

Report for Resolution

Report to Planning Applications Committee
Date 17 May 2012
Report of Head of Planning Services
Subject Land at Dowding Road Taylors Lane and Douglas Close
Norwich

Item
5(2)

SUMMARY

Description:	Variations to the S106 agreement completed under the original outline consent 07/01427/O to include changes to the tenure of affordable housing, the provision of children's play space and the delivery of footpaths adjacent to the site.
Reason for consideration at Committee:	Variation to former S106 agreement and the authorisation of enforcement action.
Recommendation:	1) approve variations to the S106 agreement relating to the tenure of affordable housing and provision of footpath links at the site. 2) delegate authority to the head of planning services to take enforcement action to resolve breaches of conditions and/or the S106 agreement and the taking of legal proceedings, including prosecution if necessary.
Ward:	Catton Grove
Contact Officer:	Mark Brown Senior Planning Officer 01603 212505
Valid Date:	9th March 2012
Applicant:	David Wilson Homes
Agent:	Boyer Planning Limited

INTRODUCTION

The Site Location, Background & Proposal

1. The site is an area of former RAF officers' housing located approximately 4km north of Norwich city centre accessed via Dowding Road from Fifers Lane. The site gained outline planning permission for 51 dwellings in 2009 under consent number 07/01427/O. The committee report and minutes for this are attached at appendix A and B respectively. Reserved matters consent was granted in November 2011 under consent number 11/00766/RM, the committee report for this is attached at appendix C.
2. Works started on site to implement the consent towards the end of last year.
3. The proposed amendments to the S106 agreement are as follows:
 - 3.1. Amend the tenure of affordable housing from 12 social rented properties and 3 shared ownership dwellings to 12 social rented properties and 3 shared equity;
 - 3.2. Amendments to the clauses for the provision of five footpaths around the

- site;
- 3.3. Removal of the children's play space contribution and provision of an on-site play area.

4. The proposals are explained in further detail within the assessment sections below.

Representations Received

5. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received.

Consultation Responses

6. **Old Catton Parish Council** – No objection and welcomes the inclusion of the play area.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- 4 – Promoting sustainable transport;
- 6 – Delivering a wide choice of high quality homes
- 7 – Requiring good design;
- 8 – Promoting healthy communities.

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

- Policy 2 – Promoting good design
- Policy 4 – Housing delivery
- Policy 6 – Access and transportation
- Policy 20 - Implementation

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

- HBE12 – Design
- SR3 – Criteria for development of Urban Greenspace and Recreational Open Space
- SR4 – Provision of open space to serve new development
- SR7 – Provision of children's equipped playspace to serve development
- TRA3 – Modal shift measures in support of NATS
- TRA15 - Cycle network and facilities

Supplementary Planning Documents and Guidance

Open Space and Play Provision SPD June 2006

Other material considerations

Ministerial statement March 2011 – Planning for Growth
The Localism Act 2011 – local finance considerations

Affordable Housing

7. The developers had been unable to identify a registered provider for the provision of the affordable housing on the basis of the tenure within the original S106

agreement consisting of a total of 15 dwellings comprising 12 social rented dwellings and three 3 shared equity. Development was commenced on site in breach of the affordable housing clauses within the S106 agreement. The works on site remain in breach of the affordable housing clauses within the S106 agreement however following discussion with officers it has been proposed that the affordable housing be altered to a tenure of 12 social rented dwellings and 3 shared equity dwellings with an initial sale being limited to 75% of market value. This retains the level of affordable housing at 15 dwellings and the number of social rented dwellings at the policy levels in place at the time of the original consent. The change from shared ownership to shared equity is considered to be acceptable and subject to the completion of a deed of variation and compliance with the new clauses will resolve the current breach.

Footpaths

8. There is a proposal to vary the wording of clauses requiring the provision of footpaths on and adjacent to the site. Five footpaths are secured via the S106 agreement as follows:
 - 8.1. Along Dowding Road from Fifers Lane to Taylors Lane;
 - 8.2. From Taylors Lane to Dowding Road;
 - 8.3. From the site onto Evans Way;
 - 8.4. From the site onto Hurricane Way;
 - 8.5. From the site onto the pathway to the rear of Beaufort Close.
9. The current wording has an awkward arrangement based on the payment of estimated and actual costs to the Council and for the Council to undertake the work prior to certain occupation points in the development. This wording is impractical and it is suggested to re-word the clauses so that all footpaths are provided by the developer where they have access to all relevant land to enable them to provide the path. This should be the case for all paths with the exception of 8.5 above. In the case of 8.5 part of the land is currently in the ownership of Bloor Homes; however the land in question is due to be adopted by the City Council. In this case, if the adoption has not taken place to enable the developers to construct the path by a certain occupancy point, it is proposed that the estimated construction costs of the path will be paid to the Council.
10. These amendments are considered to be acceptable subject to appropriate design details and costing details for footpath 8.5 being received.

Children's Play Space

11. The proposal is to remove the child play space contribution requirement and provide a play space on site to the north of the site.
12. Currently the S106 requires the following:
 - 12.1. Children's Playspace Contribution of £1104 multiplied by the number of child bed spaces, which in this case is 135 child bed spaces which equates to £149,040.00.
 - 12.2. Public Open Space. This is either a commuted sum to be paid to the Council and to be spent on open space provision within Norwich or on site provision of 24sqm per dwelling to be provided in accordance with the a 'public open space provision scheme' which is to include but not be limited to the location of the public open space, proposals for its landscaping,

drainage, location of the Children's Playspace details of play equipment, specification of play equipment and its provision as well as a timetable for provision of the Public Open Space.

13. The applicants proposed amendments are currently to remove the child play space contribution and identify the location of an area of equipped play space on site – this merely has the affect of compliance with the public open space requirements (which require children's play space on site in any case) and removal of the children's play space contribution.
14. At this point it is relevant to consider the original permission 07/01427/O and the logic behind granting the consent in the first place. The site is an allocated urban green space and the committee report for the original consent made clear it was a finely balanced decision, but approval was granted on the basis that there would be improvements in terms of public access (albeit it would remain in private ownership) to the remainder of the site and improved pedestrian and cycle links across the site. The report made clear that the proposals would include a series of linked green spaces which would be publically accessible. This was also detailed clearly in the submitted design and access statement submitted with the 2007 application. The resolution included a requirement under the S106 agreement for the provision and management of this public open space. In practice the S106 failed to secure this and the decision is arguably not in line with the committee resolution. The S106 used standard clauses for provision of 24sqm of open space per dwelling (1,224sqm) or a commuted sum; this area amounts to a minute part of the areas identified for public open space in the original application (which amounted to circa 20,000sqm).
15. The situation is further complicated by the developers David Wilson Homes (also trading as Barratt Homes) not having bought the whole of the application site and the areas of green space in question remaining in separate ownership (under ownership of the original applicant).
16. In the circumstances officers have advised that a reasonable way forward would be to amend the S106 agreement to secure public access to all the remaining green space within the site and provide a children's play area with the removal of the commuted sum clauses. The owners of the green space (the original applicants) have refused to enter into such a variation.
17. It is considered that the changes to the child playspace and public open space clauses need to come together or not at all. In the current circumstances it is considered that the existing wording of the S106 agreement is retained as far as it relates to children's play space and open space. This will mean:
 - 17.1. payment of the children's playspace contribution a total of £149,040; and either:
 - 17.2. provision of the public open space a total of 1,224sqm in accordance with a provision scheme and management scheme and, in accordance with the provision scheme, this shall include the provision of children's playspace; or
 - 17.3. payment of the public open space contribution which would amount to £60,741 (on the basis that the council cannot apply the money to land within its control).
18. Negotiations are ongoing with the developers and owners of the site. The matters in question are complex and technical in their nature and given the advanced

progress with development on the site there is a need to be able to act quickly to resolve these matters and come to a reasonable solution. There are also other minor amendments to the S106 agreement which may be considered necessary following further negotiation. In the circumstances it is recommended that delegated authority be given to the Head of Planning to negotiate and resolve these matters without further reference to Planning Committee.

19. In addition it is relevant to note that based on the current wording of the S106 agreement individual home owners are not exempt from liability under the agreement and therefore resolving these issues and ensuring compliance by the developers at this stage is in the interests of future home owners on the site.

Breaches of Planning Consent & S106 Agreement

20. There are currently a number of breaches of planning consent on site as detailed below:

- 20.1. Non compliance with the S106 agreement for a scheme for the provision and long term management of the affordable housing units (this matter should hopefully be resolved following the completion of the deed referred to above);
- 20.2. Non compliance with the S106 agreement to agree a public open space provision and management scheme prior to implementation;
- 20.3. Non compliance with the S106 agreement for the payments of the public open space contribution;
- 20.4. Failure to agree landscaping details under condition 4 of consent 07/01427/O prior to commencement;
- 20.5. Failure to agree details for foul water drainage and disposal under condition 7 of consent 07/01427/O prior to commencement;
- 20.6. Failure to agree details for the provision of fire hydrants under condition 15 of consent 07/01427/O prior to commencement;
- 20.7. Failure to agree details for the provision of footpaths under condition 21 of consent 07/01427/O prior to commencement (this should hopefully be resolved in part via the amendments to the S106 agreement discussed above);
- 20.8. Numerous failures to comply with condition 2 of 11/00766/RM to carry out the development in accordance with the arboricultural implications assessment and method statements. (These breaches have been picked up and attempted to be resolved as they have occurred, however they have continued to occur.)
- 20.9. Failure to agree details for replacement tree planting under condition 3 of consent 11/00766/RM prior to commencement;
- 20.10. Failure to agree details for the provision of solar thermal panels under condition 9 of consent 11/00766/RM prior to commencement;

21. Whilst officers have been attempting to resolve these issues outside of formal enforcement action little progress has been made in resolving a number of these matters. Meanwhile development has been pressing forward quickly on site and a number of dwellings are nearing completion. The developer is aware of these breaches and has been advised not to complete on any sales until the matters are resolved. It has also been suggested to the developer that there is a duty to advise potential purchases of the current planning issues on the site. In the circumstances, it is recommended that delegated authority be given to the Head of

Planning Services to take enforcement action including action under S172 of the Town and Country Planning Act 1990. Enforcement action could also include breach of condition notices, stop notices, prosecution if necessary and/or the seeking of an injunction against non-compliance with the S106 agreement. In the circumstances it is necessary for officers to be able to act quickly should it be necessary to do so and this will allow formal enforcement action to be taken quickly should further breaches occur or existing breaches remain unresolved.

Equality and Diversity Issues

22. The Human Rights Act 1998 came into effect on 2nd October 2000. In so far as its provisions are relevant: -

Article 1 of the First Protocol (the peaceful enjoyment of ones possessions), is relevant in this case. Parliament has delegated to the Council the responsibility to take enforcement action when it is seen to be expedient and in the public interest. The requirement to secure the removal of the unauthorised building in the interests of amenity is proportionate to the breach in question.

Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing.

Conclusions

23. The proposed amendments to clauses relating to affordable housing tenure and provision of footpaths are considered to be acceptable. Matters relating to open space and play space provision are complex in their nature and in the circumstances the applicants amendments are not considered to be acceptable. In addition there are a number of breaches of conditions and the S106 agreement associated with consents on the site. It is important that all outstanding matters are resolved and it would be inappropriate to only deal with some aspects of the S106 in isolation. It is in the interests of future house purchasers to have these matters resolved in a comprehensive manner to avoid potentially significant costs falling on their shoulders.

24. Negotiations are ongoing with the developers and owners of the site to resolve the outstanding matters with the S106 agreement and the various breaches of planning consent. The matters in question are complex and technical in their nature and given the progress with development on the site there is a need to be able to act quickly to resolve these matters and come to a reasonable solution. In the circumstances it is recommended that delegated authority be given to the Head of Planning to negotiate and resolve remaining issues with the S106 agreement. It is also recommended that delegated authority be given to the Head of Planning Services to take enforcement action. This will allow formal enforcement action to be taken quickly should further breaches occur or existing breaches remain unresolved.

RECOMMENDATIONS

To:-

- (1) approve variations to the S106 agreement relating to the tenure of affordable housing and provision of footpath links at the site; and
- (2) delegate authority to the head of planning services to negotiate, resolve and make other amendments to the S106 agreement; and
- (3) delegate authority to the head of planning services to take enforcement action to resolve breaches of conditions and/or the S106 agreement and the taking of legal proceedings, including prosecution and the seeking of an injunction if necessary.

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

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

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.

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 existing adopted roads. At present these areas are used unofficially by

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 area 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.

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;

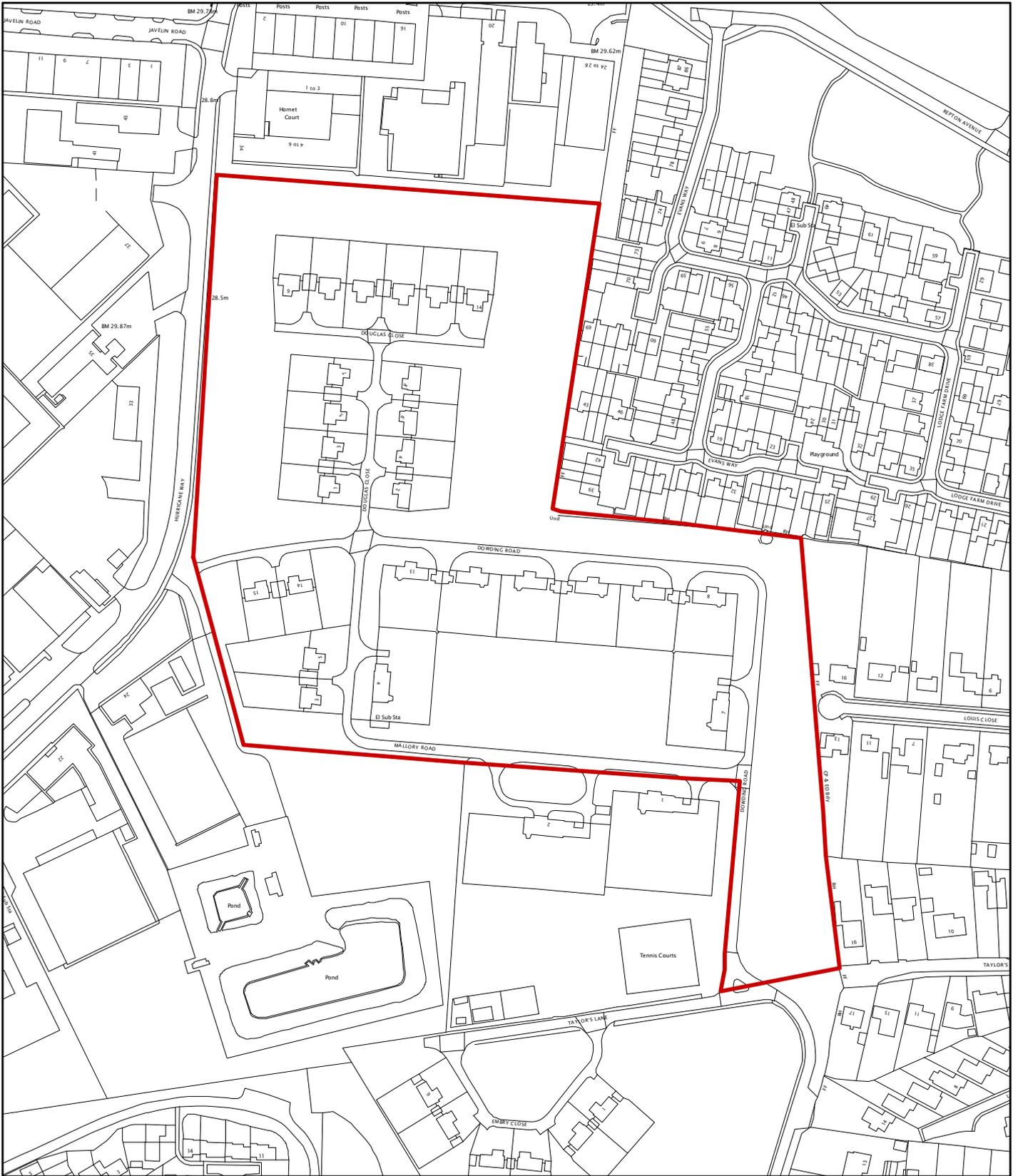
17. Submission of a servicing management plan, including details of proposed delivery times;
18. Submission of full details of cycle storage;
19. Submission of a fire strategy including details for the provision of fire hydrants;
20. Vehicular access to be constructed to Norfolk County Council Specification;
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 - 1:2500



NORWICH
 City Council

DIRECTORATE OF REGENERATION
 AND DEVELOPMENT



5. APPLICATION NO 07/01427/0 - LAND AT DOWDING ROAD, TAYLORS LANE AND DOUGLAS CLOSE

(Councillor Bearman left the room for the duration of this meeting.)

The Senior Planner (Development) (Outer) referred to the presentation at the previous meeting and the subsequent site visit undertaken by the Committee on 8 December 2008 and said that the applicant had amended the application so that layout was now a reserved matter. The layout on the plans was therefore indicative. Old Catton Parish Council had given notification that it no longer wanted the part of Taylors Lane just outside this site to be adopted. It was recommended that the developers changed the name of the other part of Taylors Lane to avoid confusion. The internal roads on the site were all adopted and new footpaths would be put in.

The Council's Tree Protection Officer considered that the oak tree was dangerous and was satisfied that it could be removed. The Senior Planner and the Planning Development Manager answered members' questions. A revised planning showing the correct boundaries of the site was circulated.

A resident then addressed the Committee with his concerns about this development using urban greenspace, increased traffic and the fact that the layout of the houses was 'indicative'. He called on the City Council to take over the management of the green areas.

The agent on behalf of the applicant then spoke in support of the application and explained that the application had been amended so that layout was indicative in order to resolve the questions that had been raised as to the retention of the hedgerow and to turn around the houses in order to protect the privacy of existing residents. The cycle path had been required by officers. There would be no objection to renaming that part of Taylors Lane that was within the development site. The green spaces were privately owned and landscaping was a reserved matter for the detailed planning application.

Discussion ensued in which members stated their support for the full retention of both sides of the hedgerow and sought further explanation about the indicative layout. Councillor Stephenson expressed concern about the loss of the green space in area C of the proposals and the effect of this part of the amenity of neighbouring properties. The importance of the green links for biodiversity was noted but the maintenance of these by the Council was a matter for the Head of Community Services. Members also discussed play provision in the area and it was suggested that some play equipment could be provided on the site for small children.

RESOLVED, with 6 members voting in favour (Councillors Bradford, Lubbock, Little, Llewellyn, Collishaw and Driver) and 1 member voting against (Councillor Stephenson) to approve Application No 07/01427/O L – Land at Dowding Road, Taylors Lane and Douglas Close and grant planning permission subject to:-

- (1) 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.
- (2) the appropriate conditions:-
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;
 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 and amphibian survey.

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

(Reasons 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.)

(The meeting adjourned for lunch at 1.20 p.m. and reconvened with all members present at 1.45 p.m.)

Report for Resolution

Report to Planning Applications Committee
Date 8 September 2011
Report of Head of Planning Services
Subject 11/00766/RM Land at Dowding Road, Taylors Lane and Douglas Close, Norwich

Item
5(4)

SUMMARY

Description:	Reserved matters of appearance, landscaping and layout for previous outline planning permission 07/01427/O 'Erection of 51 dwellings, 25 detached and 26 semi-detached houses with garages. (Revised Layout)'.
Reason for consideration at Committee:	Objection
Recommendation:	Approve subject a deed of variation to the S106 agreement and subject to conditions
Ward:	Catton Grove
Contact Officer:	Mark Brown Senior Planning Officer 01603 212505
Valid Date:	13th May 2011
Applicant:	Barratt Eastern Counties
Agent:	Barratt Eastern Counties

INTRODUCTION

The Site

Location and Context

1. The site is an area of former RAF officers housing located approximately 4km north of Norwich city centre accessed via Dowding Road from Fifers Lane. In addition there is a pedestrian access leading to Old Catton via Taylors Lane to the east. All roads on the site are adopted. 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 containing an Anglian Water balancing pond.

Planning History

2. Outline planning permission (permission no. 07/01427/O) was granted in March 2009 for the erection of 51 dwellings on the site following the signing of a S106 agreement and the planning committee resolution of 11 December 2008. The outline application included matters of access and scale. Matters of appearance, landscaping and layout were reserved and the current application seeks approval of these matters.
3. The committee report and minutes of the meeting of 11 December 2008 are attached as appendices to this report.

The Proposal

4. The proposal seeks approval for the reserved matters of appearance, landscaping and layout relating to outline permission 07/01427/O.
5. The broad layout of the proposals remains as per the indicative details submitted with the outline application although there have been some amendments due to the house types now proposed and in order to respond to arboricultural, design and drainage implications of the site.
6. The 51 dwellings are arranged in three different areas. Site 'A' is accessed from Taylors Lane to the west of Dowding Road. To the north of Taylors Lane 11x4-bed private dwellings are proposed. To the south of Taylors Lane 7x4-bed private dwellings are proposed along with 7 affordable units comprising 1x5-bed, 3x4-bed and 3x2bed dwellings. Site 'B' is located at the end of Dowding Road to the northwest of the site, 4x4-bed private dwellings are proposed in this area along with 4x3-bed dwellings. Site 'C' is located to the northeast of the site accessed via Dowding Road where 12x4-bed and 2x3-bed private dwellings are proposed along with 2x3-bed and 2x2-bed affordable dwellings.
7. All dwellings are two-storey and 10 different house types are proposed comprising of detached or semi-detached dwellings with the exception of a single terrace of three 2-bed properties.

Equality and Diversity Issues

8. There are not considered to be any significant equality and diversity issues.

Representations Received

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Three letters of objection have been received citing the issues as summarised in the table below.

Issues Raised	Response
Loss of green space and tennis courts.	The principle of the loss of open space and the tennis courts is not for determination under this application and has been approved under permission 07/01427/O.
The new access off Taylors Lane would not be safe and the roads are not built for increased traffic.	Matters of access have been approved as part of the outline permission 07/01427/O and are not for determination under this application. The number of driveways onto Taylors Lane has been reduced by one and the exact positioning of these driveways amended slightly under the revised layout. This is discussed further in the layout section below (see para. 27 onwards).
The section of Taylors Lane in Old Catton should be upgraded to adoptable standard suitable for increased pedestrian and cycle use.	The issue relates to a matter of principle and access to the site which has been considered and resolved at outline stage. There is no requirement to upgrade the unadopted section of Taylors Lane as part of the outline permission.

Consultation Responses

10. Broadland District Council – Have referred back to the first of two sets of comments submitted under the outline planning application. These comments dated June 2007 detail that there is no objection although comment that the development includes cycle and pedestrian access to Taylors Lane which is in a poor state of repair and therefore request that Taylors Lane is repaired or upgraded as part of the development. They also requested that a hedgerow along the eastern boundary be retained.

It should be noted that the plans for the outline consent were amended and re-consulted on and subsequent to the above comments Broadland commented on amendments to the outline consent in November 2008 advising that they had no observations on the proposals. The comments relating to the hedge related to an earlier set of plans which included development to the east of Dowding Road, development in this area was removed from the proposals under the outline consent.

11. Environment Agency – Have confirmed that the drainage scheme is satisfactory and complies with the requirements of PPS25 (see para. 36).

12. Environmental Health – I will not comment on the reserved matters associated with this application since they are not associated with our previous correspondence. Comments were previously provided on the outline application for this development with respect to noise and contamination (attached) [this suggested conditions for insulation of windows facing the northwest boundary of the site with the airport industrial estate and the erection of 2m high noise barrier to be either fencing or a brick wall along the boundary]. Unfortunately it seems like the suggested measures

regarding acoustic protection to some of the dwellings was never conditioned in the consent (see para. 37).

I note that a site investigation report is supplied for inclusion in the reserved matters also. However, condition 10 of the outline permission refers to contamination and this will need to be discharged independently. I will review the report and comment as appropriate as and when the application to discharge the condition is received.

13. Landscape – Links to Evans Way, Hurricane Way, Taylors Lane and Heyford Road are indicated as footpaths. All should be for shared-use with cyclists and therefore will need to be 3.0m wide with flush kerb access and appropriate signage. Providing cycle access is important because the council are planning to implement a strategic cycle route between the airport and city centre (2011-12), which will run close to these sites

The pedestrian/cycle link westward towards Heyford Road appears to end at the site boundary. The applicant should be asked to show how this link would connect to the existing off-road path to Heyford Road.

There don't appear to be any details provided for hard landscaping; particularly fencing and paving. If so, details should be conditioned.

Relatively large communal areas seem to be proposed as grass e.g. alongside Dowding Road and Taylors Lane. These areas are not covered by the detailed landscaping plans or the landscaping section of the Design & Access Statement provided. Some of these areas include proposed swales presumably for surface water drainage. The applicant should be asked to consider how these areas are to be treated. Instead of closely mown grass a more appropriate management regime could incorporate areas of natural/meadow grass or wet grassland mix for the swales if soil moisture is likely to be high enough. Such areas would require less frequent cutting while adjacent paths and road edges could be maintained more regularly to provide a neater appearance. This approach would increase bio-diversity, reduce maintenance costs and enhance sustainability (see para. 46).

There is a mention of cycle storage in the Design & Access Statement but no details seem to have been provided. I assume that Transportation will have commented on this (see para.35).

The Highways, Access and Movement section of the Design & Access Statement refers to proposed adopted roads having a 1.0m wide footway provided. Footways should be a minimum of 1.2m width to allow use by wheelchairs and other mobility aids.

The proposed path leading to nos. 34 and 35 includes two right-hand bends, one of which is beneath the canopy of an existing tree. It would be preferable for the path to take a gently curving alignment which avoided the tree and catered better for the pedestrian desire-line.

14. Natural Areas Officer – Although the ecological appraisal has addressed the minimum legal requirements there is a lack of biodiversity mitigation measures.

The ecological assessment (Section 8.2) refers to the low conservation value of the proposed development site. To a very large extent this is true, as much of the site currently consists of close-mown amenity grassland, although the many trees on

the site would attract a variety of invertebrate and bird life and the proposed retention of most of the trees as part of the new development is to be welcomed.

However, there is little mention of any proposed ecological enhancement in the application details, although a development of this size and type would clearly offer some scope for this. In addition to providing more native trees and shrubs, there would be potential for using meadow or wetland mixes instead of amenity grass in at least some areas, notably the proposed surface drainage swales. The use of these could help to create a more attractive and bio-diverse environment around the development, as well as reducing carbon emissions as less frequent mowing would be required. There is also the potential for incorporating bird and bat boxes into at least a proportion of the houses, as well as small scale but useful features such as 'hedgehog links' (i.e. 15cm diameter gaps at the base of fences) that would allow small animals to move through the development.

A fairly large development such as this one offers significant opportunities for biodiversity enhancement as advocated in section 14 of PPS9 (see para. 47).

15. Norfolk Historic Environment Service – The proposed development sites represent a large area (c.2.75ha combined) with uncertain historic environment potential. The sites lie within the former Horsham St Faith airfield and 1946 aerial photographs show that parts of Sites B and C contained concrete dispersal points at that time. However the aerial photographs also show that the majority of these areas and Site A were not developed as part of the airfield and appear to have remained as open space. Consequently there is potential for previously unrecorded heritage assets (buried archaeological remains) to be present in these areas.

The developers approached the Historic Environment Service in March 2011 about the possible implications of development on this site, and were advised to undertake an archaeological evaluation in accordance with the attached brief.

It is acknowledged that the application is a reserved matters application, with no archaeological condition on the outline. However, the outline was submitted a number of years ago, and since then, studies of the historic environment of Norfolk (such as the National Mapping Programme) have shown that assets of archaeological interest are far more dense than previously thought. In addition, there has been a general recognition in recent years that heritage assets with archaeological interest are frequently well preserved within airfield sites, due to the lack of post war heavy agriculture.

While our advice to Barratt Eastern Counties said that the results of an archaeological evaluation should accompany any planning application (in line with PPS 5 policy HE 6.1), we recognise that the site already has permission, and hence we recommend that the current application be subject to a condition for archaeological evaluation, mitigation and recording (see para. 24).

16. Norwich Society – We approve of the way this parkland site has been protected, and the designs are in keeping with the ex-RAF houses (see para 33).
17. Norwich International Airport – Have advised that there is no objection subject to a condition restricting external lighting to a flat glass, full cut off design which is horizontally mounted to prevent light spill above the horizontal (see condition 11).
18. Old Catton Parish Council – Thank you for consulting my Council on the above

application to which it has no objection.

However, there are very significant implications for Old Catton that will arise as the residents of the new properties will associate very much with Old Catton rather than the City of Norwich. They will be included in the Church parish. The children will probably go to school in Old Catton, the junior school is next door to the Recreation Ground in Church Street, Old Catton. The families will probably join some of the Village organisations, uniformed organisations, WI, etc. The residents will probably use the facilities provided by my Council at the Church Street Recreation Ground and Lavare' Park where there are well equipped play areas for all ages, a Multi Use Games Area, tennis courts, a bowling green and cricket and football pitches. Canon Park is already used by City as well as Broadland residents. They will find it convenient to gravitate to Old Catton as there is a pedestrian and cycle access via Taylors Lane and a pedestrian crossing at St Faiths Road enabling safe access to the remainder of the Village (see para. 22).

When children at the Recreation Ground were surveyed as part of a consultation about new play equipment it was noted that some of the children lived in the new houses at Fifers Lane; they regarded the Recreation Ground as their 'local' play space. Although technically the residents of the new homes will live in the City in reality they will probably feel part of the community of Old Catton. For these reasons I ask that at least a part of the section 106 funds for play and open space provision is paid either to my Council or to Broadland District Council (who will then pass it to my Council for use on approved projects) so that the future residents of the new homes actually get the benefit of that part of the money they pay for their new homes (see para. 23).

Also there is concern about the pedestrian and cycle access via Taylors Lane which is an unadopted road of a very poor standard. In previous discussions I understand there was some intention to improve the surface of Taylors Lane to enable the new residents to use it safely.

19. Strategic Housing – The affordable housing is provided in the three areas detailed within the section 106 agreement. The affordable housing is however situated to the edges rather than being truly integrated with the private dwellings throughout the development. The revised mix of affordable housing types reflects both the housing need and a mix that is attractive to Registered Providers. The properties are of a good size and exceed the HCA design and quality standards for space (see para. 31).

The tenure mix of the affordable dwellings is proposed to be 12 units at 'Affordable Rent' and 3 units for shared equity. The current s106 agreement stipulates that the mix should be 12 units at social rent and 3 for shared ownership. We would strongly prefer to keep the 12 units at social rent rather than the new 'affordable rent' model but we are comfortable with the switch from shared ownership to shared equity as long as we can limit the level of equity sold at first sale. If the developer shows that social rent is not possible for viability reasons we would expect a full open book appraisal to demonstrate this and will then consider a change to affordable rent or lower number of social rented dwellings. Presumably if the tenure is to change this will require a deed of variation to the s106 agreement (see para. 50).

There appears to be parking areas for affordables and garages for the private

dwellings which will not truly create a tenure blind development. The parking arrangement to unit 6 feels slightly awkward but I'm not sure how else it could be provided. The Highways hierarchy shows that the road ways to the affordable units are private drives – who will own and maintain these drives? It is assumed that the inclusion of solar panels for hot water heating will meet the requirement for 10% renewables and we would welcome an enhancement to the CSH level for water and energy in line with the joint core strategy if possible.

20. Tree Protection Officer – Following amendments to the application the proposals are acceptable subject to compliance with the Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan (see para. 27).

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

PPS1 – Delivering Sustainable Development
PPS1 Supplement – Planning and Climate Change
PPS3 – Housing
PPS9 – Biodiversity and Geological Conservation
PPG17 – Planning for Open Space, Sport and Recreation
PPG24 – Planning and Noise
PPS25 – Development and Flood Risk

Relevant policies of the adopted East of England Plan Regional Spatial Strategy 2008

ENG1 – Carbon Dioxide Emissions and Energy Performance
ENV7 – Quality in the Built 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 3 – Energy and Water

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

NE3 – Tree protection
NE8 – Biodiversity
NE9 – Landscaping
HBE12 – High Quality Design
EP16 – Water Conservation and Sustainable Drainage Systems
EP18 – High Standard of Energy Efficiency
EP20 – Sustainable Use of Materials
EP22 – High Standard of Amenity
SR12 – Green Links
TRA6 – Parking Standards
TRA7 – Cycle Parking
TRA14 – Safe Pedestrian Network
TRA15 – Cycle routes and Enhanced Facilities

Other Material Considerations

Draft National Planning Policy Framework July 2011

Written Ministerial Statement - Planning for Growth March 2011

Principle of Development

21. The principle of the development along with matters of access and scale have been approved under outline permission 07/01427/O. A number of consultation responses relate to issues of principle or access which have been considered and resolved under the outline permission.
22. There have been a number of requests that the unadopted section of Taylors Lane in Old Catton be upgraded. There was some discussion about this at outline stage however no subsequent improvements were secured under the outline consent. A resolution to approve the outline consent was given by the Planning Committee at their meeting on 11 December 2008. The minutes from this meeting note that Old Catton Parish Council had given notification that it no longer wanted Taylors Lane to be adopted. There is no correspondence relating to this on the file and Old Catton Parish Council contend that such a notification was given. Nevertheless, no such provision was secured under the outline consent and given that the principle and matter of access has been approved it is not reasonable to seek to secure improvements under the reserved matters application.
23. Old Catton Parish Council have also requested that provision be made for open space and play space contributions to be spent in Old Catton Parish. The S106 agreement completed for the outline application makes provision for a child play space contribution to the City Council and either on site provision of public open space or a contribution to provision of or enhancing existing public open space. With reference to contributions being spent within Old Catton Parish, the committee report from the meeting of 17 November 2008 details that obligations would be paid to the City Council and that it would be a matter for the other council services as to the most appropriate place to expend any monies. However the wording of the completed S106 is subject to a number of council covenants, one of which is to expend the monies within the City of Norwich and for no other purpose. Given this covenant it is not considered that the City Council could pass the monies onto a parish or authority outside of Norwich as this would clearly be in breach of the covenant.
24. Norfolk Historic Environment Service has requested a condition for archaeological evaluation, mitigation and recording. This is again a matter which should have been imposed on the outline consent and again it is not considered that such a condition could reasonably be imposed on the reserved matters consent.
25. The authority cannot reasonably withhold consent for the reserved matters due to issues which relate to matters of principle or access (which were dealt with under the outline consent). Indeed DCLG circular 03/09 makes clear that it is unreasonable for the Local Planning Authority to refuse to approve a reserved matters application based on matters which should have been resolved at outline stage.
26. A further matter which was raised but not imposed as a condition on the outline consent is noise insulation to windows of properties facing the northwest boundary.

As this in part relates the detailed layout and internal design of individual dwellings it is considered that such a condition could be imposed on the reserved matters consent. This is discussed further in the sections below.

Layout

Arboricultural Implications

27. As detailed in the description above the layout broadly follows the indicative layout provided at outline stage. Layout originally formed a part of the outline consent and was removed just before the committee resolution in December 2008 due to concerns over the implications of the layout for the hedging on both sides of Taylors Lane. The intention was for the reserved matters to provide for an amended layout which sought to retain the hedge as far as possible this is made clear in the minutes of the meeting which are attached.
28. Amendments have been sought during the course of the current reserved matters application to attempt to ensure that the impact on trees and hedgerows is minimised as far as possible.
29. The impact on the hedgerow along Taylors Lane has been mitigated by reducing the driveway accesses through it from 6 (under the indicative information at outline) down to 4 and the Oak tree at the corner of Dowding Road and Taylors Lane is now to be retained. All trees on the site have been reviewed as part of the application. Of 117 trees on the site 16 are proposed for removal as part of the application and those which are to be removed are either small specimen or in a poor condition. There should be replacement planting on the site for those trees which are being lost along with conditions on the consent for compliance with the arboricultural assessments, method statements and protection plans.
30. The tree protection plan identifies areas for contractors parking and storage areas, in general most of these are considered acceptable however there are two areas which could have potential implications for trees and hedgerows. Further details of the access points to these areas are required and in one area the boundaries need to be amended to ensure there is no conflict with the adjacent hedge. These details should be a condition of any consent.

Design Quality

31. As far as possible the scheme has been designed to front buildings onto public space and create active frontage. The scheme is extremely low density with large properties occupying fairly large plots of land, although this is generally in character with the former RAF housing. Within the context of the sites constraints and the need for the proposals to generally conform to the indicative layout provided at outline stage, the design is considered to be acceptable.
32. A building for life assessment has been submitted with the application which suggests the scheme scores 14.5. 14 being the minimum requirement of JCS policy 2. Some of the scores given are considered to be questionable although the ability to improve the design is limited, particularly as the general road layout and organisation of public spaces is dictated by the existing arrangements on site.
33. Affordable housing is arranged in three locations in line with the requirements of the S106 agreement. It is not truly integrated, however this does have its benefits from

the perspective of management by a registered provider.

Parking and Refuse

34. All properties other than affordable units have garaging with at least two parking spaces. Car parking is in excess of the maximum parking standards set out in policy TRA6. The amount of parking results from the relatively long driveways leading to garaging. Again sites constraints and the need for the proposals to generally conform to the indicative layout provided at outline stage makes this situation largely unavoidable.

35. Garaging and rear gardens provide more than sufficient space for secure cycle and refuse storage.

Surface Water Drainage

36. A detailed surface water drainage strategy has been submitted with the application. This details the provision of soakaway's to deal with surface water drainage up to and including the 1:100 year event including allowances for climate change. There is a condition for surface water drainage on the outline consent however it would not require retention in perpetuity. Therefore it is considered necessary to condition the provision of the soakway's prior to first occupation and their retention in perpetuity. Separate storage areas are provided within green space for the drainage of new roads and driveways.

Noise

37. Plots 26-37 all have rear boundaries with the airport industrial estate. The floor plans submitted for these plots detail that all have bedroom windows on the first floor facing these boundaries. In order to ensure a satisfactory level of amenity to these bedrooms it is considered necessary to condition details for the insulation of these windows.

Amenity

38. All properties have generous rear gardens providing private external amenity space. Given the layout of the site there are not considered to be any significant amenity implications for proposed or existing neighbouring dwellings in terms of overlooking or overshadowing.

Appearance

Design

39. The design of the dwellings is fairly typical for a suburban development site. There are a number of house types all of which follow a fairly traditional two storey pitched roof form. In the context of this site this approach is considered to be appropriate.

40. Some details of materials have been provided within the design and access statement, however these are limited and will require further discussion and samples to agree final details. It is considered necessary to condition details of materials.

Energy Efficiency

41. Limited information on energy efficiency is provided within the application. There are pre-commencement conditions on the outline consent for details of water, energy and resource efficiency measures to be submitted along with details of a

scheme for the provision of 10% of energy to come from renewable sources.

42. The submitted information suggests that the buildings will be constructed to code for sustainable homes level 3 and solar thermal panels would be provided. No information has been submitted to detail the estimated energy use of each dwelling or what area of panels would be required to provide 10% renewable energy. The detailed design therefore makes limited improvements over and above building regulations. However the design and access statement does commit to water usage of 105 litres/person/per day which is in line with the requirements of JCS policy 3. In order to achieve compliance with JCS policy 3 it is considered necessary to condition the water consumption of the site and to place a more detailed condition on the reserved matters consent relating to the provision of 10% of the sites energy from decentralised and renewable or low carbon energy.

Landscaping

43. The layout plans provide general information relating to the location of trees where they are to be retained and of the location of green spaces. Some far more detailed soft landscaping plans have been provided. However, these do not cover the whole of the site or cover the need for replacement planting in certain areas.
44. Some details of hard landscaping has been submitted such as the location of rear fencing or walls and broad details of surface materials for drive and pathways.
45. Unusually there is a pre-commencement condition on the outline consent where landscaping was also a reserved matter. The information submitted is considered to be sufficient to enable the grant of landscaping as a reserved matter as it clearly details the general landscaping principles for the site which are considered to be acceptable. However far more detail will be required to discharge the pre-commencement condition relating to landscaping, including details for the whole site, specific details of hard surfacing materials, boundary and kerb details to parking areas and front gardens.
46. Neither the submitted information nor the landscaping condition on the outline application covers the ongoing maintenance responsibilities. This information is considered essential in this case as there are numerous areas of communal space, the management of these areas needs to be clear in order to ensure the ongoing visual appearance of the site is not adversely affected. Any consent should be subject to a condition requiring details of ongoing management responsibilities.
47. An ecological report has been submitted with the application which concludes that no protected species were identified on the site and that the site is of limited conservation value. There is clearly potential for bats to use the site for foraging however no bat roosts were identified. The report identifies limited mitigation and enhancement measures. However, since the comments of the natural areas officer some amendments have been made to the species suggested in the landscaping proposals. As detailed above the landscaping needs to be considered further under the landscaping condition and this could allow for some biodiversity enhancements.
48. In addition to the above the S106 agreement completed at outline stage requires provision of public open space to be provided and laid out in accordance with a

public open space provision scheme. Such a scheme has not yet been agreed. There is a requirement for financial contributions for any public open space not provided on site. There are also a number of footpath links to be provided under the S106 agreement to link the site to neighbouring sites and highways.

Planning Obligations

49. Planning obligations have been assessed and secured at the time of the outline planning application in line with the development plan policies in force at that time.
50. The reserved matters application does however lead to a need for two amendments to the S106 agreement via a deed of variation as a result of the layout and design now proposed. These amendments are to vary the definition of affordable housing units, the S106 currently stipulates 7 detached and 8 semi-detached units. Under the current layout this needs to be revised to 8 semi-detached units, 4 detached units and a terrace of 3 units. This is considered acceptable as it provides a broad range of affordable house types and sizes.
51. The other variation is to amend the definition of children's playspace contribution so that it covers the four and five bed properties now proposed.

Conclusions

52. The principle of the redevelopment and matters of access have been approved at outline stage and the application seeks approval for matters of layout, appearance and landscaping. The layout of the site has been amended in order to respond to the arboricultural constraints of the site. Whilst certain aspects of the design are not ideal with particular reference to parking, energy efficiency and certain elements of the landscape proposals, within the context of the sites constraints and the need for the proposals to generally conform to the indicative layout provided at outline stage, on balance and subject to compliance with the conditions recommended and those already imposed under the outline permission the details are considered to be acceptable.

RECOMMENDATIONS

To approve Application No (11/00766/RM, Land at Dowding Road, Taylors Lane and Douglas Close, Norwich) and grant planning permission, subject to the completion of a deed of variation to the S106 agreement to cover amendments to the definitions of 'affordable housing units' and 'Children's Playspace Contribution' and subject to the following conditions:

1. Development to be carried out in accordance with the plans submitted;
2. Compliance with the arboricultural implications assessment, method statement and tree protection plan, with the exception of storage and contractors parking areas;
3. Details of tree replacement to be provided prior to commencement;
4. Details of constructors storage areas and parking areas to be provided including details of the location of access points to them and hoarding around them;
5. The scheme for surface water drainage to be implemented in full accordance with the details submitted and soakaways to be retained in perpetuity;
6. Details of sound insulation to the rear bedrooms of plots 26-37 to be submitted. The details are to ensure internal sound levels no greater than 35dB LAeqT

- (45dB LAMAX) in line with World Health Organisation guidance;
7. Details of the following materials:
 - a. Bricks;
 - b. Tiles;
 - c. Render;
 - d. Porches;
 - e. Windows.
 8. Development to achieve a water consumption rate of no more than 105 litres/person/day, equivalent to Level 4 of the Code for Sustainable Homes for water usage.
 9. Exact details for the provision of the solar thermal panels to be submitted along with details of how these will achieve 10% of the sites predicted energy requirements from decentralised renewable or low carbon sources. Including the following information:
 - a. the estimated annual energy consumption of the development in kWh (including details for each dwelling);
 - b. the average annual energy production (in kWh) of the proposed panels per square metre, gross taking into account site characteristics such as orientation, pitch and overshadowing;
 - c. the total areas of panels proposed;
 - d. plans and elevations of the proposed panel locations;
 - e. details for the projection of the panels from the roof slope;
 10. Details for the ongoing maintenance of areas of the site including a plan of those areas to be managed by private occupiers, those areas to be managed by a registered provider of affordable housing and those areas to be managed by a management company.
 11. Details of any external lighting to be submitted.

(Reasons for approval: The decision has been made with particular regard to policies ENG1 and ENV7 of the adopted East of England Plan (May 2008), policies 1, 2 and 3 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011), saved policies NE3, NE8, NE9, HBE12, EP16, EP18, EP20, EP22, SR12, TRA6, TRA7, TRA14 and TRA15 of the adopted City of Norwich Replacement Local Plan (November 2004), PPS1, PPS3, PPS9, PPG17, PPG24, PPS25 and other material considerations. The layout of the site has been amended in order to respond to the arboricultural constraints of the site. Whilst certain aspects of the design are not ideal with particular reference to parking, energy efficiency and certain elements of the landscape proposals, within the context of the sites constraints and the need for the proposals to generally conform to the indicative layout provided at outline stage, on balance and subject to compliance with the conditions imposed and those already imposed under the outline permission the details are considered to be acceptable.)

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

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

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.

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

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.

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;

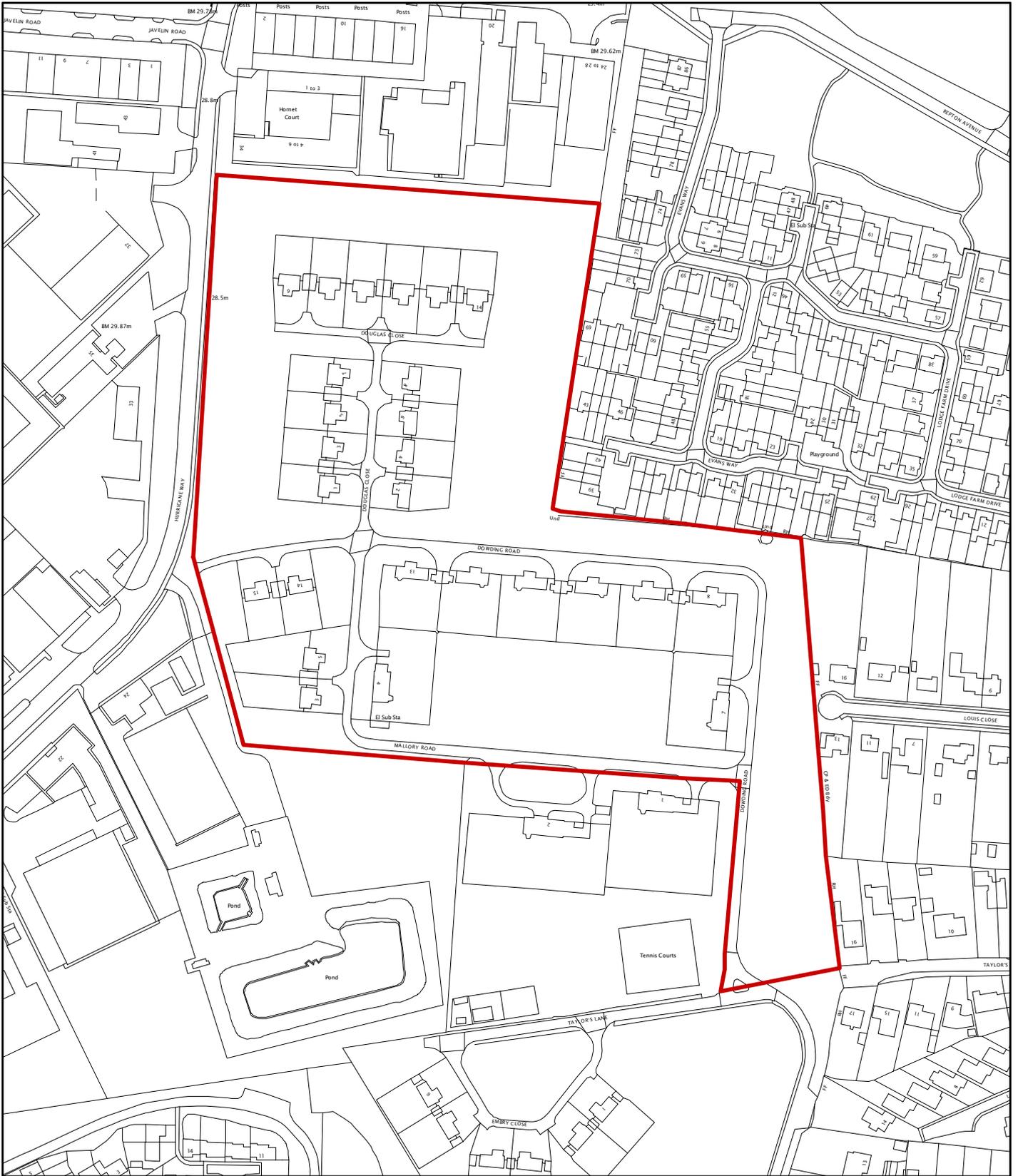
17. Submission of a servicing management plan, including details of proposed delivery times;
18. Submission of full details of cycle storage;
19. Submission of a fire strategy including details for the provision of fire hydrants;
20. Vehicular access to be constructed to Norfolk County Council Specification;
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 - 1:2500



NORWICH
City Council

DIRECTORATE OF REGENERATION
AND DEVELOPMENT



**EXTRACT FROM THE MINUTES OF
THE PLANNING APPLICATIONS COMMITTEE
MEETING HELD ON 11 DECEMBER 2008**

Present: Councillors Bradford (Chair), Llewellyn (Vice-Chair), Collishaw (to end of item 6), Bearman, Driver (to end of item 12, other Council business), Little (S) (not on site visit), Lubbock and Stephenson (to end of item 12, other Council business)

Apologies: Councillor Little (S) (for site visit only) and Councillors Banham, Lay and George

5. LAND AT DOWDING ROAD, TAYLORS LANE AND DOUGLAS CLOSE

(Councillor Bearman left the room for the duration of this meeting.)

The Senior Planner (Development) (Outer) referred to the presentation at the previous meeting and the subsequent site visit undertaken by the Committee on 8 December 2008 and said that the applicant had amended the application so that layout was now a reserved matter. The layout on the plans was therefore indicative. Old Catton Parish Council had given notification that it no longer wanted the part of Taylors Lane just outside this site to be adopted. It was recommended that the developers changed the name of the other part of Taylors Lane to avoid confusion. The internal roads on the site were all adopted and new footpaths would be put in. The Council's Tree Protection Officer considered that the oak tree was dangerous and was satisfied that it could be removed. The Senior Planner and the Planning Development Manager answered members' questions. A revised planning showing the correct boundaries of the site was circulated.

A resident then addressed the Committee with his concerns about this development using urban greenspace, increased traffic and the fact that the layout of the houses was 'indicative'. He called on the City Council to take over the management of the green areas.

The agent on behalf of the applicant then spoke in support of the application and explained that the application had been amended so that layout was indicative in order to resolve the questions that had been raised as to the retention of the hedgerow and to turn around the houses in order to protect the privacy of existing residents. The cycle path had been required by officers. There would be no objection to renaming that part of Taylors Lane that was within the development site. The green spaces were privately owned and landscaping was a reserved matter for the detailed planning application.

Discussion ensued in which members stated their support for the full retention of both sides of the hedgerow and sought further explanation about the indicative layout. Councillor Stephenson expressed concern about the loss of the green space in area C of the proposals and the effect of this part of the amenity of neighbouring properties. The importance of the green links for biodiversity was noted but the

maintenance of these by the Council was a matter for the Head of Community Services. Members also discussed play provision in the area and it was suggested that some play equipment could be provided on the site for small children.

RESOLVED, with 6 members voting in favour (Councillors Bradford, Lubbock, Little, Llewellyn, Collishaw and Driver) and 1 member voting against (Councillor Stephenson) to approve Application No 07/01427/O L – Land at Dowding Road, Taylors Lane and Douglas Close and grant planning permission subject to:-

(1) 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.

(2) the appropriate conditions:-

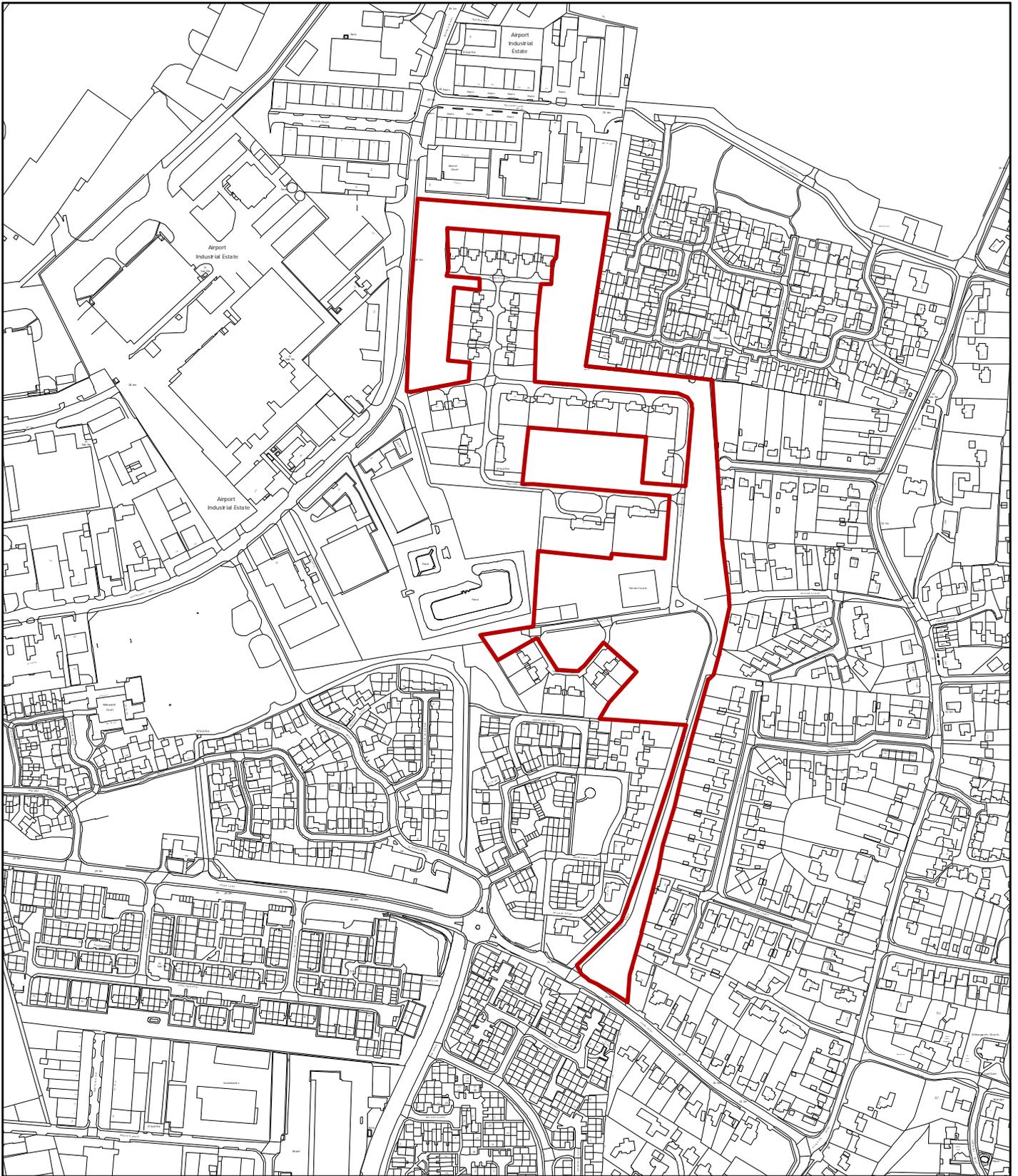
1. Standard outline time limit;
2. Reserved matters shall relate to the Appearance and Landscaping of the proposed development;
3. Details of approved plans;
4. Submission of a landscaping details, including all hard and soft treatments, also including lighting plans and the provision of offsite landscaping 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;

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 and amphibian survey.

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

(Reasons 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 11/00766/RM
Site Address Land at Dowding Road, Taylors Lane and Douglas Close
Scale 1:5,000



NORWICH
City Council

PLANNING SERVICES



51 PROPOSED UNITS AT DOWDING ROAD
NORWICH

SITE LAYOUT PLAN

Scale 1:1000 Dwg no 011a

Date April 2010

rev a 24 July 2011 layout/red line amended







34

30 31 32 33

30 31 32 33
3 Bed 3 Bed 3 Bed 3 Bed

9

14

34 35 36 37
3 Bed 3 Bed 2 Bed 2 Bed

3 Bed

33

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5133



Plot 38 Plot 39 Plot 40 Plot 41 Plot 42 Plot 43 Plot 44 Plot 45

Street scene from adopted road plots 38-45 Area C



Plot 26 Plot 27 Plot 28 Plot 29

Street scene from adopted road plots 26-29 Area B



Plot 15 Plot 16

Street scene from adopted road plots 15-16 Area A



Plot 16 Plot 17 Plot 18 Plot 19 Plot 20 Plot 21

Street scene from Taylors lane plots 16-21 Area A



Plot 9

Plot 10

Plot 11

Plot 12

Plot 14

Plot 21

Plot 22

Plot 23

Street scene from Dowding road plots 9-14 21-23 Area A



Plot 13

Plot 12

Plot 11

Plot 10

Plot 9

Street scene from new adopted road plots 9-13 Area A

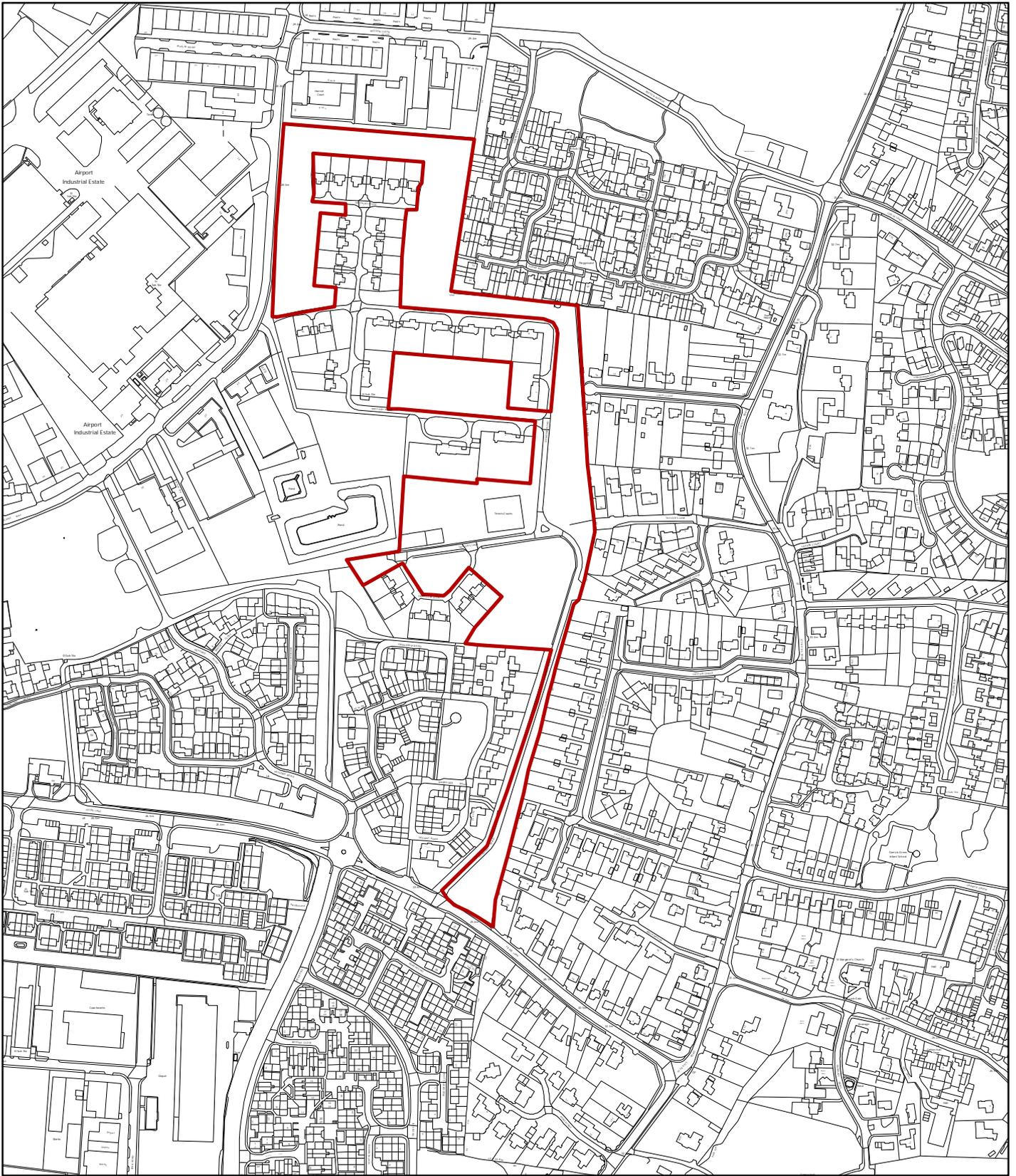


Plot 9

Plot 8

Plot 7 Plot 6 Plot 5

Street scene from adopted road plots 5-9 Area A



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Planning Application No 12/00354/RM

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

Scale 1:5,000



NORWICH
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