

Planning Committee Agenda

Members of the Planning Committee:

Cllr J M Ward (Chairman)
Cllr K Vincent (Vice-Chairman)
Cllr A D Adams
Cllr S C Beadle
Cllr N J Brennan
Cllr J F Fisher

Cllr R R Foulger
Cllr C Karimi-Ghovanlou
Cllr K Leggett
Cllr S M Prutton
Cllr S Riley

Date & Time:

Wednesday 10 August 2022
9:30am

Place:

Council Chamber, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich

Contact:

Dawn Matthews tel (01603) 430404
Email: committee.bdc@southnorfolkandbroadland.gov.uk
Website: www.southnorfolkandbroadland.gov.uk

PUBLIC ATTENDANCE:

This meeting will be live streamed for public viewing via the following link: [Broadland YouTube Channel](#)

You may register to speak by emailing us at
committee.bdc@southnorfolkandbroadland.gov.uk no later than 5pm on Friday 5 August
2022

Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

AGENDA

- 1. To receive declarations of interest from members;**
(guidance and flow chart attached – page 3)
- 2. To report apologies for absence and to identify substitute members;**
- 3. To confirm the minutes of the meeting held on 13 July 2022;**
(minutes attached – page 5)
- 4. Matters arising from the minutes;**
- 5. Applications for planning permission to be considered by the Committee in the order shown on the attached schedule**
(schedule attached – page 10)
- 6. Planning Appeals (for information);**
(table attached – page 34)

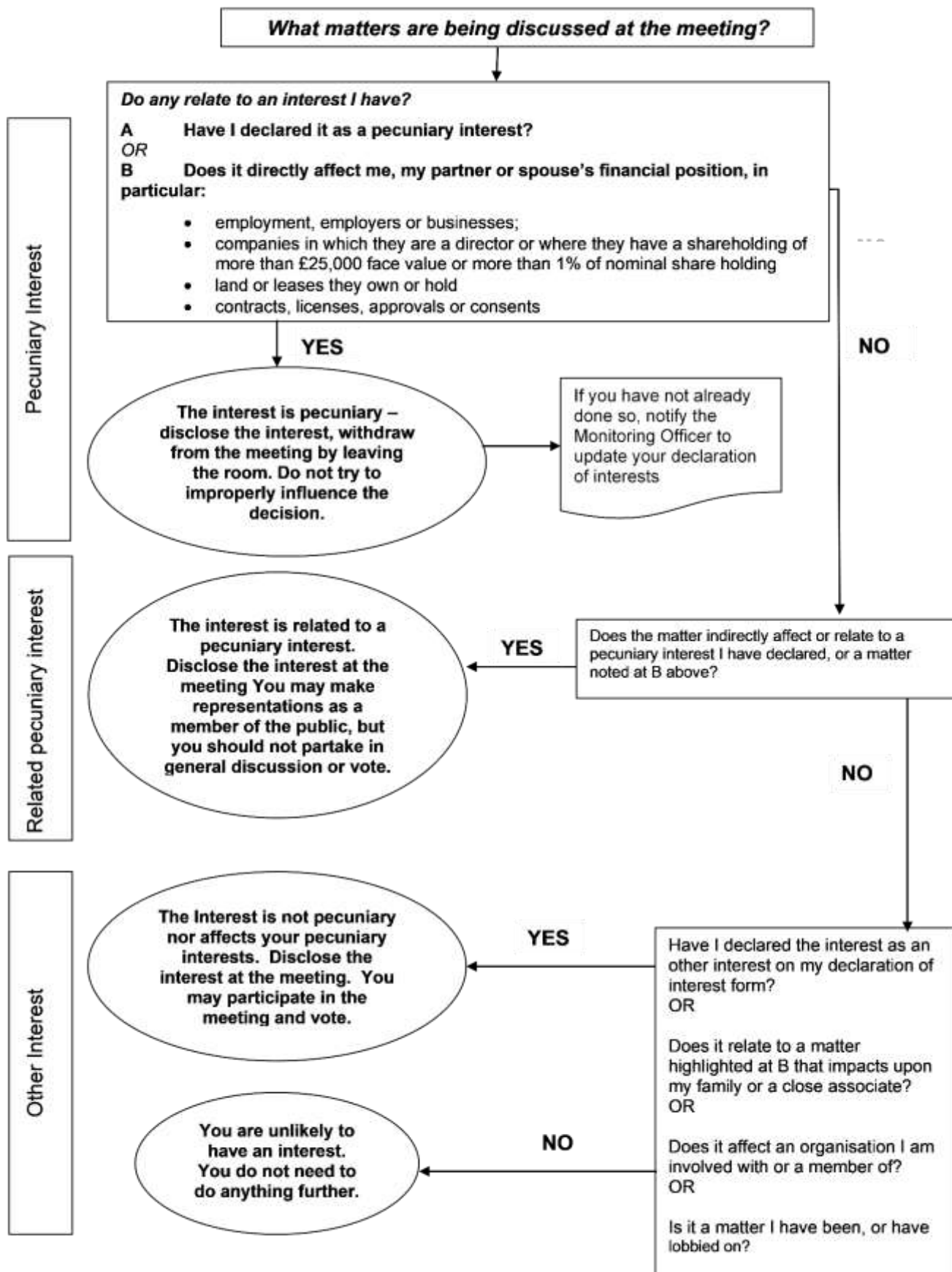
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.
Does the interest directly: 1. affect yours, or your spouse / partner's financial position? 2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner? 3. Relate to a contract you, or your spouse / partner have with the Council 4. Affect land you or your spouse / partner own 5. Affect a company that you or your partner own, or have a shareholding in If the answer is "yes" to any of the above, it is likely to be pecuniary. Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.
Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above? If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.
Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.
Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST
INSTANCE**

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of Broadland District Council, on 13 July 2022 at 9:30am at the Council Offices.

Committee Members Present: Councillors: J Ward (Chairman), A Adams, S Beadle, N Brennan, R Foulger, K Leggett, S Prutton, S Riley and K Vincent

Other Members Present : Cllr J Fisher (for application no 4 & 5)

Officers in Attendance: The Assistant Director of Planning (HM), the Area Team Manager (CR), the Principle Planning Officer (HB) and the Democratic Services Officer (JH)

7 DECLARATIONS OF INTEREST

No declarations were received

8 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs J Fisher and C Karimi-Ghovanlou.

9 MINUTES

The minutes of the meeting held on 15 June 2022 were confirmed as a correct record and signed by the Chairman.

10 MATTERS ARISING

No matters were raised.

11 PLANNING APPLICATIONS

The Committee considered the reports circulated with the agenda, which were presented by the officers.

The Committee had received updates to the report which had been added to the published agenda. They were also advised of updates to application no's: 20210161 and 20210178 - Thorpe St Andrew, to note that an additional letter

of objection had been received and the Town Council had now submitted their objection to the proposals in relation to:

- Application has been reconsidered in its entirety
- Increased in ridge height of the building will give the building dominance and combined with modern aesthetic will negatively impact on both the conservation area and grade II listed building
- Housing development to the rear was approved on the condition that materials were in keeping
- Materials are not sympathetic to the area felt that the intensification if the uses and increased height of the outbuildings will create a street scene where the grade II listed pub becomes the secondary building on site
- Number of buildings used will result in a proliferation of signage and advertising which will negatively impact on the conservation area and the street scene as well as the main building
- Insufficient parking on site which will result on parking on the main transit route into the city which is already at capacity
- When considering the Thoroughfare to the houses at the rear the proposal is over development of the site which impact on the Conservation Area and the listed buildings
- New ventilation will negatively impact on appearance and fabric of the building
- Likely to be the case with the wine bar which will cause odour nuisance to surrounding residents
- Application should be refused, and the applicant should develop a masterplan which is sympathetic to the building and the wider conservation area

It was also noted that applications 20200469, Broomhill Lane, Reepham, 20200847, Land West Broomhill Lane, Reepham and 20201183, Reepham High School and College, Whitewell Road, Reepham had been deferred prior to the meeting.

The following speakers addressed the meeting on the applications listed below.

Application	Parish	Speakers
20210161 & 20210178	Thorpe St Andrew	Cllr J Fisher – Thorpe St Andrew Town Council Nicole Wright – agent for the applications Cllr S Lawn – local member – written representation read out

The Committee made the decisions indicated in the attached appendix, conditions of approval or reasons for refusal of planning permission as determined by the Committee being in summary form only and subject to the final determination of the Director of Place.

12 PLANNING APPEALS

The Committee noted the appeals lodged and decisions received.

(The meeting concluded at 10.38am)

Chairman

NOTE: Conditions of approval or reasons for refusal of planning permission as determined by the Committee are in summary form only and subject to the Director of Place's final determination.

1. **Appl. No** : **20200469**
Parish : **REEPHAM**
Applicant's Name : Norfolk County Council
Site Address : Broomhill Lane, Reepham, NR10 4JT
Proposal : Widening of carriageway with traffic calming, revised junction configuration with Whitwell Road, shared use cycleway/footway and surfacing footpath to Park Lane

Application deferred prior to the meeting

2. **Appl. No** : **20200847**
Parish : **REEPHAM**
Applicant's Name : Lovell, Lakeside 500, Broadland Business Park, Old Chapel Way, Norwich, NR7 0WG
Site Address : Land west of Broomhill Lane, Reepham
Proposal : Proposed residential development for 141 dwellings with associated open space, highway and landscaping works. Extension to existing Reepham cemetery

Application deferred prior to the meeting

3. **Appl. No** : **20201183**
Parish : **REEPHAM**
Applicant's Name : Mr Rob Watton, Reepham High School and College
Site Address : Reepham High School And College, Whitwell Road, Reepham, NR10 4JT
Proposal : Provision of a New Sports Hall with associated Changing Facilities, Studio, Sports Classrooms and Parking.

Application deferred prior to the meeting

4. **Appl. Nos** : **20210161**
Parish : **THORPE ST ANDREW**
Applicant's Name : Black Orange Inv Ltd
Site Address : The Buck, 55 Yarmouth Road, Thorpe St Andrew, NR7 0EW
Proposal : Proposed refurbishment and change of use from public house (Sui Generis) to cafe with hot food take away (Eb/Sui Generis) (unit F) and retail / office (Ea and Eg(i) (Unit D) and retention of the existing first floor flat (Unit E), alongside conversion and refurbishment of ancillary storage facilities (Sui Generis) Units A and B to retail/business units (E(a/b/c/d/e//g)/F2(a)/ Hot food take-away, Nail Salon, Beauticians, Massage therapist,

Hair salon, and Simulation shops (such as a golf simulator) and Unit C to a Public house/wine bar/drinking establishment to include a mix of internal and external alterations, and a single-storey front extension to the storage unit with new fenestration and cladding.

Decision : Members voted (6-3) for Approval subject to conditions

Approved with conditions

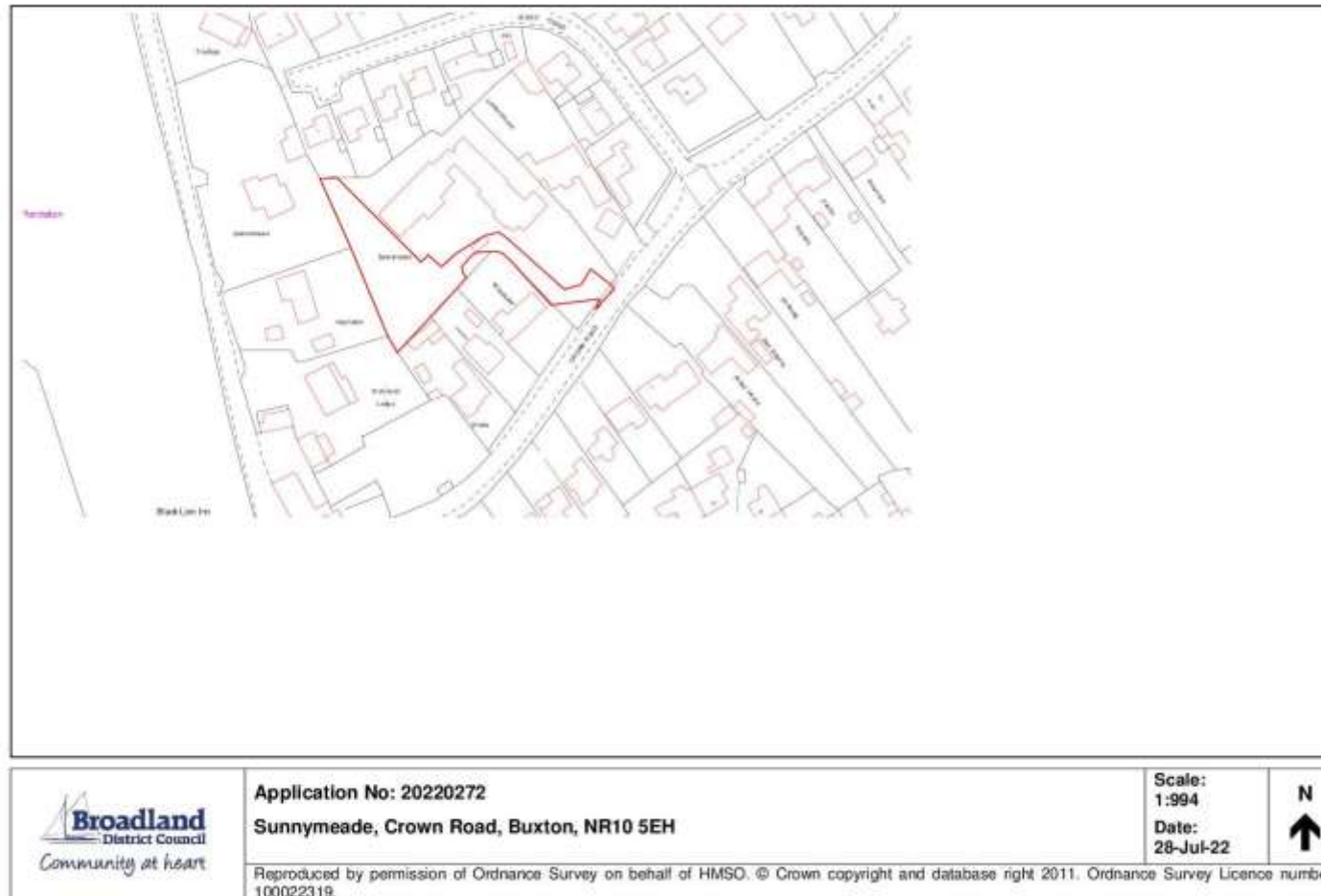
1. Time limit – full permission
2. In accordance with the drawings
3. Hours of use 8am -11pm for public house, café hot food takeaway and simulation shops
4. Units A and C will not be used concurrently as hot food takeaways
5. Details of materials
6. Details of windows and doors
7. Permitted development removed unit F
8. Permitted development removed units A, B and E for class E (f)
9. Landscaping including bollards around the seating area
10. Provision of accesses, parking and turning.
11. In and out accesses
12. Provision of cycle parking
13. Construction worker parking
14. Provision of bin stores
15. Tree protection
16. Contamination during construction

5. **Appl. No** : **0210178**
Parish : **THORPE ST ANDREW**
Applicant's Name : Black Orange Inv Ltd
Site Address : The Buck, 55 Yarmouth Road, Thorpe St Andrew, NR7 0EW
Proposal : Internal and external alterations to listed building
Decision : Members voted (6-3) for Approval subject to conditions

Approved with conditions

1. Time limit – listed building
2. In accordance with drawings
3. Details of staircases

	Application No	Location	Officer Recommendation	Page No
1	20220272	Sunnymeade, Crown Road, Buxton, NR10 5EH	Authorise Assistant Director of Planning to APPROVE subject to conditions and addressing the requirements of nutrient neutrality	12
2	20220775	Eastgate, Taverham Park Avenue, Taverham	APPROVE subject to conditions	27



- 1. Application No: 20220272**
Parish: BUXTON WITH LAMAS

Applicant's Name: Mr V Kiddell
Site Address: Sunnymeade, Crown Road, Buxton, NR10 5EH
Proposal: Erection of Detached Bungalow

Reason for reporting to committee

The application is reported to Committee as it has been called in by Councillor Karen Lawrence due to concern about the impact of surface water drainage upon flood risk given there is an existing flooding issue in the area; and concern about the impact of traffic generation upon highway safety given the narrow width of the private access road.

Recommendation summary:

Authorise Assistant Director of Planning to Approve, subject to conditions and addressing the requirements of nutrient neutrality.

1 Proposal and site context

- 1.1** The proposal is to erect one detached two bedroom bungalow on land previously part of a care home left over from the conversion of its south-west wing into four dwellings.
- 1.2** The site is within the settlement limit and has access to an unclassified road via a private access road shared with eight other two bedroom dwellings. These are four dwellings converted from the south-west wing of the former care home and four two bedroom dwellings converted from the main building in the form of apartments. There are a group of trees at the northern end of the site. It is not identified as being at risk from fluvial or surface water flooding.
- 1.3** The north-eastern site boundary partly adjoins the aggregate turning head of the private access road and aggregate shared pathway which provides access to the rear of all four dwellings alongside the south-west end dwelling. The part of the north-west boundary adjoining the turning head and the part of the pathway to the front of the south-west end dwelling is open. The part of the north-east boundary adjoining the rest of the pathway to the side and rear of the south-west end dwelling is screened by a 1.8 metre high close boarded fence.

- 1.4 The south-eastern site boundary adjoins the rear gardens of two dwellings on Crown Road. One consists of a detached gable roof bungalow named Rosedene and the other consists of a newer detached one-and-a-half-storey gable roof house named Urania. The south-eastern boundary is screened by a hedgerow and consists of two trees on the boundary with Urania. These are to be removed.
- 1.5 The south-western site boundary adjoins the rear gardens of three dwellings on Lion Road. The southern dwelling of the three consists of a detached hipped roof bungalow named Richmond Lodge. The middle dwelling of the three consists of a part two storey and part single storey detached gable roof house named Inspiration. The northern dwelling of the three consists of a two storey detached gable roof house named Gable House. The south-western boundary is screened by a hedgerow and consists of several trees.
- 1.6 The northern site boundary adjoins the rear garden of a dwelling on Mead Close consisting of a detached gable roof chalet bungalow. It is screened by a 1.8 metre high block wall.
- 1.7 A previous application (20201695) for the erection of two detached bungalows on the same land was refused in March 2021. This was because it was considered that the proposal would result in a cramped and contrived form of development and would have a significant detrimental impact upon the amenity of occupants by virtue of shading and branch/leaf fall.

2 Relevant planning history

- 2.1 20210753 Full Approval 24-September-2021
Conversion of Hotel into Four Residential Apartments including Erection of Porch outside Dining Room Doors of Apartment 1
- 2.2 20202374 Approve 26-March-2021
Approval of Details Reserved by Conditions 3 (Boundary Treatment and Bin Storage and Collection Points) and 7 (Contaminated Land - Investigation) of Planning Permission 20201201
- 2.3 20201695 Full Refusal 22-March-2021
Erection of Two Detached Bungalows
- 2.4 20201575 Approve 7-April-2021
Details Reserved by Conditions 3 (Method of Construction and Surfacing), 4 (Boundary Treatments), 5 (Bin Storage and Collection), 6 (Demolition), 7 (Visibility Splay) and 8 (Car Parking) of Planning Permission 20200508

- 2.5 20201467 Full Approval 20-April-2021
Variation of Condition 2 of Planning Permission 20200508
- 2.6 20201201 Full Approval 9-September-2020
Change of Use from C1 Hotel to C3 Dwelling
- 2.7 20200508 Full Approval 5-May-2020
Subdivide South-West Wing into 4x Dwellings with Associated Parking
- 2.8 20191439 Full Approval 6-November-2019
Change of Use from Care Home (C2) to Hotel (C1)
- 3 Planning Policies
- 3.1 National Planning Policy Framework (NPPF)
NPPF 2 : Achieving sustainable development
NPPF 4 : Decision-making
NPPF 9 : Promoting sustainable transport
NPPF 11 : Making effective use of land
NPPF 12 : Achieving well-designed places
NPPF 14 : Meeting the challenge of climate change, flooding and coastal change
NPPF 15 : Conserving and enhancing the natural environment
- 3.2 Joint Core Strategy (JCS)
Policy 1 : Addressing climate change and protecting environmental assets
Policy 2 : Promoting good design
Policy 15 : Service villages
- 3.3 Development Management Development Plan Document (DM DPD) 2015
Policy GC1 : Presumption in favour of sustainable development
Policy GC2 : Location of new development
Policy GC4 : Design
Policy EN1 : Biodiversity and habitats
Policy EN2 : Landscape
Policy TS3 : Highway safety
Policy TS4 : Parking guidelines
Policy CSU5 : Surface water drainage
- 3.4 Buxton with Lamas Neighbourhood Plan

Immerging Neighbourhood Plan with no weight.

3.5 Supplementary Planning Documents (SPD) and Guidance

Design Guide
Waste Planning
Parking Standards for Norfolk

4 Consultations

4.1 Buxton with Lamas Parish Council:

Objection on the grounds of the impact of the traffic generated upon the function and safety of the private access road given its short length, narrow width and traffic generated by existing dwellings. Otherwise it should be a condition that the proposed garage is not converted and an informative added on outdoor lights.

4.2 District Councillor:

Responded requesting the application be called in to planning committee for the reasons detailed above.

4.3 BDC Environmental Protection:

Responded with no comments given the distance from an oil spill within the grounds to the back of the office of the former care home.

4.4 BDC Environmental Contracts

No response.

4.5 NCC Highway Authority

No objection given the main building was previously granted permission to change use to a hotel and the overall traffic generated would be less than that of a hotel. This is on the condition that the proposed access and on-site car parking is laid out prior to first occupation and retained thereafter to ensure the permanent availability of car parking.

4.6 Other Representations

Three other representations have been made.

One representation was made in support. It is considered that the development of the remaining land would enhance the setting of the existing dwellings converted from the south-west wing of the former care home.

One representation was made requesting a condition that trees and shrubs be planted to replace those removed prior to this application given the detrimental impact their removal has had upon visual amenity, privacy and local biodiversity and habitat.

One representation was made in objection. It is considered that the traffic generated would have an adverse impact given the short length, narrow width and poor visibility of the private access road and given the traffic already generated by existing dwellings. Otherwise it is considered that trees and shrubs should be planted to replace those to be removed given the detrimental impact their removal would have upon local biodiversity and habitat; and the proposed double garage is excessive and should not be converted into a dwelling.

5 Assessment

5.1 Key Considerations

- Principle of development
- Design and impact upon the character and appearance of the area
- Amenity of proposed dwelling and impact upon neighbour amenity
- Impact upon biodiversity and habitats
- Impact upon highway safety
- Impact upon surface water flood risk

5.2 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This point is reinforced by the NPPF, which itself is a material consideration.

5.3 In accordance with both the Council's adopted development plan and the NPPF, in cases where there are no overriding material considerations to the contrary, development proposals that accord with the development plan should be approved without delay.

- 5.4 The main issues to be taken into consideration in the determination of this application are an assessment of the application against the policies of the development plan, the principle of development, the impact upon the character and appearance of the area, residential amenity, biodiversity and habitats, highway safety and surface water flood risk.

Principle of Development

- 5.5 Policy GC2 of the DM DPD states that new development will be accommodated within the settlement limits.
- 5.6 The site is located within the settlement limit for Buxton therefore the principle of development is acceptable subject to the impact of the proposed development upon the character and appearance of the area, residential amenity, biodiversity and habitats, highway safety and surface water flood risk.
- 5.7 After consideration of the principle of development it is concluded that the application accords with Policy GC2 of the DM DPD given the site is within the settlement limit.

Design and Impact upon the Character and Appearance of the Area

- 5.8 Policy 2 of the JCS states that all development will be designed to the highest possible standards, creating a strong sense of place and respecting local distinctiveness.
- 5.9 Policy GC4 of the DM DPD sets out that development will be expected to achieve a high standard of design and avoid any significant detrimental impact by paying adequate regard to the character and appearance of an area and reinforcing local distinctiveness through careful consideration of the treatment of space throughout the development, the appearance of new development, the scale of new development and landscaping.
- 5.10 Policy EN2 of the DM DPD states that, in order to protect the character of the area, development proposals should consider any impact upon as well as seek to protect and enhance natural and semi-natural features which make a significant contribution towards defining the character of an area.
- 5.11 The form of the proposed bungalow is simple with a rectangular plan and 30 degree pitched roof with hipped ends. The hipped roof is in keeping with the hipped roof of the former care home south-west wing conversion. The

bungalow is of a simple shape and uses traditional materials which produces a pleasing and sympathetic contribution to the street scene.

- 5.12 The size of the building and the extent of the driveway is acceptable in terms of its effect on the appearance of the development. The space around the proposed bungalow is utilised effectively and not treated as a left-over element. The bungalow frontage gives shape to the carpark by creating an enclosed space.
- 5.13 The walls of the proposed bungalow are dominant, with window and door openings appearing as minor elements. Window and door openings relate to each other in a visually ordered way.
- 5.14 The proposed bricks and tiles are to match the existing former care home south-west wing conversion. These are traditional natural materials that have colours particular to the area which help establish local identity. Red facing brick is the traditional walling material in the area.
- 5.15 Pantiles would be suitable for the 30 degree pitch of the roof proposed. The roof shape and material would keep the character of the proposed bungalow in keeping with the former care home south-west wing conversion. The appearance of the proposed bungalow would also be in keeping given the 30 degree roof pitch; a traditional pitch in domestic scale buildings which is more successful aesthetically than shallower pitched and is the minimum allowed by pantiles.
- 5.16 The proposed roof-lights are used to provide additional light and ventilation over the open plan lounge-kitchen-diner area. Their effect on the external appearance of the proposed bungalow is considered negligible.
- 5.17 The visual effect of the windows upon the external appearance would be acceptable given good proportions between solid and void would be achieved. The walls would dominate over windows and doors and produce a harmonious design.
- 5.18 Although the openings are horizontal in shape, the overall horizontal appearance of the proposed bungalow would be balanced by their vertical subdivision making for a much more harmonious effect. The elevations are well balanced given a simple regular pattern of windows. Where they are subdivided to provide ventilation, the opening sections are balanced and symmetrical, and where the windows differ in size or shape, they relate to those nearby in terms of their height and overall proportion. The effect of the

design of the windows themselves on the overall design would be acceptable given sympathetic in style.

- 5.19 PVCu windows will be acceptable in this instance given such would not be out of keeping with the local character and would not adversely affect the appearance of the nearby former care home south-west wing conversion.
- 5.20 The proposed porch is a simple small open gabled roof supported by timber brackets over the front door which helps to define the entrance in a style sympathetic to the rest of the building.
- 5.21 The siting of the proposed bungalow would be acceptable given the visual impact would not be significant and it would be well-related to the existing former care home south-west wing conversion in terms of the enclosure it would create.
- 5.22 The size, orientation and layout of the proposed bungalow would be acceptable in relation to the shape of the plot. There is no significant change in level on the site. The plot is large enough to accommodate the proposed bungalow and its garden, together with future sheds, greenhouse or conservatory. There would be space to park two cars on the site.
- 5.23 The effect of the proposed double garage on the host bungalow would be acceptable. It's siting together with the driveway would be acceptable in terms of the overall appearance and layout of the site. Furthermore, the proposed double garage would not become the dominant element of the design and would be of sufficient size to allow cars to enter it and for the driver to be able to get in and out.
- 5.24 The proposed double garage would relate to the host bungalow in form and materials.
- 5.25 Close boarded timber fencing with concrete posts and gravel boards would be erected to screen the private garden area of the proposed bungalow from the carpark. The design and materials of the proposed fence would be acceptable in terms of its appearance and would be in keeping with the character of the area given the existing fencing.
- 5.26 The car parking would not dominate the appearance of the bungalow given the driveway would be to its side.

- 5.27 Concern has been expressed about the impact of the proposed development upon the character and appearance of the area in terms of tree removal undertaken and proposed.
- 5.28 The two trees to be removed do not make a significant contribution to the character of the area. The incorporation of remaining trees and hedges will enhance the appearance of the proposed development. A condition is proposed to be added which will require protection of the retained trees during the construction period.
- 5.29 It is concluded that the proposal would not have a significant detrimental impact upon the character and appearance of the area and therefore accords with Policy 2 of the JCS and Policies GC4 and EN2 of the DM DPD in this respect.

Amenity of Proposed Dwelling and Impact upon Neighbour Amenity

- 5.30 Policy GC4 of the DM DPD states that development will be expected to achieve a high standard of design and avoid any significant detrimental impact by paying adequate regard to meeting the reasonable amenity needs of all potential future occupiers and considering the impact upon the amenity of existing properties.
- 5.31 The internal and external private spaces would not be overlooked and would be free from excessive noise and unwanted social contact. The orientation of the proposed bungalow and degree of separation between windows would prevent loss of privacy.
- 5.32 Rooms would not overlooked from the carpark or neighbouring houses or gardens.
- 5.33 The private garden area would be of adequate size and shape allowing adequate garden area.
- 5.34 Concern has been expressed about the impact of tree removal undertaken and proposed impact upon visual amenity and privacy.
- 5.35 Some trees were removed prior to the submission of the application. These provided some screening of the site as do those trees to be removed. No details on boundary treatments of the northern, south-eastern or south-western boundaries have been provided. Therefore such details are required by condition which will help to replace the screening that has been/will be lost.

- 5.36 The remaining trees and hedges are to be retained to enhance the appearance of the proposed development and shall be protected during the construction period.
- 5.37 It is concluded that the proposal would not have a significant detrimental impact upon neighbour amenity and therefore accords with Policy GC4 of the DM DPD in this respect.

Impact upon Biodiversity and Habitats

- 5.38 Policy 1 of the JCS states that all new developments will ensure that there will be no adverse impacts on European and Ramsar designated sites and no adverse impacts on European protected species in the area and beyond including by storm water runoff or sewage discharge. In areas not protected through international or national designations, development will minimise fragmentation of habitats and seek to conserve and enhance existing environmental assets of acknowledged regional or local importance. Where harm is unavoidable, it will provide for appropriate mitigation or replacement with the objective of achieving a long-term maintenance or enhancement of the local biodiversity baseline.
- 5.39 Policy EN1 of the DM DPD sets out that development proposals will be expected to protect and enhance the biodiversity of the district and avoid fragmentation of habitats. Where harmful impacts may occur, it should be adequately demonstrated that the development cannot be located where it would cause less or no harm; and that adequate mitigation is incorporated; and that the benefits of the development clearly outweigh the impacts.
- 5.40 Concern has been expressed about the impact of tree removal undertaken and proposed upon local biodiversity and habitat.
- 5.41 Existing trees and hedges, particularly old ones, often have great wildlife value. It is therefore considered that a replanting scheme should be carried out to replace those trees already removed and those to be removed, using native species wherever possible.
- 5.42 The application needs to be assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected

habitats such as the River Wensum or the Broads prior to granting planning permission.

- 5.43 The site is located inside the catchment area of the sites identified by Natural England. The development proposed involves the creation of additional overnight accommodation with foul sewage disposed of by mains sewer and as such the effect on the conservation objectives either alone or in combination with other projects needs to be assessed and may lead to the requirement for additional information to be submitted to further assess the effects. The application cannot, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).
- 5.44 It is concluded that the proposal does not demonstrate compliance with Policy EN1 of the DM DPD at this stage therefore consideration of the impact upon the nutrients of Habitat sites needs to be reserved.

Impact upon Highway Safety

- 5.45 Policy TS3 of the DM DPD states that development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network. Policy TS4 of the DM DPD sets out that appropriate parking and manoeuvring space should be provided to reflect the use and location.
- 5.46 Sufficient car parking and manoeuvring space would be provided for both residents and visitors. Parking would be provided within the private curtilage and is satisfactory in road safety terms.
- 5.47 Concern has been expressed about the impact of the traffic generated by the proposed dwelling upon the function and safety of the private access road given its short length, narrow width and poor visibility and given the traffic already generated by the existing dwellings.
- 5.48 The Highway Authority raised no objection to the proposals given the main building was previously granted permission to change use to a hotel and the overall traffic generated would be less than that of a hotel. This is on the condition that the proposed access and on-site car parking is laid out prior to first occupation and retained thereafter to ensure the permanent availability of car parking.
- 5.49 It is concluded that the proposal would not have a significant detrimental impact upon highway function or safety and sufficient parking provision would

be provided. Therefore the proposal accords with Policies TS3 and TS4 of the DM DPD in this respect.

Impact upon Surface Water Flood Risk

- 5.50 Policy CSU5 of the DM DPD states that mitigation measures to deal with surface water arising from development proposals should be incorporated to minimise the risk of flooding on the development site without increasing flood risk elsewhere.
- 5.51 Concern has been expressed regarding the impact of surface water drainage upon flood risk given there is an existing flooding issue in the area.
- 5.52 It is declared on the application form that surface water would be disposed of via soakaway which is acceptable given the site is not at risk from river or surface water flooding.
- 5.53 It is concluded that sufficient mitigation measures to deal with surface water would be incorporated and the risk of flooding on the site would be minimised without increasing flood risk elsewhere. Therefore the proposal accords with Policy CSU5 of the DM DPD in this respect.

Other Issues

- 5.54 It is stated in the application form that bins will be kept in the rear garden and brought top roadside on collection day. However this would not be in accordance with waste planning guidance and bin storage and collection points are not shown on the proposed site plan. Therefore such detail will need to be reserved by condition.
- 5.55 Paragraph 68 of the NPPF states that small and medium sized sites can be made an important contribution to meeting the housing requirement of an area. The Council has taken a proactive approach to this through the allocation of a range of small and medium sized sites and through defining Development Boundaries for over 80 settlements to facilitate suitable windfall development. Point (c) of NPPF para 68 states that local planning authorities should *'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'*. Although this is a material consideration in the determination of the application, it can only be afforded limited weight, given the previous supply of housing on small sites within the district.)

- 5.56 Under Section 143 of the Localism Act the Council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.57 This application is liable for Community Infrastructure Levy (CIL).
- 5.58 The Local Planning Authority has taken a proactive and positive approach to decision taking in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

Conclusion

- 5.59 The principle of development is acceptable and the proposed scheme would not have a significant detrimental impact upon the character and appearance of the area; amenity of occupants; neighbour amenity; highway function and safety; and surface water flood risk.
- 5.60 The proposed development is therefore considered acceptable subject to a Habitats Regulations Assessment of the impact upon nutrients of Habitats sites the application site is within the catchment of. The consideration of the impact upon nutrients of Habitats sites the application site is within the catchment of shall therefore be reserved and it should be noted that such consideration may lead to further conditions, for example, on the implementation of ecological mitigation measures.
- 5.61 As such the application accords with Policies 1 and 2 of the JCS and Policies GC2, GC4, EN2, TS3, TS4 and CSU5 of the DM DPD. Therefore, the application is recommended for approval subject to the conditions listed below and a Habitats Regulations Assessment of the impact upon nutrients of Habitats sites the application site is within the catchment of which may lead to further conditions.

Recommendation:	Authorise Assistant Director of Planning to Approve, subject to conditions and addressing the requirements of nutrient neutrality.
	1. 3 year time limit 2. Development shall be carried out in accordance with the submitted plans and documents 3. Tree protection 4. Landscaping 5. External materials and boundary treatments 6. Bin storage and collection 7. Surface water drainage 8. On-site parking and manoeuvring 9. Removal of Householder PD rights relating to conversion of double garage

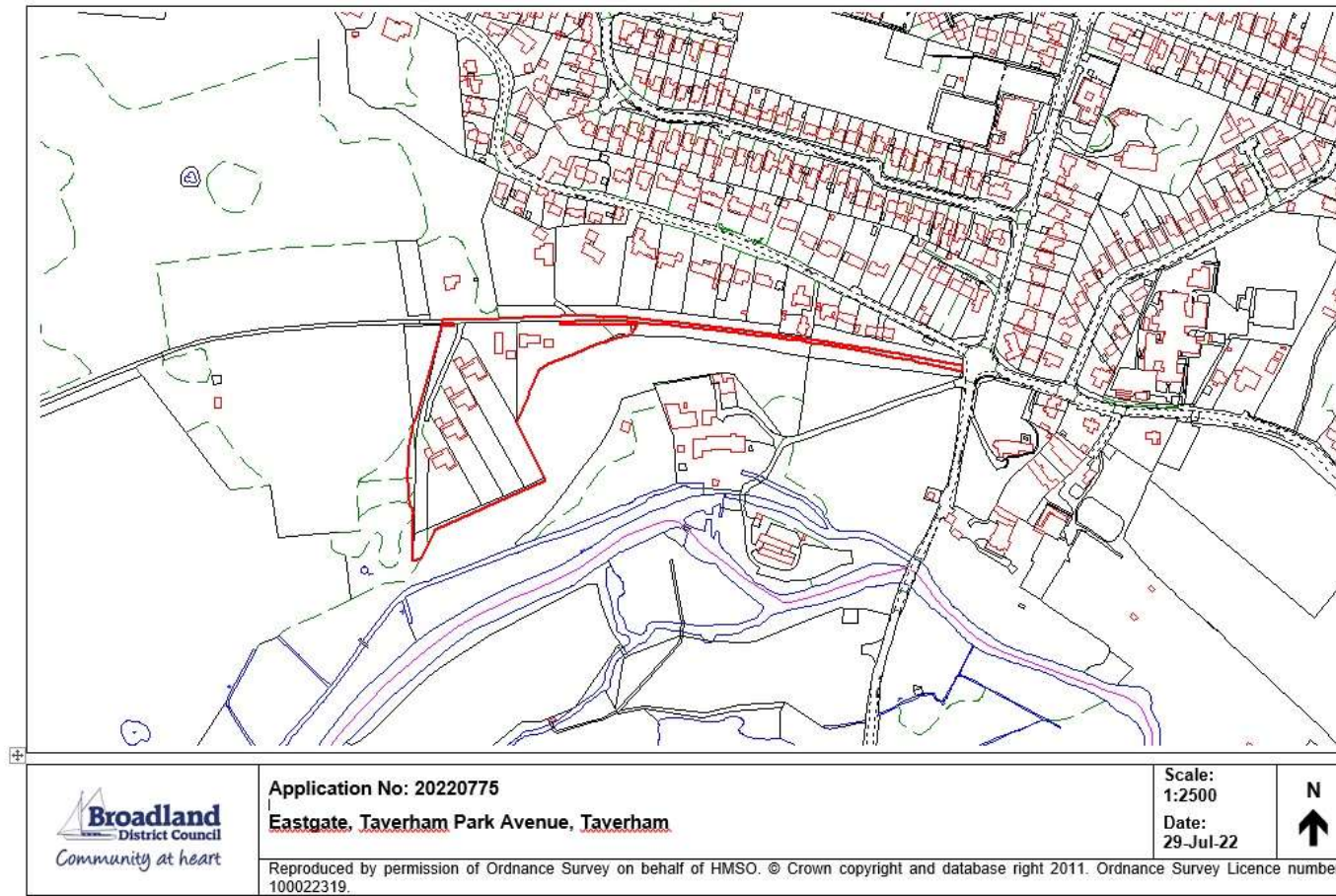
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Planning Committee

Application 2



- 2. Application No: 20220775**
Parish: TAVERHAM

Applicant's Name: Mr and Mrs Chen
Site Address: Eastgate, Taverham Park Avenue, Taverham
Proposal: Variation of condition 6 of planning permission 20181142 -
Landscaping scheme.

Reason for reporting to committee

The Local Member has requested that the application be determined by the Planning Committee for appropriate planning reasons as set out below in section 4.2

Recommendation summary:

Approve, subject to conditions

1 Proposal and site context

- 1.1 The application is seeking retrospective planning permission for replacement planting in the form of a yew hedge in lieu of the approved landscaping scheme.
- 1.2 The applicant has advised that the replanting was necessary due to animal damage. The original hedge species was not deer resistant and the plants had been eaten. Yew hedging was chosen for its deer resistance.
- 1.3 Eastgate is the first property of a new development of six houses located off Taverham Park Avenue, a private drive leading to Langley School. The properties have been built within a woodland setting, which extends to the River Wensum to the south.

2 Relevant planning history

- 2.1 20181142 - Erection of six new residential dwellings with associated landscaping. Approved.

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)
NPPF 12 : Achieving well-designed places
NPPF 15 : Conserving and enhancing the natural environment

3.2 Joint Core Strategy (JCS)
Policy 2 : Promoting good design

3.3 Development Management Development Plan Document (DM DPD) 2015
Policy GC4 : Design
Policy EN2 : Landscape
Policy TS3 : Highway safety

3.4 Taverham Neighbourhood Plan (Referendum Version) 2020

Policy TAV3 : Well-designed new development

4 Consultations

4.1 Parish Council

No comments received

4.2 District Councillor
Cllr Kenneth Kelly

I wish for the application to be called-in if the recommendation is for approval for the following reasons: -

- Yew hedging breaches the landscaping condition, which is valid for 5 years
- Replacement hedging should be like-for-like
- Open plan aspect of the development should be maintained
- Development was granted permission on the basis of specific planting
- New planting obstructs visibility onto Taverham Park Avenue

4.3 NCC Highways

No objections

4.4 Other Representations

Four letters have been received objecting to the application. These are summarised as follows: -

- Contravenes Condition 6 of the original planning permission
- Site is ecologically sensitive
- Yew hedging adversely affects the character and appearance of the site
- Hedge blocks views for cars at the access

- Legal covenant on the land preventing the planting of leylandii trees or conifers

5 Assessment

Key Considerations

- 5.1 Planning law (section 38 (6) of the Planning and Compulsory Purchase Act 2004) requires that applications 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 Policy Framework (NPPF), and the online Planning Practice Guidance (PPG).

- 5.2 The key considerations for the determination of this application are:

- Principle of the change of planting
- Impact upon the appearance of the site
- Impact upon highway safety

Principle

- 5.3 Planning permission was granted for the development of the six houses on Taverham Park Avenue, subject to a specific landscaping condition: -

“The landscaping scheme as indicated on the approved plans (drawing numbers JBA 13/164-01 Rev B and JBA 13/164-02 Rev B) received by the Local Planning Authority on 11 July 2018 shall be carried out prior to the occupation of any part of the development.

The scheme as approved shall be carried out not later than the next available planting season following the commencement of development or such further period as the Local Planning Authority may allow in writing. If within a period of FIVE years from the date of planting, any tree or plant or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, or becomes in the opinion of the Local Planning Authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.”

- 5.4 The drawings referred to in this landscaping condition detailed that the boundary planting for Plot 1 (Eastgate) should comprise of 31m of ornamental hedge planting (*Viburnum Tinus*) on the northern boundary adjacent to Taverham Park Avenue and a mix of shrubs along the western boundary adjacent to the driveway of the neighbouring property (Brandon House, Plot 2).

- 5.5 The condition states that should any of the plants need to be replaced within the first 5 years of planting, this should be on a like-for-like basis, unless the LPA has given written consent for an alternative species. The condition therefore allows for changes to the landscaping on the site before the 5 year period, subject to the LPA agreeing to the change. Therefore the principle that the landscaping scheme could be changed is accepted but this is subject to the agreement of the LPA.
- 5.6 Notwithstanding that the planning condition required written consent for a change to the approved landscaping scheme, the applicant replaced the boundary planting following advice received from the planning authority that replacing the hedge did not require any formal consent. This advice was given in error and the applicant has subsequently submitted the application for determination retrospectively.

Impact on the appearance of the site

- 5.7 Neighbours have objected to the appearance of the yew hedge, stating that it is out of character with the development and wider parkland and woodland setting.
- 5.8 Policy 2 of the JCS requires all development to respect local distinctiveness and landscape setting. Policies GC4 and EN2 of the DMDPD state that proposals should pay adequate regard to the character and appearance of an area and consider any impact as well as seek to protect and enhance the area where appropriate. In addition Policy TAV3 of the Taverham NP states that all proposals should respect the character of the area.
- 5.9 The approved species (*Viburnum Tinus*) can grow to a height of 3m and would have created a dense evergreen screen along Taverham Park Avenue, the northern boundary of the site, if maintained as a hedge as intended in the landscaping scheme. Yew hedging is also a dense evergreen plant and if maintained as a hedge would be not be dissimilar in appearance to the approved species. The houses are set against a backdrop of large trees which create a dark backdrop and it is considered that the yew hedge does not detract from the character or setting of the site or wider development.
- 5.10 Comments have been made that the site should maintain its open plan aspect. The approved landscaping scheme includes proposals for the same type of hedging around the northern and western boundaries of all the plots where they are adjacent to the roadways. It appears that these hedges have not yet become established and the northern boundary of Plot 2 in particular, is very open in character. In the future, when the boundary hedges do become established there will be greater continuity in the appearance of the development and will no longer be open in character.

- 5.11 Yew hedging has been placed inside the shrubs on part of the western boundary of the application site, enclosing the front garden of Eastgate on this side. This boundary is currently visible when approaching from the west of the site but is considered to have no significant detrimental impact upon the appearance of the site or street scene. As the hedges to the north of Plot 2 become established, this section of yew hedge will be barely visible outside the site.
- 5.12 For the reasons set out above, the change to the species of hedging is not considered to significantly alter the character or appearance of the site or wider setting and therefore complies with Policy 2 of the JCS, Policies GC4 and EN2 of the DMDPD and Policy TAV3 of the Taverham NP.
- 5.13 Yew hedging does have the potential to become tall and individual trees can reach up to 20m in height unlike the previously approved species. For this reason, a condition of planning permission to maintain the hedge at no higher than 2m is recommended.

Impact upon highway safety

- 5.14 Concerns have been raised by some residents that the yew hedge obscures the visibility for vehicles emerging from the driveway of Plot 2. Policy TS3 of the DMDPD states that development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network.
- 5.15 The driveway of Plot 2 emerges onto Taverham Park Avenue, which is a narrow private driveway with a 5 mph speed limit. This driveway provides a secondary access to Langley School for service vehicles and is used as access to a few residential properties. In total 5 properties lie beyond the driveway to Plot 2.
- 5.16 The approved boundary planting along Taverham Park Avenue is for Viburnum Tinus, an evergreen shrub that can grow to 3m in height and there were no conditions that required the hedge to be retained at any particular height. The original landscaping plan did not include any visibility splays for the driveway of Plot 2 and the yew hedging as planted, is in the same position. Therefore, it is considered that the replacement hedge will not create any additional loss of visibility for emerging vehicles.
- 5.17 The Highway Authority has not raised any objections to the proposal in relation to highway safety. The application is therefore considered to comply with Policy TS3 of the DMDPD.

Other Issues

Legal Covenants

- 5.18 Comments have been received regarding legal covenants that apply to the owners of the site, which have been imposed by the developer. In particular, there is a stipulation that no Leylandii trees or conifers of a similar nature should be planted. This issue is acknowledged, however legal covenants are a separate matter and not a planning issue.

Ecology

- 5.19 Objections have been received in relation to loss of ecology as a result of the planting. It is considered however that replacing a single species hedge with another single species hedge will not adversely impact ecology on the site. Yew is a native species and will provide a dense hedge suitable for nesting birds and will provide food for birds, mammals and insects.

Finance

- 5.20 Under Section 143 of the Localism Act the Council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.21 Nutrient neutrality

This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. Although the application is for a variation of condition (Section 73), the proposal relates solely to changes to boundary treatment for an existing residential unit on a housing development that is already complete and occupied and it will not increase the number of dwellings. The proposal will not lead to a significant effect as it would not involve a net increase in population in the catchment. This application has been screened, using a precautionary approach, as is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and

there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

5.22 GIRAMS

In respect of the Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS) and contributions that developers are now required to make to this from 1 April 2022, it is understood that all dwellings were complete and occupied prior to that date and on that basis, it is considered to be unreasonable to require these contributions.

Conclusion

5.23 In summary, the change to the hedge species is considered acceptable for the reasons set out above and the application is recommended for approval.

Recommendation:	Approve subject to conditions.
	1. In accordance with plans 2. Limit height of hedge 3. Landscaping 4. No PD for classes A,B,C,D,E or G 5. No PD for fences, walls classes A or C

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Planning Committee

Planning Appeals: 4 July 2022 to 1 August 2022

Appeals Lodged

Ref	Site	Proposal	Decision Maker	Officer Recommendation
20211192	16 Norwich Road, Horsham St Faith, NR10 3LB	Outline application for the erection of 2 dwellings	Delegated	Outline Refusal
20211682	Jagona, 113 Thunder Lane, Thorpe St Andrew, NR7 0JG	Single and two storey rear and side extension	Delegated	Full Refusal

Appeal Decision Received – NONE