

Report to Planning applications committee
Date 06 March 2014

Report of Head of planning services

Subject 13/02087/VC and 13/02088/VC:

Norwich City Football Club, Geoffrey Watling Way and Carrow Road, Norwich, NR1 1JE.

Item
4(10)

SUMMARY

Description:	<p>13/02087/VC: Changes to the requirements for providing a Riverside Walk, landscaping and utilities connections around the existing residential developments in the vicinity of the football club, through an application for Variation of Condition 12: Provision of Riverside Walk; Variation of Condition 21: Hard and Soft Landscaping details; and, Condition 25: Underground Utility Routes, of previous planning permission 4/2002/1281/O affecting The Jarrold Stand, N&P Stand, Ashman Bank and Allison Bank: 'Replacement of South Stand (8000 seats), new corner stand (1500 seats), hotel and residential development along the north bank of the River Wensum only, with associated highway works.'</p> <p>13/02088/VC: Changes to the requirements for providing a Riverside Walk, landscaping and utilities connections around the ongoing residential developments in the vicinity of the football club, through an application for Variation of Condition 6: Hard and Soft Landscaping; Condition 10: Underground Utility Routes and Condition 12: Provision of a Riverside Walk, of previous planning permission 06/00012/VC affecting The Jarrold Stand and the Riverside Heights / NR1 development: 'Variation of Condition 2: Approval of Master Plan for previous outline planning permission 4/2002/01281/O 'Replacement of South stand (8000 seats), new corner stand (1500 seats), hotel and residential development along the north bank of the River Wensum only, with associated highway works'.'</p>
Reason for consideration at Committee:	Planning Obligation requirements – alterations to original terms and conditions as approved by planning committee.
Recommendation:	Approve.
Ward:	Thorpe Hamlet
Contact Officer:	Rob Parkinson Senior Planning Officer - 01603 212765
Valid Date:	24th December 2013
Applicant:	Mr Jamie Arnall, Norwich City Football Club.
Agent:	Mr Iain Hill, Ingleton Wood LLP.

INTRODUCTION

The Site

Location and Context

1. Both applications concern the area of- and around- the Norwich City Football Club, including the housing developments north of the River Wensum (Ashman Bank, Allison Bank and the NR1 development), the triangle-shaped car park to the east of the football stadium Jarrold Stand, the Holiday Inn hotel, the Geoffrey Watling Way road running north-south from Kerrison Road and east-west from Carrow Road in front of the N&P stand, and the area of riverbank on the north side of the River Wensum.
2. Neighbours to the south of the river are the residents of Paper Mills Yard and the Carrow Works (Unilever and Britvic) factory site. The riverside retail park and swimming pool adjoin the site to the west, the residents of the Harbour Triangle to the north-east and the spaces for sport and gravel car park of Carrow Quay to the east. The site is not within a conservation area but the Bracondale Conservation Area is to the south beyond the river. The site is level but Bracondale Ridge rises to the south.

Planning History

3. The Riverside Walk, landscaping and road construction around the site have all been required to be featured within the residential developments at the site since the first permission of 2002, and most recently the extension of time for the residential development of the area through approvals under permission 06/00012/VC in 2008. Their non-provision since 2008 has been reluctantly tolerated on the understanding that alternative housing development schemes have been in gestation since then, most latterly through the NR1 development.
4. The original outline planning permissions required all reserved matters applications to be submitted to the LPA for approval within three years of the date of each outline consent permission, and subsequently were required to be implemented within two years of that permission (or five years of the outline consent, whichever was the later). Reserved Matters applications were approved for the housing provided or underway, for the hotel and for the stadium expansion (see 'planning history').
5. However, no Reserved Matters proposals were submitted for the triangle car park pursuant to either outline planning permission, and therefore no 'live' permissions are in place on that site. Accordingly, the descriptions of the new permissions created by these applications are revised to remove reference to the former decked car park or residential developments proposed on the triangle car park. Even though no 'commencement date' condition will be used on either new permission as all development is underway or complete, this shall not infer any resurrection of the previously-expired consents on the triangle car park. An Informative Note will make this clear.
6. However, it has been considered unacceptable to allow any further delays to their provision because of the need to provide necessary facilities for residents of the NR1 scheme and to provide connections to the approved Carrow Quay

residential scheme. The Carrow Quay development itself will not be allowed to be occupied until a suitable standard of road, riverside walk and landscaping is provided on the football club site. A recommendation to approve the use of planning enforcement measures is included here.

The detailed planning history at the site arises from the following applications:

4/2001/0564/O – the first principle of residential development with associated highway works was **approved in 2002**.

4/2002/1281/O – A revised application for the principle of residential development of the site was approved at the same time as works to replace the south stand and provide the hotel at the football club (**approved 2003**).

4/2002/1282/RM – These were the first detailed proposals, showing apartment blocks along the riverside, from Carrow Bridge to the eastern edge of the current site. These were Reserved Matters subsequent to the outline planning permission of 4/2002/1281/O, and were also **approved in 2003**. The first two blocks of apartments with their under-croft parking have been built under this permission for 330no. apartments with associated access, parking and landscaping. Of the 330 apartments permitted, 186 have been built in the first two blocks (Blocks A and B).

4/2002/1283/RM - Redevelopment of South Stand (8000 seats) and new infill corner stand (1500 seats). Part condition 1 & 15 of Outline Planning Permission No. 4/2002/1281/O). Approved May 2003; this concerned the Jarrold Stand and corner of the N&P stand.

4/2002/1284/D - Condition 26(a) : Details of alignment of access road for previous permission 4/2002/1281/O. Approved July 2003, but the road is not yet constructed to this route.

4/2003/0685 - Development of site with 148 bedroom hotel with associated access, car parking and landscaping. (Conditions 1 & 15 of Outline Planning Permission No. 4/2002/1281/O). This was approved in October 2003.

03/00333/D - Condition 3(d): Phasing plan for previous outline planning permission 4/2002/1281/O. Approved April 2004, showing construction of the Riverside Walk in a sequential form following residential construction of Ashman Bank, Allison Bank and beyond.

03/00370/D - Condition 3(e) : Landscape Master Plan and Condition 21: Details of hard and soft landscaping for previous outline planning permission 4/2002/1281/O. These were approved in December 2004 but were never progressed.

05/00077/D - Condition 12: Details of Riverside Walk and associated works for previous planning permission 4/2002/1281/O. This was approved in February 2006 but was never progressed.

06/00012/VC – This permission approved a masterplan and revised the approach to the whole football club site's development, introducing the idea of decked car parking flats proposals immediately north of this site. The scheme was **approved in March 2008**. The current reserved matters application is the only scheme to be

brought forward since 2008.

06/00891/D - Condition 26a: access road alignments; Condition 26b: surface treatment; Condition 26c levels; Condition 26g: traffic control measures, for previous planning permission 4/2002/1281/O. These details were refused in June 2008 because insufficient detail was provided. The details were never reconsidered and remain outstanding, and the road remains unfinished and not built to an adoptable standard.

10/01107/RM - Reserved Matters for the access, appearance, landscaping, layout and scale of the revised design of the second phase of the residential development (174 residential units) for outline planning permission (App. No. 4/2002/1281/O) 'Replacement of South Stand (8000 seats), new corner stand (1500 seats), hotel, decked car park and residential development with associated highway works'.
Approved in October 2012.

13/01639/MA - Amendments to the massing, designs and increased floorspace to 7th storey within Blocks 3 and 4, and changes to ground floor layouts of all Blocks 1 - 6, of the NR1 development, as alterations to existing planning permission 10/01107/RM 'Reserved Matters for the access, appearance, landscaping, layout and scale of the second phase of the residential development (174 residential units) for outline planning permission 4/2002/1281/O 'Replacement of South Stand (8000 seats), new corner stand (1500 seats), hotel, decked car park and residential development with associated highway works.' **Pending consideration** at this planning committee meeting.

There are no extant permissions in place for the triangle car park to the north of NR1.

The adjoining gravel car park site to the east also has planning permission for residential development of 250 apartments in six blocks fronting an extension of Geoffrey Watling Way; these were permitted through **Outline permission 11/02104/O approved on 28th June 2013**, with details approved through **Reserved Matters permission 13/01270/RM on 05th November 2013**. These consents both required the Riverside Walk and Geoffrey Watling Way to be extended eastwards from the NR1 site towards the ATB Lawrence Scott Electromotors site, and included details showing the likely provision of street trees along the north of Geoffrey Watling Way, and landscaping either side of the Riverside Walk to the south.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposals

7. 13/02087/VC – Variations to certain conditions of the original planning permission 4/2002/1281/O affecting Ashman Bank and Allison Bank, as below:
 - Condition 12 - to introduce revised specifications for the Riverside Walk design, and specifically remove existing references to requiring a minimum width of the landscaped area, footpath / cycleway and capability for use by vehicles.

- Condition 21 – to revise the timeframe for submission of landscape scheme details, to allow the works to the area to be lawful rather than in breach of the existing condition.
 - Condition 25 – to revise the timeframes and requirements of utility services and tree planting to ensure both can be accommodated landscaping and road construction.
8. 13/02088/VC - Variations to certain conditions of the planning permission 06/00012/VC affecting the NR1 development, as below:
- Condition 6 - to revise the timeframe for submission of landscape scheme details, to allow the works to the area to be lawful rather than in breach of the existing condition.
 - Condition 10 - to revise the timeframes and requirements of utility services and tree planting to ensure both can be accommodated landscaping and road construction.
 - Condition 12 - to introduce revised specifications for the Riverside Walk design, and specifically remove existing references to requiring a minimum width of the landscaped area, footpath / cycleway and capability for use by vehicles.
9. It should be noted that any permission(s) issued through these Variation of Condition applications would have the effect of creating a new planning permission(s), so the NR1 development would be subject to the conditions and implications of this planning permission, although the principle has already been accepted.
10. For illustrative context only, some of the possible design details for the road, landscaping and riverside walk areas have been provided by the applicant for the purposes of demonstrating that some progress is being made in fulfilling these requirements. As drafted, the Riverside Walk designs show a path of at least 2.6m width in certain places, capable of cyclist use (although the formal anticipated cycle route is expected to be to the north of the flats), areas of tree planting north of the flats, proposals for a shared-surface adopted road, some landscaping of the road edges and some indicative proposals for hard landscaping outside the Jarrold Stand. These plans are included at the end of this report.
11. Some of these areas are in different ownerships but notice has been served on all owners and all parties are aware of the proposals, and any land transfers as necessary are progressing. The Council, for example, is the freehold owner of the majority of the Riverside Walk from Carrow Bridge behind Allison Bank and Ashman Bank, ending at the NR1 development site.

Representations Received

12. Both applications have been advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received for either application.

Consultation Responses

13. **Broads Authority** – The Broads Authority (BA) welcomes the use of a condition which allows provision of moorings at a date to be agreed with the LPA, and welcomes alterations to the timeframe for delivering the riverside walk and landscaping scheme, as both will ensure there are formal requirements for providing moorings and their delivery in a high quality design.
14. The BA requests that details are required for agreeing specifications of mooring locations, designs and specifications of visitor and demasting moorings. The Broads Authority as Navigation Authority supports the provision of visitor moorings, as already required by the Section 106 Agreements, and supports additional navigation benefits such as demasting moorings downstream of Carrow Bridge and canoe launching facilities or a small slipway in the old boatshed dyke (next to the NR1 development).
15. The BA requests that in the final landscaping scheme there are minimal trees planted which could overhang the navigation area, although existing trees should be retained where possible. The BA is not supportive of floating riparian planters without first approving precise details of their fixings to the bank. Hard landscaping should match treatments on adjoining sites and provide relevant interpretation of historic features. Soft landscaping should use native trees and shrubs which provide for the ecological corridor.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Theoretically the principle of residential development on the unfinished NR1 development site is open to consideration through this variation to the terms of the NR1 'parent' permission. However, there have been no changes to the adopted development plan since the Planning Committee last considered the principle of residential development under application 10/01107/RM in May 2012, so for the purposes of brevity the policies listed below are those relevant only to the changes to the riverside walk, residential amenity, road designs, landscaping and street tree provision and layouts. The committee reports for permission 10/01107/RM detail the full range of policies taken into account in the original permission.

National Planning Policy Framework (NPPF) (March 2012):

Paragraph 14 – Presumption in favour of sustainable development

Paragraphs 203-206 – Planning conditions and obligations

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 – Conserving and enhancing the natural environment

Policies of the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted January 2014*) (*previous interim adoption March 2011)

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 6 – Access and transportation

Policy 7 – Supporting communities
Policy 11 – Norwich City Centre
Policy 12 – Remainder of Norwich area
Policy 18 – The Broads
Policy 20 - Implementation

Saved policies of the adopted City of Norwich Replacement Local Plan (2004):

NE1 – Protection of environmental assets from inappropriate development
NE4 – Street trees to be provided by developers
NE9 - Comprehensive landscaping scheme and tree planting
HBE1 – Protection of Scheduled Ancient Monuments
HBE12 - High quality of design in new developments
EP22 - High standard of amenity for residential occupiers
HOU6 – Contribution to community needs and facilities by housing developers
HOU9 – Sites allocated for mixed use development including housing (Allocation A42)
HOU12 – Sites allocated for housing development (Allocation B48)
HOU13 – Proposals for new housing development on other sites
SR11 – Riverside Walks – agreement with developers to provide / maintain
SR12 – Green Links network, including provision by developers
TRA3 – Modal shift measures in support of NATS
TRA5 - Approach to design for vehicle movement and special needs
TRA10 – Contribution by developers for works required for access to the site
TRA14 - Enhancement of the pedestrian environment and safe pedestrian routes
TRA15 - Cycle network and facilities
TRA26 - Design and materials in streetscape
CC14 – Land adjoining the Football Club – mix of uses and conditions

Supplementary Planning Documents and Guidance

Green Links and Riverside Walks (Adopted December 2006)

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011.
The Localism Act 2011 – s143 Local Finance Considerations.

Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

DM1 Achieving and delivering sustainable development
* **DM2** Ensuring satisfactory living and working conditions
* **DM3** Delivering high quality design
* **DM6** Protecting and enhancing the natural environment
DM7 Trees and development
* **DM8** Planning effectively for open space and recreation
DM9 Safeguarding Norwich's heritage
* **DM12** Ensuring well-planned housing development
DM13 Communal development and multiple occupation
* **DM28** Encouraging sustainable travel
* **DM30** Access and highway safety
* **DM31** Car parking and servicing
DM32 Encouraging car free and low car housing
DM33 Planning obligations and development viability

Site Allocations Development Plan Document – Pre-submission policies (April 2013).

CC17: Land adjoining Norwich City Football Club, Kerrison Road

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application.

The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

* In the case of emerging policies DM2, DM3, DM6, DM8, DM12, DM28, DM30 and DM31 only limited weight has been applied due to policies being subject to likely alteration before adoption. In the case of policies DM3 and DM30, only very minimal weight has been attributed to their use due to objections being raised to their current proposed use. However, their objectives are already addressed by adopted policies HBE12 & TRA5.

Principle of Development

Policy Considerations

16. The landscaping and riverside walk construction are fundamental elements of the residential development of the football club area and essential features for promoting recreation and tourism in Norwich.
17. The principle of the ongoing residential development on the NR1 site has already been accepted through the approval of permission 10/01107/RM. No changes to national or local policy have occurred since then to give cause to reconsider this. The policies of the emerging development management plan and site allocations plan promote residential development at this site subject to an acceptable design and appropriate amenity considerations, and provision of the Riverside Walk and

Other Material Considerations – EIA Development

18. The applications made under a Section 73 'variation of condition' procedure would constitute an urban regeneration project under 'Schedule 2' of the Environmental Impact Assessment regulations of 2011. Therefore the proposals are required to be screened as to whether they would become EIA development. The screening opinion adopted by the LPA is that the changes to the landscaping and riverside walk provision, and the amendments to timing of their delivery, do not constitute EIA development so the applications do not require an Environmental Assessment.

Housing Numbers, Density and Affordable Housing

19. There are no changes to the number of homes within the developments already built, approved or under construction, all the sites necessary affordable housing contribution is all proposed within NR1 Block 1 which will have access to the riverside walk.

Impact on Living Conditions

Noise and Disturbance

20. The use of the riverside for recreation and commuting will increase the noise experienced by residents on the south elevations of the housing schemes, but this is a small likelihood of nuisance and is outweighed by the health and recreation benefits for all residents and the city as a whole.
21. The new road to the north of the flats will be adopted and allow access to the Carrow Quay site and beyond but car use is actually low in these flatted developments, many of the homes are actually car-free, parking is limited, and the Geoffrey Watling Way route will eventually be controlled by a bus gate so will not become a 'rat-run' once the bus gate is installed and the Old Carrow Road along the western elevation of the stadium is closed. As such although bus traffic will increase the road traffic noise from commuters and residents will be lower than originally expected, and is considered an acceptable level given the high standards of acoustic protection included in the glazing of the flats.

Overlooking and Loss of Privacy

22. The riverside walk will pass alongside the ground floor car parks so avoid loss of privacy.

Transport and Access

Vehicular Access and Servicing

23. Access to the flats will be improved by the provision of an adopted road, and the drafted designs show that there needs to be no changes to car park accesses or loading areas. The areas around the stadium which are currently used for occasional servicing and loading are likely to retain an area of on-street servicing but designs will be worked-up by conditions.
24. Along the Riverside Walk, the existing condition 12 of permission 4/2002/1281/O requires the route to "...include a surfaced footpath-cycleway of not less than 3.75m constructed to adoptable highway standards and capable of withstanding use by vehicles...".
25. Whilst the Highway Authority has confirmed the emerging proposals would provide an adequate pedestrian route with access by cyclists if necessary, it should be noted that "use by vehicles" in the current condition does not necessarily extend to being a route over which heavy-duty service vehicles can travel to maintain the adjoining flats.
26. Although the applicant suggests the route designs will allow access by Land Rover or similar vehicle for path maintenance, the Council as landowner is concerned that the design needs to be able to accommodate more substantial vehicles, plant and machinery as may be required to maintain the existing blocks of flats. It is not considered unreasonable to expect this, given the scale of the flats and the need for periodic maintenance, and it would not be

acceptable to finance repairs to the Riverside Walk by public expense when repairs arise from maintenance of the flatted development.

27. It is therefore proposed to insert a new condition into the permission to require the path and riverside walk landscaping to be built to a specification suitable for use by service vehicles, plant and machinery, in accordance with details to be agreed by the Council. Further, as is already required by the Section 106 Agreement, there shall be no use of the path for service vehicles unless first agreed in advance by the Council as Local Planning Authority.

Cycle Routes and Pedestrian Links

28. Cycling will be greatly enhanced along Geoffrey Watling Way by designs including defined edges to the roads and a surface appropriate for shared use. The bus gate will prevent use by 'rat-run' cars and promote efficient commuting to the city. This is a strategic cycle route and will be able to link (via the riverside walk provided within the Carrow Quay development) to the National Cycle Route 1 at Trowse once the approved bridge to the Deal Ground is constructed.

29. Pedestrians will be encouraged to use the footpath along the riverside. Draft designs suggest this will also be much more amenable to recreation use. Cyclists will be discouraged from using the riverside route in this site given the narrower footpaths and the restriction of the bridge, but nevertheless the design will need to accommodate their use.

30. By imposing conditions to require construction of the Riverside Walk and the adoptable element of the Geoffrey Watling Way, the increasing residential population of the area will be served with the necessary recreation and access corridor to the city at the earliest feasible opportunity, to rectify a situation which has been outstanding for close to 10 years since construction of the first flats at the site.

Lighting and CCTV

31. Planning conditions will determine that the landscaping designs can be more closely aligned with the required specifications of the existing associated Section 106 Agreements. However, there will be a requirement for ducting to be installed for the Council to provide lighting along the riverside walk at a future date.

Trees and Landscaping

Loss of Trees, Impact on Trees and Replacement Planting

32. The landscaping proposals will need to remove some dead, dying or weak trees currently within the riverbank south of Ashman Bank and Allison Bank. Their loss will be compensated for through the increased provision of trees along the river, with details requiring an increased presence of native and river species and an equivalent replacement of biomass and biodiversity. The river's edge is an important Green Link biodiversity, bird and bat corridor which is identified in the Local Plan and shall be required to be extended further east to connect to the Carrow Quay development and beyond towards the Broads.

Street Trees and Landscaping around the Stadium

33. Street Trees are required for all developments with at least a 10m frontage to a highway (public or not). The road has not been constructed to adoptable standard yet, but due to use of piling and ground stabilisation techniques the corridor of adopted carriageway has been built to a construction type which precludes trees being placed within the carriageway or footpaths themselves. This is regrettable but an acknowledged constraint, and means that trees need to be provided in the landscaping areas either side of the adopted shared surface / footpaths.
34. Although some utilities and construction of service runs alongside the roads may hinder tree planting, the proposed revised planning conditions will ensure that at whatever cost and design the trees can be provided to create an avenue along Geoffrey Watling Way extending from Carrow Road, past Allison Bank, Ashman Bank and NR1, to connect to Carrow Quay development. This is to the benefit of all residents and the urban forest. The emerging landscaping detail proposals show that it is feasible to provide street trees on either side of the carriageway to the south of the N&P Stand, although most are shown outside the residential apartments of Ashman Bank and Allison Bank.
35. It should be noted that not all the elements of landscaping across the whole site are likely to be delivered at the same time. Given the short period of time available for construction around the stadium, i.e. during the close-season between May and August, the most pressing need is for the applicant to deliver the Riverside Walk and the construction of the adopted highway route. The following proposed timescales should be workable within a construction programme that fits around the football close-season, but this may be subject to confirmation and possible revision prior to the Committee meeting:
- May – August 2014: Provide the Riverside Walk outside Ashman Bank, Allison Bank and NR1, and construct all the Geoffrey Watling Way roadway to public adoptable standard.
 - By 1st May 2015: Provide Mooring points and facilities required by planning obligations, in time for the start of the first summer holidaying season after the Broads Authority's 2014 review of navigation assets (discussed at paragraphs 45-46).
 - May – August 2015: Provide hard landscaping and street trees and soft landscaping either side of the Geoffrey Watling Way adopted road alongside the N&P Stand and corner stand, and to the north of Ashman Bank and Allison Bank (this would include landscape and infrastructure works outside the shop, continuing behind the stand (Yellows entrance / Delias entrance etc.) to the start of the ticket office).
 - May-August 2017 (at the earliest, with any amended date to be first agreed in writing by the LPA): Provide a landscaping scheme to the area outside the Jarrold Stand and provide trees adjoining the adopted highway next to the triangle car park north of the road outside the NR1 development (the details of which shall be agreed in advance as they will be expected to relate to any future development options on the car park).

36. The Football Club have suggested that this non-highway landscaping may only be possible in the close-season of 2016, the reason being one of capital fund restrictions preventing delivery in 2015. However, the landscaping has been outstanding for so many years and the increasing number of residents in the area have not benefitted from the landscaping they expected from the original planning permissions. As such, the outlook and amenity for residents, and the character of the area, have all been compromised by the landscaping non-provision to date, and it is not considered reasonable to allow any further delay.
37. In the interests of pragmatism and flexibility to the applicant (as required by the NPPF), it is therefore considered necessary to secure landscaping at the earliest opportunity whilst respecting the constraints of the construction programme and football season limitations; as such the proposed new conditions will require non-highway landscaping outside the N&P stand, Ashman Bank and Allison Bank to be provided by 1st August 2015.
38. The original wider schemes for residential development also included a requirement for landscaping of the area outside the Jarrold Stand on the east side of the stadium. Details of landscaping around this part of the stadium should be linked to whatever form of development may come forward on the 'triangle' car park, although the car park site does not have any redevelopment permissions in place at the moment and has not been subject to formal proposals since the collective proposals of 2006.
39. The Club suggest that redevelopment (subject to planning) should be possible by 2017. Assuming this will prove possible, it is considered appropriate to delay the Jarrold Stand landscaping and provision of street trees along the south of the car park until this time. It is regrettable that there should be further delay of an additional 3 years on top of the delay already experienced, particularly as the residents of the NR1 development will not benefit from the trees required to the north of their flats. However, it could prove equally abortive to expect trees to be provided in a year's time if they would only experience construction conflicts two years later. Although temporary landscaping measures could be provided in the area, it is considered unlikely to be successfully integrated and look out of place with the existing surface car park behind. A clause would be available for the Club to negotiate any further postponement if the car park site development timescales required.
40. The timescales for provision set out at Paragraph 35 need the most pressing matters to be provided as immediately as possible, i.e. in 2014 and 2015, but allow flexibility for the remaining matters to coincide with whatever development proposals may come forward on the existing 'triangle car park'. As no planning permissions exist on that site at the current time, further clarity may be offered through the emerging local plan policy or Club's initiative once the planning policy situation becomes a bit clearer.

Navigation and riverside recreation

Works to the River bank

41. The residential redevelopment of the football club area was originally only considered acceptable if the works included strengthening, stabilisation, protection and enhancement of the riverbank edges. This is particularly relevant where the riverbank edges are currently weak around the Boom Tower and

outside Ashman Bank and Allison Bank to the riverbank are required in particular to stabilise the currently poorly-defended bank between Carrow Bridge and the NR1 development, and protect the Scheduled Ancient Monument Boom Tower. Although the precise extent of works needed are currently unclear, these works shall continue to be required for provision at the earliest opportunity, i.e. by August 2014 as is indicated to be planned-for by the applicant. Moorings shall be provided consequent to the river bank works.

42. For the avoidance of doubt, a new condition will include the requirement to agree engineering works to the riverbank prior to completion of the riverside walk, which itself is required by August 2014, unless a variation to that date is agreed otherwise in writing by the LPA. It is considered necessary, reasonable, appropriate and relevant to the development to ensure that riverbank works are still provided as part of the redevelopment of the football club site as was originally intended; notwithstanding the prolonged non-provision to date, the requirements must remain in force for the reasons of both the safety of users of the riverside walk, for purposes of providing a suitable navigational channel for river users, for securing the future of the boom tower, and for providing a suitable area of recreational public open space for both residents of the development and the public at large.
43. It is acknowledged that a balance will have to be found between securing financing its delivery and reducing the public expense of long-term maintenance by the Council as freehold owner of the river bank, but the costs of such engineering are reported to be much less now than was the case when the works were originally required.

Moorings and associated facilities

44. The Section 106 Agreements in place currently require moorings for boats to be provided in the Riverside Walk scheme, along with associated safety chains, ladders, fendering and works to the river bank to facilitate moorings and make the bank safe for general amenity, footpath provision, recreation and river navigation.
45. The Broads Authority was not party to the original Section 106 Agreements and therefore has no responsibility from it, so there are no budget allocations for the delivery or maintenance of moorings or other navigation features. However the Broads Authority is currently undertaking a major review of its assets and a strategic review of mooring provision generally in the Broads during 2014. This application to delay the implementation of the planning conditions with regard to the Riverside Walk will enable the Broads Authority to give consideration as to whether, from a strategic perspective, the Authority would be able to play a role in the ongoing management of the navigation benefits associated with the Riverside Walk.
46. The Broads Authority is supportive of urban moorings in principle. Whilst the Broads Authority conduct their audit of moorings and possible management of such facilities, it is considered appropriate to delay the agreement of the specification of the provision of moorings and such features until the start of the summer in 2015 (1st May 2015) to allow management, design and specification to be clarified in the interim

Local Finance Considerations

47. The developments are not increasing the floorspace of development around the Club, so are not liable to make payments under the Community Infrastructure Levy, nor other rates.

Planning Obligations

48. The planning obligations required from the various previous planning permissions' Section 106 Agreements will remain relevant, and so some Section 106A Deed of Variation agreements will be used to bring those obligations into this permission. The applicant has already agreed to this principle.

Conclusions

49. The proposed amendments to conditions of the original consents as described at paragraphs 5 and 6 will allow the outstanding matters of landscaping and delivery of the Riverside Walk to be lawfully constructed within timescales of a new planning permission. The revised terms of the condition will ensure the construction specifications are more flexible in terms of the designs which already exist within the obligations currently in the Section 106 Agreements. They will also introduce more precise requirements for the Walk, riverbank and moorings construction and long-term durability.

50. The landscaping to the north of the existing flats and around the stadium will all be delivered to timescales and construction works which are more pragmatic and which take account of the existing services in the area, whilst the adopted road will be required to be provided at the earliest opportunity. As such the proposals should bring certainty and timely amenity benefit to residents, river users, and the city's riverside walk environment commensurate with ongoing residential expansion in the area.

RECOMMENDATIONS

Recommendation 1.

To approve Application No 13/02087/VC at Norwich City Football Club, Geoffrey Watling Way and Carrow Road, Norwich, NR1 1JE, and grant planning permission, subject to:

(1) the completion of a satisfactory Section 106A Deed of Variation legal agreement before 26 March 2014 to include obligations of the original consents with the necessary amendments to the definition of development, the planning permission concerned and to the amended timescales for provision of the varied riverside walk, landscaping and tree provision, riverbank works and mooring elements, and subject to a revised list of planning conditions to be tabled within the 'late items' report to committee on the day of the meeting.

(2) where a satisfactory S106 agreement is not completed prior to 26th March 2014, that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No 13/02087/VC at Norwich City Football Club, Geoffrey Watling Way and Carrow Road, Norwich, NR1 1JE, for the following reason:

In the absence of an agreed amendment to the Section 106 Agreement associated with the original planning permission 4/2002/1281/O, the consequent release of a new planning permission taking effect over the site would not be subject to the necessary or relevant outstanding planning obligations associated with the original permission and as such the development would not provide the outstanding bus shelter contribution for promoting sustainable transport and improved public transport links, riverside walk and landscaped setting, television reception survey and remediation of faults, traffic control measures during development, transport contribution, section 106 monitoring contribution, affordable housing, transport improvement measures, sustainable transport features, or library enhancements, and as such would be contrary to Policies 4, 6, 11, 12 and 20 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), and saved policies HBE12, NE9, EP22, SR11, SR12, HOU6, HOU9, HOU12, TRA3, TRA10, TRA11, TRA12, TRA14, TRA15, TRA16 and CC14 of the adopted City of Norwich Replacement Local Plan (2004) and the objectives of the National Planning Policy Framework.

Recommendation 2.

To approve Application No 13/02088/VC at Norwich City Football Club, Geoffrey Watling Way and Carrow Road, Norwich, NR1 1JE, and grant planning permission, subject to:

(1) the completion of a satisfactory Section 106A Deed of Variation legal agreement before 26th March 2014 to include obligations of the original consents with the necessary amendments to the definition of development, the planning permission concerned and to the amended timescales for provision of the varied riverside walk, landscaping and tree provision, riverbank works and mooring elements, and subject to a revised list of planning conditions to be tabled within the 'late items' report to committee on the day of the meeting.

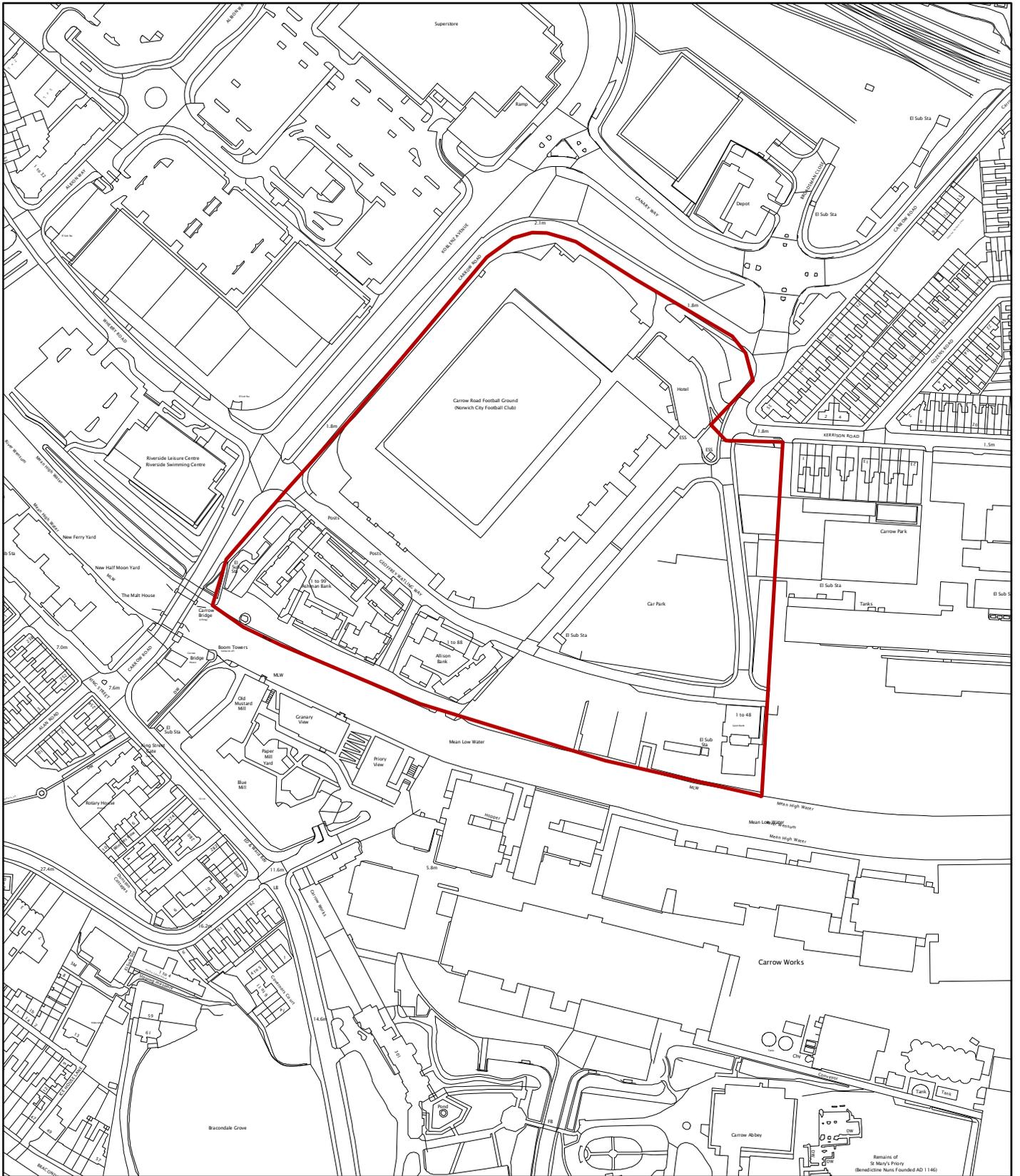
(2) where a satisfactory S106 agreement is not completed prior to 26th March 2014, that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No 13/02088/VC at Norwich City Football Club, Geoffrey Watling Way and Carrow Road, Norwich, NR1 1JE, for the following reason:

In the absence of an agreed amendment to the Section 106 Agreement associated with the original planning permission 06/00012/VC, the consequent release of a new planning permission taking effect over the site would not be subject to the necessary or relevant planning obligations associated with the original permission and as such the development would not provide the outstanding bus shelter contribution for promoting sustainable transport and improved public transport links, riverside walk and landscaped setting, television reception survey and remediation of faults, traffic control measures during development, transport contribution, section 106 monitoring contribution, affordable housing, transport improvement measures, sustainable transport features, or library enhancements, and as such would be contrary to Policies 4, 6, 11, 12 and 20 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), and saved policies HBE12, NE9, EP22, SR11, SR12, HOU6, HOU9, HOU12, TRA3, TRA10, TRA11, TRA12,

TRA14, TRA15, TRA16 and CC14 of the adopted City of Norwich Replacement Local Plan (2004) and the objectives of the National Planning Policy Framework.

Recommendation 3.

To authorise enforcement action and the taking of legal proceedings, including prosecution if necessary, against any breaches of conditions relating to either the construction or timely delivery of (i) the provision of the Riverside Walk, (ii) provision of the Geoffrey Watling Way road and footpaths to adoptable standards, (iii) provision of landscaping alongside the road and outside flats and the football stadium, (iv) provision of public demasting and short-stay moorings, and (v) provision of appropriate riverbank works.



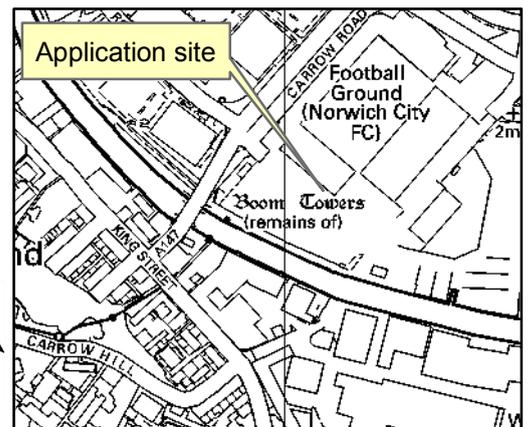
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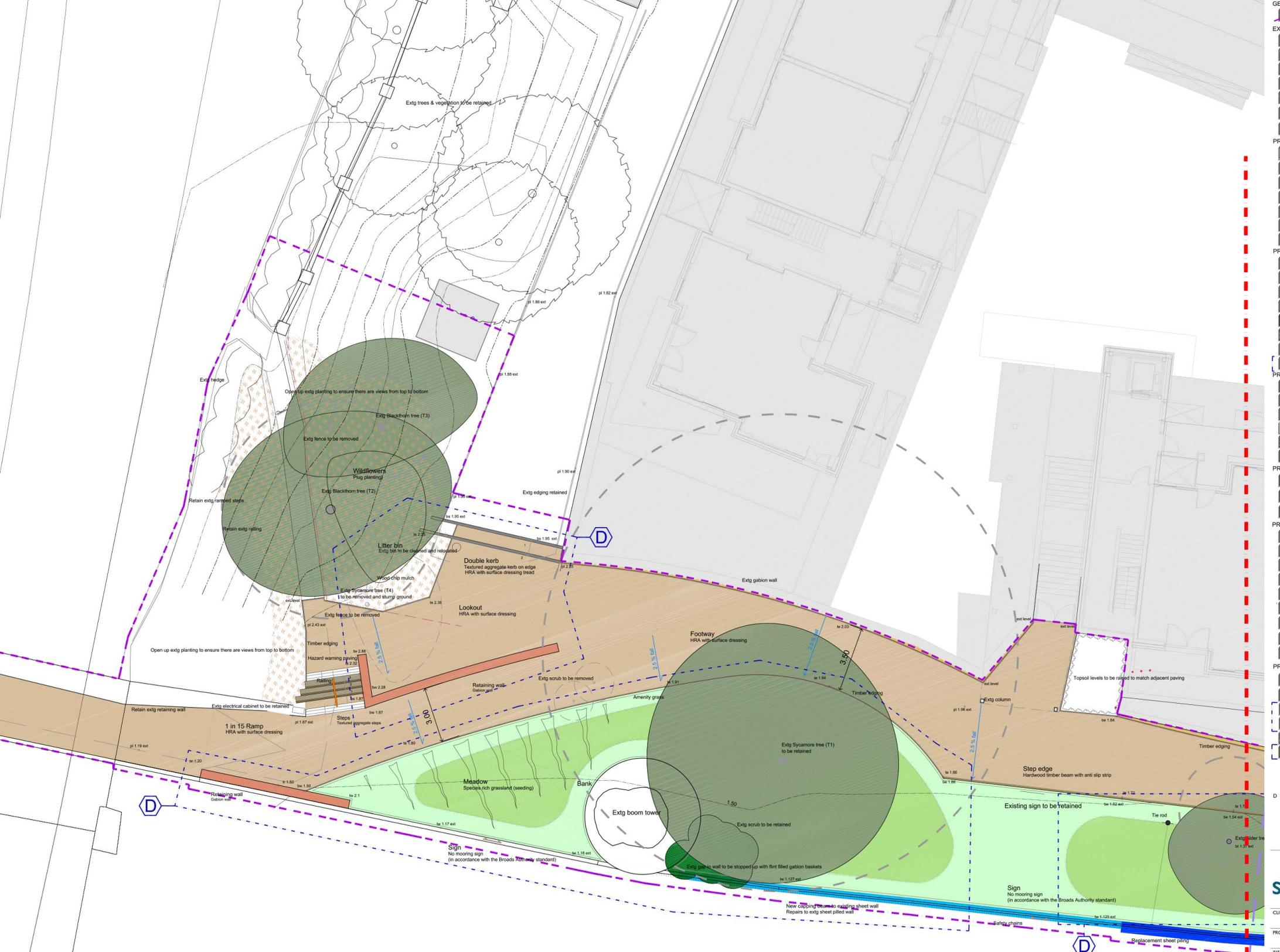
Planning Application No 13/02087/VC & 13/02088/VC
 Site Address Ashman Bank and Allison Bank
 and NR1 Development
 Geoffrey Watling Way
 NCFC Carrow Road
 Scale 1:3,000

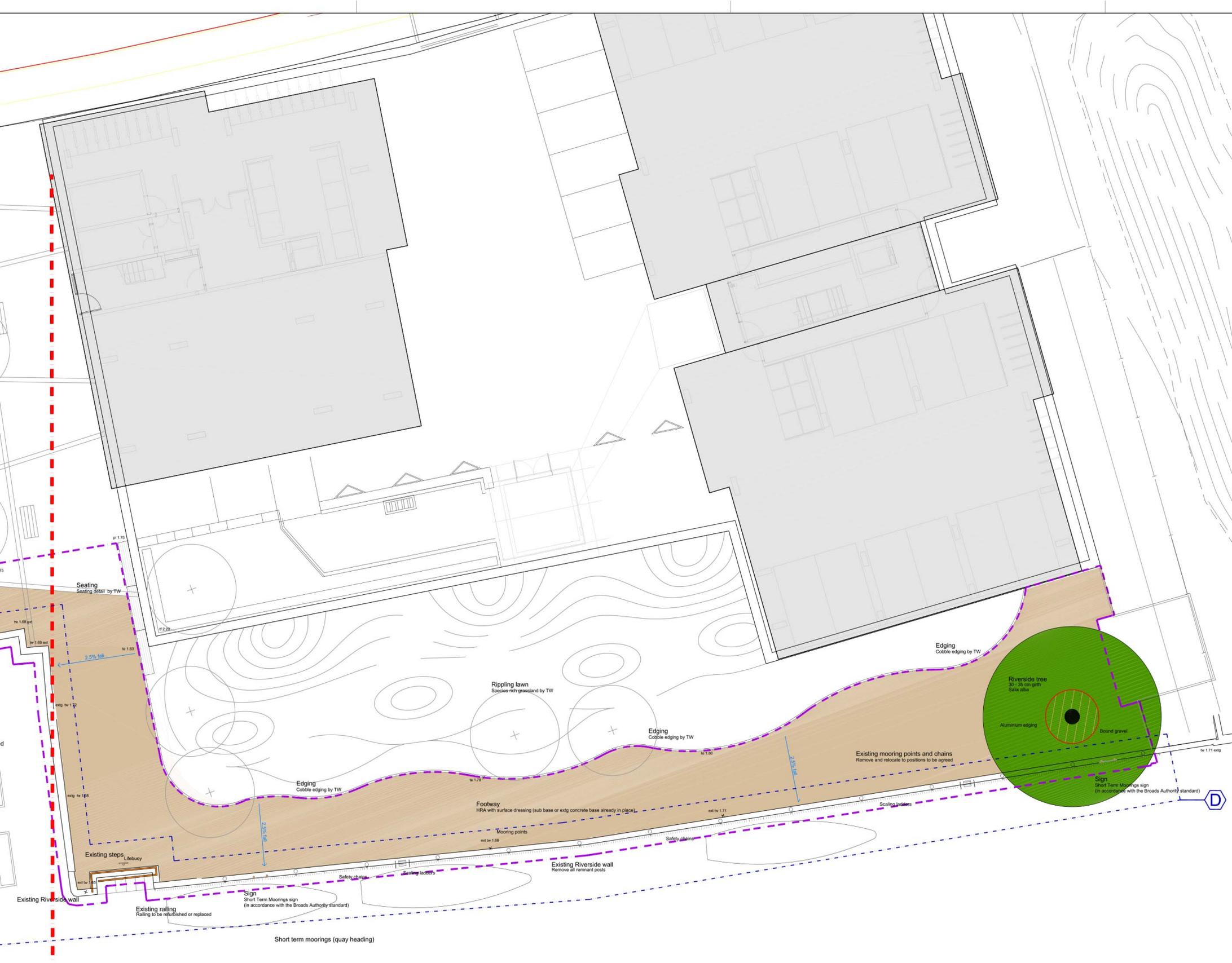


NORWICH
City Council

PLANNING SERVICES







Seating
Seating detail by TW

Rippling lawn
Sparsenrich grassland by TW

Edging
Cobble edging by TW

Edging
Cobble edging by TW

Riverside tree
30 - 35 cm girth
Scaff. allow

Aluminum edging
Bound gravel

Existing mooring points and chains
Remove and relocate to positions to be agreed

Edging
Cobble edging by TW

Footway
HRA with surface dressing (sub base or extg concrete base already in place)

Mooring points

Safety chains

Scaling ladders

Existing Riverside wall
Remove all remnant posts

Existing railing
Railing to be refurbished or replaced

Sign
Short Term Moorings sign
(in accordance with the Broads Authority standard)

Short term moorings (quay heading)



