

Report to Planning applications committee
Date 4 September 2014
Report of Head of planning services
Subject Application nos 14/00874/RM and 14/00850/F Three Score Site, Land South of Clover Hill Rd, Bowthorpe

Item
4.3

SUMMARY

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| Description 14/00874/RM: | Reserved matters relating to surface water drainage infrastructure for outline planning permission 13/02089/VC 'Redevelopment of site with up to 1000 homes, including affordable housing, care home, a new village centre including at least one local shop, public open space and associated roads and infrastructure'. (Revised proposals). | |
| Description 14/00850/F: | Construction of a lagoon outfall comprising of the extension to the ditch system, installation of a head wall and associated pipe work below ground. | |
| Reason for consideration at Committee: | Major city council owned site and proposal | |
| Recommendation 14/00874/RM: | Approve subject to conditions | |
| Recommendation 14/00850/F: | Approve subject to conditions | |
| Ward: | Bowthorpe | |
| Contact Officer: | Mark Brown | Planning Team Leader 01603 212505 |
| Valid Date 14/00874/RM: | 21 June 2014 | |
| Valid Date 14/00850/F: | 18 June 2014 | |
| Applicant: | Norwich City Council | |
| Agent: | NPS Property Consultants Ltd | |

INTRODUCTION

The Site & Background

1. Outline planning consent (reference 12/00703/O) was granted in July 2013 for redevelopment of the Three Score site at Bowthorpe with up to 1000 homes, including affordable housing, care home, a new village centre including at least one local shop, public open space and associated roads and infrastructure. The consent was granted following the completion of a legal agreement and the resolution of

planning applications committee to approve the application on 14 March 2013.

2. Subsequently reserved matters consent (reference 13/02031/RM) was granted in March 2014 for the first phase of development being a care home to the northeast of the site.
3. The site is predominantly uncultivated grass land and forms the last area of undeveloped land within Bowthorpe as it was initially envisaged in the 1970's.
4. The surface water drainage strategy approved as part of the outline consent involved two attenuation lagoons to the southwest of the site. These would provide surface water drainage for the southern 2/3 of the site which are within the ground water protection zone. The lagoons would provide surface water storage and provide for a controlled discharge to the Yare. The northern 1/3 of the site is outside the ground water protection zone and would use more localised surface water drainage infrastructure to deal with surface water.

The Proposal

5. This report relates to two applications which are interlinked.
6. The first (14/00874/RM) relates to reserved matters (layout, scale, external appearance and landscaping) for the surface water drainage infrastructure at the site. This includes the two attenuation lagoons and the areas which surround them which are covered by the 'infrastructure phase' of the development as well as permanent swales to the northern sections of the spine road (north of the tree belt on the site and adjacent to the large area of open space in the centre of the site) and temporary swales to the southern sections of the spine road and to the bus link to Bowthorpe Hall Road.
7. The second application (14/00850/F) relates to the provision of an outfall and culvert to discharge surface water from the southern lagoon to the existing dyke network adjacent to the site in the Yare Valley. This is needed because it extends beyond the original application site for the outline consent and therefore cannot be covered by the above reserved matters application.
8. The outfall from the northern lagoon is covered by the reserved matters application as this is within original outline application site and links into an existing Anglia Water outfall to the Yare Valley.

Equality and Diversity Issues

9. There are no significant equality or diversity issues.

Representations Received

10. Both applications have been advertised on site and in the case of the reserved matters application people who formally made representations to the former outline applications have been notified. No letters of representation have been received.

Consultation Responses

11. Anglian Water – No response

12. Colney Parish Council – Following our previous correspondence regarding the Three Score development application, Ap. No. 12/00703/O, our concerns remain the same especially the increase of traffic from the additional traffic anticipated from the Three Score development onto the B1108. This could be mitigated by an access road connecting the site to Earlham Green Lane and Bowthorpe Road. However, regarding Ap.No. 14/00874/RM; Colney Parish feels that flooding concerns and surface drainage issues still have not been fully resolved and therefore cannot support this application.

13. Council for Protection of Rural England – No response

14. Environment Agency – Following revisions to the surface water strategy have removed their objection.

15. English Heritage – The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

16. Ministry of Defence Safeguarding – No safeguarding objections to the proposals

17. National Grid – have provided some general comments and guidance to the applicant on works within the vicinity of national grid infrastructure. They have not commented specifically on the application.

18. Natural England – The proposal is unlikely to affect any statutorily protected sites or landscapes. They refer to their standing advice regarding protected species and make general comments on the need to understand the likely ecological implications of the proposals when making decisions and securing mitigation and enhancement measures.

19. NHS Norfolk – No response

20. Norfolk County Council – Have sought clarification that this does not affect the planning obligations for the site (officers have confirmed that this is the case).

21. Norfolk Historic Environment Service – No comments

22. Norfolk Police (Architectural Liason) – No comments

23. Norfolk Wildlife Trust – No response

24. Open Spaces Society – No response

25. Strategic Housing – No comments

26. South Norfolk Council – No comments

- 27. Sport England – No comments
- 28. The Design Council – No response
- 29. Transport – No response
- 30. UK Power Ltd – No response
- 31. Yare Valley Society – No response

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Presumption in Favour of Sustainable Development
- Delivering a Wide Choice of Quality Homes
- Requiring Good Design
- Promoting Healthy Communities
- Meeting the Challenge of Climate Change, Flooding and Coastal Change
- 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 4: Housing delivery

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

- NE1 Protection of environmental assets from inappropriate development
- NE2 Woodland protection
- NE4 Street trees to be provided by developers
- NE7 Protection of locally designated sites of nature conservation interest
- NE8 Management of features of wildlife importance and biodiversity
- NE9 Comprehensive landscaping scheme and tree planting
- HBE4 Other locations of archaeological interest
- HBE12 High quality of design, with special attention to height, scale, massing and form of development
- EP1 Contaminated land and former landfill sites – evaluation and treatment prior to permission

- EP16 Water conservation and sustainable drainage systems
- EP17 Protection of watercourses from pollution from stored materials, roads and car parks
- EP22 High standard of amenity for residential occupiers
- HOU8 Committed housing development sites
- SR12 Green Links network, including provision by developers
- TRA14 Enhancement of the pedestrian environment and safe pedestrian routes
- TRA15 Cycle network and facilities

All policies in the adopted local plan have been assessed for their compliance with the NPPF. In terms of this application none of the relevant policies have been deleted as a result of this process.

Policy HBE4 has been assessed as partially compliant with the NPPF as the policy does not have the NPPF paragraph 132 caveat that in exceptional circumstance development that does not meet the normal archaeological requirements may be permitted.

All other adopted local plan policies used in the assessment are considered to be consistent with the NPPF.

Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013)

Site Allocations Development Plan Document – Pre-submission policies (April 2013) –

- R41: Three Score, Bowthorpe

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

- DM1 Achieving and delivering sustainable development
- * DM2 Ensuring satisfactory living and working conditions
- * DM3 Delivering high quality design
- * DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- * DM11 Protecting against environmental hazards
- * DM12 Ensuring well-planned housing development

* These policies are currently subject to specific objections or issues being raised at pre-submission stage which could be relevant to this application and so limited weight has been applied in its content. However, the main objectives of ensuring appropriate design, protecting amenity and ensuring safe passage around and within a

development and prioritising pedestrian and cycle passage remains in place through Local Plan policies HBE12, TRA3, TRA5 and TRA8.

Principle of Development

Policy Considerations

32. The principle of the wider redevelopment has been approved at outline stage via consent reference 12/00703/O and the surface water infrastructure proposals put forward here are considered to be consistent with the approach in the outline consent.
33. The full application for the lagoon outfall is consistent with the outline proposals albeit full consent is needed as it extends beyond the original application site. Such infrastructure is considered acceptable in principle and compatible with the river valley, where similar infrastructure already exists.
34. There are a number of other considerations which have been assessed in the sections below.
35. The reserved matters have been screened under the EIA regulations as a subsequent application within the terms of the regulations (being subsequent to the approved outline consent which was subject to an environmental statement). The likely environmental effects of the subsequent application were considered as was the environmental information already before us and it was not considered necessary to request a further environmental statement for this application.
36. The full application for an outfall has also been screened and was not considered to constitute EIA development.

Surface Water Strategy

37. The proposed strategy is consistent with the strategy provided at outline stage. In that the majority of surface water from the site will be directed towards the two attenuation lagoons to the southwest of the site. There are two catchments one for each lagoon. These are illustrated in the drainage sub catchment drawing appended to this report. Catchment A being the development blocks to the south of the site drains to the southern lagoon the pipe network runs via the spine road infrastructure then south into the area of the lagoon with an outlet head wall at the northern tip of the lagoon. The outfall will exit to the southeast corner of the lagoon and run east out of the application site connecting to the proposed outfall (proposed under application 14/00850/F being considered here) which consists of a headwall connecting to an extended ditch system (connecting to the existing) with a culvert over to provide for access.
38. Catchment B comprises the development blocks to the north and west of the site which drain to the northern lagoon. Drainage from most blocks will connect via a pipe network which connects to the northeast of the lagoon via a cut and cover connection through a gap in the corner of the L shaped hedgerow. The runs to a headwall in the northeast of the lagoon. A further inlet is proposed to the east of the lagoon for development block 15 connection to this will be bored under the hedgerow to avoid harm. The outlet is located to the south of the lagoon with

pipework running south and to the east. It will be bored under the hedgerow and then connect to an existing Anglia Water surface water sewer which discharges to the Yare Valley via an existing outlet.

39. Both lagoons are designed to cope with a 1:100 year rainfall event. The southern lagoon has fairly shallow sides and typically will be dry. The northern lagoon will have two small areas of standing water and the lower sections are steeper in terms of topography.
40. Swales are proposed alongside the spine road. To the north of the tree belt and a single block to the south (which will be within an area of open space) these will be permanent and provide for surface water drainage of the road. South of this and for the part of the spine road which extends up to Bowthorpe Hall Road there will be temporary swales to provide drainage of the road which will be gradually replaced by a piped network as development blocks come forward. These will then drain to the lagoons. The swales are to have bunds next to them to prevent vehicular access into the site.
41. The Environment Agency originally objected to the application raising concern that overland flows had not been considered and that mitigation measures in the event of a pump failure had not been included in the application. A revised surface water drainage strategy has been submitted and identifies an overland flow running diagonally adjacent to the southwest of the northern lagoon. This overland flow misses any development plots and the topography of the site is such that it should not fill the lagoon neither should it affect the existing houses to the west which are located at a higher level.
42. The overland flows would have flowed over the road, which could cause a hazard for road users. Incorporating a culvert under the road could assist in diverting these flows under the road and also double as an amphibian corridor. The applicant has agreed to such a solution the exact details of which will need to form a condition of the consent.
43. Given the topography of phase 4 it is likely that surface water from this area will need to be pumped in part. Elsewhere gravitational flow should be able to be achieved. It is recommended that localised features are provided to phase 4 to assist surface water drainage and that the detail of this mitigation is drawn up as part of the reserved matters for that phase.
44. As a result of the revised surface water strategy the Environment Agency have removed their objection.
45. Colney Parish Council have raised concerns over flooding, albeit have not substantiated their concerns. The strategy has been amended and is now considered to be acceptable by officers and the Environment Agency. Colney Parish Council have also commented on access and transport matters, albeit these are of limited to no relevance to the current application. The access strategy for the site was approved as part of the outline consent.

Layout & Landscaping

46. The broad layout of the lagoons is consistent with indicative information provided at outline stage. The northern lagoon sits within an area defined by an inverted L shaped Hawthorne hedgerow which is a significant landscape feature on the site and which is to be retained as part of the development. The form of the lagoon has been designed in a manner which should appear fairly natural in the landscape. A footpath and associated seating is provided around the lagoon to provide for informal recreation.
47. The southern lagoon has been amended during the course of the application. It originally had an extremely unnatural shape being a perfect oblong. The revisions give the lagoon a less engineered appearance.
48. The broad landscape strategy for both lagoons is to seek to re-establish the existing scrub and grassland habitat in order to seek to re-provide habitat for invertebrates that use the site, as well as providing habitat for nesting birds and reptiles. As a result few replacement trees are proposed and this is considered acceptable. The northern lagoon includes some new plug planting of selected species particularly at its base and the lower areas of the lagoon.
49. Other than the more formal footpath around the northern lagoon other existing informal footpaths will be retained. They are not proposed to be upgraded as the ecological advice is that informal disturbance of the grassland is good for its management for invertebrates. To the south the spine road will dissect the existing Yare valley path and therefore the path will be diverted to connect to the spine road and also run south past the southern lagoon, this will be of fairly simple construction being a gravel path, again to promote informal rambling.
50. The headwalls to the inlets of the lagoons will be fairly significant structures which are likely to stand out particularly given the landscape approach. Other similar lagoons are often established with reed beds which can screen the headwalls, however in the case the landscaping will be low lying grassland. With this in mind it is considered that a standard concrete structure with steel railing above is likely to be unacceptable, this has been discussed with the applicant and it is suggested that the final details be conditioned with a view to cladding the headwalls with some form of stone and possibly utilising a different material for the railings above.
51. Following negotiation the area around the inlet to the northern lagoon has been designed with a stone feature around the inlet to improve its appearance and to provide erosion protection. Given this section of lagoon will have standing water this was considered appropriate to enhance the appearance of the inlet and to screen the underlying grass create. This should enhance the appearance of this section of the lagoon. The southern lagoon will utilise grass create only, however given the shallower profile and the fact the lagoon will be dry this should eventually be screened by grass land around the outlet.
52. A chestnut paling fence is proposed around the northern lagoon just inside the footpath. This is to seek to prevent access to the lower areas which have steeper sides and standing water. The southern lagoon is shallower in profile and has no standing water. No fencing is proposed to the south.

53. The temporary swales along the spine road consist of a simple ditch running along both sides of the spine road the contents of which will form an adjacent bund to prevent unauthorised vehicular access to the site. These temporary swales are considered acceptable and will be replaced by a piped solution as the development progresses.
54. The permanent swales will be of a wider construction and along one side of the carriageway. Again bunds will be provided on both sides to prevent access. The swale will be incorporated into the development block to the north of the site. Of the three sections of permanent swale, two will be located in areas of open space in the development and will be features within them. The other will run along development block 3 within phase 2b. An indicative section has been provided to demonstrate how this is intended to work and the swale will effectively form a buffer between the carriageway and the footway on the west side of the road.
55. The southern lagoon outfall pipework to the marsh will be constructed via a cut and cover approach and will introduce an outfall into an extended dyke network in the adjacent marshes. There will be a culvert to allow access over. The area above will be allowed to regenerate naturally; it is recommended that topsoil is replacement above the area cut and covered from that retained on the site. This should form a condition of the consent. The outfall headwall will not have railings and will be smaller to those at the inlets to the lagoons. They will however be fairly well concealed by the surrounding ditch so views should be limited in the surrounding environment.
56. In terms of ongoing maintenance of the lagoons and surrounding areas, after the initial liability period this will fall to Norwich City Council, it is anticipated that Norwich City Council may transfer management of some areas to the Norwich Fringe Project who manage the adjacent marshes. The management and maintenance plan is considered acceptable and compliance with it should be secured via condition.

Trees

57. The main arboriculture constraints are the inverted L shaped hedgerow around the northern lagoon, and a number of individual trees around the southern lagoon. Dealing with the hedgerow first this is to be retained and protected during the course of the development as far south as the spine road. The hedge is of hawthorn and is planted in a double row, it is thought that the former path between the two lines of planting may have formally been a drivers road. The southern end of the hedgerow merges with areas of dense scrub and is less defined. Parts of the hedgerow and scrub south of the current break where the Yare Valley Walk crosses the hedge will be removed and the spine road will connect through at this point. This is considered acceptable and the main sections of the hedge will be retained.
58. A further more detailed survey of the hedge will be needed. It is currently difficult to carry out a detailed survey given dense overgrowth next to the hedge. Therefore it is recommended that a condition provide for a further detailed survey of the hedge and provide details for its short and long term maintenance. It is expected that this should provide for the hedge to be maintained at a certain width and height and for

it to be in-filled in areas where there is a break in the double row. Internally it will be necessary for the survey to consider if it is feasible to reinstate the path, from a recreational perspective this is desirable. From an ecological perspective, a thick dense hedge may be of greater value particularly to nesting birds. However, on balance it is suggested that unless it is not considered feasible to do so that the recreational route is re-established.

59. There are three piped connection points to the northern lagoon. The main inlet will be provided via a cut and cover construction in the gap at the northeast corner of the hedge. A path will be provided above on completion and the hedge is to be protected during these works. A further inlet is proposed to the east of the lagoon which will connect to block 15 and this pipe will need to be bored under the hedge. The outlet from the northern lagoon will also cross the line of the hedge and will need to be bored under the hedge.
60. The southern lagoon is located in an area which is heavily overgrown with parts being occupied by fairly dense scrub. These areas will need to be cleared to make way for the lagoon. The eastern boundary is occupied by tall scrub with some small trees, of significance is an Oak located along this boundary. The lagoon will necessitate the removal of two goat willows and will extend into the root protection areas of a goat willow and oak tree. The latter should be retained subject to compliance with arboricultural method statements to provide for pre-emptive root pruning of those trees. Replacement tree planting will be provided around the access to Dodderman Way.
61. In terms of the pipe networks to the southern lagoon, the inlet pipework will run from a point to the south of the spine road and be constructed on a cut and cover basis to the northern point of the lagoon, a large section of this will follow the line of an existing informal footpath however to the northeast it will require removal of scrub. The outfall pipe will run east from the lagoon and cross into the marsh, this will necessitate removal of an approximately 60cm wide section of scrub on the boundary which will be left to regenerate naturally.

Ecology

62. At outline stage it was acknowledged that the proposals would result in habitat loss for various flora and fauna. The proposals will lead to the loss of semi-improved grassland and scrub as well as having implications for tree belts and hedges. The site provides habitat for low populations of reptiles namely lizard and grass snake. Numerous species of bird use the site and the wider proposals will lead to the loss of habitat for a number of bird species. The site also provides extensive habitat for foraging bats and a number of foraging routes run around and across the site.
63. Impact on invertebrates is a key consideration in the redevelopment of the site, at outline stage it was acknowledged that even after mitigation and enhancement the impact would be minor negative. This was balanced against the need to provide housing and ultimately the development was approved.
64. The outline consent required further ecology surveys to be submitted with reserved matters applications for each phase to ensure that information was up to date and to influence further mitigation measures which could be secured at reserved

matters stage based on the information within those additional surveys.

65. An ecology assessment and specific invertebrate assessment has been submitted with the application. In addition a further ecology assessment relating to an area to the northeast of the tree belt (provided for the housing with care scheme) provides further insight into the site. Both surveys were undertaken in 2013 and show similar results. They identify that the site is important for its dry open flower rich grassland habitats which support important open habitat invertebrate assemblages which are in favourable condition. This includes a number of species of conservation concern. The survey to the southern third of the Three Score site identified the fauna of regional and national significance, the report of the ecology consultancy relating to the application site being considered for the care home phase suggests that the assemblages may be considered to be of national importance although suggests this may be an overestimate and is considered to be of County/Regional value.
66. In the case of the reserved matters application significant areas of habitat can be retained or re-provided on site. There will be some loss of scrub land, trees and hedging as a result of the surface water proposals however much of the area will be able to regenerate over time with appropriate management. A key mitigation measure particularly for invertebrates is to re-provide similar grassland on the site. Therefore it is proposed to retain and reuse existing topsoil from the site so that the existing seed bank is retained and this should assist the re-provision of similar grassland once the lagoons have been provided. Re-provision of similar flora on the site will assist in re-providing habitat for species which utilise the site.
67. A method statement for the storage and reuse of top soil has been provided however the methodology is lacking and does not provide detail on what happens to top soil from the northern lagoon. The top soil should be stored on the site, however detailed locations for this will need to be agreed. In addition the information does not explain in detail what happens with sub-soil from the lagoons. It would be inappropriate for this to be spread or stored for long or short periods of time in large quantities on the site as this could have negative impacts on the ecology of parts of the site not affected by this phase of the development. At this stage it is recommended that further detail be conditioned pre-commencement, however the applicant has been working on amending this and if acceptable revisions are received before determination it is suggested that the conditions require works to be undertaken in accordance with the revised details.
68. At this early stage of the development, large areas of the site will be retained as existing and therefore re-colonisation from other existing areas of the site should take place. In this regard the area of land to the southwest of the northern lagoon fronting onto Bishy Barnabee Way was identified as of high significance in the invertebrate survey and given its proximity to the two lagoons it is suggested that this area be protected during development. Whilst it has approval under the outline consent for redevelopment this is unlikely to take place for a number of years and in the mean-time it should assist the re-colonisation of the lagoon areas.
69. With regard to the NPPF and specifically paragraph 118 this details that if significant harm resulting from a development cannot be avoided (through locating

on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. In this case and particularly for this phase given the mitigation proposed the harm resulting from the proposals is not considered to constitute significant harm in the context of the NPPF.

70. Turning to the other flora and fauna identified through the ecology report, most of these matters have been addressed and conditioned at the outline stage, this includes conditions for clearance to avoid harm to nesting birds, reptile relocation (given the transient nature of reptiles identified at outline stage), provision of bat and bird boxes and lighting details. A further mitigation measure secured as part of this phase is the insertion of an amphibian corridor under the spine road to link the lagoons. The details of this will be conditioned.

Amenity

71. The proposals are for surface water infrastructure and as such it is not considered there are any neighbour implications to neighbours to the west. There are likely to be short term implications during the construction stage. Condition 37 of the outline consent deals with this and requires a construction method statement to be agreed pre-commencement and requires amongst others details of construction hours, lighting, dust suppression, access routes storage and parking areas to minimise the impact on neighbour amenity during the construction phase.

Conclusions

72. The site has outline consent for residential redevelopment and these applications relate to the provision of surface water infrastructure. The main considerations in this case are the surface water strategy itself, landscaping and the ecological impacts of the proposals. Following amendments to the scheme the Environment Agencies concerns have been resolved and the strategy for surface water is considered to be acceptable and subject to conditions the landscape strategy which includes the re-provision of existing top soil on the site the proposals is considered to be acceptable.

RECOMMENDATIONS

(1) To approve Application No (14/00874/RM Three Score Site Land South Of Clover Hill Road Norwich) and grant planning permission, subject to the following conditions:-

- In accordance with submitted plans and details;
- CEX fencing to be provided before commencement in accordance with 3.0 of AIA;
- Works to be undertaken in full accordance with the arboricultural implications assessment, no services to be installed in CEZ's unless otherwise agreed and no storage in CEZ's;
- Pre-construction meeting with the councils tree protection officer;
- Turf, top soil and sub soil management strategy to be provided pre-commencement or in accordance with details if acceptable details are provided pre-determination;
- Survey of the double hedgerow, consideration and details to re-establish the

route between the rows, unless not considered feasible to do so, ongoing management and maintenance details;

- Details for the cladding of the headwalls and materials for the railings above;
- Management and maintenance to be undertaken in full accordance with submitted details;
- Details of culvert under the spine road to provide for amphibian corridor and potential diversion of overland flows.

(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 appropriate conditions and for the reasons outlined in the officer report.)

(2) To approve Application No (14/00850/F Three Score Site Land South Of Clover Hill Road Norwich) and grant planning permission, subject to the following conditions:-

- Standard time limit condition;
- In accordance with submitted plans and details;
- In accordance with arboricultural implications assessment, including provision of protective fencing;
- Re-use of top soil from site above area cut and covered and to extended ditch.
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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 appropriate conditions and for the reasons outlined in the officer report.)