

Report for Resolution

Report to Planning Applications Committee
Date 06 February 2014
Report of Head of Planning Services
Subject 13/02089/VC Three Score Site Land South Of Clover Hill Road Norwich

Item
4(6)

SUMMARY

Description:	Variation of Conditions 8 (spine road), 10 (lighting of spine road), 28 (roads, footways and cycleways) and 47 (fire hydrants) of previous planning permission 12/00703/O in order to change the trigger point for submission of details.
Reason for consideration at Committee:	Relates to Council Owned Site
Recommendation:	Approve subject to conditions and S106 agreement
Ward:	Bowthorpe
Contact Officer:	Mark Brown Planning Team Leader 01603 212505
Valid Date:	24th December 2013
Applicant:	Norse Care
Agent:	NPS Property Consultants Ltd

INTRODUCTION

The Site & Background

1. Outline planning consent was granted in July 2013 for redevelopment of the Three Score site at Bowthorpe with up to 1000 homes, including affordable housing, care home, a new village centre including at least one local shop, public open space and associated roads and infrastructure. The consent was granted following the completion of a legal agreement and the resolution of planning applications committee to approve the application on 14 March 2013. The committee report and minutes of that meeting are available at the link below:
<http://www.norwich.gov.uk/CommitteeMeetings>
2. The site is predominantly uncultivated grass land and forms the last area of undeveloped land within Bowthorpe as it was initially envisaged in the 1970's. A full description of the site and its constraints along with a planning history is given within the committee report for the outline application. These have not materially changed since that report was written.
3. The redevelopment of the site will come forward in a number of phases and each phase will require reserved matters consent. The first phase of the Three Score site is proposed to be a care facility located to the northeast of the site to the north of the plantation tree belt. A reserved matters application has been submitted by Norse Care Limited for this phase (application reference 13/02031/RM) and comprises an 80 apartment dementia care and 92 flat housing with care scheme occupying block 5 and part of block 4 within the block layout approved at outline stage. It is expected that this reserved matters application

will be reported to the planning applications committee in March.

4. This first phase has received funding from the Homes and Communities Agency and the Department of Health which is subject to a start on site in early 2014 (and gaining the necessary consents to do so).
5. The outline planning consent was subject to a number of pre-commencement conditions which prevent any works on site until certain details are agreed. To enable an early start on site and to secure funding (subject to the necessary consents being granted) this application seeks to move back the timescales for agreeing a number of the pre-commencement details. The applicants intention is that this would allow for some works to commence on site (such as site clearance, digging of foundations, installation of underground infrastructure and laying of foundations etc) whilst exact design details of some works which happen latter on in the construction process are agreed.

Equality and Diversity Issues

6. It is not considered that the variation of the conditions in question would result in any equality or diversity issues.

The Proposal

7. The application seeks to vary conditions 8, 10, 28 and 47 of outline permission 12/00703/O in order to vary the time scale for the submission of details for those conditions. Conditions 8, 10, 28 and 47 seek the following:
 - Condition 8 seeks to agree details of the design, construction and surfacing of the spine road (as detailed in the approved drawings listed under condition 2) base carriageway.
 - Condition 10 seeks to agree details of any lighting to the accesses and spine road, including temporary lighting proposed to the base spine road.
 - Condition 28 seeks to agree details of the design, construction and surfacing of roadways, footpaths and cycleways in each phase (other than the spine road).
 - Condition 47 seeks to agree details for the provision of fire hydrants in each phase.
8. The fully worded conditions are provided at appendix A of this report. All other conditions and the reasons are contained within the decision notice for 12/00703/O which can be viewed at the link below by entering the application number and selecting documents.

<http://planning.norwich.gov.uk/online-applications/>
9. In the case of conditions 8 and 10 the details are required to be submitted before commencement of development with the exception of any site clearance works, archaeological work, tree protection works and ground investigations.
10. In the case of conditions 28 and 47 the details are required to be submitted before commencement with the exception of development relating to the access and spine road.
11. The application seeks that the conditions are revised so that for the purposes of the part of the site where the first phase is currently proposed (the care facility) to the northeast

corner of the site the details are required to be submitted within six months of commencement.

Representations Received

12. Advertised on site and in the press. Contributors to the previous outline application 12/00703/O have been notified in writing. No letters of representation have been received.

Consultation Responses

13. Norfolk County Council Planning Obligations – No Response.
14. Local Highway Authority – The variations to conditions requested will have no material impact on the strategic road network of Norwich and I am content for these matters to be dealt with by City Council officers under the terms of the highways agency agreement between the City Council and Norfolk County Council.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

15. The policies listed below are those which are pertinent to the conditions which are proposed to be varied. A full list of policies against which the outline application was considered is given within the committee report for the outline application a link to this is provided at paragraph 1 above.

National Planning Policy Framework:

- Presumption in Favour of Sustainable Development
- Promoting Sustainable Transport
- Delivering a Wide Choice of Quality Homes
- Requiring Good Design
- Promoting Healthy Communities
- Conserving and Enhancing the Natural Environment

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 20: Implementation

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

- NE1 Protection of environmental assets from inappropriate development
- NE7 Protection of locally designated sites of nature conservation interest
- NE8 Management of features of wildlife importance and biodiversity
- HBE12 High quality of design, with special attention to height, scale, massing and form of development
- EP22 High standard of amenity for residential occupiers
- TRA14 Enhancement of the pedestrian environment and safe pedestrian routes
- TRA15 Cycle network and facilities

Other Material Considerations

- The Localism Act 2011 – s143 Local Finance Considerations
16. During the time that passed between the resolution of planning committee for the outline planning consent and the issue of the decision there were some changes to material considerations which were assessed by officers. These changes were that the 12 month anniversary of the NPPF 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 Plan Document were submitted for examination.
 17. All policies in the adopted local plan have been assessed for their compliance with the NPPF. In terms of the outline application for Three Score none of the relevant policies have been deleted as a result of this process.
 18. Policies HBE4, HBE9 and EP5 have been assessed as partially compliant with the NPPF. In relation to HBE4 the policy does not have the NPPF paragraph 132 caveat that in exceptional circumstance development that does not meet the normal archaeological requirements may be permitted. With HBE9 the NPPF sets a stronger requirement in relation to listed buildings in a poor state of repair and with EP5 the focus of policy EP5 is on mitigating the impact of pollution-causing development and does not fully take into account the impacts of locating other forms of development close to existing sources of air pollution. None of these matters had any material impact on the assessment of the outline application and are not pertinent to the conditions being varied here.
 19. All other adopted local plan policies used in the assessment of the outline application were considered to be consistent with the NPPF.
 20. In relation to policies of the new Local Plan policy R41 of the site allocations development plan pre-submission document allocates the site for housing in the region of 1,200 dwellings this policy was considered as part of the former assessment of the outline application and the proposals are considered to be consistent with this policy. The policy is not particularly pertinent to the conditions being varied.
 21. In relation to the Development Management Policies Development Plan Document – Pre-submission policies (April 2013), these policies were considered to be consistent with the resolution made for the outline application and therefore it was not considered that changes in material considerations between resolution and issue of the outline decision would have materially impacted on the decision. Of relevance to this variation of condition application are the following policies of the Development Management Policies Development Plan Document (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
 - * DM12 Ensuring well-planned housing development
 - * DM28 Encouraging sustainable travel
 - * DM30 Access and highway safety
 22. Policies with an * are currently subject to specific objections or issues being raised at pre-submission stage. In this case it is considered that significant weight can be given to policies DM2, DM6, DM12 and DM28 as the objections are specific and not particularly

relevant to this case. Limited weight should be given to DM30 due to objections and very limited weight given to DM3.

Procedural Guidance

23. The application seeks to vary conditions on the outline consent by changing the trigger point by which details are to be submitted for agreement. The application does not seek to change the details required or their implementation only delay the submission of details so that unrelated works can commence on site.
24. The application is made under section 73 of The Town and Country Planning Act 1990 as amended 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.
25. Any approval of the variation would issue a new consent which could be implemented independently of the original outline consent and therefore it is necessary to re-impose any conditions which are not subject to the request for variation under this application. It will also be necessary to link the S106 agreement for the original outline consent to any new consent via a deed of variation to the original agreement.
26. The variation of condition application has been screened under The Environmental Impact Regulations 2011. The variation will not have any effect on the characteristics of development, location of development or the characteristics of the potential impact which have all been extensively considered under the environmental assessment for the outline consent 12/00703/O. Neither will the proposals affect the mitigation or enhancement measures secured as part of that consent. The exact details required by some conditions will be delayed but ultimately still agreed and implemented before any occupation of the development. Therefore the proposed variations will not have any significant effects and the development is not EIA development.
27. The original outline consent was issued before the implementation of the Community Infrastructure Levy. Under section 128A of the CIL regulations an application to vary conditions (a section 73 application) is liable to CIL but only for any increase which would arise between the original and the varied consent were the original subject to CIL. Given the variations in question there will be no change to the level of development proposed and therefore no increase in any CIL liability. As such the CIL liability and chargeable amount is £0.

Implications of the amended time frame for submission of details

Condition 8 – design, construction and surfacing of the spine road base carriageway

28. The proposal to delay the submission of these details until 6 months after commencement of the first phase is considered to be broadly acceptable. This can allow ground works to take place in areas other than the location of the spine road whilst the details are being finalised. Ultimately it will not prevent the submission of the details, their agreement and the construction of the spine road in accordance with those details in an acceptable manner.
29. However the proposed wording which provides for the details to be submitted 6 months after commencement solely for the part of the site identified for the first phase, automatically makes assumptions over the location of the first phase. Whilst it is currently

the applicants and land owners intention that care facility will be the first phase, such a wording is arguably not future proof or robust should for any reason this change. It is considered acceptable for the condition to simply be revised so that no development relating to the provision of the access and spine road shall take place until these matters are agreed.

Condition 10 – lighting including temporary lighting of the spine road base carriageway

30. The proposal to delay the submission of these details until 6 months after commencement of the first phase is considered to be broadly acceptable. This can allow ground works to take place in areas other than the location of the spine road whilst the details are being finalised. Ultimately it will not prevent the submission of the details, their agreement and the construction of the spine road in accordance with those details in an acceptable manor.
31. For the same reasons as explained above at paragraph 29 it is considered acceptable for the condition to simply be revised to allow details to be submitted on commencement of development relating to the provision of the accesses and spine road.

Condition 28 – design, construction and surfacing of roadways, footpaths and cycleways

32. The proposal to delay the submission of these details until 6 months after commencement of the first phase is considered to be broadly acceptable. This can allow ground works to take place in areas other than the location of the spine road whilst the details are being finalised. Ultimately it will not prevent the submission of the details, their agreement and the construction of the spine road in accordance with those details in an acceptable manor.
33. For broadly the same reasons as explained above at paragraph 29 it is considered acceptable for the condition to simply be revised to allow details to be submitted within 6 months of commencement.
34. A new condition will be required to make clear when each phase of development has commenced and therefore when the 6 month clock starts ticking. This will require notification of the commencement date to be provided to the planning authority.

Condition 47 – provision of fire hydrants

35. The proposal to delay the submission of these details until 6 months after commencement of the first phase is considered to be broadly acceptable. This can allow ground works to take place in areas other than the location of the spine road whilst the details are being finalised. Ultimately it will not prevent the submission of the details, their agreement and the construction of the spine road in accordance with those details in an acceptable manor.
36. For broadly the same reasons as explained above at paragraph 29 it is considered acceptable for the condition to simply be revised to allow details to be submitted within 6 months of commencement.
37. A new condition will be required to make clear when each phase of development has commenced and therefore when the 6 month clock starts ticking. This will require notification of the commencement date to be provided to the planning authority.

Conclusions

38. For the reasons outline above the delay in submission of these specific details is considered to be acceptable. In order to ensure the wording of the conditions can as far as possible deal with unknown eventualities the suggested wording has been revised albeit have the same effect as required by the applicant. It is therefore recommended that the conditions be revised in accordance with the recommendation below, all previous unvaried conditions be appended to the new consent and a new condition added to provide for the notification of commencement. The decision will also be subject to a deed of variation under S106 to link the original S106 agreement to the new consent.

RECOMMENDATIONS

To approve Application No (13/02089/VC Three Score Site Land South Of Clover Hill Road Norwich) and grant planning permission, subject to:

- (1) the completion of a satisfactory deed of variation under S106 to link the completed S106 agreement for the original outline consent 12/00703/O to this new varied consent; and
- (2) subject to the re-imposition of all conditions other than 8, 10, 28 and 47 from the original outline consent 12/00703/O (note a variation of condition application cannot grant an extension of time so the time limit condition will be reworded so that the expiry dates are the same as the original consent 12/00703/O); and
- (3) subject to the following varied conditions:
 - a. Condition 8 varied to read – “No development relating to the provision of the accesses and spine road shall take until details of the design, construction and surfacing of the spine road (as detailed in the approved drawings listed under condition 2) base carriageway have been submitted to and approved in writing with the Local Planning Authority. The spine road shall be provided in full accordance with the agreed details prior to the first occupation of any dwelling on the site.”
 - b. Condition 10 varied to read – “No development relating to the provision of the accesses and spine road shall take place until details of any lighting to the accesses and spine road, including temporary lighting proposed to the base spine road (as detailed in the approved drawings listed under condition 2) have been submitted to and agreed in writing with the Local Planning Authority. The information shall include the lighting to be used its location and hours of use. The lighting shall be provided in full accordance with the agreed details.”
 - c. Condition 28 varied to read – “No later than 6 months following commencement of development (as notified under condition 48) of any phase agreed under condition 14 details of the design, construction and surfacing of roadways, footpaths and cycleways for that phase shall be submitted to and approved in writing by the Local Planning Authority. The roadways, footpaths and cycleways shall be constructed in full accordance with the approved details.”
 - d. Condition 47 varied to read – “No later than 6 months following commencement of development (as notified under condition 48) of any phase agreed under condition 14 details for the provision of fire hydrants for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The details shall provide for one hydrant per fifty dwellings on a 90mm main and one hydrant on a minimum 150mm main for the care facility and shall include a plan of the hydrants locations and associated infrastructure. No occupation of any part of the development hereby approved shall take place until the hydrant serving that part of the development has been provided in full accordance with the approved details. The hydrants shall be

retained as such thereafter.”

- (4) A new condition (which will be no. 48) which reads “No development of any phase as agreed under condition 14 shall take place until details of the commencement date of that phase have been provided in writing to the Local Planning Authority. The development shall commence on the notified commencement date unless the Local Planning Authority is first notified of any variation in writing.”

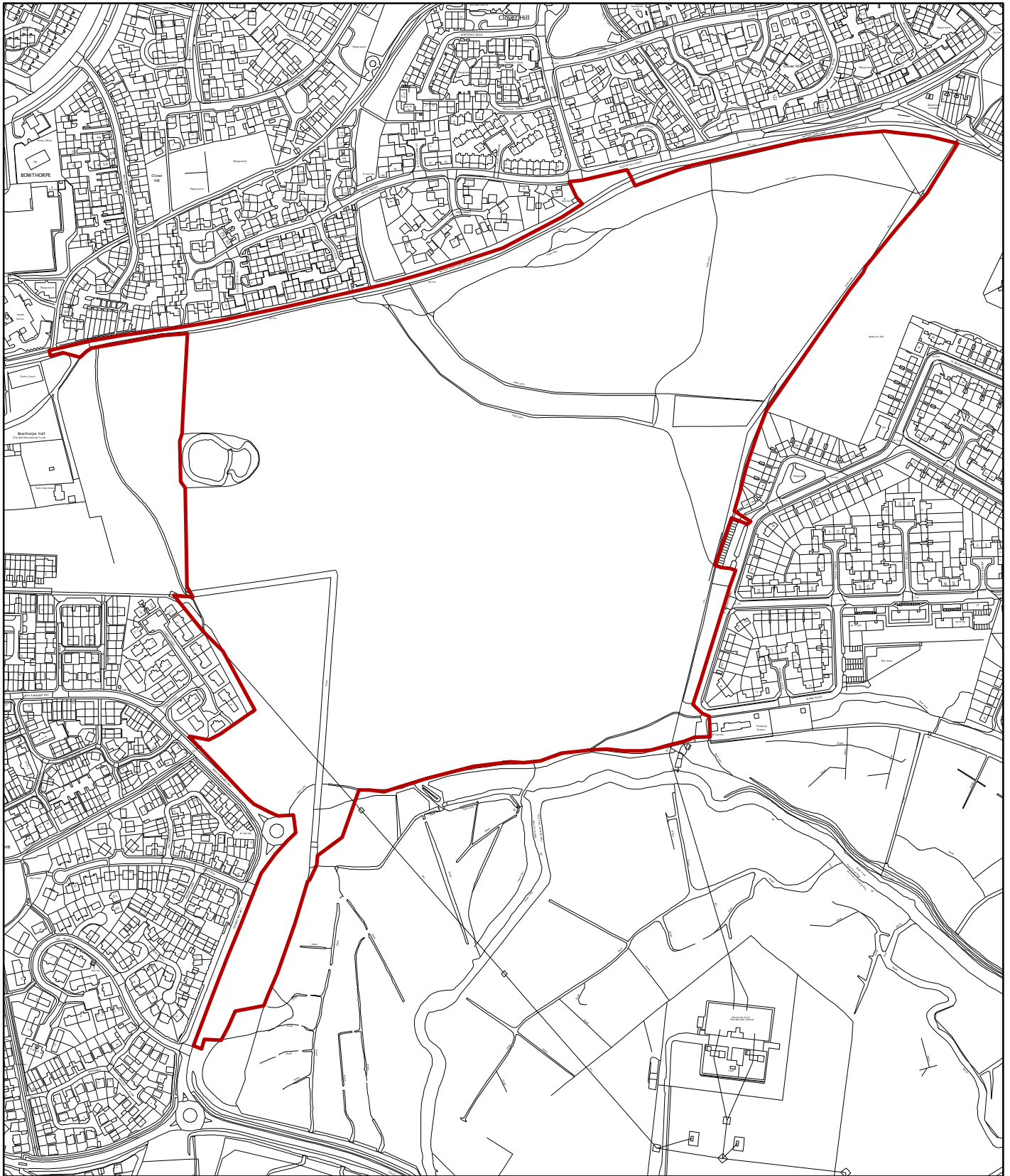
Appendix A

Subject 13/02089/VC Three Score Site Land South Of Clover Hill
Road Norwich

The table below provides the existing and recommended wording of the conditions in question.

No.	Existing Condition	Recommended Varied Condition
8	With the exception of any site clearance works, archaeological work, tree protection works and ground investigations, no development shall take place in pursuance of this permission until details of the design, construction and surfacing of the spine road (as detailed in the approved drawings listed under condition 2) base carriageway have been submitted to and approved in writing with the Local Planning Authority. The spine road shall be provided in full accordance with the agreed details prior to the first occupation of any dwelling on the site.	No development relating to the provision of the accesses and spine road shall take until details of the design, construction and surfacing of the spine road (as detailed in the approved drawings listed under condition 2) base carriageway have been submitted to and approved in writing with the Local Planning Authority. The spine road shall be provided in full accordance with the agreed details prior to the first occupation of any dwelling on the site.
10	With the exception of any site clearance works, archaeological work, tree protection works and ground investigations, no development shall take place in pursuance of this permission until details of any lighting to the accesses and spine road, including temporary lighting proposed to the base spine road (as detailed in the approved drawings listed under condition 2) has been submitted to and agreed in writing with the Local Planning Authority. The information shall include the lighting to be used its location and hours of use. The lighting shall be provided in full accordance with the agreed details.	No development relating to the provision of the accesses and spine road shall take place until details of any lighting to the accesses and spine road, including temporary lighting proposed to the base spine road (as detailed in the approved drawings listed under condition 2) have been submitted to and agreed in writing with the Local Planning Authority. The information shall include the lighting to be used its location and hours of use. The lighting shall be provided in full accordance with the agreed details.
28	With the exception of the accesses and spine road (as detailed under condition 2), no development of any phase agreed under condition 14 shall take place until details of the design, construction and surfacing of roadways, footpaths and cycleways have been submitted to and approved in writing by the Local Planning	No later than 6 months following commencement of development (as notified under condition 48) of any phase agreed under condition 14 details of the design, construction and surfacing of roadways, footpaths and cycleways for that phase shall be submitted to and approved in writing by the Local Planning Authority. The

	Authority. The roadways, footpaths and cycleways shall be constructed in full accordance with the approved details.	roadways, footpaths and cycleways shall be constructed in full accordance with the approved details.
47	With the exception of the accesses and spine road (as detailed under condition 2), no development of any phase agreed under condition 14 shall take place until details for the provision of fire hydrants have been submitted to and agreed in writing by the Local Planning Authority. The details shall provide for one hydrant per fifty dwellings on a 90mm main and one hydrant on a minimum 150mm main for the care facility and shall include a plan of the hydrants locations and associated infrastructure. No occupation of any part of the development hereby approved shall take place until the hydrant serving that part of the development has been provided in full accordance with the approved details. The hydrants shall be retained as such thereafter.	No later than 6 months following commencement of development (as notified under condition 48) of any phase agreed under condition 14 details for the provision of fire hydrants for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The details shall provide for one hydrant per fifty dwellings on a 90mm main and one hydrant on a minimum 150mm main for the care facility and shall include a plan of the hydrants locations and associated infrastructure. No occupation of any part of the development hereby approved shall take place until the hydrant serving that part of the development has been provided in full accordance with the approved details. The hydrants shall be retained as such thereafter.



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Planning Application No 13/02089/VC

Site Address Three Score site land
South of Clover Hill Road

Scale 1:5,396



NORWICH
City Council

PLANNING SERVICES

