

# Planning Committee

## Agenda

### Date

Wednesday 9 January 2019

### **Members of the Planning Committee**

Miss S Lawn  
(Chairman)

Mr D B Willmott  
(Vice Chairman)

Mr A D Adams  
Mr G Everett  
Mr R F Grady  
Mrs L H Hempsall  
Mr R J Knowles

Mr K G Leggett MBE  
Mr A M Mallett  
Mrs B H Rix  
Mr J M Ward

### Time

9.30am

### Place

Council Chamber  
Thorpe Lodge  
1 Yarmouth Road  
Thorpe St Andrew  
Norwich

### **Substitutes**

#### **Conservative**

Mrs C H Bannock  
Mr R R Foulger  
Mrs T M Mancini-Boyle\*  
Mr I N Moncur  
Mr G K Nurden  
Mr M D Snowling MBE  
Mrs K A Vincent  
Mr S A Vincent  
Mr D C Ward

#### **Liberal Democrat**

Mr S Riley

### Contact

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\*not met training requirement so ineligible to serve

**If any Member wishes to clarify details relating to any matter on the agenda they are requested to contact the relevant Area Planning Manager, Head of Planning or the Head of Democratic Services & Monitoring Officer prior to the meeting.**



@BDCDemServices

### **The Openness of Local Government Bodies Regulations 2014**

Under the above Regulations, any person may take photographs, film and audio-record the proceedings and report on all public meetings. If you do not wish to be filmed / recorded, please notify an officer prior to the start of the meeting. The Council has a protocol, a copy of which will be displayed outside of each meeting room and is available on request.

**The Chairman will ask if anyone wishes to  
film / record this meeting**

**A G E N D A**

**Page No**

- |          |   |                  |
|----------|---|------------------|
| <b>1</b> | <b>To receive declarations of interest under Procedural Rule no 8</b>                                     |                  |
| <b>2</b> | <b>Apologies for absence</b>  |                  |
| <b>3</b> | <b><u><a href="#">Minutes of meeting held on 19 December 2018</a></u></b>                                 | <b>208 – 220</b> |
| <b>4</b> | <b>Matters arising therefrom (if any)</b>   |                  |
| <b>5</b> | <b>Applications for planning permission to be considered by the<br/>Committee in the following order:</b> |                  |
|          | <b><u><a href="#">Schedule of Applications</a></u></b>  | <b>3 – 4</b>     |
|          | <b>Planning Applications</b>  | <b>5 – 200</b>   |

Please Note: In the event that the Committee has not completed its business by 1.00pm, at the discretion of the Chairman the meeting will adjourn for 30 minutes.

Trevor Holden  
Managing Director

**Copies of the applications and any supporting documents, third party representations and views of consultees are available for inspection in the planning control section.**

**SCHEDULE OF APPLICATIONS TO BE CONSIDERED**

| Plan No | App'n No                 | Location  | Contact Officer | Officer Recommendation  | Page Nos  |
|---------|--------------------------|---|-----------------|---|-----------|
| 1       | <a href="#">20180963</a> | <a href="#">Old Station Yard, Cawston Road / Stony Lane, Reepham</a>  | MR              | Delegate authority to the HoP to <b>APPROVE</b> subject to the satisfactory completion of a S106 Agreement and conditions   | 5 – 52    |
| 2       | <a href="#">20181142</a> | <a href="#">Taverham Park, Taverham Hall, Ringland Road, Taverham</a> | JF              | Delegate authority to the HoP to <b>APPROVE</b> subject to conditions, securing a S106 Agreement and with Heads of Terms  | 53 – 89   |
| 3       | <a href="#">20181766</a> | <a href="#">Land at St Faiths Road, Old Catton</a>                    | CJ              | <b>APPROVE</b>  | 90 – 96   |
| 4       | <a href="#">20180920</a> | <a href="#">Land at St Faiths Road, Old Catton</a>                    | CJ              | Delegate authority to the HoP to <b>APPROVE</b> subject to removal of condition 27 (being considered under application 20181766), the satisfactory resolution of the noise issue in consultation with the Environmental Health Officer and conditions | 97 – 156  |
| 5       | <a href="#">20181628</a> | <a href="#">The Stables, Ranworth Road, South Walsham</a>             | CP              | Delegate authority to the HoP to <b>APPROVE</b> subject to no adverse comments from Natural England in relation to bats that cannot otherwise be dealt with by condition(s) / informative and conditions  | 157 – 180 |
| 6       | <a href="#">20181670</a> | <a href="#">25 Chenery Drive, Sprowston</a>                           | JF              | <b>APPROVE</b> subject to conditions  | 181 – 191 |

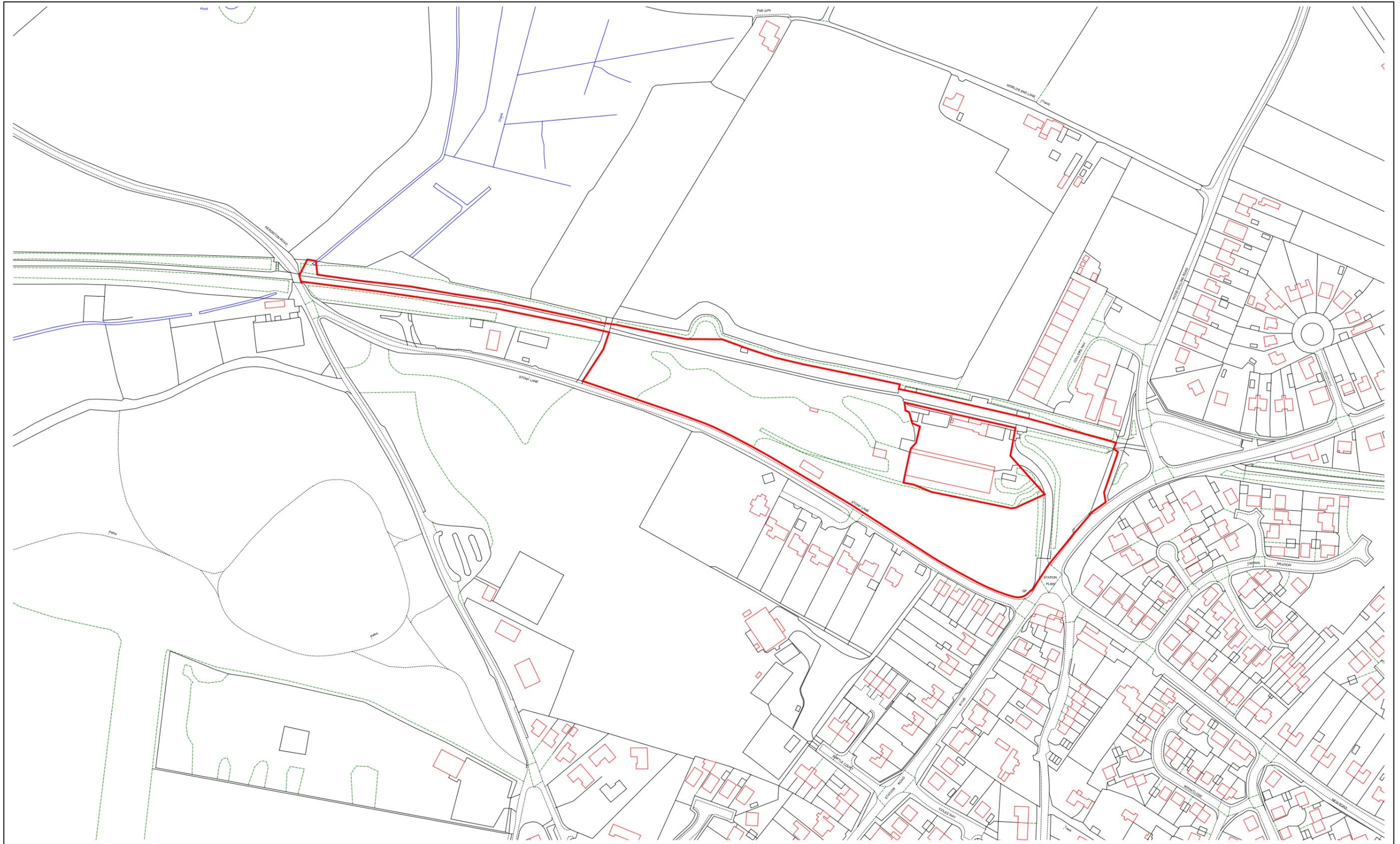
## Planning Committee

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|----------|--------------------------|--|----|--|------------------|
| <b>7</b> | <a href="#">20181652</a> | <a href="#">Meeting House Farm, Oulton</a> | EY | Delegate authority to the HoP to <b>APPROVE</b> subject to no new material issues being raised before the expiration of the Press notice period and conditions | <b>192 – 200</b> |
|----------|--------------------------|--|----|--|------------------|

HoP = Head of Planning

| <b>Key</b> | <b>Contact Officer</b> | <b>Direct Dial No:</b> |
|------------|------------------------|------------------------|
| MR         | Matthew Rooke          | 01603 430571           |
| JF         | Julie Fox              | 01603 430631           |
| CJ         | Charles Judson         | 01603 430592           |
| CP         | Cheryl Peel            | 01603 430550           |
| EY         | Ellie Yarham           | 01603 430136           |



**Application No: 20180963**  
**Old Station Yard, Cawston Road / Stony Lane, Reepham**

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**Scale:**  
**1:2500**  
**Date:**  
**21-Dec-18**



**AREA** West  
**PARISH** Reepham

1

**APPLICATION NO:** [20180963](#) **TG REF:** 609954 / 322880

**LOCATION OF SITE** Old Station Yard, Cawston Road / Stony Lane, Reepham

**DESCRIPTION OF DEVELOPMENT** Erection of food retail store (A1 use), offices (B1a use), 60 no: bedroom care home (C2 use), 20 no: assisted flats (C2 use), 15 no: assisted bungalows (C2 use), assembly room / club house (C2 use) & associated car parking, service yards, access roads, drainage works & landscaping

**APPLICANT** CDP Ltd & Central England Co-Operative Ltd & Westward Health Care Ltd & DA Barnes & DJ Hall & KJ Ewing

**AGENT** Commercial Development Projects Limited (CDP Ltd)

**Date Received:** 8 June 2018  
**13 Week Expiry Date:** 4 October 2018

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**Reason at Committee:** As the application is a major application and is of local interest.

**Recommendation (summary):** Delegate authority to the Head of Planning to approve subject to the satisfactory completion of a Section 106 Agreement and subject to conditions:

## 1 THE PROPOSAL

- 1.1 The site area is 2.75 hectares.
- 1.2 The proposed food retail store (A1 use) will be single storey and have an internal floor area of 420m<sup>2</sup> (460m<sup>2</sup> external). The hours of opening are proposed as 7am – 11pm everyday including Bank Holidays.
- 1.3 The proposed offices (B1 use) will be two storeys and provides 290m<sup>2</sup> of floorspace with four open plan office spaces. The hours of operation are proposed as 7am – 10pm Monday to Friday; 7am – 7pm on Saturdays; and closed Sunday and Bank Holidays.
- 1.4 The proposed care home (C2 use) will be two storeys and will provide 60 bedrooms which are proposed adjacent to Stony Lane. Within the site

adjacent to Marriott's Way a two and two and a half storey block of 20 assisted flats (C2 use) are proposed, which includes an assembly room/club house. In addition 15 assisted bungalows (C2 use) are proposed to the west of the site.

- 1.5 The care home, assisted flats and bungalows will be registered with the Care Quality Commission (CQC) with individual care packages being provided to each resident with a minimum of four hours of care per week. The applicant has agreed a minimum age limit for the occupation of the care bungalows and apartments will be restricted to persons of 75 years or over.
- 1.6 In terms of vehicular access, the offices and food retail store will be served mainly by an access off Station Yard (with a service exit point onto Stony Lane) the care village will be served by separate accesses off Stony Lane. The accesses to the care village will be gated to create a secure area for residents. A footway will be provided along the frontage of the site on the northern side of Stony Lane and will connect with the existing footway on Station Road. In addition a gated access is proposed from the care village onto Marriott's Way.

## 2 KEY CONSIDERATIONS

- Whether the development accords with the provisions of the development plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance
- The impact of the development upon the character and appearance of the area
- The impact of the development upon the amenity of nearby residents
- The impact of the development upon the safe functioning of the highway network
- The impact of the development upon existing trees
- Drainage and flood risk
- Other matters

## 3 CONSULTATIONS

- 3.1 Reepham Town Council:

Initial comments:

The Town Council have unanimously agreed that whilst they support this planning application, they have following comments:

- The care home is two and a half storeys and there is concern that it has an overwhelming visual impact on Stony Lane. The Town Council would wish to see it located to a less prominent part of the site or for it to be reduced in height.
- Subject to a 'sensitive' reduction in the number of trees, the council does not object to the removal of poor quality trees and hedging.
- The Town Council are concerned about the impact that the development will have on the local GP practice and would hope that provision will be made to ensure that the already stretched service is not put under any further pressure.
- There is concern that noise from the manufacturing unit at Kerri's Pine will impact on the residents of the care home, so suggest some form of soundproofing be included in the scheme to ensure that noise is not an issue as the Council would not wish there to be any detrimental impact on the existing business.
- As the access road is being relocated, the Council would wish to see signage promoting the existing business(es) on Station Yard reinstated.
- Access to Marriott's Way, currently access is obtained to Marriott's Way via Kerri's Farmhouse Pine site. There is no suggestion of how this access will be maintained and it is something the Council would wish to be addressed.
- There is currently no noise impact statement with regards to the convenience store or care home (traffic movement of supply vehicles, cars going to and from the site etc) the Council like to see this addressed along with a light pollution statement, as it is anticipated that there will be light pollution from the care home and convenience store.

Further comments following submission of amended scheme:

Page 112 of the Broadland District Council 'Site Allocations Development Plan Document (DPD) 2016', which forms a part of the Local Plan sets out clear guidelines for development of this site (REP2 ) including:

‘Access (vehicular and pedestrian) to be from Station Road, with possible pedestrian access to Stony Lane’. This is in recognition of the traffic access problems associated with Stony Lane / Station Road which have not yet been satisfactorily addressed.

‘Design and layout should respect and reflect the local character and heritage.’ It is felt that whilst amendments have been made to the original application, these do not go far enough to address concerns regarding the overwhelming façade of the nursing home and assisted flats. No visual indication has been provided to illustrate the impact the reduced height will have on the site and surrounding area. Concern remains that these buildings would be incongruous with detrimental impact on Stony Lane and Marriott’s Way.

Whilst it is understood that there is a need for the developer to ensure the development is financially viable, this should not be at the expense of the local area and should not override local planning policy.

There is no detailed information regarding the foul water mains drainage layout and there is a concern that there may be potential interference with surface water drainage.

There remains concern about the proposed number of healthy trees being removed from the site. The Town Council does not object to the removal of poor quality trees and hedging but would continue to seek a more sensitive reduction in the number of healthy trees.

There remains no noise impact statement with regards to the convenience store or care home (traffic movement of supply vehicles, cars going to and from the site etc) along with a light pollution statement which the Council would still like to see addressed.

Whilst the Town Council unanimously agree that they support development of this site in accordance with the Development Plan and they remain supportive of plans to provide care facilities in Reepham, they continue to have strong reservations about this proposed development.

These comments are in addition to comments made previously with regard to this application.

### 3.2 District’s S106 Monitoring Officer:

I would suggest given the nature of the development and age constraints suggested for the age of the residents by the developer it seems to me that we should only be looking to capture open space contributions for Green Infrastructure in any S106 Agreement. The contributions could usefully be

used for improvements to the adjoining Marriott's Way. Indeed the developers have themselves highlighted improvements to Marriott's Way in their Design and Access Statement.

### 3.3 District's Pollution Control Officer:

I've read through the desk study for the site and agree with the conclusion of the consultants. I suggest that the condition is added to require an assessment of the conditions on the site before commencement of the development works.

### 3.4 District's Conservation Officer (Arboriculture and Landscape):

Initial comments:

Whilst I support some form of development on the site, the scheme should be sympathetic to the location and the existing trees which are protected by Tree Preservation Order 2008 no: 41 (802). The order is a mix of individual trees T1-T19, groups G1- G3 and woodland designations W1 & W2. It should be noted that the Woodland Order covers not only the mature trees but also the understorey of seedlings and saplings.

- Having looked at the proposed site layout, the density of units is rather greater than I had envisaged when the development was discussed at the preliminary site meetings and would result in significant numbers of tree removals.
- Usually a Tree Constraints Plan (TCP) is produced which shows the detail of the existing trees Root Protection Areas (RPAs) and shadow patterns and this is used to inform the layout of the development, this process has been detailed within section 1.2 of the AIA, but has not been provided for this application and drawing 1317-1407-PLO5/Rev G/Arb has been produced which is the Tree Protection Plan (TPP). This omission means the layout is largely informing which trees will be retained and would result in the complete fragmentation of W1 & W2 and the removal of a significant number of category 'B' trees. I would suggest the layout is re-visited to reduce the amount of trees to be removed within the west area of the site to make it more acceptable from a tree and landscape perspective.
- Within the AIA document two retained trees are shown with an excessive amount of new hard surfacing within their Root Protection Areas (RPAs), these are T17 Oak which shows 70% of the RPA covered and T100 Ash with 40% this would be unacceptable as it is far greater than the 20% recommended within BS5837 and would lead to the inevitable decline and eventual removal of the trees. This part of the scheme will require re-

design to reduce the amount of hard surfacing within the trees RPAs to an acceptable amount.

- Crown reduction to T6, T8, T17 & T101 has been recommended to lessen encroachment to the proposed buildings.
- T110, T111, T112 & T113 are off-site and are protected by TPO 1197 No.10 (609) and have been categorised as 'A's' having the greatest value, it should be ensured that the roots of these trees remain undamaged and the details of any changes to existing services or the installation of new highway drainage and road widening should be provided at this stage of the application to allow an assessment of the implications to the trees RPAs.
- The proposed widening of the highway along Stony Lane would require the removal of some of the vegetation and existing bank. Within the Ecology Report the Hedgerow Regulations are considered and the author concludes that it is doubtful that a hedgerow was present at the site when it was in use by British Rail.
- Section V of the Landscaping Statement details the northern section of this bank is more cohesive with additional Holly, Field Maple and a small Oak and the removal of these to widen the road would introduce a more suburban feel to the location.
- It has been highlighted within the report that plots 4 & 5 would be significantly overshadowed by trees T111, T112 & T113 this will reduce the quality of life for any future residents unless adequate fenestration is included in the design as the pruning of the neighbouring trees would be limited due to the TPO protection and being located off-site.
- The content of the Landscaping Statement has been informed by the Landscaping Plan, AIA and Ecology survey and the species selection for the proposed planting scheme chosen to help mitigate some of the tree losses.
- Section VII highlights that the proposed Anglia Water adoptable surface water and foul water drainage system to be installed along Marriott's Way will limit the amount of new planting due to the restrictions on the 6m (trees) and 3m (shrubs) limit adjacent to adoptable services. The installation of a root barrier has been recommended for the areas of new planting which I would fully support. However the points mentioned regarding the protection of the drainage system in areas with existing trees, where root barriers cannot be installed does introduce an element of uncertainty and should be discussed with Anglia Water to verify the proposals would be acceptable. Similarly if a pumping station is required

as part of the scheme the location of this should be identified and the tree constraints considered.

- Section 4.1 of the Landscaping Management Plan refers to drawing no: 317-1407-PL05/REV G/LANDSCAPE unfortunately I haven't been able to locate this drawing on-line and it should be requested so I can comment on the detail.
- Due to the past industrial use of the land, it should be verified at an early stage if any soil contamination remediation works would be required, as this may have a detrimental impact on the health and retention of the existing trees if soil stripping or raising of existing levels was required within the trees Root Protection Areas (RPAs).

Further comments following submission of amended scheme and additional information:

Following my previous comments on the scheme, having studied the details, a lot of the concerns I raised have been addressed.

The layout around Oak trees T32, T37, T43 & Ash T100 is an improvement and appears to have reduced the proposed hardstanding within the trees RPAs to an acceptable level.

New proposals for the services, routing them outside any RPAs and installation of a root barrier to protect the proposed foul sewer pipes from damage appears to have also addressed those concerns.

Details provided on the proposed fenestration to be used in the design of the properties; which will be significantly to moderately overshadowed by the existing trees has been improved with the increase in window size and dual aspect, which should make better use of the available light.

I now think on balance that most of my objections have been addressed and if the retained trees can be adequately protected during all demolition and construction phases of the development, through the concise and complete implementation of the Tree Protection Plan (TPP) and the proposed Landscaping Scheme is secured through a planning condition, the scheme would now be acceptable from a tree and landscape perspective.

### 3.5 District's Heritage Environment Officer:

Initial comments:

I have no objection to the development of this site in principle.

The former railway buildings and the Marriott's Way footpath (the former track bed) are undesignated heritage assets which are an important part of Reepham's history and well known and valued by the local community.

Ideally the development should provide enhanced access to Marriott's Way and it should not damage the setting of the historic former railway buildings. There is an opportunity to enhance the access to the footpath and the railway heritage which is missing from this scheme.

The submitted plans indicate a three storey care home with a large footprint which will visually dominate the site. The scale of the building is unlike anything else in the town and is not appropriate for this site on the very edge of the developed area. The development should respect the transition from the town into open countryside at this point and the current care home design fails to achieve this.

Further comments following submission of amended scheme:

The amendments to the care home element have given more visual interest to the prominent elevations so that although it remains a large single 'block' its presence in the landscape is softened.

The assisted living block has also been altered to improve the roof lines so that it now appears less visually dominant on the site. I still have some concerns about the height of the building but I believe it will not now appear so dominating especially when viewed from a distance over agricultural land to the north of the site.

Overall the amendments have lessened the negative impact of the scheme on the setting of the undesignated heritage assets (the former station building and track bed) and on the developed edge of the town to a point where it can now be considered to be acceptable, providing a planting scheme to soften the northern boundary adjoining Marriott's Way can be agreed prior to commencement of development.

### 3.6 District's Housing Development Officer:

Initial comments:

I have had a look through this application proposing a care home with assisted flats and bungalows at the above site. I acknowledge that the flats have clearly defined communal areas and therefore would seem to meet the requirements for C2 use.

Outwardly the flats will be indistinguishable for the residential care home, whilst still allowing for independent living within the facility. It would however

be helpful to have confirmation of the level of 'extra care' that will be provided within these assisted-living flats / apartments.

With regard to the detached bungalows proposed, I would still challenge whether these fall within the C2 definition or align with C3 use – being remote from the rest of the main care home and flats for assisted living.

The bungalows are detached residential dwellings that do not appear to provide any additionality in care. Applicants would in effect be moving to a level access property that would be suitable to their needs (as with any bungalow provided via an RP). Based on this interpretation, I would consider that these fall under C3 residential use (regardless of the fact they are for a specified client group).

So I would like to request further clarification from the applicants as to why the bungalows are not considered as C3 residential – rather than C2 within this application.

If these bungalows are subsequently considered as C3 rather than C2 then an affordable housing requirement of 30% would be sought on these properties (x 15 units). Therefore the Council would seek an affordable housing contribution equivalent to x 5 affordable units (rounded up). This would equate to £64,000 per affordable unit – totalling £320,000 in lieu of the affordable units.

I would also suggest that Adult Social Services should also be consulted to provide supporting evidence for these types of units (whether assisted or otherwise) and also with regard to the 70 bed care home proposed.

Further comments following submission of additional information:

I would just reiterate my previous enabling comments for this re-consultation and argue that the flats and more particularly the bungalows should be considered for C3 use rather than C2 (as the bungalows would not appear to be a residential institution) and therefore, there should be an affordable housing requirement on these units.

I will also add that there has been no recent delivery of affordable housing within the parish and so these properties would meet the significant local and districtwide housing need for 1 and 2 bedroom properties for affordable rent tenure (via an RP).

Further comments following submission of additional information:

I think all of the additional information is adequate confirmation that the units are being delivered as extra care units and as such fall under the C2

classification (rather than C3).

### 3.7 District's Design Advisor:

Initial comments:

The proposal breaks down essentially into 5 elements:

- The retail store
- The office
- The residential bungalows
- The assisted living flats
- The care home.

The impact of the development needs to be gauged cumulatively in terms of visual impact amenity.

Generally the individual elements of the site work together in terms of layout there are of course constraints on the site itself including a number of trees and hedges as well as the restricted width of the Stony Lane and the neighbouring properties which lay outside of the site but which will potentially be affected by the development of it. There are design concerns over the visual and physical impact on these constraints by individual elements of the proposal as well as the cumulative visual impact of all the different elements.

The site does not mark the end of development along the B1145 Cawston Road although along the Wood Dalling road after the small industrial site and Stony Lane it does represent the village fringe. The site is also bordered on one side by Marriott's Way the long distance path following the line of the old railway. Given this semi edge of settlement location and the scale of surrounding development the inclusion of buildings up to 3 storeys in height seems excessive and will have an adverse impact on the surrounding area given the footprint of the proposed buildings.

Whilst it is appreciated that the buildings are proposing to use and to further modify levels on site to minimise visual impact, the height of the buildings and the cupolas and gables proposed to the roof above eaves height will further accentuate the scale.

A building of no more than 2 storeys nominally but with three storey gabled elements may be acceptable. The reduction in height might also allow for a simpler roof form to be considered - the bonnet hips are presumably being used to decrease the mass of the buildings but actually add to the visual

busyness of the composition. Lower more simply detailed and articulated building to complement the single storey units, the store and the offices would be far more appropriate in terms of scale for the assisted living flats and the care home elements also.

In conclusion, in design terms whilst there is no objection to the principle of the re-development of the site with a mixed use development. Given the location of the site the scale and form of the larger of the elements (when taken cumulatively with the smaller elements) do represent a scale of development that will impact adversely on the semi-rural / suburban character and scale of development close by. It is acknowledged that industrial buildings are present on the adjacent site and these are of a larger scale (if not height) than the largely domestic buildings located elsewhere close to the site.

It is suggested that consideration is given to reducing the scale of the larger elements and also providing a degree of visual consistency between the larger and smaller elements proposed on the site. Whilst the larger elements can still have their own architectural identity a certain consistency of detailing and materials will make the scheme more visually cohesive.

Further comments following submission of amended scheme:

Regarding the care home element as per my previous comments below - the reduction in height of the building and the alterations to the elevational treatment have lessened the building's visual impact and this element of the proposal is now considered acceptable in terms of its form and appearance.

As regards the assisted living flats the blocks have been altered to give a greater degree of visual interest and variety of form. This has helped to break the mass of the building and to make the relationships between the different ridge heights of the buildings work better in terms of appearance. The proposed form now also considers the approach to the building approaching and leaving Reepham on the Marriott's Way.

These buildings are in part relatively tall – (in terms of the 2½ storey elements) and will clearly be visible from Marriott's Way. In long views from further to the north east however there is screening provided by both the existing industrial units and established boundary planting. The taller elements are no taller than the existing warehouse unit already on the site, but are located closer to the boundary.

The building will clearly be visible from Marriott's Way but the broken mass and articulated elevations will give a degree of visual interest on the site at the approach and exit from Reepham. The separation from the station building is significant at approximately 75m and this building sits up above the path on the old platform level above the track bed. The assisted care building will continue this positive built form and then lowering in height to relate to the

single storey units proposed to the west of the site continuing the reduction in height of buildings and visual impact approaching the open countryside.

Given the reconfiguration of the units to break up the massing and the revised elevational treatment; overall the impact of the assisted care building is now considered to be acceptable in terms of design.

As per previous email the revised care home element and the single storey units are also considered acceptable and the scheme can now be recommended for approval in terms of its design.

3.8 District's Economic Development Officer:

No objection to the current proposal.

3.9 District's Environmental Services (Noise):

The food retail store will need to comply with relevant Food Hygiene Regulations and to register with the Environmental Health Service

A Phase 2 intrusive survey and remediation strategy should accompany any future planning application.

It is recommended that a Construction & Environment Management Plan is submitted for this significant development, to cover at a minimum, proposed construction hours and the management of construction noise and dust, the plan to be agreed prior to the commencement of the development. Reason: To protect the amenity of nearby residents.

3.10 District's Environmental Services (Contracts):

I would refer you to the planning guidance notes which can be found here: [https://www.broadland.gov.uk/downloads/file/208/planning\\_guidance\\_for\\_waste\\_recycling\\_and\\_street\\_care\\_provision\\_for\\_new\\_developments](https://www.broadland.gov.uk/downloads/file/208/planning_guidance_for_waste_recycling_and_street_care_provision_for_new_developments).

I would confirm that this development would not receive a household waste collection.

In particular, I would refer you to section 5 which relates to Waste collection from Commercial Developments.

3.11 District's Green Infrastructure Officer:

No comment received.

### 3.12 Norfolk County Council - Highway Authority:

Initial comments:

By way of further clarification, the matter has been considered by the Development team which is made up of officers from all service areas within the Highway Authority who assess and give advice on major or complex planning applications. The team includes a safety audit representative.

The applicant is proposing a mixed-use development with the food store and office block accessed via a new improved access from Station Road. Whilst the proposed 15 assisted bungalows, a 70 bed residential care home and two blocks of assisted flats will be accessed off Stony Lane. Carriageway widening, visibility enhancements and footway improvements are proposed.

As you will be aware, there is significant planning history on this site and the Highway Authority has provided advice over a number of years with regard to development proposals on the site and the necessary highway works.

Most recently (in December 2017), we provided advice to the applicants transport consultants with regard to the current scheme. At this time, we offered advice with regard to the proposed works to Stony Lane (including carriageway widening and visibility splay enhancements required), the required access arrangements (including visibility splays), the pedestrian facilities required as well as the parking / layout requirements.

Having considered the information submitted, whilst a number of the points previously raised have been addressed there are still a number of issues which remain outstanding - see below:

- **Stony Lane** – To cater for the additional traffic generated, the applicant is proposing to widen Stony Lane to 6m from Station Road to the most western site access. Whilst this is acceptable to the Highway Authority this will of course require the removal of the existing frontage vegetation on the north side of Stony Lane.
- **Stony Lane / Station Road junction** – We do have some concerns with regard to the junction of Stony Lane / Station Road which need to be addressed. We have previously advised that enhancements to the visibility splays at the junction of Stony Lane / Station Road are required (in addition to the carriageway widening) should further development of Stony Lane be proposed.

Drawing no: 1407-A-PL06 also outlines that the visibility splays will be improved (with 2.4m x 59m splays indicated in both directions) however these are not plotted nor are they referenced with the submitted TA. In

fact, no assessment of the existing levels of visibility at this junction has been provided within the TA to allow the existing conditions to be considered.

Furthermore, I note that a highways layout plan (drawing no: 210493-SK004-P2) has been submitted with visibility splays plotted at all other junctions apart from this one.

I would therefore be grateful if you could ask the applicant to provide further information with regard to the existing and proposed levels of visibility at this junction to allow us to formally assess the proposals.

- **Visibility Splays** – With regard to the new accesses onto Stony Lane, as previously advised visibility splays of 2.4m x 59m should be provided rather than the 43m splays shown. It is noted that there is a replacement hedge positioned within the splays these will need to be set back accordingly.
- **Pedestrian Facilities** – Whilst additional lengths of footway have been provided no pedestrian crossing points have been identified at this stage. We have previously advised that suitable crossing point(s) need to be identified and provided across Station Road to facilitate access to/from the retail store / offices. Furthermore DDA bus stop enhancements will need to be required in the vicinity of the food store.

There is an annotation on the drawing 1407-A-PL06 that mentions an extension to the 20 mph limit. This should be removed.

- **Cycle Parking** – Covered cycle parking for both staff and visitors should be provided for the food store (staff and customers), offices and care home (staff). At this stage no details have been submitted.
- **Track runs** – Whilst I am sure a track run exercise has been carried out to aid the design no such drawings have been submitted as part of the application. I would be grateful if track runs could be submitted to outline the food store delivery arrangements (particularly the access back onto Stony Lane), the office servicing arrangements and the care home delivery / servicing arrangements.
- **Parking** – Whilst parking looks to be in line with adopted standards I would be grateful if the applicant could provide a breakdown of the staffing levels associated with the respective uses proposed. The application form outlines 95 staff FTE will be required however no staff break down has been provided.

- One further point with regard to the parking arrangements. It is noted that an overflow car park is proposed, close to the office units, for the care home staff. Can the applicant confirm how staff will access the care home to / from the overflow car park?
- **Highway boundary Station Road** – The applicant will need to verify the highway boundary along the site frontage on Station Road as it would seem some of the vegetation they are proposing is in fact within the highway which would not be acceptable.

In light of the above, I would request that you ask the applicant to amend the proposals to address the concerns of the LHA as outlined above. Until such time as our concerns are addressed I would request that this response be considered to be a holding objection.

Further comments following submission of amended scheme and additional information:

Based upon the information provided to date, we would not be able to support the application as it has not been demonstrated that sufficient visibility (59m) can be provided to the south-west. I do however suspect that there is some encroachment of the highway and that in reality improvement (over the suggested 29m) could be achieved. At this stage however it is not clear to what extent the visibility could be improved. To help the situation I have asked our highway boundary section to look into this and clarify exactly where the highway boundary is in this location. I will let you know as soon as I receive the information back from them.

With regard to my concerns with respect to the servicing entrance and HGVs leaving the site. Whilst the track runs demonstrate an improvement to the previous situation through a widened access they also demonstrate that this movement will be extremely tight if a car is parked on the opposite side of the road with little room for error. To help this situation I would suggest widening Stony Road to 6.5m from the junction of Station Plain to the service entrance. I think this would not only address the concerns of the Highway Authority but also some of the concerns raised locally.

With regard to the pedestrian crossing, I explained your position with regard to the refuge crossing to Development Team this was accepted. The Development Team were happy that a simple dropped crossing would be sufficient as an alternative. I would be happy that this could be conditioned with the exact details agreed as part of the S278 should planning approval be secured.

Further comments following submission of amended scheme and additional information:

No objection to further revised plans subject to the imposition of conditions and informative.

3.13 Norfolk County Council – Lead Local Flood Authority:

No comments.

3.14 Norfolk County Council – Ecology:

Initial comments:

Thank you for consulting the Natural Environment Team on this application which is supported by an ecological report (Protected Species Assessment; Finnemore Associates; May 18).

The report is described as a “Protected Species Assessment” and that is very much its focus. These days, we would really expect to see ecology reports with broader ambition; it would have been more appropriate to produce a Preliminary Ecological Assessment in line with current industry best practice (CIEEM guidance) and in compliance with the relevant British Standard BS42020: 2013 Biodiversity – Code of Practice for planning and development.

Whilst the reporting does not meet industry best practices (and we have to take the author at his word on several matters as the evidence is not presented), I believe it is possible to accept that there will be negligible impacts on protected species within the main part of the application site. However, protected species are only part of the story. The site currently has some semi-natural vegetation that will be lost as a result of the proposed development, including scrub (which is referred to in a rather negative manner as ‘encroachment’), and the wider ecological implications of this are not discussed. Furthermore, there is a significant omission in the ecology work as a section of the Marriott’s Way County Wildlife Site (CWS) is included within the ‘red-line’, but the ecological report does not mention this and no wildlife surveys were undertaken there.

The Protected Species Assessment only mentions the Marriott’s Way CWS in passing in section 2.3 where it states that there are some designated sites nearby (distance not specified) including “CSW (sic) 2176 Marriott’s (sic) Way and New Plantation” (I do not recognise the reference to ‘New Plantation’). Consideration of ecological connectivity from the application site to a linear wildlife corridor with a biodiversity designation would seem reasonable in this case (in line with NPPF paragraph 170 and industry guidelines). This should be considered specifically as the Flood Risk Assessment indicates that

drainage works for the development will be undertaken on / through the CWS (Section 6.3.1) and that part of the Marriott's Way Trail will be re-surfaced. The ecology report does not discuss what the impacts on the CWS could be from these works, or whether mitigation would be necessary.

I would suspect that mitigation for construction activities may be necessary on the CWS. The Protected Species Assessment report states "The nature of the site and the proximity to the disused railway line would almost guarantee some reptile interest" (section 2.3), and in the section of the report discussing the interpretation of the results it is stated that "due to the presence of the disused railway line it is thought likely that small number of common reptiles, especially the ubiquitous grass snake may be present" (Section 5.1.1. Note this comment was made with reference to the assessment of main part of the site, as the Marriott's Way was not included in the assessment). No part of the Marriott's Way CWS was surveyed as part of the reptile survey.

The Protected Species Assessment report does not discuss any enhancements for biodiversity. The revised NPPF makes specific reference to planning decisions "providing net gains for biodiversity" (paragraph 170). In this case, where the application boundary encompasses part of a locally-designated site, it seems reasonable to request enhancements for biodiversity.

Recommendations:

The applicant should be asked to update the ecology work to consider the potential impacts on biodiversity from both the construction works and the operation of the development on the CWS.

In due course, and subject to the revised ecology work suggested above, I would anticipate that it also may be necessary to condition a method statement for works on or through the CWS. A biodiversity management plan including details and arrangements of on-going management and biodiversity enhancements may be necessary.

Further comments following submission of additional information:

Additional information has been submitted which includes a response to my original comments, an addendum to the ecology report (Wild Frontier Ecology letter dated 30.10.18) and a clarified red-line. We welcome these submissions.

As indicated in my previous comments, I would suggest that two conditions are necessary in relation to ecology should you be minded to grant consent. (1) There is a requirement for a Method Statement for protected species. The Protected Species Assessment makes recommendations for pre-commencement works (eg see section 6.1.1. regarding ground clearance

works in winter to deter use of the site by reptiles in summer) and so the Method Statement should be a pre-commencement condition. (2) There is also a requirement for a condition for biodiversity enhancements and on-going management for biodiversity. Note the ecology reports still appear to be recommending (ie suggesting) enhancements, rather than stating what will be undertaken.

### 3.15 Norfolk County Council – Public Rights of Way Officer:

Initial comments:

No objection in principle but would highlight that the Marriott's Way Norfolk Trail is aligned outside the north boundary of the site. The full legal extent of this Norfolk Trail must remain open and accessible for the duration of the development and subsequent occupation.

The red line plan incorrectly shows the Marriott's Way included within the application site plan, we would seek that this is corrected.

The Norfolk Trails Team must be consulted prior to any works being carried out that affects Marriott's Way, this would include access during the works, about how the site is left and the specifications for any drainage being installed under the Marriott's Way. We would also seek clarification regarding any tree replanting which we may be seeking elsewhere on the route. We welcome the inclusion of surface improvement works to the Marriott's Way, the specification of which must be approved by the Norfolk Trails Team, who would be seeking improvements for the whole section including the section from the Cawston road onto the Marriott's way. We are currently working to recover and restore the railway platforms and would be seeking additional protection for this.

We therefore would lodge a holding objection until clarification on the above points is provided.

Further comments:

I accept your comments regarding the red line boundary.

It would be acceptable to us to have the surface improvements and any drainage works affecting the Marriott's Way to be conditioned in order to assure that any works are approved by the Norfolk Trails Team prior to works commencing.

### 3.16 Norfolk County Council - Marriott's Way Heritage Team:

As the manager of The Marriott's Way Heritage Trail Project, an HLF funded

project run by the Environment team at Norfolk County Council, I have the following comments to make on the proposed development:

- We feel that the current proposals give insufficient consideration to the significant railway heritage and industrial archaeology of this site, including the setting of the former station and the surviving buildings and infrastructure elements. We would want to see sympathetic designs used for street furniture / fittings etc and greater spacing around the surviving structures.
- We feel that the closeness of the proposed development to Marriott's Way, especially immediately west of the surviving platform will be detrimental to the attractiveness of the trail and the station, and that consideration should be given to setting the boundary further back.
- Given the high level of investment in Marriott's Way, which is a fully accessible walking / cycling and mobility scooter friendly route into Reepham and further afield, and the installation of 13 new circular walks as part of our project, including immediately adjacent to this site, we see a missed opportunity to better incorporate walking and cycling on Marriott's Way into the travel plan and the layout of the sites. In particular we feel that the design of the care facilities should make better reference to the leisure and wellbeing potential of the route. At the very least, waymarked level access to the trail should be provided from both the store and the care facilities.
- Marriott's Way is a County Wildlife Site and we note that there is only a single mention of this in the application. We feel that it is important that consideration is given to maintaining and enhancing biodiversity, especially given the tree loss envisaged. We would be happy to work towards achieving this through our volunteer projects, if the developers were interested.

### 3.17 Norfolk County Council – Minerals & Waste:

While the site is partially underlain by a Mineral Safeguarding Area (Sand and Gravel), it is considered that as only the access road is underlain, it would be exempt from the requirements of Policy CS16-safeguarding of the adopted Norfolk Minerals and Waste Core Strategy. A full list of exemptions is contained in Appendix C of the adopted Core Strategy.

### 3.18 Norfolk County Council – Historic Environment Service:

Initial comments:

Although a Design & Access Statement has been submitted with the

application, the document does not provide sufficient information as to the potential impact of the proposed development on the historic environment, particularly the undesignated heritage assets relating to the railway.

Therefore, we recommend that the applicant is required to submit a heritage statement prior to the determination of the application, in accordance with paragraph 128 of the National Planning Policy Framework.

Further comments following submission of a Heritage Statement:

We note that a Heritage Statement including an archaeological desk-based assessment has been submitted with the application as per our previous advice.

Whilst we broadly concur with the conclusions of the desk-based assessment in terms of below-ground archaeology we feel that it significantly underplays potential setting issues relating to the former railway station buildings, which are undesignated heritage assets.

We also note that the redline plans submitted with the application include sections of the former track-bed which now form part of the Marriott's Way and are owned by Norfolk County Council.

### 3.19 Anglian Water:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The foul drainage from this development is in the catchment of a local Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

### 3.20 Environment Agency:

We have inspected the application, as submitted, and have no objection to the proposed development as submitted if the following planning conditions are included as set out below:

- Contamination site investigation;
- Verification report;
- Long-term monitoring and maintenance plan;
- Unexpected contamination;
- Infiltration surface water drainage; and
- Foundation designs.

Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

The site was previously used as a railway station yard, and is within a Source Protection Zone 3 and Principal Aquifer. We have reviewed the submitted Desk Study and Risk Assessment referenced CANH0026 and dated April 2018, and agree with the conclusion that further site investigation is required. Our guidance for developers can be found in the Technical Appendix.

### 3.21 Norfolk Rivers Drainage Board:

Please be aware that the site has been screened as being near to the Internal Drainage District (IDD) of the Norfolk Rivers Internal Drainage Board (IDB) which is a Member Board of the Water Management Alliance.

I note that the applicant intends to discharge surface water to a watercourse, with no other means of draining the site readily available or discussed. The proposed development will require land drainage consent in line with the Board's byelaws (specifically Byelaw 3). Any consent granted will likely be conditional, pending the payment a surface water development contribution fee, calculated in line with the Board's charging policy. This policy is available using the following link

[https://www.wlma.org.uk/uploads/WMA\\_Table\\_of\\_Charges\\_and\\_Fees.pdf](https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf)

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such we strongly recommend that any application to discharge is made to the board prior to determination of the planning application. We kindly request that you pass this note to the applicant and / or agent, and advise that they contact us should they require our advice regarding their site's interaction with the Board's regulatory regime.

### 3.22 Natural England:

No comments.

### 3.23 CPRE:

Whilst CPRE Norfolk supports this development in principle, in terms of the proposed mix of uses for the application site, we have concerns about some aspects of the application as submitted. These are:

- The loss of the rural nature of Stony Lane, in particular by the removal of the existing (and we believe 'important') hedgerow and hedgerow trees along the lane's north side. Under site REP2 in the Site Allocations DPD (2016) as part of the adopted Local Plan states that: 'access (vehicular and pedestrian) to be from Station Road, with possible pedestrian access to Stony Lane'. We feel this should be followed in any development on this site.
- The combination of the proposed height of the care home along with its siting close to the Stony Lane boundary, particularly if the hedgerow is removed, would lead to unacceptable overlooking and dominance of properties to the south of Stony Lane.

**4 PUBLICITY**

4.1 Site Notice:

Date displayed: 16 July 2018

Expiry date: 6 August 2018

4.2 Press Notice:

Date displayed: 17 July 2018

Expiry date: 7 August 2018

4.3 Neighbour notification:

Letters sent: 9 July 2018

Last expiry date: 28 December 2018

**5 REPRESENTATIONS**

5.1 When the application was submitted 92 consultation letters were sent to residents. The consultation result in 46 letters of representation being received. The objections and comments are summarised below:

- The amendments do little to address concerns and are still unacceptable.
- The proposed access to Stony Lane is contrary to the site allocation REP2 which states access (vehicular and pedestrian) to be from Station Road, with possible pedestrian access to Stony Lane. Three access / exit points on Stony Lane will result in major congestion.
- The proposal to increase the width of Stony Lane is excessive and would appear suburban in character.
- Inadequate visibility at the junction of Stony Lane and Station Road.
- Although the reduction in height of the care home is welcome, its size and scale is out of proportion with surrounding development. The development is overbearing and not in line with the setting and the existing landscape, local character or heritage.

- Includes the removal of a hedgerow which meets the criteria for a protected hedgerow and its loss would impact on the area.
- The proposal includes the removal of trees subject to a Tree Preservation Order. The proposal would also impact upon adjacent trees subject to a Tree Preservation Order.
- The development would not preserve or enhance the appearance of the site.
- Impact upon traffic and highway safety, including delivery vehicles to the site.
- The development would impact upon residents by way of noise, disturbance, loss of privacy, overlooking, light disturbance, visual impact and highway safety.
- Impact upon Protected Species.
- The development would make existing drainage problems worse.
- Anglian Water should be approached to confirm that adequate and consistent water supply will be provided to both the proposed and existing residences.
- The developer should provide a detailed foul drainage system layout, along with details of the pumping station, its size and the appropriate easement around it.
- The proposal fails to provide any housing on site. There is no requirement for more housing for the elderly in Reepham. The restricted nature of the accommodation offered does not accord with the JCS that seeks housing for general need. The Council should seek confirmation as to the proven need for such a facility of this size in this location.
- Existing services and facilities, including the doctor's surgery, will struggle with more demand.
- How will residents of the care village integrate with the existing Reepham community?
- A care home built in Cawston has stood empty since it was built – why is this not occupied if there is a local need / demand?

- Impact of shop on existing facilities and businesses within Reepham.
- Will permanently destroy the rural character of Stony Lane and constitutes overdevelopment of the site.
- Previous planning decisions relating to the same land are material considerations to ensure a consistent decision making process – such as 20051133.
- Concerns with submitted transport assessment and lack of delivery vehicle tracking information and safety audit.
- Impact of surface water drainage strategy on Marriott's Way and existing trees and vegetation.
- Impact on existing on-street parking along Stony Lane.
- Should apply sequential test to food store.
- Reepham is in need of new housing for young families.
- Is there any provision for low cost accommodation in the care home and or in the bungalows? Locals will not be able to afford the prices. To be able to stay locally in familiar surroundings along with continued care from their own GP would be a popular choice for many. Will cater well for the elderly and offers independent living as well as full care.
- Insufficient information submitted in regards to noise, contaminated land, and surface and foul water.
- Will improve the quality of life for our increasing aging population.
- The proposal would result in a devaluation of existing properties.

Comments in respect of further consultation expiring on 28 December 2018:

To be reported.

### 5.2 Councillor Everett:

As the Local Ward Member I write to ask you to consider the following points either through discussion with the applicant or by condition should you be minded to recommend approval:

- (1) This site is identified in the Site Allocation DPD 2016 as REP2, for mixed development of residential and employment use to accommodate approximately 20 homes and B1 and B2 use.

This application includes A1 use, which whilst providing employment was not mentioned in the REP2 site allocation.

The proposed hours of opening are 07.00-23.00 hrs seven days a week. This development will have numerous detrimental impacts on the existing neighbourhood therefore I would request that if the application is approved the hours of opening should be amended to 07.00-22.00 hrs to reduce some of the detrimental impact and this would be appreciated by residents.

The site is in a rural area and I do not believe the loss of 1 hour trading a day will make the business financially unviable.

- (2) The masterplan shows a 'Staff only pedestrian gated access' through to the existing commercial use site. I have spoken to the owner of this commercial site and there is a legal agreement already in place which allows the current owners of the development site to have pedestrian right of access into his land.

To avoid residents in the new dwellings wishing to walk to either the supermarket, Kerri's Pine or the café / shop having to exit the site, walk along Stony Lane and then back into the existing site I would ask you to explore with both the applicant and existing commercial site owner the possibility of allowing residents as well as staff to use this card accessed gate.

- (3) The proposed entrance gates and elevation plans show the eastern gate 'B' opening outward. This could cause traffic issues on Stony Lane and request that this gate opens inwards and is part of the conditions should approval be granted.

- (4) Finally, my biggest concern is the height of the Assisted Flats building.

I appreciate and it is welcomed that the applicant has reduced the main care home from 3 to 2 storeys also reducing the number of bedrooms from 24 to 20. However, I believe the height of this building is still excessive and out of character with the existing rural and historic area. As the main care home building will now be 2 storeys high I would ask you to request that the applicant reduces the assisted flats building to the same 2 storeys which would still provide 16 flats consisting of 2 floors of 8 flats.

**6 RELEVANT POLICY GUIDANCE**

**National Planning Policy Framework (NPPF) 2018:**

- 6.1 This document sets out that the purpose of the planning system is to contribute towards achieving sustainable development and that at the heart of the NPPF is a presumption in favour of sustainable development. It also reinforces the position that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The NPPF is a material consideration and should be read as a whole but paragraphs 1, 2, 6, 7, 8, 9, 10, 11, 12, 38, 47, 54, 55, 56, 59, 61, 64, 80, 85, 88, 89, 91, 92, 98, 102, 103, 104, 105, 109, 110, 111, 117, 118, 120, 122, 124, 127, 128, 130, 150, 153, 163, 165, 170, 175, 178, 179, 182, and 197 are particularly relevant to the determination of this application.

**Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) 2011/2014:**

- 6.3 The Joint Core Strategy, adopted in 2011, with amendments adopted in 2014 is the development plan for the Greater Norwich Development Partnership (GNDP) area including Broadland, Norwich and South Norfolk. As discussed below, parts of the JCS have been remitted following a legal challenge and revised policies to replace the remitted parts were recently subject to examination in public. The remainder of the JCS, including general policies such as those on design and settlement hierarchy remain adopted and apply to Broadland.

- 6.4 Policy 1: Addressing climate change and protecting environmental assets

This Policy sets down a number of standards that new development should achieve in its attempts to address climate change and promote sustainability; including giving careful consideration to the location of development and the impact it would have ecosystems of an area.

- 6.5 Policy 2: Promoting good design

Seeks to ensure that all development is designed to the highest possible standard, whilst creating a strong sense of place. It also states that developments will respect local distinctiveness.

- 6.6 Policy 3: Energy and water

Seeks to minimise reliance on non-renewable high-carbon energy sources. All development proposals of a minimum of 1,000m<sup>2</sup> of non-residential floor

space will be required to include sources of 'decentralised and renewable or low-carbon energy' providing at least 10% of the scheme's expected energy requirements.

### 6.7 Policy 4: Housing delivery

Allocations will be made to ensure at least 36,820 homes can be delivered between 2008 and 2026, distributed in accordance with the Policies for places.

### 6.8 Policy 5: The Economy

Seeks to develop and promote the local economy in a sustainable way to support jobs and economic growth both in urban and rural locations.

### 6.9 Policy 6: Access and Transportation

Relates to access and transportation. Particularly it seeks to concentrate development close to essential services and facilities to encourage walking and cycling as the primary means of travel with public transport for wider access.

### 6.10 Policy 7: Supporting communities

Requires development to maintain or enhance the quality of life and the well-being of communities and will promote equality and diversity, and protect and strengthen community cohesion.

### 6.11 Policy 14: Key Service Centres

Reepham is identified as a Key Service Centre with land allocated for 100 to 200 dwellings subject to detailed assessment including impact on form and character and the resolution of any specific servicing constraints. Established retail and service areas will be protected and enhanced where appropriate, and local employment opportunities will be promoted.

### 6.12 Policy 19: The Hierarchy of Centres

The development of new retailing, services, offices and other town centre uses as defined by government guidance will be encouraged at a scale appropriate to the form and functions of the defined centre.

### **Development Management DPD (DM DPD) (2015) :**

### 6.13 The policies set out within the Development Management DPD do not repeat

but seek to further the aims and objectives set out within the National Planning Policy Framework and the Joint Core Strategy. It therefore includes more detailed local policies for the management of development.

### 6.14 Policy GC1: Presumption in Favour of Sustainable Development

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

### 6.15 Policy GC2: Location of New Development

New development will be accommodated within the settlement limits defined on the proposals map. Outside these limits development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and / or policy of the Development Plan.

### 6.16 Policy GC4: Design

Development will be expected to achieve a high standard of design and avoid any significant detrimental impact.

### 6.17 Policy EN1: Biodiversity and Habitats

Development proposals will be expected to protect and enhance the biodiversity of the district, avoid fragmentation of habitats and support the delivery of a co-ordinated green infrastructure network.

### 6.18 Policy EN2: Landscape

In order to protect the character of the area, this policy requires development proposal to have regard to the Landscape Character Assessment SPD.

### 6.19 Policy EN4: Pollution

Development proposals will be expected to include an assessment of the extent of potential pollution. Where pollution may be an issue, adequate mitigation measures will be required. Development will only be permitted where there will be no significant adverse impact upon amenity, human health or the natural environment.

### 6.20 Policy H5: Residential Institutions

Planning applications for residential institutions within settlement limits will be considered acceptable in principle provided the site is accessible by public

transport and is within reasonable proximity of community facilities.

### 6.21 Policy TS2: Travel Plans and Transport Assessments

In the case of major development, a Transport Assessment and / or Travel Plan will be required. Developers will need to include proposals to deal with any consequences of their development in terms of maximising access by foot, cycle and public transport and the means by which this will be secured in perpetuity.

### 6.22 Policy TS3: Highway Safety

Development will not be permitted where it would result in significant adverse impact upon the satisfactory functioning or safety of the highway network.

### 6.23 Policy TS4: Parking Guidelines

Within new developments appropriate parking and manoeuvring space should be provided to reflect the use and location as well as its accessibility by non-car modes.

### 6.24 Policy CSU1: Additional Community Facilities

Proposals which improve the range of community facilities and local services available within the district will be encouraged where no significant adverse impact would arise. Such proposals may be permitted outside settlement limits where it has been adequately demonstrated that a clearly defined need exists.

### 6.25 Policy CSU4: Provision of Waste Collection and Recycling Facilities within Major Development

Proposals for major development will be expected to include appropriate provision for waste collection and recycling facilities.

### 6.26 Policy CSU5 – Surface Water Drainage:

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.

## 7 LOCATION AND DESCRIPTION OF SITE

7.1 The application site is located in Reepham, which is identified as a Key

Service Centre within Policy 14 of the Joint Core Strategy and measures 2.75 hectares in area. It is situated around 800m north of Reepham market place. There are a number of level changes across the site; however the general slope of the site is from the south eastern corner down towards the north and west.

- 7.2 The site is bounded to the south by Stony Lane with a variety of residential properties on the opposite side of the road and to the east by Station Road. Along the northern boundary of the site is Marriott's Way and immediately adjoining the site is Kerri's Farmhouse Pine and the former railway buildings, which are now in use as a café and retail shop. To the west the site is bounded by a public right of way, which provides access to Marriott's Way and the allotments to the north and beyond a residential dwelling.
- 7.3 The site is currently undeveloped and consists of woodland and scrubland with the trees on site being protected by Tree Preservation Order 2008 no: 41 (802). The site used to form the yard to the old railway station which is no longer in use.

## 8 PLANNING HISTORY

- 8.1 [20071797](#): Development of site for offices, veterinary surgery, residential care home, housing (22 no:) and alteration to access and internal roads (outline). Approved 24 August 2010.
- 8.2 [20051133](#): Proposed mixed use development comprising dwellings, formation of new access road, public car park, residential care home and retail store (outline). Refused 30 September 2005 and Appeal withdrawn.
- 8.3 [20050038](#): Proposed mixed use development comprising dwellings, formation of new access road, public car park and B8 development. Withdrawn 9 March 2005.

## 9 APPRAISAL

**Whether the development accords with the provisions of the development plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance:**

- 9.1 The proposal seeks full planning permission for the erection of a food retail store (A1 use), offices (B1a use), 60 bedroom care home (C2 use), 20 assisted flats (C2 use), 15 assisted bungalows (C2 use), assembly room/club house (C2 use) and associated car parking, service yards, access roads, drainage works and landscaping.

- 9.2 The site is currently unused and has been for a considerable number of years. The site falls within the settlement limit that has been defined for Reepham under the Development Plan, where the principle of development is acceptable provided that it does not result in any significant adverse impact.
- 9.3 The site is also allocated in the Site Allocation DPD (2016) under Policy REP2 for a mixed development of residential and employment of approximately 20 homes, B1 and B2 employment uses. It is recognised that the mix of uses proposed does not strictly meet the terms of the allocation under Policy REP2.
- 9.4 Policy H5 'Residential Institutions' of the DM DPD (2015) states planning applications for residential institutions within settlement limits will be considered acceptable in principle provided the site is accessible by public transport and is within reasonable proximity of community facilities and Policy H4 'Housing delivery' of the Joint Core Strategy states to meet the existing and future needs of the community provision will be made for specialist housing such as supported housing, care facilities and retirement communities.
- 9.5 In regards to the proposed care village, this element of the scheme is proposing a 60 bedroom care home (C2 use), 20 assisted flats (C2 use) and 15 assisted bungalows (C2 use). The applicant has stated these will provide employment for approximately 100 staff including management, senior carers, carers, domestics, maintenance, kitchen and gardeners. Given that such a use will generate a significant number of jobs and employment opportunities, in conjunction with the other proposed uses on site, it is considered appropriate for this proposal to be located on this mixed use site. It is considered that the proposals meet the requirements of Policy H5 of the DMDPD.
- 9.6 The proposed care village would provide, for persons of age 75 years or over, independent living together with regular care being provided by health professionals, with the ability to receive more specific care according to the needs of each individual at any time during their occupation. Therefore the proposal would offer residents a choice in their level of care but with a minimum requirement of four hours per week, which includes the following: laundry, provision of meals, nurse attendance, assistance with personal and healthcare issues such as medication, washing, and mealtimes. Residents will also pay a weekly maintenance fee, which includes daily bin collections, property maintenance and communal grounds maintenance. Therefore it is considered that it has been justified that the care village element is considered to represent a C2 (residential institutional) use, and in this respect it is considered that there is no requirement for affordable housing to be provided against Policy H4 of the JCS.
- 9.7 It is considered the nature of the operation, in particular in the assisted bungalows and flats would offer both independent living whilst having access to a flexible programme of health care provision. Residents buy into care

villages with the expectation that their requirement for care will increase as time goes by and they choose such scheme because of the care that is available and they know their needs will be met.

- 9.8 The apartments and bungalows are designed to go beyond the standard accessibility requirements and all units contain level access bathing / showering facilities, accessible doorway and circulation, higher level electrical sockets, and emergency alarm systems with pull-cords and intercoms for immediate response.
- 9.9 In regards to the club house this provides a social hub, similar to a community centre, with a coffee shop and bistro, as well as activities such as cinema nights, bingo and clubs. This space is available for lettings to wider groups to provide interaction with the wider community.
- 9.10 The applicants planning statement stated both nationally and locally there has been a marked increase in demand for this type of older person housing provision resulting from an increase in the elderly population generally and there is an apparent shortfall in this type of accommodation. The proposed care village provision is considered to be a much needed facility within the District and the County and meets the employment objectives of the site's allocation.
- 9.11 The applicants has submitted draft heads of terms for a S106 agreement which would restrict occupation of the care village to over 75s, the provider would be Care Quality Commission (CQC) regulated, residents will be required to purchase a minimum amount of four hours of care a week, residents will be required to pay a weekly maintenance fee, and the assisted flats and bungalows will contain the design features highlighted in paragraph 9.8 of this report. This is to ensure the scheme remains as a Use Class C2 care village.
- 9.12 In addition, the development includes two office buildings (B1a use) which are proposed adjacent to the Station Road access. These are clearly an employment use and accords with the policy allocation and therefore are considered appropriate in this location.
- 9.13 In regards to the food retail store (A1 use) this will also create employment opportunities, approximately 12 to 15 jobs, and add to the services available within Reepham. A sequential assessment has been undertaken which, in summary, identified that there are no other units or development sites in or adjoining the existing centre which could provide the proposed floor-space. Furthermore due to the size of the proposed food store a retail impact test is not necessary. The conclusions of the assessment are agreed and it is considered therefore that the size and location of the food store is appropriate within this overall development.

- 9.14 It is therefore considered that the mix of uses proposed within this application are appropriate for the town and will enable the development of this unused and undeveloped site to be brought forward whilst providing a significant number and broad range of employment opportunities.

**The impact of the development upon the character and appearance of the area:**

- 9.15 In terms of vehicular access to the proposed offices and food store this will be served by a new revised access from Station Road, with an exit only onto Stony Lane for food store delivery vehicles. The care village will be served by two separate vehicular accesses off Stony Lane.
- 9.16 In regards to the care village development concerns were initially raised regarding the visual and physical impact of individual elements of the proposal as well as the cumulative visual impact of all the different elements. The site forms part of the town fringe, and given this semi-edge of settlement location and the scale of surrounding development, it was considered that a 3 storey development was excessive and would have an adverse impact on the surrounding area given the footprint of the proposed buildings.
- 9.17 It was requested that the height of the buildings, in particular the care home and assisted flats, were reduced and the overall design simplified to complement the proposed bungalows, the food store and the offices to create a more appropriate development in terms of scale and to provide visual consistency within the development.
- 9.18 In regards to the care home this has been reduced to two storeys in height and, with the alterations to the elevational treatments, has reduced the buildings visual impact and is considered acceptable in terms of form and appearance.
- 9.19 In regards to the assisted flats this building has been reduced to two and two and a half storeys. It has also been altered to give a greater degree of visual interest and variety of form, which has helped to break the mass of the building and to make the relationships between the different ridge heights works better in terms of appearance. The proposed form now also considers the approach to the building approaching and leaving Reephams on the Marriott's Way. The boundary treatments along Marriott's Way are proposed to be significantly enhanced to provide screening between the path and development. The building will clearly be visible but the broken mass and articulated elevations will give a degree of visual interest on the site. Overall the impact of the assisted flats is considered to be acceptable.
- 9.20 The site is adjacent to the former railway buildings, which are considered to be a non-designated heritage asset. Concerns were also initially raised regarding the schemes impact on these; however the Historic Environment

Officer considered the amendments have lessened the negative impact of the scheme on the setting of the undesignated heritage assets and on the developed edge of the town to a point where it can now be considered acceptable.

- 9.21 In regards to the design and scale of the food store and offices these are considered acceptable and whilst having their own architectural identity a degree of consistency and detailing/materials is provided throughout the site which provides a visually cohesive scheme.
- 9.22 The hedgerow along Stony Lane will need to be removed to accommodate the highway widening improvements including the proposed footpath. The submitted Landscaping Statement states the hedge to the north side of Stony Lane tends to be very partial and is simply remnant areas of scrub interspersed with fence posts which are covered in ivy. Nevertheless, their removal will expose the site to a greater degree than currently and the installation of the footpath and highway improvements will erode the verdant character of Stony Lane.
- 9.23 However, this provides an opportunity to plant a hedgerow that would in time establish and have a greater value than the existing hedge. As new hedging and landscaping becomes established, this will allow any harm caused by the development to diminish over time.
- 9.24 A limited palette of materials is proposed, taking inspiration from local vernacular, to create a strong character to each building whilst providing consistency across the scheme as a whole. A condition would be imposed for precise details to be agreed to ensure the satisfactory appearance of the development. An assessment of the impact of the proposals upon existing trees follows at paragraph 9.31.

### **The impact of the development upon the amenity of nearby residents:**

- 9.25 As highlighted above concerns were initially raised regarding the scale, massing and design of the proposals, in particular the care home and assisted flats, as highlighted above. It is considered the scheme as a whole has been amended to reduce the overall impact. The care home element is the closest to the neighbouring properties on the opposite side of Stony Lane. The care home has been reduced to two storeys in height with a built form fronting Stony Lane which includes three projecting two storey gables from the main building. Of the rooms on the ground and first floors within the projecting gables only one is a bedroom the others are communal lounges, a dining room and an office. It is considered the proposals in their revised form do not impact significantly upon neighbour amenity in terms of loss of light, privacy, overlooking or by being overbearing.

- 9.26 In regards to the food store concerns have been raised regarding the hours of operation, which are proposed as 07:00am to 23:00pm every day of the week. However on balance, given its position and the location of its car park away from neighbouring properties this is not considered to be so detrimental to amenities to warrant refusal of the application.

**The impact of the development upon the safe functioning of the highway network:**

- 9.27 There are two proposed access points off Stony Lane, which will serve the care village. These will be gated to provide a secure area for residents. There is also an exit only for the food store delivery vehicles onto Stony Lane. Stony Lane will be increased in width to 6m wide and will extend from the Stony Lane / Station Road junction along the site frontage until just west of the most westerly site access along Stony Lane. A 1.8m wide footway is proposed along the frontage of the site on the northern side of Stony Lane, which will connect to the existing footway on Station Road / Cawston Road.
- 9.28 The existing access off Station Road will be improved and relocated north of the existing access. This will serve the existing businesses that operate from the former railway buildings, as well as the proposed food store and proposed offices.
- 9.29 The Highway Authority initially raised a holding objection with concerns being raised with regard to the junction of Stony Lane / Station Road and visibility splays; new access visibility splays, the requirement for the provision of new pedestrian crossing points, cycle parking, vehicle track runs from the service access onto Stony Lane and parking.
- 9.30 The applicant has been in discussions with the Highway Authority to address each of these concerns separately and amended plans have been provided. The Highway Authority has confirmed that the latest amended plans have addressed all of their previous concerns subject to the imposition of conditions, which are to be imposed. The off-site works will be delivered by a Section 278 Agreement and the precise delivery mechanism will be determined as the works are brought forward. It is therefore considered that the proposals meet the requirements of Policies TS3 and TS4 of the DM DPD.

**The impact of the development upon existing trees:**

- 9.31 The applicant has submitted an Arboricultural Impact Assessment and Landscaping plan. The Conservation Officer (Arboriculture and Landscape) initially raised some concerns regarding the density of the development and the resultant loss of trees on site. The layout was amended to address these concerns and the Conservation Officer states this has made an improvement and reduced the proposed hardstanding within Root Protection Areas (RPAs) of trees to be retained to an acceptable level.

- 9.32 The Conservation Officer therefore considers the scheme would be acceptable from a tree and landscape perspective subject to the retained trees being adequately protected during demolition/construction and the proposed landscaping scheme being secured through a planning condition.
- 9.33 It is noted a number of residents have raised concerns with the proposed removal of the existing hedge along Stony Lane and they consider it to be protected. The Conservation Officer (Arboriculture and Landscape) states the hedge is not considered to be important and therefore the Hedgerow Regulations do not apply.

### **Drainage and flood risk:**

- 9.34 The site lies within Flood Zone 1 and other sources of flooding have been assessed and the risk of flooding from these sources is considered to be low.
- 9.35 In regards to surface water disposal, concerns were initially raised given the lack of infiltration testing undertaken across the entire site in accordance with BRE 365. The submitted Flood Risk Assessment produced by Canham Consulting states ‘the historical use of part of the site as a railway siding has led to some potential contamination on parts of the site which has contributed to the poor infiltration. Overall, the use of infiltration is deemed unsuitable for this site.’ The assessment also states a total of two trial pits were undertaken to test infiltration rates at the site. These were within close proximity to each other. It was therefore considered that insufficient infiltration testing has been undertaken to rule out the use of infiltration on-site and therefore further infiltration testing was requested to provide a more accurate representation of the soakage potential.
- 9.36 Further details have been provided stating the past site use, as a railway siding, as identified in the Phase 1 Land Contamination report indicates that infiltration is not suitable on the majority of the site due to contamination risk. Infiltration tests (in the limited possible clean areas) demonstrated that infiltration was not feasible and therefore discharge to a watercourse has been proposed. The proposal would also improve the surface water flood risk off-site, as currently surface water flows off-site onto the Marriott’s Way.
- 9.37 It is therefore proposed that the surface water from the development site is proposed to be discharged to the nearest watercourse which is approximately 200m to the north west of the site, via a piped system beneath a section of the Marriott’s Way.
- 9.38 The LLFA have assessed the risk to the site which is low and in light of their limited resources have provided a ‘no comments’ response on the application. The Environment Agency have raised no objection to the proposed development as submitted subject to the imposition of conditions relating to

further site investigations/remediation, monitoring, unexpected contamination, surface water drainage, and foundation design.

- 9.39 It is therefore considered on the basis of the latest information that surface water discharge to a local watercourse is acceptable subject to the imposition of the conditions recommended by the Environment Agency and the full details of the surface water drainage scheme to be agreed.
- 9.40 Foul water is proposed to be discharged to the existing foul sewerage system to the east of the site via a pumping station, which has been agreed with Anglian Water.

### **Other matters:**

- 9.41 It is noted a number of residents have raised concerns with regards to the food store and that a sequential test should be applied to the development. The NPPF states 'local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan'. A sequential test has been undertaken. The NPPF goes on to state 'authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace'. There is no locally set floorspace threshold in Broadland and therefore as the proposed food store is 420m<sup>2</sup> no impact assessment is required.
- 9.42 It should also be noted that Policy CSU1 'Additional community facilities' of the DMDPD (2015) states proposals which improve the range of community facilities and local services available within the district will be encouraged where no significant adverse impact would arise. In this case the proposals are considered to represent an improvement to community and local services, and based on the above assessment there are no significant adverse impacts.
- 9.43 In regards to ecology, the applicant was originally requested to update the ecology report to consider the potential impact on biodiversity from both the constructions works and the operation of the development on the County Wildlife Site (CWS) – Marriott's Way. This was updated and the County Ecologist raises no objections subject to the imposition of conditions relating to the submission of a Method Statement and Biodiversity Enhancement Plan.
- 9.44 In regards to Marriott's Way, Norfolk County Council Public Rights of Way Officer initially lodged a holding objection due to the fact Marriott's Way was included within the red line boundary of the site. Clarification was provided to Norfolk County Council stating this had been included, and the appropriate notices served, due to the fact the proposed surface water drainage will run under part of Marriott's Way and the proposed improvements to it. It can therefore not be amended to remove Marriott's Way. The Public Rights of

Way Officer accepted this response and stated it would be acceptable to have the surface improvements and any drainage works affecting the Marriott's Way to be conditioned in order to assure that any works are approved by the Norfolk Trails team prior to works commencing.

### **Conclusion:**

- 9.45 In conclusion, it is considered that the development of a care village, food store and offices are appropriate with the settlement limit and will provide significant employment opportunities within the Reepham area. It will also enable the development of an unused and undeveloped site, which has a longstanding allocation on it, to be brought forward. Whilst it is noted there is some conflict with the site allocation, it is considered on balance that the scheme is acceptable subject to the imposition of conditions and the completion of a Legal Agreement to ensure the care village remains within Use Class C2, residential institution accommodation.

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**RECOMMENDATION:** Delegate authority to the Head of Planning to **APPROVE** subject to the satisfactory completion of a Section 106 Agreement with the following Head of Terms and subject to the following conditions:

#### Head of Terms:

- The care village operator will ensure that it and its care will be regulated by the Care Quality Commission (CQC).
- The care village operator will ensure that occupiers of the care village apartments and bungalows are contractually obliged to purchase a minimum amount of at least four hours of care each week.
- The care village operator will ensure that the minimum age of all residents of the care village are 75 years of age.
- The care village operator will ensure that the residents of the care village apartments and bungalows will each pay a weekly maintenance fee to cover the daily bin collections and property maintenance.
- The care village operator will ensure that the care village apartments and bungalows will contain level access bathing / showering facilities, accessible doorways and circulation, higher level electrical sockets and emergency alarm systems with pull cords and intercoms for immediate response.

Conditions:

- (1) The development to which this permission relates must be begun not later than THREE years beginning with the date on which this permission is granted.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.
- (3) Development shall not proceed above slab level until details of all external materials (including samples) to be used in the development have shall been submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- (4) Prior to each phase of development approved by this planning permission no development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
  - (i) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  - (ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - (iii) The results of the site investigation and detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

- (5) Development on site shall take place in complete accordance with the approved Arboricultural Impact Assessment, Provisional Tree Protection Plan and Method Statement supplied by CJ Yardley Landscape Survey Design and Management dated October 2018. No other operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved AMS have been carried out and all tree protection barriers are in place as indicated. The protective barrier shall be retained in a good and effective condition for the duration of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior written approval of the local planning has been sought and obtained.
- (6) Development shall not proceed above slab level until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall indicate:

The species, number, size and position of new trees and shrubs at the time of their planting.

All existing trees and hedgerows on the land, with details of any to be retained (which shall include details of species and canopy spread, root protection areas as required at paragraph 4.4.2.5 of BS5837: 2012), together with measures for their protection during the course of development.

Specification of materials for fences, walls and hard surfaces.

Details of any proposed alterations in existing ground levels and of the position of any proposed excavation or deposited materials.

Details of the location of all service trenches.

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.

- (7) Development shall not begin until foul drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- (8) No works shall commence on the site until the Traffic Regulation Order for the extension of the 30 mph speed limit on Stony Lane has been promoted by the Local Highway Authority.
- (9) Any access gates / bollard / chain / other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 10m from the near channel edge of the adjacent carriageway. Any sidewalls / fences / hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.
- (10) The gradient of the vehicular accesses shall not exceed 1:12 for the first 10m into the site as measured from the near channel edge of the adjacent carriageway.
- (11) Prior to the first use of the development hereby permitted visibility splays measuring 2.4m x 59m shall be provided to each side of the new food store access (on Station Road) where it meets the highway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225m above the level of the adjacent highway carriageway.
- (12) Prior to the first use of the development hereby permitted visibility splays measuring 2.4m x 43m shall be provided to each side of all new accesses on Stony Lane where they meet the highway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225m above the level of the adjacent highway carriageway.
- (13) Prior to the first use of the development hereby permitted a visibility splay measuring 2.4m x 59m shall be provided (to north-east) at the junction of Stony Lane & Station Road. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225m above the level of the adjacent highway carriageway.

- (14) Prior to the first use of the development hereby permitted the proposed access/on-site car and cycle parking / servicing / loading / unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- (15) Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- (16) Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.
- (17) For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.
- (18) Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall include the widening of Stony Lane to a minimum of 6m (from its junction with Station Road to the most westerly access to the site); provision of a 1.8m footway on the north side of Stony Lane, provision of a size 3 turning head on Stony Lane (at the most westerly access to the site), DDA bus stop improvement on Station Road, pedestrian crossings on Station Road and the design of the accesses onto Station Road & Stony Lane.
- (19) Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works referred to in condition 18 shall be completed to the written satisfaction of the Local Planning Authority.
- (20) No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

- (21) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- (22) No development shall take place (including any demolition or ground works or site clearance) until a method statement for protected species including common reptiles, bats and birds has been submitted to and approved in writing by the local planning authority. The Method Statement should draw together the recommendations in the submitted ecology reports (Protected Species Assessment, Finnemore Associates, May 2018; Addendum to Ecology Report, Wild Frontier Ecology, 30.10.18; and Response to Ecology Comments, Finnemore Associates, 02.10.18), and should include timings of when works should be undertaken and who will be responsible for implementing them. The works shall be carried out strictly in accordance with the approved details.
- (23) Prior to the commencement of development above slab level a biodiversity enhancement plan shall be submitted and approved in writing by the local planning authority, detailing the enhancement measures for biodiversity on site. The biodiversity enhancement plan should include: numbers and locations of bird boxes, bat boxes, habitat enhancements including drawings, details of the body or organization responsible for implementation of the plan, and ongoing monitoring and remedial measures. The measures shall be carried out strictly in accordance of the approved scheme.
- (24) Details of energy efficient design and the construction of on-site equipment to secure at least 10% of the development's energy from decentralised and renewable or low-carbon sources shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The details as approved shall be completed prior to the first occupation of any of the dwellings hereby permitted and thereafter shall be maintained.
- (25) Prior to the commencement of development above slab level, full details are to be submitted and approved in writing by the local planning authority, detailing the surface water drainage scheme including the connection to the off-site watercourse, including a timetable for the works through to completion. The surface water drainage scheme shall be carried out strictly in accordance with the approved scheme.
- (26) Prior to the commencement of development above slab level, full details are to be submitted and approved in writing by the local planning authority, detailing the resurfacing proposals for that section of the Marriott's Way that is affected by the surface water drainage proposals associated with the approved development, including a timetable for the works through to completion. The resurfacing shall be carried out strictly in accordance with the approved scheme.

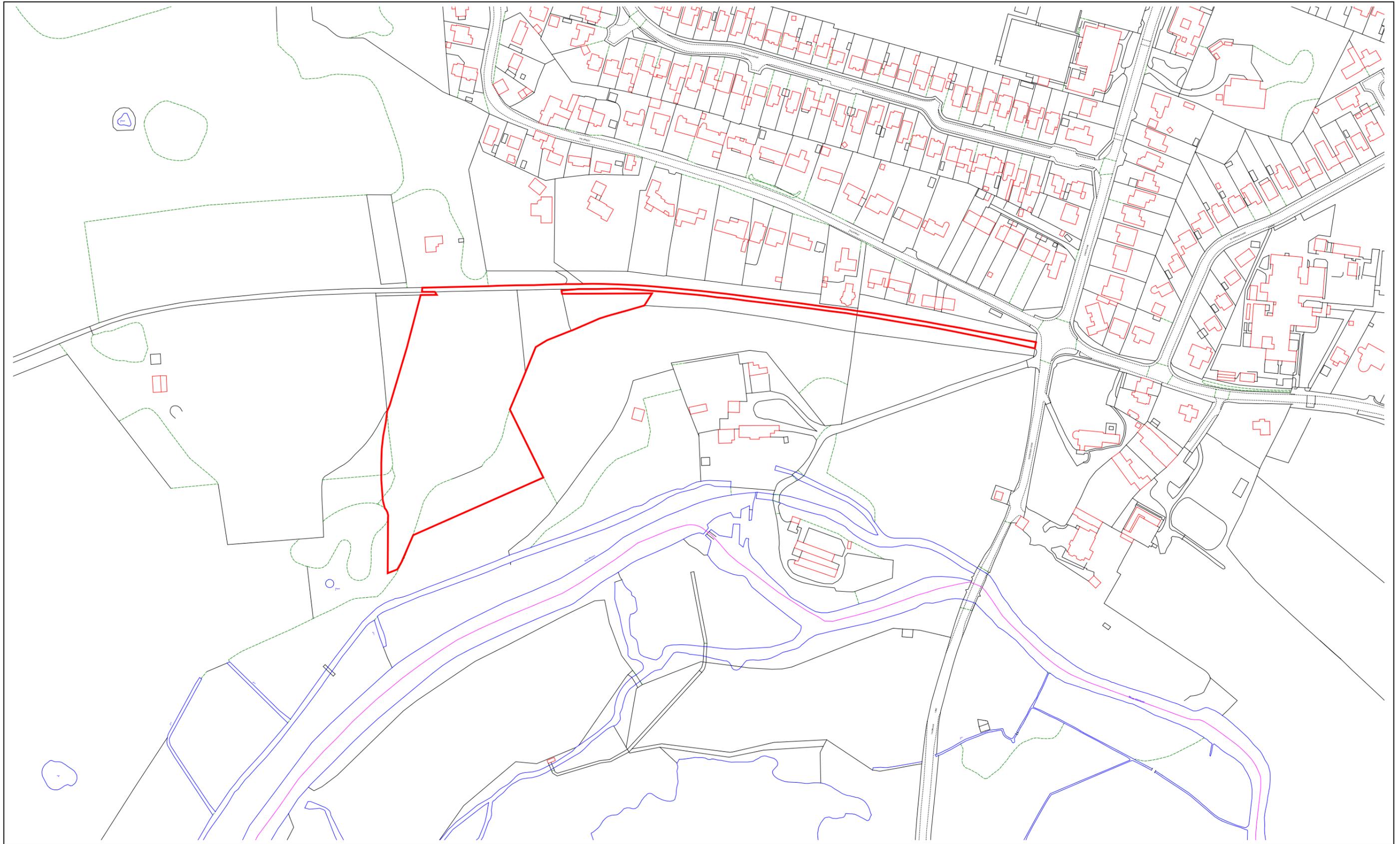
- (27) The office units shall be used as Class B1(a) use and for no other purpose (including any other purpose in Class B1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modifications.
- (28) Unless otherwise specified in writing by the Local Planning Authority, the hours of operation of the food store shall be limited to 07:00 – 23:00 each day of the week.
- (29) Unless otherwise specified in writing by the Local Planning Authority, the hours of operation of the offices shall be limited to 07:00 – 22:00 Monday – Friday and 07:00 – 19:00 on Saturdays and at no time on Sundays or Bank Holidays.

### Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.
- (3) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (4) This is required prior to commencement to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN4 of the Development Management DPD 2015.
- (5) To avoid damage to the health of the existing trees and in the interest of maintaining the amenity value of the area in accordance with Policies GC4, EN2 and EN3 of the Development Management DPD 2015.
- (6) To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies GC4, EN1, EN2 and EN3 of the Development Management DPD 2015.
- (7) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.

- (8) In the interests of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (9) In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened in accordance with Policy TS3 of the Development Management DPD 2015.
- (10) In the interests of the safety of persons using the access and users of the highway in accordance with Policy TS3 of the Development Management DPD 2015.
- (11) In the interests of highway safety in accordance with the principles of the NPPF.
- (12) In the interests of highway safety in accordance with the principles of the NPPF.
- (13) In the interests of highway safety in accordance with the principles of the NPPF.
- (14) To ensure the permanent availability of the parking / manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (15) To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development in accordance with Policy TS3 of the Development Management DPD 2015.
- (16) In the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development in accordance with Policy TS3 of the Development Management DPD 2015.
- (17) In the interests of maintaining highway efficiency and safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (18) To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor. To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.
- (19) To ensure that the highway network is adequate to cater for the development proposed in accordance with Policy TS3 of the Development Management DPD 2015.

- (20) To protect and prevent the pollution of the water environment, particularly groundwater, from potential pollutants associated with current and previous land uses in accordance with Policy EN4 of the Development Management DPD 2015 and the National Planning Policy Framework.
- (21) To protect and prevent the pollution of the water environment, particularly groundwater, from potential pollutants associated with current and previous land uses in accordance with Policy EN4 of the Development Management DPD 2015 and the National Planning Policy Framework.
- (22) To ensure the proposal is not detrimental to biodiversity and protected species in accordance with Policy EN1 of the Development Management DPD 2015 and the National Planning Policy Framework.
- (23) To ensure the proposal is not detrimental to biodiversity and protected species in accordance with Policy EN1 of the Development Management DPD 2015 and the National Planning Policy Framework.
- (24) To ensure the development is constructed to an appropriate standard in accordance with Policy 3 of the Joint Core Strategy for Broadland, Norwich and South Norfolk.
- (25) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (26) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (27) To ensure development appropriate for the area in accordance with the criteria specified within Policy GC4 of the Development Management DPD 2015.
- (28) To safeguard the amenities of the adjacent residential properties in accordance with the criteria specified in Policies GC4 and EN4 of the Development Management DPD 2015.
- (29) To safeguard the amenities of the adjacent residential properties in accordance with the criteria specified in Policies GC4 and EN4 of the Development Management DPD 2015.



**Application No: 20181142**

**Langley Prep at Taverham Hall, Taverham Park, Ringland Road, Taverham, NR8 6HU**

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**Scale:  
1:2500**

**Date:  
20-Dec-18**



**AREA** West  
**PARISH** Taverham

2

**APPLICATION NO:** [20181142](#) **TG REF:** 615052 / 313800

**LOCATION OF SITE** Land at Taverham Hall, Taverham Park, Taverham, NR8 6HU

**DESCRIPTION OF DEVELOPMENT** Erection of 6 residential dwellings with associated landscaping

**APPLICANT** Fleur Developments Ltd

**AGENT** n/a

**Date Received:** 11 July 2018  
**8 Week Expiry Date:** 5 September 2018

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**Reason at Committee:** The application is contrary to the Development Plan and the officer recommendation is for approval.

**Recommendation (summary):** To delegate authority to the Head of Planning to grant full planning permission subject to conditions and subject to securing a Section 106 Agreement to ensure the funds raised from the sale of the land directly facilitate approved renovation and repairs to the Listed Building, Taverham Hall.

## 1 THE PROPOSAL

- 1.1 The application seeks full planning permission for erection of six four-bedroom dwellings with associated landscaping. Plots 1 and 2 front onto the existing driveway. Plots 3 to 6 are orientated at an angle to the western boundary with a shared vehicular access running parallel to that boundary. Each house will have a double garage and driveway. The houses will have large plots with large, rear gardens.
- 1.2 It is proposed for the development site to be accessed via Taverham Park Avenue, a single width driveway which is currently used as the eastern access road to Taverham Hall School. The access is located just to the south of the mini roundabout at the junction with Sandy Lane, The Street and Taverham Road.
- 1.3 Development of the site is being put forward in order to provide the necessary funds for the repair and renovation of Taverham Hall, a Grade II Listed Building. The funds raised by the sale of the land will be utilised firstly to

undertake the works approved under the Listed Building Consent secured in June 2018 (20180481) and then to improve the structure of the main hall with work scheduled to begin in July 2019.

- 1.4 The applicant has provided a viability appraisal and the school has put forward a costed schedule of repairs and other works as evidence to justify the development to raise funds for the work to the school. Independent advice has been commissioned by the council in order to verify this information.

## 2 KEY CONSIDERATIONS

- Whether the proposed development accords with the provisions of the development plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance.
- Whether the applicant has sufficiently justified that the sale of land to raise funds for the maintenance and repair of Taverham Hall is necessary.
- Whether the proposed development results in significant detrimental impact upon the character and appearance of the surrounding area, on the setting of the Listed Building and historic parkland, residential amenity and highway issues.
- Whether the proposed development results in any adverse impacts which would significantly and demonstrably outweigh the benefits.

## 3 CONSULTATIONS

### 3.1 Environmental Contracts Officer:

This site is a high risk site for waste collection due to it being the school site, and there is also a one way system in place and issues with access to the site in a large refuse collection vehicle.

Normally for all new developments we do not access a private drive and would ask for a collection point nearest the road. Clearly given we already access this site historically, this is dependent on what is planned with the existing road network.

The applicant has provided confirmation that the current route of collection will not be blocked off. Access will continue to the school and the site and this should cause no issues.

### 3.2 Conservation Officer (Historic Environment):

Taverham Hall is a Grade II Listed country house dating from the mid-19th century. It has been occupied as a school for almost a century. It has therefore been used as a school for most of its existence.

There are many and varied extensions and detached additions (all to the rear (west) of the main front of the principal building). The Hall is set in a landscaped park which is evident on the late 19th century ordnance survey 1st edition map showing many of the current landscape features.

However, the 1946 RAF aerial survey shows that the current cricket pitch, which adjoins the subject site, was present at that date. At some point after that a tree belt was planted which is now mature and which separates the subject site visually from the cricket pitch and open parkland which provides the principal element of the setting for the Hall.

In the 20th century much of the park woodland to the north of the entrance drive from the east was felled and housing developed which is accessed off Ringland Road. In addition there are now two houses opposite the subject site accessed from the entrance drive to the Hall, one of these being a school staff residence.

There is currently no development to the south of the Hall drive but the subject site is an open area screened by woodland to the east and a tree belt to the west. The development would however be visible from the entrance drive.

The proposed development site is within the historic park (not nationally but locally designated as such) but screened from the listed building. However, as it would be visible when approaching the Hall from the east it does cause harm to the significance of the listed building due to the effect on its setting. This harm is judged to be less than substantial. The school has made the argument that the funds which would be raised from the development are necessary to carry out major repairs to the listed building (particularly re-roofing). It is argued that the use of the building as a school is beneficial to the character of the building and to the local community. It is for the applicant to substantiate this but I agree that redevelopment of the principal building for residential use as a number of units would not be desirable.

I agree that the design of the buildings is appropriate for the site.

In summary if the public benefit is proven I would not object to the development.

### 3.3 Pollution Control Officer:

Further to the submission of additional information regarding questions about the desk study for the site and the underground chamber and pipe system any uncertainty has been addressed and there is no reason to require any further assessment.

### 3.4 Conservation Officer (Arboriculture and Landscape):

The Tree Constraints Plan (TCP) appears to have informed the layout and no construction is shown within the Root Protection Areas (RPAs) of the retained trees, only one group (G5) of Silver Birch are proposed to be removed and it is estimated there will only be minor overshadowing to the proposed plots 1, 3, 4 and 6. G5 contains approximately 10 Silver Birch which have been graded as category 'C's, and no objection to the removal of these as long as they are replaced within the landscaping proposals.

A Landscape Masterplan and detailed soft landscaping drawings have been provided by James Blake Associates which outlines the design principles that have been employed and shows the details of the proposed planting scheme. The design appears sympathetic to the existing landscape and includes the use of buffer planting around the periphery of the site to maintain and enhance the screening to the school grounds and River Wensum, SSSI site.

A selection of native and ornamental species trees and shrubs has been used throughout the site with a mix of native species being used for the buffer planting. Drawing no: JBA 13/164-01 includes the details of the planting specifications which appear appropriate to ensure the trees, shrubs and hedges are planted and maintained correctly.

Suggest the addition of a root irrigation product for the nine heavy standard trees to ensure they receive sufficient water during dry periods; whilst the root systems are establishing following planting.

No objections to the proposals as long as the Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) are implemented in full. Landscaping Condition T07 would be appropriate.

### 3.5 Housing Enabler:

Based on the site size of 1.8 ha we would indicate an Affordable Housing requirement of 28% which equates to 2 units based on the affordable housing needed for Greater Norwich as assessed by the Strategic Housing Market Assessment (SHMA). Obviously an off-site contribution in lieu of Affordable Housing is the preferred option for this type of redevelopment site. In which case, this would be at £64,000 per affordable unit (therefore £128,000).

### 3.6 Broadland District Council Design Advisor:

The proposed design introduces 6 new detached dwellings along the entrance drive to Taverham Hall. The siting of the dwellings propose that plots 1 and 2 directly sit on and relate to the entrance drive whereas plots 3 – 6 are set back from the drive and are orientated slightly differently. Plots 3 – 6 are well considered contemporary solutions which sit comfortably within their part of the site. Identical in terms of form, scale and detail, the quality of design and use of materials and discreet siting within a wooded setting off the main drive, creates a group of buildings, which will positively contribute to the immediate site and the wider landscape of the Wensum valley.

As regards plots 1 and 2 a slightly different design approach has been taken. The design and access statement explains this variation – as these plots directly face the drive the design more directly references (abstractly) some of the detailing found on the Hall itself – such as the prominent parapet gables and the very strong chimney forms. These references are made in a contemporary way but are clear and strongly related visually to the Hall. This approach is considered entirely appropriate in design terms and again the quality of the design and use of materials ensure that the buildings will make a positive visual contribution to the immediate site as well as marking the approach to the wider landscape parkland setting of the Hall as well as the Hall itself.

One minor design comment is that whilst the group of 4 dwellings and the two on the drive share some commonalities – generally the use of materials; given the abstract reference to the hall of plots 1 and 2 the additional introduction of patterned brickwork as used on plots 3 – 6 might reinforce this reference further. At the same time lightening the slightly austere expanses of brickwork on plots 1 and 2. The gables that face the drive and or the chimney stacks for example might benefit from such treatment.

This would give a stronger (albeit still abstract) visual reference to the hall – which utilises decorative stone detailing within the main brickwork – it would also provide a more direct visual link to plots 3 – 6.

Subject to consideration of this minor comment the scheme is considered to represent a very high quality contemporary design solution within a sensitive context and is recommended for approval on design grounds.

Further comments following revised plans:

The brick detailing certainly lifts the elevations visually and provides the reference to both the Hall and the other plots. Although not necessarily expecting an abstract pattern, given the fenestration and contemporary feel of the properties generally – I would not object to the revised proposal as submitted.

### 3.7 Taverham Parish Council:

(Summarised)

Objection, requested that the application be called in.

- Proposal not in keeping with the area
- Contravenes planning policy
- Poor layout
- Highways issues due to access from an already very busy roundabout controlled junction at Costessey Road, Taverham Road, Sandy Lane and The Street
- Concern about surface water drainage and flooding and the impact the new dwellings would have on other areas of Taverham
- Inadequate parking facilities for 6 dwellings
- Unattractive, poor design out of keeping with woodland setting
- The proposal did not match the environmentally friendly plans previously submitted by Taverham Hall School
- Taverham Parish Council had an informal discussion several years ago and this proposal did not match the original plan concept
- Previous applications for The Lodge had received objection due to highway and conservation concerns
- Policy GS5\* stated that the land must not be broken up. ENV2\* protects the character of the area and it was felt that this development did not comply. (\*Superseded policies – Broadland Local Plan (Replacement) (2006))
- The proposal is an urban style development in a rural setting
- School traffic sometimes used the driveway
- The drainage system is inadequate and sewage could be found at times along the driveway and Taverham Park Avenue and the increase in dwellings could further add to this

### 3.8 Norfolk County Council (as Highway Authority):

The Highway Authority has previously objected to planning applications (2009) seeking to increase the vehicular use of the access that will serve this

site from Costessey Road (C461). A subsequent meeting with the School suggested that should development be allowed on this driveway the access / egress to the School would be permanently stopped, together with alterations to the Costessey Road access to improve safety.

In regard to the present application a proposed access strategy to this site which includes removing school traffic from the Taverham Lane access has been received.

The intention is that this access would only serve the existing and proposed residential dwellings and via a gate arrangement, restrict traffic able to access the School to occasional use for large vehicles who would find it difficult to manoeuvre within the confines of the school.

On the basis that the above measures would amount to a reduction in use of the access and assuming that the access/egress arrangements with locked driveway gates together with drive improvement works as shown on Create Drawing Job no 1601 Drawing 03/002 can be conditioned to be provided as part of any approval it would be difficult to substantiate an objection.

### 3.9 Norfolk County Council as Minerals and Waste Team:

While the application site is partially underlain by a Mineral Safeguarding Area (Sand and Gravel), it is considered that as a result of the site area underlain it would be exempt from the requirements of Policy CS16 – safeguarding of the adopted Norfolk Minerals and Waste Core Strategy.

### 3.10 Environment Agency:

No comments to make. The site is in Source Protection Zone 1, but there is no potentially contaminative previous use. The site boundary is more than 20m from the River Wensum and is entirely within Flood Zone 1.

### 3.11 Norfolk County Council as Lead Local Flood Authority:

The application falls below the current threshold for providing detailed comment. This is because the proposal is for less than 100 dwellings or 2 ha in size and is not within a surface water flow path as defined by the Environment Agency mapping.

### 3.12 Norfolk County Council Historic Environment Officer:

The development is located within the late 18th century landscape park associated with Taverham Hall. Although the landscape park is not a designated heritage asset the National Planning Policy Framework (2018) section 16: Conserving and enhancing the historic environment states that,

(paragraph 189) 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be sufficient to understand the potential impact of the proposal on their significance.'

The development includes buildings and landscaping which will have the potential to have both a below-ground impact on any archaeological deposits at the site and an adverse impact of the overall setting of the heritage asset of the landscape park. Even small-scale development such as this within a landscape park results in piecemeal erosion of the significance of the heritage asset and we recommend that the application is refused planning permission until its impact is properly assessed

### 3.13 Norfolk Fire and Rescue Service:

Taking into account the location of the existing fire hydrant coverage, Norfolk Fire and Rescue Service will require a hydrant to be installed on no less than a 90mm main in a location agreed with the Council in consultation with Norfolk Fire and Rescue Service to ensure adequate water infrastructure provision is made on site for the local fire service to tackle and property fire. The developer will be expected to meet the costs of supplying and installing the fire hydrant.

### 3.14 Natural England:

Initial screening of this application suggests that impacts to designated sites caused by foul drainage arrangements need to be considered by the local planning authority as the application has triggered one or more Impact Risk Zones, indicating that impacts to statutory designated nature conservation sites (European sites or Sites of Special Scientific Interest) are likely if foul drainage is discharged to ground or surface water.

### 3.15 Norfolk County Council Archaeology:

The proposed development site lies within the eastern edge of Taverham Park, an important although undesignated 18th and 19th century landscape park. In 1957 various building foundations and two post medieval jettons were ploughed up at this location. Various 18th and 19th century documents mention the possibility that a medieval friary was situated here, but this is far from certain. In addition a lava millstone has been recovered from the development site. This all suggests that this may be the site of some form of medieval or early post-medieval occupation. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development. If planning permission is granted this should be subject to a programme of archaeological mitigatory work.

Further comments:

The developer has now completed an archaeological investigation of the development area in anticipation of a planning condition requiring one. This produced no evidence of archaeological remains within the development area. Therefore previous advice is amended to say that no further archaeological work is required and an archaeological condition is now not required. The applicant should supply a copy of the archaeological trial trenching report.

### 3.16 Historic England:

Historic England has concerns regarding the application on heritage grounds and considers that the issues and safeguards need to be addressed in order for the application to meet the requirements of paragraphs 192 and 194 of the NPPF. In determining this application the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess should be addressed.

The National Planning Policy Framework (NPPF) sets out the desirability of sustaining and enhancing the significance of heritage assets and putting them to uses consistent with their conservation, paragraph 192. It continues that great weight should be given to the asset's conservation, paragraph 193. Any harm to the significance of a designated heritage asset should require clear and convincing justification, paragraph 194. Where a proposal would result in less than substantial harm, this should be weighed against the public benefits of the proposal, including securing its optimum viable use, paragraph 196. Paragraph 202 deals specifically with enabling development and asks local planning authorities to assess whether the benefits of an enabling development proposal, which would otherwise conflict with planning policies but which would secure the future conservation of the heritage asset, outweigh the dis-benefits of departing from those policies.

The proposal is being put forward to generate funds to 'enable' the repair the Grade II Hall. Enabling development is development which would be unacceptable in planning terms but for the fact it would bring public benefits sufficient to justify it which might otherwise not be achieved. Enabling development should only be used as a last resort in all but exceptional cases and we advise a site should be marketed. This is to establish whether there is an alternative solution and that the problems relate to the place rather than the specific circumstances of an owner. We previously discussed the issues that a marketing campaign might raise for the school. However, the lack of any marketing should only be considered in exceptional cases and in considering this your authority should have regard to the viability of the current use over the longer term, whether educational use is the optimum viable use for the site and what efforts have been made to carry out repairs.

The Council will need to consider whether the application will materially harm the heritage values of the place or its setting and avoid the detrimental fragmentation of the place to justify enabling development. It must secure the long term future of the heritage asset and, where applicable, continued use for a sympathetic purpose. The development must be necessary to resolve problems arising from the inherent needs of the place subject to no subsidy available from any other source. It must be demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place and that its form minimises harm to other public interests. The public benefit of securing the future of the place must outweigh the dis-benefits of development contrary to policy.

#### **4 PUBLICITY**

##### 4.1 Site Notice:

Expiry date: 11 August 2018

##### 4.2 Press Notice:

Expiry date: 22 August 2018

##### 4.3 Neighbour notifications:

The Street nos: 1, 3, 5, 7, 9, The Old Gatehouse (9a), 11, 15, 17, 17A, 19, 21, Squirrels Leap (23), 25; The Lodge & Woodlands, Taverham Park Avenue; Taverham Fisheries, Taverham Mill, Top Flat, Flat 1, Taverham Mill, The Pony Shed, Mill Cottage, Costessey Road

Expiry date: 8 August 2018

#### **5 REPRESENTATIONS (summarised)**

##### 5.1 7 The Street, Taverham:

Objections to the proposed development and the impacts on the natural environment, wildlife, historic park and woodland. Concerned that the proposed housing is not addressing local housing needs / shortages. Serious concerns about access to the site for new houses, existing school traffic and construction vehicles and need for widening and loss of trees as a result. The issue has been raised in relation to congestion on surrounding road network, inadequate parking provision, lack of footpaths, and suitability of surrounding roads for additional traffic as a result of this development and other approved developments in the area and highway safety. Questions whether impacts have been looked at in detail.

Comments have been received about the accuracy of some of the reports accompanying the application and how a decision can be made without correct information. The need for development to raise funds for the school repairs is also questioned.

Use of the drive for additional traffic would be detrimental to existing residential properties and is unsuitable for construction traffic, causing noise, damage and congestion along with school traffic.

### 5.2 Squirrel's Leap 23 The Street, Taverham:

Object to loss of parkland and outlook and concerns about the future use of the access road. Questions how the existing access and traffic would be managed when building is completed and if the access would be gated, widened, resurfaced, adopted or lit. Any street lighting would be unacceptable.

### 5.3 17 The Street, Taverham:

Strongly object to historic parkland being developed. This is neither in keeping or complimentary to the landscape. Photos submitted with the application do not provide an accurate view of the historic parkland. Road widening cannot be achieved without impacting tree roots of trees. The nearby nature reserve will now be blighted by views of residential properties rather than open countryside.

### 5.4 The Old Gatehouse:

Main concern is the proximity of the access to the fence and lounge window. An accident at the gateway could cause damage and injury to our property and family. Widening the drive would remove part of the original iron work fence and this would spoil the appearance of the surroundings. Concerned about pedestrian safety when using the drive as there are no footpaths. Entrance into the drive is difficult and exit onto Costessey Road and the roundabout is problematic particularly at busy times of the day. If the traffic is to increase all these concerns will increase.

### 5.5 1 The Street, Taverham:

Comment that no assessment of the full impact on all the houses that back onto the access road has been made. Building on historic meadow will harm the natural environment and cannot be justified particularly in relation to raising funds for building development. The school needs to show there is a public benefit. Object to additional traffic using the access which would cause noise and pollution detrimental to the quality of life and create a traffic island for the residents of The Street. The existing entrance where it joins the road

at the roundabout is dangerous and the access drive is in a poorly maintained condition and will need significant work including widening to take additional traffic. Additional use of the drive will affect drainage where there is already flooding. Questions whether the drive will be surfaced in keeping with the rural character of the area and whether the drive would be better as a public highway. There will be a disproportionately negative impact on existing residents and the environment for the benefits to the school.

Further comments following the highway technical note:

Traffic using the western exit would help alleviate concerns about quality of life but accident information contained is not comprehensive and development should not go ahead without traffic calming measures. There is no consideration of policing or drainage issues and the regular use of the drive by HGVs. The proposed passing place is close to our lounge window and will cause noise and pollution.

This development is not needed and brings no benefit to the community, brings a disproportionate negative impact to both the environment and lives of existing residents.

### 5.6 The Lodge, Taverham Park Avenue

Strongly object to the proposed changes to the idyllic, peaceful and rural setting from totally rural to urban. Concerns raised about the safety of the access into the drive which will be worsened by use by additional traffic. The single track road has no passing places and is not suitable for more traffic. Use as an exit for school traffic is alright but using as an entrance and exit for the new houses will cause severe highway difficulties and potential accidents. The road network in the area is already congested with three schools and new development all feeding into the mini roundabout. Drainage infrastructure is already saturated and there are surface water flooding issues and problems with sewage overflowing near the entrance of the drive.

Concerned that there is no justification for the development and no consideration of the impact this will have on surrounding residents' outlook and views, peaceful environment and loss of habitat and wildlife.

Following the submission of the highway technical note, the document does not fully address the entrance into the drive across the dividing island near the roundabout. Traffic speeds are excessive from Sandy Lane and Costessey Road to the roundabout. Increased traffic as a result of the development plus existing regular school traffic will exacerbate highway safety issues.

5.7 25 The Street:

Objections and comments. Comment that the amount of residential properties using the access drive would be a total of nine with the new development. Concerned that the development will have a detrimental impact on the habitat and wildlife of the area in contravention of the development plan that seeks to enhance biodiversity and safeguard and enhance environmental and heritage assets.

The supporting statements of the application undervalue the site and the significance of the impact on development for the surrounding neighbourhood. Development would result in loss of the existing landscape features, destroy the character of the area and would have an urbanising effect on the area. It would be at odds with and would detract from the open rural character and appearance. This would be contrary the development plan which seeks to conserve and enhance existing environmental assets of acknowledged local importance, historic environment to be conserved through protection of buildings and the protection of their settings and character of the landscape.

The design does not visually integrate the development with its surroundings and there is no proposed planting to conceal the development from the main drive to the Hall. The two 'gatehouses' infringe on the landscape and have an overbearing visual effect on the meadow, their height and proximity to the main drive to the Hall restrict the open views across the valley.

The development would result in a significant detrimental impact upon the character, scenic quality and visual benefit of the area and fails to pay adequate regard to the environment, character and appearance of the area that would have any positive contribution to the local character.

The Flood risk Assessment seems to have some inconsistencies in relation to the dwellings and Flood Zones. The geology report states that the site is highly permeable but question why the water didn't drain away in the trial pits.

The proposed development would have a detrimental impact not only on the ecology and landscape of the area, but also on the residential amenity of all the properties in the Street, by reason of noise and visual impact. It is located outside the settlement limits.

The Transport Overview does not address the number of dwellings that have legal access to the driveway, which are 10 rather than 8. Concerns about the practicality of restricting access along the drive by gates and the knock on effects this will have for other roads and school traffic. Concerns about the safety of The Street for pedestrians which is narrow and without footpaths or traffic calming measures. Planning application 20172148 is subject to highway improvements and dwellings must not be occupied until these have been carried out, would the same apply to Taverham Park? Exiting school

traffic will create a traffic bottleneck at school drop off and collection times especially if all the school traffic must exit via Ringland Road. Currently Taverham Park Avenue is only used by two dwellings and by the school traffic when the school is open. The use of the access will increase as a result of the development to 365 days of the year. The access review does not address the number of dwellings and the possible requirement to adopt the road.

## 6 RELEVANT POLICY GUIDANCE

### **National Planning Policy Framework (NPPF) 2018:**

- 6.1 Sets out the overarching planning policies on the delivery of sustainable development. It also reinforces the position that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration.

### **Planning Practice Guidance (PPG) 2014:**

- 6.2 Web based national guidance formalised in March 2014.

Paragraph 8 in section 'Determining a Planning Application' states a material planning consideration is one which is relevant to making the planning decision in question (eg whether to grant or refuse an application for planning permission).

### **Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk 2011 (amendments adopted 2014):**

- 6.3 Policy 1: Addressing climate change and protecting environmental assets

To address climate change and promote sustainability, all development will be located and designed to use resources efficiently, minimise greenhouse gas emissions and be adapted to a changing climate and more extreme weather.

- 6.4 Policy 3: Energy and water

Development in the area will, where possible, aim to minimise reliance on non-renewable high-carbon energy sources and maximise the use of sustainable construction technologies.

- 6.5 Policy 4: Housing delivery

States that a proposal for housing will be required to contribute to the mix of housing required to provide balanced communities and meet the needs of the

area, as set out in the most up to date study of housing need and / or Housing Market Assessment. Furthermore it sets out appropriate percentages for delivery and tenure of affordable housing.

### 6.6 Policy 9: Strategy for growth in the Norwich Policy Area

The Norwich Policy Area is the focus for major growth and development. Housing need will be addressed by the identification of new allocations including smaller sites in the Broadland area.

### 6.7 Policy 12: The remainder of the Norwich urban area, including the fringe parishes

Amongst other things states that throughout the suburban area and fringe parishes' opportunities will be sought to identify land for small-scale developments.

## **Development Management Development Plan Document (DM DPD) 2015:**

### 6.8 Policy GC1: Presumption in favour of sustainable development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

### 6.9 Policy GC2: Location of new development

New development will be accommodated within the settlement limits defined on the policies maps. Outside of these limits development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the Development Plan.

### 6.10 Policy GC4: Design

Sets out a list of criteria that proposals should pay regard to which includes the need to consider impact upon the amenity of existing properties, the environment, character and appearance of an area and being accessible via sustainable means.

### 6.11 Policy EN1: Biodiversity and habitats

Development proposals will be expected to protect and enhance the biodiversity of the district, avoid fragmentation of habitats. Where harmful impacts may occur it should be adequately demonstrated that the benefits of the development clearly outweigh any impacts.

### 6.12 Policy EN2: Landscape

In order to protect the character of the area, development proposals should have regard to the Landscape Character Assessment SPD and, in particular, consider any impact upon a range of issues including historic parks.

### 6.13 Policy EN3: Green Infrastructure

Residential development consisting of five dwellings or more will be expected to provide at least 4 ha of informal open space per 1,000 population and at least 0.16 ha of allotments per 1,000 population.

### 6.14 Policy EN4: Pollution

Development proposals will be expected to include an assessment of the extent of potential pollution. Where pollution may be an issue, adequate mitigation measures will be required. Development will only be permitted where there will be no significant adverse impact upon amenity, human health or the natural environment.

### 6.15 Policy TS3: Highway safety

Development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network.

### 6.16 Policy TS4: Parking guidelines

Within new developments, appropriate parking and manoeuvring space should be provided to reflect the use and location as well as its accessibility by non-car modes.

### 6.17 Policy RL1: Provision of formal recreation space

Residential development consisting of five dwellings or more will be expected to make adequate provision and subsequent management arrangements for recreation. The provision of formal recreation should equate to at least 1.68 ha per 1,000 population and the provision of childrens play space should equate to at least 0.34 ha per 1,000 population.

### 6.18 Policy CSU5: Surface Water Drainage

Mitigation measures to deal with water arising from development proposals should be incorporated to minimise the risk.

**Site Allocations Development Plan Document (SA DPD) (2016):**

- 6.19 The site is not allocated for development or located within the settlement limit defined for Taverham.

**Broadland Landscape Character Assessment Supplementary Planning Document (DPD):**

- 6.20 Character area – Wensum River Valley:

**Planning (Listed Buildings and Conservation Areas) Act 1990:**

- 6.21 Section 66 (1) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

**7 LOCATION AND DESCRIPTION OF SITE**

- 7.1 The site is outside but adjacent to the settlement limit as defined by the Development Plan and is located on the southern edge of the residential area of Taverham. Taverham is located within the Norwich Policy Area (NPA) as set out in the JCS. The site is currently an undeveloped area of rough grassland with direct access from Taverham Hall Lane which connects to Costessey Road approximately 350m to the east.
- 7.2 The scheme proposes the construction of six new houses on land to the south side of the east entrance drive to the Hall. These would be positioned in an area between woodland to the east beyond which is Taverham Mill and a line of tree planting to the west where it adjoins the school playing fields. To the south of the site is the River Wensum and Wensum Valley screened by woodland. The woodland and trees surrounding the application site ensures that the site is well contained within the landscape.
- 7.3 Two houses would lie directly to the south of the drive and four along the planting line along the western boundary of the site. The drive from the east is the historic main entrance to the Hall. The area at the east end of the drive closest to the village has experienced some development. There are a number of modern, later 20th century houses set in their own gardens to the north of the drive. These erode the landscape character that would generally be expected within the grounds of a country house. However, the tree planting helps to filter views of these houses. The land to the south which leads down to the River Wensum and Wensum Valley has remained undeveloped and contributes to the historic landscape setting of the Hall and is an important part of the significance of the Hall as a country house.

### 8 RELEVANT PLANNING HISTORY

- 8.1 Taverham Hall is a Victorian country house built between 1858 and 1859 by the architect David Brandon. It is designed in a Neo-Jacobean style and creates a decorative and imposing composition with the use of red brick with stone dressings, bay windows, shaped gables and a conical tower and tall chimneys. Much of the historic interior with its decorative detailing also survives.
- 8.2 The Hall is in a similar location to an earlier building on the site. It is set within a historic landscape with the remains of some formal terracing close to the house and parkland beyond. This landscape would have been used for recreation and would have contributed to the status of the building and its owners. The parkland provides an attractive setting that enhances the aesthetic values of the building. This makes a strong contribution to the significance of the Hall as a country house.
- 8.3 The Hall, forecourt balustrade and gates are Grade II Listed. The landscape is designated as historic parkland and is considered a non-designated heritage asset.
- 8.4 The Hall has been used as a private school since the 1920s. There are a number of 20th century extensions and new buildings associated with the school which lie to the north west of the Hall.
- 8.5 Listed Building consent was granted in June 2018 ([20180481](#)) for repairs and renovation work to the main school roof and associated works. Further Listed Building consent and planning permission was granted also in June 2018 ([20180525](#) and [20180540](#)) to include the demolition of existing sub-standard classrooms and construct a new teaching block.

### 9 APPRAISAL

- 9.1 The application seeks full planning permission for a development of 6 dwellings. The main issues to be taken into consideration in the determination of this application are:
- an assessment of the proposal against the policies of the Development Plan;
  - whether there are any material considerations to justify a departure from the Development Plan with reference to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG);
  - the housing supply situation in the Norwich Policy Area (NPA); and

- whether the development results in any adverse impacts which would significantly and demonstrably outweigh the benefits.

**Whether the development accords with the provisions of the Development Plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG):**

- 9.2 Taverham is designated a Fringe Parish by Policy 12 of the Joint Core Strategy (JCS) where opportunities will be sought to identify land to contribute towards the smaller sites allowance set out in Policy 9.
- 9.3 The site however is not allocated for development in the Site Allocations DPD 2016 (SA DPD) and lies outside the defined settlement limit where Policy GC2 of the Development Management DPD (DM DPD) does not permit new development unless the proposal accords with a specific allocation and/or policy of the Development Plan. The development is therefore considered contrary to Policy GC2.
- 9.4 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. Material considerations include the National Planning Policy Framework (NPPF).
- 9.5 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 for housing that accord with the Development Plan should be approved without delay.
- 9.6 In this regard, consideration should be given to DM DPD Policy GC2. This policy makes provision for development to be granted outside of settlement limits where it accords with specific allocation and / or policy of the Development Plan and does not result in any significant adverse impact.
- 9.7 Where development proposals do not accord with the development plan, consideration should be given to whether there are material considerations that otherwise indicate that development should be approved.
- 9.8 Of particular relevance to applications for housing development is paragraph 11 of the NPPF which states that:

*'For decision-taking this means:*

- (c) *approving development proposals that accord with an up-to-date development plan without delay; or*

- (d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- (i) *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - (ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

9.9 As the JCS housing requirement is less than 5 years old it should, in accordance with paragraph 73 of the revised NPPF, be the basis on which housing land supply is calculated. The 2017 Greater Norwich Area Housing Land Supply Assessment published as Appendix A of the Joint Core Strategy Annual Monitoring Report 2016-17, shows that against the JCS requirements there is 4.61 years supply in the combined NPA, a shortfall of 1,187 dwellings. Consequently, the policies which are most important for determining the application in the NPA cannot be considered up-to-date and applications for housing should continue to be determined within the context of the tilted balance referred to in paragraph 11 of the NPPF.

9.10 It is notable that the JCS housing requirement will become 5 years old on 10 January 2019. Should, at this point, the JCS housing requirement be considered to need updating then housing land supply will begin to be calculated against the standard methodology for the calculation of housing need. A new housing land supply assessment will be published in 2019 and will set out the Councils position in regards to this issue. As the outcome of the updated assessment is not currently known the potential change in the calculation of housing land supply should not be given significant weight at this juncture.

9.11 However, In June 2017 an updated Strategic Housing Market Assessment (SHMA) was published for Central Norfolk (the Greater Norwich authorities plus, North Norfolk and Breckland). The SHMA assesses the Objectively Assessed Need for housing between 2015 and 2036 using evidence which supersedes that which underpinned the JCS housing requirements.

9.12 A housing land supply of 8.08 years can be demonstrated against the SHMA assessment of OAN, a surplus of 5,368 units. Whilst the guidance to which the Central Norfolk SHMA accords, has now been superseded, it is considered that the SHMA remains an intellectually credible assessment of housing need. As explained within the PPG, the scope of what can constitute a material consideration is very wide. It is considered that research and fact finding studies such as the SHMA can reasonably be considered material considerations. Moreover, assessments such as the SHMA will continue to

form the basis of local plans submitted ahead of January 2019, including some within the Central Norfolk Housing Market Area. Therefore it remains entirely appropriate to give weight to the SHMA as a material consideration in the determination of planning applications.

- 9.13 The abundant housing land supply that is apparent in relation to the most up-to-date evidence of housing needs (8.08 years) should be given weight in the decision making process. This factor effectively diminishes the weight that would otherwise be attached to the benefits of increased housing delivery in the context of DM DPD Policy GC1 and NPPF paragraph 11.
- 9.14 On the basis of the above, the following assessment seeks to establish the benefits of the scheme and any harm that would be caused in the context of the relevant Development Plan policies and the NPPF, with reference to the three dimensions of sustainable development (economic objective, social objective and environmental objective). These three headings form a convenient basis for structuring the assessment of the proposal against Development Plan policies.

### **Economic Objective:**

- 9.15 The NPPF confirms the economic objective is *'to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure'*.

The development would result in some short term economic benefits as part of any construction work and in the longer term by spending from the future occupants of the dwellings which would support local services and facilities. The development would also generate CIL (15% of which would go to the Parish Council) and New Homes Bonus.

### **Social Objective:**

- 9.16 The NPPF confirms the social objective is *'to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being'*.

The development would ensure that the listed school buildings are repaired and made fit for purpose to ensure the long-term role as an educational establishment. The school provides employment for more than a hundred people, including teaching staff, ground staff and domestic staff, the majority being local to the school. The school opens its swimming pool, sports hall

and grounds to a number of local community groups which include Taverham High School, local cricket, netball and hockey clubs, walking groups, scouts groups and swimming clubs.

### **Housing:**

- 9.17 The site is located within the NPA where against the requirements of the JCS there is a 4.61 year supply of land for housing. However, when measured against the SHMA OAN there is 8.08 year housing land supply. This consideration diminishes the weight that would otherwise be given to proposals for new housing. Therefore, whilst the delivery of additional housing in the NPA can still be regarded as a social benefit of the scheme, it is a benefit of diminished weight.
- 9.18 The site lies outside of but adjacent to the defined settlement limit for Taverham which contains a wide variety of services including a library, village hall, garden centre, doctors and pharmacy, dentists, care home, recreational grounds, employment areas, primary schools, high school, leisure facilities, local shops and Public House. Many of these services are within reasonable walking or cycling distance from the site and bus routes into Norwich are also run from the parish. In the context of the level of service available and the location of the development on the edge of the built up area within a Fringe Parish it is considered that the site is sustainable in locational terms with regard to the scale of development proposed. Residents would therefore have suitable access to sufficient services to meet their day-to-day needs.

### **Affordable Housing and Open Space:**

- 9.19 Policy 4 of the JCS requires on a development of this scale that 33% of the dwellings are affordable however this is reduced to 28% given the SHMA consideration. In this case that would equate to 2 affordable dwellings. Policies EN3 and RL1 of the DM DPD require the provision of green infrastructure and formal recreational space (children's play, sports facilities and allotments).
- 9.20 The development will not be expected to contribute directly to affordable housing or open space due to the requirement to ensure there are sufficient funds to carry out repairs to Taverham Hall, which is the priority purpose of the application. This has been evidenced in the viability report that has been submitted and assessed by our consultant.

### **Environmental Objective:**

- 9.21 The NPPF confirms the environmental objective is *'to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources*

*prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'.*

### **Character and Appearance:**

- 9.22 Policy GC4 of the DM DPD requires development to pay adequate regard to the environment, character and appearance of an area; Policy EN2 requires development proposals to have regard to the Landscape Character Assessment SPD and consider any impact; Policy 2 of the JCS seeks to protect the landscape setting of settlements including the transition between urban and rural areas. In support of the application are a Landscape and Visual Impact Assessment and Arboricultural Impact Assessment.
- 9.23 The site is located within the 'Wensum River Valley' as defined in the Landscape Character Assessment SPD. Immediately to the north east of the site the landscape character is defined as the 'Urban Area'. The proposed development, through the introduction of buildings and infrastructure, would have an urbanising impact on the character and appearance of the site given its current undeveloped and open nature. However, this impact would be limited to the immediate area with the site not being visually prominent in the wider landscape. The application proposes the retention of existing trees and this would continue to screen the site from the Wensum River Valley and Taverham Hall. The submitted plans demonstrate that the proposed dwellings could be achieved whilst retaining the tree belt around the east, west and south of the site, which will help to soften the transition from rural to urban. In their consultation response the Conservation Officer (Arboriculture and Landscape) raised no objections on landscape and visual impact grounds.
- 9.24 It is therefore accepted that the development would alter the character and appearance of the area and would result in a more urban environment than currently exists. This represents a conflict with planning policies which seek to preserve and enhance the character of the district such as GC4 and EN2 of the DM DPD and Policy 2 of the JCS. However, whilst the urbanising impact weighs against the development in the planning balance, this not considered to be significant.
- 9.25 The application is for a development of modern designed detached houses. The design has raised concerns with local residents and the Parish Council that the new houses would not be in keeping within the parkland setting or the Listed Building. The designs while not traditional in appearance consider and are sympathetic to their woodland setting using simple forms and careful choice of materials. The two houses that form the 'gateway' to the grounds of the school draw references from Taverham Hall to provide a link to the design of the older building. The design is considered acceptable in the context of the site and surroundings and is supported by the Conservation Officer (Historic Environment) and the Council's Design Advisor. To ensure that the properties remain in keeping with the site and surrounding it is considered

appropriate to include a condition removing permitted development rights for changes to the appearance of the dwellings and addition of extensions.

### **Heritage:**

- 9.26 Policy 2 of the JCS seeks to protect heritage assets. The application site is located within the grounds of Taverham Hall, a Grade II Listed Building which is situated in a non-designated historic parkland. The advice of the Council's Historic Environment Officer has been sought who has confirmed that there will be no impact on the immediate setting, due to the tree belt along the western boundary of the application site. However, there will be some negligible harm to the Hall's wider setting, with its rural location being eroded by the encroachment of built development further to the west behind The Street. This is mitigated through the scale, density, layout, design and landscaping of the new development on this site.
- 9.27 In considering whether to grant planning permission for a development which affects a listed building or its setting, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that the local planning authority should have a special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Careful consideration has been given to the location, siting, design and landscaping of the proposed development. The site has no direct visual connection to the Listed Building affecting its setting or appearance due to it being located a good distance to the east of Taverham Hall beyond the school playing fields and the site being enclosed by mature tree planting. The Historic Environment Officer confirms as already stated above that there would be no immediate impact on the setting of Taverham Hall. The development will also facilitate essential work to the Listed Building as set out in paragraphs 9.47 to 9.52 of this report.
- 9.28 Section 16 of the NPPF requires local planning authorities to pay particular regard to the conservation and enhancement of the historic environment in planning decisions. Proposals affecting heritage assets must consider how the significance of the heritage asset may be affected and minimise any conflict between heritage conservation and any aspect of the proposal.
- 9.29 In determining applications paragraph 192 of the NPPF requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of the heritage assets and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic value. When considering the impact of a proposed development on the significance of a designated heritage asset (paragraph 193), great weight should be given to the asset's conservation irrespective of whether there would be any potential harm its significance. Paragraph 196 then goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 9.30 The effect of an application on the significance of a non-designated heritage asset should also be taken into account in determining the application (paragraph 197) and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 9.31 The development of part of the non-designated historic grounds of Taverham Hall has been weighed against the benefits of conserving the fabric of the Grade II Listed Building of Taverham Hall itself and preserving the use of the site as a school. Given the harm identified is negligible it is considered that the impact on the setting of the listed building and historic park is acceptable. The benefit of the development and the contribution this will make to the preservation of the Listed Building and the associated social benefits are considered to outweigh the loss of a relatively small area of land that has become visually separated from the wider parkland and in an area that has already been compromised by earlier housing development.

### **Archaeology:**

- 9.32 The proposed development site was initially identified as having the potential for heritage assets with an archaeological interest by the County Archaeologist. The developer has subsequently completed an archaeological investigation of the development area which has revealed no evidence of archaeological remains and no further investigation of the site is required.

### **Access / Highways:**

- 9.33 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. In support of the application a strategy has been provided to mitigate the impacts of the proposed development upon the existing access.
- 9.34 The intention is to limit the use of the eastern access to the existing and proposed residential dwellings (8 in total) and restrict access to the school to larger service vehicles only that would otherwise find it difficult to manoeuvre within the confines of the school. The access is currently single track and to accommodate new two-way traffic two new passing places will be constructed, each 20m in length with 5m tapers at either end, providing a localised road width of a minimum of 5.5m.
- 9.35 Residents and the Parish Council have made representations on the safety and suitability of the junction with Costessey Road to serve additional development. Concerns have also been raised about the level of traffic and congestion that will be created if all school traffic is directed to the exit points in Ringland Road particularly in conjunction with the traffic associated with the development recently approved for 93 dwellings in Beech Avenue.

- 9.36 The Highway Authority has confirmed that it has no objection to the proposal on the basis that there will be an overall reduction in the amount of traffic using the access drive and are supportive of the use of only the Ringland Road exit point for school traffic, subject to the implementation of the measures set out in the access strategy.
- 9.37 Taking account of the above it is considered that the development would not lead to conditions detrimental to highway safety and the application would comply with Policy TS3 of the DM DPD.

### **Ecology:**

- 9.38 Policy EN1 of the DM DPD requires development to protect and enhance the biodiversity of the district, avoid fragmentation of habitats and support the delivery of a co-ordinated green infrastructure network. The application is supported by an ecology report.
- 9.39 Natural England has provided standing advice on the assessment of the development and potential impacts on statutory designated nature conservation sites (European sites or Sites of Special Scientific Interest).
- 9.40 The River Wensum is a Special Area of Conservation and an SSSI. The proposed works will not directly affect the river itself, which is the designation and therefore there will be no direct effects on species or marginal habitat. There is potential for run-off from hard surfaces post-construction and increased sediments from disturbed ground during construction, however the main focus of the development is over 100m from the nearest ditch connected to the river and as a result is unlikely to have any significant impacts.
- 9.41 New development has the potential to impact designated sites through increased recreational pressure. However, this site is in close proximity to other houses and the river and river bank is already used occasionally by the school and public. Any increase in disturbance will be a very small proportion of the site as a whole.
- 9.42 Concerns have been raised by residents and the Parish Council that development of the site will have an adverse impact on wildlife. Given the habitats present it is acknowledged that there will be some localised impacts for wildlife during construction and as a result of the development post-construction. The Ecology Report has considered the impact on birds, riparian mammals, bats, badgers and other mammals and amphibians and reptiles. Although some effects are predicted these are unlikely to be significant. Mitigation and best practice measures are proposed to ensure that any possible effects are minimised. The development includes large gardens and new planting which will maximise the wildlife value of these areas.

- 9.43 Taking account of the above it is considered that subject to conditions the development would not have an adverse impact on protected species and would not have an adverse impact on national and internationally protected sites. The development would therefore comply with Policy EN1 of the DM DPD and there would be no significant impact in terms of ecology.

### **Pollution, Flood Risk and Amenity:**

- 9.44 Policy EN4 of the DM DPD requires development proposals to include an assessment of the extent of potential pollution. The application is supported by a desk study. The Council's Pollution Control Officer has advised that there is no requirement for further assessment. The development would therefore comply with Policy EN4 of the DM DPD.
- 9.45 Policy CSU5 of the DM DPD reflects the need to manage surface water in new development proposals to ensure that there is no risk of increased off-site flooding. In support of the application is a Flood Risk Assessment and Surface Water Drainage Strategy proposing that surface water from the site is managed by way of infiltration. All plots within the site are with Flood Zone 1, where there is the lowest risk of flooding and the Lead Local Flood Authority has been consulted but has advised that the scale of development is such that they do not intend to provide any detailed comments. Officers consider that the submitted Drainage Strategy, which proposes the use of SuDS to discharge to soakaways complies with the standing advice and that the principle of the proposed drainage strategy is acceptable. A condition should be imposed to ensure that the detailed surface water drainage scheme is implemented in accordance with the submitted drainage strategy. The development is considered to comply with Policy CSU5 of the DM DPD.
- 9.46 Policy GC4 of the DM DPD requires consideration of the impact of the development on amenity. The site is to the south of existing residential development but sufficiently separate that it will have no overbearing or unneighbourly impacts for neighbours although visually the site will change from open meadow to a more developed view. The access road that leads to the site is currently used by school traffic as an exit route at the beginning and end of the day and for occasional use by larger vehicles that cannot use the western access road to the school. Overall the level of traffic will reduce but there are likely to be traffic movements throughout the day and 7 days a week which is not currently the case. Some alterations to the drive will be made to allow two-way traffic. Neighbours that back onto the drive are concerned about the noise and disturbance that will be caused by the change in the status of the driveway and also concerned about safety where there is no provision for pedestrians. It is considered that the noise, disturbance and safety issues of school traffic to that of residential use of the site for 8 dwellings is considered likely to be less impact and therefore acceptable. The development is therefore considered to be in accordance with Policy GC4 of the DM DPD in respect of amenity.

### Financial Justification:

- 9.47 The development is proposed in order that the proceeds from the sale of the site funds essential repairs to Taverham Hall as well as improvements to the school buildings to support the long term financial viability of the school.
- 9.48 Fleur Developments have provided a detailed Viability Assessment appraising the housing scheme taking into account the income and costs associated with the development. These costs include an allowance for CIL payment but do not take into consideration any other Section 106 costs. On-site provision of affordable housing would not be viable as the site value generated would be insufficient to fund the essential works of repair to Taverham Hall and the reason for the proposal. This appraisal has been independently assessed and has been found to be a fair assumption of the likely outcomes of the development.
- 9.49 The case made by the school as to why it is necessary to raise funds from the sale of the land includes the need to replace existing sub-standard classroom accommodation with new classrooms and facilities which will increase the capacity of the school to secure its future sustainability as a business. Detailed financial information has been provided by the school setting out their trading history and asset position and has been independently verified. While the school could borrow funds to undertake the essential repairs to the Listed Building this would significantly impact on the school's ability to raise the funds necessary to undertake the building works to provide new classrooms and facilities to expand pupil numbers and secure the long-term future of the school and thereby the future preservation of the Listed Building for its own sake.
- 9.50 The school has put forward a costed schedule of repairs and other works of which approximately 62% relates to the essential works, associated preliminaries, supervision fees and identified contingencies in the structural report submitted in support of the application. The remainder of the costings relate to work for non-essential, but desirable work for the protection of the heritage asset such as redecoration and demolition of the sub-standard Big School building. Focussing just on the essential works it is noted from the independent appraisal that there would be surplus funds raised from the sale of the land that could meet the open space and offsite affordable housing obligations.
- 9.51 It is agreed that funds from the sale of the land will be ring-fenced, with priority given to the essential repairs of the Listed Building and this would be secured by legal agreement. Demolition of 'Big School' the sub-standard building immediately to the west of and attached to the main building should be included in this priority works as it is considered removal of this building is directly related to and important to the setting and appearance of the Listed Building.

- 9.52 A financial case has been justified in support of permitting the development to safeguard the heritage asset. However, should any surplus funds be available following completion of these stages, a contribution for off-site affordable housing should be secured by legal agreement.

### **Planning Balance and Conclusion:**

- 9.53 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.54 The application is contrary to the Development Plan in that it proposes residential development outside the defined settlement limit on a site which is not allocated in conflict with Policy GC2 of the DM DPD. Planning permission should therefore be refused unless material considerations indicate otherwise.
- 9.55 The planning balance should consider whether the benefits associated with the proposed development outweigh the harm. In this case the benefits are social, economic and environmental as set out above, particularly with regard to the conservation and refurbishment of the Grade II Listed Building, and securing the long term viability of Taverham Hall as a school, both of which have clear public benefits that would not be secured without this development.
- 9.56 Sale of the land for the purpose of residential development will provide enough value to carry out all essential works to the fabric of the Listed Building and to fund the demolition of 'Big School'. This building is of poor quality and is in poor condition and affects the setting and appearance of the Listed Building. Demolition will therefore have positive benefits for the Listed Building by the removal of poor standard buildings. It is therefore considered appropriate for the funds raised from the sale of the land to facilitate the demolition of the building in addition to carrying out essential works to the Listed Building.
- 9.57 The development does not comply with Policy 4 of the JCS in terms of affordable housing provision and Policy RL1 of the DM DPD in respect of off-site formal recreation in that the development will not be directly contributing to these provisions. However, it is clear from the independent financial assessment that the funds raised from the sale of the land will be in excess of the projected costs of the work to repair the Listed Building and to demolish 'Big School'. Although off-site open space is not considered necessary in relation to this development, the provision of affordable housing is of high importance for the area and has a wider social benefit. For this reason it is considered appropriate to add a clause to the Section 106 Agreement to ensure that any surplus funds following completion of repairs and necessary demolition can be collected for the provision of offsite affordable housing.

- 9.58 Long-term security of the building for use as a school is considered important to ensure the integrity of the Listed Building is preserved which could not be guaranteed if it were to be converted to other uses, such as residential, which would require significant internal alterations to facilitate conversion.
- 9.59 Whilst the development would result in a low density urbanisation of the locality, with impact on the immediate character and appearance of the area contrary to Development Plan Policies, the impact is not considered to be significant. Furthermore no other significant adverse impacts would result from the development.
- 9.60 Taking account of the assessment of the policies of the Development Plan, the NPPF and other material considerations and apply the planning balance, it is recommended that the Committee agree to delegate authority to the Head of Planning to approve the application subject to the satisfactory completion of a Section 106 Agreement and subject to conditions.
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**RECOMMENDATION:** Delegate authority to the Head of Planning to **APPROVE** subject to the following conditions and securing a Section 106 Agreement with the following Heads of Terms:

- Development shall not commence before completion of the sale of the land.
- Submission of a timetable for the carrying out and completion of an approved programme of works to the Listed Taverham Hall.
- A schedule of priority works if insufficient funds are raised from the sale of the land to complete the approved works to the Listed Taverham Hall.
- Any surplus funds following completion of the approved programme of works to the Listed Taverham Hall to contribute to the provision of offsite affordable housing.

Conditions:

- (1) The development to which this permission relates must be begun not later than TWO years beginning with the date on which this permission is granted.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.
- (3) Prior to the first occupation of the development hereby permitted, the modified access strategy as detailed in the Access Review Technical Note received

12th October 2018, at paragraph 4.0 and in accordance with drawing number 1601/03/002, where it relates to the eastern access to and from the site, shall be implemented and thereafter maintained in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- (4) Prior to the first occupation of the development hereby permitted the proposed access/on-site car/turning shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.
- (5) Prior to the commencement of development the trees shown to be retained on the submitted plans shall be protected in accordance with the details contained in the submitted Arboricultural Impact Assessment and Arboricultural Method Statement dated March 2018. Protection shall include:
  - (a) Root Protection Areas (RPAs) of every retained tree on site and on neighbouring ground to the site in relation to the approved plans.
  - (b) Tree Protection Barriers that should be fit for the purpose of excluding construction activity and storage of materials within RPAs appropriate to the degree and proximity of work taking place around the retained tree(s).
  - (c) Ground Protection Zones over RPAs that should consist of scaffold boards placed on top of 100-150mm layer of woodchip which is underlain by ground sheets.

No works should take place until the Tree Protection Barriers and Ground Protection are installed.

In the event that any tree(s) become damaged during construction, the LPA shall be notified and remedial action agreed and implemented. In the event that any tree(s) dies or is removed without the prior approval of the LPA, it shall be replaced within the first available planting season, in accordance with details to be agreed with the LPA.

- (6) The landscaping scheme as indicated on the approved plan (drawing number JBA 13/164-01) received by the Local Planning Authority on 12 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.

- (7) None of the dwellings shall be occupied until the surface water drainage works have been completed in accordance with the details contained in Section 6 of the Surface Water Strategy (Rev B) dated March 2018.
- (8) Prior to the occupation of the first dwelling a fire hydrant on not less than a 900mm main shall be provided on site in a position to be agreed with Norfolk County Council Water Resources and Planning Manager.
- (9) Mitigation and best practice measures shall be carried out in accordance with the details set out section 7 of the Ecological Report dated August 2017 including the following measures which must be implemented during construction and for the developed site:
  - (a) Lighting should be avoided where possible. Any lighting that is required should use low level hooded lighting directed away from surrounding woodlands and the river.
  - (b) Any works to trees or hedgerows must be undertaken outside of the bird breeding season (1 March to 31 August). Any nests found prior or during construction must not be disturbed and a suitable buffer erected around the area.
  - (c) Any excavations should be covered during the night or fitted with slopping escapes.
  - (d) Building materials should be stored off the ground.
  - (e) Boundary fences or walls should incorporate gaps of 12cm wide by 10cm high at ground level.
- (10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking and re-enacting or modifying that Order), no development permitted by Classes A, B, C, D, E or G of Part 1 of Schedule 2 of that Order shall be carried out without the prior consent of the Local Planning Authority.
- (11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking, and re-enacting or modifying that Order), no development permitted by Classes A or C of Part 2 of Schedule 2 of that Order shall be carried out without the prior consent of the Local Planning Authority.

Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (3) To ensure the satisfactory development of the site without prejudice to the amenity of the site or to road safety in accordance with Policies GC4 and TS3 of the Development Management DPD 2015.
- (4) To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policies TS3 and TS4 of the Development Management DPD 2015.
- (5) To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interest of amenity in accordance with Policies GC4, EN2 and EN3 of the Development Management DPD 2015.
- (6) To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies GC4, EN1, EN2 and EN3 of the Development Management DPD 2015.
- (7) To prevent flooding in accordance with paragraphs 163, 165 and 170 of the NPPF by ensuring satisfactory management and disposal of local sources of surface water and ensuring the SuDS proposed operates as designed for the lifetime of the development.
- (8) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (9) To ensure that the development has no adverse effects on the presence of protected species in accordance with Policy EN1 of the Development Management DPD 2015.
- (10) In accordance with Article 4(1) of the Town & Country Planning (General Permitted Development) Order 2015, the condition is imposed to enable the Local Planning Authority to retain control over the siting and external appearance of the buildings in the interests of amenity in accordance with Policy GC4 of the Development Management DPD 2015.
- (11) In accordance with Article 4(1) of the Town & Country Planning (General Permitted Development) Order 2015, the condition is imposed to enable the Local Planning Authority to retain control over the siting and external

appearance of the buildings in the interests of amenity, in accordance with Policy GC4 of the Development Management DPD 2015.

### Plans and Documents:

Amended Transport Overview Rev A received 04 September 2018

Amended Utilities Assessment Rev A received 04 September 2018

Dwg No TAV PL-130 Garage Type A1 Plot 1 received 11 July 2018

Dwg No TAV PL-125 Rev A House Type B Elevations 2 of 2 received 11 July 2018

Dwg No TAV PL-124 Rev A House Type B Elevations 1 of 2 received 11 July 2018

Dwg No TAV PL-123 Rev A House Type B Sections received 11 July 2018

Dwg No TAV PL-122 House Type B Roof Plan received 11 July 2018

Dwg No TAV PL-121 House Type B First Floor Plan received 11 July 2018

Dwg No TAV PL-120 House Type B Ground Floor Plan received 11 July 2018

Dwg No TAV PL-113 House Type A2 Plot 2 Sections received 11 July 2018

Dwg No TAV PL-112 House Type A2 Plot 2 Roof Plan received 11 July 2018

Dwg No TAV PL-111 House Type A2 Plot 2 First Floor Plan received 11 July 2018

Dwg No TAV PL-110 House Type A2 Plot 2 Ground Floor Plan received 11 July 2018

Dwg No TAV PL-103 House Type A1 Plot 1 Sections received 11 July 2018

Dwg No TAV PL-102 House Type A1 Plot 1 Roof Plan received 11 July 2018

Dwg No TAV PL-101 House Type A1 Plot 1 First Floor Plan received 11 July 2018

Dwg No TAV PL-100 House Type A1 Plot 1 Ground Floor Plan received 11 July 2018

Dwg No TAV PL-002 Proposed Site Plan received 11 July 2018

Dwg No TAV PL-001 Proposed Location Plan received 11 July 2018

Dwg No TAV PL- 131 Garage Type A2 Plot 2 received 11 July 2018

Landscape and Visual Impact Assessment received 12 July 2018

Heritage Statement received 12 July 2018

Flood Risk Assessment & Surface Water Drainage Strategy Rev B received 12 July 2018

Ecology Report received 12 July 2018

Dwg No JBA 13/164-01 Rev D Landscape Masterplan received 11 July 2018

Dwg No JBA 13/164-02 Rev B Detailed Soft Landscaping received 11 July 2018

Dwg No JBA 13/164-01 Rev B Detailed Soft Landscaping received 11 July 2018

Dwg No 20733/004 Rev B Topographical Survey Sheet 4 of 4 received 11 July 2018

Dwg No 20733/003 Rev A Topographical Survey Sheet 3 of 4 received 11 July 2018

Dwg No 20733/002 Topographical Survey Sheet 2 of 4 received 11 July 2018  
Dwg No 20733/001 Topographical Survey Sheet 1 of 4 received 11 July 2018  
Design, Access and Design Access and Planning Statement received 12 July 2018  
Conditions Report received 12 July 2018  
Contamination Report and Desktop Study Phase 1 Rev A received 12 July 2018  
Arboricultural Impact Assessment received 12 July 2018  
Archaeological Desk Based Assessment received 12 July 2018  
Amended Dwg No TAV PL-104 Rev B House Type A1 Plot 1 Elevations received 17th August 2018  
Amended Dwg No TAV PL-114 Rev B House Type A2 Plot 2 Elevations received 17th August 2018  
Additional Technical Note Access Review received 12 October 2018  
Archaeological Informative Trial Trenching Report received 19 December 2018

### Informatives:

The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.

The site is subject to a related agreement under Section 106 of the Town And Country Planning Act 1990.

The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. A separate Liability Notice has been issued with the decision notice. Further information about CIL can be found at [www.broadland.gov.uk/housing\\_and\\_planning/4734.asp](http://www.broadland.gov.uk/housing_and_planning/4734.asp)

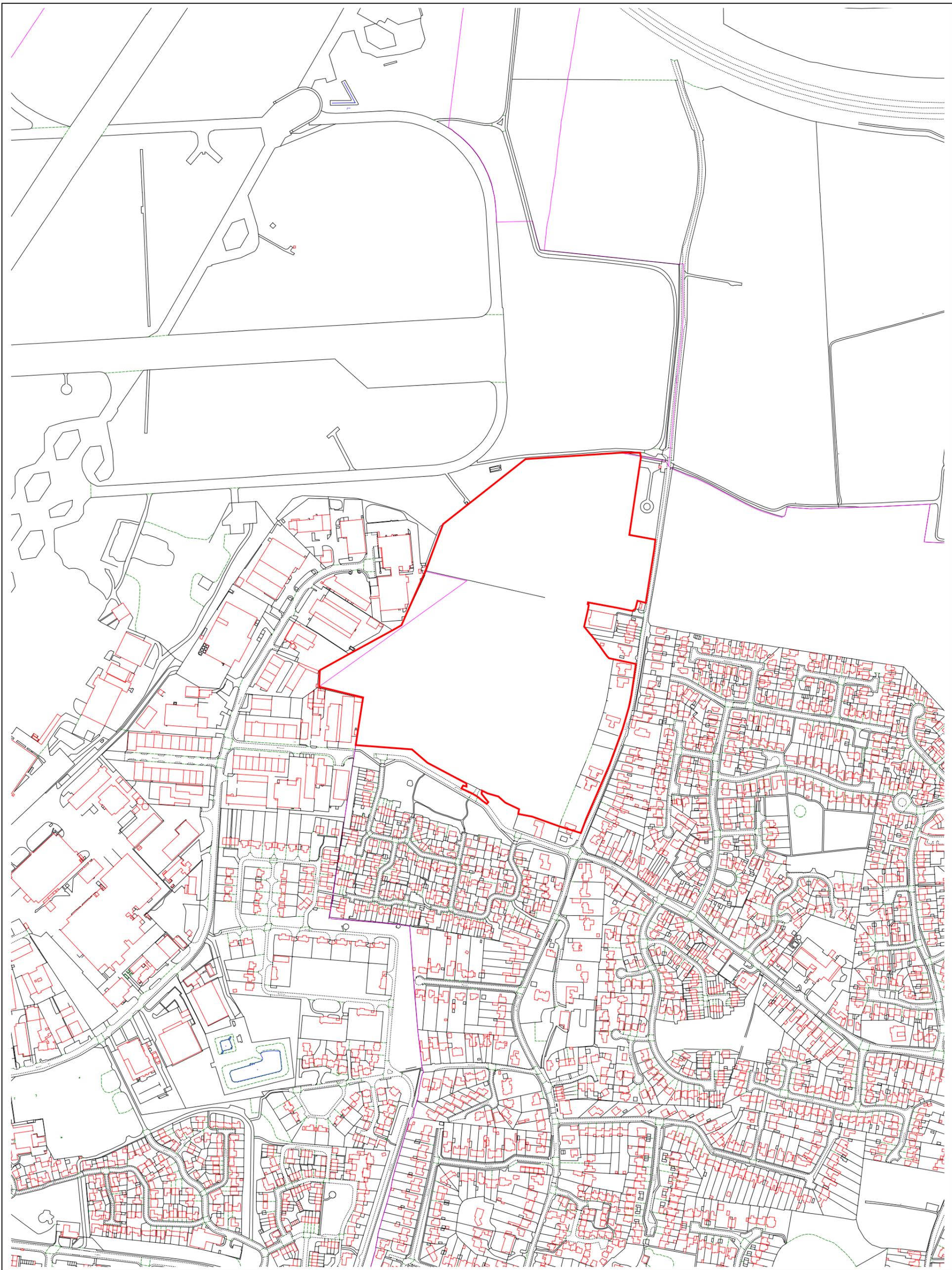
It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a legal agreement between the applicant and the County Council. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Control Group based at County Hall in Norwich. Public utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the applicant's own expense.

Under the Wildlife and Countryside Act 1981, The Habitat Regulations 1994, The Countryside and Rights of Way Act (Natural Habitats) (Amendment) Regulations 2007 it is an offence to:

- Intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built;
- Intentionally or recklessly disturb any wild bird while it is nest building, or at a nest containing eggs or young, disturb the dependent young of such a bird;
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats;
- Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time).

In the light of this legal protection, it is recommended that any works to trees where birds and/or bats are known to, or are likely to, nest / roost, be avoided during the bird nesting season (usually March to August) and / or the advice of a bat specialist is obtained.



**Application No: 20181766**  
**Land at St Faiths Road, Old Catton**

**Scale:**  
**1:5000**  
**Date:**  
**20-Dec-18**



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**AREA** West  
**PARISH** Old Catton

3

**APPLICATION NO:** [20181766](#) **TG REF:** 622988 / 313091

**LOCATION OF SITE** Land at St Faiths Road, Old Catton

**DESCRIPTION OF DEVELOPMENT** Removal of condition 27 of planning permission 20141955

**APPLICANT** Taylor Wimpey East Anglia, Mr Jordan Last, Castle House, Kempson Way, Bury St Edmunds, IP32 7AR

**AGENT** N/A

**Date Received:** 29 October 2018  
**8 Week Expiry Date:** 4 February 2018

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**Reason at Committee:** At the request of one of the Ward Members for the reasons listed in paragraph 5.2 of this report.

**Recommendation (summary):** Approve

## 1 THE PROPOSAL

- 1.1 The application seeks to remove condition 27 of planning permission 20141955 under section 73 of the Town and Country Planning Act 1990.
- 1.2 The condition seeks to restrict the presence of open water features on the site in the interests of aviation safety in accordance with policies TS5 and TS6 of the Development Management DPD.
- 1.3 The application has been made, as a separate reserved matters application has been submitted under reference 20180920, which provides for an attenuation basin to store surface water which, in extreme rainfall events, would create an open water feature in the site. The reserved matters application is plan no: 4 on the schedule for this meeting.

## 2 KEY CONSIDERATIONS

- Whether the removal of the condition would result in a development which complies with the Development Plan

- Whether there are other material considerations which justify a decision otherwise than in accordance with the Development Plan.

### **3 CONSULTATIONS**

#### **3.1 Lead Local Flood Authority:**

Recommend that the condition is discharged.

#### **3.2 Norwich International Airport:**

Object unless the development is constructed, maintained and managed in accordance with the Bird Hazard Management Plan produced by Nigel Deacon of Airfield Wildlife Management Ltd, dated October 2018 and agreed by Norwich Airport on 15 November 2018.

#### **3.3 Old Catton Parish Council:**

Object to the proposed attenuation basin located to the west of the site at Meadow Parkland. Developers now proposed to install children's play equipment close to the location of the basin. We are informed that a small number of aqua-cells will be used, together with controlled direct pipe outfall using Anglian Water drains. Whilst the basin has been reduced in size the Parish Council objects to open water on site and requests that Condition 27 of outline planning consent be upheld. The Parish Council is of the opinion that the installation of aqua-cells with sufficient allowance of chambers with deep sump for silt to flow into prior to entering the cells, and adequate provision for inspection chambers to ensure regularly jet cleaning of the cells to prolong the life span is the best solution for this area. The Parish Council remains of the opinion that standing water in a recreational area, close to a children's play area, is a health and safety risk to residents. Developer has given brief details that likelihood of water sited in this basin is only in extreme weather conditions however given the extreme weather experienced at the start of the year the Parish Council continues to have reservations.

### **4 PUBLICITY**

#### **4.1 Neighbour Notification:**

142 Neighbours consulted

Expired: 29 November 2018

## 5 REPRESENTATIONS

5.1 No neighbour representations.

5.2 Cllr K Vincent:

I would like this application to be considered by the Planning Committee for the following reasons:

- (1) Norwich Airport's safeguarding objection to the application unless the following conditions are met and applied: "The proposed development shall be constructed, maintained and managed in accordance with the Bird Hazard Management Plan, produced by Nigel Deacon of Airfield Wildlife Management Ltd, dated October 2018 and agreed by Norwich Airport on 15 November 2018."

Should the conditions be applied, clarity is needed about who will fulfil these both during the construction of the development and who, thereafter, will be responsible for any associated ongoing maintenance, cost and management.

- (2) The siting of an open attenuation drainage basin adjacent to a children's play area with only low level fencing is a poor design and the presence of any standing water in a recreational area presents a health and safety risk.
- (3) The open attenuation drainage basin reduces usable recreational space on the development.

## 6 RELEVANT POLICY GUIDANCE

### Development Management DPD 2015:

6.1 Policy TS5: Airport Development

Development related to Norwich International Airport will be assessed against the long term operational needs of the airport taking into account national aviation policy and guidance.

6.2 Policy TS6: Public Safety Zones

Development proposals will be expected to have regard to the public safety zones. Where there will be a significant risk to public safety, planning permissions will not be granted.

## 7 LOCATION AND DESCRIPTION OF SITE

- 7.1 The site was granted outline planning permission for “Mixed Use Development of 340 Residential Dwellings with 5,640m<sup>2</sup> of Small Business Units” under application 20141955.
- 7.2 The site is 15 ha and allocated under policy GT15 of the Growth Triangle Area Action Plan 2016. The site was last in agricultural use with frontages to St Faiths Road to the east and Repton Avenue to the south. To the north is Norwich International Airport and a cemetery and to the west is the Airport Industrial Estate.
- 7.3 The site is irregular in shape and comprised of two adjacent fields, divided by a hedge and ditch boundary running broadly east to west. There are a number of mature trees dissecting the site and further trees are located at the site boundaries.
- 7.4 An area to the north west of the site is located within the administrative boundary of Norwich City Council and a duplicate planning application has been submitted to them for consideration.

## 8 RELEVANT PLANNING HISTORY

- 8.1 [20141955](#): Land at St Faiths Road, Old Catton – mixed use development of 340 dwellings with 5,640m<sup>2</sup> of small business units (outline). Approved 18 May 2018.
- 8.2 [20180920](#): Land at St Faiths Road, Old Catton – residential development for the erection of 328 dwellings and associated infrastructure and areas of landscaped public open space pursuant to outline planning permission 20141955 including details for the approval of conditions 2 (details of layout, scale, appearance and landscaping), 5 (foul water), 25 (contamination), 26 (surface water drainage), 29 (energy efficiency), 32 (landscaping) and 33 (tree protection). Undetermined.

## 9 APPRAISAL

- 9.1 The application is made under Section 73 of the Town and Country Planning Act 1990 to remove condition 27 imposed on outline planning permission 20141955.
- 9.2 Condition 27 states:

*“There shall be no open water features on the hereby approved site”.*

9.3 The reason for the condition is:

*“To protect the interests of the aviation safety from the risk of bird strike in accordance with Policies TS5 and TS6 of the Development Management DPD 2015”.*

9.4 This Section 73 application to remove condition 27 has been made as application 20180920 which seeks reserved matters approval for 328 dwellings on the site proposes an attenuation basin which, at times of extreme rainfall, will become an open water feature. The Drainage Strategy for the reserved matters application relies on a connection to the Anglian Water surface water sewer at a restricted outfall of 20.3 l/s. To achieve this there is a requirement to provide surface water storage on site to hold water before it is discharged into the Anglian Water system.

9.5 In support of the application is a Bird Hazard Risk Assessment and Management Plan to demonstrate the potential impact of the open water feature (as well other aspects of the reserved matters application such as landscaping and construction activity) on aviation safety. In respect of the open water feature, this report concludes that provided the modelled water retention figures are correct and delivered, the proposed attenuation basin represents a very low bird strike risk due to the lack of feeding opportunities, a lack of security (and high casual disturbance by residents and their pets) and the lack of any suitable nesting opportunities.

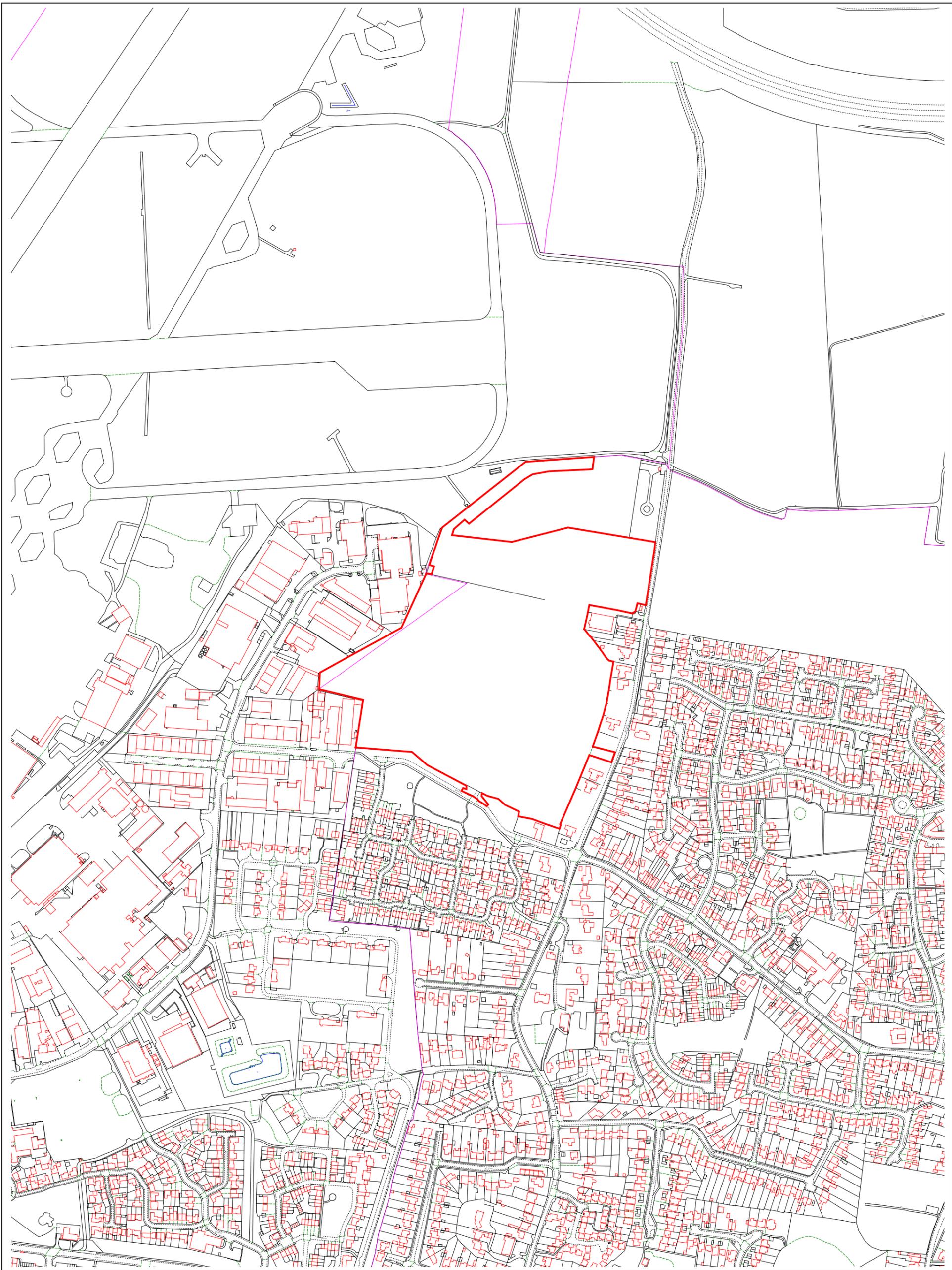
9.6 Also submitted in support of the application (and appended to the Bird Hazard Risk Assessment and Management Plan) is the Flood Risk Assessment and Drainage Strategy for the reserved matters application and an assessment of historical rainfall analysis for the area. With regard to this Drainage Strategy, the rainfall analysis confirms that out of a dataset of 2,953 days, there are 130 instances where the attenuation basin would have had water in for a period of greater than half a day, 20 of which would have held water for greater than one day. The longest duration of water held would have been 2.39 days. The Lead Local Flood Authority (LLFA) has been consulted and asked by officers to consider the robustness of the drainage information. The LLFA have confirmed in response that they have no objections to the removal of the condition. Given the lack of objection from the Lead Local Flood Authority officers consider the drainage information to be robust and credible.

9.7 Given the limited frequency and duration that the attenuation basin would hold water for, in accordance with the conclusions of the Bird Hazard Risk Assessment and Management Plan, it is considered that the proposed open water feature is not likely to pose a risk to increased bird strike and that the removal of the condition would not be contrary to Policies TS5 and TS6 of the DM DPD.

- 9.8 Norwich International Airport objects to the removal of condition 27 unless the development is carried out in accordance with the Bird Hazard Risk Assessment and Management Plan. It is the recommendation of officers that this document is listed as an approved document on the decision notice for the reserved matters application 20180920. However, concern has been raised by Cllr Karen Vincent however regarding the ability to monitor and enforce the recommendations of this document. The applicants have provided written confirmation to officers giving their assurance that the development will be carried out in accordance with the document Furthermore, the Local Planning Authority has enforcement powers to ensure that the requirements of the document are complied with. The attenuation basin will be part of the open space serving the development and managed by a management company on behalf of the applicants. The requirement to comply with the Bird Hazard Risk Assessment and Management Plan will therefore fall to the management company in the long term. The Local Planning Authority would still have powers to enforce the implementation of the report. Officers are therefore satisfied that the Bird Hazard Risk Assessment and Management Plan will be an effective mechanism to manage the risk of bird strike.
- 9.9 Objections have been raised by Old Catton Parish Council and Cllr Karen Vincent that the presence of an open water feature on the site will present a health and safety risk for residents, especially being within an area of public open space and adjacent to a children's play area. Cllr Karen Vincent has raised concern that the attenuation basin will reduce the useable recreational space of the development. Officers note these concern but given the reason for condition 27 relates solely to aviation safety and Policies TS5 and TS6 it is not considered that the concerns of Old Catton Parish Council and Cllr Vincent are relevant to whether the condition can be removed. Their concerns are however relevant to the consideration of the reserved application matters and this is dealt with in the officer report for 20180920.
- 9.10 In conclusion it is considered that the applicant has adequately demonstrated that the removal of condition 27 would not result in conditions detrimental to aviation safety or increase the risk of bird strike. The application would therefore comply with Policies TS5 and TS6 of the DM DPD. It is also not considered that the removal of the condition would conflict with other policies of the development plan and there are no other material considerations relevant.
- 9.11 The effect of granting a Section 73 application is the issue of a new permission. The decision notice should repeat the relevant conditions from the original planning permission, unless they have already been discharged.

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**RECOMMENDATION:** **APPROVE** subject to re-imposition of conditions previously imposed except condition 27.



**Application No: 20180920**  
**Land at St Faiths Road, Old Catton**

**Scale:**  
**1:5000**  
**Date:**  
**20-Dec-18**



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**AREA** West  
**PARISH** Old Catton

4

**APPLICATION NO:** [20180920](#) **TG REF:** 622976 / 313240

**LOCATION OF SITE** Land at St Faiths Road, Old Catton

**DESCRIPTION OF DEVELOPMENT** Residential development for the erection of 328 dwellings and associated infrastructure and areas of landscaped public open space pursuant to outline planning permission [20141955](#) including details for the approval of conditions 2 (details of layout, scale, appearance and landscaping), 5 (foul water), 25 (contamination), 26 (surface water drainage), 29 (energy efficiency), 32 (landscaping) and 33 (tree protection)

**APPLICANT** Taylor Wimpey East Anglia, FAO Mr Jordan Last, Castle House, Kempson Way, Bury St Edmunds, IP32 7AR

**AGENT** N/A

**Date Received:** 1 June 2018  
**13 Week Expiry Date:** 11 September 2018

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**Reason at Committee:** The application is reported to Committee at the request of one of the Ward Members for the reasons set out in paragraph 5.2 of this report.

**Recommendation (summary):** Delegate authority to the Head of Planning to approve subject to conditions

## 1 THE PROPOSAL

- 1.1 The application seeks reserved matters approval for the erection of 328 dwellings and associated infrastructure and areas of landscaped public open space pursuant to outline planning permission 20141955. The decision notice for the outline application is attached at Appendix 1 of this report.
- 1.2 The reserved matters for which permission is being sought are details of layout, scale, appearance and landscaping. Access was previously approved as part of the outline application.
- 1.3 Also included with the application are details in relation to a number of the 'pre-commencement' conditions imposed on the outline application regarding

foul water, contaminated land, surface water drainage, energy efficiency, landscaping and tree protection as detailed in the description of development.

- 1.4 Vehicular access to the site would be via a priority junction on to St Faiths Road and a mini roundabout on to Repton Avenue in accordance with the plans approved in the outline application. These accesses would be connected by a Type 1 road with grass verges and 3m wide shared use paths to both sides.
- 1.5 The proposed development would result in the following housing mix, of which 33% (108) would be affordable:

|       |     |
|-------|-----|
| 1 bed | 49  |
| 2 bed | 51  |
| 3 bed | 116 |
| 4 bed | 87  |
| 5 bed | 25  |
| Total | 328 |

- 1.6 A triangular shaped area to the north west of the site is located within the administrative boundary of Norwich City Council and a duplicate planning application has been submitted to them for consideration. As the significant majority of the site is within the administrative boundary of Broadland District Council, Broadland has been the 'lead' authority. Norwich City Council has confirmed that it is satisfied with Broadland District Council's assessment of the proposal insofar as it relates to the part of the development within the Council's boundary and the development as a whole and support the recommendation and associated conditions.

## 2 KEY CONSIDERATIONS

- Whether the development complies with the development plan, the National Planning Policy Framework and Planning Practice Guidance
- Whether the development complies with the conditions of the outline application
- Whether there are any material considerations relevant to the determination of the application

**3 CONSULTATIONS**

3.1 Amenity & Landscape Officer:

Boundary treatment plans needs amending to provide for maintenance provision. Locations of litter and dog waste bins should be shown on the plans. Gravel footpaths are not appropriate as they are difficult for wheel and push chairs and present a hazard for mowers. Bollards / gates should be provided to paths to prevent vehicular use. Conveyance plan should be provided.

3.2 Anglian Water:

There are assets owned by Anglian Water close to the development boundary that may affect the layout of the site and an informative should be added to reflect this.

The foul drainage for this development is in the catchment of Whitlingham Trowse Water Recycling Centre that will have available capacity.

The foul water strategy does not adequately address the impact on the public sewerage network and may result in increased risk of flooding downstream.

The surface water strategy does not adequately address the impacts on public surface water sewerage network and further information is required.

Comments on amended plans:

The impacts on Anglian Water's public surface water sewerage network are acceptable and have been adequately addressed at this stage. The developer has confirmed surface water hierarchy evidence, including infiltration logs in accordance with the Building Regulations and a connection to manhole 7251, west of the development will be made at a maximum rate of 20.3 l/s as per the Flood Risk Assessment section 4.0 and Appendix D. On this basis, condition 26 can be discharged.

With regard to foul water, the developer will be implementing a gravity discharge regime to the 300mm diameter sewer within the boundary of the site. On this basis, condition 5 can be discharged.

3.3 Arboriculture and Landscape Officer:

The site contains some significant mature broadleaved trees which have considerable visual amenity value within the landscape due to their form and size, the retention and integration into the layout is desirable and of the

greatest importance. The submitted information downgrades the value of the trees compared to the information submitted at outline stage.

Shadow patterns should be included on the drawings.

Three groups of Lombardy Poplars are prominent skyline features and are shown to be removed. Their retention and integration into the layout should be reconsidered.

The plans show encroachment into existing trees Root Protection Areas (RPAs) and the plans should be amended to reduce this conflict.

The plans propose an appropriate mix of species and planting specifications but the specific tree pit design will be required once the layout is agreed.

Comments on amended plans:

It is disappointing to see that the majority of trees and all the hedgerow to the north of the site will be lost to accommodate the layout, this is an historic boundary feature.

Minor changes should be requested to position of the footpaths and plot 43 to minimise the requirements for a no-dig construction.

The submitted Landscape Management Plan is acceptable. The Tree Planting Influence Plan is satisfactory. Clarification required over the detail of root barriers.

Further comments on amended plans:

Having studied the revised Tree Protection Plan & Arboricultural Method Statement the changes requested with regard to the position of some of the proposed footpaths within the RPAs has been applied. The RPAs of T33 still have encroachment, however due to the other constraints and considerations it is probably the best we can achieve without the developers agreeing to further changes to the layout.

### 3.4 Community Safety Manager:

I am not aware of any current issues relating to crime and anti-social behaviour in the location of this proposed development that would require amendments.

Comments on amended plans:

The main road through the development is wide and it would appear, has no infrastructure to prevent vehicles being driven through above the anticipated speed limit. I would recommend that some form of traffic speed control is integrated at the time of development, such as speed humps or chevron style restriction to reduce traffic speed and noise related complaints.

The plans show a complete circuitous road layout which is of similar design elsewhere in the District. Both the Police and Council regularly receive reports of anti-social behaviour involving cars, mopeds, motorbikes and mini-motos who use this type of layout as a circuit, not necessarily at speed, but to continually drive around from early afternoon until late into the evening.

The result is noise disturbance to the residents of those properties which are located along the route from the cars, modified exhaust systems and loud music from the stereo equipment. Residents report feeling anxious, harassed and unsafe when using the road either as a driver or pedestrian. I understand that this is to provide emergency vehicles to gain access to an incident which blocks the road. However, given that this is a residential road with an anticipated speed limit of 30 mph, in my opinion a vehicle collision capable of blocking the road is more likely to happen if vehicles are used on the road as outlined above.

In light of the above, in order to make the location less attractive to this type of activity, I would recommend that consideration be given to introducing a 'break' within this circuit which would prevent it being used in this manner.

If this is not possible, then some form of traffic calming ought to be considered as an alternative measure.

### 3.5 Contracts Officer:

Details of waste storage and collection points and swept path analysis need to be submitted.

Comments on amended plans:

Following the submission of tracking plans and waste collection plans there are a few issues which require clarification to ensure that there is no over running of footways and bin collection points are located an acceptable distance from properties.\*

\* Officer comment: Following these comments a meeting was held with the applicant and Contracts Officer to clarify the issues raised and matters are considered to be resolved.

### 3.6 Design Advisor:

The layout is acceptable and I have therefore restricted my comments to the revised design of the individual house types.

Generally I think that the house types are an improvement in terms of design the issue with the lack of detailing has been addressed and the mood boards supplied do give an indication of the “character areas” proposed within the development.

They illustrate a number of differing but complementary finishes for house types and whilst a certain amount of variety between “character areas” is logical a wide variety of detailing and finish within these defined areas is less so.

A reduction in the variety of finishes and detailing within these defined “character areas” should be considered to achieve a degree of consistency and visual cohesion within them.

Regarding the individual house types the revisions certainly in the main represent a significant improvement in terms of visual appearance. Previously the individual house types lacked detail with almost a contemporary feel. The details such as the porches and a canopies were however of a more traditional form and visually the two did not particularly sit comfortably together. My previous comments suggested a more overtly contemporary approach similar to that adopted by the flats may be more appropriate, however the revisions propose a more traditional form and style to address the issue of the style being an uncomfortable mix of contemporary and traditional. This is an equally valid approach but will require careful thought over the number of differing details and finishes (as outlined above).

Detailed advice provided on each house type regarding porch details and treatment of elevations.

The flat blocks represent a significant difference in architectural style and approach. They are bold and repetitive using a far more contemporary language and fenestration pattern. They are simple visually but use contrasting materials and set backs, projections and overhangs to create additional visual interest. The key to the success of this element and its integration with the more traditionally detailed housing will be a simple and consistent palette of materials being used – ie the same main facing brick and render colours to give some visual links between the two contrasting forms and styles. I would also expect given the lack of embellishment of the elevations that the highest quality of detailing and finishes for the fenestration and copings etc. For example the use of powder coated aluminium windows not UPVC, metal rainwater goods, copings etc.

### 3.7 Environmental Health Officer (Noise):

Further information needs to be provided regarding modelling, assumptions and construction of the dwellings.

Comments on amended plans:

To be confirmed.

### 3.8 Highway Authority:

The main road through the site is to form part of a strategic access road linking Broadland Business Park to the Airport Industrial Estate. It is understood that the preferred option for connecting to the industrial estate is via Meteor Close and the layout of this development should be designed to provide for the delivery of this and provide the necessary access provisions.

If the link to Meteor Close is to be pursued it is the Highway Authority's view that the main road through the site should be positioned along its western boundary linking to Repton Avenue at its western end. If the Local Authority does not share this view then the layout will need to provide for the delivery of the link to Meteor Close and access onto Repton Avenue designed accordingly. Instead of providing a mini roundabout Repton Avenue should be re-aligned so that its western section continues into the site (becoming part of the new link road) and the eastern section becomes a side road. In addition to re-aligning Repton Avenue the western section should be provided with a carriageway of 6.5m in width and the on-site footway / cycleway continued along its northern side.

The re-alignment of Repton Avenue and associated works should be secured at this stage rather than being left to be delivered as part of a future scheme to construct the link with Meteor Close. Furthermore, until such time as Beeston Park is delivered Repton Avenue provides the only realistic access to the wider network. Any reconfiguration of this access once the development is occupied would cause considerable disruption to residents.

In light of the above comments we place a holding objection on this application.

Specific comments also provided on the proposed layout.

Comments of amended plans:

No objections.

### 3.9 Historic Environment Service:

The Written Scheme of Investigation is approved but neither the geophysical survey nor trial trenching has taken place to enable discharge of conditions 30 and 31.

\*Officer comment: details of condition 30 and 31 have now been removed from the description of development and will need to be discharged under a separate application for approval of details reserved by condition.

### 3.10 Housing Enabler:

The affordable housing mix is agreed. A small proportion of the affordable housing units lie in land within Norwich City Council area and the plans should be amended to provide them all within the Broadland area.

Comments on amended plans:

The revised plans are acceptable.

### 3.11 Lead Local Flood Authority:

Do not recommend that condition 26 is discharged due to insufficient information being provided in relation to infiltration testing, modelling, maintenance and exceedance flows.

Comments on amended plans:

The applicant has provided a revised drainage strategy. The applicant has addressed the issues raised in previous responses. It is felt that the applicant has given reasonable justification for not including infiltration methods as part of the drainage strategy for the site. Comments made regarding agreement with Anglia Water, the need for ongoing consideration to the vegetation belts on the south and south east acting as natural barriers to exceedance flows and water quality benefit. Notwithstanding this it is recommended that condition 26 is discharged.

### 3.12 Norwich City Council:

The plan provided with each LPA's boundary overlaid on the proposed layout confirms that seven whole and four part houses with associated gardens, infrastructure and landscaping are within the City Council's area. These 11 dwellings are proposed as affordable housing and whilst there might be practical advantages to including all affordable housing wholly in one authority's area, the focus should be on ensuring the site as a whole is developed in the most appropriate way and looked at holistically.

I would add that although it is understood there may be legal issues preventing direct access from the site onto Repton Avenue and the existing open space to the south, this would be encouraged should it become possible in due course.

The inclusion of habitat corridors through the site was encouraged when the outline application was considered and the use of small mammal access gaps in boundary treatments would be welcomed as well as bird boxes targeting species of conservation concern as and when a more detailed biodiversity enhancement scheme is developed.

There are no comments on highway grounds in relation to city matters, other than the development doesn't prejudice a future road link to Meteor Close. As previously identified, the red line on the western boundary requires consideration in relation to any future link to Hurricane Way.

The dwellings do not all comply with the Council's minimum space standards and I have attached a copy of these standards for your information. Of the dwellings proposed in the City's area, type AA23 should be at least 79m<sup>2</sup> and AA41 106 m<sup>2</sup>.

The proposal to mitigate industrial noise with a three metre high fence requires consideration in terms of how this can be constructed on the western boundary whilst protecting and retaining existing trees and vegetation and ensuring that the design of this fence provides an appropriate outlook to the dwellings facing it. This fence should be comprehensively incorporated in the hard and soft landscaping proposals, including future maintenance.

Norwich City Council (Landscape Architect):

A detailed planting plan and a long term landscape management plan for the open space that falls within the Norwich City Council administrative boundary should be provided. The management plan should clearly set out all maintenance operations and who will be responsible for ensuring they are undertaken.

As the contours on the Landscape Concept Plan are not annotated it is not clear if this area is part of the SUDs arrangements for the site or a mound formed from site spoil. This needs to be clarified.

The proposed grass paths around this area would require mowing on a fortnightly basis during the growing months – the provision of an informal surfaced path would be advisable.

The gravel path exiting the site in the south west corner requires a connection to the existing cycle route that runs westwards from Repton Avenue / Evans

Way junction and a detailed specification for the 'gravel' path construction provided. The path should be suitable for both walking and cycling.

The proposed overall green infrastructure for this development needs further development to insure its quality and that it is maintained over time. The north-south link could be improved.

Additional play equipment can be provided in the green space to the south of Repton Avenue.

Parking provision seems excessive and could be sacrificed to improve green infrastructure.

The use of the proposed triangular area of public open space as the site compound should be carefully managed to avoid soil compaction so that drainage problems are avoided when the area is re-instated

Norwich City Council comments on amended plans:

The dwellings in the City Council part of the site are below adopted space standards.

Norwich City Council (Landscape Architect) comments on amended plans:

Further details of the acoustic fence required.

The attenuation basin is a large feature which should be integrated within the open space rather than fenced off from it by a 1.2m high post and rail timber fence indicated. It is not clear why this fence would be needed, and (in the absence of any cross section) judging from the indicative contours the slopes would not seem to be particularly steep. I suggest removal to improve functionality of space and to allow the basin area to feel like a part of the open space.

Although tree planting is proposed along the western boundary, this planting would not be sufficient in places to effectively screen the neighbouring industrial estate and should be thickened.

Street furniture; seating, litter bins and dog bins are shown on drawings but are unfortunately not specified. The open space would benefit from some seating.

Points along southern boundary where proposed paths emerge onto Repton Avenue seem to align well with existing paths on the other side of the road. However it is not clear whether there will be path connections from the north

side of Repton Road to the site boundary and the proposed paths. I appreciate that this would require off-site works but hope that this has been addressed.

Generally the planting lists are rather restricted for such a large development. There should be a greater number of species planted to reduce the risk of future disease, and improve biodiversity and visual amenity.

Further details of biodiversity required.

Management plan should include details of litter picking and identify areas subject to the management plan.

### 3.13 Norwich International Airport:

We find that the application conflicts with national and international aerodrome safety requirements and that it presents a hazard to the safe operation of aircraft in the vicinity of Norwich Airport.

Comments on amended plans:

Object unless the following conditions are met and applied to the granting of planning permission:

- Any external lighting shall be of a flat glass, full cut-off design, and shall be horizontally mounted to prevent light spill above the horizontal. This is to minimise the risk of these lights dazzling pilots and air traffic controllers.
- Any photovoltaic solar panels shall be designed and mounted to prevent glare from dazzling or distracting pilots and air traffic controllers.
- The development of landscaping / SUDS shall be constructed, maintained and managed in accordance with the Bird Hazard Management Plan, produced by Nigel Deacon of Airfield Wildlife Management Ltd, dated October 2018, and agreed by Norwich Airport on 15 November 2018.
- If the construction phases of the development require the use of mobile or tower cranes, they should be operated in accordance with British Standard 7121 and CAP 1096, and the Airport should be notified of plans to erect these cranes at least 21 days in advance.

The notification should include:

- OSGB grid coordinates of the crane's proposed position to 6 figures each of Eastings and Northings

- the proposed height of the crane Above Ordnance Datum (AOD)
- the anticipated duration of the cranes existence, and
- contact telephone numbers of the crane operator and the site owner for use in an emergency.

### 3.14 Old Catton Parish Council:

Previous comments made to the applicant ahead of the application being submitted have not been addressed.

Object to the use of an attenuation basin on grounds of health and safety and loss of useable open space for the public. Drainage basins for the NDR have not drained as expected and an open water feature would be contrary to condition 27 of the outline application. If the water feature is retained then adequate fencing should be erected to maintain public safety.

Object to the design of the East/West Link Road (EWLR). There is no certainty of the road continuation into the airport industrial estate and consideration of access to Meteor Close has not been raised. The road will impact on Repton Avenue and increase traffic on St Faiths Road and Lodge Lane. The EWLR should connect directly to Meteor Close and not Repton Avenue.

Move the EWLR entrance onto Repton Avenue further west through the proposed Western Parkland. Opening the link onto Meteor Close would provide a direct route for traffic exiting the EWLR onto the A140 and subsequently easy access to the NDR. The Parish Council would propose closing Repton Avenue east of this new junction ensuring resident access along Repton Avenue is maintained but preventing traffic flow into Old Catton, particularly by HGVs. Creating a road network along the western corner of the site would alleviate the issue of drainage as aqua cells and substantial underground drainage could be used under the roadway and remove the risk to the public of standing water within a housing development.

If moving the EWLR entrance further west is not a consideration the Parish Council would request the installation of traffic calming measures (such as chicanes and speed bumps) to encourage traffic to flow away from Old Catton. In particular the Parish Council would like assurance that there will be measures to ensure HGVs are not permitted to travel eastwards along Repton Avenue into Old Catton.

The Parish Council would highlight the location of the crash gates for the airport to the north of the cemetery. The Council also seeks assurance that

their earlier comments regarding consideration of the Airport Masterplan have been taken into account throughout this planning application.

The Parish Council seeks clarification that the Neighbourhood Plan has been considered. In particular the applicant should be shown to have considered Policy 4: Traffic Impact, Policy 5: Traffic in the Old Catton Conservation Area and Policy 3: Open Space Management of the Plan.

The Parish Council can find no reference to the applicant having assessed the potential impact of development traffic and the application makes no provision to mitigate any negative impacts on road safety, pedestrians, safe road crossings, cyclists, parking and congestion within Old Catton.

It is noted that the planning application makes no provision for pedestrian crossings on Repton Avenue for residents to safely access the off-site play equipment which we assume will be located there. If traffic calming measures and road changes are not considered then the increase in the volume of traffic exiting the EWLR onto Repton Avenue will be considerable. The safety of residents is imperative and adequate pedestrian crossings are essential.

It is noted that Western Parkland will have one gravel pathway and numerous "cut" pathways. Whilst these "cut" pathways are adequate in dry weather they are impractical during wet weather and winter months and whilst the attenuation pond is full. Provision for adequate, all year access to the open spaces should be made as part of the application.

Design and Access Statement details "a gravel footpath runs the length of Linear Park and provides a sinuous route through the space ....." The Parish Council requests clarification how this pathway will cross the proposed EWLR and how pedestrians and users of Linear Park will safely cross the EWLR to use the open space.

The Parish Council requests sight of applicant's Management Programme for open spaces within the development in accordance with Policy 3 of the Old Catton Neighbourhood Plan.

The Parish Council have previously requested the applicants to consider the addition of bollards to the border of the open spaces to ensure that vehicles do not park in these areas. The Council can find no amendment to this proposal within the application.

The Parish Council are disappointed to note that no provision for on-site play equipment has been made as part of this application, despite raising concerns during an earlier discussion. The open spaces proposed would give adequate allowance for on-site play equipment particularly the Meadow Gateway space which would service those properties furthest away from Repton Avenue.

The Parish Council notes that the application contains no Construction Traffic Management Plan or consideration of how the construction traffic will access the development site. The Council requests that temporary access be granted to the development site via the western point closest to Meteor Close (ie at the proposed Western Parkland) and that no access is via Repton Avenue. St Faiths Road (20 mph) and Lodge Lane (mostly 20 mph) should not be considered as a suitable route for HGVs and construction traffic for this development.

The Parish Council request that suitable mature hedging be provided as part of the application for the southern and western boundary of the cemetery. It is imperative that adequate privacy be given to those attending the cemetery.

The Parish Council does support the blocking off of St Faiths Road prior to the EWLR entrance as indicated on the plans ensuring traffic flow from the proposed EWLR as part of the Beeston Park development will continue through the Repton Avenue development and not along St Faiths Road. The Parish Council accepts that this will result in traffic using the EWLR through the proposed development to access the cemetery.

Comments on amended plans:

The scheme was designed to be accessed by two routes, one from the East-West Link Road and the other from Hurricane Way using the new access via Meteor Close. Neither of these routes are in place nor can the developer give us any assurance on when they may be operational.

We are advised that, when completed, this scheme will generate some additional 700 cars into Old Catton. Traffic to and from the site will use Repton Avenue to gain access to Lodge Lane and/or St Faiths Road. Lodge Lane has a two schools and a Doctors' surgery. It is also a bus route. It is badly congested throughout the day, particularly during drop off and pick up during school term time. St Faiths Road is narrow and twisty; in a number of places it is not wide enough for two buses or HGV vehicles to pass without one going off road and mounting the kerb. Old Catton Parish Council cannot believe that the Highways Authority can consider that this is acceptable.

The Parish Council appreciates this is an application for the approval of reserved matters but as both the junction from St Faiths Road and the junction to / from the site onto Repton Avenue have been amended in the application the questions of access to the scheme in part of the application needs to be approved.

The Parish Council are informed by Councillor Karen Vincent that during discussions with Broadland it was agreed that a separate construction entrance would be created for the development located to the west of Repton Avenue nearest Meteor Close, thus ensuring that sales and construction

traffic remain separate. Plans do not show this agreement and at present all construction traffic is proposed to access site further down Repton Avenue.

Old Catton Parish Council continues to object to the proposed attenuation basin located to the west of the site at Meadow Parkland. Developers now proposed to install children's play equipment close to the location of the basin. We are informed that a small number of aqua-cells will be used, together with controlled direct pipe outfall using Anglian Water drains. Whilst the basin has been reduced in size the Parish Council objects to open water on site and requests that Condition 27 of outline planning consent be upheld. The Parish Council is of the opinion that the installation of aqua-cells with sufficient allowance of chambers with deep sump for silt to flow into prior to entering the cells, and adequate provision for inspection chambers to ensure regularly jet cleaning of the cells to prolong the life span is the best solution for this area. The Parish Council remains of the opinion that standing water in a recreational area, close to a children's play area, is a health and safety risk to residents. Developer has given brief details that likelihood of water sited in this basin is only in extreme weather conditions however given the extreme weather experienced at the start of the year the Parish Council continues to have reservations.

The Parish Council are pleased to note that a pedestrian island has been introduced at Linear Park for the safety of pedestrians crossing the road to travel through the Park from east to west. However, we note that no other provision for safe crossing has been made, particularly in the area near Meadow Gateway where bus stops have been provisionally proposed.

With regard to the proposed bus stops and indeed bus route the Parish Council is concerned that the current proposal, without access from the East-West Link Road or Hurricane Way, the development will remain unserved by buses effectively increasing the number of cars on the road. Alternatively, is the proposal for buses to access the site from St Faiths Road and exit via Repton Avenue therefore increasing traffic on St Faiths Road further?

The Parish Council has requested samples of the blue brick proposed for use with the flats on the development. The Council is concerned that this colouring is in contradiction to the Old Catton Neighbourhood Plan Policy 7: Design & Housing – "respect and be sensitive to the local character and natural assets of the surround area ....." These flats will be visible from Old Catton Cemetery and it is essential that they comply with this Policy.

It is noted that the design of the flats in the Northern Quarter includes windows that face the airport despite earlier assurances from the Developer that designs would not include windows due to the acoustic levels from the Airport. The Parish Council notes that Acoustic Report states noise levels in the L1 area where the flats will be located is 57bD during the day and 51bD during the night which is in excess standard acceptable levels of 34-40bD in living accommodation. A resident has highlighted that they consider the flats

to be too near the runway and that planes taking off could reach 140 dB. We note that the Acoustic Report does not reflect this and we have been unable to speak to the originators to clarify. The Parish Council seeks assurances that these high acoustic levels have been taken into consideration in the design and planning of the flats and confirmation that the proposed windows will not increase the acoustic noise levels inside the properties.

The Parish Council also notes that the majority of affordable housing is located in this northern quarter. Is it the intention of the Developer to create a “ghetto” of affordable housing within the ‘worse’ area of the development (ie closest to the airport) and furthest from amenities?

Whilst application includes Management Plan from Norfolk County Council for the open space under NCC ownership there is no Management Plan for the remaining site. This is a requirement of the Old Catton Neighbourhood Plan Policy 3: Open Space Management.

The Parish Council notes that the Developer has agreed to planting hedging on all boundaries of the Cemetery and is grateful for this contribution.

The Parish Council are concerned that any possible future widening of Repton Avenue is not in compliance with Old Catton Neighbourhood Plan Policy 1: Protection of Open Spaces as this will incorporate open space recreational land.

Following discussions with the Developer the Parish Council notes that the developer has agreed to the installation of a trim trail in the eastern area of Linear Park and is grateful for this contribution.

Finally, the Parish Council would highlight that we had 15 parishioners at our meeting on 8 October – all were very concerned about the congestion this scheme will cause to our village if it goes ahead without the two new access roads (East-West Link Road and link through Meteor Close) being in place before the scheme is commenced. The parishioners raised concerns that there has been no public consultation regarding the amendments to the application and no representative from Taylor Wimpey has met with residents to discuss plans. There is strong public opposition to this development. The Parish Council has emphasised the need for public comment to be submitted to Broadland regarding resident’s objections with the development and it is hoped that Broadland will have already received comments from our parishioners.

### 3.15 Police Architectural Liaison Officer:

The development is permeable allowing plentiful movement throughout and this is not desirable from a security point of view.

The development where possible has good natural surveillance of the street and public open spaces by homes. Surveillance of parking spaces allocated for plots 10-15 needs to be improved.

The layout does not provide private/semi private amenity space for residents of the flats or defensible space between public areas and the building or parking spaces. The limited number of flats served by the entrances to the flats is a good design feature. The flats should be designed to minimise risk from crime associated with the delivery of post to buildings. Advice provided regarding the design of internal bike stores (no windows, lockable) and lighting should comply with the relevant British Standard.

Lockable gates should be provided to rear garden paths.

Comments on amended plans:

No comments.

### 3.16 Pollution Control Officer:

Desk study does not consider the past military uses of the airfield and no sampling has been undertaken in the area of the unspecified tank on the edge of the airport.

Comments on amended plans:

Following the submission of the amended report there is no reason to require further work. However the developer will need to be aware of the potential for contamination not previously identified during the construction work.

## 4 PUBLICITY

### 4.1 Site Notice: 21 June 2018

Expired: 12 July 2018

### 4.2 Press Notice: 3 July 2018

Expired: 24 July 2018

### 4.3 Neighbour notification: 19 June 2018

Expired: 12 July 2018

139 neighbours consulted on surrounding roads

Further neighbour notification: 24 September 2018

Expired: 8 October 2018

## 5 REPRESENTATIONS

5.1 17 letters or representation made raising the following issues:

- Plot 113 too close to the boundary.
- Lodge Lane, St Faiths Road and Old Catton as a whole are not capable of accommodating the increase in traffic and would result in congestion and highway safety issues. Lodge Lane and St Faiths Road pass schools, doctors and retirement properties and they get extremely busy. St Faiths Road is not wide enough for buses to pass and have no safe cycleways.
- The off site highway improvements approved at the outline are not adequate.
- The development does not improve cycle connections in Old Catton.
- The Airport Industrial Estate should connect directly to the A140 and Broadland Northway to avoid additional traffic in Old Catton.
- The link from the Airport Industrial Estate to the Beyond Green orbital link road needs to be completed to accommodate the traffic from the development.
- Concerned about 3 storey detached houses and pitched roof garages to the rear of the self build plots which, due to their height and proximity to the boundary, will overlook and overshadow self build dwellings.
- Object to the access on to St Faiths Road, unless St Faiths Road is stopped up.
- Lodge Lane / St Faiths Road / Repton Avenue roundabout is unsuitable for the volume of traffic proposed.
- The community have not been consulted as claimed by the applicant.
- Site layout does not show the self-build dwellings which have been constructed / approved.
- Application is not in line with the stated intentions of the outline application.

- Orbital Link Road should connect with Hurricane Way rather than Repton Avenue/Meteor Close.
- The plans propose no provision for bungalows.
- Meteor Close should be used for construction access.
- There is already pressure on existing schools and doctors
- Speed limits should be reduced, a pelican crossing and speed camera should be delivered on St Faiths Road, speed bumps should be introduced and traffic lights to local junctions.

A further 13 letters of representation were received following re-consultation on amended plans raising the following issues:

- Pleased to see the dwellings (to the rear of the self-builds) have been reduced from 2.5 to 2 storey in height however they will still cause overlooking from bedroom windows. A different house type would reduce the amount of bedroom windows.
- A condition should be imposed to restrict the number of dwellings which can be built until the orbital link road is complete.
- Meteor Close should not be opened to Repton Avenue due to the impact on Lodge Lane and St Faiths Road.
- The top of St Faiths Road must be stopped up before the orbital link road is built and that there is no construction access via St Faiths Road.
- The orbital link road must be completed before development commences.
- Buses cannot pass on St Faiths Road and the roads in Old Catton will be unable to cope with additional traffic.
- The site should be accessed via St Faiths Road with direct connection on to the Broadland Northway via a new slip road.
- Density of development is too high and should be reduced to 100 dwellings.
- Location of the flats is too far from the play area.
- Lodge Lane / St Faiths Road / Repton Avenue roundabout is unsuitable for the volume of traffic proposed.
- Construction traffic should be via Meteor Close.
- Where will children in the development be schooled?

- Medical facilities will be unable to cope with the demands from the development as there is already significant pressure on existing facilities and it is difficult to get an appointment at all.
- The playground next to the drainage feature is a health and safety issue.
- There are existing trees not shown on the plans. Will these be retained?
- Will all the roadways have proper footpaths and not dangerous shared surfaces?
- Will a pedestrian crossing be installed for the orbital link road?
- Disappointed that there is no provision for bungalows.
- Affordable housing is not integrated into the development.
- CIL payments must not be used on a vanity project until the existing village and road changes are made.

### 5.2 Cllr K Vincent:

I wish to call the application in for it to be determined by Planning Committee for the following reasons:

- Significant detrimental impact on the existing highway network
- Doesn't comply with planning conditions of the outline application
- Objections raised by Old Catton Parish Council
- Does not comply with the Old Catton Neighbourhood Plan

Comments on amended plans:

I still wish for the application to be determined by the Planning Committee for the previous reasons given, although this list is not exhaustive as there are still documents to be submitted including drainage / Norwich airport response and a Construction Traffic Management Plan / consideration of the Old Catton Neighbourhood Plan.

## 6 RELEVANT POLICY GUIDANCE

### National Planning Policy Framework:

- 6.1 This document sets out that the purpose of the planning system is to contribute towards achieving sustainable development. It also reinforces the

position that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. As national policy, the NPPF is an important material consideration and should be read as a whole but paragraphs 7, 8, 10, 11, 47, 73, 91, 96, 108, 109, 110, 123, 124, 127, 170, 175, 177, 178, 180 and 182 are particularly relevant to the determination of this application.

### **National Planning Practice Guidance:**

- 6.2 This provides guidance and adds further context to the NPPF and should be read in conjunction with it as a material consideration.

### **Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk 2011 (amendments adopted 2014):**

- 6.3 Policy 1 – Addressing Climate Change and Protecting Environmental Assets:

This Policy sets down a number of standards that new development should achieve in its attempts to address climate change and promote sustainability, including giving careful consideration of the location of development and the impact it would have on the ecosystems of an area.

- 6.4 Policy 2 – Design:

Seeks to ensure that all development is designed to the highest possible standard, whilst creating a strong sense of place. It also states that developments will respect local distinctiveness.

- 6.5 Policy 3 – Energy and Water:

Amongst other things seeks to ensure that the highest levels of energy and water efficiencies are met through the planning submission and conditions if necessary.

- 6.6 Policy 4 – Housing Delivery:

Allocations will be made to ensure at least 36,820 new homes can be delivered between 2008 and 2026. Proposals for housing will be required to contribute to the mix of housing required to provide balanced communities and meet the needs of an area, as set out in the most up to date study of housing need and/or housing market assessment.

- 6.7 Policy 6 – Access and Transportation:

Identifies the strategic access and transportation priorities, including the need

to protect strategic transport routes.

**Development Management Development Plan Document (DM DPD)  
(2015):**

6.8 Policy GC1 – Presumption in favour of sustainable development:

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant planning permission unless material considerations indicate otherwise – taking into account whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole of specific policies in the Framework indicate that development should be restricted.

6.9 Policy GC2 – Location of new development:

Outside of settlement limits development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the plan

6.10 Policy GC4 – Design:

Development will be expected to achieve a high standard of design and avoid any significant detrimental impact.

6.11 Policy EN1 – Biodiversity and Habitats:

Development proposals will be expected to protect and enhance the biodiversity of the district, avoid fragmentation of habitats and support the delivery of a co-ordinated green infrastructure network

6.12 Policy EN2 – Landscape:

In order to protect the character of the area, this Policy requires development proposal to have regard to the Landscape Character Assessment SPD.

6.13 Policy EN3 – Green Infrastructure:

Residential development consisting of five dwellings or more will be expected to provide at least 4 ha of informal open space per 1,000 population and at

least 0.16 ha of allotments per 1,000 population.

Development will also be expected to make adequate arrangements for the management and maintenance of green infrastructure.

6.14 Policy EN4 – Pollution:

Development will be expected to include an assessment of the extent of potential pollution, and mitigation measures will be required where necessary.

6.15 Policy RL1 – Provision of Formal Recreational Space:

Residential development consistent of five dwellings or more will be expected to make adequate provision and subsequent management arrangements for recreation.

6.16 Policy TS1 – Protection of Land for Transport Improvements:

Land required for the improvement of the transport network will be safeguarded.

6.17 Policy TS3 – Highway Safety:

Development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network.

6.18 Policy TS4 – Parking Guidelines:

Within new developments appropriate parking and manoeuvring space should be provided to reflect the use and location as well as its accessibility by non-car modes.

6.19 Policy TS6 – Public Safety Zones

Development proposals will be expected to have regard to the public safety zones. Where there will be a significant risk to public safety, planning permission will not be granted.

6.20 Policy CSU5 – Surface Water Drainage:

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.

**Growth Triangle Area Action Plan (GT AAP) (2016):**

6.21 Policy GT1 – Form of Development:

States that all development proposals should create, or contribute to the creation of, distinct quarters; the character of which should be based upon the principles of mixed use walkable neighbourhoods and master planned in a manner which has regard to other development proposals in the locality.

6.22 Policy GT3 – Transport:

Identifies the need for transport improvements in the growth triangle to support planned growth including a new orbital link road, bus rapid transport routes. Internal layouts will need to support public transport and provide permeable and legible street layouts which support walking and cycling and encourage low traffic speed.

6.23 Policy GT15 – Land north of Repton Avenue:

A site of approximately 15 ha is allocated for mixed use development, north of Repton Avenue to include:

- 33% affordable housing
- A road layout that enables direct vehicular connection between St Faiths Road and Hurricane way and St Faiths Road and Repton Avenue
- Cycle and pedestrian links between St Faiths Road and Repton Avenue
- Recreational areas and public open space in accordance with the Council's standard policies
- An agreed landscape masterplan
- A noise assessment to identify mitigation necessary to offset the impact on the operation of the airport.

**Old Catton Neighbourhood Plan (2016):**

6.24 Policy 1 – Protection of Open Space:

Proposals for development, which would result in the loss of part or all of an Area of Important Open Space, will not be permitted unless it can be demonstrated that the benefit to the local community outweighs the loss.

### 6.25 Policy 2 – Biodiversity

Where green infrastructure is provided as part of any new development it should aim to improve biodiversity and connections with existing open spaces in and around Old Catton.

### 6.26 Policy 3 – Open Space Management

Where new developments provide green infrastructure, the developer will be required to demonstrate an effective and sustainable management programme.

### 6.27 Policy 4 – Traffic Impact

New development will be expected to quantify the level of traffic movements they are likely to generate and its cumulative effect in Old Catton and surrounding parishes. They will also be expected to assess the potential impact of this traffic and include measures to mitigate any negative impacts on road safety, pedestrians, safe road crossings, cyclists, parking and congestion.

### 6.28 Policy 6 – Footpaths and Cycleway Networks

All new development should maximise opportunities to enhance and encourage the use of existing footpath and cycleway links to the wider parish and countryside.

### 6.29 Policy 7 – Design and Housing

New development will be expected to deliver high quality design and respect the local character and natural assets, reinforce a sense of place, preserve or enhance the character of the conservation area and the setting of listed buildings, provide a mix of house types to include one and two bedroom dwellings and to meet local needs, demonstrate how they integrate into the existing community, where garages are provided locate within curtilage, provide storage for refuse and recycling.

## 7 LOCATION AND DESCRIPTION OF SITE

- 7.1 The site was last in agricultural use and comprises approximately 12.3 ha of the wider 15 ha site which formed the outline planning permission. The remainder of the outline site is either being developed for 12 'self build' dwellings fronting St Faiths Road or reserved for employment uses in accordance with the outline permission. The site is irregular in shape and comprised of two adjacent fields, divided by a hedge and ditch boundary

running broadly east to west. There are a number of mature trees dissecting the site and further trees are located at the site boundaries.

- 7.2 To the east of the site is St Faiths Road where the 'self build' dwellings fronting the highway are under construction. To the south, beyond a mature hedge / tree belt, is Repton Avenue which serves residential development on Evans Way and Lodge Farm Drive. To the west is the Airport Industrial Estate which contains a range of employment based uses. To the north of the site are Norwich Airport, a cemetery and the area of the outline site where consent was granted for employment uses but which is excluded from this reserved matters application.
- 7.3 An area to the north west of the site is located within the administrative boundary of Norwich City Council and a duplicate planning application has been submitted to them for consideration.
- 7.4 The site is generally flat with a low point towards the south west corner. Semi-mature landscaping forms the boundary to the south with Repton Avenue where there is an existing agricultural access serving the site. To the south of Repton Avenue is an area of public open space beyond which is an estate of residential dwellings. The boundary to the west is also formed from semi-mature landscaping, hedges and fencing beyond which is the Airport Industrial Estate.

## 8 PLANNING HISTORY

- 8.1 [20140885](#): Land at St Faiths Road, Old Catton – EIA Screening Opinion. Not Required 25 July 2014.
- 8.2 [20141955](#): Land at St Faiths Road, Old Catton – mixed use development of 340 dwellings with 5,640m<sup>2</sup> of small business units (outline). Approved 18 May 2018.
- 8.3 [20161071](#): Detached dwelling & temporary site office / accommodation (application for reserved matters approval pursuant to outline planning permission 20141955) (Phase 6). Approved 2 August 2016.
- 8.4 [20161178](#): Erection of 2 houses and garages. Approved 12 September 2016.
- 8.5 [20162023](#): Detached dwelling – Plot 12 (reserved matters application following outline approval 20141955) (Phase 12). Approved 17 March 2017.
- 8.6 [20162102](#): Reserved matters application for the erection of 1 no: detached dwelling following outline approval 20141955 (Phase 10) and siting of container for use as site office during construction. Approved 20 March 2017.

- 8.7 [20162108](#): Detached dwelling – Plot 11 (Phase 11). Approved 24 February 2017.
- 8.8 [20170140](#): New detached dwelling (Plot 2). Approved 1 March 2017.
- 8.9 [20170144](#): Variation of condition 2 of planning permission 20161178. Approved 1 March 2017.
- 8.10 [20170220](#): Erection of detached dwelling – Plot 2 (Phase 2). Approved 13 April 2017.
- 8.11 [20170371](#): Detached dwelling – Plot 3 (reserved matters application following outline approval 20141955) (Phase 3). Withdrawn.
- 8.12 [20170739](#): Detached dwelling (revised proposal) - Plot 9 (reserved matters application following outline approval 20141955) (Phase 9). Approved 20 June 2017.
- 8.13 [20171434](#): Detached dwelling – Plot 3 (reserved matters application following outline approval 20141955) (Phase 3). Approved 5 October 2017.
- 8.14 [20181766](#): Removal of condition 27 of planning permission 20141955. Undetermined.

## 9 APPRAISAL

### Principle of Development:

- 9.1 The site forms part of a mixed use allocation under Policy GT15 of the Growth Triangle Area Action Plan (GT AAP) 2016. In 2016 outline planning permission was granted for a residential development of 340 dwellings and 5,640m<sup>2</sup> of employment uses on a 15.3 ha site under reference 20141955.
- 9.2 This outline application has been progressed on a phased basis with 12 plots to the west of St Faiths Road promoted as self-build dwellings and the rest of the site promoted to accommodate the remaining 328 dwellings and employment uses. Since the granting of the outline application there have been a number of applications for the self-build dwellings and a number of these have been constructed and occupied.
- 9.3 The outline planning permission secured means of access to the site via a priority junction to St Faiths Road and a mini roundabout to Repton Avenue. Access is therefore not a reserved matter under consideration having already been approved. The proposal complies with the approved access arrangements and therefore complies with the outline permission in this

respect. The Parish Council have requested that the access on to Repton Avenue is moved further west closer to the airport industrial estate however as access has been approved through the outline application it cannot be moved through this reserved matters application.

9.4 Condition 27 of the outline permission states that:

*“There shall be no open water features on the hereby approved site”*

The reason for the condition was to protect the interests of aviation safety from the risk of bird strike.

As the proposal includes an attenuation feature which, in extreme rainfall events, will hold water for a short period of time an application (20181766) has been made to remove this condition. This application is recommended for approval by officers and is to be considered by Members on the same agenda. An identical application to remove condition 27 has also been submitted to Norwich City Council for their consideration.

9.5 Given the scope of the outline application, the principle of 328 dwellings on this allocated site is therefore acceptable. However, an assessment must also be made as to whether the proposal complies with other relevant policies of the development plan and whether there are any other material considerations relevant to the application.

Compliance with GT15:

9.6 Whilst Policy GT15 allocates the site for mixed use development and underpins the principle of the development, this policy includes a number of criteria against which the application needs to be assessed. These criteria being:

- 33% affordable housing
- A road layout that enables a direct vehicular connection between St Faiths Road and Hurricane Way and St Faiths Road and Repton Avenue
- Cycle and pedestrian links between St Faiths Road and Repton Avenue
- Recreational areas and public open space in accordance with policy
- A landscape masterplan to be approved
- An appropriate noise assessment.

The following section of this report will address each of these criteria in turn.

Affordable housing:

- 9.7 Policy GT15 requires the delivery of 33% affordable housing, which reflects the requirements of Policy 4 of the JCS for a development of this scale. This was secured in the Section 106 Agreement that accompanied the outline application.
- 9.8 The total number of dwellings proposed as part of this reserved matters application is 328 of which 108 (33%) would be affordable dwellings. The proposed tenure split would be 60% (65 dwellings) Affordable Rent and 40% (43 dwellings) Shared Ownership with a range of 1-4 bedroom property types. The proposed affordable housing mix has been agreed with the Housing Enabler and officers are therefore satisfied that the level and mix of affordable housing is in accordance with GT15, Policy 4 of the JCS and the terms of the Section 106 Agreement signed for the outline application.
- 9.9 The Parish Council has raised a concern regarding the location of the affordable housing which is located towards the north of the site in 3 clusters. The Parish Council is concerned that the affordable dwellings are located closest to the airport and furthest from amenities. The affordable housing scheme has been amended by relocating a cluster of affordable dwellings which were adjacent to the Airport Industrial Estate to a location more centrally within the development. The Housing Enabler has raised no objection to the location of affordable housing and it is not considered that the residents of the affordable dwellings would have any material difference in terms of access to facilities compared to the occupants of the market dwellings. Furthermore, subject to any outstanding issue of noise being resolved with the Environmental Health Officer it is considered that the occupants of the affordable dwellings located adjacent to the airport would be adversely affected in terms of their amenity. It is therefore considered that the location of the affordable housing is acceptable.

Direct Connections between St Faiths Road / Repton Avenue / Hurricane Way:

- 9.10 The explanatory text to Policy GT15 identifies that the site provides the opportunity to complete new orbital road links across the Growth Triangle by enabling the delivery of a final all traffic link between St Faiths Road and Hurricane Way (located in the Airport Industrial Estate to the west of the site). The text explains further that if such a link cannot be delivered (as it is reliant upon the redevelopment of occupied commercial units within the industrial estate owned by Norwich City Council) then the site provides the opportunity to create a new link between St Faiths Road and Repton Avenue where access could be provided to the Airport Industrial Estate subject to the completion of a road link between Repton Avenue and Meteor Close (also within the Airport Industrial Estate).

- 9.11 Ongoing discussions with Norwich City Council have identified that the prospect of the redevelopment of their industrial units to facilitate a connection to Hurricane Way is unlikely in the short term. However, the proposal does provide a layout which safeguards sufficient land within the site to enable the construction of a Type 1 Road to the boundary with the Airport Industrial Estate to enable a connection to Hurricane Way should this be deliverable in the future. Furthermore, the proposed layout includes a Type 1 road connecting the two points of access (in accordance with the outline permission) between St Faiths Road and Repton Avenue. It is considered that this provides a road layout that both enables a direct vehicular connection between St Faiths Road and Hurricane Way and provides a link between St Faiths Road and Repton Avenue. The layout is therefore in accordance with this criteria of Policy GT15.
- 9.12 Representations have raised concern that the development does not provide a direct connection in to the Airport Industrial Estate, thereby resulting in traffic being directed into residential areas of Old Catton (and in particular via Lodge Lane and St Faiths Road where concerns have been raised regarding congestion and safety). However, providing a direct connection to the Airport Industrial Estate is not a requirement of Policy GT15. This policy instead requires a link to Hurricane Way and Repton Avenue to be enabled which the layout provides for the reasons provided in paragraph 9.11 above.
- 9.13 The Parish Council has asked that the traffic impact of the development is assessed in accordance with policies 4 and 5 of the Neighbourhood Plan. However, this is a reserved matters application where means of access and the number of dwellings has been established through the outline application. The outline application was subject to a Transport Assessment which evaluated the highway impacts that would result from the development, and subject to the conditions of the outline permission the proposal was deemed to be acceptable in terms of highway safety and the satisfactory functioning of the local highway network. Since the determination of the outline application a Section 73 application was made by the promoters of Beeston Park to vary the phasing strategy for their development. The Principal Engineer at Norfolk County Council has advised officers that the S73 re-phasing is beneficial to the application proposals as it brings forward the link to the east through Beeston Park sooner than the originally approved phasing when the outline application was being considered. On this basis it is not considered necessary to re-evaluate the highway impact of the development as part of this reserved matters application where the principle of development and the access strategy has been approved.

Cycle and pedestrian links between St Faiths Road and Repton Avenue:

- 9.14 The proposed Type 1 estate road includes provision for a 3m wide shared surface path linking St Faiths Road and Repton Avenue. In addition, alternative pedestrian routes are available through the development. As amended, a pedestrian crossing point has also been included on the Type 1

Road to facilitate pedestrian movement through the site. It is considered that the proposed layout meets this requirement of GT15.

Recreational areas and public open space in accordance with policy:

- 9.15 The outline application, through the Section 106 Agreement, secured the provision of open space to comply with Policies EN3 and RL1 of the DM DPD 2015. These policies require the provision of informal open space, children's play space, sports pitches and allotments based on the number of residents who will occupy the development. The Section 106 Agreement allows for this to be met either on site or through a financial contribution towards off-site provision or a combination of both in accordance with the Recreational Provision in Residential Developments SPD.
- 9.16 The application proposes to meet these policy requirements and planning obligations through a combination of both on and off-site provision in accordance with the Section 106 Agreement. On site it is proposed to provide informal open space and children's play space to meet part of its policy requirements with a commuted sum provided to make up the difference. This commuted sum could be used to provide play equipment and enhancements to existing open space on the adjacent open space at Repton Avenue, or elsewhere in the Parish and officers would look to work with the Parish Council on the delivery of new play equipment. As no sports pitches or allotments are proposed on site, these will be provided in their entirety through a commuted sum for off-site provision and this is considered acceptable given the scale of development and size of site.
- 9.17 On site the development would be served by 3 principle areas of open space: the 'Western Parkland' to the west of the site which would contain an attenuation basin and children's play area; the 'Linear Park' which would run east-west through the site and connect St Faiths Road to the Western Parkland; and a triangular area of land to the north described as the "Meadow Gateway". These areas would be landscaped with a variety of trees, shrubs and paths (amended to self binding gravel rather than mown grass at the request of the Parish Council). The open space is considered to provide a generally good level of connectivity through the site and would create multifunctional spaces for informal recreation as well as resulting in an attractive development. The open space strategy has been agreed in discussions with the Section 106 Monitoring Officer and Green Infrastructure Officer and is considered to comply with the requirements of the section 106 agreement.
- 9.18 It is considered that the recreation and open space strategy complies with Policies EN3 and RL1 of the DM DPD and accordingly the development complies with this criteria of GT15. Moreover, the management of the public open space is secured through Section 106 Agreement and detailed management plans have been submitted as part of the application. It is considered that this complies with Policy 3 of the Neighbourhood Plan.

### Landscape masterplan:

- 9.19 Policy GT15 requires the submission of an agreed landscape masterplan prior to the commencement of development. A concept plan has been submitted showing the location and landscaping of public open space and other green infrastructure through the site which has been amended to reflect comments made by consultees. These amendments include the provision of bound gravel instead of mown paths to ensure year round use within the open space, the re-routing of paths to minimise conflict with existing trees, enhanced routes through the site and the inclusion of children's play equipment.
- 9.20 The proposed layout does result in the loss of some trees and hedgerows which currently divide the two agricultural fields and accordingly these have not been retained in the proposed masterplan. However, given the constraints of the site (including the need to deliver a Type 1 estate road to connect St Faiths Road and Repton Avenue and bearing in mind the quantum of development approved at outline) their loss is considered to be acceptable. The proposed landscaping concept plan does provide for the retention of significant mature oak trees within the site and other boundary trees which are considered important to the local landscape.
- 9.21 It is considered that the landscape masterplan is acceptable and complies with the requirements of GT15. Further consideration of landscaping (which is a reserved matter for consideration) is given later in this report.

### An appropriate noise assessment:

- 9.22 Policy GT15 requires the submission of a noise assessment to identify any appropriate mitigation necessary to offset the impact on the operation of the airport.
- 9.23 The application is accompanied by an Acoustic Design Statement, subsequently amended to reflect comments made by the Environmental Health Officer. This report identifies that the airport and Airport Industrial Estate are potential sources of noise which may impact upon residential amenity. The report also considers the impact of the potential expansion of the airport identified in a draft masterplan which sets out the vision for airport growth over the next 30 years.
- 9.24 The report identifies that average noise levels across the site are generally low but interspersed by periods of louder noise resulting from plane and helicopter movements associated with Norwich Airport and sporadic noise from the industrial estate.
- 9.25 The report recommends that windows with specific sound insulation performance requirements are used to ensure an acceptable development

internally and that a 2m high acoustic fence is provided on the boundary with the industrial estate to ensure acceptable levels are achieved externally.

- 9.26 Discussions are ongoing with the Environmental Health Officer and a number of their concerns are now satisfied, including the noise issues in relation to the proposed flats and the possible effect of the airport masterplan on noise impacts. The only outstanding matter relates to the construction of dwellings with rooms in the roof but very positive progress is being made on this issue with the applicant, at the time of writing, preparing the necessary information for submission. Members will therefore be updated on the supplementary schedule on the progress in addressing this issue. Officers are confident however that agreement will be reached and that it can be demonstrated that noise levels will be acceptable sufficient to meet the requirements of GT15 and Policy EN4 of the DM DPD
- 9.27 The remainder of this report assesses the reserved matters (appearance, landscaping, layout and scale) against other relevant policies of the development plan and other material considerations.

Appearance:

- 9.28 The application is submitted by a national housebuilder and advice has been sought from the Council's Design Advisor to ensure an acceptable development in terms of character and appearance. The Design Advisor raised some concern regarding the dwellings as originally submitted and as a consequence amended plans have been submitted to significantly improve the detailing and finish of the dwellings. These amendments include the addition of four 'character areas' within which the dwellings would have different detailing (such as window types, porches and materials) depending on which character area they are in. A simple palette of materials is proposed but precise details will need to be secured by condition.
- 9.29 The majority of dwellings within the site are two or two and a half storey and of a traditional form. However, in distinct contrast are four blocks of 3 storey flats to the north of the site which take a more contemporary approach. Whilst these buildings, given their scale, are a significant addition to the site it is considered that their form and appearance is acceptable. The Design Advisor has noted that they are simple visually but use contrasting materials and set backs, projections and overhangs to create visual interest. It is noted that the Parish Council object to the use of 'blue' bricks with a concern that these would impact on the setting of the cemetery, however these bricks will only be used on a small part of the front elevation (and therefore not seen from the cemetery) to add visual interest and are considered acceptable.
- 9.30 Overall it is considered that as amended the development would have an acceptable appearance with regard to local character and the appearance of the dwellings is designed to create a sense of place in compliance with

Policies GC4 of the DM DPD and Policy 7 of the Old Catton Neighbourhood Plan.

Landscaping:

- 9.31 As discussed in paragraph 9.19-9.21 of this report, an acceptable landscape masterplan has been submitted to meet the requirements of GT15. This masterplan is complemented by a tree planting plan, tree protection plan, Arboricultural Method Statement, Landscape Management Plan, surface treatment plan and footpath detail plan all either amended or additional to reflect comments received during the course of the application. In addition to landscaping being a reserved matter, the application seeks to discharge the requirements of conditions 32 and 33 which relate to landscaping and tree protection.
- 9.32 The Council's Conservation Officer (Arboriculture and Landscape) has raised concerns regarding the loss of trees and hedgerows that extend through the site and divide the existing agricultural fields however for the reasons stated in paragraph 9.20 of this report their loss is considered to be acceptable. Elsewhere mature and semi-mature landscaping is to be retained and protected and the site would be enhanced by significant new planting. Whilst the Norwich City Council Landscape Officer has requested a more diverse species mix, the proposed mix of planting has been agreed with the Broadland Conservation Officer (Arboriculture and Landscape) who considers the proposed planting to represent an appropriate mix of species and associated planting specifications. Amended plans include provision for a new hedgerow to the boundary of the site with the cemetery at the request of the Parish Council. There are no objections to the proposed tree protection measures which would ensure that the trees to be retained are adequately protected during the construction phase of development.
- 9.33 Policy 3 of the old Catton Neighbourhood Plan requires developments which include green infrastructure to demonstrate an effective and sustainable management programme. The maintenance of the green infrastructure is secured in the Section 106 Agreement and the applicants have submitted a landscape management plan with the application. This confirms that the open space would be maintained by a management company funded by a service charge on residents. A management company is one of the options provided for in the Section 106 Agreement and is commonly used by developers across the District. Officers are satisfied that an appropriate management regime will be in place sufficient to comply with Policy 3 of the Neighbourhood Plan.
- 9.34 The site will also include hard landscaping to include a network of roads and paths, driveways and parking courtyards, fencing, walls and other means of enclosure. Whilst this will have an urbanising impact on the character of the site, it is necessary infrastructure to facilitate the development. It is considered that the hard landscaping is appropriately integrated into the development as a whole and is acceptable. However, insufficient information

has been provided regarding the provision of an acoustic fence to the boundary of the site with the Airport Industrial Estate. It is essential that this is well integrated into, and constructed so as not to damage, existing landscaping. This is a matter raised by the Norwich City Council Landscape Architect. The applicant is undertaking detailed work on this matter, including liaising with adjacent business owners to agree the location of the fence on the site boundary to limit its visual impact. A condition is therefore proposed to require details of the precise siting, appearance, materials, tree protection and additional planting to be submitted for approval.

- 9.35 The application will result in a more diverse plant species mix across the application site including wildflower meadows, grass land and new tree and shrub planting. In support of the application is a Biodiversity Enhancement Plan which includes provision for a hibernacula and bat and bird boxes however the plans state that further details of precise location and type will need to be provided and a condition is therefore proposed to secure this. This will ensure compliance with Policy EN1 of the DM DPD and Policy 2 of the Neighbourhood Plan which seek to improve and enhance biodiversity on sites.
- 9.36 Overall it is considered that the landscaping would respect the character and appearance of the area, enhance the proposed development and comply with policy GC4, EN1 and EN2 of the DM DPD and Policies 2, 3 and 7 of the Old Catton Neighbourhood Plan.
- 9.37 The site is located adjacent to Norwich Airport and their safeguarding team have been consulted on the application to ensure that the development does not impact upon aviation safety. In support of the application is a Bird Strike Hazard Assessment to demonstrate that the development, including in particular the landscaping and drainage proposals, would not give rise to increased risk of bird strike. The applicant has worked closely with the airport in the production of this document and the airport has no objections subject to conditions regarding external lighting, solar panels, the use of cranes and that the Bird Strike Hazard Assessment is implemented. A condition exists on the outline permission regarding external lighting; details of solar panels have been provided and confirmation given that these will be constructed with black faced modules; and the Bird Strike Hazard Assessment will be added as an approved plan. With regards to the use of cranes, it is proposed that this is added as an informative as it is an issue controlled by other regulations and is not enforceable in planning terms. It is therefore considered that the landscaping of the site would not prejudice aviation safety in accordance with TS6 of the DM DPD.

Layout:

- 9.38 The layout proposes a Type 1 road with 3m wide shared use cycle / footpaths either side to link the two approved access points and serve the commercial development granted at outline. Sufficient land is safeguarded to provide a

connection to Hurricane Way should this prove feasible in the future. The necessary land will be transferred in a section 38 agreement with the Highway Authority. The layout also safeguards sufficient land around the Repton Avenue junction for upgrades to the junction which would be necessary should a connection between Repton Avenue and Meteor Close be delivered in the future.

- 9.39 The proposed link road is designed to an appropriate standard in terms of width and carriageway alignment to cater for the potential volume and type of traffic that it would carry in the future. Leading off the link road are a series of Type 3 roads with 1.8m wide footpaths to either side, shared surface Type 6 roads and private driveways serving the residential development.
- 9.40 A pedestrian island has been included on the link road to improve pedestrian safety and adequate provision is made for bus stops either side of the carriageway; should a bus route service the site in the future.
- 9.41 The layout of roads creates a permeable environment that enables a variety of routes through the development. Such permeability is a concern for the Police Architectural Liaison Officer and Community Safety Manager from a security and antisocial behaviour perspective. However, this is encouraged by the Highway Authority as it enables good access for emergency services. Such permeability also encourages walking and cycling by offering greater choice to residents. It is not uncommon for the permeability of a site to be a source of conflict in the consideration of layout. Officers are satisfied that the proposal strikes a good balance between creating a safe environment with good natural surveillance of open spaces whilst maintaining permeability for residents.
- 9.42 The layout has also raised some concern with the Council's Contracts Officer as the development must enable refuse vehicles to manoeuvre within the site. Amended plans have been submitted to show bin storage and collection points in accordance with Policy 7 of the Neighbourhood Plan and tracking plans have been provided to show how the Council's largest lorry in its fleet can manoeuvre through the network of roads. Based on these details it is considered that the proposed layout is acceptable with regard to refuse collection.
- 9.43 The dwellings are a variety of detached, semi-detached and terraced properties which front the public highway or private drives, generally served by on-curtilage parking, garages or communal parking courtyards. It is considered that the proposed arrangements of buildings would create an acceptable sense of place. Garaging is mostly provided in curtilage in accordance with Policy 7 of the Old Catton Neighbourhood Plan.
- 9.44 Overall it is considered that the layout is well designed and logical, providing an appropriate balance between highway safety, permeability and character

and appearance in accordance with Policies GC4 of the DM DPD and Policy 7 of the Neighbourhood Plan.

Scale:

- 9.45 The application proposes a development of mainly 2-2.5 storey dwellings with four blocks of 3 storey flats to the north of the site. Whilst the majority of dwellings on St Faiths Road are single storey dwellings, many of the self builds currently under construction are 1.5-2 storey. Dwellings to the south of Repton Avenue are also 2 storey in height and the proposed flats are adjacent to land where permission has been granted for commercial units. Consequently it is not considered that the massing of the development is uncharacteristic of the locality or planned development.
- 9.46 Amended plans have been submitted to exclude 2.5 storey dwellings and alter the scale and form of garages for plots to the rear of the self-build dwellings on St Faiths Road as a number of concerns were raised by owners/occupiers of the self-build dwellings about the impact of development on their amenity given the heights of the 2.5 storey dwellings. Whilst concern was also expressed by these neighbours about windows in the proposed rear elevations overlooking the self-builds, given the distances involved it is not considered that their amenity would be significantly affected in accordance with GC4 of the DM DPD.
- 9.47 Taken together, it is considered that the reserved matters (appearance, landscaping, layout and scale) are acceptable. The final section of this appraisal considers the acceptability of details in relation to conditions 5 (foul water), 25 (contamination), 26 (surface water drainage), 29 (energy efficiency), 32 (landscaping) and 33 (tree protection).

Foul water:

- 9.48 Condition 5 requires a scheme to dispose of foul drainage to be submitted to and approved by the Local Planning Authority. The applicants have submitted a drainage strategy which proposes a gravity discharge regime to the 300mm diameter sewer within the boundary of the site. The applicant will also be required to pay Anglian Water through their Zonal Charging which will fund infrastructure upgrades to the Anglian Water network. Anglian Water has confirmed that proposed strategy is acceptable. However, in order to fully discharge the condition the development must be carried out in accordance with the approved details.

Contamination:

- 9.49 Condition 25 requires the submission of a site investigation for contamination which has been undertaken by the applicant and amended to reflect comments made by the Council's Pollution Control Officer. Based on the

amended details there are no objections raised and no need for further assessment to be undertaken. The developer will need to be aware of the potential for contamination not previously identified during the construction phase. This is covered by the condition and on this basis the condition is discharged in part sufficient to enable development to commence.

Surface water drainage:

- 9.50 The application is supported by an amended surface water drainage strategy to comply with the requirements of condition 26 of the outline permission. The strategy has been amended to reflect concerns expressed by the Lead Local Flood Authority (LLFA) and has been informed by a Site Investigation that identified the need to discharge to public surface water sewers due to variable and limited infiltration rates across the site. Accordingly it is proposed for the site to include drainage via an attenuation basin in the south-west corner of the site. The LLFA have confirmed that they are satisfied that the condition is discharged.
- 9.51 Anglian Water has also advised that the impacts of the development on their surface water sewerage network are acceptable and have been adequately addressed. The developer has confirmed surface water hierarchy evidence, including infiltration logs in accordance with the Building Regulations and a connection to manhole 7251, west of the development, will be made at a maximum rate of 20.3 l/s as per FRA 4.0 and Appendix D. Anglian Water is therefore satisfied that proposed strategy is acceptable. The condition can therefore be discharged in part however it must be implemented in accordance with the approved details.
- 9.52 Old Catton Parish Council object to the inclusion of an attenuation basin which would form part of the sites open space strategy and be located adjacent to children's play equipment as they consider this to be a health and safety risk. However, the applicant has provided detailed rainfall analysis to demonstrate that in a dataset of 2,953 days, there are only 130 instances where the basin would have had water for a period of more than half a day, 20 of which would have held water for greater than 1 day. A plan has been provided of a section through the attenuation basin and the depth of water during the times when it will hold water. Given the limited frequency that the basin would hold water officers are satisfied that the proposed attenuation basin does not pose a health and safety risk and that resisting an open water feature on this basis would not be a robust reason for refusal or defensible at appeal. Given how infrequently it would hold water, officers have recommended that the attenuation basin is not fenced to enhance the appearance of the open space and enable it to form part of the sites open space strategy. However, to help address the Parish Council concerns regarding health and safety a 1m high fence will be provided to the children's play area. Officers consider that this is a reasonable balance between providing useable public open space, creating an attractive environment and

managing health and safety of residents. This approach also reflects the opinion of the Norwich City Council Landscape Architect.

- 9.53 Officers are therefore satisfied that condition 26 can be discharged, however in order to comply with the condition the development must be carried out as approved.

Energy Efficiency:

- 9.54 Condition 29 states that details of energy efficient design and the construction of on-site equipment to secure at least 10% of the development's energy from decentralised and renewable or low-carbon sources shall be approved.
- 9.55 To satisfy this condition an energy statement has been produced which promotes a 'fabric first' approach where design measures to reduce energy demand are built into the fabric of the buildings. Such measures include high levels of insulation, energy efficient double glazing, high levels of air-tightness and low energy lighting. Using a fabric first approach the scheme achieves an energy reduction of 8.6%.
- 9.56 In addition to a fabric first approach, the applicant has included provision of the use of 208kWp Solar PV to achieve 10.2% of the developments energy requirements. The panels will be fitted onto the flat roof of the flats and south, south east and south west roofslopes of dwellings.
- 9.57 The airport has made an observation regarding glare from solar panels dazzling pilots. The applicants have confirmed via their solar PV panel contractors that solar panels are designed to absorb light and not reflect it so panels themselves cause less glare than standard windows, however they will use black faced modules with black frames to reduce frame/overall glare.
- 9.58 Based on the submitted information it is considered that the development would satisfy the requirements of condition 29 and also not adversely impact aviation safety. The development must be carried out in accordance with these details to ensure compliance with the condition.

Landscaping and tree protection:

- 9.59 As stated earlier in this report it is considered that the requirements of conditions 32 and 33 have been met and the conditions can be discharged in part. The development however must be carried out in accordance with the approved details to ensure compliance with the condition

Other matters:

Construction access.

- 9.60 Representations have been received regarding the route that construction vehicles would take during the construction phase of the development with concern that this would adversely impact on the roads of Old Catton. Members are advised that the outline application contains a condition requiring the submission of a Construction Traffic Management Plan and Access Route to manage construction traffic for the duration of development prior to the commencement of development. These details have not been submitted for approval as part of this reserved matters application.
- 9.61 The applicant is aware of the requirement to submit these details prior to the commencement of development and they have already engaged with the Parish Council and officers regarding this matter, providing plans of their suggested route. However, formal consideration of this issue should only be given when the details are submitted for approval. Members are advised therefore that this issue should not be taken in to consideration in the determination of this current application.

### St Faiths Road:

- 9.62 The outline application includes provision for the stopping up of St Faiths Road just south of the proposed access. This would be implemented through a Traffic Regulation Order and is secured by condition on the outline permission. However, officers are aware that there is concern locally about antisocial behaviour occurring between the approved access to the application site and the Broadland Northway to the north. In response to these concerns the applicants have agreed to explore the possibility of installing a gate (or similar) which would restrict vehicles but allow pedestrians, cycle, emergency airport and field access north of the cemetery access to prevent antisocial behaviour occurring. This is a matter not necessary to make the development acceptable and was not a requirement of the outline so cannot be secured through this application but would be offered as a gesture of goodwill by the developer. Further detailed work needs to be undertaken on the delivery of this and is provided for Members' information only and should not be considered in the determination of this application.

### Space standards:

- 9.63 Norwich City Council has raised concern that the dwellings in their administrative area do not meet their adopted space standards which are based on the Nationally Described Space Standards. Amended plans have been submitted to alter the housing mix/bedroom numbers to bring them closer to compliance with the required standards. Members are advised that the Broadland Housing Enabler has raised no objection to the size of the affordable dwellings and Broadland does not have a policy on internal space standards. The proposed dwellings are however considered to meet the reasonable amenity needs of future occupants in accordance with GC4 of the DM DPD.

Conclusion:

- 9.64 Subject to the removal of condition 27 being considered under application 20181766, it is considered that the reserved matters application complies with the outline application. Furthermore, the application is considered to comply with the development plan policies relevant to the proposal. It is not considered that there are material considerations to justify a decision otherwise than in accordance with the Development Plan. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 it is recommended that the application is approved.
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**RECOMMENDATION:** Delegate authority to the Head of Planning to **APPROVE** subject to the removal of condition 27 (being considered under application 20181766) and the satisfactory resolution of the noise issue in consultation with the Environmental Health Officer and subject to the following conditions:

- (1) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.
- (2) Development shall not proceed above slab level until details of all external materials to be used in the development have been submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- (3) Development shall not proceed above slab level until a scheme for construction of the 2m high acoustic fence to be erected along the western boundary of the site and referred to in paragraph 5.7 of the Amended Acoustic Design Statement (ref RP01-18269) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the precise siting, elevations and materials and shall identify existing trees and shrubs and protection measures for those to be retained and mitigation for those to be removed. The fence shall be constructed in accordance with the approved details prior to the first occupation of the development.
- (4) Prior to the first occupation of the development a scheme to provide details of the number, siting and type of bat and bird boxes to be installed on dwellings and trees within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reasons:

- (1) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.

- (2) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (3) To ensure the proper development of the site without prejudice to the amenities of the area and future residents, and in accordance with Policy GC4 and EN4 of the Development Management DPD 2015.
- (4) To enhance biodiversity in accordance with policy EN1 of the Development Management DPD 2015 and policy 2 of the Old Catton Neighbourhood Plan 2016.

### Informatives:

- (1) The applicant's attention is drawn to the remainder of conditions on permission 20141955. Development should be carried out strictly in accordance with the specified conditions. Where conditions are imposed which are required to be complied with, all relevant details should be submitted for approval and approval given in writing by the local planning authority before any work commences on site or before the use commences.
- (2) The site is subject to a related agreement under Section 106 of the Town and Country Planning Act 1990.
- (3) If the construction phases of the development require the use of mobile or tower cranes, they should be operated in accordance with British Standard 7121 and CAP 1096, and the Airport should be notified of plans to erect these cranes at least 21 days in advance.

### The notification should include:

- OSGB grid coordinates of the crane's proposed position to 6 figures each of Eastings and Northings,
- the proposed height of the crane Above Ordnance Datum (AOD),
- the anticipated duration of the cranes existence, and
- contact telephone numbers of the crane operator and the site owner for use in an emergency.

### Plans and Documents:

Amended Accommodation Schedule received 17 December 2018

Amended Dwg No 17\_2639\_001 Location Plan received 19092018

Amended Additional Dwg No 20843\_500\_D Repton Avenue Site Layout received 13 December 2018

Amended Dwg No 17\_2639\_003\_E Massing Plan received 13 December 2018

Amended Dwg No 17\_2639\_004\_E Refuse Strategy Plan received 13 December 2018

Amended Additional Dwg No 17\_2639\_195A Boundary Treatment Details received 13 December 2018

Amended Dwg No 17\_2639\_006\_E Affordable Tenure Plan received 13 December 2018

Amended Dwg No 17\_2639\_008\_F Materials Plan received 13 December 2018

Amended Additional Dwg No 17\_2639\_009\_C Character Area Plan received 13 December 2018

Amended Additional Dwg No 17\_2639\_010\_C Surface Treatment Plan received 13 December 2018

Amended Dwg No 17\_2639\_005\_F Boundary Treatment Plan received 13 December 2018

Amended Additional Dwg No 17\_2639\_100\_B House Type PA22 Floor Plans received 13 December 2018

Amended Additional Dwg No 17\_2639\_101\_B House Type PA22 Elevations\_Garden Village Brick received 13 December 2018

Amended Additional Dwg No 17\_2639\_104\_B House Type PA34 Floor Plans received 13 December 2018

Amended Additional Dwg No 17\_2639\_105\_A House Type PA34 Elevations\_Garden Village Brick received 13 December 2018

Amended Additional Dwg No 17\_2639\_106\_A House Type PA34 Elevations\_Neighbourhood Edge Brick received 13 December 2018

Amended Additional Dwg No 17\_2639\_107\_B House Type PA34 Elevations\_Parkland Edge Brick received 13 December 2018

Amended Additional Dwg No 17\_2639\_108\_A House Type PA34 Elevations\_Parkland Edge Weatherboarding received 13 December 2018

Amended Dwg No 17\_2639\_112\_B House Type PT36 Elevations received 13 December 2018

Amended Additional Dwg No 17\_2639\_114\_C House Type PT36 Elevations\_Parkland Edge Brick received 13 December 2018

Amended Additional Dwg No 17\_2639\_115\_B House Type PT36 Elevations\_Parkland Edge Render received 13 December 2018

Amended Additional Dwg No 17\_2639\_116\_B House Type PR36 Elevations received 13 December 2018

Amended Additional Dwg No 17\_2639\_118\_B House Type PT27 Elevations Garden Village received 13 December 2018

Amended Additional Dwg No 17\_2639\_121\_A House Type PB33 Floor Plans received 13 December 2018

Amended Additional Dwg No 17\_2639\_122\_A House Type PB33 Elevations Garden Village received 13 December 2018

Amended Additional Dwg No 17\_2639\_123\_B House Type PB33 Elevations Parkland Edge received 13 December 2018

Amended Additional Dwg No 17\_2639\_124\_B House Type PB33 House Type Elevations Parkland Edge received 13 December 2018

Additional Dwg No 17\_2639\_126\_A House Type PA44 Floor Plans received 13 December 2018

Amended Additional Dwg No 17\_2639\_127\_B House Type PA44 Elevations Garden Village received 13 December 2018

Amended Additional Dwg No 17\_2639\_128\_B House Type PA44 Elevations Neighbourhood Edge received 113 December 2018

Amended Additional Dwg No 17\_2639\_129\_B House Type PA44 Elevations Parkland Edge received 13 December 2018

Amended Additional Dwg No 17\_2639\_133\_A House Type PT42 Elevations Neighbourhood Edge received 13 December 2018

Amended Additional Dwg No 17\_2639\_134\_B House Type PT42 Elevations Parkland Edge received 13 December 2018

Amended Additional Dwg No 17\_2639\_135\_B House Type PT42 Elevations Parkland Edge received 13 December 2018

Additional Dwg No 17\_2639\_136\_A House Type PT42 Elevations received 13 December 2018.

Amended Additional Dwg No 17\_2639\_138\_A House Type PT43 Elevations Neighbourhood Edge received 13 December 2018

Additional Dwg No 17\_2639\_139\_B House Type PT43 Elevations Parkland Edge received 13 December 2018

Amended Additional Dwg No 17\_2639\_141\_A House Type PA48 Floor Plans received 13 December 2018

Amended Additional Dwg No 17\_2639\_142\_B House Type PA48 Elevations Garden Village received 13 December 2018

Amended Additional Dwg No 17\_2639\_143\_A House Type PA48 Elevations Neighbourhood Edge received 13 December 2018

Amended Additional Dwg No 17\_2639\_144\_B House Type PA48 Elevations Parkland Edge received 13 December 2018

Amended Additional Dwg No 17\_2639\_147\_B House Type PA49 Elevations Garden Village received 13 December 2018

Amended Additional Dwg No 17\_2639\_148\_A House Type PA49 Elevations Neighbourhood Edge received 13 December 2018

Additional Dwg No 17\_2639\_149\_A House Type PA49 Elevations Parkland Edge received 13 December 2018

Amended Additional Dwg No 17\_2639\_150\_A House Type PA49 Elevations  
Parkland Edge received 13 December 2018

Amended Additional Dwg No 17\_2639\_151\_A House Type PA49 Elevations Garden  
Village received 13 December 2018

Amended Additional Dwg No 17\_2639\_153\_A House Type NB51 Floor Plans  
received 13 December 2018

Amended Additional Dwg No 17\_2639\_154\_A House Type NB51 Elevations Garden  
Village received 13 December 2018

Amended Additional Dwg No 17\_2639\_155\_A House Type NB51 Elevations  
Neighbourhood Edge received 13 December 2018

Amended Additional Dwg No 17\_2639\_156\_A House Type NB51 Elevations  
Parkland Edge received 13 December 2018

Amended Additional Dwg No 17\_2639\_160\_A House Type AA23 Floor Plans  
received 13 December 2018

Amended Additional Dwg No 17\_2639\_161\_B House Type AA23 Elevations Garden  
Village received 13 December 2018

Amended Additional Dwg No 17\_2639\_163\_A House Type AB31 Floor Plans  
received 13 December 2018

Amended Additional Dwg No 17\_2639\_164\_B House Type AB31 Elevations Garden  
Village received 13 December 2018

Dwg No 17\_2639\_166\_A House Type AA41 Floor Plans received 13 December  
2018

Amended Additional Dwg No 17\_2639\_167\_B House Type AA41 Elevations Garden  
Village received 13 December 2018

Amended Additional Dwg No 17\_2639\_190\_A Single Garage Elevations and Floor  
Plan received 13 December 2018

Amended Additional Dwg No 17\_2639\_192\_A Twin Garage Elevations and Floor  
Plan received 13 December 2018

Norwich City House Type Brochure received 131218.pdf

Amended Additional Dwg No 17\_2639\_195A Boundary Treatment Details received  
13 December 2018

Amended Additional Dwg No P18\_0892\_06\_C Landscape Proposals\_NCC Land  
received 13 December 2018

Amended Dwg No P18\_0892\_01\_G Landscape Concept Plan received 13  
December 2018

Amended Dwg No P18\_0892\_02D Tree Planting and Influence Plan received 13  
December 2018

Amended Dwg No P18\_0892\_03\_E Biodiversity Enhancement Plan received 13  
December 2018

Amended Additional Dwg No P18\_0892\_06\_C Landscape Proposals\_NCC Land received 13 December 2018.

P18\_0892\_07\_B Landscape Management Plan received 13 December 2018

P18\_0892\_08\_A Landscape Management Plan received 13 December 2018

Additional Dwg No 17\_2639\_170 Flat Block S01 Floor Plans received 13 December 2018

Additional Dwg No 17\_2639\_171 Flat Block S01 Elevations Northern Quarter received 13 December 2018

Additional Dwg No 17\_2639\_173 Flat Block S02 Floor Plans received 13 December 2018

Additional Dwg No 17\_2639\_174 Flat Block S02 Elevations Northern Quarter received 13 December 2018

Additional Dwg No 17\_2639\_176 Flat Block S03 Floor Plans received 13 December 2018

Additional Dwg No 17\_2639\_177 Flat Block S03 Elevations Northern Quarter received 13 December 2018

Additional Dwg No 17\_2639\_179 Flat Block S04 Floor Plans received 13 December 2018

Additional Dwg No 17\_2639\_180 Flat Block S04 Elevations Northern Quarter received 13 December 2018

Additional Dwg No 17\_2639\_193 Bin and Cycle Store received 13 December 2018

Additional Dwg No 17\_2639\_194 Substation Plans and Elevations received 13 December 2018

Additional Dwg No 17\_2639\_07 Indicative Footpath Detail\_Self Binding Gravel received 19/09/2018

Amended Arboricultural Method Statement\_Rev C received 19 November 2018

Amended Drainage Strategy received 28 October 2018

Amended Bird Hazard Risk Assessment and Management Plan received 19 November 2018

Amended Acoustic Design Assessment received 19 September 2018 (and any other details required by the Environmental Health Officer)

Amended Energy Statement Revision D received 29 October 2018



SGP (Land & Developments) Ltd  
FAO: Mrs Nicola Pickering  
17 Broadhurst Drive  
Northampton  
NN3 9XB

**Date Of Decision :** 18 May 2016  
**Development :** Mixed Use Development of 340 Residential Dwellings with 5,640 sqm of Small Business Units (Outline)  
**Location :** Land at St Faiths Road, Old Catton  
**Applicant :** SGP (Land & Developments) Ltd  
**Application Type:** Planning Application Outline

### Town & Country Planning Act 1990

The Council in pursuance of powers under this Act **GRANTS OUTLINE PLANNING PERMISSION** for the development referred to above in accordance with the submitted plans and application forms subject to the following **conditions:-**

- 1 Application for approval of "reserved matters" amounting to at least 150 units must be made to the Local Planning Authority not later than the expiration of **THREE** years beginning with the date of this decision. With the remaining reserved matters to be submitted within **FIVE** years beginning with the date of this decision.

The development hereby permitted must be begun in accordance with the "reserved matters" as approved not later than the expiration of **TWO** years from either, the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such reserved matter to be approved.

- 2 Application for the approval of the "reserved matters" for each parcel of land or phase of development shall include plans and descriptions of the:
  - i) details of the layout;
  - ii) scale of each building proposed
  - iii) the appearance of all buildings including the precise details of the type and colour of the materials to be used in their construction;
  - iv) the landscaping of the site.

Approval of these "reserved matters" must be obtained from the local planning authority in writing before any development is commenced and the development shall be carried out in accordance with the details as approved.

- 3 The development hereby permitted shall not be carried out otherwise than in accordance with the following plans and documents:

- SK08 Mini Proposed Mini Roundabout dated 4/6/15.
- SK12 Rev A Simple Priority Junction Arrangement dated 4/6/15.

- 4 Prior to the commencement of each phase or parcel of the development hereby permitted full details (in the form of scaled plans and/or written specifications) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:
- i) Roads, footways, cycleways, foul and on-site water drainage;
  - ii) Visibility splays;
  - iii) Parking provision in accordance with adopted standard;
  - iv) Loading areas; and
  - v) Turning areas
- 5 Prior to the commencement of each phase or parcel of the development hereby permitted a scheme for said phase to dispose of foul drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved. Where appropriate this scheme should include details for the improvement of the existing sewerage system.
- 6 Prior to the commencement of each phase or parcel of the development details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 7 No works shall commence on each phase or parcel of the development until such time as detailed plans of the roads, footways, cycleways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans.
- 8 Before any dwelling / industrial unit is first occupied the road(s), footway(s) and cycleway(s) shall be constructed to binder course surfacing level from the dwelling / industrial unit to the adjoining adopted highway in accordance with the details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 9 All footway(s) and cycleway(s) shall be fully surfaced in accordance with a phasing plan to be approved in writing prior to the commencement of development by the Local Planning Authority in consultation with the Highway Authority.
- 10 Means of access to and egress from the employment development hereby permitted shall only be derived from and to Hurricane Way or other access point as agreed with the Local Planning Authority in consultation with the Highway Authority.
- 11 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, garage

accommodation on the site shall be provided with minimum internal dimensions measuring 3 metres x 7 metres.

- 12 Development shall not commence on each phase or parcel of development until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 13 Prior to the commencement of any works on each phase or parcel of the development a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway shall be submitted to and approved in writing with the Local Planning Authority in consultation with Norfolk County Council Highway Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.
- 14 For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority in consultation with the Highway Authority.
- 15 No works shall commence on each phase or parcel of the development until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 16 For the duration of the construction period all traffic associated with the construction of the development on each phase or parcel permitted shall use the approved wheel cleaning facilities provided referred to in condition 15.
- 17 Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the improvement St Faiths Road / Fifers Road Junction as an improved T- junction or as a mini-roundabout and the provision of a footway on the northern side of Repton Avenue or other alternative agreed improvement have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 18 Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in condition 17 shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority, unless otherwise agreed in writing.
- 19 No works shall commence on the site, other than the construction of any property immediately fronting St Faiths Road, until the Traffic Regulation Order for the prohibition of motor vehicles at an agreed point north of Number 364 St Faiths Road has been secured by the Highway Authority.
- 20 Prior to the commencement of the construction of the first dwelling on each phase or parcel hereby permitted an Interim Residential Travel Plan shall be submitted, approved and signed off by the Local Planning Authority in consultation with the Highway Authority, such a Travel Plan shall accord with Norfolk County Council document 'Guidance Notes for the Submission of a

Travel Plan'.

- 21 No part of the development on each phase or parcel hereby permitted shall be occupied prior to implementation of the Interim Residential Travel Plan referred to in condition 20. During the first year of occupation an approved Full Residential Travel Plan based on the Interim Travel Plan referred to in condition 20 shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.
- 22 Prior to the commencement of the construction of the first employment unit hereby permitted an Interim Employment Travel Plan shall be submitted, approved and signed off by the Local Planning Authority in consultation with the Highway Authority, such a Travel Plan shall accord with Norfolk County Council document 'Guidance Notes for the Submission of a Travel Plan'.
- 23 No part of the employment development hereby permitted shall be occupied prior to implementation of the Interim Employment Travel Plan referred to in condition 21. During the first year of occupation an approved Full Employment Travel Plan based on the Interim Travel Plan referred to in condition 21 shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.
- 24 The development shall be limited to 340 dwelling units and the following gross floor areas within the Use Class categories defined by the Schedule to the Town and Country Planning (Use Classes) Order, 1987 (as amended), (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification):- Use Class B2 - 5,640 sq. metres; No more than 150 dwellings shall be occupied until the Northern Distributor Road is opened to traffic.
- 25 Concurrently with the submission of the "reserved matters" required by Condition 1 above a site investigation and detailed risk assessment (A) must be completed to assess the nature and extent of any contamination on the site/phase, whether or not it originated on the site. The report must include:
- 1) A survey of the extent, scale and nature of contamination
  - 2) An assessment of the potential risks to; human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes, adjoining land, groundwater and surface water, ecological systems, archaeological sites and ancient monuments.

The report must also include a revised and updated conceptual site model and detailed risk assessment. There must be an appraisal of the remedial options, and proposal of the preferred remedial option(s). This must be conducted in accordance with accepted good practice guidance.

Based on the findings of the site investigation a detailed remediation method statement (B) must be submitted for approval in writing by the Local Planning Authority. Remediation must bring the site to a condition suitable for the intended use by removing or mitigating unacceptable risks to the identified receptors. The method statement must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990. The Local Planning Authority must be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Following the completion of the remedial measures identified in the approved remediation method statement a verification report (C) (also called a validation report) that scientifically and technically demonstrates the effectiveness and success of the remediation scheme must be produced. Where remediation has not been successful further work will be required.

In the event that previously unidentified contamination (D) is found during the development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation method statement and post remedial validation testing must be produced and approved.

26

Concurrently with the submission of the "reserved matters" required by Condition 1 above a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall include:

- Infiltration testing on the site in accordance with BRE 365, and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible.
- Dimensioned plans and drawings of all aspects of the surface water drainage system.
- If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff into Anglian Water sewer will be restricted to below 20 l/s 1 in 100 year climate change rainfall event as specified in the FRA.
- Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change.
- Modelling of the pipe network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows.
- Topographic plans depicting all exceedence flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system.
- Details of who will maintain each element of the surface water system for the lifetime of the development and submission of a maintenance schedule.

The scheme shall be fully implemented and subsequently maintained, in

accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

- 27 There shall be no open water features on the hereby approved site.
- 28 Prior to the commencement of any parcel or phase of development a scheme for the provision of fire hydrants as maybe required shall be submitted to and approved in writing by the Local Planning Authority in consultation with Norfolk County Council.
- 29 Details of energy efficient design and the construction of on-site equipment to secure at least 10% of the development's energy from decentralised and renewable or low-carbon sources shall be submitted to and approved by the Local Planning Authority prior to commencement of the development of each phase or parcel. The details as approved shall be completed prior to the first occupation of any part of the development hereby permitted and thereafter shall be maintained.
- 30 Prior to the commencement of any parcel or phase of development a geophysical survey of the phase or parcel shall be undertaken in accordance with a recognised methodology and the findings submitted to the Local Planning Authority. Based on the findings of the geophysical survey, a Scope and Programme of Works for appropriate further archaeological site investigations, including inter alia trial trenching, shall be prepared and submitted for written approval by the Local Planning Authority and works carried out in accordance with the approved scope and programme.
- 31 No development shall take place on any phase or parcel of development until a Written Scheme of Investigation for a programme of archaeological works for that phase or parcel has been submitted to and approved by the local planning authority in writing. The scheme shall include:
1. An assessment of the significance of heritage assets present.
  2. The programme and methodology of site investigation and recording.
  3. The programme for post investigation assessment of recovered material.
  4. Provision to be made for analysis of the site investigation and recording.
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  6. Provision to be made for archive deposition of the analysis and records of the site investigation.
  7. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 32 A scheme for landscaping and site treatment to include grass seeding, planting of new trees and shrubs, specification of materials for fences, walls and hard surfaces, and the proposed maintenance of amenity areas, shall be submitted to and approved as part of the application for reserved matters on each phase or parcel of development.

The scheme shall also include the positions of all existing trees (which shall include details of species and canopy spread) and hedgerows both on the site and within 15m of the boundaries together with measures for the protection of their above and below ground parts during the course of development.

The scheme as approved shall be carried out not later than the next available planting season following the commencement of development on each phase or parcel 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.

33 The plans and particulars submitted in accordance with condition 32 above shall include:

(a) a plan showing the location of, and allocating a reference number to every tree on the site which has a stem with a diameter, measured over the bark at a point 1.5metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread and Root Protection Area of each tree to be retained. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area (para. 4.6.1 of BS5837 2012 Trees in relation to design, demolition and construction - Recommendations) or general landscape factors) must be shown.

(b) the details of each tree as required at para 4.4.2.5 of BS5837: 2012 in a separate schedule.

(c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruned or subject to other remedial or preventative work.

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within 5m of the Root Protection Area (para. 4.6.1 of BS5837: 2012) of any retained tree including those on neighbouring ground.

(e) details of the specification and position of all appropriate tree protection measures for the protection of every retained tree from damage before and for the entire duration of the course of the development.

(f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure. In this condition, 'retained tree' means an existing tree which is to be retained in accordance with paragraph (a) and (b) above.

34 Prior to the commencement of any construction upon each phase or parcel of land, situated within the instrument landing system glide path as shown on plan A full details of the layout of said phase or parcel shall be submitted to and, if acceptable, approved in writing by the Local Planning Authority in consultation with Norwich International Airport Any subsequent amendments to the development as may have been approved shall be subjected to the same process.

35 Prior to the commencement of development of any phase or parcel of development lighting plans shall be submitted to and agreed in writing by the Local Planning Authority as may be required.

**The reasons for the conditions are:-**

- 1 The time limit condition is imposed in compliance with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The application is submitted in Outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 3 To ensure the satisfactory development of the site in accordance with Policy GT14 of the emerging Growth Triangle Area Action Plan and Policy GC4 of the Development Management DPD 2015.
- 4 To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with Policy TS3 of the Development Management DPD 2015.
- 5 To ensure that the foul drainage arising as a result of this development can be disposed of appropriately, without causing deterioration of the water environment of the Joint Core Strategy for Broadland, Norwich and South Norfolk: 2011.
- 6 To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway in accordance with Policy TS3 of the Development Management DPD 2015.
- 7 To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with Policy TS3 of the Development Management DPD 2015.
- 8 To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway in accordance with Policy TS3 of the Development Management DPD 2015.
- 9 To ensure satisfactory development of the site in accordance with Policy TS3 of the Development Management DPD 2015.
- 10 In the interests of maintaining highway efficiency and safety in accordance with Policy TS3 of the Development Management DPD 2015.
- 11 To minimise the potential for on-street parking and thereby safeguard the interests of safety and convenience for road users in accordance with Policy TS3 of the Development Management DPD 2015.
- 12 To ensure adequate off-street parking during construction in the interests of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- 13 In the interests of maintaining highway efficiency and safety in accordance with Policy TS3 of the Development Management DPD 2015.

- 14 In the interests of maintaining highway efficiency and safety in accordance with Policy TS3 of the Development Management DPD 2015.
- 15 To prevent extraneous material being deposited on the highway in the interests of maintaining highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- 16 To prevent extraneous material being deposited on the highway in the interests of maintaining highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- 17 To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policy TS3 of the Development Management DPD 2015.
- 18 To ensure that the highway network is adequate to cater for the development proposed in accordance with Policy TS3 of the Development Management DPD 2015.
- 19 In the interests of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- 20 To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with Policy TS2 of the Development Management DPD 2015.
- 21 To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with Policy TS2 of the Development Management DPD 2015.
- 22 To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with Policy TS2 of the Development Management DPD 2015.
- 23 To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with Policy TS2 of the Development Management DPD 2015.
- 24 To ensure that the highway network is adequate to cater for the development proposed in accordance with Policy TS3 of the Development Management DPD 2015.
- 25 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EN4 of the Development Management DPD 2015.
- 26 To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to ensure the provision of amenity afforded by appropriate landscape design in accordance with Policy EN2 of the Development Management DPD 2015.
- 27 To protect the interests of the aviation safety from the risk of bird strike in

accordance with Policies TS5 and TS6 of the Development Management DPD 2015.

- 28 To ensure satisfactory development of the site in accordance with Policy TS3 of the Development Management DPD 2015.
- 29 To ensure an energy efficient development in accordance with Policy 3 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (amendments adopted 2014).
- 30 To secure appropriate field evaluation and, thereby, mitigation of impact on archaeological and heritage assets in accordance with in accordance with Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (amendments adopted 2014).
- 31 To enable the County Archaeologist to keep a watching brief on the site in accordance with Policy ENV18 of the Broadland District Local Plan (Replacement) 2006. To prevent the increased risk of flooding throughout the lifetime of the development in accordance with Policies 1 and 3 of the Joint Core Strategy for Broadland, Norwich and South Norfolk: 2011.
- 32 To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policy EN2 of the Development Management DPD 2015.
- 33 To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policy EN2 of the Development Management DPD 2015.
- 34 To ensure that the development proposed is subjected to a safeguarding assessment to establish the impact on airport safety and to ensure any mitigation measures are implemented as maybe required to preserve the safety of all airport users and aircraft in accordance with Policies TS5 and TS6 of the Development Management DPD 2015.
- 35 To preserve the safety of all airport users and aircraft in accordance with policy Policies TS5 and TS6 of the Development Management DPD 2015.

**Informatives:-**

The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted. Further information about CIL can be found at [www.broadland.gov.uk/housing\\_and\\_planning/4734.asp](http://www.broadland.gov.uk/housing_and_planning/4734.asp)

The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a legal agreement between the applicant and the County Council. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Control Group based at County Hall in Norwich. Please contact Liz Poole on 01603 638009.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the applicants own expense. If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk

This site is subject to a related agreement under Section 106 of the Town and Country Planning Act 1990.

This development involves a Travel Plan to be implemented within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Town and Country Planning Act 1990 or Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Please contact (insert appropriate contact details).

#### Commuted Sum for Travel Plans

The Highways Authority levies a charge to cover the on-going costs of reviewing and monitoring a Travel Plan annually. The Highways Authority also requires a Bond to ensure that the Travel Plan targets are met. Both the Bond and the monitoring charge are secured by a Section 106 Legal Agreement. This is in addition to the sum payable for Planning Obligations covering infrastructure, services and amenities requirements.

For residential development, Norfolk County Council offers a fully inclusive package covering the writing, implementation, on-going management and annual monitoring of a Travel Plan for 5 years post completion of the development. Up to date costs can be obtained by contacting Liz Poole on 01603 638009. Developers are expected to enter into a Section 106 Agreement to secure the necessary funding before planning permission is granted.

Street lighting is a concurrent power to the County, District and Parish Councils. However, it is the County Council after consultation with the Local Lighting Authority (District or Parish Council) who decides whether street lighting is required on proposed public highways. Norfolk County Council will challenge any automatic assumption that street lighting needs to be provided on part or all of the new development.

Due to the proposed location and its immediacy to the flight paths at Norwich Airport, the developer should consult with Norwich Airport Ltd (NAL) prior to submitting plans for a 'Full' approval to ensure the proposal does not impact the safety and efficiency of aircraft operations at Norwich international Airport.

This development has been considered through full accordance with Environmental Impact Assessment Regulations 1999. A detailed assessment of which has been given in the committee report.

Record of Habitats Regulations Assessment scoping assessment:

European sites, also known as Natura 2000 sites, recognised under the EU Habitats

Directive, consist of Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites. The EU Habitat Directive requires that a Habitats Regulations Assessment (HRA) is undertaken to ensure that a plan or project will not result in significant damage to these protected wildlife sites. The individual components of the Broadland District Council Local Plan - the Joint Core Strategy, the Development Management DPD, the Site Allocation DPD and the North-east Norwich Growth Triangle Area Action Plan - have each been subject to HRAs. Broadland District Council considers that the current development falls within the scope of the local plan. Therefore it is judged that potential impacts on the integrity of European Sites from this development have already been considered and need not further be addressed.

Signed

Mr P Courtier  
Head of Planning  
Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich,  
NR7 0DU

## Information relating to appeals against the decision of the Local Planning Authority.

If you are aggrieved by this decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

There are different time limits for appealing against the different types of application:

- If this is a decision relating to a householder application then any appeal must be made within **12 weeks** of the date of this notice.
- If this is a decision against any other type of application then any appeal must be made within **6 months** of the date of this notice.
- If an enforcement notice has been served for the same or substantially the same development within the period of two years before this application was made, or subsequently, then the period within which an appeal can be lodged is reduced to **28 days** from the date of this decision or 28 days from the serving of the enforcement notice, whichever is the later.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel: 0303 444 00 00 or via the Planning Portal at <https://www.gov.uk/appeal-planning-inspectorate>

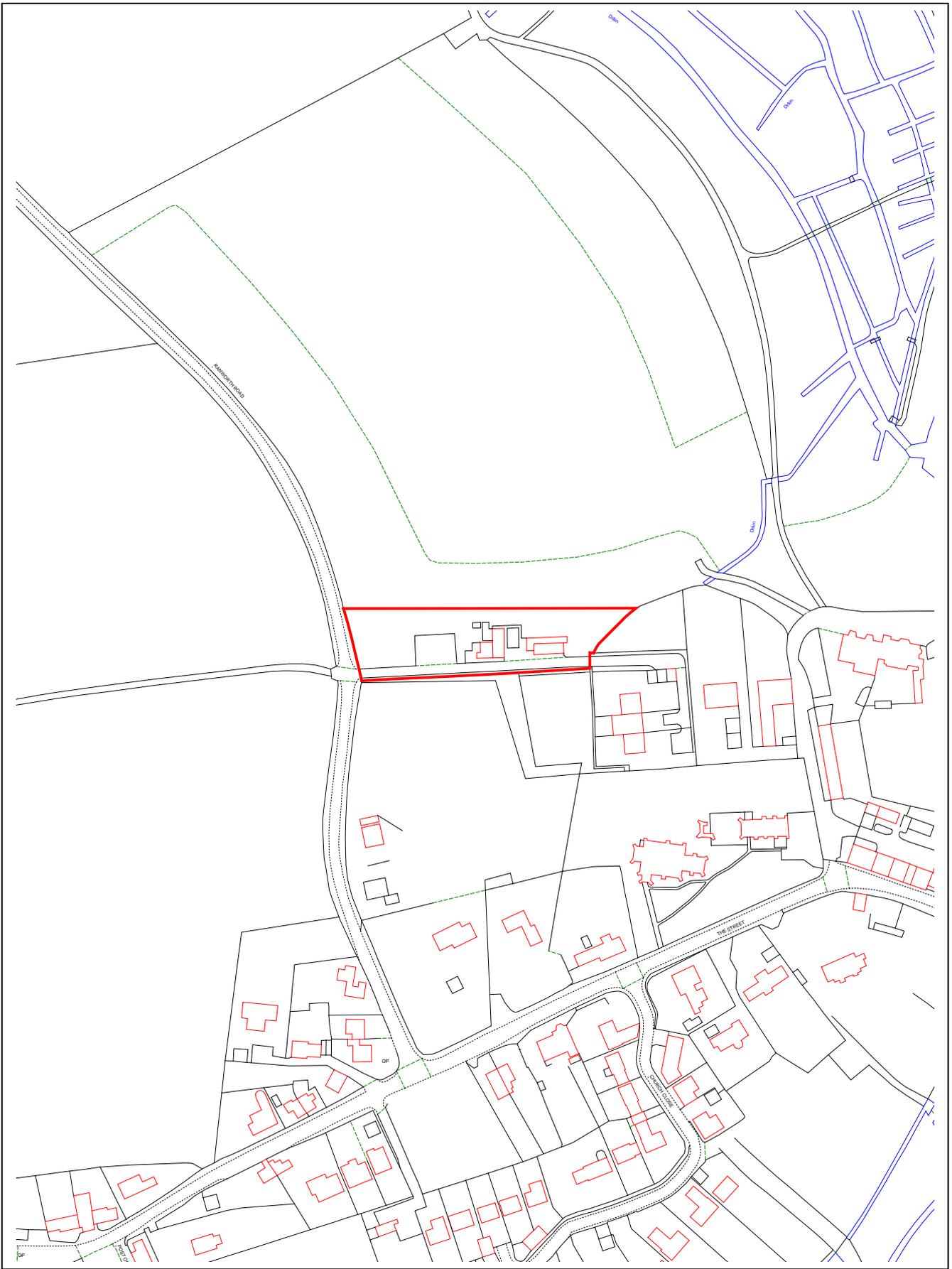
The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



|   |  |   |   |
|---|--|---|---|
|  <p><b>Broadland</b><br/>District Council<br/>- leading the way -<br/>broadland.gov.uk</p> | <p><b>Application No: 20181628</b></p> <p><b>The Stables, Ranworth Road, South Walsham,<br/>NR13 6DH</b></p> | <p><b>Scale:<br/>1:2500</b></p> <p><b>Date:<br/>20-Dec-18</b></p> | <p><b>N</b></p>  |
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**AREA** East

**PARISH** South Walsham

5

**APPLICATION NO:** [20181628](#) **TG REF:** 636519/313323

**LOCATION OF SITE** The Stables, Ranworth Road, South Walsham, NR13 6DH

**DESCRIPTION OF DEVELOPMENT** Demolition of existing buildings and construction of new building to accommodate office, storage of parts and ancillary equipment and pre delivery inspection building in association with mining vehicle storage use

**APPLICANT** Mr C Phelan, Phelan Sales International Ltd

**AGENT** Mr Kevin Cole

**Date Received:** 3 October 2018  
**8 Week Expiry Date:** 30 November 2018

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**Reason at Committee:** At the request of one of the Ward Members for the reasons given in 5.2 of this report

**Recommendation (summary):** Delegate authority to the Head of Planning to approve, subject to conditions

## 1 THE PROPOSAL

- 1.1 The application seeks to replace the existing buildings on site with a new purpose-built office, storage and pre-delivery inspection area including offices, a meeting room, reception, ancillary kitchen, WCs and a store for ancillary equipment. The existing floor space of the buildings is approximately 375m<sup>2</sup> and the proposed floor space of the new building is 412m<sup>2</sup>, an increase of 37m<sup>2</sup>.
- 1.2 The applicant is an export driven business that specialises in sourcing and selling plant, equipment and machinery associated with the mining, construction and civil engineering industries both in the UK and overseas. The business has operated from the site at Ranworth Road for the past 16 years.
- 1.3 The proposed use of the building is as offices, storage and a pre-delivery inspection facility in association with the existing storage use of the adjacent hardstanding granted permission in 2016 ([20161259](#)). The storage business relates to the buying and selling of mining vehicles.

- 1.4 The new building has been sited within the footprint of the existing buildings on the site with the office element to the west overlooking the storage area for the mining vehicles and where it would be most prominent and obvious to visiting clientele.
- 1.5 The building form is predominantly single storey in scale with ridge line running east to west and punctuated by gables to reflect the scale somewhat of the existing buildings. The scheme is deliberately introspective turning its back on the open countryside to the north with a roof of dark grey colour coated steel panels. The building adopts a modern approach to materials and detailing within the site, utilising a mixture of horizontal larch timber cladding and silver grey corrugated cladding as well as painted brickwork to elevations and dark grey colour coated metal windows to reflect the previously converted industrial building immediately to the east [1, 2 and 3 Fairhaven View].
- 1.6 The following description of the proposal is taken from the applicant's submitted Planning Statement:

*"Planning permission for was granted on part of the site in 2016 for the storage of Plant and Equipment in association with the applicant's international business buying and selling mining vehicles. The use is administered from a mobile office and a number of buildings located along an existing access road off Ranworth Road.*

*Permission was granted in recognition of the established nature and viability of the business with a solid international client base and a continuing level of turnover, and has provided the much needed stability to secure the business and establish even better client / market links.*

*However the current client interface is not satisfactory for the promotion of the business and needs a radical overhaul if the business is to continue to thrive in a competitive market. The redevelopment of the existing buildings will present a more acceptable front of business to receive and meet with clients to raise the profile of the company and proffer a more professional outlook. Although the business operates successfully more appropriately designed premises would present a far better impression to their clients affording the opportunity for increased repeat business and would provide more comfortable accommodation for the owners, staff and visitors alike.*

*It is proposed to replace the existing buildings on the site equating to approximately 375 sq m with a new 412 sq m purpose built office, storage and pre delivery inspection area, including offices, a meeting room, reception and ancillary kitchen and wc's and a store for ancillary equipment that accompanies a percentage of the mining vehicles when sold.*

*The storage of the mining vehicles requires an element of support to ensure the vehicles meet the customer's requirements when they leave*

*the premises. The vehicles can sit on the premises for some time before being shipped out to their new locations and it is necessary to provide a secure building to accommodate the ancillary support equipment that is necessary in some instances.*

*Due to the size of the vehicles simple components are large and heavy and are not usually movable by hand. Filters, spare wheels, seal systems etc and other components need to be stored under cover whilst the vehicles sit in the open. The building has been designed to accept the majority of vehicles stored on the site when undergoing a pre delivery inspection, together with the majority of ancillary equipment, with the occasional larger vehicle kept outside.*

*The store element of the building is required to accommodate the ancillary equipment necessary to run the Vehicle Storage business. A forklift and small crane are needed to move the components referred to above and ground maintenance equipment, including a mower and general gardening tools, has to be housed internally for security and operational purposes necessitating a second bay. In addition boxing up shipping support equipment that travels with the vehicles needs to be accommodated within the building.*

*The use of the storage and pre delivery inspection building is low key and a necessary ancillary element to the support of the sale of mining trucks. Any major servicing of vehicles would be carried out elsewhere but the condition of the vehicles is assessed prior to purchase and transport to the site leaving only small scale pre delivery inspection when they arrive.”*

In respect of servicing of vehicles the agent has confirmed the following:

*“Any servicing of the vehicles is carried out by the supplier’s agents prior to the vehicles being brought to site.*

*It is part of the purchase agreement that the vehicles are fully serviced by the vendors before being brought to site.”*

1.7 The application is accompanied by the following documents:

- Bat Survey
- Design & Access Statement
- Planning & Heritage Statement
- Arboricultural Statement

- 1.8 A revised site location plan has been requested that reduces the site area subject to the application site and demonstrates more clearly the car parking / loading / turning areas etc in relation to the proposed building.

## 2 KEY CONSIDERATIONS

- Whether the proposed development accords with the provisions of the adopted local plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance
- Planning history of the site
- The impact of the development on the character and appearance of the surrounding area including setting of listed buildings and protected species
- Highway safety and neighbouring amenity
- The impact of the development on protected species

## 3 CONSULTATIONS

### 3.1 South Walsham Parish Council:

- The application is outside of the settlement limit and is therefore contrary to the Development Plan.
- This is an escalation of development on the site which was predicted when permission was given despite being strongly contested by the Parish Council last year.
- This is an expansion of commercial activity which would be better located on an industrial estate rather than within metres of the Broads National Park and two Grade I Listed medieval churches.
- The planning inspector pointed out the detrimental effect development in this rural location would have in his last refusal of development on this site.
- This is not a conversion of existing buildings which would need to satisfy planning rules in this instance but a complete new build.

### 3.2 Norfolk County Council Highways:

Given the previous use of the site and the potential associated traffic generation I feel it would be difficult to have any objection to the proposal. I note the applicant does not anticipate any additional traffic movements over and above those which already take place.

Should your Authority be minded to approve the application I would be grateful for the inclusion of the following condition and informative note on any consent issued: SHC20.

### 3.3 BDC Pollution Officer:

I suggest the inclusion of the short condition for contaminated land as the current occupier has informed me of a past commercial use as a boat builder.

### 3.4 BDC Environmental Health Officer:

Previously I suggested that conditions were added that precluded maintenance and washing of vehicles as the use was for storage only and that the times vehicles were moved were restricted to that proposed in the extra information submitted.

### 3.5 BDC Historic Environment Officer:

The proposed building replaces a series of dilapidated sheds and former agricultural buildings. Given the distance to the closest listed buildings it is unlikely that there will be any impact on designated heritage assets. If permission were granted I would suggest that materials (including colour and finish) be provided to ensure that the impact on the rural character of the area is retained is reduced as far as possible.

### 3.6 BDC Conservation Officer Arboriculture and Landscape:

- The mature trees located to the immediate south of the development site are significant landscape trees and protected by TPO 2008 No.10 (771) and coincide with the positions of T1, T2, T3, T4, T5, T7, T8 & G3 shown within the Arboricultural Impact Assessment (AIA)
- I have no objections to the development proposals as long as the existing trees are protected during the demolition and construction phases of the scheme.
- The AIA has highlighted that the development area encroaches within the Root Protection Areas (RPA's) of Oaks T3, T4 & T5 and precautions will

be required to prevent and limit any root damage to these, the recommendations within the Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) detail the construction, excavation methods that must be employed to ensure this.

- The precautions relating to the locations and installation of services and soakaways; is covered within section 5 of the AIA and it will be essential this is followed when the routes are planned and installed.
- Please condition the detail of the TPP & AMS.

### 3.7 BDC Economic Development Officer:

I would fully support the application for a considerable improvement to the existing business operation on this site. This is a long established international business and the proposals would not only greatly improve the visual amenity of the site but would provide far better working conditions and increase the potential for additional local employment.

### 3.8 Norfolk County Council Natural Environment Team:

The Submitted *PRA and Bat Surveys* report (TEC, dated 11.09.18), is of a high standard and meets industry best practice standards and those of BS42020:2013 *Biodiversity – Code of practice for planning and development*. It is clearly fit for purpose.

#### **Bats:**

The report identifies that a EPS mitigation licence for bats is required for the proposed works to progress within the confines of the legislative framework. The report provides sufficient information to give confidence that a licence will be granted by Natural England; specific mitigation will be determined by the licence, but the report describes the likely mitigation that will be required, and this is clearly deliverable under the proposed works. As such we would recommend that you use the EPS licence informative.

#### **Trees with bat roosts:**

The oak trees T1, T2 and T3 (south of building B2) support low numbers of roosting soprano pipistrelles. These must be protected through design or condition.

#### **Lighting:**

The construction and operational phase of development has the potential to

impact bat commuting routes due to higher levels of artificial lighting, and there is a potential to disturb bat roosts in the oaks mentioned above, through the use of artificial lighting. Therefore, it is recommended that during operation of the site, a wildlife-friendly lighting scheme should be conditioned to minimise any light spillage to woodland edge and other linear habitat features, and that during construction lighting should not illuminate any trees and hedgerows on site or confirmed bat roosting sites.

### 3.9 Natural England:

Comments awaited.

## 4 PUBLICITY

### 4.1 Site Notice: 19 October 2018

Expired: 9 November 2018

### 4.2 Neighbour Notification: 9 October 2018

Expired: 1 November 2018

1, 2 & 3 Fairhaven View, Ranworth Road; 1, 2, The Barns, Corner Cottage, Ranworth Road; 17, 19, 21, 23, 25, 27, 29, St Lawrence Church & St Marys Church The Street.

### 4.3 Newspaper advert:

Published on 23 October 2018

Expiry date: 13 November 2018

## 5 REPRESENTATIONS

### 5.1 Letters have been received from 4 nearby households, Corner Cottage, Ranworth Road, Tithe Barn, 27 The Street, Ramada, 21 The Street & South Walsham Hall, 29 The Street:

Summary of comments:

- As part of the previous application the applicant assured the Council that maintenance of plant equipment and machinery 'is not, will not and has not been undertaken on site'. Why then is this building necessary?

- The applicant is likely to want residential conversion and development in the future.
- The planning history should be taken into consideration.
- The proposals are contrary to the Development Plan.
- The proposals are not compatible to the rural location.
- The size and scale of the building is inappropriate.
- The existing buildings should be converted and if this is not possible, the location is not appropriate.
- The access road is unsuitable.
- The building is out of keeping with the listed buildings.

### 5.2 Cllr F O' Neill:

This site has a history of contention. I am aware of the objections raised by Saville's land agents on the ground the land falls outside the settlement envelope. In those circumstances objectors say the application does not satisfy the policies of the Joint Core Strategy and the emerging Greater Norwich Development Plan. Accordingly, objectors say the application should be refused.

In those circumstances I request a call in so the issues may be determined in public at Committee.

## 6 RELEVANT POLICY GUIDANCE

### National Planning Policy Framework (NPPF):

- 6.1 This document sets out that the purpose of the planning system is to contribute towards achieving sustainable development and that at the heart of the NPPF is a presumption in favour of sustainable development. It also reinforces the position that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration.
- 6.2 Paragraphs 80, 83, 127, 129, 175 and 189 are particularly relevant.

**Planning Practice Guidance (web based national guidance formalised on 6 March 2014):**

6.3 Section 1: Building a strong, competitive economy, paragraphs 18-22 sets out the Government's commitment to securing economic growth. Paragraph 19 states 'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'

6.4 Paragraph: 013 (Reference ID: 18a-013-20140306) refers to how the setting of heritage assets should be taken into account in decision making.

**Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (amendments adopted 2014):**

6.5 Policy 1: Addressing climate change and protecting environmental assets

This Policy sets down a number of standards that new development should achieve in its attempts to address climate change and promote sustainability, including giving careful consideration to the location of development and the impact it would have on ecosystems of an area.

6.6 Policy 2: Promoting Good Design

Seeks to ensure that all development is designed to the highest possible standard, whilst creating a strong sense of place. It also states that developments will respect local distinctiveness.

6.7 Policy 5: The Economy

The local economy will be developed in a sustainable way to support jobs and economic growth both in urban and rural locations.

6.8 Policy 17: Smaller rural communities and the countryside

Amongst other things, sets out that in the countryside, affordable housing for which a specific local need can be shown will be permitted in locations adjacent to villages as an exception to general policy. Other development will be permitted in the countryside where it can clearly be demonstrated that to further the objectives of the JCS.

**Development Management Development Plan Document (DMDPD) 2015:**

6.9 Policy GC1: Presumption in favour of sustainable development

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

6.10 Policy GC2: Location of new development

New development will be accommodated within the settlement limits defined on the policies map. Outside of these limits development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the development plan.

6.11 Policy GC4: Design

Development is expected to achieve a high standard of design and avoid any significant detrimental impact.

6.12 Policy EN1: Biodiversity and Habitats

Development proposals will be expected to protect and enhance the biodiversity of the district, avoid fragmentation of habitats and support the delivery of a co-ordinated green infrastructure network throughout the district.

6.13 Policy EN2: Landscape

Development proposals should have regard to the Landscape Character Assessment SPD and, in particular, consider any impact as well as seek to protect and enhance where appropriate.

6.14 Policy EN4: Pollution

Development proposals will be expected to include an assessment of the extent of potential pollution. Where pollution may be an issue, adequate mitigation measures will be required. Development will only be permitted where there will be no significant adverse impact upon amenity, human health or the natural environment.

6.15 Policy TS3: Highway safety

Development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network.

### 6.16 Policy TS4: Parking guidelines

Within new developments, appropriate parking and manoeuvring space should be provided to reflect the use and location as well as its accessibility by non-car modes.

#### **Landscape Character Assessment (SPD):**

- 6.17 For the character area of South Walsham to Reedham the relevant landscape planning guidelines are: conserve the landscape setting of small villages (such as South Walsham and Upton): seek to conserve the landscape setting of historic houses, halls and churches.

#### **Planning (Listed Buildings and Conservation Areas) Act 1990:**

- 6.18 Section 66(1) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## **7 LOCATION AND DESCRIPTION OF SITE**

- 7.1 The site is located on the northern edge of South Walsham, to the east of Ranworth Road. Access to the site is off Ranworth Road and is gained via an unmade track which serves the site and three residential properties, numbers 1, 2 and 3 Fairhaven View
- 7.2 To the north and west is open countryside. To the south is land which is understood to be in the ownership of a dwelling known as 'Ramada; which is served off The Street. Approximately 100m to the south-east are the churches of St Mary's and St Lawrence's. The church buildings are Grade I and Grade II\* Listed respectively, the site directly abuts the churchyard wall.
- 7.3 The site is bounded by trees and hedging to the north, south and west. The western end of the site is open land and it includes an area of hard standing which is used for the standing of dump trucks. To the east of the site there is an existing portable building used as an office and a number of rather dilapidated industrial buildings in various states of repair.

## **8 PLANNING HISTORY**

- 8.1 [20161259](#): Change of use of land for the storage of plant & equipment. Approved 28 December 2016.

- 8.2 [20151748](#): Change of use of barn to residential use including alterations to building and erection of detached garage. Withdrawn 22 December 2015.
- 8.3 [20130077](#): Redevelopment of site for 4 no dwellings and new footway from site to The Street on east side of Ranworth Road (outline). Withdrawn 15 March 2013.
- 8.4 [20130909](#): Redevelopment of site for 4 no dwellings. Refused 22 October 2013. Appeal Dismissed 27 June 2014.
- 8.5 [20111792](#): Change of use of land to car park for 26 vehicles and new landscaping. Refused 25 January 2012.
- 8.6 [20111507](#): Redevelopment of site for 5 no dwellings (outline). Refused 6 December 2011. Appeal Dismissed 16 July 2012.
- 8.7 [20110252](#): Redevelopment of site for 5 no dwellings and community car park for visitors to Church (outline). Refused 6 June 2011.
- 8.8 [20080616](#): Erection of 4 detached houses (outline). Withdrawn 6 June 2008.
- 8.9 [990129](#): Change of use of land to driving and riding centre (approximately 8 horses). Approved 23 March 1999.
- 8.10 [890139](#): Static sign board showing business name. Illuminated advertisement. Approved 21 March 1989.
- 8.11 [881376](#): Extension and change of use from storage building to joinery workshop. Approved 18 July 1988.

## 9 APPRAISAL

- 9.1 The main issues to be taken into consideration in the determination of this application are an assessment of the proposal against the policies of the development plan, the NPPF and Planning Practice Guidance, the planning history of the site, the impact of the development on the character and appearance of the area and highway safety, neighbour amenity and impact on protected species.

### **Policy Framework and Site History:**

- 9.2 Planning law requires that applications for planning permission must 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 as is the web-based Planning Practice Guidance.

- 9.3 Members will recall that on 7 December 2016, the Planning Committee considered application 20161259 to allow the change of use of the land adjacent to the existing office buildings for the storage of plant and equipment. The application was subsequently approved and the decision notice and site location plan referred to in condition 2 of the planning permission are attached as Appendix 1.
- 9.4 The proposal is for a replacement building for the existing business in association with the approved storage use which is established in this location. Paragraphs 83 and 84 of the NPPF seek to enable the sustainable growth and expansion of businesses in rural areas and recognises that local business sites in rural areas may be 'adjacent to or beyond existing settlements'. Furthermore, Policy 17 of the JCS states that the appropriate replacement of existing buildings in the countryside will be permitted where it can be demonstrated to further the objectives of the JCS and in this instance, Objective 3 '*To Promote economic growth and diversity and provide a wide range of jobs*' is relevant. Policy 5 of the JCS is also supportive of the proposal in the rural area.
- 9.5 The proposal relates to the applicants existing business on site and seeks to provide more appropriate facilities for employees and customers alike by redeveloping and replacing an existing group of outdated buildings with a well- designed building [as described in 1.6 above]. The proposal is supported by the Council's Economic Development Officer as reported at 3.7.
- 9.6 The proposal is considered to meet the needs of the business in an appropriate form and therefore complies with the economic policies of the Development Plan.

### **Impact on Historic Environment**

- 9.7 The application site is about 100m from two listed buildings, St Mary's Church and St Lawrence's Church. In considering whether to grant planning permission for a development which affects a listed building or its setting, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that the local planning authority shall have special regard to the desirability of preserving the buildings or its setting or any features of special architectural or historic interest which it possesses. Given this requirement, great weight should be given to the desirability of preserving these listed buildings.
- 9.8 The location of the site in relation to the nearby listed churches (including distance of separation and landscape features) means that it is very difficult to evidence an adverse impact upon the setting of the listed buildings as

confirmed by the Councils Historic Environment Officer in paragraph 3.5 above. The proposal is considered to lead to less than substantial harm to designated heritage assets (paragraph 196 of NPPF) and that, in terms of the appearance of the site and given the condition of the existing buildings, there are public benefits in the redevelopment proposal with a well-designed replacement building. The proposal is therefore acceptable having regard to Policies 1 and 2 of the JCS and Policies GC4 and EN2 of the DM DPD.

### **Character and Appearance of the Area, Neighbour Amenity and Protected Species**

- 9.9 The site is visible from the access point onto Ranworth Road but is otherwise well-screened by vegetation along the northern, southern and western boundaries. There is a variety of existing buildings of various heights and forms that are somewhat dilapidated in appearance. The use of them is established as is the use of the land outside for the storage of machinery.
- 9.10 The new building will be situated in a similar position to the existing buildings, to the east of the hardstanding. The materials proposed include timber boarding, profile metal cladding and colour coated steel roof to reflect the previously converted building to the south-east (1, 2 & 3 Fairhaven View). The principle of these types of materials is acceptable however it is intended that these be the subject of a condition to control the exact type and appearance. The replacement building has been designed to pay heed to its rural location and character and is considered appropriate will therefore be sympathetic to its rural location and a visual improvement to the existing buildings and is therefore in accordance with Policy 2 of the JCS and Policies GC4 and EN2 of the DM DPD.
- 9.11 Due to the predominantly single storey nature of the building and its orientation with the nearest neighbouring properties to the south-east, there will be no overlooking and unlikely to be any adverse impact on their privacy.
- 9.12 Concerns have been raised that the building contains a pre-delivery inspection area which will mean that there will be additional noise and disturbance. However, this activity already occurs on the hardstanding area adjacent. It is therefore likely that noise will be reduced by undertaking this activity inside [or at least no more audible than existing]. In addition, hours of operation can be controlled by condition as well as controlling the use in association with the approved storage of plant and equipment.
- 9.13 There are mature trees to the south of the site which are significant landscape features and are the subject of a preservation order. An arboricultural implications assessment [AIA] has been submitted in support of the proposal relating to a tree protection plan [TPP]; method statement [AMS] and precautions relating to the location and installation of services and soakaways.

- 9.14 The Council's Conservation Officer Arboriculture and Landscape has commented that he has no objections [see 3.6] subject to the trees being protected during demolition and new build in accordance with the submitted AIA. This will be conditioned accordingly and as such the proposal is in accordance with Policies 1 and 2 of the JCS and GC4 and EN2 of the DMDPD.
- 9.15 In terms of protected species, the submitted Bat Survey has identified day roosts within one of the buildings proposed to be demolished. The species of bats in the roosts has been identified as of low conservation significance and the bat roosts in the building will be directly impacted by the proposed demolition and will be permanently lost, resulting in a low scale of impact to both species. In this respect the survey states that due to the predicted impacts to the roosts, a licence must be obtained from Natural England prior to commencing works liable to affect bats or their roosts. A Bat Low Impact Class License (BLICL) may be appropriate in this instance (became Bat Mitigation Class Licence BMCL as of October 2018). Subject to licence approval, the recommended mitigation and compensation measures comprise: timing to avoid the seasons when bats are most vulnerable; soft demolition of the buildings; capture by hand of any bats discovered; and at least like for like replacement of the two roosts. The comments of Norfolk County Council Natural Environment Team are reported at 3.8 above and the respective lighting condition and EPS licence informative are proposed to be incorporated into the decision if approved. Natural England has also been consulted on this proposal and their comments are awaited which is reflected in the wording of the recommendation.
- 9.16 The trees to the south of the site also have high potential for bat roosts and three of the trees contained day roosts. The survey also indicated that there was foraging activity in and around the site which is well connected to the wider countryside and other semi-natural habitats. The trees are unaffected by the proposal (see above) and therefore the roosts will not be directly impacted by the development. The bat survey recommends precautionary measures must however be implemented in relation to artificial lighting during the construction and operational phase of the development so as not to impact upon the tree roosts. This can be controlled through condition and would comply with Policy 1 of the JCS and EN1 of the DMDPD.

### **Highways:**

- 9.17 Norfolk County Council as Highways Authority has not raised any concerns with the proposal as confirmed at 3.2 above. The proposal is therefore in accordance with Policies GC4 and TS3 of the DM DPD.

### **Conclusion:**

- 9.18 In conclusion, it is considered that the redevelopment of the existing buildings is appropriate and relates to the business on site in a manner that is acceptable and in accordance with the development plan subject to the imposition of conditions and informatives.
- 

**RECOMMENDATION:** Delegate authority to the Head of Planning to **APPROVE** subject to no adverse comments from Natural England in relation to bats that cannot otherwise be dealt with by condition(s) / informative as set out below and subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision. (A1)
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the following plans and documents (to follow). (E3)
- (3) Notwithstanding details provided on the submitted plans and documents, development shall not proceed above slab level (with the exception of demolition) until full details of all external materials to be used in the development have been submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- (4) Prior to the first use of the development hereby permitted the proposed on-site car parking and loading / unloading / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter for that specific use. (SHC20)
- (5) The hours of operation for the development hereby approved shall be Monday to Friday 08:00 hrs – 18:00 hrs; Saturday 08:00 hrs to 12 noon and at no time on Sundays or Bank Holidays.
- (6) The building as shown on drawing no. PL01 Rev B shall operate solely in connection with the use of the adjoining land permitted by planning permission no: 20161259.
- (7) The use of the parts of the building labelled as 'Ancillary Parts' and 'Pre-Delivery Inspection Area' as shown on drawing no. PL01 Rev B shall only be used for parts storage and pre-delivery preparation of plant and equipment stored on the land the subject of planning permission no: 20161259.

- (8) The development hereby permitted, including demolition, shall be carried out in accordance with the following as set out in the submitted Arboricultural Impact Assessment [AIA] dated 24 August 2018:
- (a) Section 5 relating to Services and Soakaways
  - (b) Appendix 4 Tree Protection Plan [TPP]
  - (c) Appendix 5 Arboricultural Method Statement [AMS]
- (9) Prior to development commencing, a 'lighting design strategy for bat commuting routes and bat roosts' for: 1. The construction of the building and 2. The exterior of the building once completed] shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- (a) For the exterior of the building once completed - minimise any light spillage to woodland edge and other linear habitat features; and during construction of the building - lighting should not illuminate any trees and hedgerows on site or confirmed bat roosting sites; and
  - (b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to breeding sites, resting places or feeding areas.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."
- (10) No development [excluding demolition] shall take place until a site investigation into the nature and extent of possible contamination of the application site has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation with associated risk assessment and interpretation shall be supplied to the local planning authority for consideration before any development begins. If any contamination is found that warrants remediation during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before commencement of the remediation of the site. The site shall be remediated in accordance with the approved measures and a post remediation validation report produced and submitted to the local planning authority to demonstrate the successful remediation of the site.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The additional remediation of the site shall be carried out in accordance with approved additional measures.

Reasons:

- (1) This time limit condition is imposed in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. (R1)
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents. (R15)
- (3) To ensure the satisfactory appearance of the site in accordance with Policies GC4 and EN2 of the Development Management DPD 2015.
- (4) To ensure the permanent availability of the parking/manoeuvring area in the interests of highway safety in accordance with Policies GC4 and TS3 of the Development Management DPD 2015..
- (5) In the interests of neighbour amenity in accordance with Policy GC4 of the Development Management DPD 2015.
- (6) To retain control and to enable consideration as to whether other uses would be appropriate on the site in accordance with Policies GC2, GC3, GC4 and TS3 of the Development Management DPD 2015.
- (7) To retain control and to enable consideration as to whether other uses would be appropriate on the site in accordance with Policies GC2, GC3, GC4 and TS3 of the Development Management DPD 2015.
- (8) To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interest of amenity in accordance with Policies GC4, EN2 and EN3 of the Development Management DPD 2015.
- (9) To ensure that the development has no adverse effects on the presence of protected species in accordance with Policy EN1 of the Development Management DPD 2015.
- (10) To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development

can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN4 of the Development Management DPD 2015.

### Informatives:

(1) The local planning authority has taken a proactive and positive approach to decision taking in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.

(2) European Protected Species licence informative:

“NOTE: The applicant is advised that Bats are protected species under the Wildlife & Countryside Act 1981 and the Conservation of Habitat and Species Regulations 2017. The granting of planning permission does not absolve the applicant / developer / successors in title from obtaining a licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitat and Species Regulations 2017 and complying with the terms and conditions of any licences. The applicant is therefore advised to contact Natural England and acquire the necessary Licence(s) prior to any development / works commencing on site. No works affecting the building B2 [as identified in the submitted Bat Survey] should start until the licence has been granted.”

(3) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or [enquiries@cncbuildingcontrol.gov.uk](mailto:enquiries@cncbuildingcontrol.gov.uk) and the website [www.cncbuildingcontrol.gov.uk](http://www.cncbuildingcontrol.gov.uk)

(4) The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site.



www.broadland.gov.uk



Application Number  
20161259

Cowen Consulting  
Attention: Mr Philip Cowen  
Chiara  
Mere Road  
Stow Bedon  
Norwich  
NR17 1HP

**Date Of Decision :** 28 December 2016  
**Development :** Change of Use of land for the Storage of Plant & Equipment  
**Location :** The Stables, Ranworth Road, South Walsham, NR13 6DH  
**Applicant :** South Walsham Properties Ltd  
**Application Type:** Full Planning

#### **Town & Country Planning Act 1990**

The Council in pursuance of powers under this Act **GRANTS PLANNING PERMISSION** for the development referred to above in accordance with the details on the application form and subject to the following **conditions:-**

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.
- 2 No more than three vehicles shall be stored on the site within the area of existing hardstanding measuring 14.3 m x 18.3 m as annotated on the approved Site Location Plan 2140/PL001 Revision A.
- 3 Vehicles comprising trucks with a tipping body shall not at any time be stored with the tipping body in an upright position.

#### **The reasons for the conditions are:-**

- 1 For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- 2 In order to retain control over the development which could become detrimental to the appearance of the locality in accordance with Policies GC4 and EN2 of the Development Management DPD (2015).
- 3 In the interests of the visual amenities of the area in accordance with Policy EN2 of the Development Management DPD (2015).

#### **Plans and Documents:-**

Additional Photograph received 10 November 2016  
Amended Supplementary Information received 10 November 2016  
Amended Dwg No 2140\_PL\_001A Location Plan received 26 October 2016



**Informatives:-**

The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.

Signed

Mr P Courtier  
Head of Planning  
Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich,  
NR7 0DU

Appendix 1

## **Information relating to appeals against the decision of the Local Planning Authority.**

If you are aggrieved by this decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be made within **6 months** of the date of this notice unless the proposed development is for minor commercial development (shop fronts and similar) in which case any appeal must be made within **12 weeks** of the date of this notice.

However if an enforcement notice has been served for the same or substantially the same development within the period of two years before this application was made, or subsequently, then the period within which an appeal can be lodged is reduced to **28 days** from the date of this decision or 28 days from the serving of the enforcement notice, whichever is the later.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel: 0303 444 00 00 or via the Planning Portal at <https://www.gov.uk/appeal-planning-inspectorate>

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

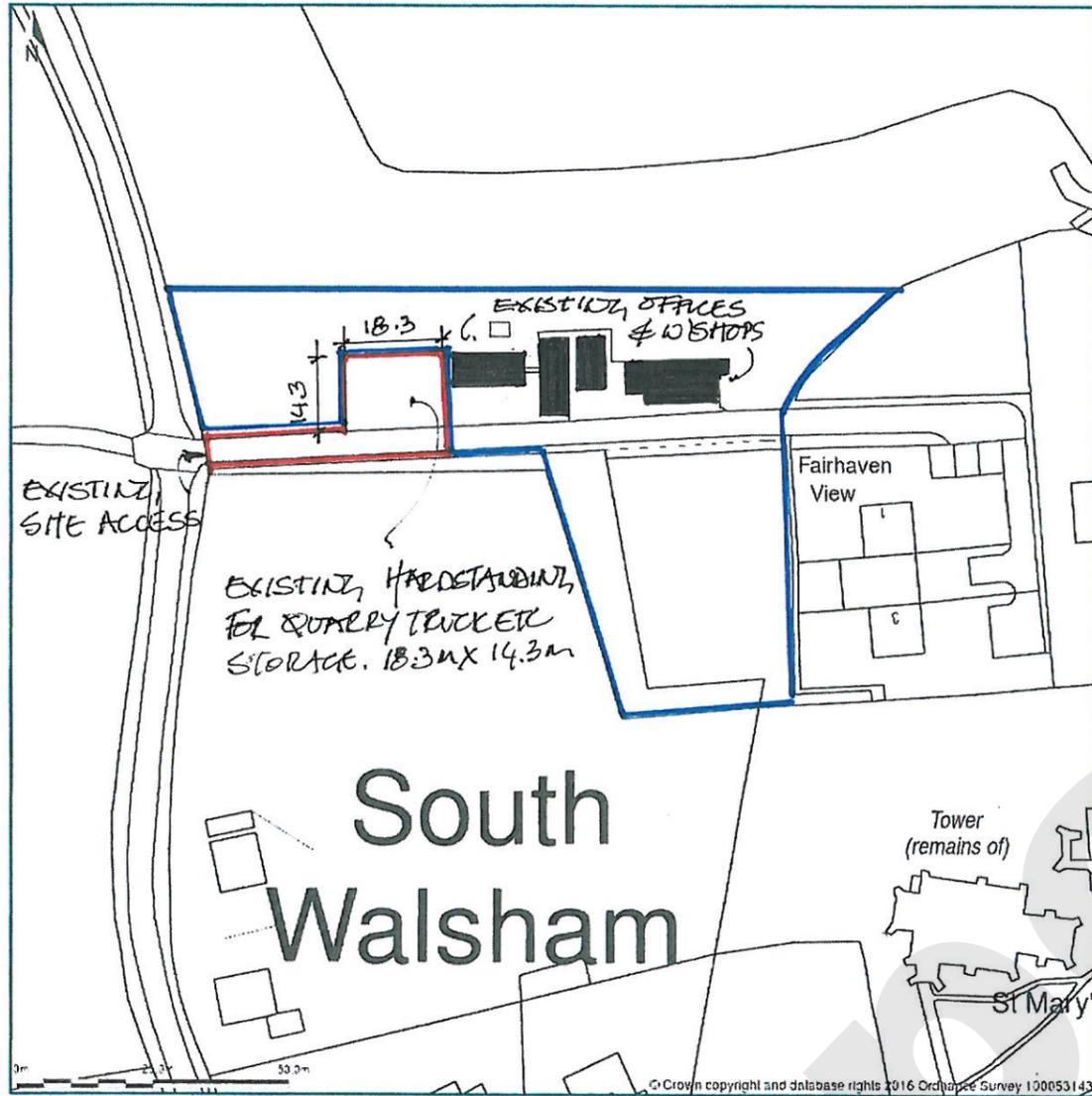
In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

The Stables, Ranworth Road, South Walsham, Norwich, Norfolk, NR13 6DH



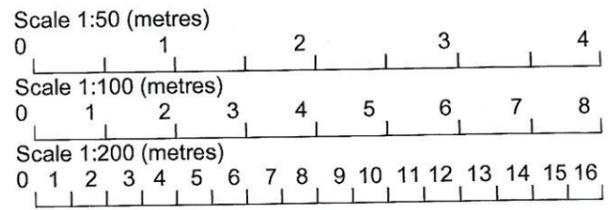
- NOTE:
- THE APPLICATION SITE AREA IS EDGED IN RED & THE EXISTING HANDSTANDING MEASURES 18.3M WIDE X 14.3M DEEP
  - ACCESS TO THE EXISTING HANDSTANDING IS GAINED VIA THE EXISTING ACCESS OFF RANWORTH ROAD & IS ALSO SHOWN EDGED IN RED.

BROADLAND COUNCIL  
29 OCT 2016  
20161259 AP  
PLANNING CONTROL

**AMENDED PLAN**

A 18.16 SITE AREA REDUCED. DIMS ADDED.  
rev. | date | description  
coven consulting  
Coven Consulting  
100 High Road, Stoneham, Norfolk NR12 3HP, England  
T: +44 (0)1593 485401  
F: +44 (0)1593 485394  
E: coven@covenconsult.co.uk

Site Plan shows area bounded by: 636356.89, 313223.0 636556.89, 313423.0 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.  
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client  
**SOUTH WALSHAM PROPERTIES**

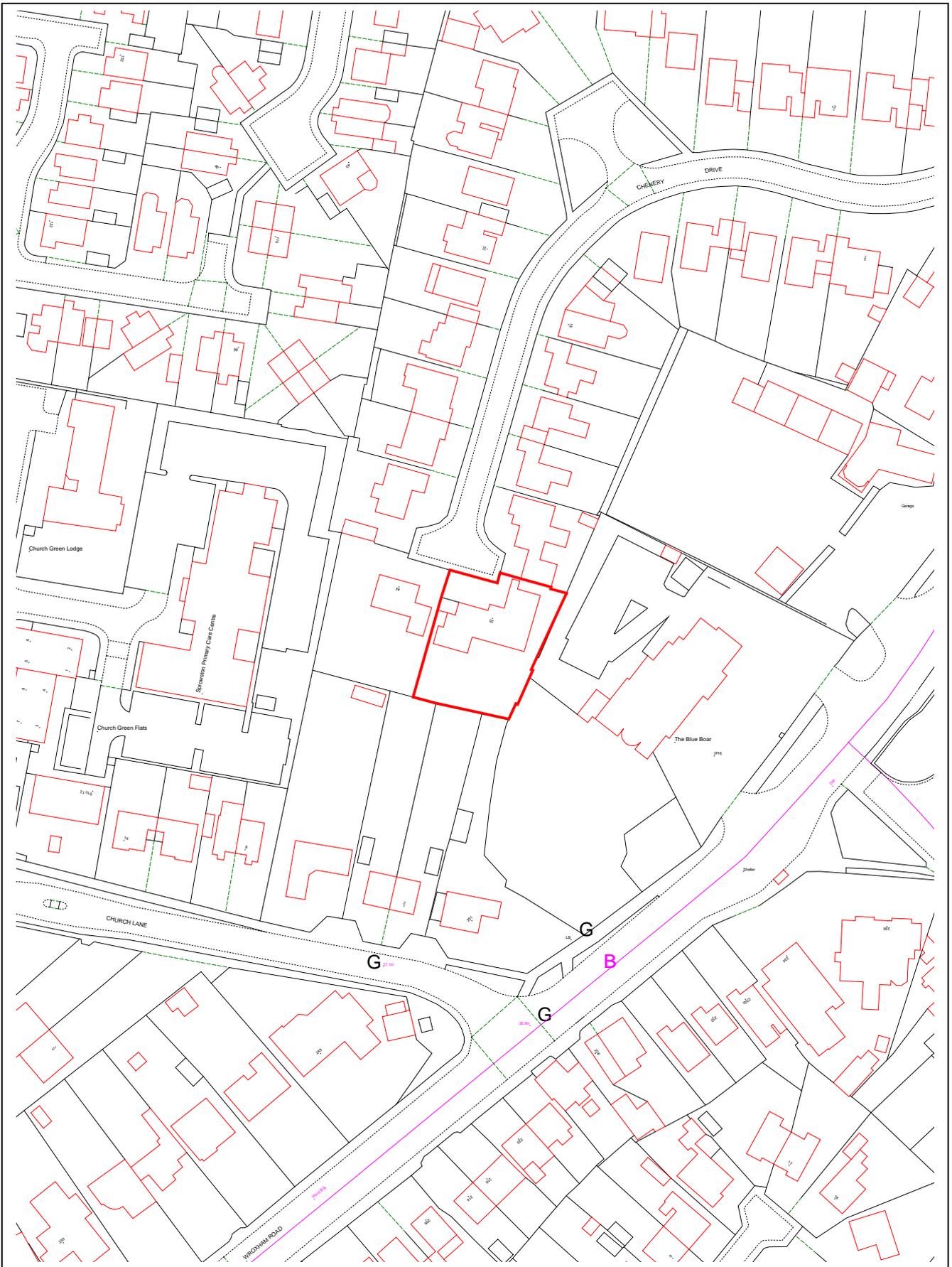
project  
**CHANGE OF USE FOR HANDSTANDING AT THE STABLES**

drawing title  
**SITE LOCATION PLAN**

drawing no. **2140/PL001** scale **1:1250** north point **⊙** revision **A**

drawn by **@AB** date **01.10.16**

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**Application No: 20181670**  
**25 Chenery Drive, Sprowston, NR7 8RR**

**Scale:**  
**1:1250**  
**Date:**  
**20-Dec-18**



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AREA West  
PARISH Sprowston

6

APPLICATION NO: [20181670](#) TG REF: 625240 / 312248  
LOCATION OF SITE 25 Chenery Drive, Sprowston, NR7 8RR  
DESCRIPTION OF DEVELOPMENT Erection of building to change outdoor pool into indoor pool for private use only  
APPLICANT Mr T Allen  
AGENT APS Ltd

Date Received: 9 October 2018  
8 Week Expiry Date: 5 December 2018

---

**Reason at Committee:** At the request of Councillor Roger Foulger for the reasons set out in paragraph 5.11 of this report

**Recommendation (summary):** Approve subject to conditions

## 1 THE PROPOSAL

- 1.1 The application seeks householder approval for the erection of a building to enclose an existing swimming pool.
- 1.2 The development will be within the rear garden of the property and located in the south-west corner of the plot.
- 1.3 The building is proposed to be single storey, part flat roof, part sloped roof with a maximum height of approximately 3.17m, constructed of facing bricks and timber cladding with large glazed panels facing into the garden. It will have an irregular shape where it adjoins the western boundary wall.
- 1.4 Internally, the enclosure will allow walking space around the pool, provide changing facilities, a toilet and plant room. The external measurements of the proposed building are approximately 13.5m long by a minimum of 9m wide to a maximum of 11.2m wide due to the angle of the boundary wall.
- 1.5 The application has resulted in a number of objections as set out in section 5 below, primarily as a result of the proposed community use of the pool in the originally submitted documents. The applicant has subsequently removed

this element from the planning application; consequently the proposal is for the construction of a pool building only.

## 2 KEY CONSIDERATIONS

- Whether the proposed development accords with the provisions of the development plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance.
- Whether the proposed development results in significant detrimental impact upon residential amenity.

## 3 CONSULTATIONS

### 3.1 Environmental Services (Statutory Nuisance):

No objections to the proposed development.

### 3.2 Pollution Control Officer

No comment.

### 3.3 Norfolk County Council (as Highways Authority):

Having visited the site, I find it would be very difficult to maintain that any detriment to highway safety will result since this pool is to be for private use only and I therefore have no objection to the granting of permission.

### 3.4 Sprowston Town Council:

Council is opposed to the granting of this application on the grounds that there were concerns regarding noise, parking, impact of building works, size of development considering the size of the pool, and the ability of the drainage system in the area being able to cope. It was felt that the application would be better debated at the appropriate level with officers trained in these areas and where consultation with the water authority, as a statutory consultee, could take place.

## 4 PUBLICITY

### 4.1 Site Notice:

Expiry date: 16 November 2018

4.2 Neighbour notifications:

251 & 259 Wroxham Road; 2 & 4 Church Lane; 23, 26, 42 & 44 Chenery Drive

Expiry date: 9 November 2018

**5 REPRESENTATIONS (summarised)**

5.1 38 Chenery Drive:

Objection – Community use of the pool originally raised concerns in relation to numbers of visitors and car parking, changing to private use only has not lessened these concerns. The number of people visiting to use the pool even if just friends and family could still result in extended use including early mornings and late at night, seven days a week. Parking is already problematic. Additional visitors would result in chaotic parking affecting access and having an adverse effect on this quiet and established neighbourhood.

5.2 14 Chenery Drive:

Objection – Deeds of Chenery Drive do not permit any business to be run from any property. The cul-de-sac is unsuitable for more parking and there is insufficient parking at 25 Chenery Drive for existing property and swimming pool use. How will the use be monitored if permission is granted?

5.3 23 Chenery Drive:

Objection – Drains are inadequate for additional discharge as a result of the new proposed shower room, toilets and swimming pool water. Parking is very restricted in Chenery Drive and there is limited driveway parking which results in access problems for large vehicles and emergency vehicles

5.4 12 Chenery Drive:

Objection – Inappropriate use in a residential area, causing noise, traffic and parking issues. Allowing a business to run in Chenery Drive would set a precedent for others. How will the use be monitored?

5.5 40 Chenery Drive:

Objection – Private use of the pool does not adequately limit who can use the facility. How would this be monitored? Any pool facility would increase traffic on Chenery Drive, increase levels of noise and disruption especially during

night from the plant room and ventilation. Granting planning permission would change the current peaceful environment. All previous owners of 25 Chenery Drive have used the pool for personal use only and this should remain. There are other pools to use nearby.

### 5.6 42 Chenery Drive:

Objection – Chenery drive is a cul-de-sac with limited parking. Roadside parking restricts access for larger vehicles. Additional use of the pool will increase traffic and parking issues. Drainage in the area is inadequate. Pool chemicals are likely to be stored on site.

### 5.7 30 Chenery Drive:

Objection – The application is unacceptable. The cul-de-sac is the turning area for all vehicles and already busy with residents and visitor parking. An outside pool is justified but the proposed conversion to an indoor pool would increase the use to other than the occupants. The proposal is out of keeping and inappropriate for the area.

### 5.8 11 Chenery Drive:

Objection – Removing community use does not alter concerns about future use of the pool. Private still suggests the pool could be booked. This would affect traffic levels, parking and noise and disturbance to neighbours.

### 5.9 26 Chenery Drive:

Objection – Use of private swimming pool by the public in a residential area is unacceptable and will affect the quality of life of neighbours and detrimental to this quiet secluded area.

### 5.10 44 Chenery Drive:

Objection

- Private use of an indoor pool will generate additional noise, disturbance and traffic seven days a week. How will private use be monitored?
- The development will cause overlooking and loss of privacy due to the proximity to the boundary between no: 44 and no: 25 Chenery Drive especially during the winter when trees lose their leaves.
- If openable, doors or windows on the side and front elevation of the building will cause increased noise, disturbance and loss of privacy.

- Any internal or external lighting will cause an intrusion into the enjoyment of the garden.
- The existing pool generates increased noise and disturbance in good weather, affecting the quiet enjoyment of the garden. With an indoor pool, which allows greater use, this will lead to increased periods of noise and disturbance both from its use and with additional visitor parking and traffic movement.
- Parking and access will be restricted due to the narrowness of the road and cul-de-sac.
- Concerns about storage of pool chemical, noise and smell associated with extraction.
- Trees referred to in the application as providing screening are within no: 44's garden and may need to be cut back or removed in the near future due to their size. This will allow direct overlooking into garden.
- Any monitoring of the front of 25 Chenery Drive with security cameras would result in an intrusion of privacy.
- Parking and turning for large and small vehicles as the bottom of Chenery Drive is difficult.
- Any construction work that requires works in the road and during building works will cause access problems and noise for residents.
- No: 25 Chenery Drive has insufficient parking for visitors.
- Additional all year round traffic will disrupt residents of Chenery Drive.
- Concern that granting consent for the pool building for private use only will allow future change of use to community use as was originally wanted by the applicant.

### 5.11 Cllr Roger Foulger:

If you are minded to approve this application, I wish it to be considered by the Planning Committee.

Together with many immediate neighbours I am very concerned regarding the implications of this application. I appreciate the wish to convert the outdoor pool to an indoor one but this development does not require the construction of additional facilities such as toilets including one for disabled persons particularly if usage is restricted to family and close friends.

Parking at the site would be very difficult as Chenery Drive is a no through road and is narrow with residents using their own drive for parking with very

little on road parking. Any additional traffic would be detrimental to a very quiet and peaceful location and would cause difficulties for waste collection and emergency vehicles.

## **6 RELEVANT POLICY GUIDANCE**

### **National Planning Policy Framework (NPPF) 2018:**

- 6.1 Sets out the overarching planning policies on the delivery of sustainable development. It also reinforces the position that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration.

### **Planning Practice Guidance (PPG) 2014:**

- 6.2 Web based national guidance formalised in March 2014:

Paragraph 8 in section 'Determining a Planning Application' states a material planning consideration is one which is relevant to making the planning decision in question (eg whether to grant or refuse an application for planning permission).

### **Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk 2011 (amendments adopted 2014):**

- 6.3 Policy 2: Promoting good design

All development will be designed to the highest possible standards creating a strong sense of place. In particular, development proposals will respect local distinctiveness.

### **Development Management Development Plan Document (DM DPD) 2015:**

- 6.4 Policy GC4: Design

Sets out a list of criteria that proposals should pay regard to which includes the need to consider impact upon the amenity of existing properties, the environment, character and appearance of an area and being accessible via sustainable means.

### 6.5 Policy TS3: Highway Safety

Development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning of safety of the highway network.

### 6.6 Policy TS4: Parking guidelines

Within new developments appropriate parking and manoeuvring space should be provided to reflect the use and location as well as its accessibility by non-car modes.

### **Sprowston Neighbourhood Plan:**

### 6.7 Policy 2:

Development will be well designed to fit in with the local area to ensure that buildings are of an appropriate scale and form.

## **7 LOCATION AND DESCRIPTION OF SITE**

7.1 The dwelling which is the subject of this application is a detached chalet bungalow. The dwelling is situated at the southern end of Chenery Drive in an established residential area, within the settlement limits of Sprowston.

7.2 Within the immediate area there are a variety of property styles including detached and semi-detached houses and bungalows. To the west of the site is the detached chalet bungalow at no: 44 Chenery Drive. To the north of the site is a detached bungalow (no: 23). The Blue Boar Public House and grounds is immediately to the east of the site. To the south are the long rear gardens of properties on Church Lane.

7.3 The bungalow has been extended to the side, front and rear including conversion of the garage to additional accommodation. There is off-road parking to the front of the property for 3-4 cars. Part of the enclosed rear garden is occupied by an outdoor swimming pool (10m x 5m).

7.4 The rear garden is enclosed by a 2m high boundary wall along the eastern boundary with the Blue Boar PH, 2m high wall and 1.8m high timber fence along the southern boundary with properties on Church Lane and a mix of 2m high close boarded fence, 1m high post and rail fencing and trees and planting of varying heights along the western boundary with the neighbour at no: 44 Chenery Drive. The northern boundary with no: 23 Chenery Drive is formed by a low brick wall with railings and 1.8m high brick wall beyond the neighbour's garage.

**8 PLANNING HISTORY**

- 8.1 770486: Extension. Approved 26 July 1977.
- 8.2 770883: Commercial use of day room. Approved 26 July 1977.
- 8.3 782176: Extensions. Approved 16 October 1978.
- 8.4 [20140689](#): Replacement porch to front, enlargement of existing front and rear dormers and single storey rear extension. Approved 11 June 2014.
- 8.5 [20141805](#): Application for non-material amendment to planning permission 20140689. Agreed 10 November 2014.

**9 APPRAISAL**

- 9.1 The application seeks planning permission for the erection of a detached building to enclose an existing swimming pool. The main issues to be taken into consideration in the determination of this application are:
- an assessment of the proposal against the policies of the Development Plan; and
  - whether there are any material impacts on residential amenity.
- 9.2 Policy GC4 of the DM DPD requires development to pay adequate regard to the environment, character and appearance of an area and consider the impact upon the amenity of existing properties.
- 9.3 The application site is located on a modern housing estate within the built up area of Sprowston. The property is a detached chalet bungalow with a reasonable size rear garden that is currently partly occupied by a swimming pool. The intention is to erect a building to enclose the pool.
- 9.4 The existing pool and proposed pool building are located to the south west corner of the plot adjacent to the rear boundary of the Blue Boar PH and the rear boundary wall of properties in Church Lane. The height of the building is proposed to be approximately half a metre rising to a metre higher than the existing boundary wall. The garden is completely enclosed and the building will not be visible from the road. The proposed building is therefore not considered to have any adverse impact on the appearance or character of the area.
- 9.5 The neighbour at no: 44 Chenery Drive has raised concerns regarding overlooking, loss of privacy and light pollution as a result of the position,

proximity and amount of windows that face the western boundary of the site. The building will be approximately 13m from the boundary with this neighbour and there are trees and other planting currently screening the proposed development to prevent any loss of privacy, overlooking and unobstructed light spill. It is acknowledged that the neighbour has advised that the trees may need to be removed in the future. However, any loss of privacy could be overcome with the erection of a 2m high fence along this boundary.

- 9.6 The same neighbour has raised concerns about noise and disturbance from use of the pool. The existing outdoor pool is probably only used in good weather, whereas the covered pool would have potential for all year round use. It is acknowledged that a covered pool extends the potential amount of time the pool will be used. However, use of the pool within an enclosed building is likely to contain any associated noise and therefore it is considered that any impact for neighbour amenity will be negligible as a result.
- 9.7 Parking issues have been cited by residents of Chenery Drive as a reason to object to the application. These objections could be justified if the pool was to be used for anything other than in association with the residential use of the property. Normal domestic use will not generate additional traffic or pressure on parking in the area. The Highway Authority has raised no objections to the proposal.
- 9.8 Immediate neighbours have also raised concerns regarding inadequate drainage, storage of pool chemicals and noise associated with the pool equipment. As the pool is existing there should be no additional impacts as a result of the new pool enclosure. The new toilet and shower within the building being used solely by the family will have no greater impact than domestic use on the drains.
- 9.9 In conclusion, the proposal is not considered to have any significant detrimental impact upon neighbour amenity or parking in the area. The proposal is therefore in accordance with Policies GC4 and TS4 of the DM DPD. It should also be noted that if the height of the building were to be reduced to no more than 2.5m it could be erected under permitted development rights. Any proposal in the future to change the use of the pool to include community use would require a further planning application. For these reasons is considered that refusal of the application as submitted could not be justified and the officer recommendation is therefore that the application is approved.
- 
-

**RECOMMENDATION:**     **APPROVE** subject to the following conditions:

- (1)     The development to which this permission relates must be begun not later than THREE years beginning with the date on which this permission is granted.
- (2)     The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.

Reasons:

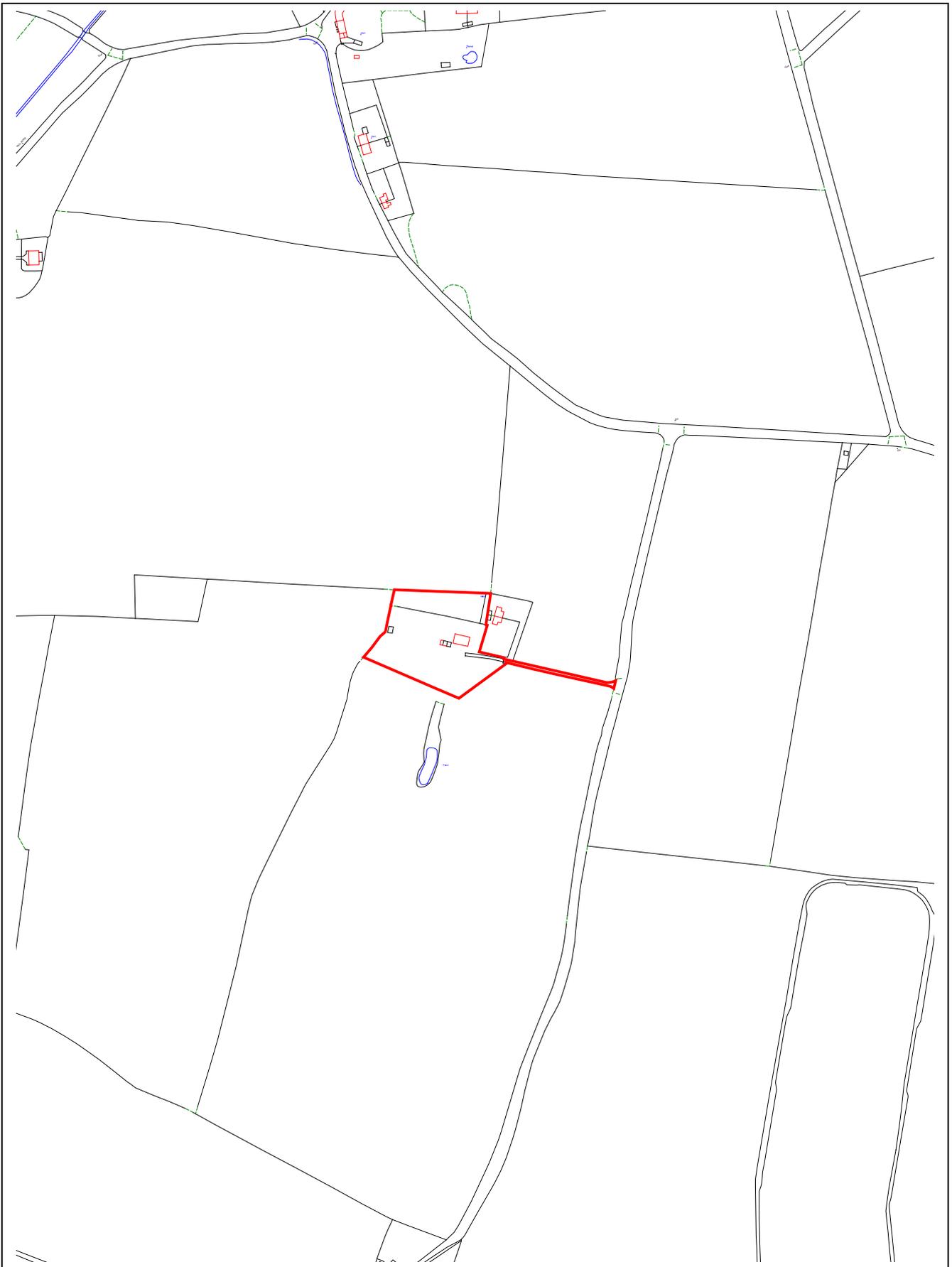
- (1)     The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2)     For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.

Plans & Documents:

Dwg No 01 Existing and Proposed Plans and Elevations received 18 October 2018

Informatives:

- (1)     The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.
- (2)     If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or [enquiries@cncbuildingcontrol.gov.uk](mailto:enquiries@cncbuildingcontrol.gov.uk) and the website [www.cncbuildingcontrol.gov.uk](http://www.cncbuildingcontrol.gov.uk)



**Application No: 20181652**  
**Meeting House Farm, Marlpit Lane, Oulton,**  
**NR11 6NZ**

**Scale:**  
**1:5200**  
**Date:**  
**20-Dec-18**



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**AREA** West  
**PARISH** Oulton

7

**APPLICATION NO:** [20181652](#) **TG REF:** 614434 / 328823

**LOCATION OF SITE** Meeting House Farm, Marlpit Lane, Oulton, NR11 6NZ

**DESCRIPTION OF DEVELOPMENT** (1) Change of use of agricultural land to residential curtilage  
(2) Erection of garden home office building

**APPLICANT** Mr Alan Wright

**AGENT** N/A

**Date Received:** 9 October 2018  
**8 Week Expiry Date:** 24 December 2018

---

**Reason at Committee:** The site is outside of the defined settlement limit and therefore the recommendation to approve is contrary to the provisions of the Development Plan

**Recommendation (summary):** Delegate authority to the Head of Planning to approve subject to no new material issues being raised before the expiration of the Press notice period and subject to conditions

## 1 THE PROPOSAL

- 1.1 This application seeks full planning permission for the change of use of agricultural land to residential curtilage to be used in association with Meeting House Farm, Marlpit Lane, Oulton. This application also seeks the erection of a garden home office within that part of the residential curtilage proposed to change from agricultural to residential.
- 1.2 The site is accessed via a private track which serves two other properties known as North Cottage and South Cottage.
- 1.3 The proposed garden office will be constructed within the former walls of a burnt down barn which burnt down on the site in the 1980s. The proposed office will be situated approximately 23m from the main property and will be used by the occupants of the main dwelling.
- 1.4 The proposed garden office has a cantilevered style roof and will be a total height of 3.25m to the front elevation and a total height of 2.95m to the rear elevation. The garden office will be constructed within the existing barn

structure which previously burnt down and will be constructed from weatherboarding on the front elevation and two side elevations. The roof will be constructed from a timber frame with a copper sheet external finish with dark grey timber framed windows and doors.

### 2 KEY CONSIDERATIONS

- The impact of the proposal on the character and appearance of the area
- The impact of the proposal on neighbouring amenity

### 3 CONSULTATIONS

#### 3.1 Pollution Control Officer:

No comment.

#### 3.2 Oulton Parish Council:

Fully support this application.

*No comments received following re-consultation.*

### 4 PUBLICITY

#### 4.1 Site Notice:

Date Displayed: 7 November 2018

Expiry Date: 28 November 2018

#### 4.2 Press Notice:

Date Displayed: 18 December 2018

Expiry Date: 11 January 2019

#### 4.3 Neighbour Notification:

North Cottage, Meeting House Farm, Marlpit Lane, Oulton and South Cottage, Meeting House Farm, Marlpit Lane, Oulton

Letters sent: 11 October 2018

Expiry Date: 3 November 2018

Re-consultation letters sent: 5 November 2018

Re-consultation letters expiry date: 26 November 2018

## **5 REPRESENTATIONS**

- 5.1 No representations were received.

## **6 RELEVANT POLICY GUIDANCE**

### **National Planning Policy Framework (NPPF) 2018:**

- 6.1 Sets out the overarching planning policies on the delivery of sustainable development for rural communities through the planning system. It also reinforces the position that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration.

### **Planning Practice Guidance (NPPG):**

- 6.2 Web based national guidance formalised in March 2014.
- 6.3 Paragraph 8 in section 'Determining a Planning Application' states a material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission).

### **Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 and as Amended 2014:**

- 6.4 Policy 2: Promoting good design

All development will be designed to the highest possible standards, creating a strong sense of place. In particular, development proposals will respect local distinctiveness.

### **Broadland Development Management DPD (DM DPD) 2015:**

- 6.5 Policy GC1: Presumption in favour of sustainable development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

### 6.6 Policy GC2: Location of new development

New development will be accommodated within the settlement limits. Outside of these limits development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the development plan.

### 6.7 Policy GC4: Design

Development is expected to achieve a high standard of design and avoid any significant detrimental impact.

### 6.8 Policy TS3: Highway safety

Development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network.

## 7 LOCATION AND DESCRIPTION OF SITE

7.1 The application site is in a rural location within the village of Oulton. Blickling Estate is situated approximately 2 miles to the east of the application site. There are two other residential properties located within the vicinity of the application site.

7.2 The site is accessed via an existing private access off Marlpit Lane which serves the host dwelling and two other properties known as North Cottage and South Cottage, Marlpit Lane.

7.3 The site is accessed via a pathway leading from the main driveway where a garage / cart shed is situated. Around the site there is mainly agricultural style fencing as the site borders working agricultural fields.

7.4 The site is mainly grassed with strips of land to the north and west of the site being sectioned off for grazing land for sheep and horses.

7.5 On the site there are remains of a burnt down brick-built barn. This is located to the south of the main dwelling and fronts neighbouring agricultural land.

### 8 PLANNING HISTORY

- 8.1 [20021452](#): (1) Change of use from agricultural to grazing for horses  
(2) Erection of portable field shelter. Approved 15 November 2002.
- 8.2 [20071676](#): (1) Two storey extension (2) Outbuilding to form car port and store  
(3) Use of land as residential curtilage. Approved 18 April 2008.

### 9 APPRAISAL

- 9.1 The main issues to be taken into consideration in determination of this application are an assessment of the proposal against the policies of the Development Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance. Other key considerations in the determination of this application is the impact on the character and appearance of the area and impact on neighbouring amenity.
- 9.2 The site lies outside of the defined settlement limit with the nearest defined settlement limit being Aylsham which is approximately 3.5 miles from the site.
- 9.3 The site is used as a residential property and amenity space as well as for the grazing of animals which includes horses and sheep towards the north and west of the site. These strips of land are separated by agricultural style fencing.
- 9.4 The land that is proposed to change from agricultural to residential use is approximately 416m<sup>2</sup> and sits around 23m from the main dwelling with existing residential curtilage adjoining two sides of the parcel of land.
- 9.5 The proposed garden office will be constructed within the walls of a former barn which burnt down in the 1980s and it will have a cantilevered style roof and will be a total height of 3.25m to the front elevation and a total height of 2.95m to the rear elevation. The garden office will be constructed within the existing barn structure. It will be constructed from weatherboarding on the front elevation and two side elevations. The roof will be constructed from a timber frame with a copper sheet external finish with dark grey timber framed windows and doors.
- 9.6 The proposed garden home office will be used incidental to the main dwelling and is to be used solely by the occupants of the main dwelling. It is not anticipated that the home office would attract any additional vehicular movements or visitors than that of the occupants of the main dwelling. Therefore, this will not have a detrimental impact on the functioning of the highway network which complies with Policy TS3 of the DM DPD 2015.

- 9.7 The proposed garden home office will be situated away from the two neighbouring properties within close proximity to the application site and will front onto neighbouring agricultural land. It is considered that there would be minimal impact on any neighbouring amenity given the degree of separation between the office and the nearest residential neighbouring property.
- 9.8 The closest residential properties are situated approximately 140m to the north of the site from the proposed garden home office. No objections have been received from the occupants of these dwellings and it is not considered that the proposed development would result in any significant adverse impact to the amenity of any adjacent residents given the degree of separation from the majority of properties and the scale of development being proposed.
- 9.9 Oulton Parish Council fully supports the proposal and no response was received following the re-consultation period (to reflect the need to consult on the element of the proposal of the proposal which is contrary to the Development Plan).
- 9.10 It is considered necessary to restrict the home office to be used as incidental to the use of the main dwelling (known as Meeting House Farm, Marlpit Lane, Oulton) and shall not be occupied (let or sold) at any time as a separate and un-associated unit.
- 9.11 The proposal for a change of use to residential curtilage in association with Meeting House Farm, Marlpit Lane, Oulton and the erection of a garden home office will not be overbearing or out of character for the area and the development will not have a detrimental impact on the amenity of any neighbouring properties.
- 9.12 It is considered that the extension of curtilage will not be unduly excessive and will not represent a significant incursion into the countryside or be to a degree that would cause harm to the general character and appearance of the surrounding area.
- 9.13 In conclusion, whilst the extension of the residential curtilage is contrary to Policy GC2 of the DM DPD, it is considered that the development does not cause significant harm in terms of its impact on the character and appearance of the area. Furthermore, there is no other harm associated with approving this development. Therefore, whilst there is a degree of conflict with the Development Plan with the site being outside of the settlement limit, the lack of harm is considered a material consideration which justifies the approval of the application.
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**RECOMMENDATION:** Delegate authority to the Head of Planning to **APPROVE** subject to no new material issues being raised before the expiration of the press notice period and subject to the following conditions.

- (1) The development to which this permission relates must be begun not later than THREE years beginning with the date on which this permission is granted. (A1)
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below. (E3)

Additional Dwg No S010\_P1 Site Plan received 29102018

Dwg No A\_32\_388 Site Location Plan

Dwg No S001\_P1 Block Plan

Dwg No S002\_P1 Existing South and North Elevations

Dwg No S003\_P1 Existing East and West Elevations

Dwg No S004\_P1 Proposed South and North Elevations

Dwg No S005\_P1 Proposed East and West Elevations

Dwg No S006\_P1 Existing and Proposed Floor Plans

Dwg No S007\_P1 Proposed Construction\_Section View

Dwg No S008\_P1 Proposed Construction Typical Details Sheet 1

Dwg No S009\_P1 Proposed Construction Typical Details Sheet 2

- (3) The use of the garden home office hereby approved shall be incidental to the use of the main dwelling (known as Meeting House Farm, Marlpit Lane, Oulton) and shall not be occupied (let or sold) at any time as a separate and un-associated unit. (C4 amended)

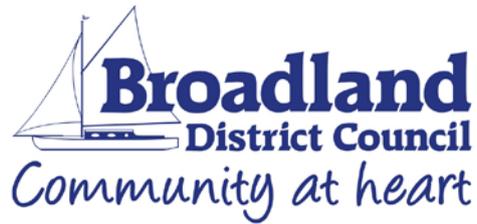
Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. (R2)
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents. (R15)

- (3) To ensure development appropriate for the area in accordance with the criteria specified within Policy GC4 of the Development Management DPD 2015. (R11)

Informatives:

- (1) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or [enquiries@cncbuildingcontrol.gov.uk](mailto:enquiries@cncbuildingcontrol.gov.uk) and the website [www.cncbuildingcontrol.gov.uk](http://www.cncbuildingcontrol.gov.uk) (INF27)
- (2) Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraph 38 of the National Planning Policy Framework. (INF40)



## PLANNING COMMITTEE

9 January 2019

Final Papers

Page No

[Supplementary Schedule](#)

202 - 206

Attached is the Supplementary Schedule showing those representations received since the Agenda was published and other relevant information

**DEMOCRATIC SERVICES**

**Broadland District Council**

Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU

Tel: 01603 430428

Email: [cst@broadland.gov.uk](mailto:cst@broadland.gov.uk)



**SUPPLEMENTARY SCHEDULE TO APPLICATIONS TO BE CONSIDERED**

| Plan No | Application No | Location                  | Update   | Page Nos |
|---------|----------------|---------------------------|--|----------|
| 1       | 20180963       | Old Station Yard, Reepham | <p>5 additional neighbour objections / comments received in respect of the amended access plans. The following comments have been received (summarised form):</p> <ul style="list-style-type: none"> <li>- None of the traffic analysis pays any attention to how articulated vehicles will arrive or leave Reepham or the site safely, given the restricted road access to/from the north and south. Suggest that an alternative would be for service vehicles to enter and leave the site on Station Road to avoid conflict with residents on Stony Lane.</li> <li>- The revised plans do little to persuade me from changing my original reasons for objection, concern remains about health and safety to both vehicles in Stony Lane and pedestrians with or without mobility scooters. Poor visibility for vehicles turning into Stony Lane from the south will remain and at peak times this junction is likely to be clogged with vehicles.</li> <li>- Employment generation is the only element that meets the REP2 site allocation, the A1 retail is likely to have a significant detrimental impact on the town centre and the care village will not provide any affordable housing for Reepham which is needed, or any CIL.</li> <li>- My objections are not to development of the land, but purely to the access and execution of the development. The REP2 allocation</li> </ul> | 5 - 52   |

|  |  |  |   |  |
|--|--|--|---|--|
|  |  |  | <p>requires development to be accessed (vehicular and pedestrian) from Station Road, with possible pedestrian access to Stony Lane. Also the allocation states that a mix of housing sizes, types and tenures should be provided to reflect the needs and demands of the area, including affordable housing. The development provides none of these and is contrary to the Local Plan.</p> <ul style="list-style-type: none"> <li>- Don't agree that the visibility splay at the junction of Stony Lane and Station Road (to the south) can achieve 2.4m x 59m given the hedgerow on private land.</li> <li>- The amended road design does nothing to safeguard road safety at the junction with Station Road nor does it safeguard the parking needs of the occupants of the existing houses.</li> <li>- The scale of the care home, its length, depth and height seem overpowering and inappropriate to a rural site. Its location has maximum rather than minimum impact. The entire scheme should be re-worked to have the least possible impact upon existing residents.</li> </ul> <p><u>Officer's response:</u></p> <p>The comments in respect of the proposed access arrangement and the junction requirements are noted however, these have been carefully assessed by the Highway Authority who, as set out on page 21 of the agenda, has no objection to the revised parking and access proposals subject to the imposition of conditions which are to be imposed. In respect of the REP2 site allocation it should be noted that the site is located within the defined settlement limit for Reepham where Policy GC1 of the DM</p> |  |
|--|--|--|---|--|

|  |  |  |   |  |
|--|--|--|---|--|
|  |  |  | <p>DPD states a presumption in favour of sustainable development, which the proposals are considered to meet. In addition, there is a recognised increasing elderly population and the provision of specialist housing with care is a sector with high demand in the district and the county and the proposal accords with Policy H5 (Residential institution) of the DM DPD. The fact that the care element does not attract an affordable housing or CIL contribution is recognition of the increased emphasis that is placed on provision in this sector. The food store and offices are CIL liable.</p> <p><u>Further comments from applicant's agent:</u></p> <p>Whilst the proposed mix of development is different to that set out in Policy REP2, it provides employment opportunities and targets a specific need for care provision which meets the requirements of Policy H5 of the DM DPD and the retail provision is in accordance with national planning policy. The planning consent in 2010 was not brought forward due to the infrastructure costs involved with the development and the lack of end users. In this case the current proposal has both a retail operator and care home provider identified and will achieve important economic, social and environmental objectives.</p> <p>The retail operator has indicated that they would, as requested, accept opening hours of 07:00 – 22:00, 7 days a week if considered necessary.</p> <p>The proposed pedestrian gate to the existing commercial uses will be made available to staff <u>and residents</u>.</p> <p>Agree to accept a condition that ensures that the proposed eastern gates 'B' open inwards – not as currently shown to open outwards.</p> |  |
|--|--|--|---|--|

|   |          |                                    |   |          |
|---|----------|------------------------------------|---|----------|
|   |          |                                    | <p>Unable to further reduce the height and number of flats in the assisted flat building as requested, due to the high infrastructure costs and as the proposal represents a suitable compromise that has been accepted by officers.</p> <p>In terms of phasing the development, the contamination surveys will take place first and infrastructure works need to take place before any building works, this will include the new access road onto Station Road. The requirements of condition 16 are noted for a Construction Traffic Management Plan to be submitted and approved.</p> <p><u>Revised conditions:</u></p> <p>Amend condition 28 to specify that opening hours of the food store shall be limited to 07:00 – 22:00 each day of the week</p> <p>Add conditions that the eastern gates 'B' shall open inwards and that the pedestrian access gate to the neighbouring commercial site shall be for staff and residents.</p> |          |
| 4 | 20180920 | Land at St Faiths Road, Old Catton | <p>The applicant has submitted drawings of construction specifications for dwellings with rooms in the roof to demonstrate how these dwellings will achieve the acoustic design criteria in para 4.6 of their Acoustic Design Assessment.</p> <p>The Environmental Health Officer has confirmed that the details relating to spandrel panels and dormer windows are acceptable but comments are awaited regarding the roof structure and roof lights. Members will be updated verbally on any progress with this issue.</p>   | 97 - 156 |

|   |          |   |  |  |
|---|----------|---|--|--|
| 5 | 20181628 | The Stables, Ranworth Road, South Walsham | A revised site location plan has been received reducing the area of land within the red line to which the application relates; as well as revised plan / elevations incorporating an office window in the east elevation not previously shown. Both plans received 21 December 2018<br><br>Conditions 6 and 7 to be updated to refer to drawing no. PL01 Rev C |  |
|---|----------|---|--|--|

**PLANNING COMMITTEE**

**9 January 2019**

**Further Final Papers**

**Page No**

**Agenda Item 3**

**208 – 220**

Attached are the Minutes of the meeting held on  
19 December 2018

**DEMOCRATIC SERVICES**

**Broadland District Council**  
Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU  
Tel: 01603 430428  
Email: [cst@broadland.gov.uk](mailto:cst@broadland.gov.uk)

Minutes of a meeting of the **Planning Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 19 December 2018** at **9.30am** when there were present:

Miss S Lawn – Chairman

Mr A D Adams  
Mr R R Foulger  
Mr R F Grady

Mrs L H Hemsall  
Mr K G Leggett  
Mrs B H Rix

Mr D C Ward  
Mr D B Willmott

Also in attendance were the Head of Planning, Area Planning Manager (MR) and the Senior Committee Officer.

**57 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8**

| <b>Member</b>  | <b>Minute No &amp; Heading</b>  | <b>Nature of Interest</b>  |
|--|---|--|
| Mr Adams   | 60 (Church Lane, Honingham) and 61 (land west of Blind Lane, Honingham) | Acquainted with one of the speakers as a former Norfolk County Councillor. Had not discussed the application with him at any time. |
| Mr Foulger reminded the Committee that he was the Portfolio Holder for Housing & Wellbeing |   |  |

**58 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr Everett, Mr Knowles, Mr Nurden (who was due to substitute for Mr Everett) and Mr J Ward.

**59 MINUTES**

The Minutes of the meeting held on 28 November 2018 were confirmed as a correct record and signed by the Chairman.

**60 APPLICATION NUMBER 20181177 – DETAILS TO BE APPROVED UNDER LOCAL DEVELOPMENT ORDER CONDITION 2.20 – CHURCH LANE, HONINGHAM**

The Committee considered an addendum report by the Head of Planning advising that, on 14 November 2018, the Council received a copy of an application made by Easton Parish Council to the High Court to bring a claim for Judicial Review seeking to quash four decisions relating to the Food Enterprise Park and the proposed milling facility. One of the four decisions being challenged was the Planning Committee's decision to approve the

scheme of highway improvements submitted under application number 20181177. Minute no: 37 of the meeting held on 3 October 2018 referred.

The application sought permission for the details to be approved under condition 2.20 of the Local Development Order (LDO) granted by the Council in October 2017 for a Food Enterprise Park (also known as the Food Hub) on land at Honingham. The LDO effectively granted planning permission for specified agri-tech developments on the site, subject to conditions and that vehicular access to and from the site accorded with the vehicular routing agreement set out in a Section 106 Agreement accompanying the LDO.

The routing agreement specified that all vehicles in excess of 7.5 tonnes visiting the site for the purposes of, and in connection with, the LDO development shall gain access along the permitted route, being Church Lane to the Easton roundabout at the A47. The routing agreement applied until vehicular access was provided between the LDO site and the A47 trunk road. Condition 2.20 of the LDO required details of the scheme of highways works to be submitted and agreed in writing by the Local Planning Authority in consultation with the Highway Authority and, where appropriate Highways England, prior to the commencement of development, including triggers for the implementation of each component of the works

The components of the scheme of works were:

- Realignment/change of priority at the junction of Dereham Road / Church Lane
- A right turn lane from Dereham Road into Church Lane
- A scheme of widening improvements to Church Lane
- Vehicular access to the LDO site either off Church Lane/Red Barn Lane or directly from the A47
- Enhanced footway and cycle facilities to connect with Dereham Road
- The closure of Blind Lane

In the intervening period and before a decision was formally issued for the highway scheme and condition 2.20 being effectively discharged, Easton Parish Council submitted a claim to the High Court to Judicially Review the decision. In light of this legal challenge and also new information submitted to the Council, it was considered necessary to bring the matter back before the Planning Committee.

The Committee had the following papers before it:

- Addendum report by Head of Planning

- Report and Supplementary Schedule from 3 October 2018 Planning Committee meeting
- Easton Parish Council's Statement of Facts and Grounds
- Supplementary Schedule for this meeting containing correspondence from Easton Parish Council and Bryan Robinson of 19 Aldryche Road

The Head of Planning also reported verbally on an update relating to the alignment of the trod. Members noted this was the interim solution for an enhanced footway and cycleway between the site and the Dereham Road junction but Easton Parish Council had objected to the fact that the trod merged with the passing bays. Having regard to these concerns, further work had therefore been undertaken and plans which were initially submitted to the County as part of the S278 submission showed the trod and the passing bays to be fully separated. To enable this to happen the trod crossed Church Lane and continued on the opposite side of the road to St Peters Church. Members' attention was drawn to the fact that this revision continued to respect the setting of the listed church.

The Committee noted the details of this change as part of the visual presentation which was then carried out by the Area Planning Manager.

The Head of Planning advised Members that the key issue before them was whether the submitted details were sufficient and acceptable, and accorded with condition 2.20 of the LDO. In coming to a decision, regard should be had to the NPPF, the National Planning Practice Guidance and development plan policies as well as the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Easton Neighbourhood Plan; with particular reference to whether the submitted details resulted in a detrimental impact upon the Grade I listed Church of St Peter in Easton.

In terms of the Judicial Review, Members noted the key points raised, together with the officer response as detailed in the committee report. In terms of the additional correspondence contained within the Supplementary Schedule, the Head of Planning apprised the Committee of the officer comments in response to the issues raised:

- Letter from Easton Parish Council

Page 1, paragraph 3 – the relevant papers had been served on the parish council

Page 2, paragraphs 1 and 2 – referred to the interim proposals again which had already been addressed

Page 2, paragraph 5 – the S278 was an agreement between the developer and the Highway Authority to allow them to carry out works on the highway and to ensure it was completed to the satisfaction of the Highway Authority. It was not a mechanism to control planning matters.

Regarding some of the other matters raised, it was noted that these related to the acceptability or otherwise of the highway scheme and the proposed trod and the Head of Planning reiterated that the Highway Authority maintained that the scheme was safe and satisfactory. In terms of point 12 concerning the parish council's concerns about forward visibility being reduced when an HGV was waiting at the entrance to the site, the Head of Planning advised that the Highway Authority did not seek to control temporary reductions in visibility splays, such as waiting vehicles. To do so would mean it would not be possible to provide any junction which was located on the inside of a bend. He added that it was the driver's responsibility to drive within their limits of their forward visibility. However, it was recognised that Church Lane narrowed to the west of the development access and so the Highway Authority would consider a "road narrows" warning sign for westbound traffic.

On the points made by Easton Parish Council referring to the previous plans presented to committee being out of date, the Head of Planning advised Members that they had been presented with the most recent set of plans. Although the parish council was requesting further consultation on these plans, it was considered that the latest plans were in response to its concerns regarding the alignment of the trod and as this presented a solution, there was no need to consult further.

- Letter from Bryan Robinson

The majority of the content on page 1 related to his view that condition 2.20 was effectively being changed and that the Planning Committee had no authority to vary the LDO. This view was not accepted by the Head of Planning who advised that he remained content that the Planning Committee could determine the matter.

With regard to page 2, the Head of Planning commented that he fully accepted the point being made in paragraph 3 and drew Members' attention to the correct wording for paragraph 3.5 of the committee report which should read "*three out of the six elements are included in the submitted scheme and the 4<sup>th</sup> bullet point of the trigger document is met in full.*"

Paragraph 5 stated that the condition required a full scheme to be agreed and this was disputed by the Council.

In conclusion, the Head of Planning advised Members that the committee could justifiably approve the submitted details and referred to a new plan number for the alignment of the trod, should the committee be minded to approve the application.

The Committee then received the verbal views of Peter Milliken of Easton Parish Council and Bryan Robinson of 19 Aldryche Road objecting to the application and Paul Clarke of Brown & Co (the agent) at the meeting.

Having regard to all the points raised in the Judicial Review, the further correspondence and the amended trod alignment, Members concluded that the proposed works were acceptable and would not have an adverse effect upon highway safety nor upon the functioning of the highway network. In addition, it was considered that the works had regard to preserving the setting of the Church of St Peter and this is consistent with the Planning (Listed Buildings and Conservation Areas) Act and Easton Neighbourhood Plan.

Accordingly, it was

**RESOLVED:**

to approve the following details submitted under Condition 2.20 of the Local Development Order:

- (1) The development hereby permitted shall not be carried out otherwise than in accordance with the following plans and shall be brought into use prior to the first occupation of development on the LDO site:
  - Dwg. No. CL-1011 Rev. P3 – Details of junction for proposed estate road with Church Lane, received 13 July 2018
  - Dwg. No. CL-1010 Rev. P7 – General arrangement of proposed s.278 works on Church Lane, received 15 October 2018
  - Dwg. No. CL-1012 Rev. P3 – Typical construction details for proposed highway works (sheet 1), received 13 July 2018
  - Dwg. No. CL-1013 Rev. P1 – Typical construction details for proposed highway works (sheet 2), received 13 July 2018
  - Dwg. No. CL-1014 Rev. P1 – Typical construction details for proposed highway works (sheet 3), received 13 July 2018
  - Dwg. No. 141222 CL-1015 P9 General arrangement of proposed s.278 works on Church Lane – continuation sheet received 19 December 2018
  
- (2) Further details in respect of scaled plans are required to be submitted under Condition 2.20 of the LDO, to the Local Planning Authority and agreed, in consultation with the Highway Authority and, where appropriate Highways England, to identify:

- Realignment/change of priority at the junction of Dereham Road / Church Lane
- A right turn lane from Dereham Road into Church Lane
- A scheme of widening improvements to Church Lane
- Enhanced footway and cycle facilities to connect with Dereham Road, including a pedestrian island to the east of St Peters Church, Easton
- The closure of Blind Lane.

These works shall be carried out as approved and brought into use prior to completion of 10,000m<sup>2</sup> of development floorspace on the LDO, unless otherwise determined by the Local Planning Authority where appropriate circumstances apply including but not limited to, if a high traffic generator is proposed within the LDO or if direct access to the A47 can be achieved.

*The Committee adjourned at 10.23am and reconvened at 10.30am when all of the Members listed above were present with the exception of Mr Leggett.*

**61 APPLICATION NUMBER 20181336 – INFILTRATION LAGOON TO SERVE FOOD ENTERPRISE PARK ON LAND WEST OF BLIND LANE, HONINGHAM**

The Committee considered an addendum report by the Head of Planning advising that, on 14 November 2018, the Council received a copy of an application made by Easton Parish Council to the High Court to bring a claim for Judicial Review seeking to quash four decisions relating to the Food Enterprise Park and the proposed milling facility. One of the four decisions being challenged was the Planning Committee's decision to approve a strategic foul and surface water disposal system submitted under application number 20181336. The application proposed the construction of a new infiltration lagoon and swale to the west of the LDO site which would ultimately collect surface water and the outfall from a private treatment plant which was to be installed in the FEP. Minute no: 39 of the meeting held on 3 October 2018 referred.

In the intervening period and before a decision was formally issued and condition 2.25 being effectively discharged, Easton Parish Council submitted a claim to the High Court to Judicially Review the decision. In light of this legal challenge and also new information submitted to the Council, it was considered necessary to bring the matter back before the Planning Committee.

The Committee had the following papers before it:

- Addendum report by Head of Planning
- Report and Supplementary Schedule from 3 October 2018 Planning Committee meeting
- Easton Parish Council's Statement of Facts and Grounds
- Email exchange with the Lead Local Flood Authority; Anglian Water and the Environment Agency
- Further comments received since the meeting of 3 October 2018 comprising: a joint letter from Easton and Marlingford & Colton Parish Councils; letter from Easton Parish Council; letter on behalf of Wensum Valley Alliance and three letters from Bryan Robinson of 19 Aldryche Road
- Supplementary Schedule for this meeting containing correspondence from Easton Parish Council and Bryan Robinson of 19 Aldryche Road

The Head of Planning drew Members' attention to a change in the line of the swale which had been revised to pull it away from nearby trees and hedging and the Conservation Officer (Arboriculture & Landscape) had considered this to be acceptable (page 95 of the agenda papers referred).

The Committee noted the details of this change as part of the visual presentation which was then carried out by the Area Planning Manager.

The Head of Planning advised Members that the key issues before them were whether the proposed development would result in a significant detrimental impact upon the character and appearance of the surrounding area; drainage issues; highways issues; residential amenity; trees; archaeology and biodiversity, having regard to the NPPF, the National Planning Practice Guidance and development plan policies.

In summary, officers considered that the benefits associated with the proposed development were that it would provide a sustainable drainage solution for the surface water arising from the Food Enterprise Park as well as an acceptable, interim solution for the foul water disposal for up to 20,000sq metres of floorspace. Furthermore, the proposal would allow the Food Enterprise Park to be developed which had significant economic and public benefits as it would allow employment, business growth and associated revenue. Finally, it was the officers' view that the lagoon and swale would not have any adverse impact upon nearby trees and hedges and there would be no significant adverse impact upon the landscape or visual amenity of the

area.

With regard to the quality of the water discharging from the treatment plant it was noted that the Environment Agency would require a permit application and this would assess the volume of effluent and the nature of the environment it is being discharged to. Therefore, the potential risk of pollution would be controlled by the permit regime and there was no need to duplicate these controls as part of the planning process.

In terms of the Judicial Review, Members noted the key points raised, together with the officer response as detailed in the committee report. The Head of Planning drew Members' attention to the specific points as outlined below:

- Para 3.4 on page 74 - concern was expressed regarding how the arisings from the excavation of the lagoon would be dispersed. Members noted that the applicant had confirmed that these would be spread across the adjoining field. This led to a supplementary point which Easton Parish Council and others had made which was that further permission was required for the spreading of soil. This matter had been checked with the QC advising the Council and she had advised that no further permission was required under the planning regime because the soil was not contaminated.
- Para 3.6 - the ownership and maintenance arrangements had been confirmed as required by condition 2.25.
- Paras 3.7 and 3.8 - a response was given to the claim that condition 2.25 did not allow for an interim scheme and that there was an obligation to agree a strategic drainage scheme. As stated earlier it was considered that a strategic scheme had been submitted, notably that the owner intended to connect to the main sewer after 20,000sq metres. However, that did not preclude an interim solution being submitted and agreed as well.

In terms of the additional correspondence contained within the Supplementary Schedule, the Head of Planning appraised the Committee of the officer comments in response to the issues raised:

- Letter from Easton Parish Council

Page 1, para 2 – the parish council had now received all the relevant papers.

Para 3 – in response to the argument that the lagoon was an extension to the LDO or a new LDO, this was disputed and officers were content that this matter could be considered as a planning application by the Planning Committee.

Regarding the reference to the EIA regulations and the way in which an authority considered (or screened) whether a development was EIA development or not, officers recognised that the lagoon did not naturally fall into an urban development project but nor did it easily fit into any other category in the regulations. Ultimately the proposal was considered against the criteria under schedule 3 of the regulations and the assessment was set out in para 9.15 of the report on page 91. This assessment was still considered reasonable.

In response to the point raised about the Environmental Health Officer's request for more evidence to show that no odour would arise from the treatment plant discharge, this point was noted by officers but it was also considered to take into account the control which would be exercised through the Environment Agency permit, the temporary nature of the treatment plant solution and the fact that any odour arising from the lagoon could be controlled as a statutory nuisance. Therefore, officers considered that the absence of this evidence should not prevent the grant of permission for the lagoon.

It was noted that the majority of the remaining paragraphs in the parish council's letter related to the argument that the spreading of soil was effectively the disposal of waste but Members noted that the QC advising the Council disputed this point, as referred to earlier.

- Letter from Bryan Robinson

It was noted that the first few paragraphs argued that the grant of planning permission could not be a discharge of condition. Again, this point was disputed.

The penultimate para on page 141 argued against an interim drainage solution but this point had already been addressed.

Regarding the other issues raised, such as the application forms, the ownership of the land, the soil arisings and the definition of the lagoon under urban development projects when it was considered under the EIA regulations, it was noted that these issues had either been addressed already or did not go to the heart of the proposal.

In terms of Mr Robinson's argument that the lagoon was part of the LDO and therefore this proposal was a revision to the LDO which could

not be considered by Planning Committee, again this point was disputed.

The final paragraphs on page 144 argued that ground conditions and percolation tests were required to properly consider the lagoon. The Head of Planning reminded Members that the Lead Local Flood Authority was content with the design of the lagoon and its size. Therefore, it was considered unnecessary to require further tests to be carried out.

Finally, the Head of Planning advised Members that yesterday afternoon a further letter was received from residents in another nearby property called Red Barn Cottage. This letter was received after the deadline for receiving such correspondence but, for the sake of completeness, the Head of Planning advised the Committee that the residents had raised concerns about contamination of drinking water. However, officers remained satisfied that this issue fell under the remit of the Environment Agency's permitting regime.

In conclusion, the Head of Planning advised Members that the committee could justifiably approve the submitted details as per the original recommendation to the Planning Committee on 3 October 2018. He added that, for the sake of completeness, the approval of this application also represented the approval of a strategic scheme for the drainage of surface water and foul water in accordance with condition 2.25 of the LDO.

The Committee then received the verbal views of Dr Boswell on behalf of Easton Parish Council and Bryan Robinson of 19 Aldryche Road both objecting to the proposals and Paul Clarke of Brown & Co (the agent) at the meeting.

Having regard to all the issues raised in the Judicial Review, together with the subsequent correspondence, and having received assurances by the Head of Planning regarding the controls exercised by the Environment Agency, Members concurred with the officers' appraisal that the proposal would generate economic benefits, such as the development of the FEZ site, generation of employment, business growth etc and would not result in any significant or demonstrable harm. Accordingly, it was

### **RESOLVED:**

to approve application number 20181336 and the details submitted under condition 2.25 of the Local Development Order subject to the following conditions:

- (1) The development to which this permission relates must be begun not later than THREE years beginning with the date on which this permission is granted.

- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.
  - (3) No work shall commence on the formation of the infiltration lagoon until details of the culvert required across Blind Lane for the off-site surface water drainage system have been submitted and approved in writing by the Local Planning Authority. The culvert shall be constructed to the approved specification.
  - (4)
    - (A) No formation of the infiltration lagoon shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and (1) The programme and methodology of site investigation and recording, (2) The programme for post investigation assessment, (3) Provision to be made for analysis of the site investigation and recording, (4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, (5) Provision to be made for archive deposition of the analysis and records of the site investigation and (6) Nomination of a competent person or persons / organisation to undertake the works set out within the written scheme of investigation, and;
    - (B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A), and;
    - (C) The development shall not be operated until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- In this case the programme of archaeological mitigatory work will consist of an archaeological excavation. A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service.
- (5) Prior to the commencement of the formation of the infiltration lagoon a scheme for the protection of the retained trees that complies with the relevant sections of British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations shall be agreed in writing with the Local Planning Authority (LPA). A plan shall

be submitted to a scale and level of accuracy appropriate to the proposal that shows:

- a) the position and Root Protection Areas (RPAs) of every retained tree on site and on neighbouring ground to the site in relation to the approved plans.
- b) the details and positions of the Tree Protection Barriers. Barriers should be fit for the purpose of excluding construction activity and storage of materials within RPAs appropriate to the degree and proximity of work taking place around the retained trees.
- c) the details and positions of the Ground Protection Zones. Ground protection over RPAs should consist of scaffold boards placed on top of 100-150mm layer of woodchip which is underlain by ground sheets.

No works should take place until the Tree Protection Barriers and Ground Protection are installed.

In the event that any tree(s) become damaged during construction, the LPA shall be notified and remedial action agreed and implemented. In the event that any tree(s) dies or is removed without the prior approval of the LPA, it shall be replaced within the first available planting season, in accordance with details to be agreed with the LPA.

Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (3) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (4) To enable the archaeological value of the site to be properly recorded before development commences in accordance with Policy EN2 of the Development Management DPD 2015.
- (5) To ensure the appropriate protection of landscape features adjacent to the site in accordance with Policies GC4 and EN2 of the Development Management DPD 2015.

### Plans and documents:

Dwg. No.18/094/01 rev. B – Proposed Location Plan, received 24 September 2018

Dwg. No. CL-1030 rev. P4 – Red line Boundary, received 24 September 2018

Dwg. No. CL-5001 rev. P3 – Detailed Design Drainage Strategy, received 24 September 2018

Dwg. No. CL-4003 rev. P2 - Drainage Construction (sheet 3 of 3), received 19 September 2018

Dwg. No. CL-1025 rev. P3 received 24 September 2018

Foul Water Drainage Strategy received 17 September 2018

### Informatives:

- (1) The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
- (2) The applicant is advised that separate licence approval for these works will be required in addition to the planning permission.

*The meeting closed at 11:25am*