

Report to Planning applications committee
Date 6 February 2014
Report of Head of planning services
Subject 12/01598/VC Wentworth Gardens, (site of former Civil Service Sports Ground, Wentworth Green)

Item
4(2)

SUMMARY

Description:	Variations to the terms of the approved Section 106 Agreement forming part of the planning permission 07/01018/F, pending agreement and variation through pending application 12/01598/VC: "Variation of conditions 2 and 7 - changes to approved plans and details and schedule of trees to be retained; and condition 8 - changes to required drainage system designs, of planning permission 07/01018/F 'Erection of 78 dwellings, associated vehicle and pedestrian/cycle accesses, ground works and open space'. Variations concern tree felling strategy, tree works and landscaping proposals, and maintenance thereof, and drainage systems construction and ongoing management thereof." Alterations are now required to the terms of the original Section 106 Agreement in addition to previous committee resolutions.
Reason for consideration at Committee:	Obligation Requirements; Objections.
Recommendation:	Approve proposed changes to Section 106 Agreement.
Ward:	Eaton
Contact Officer:	Rob Parkinson Senior Planning Officer 01603 212765
Valid Date:	4th August 2012
Applicant:	Persimmon Homes.
Agent:	Persimmon Homes.

INTRODUCTION

The Site

Location and Context

1. The site is the development known as Wentworth Gardens, currently under construction and partially occupied at the former Civil Service Sports Ground accessed from Wentworth Green and Brentwood.
2. Committee is asked to consider only a proposed change to the terms of the highways works and on-site drainage scheme maintenance as currently required under permission 07/01018/F, but which is already required be varied by application 12/01598/VC.
3. There are no changes proposed as part of this report which would affect the external

appearance of the development, or its physical relationship to the surrounding residential area, or the other terms of the agreement or planning permission which have previously been agreed by planning committee.

Relevant Planning History

07/01018/F – The original permission for “Erection of 78 dwellings, associated vehicle and pedestrian/cycle accesses, ground works and open space”, which was approved in Nov 2009. The report to planning committee for the original permission can be seen under committee meetings of 21st August 2008 at:

<http://www.norwich.gov.uk/CommitteeMeetings/Pages/Councilmeetingsfor2008.aspx>

The on-site affordable housing provision in the original permission and 2009 S106 Agreement was required to be 30% Affordable Housing (23 out of the 78 dwellings), of which 75% (17 dwellings) were to be social rented tenure, and 25% (6 dwellings) were to be ‘shared ownership’ tenures.

Committee approvals have twice allowed changes to the terms of affordable housing provision within the S106 Agreement, on 11th November 2010 and 23rd August 2012.

The November 2010 approved changes (if implemented) would allow the 25% ‘shared ownership’ units to instead be delivered as ‘Intermediate Tenure’ housing. The previous report and minutes of Committee in November 2010 are seen at:

<http://www.norwich.gov.uk/CommitteeMeetings/Pages/Councilmeetingsfor2010.aspx#November%202010>

The August 2012 approved changes (if implemented) would allow the 25% 6no. dwellings to actually all be used as Shared Equity housing. The Shared Equity housing would be marketed and sold at 75% of the open market value, with the remaining 25% equity in the property being transferred to the City Council. This is the format of affordable housing currently being pursued by the applicant. The previous report and minutes of Committee in August 2012 are seen at:

<http://www.norwich.gov.uk/CommitteeMeetings/Pages/Councilmeetingsfor2012.aspx>

12/01598/VC - Various details of the original permission have been approved, or minor alterations made, and there is a current application pending determination for changes to the agreed tree protection, landscaping and drainage schemes – ref 12/01598/VC. The planning committee report and minutes can be seen at:

<http://www.norwich.gov.uk/CommitteeMeetings/Planning%20applications/default.aspx?InstanceID=154>

Application 12/01598/VC was considered, determined and approved in principle by planning committee on 14th February 2013, but the decision has not yet been issued because there are delays in agreeing the Section 106 Agreement. The matters considered in this item are the final elements of the Agreement considered by Officers to be in need of variation before the decision can be issued.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

4. (i) To remove an obligation on the developer to pay a commuted sum to the Council for

drainage system maintenance,

5. (ii) To remove obligations on the developer to provide a range of highways works within Wentworth Green and Newmarket Road.

Representations Received

6. Application 12/01598/VC has been advertised on site and in the press and adjacent and neighbouring properties have been notified in writing. Various letters of representation have been received during the course of the application. One letter of representation has frequently been sent to the Council to request that the Highways works be finished.

Consultation Responses

7. **Highways Authority** – the highways works to Wentworth Gardens and Newmarket Road as built, are acceptable. There have been no known incidences of traffic problems arising from the missing items and which might have been prevented had they been installed. The drainage maintenance payment is unnecessary as the Council as Highway Authority will not be adopting the on-site drainage chamber system.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant policies were all considered at the time of the original planning application 12/01598/VC.

Transport and Access

8. The completed and outstanding Highways works are listed below:

Highways Works within the Section 106 Agreement of permission 07/01018/F:

- 1) Pay Transport contribution of £22,007.70p to the Council – PAID.
- 2) Pay Traffic Regulation Order fees of £1,495.00 to the Council - PAID.
- 3) Construct 2x cycle routes across the site. – COMPLETED.
- 4) Provide highways alteration works defined in the Section 106, namely:
 - (i) Realign Sunningdale's central white line – COMPLETED.
 - (ii) Provide Keep Clear signage on Newmarket Road – COMPLETED.
 - (iii) Provide details on approved plan 2475/03/04 Rev A, comprising:
 - Build a Raised Table with asphalt ramps leading into the new site within the new access road. – COMPLETED.
 - Install 2x timber bollards within the Wentworth Green pavement, one either side of the new access. – NOT PROVIDED.
 - Narrow the road / widen the pavement to create a

4.8m-wide road carriageway. – NOT PROVIDED

(NB, the kerbs outside no. 18 Wentworth Green are 5.6m apart; the kerbs outside no. 22 are 5.65m apart).

- Provide a realigned kerb line to the new site entrance, creating a 6m kerb radii at the new junction. – NOT PROVIDED.
- Provide coloured surfacing on Wentworth Green. – NOT PROVIDED.
- Provide cycle measures across the Newmarket Road / Sunningdale junction (in accordance with a plan to be first agreed with the Council). – NOT PROVIDED.
- Provide on-site bollards across the entrance to the site's cycle routes. - COMPLETED.
- Provide on-site cycle signage at the entrance to the site's cycle routes. - NOT PROVIDED.

Environmental Issues

Drainage system

9. The applicant has varied the design and capacity of the on-site sustainable drainage system from that originally proposed, but this amendment has already been approved in principle by planning committee (February 2013).
10. The original agreement anticipated adoption of this system by the Council, which has since transpired is not possible and instead the maintenance and management will need to be through the on-site Residents Management Group. As such, the requirement to pay a financial contribution of £5,000 to the Council to cover 15 years maintenance of the on-site drainage system is no longer appropriate and should be deleted.

Local Finance Considerations

11. There will be no impact on Council resources as there will be no maintenance liability on the Council.

Planning Obligations

12. As there has been some local interest in the content and progress of the various parts of the original Section 106 Agreement, it is considered worthwhile to provide a schedule of the changes necessary to all of the original planning obligations in this development. Appendix 1 refers.

Conclusions

13. The obligations for providing outstanding highways works and payment of a commuted sum for drainage maintenance are either not relevant or not justified subsequent to the largely successful functioning of the Wentworth Gardens development.
14. In combination with the revisions proposed subsequent to previous planning committee approval, the amended Section 106 Agreement and the provisions of planning

application 12/01598/VC will ensure the development delivers a high quality of housing with appropriate on-site provision and maintenance of sustainable drainage, play facilities, open space, landscaping, tree maintenance and cycling and pedestrian links, and will continue to provide suitable means of access which avoids detriment to residential amenity.

RECOMMENDATIONS

To approve Application No 12/01598/VC: Wentworth Gardens, site of former Civil Service Sports Ground, Wentworth Green, Norwich, and its subsequent changes to the anticipated Section 106 Agreement, and grant planning permission, subject to the conditions outlined in the committee approval of 14 February 2013, and the completion of a satisfactory S106 agreement to include the obligations set out in the committee approval of 14 February 2013, with amendments to highways works and drainage maintenance sums as discussed above, for the reasons given in the planning committee approval of 14 February 2013.

Appendix 1:

Wentworth Gardens – S106 alterations required prior to issuing permission

Highways / Transport matters

S106 of 07/01018/F – currently requires:

- Transport contribution £22,007.70p – PAID.
- TRO contribution £1495.00 - PAID.
- 2x cycle routes across the site. – COMPLETED.
- Highways works comprising details on plans, namely:
Realign Sunningdale White Line – COMPLETED.
 - Keep Clear signage – COMPLETED.
 - Details on an applicant's approved plan 2475/03/04 Rev A, comprising:
 - o Raised Table with asphalt ramps leading into new site within new access road. – COMPLETED.
 - o 2x timber bollards on pavement, one either side of the new access. – NOT PROVIDED.
 - o Road narrowing / pavement widening to create 4.8m wide road carriageway. – NOT PROVIDED (Kerbs outside no. 18 Wentworth Green are 5.6m apart; Kerbs outside no. 22 are 5.65m apart).
 - o New kerb line to new site entrance, for 6m kerb radii at junction. – NOT PROVIDED.
 - o Coloured surfacing on Wentworth Green. – NOT PROVIDED.
 - Cycle measures across Newmarket Road / Sunningdale (in accord with a plan to be agreed with Council) – NOT PROVIDED.
 - On-site signage and bollards across the site. – Bollards – PROVIDED; Cycle Signs - NOT PROVIDED.

Drainage

S106 of 07/01018/F – currently requires:

- Drain contribution of £5,000 to Council to cover 15 years maintenance. – NOT REQUIRED – used when it was assumed Council would adopt.
- Drainage Management Scheme – PROVIDED as details within the Residents Management Group Management Report – Refer to this in the new S106 to ensure maintenance is OK when passing into Residents Management Group.
- Drain Provision Scheme – plans and specs for drainage scheme. – PROVIDED WITHIN THE APPLICATION.

Include in the s106 a new clause requiring Drainage to be provided and laid out as per the details of the named Drainage Spec plans and maintained as per the Management Report, but also to be approved by planning condition anyway.

Library Contribution

S106 of 07/01018/F – currently requires:

£4,680.00 payment to County Council. – PROVIDED.

Public Open Space

POS is not to be adopted, but needs to remain publically accessible in perpetuity.

Public Open Space Specification – needs Council agreement – details submitted, needs approval through planning condition and as a letter confirming s106 obligation satisfied and transferred to condition.

Needs a new clause – provide and maintain POS as per the POS plans and landscape plans and provide prior to first occupation of 77th or final dwelling on site.

Children's Play Equipment

Play equipment is not to be adopted, but needs to be provided and retained as per the play equipment spec agreed with the Council.

Play equipment specification – does not need specific Council agreement – but details submitted for planning condition and needs approval through planning condition.

Needs a new clause – provide and maintain play equipment as per the plans and provide prior to first occupation of 77th or final dwelling on site.

Tree Belt Maintenance

The Council will not adopt the tree belts and Conditions will require the trees to be managed satisfactorily. Therefore there is no need for payment of tree belt maintenance.

Planning committee has approved the removal of these payment clauses.

Affordable Housing

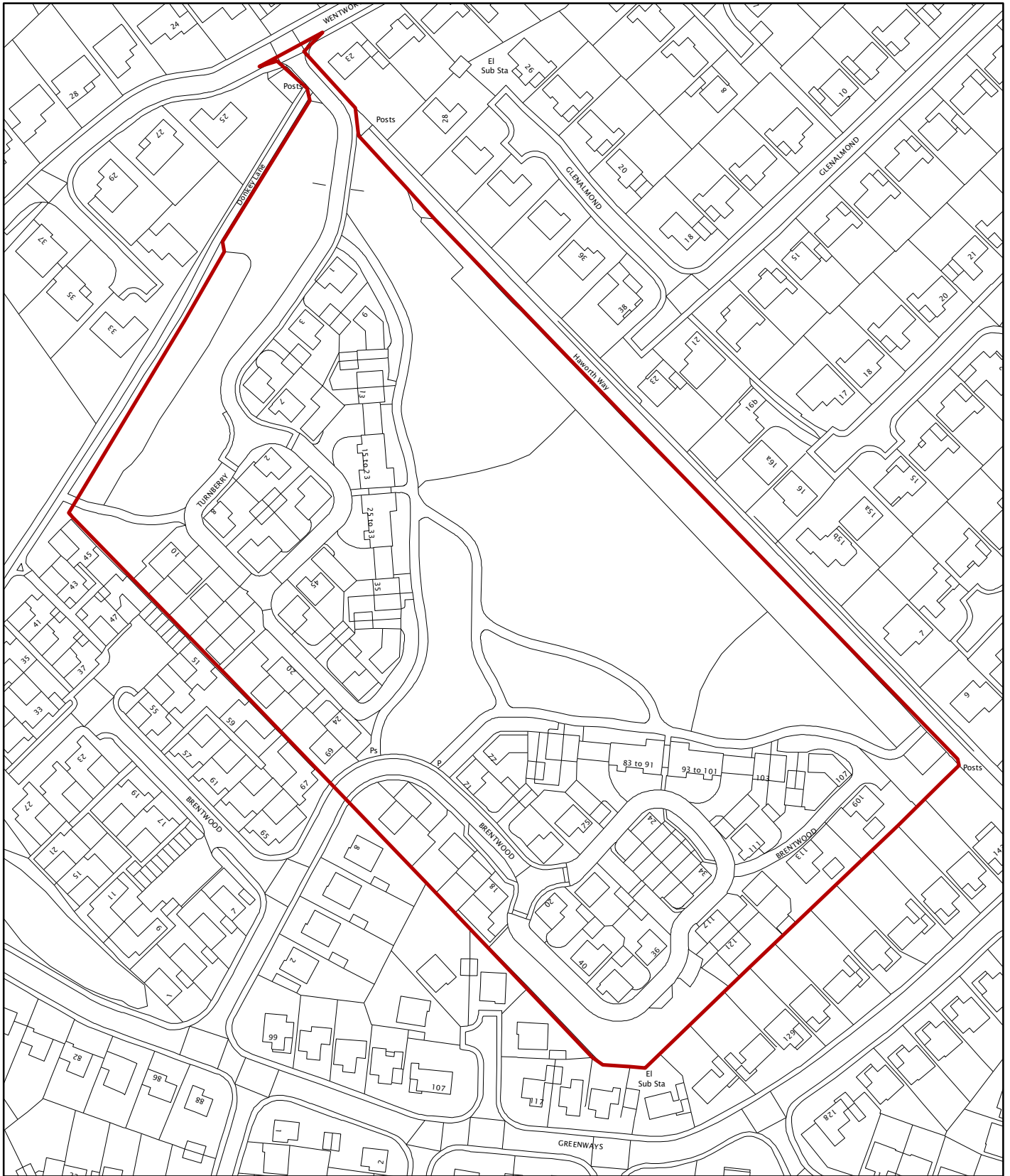
The s106 as worded requires 23 affordable houses on site, of which 17 affordable rented houses, and 6 shared ownership. The committee has agreed to the use of more Intermediate Tenure in lieu of the 6 shared ownership, comprising Shared Equity (up to 75% stake) and/or Intermediate Rent, but this has not been changed in an agreed s106 A document yet (although Shared Equity is drafted to be required rather than shared ownership in latest draft s106 doc 'dlowe755 15.08.12').

Planning committee has approved the above alteration to affordable housing.

S106 matters at January 2014**Obligations fulfilled / outstanding – proposals for new S106 or revised S106A.**

S106 Chapter + Para	Obligations	Require / Delete?
Schedule 3 Part 2 Para 1	Children's Play Equipment Contribution – if Public Open Space is to be adopted, needs a transfer of POS to Council and pay Play Space commuted sum to Council.	Delete – Council will not adopt land and it will be managed by RMG (the Residents Management Group). No need for Play payment.
Schedule 3 Part 2 Para 2	Transport contribution payment to Council.	Delete – fulfilled.
Schedule 3 Part 2 Para 3	3.1 & 3.2 Public Open Space – if POS is to be adopted, needs a transfer of POS to Council and pay POS maintenance commuted sum to Council.	Delete – Council will not adopt land and it will be managed by RMG. No need for POS maintenance payment.
	3.3 - Public Open Space Specification – needs Council agreement. 3.4 – POS provision – provide POS as per the agreed spec.	POS Spec still needs formal approval. Amend – require POS to be provided and laid out as per the details of the named POS Spec Doc.
	3.5 – Occupancy restriction around POS provision. 3.6 – Providing public access in perpetuity as per POS Spec.	Amend – require the POS and the cycle routes / paths across to be accessible to public in perpetuity.
	3.7 – POS to remain as POS as defined by POS A, B, C.	Retain.
Schedule 3 Part 2 Para 4	TRO Payment to Council.	Delete – fulfilled.
Schedule 3 Part 2 Para 5	5.1, 5.2 - Drainage Contribution (maintenance) Commuted Sum.	Delete – Council will not adopt drainage scheme and it will be managed by RMG. No need for drainage maintenance payment.
	5.3 – Drainage Provision Scheme to be agreed by Council.	Drainage Provision Scheme still needs formal approval. Amend – require

		Drainage to be provided and laid out as per the details of the named Drainage Spec designs (which is also to be approved by planning condition) and refer to the works proposed in the Residents Management Group Management Report.
	5.4, 5.5 – Drain Facility to be provided as per approved details.	Amend – require Drainage to be provided and laid out as per the details of the named drainage details.
Schedule 3 Part 2 Para 6	To pay Tree Belt Maintenance Contributions to Council.	Delete – Council will not adopt tree belt and it will be managed by RMG. No need for any tree maintenance payments. Note in letter the need for trees to be managed as per the docs in the planning conditions.
Schedule 3 Part 3	Affordable Housing	Amend. – delete reference to shared ownership and replace with requirement for 6 units to be shared equity as per the draft s106 clauses of 15 th Aug '12.
Schedule 3 Part 4	Highways Works – provide all features as specified in the s106 definition of Highways Works i.e. in the plans, discussed above.	Delete – fulfilled as reasonably expected by the Highways Authority. Note in letter the works have been fulfilled. Highways should send a formal letter confirming works are done.
Schedule 4	Library contribution payment to County Council.	Delete – fulfilled.



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Planning Application No 12/01598/VC

Site Address Civil Service Sports Ground
Wentworth Green

Scale 1:1,750



NORWICH
City Council

PLANNING SERVICES

