

Planning Committee

Agenda

Date

Wednesday 17 June 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 S M Clancy
Cllr J F Fisher
Cllr R R Foulger

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 S M Prutton
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



@BDCDemServices

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

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

PUBLIC SPEAKING - You may register to speak by emailing us at committee.services@broadland.gov.uk no later than 3.00pm on Friday 12 June 2020.

A G E N D A

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| 1 | To receive declarations of interest under Procedural Rule no 8 | 3 |
| 2 | Apologies for absence | |
| 3 | Minutes of meeting held on 20 May 2020 | 5 |
| 4 | Matters arising therefrom (if any) | |
| 5 | Applications for planning permission to be considered by the Committee in the order set out in the attached schedule | |
| | Schedule of Applications | 14 |
| | Planning Applications | 15 |
| 6 | Planning Appeals (for information) for the period 7 May 2020 to 5 June 2020: | |
| | Appeal decisions received: None | |
| | Appeals lodged: None | |

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.

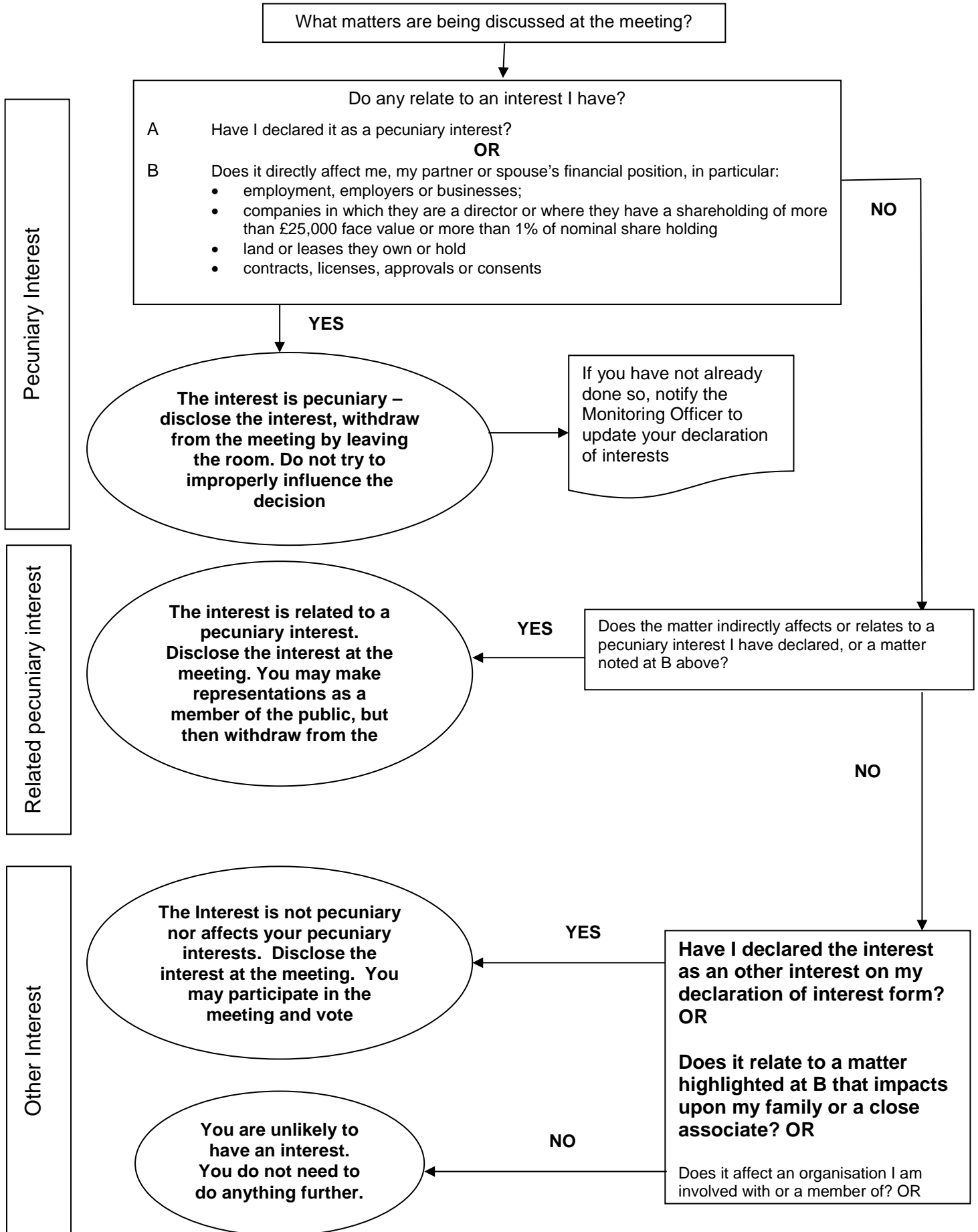
Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

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



Planning Committee

Minutes of a meeting of the **Planning Committee** held via video link on **Wednesday 20 May 2020** at **9.30am**.

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

Miss S Lawn – Chairman

Mr A D Adams
Mr S C Beadle
Mr J Fisher
Mr R R Foulger

Ms R M Grattan
Mrs C Karimi-Ghovanlou
Mr K S Kelly

Mr I N Moncur
Mr S Riley
Mr J M Ward

The following Member attended the meeting and spoke with the Chairman's concurrence on the item shown:

Ms S Holland Minute no: 90 Application no: 20190904 – 81 Buxton Road, Spixworth

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

85 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

The following declarations were made during a roll call:

Member	Minute No & Heading	Nature of Interest
Mr K Kelly	88 - 20181601 – LAND SOUTH OF SMEE LANE, POSTWICK	Member of the Norfolk Rivers Internal Drainage Board - consultee for the application. Non-disclosable local choice interest.
Ms R M Grattan		Ward Member - had not been involved in any discussions on the application. Non-disclosable local choice interest.
Mr J M Ward*	89 - 20181762 – SITE 4 NORWICH AIRPORT HORSHAM ST FAITH	Member of Sprowston Town Council - had attended the meeting when the application had been discussed but had not voted. Non-disclosable local choice interest.

**interest declared during the meeting*

86 APOLOGY FOR ABSENCE

An apology for absence was received from Mr Clancy.

87 MINUTES

The Minutes of the meeting held on 4 March 2020 were confirmed as a correct record and signed by the Chairman.

In respect of the decisions indicated in the following Minutes (nos: 88 to 90), 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.

88 APPLICATION NUMBER 20181601 – LAND SOUTH OF SMEE LANE, POSTWICK

The Committee considered a hybrid application for:

(1) Outline application for the erection of up to 205 dwellings with associated infrastructure, public open space and 2 ha site for the following range of uses: Primary School (D1); Crèche, Community Hall, Day Nursery (D1); Outdoor/Indoor Sports Facilities (D2); A Continuing Care Retirement Community (CCRC), Nursing Home Care Facilities (C2)

(2) Full application for the erection of 315 dwellings, accesses and associated works

The full application area amounted to 13.5 ha and the outline application area amounted to 9.5 ha. The site was part of allocation GT11 of the Growth Triangle Area Action Plan (2016) (GT AAP) which allocated approximately 45 ha of land for mixed use development. The balance of GT11, not subject to this application, was being promoted separately and already had outline permission for a total of 283 dwellings and a 2 ha site for a primary school.

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

The East Area Team Manager (NH) presented the report in detail, taking Members through a number of plans, maps, drawings and photographs detailing the proposals. Members noted the context of the site as set out in detail in the report and the detailed proposals in relation to the outline application and the full application.

The Committee noted the content of a letter from Mr Bryan Robson in relation to concerns about the provision for affordable submitted as a late addition to the supplementary papers and the officer response to the concerns. The Committee also noted the views expressed at the meeting of Hannah Guy – agent for the applicants who outlined the main features of the application and welcomed the officer recommendation and presentation of the application.

In response to questions from Members, the East Area Team Manager (NH) confirmed that regard had been given to the need to promote sustainable development in accordance with the relevant paragraph of the NPPF and that appropriate provision had been made within the scheme to offer alternative transport options/links. The site was within a sustainable location. Officers were satisfied with the tenure and mix of affordable housing and, in terms of aviation safety, the SuDs were designed to not be permanently wet so as to not attract bird wildlife and the risk of bird strike. In regard to mitigating impacts on education infrastructure, this would be dealt with via Norfolk County Council through CIL. In terms of impacts on healthcare this was not on the Broadland CIL 123 list and it was not considered that obligations could reasonably be sought through S106 as the responsibility for health care provision remained with the health providers, primarily with NHS England. It was confirmed that the bunding to be provided would be progressed in line with the phasing of the development. A concern was raised about the urban feel of the development in particular the “town houses” and officers commented that site GT11, as with other nearby allocations, was located within the line of the new Broadland Northway and was an extension of the existing and consented suburban development to the west with the more rural landscape setting to be retained on the eastern side of the Broadland Northway. With regard to the requirement within the wider allocation to provide a site for a new primary school, and the fact that potential provision had been made for this in both the application site and an alternative site to the north, the preferred site would become clear as the developments progressed but provision needed to be secured as part of the current application. Either site would require a means of safe crossing over Smee Lane. With regard to a site for a Police Deployment Base, whilst noting that the allocation referred to this, it was noted that no such provision was included within either this current hybrid application or the permission to the north. It was noted that Norfolk Constabulary had confirmed that they were now progressing with plans for a much larger facility which required a 4.5ac site and had submitted a full planning application for the facility on the Broadland Gate site [allocation GT10]. Given that the needs of Norfolk Constabulary had changed from when the GT AAP was produced it was not considered reasonable for these needs to still be met on the application site.

A comment was made about housing mix and density and, whilst there was currently no provision for bungalows in the current full application and no requirement as part of the relevant policy for this, it was felt desirable to include provision for bungalows in forthcoming detailed applications for this

wider site. This could be encouraged as part of consideration of future reserved matters applications on the northern part of the site subject to the outline application.

Section 38(6) required applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The site was allocated in the Growth Triangle Area Action Plan 2016 for mixed use development. The scheme included 520 dwellings with reserved 2 ha for alternative uses and it was considered that the principle of development was acceptable. The proportion of affordable housing (28%) was below that expected by the GT AAP (33%), but did comply with the requirements of the JCS Policy 4 being in accordance with the most up to date needs assessment for the area.

Members supported the officer view that this was a material consideration which justified a departure from the GT AAP.

Members noted that the direct and indirect significant effects of the proposed development on biodiversity (with particular attention to species and habitats protected under EU Directive), heritage, landscape, transport, and the interaction between these factors had been assessed and mitigation measures were embedded in the design of the development or secured either through conditions or the section 106 agreement to avoid significant effects. They therefore agreed that 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, seconded and, by way of a roll call, with 11 members voting for, 0 against,

RESOLVED:

to delegate authority to the Director of Place to approve the application subject to no objections from the Highway Authority and the Contracts Officer and subject to the following conditions and Section 106 Agreement to secure the following heads of terms:

Conditions (Full):

- (1) Time Limit
- (2) Plans and Documents
- (3) Foul drainage strategy
- (4) Surface water drainage strategy
- (5) Arboricultural Method Statement and Tree Protection
- (6) Plans
- (7) Detailed landscaping scheme
- (8) Landscape Ecological Management Plan
- (9) Construction Environment Management Plan

- (10) Precise details of external materials
- (11) Highways conditions (TBC)
- (12) Archaeology
- (13) Land contamination
- (14) Dust mitigation during construction
- (15) Implementation of noise mitigation measures – bund, fence and ventilation
- (16) Fire hydrants
- (17) Energy and water efficiency measures
- (18) Lighting

Conditions (Outline):

- (1) Time limit
- (2) RM condition – layout, scale, appearance, landscaping
- (3) Limit to 205 dwellings and in accordance with parameters and phasing plan
- (4) Foul drainage per phase
- (5) Surface water drainage per phase
- (6) Arboricultural Method Statement and Tree Protection Plans per phase
- (7) Landscape Ecological Management Plan per phase
- (8) Construction Ecological Management Plan per phase
- (9) Highways (tbc)
- (10) Archaeology per phase
- (11) Land contamination per phase
- (12) Dust mitigation during construction per phase
- (13) Noise assessment per phase
- (14) Fire hydrants per phase
- (15) Energy efficiency measures per phase
- (16) Lighting per phase

Section 106 Agreement Heads of Terms:

- (1) 28% Affordable Housing (65% Affordable Rent and 35% Shared Ownership) (or as otherwise agreed by the Council in its absolute discretion)
- (2) Open Space to comply with EN1, EN3 and RL1 of DM DPD
- (3) Provision of 2ha site for Primary School
- (4) Travel Plan

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

**89 APPLICATION NUMBER 20181762 – SITE 4 NORWICH AIRPORT
HORSHAM ST FAITH**

The Committee considered an application for the Variation of conditions 1, 2, 3, 4, 5, 6, 11, 13, 20 and 25 of planning permissions 20161133 and 16/00965/VC to allow up to 47,517.5 sqm (GEA) of aviation related

employment floor space and 47,517.5 sqm (GEA) of general employment floor space in use classes B1(b), B1(c), B2, B8 and changes to the development parameters, height parameters and phasing plans.

Members noted the full variations/changes to the conditions as set out in the report which in summary sought to amend the conditions to allow 50 per cent of the approved floor space to be used for employment purposes not related to aviation and to raise building heights on part of the site due to the removal of safeguarding constraints from the location of radar equipment.

The application was reported to Committee as the site area that was within the district council's administrative boundary was outside of any settlement limit and the variation to allow 50% of the total approved floor space for general employment uses did not accord with any specific policy or allocation in the current Development Plan. Norwich Airport straddled the administrative boundaries of Broadland and Norwich City Councils [NCC] and a duplicate planning application had also been submitted to NCC. With the greater part of the application site falling within NCC's boundary (approximately 12 ha of the building area was within Broadland and about 22.6 ha within NCC area).

Gareth Wilson agent for the application advised Members that he was available to answer any questions about the proposal and, in response to a question about future aviation/alternative uses of the site, particularly post Covid19, Mr Wilson commented that the airport master plan which was the evidence base used to determine potential uses covered the period 2020-2045 and would provided for future needs based on a split of uses with up to 50% aviation related.

Members noted the context of the site as set out in detail in the report and the detailed proposals in relation to the variation application. They noted the relevant planning history of the site as set out in the report and that the proposals were supported by evidence commissioned by the Airport and the City Council that not all the site was likely to be required for aviation related purposes in the future and an Airport Masterplan endorsed by the City Council and supported at officer level by BDC referred to safeguarding 44% of Site 4 for aviation related purposes, which corresponded to 50% of the development approved under the outline consent.

Members agreed that these represented significant material considerations in the consideration of this application and although the site was not formally allocated for general employment development, there was extant planning permission for development on the site and it was considered that allowing some non-aviation employment development could help deliver some of the essential site infrastructure, increasing the viability of the site for occupancy by aviation related businesses in the future. This would deliver a significant boost to the provision of high skilled jobs in the wider Norwich area with resultant social and economic benefits for the locality.

Whilst there were issues in terms of accessibility by non-car modes of transport due to its location, Members noted that a new cycle path alongside the NDR now connected the site to St Faith's Road and north Norwich together with Horsham St Faith. In addition, the applicant had committed to providing space for a mobility hub which would assist in promoting sustainable forms of transport.

Members noted the enhancements proposed to landscape parameters to address sensitivities in terms of public views and the setting of heritage assets and to mitigate increases to the maximum height parameters.

Having balanced the planning merits of the proposal and having regard to the material considerations, Members felt there were sufficient reasons to approve the application contrary to the provisions of the Development Plan subject to the imposition of the conditions.

It was proposed, seconded and, by way of a roll call, with 11 members voting for, 0 against,

RESOLVED:

To approve the application, proposed conditions and reasons as revised and set out in Appendix B of the report.

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

90 APPLICATION NUMBER 20190904 – 81 BUXTON ROAD, SPIXWORTH

The Committee considered an application to subdivide the plot at 81 Buxton Road, Spixworth and erect two new dwellings with shared access to William Peck Close. The application followed a previous proposal permitted in outline for the same; the difference being the size, design and external appearance of both dwellings and the siting of the plot 1 dwelling which was now further to the rear of the plot.

The application was reported to committee at the request of the local Member for appropriate planning reasons as set out in Section 4 of the report.

The proposed dwellings would both be one-and-a-half stories, external materials would include red brick for the walls; red clay pantiles for the roof slopes; and dark grey aluminium for the windows and doors. Members noted the revised siting of plot 1 dwelling as detailed in the report and considered the changes to the size, design and external appearance of both dwellings.

Members noted the surrounding built form of the area and that the site was

within the private garden of a residential property within the Spixworth settlement limit. Trees within the rear gardens of nos: 79 and 81 were subject to a TPO and the scheme required the removal of a number of trees, in particular the poorer specimens.

The Committee received verbal views from Ms S Holland, the Ward Member, who raised concerns about the detrimental impact of the proposal on the character and amenity of the area, it was not in keeping with the surrounding built form and the proposed Juliette balcony [plot 1] would increase overlooking. There was also an issue of lack of provision for visitor parking. Members also noted concerns received by email from the owner of No. 79 Buxton Road regarding the close proximity of a Leyland Cypress and the north wall of the dwelling on plot 1 as reported in the Supplementary Schedule.

With regard to plot 1, a concern was raised about the increased size of the building and its impact. It was not in keeping with the surrounding area and was overdevelopment of the site, In particular, the excavation of the newly proposed basement level would have an adverse impact on tree T7 whose location was very close to the boundary albeit not clear how close from the plans/photographs. There was also insufficient parking. In effect the proposal was not acceptable in design terms and did not satisfy Policy GC4.

Members generally, however, supported officer views that the proposal, despite being larger in size was still acceptable having regard to the distances to neighbouring properties and that the scale, design and form were acceptable. The Juliette balcony did not provide for sitting outside at first floor level and was sufficient distance from the properties to the rear so would not therefore have a significant impact on overlooking. Members also noted the measures in place in relation to root pruning and tree protection required and agreed, particularly in relation to tree T7 which had been assessed on site by the Council's Tree and Conservation Officer.

Taking all the relevant information into account and subject to the approval of details on external materials; implementation of the agreed tree protection measures; approval of details on replacement planting; provision of the new access, visibility splay and parking/turning space; implementation of the boundary treatments; and the removal of permitted development for Classes A, B and C on Plots 1 and 2 and Class E on Plot 1, Members felt the development proposed would be acceptable and would not result in any significant detrimental impact on the character and appearance of the area, the amenity of potential future occupiers, the amenity of existing properties or highway safety,. The proposal would therefore comply with Policies GC1, GC2, GC4, EN2, TS3 and TS4 of the DM DPD.

It was proposed, seconded and, by way of a roll call, with 9 members voting for, 2 against,

RESOLVED:

to approve the application, subject to the following conditions:

- (1) Time limit – full permission
- (2) In accordance with submitted drawings
- (3) External materials to be agreed
- (4) Tree protection (implementation only – details already agreed)
- (5) Replacement planting
- (6) New access
- (7) Visibility splay
- (8) Provision of parking
- (9) Implementation of boundary treatment
- (10) No PD for Classes A, B & C on Plots 1 and 2 and No PD for Class E on Plot 1

Informatives: 117 Planning Committee 20190904 – 81 Buxton Road, Spixworth 20 May 2020 (1) NPPF Statement of conformity (2) CIL Full permission (3) CNC (4) When vehicular access works are required

91 PLANNING APPEALS

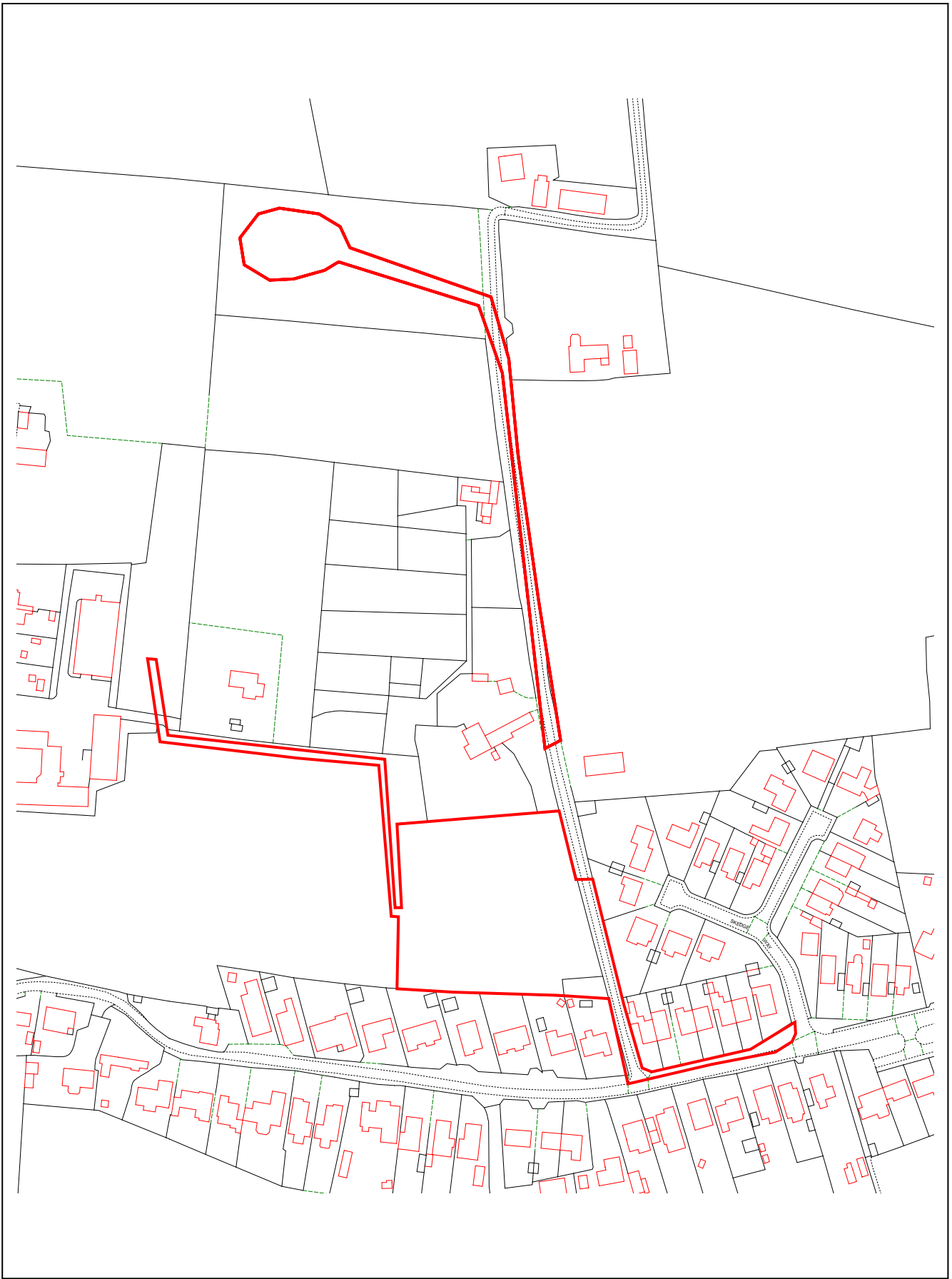
The Committee noted details of the latest planning appeal decisions received and appeals lodged.

The meeting closed at 12:13pm

SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Area	Application No	Location	Officer Recommendation	Page Nos
1	20200345	Land at Dawson's Lane Blofield	APPROVE subject to conditions	15
2	20191598	Sequoia Rise, Witton (Postwick)	Delegate authority to the DoP to approve subject to completion of a Section 106 Agreement and conditions.	32
3	20200212	5 Alston Road, Hellesdon	APPROVE subject to conditions	50

DoP Director of Place



Application No: 20200345

Land at Dawson's Lane, Blofield, NR13 4SB

**Scale:
1:1250
Date:
9-Jun-20**



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Application No: [20200345](#)
Parish: **Blofield**

Applicant's Name: PPAP Investments Ltd
Site Address: Land at Dawson's Lane, Blofield, NR13 4SB
Proposal: Variation of conditions 2 and 3 of 20190844 – To amend surface water drainage strategy and boundary treatment, additional of solar panels and minor changes to the fenestration and details under condition 4 of roads and footways.

Reason for reporting to committee

The Local Member has requested that the application be determined by the Planning Committee for appropriate planning reasons as set out below in section 4.

Recommendation summary:

Approve subject to conditions.

1 Proposal and site context

- 1.1 The site is part of an agricultural field which is located to north of 80 -88 Blofield Corner Road and to the West of Skedge Way. 78 and 78A Blofield Corner Road are located to the north of the site. The site is outside but adjacent to the settlement limit for Blofield Heath. The development has been commenced including the provision of off-site footway, and works have started on upgrading works to Dawson's Lane and the drainage system.
- 1.2 Full planning permission was granted for application number 20190844 for twelve dwellings accessed off Dawson's Lane: associated highway works including adopting part of Dawson's Lane and providing a pedestrian footpath along Blofield Corner Road. The application also included an off-site surface water drainage strategy. This application is to amend the surface water drainage strategy, providing a wall along the side of 80 Blofield Corner Road, the addition of solar panels on some of the plots changing the position of the en-suite window on plot two and includes detail to discharge condition 4 details of road and footways.

2 Relevant planning history

- 2.1 [20190844](#): Residential development of 12 no: dwellings. Approved 20 December 2019.

2.2 [20172032](#): Residential development of 8 no: dwelling houses. Allowed at appeal 6 February 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 3: Energy and water

Policy 4: Housing delivery

Policy 6: Access and Transportation

Policy 15: Service Villages

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

Policy GC1: Presumption in favour of sustainable development

Policy GC2: Location of new development

Policy GC4: Design

Policy GC5 : Renewable energy

Policy EN1: Biodiversity and habitats

Policy EN2 : Landscape

Policy EN3: Green Infrastructure

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 Blofield Neighbourhood Plan (BPNP)

Policy HOU1: Local housing Needs

Policy HOU2: Supported housing

Policy HOU4: Rural image, heights and massing

Policy HOU5: Parking for new development

Policy ENV2: Soft site boundaries and trees

Policy ENV3: Drainage
Policy ENV4: Agricultural land

3.5 Supplementary Planning Documents (SPD)

Recreational Provision in Residential Development SPD
Landscape Character Assessment

4 Consultations

4.1 Parish Council

Refuse.

- Significant increase in impermeable road surface 530m³ which will increase the amount of surface water through the system.
- Anglian Water to adopt a small part of the drainage system increasing the runoff rates from 1.5 l/s to 18.8 l/s an increase of 14.5 times/1100%.
- Changes to the drainage strategy outside the development site are limited to moving the attenuation pond off-line, a bend in the ditch to slow down the water in the system, this is factually incorrect it does not slow the water just change the direction of the flow, no change in the size of the receiving infiltration basin despite the increase in runoff rates and increase in volume.
- Increase diameter of the culvert pipe from 225 to 315mm.
- The flood risk calculations show parts of the system fail at 1 in 2 1 in 10 and the whole system will fail in 1 in 100 year risk level.
- Wall to be built between new entrance and number 80 Blofield Corner Road (landowners' home).
- Application passed in November 2019, drainage non-complaint with the NPPF.
- Changes significantly increase risk of flooding from increased flow rate evidenced in the simulations in the 1 in 2, 1 in 10 and 1 in 100-year flood events.
- Headwall 3 (in front of 74 Blofield heath Road and 4 (lower down the channel) system fails in all three levels with the complete system failure in 1 in 100-year events.
- The bank along Dawson's Lane has been raised so 2 metres variation from bank top to ditch base with sloping sides.
- Goes against NPPF that new development shall not increase flood risk elsewhere.
- Safety of anyone falling into the ditch and, it is hard to get out.
- As ditch bends towards the lane no buffer between vehicles and the ditch itself.
- Banks are made of clay not reinforced, prone to cracking and collapse and under stress from clay drying out.
- Wall adjacent to number 80 has already been partially erected and new

changes for the drainage system have already been installed against proper planning.

- Contrary to ENV3 development should not contribute to flooding.
- Amended plan posted after consultation deadline.
- Final ditch is much shallower, culvert has changed size.
- No concrete around headwall 4.
- No new figures with change in the culvert size.
- Final infiltration pond not been enlarged, greater volume of water and flow.
- Concern about the safety of people falling into the ditch.
- Lane will be destabilised.

4.2 Cabinet Member for Planning Cllr Lana Hempsall

- I'd like to call this application in for determination at Planning Committee if officers are minded to approve.
- Whilst I appreciate the determination of this application is a technical matter, I believe the reasons should be discussed openly in a public meeting to allow all parties to present their case and to be heard fairly by the committee.

4.3 Local Member Cllr Justine Thomas

- Concerned the information on website will not be final information.
- Opportunity should be given to comment on any additional information submitted.
- Revised surface water strategy is substandard and not compliant with NPPF.
- Drainage run off has been increased by 1100%.
- Calculations predict that the head wall at the end of Dawson's Lane where it transitions into underground culvert will flood at flood 2, 10 and 100 year events.
- Drainage strategy would not meet requirements of the NPPF, flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be safe for its lifetime without increasing flood risk elsewhere.
- Does not meet BDC policy or NPPF requirements.
- Draft version of Norfolk Flood Investigation Report has been circulated but not available in published format. It shows 20 properties flooded in Blofield on 6 October 2019.
- Climate change is happening before us all, the Planning Authority must consider the long-term consequences of its decisions on the lives and livelihoods of others who are impacted by flooding.
- Council need to consider their responsibilities of a local planning authority to determine the appropriateness of the development and exposure to flood and duties as a responder to emergency planning.
- Need a sensible resolution that balances the need to get the houses built with the responsibility to ensure local people are not adversely affected.

- Infiltration pond has not increased in size despite increased discharge rate and increased adopted road by 540 metres.
- Not dug to existing requirements and cannot be increased due to the size of sand seam.
- No information on depth of ditch between culvert and infiltration pond.
- Change in direction of ditch.
- No barrier between farmland and ditch, how will maintenance vehicles work from field side reach ditch and culvert.
- No legal agreement for the management company.
- How much water can sand seam take?
- No increase in capacity of the infiltration basin.
- Levels issue of connecting ditch to infiltration pond.
- Pollutants will all end up infiltration pond and wider watercourse.
- Stability of mud bank will strengthen when wet and crack when dry.
- Maintenance has to be from field not from lane for tree roots.
- Legality of ownership of off-site drainage elements, not part of S106 agreement.
- New landowner are they required not to infill the ditches and ponds.
- How does the attenuation pond link to the ditch?
- Dawson's Lane ditch is clay no percolation, experts fear speed so put in bend prior to culvert.
- Unknowns.
- Unclear how attenuation pond will link to ditch, if both working will flow be greater than 18.8 l/s
- Flow speed in the ditch whether end of ditch will have a higher level of water than can get through a 225mm pipe.
- Proximity of ditch sides to vehicle movement, will affect stability of the ditch. Slope of ditch already rainwater ponding within ditch.
- Level of culvert will mean ditch to too low for infiltration pond which cannot be made lower.

4.4 NCC Highways

Original comments:

- No objection to varying the drainage strategy.
- In discussion regarding technical approval and submitted drawing has already been superseded.
- Can't recommend that condition 4 is discharged at this point.

Amended comments:

- Full technically details of the estate road have been approved and condition 4 can be discharged

4.5 NCC Lead Local Flood Authority

Original comments.

No further comments.

Additional comments:

- As they are infiltrating, we cannot restrict the run-off rate to greenfield.
- However, the ditch should be designed to be able to convey this flow to the basin.
- The basin appears to be adequately designed.

4.6 Anglian Water

- The surface water strategy does not involve discharge to Anglian Water owned assets; we therefore have no comments.

4.7 Other Representations

Seven letters of objection from three household:

- Concern the horizontal boring will damage services cables and pipes and there is insufficient distance between services and culvert.
- In breach of health and safety regulations.
- Twelve dwellings were approved by committee following Planning Officer's recommendation.
- Explanation was the system was the best we can do and acknowledged that costs could be occurred in the event of successful appeal.
- Application was approved on fear of occurring costs not planning issues.
- Appeal inspector stated that the drainage system had not been detailed and could be compliant a clear indication that it could be achievable but planning officer or planning committee took up this opportunity.
- Less than three months later drainage strategy version 10 is submitted after work has commenced on parts of road system and off-site drainage system.
- Seeks to increase the impermeable road surface by 530 metres because of the increased length of the adopted road.
- Water will need to be immediately removed off site so increasing the amount of surface water running through the system.
- Anglian Water to adopting part of drainage strategy with a new sewer significantly increasing the runoff rates into the system from 1.5l/s to 18.8 l/s increases the rate of discharge 14.5 times.
- Anglian Water are not adopting attenuation basin, ditches culvert and infiltration basin whilst demanding fundamental changes to the flow rate.
- Changes to the drainage strategy outside the development site are limited to moving the attenuation basin off line, a bend in the ditch to slow water down in the system and not change in the size of the receiving infiltration basin despite enormous increase in volume from the adopted road and an increase in diameter of the final culvert from 225mm to 315 mm.
- The adoption of a larger proportion of the road and surface water

drainage on site will reduce the scope of the management company responsibilities whilst increasing the risk of properties off site.

- Leaves the drainage strategy with no single body in control so there is more chance of oversight and remedy when the system fails, which the planning officer has already stated was not acceptable in conjunctions with earlier versions of the drainage strategy.

The drainage strategy should be rejected because:

- Does not comply with the four pillars for a SuDS system and not even two pillars seen as a minimum requirement within the LLFA regulations.
- Calculations provided predict that the head wall at the end of Dawson's Lane ditch section where it transitions to an underground culvert will flood at all three levels of simulation at 2, 10 and 100 year events.
- The new surface water sewer will combine both road and surface water and will discharge at a rate much higher than Greenfield rate agreed in 20190844. The runoff rate should not be greater than the original greenfield run off rate. As agreed, on neighbouring Bennetts site.
- The ditch was dug in two sections a few weeks apart because of the amount of accumulating rainwater and no percolation through clay sides and bases. This contradicts drainage brief that long ditch will allow contaminates to be lost below reaching the infiltration pond.
- Pollutants will end up in the infiltration pond.
- No evidence that will not reduce the effective of sand seam over time and cause it to fail.
- Infiltration pond has not been built big enough.
- The pond has not been made bigger to accommodate increased flows.
- Water levels will be higher and increasing risk of pond which has a base level above the adjacent blind ditch system.
- No figures have been provided to support the capacity of the sand seam.
- Side of ditch has been raised by about a metre from clay soil from ditch, it is not stable and as it dries lumps will fall off into the road and ditch.
- Concerned people would fall into ditch and there is no fencing LPA should ensure safety/manage any hazards as a result of planning application.
- Previously not stated ditch would have sloping sides or would be bank. There are no life buoys included in the design.
- Bends do not slow down water is now flowing faster into the system.
- Figures confirm increased flooding at both headwall 3 and 4.
- Flooding at head wall 3 will be exacerbated if culvert hole is not bottom of the head wall.
- The force of the water will result in the bend in the ditch being eroded and joining with private ditch of number 74.
- Ownership lines are shown incorrectly no: 74 owns ditch and bank.
- Inevitable that the ditch will over top and flow into private ditch of no: 74.
- Proximity of culvert to Dawson's Lane could undermine it. If water over tops it could further undermine and Dawson's Lane and access to properties.
- No maintenance for road, maintenance vehicles could damage road and

- result in ditches being over topped. In parts, there is no land buffer.
- No details of final ditch depth and details of culvert only received 12 hours before closing for consultation increases pipe from 225mm to 315mm.
 - Have been further surveys since these drawing which are not provided.
 - Culvert is proposed to be inserted between services contrary to HSE regulations.
 - The correct route for culvert would be 1.8 metres deep would not give sufficient fall to the infiltration pond.
 - Drainage plans outside are of S106 plan.
 - Implies drainage system will remain in third party control. If the farmland is sold, will they be required to retain those elements, if it were maintained in long term needs to be in the ownership of the body maintaining it.
 - Future maintenance would have to be from unstable bank.
 - Contamination would spread into field.
 - What would the impact be on surface water chamber adjacent to my property; I have to pump out water due to French drain being at capacity and water flowing back into cesspit.
 - Electricity pole on my property has been eroded by water running off the field.
 - Water will top over the ditch where culvert is.
 - Discharge rate of 18.8 l/s. 1100 l/minute or 67,860 l/hour or 67 cubic metres an hour. A three hour release rate would have severe consequences.
 - Lane sides will be weakened.
 - The depth of the culvert will probably mean the flow to the final leg to the ditch will be uphill.
 - How will maintenance be carried out from the field.
 - How will slightly larger culvert accommodate increased flows.
 - The agreed discharge rates should be adhered to.
 - No good reason to increase the flow rate.
 - Anglian water should not dictate the increased rate.
 - Head wall 4 is on publicly accessible land and should have some protection as head wall 3.
 - Ditch is same size as an agricultural ditch which should not be used as SuDs.
 - The pipe diameter has not increased in size sufficient for the increased flow.
 - No 74 should have a new ditch and flood buffer around their property.
 - Question whether member of planning committee understood previous application.
 - Work has been completed before approval has been given.
 - Surface water has never moved along this route, it is material change in surface water drainage, which for the first time moves surface water from a new source in the direction of my property increasing our flood risk. Previously water flows down Dawson's Lane or into a drainage ditch on the other side of Dawson's Lane.

- Increases flood risk to property and uses culverts for non – access issues.
- Was never a ditch on East side of Dawson’s Lane.
- Legal advice was that this would not be permitted as flood risk is increased.
- You can see vestiges on the western side of Dawson’s Lane, but the ditch was filled 20 + years ago.
- Installed culvert in 60 metres rather than agreed 35 metres.
- Consulting engineer has stated that if you double the length of the pipe you half the flow rate.
- Do the drainage for flood risk account for the doubling the length of the culvert.
- Concern about mistake between the internal and external dimensions of the pipe.
- Do the calculations rate to the currently installed culvert dimensions or the dimensions permitted in November.
- Tree protection conditions were not adhered to.
- Culvert was tested and water didn’t flow through.
- Who checks that strategy is built correctly.
- The culvert is at the bottom of the ditch not halfway up the ditch wall as agreed in November.
- Head wall has not been installed at head water 3 or 4 despite another bend which will put pressure on the road.
- Culvert at the base of the ditch will result in greater maintenance.
- Two ditches are not straight and at point go up hill impeding water flow
- The health and safety matters, planning authority should deal with the risks created.
- Mounds are structurally unsound.
- Ditches will collapse and increase risk of culvert blockage.
- The bend means that more water be going to accumulate at this point prior to moving through the culvert thus negating the 450mm tolerance.
- Will not withstand storm source flows and not last the lifetime of the development.
- The uphill section is directly after headwall 4 and will cause puddling and erode wall.
- Will flows be limited to 18.81 l/sec and excess water will be captured in the attenuation basin after the event.
- The system will only ever be a maximum of 18.81 l/s?
- What rate has been used for the drainage calculations 79l/s or 18.81 l/s?
- Is the capacity of the attenuation basin sufficient?
- Infiltration basin does not appear to have been built large enough.
- Private maintenance has to be established, will residents contact this company when the system fails, and losses are incurred.
- Will company have enough funds to cover the property losses from the failed system.
- The land being owned by someone other than the person building the

- properties adds complexity.
- Will this enable the maintenance company to avoid paying out when the system fails.
 - Reassurance required as management companies fail all the time.
 - What is the procedure for signing off the system?
 - Works need to be inspected prior to planning committee.
 - There was agreement for a new ditch to be built around our property to provide a buffer, but this offer has been withdrawn.
 - This is third drainage issue we are facing from three separate applications which directly impact on our property.
 - System needs to be checked by independent drainage engineers.
 - What has been approved and put forward as an application do not translate on what has happened on the ground.
 - Appeal decision condition required surface water runoff will be restricted to greenfield run off rates.
 - The proposal is in conflict with the green field run off rates..

5 Assessment

Key Considerations

- 5.1 The key considerations are the acceptability to the revised surface water drainage strategy and its impact on flood risk, highway safety and technical design, residential amenity and design.

Principle

- 5.2 The principle of the development was established with the granting of planning permission 20190844. This application is purely considering the changes to the drainage strategy, the new wall and the minor changes to the design of the dwellings.

Drainage

- 5.3 The site itself is within fluvial flood zone one (low risk) and is not at risk of surface water flooding. Currently there is no formal field drainage of the site and it has been established through percolation tests that surface water would not infiltrate on the site. The surface water from the site therefore currently follows the contours of the land to the north east to the existing ditch to the south of 74 Blofield Heath Road which connects into the ditch which runs East to West to the North of 74 Blofield Corner Road and terminates in the field to the West of Dawson's Lane. This is a blind ditch system which is identified by the Environment Agency as being at high risk from surface water flooding. This has been corroborated by evidence of actual flooding. The latest event being on 5/6 October 2019 which resulted in the blind ditch system overflowing flooding to Dawson's Lane.
- 5.4 The NPPF makes it clear that development should not increase flooding

elsewhere and paragraph 165 of the NPPF states:

“Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority.
- b) have appropriate proposed minimum operational standards.
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

- 5.5 This approach supported by Policy 1 in the JCS, Policy CSU5 in the DM DPD and Policy ENV3 in the BPNP, which also seek positive solution to existing drainage problems where practical.
- 5.6 The currently approved surface water drainage system for the site would go under Dawson’s Lane via a culvert to an open attenuation basin in the area between 6 Skedge Way and an existing agricultural building on the east of Dawson’s Lane. Surface water from the highway would be attenuated before going into the ditch. Water in both systems would be discharged at a combined rate of 2.1 l/s by a hydrobreak into a new ditch which would run south to north to the east of Dawson’s Lane. Before reaching no: 74 Blofield Corner Lane it would then cross under Dawson’s Lane via a culvert into the field to the west of Dawson’s Lane and into another new ditch and infiltration basin in an area of land where the percolation tests have demonstrated that infiltration would occur.
- 5.7 As part of technical agreements with the Highway Authority they want to adopt the majority of the road within the development and for the highway drain to be connected to a public sewer. As a result, the drainage system has had to be redesigned to provide a combined system.
- 5.8 The adoption of more of the road will result in an increase in impermeable area by 530m², additional highway drainage is required to serve the road.
- 5.9 It is therefore proposed that the highway and surface water from the dwellings will discharge into a public sewer maintained by Anglian Water, which will then flow into the ditch system at a controlled discharge rate of 18.81 l/s, excess flows will be stored in the off-line attenuation basin on the east side of Dawson’s Lane and released into the ditch when the discharge has reduced. From the ditch the surface water will flow through a culvert under Dawson’s Lane and into a ditch which connects to an infiltration basin on the west side of Dawson’s Lane as previously proposed. The discharge rate will never be more than 18.81 l/s, which is controlled by the Anglian Water pipe diameter. Any flows in excess of this will be stored into the attenuation basin and released when flows reduce.
- 5.10 The flow control for the combined discharge (for highway and the dwellings) into the ditch on the approved scheme was 2.1 l/s on the basis that it was discharging to the local watercourse. Although the original scheme was

amended to drain to an infiltration basin rather than a watercourse, the flow rate was never updated. The proposal is now to discharge into the public sewer and then into a ditch at a rate of 18.8l/s (combined figure for highways and dwellings). The higher figure is a result of Anglian Water minimum pipe size requirements. As it is discharging into a closed SuDs system there is no requirement to limit the flow, but the attenuation basin has been retained offline as per Anglian Water requirements which will reduce flows considerably from unattenuated rates. It is important to note that the greenfield run off run for the site is 15.8 l/s so the approved scheme provided a significant reduction in greenfield rates and the proposed discharge is not significantly above it and considerably below the unattenuated rate of 79.0 l/s.

- 5.11 When development was originally allowed at appeal, application 20172032 the Inspector required a condition that discharge rates were not in excess of the greenfield rates, this requirement was imposed on the basis that the system was discharging into a water course and not a closed system, which is what is now being proposed.
- 5.12 The infiltration basin and attenuation basin on the approved scheme were over designed so it had a larger capacity than was required for the original discharge. The LLFA have confirmed that the infiltration basin is designed to take the increased discharges as now proposed. Similar infiltrations systems operate in sand seams in locations within the District and there is no evidence that the sand seam is not sufficient to take the proposed flows.
- 5.13 The culvert has now been installed by directional drilling which is very accurate and has not damaged any water, electricity or telephone cables or pipes under Dawson's Lane. There is no statutory specification for minimum distances between service cables and pipes. Concern has been raised that a wider culvert pipe is proposed than previously approved. The approved drawing indicated an internal measurement of 225mm as thrust boring was originally proposed. Directional drilling was actually used instead and the 315mm measurement on the drawing is an external measurement, as a result, the pipe has not increased in size significantly.
- 5.14 The drainage system has not been completed yet although condition 3 on 20190844 requires this to be completed and fully operational prior to the first occupation of any of the dwellings. The headwall has not been installed yet. The culvert pipe is currently at the bottom of the ditch. It is intended to dig the ditch deeper near head wall 3 so a headwall as approved under application can be installed. There is no requirement to provide concrete head walls at the pipe outlets as the water will flow away from them, but the applicant has agreed to provide a concrete wall which will reduce maintenance.
- 5.15 Calculations have been based on a flow rate of 18.81 l/s. Concerns has been raised that calculations are showing flood risk at the head walls, in all the simulated events. A flood level has been put into the modelling of

450mm below the top of the ditch which demonstrates capacity levels. As a result, where the calculation states flood risk the water would not actually be overtopping the ditch but would be 450mm below the top of the ditch.

- 5.16 An amended drawing has been submitted showing how the culvert has been installed, there are slight variations from the submitted plan and as a result of onsite investigations and practicalities, which has resulted in a longer culvert than originally proposed. It has increased from approximately 35 metres to 48 metres. The culvert inlet area from the ditch has also been amended and the ditch bends before the inlet to the culvert.
- 5.17 The increased culvert length will not have a significant impact on the flow rate and the culvert has the capacity to take larger flow rates than proposed, so water should not pool at headwall 3 (the inlet for the culvert crossing Dawson's Lane at the northern end).
- 5.18 Levels in relation to the surface water drainage system have now been included on the drawing which shows that there is sufficient fall through the culvert and ditches into the infiltration basin. The case officer has witnessed the levels on site being verified with a theodolite, which demonstrated the ditches flow downhill from into the infiltration basin.
- 5.19 This drainage system will be completely separate from the existing ditch network in the locality and the area at risk from surface water flooding.
- 5.20 Concerns have been raised about the use of culverts, which do cause vulnerability within a system as there is a risk of them blocking. It is best practice to avoid culverting. However, as part of the last application this approach was agreed as it facilitates the movement of surface water to an area where infiltration can occur.
- 5.21 The infiltration basin, culvert and attenuation basin have all been measured on site and the infiltration basin and attenuation basin are the size as approved and proposed as part of this application and the culvert is the size as proposed by this application 48 metres but longer than the approved scheme.
- 5.22 The management and maintenance plan has been revised from the approved one, which takes into account the adoption of part of the system by Anglian Water. Details of the management and maintenance of the public sewer are not included in the plan as they are covered by Anglian Water. The Management and Maintenance Plan of the unadopted system specifically sets out a maintenance scheme for the culverts, which along with other elements of the drainage system would be maintained by a management company.
- 5.23 Concern has been raised that the drainage scheme will be maintained by two parties, this is not an issue because the second body is Anglian Water which is a statutory body. Concern had been raised in the past with the use

of a ditch in third party ownership because there would have been areas of the system where the management and maintenance of the system could not be controlled. However, the previous scheme was revised to exclude this and that remains the case with the current proposal.

- 5.24 The management company will be owned by the residents and have public liability insurance. The maintenance will be carried out by a management agent employed by the management company.
- 5.25 Although the developer does not own the land where the drainage system is located, he has legal easements for the retention and maintenance of the systems in perpetuity.
- 5.26 Any pollution from the roads will be contained within the existing system and will not pollute the wider watercourse network.
- 5.27 Concern has been raised that people could fall into the new ditch or basins. Dawson's Lane is a private road and the drainage system is on private land. There is no significant risk of people falling into the waterbodies, which would justify planning conditions for additional safety features to be conditioned. Drainage ditches are a common feature alongside roads, tracks and footpaths.
- 5.28 A bank has been formed along the side of Dawson's Lane from the ditch excavations, which is not out of keeping with the area. Concern has been raised about the stability of this. There does not appear any significant stability issues with the bank which will stabilise further when vegetation becomes established on it. It is not considered that Dawson's Lane has been made unstable or unsafe.
- 5.29 It is acknowledged that the amount of water going into the drainage system will increase and the proposed drainage strategy will now increase the speed that the water reaches the infiltration system, but as a closed SuDS system there is no requirement to attenuate the flows at all and there is sufficient capacity within the infiltration basin to take the additional flows. As a result, it is considered that the system is compliant with the guidance within the NPPF and the LLFA have no objection to the revised strategy and therefore this is in accordance Policy 1 in the JCS, Policy CSU5 in the DM DMD and Policy ENV3 in the BPNP and is acceptable.

Trees

- 5.30 The Conservation Tree Officer has raised no objection to the slight changes to the ditch and culvert in terms of the impact on the trees. He has confirmed that in the long term that maintenance of the ditch and culvert could occur from Dawson's Lane without damaging the trees.

Highways

- 5.31 The road layout in itself has not changed, but it is proposed that more of the road will be adopted. The application includes the technical discharge of the road specification, which has now been agreed with highways.

Design and residential amenity

- 5.32 The very minor changes to design of the dwellings including solar panels in order to achieve the requirements of the renewable energy condition and amending the position of the en-suite window along with the installation of a wall along the east boundary of 80 Blofield Corner Road are acceptable in design terms and do not raise an amenity issues. As a result, it is considered that the proposal complies with Policy 2 of the JCS, Policy GC4 of the DM DPD and Policy HOU4 of the BPDP, which all seeks to achieve good quality design which respects the local distinctiveness of the area.

Other matters

- 5.33 Most of the drainage strategy already has approval but some elements of the revised strategy have been carried out at the applicant's own risk or have changed as a result of on-site practicalities. Given the current application and proposed recommendation it was not seen necessary or expedient to require works to cease.

The need to support the economy as part of the recovery from the COVID-19 pandemic is a material consideration but has limited weight in determining this application.

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

Conclusion

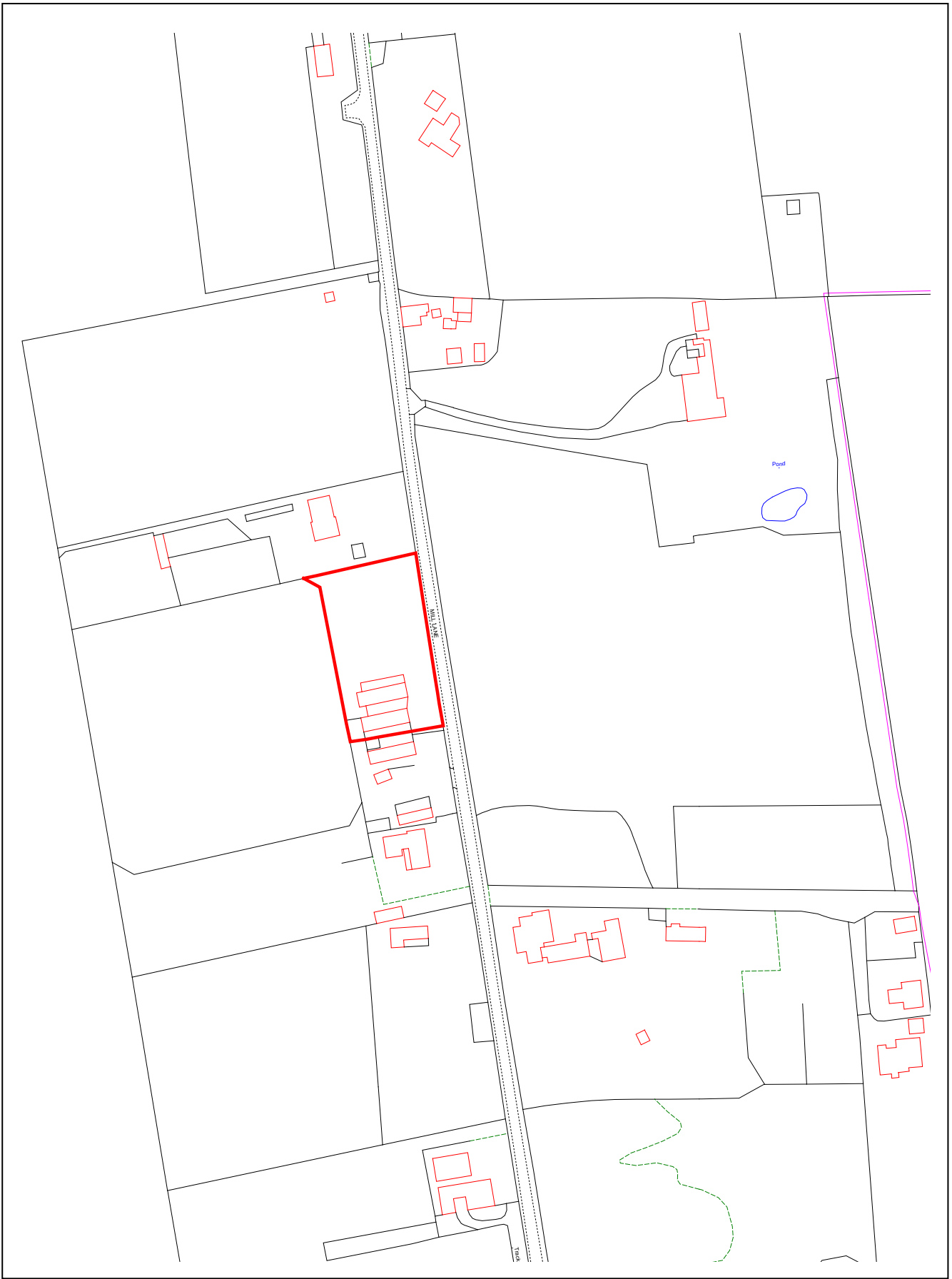
- 5.35 The revised drainage scheme will increase surface water discharge, but this will be within a SuDS system which has sufficient capacity to take the additional flows and where there is no requirement to attenuate the discharge. As a result, it is considered that the system is compliant with the guidance within the NPPF and would be in accordance Policy 1 in the JCS, Policy CSU5 in the DM DMD and Policy ENV3 in the BPNP and is acceptable.
- 5.36 The minor changes to the dwellings and new boundary wall are considered acceptable in design and amenity terms and comply with Policy 2 of the JCS, Policy GC4 of the DM DPD and Policy HOU4 of the BPDP.
- 5.37 **This application is not liable for Community Infrastructure Levy (CIL)** as it is a S73 application and no new floor space is being created. CIL remains payable on the market housing as approved.

Recommendation: Approve with conditions.

Conditions:

- (1) In accordance with drawings (AD01)
- (2) Surface water drainage (bespoke)
- (3) Standard Estate Road (SHC01)
- (4) Standard Estate Road (SCH02)
- (5) Standard Estate Road (SHC03A)
- (6) Highway Improvements off-site (SHC32A)
- (7) Highway Improvements off-site (SHC32B)
- (8) Tree protection (L08)
- (9) Landscaping scheme to be complied with (L07)
- (10) Renewable Energy – Decentralised source (E01)
- (11) Boundary Treatments (L02)
- (12) No PD fences, walls etc. on western boundary (P08)
- (13) Fire hydrant (D09)

Contact Officer, Helen Bowman
Telephone Number 01603 430628
and E-mail helen.bowman@broadland.gov.uk



Application No: 20191598

**Land adj. to Sequoia Rise, Mill Lane, South
Witton, NR13 5DS**

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**Scale:
1:1250
Date:
9-Jun-20**



Application No: [20191598](#)
Parish: **Postwick (Witton)**

Applicant's Name: Mr S Hickey
Site Address: Land adjacent to Sequoia Rise, Mill Lane, South Witton, NR13 5DS
Proposal: Demolition of existing buildings and erection of 3 no: detached dwellings and garages

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:

Delegate authority to the Director of Place to approve subject to completion of a Section 106 Agreement and conditions.

1 Proposal and site context

- 1.1 The application is seeking full planning permission for the demolition of existing buildings and the erection of three detached dwellings comprising of two four-bedroom one and a half storey houses with integral garages and one five-bedroom detached one and a half storey house with a detached double garage with an office/storage space within the roof space.
- 1.2 The proposed dwellings would utilise the existing accesses of Mill Lane, which currently serve the timber yard and Sequoia Rise both in the applicant's ownership. A private drive would serve the dwellings leading to the parking and garaging within the residential curtilage of each dwelling.
- 1.3 The site is situated on the western side of Mill Lane, between residential properties, Sequoia Rise to the south and St Christopher's to the north. The site is rectangular in shape and flat and measures approximately 0.3 hectares in size. The size of the site has been increased from 0.25 hectares as originally submitted to 0.3 hectares and now extends further south to incorporate all the built structures associated with the commercial use of the site into the application site. The western boundary is lined with poplar trees and backs onto open fields currently used as paddocks. The road frontage is banked and contains a mature hedge and trees. The northern and southern boundaries comprise of a mix of hedge, trees and fencing.
- 1.4 The site is currently in use as a commercial forestry business. It is predominantly used for open storage of timber and wood and associated vehicles and items of machinery. The southern end of the site is occupied by a number of buildings and structures used for storage and as workshops and a parking area.

2 Relevant planning history

- 2.1 Planning permission was granted under planning reference [20091242](#) for change of use of buildings and land to forestry business including storage and office (part retrospective) on 7 July 2009. The site's commercial operation as a timber yard continues to the present day.
- 2.2 A Prior Notification was approved for the change of use from office to dwelling under planning reference [20140343](#) on 24 March 2014. This building (Sequoia Rise) lies immediately to the south of the site and is to be retained.
- 2.3 Since planning permission was granted in 2009 for the change of use a number of concerns have been raised and subsequently investigated by the local planning authority in relation to the use of the site and compliance with conditions as follows:
- 2010ENF111 Erection of a gate, not a breach of planning permission no further action taken.
 - 2013ENF385 Selling logs and operating a chainsaw on site.
 - 2014ENF362 Complaint about noise, smell and keeping pigs on the land.
 - 2018ENF414 Complaint about untidy site and waste from elsewhere
 - 2019ENF397 Complaint about change of use of the land, burying and burning on site.

Each case was investigated and either found to be no breach of planning permission or it was found not to be expedient to take further action.

- 2.4 Also of relevance to the consideration of this planning application is the appeal decision relating to planning application [20152027](#) for the erection of five dwellings on land adjacent to The Old Rectory, Mill Lane, Postwick, which was dismissed. The Planning Inspector dismissed the appeal on grounds that the site was inaccessible for local services and facilities and that there would be an unacceptable impact on highway safety. The site is a greenfield site part of the grounds of The Old Rectory and immediately opposite the current application site (Appendix A).

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 15 : Conserving and enhancing the natural environment

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 4 : Housing delivery
Policy 6 : Access and Transportation
Policy 9 : Strategy for growth in the Norwich Policy Area
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 EN2 : Landscape
Policy TS3 : Highway safety
Policy TS4 : Parking guidelines
Policy CSU5 : Surface water drainage

3.5 Supplementary Planning Documents (SPD)

Landscape Character Assessment – Character Area D4 Blofield Tributary
Farmland
Parking Standards SPD

4 Consultations

4.1 Postwick and Witton Parish Council:

Postwick and Witton Parish Council discussed the above planning application. The Chair proposed that the Parish Council object to this application because of increased traffic on an area that already had a traffic problem and the density of the buildings of this application, which would then set a precedent of building in rural areas. The Parish Council objected to this application 3 against 3 for, with the Chair casting his vote that the motion be carried.

Further comments on amended plans:

Postwick with Witton Parish Council discussed the above planning application and wanted to repeat the previous comments it made. That the Parish Council objected to this application because of increased traffic on an area that already had a traffic problem. To the left of Mill Lane on Brundall Low Road there is a steep hill with busy traffic in both directions. Also the proposed density of the buildings would then set a precedent of

building in rural areas.

4.2 Norfolk County Council as Highway Authority:

I note from the Planning Statement that the site currently contains a number of outbuildings and is used as a commercial timber yard. It is also stated that there are 72 commercial vehicle movements per day. As a part of my assessment, I need to know how the site currently operates and how the figure of 72 movements a day is derived. In addition, please could you supply the Vehicle and Operators Services Agency (VOSA) operating licence number. Without the information outlined above I am unable to assess the application fully. Consequently, I would request that the applicant submits further information.

Further comments on additional information:

I have received further information, which has enabled me to fully assess this proposal. Having examined the information submitted, in terms of highway considerations, I have no objection to the application subject to conditions to improve the standard of the accesses and for improved visibility from the accesses, provision of adequate drainage and provision of parking and turning areas before occupation of the dwellings.

(1) Prior to the commencement of the use hereby permitted the two existing vehicular accesses shall be upgraded to a minimum width of 4.5 metres in accordance with the Norfolk County Council residential access construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

(2) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved accesses unless details have first been submitted to and approved in writing by the Local Planning Authority.

(3) 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 (and additionally along the flank frontage of the adjacent property as outlined in blue on the submitted details). The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

(4) 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.

4.3 Broadland District Council Pollution Control Officer:

In view of the use of the site I feel that a condition to require a full site investigation is required on the planning permission.

4.4 Other representations:

One letter has been received from the occupants of St Christopher's advising that they have no objection to the proposal for housing but do have concerns about the land ownership shown in the application and what will happen to the land in the applicants ownership that is not part of the proposed development site and fears of its future use. They also draw attention to the breach of planning conditions that have occurred continuously over the last 10 years. In particular, the use of the site for an unauthorised waste disposal site with items being burnt or buried on site has been raised.

5 Assessment

Key Considerations

- 5.1
- The principle of development
 - The impact upon neighbour amenity
 - The impact upon highway safety
 - 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 full planning permission for the demolition of existing buildings and erection of three detached dwellings and garages.

- 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 highway safety, layout and scale of the development and the impact on neighbours, character and appearance of the area must also be considered.

- 5.4 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.

- 5.5 The application site lies outside any defined settlement limits 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 Consideration must also be given to the supply of land for housing in the Greater Norwich Area. The most recent Greater Norwich statement on five-year housing land supply 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. Given that there is a five-year supply of housing land, as a starting position this application must be considered in the context that it is contrary to Policy GC2 DM DPD.
- 5.7 Furthermore, although the application site is within the Norwich Policy Area, which is the focus for major growth and development under Policy 9 of the JCS, Postwick has not been identified as a settlement where new housing allocations, even for delivery of smaller sites are to be located. Postwick and particularly the application site, is poorly connected to local services by any means other than by private car. Although the site is only a mile from centre of Brundall and half a mile to Brundall Gardens Railway Station via Postwick Lane, this is an unlit country road with no footpaths and no bus stops and therefore undesirable as a pedestrian route. For the purposes of Policy 1 of the JCS and Policies GC1 and 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.
- 5.8 Planning permission was granted in December 2009 for the use of buildings and land for a forestry business subject to conditions that there should be no associated storage of by- products and no use of power tools and equipment to saw or chip wood on site. However, since December 2009 the use has operated contrary to these conditions with on site storage and use of powered equipment including a log splitter, wood chippers and loader. It is acknowledged that this outside operation was not authorised by the original planning permission, and it should be noted that the permission related only to specified buildings and land, the use of the remainder of the application site accordingly not being authorised by a planning permission. However, the unauthorised activities were not deemed to have given rise to a statutory nuisance or so harmful to others amenity to justify formal enforcement action being taken. It follows that the breaches of condition and other unauthorised elements of the forestry business have become lawful due to the passage of time and immune from enforcement action.

- 5.9 Therefore, the application site now has a lawful use as a commercial timber yard linked to an established forestry business and the land continues to be used for the processing, storage, distribution and sale of reclaimed timber and logs. As such, the site is considered a brownfield site or previously developed land as defined in the National Planning Policy Framework (NPPF). Paragraph 117 of the NPPF requires planning decisions to promote an effective use of land for new homes and make as much use as possible of previously-developed or brownfield land. Paragraph 84 of the NPPF goes on to state that use of previously developed land should be encouraged where suitable opportunities exist. However, it makes clear that it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a site more sustainable. Although Paragraph 79 of the NPPF states that development of isolated homes in the countryside should be avoided it goes on to state that development may be appropriate where re-use of the site would enhance the immediate setting. There are also about 12 other residential dwellings along this part of Mill Lane so the site is not separate or remote from other dwellings. 'Isolated homes in the countryside' in this particular case relate to poor connectivity and reliance on private car journeys to access key services and facilities. The proposal is not in a sustainable location and contrary to Policy 1 of the JCS and Policies GC1 and GC2 of the DM DPD as set out above in paragraph 5.7.
- 5.10 Consideration must also be had for the loss of employment land and loss of jobs. Paragraph 84 of the NPPF states that decisions should recognise that sites may have to be in rural areas and in areas not well served by public transport but should still be sensitive to their surroundings and have no impact on local roads. The use of the site does fulfil a local need and is in an appropriate location for the type of service it provides, however it is not necessarily sensitive to its surroundings and the road network is poor. Use of the site for housing rather than commercial is considered appropriate in this case. The site does not provide any employment apart from the applicant and therefore no jobs will be lost as a result of this redevelopment.
- 5.11 The need to support the economy as part of the recovery from the COVID-19 pandemic is also a material consideration. This application will provide employment during the construction phase of the project and future occupiers will contribute to the local economy e.g. when maintaining and servicing their properties and spending in the local area. This adds further weight in favour of the proposal.
- 5.12 In 2015, a planning application was refused for a development of five dwellings on land immediately opposite the application site. This proposal was subsequently dismissed at appeal as detailed in paragraph 2.8 above. At the time of the appeal the council could not demonstrate a 5 year supply of housing land and this issue was not disputed. The conclusion of the Planning Inspector was that the proposal would not have satisfactory access to local services and facilities and an increase in the level of traffic

on Mill Lane would create an unacceptably adverse impact on highway safety. The differences between the appeal site and the application site need to be considered in the determination of the current proposal in that the appeal site is greenfield land and the appeal proposal would have resulted in additional traffic. The issue of sustainability in terms of access to services and facilities however remains the same.

- 5.13 Paragraph 9 of the NPPF, when referring to guiding development to sustainable solutions, makes clear that decisions on planning applications should take local circumstances into account, to reflect the character, needs and opportunities of each area. Paragraph 12 of the NPPF goes on to state that local planning authorities may take decisions that depart from an up-to-date development plan, if material considerations in a particular case indicate the plan should not be followed. For this reason the benefits and impacts of the existing use and proposed development will be considered in this report to determine the suitability of housing on this site.

Neighbour Amenity

- 5.14 The site is located on the eastern side of Mill Lane, which comprises mainly of residential development. To the south of the application site is the applicant's dwelling, Sequoia Rise, 'The Cottage' is situated immediately to the south of Sequoia Rise and immediately to the north of the application site is St. Christopher's. This dwelling is closest to the area where timber and logs are processed and as a result occupants of this property are likely to regularly experience noise from machinery. The northern part of the site is also very untidy with piles of broken up wooden items (including pallets and furniture) awaiting disposal or recycling. At the time of the site visit there was no evidence of any burning having taken place on site but there have been reports that the applicant has bonfires on site, which causes smoke pollution for neighbours.
- 5.15 As set out in paragraph 5.8 above, permission was granted for the forestry business in 2009 and this enabled commercial operation in close proximity to adjacent unrelated residential properties, albeit subject to conditions. It is acknowledged that a lot of complaints have been raised in relation to activities on the site since planning permission was granted. However, the existence of a breach of planning control is not enough on its own to justify the use of enforcement powers; the Council must also be satisfied that this would be expedient, i.e. sufficiently serious in planning terms to justify action. In this case evidence available to the investigating officers did not show harm at a level to justify formal enforcement action. However, even where noise, disturbance and pollution created by commercial activities on a site have been assessed to be below the threshold for taking enforcement action, their removal will nevertheless be materially beneficial to the living conditions of adjacent residential occupiers. Redevelopment of this site for residential use would cease the commercial timber yard use along with the associated commercial vehicle movements, buildings associated with the timber yard would be removed from the site and this would materially

benefit of the occupants of neighbouring dwellings.

- 5.16 The position of the proposed houses on the site, the design and the retention of existing trees and hedges around the perimeter of the site will ensure that there will be no impacts for neighbours in relation to loss of light, outlook or privacy. Plot 3 is positioned at least 15m from the southern boundary with St Christopher's. There are no first floor windows apart for high level velux windows on the side elevation and the existing trees are retained on the boundary, which will protect neighbours privacy. Sequoia is located between Plot 1 and The Cottage, which is some 30m from the boundary with the new dwelling. Again there are no first floor windows on the side elevation and only two high level velux in a first floor rear roof slope that will cause no overlooking or loss of privacy. The properties will overlook a paddock at the back of the site. The proposed development would therefore be in accordance with Policy GC4 of the DM DPD, which requires proposals to pay adequate regard to the amenity of existing properties.

Highway Impact

- 5.17 Policy TS3 of the DM DPD states that development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network. As highlighted above in paragraph 5.8 the site is currently used as a commercial timber yard with an associated forestry business. The applicant states that the site operates from 7am until 6pm six days a week, Monday to Saturday and is open to customers during these times. The business used to operate a tractor, two trailer units, 7.5 tonne flat bed lorry with a 16 tonne mounted hoist and a long wheel base transit. As part of the commercial activities, these generated up to 72 commercial vehicular movements per day. The level of traffic has reduced more recently with the site only operating the long wheel base transit, the tractor and the vehicle mounted hoist. A local farmer is subcontracted to transport wood several times a week using a tractor and trailer. Commercial vehicle movements equate to an average of 40 per day with an additional average of 20 vehicular movements per day from customers vehicles. Having considered the information provided the Highway Authority considers that there would be no objection to the proposed redevelopment of the site for housing on highway safety grounds as the type and amount of traffic generated by the proposal would not result in any increase in traffic.
- 5.18 One of the reasons why the proposal at The Old Rectory failed was due to the Planning Inspector's concerns about the impact of increased levels of traffic on highway safety, more specifically poor visibility, and increased risk of vehicular and pedestrian conflict at the junction with Postwick lane. The Highway Authority's TRICS assessment indicated that there would be approximately 30 additional trips per day associated with the proposed development for 5 new dwellings. The proposed application for 3 new dwellings would on this basis generate 18 trips per day and represents a decrease in traffic compared to the current use of the site. Residential use

would also generate less large commercial vehicles than the existing use. Fewer and smaller vehicles using the adjacent narrow roads would be a benefit to road safety.

- 5.19 Policy TS4 of the DM DPD states that within new development appropriate parking should be provided to reflect the use and location as well as accessibility by non-car modes. In relation to access and parking, the proposed dwellings would use the existing access points onto Mill Lane, which currently serve the timber yard and the existing dwelling. A private driveway would serve the dwellings leading to the parking and garaging within the residential curtilage of each dwelling. The Highway Authority has no objections to the application subject to the proposed on-site car parking and turning areas being laid out in accordance with the submitted plan and adequate visibility splays as detailed in paragraph 4.2 above.
- 5.20 The proposed development is therefore considered to be in accordance with Policies TS3 and TS4 of the DM DPD.

Design, Character and Appearance

- 5.21 The site will be split into three large plots. Each plot will accommodate a detached one and a half storey house. Plots 1 and 2 will be four bedroom properties with an integral double garage and Plot 5 will be five-bedroomed property with a detached double garage including an office/storage space within the roof space. The scale of each property is in keeping with both St Christopher's and The Cottage and plot size is similar to other properties on the eastern side of Mill Lane. The properties will be constructed using a modern palette of materials comprising of grey slate roof tiles, smooth render and timber clad elevations and dark grey windows and doors, which will match those used in the construction of The Cottage although Mill Lane comprises of a mix of property types, sizes and materials.
- 5.22 The site is well screened from the road by an existing hedge, which is to be retained and the rear boundary is screened by a row of trees. The site itself is well contained within the wider landscape. The A47 runs to the north of the site and views of the site are restricted by dense roadside planting. The site is not visible from Postwick Lane due to the form and undulation of the road and existing landscape features preventing views across the fields. The new houses will sit between existing residential development and become part of the small groupings of properties along Mill lane. The proposed development will have limited impact on the rural character and appearance of Mill Lane and not harm any long distance view from the west and north across open farmland. The proposal is therefore considered to meet the aims of Policy 2 of the JCS and Policy GC4 of the DM DPD.

Other Issues

- 5.23 Policy EN1 of the DM DPD expects development to protect and enhance the biodiversity of the district. A Preliminary Ecological Appraisal has been

carried out for the site, which makes a recommendation that all site clearance and construction work on site should be subject to a Construction Environment Management Plan for Biodiversity (CEMP) to ensure protection of any reptiles, amphibians, breeding birds and hedgehogs which may be present across the site. The applicant has indicated that swift and bat boxes will be incorporated into the site design and hedgehog tunnels will be added in any close boarded fencing used. The implementation of conditions to cover these requirements is recommended.

- 5.24 Existing trees and hedgerows are to be retained as part of the development. A Tree Report and Method Statement, including a Tree Location Plan, have been submitted in support of the application, which sets out the recommendations and Arboricultural implications of the development. The report concludes that the proposed layout, together with the detailed protection measures will have no impact on the existing trees or hedges and that trees are not considered a constraint on the proposed development. The proposed development is therefore considered to accord with the requirements of Policies GC4 and EN2 of the DM DPD
- 5.25 Although most of the site will be developed as part of the proposal, the dwelling Sequoia Rise, some land and a small building is outside the application site and will be retained by the applicant. The planning permission from 2009 and subsequently the authorised use of this site, although much reduced in size will still include the commercial timber yard and forestry business use, which could continue. The applicant has stated that upon development of the site the commercial use would cease, however this could not be guaranteed. In order to ensure the application site and the land occupied by Sequoia Rise is solely for residential use, it is recommended that if planning permission is granted a Section 106 Agreement is entered into to revoke the existing planning permission 20091242.
- 5.25 This application is liable for Community Infrastructure Levy (CIL).

6 Conclusion

- 6.1 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.
- 6.2 The site is located on a single-track road in the open countryside with poor access to local services and facilities other than by private car and for this reason is not a sustainable location in terms of connectivity contrary to Policy 1 of the JCS and Policies GC1 and GC2 of the DM DPD. However, the volume and nature of the traffic associated with the commercial use of the site and the activities that currently take place on site relating to the recycling, cutting and disposal of timber related materials are not favourable

to a rural location and, whilst not justifying formal enforcement action in the past, are nevertheless harmful to the amenity of neighbours. Moreover, developing the site for residential use would remove the harm the existing use has on the character and amenity of this locality and would lead to an enhancement of the site and surroundings.

- 6.3 In conclusion, redevelopment for housing would make an effective reuse of this brownfield site and would lead to an enhancement of the site and the immediate setting. In addition, there would be materially beneficial changes to the volume and nature of traffic arising from the site, and use of the site for residential rather than a commercial use would materially benefit the living conditions of nearby residential occupiers. A rural location that is contrary to the development plan can therefore be justified in this particular case.
- 6.4 On this basis, having balanced the planning merits of the proposal and having regard to the material considerations set out above, I consider that there are sufficient reasons in this particular case to indicate that the application should be approved contrary to the provisions of the development plan subject to the completion of the related S106 legal agreement and imposition of the conditions set out below.

Recommendation: Delegate authority to the Director of Place to approve subject to the following conditions and successful completion of a Section 106 Agreement with the following Heads of Terms:

- (1) Cessation of current timber/forestry business uses including those authorised by planning permission [20091242](#)
- (2) Use of outside space for residential purposes only

and subject to the following conditions:

- (1) Time limit (TL01)
- (2) In accordance with plans and documents(AD01)
- (3) External materials (D02)
- (4) Hard and soft landscaping (L06 amended)
- (5) Boundary treatments (L01)
- (6) Highways – access improvements and drainage (HC09)
- (7) Highways – gates/obstructions (HC11)
- (8) Highways – visibility splay (HC17)
- (9) Highways – provision of parking and turning areas (HC21)
- (10) Contamination Investigation (AM12)
- (11) Ecological Mitigation and Enhancement (EC01 amended)

(12) Tree Protection (L09)

Contact Officer, Julie Fox
Telephone Number 01603 430631
and E-mail julie.fox@broadland.gov.uk

Appeal Decision

Site visit made on 7 December 2016

by Claire Victory BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 January 2017

Appeal Ref: APP/K2610/W/16/3154486

Land adjacent to Old Rectory, Mill Lane, Postwick, Norwich NR13 5DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs A Williams against the decision of Broadland District Council.
- The application Ref 20152027, dated 17 December 2015, was refused by notice dated 12 February 2016.
- The development proposed is the erection of 5 dwellings [on] land adjacent to The Old Rectory.

Decision

1. The appeal is dismissed.

Background and Main Issues

2. Since the appeal was submitted and in light of the West Berkshire Court of Appeal Judgement¹ relating to planning obligations and affordable housing and tariff-style contributions and update to the Planning Practice Guidance², the Council has confirmed that it no longer seeks affordable housing contributions, as set out in the fifth reason for refusal. In addition, the four Category B trees referred to in the third reason for refusal have been removed.
3. Furthermore, there is no dispute that the Council cannot demonstrate a five year supply of deliverable housing sites. This means that in accordance with paragraph 49 of the National Planning Policy Framework (the Framework) relevant policies for the supply of housing should not be considered up to date. In such circumstances, or where the development plan is absent or silent, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole, or where specific policies in the Framework indicate development should be restricted.
4. Having regard to all of the above, the main issues are:
 - Whether future occupiers would have satisfactory access to local shops and services;
 - The effect of the proposal on highway safety in the vicinity of the site;

¹ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016] EWCA Civ 441

² Paragraphs 013-017, 019-023 and 031

- The effect of the proposal on the character and appearance of the surrounding area, with particular reference to the setting of The Old Rectory; and
- Whether the development would make adequate provision for play space and amenity space.

Reasons

Access to services and facilities

5. The village of Brundall Gardens has a range of facilities, including convenience and comparison goods shops, a primary school, doctors, opticians, pharmacy, dentist, hairdressers, pub and church. The appeal site is about 1.75km from the centre of the village, although there are some shops closer on Cucumber Lane and The Street.
6. The most direct route to the village is via Postwick Lane. In contrast to the quiet nature of Mill Lane, Postwick Lane is a principal road, and a bus stop opposite the junction with Mill Lane provides secondary school transport. I also note that the speed limit on Postwick Lane in the vicinity of the junction with Mill Lane has been reduced from 60mph to 30mph since the application was determined. However, the road is narrow and enclosed by woodland along parts of the route, with little or no verge to step onto in the event of passing traffic. Furthermore, there is no dedicated footway or regular street lighting from the appeal site to the junction with West End Gardens, where the railway station can be accessed. As a result, the route would not be satisfactory for all, particularly during the hours of darkness or in bad weather, or for those with pushchairs or accompanying small children.
7. The appellant has proposed an alternative, traffic free route, taking in part of a public footpath (FP3) from Postwick Lane opposite the junction with Mill Lane, a road accessing Brundall Marina and an informal path along the southern side of the railway line. Whilst the route allows access to Brundall Gardens railway station, it is a circuitous route to the village, taking in a bridge over the railway line. Although this may be an option for some, it is not likely to be an attractive option for many, as the private road is unlit and the route includes an underpass beneath a railway bridge in a relatively isolated location and in any case, there is insufficient evidence before me to conclude that the informal path would remain available for public use. Consequently this would not be a realistic alternative to the Postwick Lane route, and whilst the appeal site would just about be within a reasonable walking distance to the nearest shops and facilities, the nature of the route along Postwick Lane as described above means that future occupiers are likely to be reliant on the private car for most journeys.
8. I therefore conclude that future occupiers would not all have satisfactory access to local shops and services.

Highway Safety

9. The proposed visibility splay at the junction of Mill Lane and Postwick Lane would be well below the minimum distance considered acceptable by the Highways Authority (HA) when approaching the site from the west. The speed limit in this location has been reduced from 60mph to 30mph since the application was determined, but the speed limit sign is only just before the

junction and a bend in the road at this point, combined with the row of Conifer trees along northern side of Postwick Lane would further reduce visibility for drivers.

10. The Highways Authority's TRICS assessment indicates there would be approximately 30 additional vehicle trips per day if the appeal was allowed. Whilst a passing place is proposed on Mill Lane, it would be adjacent to the site, and although there are informal passing places located at occasional intervals along Mill Lane north of Holly Lane, there are no such places closer to the junction with Postwick Lane. The additional traffic using Mill Lane would be likely to increase the risk of vehicle and pedestrian conflict at the road junction.
11. The appellant has referred to other appeals for smaller developments where a minor increase in traffic has been found to be acceptable. Nonetheless I have determined the appeal before me on the particular circumstances of the case including local highway conditions.
12. For the above reasons I conclude that the proposal would have an unacceptably adverse effect on highway safety in the vicinity of the appeal site. It would be contrary to Policy TS3 of the Development Management Development Planning Document (DM DPD) (2015). This seeks to prevent development that would give rise to conditions detrimental to highway safety and the convenience of other highway users.

Character and Appearance

13. The appeal site lies outside the settlement boundary of Brundall Village. Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) (2011, with amendments published in 2014) defines the settlement hierarchy and Policy GC2 of the DM DPD seeks to direct housing development to existing settlements. As these policies aim to constrain housing supply, they should be considered relevant policies for the supply of housing, and thus out-of-date.
14. The appeal site lies within the grounds of The Old Rectory, a large detached house set back from Mill Lane. There is an existing vehicular access in the south west corner of the site, which has a frontage along the eastern side of Mill Lane. Mill Lane has sporadic development along either side, including a number of detached dwellings, a residential home for elderly people, and some agricultural buildings. Other residential properties in the vicinity including St Christopher's and The Cottage on the west side of the lane, and on Holly Lane, a small side road south of the appeal site, and separated by a band of woodland.
15. The Council has confirmed that the Old Rectory is not a designated heritage asset and is not locally listed. Nonetheless, it is a large, imposing building set well back from Mill Lane, and traditional in design and materials, with brick elevations, a central entrance door and vertically proportioned windows on either side and set within extensive grounds.
16. The proposed detached dwellings would be built within the grounds of the Old Rectory. The rear boundary of the properties would be about halfway between Mill Lane and the principal elevation of the Old Rectory. The host property would retain its own access and driveway and a separate private rear garden, and would be sufficiently distant from the dwellings to ensure that its dominance in the landscape would not be undermined.

17. The appeal proposal would utilise an existing vehicular access. Although the dwellings might be glimpsed from Mill Lane through the trees, and some might be seen from this site access, the verdant frontage formed of a hedgerow interspersed with mature trees would be largely retained, and so the visual impact of the proposed houses would be limited. Further planting around the site boundaries would soften the appearance of the development and this could be secured by condition.
18. I conclude that the proposal would not harm the character and appearance of the area, and would accord with Policies GC1 and GC2 of the DM (DPD). Whilst there is a conflict with development plan policy given the site location, the Council has just under 4 and a half years housing supply and so full weight cannot be attributed to JCS Policy 1 and Policy GC2 of the Development Management DPD.

Provision of open space

19. Policies ENV3 and RL1 of the DM DPD require developments of 5 or more dwellings to provide play space and open space. The Council has advised there is a deficit of play space and informal open space within the village. No planning obligation has been submitted.
20. However, the Planning Policy Guidance (PPG), updated since the West Berkshire Court of Appeal judgement and the above development plan policies, states that tariff based contributions should not be sought for smaller sites, such as the appeal scheme. As the PPG is more update I have given it greater weight in reaching my decision. I therefore conclude that contributions towards play space and amenity are not required for the development to be acceptable in planning terms.

Balancing and Conclusion

21. I have found that the proposal would not provide satisfactory access for all to local services and facilities, and that there would be an unacceptably adverse impact on highway safety in the vicinity of the site. Balanced against this is the contribution the development would make to the supply of housing, to which I have given moderate weight.
22. I have also found that the proposal would not harm the character and appearance of the area and there is no requirement for a tariff based contribution towards open space provision.
23. Nevertheless, taking all of the above into account, the adverse impacts I have identified would significantly and demonstrably outweigh the benefits of the scheme. Consequently, paragraph 14 of the Framework indicates that permission should not be granted, and viewed in the round the proposal would not represent sustainable development. It is contrary to the development plan and in this instance material considerations do not indicate that planning permission should be granted for development not in accordance with the development plan.
24. For the reasons set out above I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR



Application No: 20200212
5 Alston Road, Hellesdon, NR6 5DS

Scale:
1:1250
Date:
9-Jun-20



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Application No: [20200212](#)
Parish: Hellesdon

Applicant's Name: Doggy Paddle Norwich
Site Address: 5 Alston Road, Hellesdon, NR6 5DS
Proposal: Change of use from B1 industrial unit to use as a swimming pool for dogs (D2)

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 seeks full planning permission for the change of use of an industrial unit from a business use (Use Class B1) to a use as a swimming pool for dogs (Use Class D2).
- 1.2 The application site forms a small industrial unit within Hellesdon Park Industrial Estate. The industrial estate is located within the defined settlement limits for Hellesdon and is recognised as a strategic employment site. Unit 5 is part of a cluster of twelve units to the south of Alston Road. The unit is rectangular in shape and measures 9 metres in width by 12 metres in depth, with a total floor area of 108m².
- 1.4 No physical alterations are proposed to the exterior of the building. It is proposed to erect an above ground, steel frame swimming pool within the unit, measuring 7.3 metres in width by 3.7 metres in depth. This would be surrounded by raised wooden decking with an access ramp. As well as the existing toilet facilities, a shower area and a stud wall office will be added internally.
- 1.5 The supporting planning statement states that the proposal would provide a safe swimming facility for dogs which will provide dogs with great exercise and help them to build muscle, lose weight, reduce stress on their bodies and improve fitness levels. Owners can book their dogs in for swimming sessions privately, or they can join other owners and dogs in social joint sessions. The supporting statement states that the business would predominantly operate on a one in one out policy. Group sessions, of up to 5 dogs, would likely be held during evening and Saturday sessions so as to respect the surrounding users, and prevent conflicts from additional visitors. The proposals would create the equivalent of two full-time jobs.

- 1.6 Vehicular parking is provided to the front of the site for three vehicles whilst additional spaces can be achieved when parking in front of the roller shutter door which, the applicant has stated, is unlikely to be used for the business.
- 1.7 The application form states that likely hours of operation will be 09:00 to 17:00 from Monday to Friday, 09:00 to 19:00 on Saturdays and 10:00 until 16:00 on Sundays and Bank Holidays.

2 Relevant planning history

- 2.1 There is not considered to be any relevant planning history on the application site itself. Below is a very similar application on the same estate which has been determined in recent years.
- 2.2 [20131605](#): 96 Hellesdon Park Road, Hellesdon. Change of use of industrial unit (B1 & B8) to Hydrotherapy facility (Sui Generis). Approved 8 January 2014.

3 Planning Policies

3.1 National Planning Policy Framework (NPPF) (2019)

NPPF 02 : Achieving sustainable development
NPPF 04 : Decision-making
NPPF 06 : Building a strong, competitive economy
NPPF 09 : Promoting sustainable transport
NPPF 11 : Making effective use of land
NPPF 12 : Achieving well-designed places

3.2 Joint Core Strategy (JCS) (2014)

Policy 1 : Addressing climate change and protecting environmental assets
Policy 2 : Promoting good design
Policy 5 : The Economy
Policy 6 : Access and Transportation
Policy 12 : The remainder of the Norwich Urban area, including the fringe parishes

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

Policy GC1 : Presumption in favour of sustainable development
Policy GC2 : Location of new development
Policy GC4 : Design
Policy E1 : Existing strategic employment sites
Policy E2 : Retention of employment sites

Policy TS3 : Highway safety
Policy TS4 : Parking guidelines

3.4 Hellesdon Neighbourhood Plan (2017)

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

4 Consultations

4.1 Hellesdon Parish Council:

Supports.

4.2 Economic Development Officer:

I can confirm that the Business Support Team has been involved with advising the applicant and I would, therefore, fully support the submitted proposal. I would say that I am very impressed with their Business Plan and the level of market research undertaken to support their application. I am hopeful that this will be a successful business and pleased that a potentially vacant unit will be operational and providing a valuable service as well as providing local employment opportunities.

4.2 Norfolk County Council as Minerals and Waste Policy (Planning Services):

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

4.3 Norfolk County Council as Highway Authority:

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

However, the indications are that traffic movements / parking requirement will be low with sufficient parking at the site and on this basis I have no grounds for objection.

The indicated parking spaces should be provided and retained as a condition of any approval. (**Officer Note:** Condition relating to on-site parking is proposed to be added to the decision notice as suggested by Highway Authority.)

4.4 Environmental Management Officer:

No objections.

4.5 Other Representations:

None received.

5 Assessment

Key Considerations

- 5.1
- The principle of the development and whether the loss of an employment unit on a strategic employment site is acceptable.
 - The level of parking provision provided.

The principle of the development and whether the loss of an employment unit on a strategic employment site is acceptable

- 5.2 The main issues to be taken into consideration in the determination of this application are an assessment of the proposal against Development Plan policies and national planning guidance. In particular, whether the loss of an employment unit on a strategic employment site is acceptable and whether there is acceptable parking provision on the site.
- 5.3 As set out in paragraph 1.2 of this report, the site is located within the defined settlement limit for the area and has been identified as a strategic employment site under Policy E1 of the DM DPD. Policy E1 states that such sites will be reserved for employment use. Such uses are defined in the glossary of the DM DPD as a use primarily for industrial, warehousing, office or other business uses falling within Classes B1, B2 and B8 of the Use Classes Order.
- 5.4 Employment sites of strategic importance are generally large scale sites in close proximity to areas of significant population which are well linked to the transport network and provide a range of employment opportunities throughout the district. The supporting text to Policy E1 explains that the retention of an adequate supply of employment land is crucial for achieving economic stability. The loss of employment uses will be controlled in order to maintain an adequate supply of employment land in appropriate locations. The proposed use as a swimming pool facility for dogs would fall within use class D2 (assembly and leisure). On this basis the proposal would conflict with the objective of Policy E1 and represent departure from the Development Plan.

- 5.5 Policy E2 of the DM DPD meanwhile states that sites in the settlement limit which are in employment use or were last used for employment will be retained in an employment use unless the proposed new use will not result in any detrimental impact and:
- (i) It has been demonstrated that continued employment use is not viable; or
 - (ii) There is a significant environmental or community gain from redevelopment and/or change of use which outweighs the employment benefits.
- 5.6 Policy E2 goes on to state that in order to demonstrate that a continued employment use is not viable it will normally be expected for the site to be marketed at a realistic price for 12 months by a reputable estate agent, without any definite offers having been received. Full details of the marketing exercise and any offers received should be submitted in support of any application for alternative use. In similar circumstances on other sites within the district, non-employment uses have been permitted where no adverse impact has been demonstrated and the building has been vacant for a number of months, actively marketed and found to have no likely prospect of being occupied as an employment use.
- 5.7 The supporting planning statement states that Unit 5, and the adjacent Unit 6, have been marketed by Brown & Co since November 2018 as either separate or combined spaces. It states that there has been very limited interest in either option aside from one abortive letting, as the other party found other premises which were more suited to their needs. The unit has therefore been vacant for well over a year and the marketing agents have not been in a position to proceed with any party until now. The marketing agents have confirmed that Unit 6 is still being marketed and has received no serious interest.
- 5.8 It is considered that with consideration of the overall scale of the business park the proposal would, at worst, result in a very modest loss of employment. A significant majority of the units within the industrial estate continue to be used for employment purposes and the loss of this unit to a non-employment use would have a very limited impact on the business park overall and would not be significantly harmful to the function of the park as a strategic employment site. Furthermore, the need to support the economy as part of the recovery from the COVID-19 pandemic is a material consideration. The proposal would create the equivalent of two full-time jobs which is likely to be beneficial both economically and socially. This weighs in favour of the proposal. Although not an employment use (i.e. those that fall within the B1, B2 and B8 Use Classes), the proposed use is still a business that could arguably employ a similar number of people to an employment use would in a unit of this size.

- 5.9 The proposal would also provide a facility which would offer an alternative to dog walks which may be particularly attractive to the elderly or those with mobility issues. The applicants have carried out significant market research and have stated that there has been a lot of interest in the proposed use, including from other businesses such as kennels and tourist accommodation facilities seeking to affiliate with them. The Council's Economic Development Officer supports the application and has noted that the vacant unit will be operational and providing a valuable service as well as providing local employment opportunities. The site is easily accessible by road, is well served by public footpaths and there a number of bus stops within close proximity to the estate. The proposal is therefore considered to represent a sustainable development.
- 5.10 Overall officers do not consider that the change of use to a swimming pool for dogs undermines the development plan to a significant degree. On balance, despite conflicting with Policy E1 of the DM DPD it is considered that it has been demonstrated that the continued employment use is not viable and the proposal would still provide employment and help support a new business in accordance with Policy E2 of the DM DPD and Policy 5 of the Joint Core Strategy.

The level of parking provision provided

- 5.11 In terms of parking, the proposal provides parking for three cars to the front of the unit, however additional spaces can be achieved when parking in front of the roller shutter door which, the applicants have stated, is unlikely to be used for the business. Given the scale of the proposal and the fact that the business will predominantly operate on a one in one out policy, the parking requirements are likely to be low. Norfolk County Council in their role as Highway Authority has recognised this in confirming that parking is sufficient on the site and overall they have raised no objection to the application. Furthermore the site is located in a sustainable location which will help to encourage alternative modes of transport. Overall the proposal is considered to comply with Policies TS3 and TS4 of the DM DPD.

Other issues

- 5.12 On other matters, officers are also of the view that the proposed use will sit comfortably alongside neighbouring uses. Given the scale and nature of the proposed use it is considered that there will not be any significant detrimental impact upon neighbouring units. It is also considered that the proposal will not cause any harm to the general character and appearance of the area. The application is therefore considered to comply with Policy GC4 of the DM DPD.
- 5.13 To ensure future development appropriate to the site and the surrounding strategic employment site, it is considered necessary to use a planning condition that restricts the use of the premises to a dog swimming pool and upon that use ceasing or the premises being vacated, the use of the unit to revert back to its previous use.

- 5.14 Overall, whilst the proposal would not be an employment use, and its change of use to a D2 use would conflict with Policy E1 of the DM DPD, the proposal is in a sustainable location and would bring back into economic use a unit which has stood empty since November 2018. The proposal is not considered to result in a detrimental impact and the length of time that the property has been on the market demonstrates that a continued employment use may not be viable or desirable. The proposal would therefore meet the requirements of Policy E2. Furthermore a suitable condition is proposed to ensure that the unit will be returned to an employment use upon cessation of the proposed use.
- 5.15 In conclusion, it is considered that the application would maintain employment and support a new business. The parking arrangement is considered to be acceptable and it is not considered that the development would have an adverse impact on any other users of the industrial estate or the character of the area. Therefore, the officer recommendation is that the application is approved.

Recommendation: Approve, subject to the following conditions:

- (1) TL01 – 3 year time limit
- (2) AD01 – In accordance with submitted drawings
- (3) HC21 – Provision of parking
- (4) R03 – Specific use as a swimming pool for dogs only and no other D2 use and also that unit will revert back to employment use once the proposed use ceases to operate.

Contact Officer, Christopher Rickman
Telephone Number 01603 430548
and E-mail christopher.rickman@broadland.gov.uk

PLANNING COMMITTEE

17 June 2020

Final Papers

	Page No
Supplementary Schedule	59

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



SUPPLEMENTARY SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Plan No	Application No	Location	Update	Page Nos
1	20200345	Land at Dawson's Lane, Blofield, NR13 4SB	Deferred with the agreement of the Chairman to seek clarification on the proposed flow rate that has informed the surface water drainage strategy and the application will be brought back to the next available Planning Committee following re-consultation on an updated drainage strategy.	15 – 31
2	20191598	Land adjacent to Sequoia Rise, Mill Lane, Witton, Postwick, NR13 5DS	An amended site plan (drawing number SR01-S-01 001 Rev A3) showing the red line boundary of the application site to include the southern access and an additional site plan (drawing number SR01-S-01 001 Rev A3 Visibility Splays) including the visibility splays within the red line boundary of the application site have been received from the applicant. They have been provided to ensure that any conditions relating to the access and visibility splays as recommended by the highway authority can be enforced. The amended plans do not alter the consideration or recommendation as these aspects of the proposal have already been discussed in the committee report.	32 – 49