

# Planning Committee

## Agenda

### Date

Wednesday 12 August 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 S M Prutton

Cllr R M Grattan  
Cllr C Karimi-Ghovanlou  
Cllr I N Moncur  
Cllr S Riley

### Substitutes

#### Conservative pool

Cllr N J Brennan  
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 D G Harrison\*  
Cllr L A Starling  
Cllr D M Thomas

\*not met training requirement so ineligible to serve

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

### 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

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



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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-iPyRImsTCIng>

**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 3.00pm on Friday, 7 August 2020.

## **A G E N D A**

**Page No**

<b>1</b>	<b>To receive declarations of interest under Procedural Rule no 8</b>	<b>3</b>
<b>2</b>	<b>Apologies for absence</b>	
<b>3</b>	<b>Minutes of meeting held on 15 July 2020</b>	<b>5</b>
<b>4</b>	<b>Matters arising therefrom (if any)</b>	
<b>5</b>	<b>Applications for planning permission to be considered by the Committee in the order set out in the attached schedule</b>	
	Schedule of Applications	<b>9</b>
	Planning Applications	<b>11</b>
<b>6</b>	<b>Planning Appeals (for information) for the period - 1 July to 4 August 2020</b>	

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.

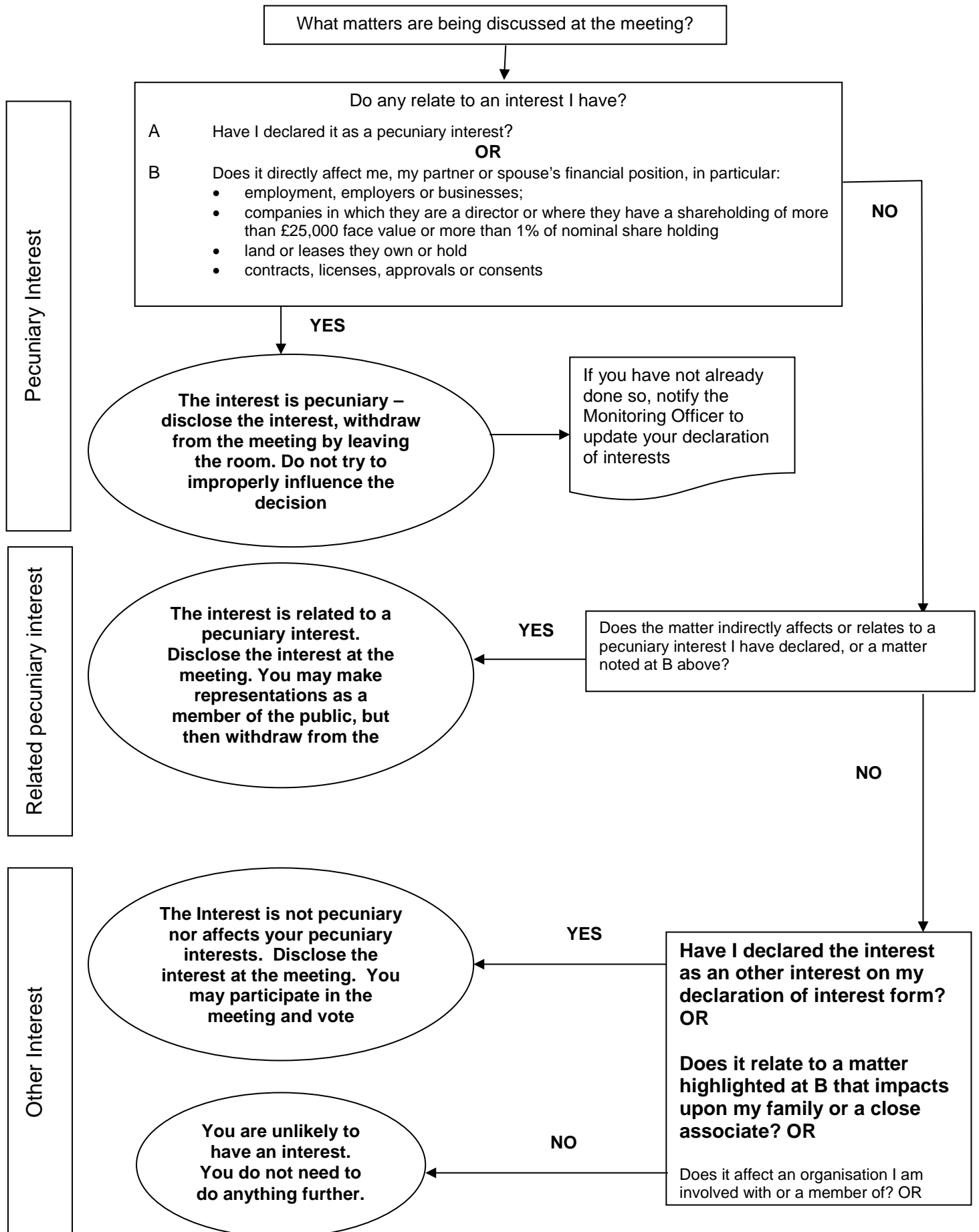
Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

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 15 July 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 C Beadle  
Cllr N J Brennan

Cllr R R Foulger  
Cllr C Karimi-Ghovanlou  
Cllr K G Leggett

Cllr I N Moncur  
Cllr S Prutton  
Cllr J M Ward

Also in attendance were the Assistant Director - Planning; the Development Manager (TL), the East Area Team Manager (NH) and the Committee Officer (DM).

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

The following declarations were made during a roll call:

<b>Member</b>	<b>Minute No &amp; Heading</b>	<b>Nature of Interest</b>
Cllr Moncur	102 Application number 20191370 – Land at White House Farm, Salhouse Road, Sprowston	Ward Member - had not been involved in any discussions on the application. Non-disclosable local choice interest.
Cllr Ward		Sprowston Town Councillor - had attended the Town Council meeting when the application had been discussed but had not participated or voted. Local choice non pecuniary interest.

### **100 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Clancy, Cllr J Fisher, Cllr Gratton and Cllr Riley.

### **101 MINUTES**

The minutes of the meeting held on 17 June 2020 were confirmed as a correct record and signed by the Chairman.

*In respect of the decisions indicated in the following Minute (no: 102), 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 were subject to the final determination of the Director of Place.*

**102 APPLICATION NUMBER 20191370 – LAND AT WHITE HOUSE FARM  
SALHOUSE ROAD SPROWSTON**

The Committee considered an application (as amended) for outline planning permission with all matters reserved, except access, for a development of up to 456 dwellings and a 0.25 ha local centre for A1-A5 and D1 uses with associated infrastructure and landscaping on a 23.94 ha site. The number of dwellings originally proposed was 516 but this was reduced through the course of the application to 456.

The application was reported to Committee as it was considered to be contrary to the provisions of the Growth Triangle Area Action Plan 2016 and the officer recommendation was for approval.

Members noted the location and context of the site as set out in detail in the report. They also noted the matters raised in the supplementary schedule confirming the number of dwellings as 456 and not 465 and that the arboricultural issues raised had now been satisfied.

The Committee heard from Sarah Hornbrook – Planning Consultant, Bidwells on behalf of the applicant who was supporting the application.

Officers answered a number of questions from Members, confirming arrangements to secure the satisfactory control of the number of affordable housing units, the area of open space provision, aviation/residents safety issues, screening and boundary treatment for the protection of users of the MUGA and NEAP, mindful of its location near the road, and the future relationship between the development and the use of the marquee at Sprowston Manor Country Club which currently had temporary planning permission. It was noted that negotiations between the developers and the Highway Authority to secure Atlantic Ave as an adopted highway were underway with a view to this being achieved by the end of the year. Concerns regarding issues of parking on Atlantic Way would need to be addressed by the Highway Authority if this became necessary. Officers also confirmed that the Local Education Authority would be aware of the high school education requirement arising from this and other development in the area and that CIL monies were available to support any identified needs in the LEA's secondary school place provision.

Members were mindful that Section 38(6) of the Planning and Compulsory Purchase Act 2004 required applications for planning permission to be determined in accordance with the development plan unless material considerations indicated otherwise.

The site was allocated in the GT AAP 2016 for mixed use development under policy GT20 and the proposal for 456 dwellings and a 0.25ha site for A1-A5 and D1 use was considered acceptable. The proportion of affordable housing (28%) was below that expected by the GT AAP (33%), but the application

complied with the requirements of the JCS policy 4 by being in accordance with the most up to date needs assessment for the area (this being the SHMA 2017). This was a material consideration which justified a departure from the GT AAP. Members felt the proposal complied with other relevant policies of the development plan and would not result in significant adverse impacts which could not be mitigated either by way of condition or Section 106 Agreement.

It was proposed, duly seconded, that the officer recommendations 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 conditions and completion of a Section 106 Agreement to secure the following heads of terms:

#### Conditions:

- (1) Time Limit
- (2) RM condition – layout, scale, appearance and landscaping
- (3) Plans and documents including compliance with parameter plans
- (4) Phasing plan
- (5) Limit to 465 dwellings; A1-A5 or D1 uses in Local centre
- (6) Limit building height to maximum 15m above existing ground level
- (7) Surface water scheme per phase
- (8) Hard and soft landscaping
- (9) Arboricultural Method Statement and Tree Protection Plan per phase
- (10) Ecological management plan per phase
- (11) Archaeology per phase
- (12) Minerals per phase
- (13) Land contamination per phase
- (14) Construction management plan per phase
- (15) Noise assessment per phase
- (16) Fire hydrants per phase
- (17) Energy efficiency measures per phase
- (18) Lighting per phase
- (19) External materials per phase
- (20) Highways conditions SHC23, SHC24A and B, SHC3, SHC33(1)A and B, SHC33(2) A and B, SHC33(3)A

#### Heads of Terms:

28% Affordable Housing (64:36 Rent: Intermediate)  
Open Space to comply with EN1, EN3 and RL1 of DM DPD  
Travel Plan  
Dedication of land at Salhouse Road for BRT

**103 PLANNING APPEALS**

The Committee noted the appeal decisions received and appeals lodged for the period 5 June to 1 July 2020.

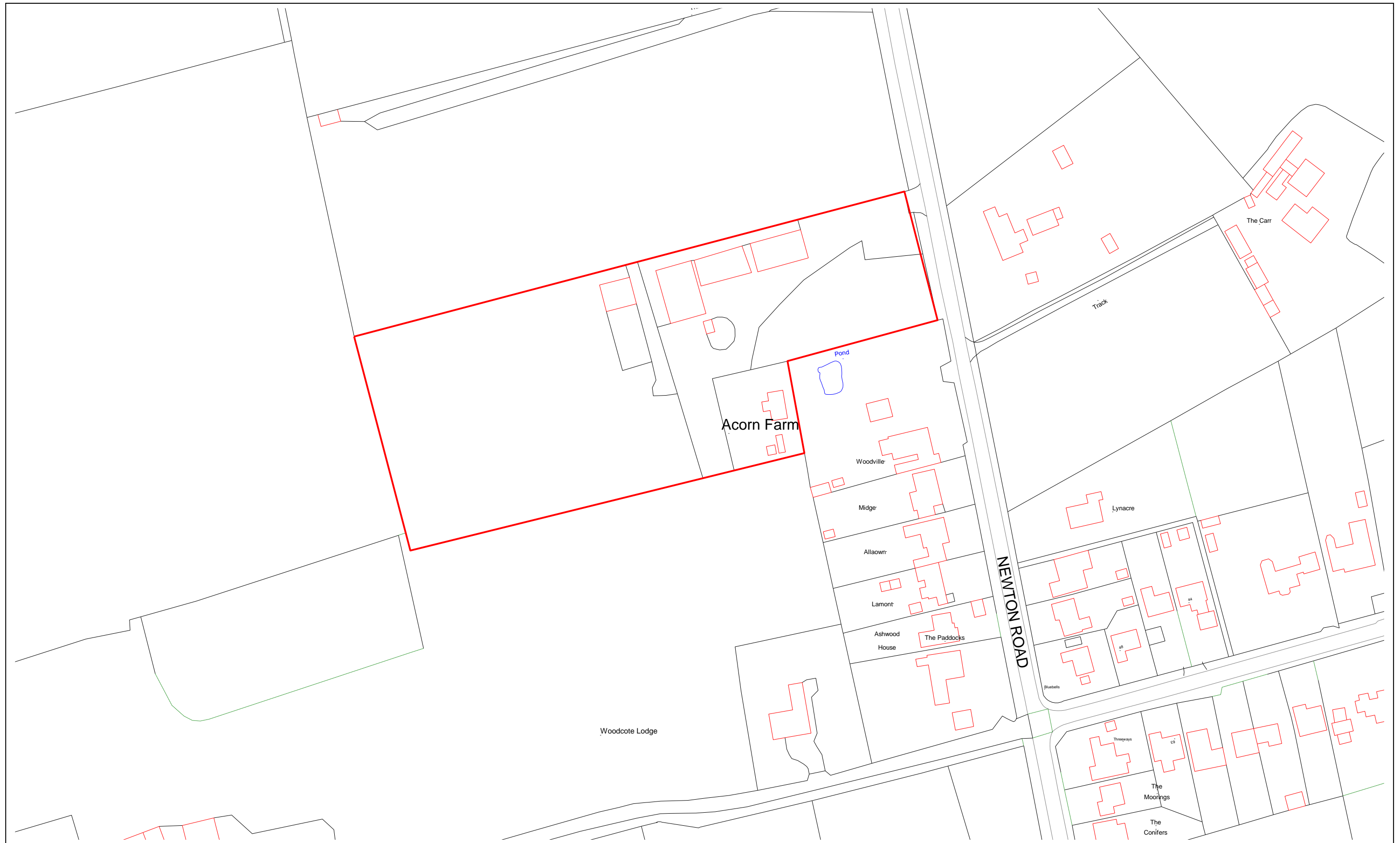
*The meeting closed at 10:26am*

DRAFT

## SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Area	Application No	Location	Officer Recommendation	Page No
1	20200429	Acorn Farm, Newton Road, Hainford	<b>TEMPORARY APPROVAL</b> subject to conditions	11
2	20200998	Old School Playing Field, Green Lane West, Rackheath	Delegate authority to the DoP to <b>APPROVE</b> subject to receipt of satisfactory details in relation to the Arboricultural Implication Assessment and Preliminary Ecological Appraisal and subject to conditions	18
3	20201081	Hawthornes, Hindolveston Road, Foulsham	<b>REFUSE</b>	35

DoP Director of Place



**Application No: 20200429**  
**Acorn Farm, Newton Road, Hainford, NR10 3LY**

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**Scale:**  
**1:1250**  
**Date:**  
**30-Jul-20**



**Application No:** [20200429](#)  
**Parish:** **Hainford**

Applicant's Name: Mr K Watts  
Site Address: Acorn Farm, Newton Road, Hainford, NR10 3LY  
Proposal: Retrospective application for the siting of a mobile home for use as a residential annexe

### Reason for reporting to committee

There are exceptional circumstances which warrant consideration of the proposal by committee.

Recommendation summary:

Temporary approval subject to conditions.

### 1 Proposal and site context

- 1.1 The application is seeking retrospective planning permission for the siting of a mobile home for use as a residential annexe. There is an existing mobile home on site housing the family and the additional accommodation will provide accommodation for a further family member.
- 1.2 Acorn Farm is located on Newton Road, Hainford. The farm comprises of grazing land used for cattle rearing and a number of buildings on the site providing storage and animal shelters.
- 1.3 The mobile homes are located in the south east corner of the site, set well back from the road and to the rear of a property called Woodville. The mobile homes are well screened from the road by Woodville's 2m high boundary hedge and trees.
- 1.4 The site is located outside the settlement limit for Hainford and in the open countryside.

### 2 Relevant planning history

- 2.1 A series of planning applications have been submitted and approved for this site. The erection of a barn for agricultural purposes ([20140487](#)) was approved in May 2014. In July 2015 planning permission was granted for the erection of an agricultural building ([20150821](#)) followed by a revised proposal for the building that was approved in December 2015 ([20151740](#)). Permission has also been granted for a feeding silo in April 2016 ([20160672](#)), an animal shelter/barn in December 2016 ([20161852](#)) and extensions to the hay barn and a new isolation barn in June 2020 ([20200428](#)).

- 2.2 Temporary planning permission was granted in April 2016 under planning reference [20160671](#) for the siting of a mobile home for residential use in association with the agricultural unit. In January 2020 an application was approved for the retention of that mobile home with an agricultural occupancy restriction condition until November 2025 ([20191712](#)). The site's use as a commercial cattle rearing operation continues to the present day.

### 3 Planning Policies

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

NPPF 02 : Achieving sustainable development  
NPPF 04 : Decision-making  
NPPF 05 : Delivering a sufficient supply of homes

#### 3.2 National Planning Practice Guidance

#### 3.3 Joint Core Strategy (JCS)

Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting good design  
Policy 17 : Small rural communities and the countryside

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

Policy GC1 : Presumption in favour of sustainable development  
Policy GC2 : Location of new development  
Policy GC4 : Design  
Policy H1 : Dwellings connected with rural enterprises  
Policy CSU5 : Surface water drainage

#### 3.5 Supplementary Planning Documents (SPD)

Landscape Character Assessment: Marsham and Hainford Wooded  
Estatelands  
Parking Standards SPD

### 4 Consultations

#### 4.1 Hainford Parish Council:

The Parish Council objects to a full planning permission in this application. It is outside the development plan boundary. An "annexe" is a building adjoined to an existing dwelling - this is not. The purpose for which it is intended does not require a full planning permission for an indefinite time.

The application should be for a time limited permission with eventual removal.

4.2 Broadland District Council Pollution Control Officer:

No objection.

4.3 Other Representations:

One letter of objection has been received from a local resident. Their comments are summarised as follows:

- The application is incomplete, inaccurate and drawings inadequate.
- Whilst the structure is described as a 'mobile home' the inclusion of a septic tank suggests a permanent structure.
- The use of the existing self-contained dwelling is not clear.
- The building is not an 'annexe' but a self-contained dwelling and not ancillary to the existing dwelling on site.
- The development would create a significant change in the character and use of the land.
- The previous dwelling on the site has been granted temporary (retrospective) planning permission (application number 20191712) it would be incongruous to grant permanent permission to a structure that is apparently an 'annex' to the original which itself only has temporary permission.
- The building is situated on land outside of the Hainford Settlement Boundary.
- The building is within a surface water flood risk zone.
- The building is visible from Newton Road and is out of character with existing development.
- The park home is of low aesthetic and material quality and harmful to the street scene.
- The addition of a further dwelling house at Acorn Farm is contrary to the Hainford Parish Plan which concluded that development within Hainford should consist of single dwellings or conversions and should not be permitted beyond the Settlement Boundary.
- The addition of another self-contained 'mobile home' on the site could be viewed as the beginnings of a park home estate.
- Planning approval for this building would set a precedent for low quality housing and/or illicit development within Hainford village and outside the Hainford Settlement Boundary.

## 5 Assessment

### **Key Considerations**

- 5.1
- The principle of development
  - The impact upon neighbour amenity

- The design and impact upon the character and appearance of the area

### Principle

- 5.2 As set out in paragraph 1.1 of this report the application seeks retrospective planning permission for the siting of a mobile home for use as a residential annexe.
- 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 and the National Planning Policy Framework (NPPF) and whether there are any other material considerations. These include whether the application contributes towards achieving sustainable development. The details of its impact on neighbours and the character and appearance of the area must also be considered.
- 5.4 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This point is reinforced by the NPPF, which itself is a material consideration as is the Planning Practice Guidance.
- 5.5 The application site lies outside the defined settlement limit of Hainford where Policy GC2 of the Development Management Development Plan Document (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.
- 5.6 Hainford has limited local services but there are regular buses into Norwich from a bus stop less than 200m to the south. However, for the purposes of Policy 1 of the JCS and Policy GC2 of the DM DPD the site is not considered a sustainable location for new residential development. In addition, Policy 17 of the JCS sets out the type of development that may be acceptable in the countryside, which does not include development for housing where there is no demonstrable need, such as for affordable housing or housing for a rural worker.
- 5.7 However, Paragraph 77 of the NPPF states that in 'rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Policy H1 of the DM DPD allows dwellings outside settlement limits where they are associated with an enterprise that justifies a rural location. There is already a mobile home on the site that was given temporary planning permission with an agricultural occupancy condition under these policy criteria. The additional mobile home is being used as a residential annexe for the applicant's mother who for medical reasons has moved back to this country to be close to family. It is clear that the existing mobile home can be justified and that providing additional annexe accommodation for a family member is not

creating an additional dwelling and is an exceptional circumstance that can also be justified.

- 5.8 For this reason it is considered appropriate to impose a time limit condition to tie in with the existing mobile home's temporary planning permission but also to impose a condition to ensure that the 'annexe' is used as living accommodation incidental to the main 'residence' and linked to Acorn Farm's agricultural operation.

### **Neighbour Amenity**

- 5.9 The new mobile home is located within the existing farm complex to the south and west of the original mobile home close to the boundary with an open field. This boundary is well screened with a mature hedge. Woodville is the nearest residential neighbour located approximately 40 metres to the west of the site. Any views of the site from Woodville are restricted by the existing hedge and tree screen. There is no potential for any loss of privacy for this neighbour as a result of this development. The proposed development is therefore considered to comply with the aims of Policy GC4 of the DM DPD.

### **Design, Character and Appearance**

- 5.10 An objector to the development has raised concerns about the design of the mobile home and how this is incompatible with surrounding development. The mobile home is of standard design but is not considered inappropriate for its setting within the existing farm complex comprising of barns and storage buildings. The mobile home is not viewed in relation to surrounding residential development due to its position on the site. The same objector has also raised concerns about the harm the development will cause to the character of the street scene. The site is well screened from the road by an existing fencing and hedging. The original mobile home is located behind the rear boundary of Woodville's garden some 60 metres from the road. The mobile home subject of this application is set further back into the site behind the original one and not visible from the road. The mobile homes have limited impact on the character and appearance of Newton Road. The proposal is therefore considered to meet the aims of Policy 2 of the JCS and Policy GC4 of the DM DPD.

### **Other Issues**

- 5.11 The objector has raised concerns about surface water flooding on the site where the mobile homes are located. The Environment Agency Flood Risk Maps identify the site as a low risk from surface water flooding, which means that each year this area has a chance of flooding of between 0.1% and 1%. Flooding from surface water is difficult to predict as rainfall location and volume are difficult to forecast. It is considered that the scale of the proposal in combination with the low probability of surface water flooding of this site is not significant. The proposal is therefore considered to comply

with Policy CU5 of the DM DPD.

- 5.12 The need to support the economy as part of the recovery from the COVID-19 pandemic is also a material consideration. This application will not provide any additional employment but will allow this business to continue to operate effectively where accommodation for a dependent relative can be undertaken on site. This adds further weight in favour of the proposal.
- 5.13 This application is not liable for Community Infrastructure Levy (CIL).

## 6 Conclusion

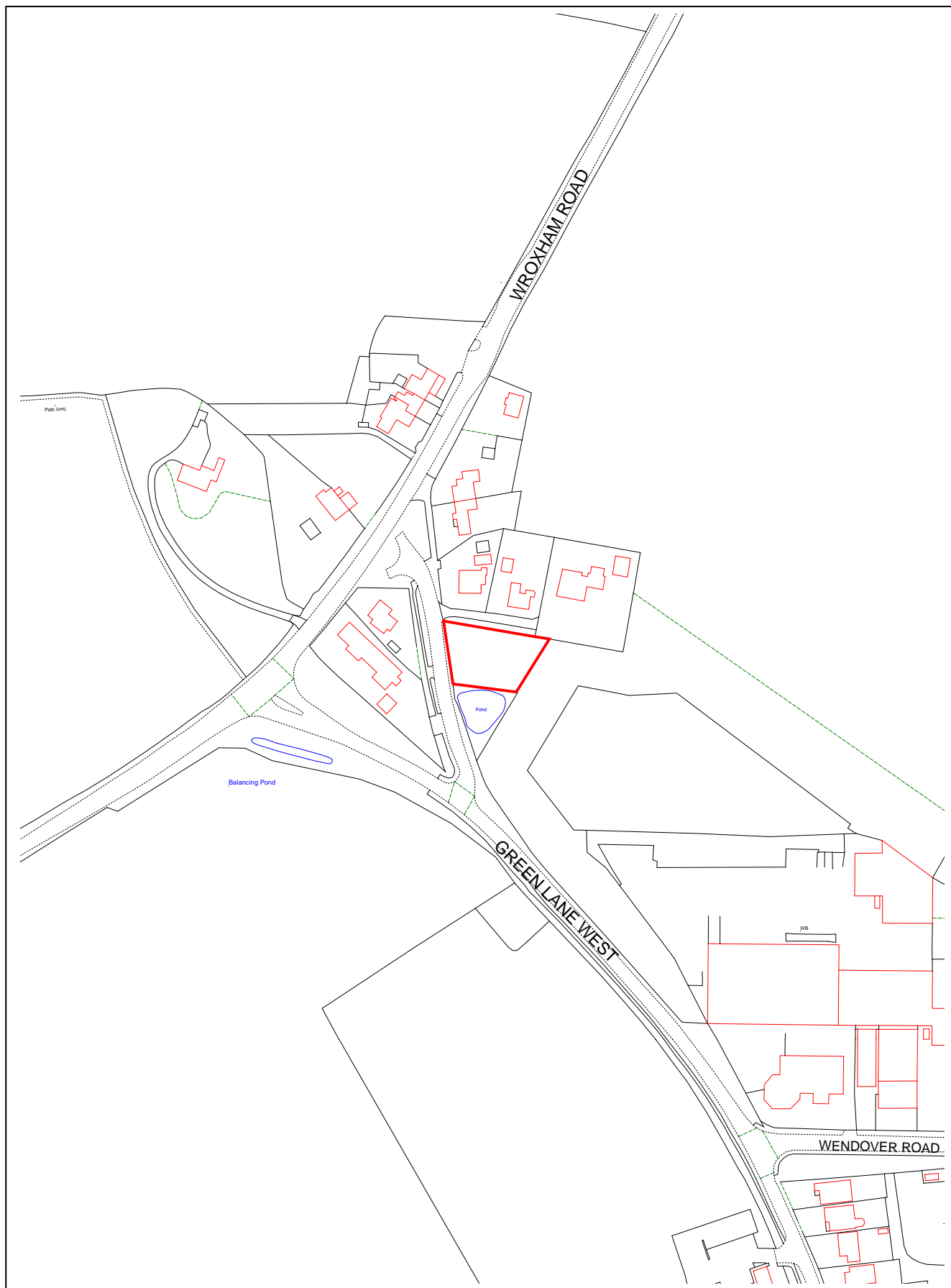
- 6.1 The site is located in Hainford outside the settlement limits and therefore in the open countryside where new residential development is not normally permitted. However, the mobile home is considered to be an extension to the existing residential use on site and not as a new independent dwelling. The development has no impact on the appearance of the site or the character of the surrounding area or street scene. There are no significant neighbour impacts from this proposal.
- 6.2 The addition of a mobile home for use as an annexe to the existing accommodation on site can be justified, subject to the imposition of a condition requiring removal of the unit when no longer required or removal at the same time that the other mobile home is no longer needed. For the above reasons a rural location that is contrary to the development plan can be justified in this particular case.
- 6.3 The proposal is therefore considered to comply with the aims of Policies 1 and 2 of the JCS, Policies GC2, GC4 and H1 of the DM DPD and Paragraph 77 of the NPPF and is recommended for approval.

Recommendation: **TEMPORARY APPROVAL** subject to the following conditions:

- (1) In accordance with plans and documents(AD01)
- (2) Temporary structure/use (expiry date 4 Nov 2025) (TMT01)
- (3) Annexe (O04 amended)

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

Julie Fox  
01603 430631  
[julie.fox@broadland.gov.uk](mailto:julie.fox@broadland.gov.uk)



**Application No: 20200998**

**Old School Playing Field, Green Lane  
West, Rackheath, NR13 6LU**

**Scale:  
1:2500**

**Date:  
3-Aug-20**



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**Application No:** [20200998](#)  
**Parish:** Rackheath

Applicant's Name: Mr D Jeans  
Site Address: Old School Playing Field, Green Lane West,  
Rackheath, NR13 6LU  
Proposal: Erection of two detached houses

### 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.

Recommendation summary:

Approve subject to conditions.

### 1 Proposal and site context

- 1.1 The application site is located at the north end of Green Lane West. It originally formed part of the old school playing field.

It is currently overgrown with a number of mature Oak trees to the north and south of the site together with a dried up former pond located to the southeast.

- 1.2 The site benefits from full planning permission granted by Planning Committee on 11 January 2017 under application reference [20161667](#) for the erection of one dwelling on the site. A variation to this permission was granted on 2 January 2019 under planning reference [20181822](#), which sought to vary the design of the first permission. This permission remains extant. It is therefore considered that the principle of residential development for the erection of one dwelling has been established on the site.

- 1.3 A further application, reference [20191513](#) was submitted for the erection of four dwellings on the site. However, this application was refused on 13 December 2019. The increase in number of dwellings was assessed against the adopted policies of the DM DPD, the housing supply at the time and the objectives of the NPPF and identified policies in the Rackheath Neighbourhood Plan.

As the Council could demonstrate a 6.54 year housing land supply at the time and the site did not meet the needs of any other allocation or policy within the DM DPD, it was considered the proposal would lead to overdevelopment of the site resulting in a cramped and contrived form of development that was not sympathetic to the general pattern or character of development within the area. In addition, it was also felt the development

would not meet the reasonable amenity needs of future occupants due to the restricted size of each plot, proposed intensified use and tree constraints leading to conflict in the future. Thereby making the proposal unjustifiable and contrary to a number of policies.

- 1.4 The current scheme is seeking to gain planning permission for two dwellings, following informal advice from the Local Planning Authority. The overall scheme seeks to address the concerns noted as part of the previous proposal for the erection of four dwellings by reducing the number on the site, making better use of the land available without leading to a cramped and contrived form of development and minimising the constraints posed by the presence of a number of Oak trees located around the site, whilst contributing to the local housing supply.

## 2 Relevant planning history

- 2.1 [20161667](#): Redevelopment of former school playing field to provide a 1 no: detached dwelling. Approved 11 January 2017.
- 2.2 [20181822](#):: Variation of condition 2 of planning permission 20161667. Approved 2 January 2019.
- 2.3 [20191513](#) Erection of 4 x two storey dwellings. Refused 13 December 2019.

## 3 Planning Policies

### 3.1 National Planning Policy Framework (NPPF)

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

### 3.2 Joint Core Strategy (JCS)

Policy 1: Addressing climate change and protecting environmental assets  
Policy 2: Promoting good design  
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 EN4: Pollution

Policy TS3: Highway safety

Policy TS4: Parking guidelines

Policy CSU4: Provision of waste collection and services within major developments

Policy CSU5: Surface water drainage

### 3.4 Rackheath Neighbourhood Plan adopted 2017-2037

Policy HOU1 – Mixed type and tenure of housing

Policy HOU2 – Character, density and massing

Policy ENV1 – Drainage

Policy ENV4 – Trees and soft site boundaries

Policy TRA4 – Residential car parking for new developments

### 3.5 Growth Triangle Area Action Plan (GT AAP)

GT16 North Rackheath: Mixed use development

### 3.6 Supplementary Planning Documents (SPD)

Norfolk County Council Parking Standards

Landscape Character Assessment

## 4 Consultations

### 4.1 Parish Council:

Rackheath Planning Committee have considered the above application and have no objections. However, they do make a suggestion that yellow lines are applied to the road, outside the development to stop cars parking on the side of the road and obstructing the junction for other residents in that area.

### 4.2 NCC Highways:

This application is similar to an application previously submitted under planning reference 20191513. Having reviewed this new application, in highway terms only, I can confirm that I raise no objection to the proposed

development. Should your authority be minded to approve the application, I would recommend the following conditions and informative notes being appended to any consent notice issued;-

**SHC 05** Prior to the first occupation of the development hereby permitted the vehicular access shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority and thereafter retained at the position shown on the approved plan (drawing no PL16). Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

**Reason:** To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.

**SHC 17** Prior to the first occupation of the development hereby permitted a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

**Reason:** In the interests of highway safety in accordance with the principles of the NPPF

**SHC 21** Prior to the first occupation of the development hereby permitted the proposed on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

**Reason:** To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

Inf. 2 This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group. Please contact [developer.services@norfolk.gov.uk](mailto:developer.services@norfolk.gov.uk)

If required, street furniture will need to be repositioned at the Applicants own expense. Public utility apparatus may be affected by this proposal.

Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

### 4.3 NCC Minerals and Waste:

The site of this proposed development is the same as that of permission 20161667. This response should be read in conjunction with our response to that application dated 24 November 2016. The current application is for 2 no. dwellings on this land compared with 1no. dwelling for permission 20161667.

The application has not assessed the current proposal in relation to the Norfolk Minerals and Waste Core Strategy Policy CS16, Paragraph 8 of the National Planning Policy for Waste, and Paragraph 170 (part e) of the NPPF. For permission 20161667 additional information was contained in a letter dated 15 November 2016 (Ref: 0516 Rackheath) from the agent for the applicant regarding the orientation of the dwelling, which stated that: 'The proposed dwelling has been positioned to ensure that the gable end faces towards the waste site and the materials which would be used in the proposal will be of modern standards. These factors will ensure that the dwelling will provide for an internal amenity level which would be better than the adjacent houses.'

While information regarding the boundary treatments of the proposed development contained in the Site Layout Plan (ref PL16) is welcomed; it appears that the orientation of the proposed properties is such that windows to habitable rooms, and outside amenity space now face towards the safeguarded waste management facility. It is accepted that the operations of the safeguarded waste management facility (PSH Ltd) are controlled by a regulatory framework designed to prevent potential amenity impacts from occurring outside the site.

The Waste Planning Authority considers that the placing of an informative on any potential future planning permission would ensure that any prospective purchaser would be made aware that the dwelling is within the consultation area of a safeguarded waste management facility, which is a matter of fact. Norfolk County Council as the statutory authority for Waste Planning in Norfolk wishes to be kept informed as this proposal is progressed through the application process.

### **Conclusion**

Norfolk County Council, in its capacity as the Statutory Authority for waste planning in Norfolk, does not object to application 20200998, but requires the following informative to be included on any future planning permission: "The planning application site is within the 250m planning consultation area around the existing PSH Ltd waste management facility which is a safeguarded waste management site in accordance with Policy CS 16 of

the adopted Norfolk Minerals and Waste Core Strategy and Development Management Policies DPD.”

This is in its capacity as the Statutory Authority for waste planning in Norfolk. If you have any queries regarding this response please contact Richard Drake (Senior Planner, Minerals and Waste Policy) by email at [richard.drake@norfolk.gov.uk](mailto:richard.drake@norfolk.gov.uk) or telephone 01603 222349.

#### 4.4 NCC Natural Environment Team:

The applicant has not provided any information as to the suitability of the site to support protected species that may allow an assessment for impacts to be undertaken.

As such, it is recommended that the applicant is asked to provide further information.

We would recommend that a Preliminary Ecological Appraisal (PEA) of the site is undertaken by an appropriately qualified and experienced ecologist, that meets the relevant British Standard (BS42020:2013 Biodiversity).

Specific surveys, for example, for great crested newts, may need to be undertaken following the PEA. The results of these surveys will also need to be submitted in support of planning.

Enhancements: In accordance with Policy EN1 of the Broadland DPD, and the NPPF, the proposal should provide ecological enhancements. Consideration should also be given to any external lighting as the area is likely to support foraging bats (see <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>)

IRZ: While the application site falls within a SSSI IRZ, MAGIC indicates that formal consultation with NE is not required for residential (rural or non-rural) applications

#### 4.5 Environmental Management Officer:

I have looked at the previous application. On that one I suggested that condition AM14 is added in case unexpected contamination is found. I would suggest that the same approach is adopted for this application.

#### 4.6 Conservation Officer:

A Preliminary Arboricultural Impact Assessment (AIA) has been undertaken by Oakfield Arboricultural Services which has considered the tree constraints within and adjacent to the old school playing field.

There are no objections to the removal of T7 Ash providing replacement tree planting is ensured through a landscaping condition.

Overall, the development is considered acceptable subject to minor amendments to the AIA to confirm the following:

Tree surgery works recommended to reduce the encroachment of the tree canopies of T3 Oak and G1 & G2 mixed broadleaved species will be acceptable providing the works are carried out following the recommendations within BS 3998 Tree Works.

Minor encroachment to the Root Protection Area (RPA) of T3 Oak to construct the foundation of Plot 1, but acceptable providing the precautions within the Arboricultural Method Statement (AMS) are followed.

Confirmed 'No-dig' to access/driveway of Plot 1 is acceptable. Shallow excavation only acceptable if it is verified that no roots with a diameter > 25mm would be damaged during the 'no-dig' construction of the access and driveway of Plot 1. Request Highway Authority to confirm their agreement.

In terms of the service routes, recommendations within section 7.7 of the AIA should follow BS 5837 rather than those covered by NJUG Volume 4, to provide better protection.

Phased installation of tree protection barriers is not acceptable, confirmation that all protection barriers will be in place, as shown on the TPP, prior to construction and remain in place until the development is complete.

Amendments to the AIA are awaited as outlined above.

#### 4.7 Other representations:

One letter of objection from the owner of Janvier, Green Lane West, Rackheath, NR13 6LU:

I would like to object to the plans for these dwellings to be erected . I have concerns about access ,driveways being directly opposite my property .I feel this could be a danger .No footpaths or street lights in proposed area ..Also these properties would cause shadowing to my property.

## 5 Assessment

### **Key Considerations**

- 5.1
  - The principle of development.
  - The impact of the development on highway safety.

- The impact on trees and local ecology
- The impact on character and appearance of the area.
- The impact on residential amenity.

### Principle

- 5.2 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. This point is reinforced by the NPPF, which itself is a material consideration as is the Planning Practice Guidance.
- 5.3 Policy GC2 of the DM DPD states that new development will be accommodated within defined settlement limits. Outside of these limits, development that 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.
- 5.4 The application site has not been allocated for housing and is outside of the defined settlement limit however permission has previously been granted on the site for the erection of one dwelling under application reference 20161667 and a following variation under reference 20181822.

Consequently, whilst the current scheme is contrary to Policy GC2 of the DM DPD, the site benefits from an extant permission for one dwelling which is valid until 2 January 2022.

- 5.5 Additionally, the site is just north of the existing Rackheath Industrial Estate [a strategic employment site] and is approximately 50m to the southwest of an allocated site within the Growth Triangle Area Action Plan (GT AAP) - GT16 to provide 3000 homes and 25ha of land for employment, road and cycle links together with schools and other community facilities.
- 5.6 The site itself is adjacent to a small group of residential dwellings located to the north end of Green Lane West and is not therefore in an isolated location. The road allowing access to this group of dwellings, to the west of the application site, used to provide the main access point onto Wroxham Road. However, since the construction of the Broadland Northway, this access has been blocked up making this part of Green Lane West a cul-de-sac with no through access.
- 5.7 The site is within walking distance of the settlement limit, which is to the southeast, and public transport. It also has good access on to Wroxham Road and the Broadland Northway providing easy access to Norwich and The Broads.
- 5.8 The existing dwellings are considered mixed in terms of their scale and design with most of the plots providing good proportions and separation between dwellings resulting in good levels of outside amenity and privacy.

- 5.9 The proposed scheme seeks permission to construct two detached dwellings on the site. One three bedroom and one four bedroom property with associated outside amenity and parking provision. The dwellings will be set back from the public highway in a staggered formation with the larger of the two (Plot 2) being positioned to the south of the site. The site plan shows a good degree of separation between the dwellings with sufficient amenity space to the front, sides and rear of both properties to provide privacy and limit the impact the existing trees will have on the usable outside space.
- 5.10 The proposed elevations are of a simple design with hipped roofs to the front, side and rear. The pallet of proposed materials is in keeping with the mix of development within the area.

### **Acceptability of the proposal in terms of Policies GC1 and GC2 of the Development Management DPD 2015 (DM DPD)**

- 5.11 The site lies outside of the defined settlement limit for Rackheath and for this reason the proposal conflicts with Policies GC1 and GC2 of the DM DPD.
- 5.12 However, the application site benefits from an extant planning permission (application reference 20181822) for the erection of one dwelling therefore the principle of residential development has already been established on the site, which is of material consideration.
- 5.13 Also relevant to the determination of the current application is the most recent Greater Norwich statement on five-year housing land supply which was published as Appendix A of the Annual Monitoring Report (AMR) 2018-2019. This statement shows that there is currently 5.89 years housing land supply within the Greater Norwich Area.
- 5.14 Whilst the Council is currently able to demonstrate a 5.89 year housing land supply, regard for Paragraph 122 of the NPPF should also be considered, as it seeks to ensure that planning policies and decisions promote and support an effective use of land in meeting the need for homes taking into account; an identified need for different types of housing, the availability and capacity of infrastructure and services, the desirability of maintaining an area's prevailing character and securing well-designed, attractive and healthy places to live.
- 5.15 Paragraph 68 of the NPPF also states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area.
- 5.16 Policy HOU1 of The Rackheath Neighbourhood Plan states that development proposals should be mixed providing a range of housing

across the parish from starter homes to larger family homes with a range of garden sizes.

- 5.17 Additionally Policy HOU2 states that development should maintain a green and rural village feel with density and massing varying to provide a full range of house types that are needed.

### **Conclusion**

- 5.18 Although it is acknowledged the site is outside the settlement limit for Rackheath and that the Council can demonstrate a 5.89 year land supply for housing, it is also important to note that the site benefits from an extant planning permission for the erection of one dwelling, which has therefore established the principle of residential development on the site.
- 5.19 The site lies approximately six miles from the centre of Norwich and within close proximity to bus services which provide transport links to Norwich, surrounding villages and coastal destinations.
- 5.20 The site is also approximately 50m to the southwest of an allocated site within the GT AAP for mixed use development including 3000 homes. It is also north of a strategic employment site, that being Rackheath Industrial Estate. It is therefore considered a sustainable location in accordance with Policy GC1 of the DM DPD for the amount of development proposed.
- 5.21 Additionally, in line with Paragraph 122 of the NPPF the proposal for two dwellings will make the best use of land available without leading to a cramped and contrived form of development. It also meets the criteria of Paragraph 68 of the NPPF where small and medium sized sites can make an important contribution to meeting the housing requirement of an area.
- 5.22 In terms of the relevant policies within the Rackheath Neighbourhood Plan the scheme will provide a positive contribution to the housing requirements of Rackheath, than would be the case for the existing planning permission to provide one larger dwelling.
- 5.23 The proposal is contrary to Policy GC2 of the DM DPD, however the scheme to provide two dwellings on this small site will make the best use of land, providing a positive contribution to the housing requirements of Rackheath, in a location that is sustainable and these are considered to be material considerations that outweigh the conflict with Policy GC2 of the DM DPD as there will be no significant adverse impacts associated with the development.

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

- 5.24 The site is located at the north end of Green Lane West, where access to the main Wroxham Road has been blocked off and re-directed to the south west, leaving the small section of road adjacent to the site unclassified.

- 5.25 It is noted that the Parish Council have requested yellow lines are applied to the road outside the development to stop cars parking on the side of the road and obstructing the junction for other residents in that area. However, parking on the road is not a matter than can be resolved as part of the planning application. It is a matter that should be pursued separately with the Highway Authority.
- 5.26 The application site and proposed development is able to provide the required parking standards for a three and four bedroom dwelling, that being two spaces and three spaces respectively.
- 5.27 The Highway Authority have no objection to the proposed development and recommend the conditions and informative notes detailed above being appended to any consent notice issued to ensure development is carried out in the interests of highway safety and in accordance with Policy TS3 and TS4 of the DM DPD and the principles of the NPPF.

### **Impact on trees**

- 5.28 The proposed development will require one tree to be removed and others to undergo tree surgery works. However, the Conservation Officer is content with the works providing they are carried out in accordance with BS 3998 Tree Works and replacement planting is providing through a landscaping condition.
- 5.29 Part of the foundation for Plot 1 will encroach on the RPA of T3 Oak. However, this is considered acceptable providing the precautions within the Arboricultural Method Statement (AMS) are followed. The access and driveway to Plot 1 is recommended that a 'No-dig' approach is taken, which the Conservation Officer is in agreement with.
- 5.30 In terms of the service routes which are detailed in the AIA these will be positioned outside the RPAs of the retained trees, the recommendations are to be carried out in accordance with BS 5827 and all protective barriers are to be installed prior to commencement of development and retained until completion.
- 5.31 On balance, the impact of the proposed development on the retained trees is considered minimal and where some impact will occur, mitigation measures can be put in place and secured through condition to ensure the development does not have a significantly detrimental impact on the health of the existing trees adjacent to the site and is therefore in accordance with EN2 of the DM DPD.

Minor amendments to the submitted AIA are required to ensure the correct British standards are followed and this is awaited.

**Impact on ecology**

- 5.32 The site comprises of rough grassland and a number of mature trees. It is also adjacent to a former pond now dried up to the southeast.
- 5.33 An assessment of the pond has been submitted and the evidence does not support that it provides habitat for great crested newts.
- 5.34 Based on the observations during the assessment it was concluded the pond was very unlikely to hold open water at any time other than during heavy rain and that it was extremely unlikely that sufficient open water would be held to support breeding amphibians.
- 5.35 While the information provides evidence that the pond is inactive and unlikely to support protected species, a revised Preliminary Ecological Appraisal is to be provided which the County Ecologist will be consulted on and which will include consideration of on-site mitigation in terms of birds and foraging bats in accordance with Policy EN1 of the DM DPD.

It is likely that conditions requiring onsite mitigation will be imposed.

**Impact of the development on the character and appearance of the area**

- 5.36 The site is located at the edge of small group of residential properties at the northern end of Green Lane West. The existing properties are mixed in terms of their scale, design and use of materials. In general the existing plots are of a good size providing good levels of outside amenity space and privacy.
- 5.37 The proposed development will provide two detached dwellings of different sizes. One three bedroom and one four bedroom property.
- 5.38 The plot sizes of each dwelling is considered slightly smaller than some of the existing properties within the immediate locality, providing a mix of development within the area. However, the degree of space afforded between and around each new dwelling is considered sufficient to provide good outside space and privacy, meeting the amenity needs of future occupants in accordance with Policy GC4 of the DM DPD.
- 5.39 The design of each property is considered simple with hipped roofs to the front, side and rear, thereby softening the impact the new buildings will have on the street scene.
- 5.40 The palette of proposed materials is in keeping with the mix of development within the area again reducing the impact the additional dwellings will have on the immediate locality.

- 5.41 On balance, it is considered the proposed development is in keeping with the general pattern and mixed style of development within the locality and will not lead to development that has a significantly detrimental impact on the character and appearance of the area and is therefore in accordance with Policy GC4 and EN2 of the DM DPD.

### **Impact of the development on residential amenity**

- 5.42 The proposed dwellings are some distance from existing properties and through careful consideration of window placement and use, especially in terms of first floor windows, it is unlikely the development will lead to significant levels of overlooking.

Additionally, due to the presence of mature trees along the northern boundary, the proposed development will to some degree be obscured from view in terms of those properties to the north of the site. Thereby reducing the impact of the development in terms of overlooking and being visually prominent.

- 5.43 One letter of objection has been received from the occupant of Janvier, located to the west of the site, in terms of the access arrangements to the site and lack of footpaths or street lights in the area. Additionally there is some concern the development will lead to shadowing of their property.
- 5.44 Having looked at the arrangement of dwellings in the area and space afforded to the front and side of most properties in this small residential area, it is evident each plot has sufficient space to manoeuvre allowing a forward exit from driveways reducing the risk of highway safety concerns.
- 5.45 Since the plot benefits from an extant permission for one dwelling, it is not considered that a further dwelling would lead to a situation that has a significantly greater impact on neighbouring properties in terms of safety due to the fact there is limited street lighting or footpaths in the area.
- 5.46 In terms of overshadowing, the west facing site boundary is approximately 24m from the front elevation of Janvier. The proposed dwellings will be positioned some distance within the site, adding to the distance from Janvier. Based on this it is unlikely that any degree of overshadowing will occur in relation to this property.
- 5.47 In conclusion, due to the location of the site in relation to neighbouring properties it is unlikely the development will lead to significant levels of overlooking or overshadowing and therefore will not have a detrimental impact on the existing or future amenity of neighbouring properties and is therefore in accordance with Policy GC4 of the DM DPD.

### **Other matters**

### **Minerals and waste**

- 5.48 Having considered the points raised by NCC Minerals and Waste at paragraph 4.3 regarding the orientation of the proposed dwellings, they are not significantly different to the approved layout under applications 20161667 or 20181822. Therefore, it is unlikely the waste management site will have a greater impact than was previously assessed.
- 5.49 The amenity space of both dwellings is also similarly positioned to that proposed and approved in previous schemes. Furthermore, the application site is surrounded by mature hedgerow and based on aerial images there is a good degree of separation between the application site and the waste management facility which is also surrounded by mature hedgerow, providing a further buffer in terms of noise and smell. It is accepted that the operations of the safeguarded waste management facility (PSH Ltd) are controlled by a regulatory framework designed to prevent potential amenity impacts from occurring outside the site. However, Norfolk County Council have requested the informative detailed above is included on any future planning permission.

### **Possible well on site**

- 5.50 During the course of the application it was highlighted by the member of the public that it appeared some works on site were being carried out in relation to a steep well with footholds.
- 5.51 However, confirmation from the Structural Engineer noted that the Phase 1 Contamination Report, which had been carried out for the previous submission for four dwellings, found a disconnected inspection cover was present on the site but that no pipe end could be found and perhaps this was what was being referred to, rather than a well.

## **6 Conclusion**

- 6.1 While it is acknowledged the site is outside the designated settlement limit for Rackheath, and therefore contrary to Policy GC2 of the DM DPD, and the Council can demonstrate a 5.89 year housing land supply, the site benefits from an extant planning permission for the erection of one dwelling. Therefore, the principle of residential development on the site has been established.
- 6.2 In line with Paragraph 122 of the NPPF the proposal for two dwellings will make the best use of land available without leading to a cramped and contrived form of development. It also meets the criteria of Paragraph 68 of the NPPF where small and medium sized sites can make an important contribution to meeting the housing requirement of an area.
- 6.3 The site is also approximately 50m to the southwest of an allocated site within the GT AAP for mixed use development including 3000 homes. It is

also very close to the existing strategic employment site, that being Rackheath Industrial Estate.

- 6.4 The site is therefore considered a sustainable location in accordance with Policy GC1 of the DM DPD for the amount of development proposed.
- 6.5 In terms of the relevant policies within the Rackheath Neighbourhood Plan the scheme will provide a small but positive contribution to the mixed housing requirements of Rackheath, than would be the case for the existing planning permission to provide one larger dwelling.
- 6.6 On this basis, having balanced the planning merits of the proposal and having regard to the material considerations above, 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.

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.

### **This application is liable for Community Infrastructure Levy (CIL).**

Recommendation: Delegate authority to the Director of Place to approve subject to receipt of satisfactory details in relation to the Arboricultural Implication Assessment and Preliminary Ecological Appraisal and subject to the following conditions:

- (1) TL01 Statutory Time Limit
- (2) AD01 In accordance with submitted drawings
- (3) AM14 Unexpected contamination on site
- (4) HC05 New Access
- (5) HC17 Visibility Splay
- (6) HC21 Provision of Parking
- (7) Construction in accordance with the revised AIA – awaited.
- (8) Ecology – to be informed by further consultation with the NCC Ecologist and on-site mitigation measures, including landscaping, to be advised.

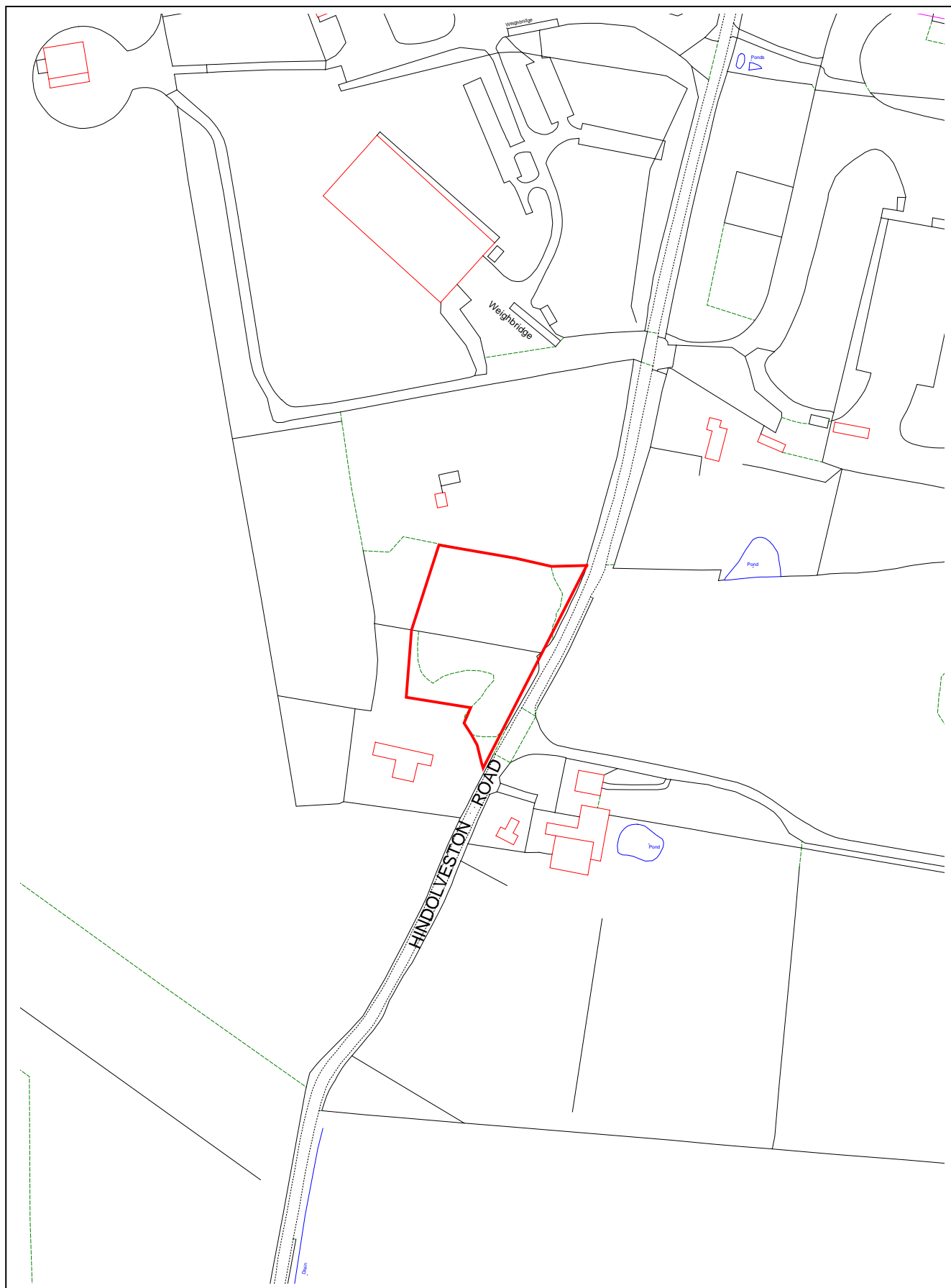
#### Informatives:

- (1) INFO01 NPPF Statement of conformity
- (2) INF43 - CIL Full Applications
- (3) INF27 – Building Regulations
- (4) SHC INF 02 – Highways (offsite road improvements)

## Planning Committee

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	(5) NS – Waste Management
<b>Contact Officer and E-mail</b>	Jane Fox <a href="mailto:jane.fox@broadland.gov.uk">jane.fox@broadland.gov.uk</a>



**Application No: 20201081**

**Hawthornes, Hindolveston  
Road, Foulsham, Dereham, NR20 5SQ**

**Scale:  
1:2500**

**Date:  
3-Aug-20**



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**Application No:** [20201081](#)  
**Parish:** **Foulsham**

Applicant's Name: Mrs Miller  
Site Address: Hawthornes, Hindolveston Road, Foulsham,  
Dereham, NR20 5SQ  
Proposal: Erection of two detached dwellings (Outline)

### Reason for reporting to committee

The Local Member has requested that the application be determined by the Planning Committee, if the recommendation is to refuse planning permission, for appropriate planning reasons as set out below in section 4.6.

Recommendation summary:

Refuse.

### 1 Proposal and site context

- 1.1 This application seeks outline planning permission for the erection of two detached dwellings on land to the north of the dwelling known as Hawthornes, Hindolveston Road in Foulsham.
- 1.2 The application has been submitted in outline format with some reserved matters. The access for the proposal is submitted with this proposal with the appearance, landscaping, layout and scale to be agreed by a reserved matters planning application if this application is to be approved.
- 1.3 The site is located in Foulsham which does have a defined settlement limit. However, the site is located outside of the settlement limit for Foulsham within a countryside location. The nearest settlement limit point near to Guist Road, which is approximately 1 mile south of the application site.
- 1.4 The site is located on Hindolveston Road in Foulsham which is an adopted highway (C227) with no footway and has a national speed limit restriction (60 mph).
- 1.5 It is proposed that the two dwellings would be served via an existing access point currently serving the dwelling known as Hawthornes on Hindolveston Road.

### 2 Relevant planning history

- 2.1 [790004](#): Erection of new bungalow and garage. Approved 17 April 1979.
- 2.2 [832560](#): Removal of agricultural occupancy condition. Appeal allowed 3 September 1984.
- 2.3 [861680](#): Erection of dwelling (outline). Appeal dismissed 30 September 1986.

### 3 Planning Policies

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

NPPF 02 : Achieving sustainable development  
NPPF 04 : Decision-making  
NPPF 05 : Delivering a sufficient supply of homes  
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 6 : Access and Transportation  
Policy 15 : Service Villages  
Policy 17 : Small rural communities and the countryside

#### 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 EN2: Landscape  
Policy TS3: Highway Safety  
Policy TS4: Parking Guidelines

### 4 Consultations

#### 4.1 CPRE Norfolk:

Objects.

- The location for the proposed houses is outside the settlement boundary/limit of Foulsham and any other settlement boundary and

therefore this development is contrary to Policy GC2 of the Broadland Development Management DPD (adopted August 2015), as the proposed development would have a significant adverse impact and does not accord with a specific allocation and/or policy of the development plan.

- The site for the proposed houses is currently not allocated for housing, and lies within land designated as countryside.
- The proposal is against Joint Core Strategy (JCS) Policy 1: addressing climate change and protecting environmental assets, as the environmental assets of the area will not be protected, maintained, restored and enhanced and the benefits for residents and visitors improved.
- Hindolveston Road is narrow with poor visibility from the access for the proposed properties, which would lead to serious safety issues were these houses with their associated traffic movements to be permitted.
- The proposal site is remote from any services such as shops and medical services, meaning that the occupants would be dependent on car journeys. In particular there is no safe walking route to a primary school. These factors make the proposal unsustainable and should therefore ensure refusal.
- Broadland along with Greater Norwich can demonstrate a five-year land supply. This shows that this application should be refused permission, particularly when taking into account paragraphs 11, 12 and 73 of the NPPF regarding sustainable development and the importance of a planned approach where a Local Planning Authority can demonstrate at least a 5-year housing land supply (with a 5% buffer).
- Any benefits the proposal could bring are outweighed by the harm of permitting these unplanned buildings in land designated as 'countryside', particularly as it would be contrary to various Local and National policies.

#### 4.2 Foulsham Parish Council:

No objection but concerns are raised over the need, mature trees and access visibility.

#### 4.3 Natural England:

No objection.

### 4.4 Broadland District Council as Conservation and Tree Officer:

I can find no specific tree survey details other than the tree and hedge species which are listed within the Preliminary Ecological Assessment Report (PEAR) undertaken by Wild Frontier Ecology, within that report it recommends that an Arboricultural Impact Assessment (AIA) is undertaken to evaluate the tree constraints and measures that would be required to protect the retained trees and hedges.

If the application progresses, this additional information should be requested, before any layout is agreed and I would comment further on the arboricultural implications, at that point of the application process.

I note that the NCC Highways Development Management Officer in his comments, has highlighted that access visibility splays are severely restricted by the adjacent hedges and vegetation, which could require significant removals, to make the access safe.

This additional detail should be included within the AIA to ensure the implications are fully considered.

Within the PEAR and Design & Access Statement it recommends that the development should deliver an overall biodiversity net gain, and that the applicant is seeking to achieve enhancements in excess of the 10% expected requirement within the Environment Bill.

The application would require a detailed landscaping scheme which should be produced with reference to the proposed Landscape and Ecology Management Plan (LEMP), as advised within the conclusions of the PEAR.

### 4.5 Norfolk County Council as Highways Authority:

This site is located on the Hindolveston Road (C227) within a 60 mph speed limit some 1.5 km from the centre of the village of Foulsham.

The C227, which is without footway facilities linking the site to the village, is designated a 3B2 Local Access Route and serves the Foulsham Industrial Estate to the north of the site. The C227 is also poorly aligned and of restricted width in places such that further significant development has been resisted in the past by the Highway Authority.

From local knowledge it is assessed that traffic speeds adjacent to this site are below the speed limit in force however I would expect any access proposed to serve new development to demonstrate access visibility splays of a minimum 120m x 2.4m x 120m; as required in Design Manual for Roads and Bridges (DoT) for 85<sup>th</sup> Percentile traffic speeds of 40 mph.

These visibility splays have not been shown on the submitted plan and a desktop study of the proposal indicates significant frontage

vegetation/hedging would need to be removed to provide the required splays.

As alluded to above the site is also inaccessible and remote from village services by means other than the car and notwithstanding the applicant's agents comments in Section 5.4 of the submitted Design & Access Statement this is a concern and should form a significant part of your Authority's consideration of the proposal's overall acceptability.

Should your Authority be minded to approve the application I would wish to see the application amended to demonstrate the above detailed access visibility splays together with the site access widened to a minimum of 5.5m for a distance into the site of 6m; this is to allow the access to be suitable for shared vehicular use.

A pair of dwellings as proposed here would generate twelve additional daily traffic movements as set out in TRICS (Trip Rate Information Computer Services).

In the absence of the above visibility and access improvements I would wish to recommend the application to be refused for the following highway safety reason:-

**SHCR 14** The proposed development, if permitted, would involve the use of an existing vehicular access onto Hindolveston Road (C227) where visibility is severely restricted by the adjacent hedges and vegetation. The additional traffic use of the substandard access suggested by this proposal would therefore be likely to give rise to conditions detrimental to highway safety. Contrary to Development Plan Policies.

**Officer Note:** *A revised plan was submitted altering the vision splays and the Highways Authority commented as follows:*

Unfortunately the visibility splays are incorrectly drawn in that they need to be drawn to the nearside carriageway edge in both directions. To the north, the splay travels across to the far side of the carriageway and to the south it appears to be running to the middle of the road.

My mapping system does indicate there to be an area of highway verge to the south of the site which suggests the splay to be achievable when combined with land under ownership however, to the north ownership is not clear and a visibility splay going over third party land is unacceptable.

#### 4.6 Ward Member (Cllr G Peck):

Should you be minded to reject this application I wish to call it in. The two dwellings are sustainable development in an area where there have been a number of similar developments approved recently. They are thus in keeping with surrounding properties. They stand well back from the

highway and are well shielded from the road and neighbouring properties by trees and woodland.

**Officer Note:** *Clarification was sought to the comments regarding similar developments recently approved. The following comments were made:*

Please see this map (*Appendix 1*) showing the amount of development which has taken place in this area over recent years, Two small properties in this application are insignificant when compared to amount of development which been allowed over recent years. Much of it was before my time but I understand some of it was uncontrolled and retrospective development.

This application would at most involve a few passenger car movements a day, whereas the developments which have been allowed on the surrounding sites generate a huge amount of traffic movements, most of which are HGVs.

If you ask the residents of Foulsham it is the HGVs that concern them, causing damage to the infrastructure of the conservation area in the centre of the village, not a few additional passenger cars.

## 5 Assessment

- 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. The other main issues to be considered are the impact of the proposal on the character and appearance of the area, neighbour amenity and highway safety.

### **Key Considerations**

- 5.2 The principle of the development
- 5.3 The impact on highway safety
- 5.4 The impact of the development on the character and appearance of the surrounding area
- 5.5 The impact of the proposal on residential neighbouring amenity
- 5.6 The impact of the proposal on nearby trees.

### **Principle**

- 5.7 Policy GC2 of the DM DPD states that the settlement hierarchy seeks to focus residential development in settlements which are well-linked and well-

related to existing development, services, facilities and employment opportunities. Although the application site is located within the parish of Foulsham which has a settlement limit, the application site is outside of the defined settlement limit, therefore in a countryside location in planning terms. The application site does not have good access to public transport and it is considered that future occupiers would be dependent upon the use of the car for everyday travel. Residential development at this location is therefore contrary to sustainability objectives.

- 5.8 Paragraph 79 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
  - b) 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;
  - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
  - d) the development would involve the subdivision of an existing residential dwelling; or
  - 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.
- 5.9 The application for two dwellings has been submitted in outline format and is not required to house a rural worker; the proposal does not make use of a heritage asset; the proposal does not re-use redundant or disused buildings or enhance its immediate setting. It is also considered that the proposal is not a design of exceptional quality due to the full details not been submitted. Therefore it is considered that the proposal does not comply with the requirements of paragraph 79 of the NPPF and dwellings in this unsustainable location are therefore not justified.
- 5.10 There are dwellings in close proximity to the application site, however, the site is still considered to be isolated in relation to its proximity to services and facilities. This proposal constitutes an unwarranted intrusion into the countryside which is contrary to the aims of sustainable development.

### **Land supply**

- 5.11 The Annual Monitoring Report (AMR) of the Joint Core Strategy for Broadland, Norwich and South Norfolk for 2018-19 was published in January 2020. The AMR includes the Greater Norwich Area Housing Land

Supply Assessment (HLS) at 1st April 2019, which sets out the housing land supply position for Greater Norwich for the period 1 April 2019 to 31 March 2025. The AMR HLS replaces the interim Housing Land Supply Assessment for the same period. The AMR HLS demonstrates that a 5.89 year housing land supply can be demonstrated across the Greater Norwich area.

### **The impact on highway safety**

- 5.12 Hindolveston Road is a narrow carriageway with no footpaths with a national speed limit restriction (60mph). Access to the proposed dwellings would be via an existing access serving the residential property Hawthornes. The Highways Authority was consulted on the application and raised objections relating to the visibility splays and the location of the development. The Highway Authority's objections are set out in full in paragraph 4.5 above.
- 5.13 An amended plan was submitted altering the visibility splay, however the Highways Authority deemed that the revisions were unacceptable as the splay that was shown was in the middle of Hindolveston Road to the north and over third party land to the south. This would make egress to and from the site difficult for the additional motor vehicles using the access. As the visibility splay was shown over third party land that the applicant does not control and outside of the red line, this would not be achievable to have a visibility splay in this area. Any further revised access plan will be referred to the Highway Authority for further comments and members will be updated.
- 5.14 This proposal for two dwellings would generate twelve additional daily traffic movements as set out in TRICS (Trip Rate Information Computer Services). The site is unable to demonstrate access visibility splays of a minimum 120m x 2.4m x 120m; as required in Design Manual for Road and Bridges (DoT) for 85th Percentile traffic speeds of 40 Mph. The application is therefore contrary to the aims of Policy TS3 of the DM DPD.

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

- 5.15 Hindolveston Road is a narrow carriageway which is bounded by trees and vegetation from the village of Foulsham along to the application site.
- 5.16 The application site contains large and mature trees with a large amount of mature trees and vegetation adjacent to the roadside. It is considered that a large number of trees, vegetation and shrubs would need to be removed in order to facilitate the required visibility splays as mentioned above which would allow for the proposed dwellings to become visible within the street scene and the surrounding area which would have a detrimental impact on this countryside location and would be contrary to this aspect of Policy GC4 and Policy EN2 of the DM DPD.

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

- 5.17 Policy GC4 of the DM DPD states that proposals should consider the impact upon the amenity of existing properties.
- 5.18 An indicative site plan was submitted with the application showing that the two proposed dwellings would be sited a considerable distance from any existing residential dwelling. The closest neighbouring dwelling would be the Hawthornes which the dwellings would share an access with, however I consider that the proposal would be sited some distance away from this property and therefore should not detrimentally impact any neighbouring residential amenity.
- 5.19 Overall, it is considered that the development would not result in any significant detrimental impact upon the amenity of the neighbour. The application is therefore considered to comply with this aspect of Policy GC4 of the DM DPD.

### **The impact of the proposal on nearby trees**

- 5.20 The site contains a large amount of mature trees with a mature woodland to the north of the site.
- 5.21 The proposal for two dwellings would require the removal of several mature trees including at the point of the vehicular access to enable the required visibility splays to be provided in both directions.
- 5.22 The Council's tree and conservation officer was consulted on the application and requested that an Arboricultural Impact Assessment is submitted in order to assess the impact of the tree removals and on those remaining trees. This is still awaited and members will be updated on this once the further comments and assessment are available.

### **Other matters**

- 5.23 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 this weighs in favour of the proposal although it is considered that this benefit does not outweigh the stated harms of the proposal.

### **Conclusion**

- 5.24 The principle of the proposed two dwellings in a countryside location outside of the defined settlement limit is not considered to be acceptable and as the proposal does not meet any of the special circumstances in para. 79 of the NPPF, with the Council able to demonstrate in excess of a 5 year housing land supply, the proposals are not considered to be justified or sustainable. It is recognised that the applicant's agent is still seeking to

comply with the required visibility splays at the vehicular access however this is likely to have adverse implications for tree removals and will require the site frontage to be opened out so that the proposed dwellings become more visible within the surrounding area which it is anticipated will be detrimental to the character and appearance of the countryside. Any revised plan of the access arrangement including the enlarged visibility splays and the implications for the roadside trees will be assessed by the Highway Authority and the Council's tree and conservation and any further comments will be reported to Committee.

- 5.25 The proposals as submitted fail to comply with Policies 1, 2, 6 and 17 of the JCS, Policies GC1, GC2, GC4, EN2, TS3 and TS4 of the Development Management DPD, the NPPF and The Planning Practice Guidance.

**If approved this application will be liable for Community Infrastructure Levy (CIL) at the reserved matters application stage.**

Recommendation: Refuse.

Reasons for refusal This application has been considered against the Development Plan for the area, this being the Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk (2011) as amended (2014) and The Development Management DPD (2015). Other material considerations include The National Planning Policy Framework (NPPF) (2019) and The Planning Practice Guidance (2014).

The policies particularly relevant to the determination of this application are Policies 1, 2, 6 and 17 of the JCS and Policies GC1, GC2, GC4, EN2, TS3 and TS4 of the Development Management DPD.

Critical to the determination of the application is whether or not the principle of development is acceptable. Policy GC2 of the DM DPD states that the settlement hierarchy seeks to focus residential development in settlements which are well-linked and well-related to existing development, services, facilities and employment opportunities. Although the application site is located within the parish of Foulsham which has a settlement limit, the application site is outside of the defined settlement limit, therefore in a countryside location in planning terms. The application site does not have good access to public transport and is not well linked to local facilities and it is considered that future occupiers would be dependent upon the use of the car for everyday travel. Residential development at this location is therefore contrary to sustainability objectives.

The site is located within the Greater Norwich Area where there is in excess of a five year land supply and therefore the additional dwellings on the site are not required to help to address any recognised shortfall.

Paragraph 79 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should avoid the development of isolated homes in the countryside unless there are special circumstances.

The application has been submitted in outline format with details relating to the appearance, landscaping, layout and scale are to be submitted as reserved matters. The dwellings are not required to house a rural worker; the proposal does not make use of a heritage asset; the proposal is not to re-use redundant or disused buildings or enhance its immediate setting. It is also considered that the proposal is not a design of exceptional quality. Therefore it is considered that the proposal does not comply with the requirements of paragraph 79 of the NPPF and two dwellings in this unsustainable location is not justified.

The proposed development, if permitted, would involve the use of an existing vehicular access onto Hindolveston Road (C227) where visibility is severely restricted by the adjacent hedges and vegetation. The additional traffic use of the substandard access suggested by this proposal would therefore be likely to give rise to conditions detrimental to highway safety. Contrary to Policies TS3 & TS4 of the Development Management Development Plan Document 2015.

The development is not supported by any specific Development Management policy which allows for development outside of the settlement limit and nor does it represent overriding benefits when having regard to the harm identified above. The application does not represent sustainable development and is contrary to Policies GC1 & GC2 of the Development Management Development Plan Document 2015 and Policy 1 of the Joint Core Strategy 2011 as amended 2014.

The development proposed will have a detrimental impact on the character and appearance of the surrounding area and would have a negative visual impact on this rural setting which is contrary to Policies GC4 & EN2 of the Development Management Development Plan Document 2015 and Policy 2 of the Joint Core Strategy 2011 as amended 2014.

In light of the above information, the application is considered to be in an unsustainable location, outside of any defined settlement limits, contrary to Policies GC1 and GC2 of the Development Management DPD 2015. The application is also considered to conflict with the aims of Policy 1 of the Joint Core Strategy (JCS) 2014 and Policies GC4, EN2, TS3 and TS4 of the Development Management DPD with regard to the detrimental impact upon the character and appearance of the area and highway safety.

The Local Planning Authority has taken a proactive and positive approach to decision taking in accordance with the requirements of paragraph 38 of the National Planning Policy Framework. However, in this instance it has not been possible for the proposal to overcome the in principle reasons for refusal associated with the proposed development.

<b>Contact Officer,</b>	Ellie Yarham
<b>Telephone Number</b>	01603 430509
<b>and E-mail</b>	<a href="mailto:ellie.yarham@broadland.gov.uk">ellie.yarham@broadland.gov.uk</a>



**Planning Appeals:** 1<sup>st</sup> July 2020 to 4 August 2020

**Appeal decisions received:**

Ref	Site	Proposal	Decision maker	Officer recommendation	Appeal decision
20190881	Church View, Church Road, Lingwood, NR13 4TR	Demolish Bungalow and Erect 4 Bedroomed House and Outbuilding	Committee	Refusal	Dismissed
20191286	6 Pump Corner, Marsham, NR10 5PW	Alterations and Extension to Convert Existing Garage Building to 2 Bed Dwelling with New Accessible Stair & Subdivision of Curtilage	Delegated	Refusal	Dismissed

**Appeals lodged:**

Ref	Site	Proposal	Decision maker	Officer recommendation
20191685	Land adjacent to Lesita, Buxton Road, Cawston, NR10 4HN	Erection of Dwelling with Associated Works (Outline)	Delegated	Refusal
20191686	The Paddocks, Frettenham Road, Horstead, NR12 7LB	Erection of Dwelling (Outline)	Delegated	Refusal
20200474	23 Mill Road, Blofield, NR13 4QJ	Two Storey Side Extension, Single Storey Front and Side Extension, Front Porch and Rear Dormer	Delegated	Refusal

## **PLANNING COMMITTEE**

**12 August 2020**

### **Final Papers**

	<b>Page No</b>
<b>Supplementary Schedule</b>	<b>50</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

Email: [committee.services@broadland.gov.uk](mailto:committee.services@broadland.gov.uk)

## SUPPLEMENTARY SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Plan No	Application No	Location	Update	Page Nos
2	20200998	Old School Playing Field, Green Lane West, Rackheath	<p>Amended Dwg. No. PL16 Site Layout received 03 August 2020 to show all trees to be retained in accordance with the Tree Protection Plan received 09 July 2020.</p> <p>Amended Ecology report submitted 03 August 2020 – County Ecology team have been consulted for their response. The report clarifies the following:</p> <p>The pond to the southeast is unlikely to support Great Crested Newts as it is dried out.</p> <p>There was no evidence of badgers and they are considered to be absent. If evidence of badgers are found during site clearance, then works should cease and advice sought.</p> <p>New hedge planting is suggested for the front of the plots on either side of the access points and along the rear of the plots to mitigate the loss of the existing western boundary hedgerow to allow for construction.</p> <p>Other enhancements are bird boxes, a single bat box on each building and measures to allow hedgehogs to access gardens through holes within the closed panel fencing.</p> <p>Amended Arboricultural Implications Assessment (AIA) and Preliminary Method Statement (PMS) submitted 04 August 2020 to take into account</p>	17 - 33

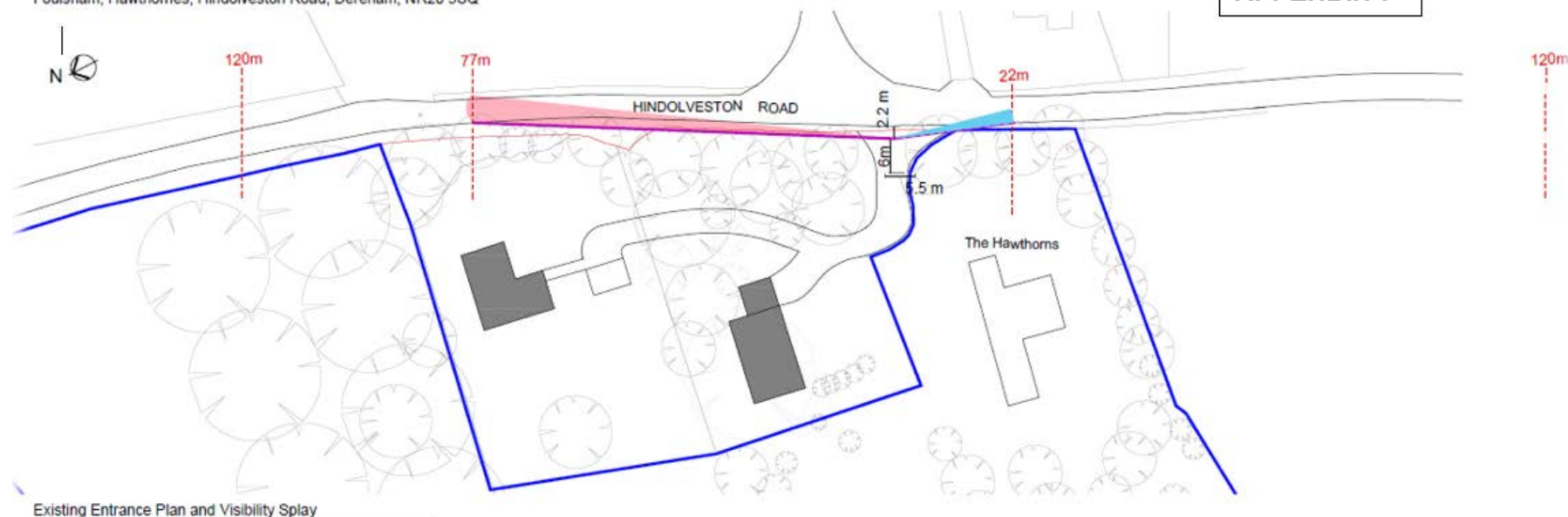
			<p>the comments received from the Conservation Officer based on the first submitted document.</p> <p>Comments received 05 August 2020 following the amended AIA &amp; PMS from the Conservation Officer confirms he is content with the changes in the document and that compliance with the details contained within should be conditioned on the approval notice.</p>	
<b>3</b>	<b>20201081</b>	<p>Hawthornes, Hindolveston Road, Foulsham, Dereham, NR20 5SQ</p>	<p>Additional Arboricultural Impact Assessment (AIA) received 06 August 2020 taking account of the use of the existing access, following the Conservation Officers request.</p> <p>Comments on this AIA are awaited.</p> <p>Amended Visibility Splay Access Plan received 07 August 2020 (see Appendix 1 below) following concerns raised by NCC Highways regarding the amount of available visibility in both directions at the existing access. The plan has been altered to provide a new access position for the proposed and existing dwellings and indicates a 75m splay towards Hindolveston and a 120m splay towards Foulsham. However part of the 120m splay towards Foulsham is over third party land which the Highway Authority have previously stated is unacceptable.</p> <p>The new proposed access is now shown approximately 20m north towards Hindolveston with a 2.2m set back instead of the required 2.4m which is a Highway Authority standard.</p> <p>The revised access is situated within an area of substantial roadside trees which are within the site, however this is likely to have implications for further tree removals. The comments are awaited from the Conservation Officer due to the late submission of the AIA documentation and revised</p>	<b>34 – 47</b>

			<p>access details, which require further detailed arboricultural assessment. Without these specific comments, officers consider that a number of trees will need to be removed to facilitate the revised access which will have an adverse impact on the trees and the surrounding area which will subsequently negatively alter the character and appearance of the surrounding area due to the further tree removals.</p> <p>The Highways Officer was consulted on the revised plan and provided the following comments:</p> <p><i>I still think the ability to provide visibility splays as shown is very dubious. There is a verge to the nearside (south) but whether it allows the 120m splay as shown I have my doubts.</i></p> <p><i>A 120m splay is the minimum acceptable (in my opinion) given this is in a 60Mph speed limit (requiring 215m splays as set out in Design Manual for Roads &amp; Bridges) and based upon my estimation of 85<sup>th</sup> percentile traffic speeds past the site. To be 100% confident that this is adequate would require a full traffic survey to be carried out.</i></p> <p><i>As stated from the start the isolated/remote location alone is grounds for highway concern.</i></p> <p>Officer comment: As a new point of vehicular access is proposed the description of the proposal has changed from 'Erection of two detached dwellings (Outline)' to 'Erection of two detached dwellings and new vehicular access (Outline)'. The new access requires planning permission due to it being sited on a classified road (C227).</p> <p>The recommendation remains refusal for the reasons set out on pages</p>	
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			44-46 with a revised reference to the proposed access having insufficient visibility splays which are detrimental to highway safety and that insufficient evidence has been submitted in respect of the impact of the revised access on the group of roadside trees and the character and appearance of the surrounding area.	
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APPENDIX 1

Foulsham, Hawthornes, Hindolveston Road, Dereham, NR20 5SQ



SMG ARCHITECTS  
The Studio, 10, Palace Road,  
Dereham, Norfolk NR20 1JY  
www.smgarchitects.co.uk  
info@smgarchitects.co.uk  
01263 824111