



NORWICH
City Council

Planning applications committee

Date: Thursday, 10 May 2018

Time: 09:30

Venue: Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH

Committee members:

Councillors:

Driver (chair)

Maxwell (vice chair)*

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Malik

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Agenda

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- Committee report 14 February 2013
- Extract from minutes 14 February 2013
- Committee report 6 February 2014
- Extract from minutes 6 February 2014
- Committee report 4 December 2014
- Extract from minutes 4 December 2014

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Date of publication: **Wednesday, 02 May 2018**

Report for Resolution

Report to Planning Applications Committee
Date 14 February 2013

Report of Head of Planning Services
Subject 12/01598/VC site known as Wentworth Gardens; site of former Civil Service Sports Ground, Wentworth Green, Norwich

Item

5(1)

SUMMARY

Description:	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'.	
Reason for consideration at Committee:	Objections	
Recommendation:	Approve	
Ward:	Eaton	
Contact Officer:	Rob Parkinson	Senior Planning Officer 01603 212765
Valid Date:	4th August 2012	
Applicant:	Persimmon Homes Ltd	
Agent:	Persimmon Homes Ltd	

INTRODUCTION

The Site

Location and Context

1. The former Civil Service Sports Ground is being developed for 78 houses and flats, with half the total accessed from Wentworth Green and half from Brentwood, both orientated around a triangular public open space containing drainage, play equipment and mini sports-pitches, and cross-site access paths and cycle routes. The site perimeter is characterised by tree belts, and in particular has two significant mature and established Tree Protection Order (TPO) protected lengths of beech trees, forming woodland belts along the length of the perimeter along Donkey Lane (north-west boundary), and the former access drive connecting Wentworth Green and Greenways now called Haworth Way (north-east boundary). There are also lines of TPO Scots Pines and other species behind properties along Greenways in the southern corner of the site, and three smaller non-TPO / 'unprotected' groups of poplar trees along the south east boundary and a group of Oaks and hedging along the Haworth Way path in the eastern corner near Greenways.
2. The site has a gentle west-east slope and at the southern-most corner of the site there is a fairly substantial change of levels between the application site and existing properties on

Greenways.

Constraints

3. The site is not part of the conservation area but most trees at the site are protected by Tree Protection Orders, including along the two long boundaries (east and west) and southernmost corner (TPO 369, comprising Groups G1, G2 and G3 and Woodlands W1 and W2), and the old hedgerow and mature oaks along the path in the very easternmost corner where the belt connects the site with Greenways (TPO 36, Group G4).
4. All relevant TPO designations and location of Poplars are shown in the attached plan.

Topography

5. When originally approved, a topographic survey was provided which showed the field to slope gently uphill from south-west to south-east, and the land where plots 65-67 would stand was shown to be rising from 28.40 to 28.78m AOD. However, the immediate boundary of the site was seen to slope downhill from the building plot towards the south-west corner by some 30-40cm. If the site has been levelled since then by raising the land then there was nothing to prevent this in the original planning permission so there could be an increased height difference to that originally envisaged, which will have been brought about by site levelling to facilitate drainage schemes.

Relevant planning history

6. **07/01018/F** - Erection of 78 dwellings, associated vehicle and pedestrian/cycle accesses, ground works and open space. (Approved, November 2009). This permission approved the 78-house development following the principles of an adopted development brief and Local Plan housing allocation in November 2009.
7. Under condition 7 of the permission there were detailed proposals for removal and works to trees needed to create the two accesses into the site from Wentworth Green and Donkey Lane, as described in an August 2007 Tree Assessment report by Bidwells, and a 21st February 2008 Supplementary Arboricultural Method Statement by Bidwells, both of which were referenced in condition 7, which states that "...all site works shall comply fully with the submitted Arboricultural Implications Assessment (AIA) approved as part of the planning permission."
8. The Tree Assessment report included the approved management strategy for the woodland belts (at Chapter 6), which included a clear felling programme phased over 4 years. The approved gradual felling of the beech woodland belts is also described at paragraph 15 below.
9. Various conditions have been approved since, relating to materials, fire hydrants and solar panels (Approval 11/01619/D, March 2012). There have also been some minor changes to the layout and siting of some of the approved houses in the southern corner, approved by the Non-Material Amendments described below.
10. **12/01236/NMA** - Repositioning of plots 65 - 67 and car parking spaces - amendments to planning permission 07/01018/F 'Erection of 78 dwellings, associated vehicle and pedestrian/cycle accesses, ground works and open space'. (Approved, October 2012).
11. **12/01669/NMA** - Amendments to planning permission 07/01018/F 'Erection of 78 dwellings, associated vehicle and pedestrian/cycle accesses, ground works and open

space' - repositioning of plots 75 and 76 and alterations to layout of adjoining garages and car parking to plots 68-74 and 78. (Approved, October 2012).

12. There are also details proposed within a pending application, regarding the specifications of landscaping, planting, walls and fence materials or hedges, and their maintenance. (Application **12/01034/D** – pending consideration and discussed below as appropriate).
13. Changes to the terms of on-site affordable housing provision have also been approved by planning committee on 23rd August 2012.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

14. There are two parts to the application submitted. Firstly relating to technical details of drainage, and secondly the finer details of tree management around the site. Whilst other issues may have been raised during the course of the application they have either formed a part of the original 2009 planning permission, or have been addressed through alternative procedures such as the condition applications or Section 106 process.
15. During detailed construction, the applicant has been required to change the nature of the approved **drainage strategy** which used a very specific drainage solution to satisfy the Environment Agency. Consequently this varies the terms of the original Condition 8 of permission 07/01018/F; in summary, rather than having one large 'aquacell' drainage chamber below the public open space, the scheme is now proposed to contain four elongated cells, still in the public space. All surface water from the site will now run into the centralised drainage chambers.
16. The applicant has also changed their proposal in respect of the **tree management**, and areas they wish to retain and remove. Originally, in 2009 the permission (07/01018/F) permitted the following:
 - Removal of all the non-TPO 30no. Lombardy Poplar trees (*Populus nigra* 'Italica') trees within their ownership along the southern boundary, to be replaced by replanting with garden trees in the new development.
 - Removal, if necessary and at the owners' discretion, of a mature birch tree from the adjoining garden of 142 Greenways, at the eastern corner of the site.
 - Removal of a group of beech, oak and birch from the protected Woodland and Tree Groups at the north entrance of the site at Wentworth Green, to create the access drive.
 - Removal of a Holm Oak and, if necessary, two beeches from the protected Woodland at the western corner of the site to make room for a new footpath to connect to Donkey Lane.
 - Gradual removal of 15m-long blocks of the beech woodland tree belts over 4 years, commencing in the 2nd year of management, through annual removal of two clumps of beech trees per year, preceded by annual under-storey and hedgerow management. There was no provision to retain any beech trees unless a detailed survey prior to felling showed that any mature individual beeches could be retained safely, through pollarding to a stable height of 2.5m. Clear felling would only apply to the Beech trees unless other single trees like Oaks were found to be damaged or sick beyond recovery. The clear

felling would have been followed by subsequent replacement planting using some semi-mature native mixed woodland species, such as oak, ash and an under-storey of holly, hazel and field maple, although not to the same densities and numbers as those removed.

These measures were all permitted through approval of the August 2007 Tree Assessment and Protection document and February 2008 Supplementary Arboricultural Method Statement referred to in condition 7 of the approval 07/01018/F in November 2009.

17. The application is submitted to change the terms of the approved woodland management plan, and in drawing up revised proposals the applicant considered two contrasting strategies in discussion with planning, landscape and tree protection officers. These were discussed in the application's revised "Schedule for Management and Maintenance of Public Open Space and Woodland Trees" dated 31st December 2012, received 10th January 2013.

- 'Option 1' considered the implications of clear-felling the entire woodlands all in one go, in Year 1; although the works would be definitively completed at the outset, the ecological and landscape implications and long-term consequences of clearing the site in one go were felt to be so significant that this option could not be pursued.
- 'Option 2' is the applicant's proposed 'preferred option' strategy, felling the trees in stages over Years 1-16, and active management until Year 25 afterwards. Option 2 is seen as a worthwhile change to the programme in order to retain a successful balance which achieves enforceable felling and management, successful establishment of native replacement woodland, retention of ecological and wildlife assets, and minimal landscape and visual impact for the benefit of the site's short and medium term setting.

18. As a result, the applicant has changed their tree management plans, as shown on submitted Tree Protection Plan 1097/GEN/099 – TPP Revision J (although further revisions are anticipated, which will be reported to the Committee meeting as appropriate).

19. At the time of writing the report the main differences from the 2009 works are proposed as:

Works to 196-tree, 3,400sq.m. Beech Woodland tree belt along Haworth Way (TPO 369 Group W1):

- Clear felling of Beech trees in 4 phases in Years 2, 7, 12 and 16, removing 25% of the belt trees by each phase (45-54 trees), in block sections approximately 50-60m long, starting in Year 2 in the eastern corner adjacent to 143 Greenways, and working north-west each year towards Wentworth Green.
- Felling to be undertaken and replacement planting added as per the document "Schedule of Management and Maintenance of Public Open Space and Woodland Trees" 2012 6103 MS 01 – Revision D.
- The resultant 4 cubic meters of felled dead wood is to be stored in 5 piles 30 cm high.
- Existing fencing and climber plants / hedging along west side of footpath to be retained and repaired to form temporary protective fencing to the woodland during the replacement planting establishment period.

Works to 84-tree, 1,500sq.m. Beech Woodland tree belt along Donkey Lane (TPO 369 Group W2):

- Retain most of the mixed group of Oak, Beech and Birch trees in the thinner, northern section by the Wentworth Green entrance, but in Year 1 fell 7-10 trees to create space for their maturity, including trees within crown of mature Oak. Precise felling to be dependent on pre-felling survey and agreement of LPA.
- Survey for Health and Safety of trees prior to each phase, and remove any mature trees showing signs of significant decay in Year 1.
- Clear felling of remaining Beech trees in the wider, thicker belt over 4 phases in Years 1, 7, 12 and 16, removing 25% of the belt trees by each phase (20-24 trees), in block sections approximately 20-30m long, starting in Year 1 in the south-western corner adjacent to 45 Brentwood, and working north-east each year towards Wentworth Green.
- Felling to be undertaken and replacement planting added as per the document "Schedule of Management and Maintenance of Public Open Space and Woodland Trees" 2012 6103 MS 01 – Revision D.
- The resultant 2 cubic meters of felled dead wood is to be stored in 3 piles 30 cm high
- Existing fencing along south side of footpath to be retained and repaired to form temporary protective fencing to the woodland during the replacement planting establishment period.

Works to Scots Pines in southern corner (TPO 369 Group G3):

- Removal of a single unprotected Poplar adjacent to the row of the 32no. protected Scots Pines in the TPO Group G3, sited within new dwelling plot 40, behind the rear of adjoining property 111 Greenways.
- Retain other groups of unprotected Poplars (and pollard within 7 years and then every 10 years afterwards) and retain individual lime, birch and cherry trees growing within Scots Pines, but remove rogue Sycamores.

Poplars along south-eastern boundary (unprotected, but formerly all to be retained):

- Retain most of the non-protected Poplar Trees on the southern boundary, but remove a group of 8 poplars at the rear of 133-135 Greenways. The 8no. Poplars have been removed already. Poplars to the south-east end (behind 139-141 Greenways) to be reduced to 12ft heights and pollarded within 7 years and then every 10 years afterwards. Poplars behind 129-131 Greenways to be left at current heights and pollarded within 7 years and then every 10 years afterwards.
- Replace the 8 poplars at the rear of 133-135 Greenways with landscape trees within new dwellings plot 63 and 64 comprising 1no. ornamental pear and 5no. Christmas berry trees.

Mixed species cluster at Wentworth Green entrance (TPO 369 Group G1):

- No works other than removal of dead or dying limbs.

Group of three Scots Pines at entrance within public open space (TPO 369 Group G2):

- No works necessary.

Group of Oaks and hedging in east corner along Haworth Way and 6 – 7 Carnoustie

(TPO 36 Group G4):

- Reduce northeast crown of Oak adjacent to 7 Carnoustie by 1-2 metres.
- And possible works to an un-labelled Oak tree adjacent to 6 Carnoustie (see para. 57)

Representations Received

20. The proposals have been advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 27 letters of representation have been received citing the various issues as summarised in the table below.

21.

Issues Raised – relevant to the application	Response
<p>Objection to the thinning or felling of any of the Beech woodland trees because of the habitats and the ecology they support, the screening they offer and the valuable setting they give to the new development.</p> <p>Objection to such extensive felling because the applicants originally said no trees would be removed other than to make way for the new development, and new saplings would be too small to provide suitable replacements.</p>	<p>The felling is already approved in principle already, predominantly to the poor quality of trees and their original planting (see paragraphs 37-39 for the felling reasons), but the proposed programme improves the timescales and allows better replacement planting. The longer, staggered phased felling is proposed as the best means to minimise landscape impact, ecology losses and provide a quality mixed native woodland in its place with a mix of species and ages to provide substance, stature and foods. See paragraph 71 for ecology factors.</p>
<p>Objection to the proposed time taken to fell all the trees – the 16 year period and four-phase programme should be reduced because of the amenity problems the trees create at present (shade and falling concerns).</p>	<p>The 16 year period was a careful compromise in the interests of maintaining landscape value and minimising harm to habitats and ecological corridors, whilst setting a workable timeframe to completion. Any shorted a timescale would like as not create the same problem later on. See paragraphs 16-19, 37-48 and 71.</p>
<p>There is an uneven delay in years between phases 1 and 2 compared to the others and longer periods should be reduced accordingly.</p>	<p>This proposal has been put to the applicant to comment, and an update will be provided at the meeting.</p>
<p>There is a drop in ground levels in the southern corner and the felling of trees in the protected belt, or thinning / crown reduction if retained, or removal of hedging or shrubs, will increase overlooking and disruption of glare from headlights of cars on the elevated road, onto rear gardens and houses of Greenways.</p> <p>The poplars being retained should be pruned down to a height of 12ft (3.5 - 4m) to provide some screening and reduce maintenance concerns. The</p>	<p>This is now accounted for as a feature of the revised tree protection and maintenance plans, and although site levels are not a matter able to be considered in this application, the effects of overlooking and screening are addressed by boundary fencing and retention of certain Poplars – see paragraphs 59-62.</p> <p>Headlight disruption in the southern</p>

submitted maintenance schedule should be revised accordingly.	corner is discussed at paragraphs 50-54 and 67-69.
Objection to removal of a poplar at the south-west end of TPO Group 3 in the south corner (G3) and crown-lifting of protected Scots Pines to 3-4m. This is excessive and results in increased overlooking and loss of privacy to properties 111-127 Greenways.	See paragraphs 50-54.
When and where will the tree management plan for the protected woodland tree belts begin?	The submitted Schedule for Management and Maintenance document, which includes the Woodland Management and Tree Felling programme, anticipates Year 1 as being 2013.
Some trees currently overhang neighbouring properties on the north-east corner of the site, on the far side of the former access drive (newly-named Haworth Way) (Group G4 of TPO 36), and branches are causing concerns.	These are actually singular trees in good health but within the applicant's control, and judicious management is either proposed or forthcoming. See paragraphs 55-58.
The phased felling works for Woodland W2 (Donkey Lane) should be reversed in direction so that Phase 1 begins in the northwest of W2 and progresses southeast instead.	This is supported by Officers as a means to improve the effectiveness of the felling programme and make trees more resilient to high winds, and the change has been requested of the applicant. An update will be provided at the meeting. See also paragraphs 43-44.
The trees closest to Carnoustie should be felled first as they are more of a problem than those of Donkey Lane.	These trees are within Phases 1 and 2 of the felling programme for belt W1. See paragraphs 37-44.
The mature Oak in woodland W2 is said to cause nuisance to the resident of 31 Wentworth Green (e.g. interference to Sky TV reception) and should receive more dramatic interventions.	The tree is healthy and does not present health and safety concerns for the resident or the tree, so further works than those proposed are unwarranted. The resident should benefit from improved light and amenity when the Beeches are removed. Tree works can only be made if the tree presents health and safety concerns for the tree itself or neighbours. See paragraphs 45-47.
An Oak tree growing alongside Haworth Way and adjacent to 7 Carnoustie has been missed from the submitted Tree Protection Plan. This Oak is said to cause nuisance to the resident and should receive more dramatic interventions or be felled.	The tree is missing because of ownership uncertainties, but is being rectified by request to the applicant. The tree is healthy and does not present health and safety concerns for the resident or the tree, so further works other than basic crown alterations are unwarranted.

	See paragraphs 55-58.
Issues Raised – not matters for this application	Response
<p>The proposed fencing between the site and Greenways properties will be at the foot of the slope and ineffective given the drop in levels at the site. New fencing should be installed at the head of the slope, for screening.</p> <p>The new houses looking out towards 111-119 Greenways are already elevated due to the change in levels; the loss of privacy to existing residents should be mitigated by the use of fencing to screen existing residents from views of the new development.</p>	<p>Although not a matter for this application, it is under consideration through conditions application 12/01034/D and is discussed at paragraph 50-54 and 67-69.</p>
<p>Will there be 1 or 2 mini sports pitches? Will they run parallel to the tree line?</p> <p>Will the south corner slope be maintained and cleared of debris and weeds?</p>	<p>This is covered by landscaping and open space management proposals, the subject of conditions and S106 Agreements. See paragraphs 65-66.</p>
<p>Some of the plots at the southern corner of the site have been built at a higher ground level than the original land level, noticeable at the boundary to Greenway properties. Was permission granted for the change? Will drainage be directed away from neighbours?</p>	<p>The levels on the site were not originally fixed through approval, and could have been altered by general construction works. See paragraphs 15, 29-36 and 68.</p>
<p>There are unfulfilled works to the highway and access to the site which were originally required in the 2009 permission.</p>	<p>These are not covered by this application. A progress review is underway and the same obligations will continue into the new permission. See paragraph 78 and an update will be given to the Committee meeting.</p>
<p>No increase in traffic should be allowed because the junctions around the site are already dangerous.</p>	<p>No extra traffic will be created.</p>

Consultation Responses

22. **Environment Agency** – There is no objection to the principle of making proposed changes to the surface water scheme and the alterations to condition 8 accordingly. Originally there was insufficient information submitted to demonstrate that the revised scheme has been adequately designed. The Environment Agency requested clarification on the entire site's drainage system, confirming what the four soakaways will serve, whether there are still elements draining to Anglian Water sewers, and the extent of infiltration. Once proposals for management and maintenance of the soakaways and surface water pipe network were detailed, the Environment Agency removed their objection and approved the proposed revised design.
23. **Highways Authority** – The drainage scheme will be acceptable in principle to allow public adoption of the estate road loops, eventually. Notwithstanding the current uncertainty around public adoption of estate roads and drainage facilities, there is no planning reason

why the proposed scheme of using four drainage chambers to collect all forms of surface water should not be approved.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies – for this application only

National Planning Policy Framework:

Section 7 – Requiring good design

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 – Conserving and enhancing the natural environment

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

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 20 – Implementation

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

NE1 – Protection of environmental assets from inappropriate development

NE3 - Tree protection, control of cutting and lopping

NE8 - Management of features of wildlife importance and biodiversity

NE9 - Comprehensive landscaping scheme and tree planting

HBE12 - High quality of design in new developments

EP16 - Water conservation and sustainable drainage systems

EP17 –Protection of watercourses from pollution from stored material, roads & car park

EP22 - High standard of amenity for residential occupiers

HOU6 – Contribution to community needs and facilities by housing developers

HOU11 – Sites allocated for housing development conditional on open space provision

SR3 – Criteria for development of Urban Greenspace and Recreational Open Space

SR4 – Provision of open space to serve new development

SR5 – Allocation of specific areas for open space

SR7 – Provision of children's equipped playspace to serve development

SR12 – Green Links network, including provision by developers

Supplementary Planning Documents and Guidance

Trees and Development (Adopted September 2007)

Open Space and Play Provision (Adopted June 2006)

Flood Risk and Development (Adopted June 2006)

Green Links and Riverside Walks (Adopted December 2006)

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011

The Localism Act 2011 – s143 Local Finance Considerations

Principle of Development

Policy Considerations

24. The works proposed are technical changes to those details already agreed and approved through the 2009 permission 07/01018/F, and the development underway can only be re-considered in terms of the implications of the conditions being varied.

25. The drainage alterations are needed because of the inflexible nature of the existing planning consent, which originally required a very specific form of sustainable drainage

solution to satisfy the Environment Agency. Consequently as the scope of design and management capabilities has increased greatly in recent years, so has the range of options available for this site.

26. The variations to the tree works fall into two categories: works to protected trees, and works to unprotected trees.
27. A degree of works to protected trees was anticipated in 2009 under the terms of the approved Arboricultural Method Statement (AMS) [Tree Assessment report] of the time, but that did not specify which particular trees would be removed from the TPO areas. In 2009 it was felt more appropriate to approve the general principle of removing 7-15m lengths of dense beech woodland and individual dead or dying trees, leaving the detailed works be agreed through specific TPO Tree Works applications (except for some known specific removals associated with new site accesses). The works now proposed (at paragraph 17) removes doubt, extends the period of felling to allow a graduated removal, and clarifies specific measures such as crown-raising of the protected Scots Pines to 3-4m stem height and thinning certain trees from belt W2 to enhance growth of the remainder.
28. Works to, or removal of, the unprotected Poplar trees along the south-east boundary would not ordinarily require planning permission or TPO permission if they hadn't initially all been proposed for removal in the 2009 AMS. At the time, the Tree Officer saw no reason to object to their entire removal. The 8no. poplars which have since been removed are consistent with the original permission and the changes proposed now only need to be formalised because they would be contrary to what was originally permitted.

Drainage Issues

29. The scheme originally included some surface water being disposed of into Anglian Water sewers, which is not a preferred option but was necessary due to ground conditions at the time. Since then, a revised drainage strategy has found it possible to some surface water from roads to be discharged into a highway sewer network, and some alongside the water from all houses and gardens, to be disposed of through a communal 4-chamber aquacell system located underground in the middle of the site. This will ensure the existing drainage networks are not overloaded, and maximise sustainable drainage, for example the modelling shows the scheme will not flood in the 1 in 100 year rainfall (including climate change) event.
30. Despite the 2009 permission being specific in its drainage requirements to alleviate their concerns of the time, the Environment Agency have since agreed that the original drainage scheme can be varied in its design, and have approved the surface water pipe network and Drainage System Design, and the management and maintenance proposals for both the soakaways and surface water pipe network.

Adoption of drainage chambers and roads

31. The estate roads around the site are currently not adopted by the local highway authority, although they are built to a satisfactory standard. At the moment, public road adoption can only be possible when it is confirmed that the highways water will be disposed into a public drain facility (under current practice this 'public facility' would be owned by Anglian Water or in exceptional instances the Highways Authority). However, under current arrangements public highway drainage adoption is not possible if it also receives water from additional surface water sources as well as highways.
32. Whilst Anglian Water have granted their 'technical approval' to the drainage strategy and use of the drainage chambers, they will also not adopt the surface water sewers if they are

discharged to a soakaway system maintained by a management company. They also cannot themselves adopt the four drainage chambers as Anglian Water is not yet the Sustainable Drainage adoption body through statute.

33. The sewerage network can also be adopted by Anglian Water in principle, but this is conditional on the ownership and maintenance of the soakaways being the SUDS adoption body, Norfolk County Council or Norwich City Council.
34. The current situation is unclear because the national Government has not confirmed whether Anglian Water or the soon-to-be-formed Local Authority Surface Water Drainage Body (the County Council) will be expected to adopt the drainage chamber, nor whether this can be done retrospectively. Until this is resolved the picture around drainage adoption and road adoption remains unclear, but the residents management group have submitted proposals to manage the facility using monthly subscriptions from residents.
35. The plans to use the one four-chamber drainage system to collect all surface water drainage for the whole site are the most logical, but because this will not gather solely highways drainage nor is it currently publically operated, the estate road and sewers adoption will not be possible yet under current legislation. As such, the Wentworth Gardens estate drainage network will remain privately operated for the foreseeable future. Whether or not the roads and sewers, or soakaway chambers, are adopted is not an issue that the planning authority can decide, it is instead a matter for bodies with the relevant drainage responsibilities and the highway authority.
36. A £5,000 drainage management contribution was included in the original Section 106 Agreement of 2009, on the assumption of the system being adopted by the highways authority and maintained for 15years. This will need to be updated and the drainage maintenance figure increased, with payment contingent on the system being adopted.

Woodland Tree Belt Felling and Replacement Planting

Phased Beech tree removal in woodlands W1 and W2

37. When planted originally, the beech trees in Woodlands W1 and W2 were grouped in clusters of 5-7 trees probably originally as a hedge belt for privacy of sports activity. However, since then the beech trees have grown to become a substantial feature of the city's suburban landscape and an important wildlife habitat. They are still only semi-mature, but rather than being short and wide-spread they have grown into their tall, spindly, and unusual appearance as a result of the clustered planting; essentially the clusters have grown in a circle with branches of each tree growing on the outside of the group and forcing one-another higher in search of light. This means failure of one tree can expose all the remaining group to being blown over by high winds, and their height has made them more flexible. Fortunately none of the beech trees appear unhealthy or seriously damaged at the moment, so group core strength should be adequate to ensure their continued safe short-term growth.
38. However, over the long term the beech trees will become a poor landscape feature and make safe thinning and management impossible. They are of an identical age, so will all fail at around the same time, and mixed woodland under-storey growth has been compromised by their dominance. Whilst they look attractive and healthy at the moment, their appearance conceals a deeper long-term problem and does not host as much wildlife as could be expected of such impressive woodland. The mono-species will also expose the whole tree belts to the effects of climate change and/or disease, and other beeches in

Norwich are already known to suffer from drier summers and intense rainfall.

39. The Beech woodland tree belts are all currently entitled to be felled over 5 years as part of the existing planning permission. The felling permission was considered necessary as the beech woodland has suffered over time from its initial historically-poor planting. However, in the view of the Council's Tree Protection Officer and Landscape Architects, and the applicant's Ecologist, this has a very limited benefit because the replacement planting would only really re-create the current situation in later years because a 5-year difference in age of mixed woodland trees is negligible over their lifespan.
40. Ideally, a 25-year felling scheme would be most appropriate to establish a range of ages and species in replacement woodland planting, but the applicant and planning officers have reservations about both the effectiveness of such an approach, and the impacts on residents that such a lengthy prolonged delay to the beech tree removal would bring.
41. Both W1 and W2 are therefore proposed for removal in four four-yearly stages over 16 years. Although still a dramatic change to the existing appearance, any attempts to extract single trees at a time would be impractical because it still leaves the group exposed; in contrast the block felling removes clusters in large areas and allows much more effective replacement planting with native mixed species, and still secures their timely removal.
42. By leaving large areas of the beech trees in place between phases there remains a large portion of existing canopy cover in the interests of protecting ecology and habitat, and maintaining the important visual landscape appearance of the tree belts in their entirety.
43. In terms of felling direction, the southeast-northwest felling of W1 along Haworth Way protects the belt against prevailing winds. The southwest-northeast direction of felling tree-belt W2 unfortunately actually works against the prevailing winds by exposing the cleared edge of the belts to high winds. It is recommended to revise this by asking the applicant to reverse the direction of felling W2 (to be confirmed at the committee meeting); although it would create a gap within the continuous tree line between years 1 and 7 the felled areas in W2 are much shorter in distance than in W1, so the visual impact on the landscape would be less keenly felt.
44. An alternative of block felling in staggered, rather than the proposed sequential, phasing would create sizable gaps in the tree-belts and cause visual and ecological disturbance to the landscape. The gaps would also expose the belts to wind damage and become more of a problem to neighbouring residents. Currently, the strength of the tree-belts in its defence against prevailing westerly winds is found in its collective integrity.

Management of trees being retained in W2 (Donkey Lane)

45. Certain trees are thought able, and necessary, to retain within W2 (along Donkey Lane). Specifically, a large and mature Oak tree stands at the very edge of the site, at the end of the thinner section of W2, and is in good health. Although some of its branch growth has caused concern for the closest neighbour at 31 Wentworth Green, the Oak tree in itself does not present a danger to health and safety, property or amenity of the neighbour and is considered to be in need of minimal works to clear ivy, remove dying or hazardous limbs and fell trees within its crown spread to remove any immediate danger of collateral windblown damage.
46. The Tree Protection Officer has said that there are no branches within at least 5m of the fabric of any building and the resident at 31 Wentworth Green should benefit greatly by the clear beech felling and the selective thinning planned for that section of the tree belt. Any

other works, such as removing overhanging limbs is potentially an offence and would require the prior consent of the local authority upon a TPO Tree Works application being submitted by the tree owner.

47. Some of the more varied species in the thinner northern area of W2 can be retained, including beeches, where they can benefit from selective felling of some of the more sparsely grown trees.
48. The Council's Tree Protection Officer and Landscape Officer have reviewed all comments received but agree that the Tree Management Programme as submitted is the much more appropriate solution than any others suggested, and the 16-year felling programme is the minimum acceptable in order to avoid the same problems in later years and ensure a substantial and improved replacement planted woodland is provided. Nevertheless a number of suggestions have been made to the applicant (e.g. direction of phasing and need for certain additional replanting) and these are endorsed by both officers.

Works to- and around- other protected trees

49. The approved 2007 tree assessment report had no regard to the trees on the outer extremes of the site, namely groups G1, G2, G3 of TPO 369 and group G4 of TPO 36. No works have been proposed to the protected trees now which are not consistent with the original permission. G1 has been altered by creating the access road but needs no further work; G2 needs no work; the protected Scots Pine trees within G3 are being retained and crown-raised to allow clear access under the lower boughs for maintenance; and there are minimal works required to alter the growth direction of protected overhanging oak trees in group G4. These measures will all maintain the integrity of the collective groups and improve their health, whilst ensuring neighbouring residential amenity is improved.

TPO 369 Group G3 (southern corner)

50. Within the area around group G3, a black poplar tree at the western end of the row is to be removed to create useable room in the garden of new Plot 40, whilst lower limbs are to be removed from the adjoining Scots Pines to allow a path to run through the rear gardens of new Plots 40 and 41. The Poplar's removal has been objected to on the grounds of removing screening for residents in the gardens behind, but the removal is considered necessary if it is to create useable garden space and the impact can be mitigated through use of close-board fence screening rather than relying only on an existing chain-link fence.
51. Other losses in this area include removing sycamores. Those trees shown for removal from the area of the protected group G3 in the southern corner are acceptable, because they are not part of the protected group (which is only the Scot's Pines). The loss of screening from these few trees would be seen, but as the distance between properties is 23m here, this is felt to be an adequate distance anyway. Nevertheless, the impact can be lessened through replacement planting of under-storey hedge species and appropriately-designed boundary fences to improve screening.
52. The Scots Pines in landscape terms are an important visual and natural feature, and area actually common in Norwich. However those in group G3 are currently arranged in 2 or 3 groups interspersed by Poplars and means they appear disconnected and their integrity is compromised by the contrasting presence of two groups of Poplars in the centre.
53. The applicant has been reluctant to remove these (unprotected) Poplars within G3, as they provide some limited screening for neighbouring gardens from the elevated site level and headlights of the access road, but this ability to provide screening through other means is not an insurmountable problem. In addition to retaining the existing chain-link fence at the

bottom of the slope behind the poplars in the corner, the applicant has proposed to plant undergrowth shrubs and erect a screening fence beneath the lower boughs of the trees at the top of the slope, to prevent headlight glare into bedroom windows behind. These are seen in the landscape plans submitted for application 12/01034/D.

54. Officers have also requested the applicant provide new plantings of Scots Pines in this corner to complement the existing Pines, and perhaps facilitate removal of the Poplars in due course (an update to this request will be available at the meeting).

TPO 36 Group G4 (eastern corner)

55. Individual TPO trees on the north-east boundary within TPO 36 group G4 have not been attended to in some time and are causing concern for neighbours. They were not addressed in the original 2007 Tree Assessment and permission because they actually fell outside the application area and their ownership was unclear, but now they have been seen to fall into the ownership of the applicant and so can be controlled by Condition.
56. An Oak tree next to 7 Carnoustie is currently growing at an angle due to the overbearing presence of the Beeches, and has been included in the latest Tree Protection Plan TPP Revision J, marked on the plan as tree G4. It is considered appropriate to be managed through selective crown reduction on its northeast side by 1-2m to reduce branch overhang and stabilise the tree.
57. Unfortunately in terms of clarity, another Oak ('missing Oak') was missed from the submitted plans, being sited in 'no-mans land' between security fence and neighbouring residents' fence, also outside Nos. 6/7 Carnoustie. The Tree Protection Officer has noted a resident's suggestion that this be included in the felling strategy, and has assessed the tree, but believes the 'missing Oak' tree should remain in place and should not be included in the tree felling strategy. Instead, some judicious crown reduction pruning would be considered favourably if an application was made for such works in addition to the work proposed for the neighbouring Oak tree indicated as G4 adjacent to 7 Carnoustie.
58. Nevertheless, officers have requested that the applicant try and include the proposed works in a revised Tree Protection Plan expected before the Committee meeting. It is essential for both Oak trees and hedgerow along here to be retained in good health as they are far more historic features of the landscape, appearing as long ago as features on the 1882 Historic map, but it is also important for neighbours to have clarity on their future.

Works to, and around, non-TPO Poplar trees

59. Despite their original approved removal, the majority of unprotected Poplar trees are now proposed for retention, at the request of the local residents. The group of 8 poplars which have already been removed have caused a loss of some nominal screening and very limited biodiversity, but their removal is consistent with the permitted scheme. The Poplar trees are tall, narrow and sparsely leaved and replacement planting is shown along the boundary in their place, showing 5no. mixed species tree replacements as a means of enhancing the mix of species around the site. These are considered acceptable and beneficial, they will be shorter and wider in their crown spread and more varied in species, so they are considered a great improvement in biodiversity, landscaping and screening than the poplars would have been.
60. The Poplars were originally proposed for removal due to their spread of fibrous roots and the possible height liability of Poplars, especially given their limited biodiversity value. In this location, at their closest point, the rear of new and existing properties are 23m apart, which is considered an acceptable distance to avoid unacceptable levels of overlooking,

even accounting for the notable change in levels, but some additional softening of the perimeter would be helpful.

61. By retaining the Poplars at the rear of 129-131 Greenways at their current heights, however, the residents of existing houses are afforded more screening from the tall 3-storey gable elevation of the new townhouses at Plot 65-67, particularly as the change in levels around the site makes the gable so much more prominent, and the view of the gable is softened. Regular pollards at 7 and 10-yearly intervals should provide a precaution against poplars becoming dangerously high.
62. Retaining and pruning the retained Poplar trees behind 139-141 Greenways will also offer better screening than at present, where new homes are 2-storeys high. The proposed pruning of the retained poplars to 12 ft will remove falling concerns, increase the light gained to properties and actually improve the screening potential because the cover is brought closer to the field of view from both new and existing homes.

Management

63. The woodland belts, tree groups and individual trees within the site will all remain in the ownership of the residents Management Company or private ownership as appropriate, and will be maintained and managed in accordance with the phased tree Management Plan document. Replacement woodland trees will remain protected, as the Tree Protection Order applies to the whole length and the landscape feature rather than specific trees. Any further works required which are not covered by this planning permission (such as works to individual Oaks) will all require specific permission through formal TPO Tree Works applications.

General Site Landscaping

64. The public open space area will be framed by the replacement woodland and evenly-spaced trees planted along the circumference paths.
65. In terms of layout, the original permitted scheme showed two play areas within the site, at opposite ends of the central public open space area. One play area was to serve 0-8 year olds, and the other would serve 8-12 year olds, both with appropriate play equipment for each age. It has since been proposed to amalgamate the two areas into one central feature, to avoid parents being split between different ages, and to locate potential noisy activity away from houses. The site's public open space layout, form of materials and types of equipment are all considered acceptable as part of the landscape details submitted within application 12/01034/D.
66. The scheme will continue to provide two mini-sports pitches as originally approved (adjacent to the combined play facilities within the main play space), and they will be orientated parallel to the boundary tree belt and former access drive. Whilst they will be marked out with lines, goal posts will not be installed; this is contained in the proposed management plan and maintenance proposals.
67. In terms of boundary treatments, those along the southern boundary have been questioned. These are a matter for the landscaping conditions application 12/01034/D; it is expected that these will be at least 1.8m high timber fencing to afford some screening, ideally positioned at the top of the slope because the slope causes problems in terms of the fence effectiveness if positioned at the base of the slope. The consequence of doing so, however, is that any debris, weeds or fly-tipping would be screened from view of the management company if behind a fence; it is suggested that a management plan for the

landscaping and open space is required to be revised by condition to include clean-ups.

68. Site levels were not originally specified, nor was land raising or excavation restricted in the 2009 permission. However, from comparing the original ground level outside the site of new dwelling no.65 (opposite 129 and 131 Greenways) with the levels shown in the proposed drainage strategy (plan 1097/DRA/004 Rev H) it can be seen that the original level was approximately 28.53m AOD, with the new levels being 29.15m Finished Floor Level. This is an increase of 62cm in height, and results in being 77cm above the neighbouring ground level (28.38m at 129 Greenways). This 62cm increase in site levels is most probably necessary for construction and drainage and as floor levels were not fixed originally, is unfortunately not something which can be controlled at this stage. Nevertheless, any impacts should be possible to rectify through landscaping and appropriate choice of boundary treatments, to be confirmed by conditions in 12/01034/D.
69. The applicant has provided a scheme which is considered appropriate by officers along the southern edge of the site. A high fence is provided outside 129 Greenways raised on barge boards to give additional height and necessary screening from the elevated levels of the road and parking area in front of Plots 65-67. The precise details are in 12/01034/D.
70. The timings of landscaping provision was originally unprecise in the original permission, which required it to be provided within phases in the Section 106 Agreement, and under condition 12 of the permission within 6 months of the completion of the development or prior to the occupation of the 20th dwelling (whichever was the earlier). Such discrepancies were unhelpful and unfeasible for the build and occupation programme, and potentially subject to change by the content of this application, so it is proposed to amend the timescales for landscape provision. For the purpose of clarity, the new requirement is to agree all details and provide all facilities prior to first occupation of the last dwelling to be occupied on site. A review of the landscaping provision to date will assess whether facilities provided have been in accordance with submitted landscape details of application 12/01034/D, and changes and amendments will be required accordingly.

Ecology

71. There is potential to cause harm to the wildlife known to inhabit the beech tree belts. The proposed 16-year felling and recovery period prevents a complete destruction of habitat and allows gradual replacements over an appropriate period to enable gradual re-growth. A revised new condition will be imposed to formalise the existing arrangements whereby bat and wildlife surveys shall be conducted prior to each felling. Mitigation can therefore include any roosts being relocated or replaced with bat boxes, and the replanting using semi-mature species and a mix of species and ages and statures should also retain some form of foraging ground and ecological corridor and provide food for birds insects and bats.

Alterations to existing planning obligations

Affordable Housing

72. Affordable housing alterations to the original Section 106 Agreement have already been approved by Committee on 23rd August. These will be included in the Deed of Variation of the revised Section 106 Agreement along with the issues raised in this report.

Public Open Space and Play Equipment

73. The finer details of the equipment and maintenance thereof are to be agreed through approval of conditions requiring agreement of a Maintenance and Management Plan. The revised S106 will be updated to ensure that details of equipment specification and ongoing

maintenance are reflected in the documents to be agreed by conditions.

74. All reference to possible public adoption of play areas and public open space, and financial contributions for maintenance thereof, will be removed. Conditions on the planning permission will remain to require all areas of public open space on the site to be available to the public in perpetuity.
75. Timings for the provision, completion and maintenance of the public open space and tree felling will be confirmed within the Section 106 Agreement. The applicant has proposed that maintenance of all landscaped areas be undertaken by Persimmon Homes for 5 years or until they are transferred to a management organisation, after which they will fall into the responsibility of a formally appointed Management Company on behalf of the residents.
76. Details of schedules for tree management plans, landscaping and public open space specifications, and boundary treatments, and landscaping maintenance to be approved and to be completed prior to occupation of final dwelling to be occupied at the site

Tree belt maintenance and adoption

77. All reference to tree belt maintenance funds and possible public adoption will be removed from the Section 106 Agreement. All hedges and shelterbelt planting will be the responsibility of individual landowners if within private demise, or the responsibility of the Management Company if in common areas, as appropriate, to be managed in accordance with the Management Plan submitted to be approved.

Transport Improvements

78. Works to the highway network were agreed and required previously. These have yet to be undertaken in full, although it has been agreed with the Highways Authority that the measures would be provided only if the current arrangements at Newmarket Road prove to be problematic. The obligations will remain in place.
79. A £22,008 contribution for sustainable transport improvements will still be required and carried forward into the revised agreement.
80. Cycle routes are also to be provided across the site (around the perimeter of the central public open space area). As in the current agreement, the access routes across the site shall remain as shared surfaces for cyclists and pedestrians alike in perpetuity.

Library Facilities

81. A £4,680 library contribution will also still be required in the revised agreement.

Drainage

82. A £5,000 drainage management contribution was included in the original Section 106 Agreement of 2009, on the assumption of a single drainage chamber being used only for highways water and on the assumption of the system being adopted by the Council as Highways Authority and maintained thereafter for 15 years.
83. This will need to be retained in the Agreement in case the drainage system and the sustainable drainage chamber are eventually updated by the Council, and in doing so the contribution figure will need to be updated to £20,000 (£5,000 per chamber). Terms of adoption and the contributions for management of the system will be contingent on any / the system being adopted.

Conclusions

84. The drainage scheme and management proposals provide an improvement over that originally permitted, and clarifies the intentions to ensure ongoing use, providing an improved sustainable drainage strategy and less reliance on capacity of existing surface water disposal networks; assuming appropriate maintenance, this will reduce flood risk.
85. The works to the protected trees are broadly consistent with the works envisaged through the original permission but have extended the felling period of the Beech woodland treebelts to lessen the impacts of such dramatic course of action. The staged, graduated and phased removal of these established semi-mature woodlands will minimise the impacts felt to the ecological value of the site, will reduce the harm caused to its current landscape and visual value, and have been planned to ensure the replacement woodland planting is given as much opportunity to support their successful establishment and create a long-term appropriate form of mixed native woodland of varied ages.
86. The works to the unprotected trees are considered acceptable. Their losses will either improve the amenity for future residents or be mitigated through improved replacement planting schemes to avoid future harm to residential amenity.
87. The additional changes to the tree works proposals, as requested of the applicant, will further improve the robustness, quality and success of the felling and replanting programme, and make the proposals more agreeable to the relationship with neighbours.
88. The application is considered acceptable to recommend approval. Planning case law has established that such Variation of Condition applications actually create a new planning permission which the development operates under and must adhere to. As such the conditions on the 2009 approved scheme will be repeated on this new permission, where appropriate and outstanding, being amended as necessary to reflect the content of these proposals. Similarly, the associated Section 106 Agreement will also be revised to reflect the changes to the way the site is managed, as described above. It is not, however, appropriate to impose new requirements through conditions or planning obligations which have either not been requested by the applicant or considered reasonable and related to current proposals.

RECOMMENDATIONS

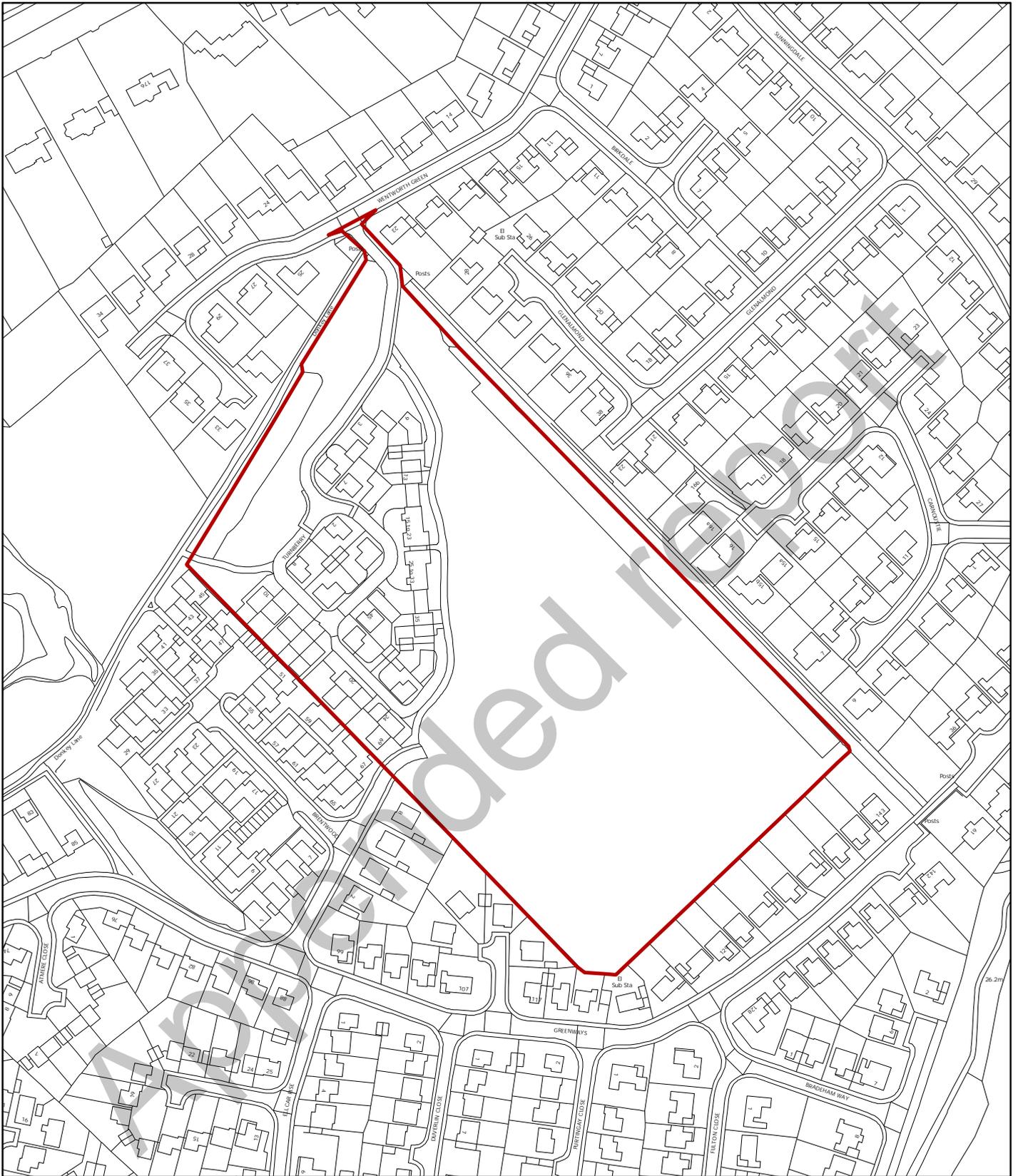
(A) To approve Application No. 12/01598/VC at the site of former Civil Service Sports Ground, Wentworth Green, Norwich, and grant planning permission, subject to the completion of a satisfactory S106 agreement to include the provision of arrangements for on-site affordable housing, appropriate management of protected trees, appropriate provision and management of public open space and children's play facilities, appropriate arrangements for drainage system management, transport contributions, highways works, on-site cycle works and library contributions, and subject to the following conditions:

1. The development shall be carried out in accordance with the approved plans and details listed on the revised decision notice, and shall include the use of materials as already approved within application 11/01619/D;
2. Landscaping, boundary treatments, planting, site treatment, open space and sports pitches and play facilities, and lighting are all to be provided in full accordance with details approved by application 12/01034/D prior to first occupation of the final dwelling to be approved on site, with boundary treatments for all dwellings to be provided prior

- to occupation of that dwelling;
3. Prior to tree works proposed for Year 1, a tree survey, wildlife survey and felling programme to be submitted and agreed in writing by the LPA;
 4. Prior to each Phase of felling the beech trees, a wildlife survey and mitigation strategy shall be submitted and approved as appropriate and appropriate mitigation followed;
 5. Development shall be constructed in accordance with the approved drainage strategy and shall be maintained in accordance with approved proposals for management and maintenance of soakaways and surface water drainage pipe network as appropriate;
 6. Garages to be used only for parking of domestic vehicles and not to be converted to provide further living accommodation;
 7. The areas of open space on the site shall remain as open space only, accessible to the public for unhindered access and use, in perpetuity;
 8. There shall be no works to trees on site, other than those contained in the approved documents and Tree Protection Plan within this permission unless any variation proposals are first submitted to and agreed in writing by the LPA;
 9. Precautionary mitigation for unidentified contamination;
 10. Trees and hedges and works in root protection areas are to be protected during works as per the 2009-approved Arboricultural Method Statement (AMS) and Supplementary AMS, as amended by the updated 2012 Tree Protection Plan, with the associated Arboricultural Implications Assessment and Tree Protection Plan being available to all site personnel during site works;
 11. Development to include solar panels as per the approved strategy and design details;
 12. Glazing to the first floor bathroom at dwelling no.65 shall be only obscure glazed;
 13. Provision of car parking shelters, refuse stores and bike stores prior to first occupation;
 14. Two fire hydrants to be provided prior to occupation as per details in 11/01619/D;
 15. Ongoing landscaping maintenance requirements for 5 years.

Reasons for approval: Subject to the requirements of varied conditions and the amended associated planning obligations, the alterations proposed are acceptable and will enhance the quality of the scheme and avoid causing a detrimental impact on future and existing residents around the site. The landscape value, future health, ecology and biodiversity of the protected woodlands and other trees will be enhanced and the new planting will improve the area.

When considered alongside the merits of the original permission, the revised development will provide an appropriate and satisfactory form of residential development within the character of the area that would provide a high level of design, a good level of accessibility and a satisfactory level of amenity for residents. The proposal accords with the development plan for the area and the objectives of national planning policy. As such, the proposal would comply with the National Planning Policy Framework, policies 1, 2, 3, 4, 6, 9 and 20 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), and saved policies NE1, NE3, NE8, NE9, HBE12, EP16, EP17, EP18, EP22, HOU5, HOU6, HOU11, SR1, SR2, SR3, SR4, SR5, SR7, SR12, TRA5, TRA6, TRA7, TRA8, TRA10, TRA11, TRA14 and TRA15 of the adopted City of Norwich Replacement Local Plan (2004).



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Planning Application No 12/01598/VC

Site Address Civil Service Sports Ground, Wentworth Green

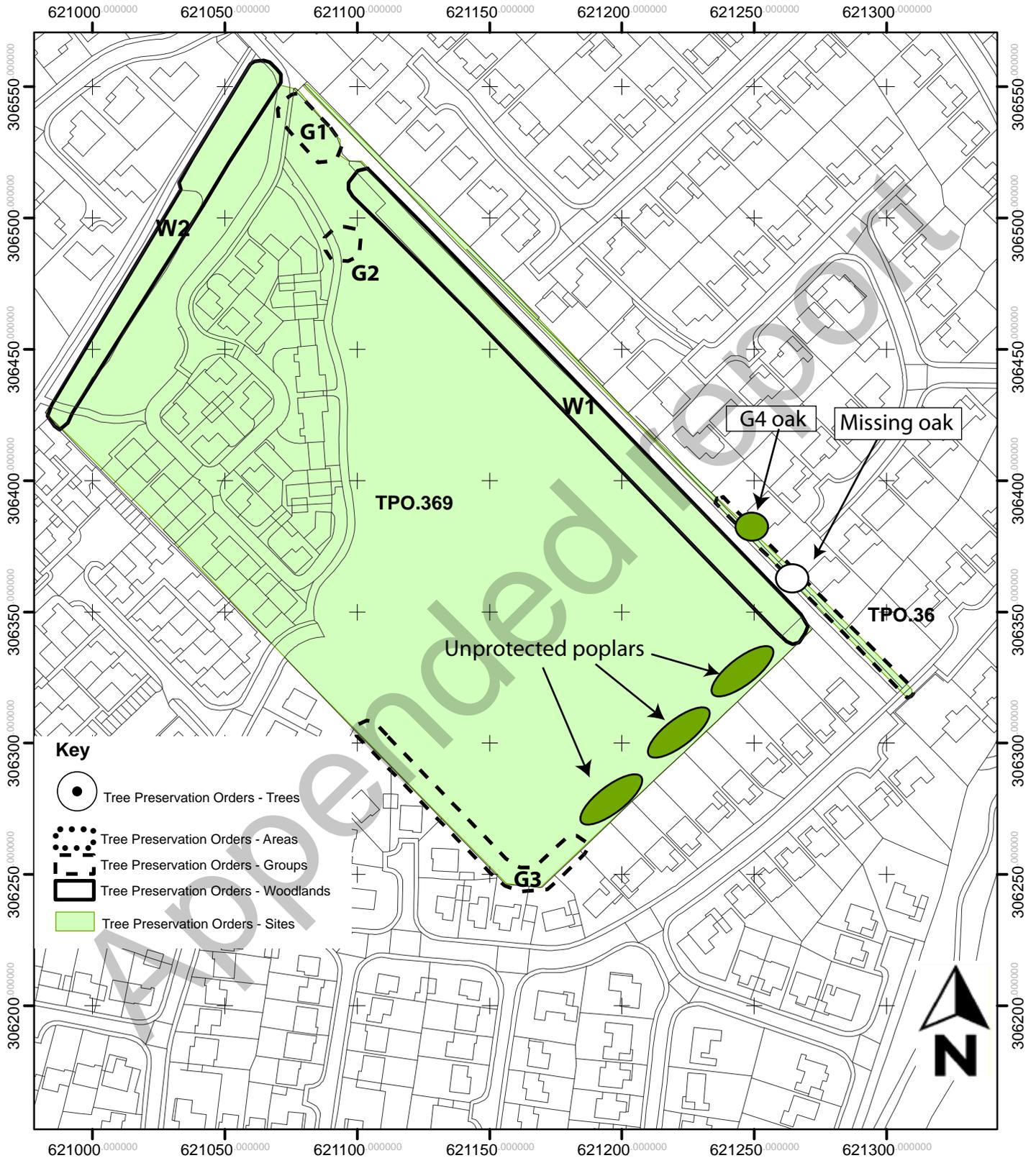
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NORWICH
City Council

PLANNING SERVICES





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PLANNING APPLICATIONS COMMITTEE

11am to 2.40pm

14 February 2013

Present: Councillors Bradford (chair), Sands (M) (vice chair), Blunt, Gihawi (as substitute for Councillor Button), Gee, Howard, Kendrick, Little, Lubbock (as substitute for Councillor Ackroyd), Neale, Stonard and Storie.

Apologies: Councillors Ackroyd and Button

1. PRE-APPLICATION PRESENTATION – OLD HALL ROAD, YARE FIELD PARK, NORWICH (NORFOLK UNIVERSITY TECHNICAL COLLEGE)

Immediately before the start of the meeting, the following members of the committee attended the informal pre-application for the proposed development at Old Hall Road, Yarefield Park, Norwich: Councillors Blunt, Bradford, Gee, Gihawi (substitute for Councillor Button), Howard, Neale, Sands, Storie and Stonard. Councillors Driver, MacDonald and Maxwell, and County Councillor Whitaker were also present.

2. DECLARATION OF INTERESTS

Councillor Little said that in relation to item 4 (below), Lakenham Sports and Leisure Centre, Carshalton Road, he had been advised that he did not need to declare an other interest because of family connections with the school adjacent to the site but asked that it be recorded.

Councillor Lubbock said that she had liaised between residents and officers on the proposals for item 5 (below) the site of the former Civic Service Sports Club but had not predetermined the application and therefore could approach the application with an open mind.

3. MINUTES

RESOLVED to approve the minutes of the meeting held on 17 January 2013.

5. APPLICATION NO 12/01598/VC SITE KNOWN AS WENTWORTH GARDENS; SITE OF FORMER CIVIL SERVICE SPORTS GROUND, WENTWORTH GREEN, NORWICH

The senior planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report updates to reports which was circulated at the meeting and pointed out that the applicant had addressed some of the outstanding concerns from neighbouring residents. An additional letter of representation had also been received regarding the absorption of CO² which would be lost by the removal of the beech trees and members were advised that there was an account of the replanting in the main report and that the biomass would be replaced. The application as amended was recommended for approval, subject to an informative to advise the applicant that the tree owner would need to apply to the city council for permission to carry out works to the trees protected by a tree protection order.

Councillor Lubbock said that it appeared that the applicant had tried to appease all the issues raised by neighbouring residents and said that there had been a

misconception when the original planning permission was granted that no trees would be felled. She suggested that this was part of good tree management.

In response to a member's question, the senior planner advised members of the species of the replacement trees. A member welcomed the level of detail in the management of the ground cover and that the applicant had attempted to address the adjacent neighbours' concerns.

RESOLVED, unanimously, to approve application no. 12/01598/VC at the site of former Civil Service Sports Ground, Wentworth Green, Norwich, and grant planning permission, subject to the completion of a satisfactory S106 agreement to include the provision of arrangements for on-site affordable housing, appropriate management of protected trees, appropriate provision and management of public open space and children's play facilities, appropriate arrangements for drainage system management, transport contributions, highways works, on-site cycle works and library contributions, and subject to the following conditions:

1. The development shall be carried out in accordance with the approved plans and details listed on the revised decision notice, and shall include the use of materials as already approved within application 11/01619/D;
2. Landscaping, boundary treatments, planting, site treatment, open space and sports pitches and play facilities, and lighting are all to be provided in full accordance with details approved by application 12/01034/D prior to first occupation of the final dwelling to be approved on site, with boundary treatments for all dwellings to be provided prior to occupation of that dwelling;
3. Prior to tree works proposed for Year 1, a tree survey, wildlife survey and felling programme to be submitted and agreed in writing by the LPA;
4. Prior to each Phase of felling the beech trees, a wildlife survey and mitigation strategy shall be submitted and approved as appropriate and appropriate mitigation followed;
5. Development shall be constructed in accordance with the approved drainage strategy and shall be maintained in accordance with approved proposals for management and maintenance of soakaways and surface water drainage pipe network as appropriate;
6. Garages to be used only for parking of domestic vehicles and not to be converted to provide further living accommodation;
7. The areas of open space on the site shall remain as open space only, accessible to the public for unhindered access and use, in perpetuity;
8. There shall be no works to trees on site, other than those contained in the approved documents and Tree Protection Plan within this permission unless any variation proposals are first submitted to and agreed in writing by the LPA;
9. Precautionary mitigation for unidentified contamination;
10. Trees and hedges and works in root protection areas are to be protected during works as per the 2009-approved Arboricultural Method Statement (AMS) and Supplementary AMS, as amended by the updated 2012 Tree Protection Plan, with the associated Arboricultural Implications Assessment and Tree Protection Plan being available to all site personnel during site works;
11. Development to include solar panels as per the approved strategy and design details;

12. Glazing to the first floor bathroom at dwelling no.65 shall be only obscure glazed;
13. Provision of car parking shelters, refuse stores and bike stores prior to first occupation;
14. Two fire hydrants to be provided prior to occupation as per details in 11/01619/D;
15. Ongoing landscaping maintenance requirements for 5 years.

(Reasons for approval: Subject to the requirements of varied conditions and the amended associated planning obligations, the alterations proposed are acceptable and will enhance the quality of the scheme and avoid causing a detrimental impact on future and existing residents around the site. The landscape value, future health, ecology and biodiversity of the protected woodlands and other trees will be enhanced and the new planting will improve the area.

When considered alongside the merits of the original permission, the revised development will provide an appropriate and satisfactory form of residential development within the character of the area that would provide a high level of design, a good level of accessibility and a satisfactory level of amenity for residents. The proposal accords with the development plan for the area and the objectives of national planning policy. As such, the proposal would comply with the National Planning Policy Framework, policies 1, 2, 3, 4, 6, 9 and 20 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), and saved policies NE1, NE3, NE8, NE9, HBE12, EP16, EP17, EP18, EP22, HOU5, HOU6, HOU11, SR1, SR2, SR3, SR4, SR5, SR7, SR12, TRA5, TRA6, TRA7, TRA8, TRA10, TRA11, TRA14 and TRA15 of the adopted City of Norwich Replacement Local Plan (2004).)

Informative: That the applicant applies to the city council for tree protection order (TPO) tree works application before any works to protected trees are carried out.

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?InstancelD=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:
 - Raised Table with asphalt ramps leading into new site within new access road. – COMPLETED.
 - 2x timber bollards on pavement, one either side of the new access. – NOT PROVIDED.
 - 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).
 - New kerb line to new site entrance, for 6m kerb radii at junction. – NOT PROVIDED.
 - 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').

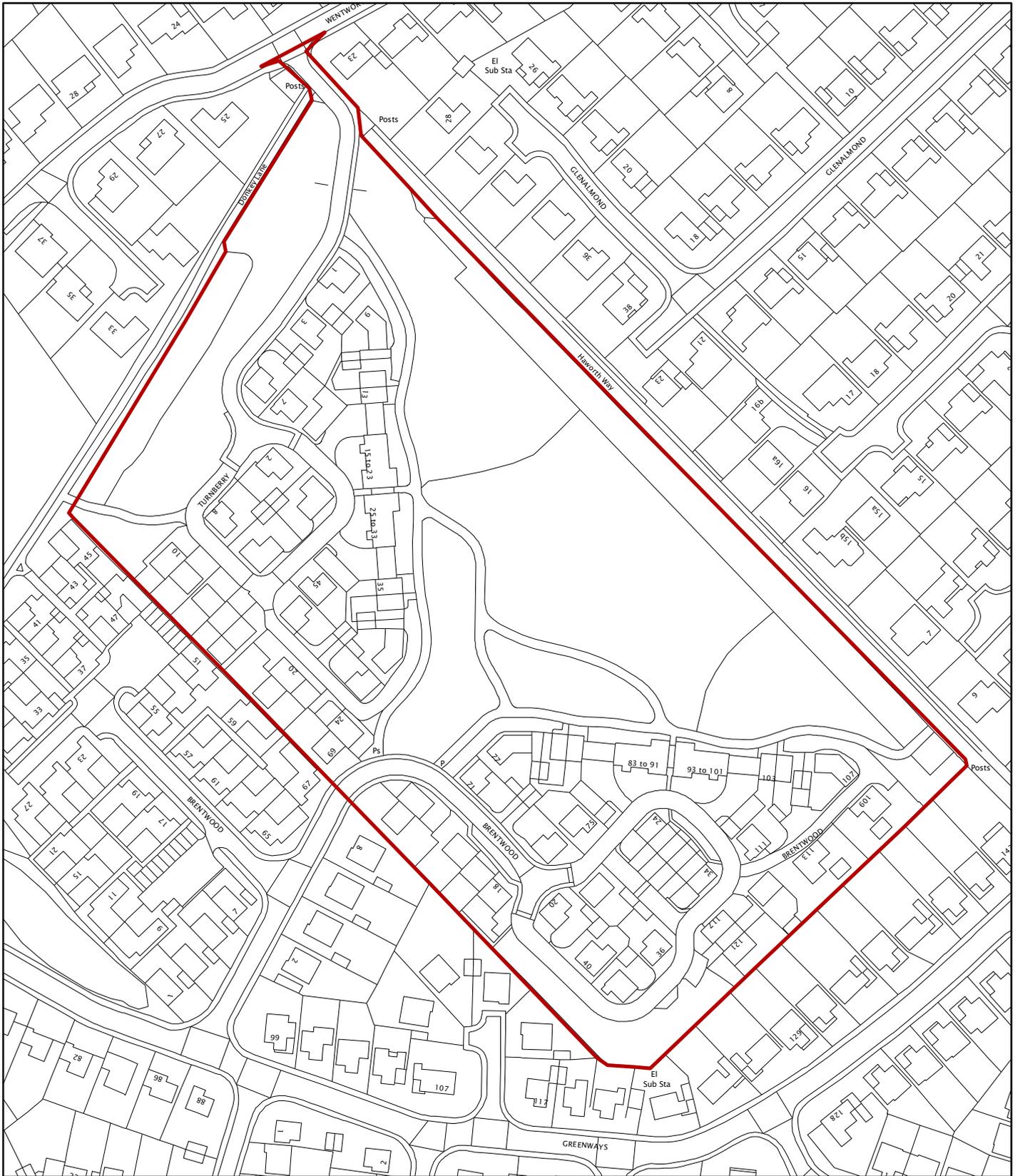
Planning committee has approved the above alteration to affordable housing.

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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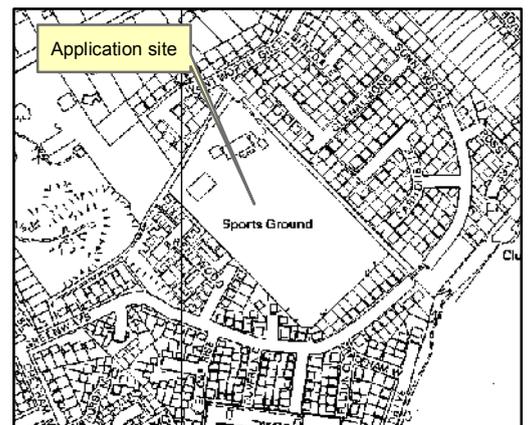
Planning Application No 12/01598/VC
 Site Address Civil Service Sports Ground
 Wentworth Green

Scale 1:1,750



NORWICH
 City Council

PLANNING SERVICES





PLANNING APPLICATIONS COMMITTEE

9.30am to 1.25pm

6 February 2014

Present: Councillors Bradford (chair), Gayton (vice chair), Ackroyd, Blunt, Brociek-Coulton, Button, Grahame, Henderson (substitute for Councillor Neale), Jackson, Little, Sands (S) and Storie

Apologies: Councillor Neale

1. DECLARATION OF INTERESTS

There were no declarations of interest.

2. MINUTES

RESOLVED to approve the minutes of the meeting held on 9 January 2014.

4. APPLICATION NO 12/01598/VC WENTWORTH GARDENS, (SITE OF FORMER CIVIL SERVICE SPORTS GROUND, WENTWORTH GREEN)

The senior planner (development) presented the report with the aid of plans and slides, and referred to the supplementary report of updates to applications which was circulated at the meeting and contained a change to the recommendations in the main report, including the recommended authority be granted for use of planning enforcement proceedings. Members were advised that the supplementary report

also considered a variation to the conditions to the planning permission approved in principle by the committee in February 2013 but had not been issued.

A resident of Wentworth Gardens, who was also a resident's representative on the management board, said that the residents would be liable for the cost of the tree maintenance. The revised S106 agreement should retain the developer's obligations to pay for the trees. The planning development manager said that this was a valid point and suggested that the committee received a further report on the management of the tree belt and other financial arrangements previously required by the S106 agreement so that the developer fulfilled its obligations.

Councillor Lubbock, Eaton ward, spoke about the complex nature of the site and that the management company was expected to look after the maintenance of the site on the residents' behalf and therefore residents would be affected by the proposals to vary the conditions. She expressed concern that the residents had not been informed and that the developer had not fulfilled its obligations in regard to drainage and the provision of play equipment.

Councillor Wright, Eaton ward, raised concerns on behalf of a resident about highway safety on Wentworth Green due to restricted visibility because of the fence on the corner of Turnberry Road, being particularly hazardous to children walking to school and exacerbated by parked cars. There was also concern that the developer was being “let off the hook” from their responsibilities.

Discussion ensued in which the senior planner, principal transportation planner and the planning development manager referred to the reports and answered members’ questions. The senior planner confirmed that he had hand-delivered letters to all new homes when the application was originally validated in late 2012 but some residents may have arrived since then. Members were advised that the council’s intention was that the new roads would be adopted. The Highways Agency could not adopt the roads because the drainage system took surface water and until the government addressed this situation the roads would not be adopted. The principal transportation planner also stated that the visibility at the Turnberry Road junction was more than adequate without the fence.

RESOLVED, unanimously, 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:

- (1) the conditions outlined in the committee approval of 14 February 2013 and an additional condition as follows:

“There shall be no occupation of the final dwelling to be occupied within the development until appropriate signage has been installed to the cross-site pedestrian and cycle route in accordance with details of signage location and design, to be first submitted to and agreed in writing by the Local Planning Authority, and shall be retained as such thereafter.”

- (2) request the head of planning services to report on the impact of the completion of a satisfactory S106 agreement to vary the terms of the

original planning permission 07/01018/F as required for variation of conditions application 12/01598/VC including the obligations set out in the committee approval of 14 February 2013, with amendments to highways works and drainage maintenance sums as set out in the report of 6 February 2014, for the reasons given in the planning applications committee approval of 14 February 2013, and subject to further consideration at a future committee meeting;

- (3) authorise officers to proceed with issuing a planning enforcement notice if (a) alterations are not made to bring the fences erected to the west and east of the Turnberry Junction into permitted development, or (b) planning permission is refused if an application(s) is made for the fences to be retained in its existing position and form.

Report to Planning applications committee
 4 December 2014

Report of Head of planning services

Subject Application ref: 12/01598/VC Wentworth Gardens

Reason for referral Amendments to previous planning committee resolutions and updates on outstanding matters

Item

4G

Site address	Wentworth Gardens, site of former Civil Service Sports Ground, Wentworth Green, Norwich
Ward:	Eaton
Case officer	Rob Parkinson - robparkinson@norwich.gov.uk

Development proposal		
Variations to the terms of the approved Section 106 Agreement forming part of the planning permission 07/01018/F, as proposed to be varied 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). Variations concern tree felling strategy, tree works and landscaping proposals, and maintenance thereof, and drainage systems construction and ongoing management thereof.		
Representations		
Object	Comment	Support
n/a	n/a	n/a

Main matters for consideration	Key issues
Affordable Housing	1) Demand for existing affordable housing on site 2) Alternatives to on-site provision
Recommendation	Approve proposed changes to Section 106 Agreement.

The site and surroundings

1. The site is the development known as Wentworth Gardens, for the most part completed and occupied, at the former Civil Service Sports Ground accessed from Wentworth Green and Brentwood. This item solely concerns Plots 40 and 41 of the original permission, accessed from Brentwood, as seen on the attached plan.
2. Committee is asked to consider only a proposed change to the terms of the affordable housing provision at the site, as currently required under permission 07/01018/F and the completed Section 106 Agreement of that permission.
3. There are no other 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 already previously been agreed by planning committee.

Relevant planning history

4. **07/01018/F** – “Erection of 78 dwellings, associated vehicle and pedestrian/cycle accesses, ground works and open space”, approved November 2009. The report to planning committee for this can be seen under committee meetings of 21 August 2008.
5. The permission and its Section 106 Agreement (S106) requires 30 per cent on-site Affordable Housing (23 out of the 78 dwellings), of which 75 per cent (17 dwellings) are to be social rented tenure, and 25 per cent (6 dwellings) were to be ‘shared ownership’ tenures.
6. Committee approvals since then have twice allowed changes to the S106 terms of affordable housing provision, on 11 November 2010 and 23 August 2012.
7. The approved changes of November 2010 and August 2012 allow the 25 per cent ‘shared ownership’ units to instead be delivered as intermediate tenures, being either Shared Ownership, or Affordable Rent or Shared Equity housing. Affordable Rent means housing available at rents of 80 per cent of the market rental value. The Shared Equity housing means housing which would be marketed and sold at 75 per cent of the open market value, with the remaining 25 per cent equity in the property being transferred to the City Council. This is the format of affordable housing which has most recently been pursued by the applicant for all 6 intermediate tenure affordable houses.
8. The Committee report and minutes of November 2010 are available on the council’s website.
9. **12/01598/VC** - This is a current application pending issuing of the decision notice for changes to the agreed tree protection, landscaping and drainage schemes, the merits of which were approved by Committee on 14 February 2013.
10. Subsequently, on 6 February 2014 Planning Committee then approved further changes to the S106 relating to financing of the drainage scheme and the extent of highways works required by the developer, contrary to previous expectations of the original S106.

11. The decision notice for application 12/01598/VC has not yet been issued because of delays in agreeing the associated Section 106 Agreement which is varied by both the conditions and obligations on management and financing of tree belts, drainage, highways works and affordable housing amongst other technical matters.
12. The matters in this item are the final elements of the Agreement in need of variation before the decision can be issued.

The proposal

13. The applicant seeks authority to dispose of the development's final two affordable housing dwellings to the open / private sector market rather than be used as affordable housing. In compensation for their loss from the affordable housing stock, the applicant and officers propose that a financial contribution commuted sum be paid to the Council for providing alternative affordable housing off-site.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	78 originally, 78 remaining
No. of affordable dwellings	ORIGINAL PERMISSION: 23 on site, comprising 17 at social rent tenure and 6 at intermediate tenures; REVISED PROPOSALS: 21 on site, comprising 17 at social rent tenure and 4 at shared equity tenure, and a financial contribution for off-site provision by the Council.

14. These specific affordable housing proposals have not been advertised on site as there are no material changes to the way the scheme appears or functions, and the original permission did not determine which dwellings would be affordable at the time permission was granted.
15. The amendments have been discussed in detail and agreed in principle with the Council's Strategic Housing department, which has worked with the applicant for some months to try and find appropriate occupants for the two remaining units.

Assessment of planning considerations

Relevant development plan policies

16. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS4 Housing delivery
 - JCS20 Implementation

17. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM12 Ensuring well-planned housing development
 - DM33 Planning obligations and development viability

Other material considerations

18. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
 - NPPF6 Delivering a wide choice of high quality homes
19. **Guidance:**
- Interim Statement on the off-site provision of affordable housing in Norwich (December 2011)
 - Draft Affordable Housing Supplementary Planning Document, anticipated for consideration by the Council's Sustainable development panel 17 December 2014, and adoption by Cabinet on 14 January 2015.
 - National Planning Policy Guidance

Case Assessment

20. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Demand for existing affordable housing on site

21. All 17 social rented properties and 4 of the 6 intermediate tenure dwellings have been successfully transferred to a Registered Provider as affordable housing. However, there are two 2-bedroom bungalows that remain unsold and the developer is keen to dispose of them. Being intermediate tenure units the developers' possible options for use as affordable housing include shared equity, shared ownership and affordable rent tenures (as already previously approved by planning committee).
22. The two remaining bungalows have been advertised and marketed to the public and registered affordable housing providers as shared equity homes for over 18 months (both off-plan and as-built).
23. Shared equity homes enable an eligible purchaser to buy a shared of 75 per cent of the property, and in this case the remaining 25 per cent would be granted to the Council. Both parties would benefit from an increase in housing prices if the 75 per cent holder wished to sell, or the 75 per cent holder could gradually after 5 years begin to buy more of the 25 per cent equity from the Council. Because interested purchasers have to be on the housing needs register there appear to be few

purchasers who can afford the required purchase price of 75 per cent of the market sale value. For information at August 2013 the properties were available as below:

House type	Total purchase price	Minimum per cent deposit	Remaining mortgage needed (7 per cent)	Equity share (25 per cent)
2 bedroom bungalow with car parking space	£189,950	£9,498	£132,965	£47,487

24. Essentially, the applicant believes the lack of interest to be because the same purchase price (even when discounted) could provide a home of similar size elsewhere in the city, and up to 100 per cent of a property. Of the other forms of permissive intermediate tenure, Shared Ownership has similar issues with the market value cost being prohibitive because the terms only allow 50% of the property to be purchased in the first instance and then additional purchasing proves expensive. Similarly, Affordable Rent requires rent paid at 80% of market rents which is also prohibitive to most eligible residents as market rent values are so high in this area. Colleagues in Strategic Housing agree with these assessments.
25. Provision of affordable housing on site remains the council's preferred method, and is also the preference set out in government guidance, as this promotes social inclusion. However, despite four of the six shared equity homes having been sold to those in housing need, officers agree that the remaining units have been advertised for sufficient time to determine that there is no eligible interest, and alternative options should be considered for disposing of these bungalows.

Main issue 2: Alternatives to on-site provision

26. It should be noted that if the only option made available to the developer was to require these two homes to be rented at social rent levels then it would not really be reasonable on the developer as they entered into the scheme expecting to provide 17 (75%) social rented units, and costed their scheme accordingly. Additionally, exceeding 17 would have been contrary to the policy which was in place at the time the decision was made (although current JCS Policy 4 would have required an 85 per cent social rent / 15 per cent intermediate tenure split of the affordable housing units, being 20 social rent units and 3 shared equity units). Nevertheless, the Council should not object if the developer wished to sell the units to a Registered Provider for use as Social Rented units, but the Section 106 would still need amending to allow this.
27. Assuming social rent is not favoured or feasible, it would not be acceptable to allow disposal to the open market with no mitigating measures to counteract the loss of affordable housing stock. It is considered entirely feasible and pragmatic for the developer to pay a commuted sum to the Council for the purposes of providing new affordable housing off-site, and the proposed calculation for doing so should be based on policy mechanisms wherever possible.
28. The Council introduced such a calculation methodology in December 2011, as contained and discussed in the Interim Statement on the off-site provision of

affordable housing in Norwich (the 'Interim Statement') (endorsed by Cabinet 9th December 2011).

29. The Interim Statement interprets the provision within Joint Core Strategy 4 whereby a scheme which cannot provide affordable housing due to design constraints, practical difficulties or lack of interest from registered providers can be allowed to make a financial contribution commuted sum to the Council for equivalent off-site provision. The Interim Statement was intended to be applied to a scheme at the planning application / pre-development stage; however the principles can still be applied to this case retrospectively because it includes a practical calculation methodology based on the overall floorspace created by developments from which a proportionate quantum of floorspace is extracted for the share of affordable housing as would be expected by policy. Normally the affordable housing element would represent an amount of floorspace proportionate to the development's overall residential floorspace being created, but in this case the permission requires 30 per cent affordable housing (rather than the 33 per cent as would now be expected by JCS4). The affordable housing (AH) floorspace is then multiplied by a standard city-wide £/sq.m cost for land purchase and construction (£1,130.94), and £1,000 is added for legal matters. The Interim Statement calculation method is shown below:

Scheme's net internal floorspace Sqm x % AH x £1130.94 + £1000 = **£ commuted**.

30. However, within Wentworth Green there are two key differences: Firstly, there are two units outstanding for which the actual floorspace areas are known (58 Sqm each, totalling 116 Sqm), whereas in percentage terms the two units represent 8.7 per cent of the 23 affordable houses. Secondly, the mix of units chosen for affordable housing (in consultation with Strategic Housing colleagues) was not representative of the overall floorspace provided on site. This means the standard calculation should not really be applied to this retrospectively, and it is considered more appropriate and reasonable to calculate the commuted sum based on the actual floorspace built, not the theoretical proportion expected pre-development.
31. The two calculations are shown below, and although the Interim Statement standard calculation would generate a significantly increased value, this is not considered an appropriate sum to require for the reasons explained above. The lower figure generated from factoring-in built floorspace is both fair and reasonable.
32. The approved scheme has provided a total 6,978.18 Sqm floorspace, 30% of which would have been 2,093.45 Sqm for all affordable housing floorspace, within which the 8.7 per cent share for two units would be 182.13 Sqm. This creates a sum as below:
- 182.13 Sqm x £1130.94 = £205,978.67 + £1000 legal fees = **£206,978.67**.
33. In contrast, the built internal floorspace of the two bungalows is a combined 116 Sqm, so a proportionate commuted sum to replace the actual floorspace lost is:
- 116 Sqm x £1130.94p = £131,198.04p + £1000 legal fees = **£132,198.04**.
34. Although the developer has not suggested that a commuted sum would be unviable, it is recognised that even the lower site-specific value is a significant sum of money, and the developer may seek to negotiate around this. Officers consider it necessary to allow some negotiation if it is supported by justifiable and robust

argument, including viability evidence if necessary, in the interests of ensuring occupation of available homes. To this end it is appropriate for the Section 106 to require the payment of £132,198.04 or an alternative sum to be first agreed by the Head of Planning in consultation with strategic housing colleagues, such sum to be required prior to the disposal or first occupation of either of the two remaining bungalows through open market disposal.

35. It is worth noting that the emerging Affordable Housing Supplementary Planning Document (expected to be adopted in January 2015) is proposing to use the same calculation methodology and figures / costs as those within the Interim Statement.

Other matters: Updates on tree belts, drainage facility, playing fields, landscaping and highways works

- Tree belt contributions will be paid for by the developer as required within the S106, with works and specified expenditure phased over some years as agreed previously. Residents are not pay for this unless the works exceed the sums already forecasted and budgeted for between developer and management company.
- The surface water drainage facility will be maintained by the management company using a budget specified in the S106, which comes from the overall estate management costs (£6.41 per dwelling per annum). Residents are not billed for surface water drainage by Anglian Water (they are only billed for foul drainage as they have mains sewer connections).
- Playing fields are expected to be constructed to a certain specification as per the landscaping proposals and maintenance and management plans presented within the application 12/01598/VC. To date there is some discussion about the success of the playing fields, which do not appear to have been provided to the expected method or specification. The developer will be required by planning condition and S106 to fulfil these commitments once the permission is issued. There was no original requirement to provide sports pitch markings on site; this is a matter for the residents association.
- Landscaping has not yet been provided to the specification proposed in the landscaping strategy within application 12/01598/VC. This will be required prior to occupation of the final units available on site, but some pragmatism will be required in that timescales should align with any necessary repairs to the playing fields. Some additional works remain to be resolved in the area behind 123 Greenways which are being discussed with the applicant.
- Previous committee decisions have resolved that a number of the original highways works required by the S106 are not actually necessary, and the only obligation being carried forward is to install cycle/pedestrian signage.

Equalities and diversity issues

36. There are no significant equality or diversity issues; the two remaining affordable housing units have been available on site for some months now in line with the terms of the planning permission, as shared equity tenure, and it is known that shared ownership and affordable rent do not prove feasible in this location. As neither the developer, Council or Registered Providers have been able to secure

appropriate interest in the two units it is considered more equitable to those on the housing needs register to secure funding for new affordable homes elsewhere in the city at prices and tenures which are more affordable to the greater majority in need.

S106 Obligations

37. It is recommended that officers continue to revise the draft Section 106 Agreement Deed of Variation to include the multiple amendments detailed in previous committee resolutions (the last schedule of which was seen in February 2014) and the inclusion of a clause to allow the payment of an Affordable Housing Commuted Sum as may be necessary, to an amount to be agreed with Officers based on the principles of the calculation methodology within the 'Interim Statement on the off-site provision of affordable housing in Norwich' document of December 2011.

Local finance considerations

38. Under Section 143 of the Localism Act the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. The benefits from the finance contributions for the council however must be weighed against the above planning issues.
39. This development would not generate Community Infrastructure Levy payments but using a commuted sum for affordable housing would not only help provide replacement affordable housing stock, but also attract New Homes Bonus grant. In this case, other than the overall question of securing contributions in lieu of continued on-site provision under Main Issue 2 above, other financial considerations are relatively limited and therefore limited weight should be given to them in the determination of the planning application.

Conclusion

40. Given the price of market housing units in Eaton it is understood that people in housing need cannot particularly afford the forms of intermediate tenure required by the permission. If the developer cannot transfer them to a Registered Provider for use as social rent tenures, then the only recourse is for the developer to be allowed to dispose of the units to the open market, but if this does prove to be the case it is necessary to ensure the developer provides the Council with appropriate funding for building affordable housing provision elsewhere in the city.
41. The general principles of maintaining an overall provision of affordable housing across a mix of unit types and tenures, and creating mixed communities at this site and other sites where commuted sums could build affordable homes, is supported by policies JCS4, DM1 and DM12, and the national planning policy framework. The use of a commuted sum to do so is in line with the objectives of JCS4, the existing guidance of the Interim Statement, the emerging Affordable Housing Supplementary Planning Document, and the provisions of the Community Infrastructure Levy regulations. As such the proposed amendment to the Section 106 Agreement and the subsequent issue of permission for application 12/01598/VC means the development will remain in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

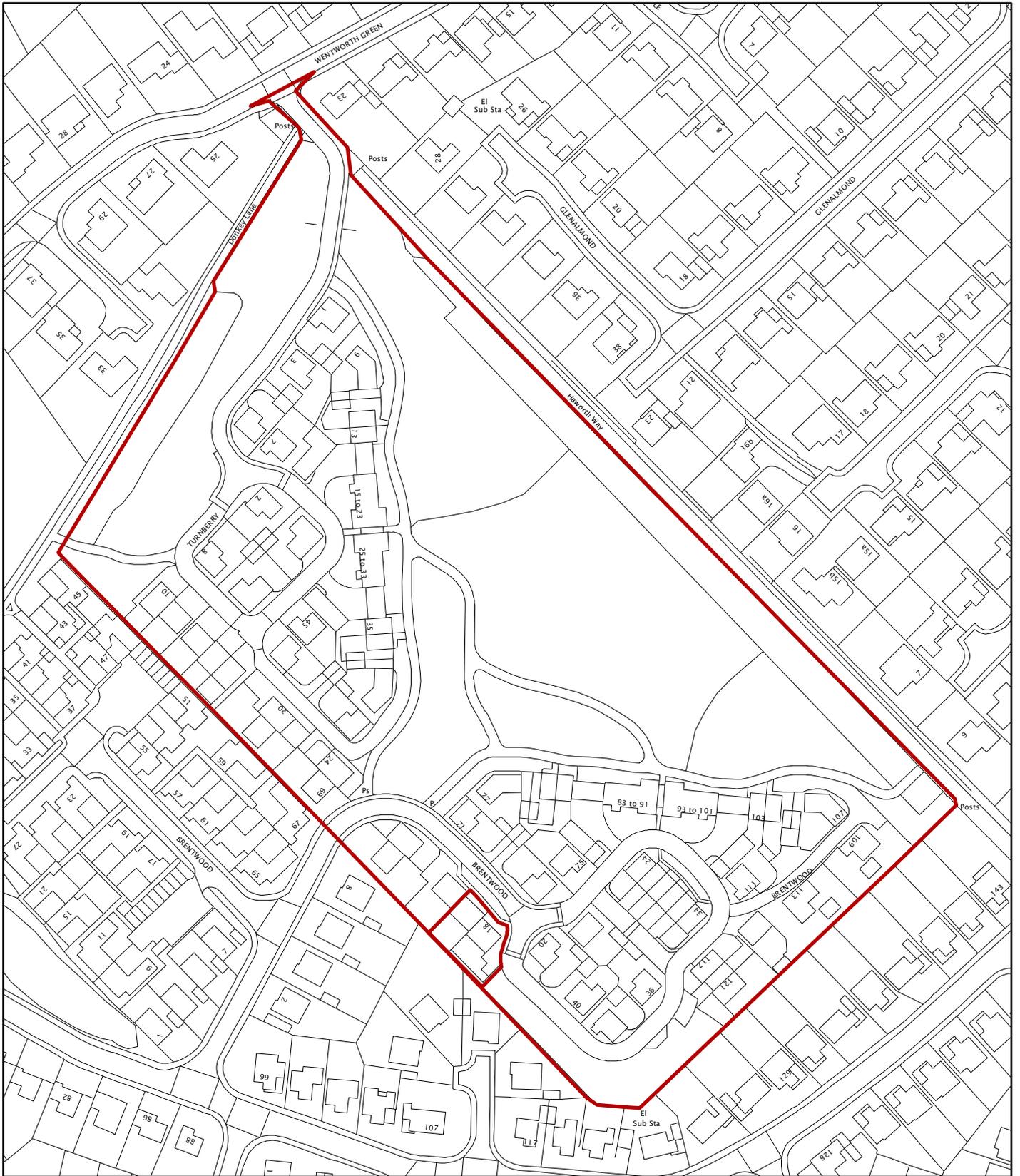
Recommendation

For the reasons outline above the recommendation is to approve the application 12/01598/VC Wentworth Gardens subject to the conditions and amended planning obligations as set by previous planning committee resolutions on 14 February, 2013 and 6 February, 2014, and subject to the following additional amendments to the Section 106 Agreement:

1. The two outstanding shared ownership bungalows can be used for either intermediate tenure (for the avoidance of doubt being shared ownership, intermediate rent or shared equity housing), or social rent tenure.
2. In the event they remain unfeasible as affordable housing the two bungalows can be disposed of to the open market only if a commuted sum financial contribution payment is first made to the Council; this sum being £132,198.04 index-linked, or an alternative sum to be first agreed by the Head of Planning in consultation with strategic housing, such sum to be required prior to the first occupation of either of the two remaining bungalows following open market disposal.

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, and has approved the application subject to the appropriate conditions and for the reasons outlined in the above officer report and preceding officer reports and planning committee resolutions.



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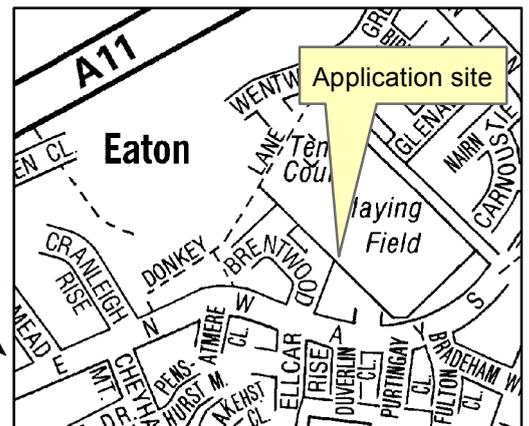
Planning Application No 12/01598/VC
 Site Address Wentworth Green

Scale 1:1,750



NORWICH
 City Council

PLANNING SERVICES





MINUTES

Planning applications committee

09:30 to 11:45

4 December 2014

Present: Councillors Gayton (chair), Sands (M), Ackroyd, Blunt, Boswell, Bradford, Button, Grahame, Herries, Jackson, Neale and Woollard

(Councillors Gayton, Sands (M), Ackroyd, Blunt, Boswell, Button, Herries, Jackson, Neale, Woollard and Bradford attended the pre-application briefing at 09:00 on the proposals for the residential accommodation at the former Blackdale School site, Bluebell Road, Norwich.)

1. Declaration of interests

There were no declarations of interest.

Minutes

2. **RESOLVED** to approve the minutes of the meeting held on 6 November 201, subject to item 7, Application no 14/00618/F Vikings Venture Scout Hut adjacent to 420 Dereham Road, Norwich, NR5 8QQ, deleting the words "He also explained that.." from the end of the fourth paragraph.

9. Application ref: 12/01598/VC Wentworth Gardens

The senior planner (development) presented the report with the aid of plans and slides.

RESOLVED, unanimously, to approve the application 12/01598/VC Wentworth Gardens subject to the conditions and amended planning obligations as set by previous planning committee resolutions on 14 February, 2013 and 6 February, 2014, and subject to the following additional amendments to the Section 106 Agreement:

1. The two outstanding shared ownership bungalows can be used for either intermediate tenure (for the avoidance of doubt being shared ownership, intermediate rent or shared equity housing), or social rent tenure.
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The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, and has approved the application subject to the appropriate conditions and for the reasons outlined in the officer report and preceding officer reports and planning committee resolutions.