

**Report to** Planning applications committee  
**Date** 7 August 2014  
**Report of** Head of planning services  
**Subject** 14/00818/VC Former Bally Shoe Factory Ltd Hall Road  
 Norwich NR4 6DP

**Item**  
**4(1)**

## SUMMARY

<b>Description:</b>	Variation of conditions relating to previous planning permission 12/02003/F to allow for minor material amendments to the design and layout of the food store (including the service area to the rear) and retail units, revisions to the layout of the car park and service access, revisions to landscaping, a new electrical sub-station. Variations to conditions to allow for a revised comparison and convenience floorspace ratio in the food store and to revise the energy efficiency scheme. Variations to the S106 agreement to remove community use provisions for the use of the Gym.	
<b>Reason for consideration at Committee:</b>	Objection	
<b>Recommendation:</b>	Approve	
<b>Ward:</b>	Lakenham	
<b>Contact Officer:</b>	Tracy Armitage	Senior Planner - Development 01603 212502
<b>Valid Date:</b>	10th June 2014	
<b>Applicant:</b>	McLagan Investment Limited	
<b>Agent:</b>	Deloitte LLP	

## INTRODUCTION

### The Site

#### The Site & Background

1. Full planning permission was granted in July 2013 for redevelopment of the former Bally Shoe factory site on Hall Road , to provide a new district centre to include a food store, customer café, retail units (Class A1, A2, A3/A5), community use, restaurant /public house, business units (Class B1 and B8), gym and associated access ,car parking and public realm. The consent was granted following the completion of a legal agreement and the resolution of planning applications committee to approve the application on 20 September 2012. The committee report is appended and minutes of that meeting are available at the link below:  
<http://www.norwich.gov.uk/CommitteeMeetings>
2. 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. A full description of the site and its constraints along with a planning history is given within the committee report for the full application. These have not materially changed since that report was written.

3. The redevelopment of the site is approved to come forward in two phases. Condition three of the permission requires the external completion of all parts of the scheme with the exception of business unit 1 prior to the superstore first trading. The permission allows for flexibility in the completion of the family pub/restaurant and a timescale of 5 months from the supermarket first opening has been agreed.
4. Since the granting of planning permission the site has been purchased by McLagan Investment Limited (ASDA's wholly owned property company). The owners are now at the detailed pre-commencement stage and have identified a number of changes they wish to make to the approved scheme

### **Constraints**

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.

### **Planning History**

6. The report considered by planning applications committee on 20 September 2012 details the planning history of the site. [www.norwich.gov.uk/CommitteeMeetings](http://www.norwich.gov.uk/CommitteeMeetings) .
7. More recent planning history includes 14/00723/D which related to condition 4 (12/02003/F) and the agreement of a timescale for the delivery of the family pub/restaurant. A timescale for the external completion of the family pub/restaurant no later than 5months from the date of the superstore first trading has been agreed (July 2014).

### **Equality and Diversity Issues**

8. The application includes revised access arrangements which have an implication for disabled access within the site. The changes however are considered satisfactory and are considered in more detail in para. 39- 42.

### **The Proposal**

9. The application seeks to make a number of changes to the approved scheme. The changes relate to details shown on the approved plans, detail included in supporting documents and matters agreed in the S106 Obligation. The changes include:
10. Revisions to detailed layout, car parking and servicing/access arrangements –
  - Revised layout of the car park to allow for the introduction of 'click and collect' facility
  - Alterations to facilitate a change in the direction of circulation in the car park from clockwise to anti-clockwise
  - Reduction in the total number of car parking spaces from 330 to 304. The number of disabled/Parent and child and spaces with electric charging points remain as

approved, 'standard spaces' are reduced in number.

- Repositioning of disabled parking spaces, cycle parking and taxi/drop off bay
- Minor re-positioning of supermarket to allow improved access to service yard
- Re-siting of sprinkler tank and re-organisation of service yard and marshalling area to allow improved circulation/operation
- Amendments to pedestrian arrangements through the site and from Hall Road

#### 11. Design amendments

- Change to the pallet of approved construction materials – replacement of stone gabions with a split face blockwork (limestone colour).
- Revisions to the design and configuration of the proposed block of retail units to provide flexibility for sub-division for up to 8 rather than up to 6 units. The total amount of floorspace remains substantially unchanged.
- Changes to the elevations of the community centre building in response to operational requirements of future user groups
- Minor fenestration changes to the supermarket elevations
- Revision to front elevation of the supermarket to include provision of 3 x ATMs
- Minor repositioning of supermarket entrance
- Details of locations of service buildings and structures – substations/trolley storage bays

12. Amendment to the ratio of convenience: comparison retail floorspace (food/everyday goods: long term use products eg electrical items/clothing) within the supermarket. A planning condition imposed on the approved supermarket scheme restricts the proportion of floorspace from which comparison goods can be sold to 33 %. An increase to 40% is sought.

#### 13. Energy strategy amendments

- Details submitted of technologies to be used to generate energy from renewable /low-carbon energy – Measures include photovoltaic panels on the roof of the supermarket and the use of air source heat pump technologies and will generate 28% of the stores energy requirements and 18% of the energy needs of the whole district centre.

#### 14. Landscaping scheme amendments

- Revised planting scheme within the main car parking area.

#### 15. Revision to the S106 Obligation

- The agreed S106 legal agreement requires that prior to the occupation of the D2 (gym) building that a community use scheme be agreed in writing with the council. This should

allow use of the D2 building by:

- Local social, community or sports clubs for not less than 20 hours per week at a charge which shall be at least 50% below the usual price; or
- By local schools or colleges for not less than 10 hours per week free of any charge

The applicant requests that this clause is removed

## Representations Received

16. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two letters of representation has been received citing issues that are summarised below.

Issues Raised	Response
Opposition to changes which might reduce community access to the gym. The gym will be a local health facility and benefit residents in Lakenham and staff of the supermarket.	Para. 45-50
Concerns over proximity of car park entrance to the traffic light junctions of Sandy Lane with Hall Road, Whitlingham Road and Bessimer Roads - possible problems at peak flow periods	Vehicular access arrangements are approved and not subject to revision.

## Consultation Responses

- Environmental Health – No objections to revised proposals
- Tree Protection Officer – No objection subject to agreement of detailed construction methods.
- Local Highway Authority – No objection
- South Norfolk – No comments
- Environment Agency – No objection
- Norwich Society – Raise concern over the variations to the S106 agreement to remove the community use clauses and consider the increase in the number of retail units to be more than a minor change to the original planning application.

# 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.

### Planning Practice Guidance 2014

### 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

## **Other Material Considerations**

- 17 During the time that passed between the resolution of planning committee for full planning consent (20th September 2012) there have been some changes to material considerations which were assessed by officers. These changes are that the 12 month anniversary of the NPPF has passed and therefore existing policies needed to be assessed for their consistency with the NPPF and the new local plan consisting of the Site Allocations Development Plan Document and the Development Management Policies Development have been subject to independent examination and now at an advanced stage in the plan preparation process .
18. All policies in the adopted local plan have been assessed for their compliance with the NPPF. All adopted local plan policies used in the assessment of the development 12/02003/F are considered to be consistent with the NPPF.
19. In relation to policies of the new Local Plan, policy R3 Site allocations development plan allocates the Hall Road site for a new district centre. The development is considered broadly consistent with this emerging policy and where there is a level of conflict this is discussed in the Retail implications section below.
20. In relation to emerging policies in the Development Management Policies Development Plan Document, the following policies are considered relevant:
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM7 Trees and development
  - DM8 Planning effectively for open space and recreation
  - DM18 Retail, leisure and other main town centre uses
  - DM21 Management of uses within district and local centres
  - DM22 Provision and enhancement of community facilities
  - DM28 Encouraging sustainable travel
  - DM30 Access and highway safety
  - DM31 Car parking and serving
21. The Development Management Policies plan has now been subject to formal examination and a number of modifications proposed by the Inspector are currently subject to a period of public consultation. Significant weight can now be attached to these policies.

## **Principle of Development**

22. This former factory site has been vacant since the 1990's and the policy objective of developing a new district centre in this location is well established through local Plan policy SHO13, JCS19 and emerging site allocations policy R3. Development presents the opportunity to regenerate the Hall Road area to provide a district centre to meet the everyday shopping needs of the south of Norwich with retailing, employment and community facilities. The granting of planning permission in July 2013 represented a significant step forward in delivering these development benefits and the purchase of the site by McLagan Investment Limited (ASDA's wholly owned property company) is a strong indication that development will now come forward.
23. Many of the changes sought to the approved development have arisen as a result of the detailed design process progressing and the retailer understanding more about the site and the precise manner in which the site and supermarket will operate. The application is to vary the details of the approved scheme and therefore it is only the question of the conditions subject to which planning permission should be granted that can be considered. Therefore no opportunity is provided to reassess the principle or acceptability of the development in general. In considering the proposed modifications officers have been mindful of the planning policy context for this site and the core objective of delivering a form of development which delivers broad environmental, social and economic benefits.
24. A substantial number of the proposed changes fall into the category of non-material amendments. A number of minor changes are proposed to the internal arrangement of the car park and servicing areas. These changes improve the circulation and usage and do not result in any adverse environmental or design consequences. For instance the change in the direction of circulation of the car park reduces traffic movements outside of the superstore entrance and the changes to the arrangement of the service yard will create more operational space. In addition many of the proposed design changes flow from the practical consideration of future maintenance and the needs and convenience of customers. For instance the substitution of stone block work for stone gabions is proposed because of concerns over short and long term maintenance and the repositioning of the supermarket entrance and the installation of ATMs close by, are proposed for the convenience of shoppers. These minor changes are considered acceptable and do not detract from the overall quality of the development.
25. Other changes are considered to be positive and an improvement to the approved scheme. In particular the remodelling of the block of retail units on the Hall Road frontage allows for subdivision to up to 8 retail units (rather than 6 units). This format provides greater flexibility than the approved scheme and broadens appeal to a wider range of retail uses and operators.
26. A number of the proposed changes raise specific policy considerations and require more detailed assessment. These are considered in the following paragraphs

## **Retail Implications**

27. The approved supermarket has a restricted sales area of 3406sqm of which 1362sqm (33%) can be used for the sale of non-food products (comparison goods). The application seeks to vary the planning condition imposing this restriction, to allow for an increase in the percentage of comparison goods that can be sold to 40%. This change will result in a 238sqm increase in comparison floorspace and a corresponding decrease in convenience floorspace from which food and other everyday items can be sold. The size of the

supermarket and the level of companion goods floorspace were significant factors in the consideration of application 12/02003/F.

28. The Hall Road new district centre is identified in JCS policy 19 as forming part of the retail hierarchy serving the Norwich policy area and therefore the principle of retail development is acceptable and in accordance with both the development plan and the NPPF. However, key to the acceptability of specific development schemes is the scale and type of retail proposed and whether that is consistent with the planned role and function of that centre. Hall Road is planned as a district centre aimed at meeting everyday shopping, employment and community needs. Given this planned function, adopted policy seeks to limit the retailing of comparison goods such as clothes, in order that trade is not diverted from the city centre and large district centres where such retail is the main function. In this instance saved policy SHO13 and emerging policy R3 impose a 500sqm limit.
29. In considering application 12/02003/F it was concluded that although the supermarket proposal exceeded the 500sqm limit, the level of comparison floorspace proposed was unlikely to have an impact on the vitality or viability of any other defined centre particularly as the floorspace would be part of a predominantly food store and therefore unlikely to create an additional pull in its own right. An increase in the amount of comparison floorspace by 238sqm is unlikely to materially add to this pull and neither would it reduce the amount of convenience floorspace to a level where day to day shopping needs could not be met. This change has been sought by the retailer to provide flexibility in the goods sold throughout the year and is considered acceptable

### **Landscaping considerations**

30. The approved district centre scheme includes a landscape masterplan detailing areas of new soft planting – including grass, shrub and tree planting. The current application seeks to revise the landscape masterplan by creating new planting areas to the east of the main car park area and through the re-arrangement of new tree planting across the site.
31. The new planting areas to the east of the car park are considered a positive addition and offer the potential to provide a landscaped gateway into this part of the site.
32. The revised tree planting scheme as originally submitted maintained the approved number of new trees to be planted across the development but re-sited seventeen trees from the main car park to locations adjacent to it. In a letter supporting the application the applicant indicated that trees are planted in appropriate locations within landscape beds and that trees within car park areas can be subject to damage and interfere with visual permeability and CCTV coverage. A key design objective for this development is the creation of a district centre where visitors can access shops and other daily services and facilities within an attractive high quality environment. A key issue in the consideration of application 12/02003/F was the layout of the site, and the dominance of the supermarket and car park as components parts. The approved landscape masterplan which includes tree planting within landscaped bays assists in raising the visual quality of the scheme by providing visual interest and reducing the expanse of tarmac area. It is for this reason that officers raised concerns over the revised landscape plan as first submitted.
33. In response to officer concerns amended plans have been submitted which re-introduce tree planting into the main car parking area. Although these trees are not sited within planting beds, combined with the reduction in the number of car parking spaces overall and the creation of additional planting areas to the east the revised landscape scheme is acceptable and will be effective in creating visual interest and softening views across the car park area.



## **Energy Efficiency and Renewable Energy**

34. The approved application (12/02003/F) was accompanied by an energy efficiency statement which indicated that the development had been designed to achieve a BREEAM excellent rating and that the detailed design of the building, fitting and future retail procedures/operations were designed to achieve energy savings. The statement identified a number of technologies that could be used to provide renewal or low carbon sources of energy to the supermarket – including air source heat pumps, solar thermal, photovoltaic and combined heat and power technologies. The employment of all these technologies could provide up to 47% of the energy needs of the sites energy needs. This percentage is well in excess of the minimum level set by JCS policy 3 of 10% and condition 42 of the permission required full details of the technologies to be employed to be agreed prior to development proceeding.
35. The current application has been accompanied by a revised energy efficiency statement which proposes to utilise photovoltaic and air source heat pump technology to provide energy to the supermarket and to utilise other inherent energy saving measures within the store. These technologies have been selected following: an analysis of the particular energy needs of the store; consideration of the potential to integrate energy generation measures into the construction of the food store and experience in other stores, where certain technologies have been shown either to be impractical or not viable. In particular, experience of CHP at other stores has shown that the technology is less suited to food stores compared to hotels/swimming pools where there is a higher and more constant demand for hot water. By contrast the roof design of the store provides a significant opportunity for photovoltaic panels to be installed and over the past two years both the cost of purchase and feed in tariffs have improved. The revised energy strategy seeks to expand the use of PV over and above previously indicated and that in combination with the air source heat pump would provide approximately 25% of the energy needs of the supermarket or just over 17% of the energy needs of the district centre taken as a whole.
36. JCS policy 3 requires 1) all development of this scale to include sources of decentralised and renewable or low carbon energy to provide for at least 10% of the schemes expected energy requirements and 2) to demonstrate whether or not there is a viable and practicable scope for exceeding that minimum percentage provision. Although the amended scheme still exceeds the 10% by a significant amount, the level is well below the exceptional 47% level previously indicated and what could have been considered as an exemplar scheme. Although the rationale provided by ASDA for the dismissal of CHP as a viable and practicable technology is accepted, the impact on the overall the sustainability credentials of the wider development is considered unfortunate. Given the full requirements of policy JCS3 the applicant's agent were asked whether there was viable and practicable scope to extend the technologies over other buildings within the centre.
37. The applicant has indicated that they do not consider it feasible to include PV cells or air source heat pumps in the business or retail units given it is not known who the end users of these units will be, how the units will be subdivided, how much plant space will be required on the roof or the energy requirements of the potential operators. However, since the operator and end users of the community centre are known the applicant has indicated that it may be possible to include renewal energy generating measures into the design of that building. At the time of this report being written a feasibility study was being undertaken by the applicant's agents. It is recommended that this matter be subject of condition.
38. This response is considered justified. Given these potential additional measures and on the basis that the new supermarket will continue to meet BREEAM excellent standards and the

level of renewable/low carbon energy being generated is well in excess of the 10% minimum target, the revised energy strategy is considered acceptable.

### **Pedestrian and disabled access consideration**

39. The application includes a number of changes that revise arrangements for pedestrians accessing and moving around the site. The most significant changes affect the approved access arrangements from Hall Road.
40. There is an existing and significant change in levels across the site which will result in the new development fronting Hall Road sitting at a higher level than the supermarket and main car park area. The approved plans indicate two points of pedestrian access from Hall Road down to this lower, located either side of the block of new retail units. On the approved plans both would be suitable for disabled access.
41. Following a more detailed site survey it has been established that the change in level in the vicinity of the proposed community centre is more significant and abrupt than previously known. On the revised plans this has resulted in the introduction of steps in this position. Given the 2.0m drop in levels in this location, the position of approved buildings and of existing tree covered by TPOs, there is insufficient space for a DDA compliant ramp to also be included. Although this is regrettable it is accepted that there are significant physical constraints frustrating provision and that a DDA compliant ramp is being provided in close proximity, on the southern side of the new shops. In addition the applicant has sought to mitigate the change through both the inclusion of a disabled parking facility on Hall Road and the inclusion of a push channel within the new flight of steps to allow easier access for cyclists.
42. It should be noted that modifications to the detailed design of the ramp and steps to the south of the shops are also proposed. These are considered acceptable and result in the creation of larger planting areas and allow for a continuous hand rail to be provided.

### **Other changes**

43. The revised plans indicate two new electricity sub-stations on the site. The plans as first submitted included a new substation immediately adjoining the approved community centre building. This siting raised a number of concerns particularly in relation to how this would impact on both the amount and quality of outdoor space available to the community centre. The provision of outdoor space broadens the appeal of the facility to user groups and allows pre-school groups to meet Ofsted requirements. Given this part of the site is already constrained by levels changes the location of a sub-station would further reduce the scope for an appropriate amount of space to be made available. Given these concerns the applicant was asked to consider an alternative location. Following discussions with the council's tree officer a site on Sandy Lane has been identified. Although this will require the removal of 1x tree, subject to appropriate replacement planting the location, is considered acceptable and would not unduly detract from the visual appearance of this street frontage.
44. It should also be noted that to facilitate the provision of outdoor space to serve the community centre, the construction of a raised veranda to the north of the building is likely to be required. The detailed specification of this structure is currently at design stage and will be determined by site levels and operational requirements.

### **Planning Obligations**

45. Application 12/02003/F included a S106 Obligation which secured transportation contributions, the delivery and future lease arrangements for the new community centre and a clause to secure a community use scheme in relation to the new D2 Sports building / gym.

It is this latter clause that the applicant is seeking to revise as part of this current application.

46. At this pre-construction stage the developer is seeking to secure commercial interest in the new sports building. They are currently in negotiation with a gym operator who specialises in providing cardiovascular and fitness gyms, with 24/7 access on a no membership contract basis. The operator has indicated that given the nature of the equipped gym it would be unsuitable for school use and that given the level of monthly membership fees it would not be viable to offer a 50% discount to local social, community or sports clubs. On the basis that the facility is likely to be available at a low standard membership fee it is requested that the clause be removed as currently it dissuades commercial investor interest.
47. Saved Local Plan Policy SR6 seeks to ensure that new recreational facilities (indoor and outdoor) will only be permitted where adequate provision is made for their use by the general public, including the local community and specific appropriate provision is made for groups with difficulties accessing recreational facilities. In addition Site Allocation Plan policy R3 seeks to ensure that development at Hall Road includes community uses in order that the location not only meets retail needs but delivers other social benefits. The approved scheme delivers substantial community benefit in the form of a new purpose built community centre which is likely to be suitable for a wide range of groups and activities. The sports' building compliments this provision by providing a local facility with scope to deliver health and well-being benefits to the local residents.
48. At this stage it is uncertain how the sports building will be used but it is likely that given the cost and scale of the building the occupier is likely to be a commercial gym operator. It is acknowledged that if this were to be the case the facility may be of limited benefit to schools and depending on pricing, may also prove unattractive to local social and sports. It is also accepted that as drafted, the clause within the S106 may actively dissuade low cost operators. This would be an undesirable consequence since an affordable health/fitness facility would clearly bring broad benefits to this part of the city. Notwithstanding these considerations the removal of the community access clause from the S106 is not considered acceptable without first considering whether the development is able to deliver local health benefits by some other means.
49. The council's Sports and equity development officer has been consulted and provided advice on measures which would best produce health benefits for the local population. It is advised that in terms of reducing barriers to entry and encouraging people to take up sporting activities and exercise, a package of short courses designed to respond to local demographics and need would result in the best health improvement outcomes. Given uncertainty about the future use / opening of the gym building the new community centre offers a location from which to provide this activity. This would have the added benefit of extending the range of activities at the community centre and generating income from additional hire groups. Norwich city council will be taking the lease on the new community centre and the Neighbourhoods team strongly support the use of the community centre for such health improvement activities.
50. The council's Sports and equity development officer has considered the cost of delivering such a health improvement programme, which in the short term would involve Active Norfolk in designing and commissioning courses. The programme would be designed to become self-funding and managing within three-four years. The cost of the programme including the purchase of resources and delivery is estimated to be £20,400. The applicant has agreed to meet this cost and for this commuted sum payment to replace the existing clause. Given the considerations outlined above this option is preferable to the approved

clause and most likely to deliver greater health and well-being benefits to the local community.

## Conclusions

51. The revisions to the approved scheme are considered acceptable and will result in a development which continues to broadly comply with relevant development plan policies and deliver substantial economic, environment and social benefit to this part of the city. The effect of an application made under section 73 of The Town and Country Planning Act 1990 (as amended) is that a new decision notice is issued, with planning conditions reflecting agreed changes. In this case the 42 planning conditions previously imposed on application 12/02003/F will be revised to reflect agreed details and revised plan references. In addition changes to the S106 requirements will be secured through a deed of variation.

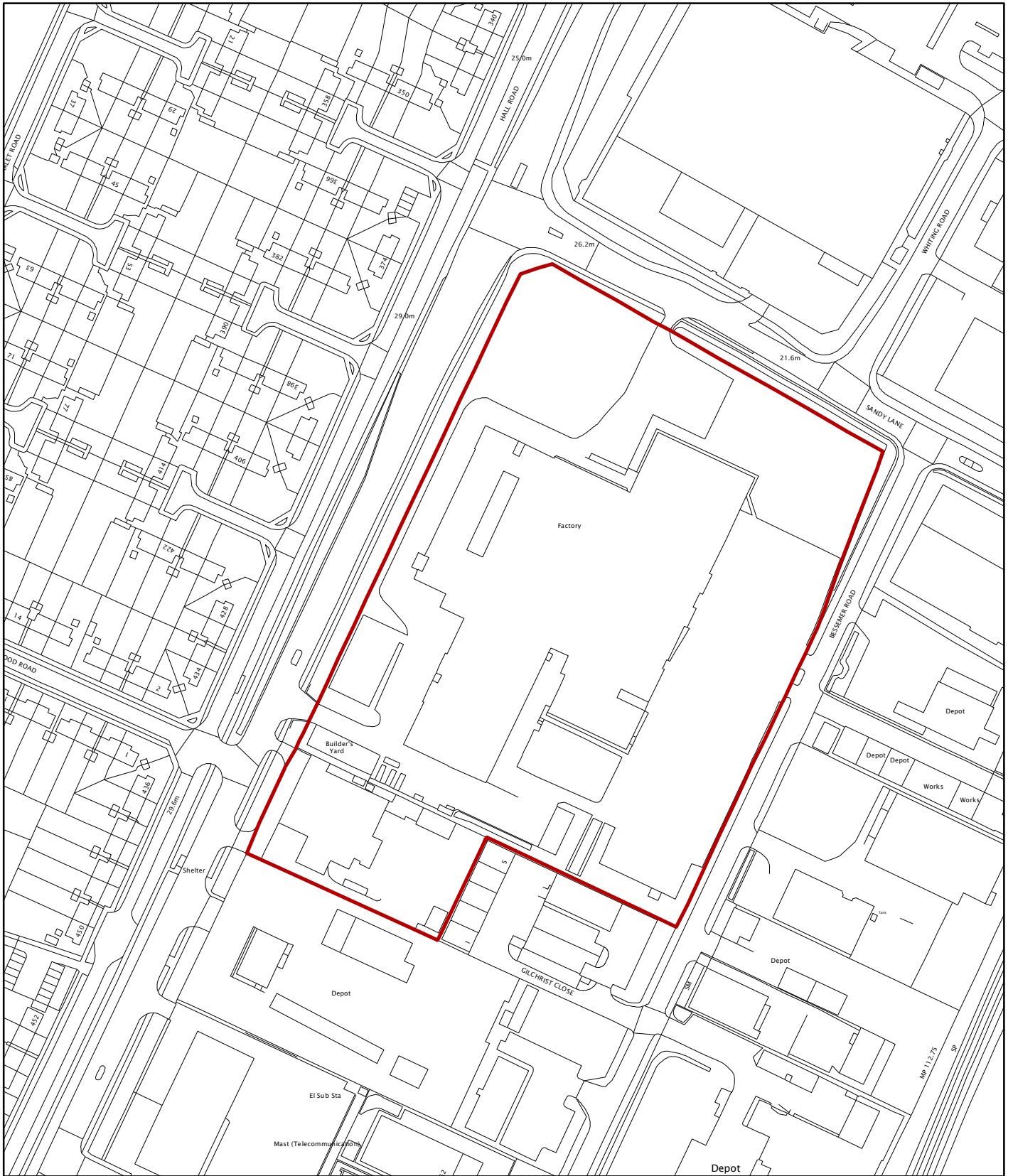
## RECOMMENDATIONS

To approve Application No 14/00818/VC and grant planning permission, subject to:

the completion of a Deed of Variation to agree changes to the S106 Obligation signed previously in relation to application ref:12/02003/F, to allow the payment of commuted sum for the resourcing of a health improvement programme and subject to the following conditions:

1. Non-standard time limit – 3 July 2016
2. Development undertaken in accordance with approved plans and documents;
- 3 Phasing details.
- 4 Phasing of family pub – as agreed 14/00723/D
- 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 1,362sqm net;
- 8 Café to be provided at first floor level of the ASDA store
- 9 Details of the café glazing to 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 and the provision of offsite landscaping on highway land/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 Root protection measures
- 22 Arboricultural details
- 23 Service/soak-away details
- 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 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;
- 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
- 38 Contamination – verification stage;
- 39 Unknown contamination
- 40 Surface water pollution control
- 41 Surface water drainage
- 42 Scheme for water, energy and resource efficiency measures to be submitted in accordance with the energy efficiency statement and to additionally provide for photovoltaic panels on the community centre building and details of the provision of the sites energy from decentralised and renewable or low carbon sources.
- 43 Details of the design of the external veranda to the rear of the community centre.



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Planning Application No 14/00818/VC

Site Address Former Bally shoe Factory  
Hall Road

Scale 1:2,000



**NORWICH**  
City Council

PLANNING SERVICES

