

Report to Planning applications committee

Item

09 June 2016

Report of Head of planning services

Subject Application no 15/00833/F - 28 Mousehold Lane,
Norwich, NR7 8HE

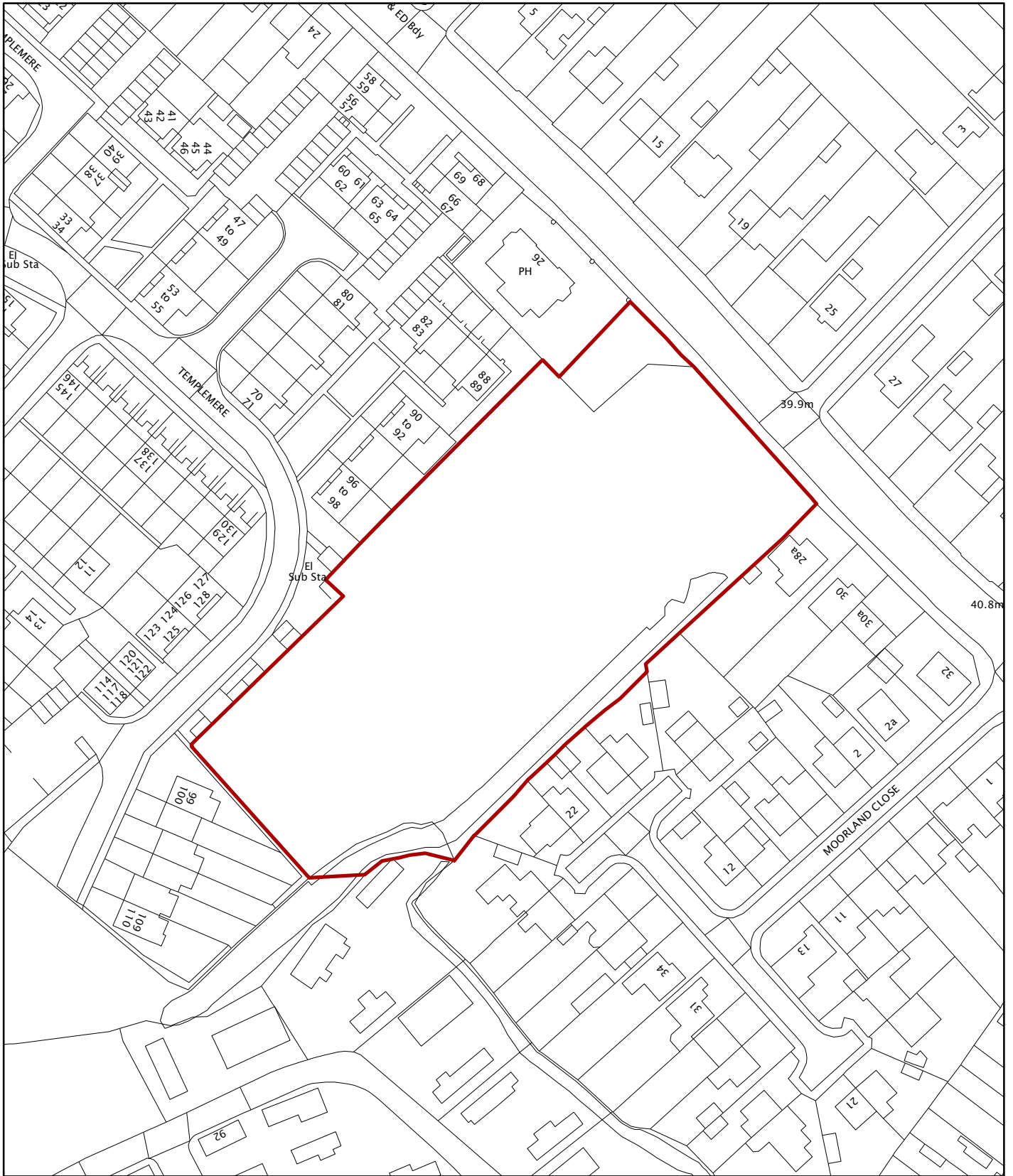
**Reason for
referral** Objection

5(a)

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

Development proposal		
Works including changes to ground levels to prepare site for future development.		
Representations		
Object	Comment	Support
1 (on behalf of the Templemere Residents' Association)	2	0

Main issues	Key considerations
1 Principle of development	Compatibility of the proposal with site allocation R18
2 Flood risk/drainage	Impact of the development upon surface water flooding
3 Amenity	Noise and disturbance
Expiry date	2 March 2016 extended to 15 June 2016
Recommendation	Approve



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Planning Application No 15/00833/F

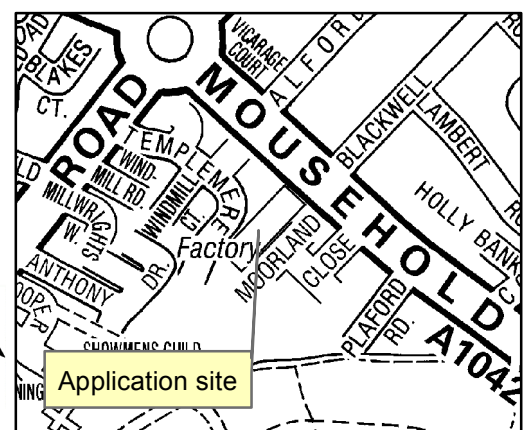
Site Address 28 Moushold Lane
Former Start Rite Factory

Scale 1:1,250



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The site is located on the south-west side of Mousehold Lane (the A1042) between Sprowston Road and Moorland Close. Mousehold Lane forms part of the Norwich outer ring road and is on a principal distributor route serving the northern and eastern suburbs and major employment areas around the airport and Sprowston.
2. The site extends to 0.87 hectares and slopes down from north-east to south-west. It is currently cleared and vacant, having previously been occupied by the Start Rite shoe factory.
3. The surrounding area is predominantly residential with low and medium density housing areas adjoining the site on three sides. Further housing on the opposite frontage to Mousehold Lane on its north-east side is within Sprowston in Broadland district. Immediately adjoining the site to the north-west is a former 1930s pub, the Duke of Norfolk, now converted to a restaurant.
4. The site is allocated under policy R18 of the *local plan*. The site is allocated for housing development in the region of 40 dwellings.

Constraints

5. Critical Drainage Area (DM5).

Relevant planning history

6.

Ref	Proposal	Decision	Date
4/1997/0237	Redevelopment of site with A1 retail food store and A1 non-food units, with associated access, including improvements to Mousehold Lane	REF	30/10/1997
07/01116/F	Residential redevelopment comprising 39 dwellings with associated access, parking and landscaping (Revised Proposal).	WITHDN	11/02/2008
08/00271/F	Residential redevelopment comprising 39 dwellings with associated parking and landscaping.	WITHDN	28/10/2008
10/01816/O	Erection of residential care home with associated car parking and landscaping.	WITHDN	04/04/2011
10/01817/O	Erection of discount food retail store with associated car parking and landscaping.	WITHDN	04/04/2011

The proposal

7. The application seeks consent for works to the site including changes to ground levels in preparation for future development. It should be noted that the works have already been substantially undertaken. This was brought to the attention of the council's planning enforcement team who advised the site owners that either the site is returned to its original condition or the owners attempt to regularise the situation through the submission of a retrospective planning application. This current application has been submitted in an attempt to address the above enforcement concerns.

Representations

8. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received citing the issues as summarised in the table below. One of the letters has been submitted on behalf of Templemere Residents' Association Ltd which owns the freehold to the 162 flats and maisonettes of Templemere. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Surface drainage at the site, especially with regards to the potential for run-off to the rear gardens of those properties adjacent to the site at Templemere.	Main issue 2
Impact on foul drainage from the Rishi Indian Restaurant.	Main issue 2
Objection to the provision of a pedestrian and cycle access link to Templemere. The link which is indicated as a kink in the plan submitted 12/11/15 is also adjacent to a tree which is on a higher part of the Templemere boundary and no steps are indicated on the plans which again throw the issue of levels into question.	Main issue 1
The proposed indicative layout does not seem to be in line with the 40 dwellings envisaged in the <i>local plan</i> .	Main issue 1
Prevention of any further harm to existing boundary fences.	Main issue 3
Dust and noise disturbance.	Main issue 3
Works are continuing without planning permission.	Other issues

Issues raised	Response
The plans do not seem to address the unsightly and dangerous boundary to the Showman's Guild Site where materials have been deposited into the application site, covering the existing trees and shrubs. Earth is held into place by insignificant undergrowth and shrubs which belie the height of the embankment, which will presumably not be undermined.	Main issue 3
Uncertainty regarding proposed levels on site	Other issues
Uncertainty over what coloured lines mean on the submitted plans. The plan has the entrance squared off to the Ring Road, which is an alteration to the existing Rishi car park and alters the access to this site.	Other issues
Will something be done to the mounds to prevent collapse?	Other issues

Consultation responses

9. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Environmental protection

10. The proposed drainage solution is considered appropriate to the application being considered. Clearly, detailed information on surface and foul water drainage is not appropriate for this application, and preventing run off from the site by the means described will enable the site to be prepared as per the application.

Assessment of planning considerations

Relevant development plan policies

11. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS4 Housing delivery
 - JCS6 Access and transportation
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
 - JCS20 Implementation

12. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM11 Protecting against environmental hazards
13. **Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)**
- R18: Former Start Rite Factory Site, 28 Mousehold Lane

Other material considerations

14. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
 - NPPF7 Requiring good design
 - NPPF10 Meeting the challenge of climate change, flooding and coastal change
 - NPPF11 Conserving and enhancing the natural environment

Case Assessment

15. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

16. Key policies and NPPF paragraphs – R18 : Former Start Rite Factory Site, 28 Mousehold Lane.
17. The site is allocated for residential development under site allocation policy R18 of the *local plan*. The proposal involves ground levelling works to ready the site for future development, much of which have already been undertaken. Further works to remove the mounds and provide bunds adjacent to the boundary of the site with Templermere will be completed as part of the proposal.
18. The current application involves no works that will prejudice the future development of the site in respect of R18. The applicants have stated that the site levelling and preparation works will make the site more attractive to potential housing developers.
19. An indicative plan (WM-01) has been submitted with the application and shows a mix of retail, residential and nursing home development on site. The current

application in no way represents consent for any such development, which would have to be assessed separately and comprehensively within a separate application. The ground levelling works which are proposed as part of this application would not restrict the design and layout of future applications for development at the site.

20. The indicative plan also illustrates a link which appears to lead to Templemere in the north west corner of the site. An objection to any pedestrian/cycle link from the site to Templemere has been submitted by the Templemere Residents' Association. It is important to again stress the non-binding status of this plan and that the current application involves levelling works only. It does not therefore provide consent for a pedestrian/cycle link from the site to Templemere. However, part of R18 does require a pedestrian/cycle link to Templemere and the Council would therefore expect to see such provision within any future redevelopment proposals at the site, where the design and precise location of the link would then also be assessed.
21. The council would also expect to see any future development scheme satisfy R18 in terms of providing approximately 40 dwellings at the site.

Main issue 2: Flood risk and drainage

22. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
23. There is understood to be some history of flooding at the site and the Templemere Residents' Association have made reference to a flooding event which took place in February 2014. The application includes an engineering report which states that during this event Mousehold Lane became inundated and that the excess flowed overland down the existing access and across the site to the rear gardens of the properties on Templemere. The residents' association have raised concern with the potential for future flooding to the rear gardens of no's 80 and 90-98 Templemere with reference to the height of the 'made ground' and what this means for the levels on the site.
24. The applicant has confirmed that the areas of 'made ground' refer to works in the past where low areas of the site were raised to current levels with waste material and that for the preparation of the site for development these areas will be investigated by an engineer and remediated where necessary.
25. The engineers report proposes a 0.5 metre bund around the south west and north west boundaries to prevent any surface water inundating the gardens adjoining the site and impound any water on the site. This solution is stated as being suitable for this stage of the works on site in preparation for future development. The report goes on to say that the design of any future development proposal on site will need to incorporate a scheme for the disposal for foul and surface water to prevent site flooding.
26. The solutions proposed to address flooding for the preparation of the site are considered to be acceptable and have been recommended by a qualified engineer. Adequate flood management will need to be incorporated into any future scheme for development at the site.
27. The residents' association also reference the foul drain of the Rishi Restaurant and how it has caused blockages for the nearby residents. The applicant states that this

drain is the responsibility of the owners of the restaurant site (which is not included within this application). This position is accepted.

Main issue 3: Amenity

28. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
29. Contributor representation indicates that there may have been disturbances from noise and dust resulting from recent works. Any planning consent will be conditioned to ensure that any further construction works are time restricted to prevent any significant harm to the residential amenities of the surrounding area. An informative will also be added recommending the applicant to sign up to a considerate constructor's scheme.
30. It is understood that some damage to existing boundary fences may have occurred during the construction works to date. The applicant has been made aware of this and has noted the concern. It is hoped therefore that no further damage will occur, which in any event would amount to damage to private property and would be a civil matter between adjacent land owners and not something that the Council can be involved in.
31. There have been reports that materials have been deposited onto the application site from the adjacent Showmen's Guild site. The issue of fly tipping is not a material matter in the consideration of the current application. The applicant has noted the issue and has confirmed that there is no intention to remove any shrubs or vegetation. This position is considered to be acceptable. The applicants are also aware that any processing of building material from the previous buildings on the site (such as crushing of concrete) or import of materials from other sites for processing would require permission from the County Council as Minerals and Waste Authority. They have stated that no such works have or will take place.

Other issues

32. The residents' association have indicated that works to prepare the site have continued in the absence of planning permission being granted. The application states that works had already begun on site when the site owners were advised that the works would require planning consent. It is hoped that no further works to prepare the site will take place without the necessary planning consent in place. The applicant is aware of the need for planning consent and would run the risk of enforcement action being taken should any works be carried out which were deemed harmful to the amenities of the surrounding area in the event that planning consent were subsequently refused.
33. It is considered that sufficient information has been submitted with the application to assess the impact of the proposed levels and works to prepare the site, many of which have already taken place. The mounds that are on site are to be removed as part of the works and the references to 'made ground' refer to previous works that have taken place to use waste materials to raise to the current levels. An assessment of contamination on site would be undertaken as part of any future development proposal on site. The proposed bunds are considered to provide adequate protection to neighbouring properties from surface water flooding in the interim.

34. The applicant has confirmed that the red line indicated on the site plan illustrates the site boundary and does not infer any access arrangement off Mousehold Lane, the yellow line indicates areas of the site requiring further investigation and possibly remediation works and the green line indicates the extent of transition between the two proposed site development plateaus.

Equalities and diversity issues

35. There are no significant equality or diversity issues.

Local finance considerations

36. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
37. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
38. In this case local finance considerations are not considered to be material to the case.

Conclusion

39. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 15/00833/F - 28 Mousehold Lane Norwich NR7 8HE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No development activities shall be carried out at the application premises without express consent from the local planning authority outside of the following hours:

-before 07:00 hours and after 18:00 hours Mondays - Fridays;
-before 08:00 hours and after 17:00 hours on Saturdays; and
-not at all on Sundays or Public Holidays.

Informative:

- 1) Considerate construction;
- 2) The applicant is advised that contamination will be assessed as part of any future development proposal on site.
- 3) Proper care and consideration should be given to avoiding any harm to the existing boundary fences on the site during the works proposed as part of the current application.

Article 35(2) statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

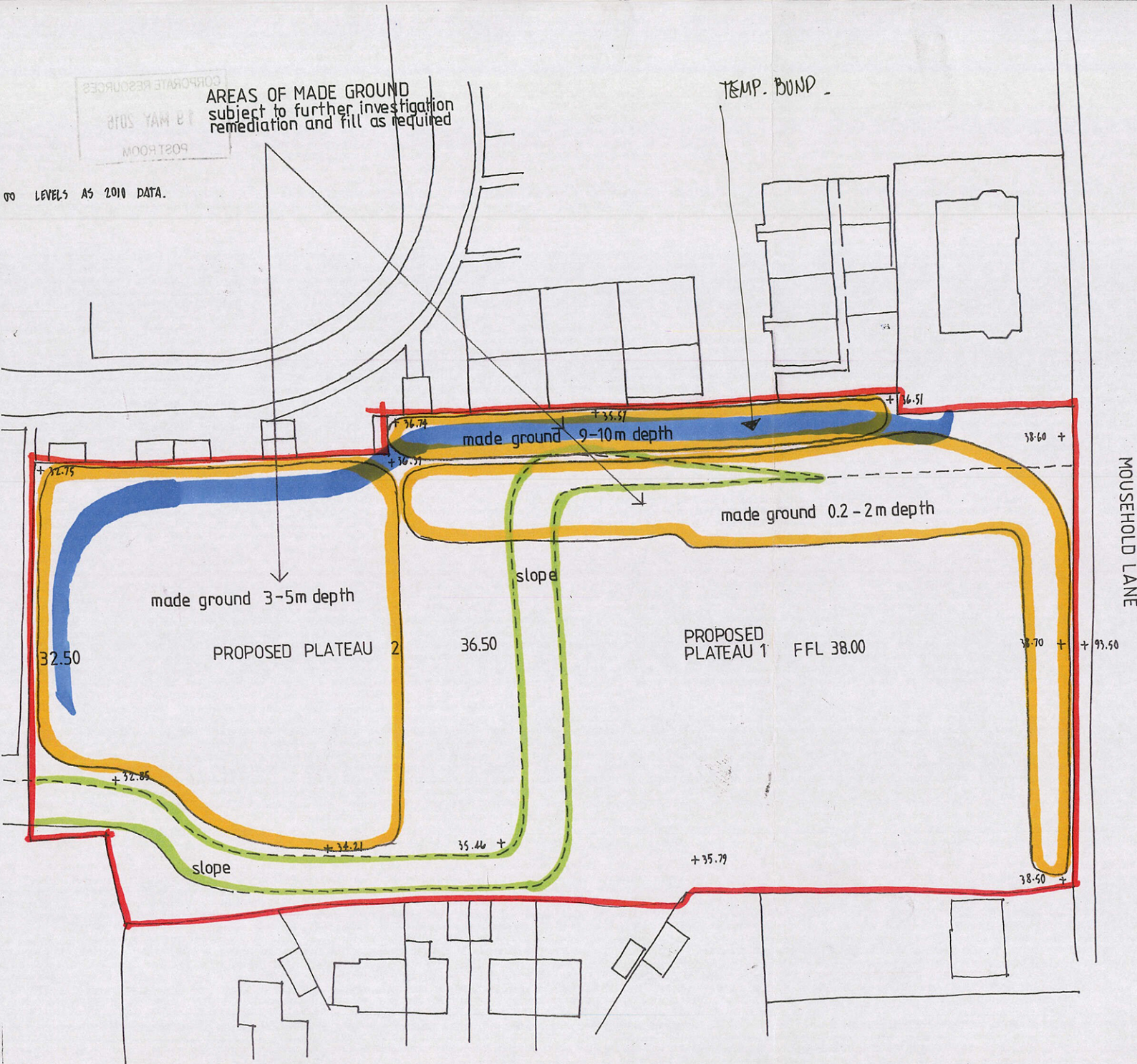
CORPORATE RESOURCES
19 MAY 2016
POST ROOM

AREAS OF MADE GROUND
subject to further investigation
remediation and fill as required

TEMP. BUND

CORPORATE RESOURCES
19 MAY 2016
POST ROOM

LEVELS AS 2010 DATA.



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MOUSEHOLD LANE NORICH
PROPOSED SITE LEVELS

1:500 PCC/ML/L1. 10.15.