

# Planning Committee

## Agenda

### Date

Wednesday 7 October 2020

### Members of the Planning Committee

Cllr S Lawn  
(Chairman)

Cllr J M Ward  
(Vice Chairman)

Cllr A D Adams  
Cllr S C Beadle  
Cllr J F Fisher  
Cllr R R Foulger  
Cllr R M Grattan

Cllr C Karimi-Ghovanlou  
Cllr I N Moncur  
Cllr S M Prutton  
Cllr S Riley

### Substitutes

#### Conservative pool

Cllr N J Brennan  
Cllr S Clancy  
Cllr J Copplestone  
Cllr A D Crotch  
Cllr K S Kelly  
Cllr D King  
Cllr K G Leggett  
Cllr T M Mancini-Boyle  
Cllr M L Murrell  
Cllr G K Nurden  
Cllr C E Ryman-Tubb  
Cllr M D Snowling  
Cllr J L Thomas  
Cllr K A Vincent  
Cllr S A Vincent  
Cllr S C Walker  
Cllr F Whymark

#### Liberal Democrat

Cllr D J Britcher  
Cllr S Catchpole  
Cllr D G Harrison  
Cllr S Holland  
Cllr K Lawrence\*\*\*  
Cllr J Neesam  
Cllr L A Starling  
Cllr D M Thomas

\*\*\*\* Not trained

### Time

9.30am

### Place

To be hosted remotely at  
Thorpe Lodge  
1 Yarmouth Road  
Thorpe St Andrew  
Norwich

### Contact

Dawn Matthews tel (01603) 430404

Broadland District  
Council  
Thorpe Lodge  
1 Yarmouth Road  
Thorpe St Andrew  
Norwich NR7 0DU



**If any Member wishes to clarify details relating to any matter on the agenda they are requested to contact the relevant Area Planning Manager, Assistant Director Planning or the Assistant Director Governance & Business Support (Monitoring Officer) prior to the meeting.**

E-mail: [dawn.matthews@broadland.gov.uk](mailto:dawn.matthews@broadland.gov.uk)



@BDCDemServices

In light of Government guidance, there is restricted public access to the Council offices.

**PUBLIC ATTENDANCE** – This meeting will be live streamed for public viewing via the following link:  
<https://www.youtube.com/channel/UCZciRgwo84-iPyRlmsTCIng>

**PUBLIC SPEAKING** – You may register to speak by emailing us at  
[committee.services@broadland.gov.uk](mailto:committee.services@broadland.gov.uk) no later than 3pm on Friday 2 October 2020

# **A G E N D A**

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Trevor Holden  
Managing Director

## DECLARATIONS OF INTEREST AT MEETINGS

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

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. Affect yours, or your spouse / partner's financial position?
2. Relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

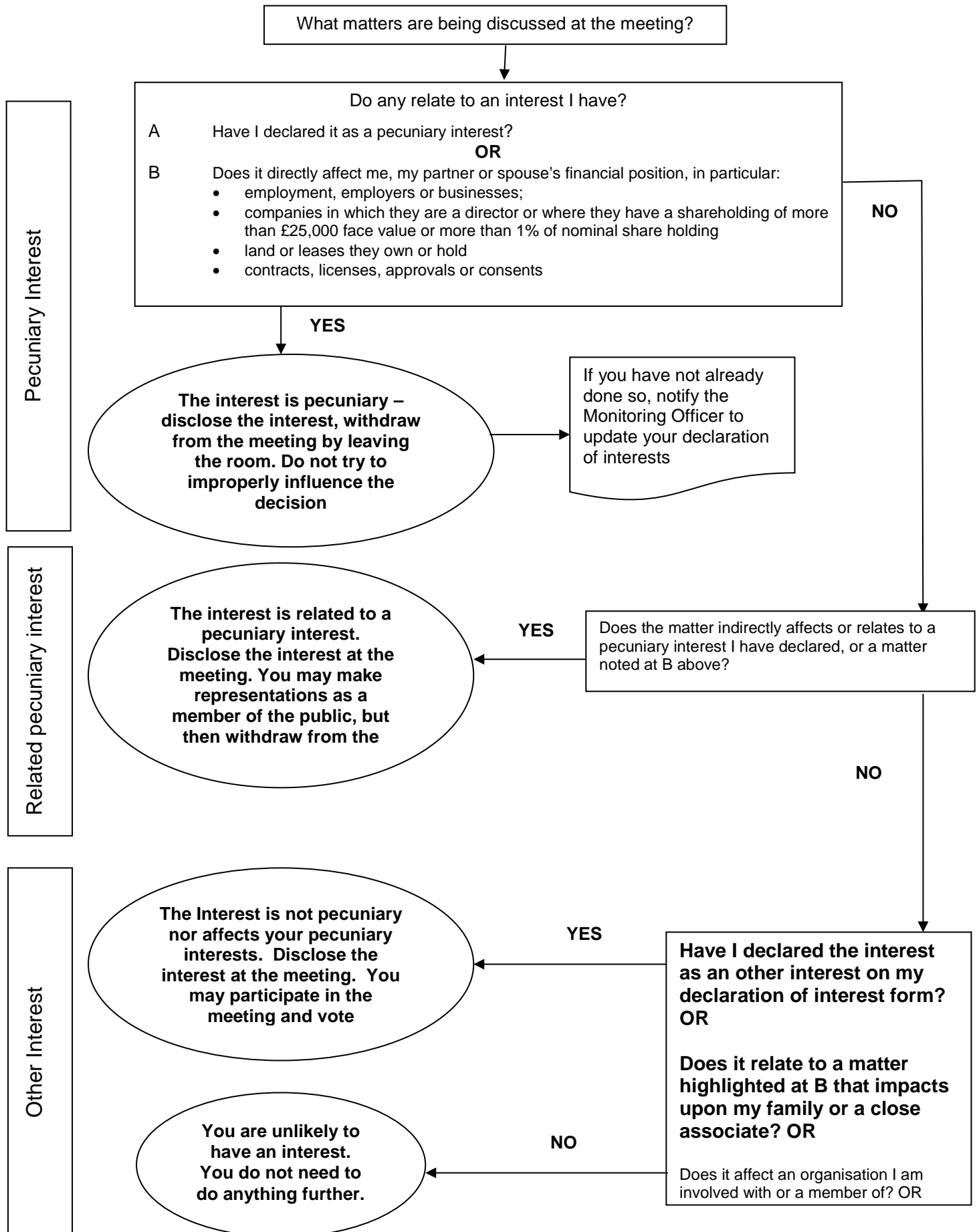
Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF

**PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER  
IN THE FIRST INSTANCE**

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



Minutes of a meeting of the **Planning Committee** held via video link on **Wednesday 9 September 2020 at 9.30am.**

A roll call was taken and the following Members were present:

Cllr S Lawn – Chairman

Cllr A D Adams      Cllr C Karimi-Ghovanlou      Cllr S Riley (excluding minute 119)  
Cllr N J Brennan      Cllr S Prutton      Cllr J M Ward (excluding minute 116)  
Cllr R R Foulger

Also in attendance were the Development Manager (TL), the Area Team Manager (NH) for Minute 116, the Area Team Manager (BB) for minutes 117-120, the Senior Planning Officer (HB) for Minute 116 and the Democratic Services Officers (DM & LA).

### **112 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8**

<b>Member</b>	<b>Minute No &amp; Heading</b>	<b>Nature of Interest</b>
Cllr S Lawn (on behalf of all Members)	Application 2020034 – Dawsons Lane Blofield	lobbied by objector – received photographs relating to the proposal – Non-disclosable, non-pecuniary interest.
Cllr N Brennan		Ward member - Non-disclosable, non- pecuniary interest.
Cllr S Lawn	Application 20201372 – Land South of Poppy Way, Broadland Gate Postwick	had attended the Thorpe St Andrew Town Council meeting when the application had been discussed but had not participated or voted. Non-disclosable - non pecuniary interest.

### **113 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr J Fisher and Cllr I N Moncur.

### **114 MINUTES**

The minutes of the meeting held on 12 August 2020 were confirmed as a correct record and signed by the Chairman.

### **115 MATTERS ARISING**

None raised.

*In respect of the decisions indicated in the following minutes, conditions or reasons for refusal of planning permission as determined by the Committee being in summary form only and based on standard conditions where indicated and subject to the final determination of the Director of Place.*

### **116 APPLICATION NUMBER 20200345 – DAWSONS LANE, BLOFIELD**

The Committee considered an application seeking a variation of conditions 2 and 3 of planning permission 20190844, to amend the surface water drainage strategy and boundary treatment, the addition of solar panels and amend details under condition 4 of roads and footways.

The application was reported to Committee at the request of the local member and the portfolio holder. Members noted the location and context of the site as set out in detail in the report.

The Area Team Manager (NH) advised members that reference to the 227 cubic meters in paragraph 5.14 on page 35 of the report should read 237 cubic meters. He also pointed out that the comments attributed to Cllr J Thomas (7<sup>th</sup> bullet point onwards on pages 20/21) were the comments of residents referred to by Cllr Thomas. They were detailed later in the report and should not be attributed to Cllr Thomas. Members noted the additional letter of objection received as detailed in the supplementary schedule.

The Committee heard from Mary Moxon, objecting to the proposals due to concerns with the proposed drainage scheme and flooding, Ian Douglass and Nicholas Hooper supporting the application on behalf of the applicants.

A statement from the local member Cllr J Thomas raising concerns about the drainage scheme was read out by the Chairman as Cllr Thomas was unable to attend the meeting.

In response to a concern that headwall 3 had not been constructed to the required specification, it was noted that its construction had changed in association with the revised drainage scheme and was considered acceptable. With regard to flooding shown on the objectors photographs circulated to members, it was noted that the drainage scheme was not as yet operational. It was further noted that the drainage scheme was designed with no provision for rain water harvesting within the application but individual occupiers could install such devices. With regard to management and maintenance of ditches, it was noted that a requirement for fortnightly inspections during the Autumn formed part of a proposed planning condition relating to a management and maintenance plan for the drainage system and was therefore enforceable.

The drainage scheme included a number of technical details on which the

committee accepted the advice of the technical experts. The proposed strategy was a different scheme to that originally approved and members needed to determine if the revised surface water drainage strategy was acceptable. It was noted that the revised scheme had been oversized and had a larger storage capacity than was required for the amount of surface water to be controlled at the increased discharge rate.

Members were satisfied that the revised drainage scheme was compliant with the guidance within the NPPF and would be in accordance policy 1 in the JCS, policy CSU5 in the DM DMD and policy ENV3 in the BPNP and was acceptable. The minor changes to dwellings and the boundary wall were also felt to be acceptable in design and amenity terms and complied with the relevant policies.

It was proposed, duly seconded, that the officer recommendation be supported. On being put to the vote, by way of a roll call, it was

### **RESOLVED:**

to approve with conditions:

1. In accordance with drawings (AD01)
2. Surface water drainage (bespoke)
3. Standard Estate Road (SHC01)
4. Standard Estate Road (SCH02)
5. Standard Estate Road (SHC03A)
6. Highway Improvements off-site (SHC32B)
7. Tree protection (L08)
8. Landscaping scheme to be complied with (L07)
9. Renewable Energy – Decentralised source (E01)
10. Boundary Treatments (L02)
11. No PD fences, walls etc. on western boundary (P08)
12. Fire hydrant (D09)
13. PD Removals walls and fences western boundary plots 9 and 10 (P08)
14. Materials (D02)

*[The Committee adjourned for a 5 minute comfort break following which a roll call was taken to confirm that all members as recorded above were in attendance.]*

### **117 APPLICATION NUMBER 20200403 – PLOT 10 AND 10A BROADLAND GATE BUSINESS PARK, POSTWICK**

The Committee considered an application for a new police station building and construction of associated ancillary buildings, hardstanding, landscaping, new access and external work.

The application was reported to Committee as it was being recommended for approval contrary to the Development Plan.

Members noted the location and context of the site as set out in detail in the report.

The Committee heard from Mark Camidge supporting the application on behalf of the applicant.

In response to questions, the Area Team Manager (BB) confirmed that further details regarding the management of light overspill onto neighbouring land had now been received and were acceptable. These needed to be included as part of the conditions. He also confirmed that controls were needed to manage construction hours and dust etc and these would be incorporated in the conditions.

Section 38(6) required that applications for planning permission be determined in accordance with the development plan unless material considerations indicated otherwise. The application site was located on a plot of land forming part of the allocation GT10 in the GT AAP 2016 for employment led development and the wider site had outline approval for the same. The proposed use was contrary to the provisions of the development plan, but was in line with the principles of both the policy and the outline approval, therefore, members agreed that the principle of development was acceptable. The design, layout and impact of the proposal were acceptable, no objections had been raised. Members felt the development would be a positive addition to the Broadland Gate Business Park and commended the design of the buildings.

It was proposed, duly seconded, that the officer recommendation, together with the additional conditions, be supported. On being put to the vote, by way of a roll call, it was

**RESOLVED:**

to approve subject to the following conditions:

1. Time limit
2. Plans and documents
3. Hard and soft landscaping
4. Tree protection measures
5. Landscape management plan
6. Building plant detail
7. 10% renewables
8. Sustainable drainage measures



9. Highways conditions (location of access gates; visibility splays; roads, footpaths, turning areas, etc laid out; construction workers' parking; construction management plan; travel plan)

*[The Committee adjourned for a 5 minute comfort break following which a roll call was taken to confirm that all members as recorded above were in attendance.]*

### **118 APPLICATION NUMBER 20201372 – LAND SOUTH OF POPPY WAY, BROADLAND GATE, POSTWICK**

The Committee considered an application for a variation of condition 10 of permission 20081773 to allow a discount food store.

The application was reported to Committee as the proposal complied with the principle of Policy GT10 of the Area Action Plan but was contrary to the precise wording because it varied the outline approval.

Members noted the location and context of the site as set out in detail in the report.

The Committee heard from Thomas Foreman – Clerk to Thorpe St Andrew Town Council raising concerns about the proposal and Richard Huteson supporting the application on behalf of the applicant.

The main issue for consideration was the variation of the extant permission to permit one single retail unit rather than several smaller retail units.

Some reservations were expressed about the loss of a number of small units of accommodation which, given the current economic climate, could potentially be in demand. It was noted however that no such small enterprises had come forward in recent years. It was suggested that an alternative more suitable site for this proposal was available but it was noted that this did not offer any advantage over the proposed site in sequential terms and Members needed to consider the application before them. A sequential and impact assessment had been submitted with the application which concluded that there were no suitable or available sequentially preferred sites and the retail impact was acceptable. It was also noted that a number of non retail employment uses had recently come forward for the business park.

It was noted that some 12 years plus had elapsed since the original vision for the site had been established and the market for employment land had changed considerably. A large residential development had also been approved nearby and this application would be beneficial to residents. In response to concern that support for this application would set a precedent, it was noted that any similar proposal would require consideration by the

committee as it would also be contrary to Policy and would again have to be judged on its own merits.

Given that the overall amount of retail use would remain the same and having balanced the planning merits of the proposal with regard to the material considerations, it was felt the application to vary condition 10 should be approved.

It was proposed, duly seconded, that the officer recommendation be supported. On being put to the vote, by way of a roll call, it was

### **RESOLVED:**

to approve the variation of condition 10 to read:

The A1 element of the business park use shall not exceed 2,400sqm

*[The Committee adjourned for a 5 minute comfort break following which a roll call was taken to confirm that all members as recorded above were in attendance.]*

### **119 APPLICATION NUMBER 20200855 – LAND SOUTH OF GREEN LANE EAST, RACKHEATH**

The Committee considered an application for development of up to 157 dwellings together with associated access, open spaces & infrastructure at Land South of Green Lane East, Rackheath without complying with condition no. 3 previously imposed on the approval of reserved matters Ref 20191032 dated 12 March 2020 (and amended by 20201209) pursuant to conditions no. 1 and 2 imposed on planning permission Ref 20160395 dated 31 January 2019 (Removal/Variation of a condition under s73).

The application was reported to Committee as it was contrary to the provisions of the development plan and the officer recommendation was for approval.

Members noted the location and context of the site as set out in detail in the report.

Members noted the receipt of additional plans and documents ensuring the previously approved Biodiversity Management Plan, Arboricultural Method Statement and off-site highway improvement plans were retained for the section 73 application and would enable these documents to be referred to in the schedule of recommended conditions as reference in the supplementary schedule.

The Committee heard from Pippa Nurse of Rackheath Parish Council and Paula Blythe, local resident, raising objections to the application. They also heard from Nicole Wright and Kai Gibbon, agent and applicant, in support of the application.

The main matters for consideration were the principle of development and planning history, the principle of 100% affordable housing, CIL and infrastructure requirements, and whether the proposal was acceptable in all other regards in respect of the development plan and any material considerations including highway safety, landscape, ecology, design.

Reference was made to the fact that there would be no CIL monies payable to the parish arising from this development and the impact of this on the provision of play equipment. There was concern that there was no provision for play equipment included within the development. Officers pointed out that the scheme would still be required to contribute towards the provision of play space (and formal recreation and allotments) and the play equipment would be secured by the Section 106 agreement but could potentially have to be provided offsite on a nearby play area. Members expressed a preference for play equipment to be located on site if possible. It was noted that this might not be feasible due to water attenuation measures on the open spaces. Officers would however negotiate further with the applicants in this respect when finalising the Section 106 agreement.

Having considered these matters, members felt that the application would not result in adverse impacts which could not be mitigated either by condition or section 106 agreement and that the benefits of the scheme significantly and demonstrably outweighed the limited dis-benefits.

It was proposed, duly seconded, that the officer recommendation be supported. On being put to the vote, by way of a roll call, it was

**RESOLVED:**

to delegate authority to the Director of Place to approve subject to satisfactory resolution of the issues raised by the LLFA, Highway Authority and Contracts Officer and subject to a deed of variation to the s106 for the outline application 20160395 and subject to the following conditions:

1. Time limit, 2 year commencement from approval of Reserved Matters 20191032 (12 March 2020).
2. Plans and Documents.
3. Prior to the commencement of development, 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. 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.

4. The development hereby permitted shall be carried out in complete accordance with the approved Tree Protection Plan and Arboricultural Impact Assessment and Method Statement approved under 20191032.
5. Development to be carried out in accordance with approved Energy Statement Rev A and thereafter maintained in accordance with the approved details.
6. No works shall commence on the site until such time as detailed plans of the roads, footways, cycleways, and foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
7. No works shall be carried out on roads, footways, cycleways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority.
8. Before any dwelling is first occupied the roads, footways and cycleways shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with details to be approved in writing by the Local Planning Authority.
9. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan, drawing 1411-88-PL203. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.225m above the level of the adjacent highway carriageway. (Officer note, these were the plans approved under outline application 20160365).
10. Prior to the commencement of any works on site a Construction Traffic Management Plan, to incorporate details of on-site parking for construction workers, access arrangements for delivery vehicles and temporary wheel washing facilities for the duration of the construction period shall be submitted to and approved in writing with the Local Planning Authority.
11. 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.
12. 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 off-site highway improvement works as indicated on drawing numbers 1411-88-PL201, 1411-88-PL204, 1411-88-PL205 & 1411-88-PL206 (Amended Transport Assessment 1411-88/TA/02 Rev A) have been submitted to and approved in writing by

the Local Planning (officer note, these were the plans approved under outline application 20160395). Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in this condition shall be completed to the written satisfaction of the Local Planning Authority.

13. Prior to commencement of any development above slab level, the approved Noise Strategy dated 22.05.2019 (ref 11127: Letter Report By Adrian James Acoustics) shall be undertaken and the results and recommendations submitted to and approved in writing by the Local Planning Authority. Thereafter, specific measures identified in the approved recommendations document shall be incorporated into the design and build of the development hereby approved.
14. The development hereby approved shall be carried out in full accordance with Dwg No 5871\_012\_P12 Landscape and Ecology Strategy, Update to Ecology Report and Biodiversity Management Plan.
15. Prior to the commencement of development a scheme for the provision of 1 fire hydrant for every 50 dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
16. The development hereby permitted shall be carried out in full accordance with the approved technical drainage details (plans to be listed)
17. Prior to their installation details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

### **120 PLANNING APPEALS**

The Committee noted the appeal decisions received and appeals lodged for the period 4 August 2020 to 27 August 2020.

*The meeting closed at 1:10pm*

Minutes of a meeting of the **Planning Committee** held via video link on **Wednesday 16 September 2020** at **9.30am**.

A roll call was taken and the following Members were present:

Cllr S Lawn – Chairman

Cllr A D Adams  
Cllr S Beadle  
Cllr N J Brennan  
Cllr J F Fisher

Cllr R R Foulger (minutes 124 – 126 only)  
Cllr C Karimi-Ghovanlou  
Cllr K Leggett

Cllr S Prutton  
Cllr S Riley  
Cllr J M Ward

Also in attendance were the Assistant Director – Planning, the Area Team Managers (NH & MR) and the Democratic Services Officers (DM & LA).

### **121 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8**

None made.

### **122 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr R Gratton and Cllr I N Moncur.

*In respect of the decisions indicated in the following minutes, conditions or reasons for refusal of planning permission as determined by the Committee being in summary form only and based on standard conditions where indicated and subject to the final determination of the Director of Place.*

### **123 APPLICATION NUMBER 20201193 – PLOT 7, BROADLAND GATE BUSINESS PARK, POSTWICK**

The Committee considered an application for the erection of an electric vehicle charging station with ancillary uses at first floor level to include Class E (retail and a coffee shop), plus associated electrical infrastructure, car parking and landscaping (amended description).

The application was reported to Committee as the proposal complied with the principle of Policy GT10 of the Area Action Plan, however it was contrary to the precise wording which specified acceptable uses because it was Sui Generis (i.e. it did not fall into any Use Class)

The Committee heard from Raoul Tufnell – applicant in support of the proposal.

The key considerations were, the principle of the use, the character and appearance of the area, the impact on neighbouring units and residents and on highway safety.

Members were satisfied that the proposed use was in line with the general employment uses envisaged by Policy GT10, was an appropriate location for the proposal and was in accord with the Development Plan for the area. Members also felt that the proposed development would not have a significant detrimental impact on the amenity of neighbouring units/residential properties nor highway safety, nor the character and appearance of the business park or the surrounding area as a whole. It was in accordance National Planning Policy Framework and members welcomed the proposed use which was in accord with the government aims to reduce reliance on petrol/diesel and reduce carbon emissions.

It was proposed, duly seconded, that the officer recommendation be supported. On being put to the vote, by way of a roll call, it was

### **RESOLVED:**

to approve application 20201193 with the following conditions:

- (1) Time limit (TL01)
- (2) In accordance with submitted drawings as amended (AD01)
- (3) Contamination (AM14)
- (4) Parking (SHC21)
- (5) Construction workers parking (SHC 23)
- (6) Construction management plan (SHC24A)
- (7) Construction management plan compliance (SHC24B)
- (8) Landscaping – provision/timing/maintenance (L07)
- (9) Landscaping – Protection (L09)
- (10) Landscape management plan (L13)
- (11) Details of plant (AM11)
- (12) Ecology (bespoke)

### **124 APPLICATION NUMBER 2020 0861– ADAM AND EVE HOUSE, LITTLE HAUTBOIS, COLTISHALL**

The Committee considered an application for the construction of a two bedroom detached dwelling with associated access and parking at Little Hautbois, Coltishall.

The application was reported to Committee at the request of the local member for appropriate planning reasons.

Members noted the location and context of the site as set out in detail in the report. They also noted the typographical error detailed in the supplementary schedule requiring the word “acceptable” be changed to “unacceptable” in paragraph 6.2 (page 37) of the report.

The Committee heard from Mark Thompson (agent) and Thea Charmley (applicant) in support of the application.

Key considerations were, the principle of development, whether the design sufficiently outweighed the location of the development, the character and appearance of the area, the setting of the listed building and the impact of the development on highway safety.

Members agreed with the view that the proposal did not affect the listed building, the amenity of neighbours nor highway safety. A comment was made that the merits of the design were finely balanced and subjective and some members were sympathetic to the view that the proposal was innovative, being the first PassivHaus Premium of its kind in the Country and the design was of a high standard. The proposal had received much support locally.

Attention was drawn to the fact that the application was made under paragraph 79 (e) of the NPPF which allowed for residential development in the countryside where the design was of exceptional quality. The requirements of paragraph 79 required the design of the proposal to meet four defined tests: to be truly outstanding or innovative – reflecting the highest standards, to help raise standards of design more generally in rural areas, to significantly enhance the immediate setting and be sensitive to the defining characteristics of the local area. When assessing this application against this criteria regard had also been given to the outcome of appeals on similar applications. It was noted that, to satisfy the requirements of paragraph 79 (e), the highest of standards needed to be met including meeting all four of the key tests.

Some members were of the view that the proposed design did not satisfy these high level requirements and did not meet the requirements of paragraph 79 (e) of the NPPF as set out above and as such represented an unacceptable form of development that was contrary to Policy 2 of the JCS and Policy GC4 of the DM DPD and also the aims of Policies 1 and 17 of the Joint Core Strategy and Policy GC2 of the Development Management DPD.

A proposal to approve the application having been made and lost following a vote, it was then proposed, duly seconded, that the officer recommendation, together with the additional conditions, be supported. On being put to the



vote, by way of a roll call, it was

**RESOLVED:**

to refuse application 20200861 for the following reasons:

1. The application site was outside any defined settlement limits and was contrary to Policies 1 and 17 of the Joint Core Strategy and Policy GC2 of the Development Management Development Plan Document (2015).
2. The proposed dwelling did not accord with all the criteria set out in Paragraph 79(e) that required a dwelling that was truly outstanding or innovative, that reflected the highest standards of architecture, that would help raise the standards of design more generally in rural area, and would significantly enhance the immediate setting and be sensitive to the defining characteristics of the local area and therefore the application failed to comply with Policy 2 of the JCS and Policy GC4 of the DM DPD.

*[The Committee adjourned for a 5 minute comfort break following which a roll call was taken to confirm that all members as recorded above were in attendance.]*

**125 APPLICATION NUMBER 20201143 – UNIT 7 AVIAN WAY, SALHOUSE ROAD, SPROWSTON**

The Committee considered an application for change of use from B8 to D2.

The application was reported to Committee as the proposal would result in the loss of a B8 employment use on a Strategic Employment Site.

Members noted the location and context of the site as set out in detail in the report. Members also noted the changes to use classes following recent new Regulations as set out in the supplementary schedule. Class D2 was now referred to as E (d).

The main issues for consideration were the principle of development, the impact on a strategic employment site, the character and appearance of the area, the impact on neighbouring units and the impact on highway safety.

The proposal was to re-use a current vacant unit with no external works to the building and minimal internal alterations. The building could therefore revert to a warehouse in the future should the need arise. A question was raised about the length of time the unit had been empty mindful of the impact of COVID

but it was noted that other units were still available and the unit had been empty for some time before COVID. Members agreed that the proposal would not have a significant detrimental impact on the amenity of neighbouring units or the character and appearance of the unit or the surrounding area. It therefore accorded with the relevant Policies and Development Plans and was an acceptable form of development.

### **RESOLVED:**

to approve application 20201143 subject to the following conditions:

- (1) Time limit (TL01)
- (2) In accordance with submitted drawings (AD01)
- (3) Specific use (R03) – Specific use as a football training facility only and no other E (d) use and also that unit will revert back to employment use once the proposed use ceases to operate.
- (4) Limited hours of use (R01)
- (5) Highways provision of parking areas (HC 21)

### **126 APPLICATION NUMBER 20201017 – HELLESDON HOSPITAL, DRAYTON HIGH ROAD, DRAYTON**

The Committee considered an application for 5 no: 16 bed en-suite non-secure wards (C2) one of which was a potential transition ward for 18-25 year olds. The total number of beds proposed is increased to 80 from 65 (Outline).

The application was reported to Committee at the request of Cllr Gurney for appropriate planning reasons.

Members noted the location and context of the site as set out in detail in the report.

The Committee heard from Peter Burton on behalf of the applicant, supporting the application. Cllr Gurney had registered to speak but due to unforeseen circumstances on the day had sent her apologies.

The main matters for consideration were the principle of development, the impact on the character and appearance of the area, the impact on trees and ecology, the impact on residential amenity and the impact on highway safety, drainage/flood risk.

It was noted that detailed matters regarding the safety of the infiltration ponds and boundary treatments to Low Road would be considered as part of the reserved matters on any subsequent detailed application.

Members welcomed the application which would provide much needed facilities within the County and close to the existing facility. They supported the view that there was an identified need for the new ward accommodation in view of the limitations of the existing accommodation. The site was in a relatively accessible location and, subject to conditions, the proposal would maintain the character of the area, the Hellesdon Green Grid, residential amenity and highway safety. The proposal included arrangements for dealing with its own surface water and would deliver modest ecological enhancements. The application therefore complied the relevant Policies and was considered acceptable.

It was proposed, duly seconded, that the officer recommendation be supported. On being put to the vote, by way of a roll call, it was

**RESOLVED:**

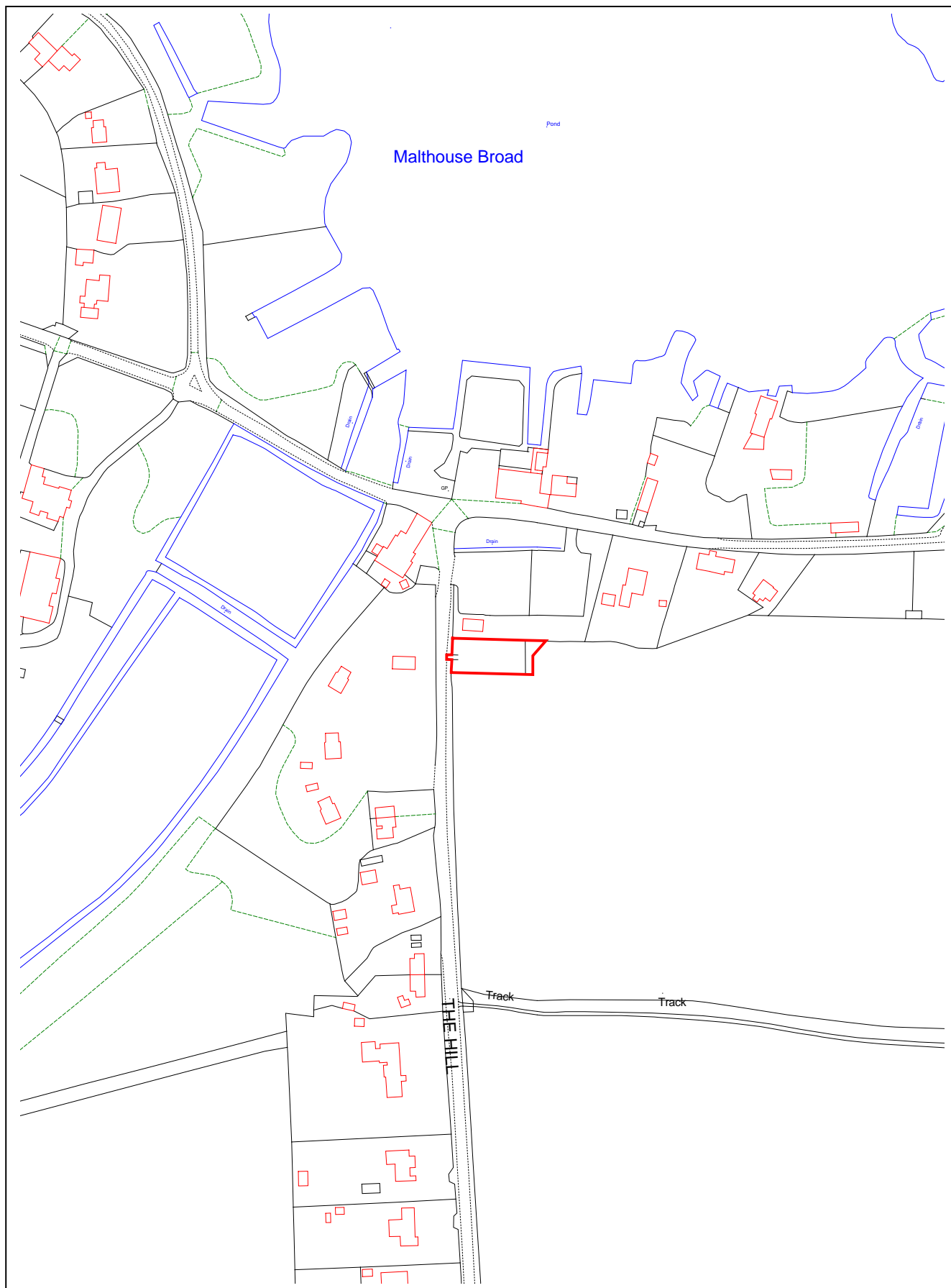
to approve application 20201017 with the following conditions:

- (1) Time limit – outline planning permission
- (2) Submission of reserved matters
- (3) In accordance with submitted drawings
- (4) Tree protection plan and arboricultural method statement to be submitted with reserved matters application
- (5) Lighting strategy to be submitted with reserved matters application
- (6) Development to proceed in accordance with submitted drainage strategy details
- (7) Provision and retention of visibility splays
- (8) Submission of scheme detailing on-site parking for construction workers
- (9) Construction traffic management plan and access route to be submitted along with details of wheel cleaning facilities
- (10) Construction traffic management plan and access route to be complied with for the duration of the construction period
- (11) Detailed drawings of pedestrian improvement works at junction of access into site and Hospital Lane to be submitted for approval
- (12) Pedestrian improvement works to be completed prior to first use of the development
- (13) Ecological mitigation measures
- (14) Ecological enhancements
- (15) Previously unidentified contamination

*The meeting closed at 11:55am*

## SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Area	Application No	Location	Officer Recommendation	Page No
1	20200302	Land East of 35 The Hill, Ranworth	<b>REFUSE</b> and take enforcement action	21
2	20181183	Woodland Manor, Shack Lane, Blofield	<b>APPROVE</b> subject to conditions	37
3	20200981	Walled Garden, Belaugh Green Lane, Coltishall	<b>APPROVE</b> subject to conditions	48
4	20201320	6 Alston Road, Hellesdon	<b>APPROVE</b> subject to conditions	69



**Application No: 20200302**

**Land to the East Side of 35 The Hill,  
Ranworth, NR13 6AB**

**Scale:  
1:2500**

**Date:  
28-Sep-20**



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**Application No:** [20200302](#)  
**Parish:** **Woodbastwick (Panxworth, Ranworth)**

Applicant's Name: Mr Spencer Blyth  
Site Address: Land to the East Side of 35 The Hill, Ranworth,  
NR13 6AB  
Proposal: Change the use of agricultural land to  
glamping/camping site including erection of four  
camping huts and a toilet/shower/storage block (part  
retrospective).

### Reason for reporting to committee

- The proposal has potential to generate employment and the recommendation is for refusal and
- The Council previously owned the land and has a covenant on the land restricting its use to agricultural horticultural, private open or public open space.

Recommendation summary:

Refuse and take enforcement action.

### 1 Proposal and site context

- 1.1 The site relates to an elevated piece of land to the east of The Hill and to the south of the public toilets and Maltsters public house car park in Ranworth. It is approximately 780 square metres in area. There is an existing access which is quite steep off The Hill which was granted permission in 1999 application number 990629 including formation of a 1.5m wide path to provide access to the land for a motorised wheelchair. This became overgrown and has been recently opened up. The Hill is a narrow road with no footways.
- 1.2 The Broads Authority Executive Area boundary runs along the southern and part of the western boundary of the site. Malthouse Broad is approximately 90 metres to the North and Ranworth Broad and Marshes is approximately 280 metres to the north east at the nearest point which is a RAMSAR and a Special Area Conservation (SPA). The application site lies within the SSSI Impact Zone of Bure Broads and Marshes and Upton Broads and Marshes SSSI. Ranworth does not have a defined settlement limit.
- 1.3 This application is for full planning permission for a change of use of agricultural land to glamping/camping site with the erection of four camping huts and a toilet/shower/storage block. The site will be promoted for cyclist and walkers, which no dedicated car parking being provided. A camping hut has been partially installed on site so the application is in part retrospective. Some fencing and gate around the entrance has also been

installed but is different to what is proposed on the submitted drawing. The amenity block is to the south of the access and 4 huts are positioned long the southern side of the site, each with their own patio area, the viewing platform is located to the north of the access.

- 1.4 The application includes details of the four timber cabins with artificial grass roofs, a timber service building with shower/toilet facilities and storage space, a timber viewing platform, slab patios and gravel paths. Two of the cabins are 6m x 2.5m (15 m<sup>2</sup> area) and two are 5m x 2m (10m<sup>2</sup> area), both types have a ridge height of approximately 3 metres and a eaves height of approximately 2.3 metres the service building is approximately 34 m<sup>2</sup> in area and is approximately 3 metres in height and a very shallow mono pitched roof. Photovoltaic panels are proposed on two of the cabins.
- 1.5 A new fence one metre high is proposed along the northern boundary which has been erected in part. It is proposed to retain the hedges along the southern and eastern boundaries.
- 1.6 The proposed plans show the fence covering a wider area than what has been erected on site and a wider double gate, which is on the western boundary. The drawing is unclear if any earth is intended to be removed along the access but to open the wider gate there would need to be an engineering operation to remove further earth. This would facilitate a vehicle accessing the site or at least being able to pull off the road.
- 1.7 Apart from a small section across the top of the gate the fences that have been erected are less than 2 metres in height and not adjacent to the highway so do not require planning permission as a means of enclosure.
- 1.8 The plan and applications are contradictory as to how foul drainage is proposed to be dealt with one stating treatment plant and the other cesspool.

## 2 Relevant planning history

- 2.1 [990629](#): Engineering operations including formation of footpath 1.5m wide to provide access to land for motorised wheelchair. Approved 17 November 1999.

## 3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF):

NPPF 02 : Achieving sustainable development  
NPPF 04 : Decision-making  
NPPF 06 : Building a strong, competitive economy  
NPPF 09 : Promoting sustainable transport

NPPF 12 : Achieving well-designed places

NPPF 15 : Conserving and enhancing the natural environment

### 3.2 Joint Core Strategy (JCS)

Policy 1 : Addressing climate change and protecting environmental assets

Policy 2 : Promoting good design

Policy 3: Energy and water

Policy 5 : The Economy

Policy 6 : Access and Transportation

Policy 17 : Small rural communities and the countryside

Policy 18 : The Broads

### 3.3 Development Management Development Plan Development Plan Document (DM DPD) 2015

Policy GC1: Presumption in favour of sustainable development

Policy GC2: Location of new development

Policy GC4: Design

Policy EN1: Biodiversity and Habitats

Policy EN2: Landscape

Policy E3: Tourist Accommodation

Policy TS3: Highway Safety

Policy TS4: Parking Guidelines

### 3.4 Supplementary Planning Documents (SPD)

Landscape Character Assessment

Parking Standards

## 4 Consultations

### 4.1 Woodbastwick Parish Council:

Object.

- There is a covenant on the land which states: ‘...not to use the property hereby conveyed for any purpose other than agricultural horticultural private open space or public open space’.
- We reported the erection of the glamping pods 06/02/20. We consider this inappropriate given that planning permission is only now being applied for.
- The site was access by foot by steep steps from the Maltsters car park, our understanding that access has been withdrawn and steps removed, but they are still showing on the plans.
- Danger to pedestrians given that there is no parking on site and visitors would have to park at the public house and walk along the unclassified busy road.



- No parking is shown on site. Clarification required as to where vehicles will be parked. If it is in the pub car park is there formal agreement for it
- How will people bring kayaks and canoes to the site.
- The site access is new, it was created by the applicant some 6 months ago, visibility is limited, it is unsuitable for large vehicles, pedestrians and cyclists and would create congestion.
- How would a sewage pumping truck access the site, blocking the road would be unacceptable.
- The structures are described as temporary, question this, if they are when/how would they be removed.
- Need further details relating to foul sewage and the proposed package treatment plant.
- Energy would be required to power package treatment plant.
- The proposal would have an unacceptable impact on neighbours' privacy and would create noise. Hours of opening have not been given and are relevant because of neighbours. People could be arriving at all hours.
- The viewing platform will overlook neighbours.
- Need clarification of waste disposal, cannot use bins by Broad which are for boats. How will refuse vehicle access the site.
- Access up steep slope for bicycles difficult and visibility is poor.
- Fencing at the entrance is unsightly.
- Loss of privacy.
- Noise and disturbance from visitors, would be made worse by dogs.
- Additional planting should be shown.
- Fire hazard from campfires/BBQs to thatched properties.

#### 4.2 District Member Cllr Nigel Brennan and Cllr Justine Thomas

No response received.

#### 4.3 Natural England:

- Identified the sites which could be impacted by the proposal as the site is within Impact Risk Zones for:
- Bure Broads and Marshes SSSI
- Upton Broads and Marshes SSSI
- Advice note supplied relating to foul water discharge.
- Also advises to consult Broads National Park Authority.

#### 4.4 Broads Authority:

- Despite Q12 (a) & (b) on the application form being marked 'no' I can confirm that Ranworth Broad and Marshes are part of a SSSI, RAMSAR and an Area of Special Conservation and the application site lies within the SSSI Impact Zone.

- Suggest that at least a Preliminary Ecological Assessment is completed by a suitably qualified ecologist to assess for the potential presence of protected species.
- Due to the elevated nature of the site, concerned about the detrimental landscape impact when viewing the site from the Broads Authority Executive Area.

### 4.5 CPRE Norfolk:

#### Objects.

- Harmful impact on this designated 'countryside' area.
- This is particularly the case as the proposed development affects open countryside and would cause a significant harmful impact through the proposed development being of a scale greater than the 'limited leisure and tourism facilities' permitted as an exception under Policy 17 of the JCS.
- The application does not appear to be practical due to various confusing elements in the proposal.
- The status of the site as a 'glamping' site does not appear to be justified, in part as the planning statement describes these as "a step-up from a basic camping experience".
- Applaud as low an impact as possible but it is unrealistic to expect every camper to arrive by foot, cycle or public transport. Therefore, cars and other motor vehicles would be parked close to the site in unsuitable locations, as there is to be no vehicle access onto the site.
- Concerned by the intrusion of artificial light into this countryside area, through new lighting at the entrance to the site.
- Question whether all of the buildings, in particular the toilet/shower/storage block should be classified as 'temporary' structures.
- This concern gives further reason for objection, as any permanent structure should be given less consideration for approval, due to its position in the countryside.

### 4.6 Norfolk County Council Highways Officer:

#### Objects.

- The Hill which serves the site as the name suggests is a road built on a slope.
- The Hill slopes down (from the south) northwards towards the junction of Woodbastwick Road with Farm Lane.
- The Planning Statement states that there will be no vehicular access to the site, other than emergency vehicles if needed. Guests will be able to gain access to the site on foot and by bike.
- The proposal does not provide parking on site which would result in parking on The Hill which would cause conditions to the detriment of highway safety, particularly due to the road environment.

- The site is in close proximity to the junction of Farm Lane and Woodbastwick Road and The Hill slopes down northwards from the south to the junction.
- The Norfolk County Council Document 'Parking Standards for Norfolk 2007' recommends that developers should provide sufficient spaces to avoid on-street parking and road safety problems, generally, new development should contain all its associated parking and servicing requirements within the curtilage of the development site, and allow vehicle access and egress, to and from the adjacent public highway, in forward gear.
- Parking on the roadside would obstruct visibility and I believe that approval of this application would result in conditions to the detriment of highway safety as a direct result.
- Having visited the site I would also comment that visibility at the access is severely restricted by hedges and the banked verge.
- A 2.4 metre setback position is required in this location in line with Department for Transport document Manual for Streets. At a 2.4 metre setback position visibility is completely blind in the critical traffic direction (looking north towards the junction of Farm Lane and Woodbastwick Road). Looking southwards at the access visibility is limited to 8 metres. The Hill is subject to a 30mph speed limit and Manual for Streets access visibility guidance states that minimum visibility splays of 43m x 2.4 x 43m should be provided for a road subject to a 30mph speed limit.
- Reasons for refusal Inadequate visibility splays.
- Inadequate on site car parking in an area where increased on street parking would be detrimental to highway safety.

#### 4.7 Norfolk County Council Ecologist:

- Site is arable field on grade I agricultural land and is identified in the Broadland DM DPD at countryside with no allocations for development.
- Application states that there are no trees or hedges on site, but the application shows the northern and western boundaries are hedges and there is a tree on the northern boundary.
- The application site is located within a SSSI Impact Risk Zone (IRZ) for residential/rural non-residential/rural residential/water supply.
- While the application for a glamping/camping site does not fall strictly within these categories it is recommended that Natural England are consulted.
- It is not clear from the proposals whether there will be any loss of hedgerow to facilitate visibility displays.
- If hedgerows are to be lost it is recommended they are assessed against the Hedgerow Regulations 1997 and the results submitted to the LPA as part of the application.
- It is unclear from the application how sewage will be managed - the application form identifies treatment via a 'package treatment plant' which discharges into a stream etc. whilst Drawing 3405.1219B (Dec, 2019) shows a cess pool. It is recommended that this be clarified.

- Need to consider impact on designated site and European Protected Species.
- Site is not located within or adjacent to statutory or non-statutory designations.
- Closest is Broadland SPA Ramsar and The Broads SAC approximately 290 metres to the north east.
- The site is not directly linked to the SPA/SAC/Ramsar sites via waterbodies.
- It is unlikely that the proposal would impact on statutory sites during construction it is unclear from the application how sewage will be managed. Form states package treatment plant discharging into stream whilst the drawing indicates a cess pool recommend that this is clarified.
- Impacts from increased recreation on the SPA, SAC and Ramsar site are currently managed through the Broads Management Plan (2017).
- It is recommended the extent of all site lighting and type of luminaires proposed are detailed within the application to ensure that lighting does not impact nocturnal animals (causing fragmentation).
- It is recommended that the application is supported by a Biodiversity Enhancement and Management Plan to demonstrate how the development will contribute to Policy 1 of the Joint Core Strategy. This should be completed by an ecologist.

#### 4.8 District Contracts Officer:

- Glamping/Camping site, would require a commercial waste collection.
- Bin collection point is in a good location, at the nearest access point to the highway.
- Commercial waste contractor should be able to empty the bins from this site with no issues.

#### 4.9 District Amenity Officer:

No concerns regarding the proposed development with respect to the adjacent public toilets owned by this council.

#### 4.10 District Environmental Management Officer (Pollution):

No objection.

#### 4.11 District Economic Development Officer:

- No objection in principle to this application.
- Concerned about the lack of parking on site.
- I am sure highways will look at this but having no vehicle access/parking allocated does not seem realistic.

- Whilst this might encourage visitors to use bikes etc (which is a positive), they will still need to bring their bikes and possessions for their stay by car initially.
- Ranworth is a tight village to manoeuvre around and wouldn't want parking along the road.
- Useful to know if they have made any agreements around car parking with any of the local businesses.
- Subject to adequate vehicle parking arrangements being made on site or elsewhere (without detriment to the local highway network) I would be happy to support the application.

### 4.12 Other Representations:

Ten letters of objection have been received.

- Inappropriate use in this traditional village, detrimental to its protected rural character
- Wooden fence industrial in appearance
- Pods look like garden sheds with plastic green roof, not building associated with eco-glamping
- Access dangerous for cyclist and vehicles
- Children could run down the slope into the road
- Cess pit may not be supported in sandy soil, and could over flow onto the road
- Noise from stag groups
- Smoke and hot ash from BBQ or campfire could affect thatched properties
- No footpath or parking
- How will refuse be disposed of, bins for boats are often overflowing
- Land Registry covenant not to use the property other than agriculture, horticulture, private open space or public open space
- New staircase onto Maltsters' car park, not shown on the plan
- No indication of cycle storage
- Will sewage treatment plant require a power supply currently states site will be off grid
- How will foul drainage be dealt with
- Will be 24 hour operation
- Viewing platform will overlook neighbouring gardens
- Toilets previously on the site previously removed as access was unsafe
- Village does not rely on tourism for its economy, the only benefit would be to the pub which would be outweighed by the dis-benefits and loss of aesthetic charm to the village
- Village already cannot cope with number of visitors
- None of the car parks provide overnight car parking
- Large wooden fence and buildings are unattractive, not 'eco'
- Buildings described as temporary but clearly are not
- Highly visible in this elevated position

- Impact on view from Malthouse Broad
- Dangerous access, narrow roads
- No parking shown, where will visitors park, congestion in village
- Risk to pedestrians using the site, no footpath
- No ecological survey, protected species may be present
- Impact on the Broad and Marshes – SSSI, RAMSAR, SAC
- Small sewage treatment unit is not feasible and may overflow
- No opening hours stated, will be continuous use
- Noise and disturbance to residents
- Fire risk from campfires/BBQs, are thatched roofs nearby
- Refuse, recycling disposal and risk of fly-tipping
- Electricity supply is required
- Where will drainage be for waste – showers/toilets
- No transport links or public services for visitors
- Loss of privacy to 34 & 35 The Hill from overlooking
- New lighting where no street lights creating light pollution and unneighbourly
- Entrance gates are very solid and imposing not in keeping
- Village already has a high percentage of holiday accommodation
- What control measures would be in place when things go wrong
- Disregard for Planning law as entrance, fence and huts already built
- More holiday accommodation turns the village into a 'resort'
- Noise and disturbance

### 5 Assessment

#### **Key Considerations**

- 5.1 The main issues to be taken into consideration in the determination of this application are an assessment of the proposal against Development Plan policies and national planning guidance. In particular, whether the site constitutes a sustainable location for tourist accommodation. The other issues to be considered are the impact of the proposal on the character and appearance of the area, neighbour amenity, highway safety and ecology/ designated sites.

#### **Principle**

- 5.2 Policy GC1 of the DM DPD sets out the presumption in favour of sustainable development and Policy GC2 states that the settlement hierarchy seeks to focus development within settlement limits unless it accords with a specific policy of the development plan and does not result in any significant adverse impact.
- 5.3 The application site is located at Ranworth and where is no settlement limit, therefore it is a countryside location in planning terms and needs to comply with a specific policy of the development plan. Policy 5 and Policy 17 of the

JCS support appropriate sustainable tourism initiatives which enhance the rural economy. The application is for tourist accommodation and must be assessed against Policy E3 of the DM DPD.

- 5.4 Policy E3 requires that such proposals adequately demonstrate there is a site specific demand for this accommodation **and** that the enterprise will be financially viable. The applicant has submitted a supporting statement which sets out their intention for the business as a niche offering of a eco-friendly glamping site for environmentally conscious people looking for a low budget 'staycation' in the countryside. It explains how they would make the site bicycle friendly, advertised to cyclists and would be open seasonally, seven months of the year. It also highlights local history, activities and places of local interest and that it would help local businesses such as the nearby Maltsters Public House and the Granary Store.
- 5.5 It states that the applicants have carried out research into the latest UK holiday statistics and believe that an eco-friendly glamping site would be welcome in the market. It refers to the popularity of East Anglia as a destination and cites a study by GlobalData and Sykes Cottages Staycation Index which support glamping and ecotourism. However, there is no site specific data or specific market research to adequately demonstrate the demand for this proposal in this location
- 5.6 It states that one night's stay will be marketed at £55 but there is no financial information submitted on estimated visitor numbers, projected turnover and profit to demonstrate the financial viability of the enterprise.
- 5.7 Although Ranworth is an attractive Broads village the absence of parking will significantly restrict the market and potential viability of the proposed enterprise and the supporting information does not adequately demonstrate the demand for this type of accommodation in this location and neither does it demonstrate that the enterprise would be financially viable. As such the proposal is contrary to policy EN3 of the Broadland DM DPD.

### **Highway safety**

- 5.8 Policy TS3 of the DM DPD requires development not to result in any significant adverse impact on the satisfactory functioning or safety of the highway network and policy TS4 requires that appropriate parking and manoeuvring should be provided which reflects the location and as well as accessibility by non-car modes.
- 5.9 The Hill is a narrow carriageway connecting South Walsham to Ranworth Broad and on to Woodbastwick Road. This part of the road is subject to a 30mph speed limit.
- 5.10 The existing access was granted consent for a mobility scooter and was restricted in width to 1.5 metres, the gradient into the site is steep.

- 5.11 It is acknowledged that the applicant wishes to encourage cycling visitors to use the accommodation and this is a positive aim for all developments. However, it is not considered realistic to be able to sustain this business of four cabins solely on visitors arriving by bicycle, foot or public transport and the applicant has not adequately demonstrated that this could be achieved. The bus service is limited with one service a day each way between Acle and Wroxham stopping at Ranworth which only runs Monday to Friday.
- 5.12 In order to be viable, the proposal requires the highest possible level of occupation and it would be an unlikely business strategy which would turn customers away if they arrived by car. The applicant has suggested that visitors could park in the Maltsters Public House car park however, this is a private car park and there is no formal agreement for this, which would need to be secured in perpetuity through a legal agreement.
- 5.13 Given the remote location, it is unrealistic that visitors would not travel by car. There is a very small number of spaces by the Staithe and along with the Norfolk Wildlife Trust car park no parking is allowed overnight. The Highway Officer therefore requires car parking to be provided to avoid on street parking in an area where the roads are narrow and parked vehicles would restrict visibility and would result in situations detrimental to highway safety contrary to policies TS3 and TS4 of the DM DPD.
- 5.14 Although the applicant has stated that only emergency vehicles will access the site, the proposed plan appears to provide modifications to the entrance which would facilitate vehicles pulling into the access. The visibility from the access is severely restricted by hedges and the banked verge. At a 2.4 metre set back position visibility is completely blind in the critical traffic direction (looking north towards the junction of Farm Lane and Woodbastwick Road). Looking southwards from the access visibility is limited to 8 metres. The Hill is subject to a 30mph speed limit and Manual for Streets access visibility guidance states would require a minimum visibility splay of 43metres x 2.4 x 43 metres. Use of the access for cars or by cyclists is therefore likely to be give rise to situations detrimental to highway safety and is therefore contrary to policy TS3 of the DM DPD.

### **The impact of the development on the character and appearance of the surrounding area**

- 5.15 The reason for the application is to provide holiday accommodation which will allow visitors to enjoy the special quality of the Broads landscape. This brings with it a need for any development to be sympathetic to this protected landscape and not to have an adverse impact.
- 5.16 The site is within an 'F1 Wroxham to Ranworth Marshes fringe landscape' defined by the Landscape Character Assessment SPD and is clearly seen from the Broads Area, particularly in the winter months when the vegetation screening is significantly reduced. The timber huts with artificial grass roofs and amenity block are 3m in height to the ridge and will be visible from



outside the site above the boundary fence and hedges. The site is elevated and the buildings along with any other associated paraphernalia would be an unattractive feature which does not reflect the local distinctiveness of Ranworth in terms of design and materials and would have a detrimental impact on the visual amenity of the area and views from the Broads Area, which is a view shared by the Broads Authority as set out in paragraph 4.4. As a result the development is contrary to Policies 1, 2 and 18 in the JCS and policies GC4 and EN2 of the DM DPD which require developments to achieve a good standard of design which respects the local distinctness of the area and protect or enhance the local landscape.

- 5.17 In addition, although the fencing does have a negative visual impact on the amenity of the area it is set back from the road [ie not adjoining the highway] so does not require permission and so the impact of this cannot form part of a decision to refuse the proposal.

### **The impact of the proposal on residential neighbouring amenity**

- 5.18 Policy GC4 of the DM DPD requires developments not adversely affect neighbouring properties.
- 5.19 The site plan shows a viewing platform in the north west boundary. This has been sited to take advantage of the attractive views across the Broad and would encourage people into this area of the site which would also directly overlook the garden of no. 34 The Hill from a higher level which would have a detrimental impact on the residential amenity of the occupiers contrary to policy GC4 in the DM DPD. Due to the angle, views directly into windows would be limited.
- 5.20 The development would result in a certain amount of noise and disturbance from a site which currently creates no noise, however it is not considered that the disturbance would be to such an extent that could warrant refusal of the application, particularly given the nearby public house and outside beer garden.

### **The impact of the proposal on Protected Sites and Ecology**

- 5.21 Ranworth Broad and Marshes is part of the Broads National Park and as such is protected for its intrinsic beauty. It is also part of a SSSI, RAMSAR and an Area of Special Conservation. The application site is within Impact Risk Zones indicating of the Bure Broads and Marshes and Upton Broads and Marshes SSSI
- 5.22 No ecological information about the site has been submitted with the application, The site is not directly linked by a water course to the designated sites and increased visitors to the designated sites are currently managed by the Broad's Management Plan 2017. An Appropriate Assessment has been carried out and it is considered that the development is therefore unlikely to have a significant impact on the designated sites.

- 5.23 The site is grass with hedging and is unlikely to support any protected species. The NCC Ecologist has recommended that a Biodiversity Enhancement and Management Plan is provided [this would be conditioned if the development proposal is approved] which will ensure enhancements and management of the site including lighting which may affect nocturnal animals and could consider other issues such as restrictions on BBQs and fires.

### **Foul drainage and refuse disposal**

- 5.24 The method of foul water disposal is unclear with both a treatment plant and cess pool being suggested. If the proposal was considered acceptable, this matter could be resolved by condition so does not form part of the proposed reasons for refusal.
- 5.25 The site would be responsible for its own refuse disposal via a commercial provider, a bin store and collection point adjacent to the road has been suggested, which could be conditioned.

### **Other Matters**

- 5.26 The Council previously owned the land and a covenant was placed on it, restricting its use to agricultural horticultural, private open or public open space. The covenant is not a material planning consideration and the application has been considered on its planning merits. Any changes to the covenant or enforcement of this must be dealt with separately
- 5.27 The need to support the economy as part of the recovery from the COVID-19 pandemic is a material consideration. In addition, this application will provide holiday accommodation in the UK at a time of increased demand and this weighs in favour of the proposal although this does not outweigh the unacceptable impacts as set out above.
- 5.28 Under Section 143 of the Localism Act the Council is required to consider the impact on local finances and the Council could financially benefit from any changes to the covenant. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.29 This application will/will not be liable for Community Infrastructure Levy (CIL), as the buildings are not dwellings and less than 100 square metre of floor space is being created.

### **Enforcement**

- 5.30 The application is in part retrospective and if the application is refused planning permission then an enforcement notice will need to be served seeking removal of the partially constructed huts on site. The majority of the

fencing which has been erected is permitted development, a small section above the gate does exceed two metres, enforcement action could be taken to reduce the height, but the additional impact of what is not permitted development is minimal and it is not considered expedient to take action against the fencing.

### **Conclusion**

- 5.31 In conclusion, neither a site-specific demand or financial viability for the proposed type of accommodation in a remote location with no designated car parking has been adequately demonstrated and the proposal is therefore contrary to Policy EC3 of the DM DPD.
- 5.32 There is no designated car parking for the proposed visitors which could lead to on-street parking in an area where it would be detrimental to highway safety and the existing access falls significantly short of the required visibility splays so its use would be detrimental to highway safety and contrary to policies TS3 and TS4 in the DM DPD.
- 5.33 The site is elevated and the buildings along with any other associated paraphernalia would be an unattractive feature which does not reflect the local distinctiveness of Ranworth in terms of design and materials and would have a detrimental impact on the visual amenity of the area and views from the Broads Area, which is a view shared by the Broads Authority. Contrary to policies 1, 2 and 18 in the JCS and Policies GC4 and EN2 of the DM DPD
- 5.34 The proposed development and in particular the viewing platform would result in an unacceptable overlooking into the garden of number 34, which would result in loss of privacy contrary to Policy GC4 in the DM DPD.

Recommendation: Refuse.

Reasons for Refusal The site is outside a defined settlement limit and a site specific demand or financial viability for the proposed type of accommodation in a location with poor public transport links and with no designated car parking has been not been adequately demonstrated and the proposal is therefore contrary to policy EC3 of the Development Management Development Plan Document.

The proposal does not incorporate on-site vehicular parking and would therefore be likely to lead to an undesirable increase in on-street parking to the detriment to highway safety contrary to Policies TS3 and TS4 in the Broadland Development Management Development Plan Document 2015.

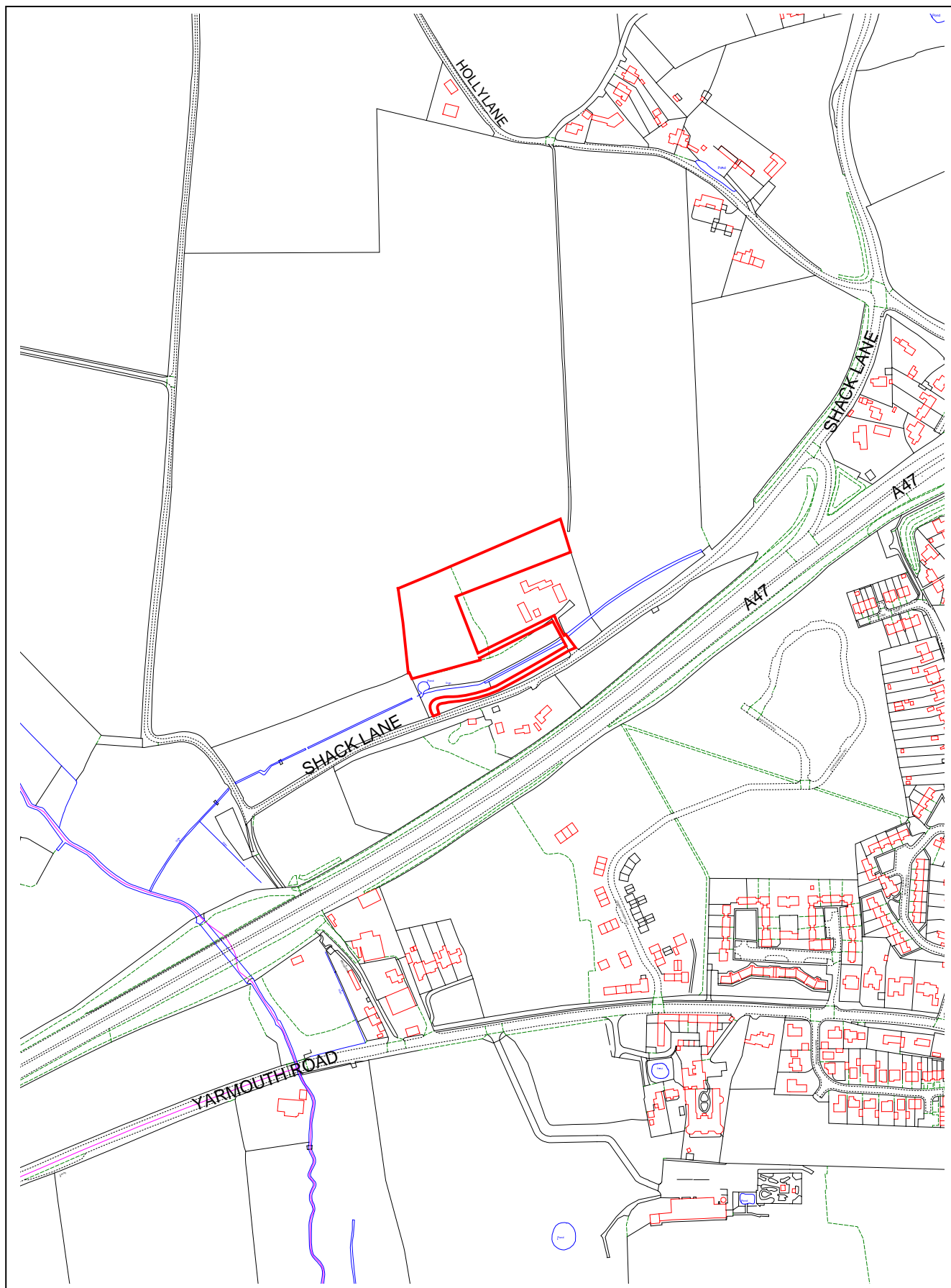
Inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway contrary to policy TS3 in the Broadland Development Management Development Plan Document 2015.

The site is elevated and the buildings along with any other associated paraphernalia would be an unattractive feature which does not reflect the local distinctiveness of Ranworth in terms of design and materials and would have a detrimental impact on the visual amenity of the area and views from the Broads Area contrary to Policies 1, 2 and 18 in the JCS and policies GC4 and EN2 of the Broadland Development Management Development Plan Document

The siting of the timber viewing platform will result in overlooking and a loss of privacy affecting the amenity of adjacent properties, in particular 34 The Hill, contrary to Policy GC4 of the Broadland Development Management Development Plan Document

**Contact Officer,  
Telephone Number  
and E-mail**

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**Application No: 20181183**

**Woodlands Manor, Shack Lane, Blofield,  
NR13 4DP**

**Scale:  
1:5000**

**Date:  
29-Sep-20**



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**Application No:** [20181183](#)  
**Parish:** **Blofield**

Applicant's Name: Mr J Cole  
Site Address: Woodlands Manor, Shack Lane, Blofield, NR13 4DP  
Proposal: Private motor cross track and change of use of agricultural lane to residential curtilage

### Reason for reporting to committee

The development of the motor cross track within the extended curtilage does not accord with the development plan.

Recommendation summary:

Approve subject to conditions.

### 1 Proposal and site context

- 1.1 The application site relates to an existing dwelling known as Woodland Manor on the north side of Shack Lane in Blofield. The A47 runs east west to the south of the site. There is an existing dwelling opposite and further dwellings along Shack Lane West and Holly Lane. A public right of way Blofield FP3 runs within the east boundary of the site. Howes Meadow, a County Wildlife site is located to the south east.

The site is outside of any settlement limit and is not allocated for development.

- 1.2 The application is to change the use of agricultural land to domestic curtilage in the northern part of the site and the formation of a private motor cross track to the west of the dwelling. Both these developments have already taken place, so the application is therefore retrospective.
- 1.3 The red line on the application has been recently reduced and the track amended to provide a larger buffer with boundary features. The motor cross track layout is changed every so often so an area where it can occur is proposed rather than an actual track layout. The track has been excavated below surrounding ground level and contains a track circuit the route of which is changed every so often and incorporates earthworks/ jumps that also get reformed when the track is changed.
- 1.4 A previous application 20171131 was refused on the basis that it had not been demonstrated that the noise impact on nearby properties and footpath users could not be adequately mitigated against and the adverse impact on biodiversity does not outweigh the benefits and appropriate mitigation and habits had not been provided. The current application seeks to address these reasons for refusal.

### 2 Relevant planning history

- 2.1 [20191402](#): Erection of outhouse (retrospective). Approved 24 October 2019.
- 2.2 [20190215](#): Erection of 1.5m fence to front boundary (revised scheme). Refused 26 March 2019.
- 2.3 [20180198](#): Erection of close board timber fence to front boundary incorporating mixed natural hedging to road side (part retrospective). Appeal dismissed 14 December 2018.
- 2.4 [20171131](#): Private motor cross track and change of use of agricultural land to residential curtilage (retrospective). Refused 2 February 2018.
- 2.5 [20170157](#): Erection of fence to front boundary (retrospective). Refused 26 July 2017.

### 3 Planning Policies

#### 3.1 National Planning Policy Framework (NPPF):

NPPF 02 : Achieving sustainable development

NPPF 04 : Decision-making

NPPF 12 : Achieving well-designed places

NPPF 14 : Meeting the challenge of climate change, flooding and coastal change

NPPF 15 : Conserving and enhancing the natural environment

#### 3.2 Joint Core Strategy (JCS):

Policy 1 : Addressing climate change and protecting environmental assets

Policy 2 : Promoting good design

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

Policy GC1 Presumption in favour of sustainable development

Policy GC2 Location of new development

Policy GC4 Design

Policy EN1 Biodiversity and habitats

Policy EN2 Landscape

Policy EN3 Green Infrastructure

Policy EN4 Pollution

Policy TS3 Highway safety

Policy TS4 Parking guidelines

Policy CSU5 Surface water drainage

### 3.4 Blofield Neighbourhood Plan:

ENV2 Soft site boundaries and trees  
ENV3 Drainage  
ENV5 Dark Skies

### 3.5 Supplementary Planning Documents (SPD):

Landscape Character Assessment

## 4 Consultations

### 4.1 Parish Council:

No response.

### 4.2 District Members, Cllr Justine Thomas and Cllr Nigel Brennan:

No response.

### 4.3 NCC Highways:

- No objection to the use of the motor cross track as long as it is in private use.
- Need to consult public rights of way officer as it is a change the use of a section of public right of way into residential use.

### 4.3 NCC Public Rights of Way Officer:

No objection.

- Blofield footpath 3 is aligned with the red line and within the green hatched area.
- Full legal extent of the footpath should remain open and accessible for the full duration of the development.

### 4.4 NCC Ecologist:

- Comment below should be read in conjunction with our formal response to 20170157.
- As previously stated, we are of the opinion that site clearance and construction of the motor cross track has resulted in loss of valuable habitats for wildlife, in their own right and in association with adjoining County Wildlife site.
- The loss of shrub on the western boundary adjacent to the CWS as it is specially mentioned in the CWS citation.



- Contrary to Policy EN1 which states development should protect and enhance the biodiversity of the district and avoid fragmentation of habitats.
- Only states that where harmful developments may occur it should be adequately demonstrated that the development cannot be located where it would cause less, or no harm and the benefits of the development outweigh the benefits.
- Contrary to Policy EN1 because:
  - Biodiversity and habitats have been lost and is very likely that there have indirect impacts on adjoining habitats and protected sites result in habitat fragmentation and a less effective ecological network.
  - Not been demonstrated that the motorcross track could have been located elsewhere within the application site which would not have been as harmful to the biodiversity, for example on land which was solely on arable farmland.
  - No ecological information has been submitted that demonstrates the benefits outweigh the harms.
- Development is contrary to Policy 1 of JCS the development has a negative impact on the adjacent CWS so therefore does not conserve or enhance the environmental assets of local importance
- The development results in net loss of wildlife habits and contribute positively to wildlife resources.
- The development does not provide appropriate mitigation or replacement of habitats.

#### 4.5 District Environmental Management Officer (Noise):

##### Original comments:

- The report appears to show that the motorcycle noise is not significant compared with the background traffic noise from the A47.
- Have received no noise complaints that have progressed to monitoring.
- Not in a position to object.

##### Additional comments:

- From site visit the motor bikes are clearly audible above the A47 noise at the front of the property.
- Noise from the A47 was persistent and clearly audible.
- From Holly Lane adjacent to residential gardens the motorbike noise from the larger deeper bike was intermediately audible depending on where in the circuit the bike was but the level was not regarded as intrusive.
- Shack Lane West similar to levels observed at Holly Lane, perhaps marginally louder, but not intrusive.
- Wind was moderately westerly, should there be a stiff breeze directly towards nearby dwelling there may be a marginal increase in noise.

- Overall, during daytime 9-5pm if there were two motorbikes, I do not believe the impact would be significant.
- This may not be the case if a larger number of bikes used the site for long periods rotating a maximum number of two and if exhausts were not baffled.

#### 4.6 District Environmental Management Officer (Contamination):

No objection.

#### 4.7 Other Representations:

Nineteen letters of objection and petition with 13 signatories:

- Trees were removed from the site.
- No tree survey is submitted.
- Flood risk assessment should have been submitted as site over a hectare.
- Tributary of Witton run to south.
- Concern Shack Lane will become impassable in heavy rainfall.
- Vegetation removal will increase amount of surface water runoff.
- Risk of silt and contamination entering the watercourse.
- Less the 5km from Yare Broad and Marshes SSSI, Broads SAC and Broadland SPA. Therefore, site has connectivity to the sites if contamination and silt.
- Site could have been suitable for reptiles, ground nesting birds and bat roosts.
- No construction Environmental Management Plan.
- Ecology survey should have been submitted.
- Noise modelling has been based on applicants' bikes which could be upgraded to noisier models.
- Not known whether calculations were made at full racing capacity.
- Unlikely that it will just be the applicant and immediate family using the track likely to be used by others.
- Not able to enforce or monitor restrictions.
- How was the effectiveness of the timber fence measured, important as it determine whether the development is acceptable.
- Loss of hedge.
- Water course has been completely destroyed.
- Already a motor cross track in Strumpshaw.
- Blocking of public footpath.
- Properties tested were not in the direction of the prevailing wind if permitted would want to see electric bikes or silencers and have a maximum of 4 bikes.
- Road has flooded since the work.
- Design and access statement state use would be 2-3 days a week 10-4 but the noise report states up to 19:00.
- What is the noise impact in Howes Meadow.

- Noise was measured where properties where there is hedges and hedges in between measurement should have been taken from Holly Lane.
- Howes Meadow is managed by BADCOG and is designated County wildlife site.
- Public Right of Way has been blocked.
- Traffic noise is continuous bike noise profile very distinctive and will be clearly heard above the traffic.
- Could result in noise for a substantial part of the day.
- Noise prevented us from sitting outside and enjoying garden.
- Could turn into a business.
- No measurement from Holly Lane where prevailing wind carries noise.
- Security lights currently on and cause light pollution.
- Reduce saleability of properties.
- Did not give permission for noise equipment on my land.
- Fence not suitable in the area.

### 5 Assessment

#### **Key Considerations**

- 5.1 The key considerations are the principle of the development, impact on the landscape, impact on noise on local residents and footpath users, impact on ecology including the county wildlife site, highway safety, public right of way and flooding.

#### **Principle**

- 5.2 Policy GC2 of the Broadland DM DPD restricts development outside development boundaries. 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. As indicated in 1.1 above the site is not within any settlement limit and is not allocated for development and it is acknowledged that the extended residential garden use for this dwelling and the motor cross track could not be accommodated within a settlement limit as these are for the benefit of the dwelling on site.

Therefore, there follows below a detailed assessment of the impacts of the development against relevant policies of the Development Plan including the effect of the use of conditions to mitigate impacts.

#### **Landscape setting.**

- 5.3 The development forms part of the D4 Blofield Tributary Farmland as defined by the Landscape Character SPD. The site is screened with hedges in the key directions which limits the impact on the wider landscape

as a result it considers that the development would protect the landscape as required by policies GC4 and EN2 of the DMDPD and ENV2 of the BNP.

### **Noise (residential amenity)**

- 5.4 One of the reasons the previous application was refused was noise impact. Policies GC4 and EN4 in the DM DPD which seeks to protect residential amenity and paragraph 180a of the NPPF “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”.
- 5.5 A professionally commissioned acoustic report has now been submitted with the application. The A47 is located not far from the south of the site, which results in a high background noise level. Noise tests and calculations were carried out for the nearest residential property Lone Cottage to the South approximately 75 metres from the development and Dawlings Farm approximately 200 metres from the site to the north west and on the public foot path to the north east, which identified that the noise from the motor cross track was either below or slightly above the background levels, As a result it concluded that development does not result in significant loss of amenity to nearby residential properties or users of the footpath.
- 5.6 Concern has been raised that the report did not cover properties within Holly Lane, calculations were undertaken in that direction in relation to the public footpath there were no reasons that the dwelling further away would be more adversely affected. The case officer and the Environmental Quality Officer (Noise) visited a number of points closer to the site than the dwellings including along Holly Lane and Shack Lane West and observed the noise from the motor cross site when in use. You will note from the observation from the Environment Management Officer in section 4.5 that the noise was intermittent depending on where the bikes were on the track; it was very similar to a lawn mower noise and could not be regarded as intrusive. The Environmental Management Officer as a result does not consider from the report and his own observation that an objection could be sustained on noise grounds.
- 5.7 To ensure that noise is controlled at a suitable level; a number of noise conditions have been suggested to ensure that the motor cross activity does not cause significant harm to amenity. These include that the use of bikes is limited between 10 am and 4pm; the use of the track is limited to use incidental to Woodland Manor [the dwelling on site]; only two bikes can be used at any one time – the size of the track to an extent self-limits this

but a condition is suggested; and no jumps / earthworks are created above the adjacent boundary ground level, as the bunded earthworks currently absorbs the noise. With the imposition of these suggested conditions it is considered that the development would not cause any unacceptable level of disturbance given the background noise from the A47 and therefore the proposal complies with Policies GC4 and EN4 in the DMDPD which seeks to protect residential amenity in terms of noise impact.

### **Ecology and biodiversity**

- 5.8 The County wildlife site Howes Meadow is located to the south west of the site. The previous application was refused on the basis that the benefits of the development did not outweigh the adverse impacts on biodiversity and the application did not provide appropriate mitigation or replacement habitats.
- 5.9 Policy EN1 requires development to protect and enhance biodiversity in the district to avoid fragmentation of habitats and support coordinated green infrastructure and the development cannot be located where it would cause less or no harm, adequate mitigation is provided and the benefits outweigh the harms. Policy 1 in the JCS requires development to minimise fragmentation of habitats and seek to conserve and enhance existing environmental assets of acknowledged regional or local importance. Where harm is unavoidable, it will provide for appropriate mitigation or replacement with the objective of achieving a long term maintenance or enhancement of the local biodiversity baseline
- 5.10 The majority of the motor track development is within the established residential curtilage and area to the north which was agricultural land. The development did result in the removal of some vegetation and trees but none of these were protected and could have been removed at any point without the development. The development has been amended to provide a larger buffer area around the site and the boundary vegetation. The connectivity to the land to the south of the motor cross track from the county wildlife site and the wider ecological network has been retained, new hedgerow planting along the buffer will improve this and this can be conditioned. The applicant has planted approximately 60 native species trees on the site and also proposes to install a number of bird and bat boxes and areas for loggeries and wildflowers. With these and together with the proposed ecological enhancements, this will considerably enhance the ecological value of the site and the development is therefore on balance considered acceptable. A condition is proposed that these works including a reduction of the track area is carried out with three months of approval.
- 5.11 The agent has confirmed that he made a mistake in the application form and the development does not directly drain into the watercourse to the south, which is connected with the wider watercourse network and eventually the designated sites. The site itself is very sandy so would self-drain and contain any potential contamination from the track.

### Highways

- 5.12 As the use of the track is private and a condition is proposed as such, the Highway Officer raises no objection and the development is considered to accord with Policy TS3 and TS4 of the DM DPD.

### Public Right of Way

- 5.13 Blofield Footpath 3 runs within the boundary of the site within the east side of the development including within the extension to the residential curtilage. The footpath already goes through the existing residential curtilage and it is not unusual for this situation to occur. The Public Right of Way Officer raises no objection as long as the footpath is not obstructed and kept open.

### Flooding

- 5.14 Concern has been raised regarding flooding on Shack Lane, the stream to the south is at low to medium risk of surface water flooding. A buffer is retained between the development and the road, the motor cross track is on sandy soil so is self-draining and is separated from the road by the stream, as a result is not considered that the flooding on Shack Lane could be contributed to by the motor cross site or the extension to residential curtilage. The red line denoting the application site area has been reduced in size as it included a lot of land within which development was not occurring. It is now less than a hectare so there is no requirement for a Flood Risk Assessment.

### Other matters

- 5.15 Under Section 143 of the Localism Act the Council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.16 This application is not liable for Community Infrastructure Levy (CIL) as no new floorspace is being created.

### Conclusion

- 5.17 The National Planning Policy Guidance makes it clear “When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects.” The additional supporting acoustic information and the use of suitably worded conditions has enabled the proposed development to overcome the previous reasons for refusal relating to noise disturbance and ecological impact. It is suggested that this makes the development acceptable and on

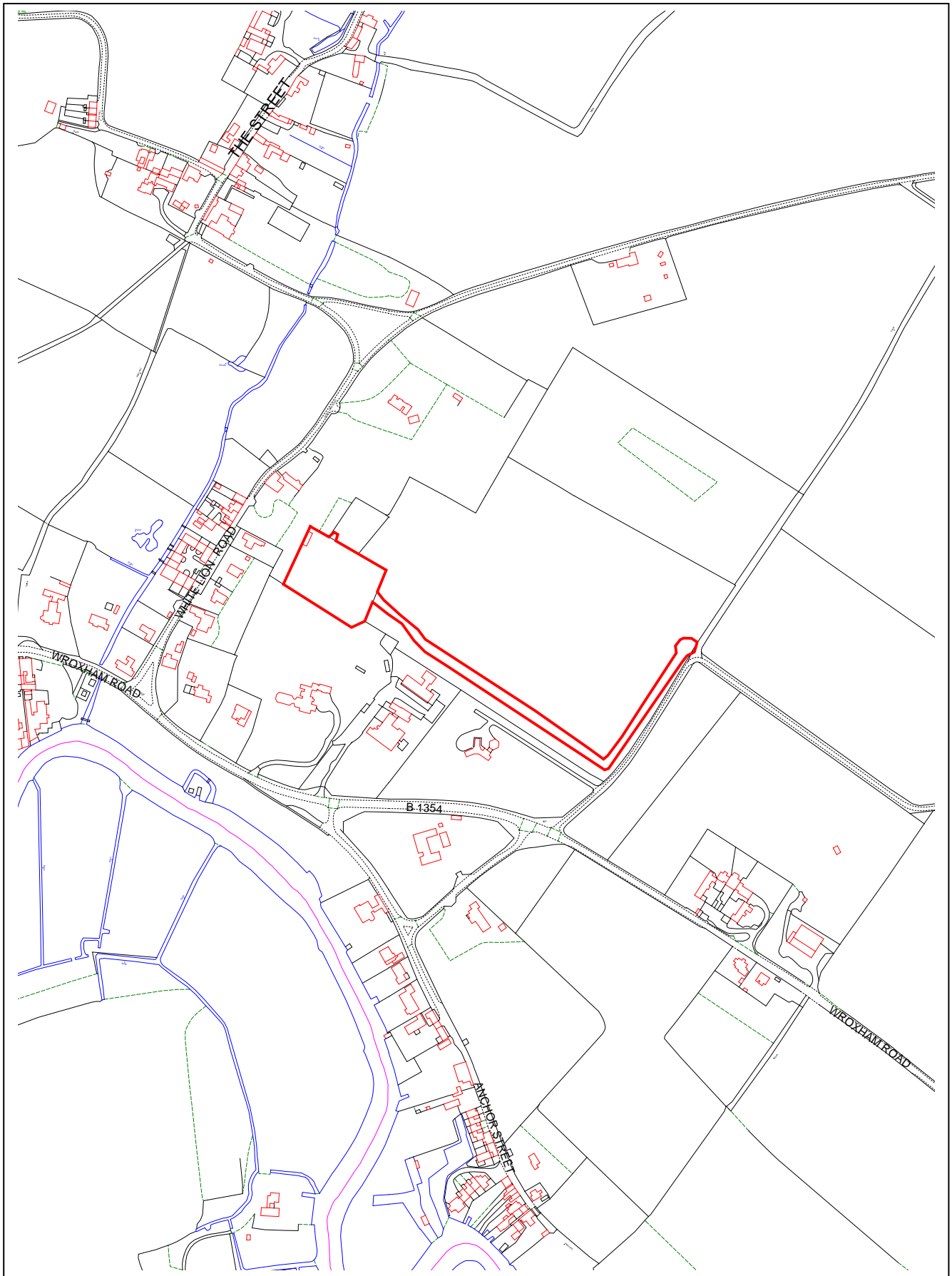
balance the potential harms in terms of noise disturbance and ecological impact can be controlled in terms of noise levels and in terms of ecology, can be mitigated and enhanced. In terms of character and appearance of the area, the site is screened with hedges in the key directions and there are no wider landscape harms. As a result, it considered that the development would protect the landscape as required by Policies GC4 and EN2 of the DMDPD and ENV2 of the BNP.



5.18 On balance the proposal is considered acceptable subject to the imposition of conditions as set out below.

Recommendation: Approve subject to conditions:

- (1) In accordance amended drawings
- (2) Track area to be reduced within 3 months
- (3) Ecological enhancements provided within 3 months including new hedge planting
- (4) Use of track limited to the use incidental to the enjoyment of the dwelling
- (5) Use of track limited 10am – 4pm
- (6) Only two bikes to use the track at any one time
- (7) No earthwork / ramps higher than the adjacent outer ground level
- (8) Retention of hedges
- (9) Removal of PD for buildings within extended residential curtilage

**Contact Officer,** Helen Bowman  
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 <p><b>Broadland</b> District Council - leading the way - broadland.gov.uk</p>	<p><b>Application No: 20200981</b></p> <p><b>Walled Garden, Belaugh Green Lane, Coltishall, NR12 7AJ</b></p> <p>Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011. Ordnance Survey Licence number 100022319.</p>	<p><b>Scale:</b> 1:5000</p> <p><b>Date:</b> 28-Sep-20</p>	<p><b>N</b></p> 
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**Application No:** [20200981](#)  
**Parish:** Coltishall

Applicant's Name: Mr Chapman  
Site Address: Walled Garden, Belaugh Green Lane, Coltishall,  
NR12 7AJ  
Proposal: Erection of dwelling, greenhouse, garage,  
landscaping and access

### **Reason for reporting to committee**

The application is reported to Committee as it is being recommended for approval contrary to the current development plan policies and the local Member has requested that the application be determined by the Planning Committee for appropriate planning reasons as set out below in paragraph 4.9 of this report.

### **Recommendation summary:**

Approve, subject to conditions.

## **1 Proposal and site context**

- 1.1 The application seeks full planning permission for the erection of a detached self-build dwelling within an existing walled garden, outside the settlement limits of Coltishall. The application also includes the erection of a detached greenhouse and garage as well as landscaping and access.
- 1.2 The application site is of a square shape, measuring approximately 0.5 hectares in size and lies within the Coltishall Conservation Area and immediately adjacent to the Broads Authority Executive Area. The site currently comprises a walled garden, which formerly belonged to Coltishall Hall. The site is made up of unused amenity grassland. There is a single storey brick building with a lean-to roof, a small greenhouse and a large wooden shed in the north west corner of the site which are used for storage of garden machinery and equipment. The brick building also contains WC facilities.
- 1.3 To the north of the site there is a small parcel of amenity land and then an area of woodland beyond, whilst to the east are open fields. no. 43 Wroxham Road is a large residential dwelling with a wooded area within the rear garden, and lies to the south of the site. To the south east are some residential apartments within the grounds of Coltishall Hall. Coltishall Hall itself, which is a Grade II listed building, lies further south. To the west and north west there are areas of woodland with residential dwellings, off White Lion Road, beyond.

- 1.4 The proposal is for a single storey, three bedroom dwelling to be erected in the north-west corner of the site. It is proposed to be a curved building with two pitched roof forms and a central gable with a dual pitch roof. The southern elevation is principally glass to reflect the tradition of the glass house. Solar panels are proposed on the roof with their exact location still to be determined. The ground is proposed to be reduced by approximately 900mm to ensure that the bulk of the building is below the height of the wall and therefore concealed from external view. The dwelling will comprise an open plan kitchen / dining area / living room, a utility room, an office, a plant room, a family bathroom and three bedrooms, two with en-suites and one also with a dressing room.
- 1.5 The dwelling has been designed to have the appearance of a traditional Primary glasshouse building. The building is curved to recognise and relate to the unusual trapezoidal shape of this particular Walled Garden, whilst there is a tradition of the curved shape in more elaborate greenhouses of the 19th Century. The glazing on the southern elevation is set on a 800mm high wall to reflect the tradition of having raised beds set behind a masonry upstand, within greenhouses in the past. The proposal incorporates a central spine wall which reflects the internal dividing walls commonly found within gardens. To further reflect walled garden traditions, a plant room is located on the northern side of the building, with two 'false' ventilation chimneys to highlight the function of this area, following the precedent of having boiler rooms behind the green houses for heating.
- 1.6 The building is proposed to be constructed of a solid hemp and lime wall construction, with a simple timber frame within the hemp walls. The flat roofs will be constructed of a single-ply membrane, with the pitched roofs finished with timber shingle. Aluminium frames are proposed for the windows.
- 1.7 In 2014 when the applicant took ownership, the walls were in a poor state of repair and the applicant has already expended considerable time and energy on removing the ivy from the walls, in stabilising the structure and clearing weeds and brambles from the area. The proposals will allow the applicant to manage and oversee the continued repairs to the walled garden and the surrounding woodland.
- 1.8 A primary target for the proposal is to achieve a highly sustainable dwelling, achieved by using a combination of carefully managed passive strategies and energy generating and storage technologies. A 'fabric first' approach has been taken with the choices of materials used on the dwelling considered to have good thermal performance. The primary heat source will be a ground source heat pump, whilst photovoltaic panels will be installed on all suitable roofs. A backup generator, or similar, and an EasyGrid battery system is proposed to ensure electricity supply during extended periods of over-cast days or overnight. An existing bore hole, located in the existing out building, will provide all water for consumption.

Any filters required to ensure the water is a suitable drinking quality and all pumps will be powered by the electricity generated on site.

- 1.9 A red-brick, three-bay garage is proposed to the south of the existing entrance. This is a continuation of the dividing masonry wall, following the same sweeping curve within the garden as the dwelling. The garage is also configured to be lower than the existing walls, with a shallow pitched green roof. The building will be set away from the existing wall, with a pedestrian access route to the garden running between the building and the wall. This will be sheltered by an extension of the garage roof. A greenhouse, with a brick base and lean-to roof, will also be constructed adjacent to the north wall.
- 1.10 The site is proposed to be accessed via a driveway running from an existing farm track, along the south and east boundaries of the field, before utilising an existing field access on to Belaugh Green Lane. The existing tracks are proposed to be upgraded by way of a minimal-dig, low impact construction, to avoid damaging tree roots. The walled garden already has a vehicular access to the west wall and a pedestrian access to the north wall.
- 1.11 As stated above, the site is outside the settlement limit that has been defined for Coltishall and is in a countryside location. On that basis, the application has been submitted for consideration under paragraph 79 (e) of the National Planning Policy Framework (NPPF), which allows for isolated homes in the countryside where the design is of exceptional quality.

## **2      Relevant planning history**

- 2.1 None relevant.

## **3      Planning Policies**

- 3.1 National Planning Policy Framework (NPPF) (2019):

NPPF 02 : Achieving sustainable development

NPPF 04 : Decision-making

NPPF 05 : Delivering a sufficient supply of homes

NPPF 09 : Promoting sustainable transport

NPPF 11 : Making effective use of land

NPPF 12 : Achieving well-designed places

NPPF 14 : Meeting the challenge of climate change, flooding and coastal change

NPPF 15 : Conserving and enhancing the natural environment

NPPF 16 : Conserving and enhancing the historic environment

### 3.2 Joint Core Strategy (JCS) (2014):

Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting good design  
Policy 3 : Energy and water  
Policy 4 : Housing delivery  
Policy 6 : Access and transportation  
Policy 15 : Service villages

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

Policy GC1 : Presumption in favour of sustainable development  
Policy GC2 : Location of new development  
Policy GC4 : Design  
Policy EN1 : Biodiversity and habitats  
Policy EN2 : Landscape  
Policy TS3 : Highway safety  
Policy TS4 : Parking guidelines  
Policy CSU5 : Surface water drainage

### 3.4 Coltishall and Horstead Conservation Area Appraisal

Other material considerations:

### 3.5 Planning (Listed Buildings and Conservation Areas) Act 1990:

Section 66(1) states that in considering whether to grant planning permission for a development which affects a listed building or its setting, 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.

Section 72(1) places a general duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### 3.6 Landscape Character Assessment SPD 2013:

Identifies the application site as falling within the Coltishall Tributary Farmland (D3) land character area.

### 3.7 Planning Practice Guidance (PPG)

### 4 Consultations

#### 4.1 Coltishall Parish Council:

The Parish Council fully support this application with no objections. Coltishall Parish Council were highly impressed by the outstanding and unique eco-credentials of this project.

#### 4.2 Broads Authority:

The application is immediately adjacent to the boundary with the Broads Authority Executive Area.

Coltishall Hall dates from c1700 (with later alterations) and is grade II listed. The walled garden associated with Coltishall Hall is within the Broads Authority area, however as the walled garden was in separate ownership at the date of listing, it is not considered a curtilage listed structure and is not listed in its own right. It is however, a significant structure, especially given its association with the listed hall and would certainly be considered a locally identified heritage asset. It also contributes to the historic significance and character of the Coltishall and Horstead Conservation Area, within which it sits.

The proposed residential dwelling has been designed to make reference to traditional walled garden structures, albeit in a contemporary manner. There is some concern about the curved and asymmetric design (with the projecting gable being positioned off-centre), given the rectilinear form of the space within which it sits and given the more traditional and symmetrical form of the buildings normally found within a walled garden. However, it is an innovative design that makes good use of the space available, makes reference to lots of aspects of traditional walled garden buildings and will be built using sustainable materials and techniques. The use of timber roofing shingles, although not commonly found within walled gardens, does relate the building to its position within the Broads where such roofing is more common.

The building is contained within the walled garden and as such will not be clearly visible from beyond it. It will therefore have very little visual impact on the wider conservation area. A dwelling within the walled garden will ensure that this significant space has a new purpose and should also ensure the long-term maintenance of the historic wall. This is a significant benefit and as such, the Broads Authority would not object to the proposal.

We would suggest that all external materials and the position, specification and fixing method of PV panels are conditioned if the permission is granted. (**Officer Note:** External Materials and details relating to PV Panels are to be conditioned as suggested should application be approved).

### 4.3 Campaign to Protect Rural England (CPRE):

CPRE Norfolk supports this application for the following reasons:

- It meets the requirements of NPPF paragraph 79e for permitting isolated homes in the countryside by the design being of “exceptional quality”, in that it: is truly outstanding and innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- The design incorporates numerous features which will lead to low carbon use and will make the buildings truly sustainable.
- This application will help to ensure continued restoration of the historic setting, whilst being sympathetic to its surroundings.
- The design is of such innovative and high quality that we hope it will be entered for a CPRE Norfolk award in the future.

### 4.4 Conservation Officer (Arboriculture & Landscape):

The development proposals have few tree constraints and these appear to be associated with the upgrading of the existing access track, which has trees within third party ownership, growing on the adjacent land to the south east and west.

Within the Design & Access Statement part 2, it states that the access upgrade will incorporate a ‘No-Dig’ type construction, no details of this have been provided and this information is usually detailed within the Arboricultural Method Statement (AMS), this additional information should be requested.

Section 13 of the AMS produced by BH Trees & Woodlands reference’s that no details of the proposed service installation routes had been provided at the time the report was written, however the details of the precautions required during installation are detailed and this must be followed if works within any Root Protection Areas (RPAs) is undertaken.

In the Arboricultural Impact Assessment (AIA) it is recommended that Sycamore T27 is removed because of its close proximity to the existing historic garden wall, as it has the potential to damage the structure, as it increases in size, and I agree this would be a sensible precaution and I have no objections to the removal of this tree.

I fully support the proposed landscaping scheme and ecology enhancements detailed within Chris Yardley’s Landscaping Schedule and Management Plan and the Gray Ecology Ecological Appraisal documents.

Please condition the details of the Tree Protection Plan (TPP), Arboricultural Method Statement (AMS) and Landscaping Schedule and Management Plan.

Further comments following submission of revised AIA:

Having looked at the details of the precautions specified within the Arboricultural Method Statement (AMS) for the construction of the proposed access road, within the retained trees Root Protection Areas (RPA's), whilst a 'minimal dig' rather than a 'no-dig' approach has been specified the measures described should be acceptable as the only one tree, Beech T24 appears to have its RPA within the route of the road.

As mentioned within the AMS, should the specified construction and design of the track change, due to the requirements of the appointed structural engineers, additional Arboricultural input will be required to ensure the trees are fully considered.

Please condition the details of the revised Arboricultural Report.  
**(Officer Note:** The Arboricultural Impact Assessment (AIA) including the Tree Protection Plan (TPP), Arboricultural Method Statement (AMS) and Landscaping Schedule and Management Plan are to be conditioned as requested should the application be approved).

4.5 Environmental Contracts Officer:

Where the applicant has noted a waste collection, from the pedestrian gate by the road side on the proposed plan, is fine.

4.6 Environmental Management Officer:

Could you have the land use assessment form completed please?

Further comments following submission of completed land use assessment form:

I've taken a look at the screening assessment forms and I don't have any concerns.

4.7 Heritage and Design Officer:

The proposals are for a dwelling to be erected within the former walled garden of Coltishall Hall.

Coltishall Hall, which is grade II listed, was according to the HER a house originally built in 1700 in a C17 style with later internal early to mid C19 remodelling and alterations, and later C19 external changes. The walled

garden lies to the north of the hall diagonally situated to the house. Historically, the parkland to Coltishall Hall appears to have varied in size over the centuries, with less information on the earlier parkland designs although the parkland appears extensive on the 1797 Faden Map. The grounds incorporated the walled garden, however in the last couple of centuries the parkland was not established to the same extent as other landscape gardens in Norfolk in terms of the picturesque and defining tree belts etc, with a large square arable field being established behind the hall to the north east and east of the walled garden and clearly shown on the 1880s OS map as such rather than being parkland, although there are still field trees within the field associated with former parkland. The walled garden is therefore quite large considering its current context and setting which has much altered over time.

The aerial photo still shows markings where the walled garden was divided by paths into four quarters. In recent history the physical connection between the walled garden and the hall has been affected by development and further tree planting, with buildings at the rear of the hall built in the 1980s (replacing earlier buildings) and on the adjacent site to the north west. Consequently, the walled garden has physically lost its connection to the hall and there is no parkland setting, although there is still the historic connections. The garden walls are still visible within a rural open countryside setting, and are on the periphery of the settlement within the conservation area.

In terms of heritage impact, the walled garden can be considered to be a building of heritage significance, but it is not listed, and therefore can be considered a non-designated heritage asset. The red brick walls have already been partially restored and are still substantial, but the garden has lost any features which may have once existed such as greenhouses/iron gates etc. At present there is no financially viable use of the space and therefore the wall does not have any economic function. Without a use the space/wall does not have a viable use which will ensure its long term preservation and until recent times the wall had been in a state of dereliction with significant decay. If a dwelling is built within the walled garden, and one that is sympathetic to its character, then I consider that this would be of benefit in terms of establishing a long term sustainable use of the space and this will help to ensure that the wall will be maintained into the future as a heritage asset.

The design of the house does not exactly resemble greenhouses as it does not 'hug the wall' and they are not angularly aligned – however being a new dwelling and designed for its own purpose as a habitable dwelling, I do not consider that it has to necessarily exactly mimic the appearance of greenhouses merely to have reference to them in its design. The building is also located within one of the quarters of the space rather than seeking to build across the whole area. It is angled so that it looks over the whole garden so will interact and relate to it well. On balance therefore I consider



that the construction of the dwelling can be considered to be of positive benefit to the heritage asset.

In terms of building a dwelling within open countryside (in terms of policy) the new building is being proposed to be approved under paragraph 79e which requires:

- e) the design is of exceptional quality, in that it:
  - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
  - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Taking each in turn:

The design should be truly outstanding. Although I consider that the design is of interest, I do not consider that it would reach the high bar of being considered 'outstanding', considering that this needs to reflect the highest standards of architecture and requires national comparison. I do however recognise that this is subjective to a certain degree, and the design has generally been well received. The architectural practice has won local design awards for sustainable architecture and I consider that if built the house would be well designed and a good example architectural example locally, and would help to raise local design standards in the rural area. Therefore although I do not consider an outstanding example of architecture (bearing in mind the very high bar that this has to be set at) I do not object to the design per se. In terms of innovation, this is again a high bar and there is nothing in the scheme which I consider to be truly innovative, however the design and construction is sustainable and this is also to be commended.

With regard to significantly enhancing its immediate setting, and being sensitive to the defining characteristics of the local area, I consider that the design successfully references the type of buildings such as greenhouses found within walled gardens without directly mimicking them. Creating a viable 'use' of the walled garden with the construction of the dwelling and creating a garden area associated with the dwelling within the walled garden will assist with the ongoing restoration and future preservation of the wall into the long term which can be considered an enhancement. The footprint does not take up an excessive amount of space within the garden and allows sufficient space for the walled garden to be easily experienced and understood/appreciated as a walled garden with planting continuing to dominate rather than built forms. It is the intention to open the garden area up to visitors from time to time. The building is not very visible above the wall of the walled garden so does not have a detrimental impact on its setting, or that of heritage assets in the wider context including the conservation area. The track to the house is also being kept relatively

informal so will not be of detriment to the rural character through urbanisation with hard standing.

In conclusion, whether the scheme should be considered suitable for approval under paragraph 79 comes down to whether the building is considered to be truly outstanding and reflecting the highest standards in architecture as well as being innovative. The assessment of architectural quality is to a degree subjective however to be considered 'outstanding' the bar has to be set very high with national comparisons and I do not consider that in that respect the design has achieved the level of architectural quality required. However, the design can be considered a good and well considered response to the setting of the walled garden. In terms of innovation, the building has good sustainable credentials, but I would question whether it is 'truly innovative'. The design of the building however can be considered to enhance the setting through assisting the long term preservation of the wall and use of the walled garden space. Therefore although I do not consider that it meets the requirements of being approved under paragraph 79 in terms of design, I do consider that there are significant benefits to having a sustainable use of the space in order to preserve the wall, and the heritage significance that is attached to it, into the long term. Although I do not consider that the design will meet the requirements of being approved under paragraph 79, I would not otherwise object to it.

#### 4.8 Norfolk County Council as Highway Authority:

Having reviewed the documents supplied I can confirm that in highway terms only I have no objection to the proposal.

Should your Authority be minded to approve the application I would be grateful for the inclusion of the following conditions and informative note on any consent notice issued (**Officer Note:** 3 conditions relating to the vehicular access, on-site parking and nothing opening over the highway are to be added to the decision notice, should the application be approved, along with an informative as suggested by the Highway Authority.)

Other Representations:

#### 4.9 Councillor Jo Copplestone:

I confirm that I would like to call application no. 20200981 into the Planning Committee.

I support this application and believe it to be an outstanding and innovative design which will enhance the setting of the Walled Garden.

### 4.10 Neighbour Representations:

During the course of the application 12 letters of representation were received, 11 from residents of Coltishall and 1 from a resident of Wroxham. 11 of the letters were letters of support, with 1 letter being comments and there was no objections received. Below are a summary of the comments received:

- Design – refreshing and interesting design, inspirational, outstanding, unique eco-credentials, absolutely stunning, imaginative, fantastic, sympathetic, brings together traditional and modern, in keeping, little impact on landscape
- Enhances the plot and surrounding area
- The focus on the environment and sustainability should be a blue print for other environmentally friendly developments
- Landscaped gardens take the project back to why it was built as walled gardens
- This is a wonderful site that deserves to be saved and seen
- Commend applicant for his maintenance over the years in protecting the asset – so much time and care taken
- Live/work scheme is appropriate and in keeping with original garden – proposal would be self-sufficient
- Garden wall is of historic and architectural significance - if refused garden will only deteriorate and be lost to future generations
- Building would be well hidden
- Much care, thought and attention has been shown in respect of long term future of garden and surrounding land
- Access road should be completed prior to commencement – to reduce dust during works - construction traffic should come to the north of the field rather than existing route to prevent dust and noise to residents
- Works indicated to take a couple of years – this is a long time for potential disruption and disturbance – could a time frame be given for the works?
- Opposed to any barrier being erected between the site and Coltishall Hall

## **5 Assessment**

### **Key Considerations**

- 5.1
- The principle of development
  - Whether the design sufficiently outweighs the location of the development
  - Other material considerations
  - The impact of the development on the character and appearance of the Conservation area, nearby listed buildings and Broads Authority National Park
  - The impact of the development on residential amenity
  - The impact of the development on highway safety

### **The principle of the development**

- 5.2 As set out in paragraphs 1.1 and 1.11 of this report the application seeks full planning permission for the construction of a single detached dwelling under paragraph 79 of the NPPF.
- 5.3 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 National Planning Policy Framework (NPPF) and whether the merits of the application warrant granting it planning permission outside of a defined settlement limit. Also key is the impacts of the development on the character and appearance of the Conservation area, nearby listed buildings, Broads Authority National Park, residential amenity and highway safety.
- 5.4 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. This point is reinforced by the NPPF, which itself is a material consideration.
- 5.5 As noted in paragraph 1.1 of this report the application site is situated outside the defined settlement limits of Coltishall where Policy GC2 of the DM DPD seeks to accommodate new development. Policy GC2 does however go on to state that outside defined 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 development plan. The proposal does not accord with a specific policy in the development plan that allows for development outside of these development boundaries.

- 5.6 Furthermore, access to services and facilities other than by private car are limited. There is a public house and convenience store within walking distance, albeit this would be along an unlit road with no dedicated footway. There is also a good range of services and facilities within the centre of Coltishall, which is a short drive away, however it is accepted that future occupants would be reliant on vehicular use for the vast majority of their journeys. This poor connectivity makes the proposed development unsustainable, contrary to the aims of Policy 1 of the JCS and Policy GC2 of the DM DPD.
- 5.7 In this case, the application has been submitted as an example of a dwelling that the applicant/agent considers meets the guidance set out in paragraph 79(e) of the NPPF and this is a material consideration in the determination of this application. Paragraph 79 of the NPPF allows for isolated new dwellings in the countryside in certain circumstances. This policy states that new isolated homes in the countryside should be avoided unless there are special circumstances such as in paragraph e) the exceptional quality of the design of the dwelling. This requires the design to be:
1. 'truly outstanding or innovative, reflecting the highest standards in architecture
  2. would help to raise standards of design more generally in rural areas
  3. would significantly enhance its immediate setting
  4. be sensitive to the defining characteristics of the local area'.
- 5.8 To meet the criteria set out in the above paragraph all four aspects of Paragraph 79 (e) need to be met. This has been made clear by Planning Inspector's decisions when considering appeals against the previous Paragraph 55 NPPF requirements. On the basis of the above, the following assessment seeks to establish whether the scheme meets the four aspects of Paragraph 79 of the NPPF and if not whether there are any other overriding material considerations.

### **Truly outstanding or innovative, reflecting the highest standards in architecture**

- 5.9 The design concept for the dwelling draws directly on the layout, use and organisation of walled gardens, and particularly on the design of the primary greenhouses. The proposal seeks to create a dwelling, which allows a reinterpretation of the walled garden in a 21<sup>st</sup> century way, whilst still reflecting the visually strong forms that had traditionally characterised the walled garden. Given the basis on which the application was submitted, comments were sought from the District Heritage and Design Officer. His response is reported at paragraph 4.7 of this report but by way of summarising these, his view is that although the design is considered to be of interest, it wouldn't reach the high bar of being considered 'outstanding', considering that this needs to reflect the highest standards of architecture

and requires national comparison. The Heritage and Design Officer has also stated that there is nothing in the scheme which is considered to be truly innovative. It is therefore considered that the proposals would fail to meet the first test of paragraph 79 (e).

### **Help to raise standards of design more generally in rural areas**

- 5.10 The Heritage and Design Officer has stated that, if built, the house would be well designed and a good architectural example locally. He has also accepted that the scheme would help to raise local design standards in the rural area and therefore it is considered that the proposal would meet the second test of paragraph 79 (e).

### **Significantly enhance its immediate setting**

- 5.11 The Heritage and Design Officer notes that the building is not very visible above the wall of the walled garden, so does not have a detrimental impact on its setting, or that of heritage assets in the wider context, including the conservation area. He also states that creating a viable 'use' of the walled garden with the construction of the dwelling and creating a garden area associated with the dwelling within the walled garden, will assist with the ongoing restoration and future preservation of the wall into the long term which can be considered an enhancement. It is therefore considered that the proposal would comply with the third test of paragraph 79 (e).

### **Sensitive to the defining characteristics of the local area**

- 5.12 In terms of being sensitive to the defining characteristic of the local area, as set out above, given the dwelling will predominantly sit behind the existing wall, this is considered to be a sensitive design. The Heritage and Design Officer considers that the design successfully references the type of buildings, such as greenhouses, found within walled gardens without directly mimicking them. He also adds that the footprint does not take up an excessive amount of space within the garden and allows sufficient space for the walled garden to be easily experienced and understood/appreciated as a walled garden with planting continuing to dominate rather than built forms. The track to the house is being kept relatively informal so will not be of detriment to the rural character through urbanisation with hard standing. It is therefore considered that the proposal will be sensitive to the defining characteristics of the local area and will meet the fourth test of paragraph 79 (e).
- 5.13 Overall, although the proposals are considered to meet three of the four criteria within paragraph 79 (e), the proposal is not truly outstanding or reflecting the highest standards in architecture, nor is it considered as truly innovative. Therefore, the proposal does not meet all four of the tests as is required and the application is therefore not considered to be acceptable under paragraph 79 of the NPPF.

### Other Material Considerations

- 5.14 The walled garden is presumed to have been constructed in the mid-late 18<sup>th</sup> century and can be considered to be a non-designated heritage asset and a building of heritage significance. Without the proposed development, it is extremely unlikely that the walled garden would have a viable use which would ensure its long term preservation and until recent times the wall had been in a state of dereliction with significant decay. The applicant started works to repair the walls in 2015 and this has been ongoing since, but he has estimated that approximately only 15% of the overall total area of works has been carried out to date. It is estimated that remedial works to the interior facings will take at least another two to three years to complete and ongoing maintenance will then be required over the years ahead.
- 5.15 Paragraph 197 of the NPPF states that ‘effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application’. It continues to say that ‘in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’
- 5.16 The repair and maintenance of the walled garden remains at risk of failure and the proposed development provides the opportunity to ensure its survival as a heritage asset. The proposed dwelling would provide live/work accommodation for the applicant and would allow him to continue and complete restoration of both the walls and garden and provide an opportunity for this important heritage asset to be preserved for future generations to come. This requirement would have to be conditioned in terms of a timetable for completion and subsequent management and maintenance. The Council’s Heritage and Design Officer has also agreed that if a dwelling is built within the walled garden, then he considers that this would be of benefit in terms of establishing a long term sustainable use of the space and that this will help to ensure that the wall will be maintained into the future as a heritage asset. This is considered to be a significant material consideration.
- 5.17 As set out in paragraph 5.5 of this report it is accepted that the site is located outside of the defined settlement limits and not all everyday services and facilities will be accessible by sustainable means and the sites rural location is therefore contrary to Policy. However, the proposal will directly benefit the significance of the non-designated heritage asset on the site and the proposals will help to ensure the preservation and protection of this heritage asset. This is considered a significant benefit and it is concluded that this rural location for a dwelling, contrary to the development plan, can therefore be justified in this particular case.

**The impact of the development on the character and appearance of the Conservation area, nearby listed buildings and Broads Authority National Park**

- 5.18 The application site is located within the Coltishall and Horstead Conservation Area and is within close proximity to Coltishall Hall, which is a Grade II listed building as well as two other listed buildings to the north of the site. Regard has therefore been given to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The walled garden is located on an area of high ground and is surrounded by woodland and so is only partially visible through gaps in the trees and at the field access points along Belaugh Green Lane. As alluded to in paragraph 1.4 of this report, the ground is proposed to be reduced in levels to ensure that the bulk of the building is below the height of the wall and therefore the proposed dwelling, garage and greenhouse will largely be concealed from external view. The Council's Heritage and Design Officer has indicated that because the building will not be very visible above the wall of the walled garden, it does not have a detrimental impact on its setting, or that of heritage assets in the wider context, including the Conservation Area.
- 5.19 Policy EN2 of the DM DPD states that, amongst other things, proposals should consider the impact upon as well as seek to protect and enhance where appropriate Conservation Areas. If the application was to be refused then there is a good chance that the walled garden would fall back into a state of disrepair. As stated above, the proposals will help to ensure the long-term survival of the walled garden and in turn both protect and enhance the site. Therefore, the proposals will allow the walled garden to continue to contribute towards the historic significance and character of the Conservation Area, within which it sits.
- 5.20 The Broads Authority National Park also lies immediately to the south of the site, however for the same reasons set out above, that the proposals will not harm the Conservation Area, the proposals will not cause any harm to the Broads Authority area. The Broads Authority have also commented on the application and have raised no objection.
- 5.21 Overall, the application is not considered to cause any harm to the setting of the Conservation Area or nearby listed buildings in accordance with Policies 1 and 2 of the Joint Core Strategy (JCS), Policies GC4 and EN2 of the DM DPD and sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act.

### **The impact of the development on residential amenity**

- 5.22 The proposed dwelling will be of an acceptable size and scale and, as already set out, will be well screened by the existing walled garden and woodland that lies to the north, south and west. The dwelling will be accessed via a driveway that runs along the south west field boundary and will be within relative close proximity to some residential properties, in particular those residing in the apartments at Coltishall Hall. However, this is an existing driveway and the proposal is only for a single, three bedroom



dwelling, meaning the number of vehicular movements to and from the site are likely to be low.

- 5.23 Some neighbouring residents have raised questions as to whether the works could be restricted to a specific time frame to minimise noise and disruption during the construction period. One neighbour also asked whether construction traffic could access the site via the north of the field rather than existing access, to prevent dust and noise to nearby residents. The applicant's intention is for him to carry out as much of the work himself as possible and overall it is considered that limiting the time frame for the construction would be unreasonable, especially given the current climate and unknowns around factors such as building materials for example. It is also considered that, given that the proposal is for a single dwelling, deliveries are not likely to be too frequent or excessive and such vehicles are not considered to create significantly different levels of disturbance to the level that could be created if farm machinery and vehicles were to utilise this access. Therefore again the Local Planning Authority do not consider that a condition regarding the construction access is necessary on this occasion.
- 5.24 Overall, the application has been well received by local residents, with no objections raised and the Local Planning Authority consider that the application will not have any significant detrimental impact upon residential amenity, in accordance with Policy GC4 of the DM DPD.

### **The impact of the development on highway safety**

- 5.25 The site is proposed to be accessed via a driveway running from an existing farm track, along the south and east boundaries of the field before utilising an existing field access on to Belaugh Green Lane. Norfolk County Council, in their role as Highway Authority has raised no objection to the proposals subject to three conditions relating to the vehicular access and on-site parking which are all proposed to be added to the decision notice should the application be approved. Overall, there is ample room for parking within the site and the application is not considered to have any detrimental impact upon highway safety in accordance with Policies TS3 and TS4 of the DM DPD.

### **Other issues**

- 5.26 An Arboricultural Impact Assessment has been submitted with the application which sets out that no trees are proposed for removal to make space for the development, although it is recommended that a single Sycamore tree is removed due to its close proximity to the existing walled garden to prevent any potential damage to the wall.
- 5.27 The Council's Conservation Officer (Arboriculture & Landscape) has no objection to the remove of the Sycamore tree and suggested that the only constraints appear to be associated with the upgrading of the existing

access track, which has trees within third party ownership, growing on the adjacent land to the south east and west. Therefore further details of the access upgrade were required and submitted during the course of the application.

- 5.28 After reviewing this additional information, the Conservation Officer stated that, whilst a 'minimal dig' rather than a 'no-dig' approach has been specified, the measures described should be acceptable. Overall, the Conservation Officer has raised no objection, subject to a condition requiring the works to be carried out in accordance with the submitted Tree Protection Plan (TPP), Arboricultural Method Statement (AMS) and Landscaping Schedule and Management Plan. The proposals are considered to have few tree constraints and the application is considered to accord with Policy 1 of the JCS and Policy GC4 of the DM DPD.
- 5.29 The site is located within Environment Agency's flood zone 1 and is not within a surface water flooding area. Therefore the site not considered to be within an area at high risk of flooding. The NPPF gives preference to the use of sustainable drainage systems and it is proposed that sustainable drainage systems are used on this site. The application is therefore considered to comply with the broad aims of Policy CSU5 of the DM DPD.
- 5.30 The Design and Access Statement sets out that an existing septic tank to the north of the walled garden is proposed to be used for foul drainage. The National Planning Practice Guidance and Building Regulations Approved Document H give a hierarchy of drainage options that must be considered and discounted. Septic tanks are listed as the third of four options and therefore if a dwelling was approved on the site the Local Planning Authority would seek to achieve one of the two more acceptable methods for foul drainage which are firstly connection to a main sewer and secondly a private treatment plant. Details of a satisfactory foul drainage scheme can be added as a condition.
- 5.31 A Preliminary Ecological Appraisal has been submitted with the application which sets out that the likelihood of the majority of protected species being present on the site was low or negligible. The report did state that the likelihood of foraging badgers and foraging and commuting bats was moderate. Should the application be approved, the recommendations within the report are proposed to be added to the decision notice as informatives. A condition is also proposed to be added which would require ecological enhancements on site as recommended within the Ecological Appraisal. This includes the installation of a minimum of one bat box, one bird box and one bee brick in the new dwelling. Overall, with the above enhancements conditioned, it is considered that the proposal will not result in any harm to the biodiversity and wildlife at the site and the application is considered to comply with Policy EN1 of the DM DPD.
- 5.32 The application has been put forward as a self-build dwelling. Under paragraph 61 of the National Planning Policy Framework (2012) requires

Councils to plan for people wishing to build their own homes. This can be a material planning consideration for this application as self-build has been identified as the method of delivering the site. Whilst an indication of self-build has been given by the applicant it should also be noted that at this stage it cannot be certain that the method of delivering this site will be self-build. Notwithstanding, based on the monitoring that has been conducted to date within the district, the permissions that have been granted so far, provide sufficient numbers of potential self-build plots to meet the numbers on the register. It is therefore considered that only limited weight can be given to the fact that the proposal is for a self-build dwelling and that the other material planning considerations detailed above are of greater significance.

- 5.33 The application has also been put forward as a live/work dwelling. Office space is said to be included within the building to facilitate the wider management of the surrounding agricultural property as well as providing close proximity to the woodland where the applicant believes that the conditions are good for truffles in terms of humidity and orientation. The Design and Access statement states that the accommodation in close proximity to this site will provide security for this specialised crop. It is considered that insufficient evidence has been provided to demonstrate that there is a need for a dwelling close to the woodland whilst the cultivating of the truffles is not established. Little if any weight can be given to the proposal on these grounds.
- 5.34 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.35 The need to support the economy as part of the recovery from the COVID-19 pandemic is a material consideration. This application will provide employment during the construction phase of the project and future occupiers will also contribute to the local economy e.g. when maintaining and servicing the property and spending in the local area. Given that the proposal is for a single dwelling and the applicant has indicated that he is hoping to carry out as much of the works as possible, only limited weight can be given to these economic benefits.

### **Conclusion**

- 5.36 In conclusion, the application lies outside the settlement limits and is contrary to Policy GC2 of the DM DPD. The proposals are not considered to comply with the criteria set out in paragraph 79 of the NPPF, however the proposed development would secure the restoration of the walls and garden within the walled garden to continue and provide an important non-designated heritage asset to be preserved for future generations to come. The long-term retention of the walled garden as a non-designated heritage asset is a significant material consideration that is considered to outweigh

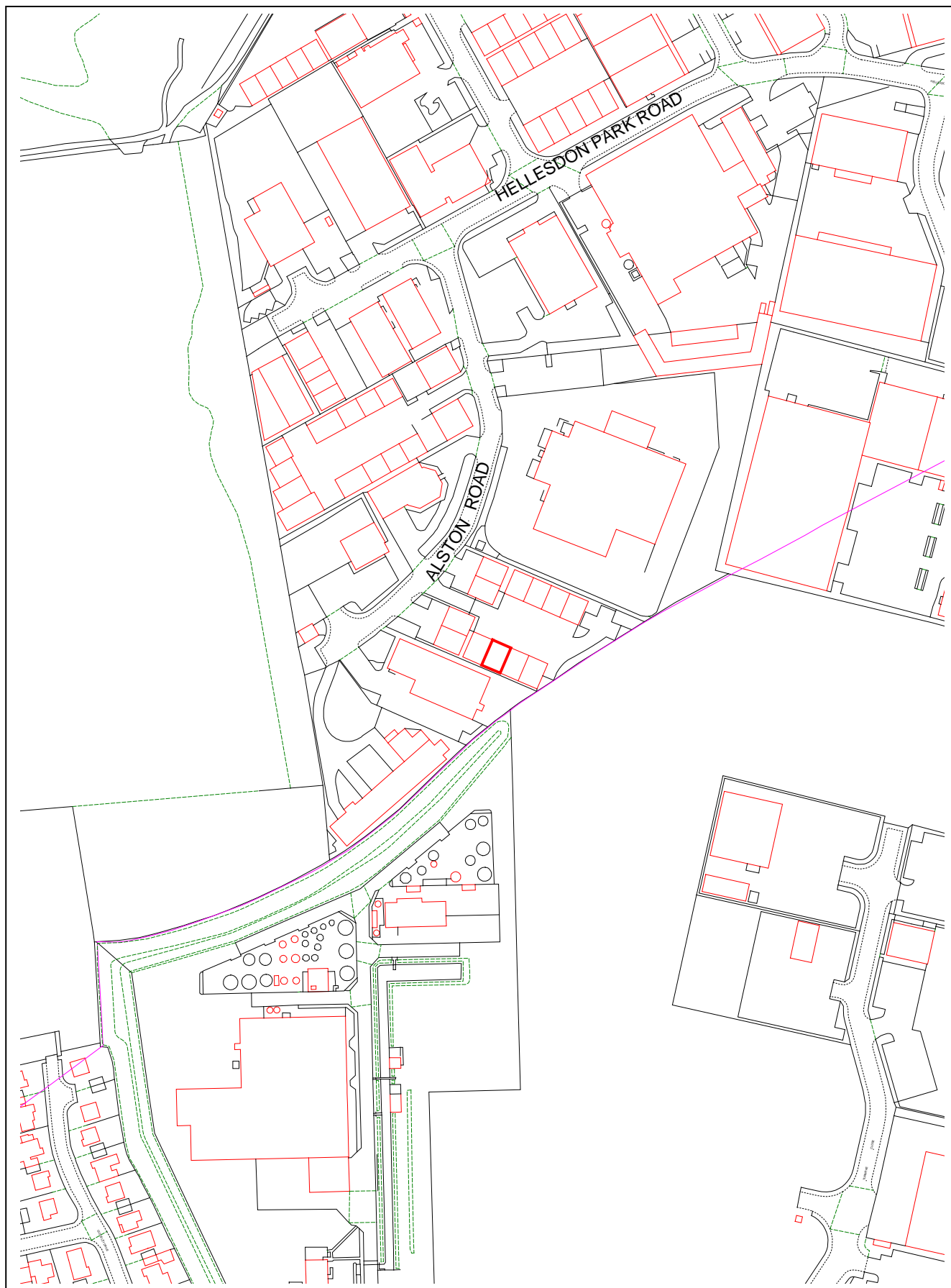
the harms of the site being located outside the settlement limit. The development will not result in demonstrable harm to the general character and appearance of the Coltishall and Horstead Conservation area, the nearby listed buildings, residential amenity, existing trees, ecology or highway safety. Overall, it is considered that there are sufficient reasons in this particular case to indicate that the application should be approved contrary to the provisions of the development plan, subject to the following conditions.

Recommendation: Approve, subject to the following conditions:

- (1) TL01 - 3 year time limit
- (2) AD01 - In accordance with submitted drawings
- (3) NS – In accordance with TPP, AMS and Landscaping Plan
- (4) HC09 – Vehicular access to be upgraded
- (5) HC14 – No structure or gate to overhang the highway
- (6) HC21 – Access and parking to be laid out as on the plans
- (7) D02 – Details of external materials and solar panels to be submitted prior to commencement above slab level
- (8) P01 – Removal of PD rights for Classes A,B,C,D & E
- (9) NS – A minimum of 1 bat box, 1 bird box and 1 bee brick to be installed on the dwelling prior to first occupation
- (10) NS - Restoration plan/long term management/maintenance plan of wall

Contact Officer,  
Telephone Number  
and E-mail

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**Application No: 20201320**  
**6 Alston Road, Hellesdon, NR6 5DS**

**Scale:**  
**1:2500**  
**Date:**  
**28-Sep-20**



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**Application No:** [20201320](#)  
**Parish:** **Hellesdon**

Applicant's Name: AR Krav Maga Self Defence Training  
Site Address: 6 Alston Road, Hellesdon, NR6 5DS  
Proposal: Change of use from (Former B1 employment use)  
Class E – Commercial, business & service use to  
(Former D2 assembly & leisure) Class E(d) –  
Indoor recreation/fitness use for use as self-  
defence training facility

### Reason for reporting to committee

The proposal would result in the loss of a former B1 employment use (now a Class E use) on a Strategic Employment Site.

Recommendation summary:

Approve subject to conditions.

### 1 Proposal and site context

- 1.1 The application seeks full planning permission for the change of use of an industrial unit from a business use to use as self-defence training facility (Use Class E(d)).
- 1.2 The site is located within the settlement limit for Hellesdon, off Drayton High Road. It is within a well-established employment area which is designated as a strategic employment site.
- 1.3 The application site is one of the small industrial units within Hellesdon Park Industrial Estate. Unit 6 is part of a cluster of twelve units to the south of Alston Road. The unit is rectangular in shape and measures 9 metres in width by 12 metres in depth, with a total floor area of 108m<sup>2</sup>.
- 1.4 No physical alterations are proposed to the exterior of the building. There will also be no structural internal alterations with simply a desk added as a reception point, laying interlocking mats, 2-3 punch bags on brackets added for training and some shelves for storage.
- 1.5 There is a hard-standing in front of the unit which can accommodate four cars which will be retained for the proposed use.
- 1.6 The applicant proposes moving his seven existing classes to the unit. These are a mix of five adult (1 and half hours each) and two children's (1 hour each) in the evenings and on Saturday mornings. One to one personal training session would be offered during the day Monday-Friday between 10:00 and 17:00 with a maximum of three sessions each day.

- 1.7 The application form states that hours of operation will be 10:00 to 20:30 from Monday to Friday, 08:00 to 11:00 on Saturdays with no sessions on Sundays or Bank Holidays.

2 Relevant planning history

- 2.1 There is not considered to be any relevant planning history on the application site itself. Below are two comparable applications on the same estate which have been determined in recent years.
- 2.2 [20131605](#): 96 Hellesdon Park Road, Hellesdon, NR6 5DR. Change of use of industrial unit (B1 & B8) to Hydrotherapy facility (Sui Generis). Approved 8 January 2014.
- 2.3 [20200212](#): 5 Alston Road, Hellesdon, NR6 5DS. Change of use from B1 industrial unit to use as a swimming pool for dogs (D2). Approved 22 June 2020.

3 Planning Policies

3.1 National Planning Policy Framework (NPPF)

NPPF 02 : Achieving sustainable development  
NPPF 04 : Decision-making  
NPPF 06 : Building a strong, competitive economy  
NPPF 11 : Making effective use of land  
NPPF 12 : Achieving well-designed places

3.2 Joint Core Strategy (JCS)

Policy 2 : Promoting good design  
Policy 5 : The Economy  
Policy 6 : Access and Transportation  
Policy 12 : The remainder of the Norwich Urban area, including the fringe parishes

3.3 Development Management Development Plan Development Plan Document (DM DPD) 2015

Policy GC2: Location of new development  
Policy GC4: Design  
Policy E1: Existing strategic employment sites  
Policy TS3: Highway Safety  
Policy TS4: Parking Guidelines

### 3.4 Hellesdon Neighbourhood Plan 2017

There are no policies within the Neighbourhood Plan that are considered to be specifically relevant to this planning application.

## 4 Consultations

### 4.1 Hellesdon Parish Council:

No objections.

### 4.2 NCC Highway Authority:

Any concern regarding this proposal would be based upon the availability of adequate parking space and any potential conflict resulting from off-site parking.

However, I note that classes are intended to take place at evenings and weekends and ideally this should be a condition of any approval as with the stated numbers of class attendees being 10-25 persons the possibility of conflict/parking difficulties arising within normal daytime working hours is significant.

Subject to this restriction I have no grounds for objection.

### 4.3 District Economic Development Officer:

Given that the unit has been vacant for over 18 months despite being marketed by Brown & Co, I do not feel that the change of use would be detrimental to the overall employment status of the surrounding estate. In fact the unit will employ 2 people so I feel that this would be an appropriate re-use of a long standing vacant unit.

### 4.4 Other representations:

No neighbour representations have been received.

## 5 Assessment

### **Key Considerations**

- 5.1
  - The principle of the development on a strategic employment site
  - Impact on highway safety; parking provision
- 5.2 The main issues to be taken into consideration in the determination of this application are an assessment of the proposal against Development Plan policies and national planning guidance. In particular, whether the loss of



an employment unit on a strategic employment site is acceptable and whether there is acceptable parking provision on the site.

### Principle

- 5.3 The applicant usually runs this self-defence training facility out of school halls, however schools are now using all their extra spaces for classrooms in light of the Covid-19 pandemic. He is therefore looking for an alternative space to operate so he can restart his business. This small unit is ideal for this level and type of business.
- 5.4 The site is located within the defined settlement limit for the area and has been identified as a strategic employment site under Policy E1 of the DM DPD. Policy E1 states that such sites will be reserved for employment use. Such uses are defined in the glossary of the DM DPD as a use primarily for industrial, warehousing, office or other business uses falling within Classes B1 (now Class E), B2 and B8 of the Use Classes Order.
- 5.5 Employment sites of strategic importance are generally large scale sites in close proximity to areas of significant population which are well linked to the transport network and provide a range of employment opportunities throughout the district. The supporting text to Policy E1 explains that the retention of an adequate supply of employment land is crucial for achieving economic stability. The loss of employment uses will be controlled in order to maintain an adequate supply of employment land in appropriate locations. The proposed use as a self-defence training unit falls within use class E(d) (indoor recreation/fitness). On this basis the proposal conflicts with the objective of Policy E1 and is a departure from the Development Plan.
- 5.6 Policy E2 of the DM DPD states that sites in the settlement limit which are or were last used for employment will be retained in an employment use unless the proposed new use will not result in any detrimental impact and:
- (i) It has been demonstrated that continued employment use is not viable; or
  - (ii) There is a significant environmental or community gain from redevelopment and/or change of use which outweighs the employment benefits.
- 5.7 Policy E2 goes on to state that in order to demonstrate that a continued employment use is not viable it will normally be expected for the site to be marketed at a realistic price for 12 months by a reputable estate agent. In similar circumstances within the district, non-employment uses have been permitted where no adverse impact has been demonstrated and the building has been vacant for a number of months, actively marketed and found to have no likely prospect of being occupied as an employment use.

- 5.8 The supporting planning statement states that Unit 6, and the adjacent Unit 5, have been marketed by Brown & Co since November 2018 as either separate or combined spaces. It states that there has been very limited interest in either option. The unit has therefore been vacant for over 18 months and the marketing agents have not been in a position to proceed with any party until now. A similar application for Unit 5 was approved by this Committee in June, see paragraph 2.3.
- 5.9 This is a small unit and, even with the adjacent unit results in a very modest loss of employment within the larger estate. A significant majority of the units within the industrial estate continue to be used for employment purposes and the loss of this unit to a non-employment use would have a very limited impact on the business park overall and would not be significantly harmful to the function of the park as a strategic employment site. Furthermore, the need to support the economy as part of the recovery from the COVID-19 pandemic is a material consideration. The proposal would create two full-time jobs and allow the applicant to continue his business which is currently at risk because of COVID-19. This weighs in favour of the proposal. Although not an employment use (i.e. those that fall within the former B1 (now E), B2 and B8 Use Classes), the proposed use brings employment to a currently vacant unit.
- 5.10 The Council's Economic Development Officer supports the application given that the unit has been vacant for over 18 months and does not feel that the change of use would be detrimental to the overall employment status of the surrounding estate and is an appropriate re-use of a long standing vacant unit. He notes that the unit will employ 2 people.
- 5.11 The site is easily accessible by road, is well served by public footpaths and there a number of bus stops within close proximity to the estate. The proposal is therefore considered to represent a sustainable development.
- 5.12 Therefore it is not considered that the proposed change of use undermines the development plan to a significant degree. On balance, despite conflicting with Policy E1 of the DM DPD it is considered that it has been demonstrated that the existing use is not currently viable and the proposal would still provide employment and help support a new business in accordance with Policy E2 of the DM DPD and Policy 5 of the Joint Core Strategy.

### **Impact on Highway: Parking**

- 5.13 In terms of parking, the proposal provides spaces for three cars to the front of the unit with one further space in front of the roller shutter door which, the applicants have stated, will not be used for the business. The site will have a total of four car parking spaces to the front of the unit. The applicant has specified exactly the number and size of classes he runs and when they happen during the day, evening and weekends. The Highway Authority has recognised that this pattern of use of this unit should not cause conflict

within the estate through off-site parking. The Officer notes that group classes will take place at evenings and on Saturday mornings and that this is outside normal working hours, although one to one sessions are available during weekdays between 10:00 – 17:00. If this is controlled through a Condition he has raised no objection to the application.

- 5.14 Furthermore the site is located in a sustainable location which will help to encourage alternative modes of transport. Overall the proposal is considered to comply with Policies TS3 and TS4 of the DM DPD.

### **Other Issues**

- 5.15 Given the scale and nature of the proposed use it is considered that there will not be any significant detrimental impact on neighbouring units. It is also considered that the proposal will not cause any harm to the general character and appearance of the area. The application is therefore considered to comply with Policy GC4 of the DM DPD.
- 5.16 To ensure future development appropriate to the site and the surrounding strategic employment site, it is considered necessary to attach a Condition that restricts the use of the premises specifically to a self-defence training unit and on that use ceasing or the premises being vacated, the use of the unit to revert back to its previous use.
- 5.17 The need to support the economy as part of the recovery from the COVID-19 pandemic is a material consideration. This application will provide employment to a person who has had to relocate because of the pandemic and this weighs in favour of the proposal.
- 5.18 On 1st September 2020, The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force. This introduced three new use classes to replace some of the existing use classes. Although this application would technically be permitted development, this application was submitted prior to the 1<sup>st</sup> September 2020. Section 4 of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 states that if an application was submitted prior to the 1<sup>st</sup> September 2020, then it must be determined by reference to those uses or use classes.

### **Conclusion**

- 5.19 It is considered that the application would maintain employment and support a new business. For the reasons set out above the proposal would meet the requirements of Policy E2. Furthermore a suitable condition is proposed to ensure that the unit will be returned to an employment use upon cessation of the proposed use. The parking arrangement is considered to be acceptable if controlled through a Condition and it is not considered that the development would have an adverse impact on any

other users of the industrial estate or the character of the area. Therefore, the officer recommendation is that the application is approved

5.20 This application is not liable for Community Infrastructure Levy (CIL).

Recommendation: Approve subject to the following conditions:

- (1) Time limit (TL01)
- (2) In accordance with submitted drawings (AD01)
- (3) Specific use (R03) – Specific use as self-defence training facility only and no other Class E(d) use and also that unit will revert back to employment use once the proposed use ceases to operate.
- (4) Limited hours of use as specified (R01)
- (5) Training/Classes of more than four people shall only take place after 17:30 on any Monday-Friday or on a Saturday.

**Contact Officer,** Ellie Yarham  
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**Planning Appeals:** 27 August 2020 to 25 September 2020

**Appeal decisions received:**

<b>Ref</b>	<b>Site</b>	<b>Proposal</b>	<b>Decision maker</b>	<b>Officer recommendation</b>	<b>Appeal decision</b>
20190827	Land North of Marsh Road, Halvergate	Residential Development of up to 7 No. Dwellings with All Matters Reserved except for Access (Outline)	Delegated	Refusal	Dismissed
20200474	23 Mill Road, Blofield, NR13 4QJ	Two Storey Side Extension, Single Storey Front and Side Extension, Front Porch and Rear Dormer	Delegated	refusal	Dismissed

**Appeals lodged:**

<b>Ref</b>	<b>Site</b>	<b>Proposal</b>	<b>Decision maker</b>	<b>Officer recommendation</b>
20200284	The Buck, 55 Yarmouth Road, Thorpe St Andrew, NR7 0EW	Replacement bollards – [appeal is against the imposition of a condition that states – ‘The ANPR cameras do not form part of this permission and shall be removed from the site by 24 September 2020’]	Delegated	Approval

## **PLANNING COMMITTEE**

**7 October 2020**

### **Final Papers**

	<b>Page No</b>
<b>Supplementary Schedule</b>	<b>79</b>

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

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## SUPPLEMENTARY SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Plan No	Application No	Location	Update
2.	20181183	Woodland Manor, Shack Lane, Blofield	<p>Blofield Parish Council comments that were made at time of original submission July 2018 and omitted from the committee report:</p> <p>Object –</p> <ul style="list-style-type: none"> <li>• Comments to related planning applications 20170157, 20171131 and 20180198 have been totally ignored.</li> <li>• The Parish Council therefore strongly objects to this planning application on grounds previously stated including concerns over the close proximity to Howes Meadow, the Public Footpath (FP3) being blocked by the landowner, the fact that Shack Lane now floods when it rains due to the drains being blocked up ever since the fence has been erected and also the overall damage to the environment.</li> <li>• It should be noted that there are also discrepancies in the hours of use between the Design and Access Statement and the Noise Assessment reports.</li> <li>• If the planning authority are minded to approve the application the Parish Council would seek some conditions: -</li> <li>• Consider the hours/days of operation;</li> <li>• All bikes MUST be fitted with sound suppressers.</li> </ul> <p>. <u>20171131</u> comments</p> <p>Object</p> <ul style="list-style-type: none"> <li>• Previous comments have not been taken on board.</li> <li>• The moto cross element of this application appears to be at odds with the Neighbourhood Plan Objective 3: To protect and enhance the countryside, including wildlife habitats and open spaces, of which Howes Meadow is explicitly mentioned in NP ENV1.</li> <li>• Concerns that the pollution from the Moto Cross track would have an adverse effect on</li> </ul>

			<p>the ecology of Howes Meadow and the Whitton Run. Section 13 of the application form correctly as the proposal is adjacent to Howes Meadow, a site of Biodiversity and Geological Conservation.</p> <ul style="list-style-type: none"> <li>• If approved a condition should be applied to have the applicant contribute to regular testing (say 6 monthly) of the water quality in Howes Meadow and if any detrimental effect has been identified to cease operations at the Moto Cross Track immediately.</li> <li>• Concerns about flooding occurring on Shack Lane that has now become impassable in heavy rainfall-possibly from run off from the site and former drainage ditches being blocked.</li> <li>• Concerned about the noise levels of the Moto Cross Track and would wish to seek measures to control operational hours and restriction to personal use to limit the number of bikes using the track at any one time; and/or monitoring of the noise via decibel metering, similar to the constraints introduced to the High Noon Farm cross track requested by Strumpshaw Parish Council.</li> <li>•</li> </ul>
<b>3</b>	20200981	Walled Garden, Belaugh Green Lane, Coltishall	<p>1. In paragraph 5.13 of this report it concludes that the proposal does not meet all four of the tests set out in paragraph 79(e) and therefore the application is not considered to be acceptable under paragraph 79 of the NPPF.</p> <p>Paragraph 79 of the NPPF starts by stating that 'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply'. There are then 5 circumstances listed as 'a' to 'e'. The circumstance listed in paragraph 79(b) states 'the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.'</p> <p>As set out in paragraphs 5.14 to 5.17 of this report, the Local Planning Authority considers the proposal will directly benefit the significance of the non-designated heritage asset on the site and the proposals will help to ensure the preservation and protection of this. It is then concluded that this is considered a significant</p>



			<p>benefit and this rural location for a dwelling, contrary to the development plan, can therefore be justified in this particular case.</p> <p>As such, it should therefore also be noted that <u>the application is considered to comply with paragraph 79(b) of the NPPF</u> as the proposals are considered to be an appropriate enabling development to secure the future of heritage assets, in this case the walled garden.</p> <p>2. Paragraph 5.30 of this report states that an existing septic tank to the north of the walled garden is proposed to be used for foul drainage. The agent has since submitted a Foul Drainage Assessment Form (FDA) which can be viewed on the Council's website. This sets out that it is not feasible to connect to the public foul sewer because of the topography and isolation of the site. It does however confirm that it is actually a package treatment plant currently on the site and proposed for foul drainage rather than a septic tank as previously stated. The FDA sets out that the package treatment plant is at least 10 metres from a watercourse, at least 50 metres from any point of abstraction from the ground for a drinking water supply and is not within Source Protection Zone 1 and so no environmental permit is required from the Environment Agency. Given that the package treatment plant is listed as option 2 in the hierarchy of drainage options, and option 1 is explained as not being feasible, the proposal is considered acceptable. In addition, the package treatment plant will also require Building Control sign off. It is therefore confirmed that no conditions are required relating to the proposed foul drainage.</p> <p>3. With regards to the suggested condition No.8, as well as removing the PD rights for Classes A, B, C, D &amp; E within part 1 of Schedule 2 of the GDPO, it is also proposed that the same condition should remove PD rights as set out in Part 11, Class C which will remove the right to demolish the walls that make up the walled garden.</p>
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			<p>4. Finally, additional comments have been received from the Council's Community Planning Officer in connection with the Council's position on self-build. These comments can be viewed in full on the Council's website but in summary <i>'the Self-Build and Custom Housebuilding Act 2015 places a requirement on Local Authorities to maintain a register detailing the demand for self-build plots in their district. There is no requirement for the Council to provide plots, but there is a requirement to provide sufficient planning permissions that could be for self / custom build within a 3 year period of each base year to cover the numbers on the register in that base self-build year.'</i> The comments go on to state <i>'based on the monitoring that has been conducted to date, the permissions that have been granted in the year following each base period has, so far, provided sufficient numbers of potential self-build plots to meet the numbers on the register for those periods'</i>.</p>
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