the superstore or independent operation of the comparison floor space could have a significantly different impact in terms of vitality and viability of existing centres in the context of saved policy SHO3 and, as such, appropriate conditions should be imposed on any consent.
40. Four 'A class' units are proposed providing a total of 1,075sqm of gross floorspace. Policy SHO13 sets a 500sqm net floor space limitation for each unit, which would potentially mean that only two were provided. SHO13 seeks at least three local shops and as discussed above ideally a greater number of small main town centre units would be

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proposed within the scheme to ensure that what is developed on site constitutes a district centre and that the scale of the centre as a whole is commiserate with the scale of the anchor superstore. With this in mind and with a view to ensuring the vitality of the future district centre, it would be considered appropriate to restrict the combination of the retail units to less than four units via condition.

41. It has been suggested that permitted development rights should be removed for mezzanine floors within the retail units. This has been considered, however is not considered necessary as the floor to ceiling heights of the units would not allow for mezzanine floors.
42. SHO13 also seeks 60% of the frontage in retail use to ensure retail vitality. With the current design and number of units it is not considered that this would be practical to impose on the retail units. However, whilst it is considered acceptable in principle to permit a range of A1, A2, A3 and A5 uses it is considered appropriate to restrict the number of A2, A3 or A5 units to no more than 2 units of each use and for at least 1 unit to be in A1 use. It is considered that such an approach should provide adequate flexibility to the operator but also ensure that the vitality of the centre is not detrimentally affected by a large proportion of one particular use.

Other Main Town Centre Uses

43. The proposals also include a public house, community centre and D2 building. All three uses are main town centre uses which are considered to be appropriate to the proposed use of the site as a District Centre.
44. In order to ensure the future vitality of the centre it would not be appropriate for the pub/restaurant to change to an A2 (financial and professional services) use. The pub/restaurant is located in a prominent location within the site adjacent to the main access. Certain A2 uses which have fairly inactive frontages would not be appropriate in this location and as such permitted development rights should be removed via condition for a change of use to A2.
45. Whilst community facilities are not a requirement of policy SHO13 (although they are referred to in the site allocations pre-submission document) community uses are considered to be an important function of a district centre. District centres have the ability to provide a location for equitable access to such facilities. Policy AEC2 also supports local community facilities within District Centres. In this case a community centre has been proposed and discussions have taken place between the applicants, the local planning authority and the communities and neighbourhoods team to ensure that the facility is of a size which would provide for a workable local facility. The community facility has been enlarged as a result of these discussions. Certain D1 (non-residential institutions) uses may not be appropriate in this location and are likely to have a negative impact on the vitality of the centre. As such the community centre should be conditioned as such.
46. With regard to the building in D2 use, certain D2 (assembly and leisure) uses are not considered to be appropriate to the district centre level of the town centre hierarchy. This would include uses such as cinemas or bowling alleys which serve larger than district level needs and should normally be located in the City Centre. In addition the applicants are suggesting that a D2 sports use could provide some community benefit via community use of the building/rooms within it for a minimum of 10 hours per week by local schools or colleges for free or 20 hours per week by local social, community groups or sports clubs at a 50% discount. It is therefore suggested that the use be conditioned as a D2 sports

use.

Employment Land

47. The proposals include four business units along the Bessemer Road frontage; this is consistent with policy EMP4.3. Their proposed use is for B1 Business (including offices and light industrial) or B8 (storage and distribution). Evidence from the economic development team suggests that there is a need for investment in units such as this especially incubator and grow-on premises which could be met by the proposals. Three of the units are small and measure 220sqm, the design allows them to be further subdivided if demand necessitates to two 110sqm units. A single unit is 440sqm and again can be subdivided to two 220sqm units if needed.

Car Sales Allocation

48. As per the previous scheme on the site the district centre extends beyond the boundaries of the district centre allocation within the Local Plan and into the EMP6.1 allocation for the sale and repair of motor vehicles. The proposals do not include the provision of any vehicle sale or repair facilities. The explanatory text to EMP6 explains that such uses take up large amounts of space, whilst generating little employment, and are generally not consistent with the character of employment areas. The explanatory text goes on to state that the Hall Road frontage was allocated to provide a specific location for this development where it was already the dominant user. The area of the allocation taken up by these proposals is a relatively small part of the car sales allocation in total. It is considered that in practice the retention of a small corner of the site in use for vehicle repair and sales would not be consistent with the overall scheme and is unlikely to be compatible with the redevelopment of the site. In practice most car showroom development since 2004 has occurred on windfall sites elsewhere in the City. Therefore it is not considered that the loss of this part of the EMP6.1 allocation would be significantly detrimental or warrant refusal of the application.

Economic Development and Regeneration

49. Bringing forward development which brings about economic growth is a key strand of the NPPF. The proposals will clearly have the benefit of redeveloping a brownfield site which has now been out of viable economic use for a considerable amount of time.

50. In addition to the main town centre uses the proposals also include B1/B8 units which are fairly flexible in their design allowing for a range of sizes of units and can provide for start up units. Delivering a supply of adequate and affordable units such as this will assist a number of priorities of the Greater Norwich Economic Strategy and is in line with policy 5 of the JCS to meet the needs of small, medium and start-up businesses through new employment sites. It is considered that a significant amount of weight can be given to the provision of these as part of the development particularly if they can be provided speculatively towards the beginning of the development.

51. In terms of job creation the submissions detail that the store will provide a variety of part and full time jobs at a range of levels. Up to 300 full time equivalent employment positions are estimated to be provided within the store and it is estimated that a further 125 jobs could be created over the rest of the development.

52. The proposals provide for a community centre as part of the scheme which is intended to serve the local community. This is consistent with policy AEC2 which seeks the provision of such uses within district centres to ensure easy access for all residents. The Council are in discussion with the developers over how such a facility would be provided and managed. It is considered that significant weight can be given to the community benefits

of delivering such a centre at an early stage of the development and putting mechanisms in places for the centres management to allow use by local community groups.

Design

Layout

53. The broad layout of the site is based on the location of the ASDA superstore to the southwest of the site and a surface car park occupying the centre of the site with other uses located along the east, west and northern boundaries. The layout results in the large majority of the sites developable area being taken up by the store and associated car park. It is not considered that this broad approach optimises the use of the site and that alternative or more innovative solutions to the provision of car parking, particularly given the topography of the site which arguably lends itself to a decked car parking solution, would allow greater opportunities for development on the site and either allow for a greater mix and quantity of town centre uses to be proposed in addition to the superstore or a proportion of the site to be retained for future development.
54. It is understood that the proposed layout is desired for operational reasons and avoids changes of levels between the store and the car park and also for economic reasons to avoid additional costs of a decked car parking solution.
55. Although a significant area of the site is devoted to surface car parking the proposals have improved through pre-application negotiations since earlier iterations and do successfully screen the car parking from the wider public realm via the retail units on Hall Road, the pub to the north and the business units to the east. Therefore whilst in the context of policy TRA5 a large proportion of the site is dominated by car parking, it is fairly successfully screened.
56. The general layout of the site with the store to the southwest corner is considered to be appropriate. This provides for an active frontage to Hall Road via a first floor café but also allows the store and retail units to relate to the car park. However, no pedestrian access is provided to the store from Hall Road and pedestrians or cyclists would have to navigate down to the lower level in order to access the store. Whilst unfortunately no access is provided to the store at the upper ground level, it is considered that provision of the café at the first floor level in the northwest corner of the store should form a condition of any consent to help ensure that there is active frontage onto Hall Road at this corner.
57. The topography of the site is dealt with adjacent to Hall Road via the retail units which are split level with frontage to the east and the car park at the lower ground level and west and Hall Road at the upper level. This does have the affect of providing active frontage onto Hall Road where a small hard surface public space is proposed. The community building is also located adjacent to Hall Road with frontage onto it.
58. Trees are discussed further in the section below, however the majority of the tree groups on the corners of Sandy Lane with Hall Road and Bessemer Road are retained. The proposals do however result in the loss of an entire group of trees in the centre of the site which are lost to surface car parking and partly the location of the D2 building.
59. The proposals allow for links across the site, cutting the northwest corner which is desirable as well as east-west and north-south routes through the site and car park. Amendments have been made to the layout to enhance these routes and ensure the width allows use by various users including cyclists. Further detail of the zebra crossings would

need to be a condition of any consent to ensure that the detail promotes pedestrian priority whilst not hindering trolley movement. A further link has also been provided as a result of discussions on the application to provide a level route between the retail units and public house.

External Appearance

60. The general treatment of elevations is welcomed and the monotonous white retail box has been successfully avoided. The saw tooth design of the store adjacent to Hall Road helps reflect the sites industrial past and this form has been followed through to the design of other buildings on the site. It is disappointing that the saw tooth approach does not continue across the whole of the store frontage, however the mass is still broken by the use of materials. The saw tooth design also supports innovative ventilation solutions and the use of solar panels as detailed further in the energy efficiency section below.
61. Predominant materials include sustainably sourced timber panelling, grey metal rainscreen cladding and stone gabion walls which it is suggested could support climbing plants such as hydrangea. Certain areas of green cladding and flashing are proposed, it is assumed to provide a corporate identity to the building. The approach to elevation design is welcomed and is considered to be appropriate in the context of the area.
62. Although a good amount of detail has been provided, it is recommended that any decision be subject to conditions for exact details of materials including exact colours and samples were required.

Trees

63. The site is subject to a TPO with three tree groups located at the corners of the site with Sandy Lane and a further group located towards the centre and south of the site.
64. The tree group on the corner of Bessemer Road and Sandy Lane is largely retained with the exception of one B category (moderate quality) tree removed to provide an improved visibility splay at the junction.
65. The group to the corner of Hall Road and Bessemer Road is affected by the removal of a number of B (moderate quality), C (low quality) and R (dead or dying). These are mainly located to the northeast of the group to improve the visibility splay from the junction and where the community centre is proposed. All 'A category' (high quality) trees are retained and in general the larger 'B category' trees are also retained in this group. It is suggested that this group would be supplemented by some additional new planting.
66. Existing shrubbery and tree groups are also removed along the Hall Road frontage. These are of lesser quality and value (category C) than the TPO'd tree groups. The development proposals allow for some replacement tree planting along the Hall Road frontage.
67. The main area of tree loss is the TPO group of 41 Corsican Pines identified as B category trees. Which are roughly in the location of the proposed D2 building and an area of surface car parking. Whilst these trees are in an awkward location in the site, representing a significant constraint to any development proposals it is considered that a more innovative layout could secure their retention. The same trees were lost as part of the previous approvals, however in that case it is considered that their loss allowed for a substantially improved overall approach to the design via a decked parking solution and

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more intensive form of development. The same cannot be said for the current proposals where the majority of the site which is unconstrained by trees is taken up by surface level car parking.

- 68. A further area of tree removal is around the access to Sandy Lane to provide both the access and necessary visibility splays. Five trees are also proposed for removal around the service access from Bessemer Road.
- 69. In total approximate 130 trees would be lost as a result of the development. It is suggested that this will be mitigated by replacement tree planting in the groups to the corners of Sandy Lane, along the Hall Road frontage and via new planting within the car park (circa 110-120 tree shown on the landscaping plans submitted). Given that tree planting would to an extent be an expectation for any design it is not considered that replacement planting within the site would fully mitigate for the loss proposed.
- 70. This tree loss will need to be weighed up against other aspects of the proposal in determining the application however if approved it will be essential to ensure compliance with the arboricultural implications assessments and for further method statements to ensure the protection of those trees to be retained and for replacement tree planting.

Landscaping

- 71. Detailed landscaping proposals have been submitted with the application which, notwithstanding the comments regarding layout and trees above, are broadly considered to be acceptable. There are certain areas which require further detail, such as thin strips of grass adjacent to the employment units and further consideration of proposed species for new trees is necessary. Landscaping proposals will also be needed which relate to each phase of development to show how any areas not implemented in the first phase will be treated in the interim. Therefore a landscaping condition should form part of any approval.

Ecology

- 72. The application is submitted with an ecology report. This identifies the existing ecological value of the site as limited. The existing trees on site clearly have some local wildlife benefit and the loss of a number of trees, particularly the tree groups is likely to have some negative affect. Replacement tree planting and small areas of wildflower planting will go some way to mitigating this.
- 73. Based on the finding of the ecological surveys there is limited potential for bat roosts within the buildings. Two features were identified as having potential for bat roosts, however during dusk and dawn inspections no activity was identified. The report concludes based on these surveys that the buildings are not currently being used for bat roosts.
- 74. The northern section of the site which is currently heavily planted with trees is suitable for bat foraging and commuting. Within these areas it is suggested that lighting has been designed to avoid artificial lighting affecting activity. This is not necessarily consistent with the lighting details submitted with the scheme and there it is suggested that lighting details be conditioned, notwithstanding the details submitted with the application.
- 75. The ecology report suggests mitigation and enhancements such as bat and bird boxes within the site to provide further nesting and roosting opportunities. These are welcomed

and should be conditioned as a requirement of any approval.

76. A number of fox holes are located on the site and whilst foxes are not protected species the holes are in areas of trees to the north of the site which are to be retained as part of the development.

Archaeology and Heritage Interpretation

77. The application has been submitted with an archaeological desk based assessment which concludes that based on current available evidence the site has been arable since the mid C20th and based on this it is unlikely to have any archaeological significance. Norfolk historic environment service concurs with these findings.
78. In terms of heritage the value of the site is from its use as a factory for a well known international shoe brand which was connected to Norwich and important in terms of the connection of people who worked at the factory. The form of the developments elevational design reflects the industrial heritage, however it is considered that further interpretation of the social history should be secured. It is suggested by the applicant that this would be in the form of an interpretation plaque, however it could equally be in the form of an interpretation piece or sculpture. It is suggested that any consent be subject to a condition requiring further details of heritage interpretation to be agreed.

Transport and Access

Access & Transport Impact

79. The accessibility of the site to non-car modes is a principle consideration in achieving a sustainable scheme which is in accordance with Local Plan Policy TRA3. The site is located in an urban location which is accessible and has relatively good public transport facilities located immediately adjacent to the site on Hall Road an arterial route into Norwich. The site is also fairly well located for the residential catchment it serves being immediately opposite Tuckswood and in fairly close proximity to Old Lakenham although given its size the catchment of the superstore will extend beyond these immediate residential areas.
80. The proposals include a number of enhancements to encourage access to the site via non-car modes of transport these include:
- Bus stop infrastructure;
 - Bus information improvements;
 - An amended Toucan crossing on Hall Road (previously proposed as a pelican);
 - Puffin and Toucan crossings on Sandy Lane;
 - Toucan crossing on Barratt Road with shared pedestrian and cycle pathway linking it to Hall Road;
 - Shared cycle and pedestrian routes along the eastern side of Hall Road linking the site to Barratt Road;
 - Shared cycle and pedestrian routes along Bessemer Road;
 - Shared cycle and pedestrian routes to the north of Barratt Road on the western side of Hall Road as far as St Johns Close;
 - Zebra crossing on Hall Road near Walton Road (north of Barratt Road).
81. Cycle and pedestrian access to the site is provided from all three surrounding roads with 3m wide paths within the site to allow for shared use of key routes across the site. The lack of access to the ASDA store on Hall Road is not considered to favour use by

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pedestrians or cyclists and the stepped/ramped arrangement down from Hall Road is not considered to be particularly user friendly. Cycle parking is however now provided at both ends of these ramps down from Hall Road. It has been suggested that a toucan crossing be provided as opposed to a puffin crossing directly adjacent to the development on Hall Road. Whilst the applicant originally advised that this was not possible due to levels along Hall Road, a solution has now been established and the crossing amended to a toucan crossing.

82. The main car based accesses to the site are on Sandy Lane and Bessemer Road. Traffic surveys have been conducted at key junctions on the local highway network and the transport assessment concludes that subject to the non-car improvements identified above and junction improvements to the Hall Road/Sandy Lane/Whiting Road/Bessemer Road signal controlled junction and the Hall Road/Lakenham Road Roundabout the development can be successfully accommodated within the existing highway network.
83. At the junction of Hall Road and Robin Hood road priority is to Hall Road the major route. Although increased changes in traffic movements may increase the time it takes to exit onto Hall Road there is no evidence to suggest that this would result in highway safety issues or that any changes are necessary to this junction.
84. Concern has been raised with officers over allowing a right turn out of the main access to the site onto Sandy Lane and that this is likely to conflict with the junction of Sandy Lane, Whiting Road and Bessemer Road. Following a safety audit the proposals have been amended to remove this right turn.
85. A draft interim travel plan has been prepared for the District Centre to ensure that effort is made to promote modal shift. The provision and implementation of a travel plan should form a condition of any consent to ensure compliance with TRA12.
86. Inevitably, there will be increased vehicle movements associated with the development of this site, but the proposals do provide walk-in facilities in an area that currently lacks them, and many of the car-based trips to the site will replace existing trips to sites that are further afield. Therefore, having considered the implications of the proposals and the package of highway improvements it is considered that the proposals accord with the NPPF and development plan policy.

Parking

87. The central car park provides for the whole site with the exception of the employment units which have their own allocated car parking. The level of car parking is in line with and below the maximum car parking standards set out at TRA6 of the local plan.
88. Cycle parking is not provided to the minimum standards set out at policy TRA7, however on discussion with the Local Highway Authority it is understood that these standards are more suited to small scale development, and for large schemes such as this the level of provision can be scoped on an individual basis. 40 staff and 56 customer cycle spaces are provided within the development. This provision is considered to be acceptable in this case. It is however unfortunate that staff cycle provision particularly for the superstore has not be provided within a fully enclosed and secure staff facility. It is instead provided via covered Sheffield cycle stands. These are however in areas with relatively good natural surveillance.

Servicing

89. Servicing of the main store will be via a dedicated delivery area to the southwest corner of

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the site. This is accessed via Bessemer Road and screened from Hall Road by the superstore itself and also fencing. The business units will be serviced from the frontage and have been provided with refuse stores to the side. The other main town centre uses will be serviced from the car park and/or Hall Road where a deliveries bay has been provided. All units have been provided with refuse storage areas.

Residential Amenity

Overlooking & Overshadowing

90. The site is sufficiently detached from residential properties for there to be no material impacts in terms of overlooking or overshadowing from the development. The nearest residential dwellings are 43m from the site on the west side of Hall Road.
91. Concern has been raised by one resident of Hall Road over the loss of views over the valley to the east as a result of the service yard fencing which is 6.5m high. The fencing in question is 6.5m above the height of the service yard and not Hall Road which is 3.6m above the level of the service yard. From the context of Hall Road the fence will therefore be just under 3m in height. Properties on the west side of Hall Road are also approximately a further 1.3m above the height of Hall Road. It is not therefore considered that there would be any significant impact. The purpose of the fence is also to limit the impact of noise from the service yard.

Noise and Disturbance

92. The application is submitted with a noise assessment which can be broken down into impacts from various sources as detailed below.
93. The report recognises that there will be some fixed plant/machinery at the proposed development and also that BS4142 is the appropriate method to assess the noise from this. If permission is granted a condition should be imposed to require details of any fixed plant including noise levels and measures for noise mitigation where necessary.
94. The restaurant/public house is located to the north of the site adjacent to the main vehicular access. It is some distance from the nearest residential property and screened by vegetation and other buildings on the site. Nevertheless activity associated with the use could have a negative impact on the amenities of neighbouring properties and therefore is recommended that any consent be subject to an hours of use restriction limiting use between midnight and 07.00am.
95. The retail units are likely to have some fixed plant and therefore the comments above are relevant. Flexibility is also being sought for a variety of A class uses including A5 hot food takeaways. Such uses if located at the upper level are likely to have amenity implications for properties on the opposite side of Hall Road particularly from customers using the new deliveries lay-by. Given the proximity of residential properties to this part of the site it is recommended that the use of any A5 unit in the upper level be restricted beyond the hours of 11pm.
96. Lorry deliveries and unloading is likely to be the most disturbing aspect of the noise from the proposed development, particularly during the night time hours given that 24 hour deliveries are sought. This is due to the noise being intermittent and also of a much higher level than the other noise sources at the site. The noise from the reversing alarms on the lorries and the rattling of the cages as the goods are loaded/unloaded is likely to be particularly disturbing to the nearby residents, especially if undertaken outside. The delivery area for the ASDA store also backs onto Hall Road and is within fairly close

proximity to residential dwellings along Hall Road.

97. The report includes noise measurements taken from another typical delivery system and these have been compared against the existing noise levels at the residential properties. The night time noise levels of the delivery activities have been averaged over 5 minutes and whilst this assessment method is in line with British Standards given that in some cases the activity measured has continued for less than this time, it means that the actual noise levels are higher for a shorter period, and therefore likely to be more disturbing. The noise measurements also show that not using the reversing alarms makes a significant difference to the noise level. The delivery bay has been designed so far as possible to mitigate the impact of noise. It is located at a lower level and docking bays are provided for delivery lorries. The delivery area is also screened from Hall Road by the store itself and fencing along Hall Road. The noise assessment considers that the noise impact would be negligible and well below World Health Organisation Guidelines. The impacts can be mitigated to an extent via conditions on any consent including that the unloading of vehicles shall only take place directly to/from the designated delivery docking bay, delivery vehicle engines and refrigeration units fitted to delivery vehicles shall be switched off at all times when on site and stationary, delivery docking bay and associated rubber buffers shall be maintained in a good state of repair at all times to prevent egress of noise. It has been suggested that a condition restricting reversing alarms during the night also be imposed. This in practice is difficult to control and enforce and needs to be balanced against the level of impact and the health and safety issues of not using them. On balance given the negligible impact such a condition is not considered necessary.
98. The business units located to the west of the site are proposed for B1 (business/light industrial use) and B8 (storage and distribution use), it is not considered that in these uses and subject to a condition requiring details of plant and machinery that the units are not likely to give rise to any significant amenity implications. More intensive industrial use in class B2 could have greater implications which would need to be assessed further and there it is considered appropriate to restrict their use to B1 or B8 use only.

Contamination

99. An intrusive investigation has been undertaken on the site and the results submitted, suggesting that there is little risk of contamination on the site. The report does however identify former underground fuel storage tanks which will require removal and the ground around them investigated for contamination. Appropriate conditions on any approval will therefore be necessary.

Air Quality

100. An air quality assessment has been undertaken and indicates that the overall impact of the development in terms of pollutants is negligible and there will be no exceedences of air quality objectives. The report does however recognise that there is a likelihood of dust emissions from the site during the construction phase. A condition for details of dust suppression should form a condition of any consent.

Flood Risk

101. The site lies outside any medium or high probability flood zone, nevertheless given the scale of the development a surface water flood risk assessment is required and has been submitted with the application. The assessment has adequately demonstrated that the

proposed surface water scheme will ensure that the proposed development will not increase flood risk and will incorporate sustainable urban drainage in the form of six soakaways to drain the building and parking areas.

Energy Efficiency

102. The application has been submitted with an energy efficiency statement. The development has been designed and a pre-assessment undertaken indicating that the development will achieve a BREEAM excellent rating. The schemes design seeks to achieve energy savings by maximising natural daylight to the store, using advanced natural ventilation systems, using water efficient sanitary fittings and low energy lighting.
103. The energy efficiency statement identifies a number of technologies to provide onsite renewable or low carbon sources of energy. These include air source heat pump, solar thermal, photovoltaic and combined heat and power technologies which based on current calculations could provide up to 47% of the sites energy (8.5% from air source heat pumps, 0.7% from solar thermal, 0.4% from photovoltaic and 37% from combined heat and power). The statement indicates that these technologies would be installed within the ASDA building. The proposals are consistent with JCS policy 3 and policy ENG1 of the East of England Plan, however further details and more accurate calculations should be conditioned through the detailed design stage.

Local Finance Considerations

104. The main local finance considerations for the development will be the potential retention of future business rates from the development although this is considered to be largely immaterial in this case as this does not directly relate to the planning merits of this case.
105. The Council are also in discussion with ASDA to take over the running of the community centre. Given the intended use as a community facility it is likely than any rental arrangements for such a facility would be negligible. The financial implications are again considered to be largely immaterial to the determination of the application. Of greater weight are the benefits associated with the potential to successfully deliver a community centre on the site as part of the scheme.

Town and Country Planning Consultation Direction

106. For the avoidance of doubt as the proposals are located within a proposed centre it is not considered necessary for the proposals to be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009.

Planning Obligations

107. Planning obligations for the development will relate to the mitigation of the transportation impacts of the development and securing certain community benefits proposed as part of the development. These will include:
- a) A travel plan bond and monitoring charge to allow the strategic highway authority to implement the travel plan should it be required to do so. The bond would be £15,000 per annum for five years (£75,000 total) and monitoring charge of £2,500.
 - b) A transport contribution under TRA11 of £915,800 towards the delivery of non-car based transport improvements in the area. From the total transport condition the

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costs of some works undertaken as part of the development to enhance public transport, pedestrian and cycle access to the site will be deducted.

- c) Clauses to be agreed by officers for the delivery of the community centre.
- d) Clauses to be agreed by officers for the provision of community use of the D2 sports building or rooms within it for a minimum of 10 hours per week by local schools or colleges for free or 20 hours per week by local social, community groups or sports clubs at a 50% discount.

108. The improvements detailed at the access and transport impact section above are located either within the applicants land or on highway land and can be secured via condition.

Phasing

109. In terms of phasing the applicant has indicated that they are willing to construct the whole of the scheme with the exception of the larger employment unit (unit 1) as one phase to be externally complete prior to first use of the superstore. The applicant has also asked for some flexibility for the pub/restaurant unit to agree a later date for its construction should they be unable to secure a pre-let, this is because the shape and design of the unit is limited in terms of its versatility and whilst it has been designed with a specific end user in mind if such a user does not come forward amendments may be needed to its design at a later stage.

Equality and Diversity Issues

Disabled Access

110. The site has been designed with level access to the main entrances of the site and DDA compliance can be secured via the building control process. As a result of the sites topography there are a number of ramped access routes through the site. These perhaps are not ideal in terms of ease of access to those with mobility difficulties (or indeed pushchairs) although do provide level access. The design also results in a number of fire escape stairs which are unavoidable given the design in question. Disabled refuge areas have however been detailed on the plans.

Amendments

111. Since the last round of consultations there have been some amendments to the scheme including the change of a pelican crossing to a toucan on Hall Road, with associated amendments to the footpath and shared surface. The provision of cycle stop lines to the Hall Road/Sandy Lane junction and the removal of a right turn from the site onto Sandy Lane. The amendments are all considered to be relatively minor and respond positively to comments made via the consultation process. It was therefore not considered necessary to re-consult on the amendments and not considered that any interested party would be prejudiced by this.

Conclusions

112. The proposals provide for the redevelopment of the site to provide a convenience superstore (5,796sqm gross), retail units (1,075sqm gross), a community centre (422sqm gross), a pub/restaurant (590sqm gross), a D2 building (1,110sqm gross) and business units (1,100sqm gross). The site is allocated for a district centre although with a far smaller anchor convenience store than that proposed.

APPENDED REPORT

113. Whilst in retail planning terms a convenience store of the size proposed can be said to be of an appropriate scale for the district centre level of the retail hierarchy it is considered that the size of the superstore also needs to relate to the size of the centre proposed as a whole. In this regard the level of floorspace within the superstore is considered to be disproportionately large when compared to the amount of other town centre uses. It is considered that what is proposed must constitute a 'district centre' and not a superstore with a small number of ancillary units.
114. Coupled with the concerns raised above relating to the scale of the store in comparison to the rest of the proposed town centre uses is the layout of the store and intensity of the development. The centre of the site is occupied by a surface car park located below the level of Hall Road with the main entrance to the superstore located at this lower level fronting onto the car park. This broad approach to the layout has a number of implications. Firstly the surface car parking takes up a significant proportion of the site and this coupled with the scale of the superstore limits the extent of the site available for other development or main town centre uses. Secondly, an entire group of TPO'd trees is proposed for removal to make way for surface level car parking and partly for the D2 building and thirdly no entrance to the superstore is provided directly onto Hall Road and alternatively the entrance is located at a lower level fronting onto a car park. It is considered that this approach fails to favour sustainable transport modes of access to the site.
115. For the above reasons it is not considered that the proposals optimise the potential of the site to accommodate development in line with the objectives of the NPPF. A more innovative solution could in officers opinion feasibly and viably provide for a greater degree of development on the site whilst responding better to site constraints such as trees.
116. Having said the above, it is considered that for the form of development in question (i.e. a superstore with a small number of ancillary units arranged around a surface car park) the proposals have generally, with the exception of certain tree constraints, been designed well. The car park is well screened from the surrounding area and the appearance and elevational treatment is considered to be high quality within the context of a suburban location such as this.
117. Against the context of the above, the decision needs to be balanced against a number of economic and community benefits which would be delivered by the proposals. Bringing forward development which brings about economic growth is a key strand of the NPPF. The proposals will clearly have the benefit of redeveloping a brownfield site which has now been out of viable economic use for a considerable amount of time.
118. In addition to the main town centre uses the proposals also include B1/B8 units which are fairly flexible in their design allowing for a range of sizes of units and can provide for start up units. Delivering a supply of adequate and affordable units such as this will assist a number of priorities of the Greater Norwich Economic Strategy and is in line with policy 5 of the JCS to meet the needs of small, medium and start-up businesses through new employment sites. It is considered that a reasonable amount of weight can be given to the provision of these as part of the development particularly given that three smaller units will be provided speculatively towards the beginning of the development.
119. In terms of job creation the submissions detail that the store will provide a variety of part and full time jobs at a range of levels. Up to 300 full time equivalent employment positions are estimated to be provided within the store and it is estimated that a further 125 jobs could be created over the rest of the development. In this case it is considered that a

APPENDED REPORT

significant amount of weight can be given to this in balancing the merits and dis-merits of the application.

120. The proposals provide for a community centre as part of the scheme which is intended to serve the local community. This is consistent with policy AEC2 which seeks the provision of such uses within district centres to ensure easy access for all residents. It is considered that significant weight can be given to the community benefits of delivering such a centre at an early stage of the development and putting mechanisms in places for the centres management to allow use by local community groups.
121. Community benefits are also proposed as part of the provision of the D2 sports building on the site via provision of the building or parts of it for use by local schools/colleges and local social/community/sports groups. This is consistent with policy SR6 which seeks dual use of such facilities by the local community. It is considered that a reasonable level of weight can be given to the community benefits of securing such provision.
122. There are a number of other issues and considerations which have been discussed in this report. Where there is an impact, it is considered that these could be overcome via conditions on any approval or via a S106 agreement.
123. This is a finely balanced decision and on balance it is considered that the economic and community benefits delivered by the proposal and described above outweigh the shortfalls of the application proposals also described above. The recommendation is therefore to approve the application subject to conditions and a S106 agreement.

RECOMMENDATIONS

To approve Application No (12/00739/F Former Bally Shoe Factory Ltd Hall Road Norwich NR4 6DP) and grant planning permission, subject to:

- (1) the completion of a satisfactory S106 agreement to include the provision of a transport contribution of £915,800 minus deductibles, the provision of a travel plan bond and monitoring charge, clauses for the delivery of a community centre on the site, clauses for the delivery of community use of the D2 sports building and subject to the following conditions:
 1. Standard time limit;
 2. Development undertaken in accordance with approved plans and documents;
 3. Phasing conditions to require the retail units, pub/restaurant, sports/D2 building, community centre and 3 of the four employment units to be complete prior to trading from the superstore. There will be a provision to allow an alternative timetable for construction of the pub/restaurant subject to agreement including details of interim landscaping;
 4. No subdivision of superstore;
 5. Comparison retail not to be accessed separately to the convenience foodstore or run independently;
 6. Net floorspace within the ASDA store not to exceed 3,406sqm net (excluding the first floor cafe) and comparison floorspace to be limited to 1,124sqm net;
 7. Café to be provided at first floor level of the ASDA store and details of the glazing to be agreed;
 8. Removal of permitted development rights for the insertion of a mezzanine floor within the ASDA store;
 9. 'Retail units' to be A1, A2, A3 or A5 only;

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10. 'Retail units' shall not be combined to form less than 4 units in total;
11. 'Retail units' at least 1 retained in A1 use and no more than 2 of each of A2, A3 or A5;
12. Community centre only to be used as a community centre;
13. Details of the ongoing management and maintenance of the community centre to be agreed;
14. The D2 'gymnasium' restricted to a D2 sports use;
15. Removal of permitted development rights at the restaurant/pub to change to A2;
16. No use of the public house between 00:01 and 06:59 on any day;
17. No use of the any hot food takeaway at the upper level of the retail units beyond 23:00 on any day (until 07:00 on the following day);
18. Business units only to be used for B1 or B8 use only;
19. Submission of landscaping details for each phase, including all hard and soft treatments, also including lighting plans and the provision of offsite landscaping on highway land;
20. Interim landscaping for parts of the site not developed under phase 1 to be agreed;
21. Landscaping to be maintained and any new trees/shrubs lost to be replaced;
22. Compliance with the submitted arboricultural statement and submission of further method statements to be agreed;
23. Agree details of materials including samples where necessary;
24. Agree details and provision of heritage interpretation;
25. Agree details and provision of bat and bird boxes;
26. Provision of access, parking and servicing areas;
27. Provision of surface water drainage to the accesses;
28. Provision of cycle storage and stands;
29. Provision of refuse storage;
30. Agreement of a construction traffic management plan and access route;
31. Provision of construction vehicle wheel cleaning facilities;
32. Provision of off-site highway improvement works;
33. Agree details of the interim travel plan;
34. Agree a full travel plan following occupation;
35. Details of any plant or machinery including details of noise mitigation;
36. Details of dust suppression;
37. Unloading of vehicles shall only take place directly to/from the designated delivery docking bay;
38. Delivery vehicle engines and refrigeration units fitted to delivery vehicles shall be switched off at all times when on site and stationary;
39. Delivery docking bay and associated rubber buffers shall be maintained in a good state of repair at all times to prevent egress of noise.
40. Contamination conditions for a scheme to deal with contamination to be agreed including verification;
41. Agree a scheme for pollution control for the discharge of water to soakaways;
42. Scheme in accordance with the FRA for the provision, implementation and management of surface water drainage to be agreed;
43. Scheme for water, energy and resource efficiency measures to be submitted in accordance with the energy efficiency statement and details of the provision of 10% of the sites energy from decentralised and renewable or low carbon sources.

(Reasons for approval: The decision has been made with particular regard to policies SS1, T14, ENV7, ENG1, WM6 and NR1 of the adopted East of England Plan 2008, policies 1, 2, 3, 5, 6, 7, 8, 19 and 20 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, saved policies NE3, NE4, NE8, NE9, HBE12, EP16, EP17, EP18, EP20, EP22, EMP4.3, EMP6.1, SHO1, SHO2, SHO3, SHO12, SHO13, AEC1, AEC2, SR6, SR13, TVA8, TRA3, TRA5, TRA6, TRA7, TRA8, TRA10, TRA11, TRA12 and TRA18

APPENDED REPORT

of the adopted City of Norwich Replacement Local Plan 2004, the National Planning Policy Framework and other material considerations.

The proposals provide for the redevelopment of the site to provide a convenience superstore (5,796sqm gross), retail units (1,075sqm gross), a community centre (422sqm gross), a pub/restaurant (590sqm gross), a D2 building (1,110sqm gross) and business units (1,100sqm gross). The site is allocated for a district centre although with a far smaller anchor convenience store than that proposed.

Whilst in retail planning terms a convenience store of the size proposed can be said to be of an appropriate scale for the district centre level of the retail hierarchy it is considered that the size of the superstore also needs to relate to the size of the centre proposed as a whole. In this regard the level of floorspace within the superstore is considered to be disproportionately large when compared to the amount of other town centre uses. It is considered that what is proposed must constitute a 'district centre' and not a superstore with a small number of ancillary units.

Coupled with the concerns raised above relating to the scale of the store in comparison to the rest of the proposed town centre uses is the layout of the store and intensity of the development. The centre of the site is occupied by a surface car park located below the level of Hall Road with the main entrance to the superstore located at this lower level fronting onto the car park. This broad approach to the layout has a number of implications. Firstly the surface car parking takes up a significant proportion of the site and this coupled with the scale of the superstore limits the extent of the site available for other development or main town centre uses. Secondly, an entire group of TPO'd trees is proposed for removal to make way for surface level car parking and partly for the D2 building and thirdly no entrance to the superstore is provided directly onto Hall Road and alternatively the entrance is located at a lower level fronting onto a car park. It is considered that this approach fails to favour sustainable transport modes of access to the site.

For the above reasons it is not considered that the proposals optimise the potential of the site to accommodate development in line with the objectives of the NPPF. A more innovative solution could in officers opinion feasibly and viably provide for a greater degree of development on the site whilst responding better to site constraints such as trees.

Having said the above, it is considered that for the form of development in question (i.e. a superstore with a small number of ancillary units arranged around a surface car park) the proposals have generally, with the exception of certain tree constraints, been designed well. The car park is well screened from the surrounding area and the appearance and elevational treatment is considered to be high quality within the context of a suburban location such as this.

Against the context of the above, the decision needs to be balanced against a number of economic and community benefits which would be delivered by the proposals. Bringing forward development which brings about economic growth is a key strand of the NPPF. The proposals will clearly have the benefit of redeveloping a brownfield site which has now been out of viable economic use for a considerable amount of time.

In addition to the main town centre uses the proposals also include B1/B8 units which are fairly flexible in their design allowing for a range of sizes of units and can provide for start up units. Delivering a supply of adequate and affordable units such as this will assist a number of priorities of the Greater Norwich Economic Strategy and is in line with policy 5

APPENDED REPORT

of the JCS to meet the needs of small, medium and start-up businesses through new employment sites. It is considered that a reasonable amount of weight can be given to the provision of these as part of the development particularly given that three smaller units will be provided speculatively towards the beginning of the development.

In terms of job creation the submissions detail that the store will provide a variety of part and full time jobs at a range of levels. Up to 300 full time equivalent employment positions are estimated to be provided within the store and it is estimated that a further 125 jobs could be created over the rest of the development. In this case it is considered that a significant amount of weight can be given to this in balancing the merits of the application.

The proposals provide for a community centre as part of the scheme which is intended to serve the local community. This is consistent with policy AEC2 which seeks the provision of such uses within district centres to ensure easy access for all residents. It is considered that significant weight can be given to the community benefits of delivering such a centre at an early stage of the development and putting mechanisms in places for the centres management to allow use by local community groups.

Community benefits are also proposed as part of the provision of the D2 sports building on the site via provision of the building or parts of it for use by local schools/colleges and local social/community/sports groups. This is consistent with policy SR6 which seeks dual use of such facilities by the local community. It is considered that a reasonable level of weight can be given to the community benefits of securing such provision.

This is a finely balanced decision and on balance it is considered that the economic and community benefits delivered by the proposal outweigh the shortfalls of the proposals.

There are a number of other issues and considerations which have been taken into account in determining the application and where there is an impact, it is considered that these can be overcome via conditions on any approval or via a S106 agreement.)



PLANNING APPLICATIONS COMMITTEE

10am to 4.15pm

20 September 2012

Present: Councillors Bradford (chair), Ackroyd, Blunt (substitute for Councillor Neale) (to end of item 5 below), Kendrick, Howard (to end of item 5 below), Little, Rogers, Sands (S) and Stonard

Apologies: Councillor Sands (M) (vice chair), Gee, Lay and Neale

1. DECLARATIONS OF INTEREST

Councillor Kendrick declared an interest in agenda item 3 (below) application no 12/01016/F because of family members living nearby.

2. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting held on 23 August 2012.

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**5. APPLICATION NO 12/00739/F FORMER BALLY SHOE FACTORY LTD
HALL ROAD, NORWICH, NR4 6DP**

The senior planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report, which was circulated at the meeting, "Updates to reports for consideration" and said that three further letters of representation in support of the application had been received. Members were also advised of amendments to paragraphs 80, 89, 101 and 102, as set out in the supplementary report.

The agent spoke in support of the application on behalf of his client.

Discussion ensued during which some councillors expressed concerns that the proposals did not make best use of the site; in particular it was considered that the car parking dominated the location and multi-level parking could allow for the building of new homes. The lack of significant pedestrian and cycle access was also brought forward. Other councillors considered that the proposals offered a significant boost to the area by providing good value food and clothing and new employment in an area in need of regeneration.

Councillor Little moved and Councillor Ackroyd seconded that the application be refused because the proposal did not constitute a District Centre as the level of floorspace within the superstore is disproportionately large when compared to the amount of other town centre uses, the proposals represented underdevelopment of a brownfield site; the removal of trees; the dominance of car parking and because the proposals failed to maximise accessibility to the site by sustainable modes of transport.

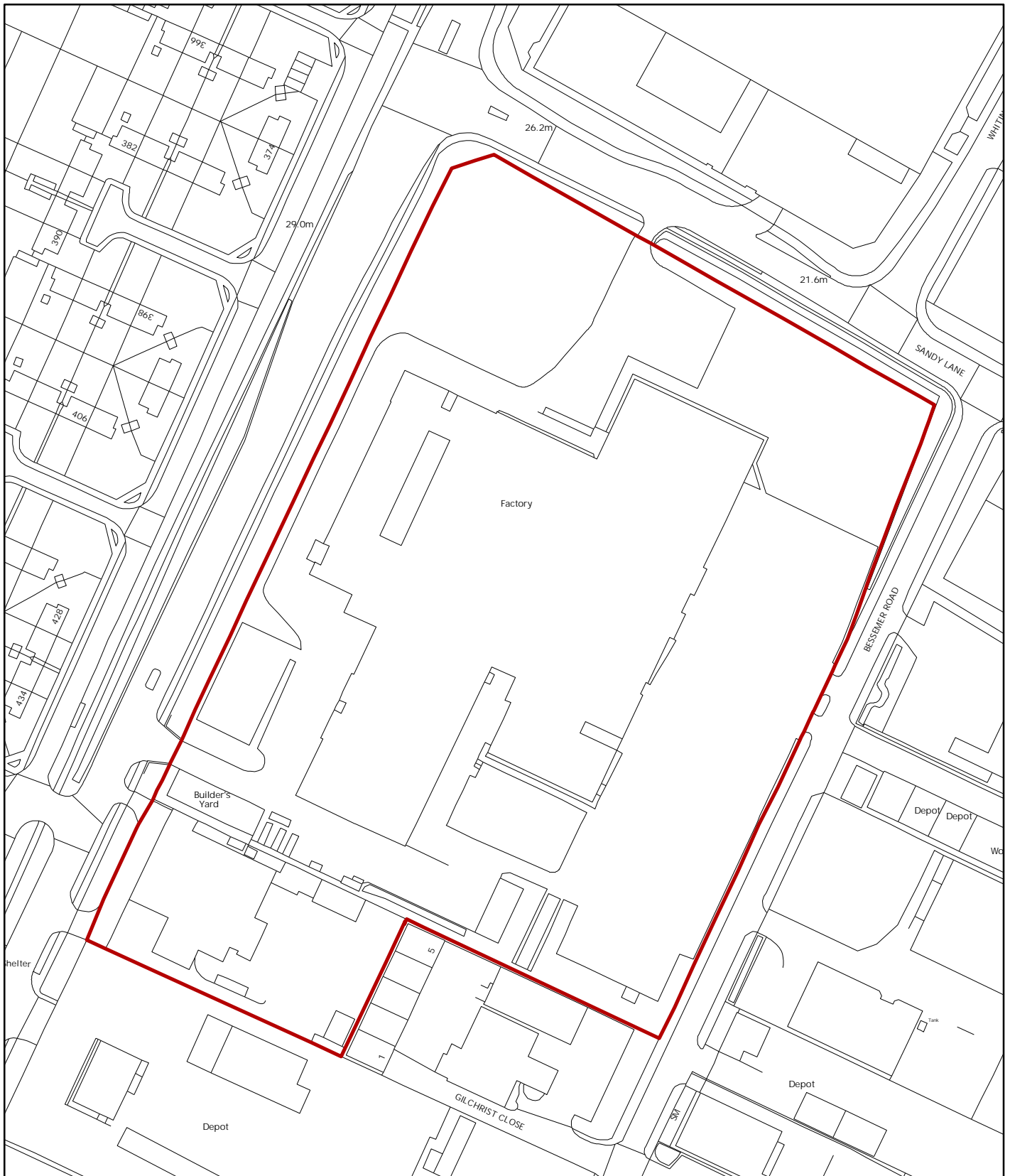
RESOLVED with 5 members voting in favour of refusal (Councillors Little, Ackroyd, Rogers, Blunt and Howard) and 4 members voting against (Councillors Bradford, Stonard, Sands (S) and Kendrick) to refuse application no 12/00739/F Former Bally Shoe Factory Ltd, Hall Road, Norwich, NR4 6DP on the grounds that the proposal did not constitute a District Centre as the level of floorspace within the superstore is disproportionately large when compared to the amount of other town centre uses, the proposals represented underdevelopment of a brownfield site; the proposal would result in the loss of trees; the dominance of car parking and that the proposals failed to maximise accessibility to the site by sustainable modes of transport and ask the head of planning services to draft the reasons for refusal in full.

(Reasons for refusal as subsequently provided by the head of planning services:

1. Saved policy SHO3 of the adopted City of Norwich Replacement Local Plan details that retail development will only be permitted where it is of a scale consistent with the catchment appropriate to a centre's position in the hierarchy. Part of the application is allocated as a District Centre under saved policy SHO13 of the adopted City of Norwich Replacement Local Plan. The superstore proposed is significantly larger than the site allocation and whilst it can be argued that an anchor convenience store of the size proposed

can fit into the district centre level of the hierarchy, it is considered that the size of the superstore must relate to the size of the centre proposed as a whole. The level of floorspace within the superstore is disproportionately large when compared to the amount of other town centre uses. It is therefore not considered that the centre as a whole constitutes a District Centre and as such the proposals are contrary to policy 19 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk, saved policies SHO3 and SHO13 of the adopted City of Norwich Replacement Local Plan and the objectives of the sequential test set out at part 2 of the National Planning Policy Framework.

2. The surface car parking takes up a significant proportion of the site and this coupled with the scale of the superstore limits the extent of the site available for other development or main town centre uses. The proposals have failed to make use of innovative design solutions to enable provision for a greater degree of development on the site. The proposals are therefore considered contrary to saved policy TRA5 of the adopted City of Norwich Replacement Local Plan, policy ENV7 of the adopted East of England Plan, policy 1 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk and the objectives of the National Planning Policy Framework to optimise the potential of the site to accommodate development.
3. The design of the proposals is dominated by surface car parking which fails to provide a positive and attractive setting to the development and as such the proposals are considered to be contrary to saved policies HBE12 and TRA5 of the adopted City of Norwich Replacement Local Plan.
4. The proposals fail to maximise accessibility to the site by sustainable modes of transport. The main entrance to the superstore is located at the lower ground floor level fronting onto the surface car park. The proposals design is orientated to users of the private car and access to the superstore for pedestrians, cyclists and users of public transport involves either navigating the surface car park or a significant change in level between Hall Road and the store entrance. The proposals are therefore considered to be contrary to saved policies TRA3 and HBE12 of the adopted City of Norwich Replacement Local Plan, policies 1 and 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk and the objectives of the National Planning Policy Framework for development to be designed to give priority to pedestrian and cycle movements.
5. The proposal would result in the loss of a significant number of trees protected by a tree preservation order including the complete loss of one group of protected trees. The loss of the trees would not allow for a substantially improved overall approach to the design of the development that would outweigh the loss of the trees. The design has failed to avoid or successfully mitigate harm to the biodiversity of the site and as such fails to take opportunities to enhance biodiversity through its design. The proposals are therefore considered to be contrary to saved policies NE3 and NE9 of the adopted City of Norwich Replacement Local Plan, policy 1 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk and the objectives of the National Planning Policy Framework.



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Planning Application No 12/02003/F

Site Address Former Bally Shoe Factory Ltd Hall Road

Scale 1:1,500



NORWICH
City Council

PLANNING SERVICES





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NEW HIGHWAYS IN ACCORDANCE WITH HIGHWAYS
 COUNCIL TAPES TO 20000000
 LANDSCAPE IN ACCORDANCE WITH LANDSCAPE
 ARCHITECTS DRAWING 01001 L102

- ASDA STORE (Including Home Shopping Hub)**
 Total Gross Area: 170,000 sqm (including above ground carpark)
 Total Net Retail Area: 140,000 sqm
- ADDITIONAL RETAIL UNITS**
 Retail Unit 1: 1,000 sqm
 Retail Unit 2: 1,000 sqm
 Retail Unit 3: 1,000 sqm
 Retail Unit 4: 1,000 sqm (including Delivery)
- COMMUNITY USE BUILDINGS**
 Total Gross Area: 1,000 sqm
- CAFÉ/RAI**
 Family and Child Space: 20
 Disabled Space: 10
 Standard Space: 200
- BUSINESS ENTERPRISE UNITS**
 Enterprise Unit 1: 1,000 sqm
 Enterprise Unit 2: 1,000 sqm
 Enterprise Unit 3: 1,000 sqm
 Enterprise Unit 4: 1,000 sqm
 Total Gross Area: 1,000 sqm
- BUSINESS UNITS**
 Building are situated at maximum design levels on the plan and within the site.
- ACTUAL BUILDING MAY BE BUILT REDUCED BY UP TO 10% FROM THE ABOVE AREA TO ALLOW FOR VARIATIONS IN THE BUILDING DESIGN AND TO ALLOW FOR VARIATIONS IN THE BUILDING DESIGN AND TO ALLOW FOR VARIATIONS IN THE BUILDING DESIGN.**
- SITE AND CAR PARK FALLS**
 Ground fall and site fall are shown on the plan and within the site.
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 Ground fall and site fall are shown on the plan and within the site.

PROJECT
 HALL ROAD, NORWICH

TITLE
 PROPOSED UPPER GROUND SITE PLAN

DRAWING STATUS
 PLANNING

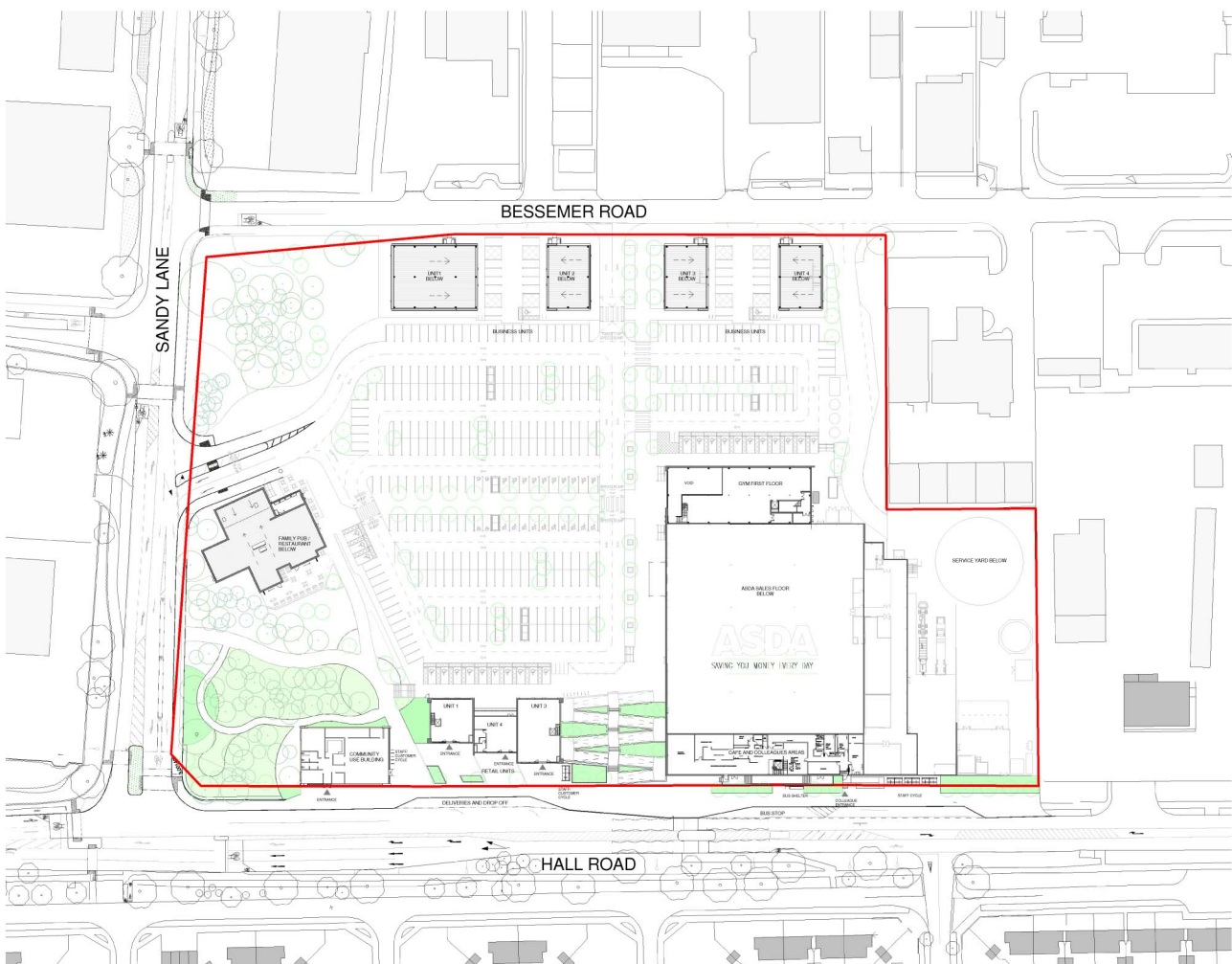
DRAWN KB **CHECKED** DJS

SCALE 1:500 @ A1

DATE 2012/11

WCEC

JOB NO. DRAWING NO. REV
 06-120 PL-07 K



1 PROPOSED UPPER GROUND SITE PLAN
 1:500

0 5 10 25 50
 Scale 1:500 @ A1 (1:1000 @ A3)

