

Planning Applications Committee

12 March, 2009

Agenda Number:	B5
Section/Area: I	OUTER
Ward:	CATTON GROVE
Officer:	Malcolm Dixon
Valid Date:	18 January 2008
Application Number:	07/01427/O
Site Address :	Land At Dowding Road Taylors Lane And Douglas Close Norwich
Proposal:	Erection of 51 dwellings, 25 detached and 26 semi-detached houses with garages. (Revised information).
Applicant:	Rysa Lodge Residential Properties Ltd
Agent:	LSI Architects Chartered Architects

Background

Members will recall that this application was determined by the Committee on 11 December 2008 when it was resolved to approve the development subject to the imposition of a number of planning conditions and the successful completion of a Section 106 Agreement. A copy of the original report is attached to this report as an Appendix.

Despite best endeavours, unfortunately to date the Legal Agreement remains outstanding and as the Local Planning Authority is committed to clearing the backlog of older applications before April, it is necessary to bring the application back to committee seeking a resolution to obtain delegated powers to refuse planning permission in the unlikely event that the Agreement remain unsigned by 27 March 2009.

Recommendation

If a section 106 agreement or satisfactorily worded undertaking is not completed prior to 27th March 2009 that delegated authority be given to the Head of Planning and Regeneration Services to refuse planning permission for the following reason:

1. In the absence of a legal agreement or satisfactory undertaking relating to the provision of affordable housing, children's play provision and transportation and library contributions, the proposal is contrary to saved policies HOU4 and 6, SR4 and 7 and TRA 10 and 11 of the adopted City of Norwich Replacement Local Plan.

References

Report and minutes to the Planning Applications Committee held on 13 November 2008, site visit 8 December 2008 and Planning Applications Committee on 11 December 2008.

Planning Applications Committee

Section B

11 December, 2008

Agenda Number:	B1
Section/Area:	OUTER
Ward:	CATTON GROVE
Officer:	Neil Campbell
Valid Date:	18th January 2008
Application Number:	07/01427/O
Site Address :	Land At Dowding Road Taylors Lane And Douglas Close Norwich
Proposal:	Erection of 51 dwellings, 25 detached and 26 semi-detached houses with garages. (Revised information).
Applicant:	Rysa Lodge Residential Properties Ltd
Agent:	LSI Architects Chartered Architects

This application was considered at the meeting of the Planning Applications Committee on 13 November 2008, where the members of the Committee resolved to defer the application for a site visit. The following report is largely unchanged from that considered at the previous Committee meeting, the consultation section of the report has been revised to include late representations received and the site plan accompanying this report has been amended to clarify the proposals

THE SITE

The site is approximately 4km north of Norwich city centre and is an area of what were formerly RAF officers housing. At present 34 houses occupy the 10.1 hectare site. The houses are set within open areas of mown grassland. The site is bounded to the south and east by housing and to the north and north west by the Airport Industrial Estate. To the west is some unmanaged scrubland

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containing Anglian Water balancing pond. Access to the site is along Dowding Road from Fifers Lane to the south, with pedestrian access also from Taylors Lane to the east. All roads on the site are adopted.

RELEVANT PLANNING HISTORY

07/00491/O - Erection of 68 dwellings comprising 28 detached houses; 2 bungalows; 34 semi-detached and 4 terraced houses. (Withdrawn - 08/02/2008)

THE PROPOSAL

The application is in outline form, with means of access, siting and scale included as part of the application, with appearance and landscaping being reserved matters. The Design and Access Statement (DAS) submitted to support the application provides information concerning the proposal. The proposal is for the erection of 51 dwellings, 25 detached and 26 semi-detached houses with garages in three areas of the site. The three areas have been labelled A, B and C by the applicant:

Area A

25 detached houses are proposed. The land is currently a piece of open mown grassland and includes a tennis court between two areas of existing open space within the southern area of the site. There are underground power cables running through this section from north west to the south east, which some parts undevelopable. There are through routes for pedestrians and cyclists proposed.

The houses would be two or two and a half storeys similar in scale to the existing crescent of 6 houses.

Area B

There are 8 two storey semi detached houses being proposed in area B. The land is currently a piece of open mown grassland and is situated in the north west corner of the site and borders Hurricane Way serving the airport industrial estate to the west. The northern boundary is a high hedge/tree line with the airport industrial estate beyond. Access to area B is off Douglas Close.

Area C

There are 18 two storey semi detached houses being proposed in area C. The land is currently a piece of open mown grassland with a few trees and is situated in the north east corner of the site. The rear gardens of the proposed dwellings border existing housing which lies to the east. There is a large oak tree situated to the south which has a tree preservation order and would remain. Main surface and foul water drains from existing housing on the site and adjacent to the site run through this area, some of which will have to be moved.

Public Open Space

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In addition it is proposed to open up areas of open green space on adjacent sites under the applicants control as public amenity open space.

CONSULTATIONS

Advertised in the press, on site and neighbours notified.

Residents: Fourteen letters of objection received from local residents and a petition with twenty signatures. Raising the following concerns:

- Loss of privacy.
- Increased noise levels.
- Increased traffic pollution.
- Safety aspects for local children, animals and wildlife.
- Pollution and disruption during construction.
- Overlooking from houses proposed in Area C.
- Creation of a pedestrian and cycle access to Lois Close.
- Impact upon the setting of the area.
- A conflict with local plan policy
- Over supply of housing.
- Over development of the site.
- Loss of open space.
- Loss of the tennis courts.
- Inadequate access and parking for number of proposed dwellings.

Environment Agency: No objection subject to conditions.

Broadland District Council: Has no observations to make and has not received any representations from third parties.

Norwich International Airport: No objection subject to lighting conditions.

Norfolk County Council: Require contributions towards fire hydrants and library facilities in the area.

Norfolk County Council Highways Officer: Raises no objection to the development on the basis that the development would result in transportation contributions for general highways improvements.

Old Catton Parish Council: No objection to the principle of development, but object to the access arrangements being proposed, it is suggested that the green space being provided should be adopted by the Council or suitable alternative arrangement. The Parish Council are also of the opinion that any financial contribution for off site recreation should be paid to the Parish Council as the children from the new development would use facilities in their Parish. The Parish also state that Taylors Lane is an unadopted road and restricted byway, they

suggest that with the agreement of the residents of Taylors Lane that the Lane should be brought up to adoptable standard.

Norwich Society: “The devil will be in the detail of the housing.”

Anglian Water: Raise no objection to the proposal.

PLANNING CONSIDERATIONS

National Planning Policies

PPS1	Delivering Sustainable Development Planning and Climate Change Supplement to PPS1
PPS3	Housing
PPG17	Planning for Open Space, Sport and Recreation

Regional Spatial Strategy

ENG1	Energy
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Replacement Local Plan saved policies

SR3	Development on areas of Urban Greenspace
HOU4	Affordable housing (+SPG)
HOU13	Proposals for new housing on unidentified sites
NE3	Tree protection (TPO will presumably be looked at)
NE8	Biodiversity and areas of importance for wildlife
EP16	Water efficiency measures
EP18	Energy efficiency in design
EP20	Sustainable use of materials
EP22	High standard of amenity for residential development
SR1/ SR2	Standards for provision of open space
SR6	Public / dual use of recreational facilities
SR12	Green Links to be provided through development
TRA6/7	Parking standards
TRA11	Contributions for transport improvements in the wide area
TRA14	Safe pedestrian network (incl. links to schools)
TRA15	Cycle routes and enhanced facilities

Main issue

The main issue in respect of the development is considered to be the principle of residential development on the site when the land is designated as Urban Greenspace and Recreational Openspace. Linked to this is also a consideration about the potential impact of the proposal on biodiversity.

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Significant areas proposed for development are defined as urban greenspace and are therefore covered by SR3 of the local plan. This includes the loss of disused tennis courts. Policy SR3 states that such land can only be developed if there is no overriding amenity or biodiversity interest that would be lost or damaged. The policy also states that applicants are required to provide “an alternative facility of equivalent sporting or recreational value” and that the contribution of the existing local space to the amenity of the local community and to biodiversity will be evaluated

In this case, therefore, members would need to satisfy themselves that there is no overriding amenity interest that should be protected and that there are no negative impacts upon the natural environment of the area which couldn't be adequately compensated for through the development proposed.

Appendix 9 of the Local Plan shows that sector 1 has a shortfall in open space terms compared to the requirement and a significant shortfall in comparison with the plan target. Evidence from the recent Open Space Needs Assessment states that in the north quarter of the city:

- There are particular deficiencies of informal open space, children's and teenagers' play and outdoor sports facilities.
- While there is a shortage of open space in this area there may be circumstances where the disposal of areas of open space with poor quality and low value for the community might be redeveloped for other purposes where this might be of overall benefit to open space.

The assessment defines the existing urban greenspace as private informal amenity open space, which is of a slightly below average quality. Given the policy requirement in SR3 that development of urban greenspace should be "evaluated for their contribution to the amenity of the local community", the key issue is whether the proposed green spaces be of greater value than the loss of larger areas of below average quality greenspace. The Needs Assessment identifies the need for 11 new tennis courts in the city and this proposal would lead to the loss of potential new courts.

In response to this the applicant states that the site is private land, and at present the public has no right of access to the open spaces. In the proposal a series of linked green spaces will be provided which the general public will have full access to, as described in the Design and Access Statement. There are two types of publicly accessible open green space being proposed:

- Through routes for pedestrians and cycles including from Fifers Lane, into Hurricane way, Taylors Lane and Evans Way.
- Connected green spaces within the site. They are accessible directly off the excising adopted roads. At present these areas are used unofficially by

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the public. They are accessed by foot and used mainly for walking dogs and babies. It is proposed that only access by foot or cycle is encouraged and for existing informal recreational uses.

The applicant states that provision of formal children's play equipment has been discussed and is not required on site by the Council. However a contribution to off site provision would be a requirement. Old Catton Parish has requested that any financial contribution for off site recreation should be paid to the Parish Council as the children from the new development would use facilities in their Parish. The money required by this application would be paid to the City Council, the matter of allocation of funds should be determined by the relevant service area. It will be a matter for others to determine the most appropriate place to expend any monies received.

The applicant also states that the tennis courts were provided for the RAF personnel when they occupied the houses on the site. At that time it was a relatively 'closed' community with transitional and temporary residents. The general public had no access to their use. Now RAF occupation has ceased the tennis courts have become unmanaged and redundant and are in a poor state.

The applicant is of the opinion that the new green open space to be provided on site will be of higher quality than that which currently exists. At present the open spaces are mown grassland with little interest in biodiversity terms. Whilst some areas will remain open in character, other areas will be drainage swales which will provide a variety of land form and opportunity for habitat creation.

Overall the applicant feels that the proposal for the site will benefit the general public. They will be given access to a large are of connected green spaces with varying characteristics, and to new pedestrian and cycle through routes.

The creation of a 'Village Green' space in Area A is welcomed. The areas proposed for publicly accessible open green space on the plan also appear appropriate for this development, and it is important that there are through routes for pedestrians and cycles, especially along Taylors Lane.

The fact that the tennis court was provided privately does not invalidate the requirement in the policy for some public gain in a recreational sense. The Council could not insist on the retention of tennis facilities. However, the policy requirement is for some useable benefit to the wider public from the loss of this substantial area of greenspace.

Footpath/ cycle route access is shown linking via Taylors Lane to both east and west of the site. This is desirable and the Council should seek to promote this if the links can be achieved, it should be an element in the landscaping proposals and should be conditioned to be achieved at a certain stage.

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In conclusion, the decision as to whether the development proposed would meet the relevant criteria of policy SR3 depends on an assessment of the value of existing urban greenspace and quality of new space. The green space at present is private land, is difficult to access for nearby residents and as a result is underused. The proposal would result in areas of quality usable green space and provide good pedestrian and cycle links which at present do not exist. Therefore, on balance, the green space provided would result in an adequate alternative facility of equivalent sporting or recreational value, it would contribute to the amenity of the local community as would the financial contribution which would be used to improve facilities in the area therefore satisfying the requirement set out in Policy SR3.

Biodiversity

The applicant submitted an ecological assessment in support of the application and has made efforts to select areas for development which will not damage the main areas of trees. The Council's Natural Areas Officer has made comments on the ecological assessment. He states that from the description given, there is almost certainly an ancient hedgerow present on the site and is concerned that it will be breached as part of the proposed development. Members at this point should note that this application is in outline and siting forms part of the application. If the siting of the proposed dwellings is agreed this will lead to breaches of the hedgerow. The Natural Areas Officer goes on to state that ancient hedgerows are of high conservation and historical importance, and should be retained intact. The assessment does not state what length of hedge will be lost to the development, but in his opinion any breaches in the hedge length are likely to compromise the viability of the remaining length. He therefore concludes that it is very unlikely that any mitigating measures proposed by the developer would compensate for even the partial loss of this hedge.

He also feels that any losses of garden hedgerows or shrubs should be compensated by new planting if the development goes ahead. He agrees that badgers are highly unlikely to be present on or near the site. He feels that a bat survey should be undertaken by qualified professionals as part of any development permission. He also states that although it is unlikely that great crested newts will be present on the development site, a reptile and amphibian survey should be a condition of any permission given, along with measures to safely translocate any animals found, including any of the more common species.

Officers are of the opinion that the loss of the hedgerow is an unfortunate but an unavoidable consequence of the development proposal as submitted and are of the opinion the overall gains that would result from the development of the land would outweigh the loss of the hedgerow and that a suitable landscaping scheme would go some way to mitigating this loss.

Landscaping and Trees

The application has been supported with an arboricultural impact assessment. The Council's Tree Officer states that the proposed layout is acceptable in arboricultural terms as an outline planning permission; however for a full application there will need to be more a detailed arboricultural method statement that gives engineering specifications and construction methodologies of each specific part of the development that potentially conflicts with tree Root Protection Areas. This can be secured through condition and will ensure that the development can proceed and that suitable mitigation measures can be put in place to prevent any harm to existing trees on site.

In terms of the landscaping and impact on existing trees the proposal is therefore considered acceptable subject to suitable conditions.

Affordable Housing

The affordable housing proposed is in line with Council policy and the requirement of 30% affordable housing is recognised in the application, although no specific details of how this will be provided have been given. In order to meet the 30% requirement 15 affordable units will need to be provided on the scheme. This is a site with a considerable range of accessibility from the northern end (very limited) to the southern (where facilities are available). Para 32 in the Supplementary Planning Guidance (2002) states that 'affordable housing should be located where it can satisfy the needs of low income households – in particular having good access to bus routes, local community facilities and other amenities.' Therefore the location of the affordable housing needs to be carefully considered. The SPG also specifies that the affordable housing should include a range of size, types, tenure and design of dwellings which would be reflected and distributed throughout the site. Therefore it is expected that the affordable units would be spread throughout sections A, B and C of the site and for the units to reflect the private units in terms of size and design.

The application is for 25 detached properties and 26 semi detached so the Council would require 7 detached units and 8 semi detached for affordable housing. It is therefore suggested that 7 affordable units in be provided in section A, and four each in sections B and C. The number of bedrooms has not been provided. The provision of garages for all units is welcomed. It is expected that the affordable units should match the private units in terms of design and quality to ensure no distinction can be made between them.

In terms of tenure, the Council would expect an 80/20 split in favour of rented units. Therefore the requirement would be for 12 rented units and 3 low cost shared ownership units. The affordable units should be provided through a

Registered Social Landlord and should be delivered grant free. These details are proposed to be the subject of a planning obligation via a s106 agreement with the developer.

Design/Siting

In terms of the design the main issues to consider are the bulk and height of dwellings and the general layout, matters of appearance landscaping are reserved.

It is considered that under the parameters presented that this is a satisfactory detailed scheme to consider the layout and scale of the proposal. The drawings indicate how a general layout which creates good quality public spaces and private gardens has been achieved. The details of any fencing/walls, particularly along the boundaries and lighting around the site should be controlled at detail stage by condition to ensure appropriate detailing of the scheme. The 51 dwellings proposed and the existing 34 houses on the 10.1 hectare site equates to a low density development of approximately 8 dwellings per hectare. The density is consistent with the form and nature of this estate.

In terms of the massing of the buildings, the bulk and heights are considered appropriate to this location and will assist in creating a pleasant place to live within the community. More importantly the bulk and layout are considered to respond well to the constraints of the site.

Transport and Access

The Councils Transportation Officer has no problem in principle with residential redevelopment on this site, or the number of new dwellings proposed. He states that this estate exists, and does not meet current standards with respect to road widths. In view of this extant situation, and the extent of the roads and the level of existing development on the site, he feels that it is not reasonable or appropriate to require the new sections to reach standards that exceed the existing estate roads, or to expect the entire estate to be made up to current standards.

He states that it is a consequence of this arrangement that virtually any on-street parking will cause local issues. The availability and convenience of off-street parking is therefore essential to the success of the arrangement.

The pedestrian and cycle linkages through the site to access nearby shops and employment are an essential element of the scheme, and the details of these and their implementation need to be conditioned.

The scheme will attract a transport contribution of £14,390.

The proposal is therefore considered acceptable in highways and parking terms.

Drainage

The Council received a Flood Risk Assessment with the application which included calculations, in response to the issues of rainfall assumptions, soakaway design, required calculations & drawings and adoption & maintenance.

After a comprehensive review of the information received and the comments received from the Environment Agency and the Councils Environmental Health Officer who both raise no objection, these details are considered acceptable, subject to appropriate conditions being appended to any planning permission granted.

Planning Obligations

The proposal will trigger the following planning obligations:

- Affordable Housing as required by HOU4 and the Affordable Housing SPG.
- Children Play Space a contribution of £1104 per child bed space for off site provision in accordance with policies SR4, SR7 and the Open Space and Play Space SPD.
- Provision and management of Public Open Space (land to remain in private ownership).
- Transportation matters in line with policies TR11 and the transportation contributions SPD:
- Footpath link contribution to enable the link to the adjacent areas (sum to be determined)
- Library contributions as required by HOU6.

CONCLUSION

In conclusion, the main issue to assess in this case is considered to be the principle of development on the site. This is considered to be a finely balanced decision. The loss of the private urban greenspace and part of the ancient hedgerow is regrettable, but overall it is felt that the benefits far outweigh the harm. Taking into account the current access arrangements to the open space and the proposed improvements to this provision and the proposed maintenance provision as outlined above, it is considered that the principle of housing development on this site is acceptable and in line with national and Development Plan policies. There would also be a number of additional benefits associated with this proposed development. These include transport contributions, play space contributions improved pedestrian/cycle access and links, the provision of 30% affordable housing and library contributions as set out above. The recommendation is therefore to approve subject to conditions and a section 106 agreement.

RECOMMENDATIONS

APPROVE PLANNING PERMISSION subject to the signing of a S106 to include the following:

- 1) Affordable Housing as required by HOU4 and the Affordable Housing SPG.
- 2) Children Play Space a contribution of £1104 per child bed space for off site provision in accordance with policies SR4, SR7 and the Open Space and Play Space SPD.
- 3) Provision and management of Public Open Space (land to remain in private ownership).
- 4) Transportation matters in line with policies TR11 and the transportation contributions SPD:
- 5) Footpath link contribution to enable the link to the adjacent areas (sum to be determined)
- 6) Library contributions as required by HOU6.

and appropriate conditions including the following:

1. Standard outline time limit;
2. Reserved matters shall relate to the Appearance and Landscaping of the proposed development;
3. Details of approved plans;
4. Submission of a landscaping details, including all hard and soft treatments, also including lighting plans and the provision of offsite landscaping on highway land;
5. Landscaping to be maintained and any new trees/shrubs lost to be replaced;
6. Submission of an Arboricultural method statement;
7. Scheme for the provision and implementation of surface water drainage to be submitted;
8. Scheme for the provision and implementation of foul water drainage to be submitted;
9. Scheme for the provision and implementation of pollution control to be submitted;
10. All surface water from the car park to be passed through a petrol/oil interceptor;
11. Scheme to manage contamination to be submitted;
12. Scheme for water, energy and resource efficiency measures to be submitted;
13. Details for the provision of 10% of the sites energy from decentralised and renewable or low carbon sources;
14. Scheme for provision of sufficient capacity in the public sewerage system to meet the needs of the development to be submitted;
15. Details and specifications for all plant and machinery to be submitted;
16. Submission of a Waste management plan;

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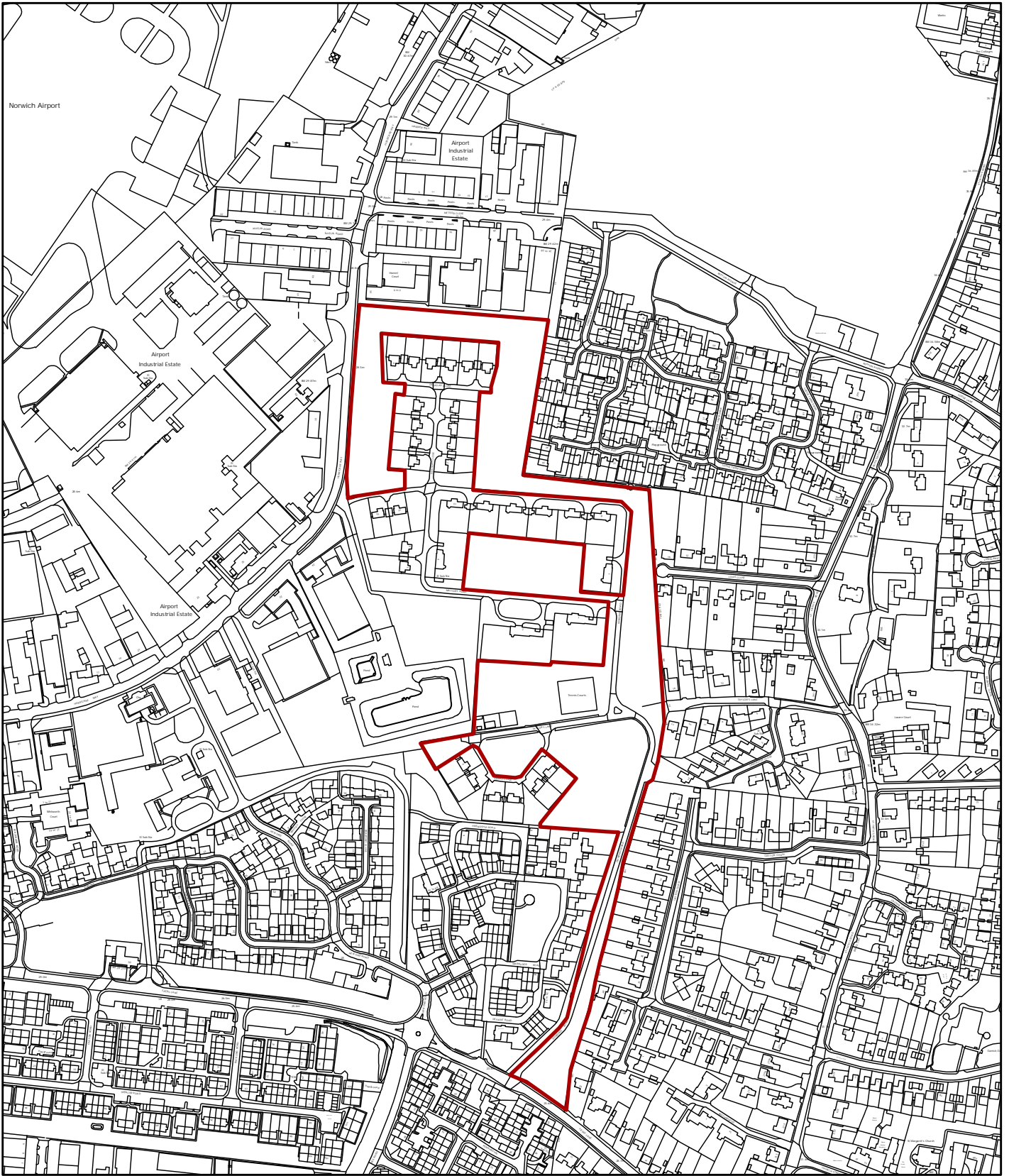
17. Submission of a servicing management plan, including details of proposed delivery times;
18. Submission of full details of cycle storage;
19. Submission of a fire strategy including details for the provision of fire hydrants;
20. Vehicular access to be constructed to Norfolk County Council Specification;
21. Servicing, turning areas to be provided prior to first occupation;
22. Scheme for drainage measures to prevent surface water run-off onto the highway;
23. Construction traffic management plan to be submitted;
24. Construction traffic is to comply with the details of the construction traffic management plan agreed;
25. Submission of a bat survey;
26. Submission of a reptiles & amphibian survey

Note. The above conditions are paraphrased for the purposes of this report, it may be necessary to merge or split some of the above conditions although the principle content will remain the same.

REASON FOR APPROVAL:

Having considered all of the above and other material planning considerations it is considered that subject to the conditions listed and the contents of the S106 agreement that the proposals are inline with the provisions of the Development Plan. The proposal would result in an appropriate and satisfactory form of development that would enhance this site. As such, the proposal would comply with SR3, HOU4, HOU13, NE3, NE8, EP16, EP18, EP20, EP22, SR1, SR2, SR6, SR12, TRA6, TRA7, TRA11, TRA14 and TRA15 of the City of Norwich Replacement Local Plan Adopted Version, November 2004 and policy ENG1 of the East of England Plan, Adopted May 2008.

The proposal is considered to make more efficient use of the land by introducing additional housing and provide sustainable development in line with policy guidance within PPS1 and PPS3. It is also considered that the proposals would enhance this part of the City and improve the buildings relationship with the surrounding public realm. Consideration has also been paid to the Government guidance provided in PPG17.



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Planning Application No- 07/01427/O

Site Address - Land at Dowding Road, Taylors Lane and Douglas Close

Scale - 1:5000



NORWICH
City Council

DIRECTORATE OF REGENERATION
AND DEVELOPMENT

