

Planning Committee

Agenda

Date

Wednesday 9 September 2020

Members of the Planning Committee

Cllr S Lawn
(Chairman)

Cllr J M Ward
(Vice Chairman)

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

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

Substitutes

Conservative pool

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

Liberal Democrat

Cllr D J Britcher
Cllr D G Harrison*
Cllr L A Starling
Cllr D M Thomas

*not met training requirement so ineligible to serve

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

Time

9.30am

Place

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

Contact

Dawn Matthews tel (01603) 430404

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

E-mail: dawn.matthews@broadland.gov.uk



@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, 4 September 2020.

A G E N D A

Page No

1	To receive declarations of interest under Procedural Rule no 8	3
2	Apologies for absence	
3	Minutes of meeting held on 12 August 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	11
	Planning Applications	12
6	Planning Appeals (for information) for the period - 4 August to 27 August 2020	97

Trevor Holden
Managing Director

DECLARATIONS OF INTEREST AT MEETINGS

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

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

Does the interest directly:

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

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

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

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

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

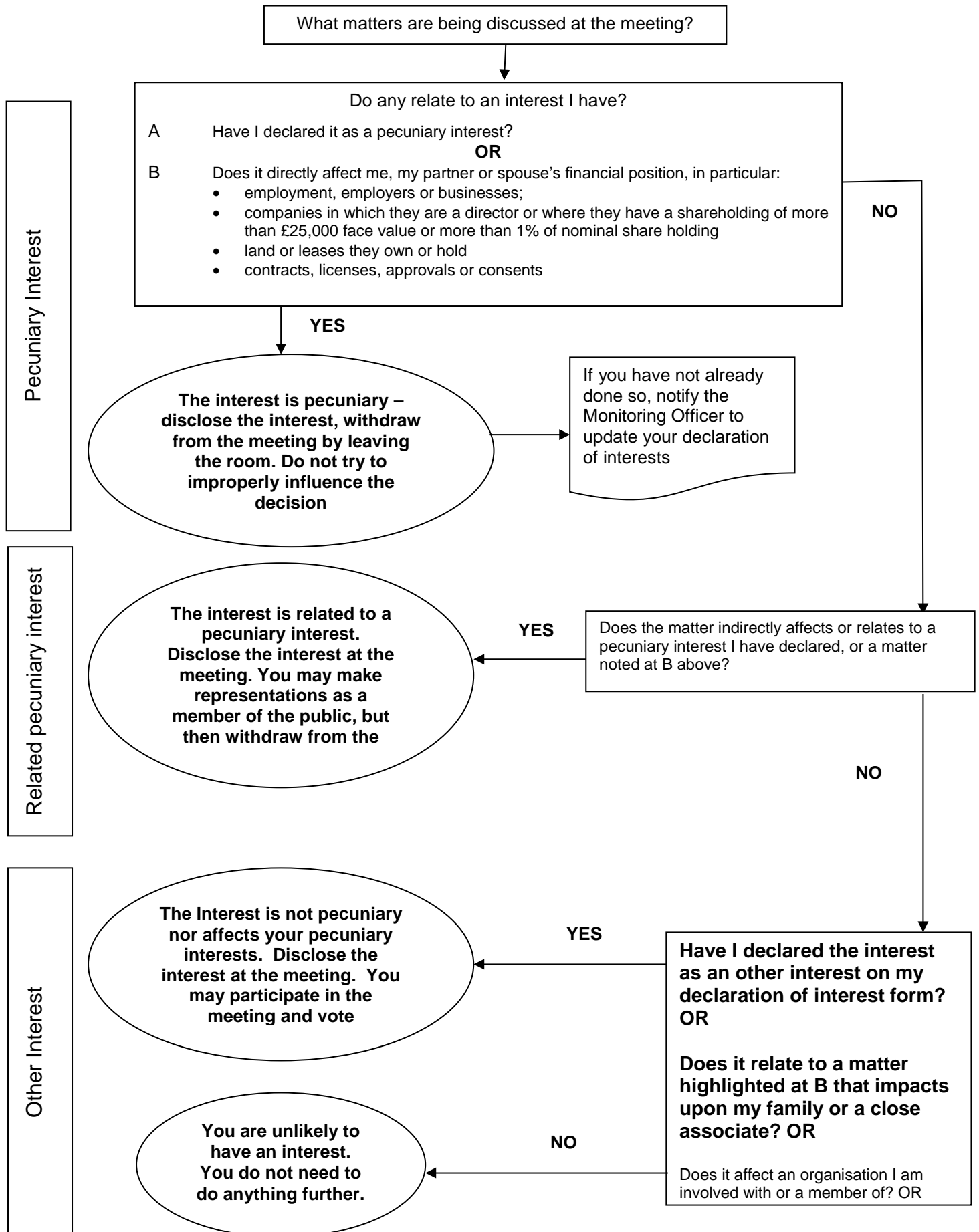
Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

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

FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF

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

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



Minutes of a meeting of the **Planning Committee** held via video link on **Wednesday 12 August 2020 at 9.30am.**

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

Cllr S Lawn – Chairman

Cllr A D Adams
Cllr S C Beadle
Cllr N J Brennan

Cllr R R Foulger
Cllr C Karimi-Ghovanlou
Cllr I N Moncur

Cllr S Prutton
Cllr S Riley
Cllr J M Ward

Also in attendance were the Assistant Director – Planning, the Development Manager (TL), the Area Team Manager (MR) and the Committee Officer (DM).

104 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

No declarations were made.

105 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr J Fisher.

106 MINUTES

The minutes of the meeting held on 15 July 2020 were confirmed as a correct record and signed by the Chairman.

107 MATTERS ARISING

In response to a question, officers confirmed that any necessary conditions relating to application no: 20191370 – land at White House Farm, Salhouse Road, Sprowston, in so far as they affected aviation matters raised would be accommodated in the detailed conditions which were still being finalised pending completion of the Section 106 Agreement.

In respect of the decisions indicated in the following minutes (no: 108-110), 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.

108 APPLICATION NUMBER 20200429 – ACORN FARM, NEWTON ROAD, HAINFORD

The Committee considered an application seeking retrospective planning permission for the siting of a mobile home for use as a residential annexe. An existing mobile home was on site housing the family and the additional accommodation would provide for a further family member.

The application was reported to Committee as there were exceptional circumstances which warranted consideration of the proposal by Committee. Members noted the location and context of the site as set out in detail in the report and officers answered questions from Members.

Members supported the view that, whilst the application site lay outside the defined settlement limit, it did not result in any significant adverse impact and accorded with paragraph 77 of the NPPF in relation to local circumstances and housing development that reflected local need.

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

RESOLVED:

to approve temporarily application no 20200429 subject to the following conditions:

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

109 APPLICATION NUMBER 20200998 – OLD SCHOOL PLAYING FIELD, GREEN LANE WEST, RACKHEATH

The Committee considered an application for the erection of two detached houses on land originally forming part of the old school playing field.

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

Members noted the location and context of the site as set out in detail in the report. An amended drawing of the site layout had been received as part of the supplementary papers circulated to Members showing all trees on site being retained in accordance with the tree protection plan and the Conservation Officer had confirmed he was content with the changes. An amended ecology report had also been received covering a range of issues and comments from the County Ecology team were still awaited.

Officers answered Members' questions and it was noted that the provision of two dwellings on the site provided for an acceptable level of spacing between the two properties and the site boundaries and an acceptable amount of space for the parking of cars which had not been achievable with the previously refused application for four units of accommodation. Members supported the view that, although outside the settlement limit and the Council could demonstrate a 5.89 year land supply for housing, the site benefitted from an extant planning permission for one dwelling which established the principle of residential development. The proposal was contrary to policy but the scheme to provide two dwellings would make best use of the site, contribute positively to the housing requirements of the village, was in a sustainable location and therefore there were material considerations that outweighed the conflict with the Development Plan.

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

RESOLVED:

to delegate authority to the Director of Place to approve application no: 20200998 subject to receipt of satisfactory details in relation to the Preliminary Ecological Appraisal and subject to the following conditions:

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

Informatives:

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

[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.]

110 APPLICATION NUMBER 20201081 – HAWTHORNES, HINDOVLESTON ROAD, FOULSHAM

The Committee considered an application for outline planning permission for the erection of two detached dwellings and a new vehicular access on land to the north of the dwelling known as Hawthornes, Hindolveston Road in Foulsham.

The application was reported to Committee at the request of the local Member.

Members noted the location and context of the site as set out in detail in the report. An additional arboricultural impact assessment and amended visibility splay access plan had been received and included in the supplementary papers circulated to Members. The amended visibility arrangements now included a new access for the proposed and existing dwellings and revisions to the visibility splays. The Highway Authority still had concerns despite the changes and the comments of the Conservation Officer were still awaited on the potential impact of the revised location of the access on existing trees and the character and appearance of the surrounding area.

The Committee heard from Adam Griggs agent for the applicants in support of the application and Cllr Peck, local Member.

The principle of the proposed two dwellings in a countryside location outside of the defined settlement limit was not considered to be acceptable and as the proposal did not meet any of the special circumstances in paragraph 79 of the NPPF; with the Council able to demonstrate in excess of a 5 year housing land supply, the proposal was not considered to be justified or sustainable.

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

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

RESOLVED:

to refuse application no: 20201081 for the following reasons:

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

- (2) The policies particularly relevant to the determination of this application are Policies 1, 2, 6 and 17 of the JCS and Policies GC1, GC2, GC4, EN2, TS3 and TS4 of the Development Management DPD.
- (3) Critical to the determination of the application is whether or not the principle of development is acceptable. Policy GC2 of the DM DPD states that the settlement hierarchy seeks to focus residential development in settlements which are well-linked and well-related to existing development, services, facilities and employment opportunities. Although the application site is located within the parish of Foulsham which has a settlement limit, the application site is outside of the defined settlement limit, therefore in a countryside location in planning terms. The application site does not have good access to public transport and is not well linked to local facilities and it is considered that future occupiers would be dependent upon the use of the car for everyday travel. Residential development at this location is therefore contrary to sustainability objectives.
- (4) The site is located within the Greater Norwich Area where there is in excess of a five year land supply and therefore the additional dwellings on the site are not required to help to address any recognised shortfall.
- (5) Paragraph 79 of the National Planning Policy Framework (NPPF) states that planning polices and decisions should avoid the development of isolated homes in the countryside unless there are special circumstances.
- (6) The application has been submitted in outline format with details relating to the appearance, landscaping, layout and scale are to be submitted as reserved matters. The dwellings are not required to house a rural worker; the proposal does not make use of a heritage asset; the proposal is not to re-use redundant or disused buildings or enhance its immediate setting. It is also considered that the proposal is not a design of exceptional quality. Therefore it is considered that the proposal does not comply with the requirements of paragraph 79 of the NPPF and two dwellings in this unsustainable location is not justified.
- (7) The proposed development includes a new vehicular access onto Hindolveston Road (C227) where visibility is severely restricted by the adjacent hedges, vegetation and road alignment. The additional traffic use of the substandard access suggested by this proposal would therefore be likely to give rise to conditions detrimental to highway safety. Contrary to Policy TS3 of the Development Management Development Plan Document 2015.

- (8) The development is not supported by any specific Development Management policy which allows for development outside of the settlement limit and nor does it represent overriding benefits when having regard to the harm identified above. The application does not represent sustainable development and is contrary to Policies GC1 & GC2 of the Development Management Development Plan Document 2015 and Policy 1 of the Joint Core Strategy 2011 as amended 2014.
- (9) Insufficient arboricultural information has been submitted in respect of the implications and impact of the proposed vehicular access, and it is considered that the development proposed will have a detrimental impact on the character and appearance of the surrounding area and would have a negative visual impact on this rural setting which is contrary to Policies GC4 & EN2 of the Development Management Development Plan Document 2015 and Policy 2 of the Joint Core Strategy 2011 as amended 2014.
- (10) In light of the above information, the application is considered to be in an unsustainable location, outside of any defined settlement limits, contrary to Policies GC1 and GC2 of the Development Management DPD 2015. The application is also considered to conflict with the aims of Policies 1, 2, 6 and 17 of the Joint Core Strategy (JCS) 2014 and Policies GC4, EN2 and TS3 of the Development Management DPD with regard to the detrimental impact upon the character and appearance of the area and highway safety.
- (11) The Local Planning Authority has taken a proactive and positive approach to decision taking in accordance with the requirements of paragraph 38 of the National Planning Policy Framework. However, in this instance it has not been possible for the proposal to overcome the in principle reasons for refusal associated with the proposed development.

111 PLANNING APPEALS

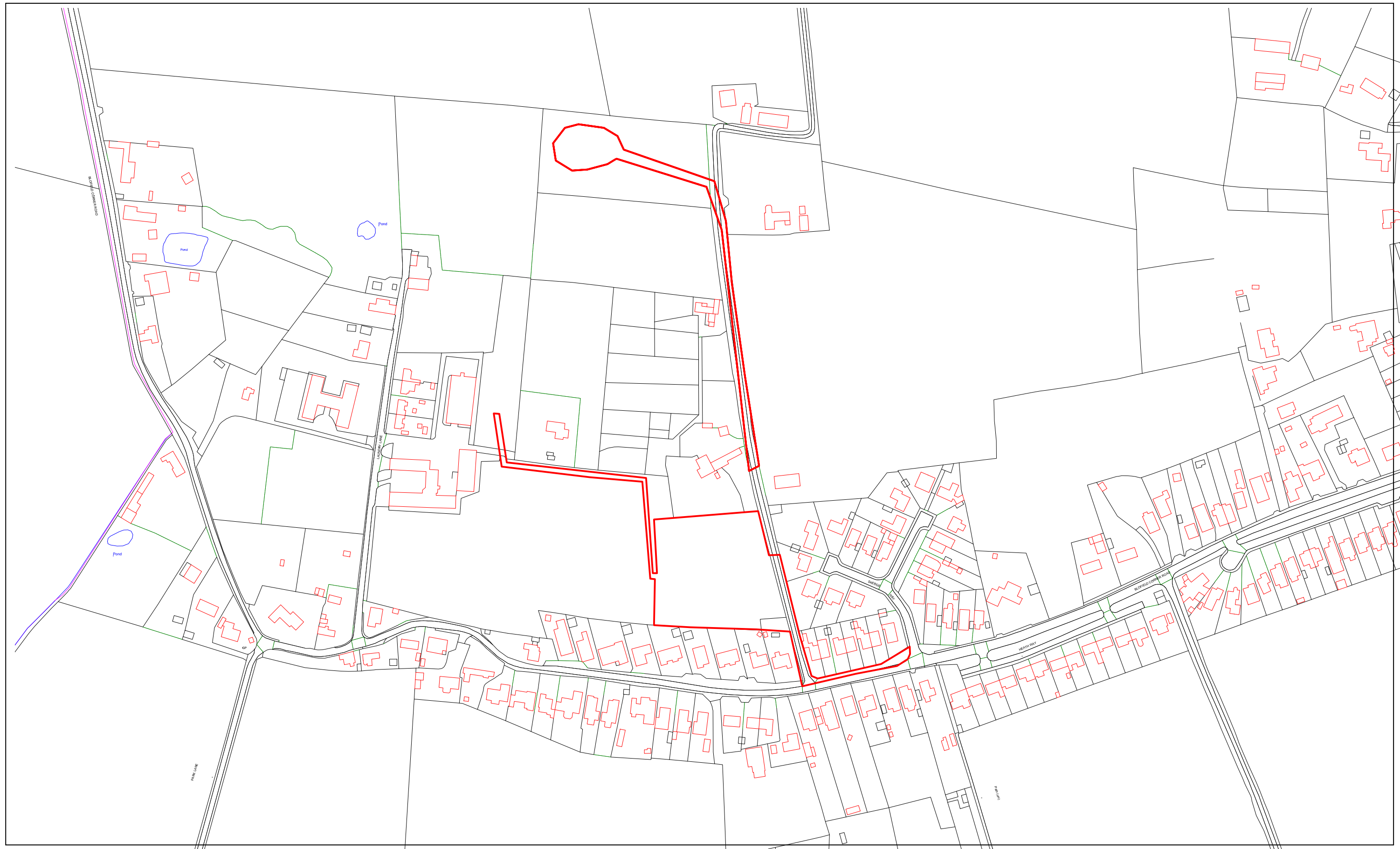
The Committee noted the appeal decisions received and appeals lodged for the period 1 July to 4 August 2020.

The meeting closed at 11:18am

SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Area	Application No	Location	Officer Recommendation	Page No
1	20200345	Dawsons Lane, Blofield	APPROVE subject to conditions	13
2	20200403	Plot 10 & 10a, Broadland Gate Business Park, Postwick	APPROVE subject to conditions	43
3	20201372	Land south of Poppy Way, Broadland Gate, Postwick	APPROVE	58
4	20200855	Land south of Green Lane East, Rackheath	Delegate Authority to DoP to Approve subject to conditions	70

DoP Director of Place



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 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, works to upgrading Dawson's Lane, commenced some of the dwellings and the drainage system is largely complete.
- 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 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 20th December 2019
- 2.2 20172032 Residential development of 8 No. dwelling houses

Allowed at appeal 6th 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 (BNP)

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

Original proposal drainage strategy 10

Objects:

- 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

Drainage strategy 11

Objects:

- Condition states that responsibility of the applicant and owner to ensure adequate drainage so as not to adversely affect surrounding land, property or highway
- 20190844 was passed without sight of full drainage calculations
- Drainage experts were not required to present their case at committee, only answer questions
- Councillor asked question was the water being pumped up hill
- Councillors not familiar with the concepts or understood the problems and they were not enlightened
- Assertion that the strategy is the "best we can do" and not complaint with nation also standards
- Does not give protections to property emphasised in NPPF
- What is built on ground does not reflect what was approved or what is proposed on drawings.
- Surface water has never moved from the lane or the development site along this route, first time the surface water is moved from a new source in a new direction towards an existing property.
- Drainage calculations show flood risk at all stimulated events

- Previously the water flows down Dawson's Lane itself or ditch on western side of the lane
- Use of culverts for non-access purposes is not compliant
- Claimed that they are reopening up an old ditch and not a new one, this has been ignored
- Culvert installed is over 60 metres not the 35 metres agreed
- Do the drainage figures reflect the increased length of culvert?
- Confusion of culvert diameter, which has increased
- Culvert had to be dug deep to avoid tree roots and services which has meant there is limited fall
- Testing of culvert didn't result in significant outfalls because of the limited fall
- Who checks strategy has been built correctly?
- Culvert is at bottom of ditch not halfway up as previously approved
- Headwall 3 and grill has not been installed
- Nothing has been agreed at headwall 4 despite there being another turn in the ditch which would put pressure on ditch walls close to the lane
- If no grills will get blockage from animal egress
- Ditches are not straight and at points are up hill
- Ditch is curved into bank bringing it closer to Dawson's Lane
- Bank and ditch walls are unstable, and lumps will fall into ditch and block the culvert
- At the back of headwall 3 the bank curves around is this because more water will be accumulating at this point prior to moving through the culvert and those negating the 450mm tolerance in the calculations.
- Banks and ditches will not withstand the storm force water and not last the lifetime of the development
- Headwall 4 needs concrete protection from increased flows
- The ditch goes upwards as it exits head wall 4 which will result in puddling and potential issues at head wall 3
- Anglian Water have increased flow rate dramatically was published 1.5 l/s to 18.8 l/s
- The report states the unattenuated flow rate of 82 l/s this varies from 79 l/s
- What figures were used in the drainage calculations unattenuated or attenuated rates
- What flow rates will occur and what rates were used in the drainage calculations.
- Will the offline attenuation basin cope with the surplus, given increased road area?
- Who will residents go when the system fails?

- Size and capacity of basin changed on day of planning committee in November
- On site it does not appear large enough can you confirm compliance
- Will management company have sufficient funds to deal with losses and problems
- Complicated by different companies having control of drainage land to who is building the site.
- Work has been completed at risk
- Avoiding addition flood risk is a valid planning reason for demanding properties are not put at higher risk
- Not too late to remedy the situation
- Drainage calculations needs to be revisited.

Drainage Strategy Version 13

Objects:

- Increased discharge rate to 19.6 l/s it just keeps rising
- No mention of discharge rates within calculations
- Implication that the calculations did not include the higher discharge rate
- New plan still has errors, Environment agency map is overlaid incorrectly, to far south and to large
- Boundaries incorrect
- States ditch drains water from field which is doesn't
- Comment LLFA have agreed this but no evidence
- Implication for removal of hedge from Skedge Way because of pipe location
- Drainage strategy is not to specification and any flood risk figures cannot be relied on.
- Material change in drainage strategy has been ignored
- Rossi Long justifies the change in direction of flow and drainage rate as not important as scheme agreed in November.
- New route agreed in November with a green field rate of 1.5l/s increased 1200% to 19.6 l/s.
- Changes in surface water drainage have never been acknowledged by a public body despite being raised by residents since 2018.

Drainage strategy V15 current scheme

Objects:

- Revised figures show that the 1in 2 year flood risk at head wall 3 has disappeared and the maintenance plan has two week frequency checks in the Autumn and winter

- Culvert is at the bottom of the head wall 3 and not higher up as previously approved
- Base is more likely to block and raises the issue of the long term sustainability of the system over the lifetime of the development.
- Discharge rate has increased from 1.5 l/s to 21.3 l/s at headwall 2
- Internal fall of the culvert between head wall 3 and 4 is 5mm a metre so over 48 metres so is close to horizontal
- New owners and housing association to set up maintenance company and ensure the plan is followed they must maintain and have responsibility for the drainage system going forward. Bearing in mind the drainage is off site and away from the dwellings and will be costly, fear it will be overlooked and neglected over time.
- Places burden on properties downstream to monitor and report breaches
- Infiltration basin has increased by 31 cubic metres
- Private drives are now to be tarmacked rather than porous surface, if this is true the hard surface will increase, and figures are inaccurate
- Complaint that the new entrance wall does not have planning permission
- Parish worked hard to ensure boundaries with the lane were hedged to retain rural vistas
- Have a gated feel to the entrance which is not in keeping with the soft boundaries and hedges policy in the neighbourhood plan.

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 6th 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 540metres
- 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

Drainage Strategy version 10:

No further comments

Additional comments on version 10:

- 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.

Drainage Strategy version 13:

- Scheme has been amended to address the Highways Authority request to change the on-site road construction and amend the drainage strategy to account for addition flows generated in order to secure the S38 adoption
- We note that the infiltration basin 1% AEP plus climate change does not appear to equate to the calculations, clarification required
- Confirmation from Anglian Water their intention to adopt the network and that they will take discharges at 10/1 l/s as proposed and there is capacity within the system

Drainage strategy version 15 current scheme:

- We previously commented informally 11th December 2019
- Recommended condition was applied
- We have been consulted informally on several alterations of the drainage strategy leading to variation of condition 2 and 3
- Please note the comments previously provided have not been previously approved by the LLFA as part of this planning application.
- Confirmation is required from Anglian Water regarding their intention to adopt and there is sufficient capacity within the system and they will accept the 10.1 l/s discharge.
- Recommend the variation of condition subject to a condition.

Drainage strategy version 15 - Amended comments on current scheme:

- We previously sent informal comments dated 11 December 2019 and at that stage recommended conditions
- We have since been consulted informally on several different iterations of the drainage scheme leading to the variation of conditions 2 and 3.

Our comments are set out below –

- Please note that although we had previously not formally agreed the calculations submitted, we have now looked at the current calculations in detail and can approve them
- The basin has been designed to accommodate a 1% AEP storm event plus 40% climate change, Infiltration testing has shown that soakaways are viable in this location.
- With regard to headwall 3 this should not flood if it is sufficiently maintained – i.e. debris removed from the screen
- The proposed system does not result in material change in surface water drainage. The system provides some betterment due to flow restrictions and controlled discharge of the surface water.
- Confirmation required from Anglian Water of their intention to be adopted by Anglian Water and accept water discharging from highway at 10.1 l/s and there is sufficient resilience in the system
- Recommend the variation condition subject to conditions that it is built in accordance with the strategy and management and maintenance scheme is adhered to.

4.6 Anglian Water

- The surface water strategy does not involve discharge to Anglian

Water owned assets; we therefore have no comments

Drainage strategy version 15 Current scheme:

- Anglian Water have granted technical approval for the eventual adoption of the off-site surface water sewers, including highway drainage connection .

4.7 Contracts Officer

- Is there are any change to the road layout which could affect the tracking of the refuse vehicle.
- Bin collection will need to be provided next to the adopted road

4.8 Other Representations

Twenty two letters of objection from four households

Comments on drainage strategy version 10, 11 and 13:

- Ownership line misinterpreted, no agreement for our plan to be part of this drainage system, No. 74 owns ditch and bank
- Investigation works has started for culvert
- Holes have been dug to investigate tree root without proper arboricultural supervision
- Concern works will be carried out prior to agreement
- Calculation showing flood risk at headwall 3 and 4
- 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 adopt 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 in correctly 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.
- 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 force 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.
- Company involved in the road and drainage are different, will dwellings be liable for the drainage in the long term
- Highway drawing is not available
- Description of the route of surface water drainage remains factually incorrect
- Surface water from the site originally flowed along a ditch on the western side of Dawson's Lane until it was infilled landowner and directed down Dawson's Lane to the blind ditch to the north the route for the past 30 years
- Water now directed to a ditch on the eastern side of Dawson's Lane and then back across Dawson's Lane to an infiltration basin resulting in a material change to surface water drainage and in not compliant. Water is not now being directed at a property rather than it being channelled around.
- It increases the flood risk to an existing property contrary to NPPF.
- Need to re calculate on what has been built
- Greenfield rate is being artificially raised by combining the runoff from site and lane to make it look closer to Anglian Water discharge rate
- The actual green field run off rates 2.0 l/s QBAR
- The FRA on previous application states the BS standard requires run off in 1 in 100 year event to be discharged at 2.0 per hectare or QBAR which is ever is greater
- Misleading to state that this is not a significant increase in greenfield rates
- Previous figures in committee report were incorrect
- The statement there is no longer a legal requirement to attenuate is contradictory as it being attenuated from 79.1 l/s
- Low rates through a system reduce maintenance costs, flood liabilities and increase the sustainability of the system over the lifetime of the development.
- Can the discharge rate be enforced?
- Site can't reliably be measured with borrowed equipment
- Small variations will make a big difference to the flood buffer at head wall 3

- No evidence the sand seem works, the blind ditch is on sand but that becomes overwhelmed.
- The fact the services are still working does not confirm that there is no damage to them, and stresses may cause later problem and approximately increases the issues with resolving problems in the future.
- Report incorrect when it says the pipe diameter has not increased
- Will the system be independently tested?
- The aco-plate with by-pass door with controls the discharge rate could be changed in the future
- Feel the drainage calculation are not accurate and do not reflect the situation
- Drawings show all the vegetation along Skedge Way need to be removed to ensure a three metre vegetation exclusion zone is provided around the pipes.
- Flood damage as a result of highway works
- Heavy rain on 18th June 27.4 mm in two hours with a maximum of 20mm/hour highlight direct and indirect problems with the damage system
- System received water directly into the ditch and ponds
- There was still some water remaining in the pond 4 days later
- Some culvert received some blockage from leaves this will get worse in Autumn
- The surrounding land around headwall 3 had standing water on it which was previously a problem, the drainage ditch has not removed this issue.
- The top layer of the road has not been laid yet, so the water just flows straight down the lane
- Luckily, the other sources of water did not arrive in the ditch for a couple of hours, so the ditch did not flood.
- Water from the roads will override the drainage system until the road is completed potentially causing flooding
- There is no terminal drain crossing the terminus of the road so water will continue to flow off it when completed
- Flood risk will increase to our property from ditch and the lane prior to completion
- Erosion and collapse have occurred between head wall 2 and 3.
- Water in infiltration basin was slow to drain away
- Took longer to drain away the expected
- Aware pipework has been laid close to my hedge concerned it will be removed
- Bennetts site has not commenced because of drainage issues
- Even before developments significant issues with flooding on Blofield Corner Road

- Vegetation is unlikely to colonise on the ditch sides as they are too steep and prone to slippage, there is no long term protection
- Question whether calculations have included rain falling directly into the ditch
- EA flood risk rates are overlaid incorrectly altering the perception of flood risk to our property.
- Changes have been made to the attenuation basin
- Discharge rate keeps moving upwards, not specified the discharge rate in the calculations
- The direction of water towards our property has gained importance due to the increased discharge rate.
- Our ditch is proposed to be an overflow for the ditch
- Is the attenuation basin now only taking one way flows and would overflow?
- No corroboration from the LLFA
- Note on drawing states that the ditch serves the fields to the south and east this is not the case, it only services the garden of number 74,
- Drawing suggest that the ditch belonging to number 74 is to be used as an overflow without permission
- Response from LLFA does not reflect the assertion that the calculations have been previously agreed
- Calculations with 19.6 l/s have not been provided
- No confirmation from Anglian Water regarding flood risk figures
- Anglian Water to not stipulate a discharge rate merely that they have a minimum pipe flow control device to reduce the risk of blockages
- Solution is discharge into the attenuation basin and then discharge into the ditch from there at 1.5 l/s or connect head wall 2 and 3 with a pipe with inspection points so there will be no flood risk as head wall 3 giving security of the NPPF and the satisfy Highways and Anglian Water

Drainage Strategy Version 15 Current scheme:

- Can't understand why we keep receiving amended plans
- Concern one of the bungalows is too big
- Concerned about health and safety on the site and working hours
- Although the infiltration basin has increased in size the discharge rate has increased to 21.3 l/s
- No confirmation that isolated sand seam extends far enough to accommodate the increase
- No guarantee the infiltration rate will increase
- Storm on 16th August took over 24 hours for the infiltration pond to empty

- Not a rapid action and should be checked prior to first occupation
- The flood risk at head wall 3 has disappeared with the calculations which purporting to accurately reflect the built system
- Amended block plans show the drives returning to porous service as previously agreed but patio areas are retained using impermeable material so has increased the hard surface area and the surface water runoff, unclear whether most recent calculations reflect this change,
- Patio should also be porous
- Confirmation is required that existing properties can access their services
- Important that site fencing and hedging does not damage or impeded access to services.
- The fall in the culvert between head walls 3 and 4 is now 48 metres in length with minimum fall 5mm every metres
- Will require sizable volume of water to force water through
- The sump dug out directly in front of head wall 3 failed to work on storm of 16th August as the water was flowing to fast for the particles to fall out of suspension
- This will continue with increased discharge rate
- Siting the culvert wall at the bottom rather than the centre of the wall will exacerbate the problem
- This application is seeking to retrospectively reduce protection against the failure of the system
- Blockages occurring deep in the system will be invisible without regular rodding, visual inspection will not sufficient
- Storm 16th August 18.6 mm of rain fell in 20 minutes also corresponded with flooding further east on Blofield Corner Road and Borton Road
- Anglian Water and Highways are aware that Blofield Corner Road drainage cannot cope with short heavy downpours
- A bungalow at the entrance to the site has had to dig out into down pipe which was buried with the construction of the new road
- Water egress has occurred twice since the garage since new road was created
- Road surface is higher and has not topcoat
- No terminal drains on the road so water will continue to pour along the road
- Silt is being picked up in the ditch before getting to culvert and there has been slippage and falls of the clay walls
- Lump of clay found at entrance to the culvert
- Residue left at head wall 4 as particles fall out of suspension as a result of slower speeds
- Anglian water, drainage engineers, highway sand BDC have all backed away from the responsibility for the system

- Homeowners will need to set up maintenance companies inadequate oversighted, if they fail to maintain the system will have no impact on their properties
- Indemnity insurance must be required as part of the condition
- A small development will result in a lifetime of responsibility to monitor the development to protect their property.
- Wildflower meadow has become home to a number of rabbits which could have repercussion for the stability of the basin

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 and the new wall.

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 for the site and it has been established through percolation tests that surface water would not infiltrate on the site. The exact flow route of the surface water [pre-development] from the site has been disputed in representations received as to whether this flowed down Dawson's Lane or to the west of the lane or potentially a combination of the two. It would appear that certainly some of the water from the site travels through 78 /78a due to claims over water going into the cesspit and the erosion of the telegraph pole, which suggest some of the water at least enters the lane. What is clear is the rain falling on Dawson's Lane flows directly down it and all the surface water from the site and lane will migrate towards the blind ditch to the north which runs east to west. Due to alignment and drainage issues on Blofield Corner Road water from Blofield Corner Road has flowed down Dawson's Lane. It is claimed there was a ditch to the west of Dawson's Lane, but this has been infilled for over 20 years. The ditch to the north is a blind ditch system (does not connect with a watercourse) which is identified by the Environment Agency as being at high risk from surface water flooding. This has been collaborated by evidence of actual flooding. The

latest event being on 5th/6th October 2019 which resulted in the blind ditch system overflowing flooding Dawson's Lane. Concern has been raised about the accuracy of the data, but it has been provided as point data directly from the Environment Agency.

- 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 is 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 (Dawson's Lane not Blofield Corner Road) 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 hydro break 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. This figure does not include the private drives which are porous. Any impermeable patios do not drain into the system but directly onto the garden within property curtilages. Notwithstanding this a ten percent urban creep has been factored into the calculations, which is standard practice to cover future property extensions etc.

- 5.9 The surface drainage system has largely been completed apart from increasing the size of the basin. The design of the system has varied from what was initially proposed as part of the application when first submitted and it has been varied over time in response to representations received, hence the various versions. The scheme as built to date is version 15 - current scheme. The drainage system has been surveyed as built and the current drawings reflect the system as built apart from the infiltration basin, which will be enlarged. A new set of drainage calculations have been carried out on this basis.
- 5.10 It is now proposed that the highway and surface water from the dwellings roofs will discharge into a public sewer maintained by Anglian Water. The surface water then flows from the sewer into the new ditch running south to north along Dawson's Lane at a controlled rate of 21.3l/s, excess flows will be stored in an off-line attenuation basin on the east side of Dawson's Lane and released back to the Anglian Water sewer system when the water levels in the sewer have 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.
- 5.11 The flow control for the combined discharge (for highway and the dwellings) into the new ditch on the approved scheme was 2.1 l/s (1.5 l/s from site and 0.6 l/s from the highway) discharging into an infiltration basin. Although the original scheme was amended to drain to an infiltration basin rather than a watercourse, the flow rate was never updated – it is important to note that flow rates into an infiltration basin are not required to be restricted. The proposal is now to discharge into the public sewer and then into a ditch at a rate of 21.3l/s (combined figure for highways and dwellings). The discharge rate of surface water into the ditch is indirectly controlled by Anglian Water minimum orifice size requirements (flow control device). The discharge rate has increased from previous versions of the calculations as there was a slight variation in the sewer build which has varied the pressure within the system and the discharge rate. It is not possible to condition the discharge rate, but the orifice that is controlling it will be owned by Anglian Water and secured through a S104 agreement. As it is discharging into a private system, they will not be able to change it without the permission of those controlling the ditch it will discharge into. Any such change will not be in accordance with the drainage strategy and the planning condition would need to be varied. We have received confirmation from Anglian Water that they have given the sewer design technical approval, with a view to adopting it, which takes account of the capacity and discharge rate from the highway and the dwellings.

- 5.12 As indicated in 5.11 above, as surface water is discharging into a closed SuDs system there is no requirement to limit the flow from the sewer into the new ditch and infiltration basin, which the LLFA have confirmed is the case. An unrestricted flow rate would be up to 79.0 l/s, however, it is important to note that the part of the drainage scheme being adopted by Anglian Water will attenuate the flow into the new ditch at a rate of 21.3 l/s. The greenfield run off run rate for the site including Dawson's Lane is 15.8 l/s so the drainage scheme as originally approved at 2.1 l/s provided a significant reduction below the greenfield run off rate. The discharge rate as now proposed is not significantly higher than the greenfield run off rate and is considerably lower than a possible unattenuated rate of 79.0 l/s. Furthermore, as the drainage from the road and site will go into the new ditch and infiltration basin, it is inappropriate to compare the discharge rate to a greenfield run off rate which is solely for the site and excluding Dawsons Lane [as has been raised in representations]. Also in response to representations received, it is to be noted that the culvert pipe does have capacity to take unattenuated flows.
- 5.13 When the development was originally allowed on appeal [application 20172032] the Inspector required a condition that discharge rates were not to be 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 [i.e. new ditch into infiltration basin] which is what is now being proposed.
- 5.14 The infiltration basin on the approved scheme was over designed so it had a larger capacity than was required for the amount of surface water to be controlled. The LLFA have confirmed that the infiltration basin is designed to take the increased discharges as now proposed for a 1 in 100 plus 40 % climate change event. Furthermore, the drainage calculations as part of the current proposal also includes rain fall directly onto the new ditch and infiltration basin surface area. The basin as approved and as built has 10 cubic metres of spare capacity in a 1 in 100 year plus 40% climate change storm event. To add some additional resilience to the scheme the developer has agreed to increase the basin volume by 31 cubic metres so there is 41 cubic metres spare capacity. The approximate volume of water generated in a 1 100 year +40% climate change event would be 227 cubic metres. The basin volume is currently 227 cubic metres and is proposed to be enlarged to 268 cubic metres. Infiltration tests have been carried out and 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.
- 5.15 The drainage culvert has 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 has been installed 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.

- 5.16 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. Concrete headwalls have been installed at all the water outlet and inlet points. 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 provided concrete head walls to reduce maintenance.
- 5.17 The drainage calculations have been redone on the basis of what has been built [to include the larger infiltration basin and new deeper ditch]. The new ditch has actually been built deeper than initially proposed, now 980mm deep as opposed to 410mm as originally proposed. The calculations now show in a 1 in 100 plus 40% climate change event that there would be approximately 108 mm of water in the ditch, which is 980mm deep overall and demonstrating significant capacity. The LLFA have confirmed there should be no flooding at head wall 3 (the entrance to the culvert) as long as regular maintenance occurs.
- 5.18 A part of the build process and as a result of onsite investigations and practicalities, this 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.
- 5.19 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).
- 5.20 As part of the survey work, levels have been included which shows that there is sufficient fall through the culvert [a difference of 250mm from inlet level to outfall level with the culvert] and ditches into the infiltration basin.
- 5.21 This drainage system will be completely separate from the existing ditch network in the locality and the area at risk from surface water flooding.
- 5.22 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 earlier approved

application this approach was agreed as it facilitates the movement of surface water to an area where infiltration can occur.

- 5.23 Concern has been raised that the top layer of the road will not be completed until the dwellings are all occupied, this is standard practice to ensure that the road surface is not damaged by construction traffic. As a result, some of the water is not going through the drainage system and is running down Dawson's Lane as it previous did. This will be resolved when the road is completed. There are drains on each side of the road to be adopted prior to it terminating. The topcoat of the road will have a camber so the water will flow to the edge and be caught by the drains.
- 5.24 There is no formal sign off process for the drainage system, the majority of the system has been professionally surveyed as built. The council will monitor that the infiltration basin is enlarged to the size proposed within the current pttproposed drainage scheme.
- 5.25 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.
- 5.26 The management and maintenance plan has been updated and the ditch and culvert will be checked every month and every two weeks during the autumn when leaf debris is at its highest [all originally proposed as monthly].
- 5.27 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.
- 5.28 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.
- 5.29 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.

- 5.30 Any pollution from the roads will be contained within the existing system and will not pollute the wider watercourse network. Any build up would be removed as part of the infiltration basin maintenance, which will also pick up any rabbit damage.
- 5.31 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.
- 5.32 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.
- 5.33 Vegetation has started to establish on the bank and ditch, due to the time of year that the ditch was dug and due to long periods of dry weather the vegetation has not established yet. Having discussed the matter with the Council's landscape architect, it is likely to take a while for vegetation to establish but it will over time.
- 5.34 It is acknowledged that the amount of water going into the drainage system as now proposed 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 and the development will not increase flood risk elsewhere. The LLFA have confirmed that they are happy with the system and they have checked all the calculations in detail. 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 it is in accordance policy 1 in the JCS, policy CSU5 in the DM DMD and policy ENV3 in the BPNP and is acceptable.

Trees

- 5.35 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

- 5.36 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. The road alignment will prevent flows from Blofield Corner Road entering Dawson's Lane
- 5.37 The refuse vehicle tracking has been rechecked and this is satisfactory and bin collection points for dwellings accessed off the private drive have been provided,
- 5.38 As well as upgrading Dawson's Lane to adoptable standards the development also proposed a new footpath along Blofield Corner Road, this work has been carried out and the developer has separate technical highways approval for the work from Norfolk County Council as Highway Authority. Since this work has been carried out the garage of a property on Blofield Corner Road has had water ingress twice in heavy storms [No. 72]. This is in the process of being investigated by the Highway Authority. It has been established that the water is not being channelled into the drive but there appear to be accumulations of water near the development entrance in heavy storm events which is being splashed into the drive. This property previously had a pipe from the drive, which discharged water into Dawson's Lane. It is understood that there was no right to drain to Dawsons Lane and this pipe was in any event blocked as part of the new road construction. As there is a small sand seam in this area, it has been agreed that the contractor will provide a soakaway for the pipe to drain into and which they are under no obligation to do. This should ease the situation on the drive and prevent the water ingress. The investigation into the pooling water is ongoing with the Highway Authority. There is no planning breach as the work has been carried out in accordance with the drawings agreed by the Highway Authority. This matter is completely separate to other concerns relating to the surface water drainage system.

Design and residential amenity

- 5.39 The very minor changes to design of the dwellings including solar panels in order to achieve the requirements of the renewable energy condition 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 any amenity issues. Concern has been raised regarding a brick wall and pillars that have been built near the entrance of the site, these were shown on the original site plan so have permission. 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

- 5.40 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 ahead of a decision on the planning application.
- 5.41 Any health and safety concerns during construction are the responsibility of the Health and Safety Executive. Construction noise and hours are dealt from being dealt with by Environment Health under environmental protection legislation and protection of services within the site is a civil matter between the parties.
- 5.42 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.
- 5.43 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

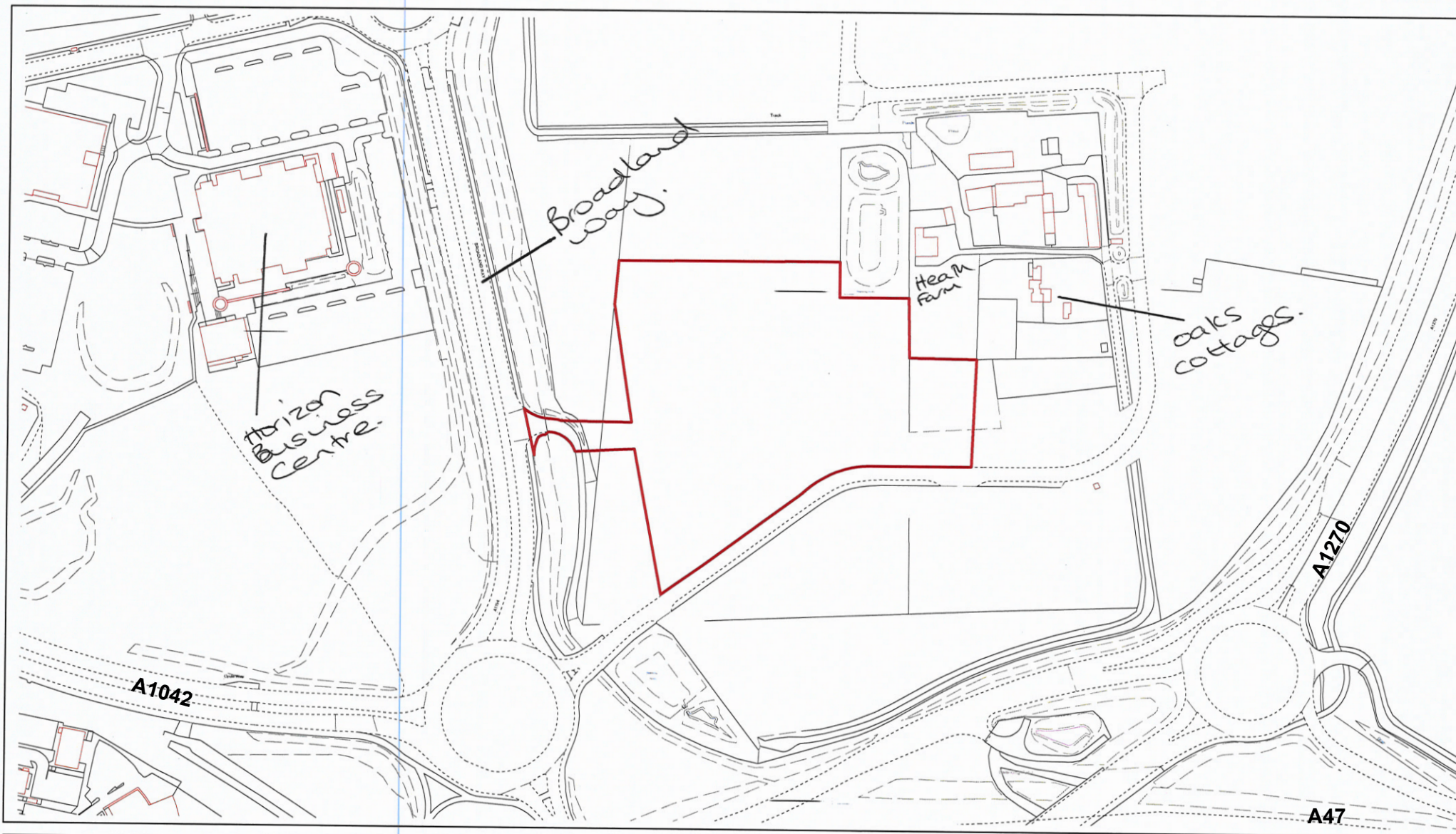
- 5.44 The revised drainage scheme will increase surface water discharge, but this will be within a SuDS system which has sufficient capacity to take the additional flows and where there is no requirement to attenuate the discharge. It is not considered that the development will result in increased flood risk elsewhere. 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.
- 5.45 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.
- 5.46 **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 (SHC32B)
7. Tree protection (L08)
8. Landscaping scheme to be complied with (L07)
9. Renewable Energy – Decentralised source (E01)
10. Boundary Treatments (L02)
11. No PD fences, walls etc. on western boundary (P08)
12. Fire hydrant (D09)
13. PD Removals walls and fences western boundary plots 9 and 10 (P08)
14. Materials (D02)

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

Helen Bowman, 01603 430628,
helen.bowman@broadland.gov.uk



Application No: 20200403

Plot 10 and 10a, Broadland Gate Business Park, Postwick

Scale:
1:2888

Date:
2-Jul-20



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Application No: [20200403](#)
Parish: **Postwick**

Applicant's Name: The Police and Crime Commissioner for Norfolk
Site Address: Plot 10 and 10a, Broadland Gate Business Park, Postwick
Proposal: New Police Station building and construction of associated ancillary buildings, hardstanding, landscaping, new access and external works

Reason for reporting to committee

As it is being recommended for approval contrary to the Development Plan.

Recommendation summary:

Approve.

1 Proposal and site context

- 1.1 Norfolk Constabulary require a new eastern policing hub to consolidate the various departments that are currently dispersed around Norfolk. This full application is for the development of a new Police Station building and the construction of the associated parking, landscaping, access roads and external works on plots 10 and 10a of the Broadland Gate Business Park site.
- 1.2 The application site is 2.142 hectares (5.3 acres) in size, located to the east of Norwich in Broadland Gate Business Park running adjacent to the A47 and the recently developed Broadland Northway.
- 1.3 The site is directly surrounded by other plots that make up the Broadland Gate Business Park outline planning application Ref: [20081773](#), which gave approval of a quantum of development across the Business Park with B1, C1, A3, A4, D2 and Sui Generis uses all being permitted. This site also forms part of the GT10 allocation of the Growth Triangle Area Action Plan (GTAAP).
- 1.4 Immediately to the northeast of the site is a residential farm house complex. Beyond the immediate surroundings to the west is the existing Broadland Business Park. To the north there is agricultural land that benefits from a residential led mixed-use allocation through GT11 of the GTAAP (which was granted a resolution to approve at the May Planning Committee through planning application 20181601). Beyond Broadland Northway to the east there are agricultural fields. To the south there is the Postwick interchange.
- 1.5 Broadland Gate Business Park is accessed from the Broadland Northway roundabout to the southwest or the roundabout to the north of the business

park on Poppy Way. The immediate site is accessed from the recently developed Broadland Gate estate road that connects the two roundabouts. The, now redundant, access off Broadland Way to the west previously served the farmhouse complex at the heart of the site. This access currently terminates in the application site and will be utilised as a back up access/egress to provide the Police with the necessary resilience and security levels they require. The site is 5.5 miles away from Norwich city centre and is in close proximity to the Postwick Park and Ride with direct access onto the A47 and the Broadland Northway.

2 Relevant planning history

- 2.1 [20081773](#): (1) Outline for a Business Park containing a commercial zone of up to 42,000 sqm of B1 and B8 uses, a business village containing up to 4,500 sqm of A1, A2, A3 and A4 uses, a community zone containing up to 7,500 sqm of C2, C3 (excluding residential dwellings) and D1 uses, a hotel of up to 7,000 sqm and leisure facility up to 2,100 sqm including C1, A3, A4 and D2 uses and a 1,200 sqm car showroom, associated infrastructure to include highway works, car parking, landscaping, drainage and other ancillary infrastructure (2) Application in detail for junction improvements at Postwick interchange to include new slip roads, link roads, overbridge, landscaping, formation of balancing ponds and drainage. Approved 19 October 2011.
- 2.2 Various condition discharge applications for site wide infrastructure and detailed applications for other plots across the Broadland Gate site have also been approved/are being considered currently. There have been no other applications for any uses on this particular plot.

3 Planning Policies

3.1 National Planning Policy Framework (NPPF)

NPPF 02 : Achieving sustainable development
NPPF 04 : Decision-making
NPPF 06 : Building a strong, competitive economy
NPPF 08 : Promoting healthy and safe communities
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) 2011/2014

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

Policy 3 : Energy and water
Policy 5 : The Economy
Policy 6 : Access and Transportation
Policy 7 : Supporting Communities
Policy 8 : Culture, leisure and entertainment
Policy 9 : Strategy for growth in the Norwich Policy Area
Policy 10 : Locations for major new or expanded communities in the Norwich Policy Area
Policy 20 : Implementation

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 EN4 : Pollution
Policy E1 : Existing strategic employment sites
Policy TS2 : Travel Plans and Transport Assessments
Policy TS3 : Highway safety
Policy TS4 : Parking guidelines
Policy CSU1 : Additional community facilities
Policy CSU4 : Provision of waste collection and recycling facilities within major development
Policy CSU5 : Surface water drainage

3.4 Growth Triangle Area Action Plan (GT AAP) 2016

Policy GT1: Form of development
Policy GT3: Transport
Policy GT10: Broadland Gate

3.5 Supplementary Planning Documents (SPD)

Landscape Character Assessment SPD
Parking Standards SPD

4 Consultations

4.1 Anglian Water:

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

The foul drainage from this development is in the catchment of Whitlingham

Trowse Water Recycling Centre that will have available capacity for these flows.

This response has been based on the following submitted documents:
Drainage Strategy Statement The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

4.2 Broads Authority:

Having looked through the proposed plans and site location, it is not considered that the proposed development would have an impact on the Broads and therefore we do not wish to make a comment on the application.

4.3 Conservation Officer (Arboriculture and Landscape):

As you know from my first comments to you at the scoping stage of this development, I had concerns that the layout of the scheme required the removal of an 'A' Category Oak tree (T7) which was protected by Tree Preservation Order (TPO) 2019 No. 5 and I had sought to have the layout amended to allow the tree to be retained.

This tree has since been removed from the TPO, at the request of the land agents and agreed by yourself, as the layout constraints were seen to be insurmountable and the loss of the tree was considered to be justified, by the wider benefits the scheme would provide.

Having studied the information provide for the application, I note that replacement tree planting is specified and an additional 50 trees of nine different species are proposed, which whilst not being a direct replacement for T7, will provide some mitigation for its removal and the removal of the 'C' Category Group G8.

Additional shrub and hedge planting is also specified as part of the proposed landscaping scheme.

An Arboricultural Impact Assessment (AIA) has been undertaken by Talking Elm Tree Services, this considered the constraints the existing trees pose to the development, following the recommendations within BS5837.

A Tree Protection Plan (TPP) & Arboricultural Method Statement (AMS) have

been produced, the details of which should be conditioned.

The full compliance with the construction details specified within the AMS, relating to the construction of the motorcycle stall, which is located partially within the Root Protection Area (RPA) of protected Oak tree T6, will be particularly important to ensure any root damage is kept to a minimum.

4.4 Contracts Officer (Waste):

No objections.

4.5 Environmental Health Officer (Noise and Lighting):

Lighting: The lighting scheme looks okay but I take it the applicant has not submitted any modelling of any light overspill onto neighbouring land. It would be useful if this was considered and confirmed that any overspill of light will be strictly controlled.

Noise: I can't see any indication that any plant or machinery will be installed such as air handling plant. Is this actually the case? I would expect the offices to have AC and would suspect the Police would have wanted back-up generators on-site but there is no mention on the application form or plans of any such plant / machinery.

Will you be happy to put on a condition to control hours of operation during construction, ensuring dust is controlled etc. as part of a construction management plan. I think there is a model condition for this but I haven't seen the model conditions yet.

4.6 Highway Authority:

The applicant has now supplied some additional information and the highway authority is in a position to formally respond.

The site is to be accessed from the new access road serving the Broadland Gate site. This access road is to remain unadopted and so will not become public highway. That said, the proposed site still needs to provide the appropriate access and visibility splays and a footway/cycleway along its frontage (if one is not currently provided) to connect to existing pedestrian and cycle facilities prior to first occupation. There will also be a requirement for a Travel Plan.

Given the above, the highway authority recommends no objection subject to appropriate conditions:

4.7 Historic Environment Service:

The developer in this case carried out an archaeological evaluation pre-application (in this case a 4% sample trial trenching exercise) and found no

significant archaeological remains.

We do not recommend any further archaeological mitigation by condition.

4.8 Lead Local Flood Authority:

No objection to this application subject to conditions being attached to any consent.

4.9 Natural Environment Team:

There are no objections on ecological grounds. Mitigation measures regarding site clearance contained within section 7 of the Ecology Report (Wild Frontier ecology, 2019) should be conditioned. Enhancements for biodiversity have been incorporated where feasible.

4.10 Norwich International Airport:

No objections.

4.11 Senior Heritage and Design Officer:

The proposals appear relatively well thought through by the architects to meet the functional needs of the police. I therefore do not have any significant comments to make. However, one aspect that I thought might be looked at in terms of visual improvement is the security fencing to the front. From the D&A statement this appears quite alienating, utilitarian and not welcoming, and although I appreciate that police buildings do need security, are there alternatives to the fence that could provide security but look less alienating considering it is the building's frontage? For example a concrete planter trough strip with some height for example with overhanging plants?

Applicant's response:

We fully appreciate the Design Advisors comments, however we are bound by the Home Office Guidance for the security of the building and its perimeter. The fencing along the front should be 2,400mm high, by adding in the attenuation ditch and the gabions we have managed to reduce this down by having the fence start at the lowest part of the ditch as opposed to the top bank to reduce this impact. We too would like to remove this visual barrier but we can't, we have however considered the impact and attempted to mitigate where possible.

4.12 Pollution Control Officer:

No objections.

Other Representations:

4.13 Postwick with Witton Parish Council:

Postwick with Witton Parish Council discussed the above planning application and had no objections, although there was some concern about siren noises.

4.14 'Neighbour' Comments:

No letters of representation have been received in relation to this application.

5 Assessment

Key Considerations

5.1 The key considerations are:

- The principle of development
- Design, layout and amenity
- Access and connectivity
- Landscape
- COVID-19
- Other issues

Principle of development

5.2 Within the adopted Joint Core Strategy (JCS) (2011, amended 2014), the area in which the site is located is defined as the 'Old Catton, Sprowston, Rackheath and Thorpe St Andrew Growth Triangle' (now known as the Broadland Growth Triangle), whilst the Broadland Business Park and associated expansion itself is identified as forming a 'strategic employment site' on the key diagram. Policy 9 of the JCS establishes the strategy for growth in the Norwich Policy Area, which sets the policy context for expansion at the Broadland Business Park.

5.3 Following the identification of the Broadland Growth Triangle within the JCS, an Area Action Plan (GT AAP) has been adopted which aims to enable and co-ordinate sustainable strategic scale development to the Northeast of Norwich. The area in which this site is located is specifically identified within Policy GT10 of the GT AAP as providing a policy opportunity to achieve JCS ambitions for the extension to the Broadland Business Park. The policy requires development to take place in accordance with the existing planning permission for a high-quality business park, business village, community zone, hotel, leisure facilities and car showroom on land to the east of Broadland Business Park. The policy requires that any new planning permission will provide for a comprehensive development including a mix of employment uses (with no more than 50% of the gross land area to fall within class B1). Outline planning permission as described above was granted in 2011 ref 20081773.

- 5.4 This application does not sit within the quantum of development approved through this application and is considered to be Sui Generis as defined in the Town and Country Planning (Use Classes) Order 1987, given that its main use is as a police station. Therefore, it is contrary to the Development Plan as it is not in accordance with the outline planning permission, which is why it has been brought to Planning Committee.
- 5.6 Whilst this development is not in accordance with the outline planning approval, and therefore the development plan, it is fully in line with the spirit and intention of what was envisaged for the expanded business park, ie a B use class led development, with 240 staff being employed at this new facility and the main element being a large office block.
- 5.7 Given this I consider that the principle of development is acceptable.

Design, layout and amenity

- 5.8 Currently there are no buildings on Broadland Gate, with only one cluster of existing buildings in the surrounding area. These are a series of red brick farm houses/barns with red pan-tile roofs. Broadland Business Park and St Andrews Business Park to the west comprise a variety of businesses and building typologies including hotels, restaurants, offices and health clubs. Both existing business parks include a varied pallet of facade treatments and materials consisting of buff brick, composite panels, curtain walling and timber cladding. The colours are generally muted with higher contrast materials used to accentuate key features. Meridian Business Park and St Andrews Park residential complex are also in close proximity and both predominantly use light buff brick with grey tiled roofs at a more domestic scale. The surrounding buildings typically have pitched roofs with tiles or mono pitched roofs with metal composite panels. The majority of the buildings in close proximity are 2 to 3 storeys in height with a fairly moderate footprint.
- 5.9 The main building has been designed to be sympathetic to the surrounding landscape and the local vernacular. The office building is partially sunken into the ground on the eastern wing as a response to the fall over the site from east to west, therefore reducing the height of the building across the surrounding landscape. At its highest this building is 2 storeys with a mono pitched roof and a maximum height of approximately 10.1m. The building steps down to the west to form the garage block which has a roof height of 5.2m.
- 5.10 There are some other smaller buildings and structures proposed as part of the development including an interview building, storage and amenities buildings, storage container, dog store/wash, fuel container, bin store and communications mast.
- 5.11 The Interview building maintains the same aesthetic as the office block and uses the same pallet of materials, but is designed to a much more domestic scale (5m in height). The storage and amenities buildings and the dog store

are simpler in their form, will be located within the rear of the site away from public view and will be appropriate for their function. Photovoltaic panels are housed on the roof of these buildings, which is welcomed. The bin store, storage container and fuel container are functional and fit for purpose. They are housed to the rear of the site from public view. I consider all of these ancillary buildings and structures to be acceptable from a design perspective.

- 5.12 The site also accommodates a 35m high lattice style communications mast, located to the very rear of the site adjacent to the dog store. This is an operational requirement for secure communications between other Police bases across the County. The height is required to ensure that there is direct line of sight between masts at other bases and will be similar in design and height to the one at Wymondham Police station. As this is an operational requirement and as the Broads Authority and Norwich International Airport have not objected to this, I consider it to be acceptable.
- 5.13 The site layout has been dictated by the need for public and private entrances to the site for both pedestrians and vehicles. Due to the nature of the proposal the ability to respond quickly in emergencies has also largely impacted the site layout.
- 5.14 The main building has been strategically orientated to the south of the site to provide a secure boundary against the road, to screen the parking to the rear, and to maximise the views to the north and south from the offices. The form also maximises the useable space to the rear of the building in order to accommodate the stringent site requirements. The building follows the curve of the estate road to define a focal frontage that draws visitors into the site. The curve is echoed in the car parking and landscaping to the rear, providing a synergy between the two. The orientation of the office block also maximises the solar gain on the south side to reduce the energy required to light the space. The office block will also incorporate integrated solar shading on the south elevation to reduce glare and overheating.
- 5.15 The southern elevation will form the primary building mass and frontage of the development, this frontage will also act as a screen to the service areas and car parks to the rear. Due to the sensitive nature of the development the buildings and servicing areas are set back from the boundary and screened with fencing and landscaping to provide higher levels of security and resilience. A lagoon is proposed to the front to not only attenuate the site but also to give an added level of perimeter security to the building through softer landscaping.
- 5.16 There are residential properties located to the Northeast of the site. Care has been taken to ensure that there will be minimal impact on these properties by the layout and design of the scheme. The rear windows of the main office block are angled away from these properties and are a significant distance away, resulting in no overlooking issues. The closest buildings to these residential properties are the storage and amenities buildings. These are at a much more domestic scale to the main office block and are distanced enough

away to ensure that no overbearing or overshadowing would occur on the residential properties. There will be increased noise by the very nature of there being development on the site when there is none now, but this has been accepted by the principle of development being agreed through the allocation and subsequent outline approval.

- 5.17 It is my opinion that the design, layout and impact on the amenity of the neighbouring residents have been carefully and thoughtfully considered in the design of this scheme. Therefore, I consider it to be in accordance with Policies GC2, GC4 and JCS2 from a design, layout and amenity perspective.

Access and Connectivity

- 5.18 There has been a recently constructed estate road through Broadland Gate business park which leads from the A47 to the Broadland Northway. Primary vehicular access for both staff and visitors will be to the southeast of the site. A visitor's car park will be accessible by the public and the staff car park beyond will be secured with vehicular barriers and gates.
- 5.19 The secondary access located to the south-west will primarily be used for emergency and response vehicles. This will also incorporate vehicular barriers and back up gates for security and resilience. This has been strategically located to isolate response and emergency vehicles from the rest of the facility to avoid delay and obstruction. A third site access on to Broadland Way will also be retained for added resilience should the estate road ever be obstructed or closed, but will only be used if necessary.
- 5.20 A visitor car park will be situated at the new entrance to the site which includes 6 parking spaces, 2 of which are for disabled users, ensuring that there is easy access to the public area of the building. Through the secure vehicle barrier there is a short stay parking area of 9 parking spaces, 3 of which are for disabled users. The rear car park will provide 242 parking spaces, which will provide 3 ambulance spaces and an area for motorcycles also. An area of the site has been allocated for future development as numbers increase, this includes an area for additional parking which can be developed according to the demand (subject to receiving planning permission).
- 5.21 Service and refuse vehicles will utilise the visitor/office entrance allowing them to use the turning head/ un off zone for appropriate access and turning.
- 5.22 A new pavement will be constructed by the developer alongside the estate road to provide pedestrian access to the site for both visitors and staff. The site is located within close proximity to the Postwick Park and Ride site and Yarmouth Road, along which a number of frequent bus services run. There are close links for cyclists into the Green Pedalway as highlighted on the Norwich Cycle Map.
- 5.23 The Highway Authority has raised no objections to the principle or scale of

development. However, they have stated the proposed site still needs to provide the appropriate access and visibility splays and a footway/cycleway along its frontage to connect to existing pedestrian and cycle facilities prior to first occupation. There is already a footway in place along the majority of the frontage of the site and the plans show that there will be one in place across the whole frontage when complete. The applicant has confirmed that this will be delivered as a contractual requirement of the business park owners before the completion of this development. The Highway Authority has also stated that there will also be a requirement for a Travel Plan. This will be conditioned, along with other relevant highways conditions. Consequently, I consider that the development would have an acceptable impact on the local highway network in accordance with policies TS3 and TS4 of the DM DPD and Policy 6 of the JCS.

Landscape

- 5.24 Policy GC4 of the DM DPD requires development to pay adequate regard to the environment, character and appearance of an area; Policy EN2 requires development proposals to have regard to the Landscape Character Assessment SPD and consider any impact; Policy 1 of the JCS seeks to, inter alia, protect the landscape setting of settlements including the urban/rural transition and the treatment of gateways.
- 5.25 The site is located in the E3 Spixworth Woodland Estates Character Area, but has now been enclosed by major highway infrastructure since the adoption of the Landscape Character Assessment SPD and is allocated and adjacent to allocations for major urban extensions. The undeveloped nature of the site means that the proposed development would undoubtedly have an impact on its character and appearance. The development would impact on the perception of place from a site on the urban fringe with rural characteristics to a much more urban environment. However, the site is an allocation and benefits from an outline planning permission, therefore the principle of such an impact has been accepted through the plan making and application process.
- 5.26 The proposal seeks to improve the immediate landscape by retaining and introducing new soft landscaping to both the frontage and the eastern boundary. Where possible, provisions have been made within the proposal to ensure that existing trees and root protection areas on the boundary are not affected by the development, with the arboricultural report providing further information. The proposal has been set back from the main road into Broadland Gate, which allows for a suitable level of soft landscaping alongside an area for surface water attenuation for the site. This has been designed to help to create a stand-off buffer and solidify the site security using a more natural, softer approach.
- 5.27 The wider Broadland Gate site is covered by a Tree Preservation Order. One of the oak trees within this order to the rear of the cycle store will be retained and accommodated through this permission. One smaller oak tree that was

not part of the TPO will be removed. It is located in the area marked 'landscaped area/future expansion zone' to the left of the main entrance. I discussed this with the applicant in an attempt to retain the tree, but I was advised that significant changes to the levels of that area of land to accommodate the main building would not allow for this. This is unfortunate but as this tree was not part of the TPO I consider this to be acceptable.

- 5.28 Subject to conditions it is considered that the application would comply with policies GC4 and EN2 of the DM DPD and Policies 1 and 2 of the JCS in respect of landscape issues.

Other Matters

- 5.29 The Environment Health Officer (EHO) has asked about detail of plant machinery to be included with the development, the lighting detail and hours of construction. A condition will be added to require the detail of the plant to be submitted. Further lighting information has now been submitted and agreed with the EHO. A construction management plan has been conditioned as part of the application which will agree the hours of construction in consultation with the EHO.
- 5.30 This application has been screened as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The development is classed as Schedule 2, 10 (b) (i) Urban Development Projects that include more than 1 hectare of urban development which is not dwellinghouse development. No significant effects on the environment were found to arise as a result of the screening process, however the cumulative effect of this development and the outline approval for Broadland Gate (20081773) required careful consideration.
- 5.31 The Environmental Statement (ES) for the outline approval concluded that the development would lead to some adverse effects on the environment from site clearance, construction activities (noise) and through its operation (from increased local traffic). It then went on to say that these effects would be offset by the beneficial effects of the proposed development by providing employment opportunities, improvements to the local road network, and public transport and pedestrian and cycle accessibility. Further to this the application was approved and therefore it was considered, through the planning process, that the mitigation for the environmental impacts were acceptable.
- 5.32 Whilst the proposed development is a Sui Generis use that wasn't approved through the outline application, its predominant use will be akin to that of a B1 office and B2 storage. This is fully in line with the principles of the outline approval. Further to this the Highway Authority has confirmed that the parking requirement and vehicle movements fall within that assessed through the outline application and the noise created through construction will be dealt with through condition. Given this the proposed development will have no worse an effect on the key environmental impacts raised through the ES

accompanying the outline approval. Therefore, I consider that there is no significant impact on the environment through the cumulative effects of this development and the outline approval taken together.

COVID-19

- 5.33 The need to support the economy as part of the recovery from the COVID-19 pandemic is a material consideration. This application will provide employment during the construction phase and significant levels of employment once built and operational. This weighs in favour of the proposal.

Conclusion

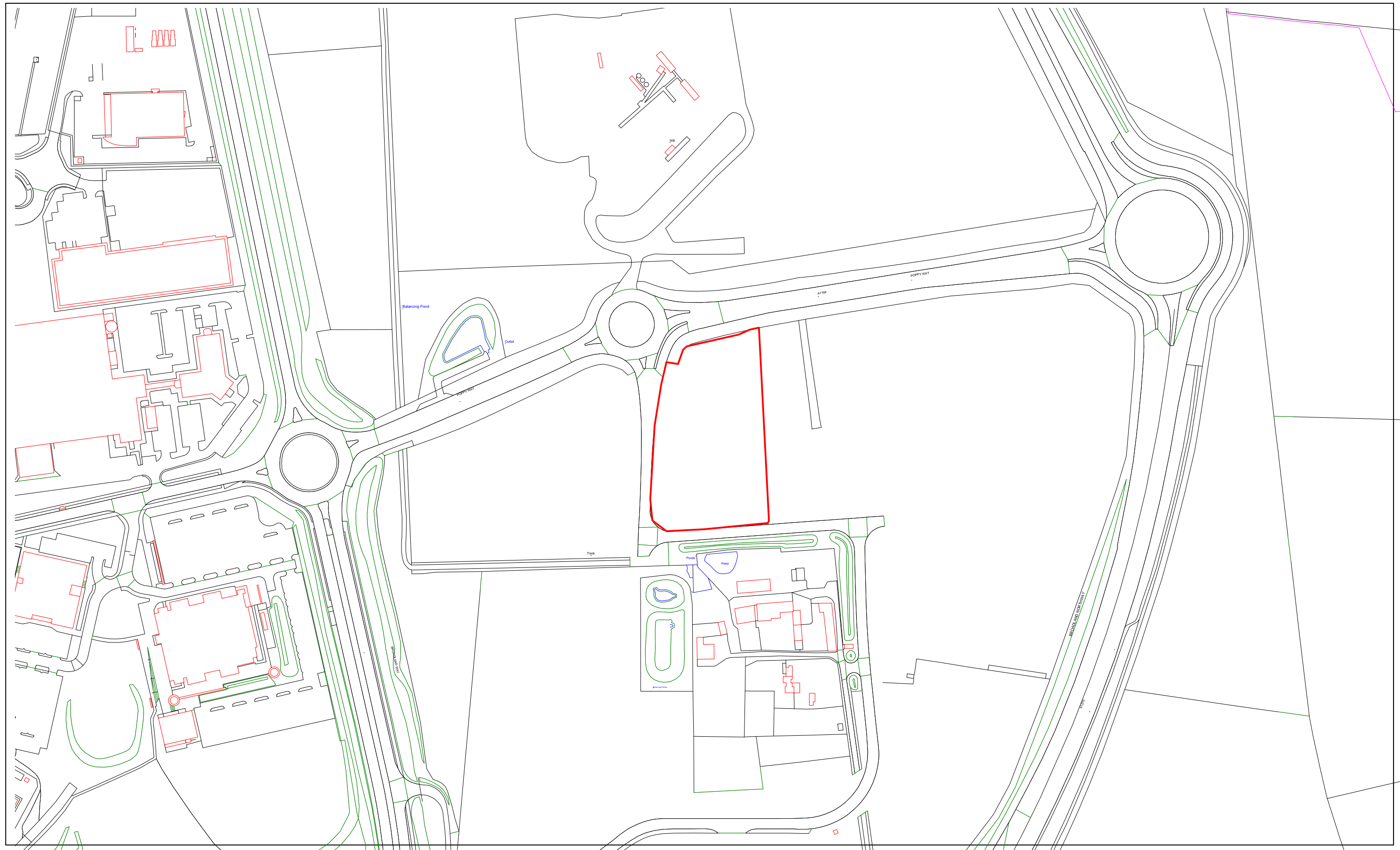
- 5.34 Section 38(6) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.35 The development is located on a plot of land that forms part of the allocation GT10 in the GT AAP 2016 for employment led development. Furthermore, the wider site benefits from outline approval for the same. Whilst the proposed Sui Generis use is strictly contrary to the provisions of the development plan, I consider this proposal to be in line with the principles of both the policy and the outline approval. Therefore, I consider that the principle of development is acceptable.
- 5.36 I consider the design of the buildings to be aesthetically pleasing, the layout to be well thought through, the impact on the closest residents to be minimal and overall that this development will be a positive addition to the Broadland Gate Business Park.
- 5.37 Notably the majority of consultee comments have been positive and there have been no objections raised by the local residents or the parish council. Where required by consultees conditions have been proposed that will address their comments.
- 5.38 This application was screened as required through the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Through screening the application, I am satisfied that this development does not constitute EIA development.

Recommendation: Approve subject to the following conditions:

- (1) Time limit
- (2) Plans and documents
- (3) Hard and soft landscaping
- (4) Tree protection measures
- (5) Landscape management plan

- (6) Building plant detail
- (7) 10% renewables
- (8) Sustainable drainage measures
- (9) Highways conditions (location of access gates; visibility splays; roads, footpaths, turning areas, etc laid out; construction workers' parking; construction management plan; travel plan)

Contact Officer, Ben Burgess
Telephone Number 01603 430625
and E-mail ben.burgess@broadland.gov.uk



Application No: 20201372

Land to the south of Poppy Way, Broadland Gate, Postwick

**Scale:
1:2500**

**Date:
1-Sep-20**



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Application No: 20201372
Parish: Postwick (Witton)

Applicant's Name: Lidl Great Britain Limited
Site Address: Land to the south of Poppy Way, Broadland Gate, Postwick
Proposal: Variation of condition 10 of 20081773 to allow a discount food store

Reason for reporting to committee

The proposal complies with the principle of Policy GT10 of the Area Action Plan however, it is contrary to the precise wording, as set out below because it varies the Outline Approval.

Recommendation summary:

Approve

1 Proposal and site context

1.1 The proposal relates to a S73 application seeking to develop land subject to a variation to condition 10 attached to Outline Planning Permission 20081773 (as amended by 20170827) which was approved on 14 September 2017.

1.2 The Outline Approval was for an extension to the existing Broadland Business Park and is known as Broadland Gate. It granted permission for a wide variety of uses;

- 42,000sqm of B1 and B8 uses,
- a business village containing up to 4,500sqm of A1, A2, A3 and A4 uses,
- a community zone containing up to 7,500sqm of C2, C3 (excluding residential dwellings) and D1 uses,
- a hotel of up to 7,000sqm and leisure facility up to 2,100sqm including C1, A3, A4 and D2 uses
- 1200 sqm car showroom.

1.3 When the approval was amended by 20170827 Condition 9 it revised the quantum of development to;

- 42,000sqm of B1 and B8 uses;
- a business village containing up to 4,500sqm of A1, A2, A3 and A4 uses;
- a community zone comprising up to 4,920sqm of C2 and D1 uses;
- a leisure zone comprising up to 5,780sqm including A3, A4 and D2 uses;
- 7,100sqm of car showroom (Sui Generis).

In doing this it removed the masterplan 2534-PL-002N from the list of plans which showed 11 large plots with a general location of uses. However, overall quantum of uses on the business park was retained. It also retained the principle of 4,500sqm of A Uses on the business park.

- 1.4 Condition 10 of the Outline Approval relates to the Use Class A1 retail element. The existing Condition reads:

‘The A1 element of the Business Park use shall not exceed 2,400sqm and no individual Class A1 retail unit for the sale of convenience or comparison goods (as identified in the Schedule to the Town and Country Planning (Use Classes) Order 1987) shall exceed 500sqm.’

The proposal is to revise the Condition to read as follows:

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

The application has been submitted on behalf of Lidl to allow for the principle of a discount food store on the site. If this application is approved a further application would be required to deal with the details of the food store.

- 1.5 The application is accompanied by supporting documents. These include a Sequential Site Assessment and an Environmental Statement Addendum. A covering letter sets out the planning history and the proposed variation to Condition 10 to accommodate a discount food store operated by Lidl.

- 1.6 The site is at Broadland Gate which is within the Broadland Business Park to the east of Norwich. It is located off Poppy Way and is 0.99ha in size.

Poppy Way has a dedicated roundabout from the A1194 which links directly eastwards to the A1270 Broadland Northway roundabout to the north of the Postwick interchange. It can also be accessed from the business park to the west with a new internal link road also connecting back to the main route into Norwich.

- 1.7 The site is within the parish of Postwick but the village lies to the south-west and is separated by the A47 trunk road. Similarly Great and Little Plumstead lie to the east. The site relates more closely to the built form of Thorpe St Andrew to the west.

2 Relevant planning history

2.1 20081773: Outline Approved 19 October 2011

1. Outline for a Business Park containing a commercial zone of up to 42000 sqm of B1 and B8 uses, a business village containing up to 4500 sqm of A1, A2, A3 and A4 uses, a community zone containing up to 7500 sqm of C2, C3 (excluding residential dwellings) and D1 uses, a hotel of up to 7000 sqm and leisure facility up to 2100 sqm including C1, A3, A4 and D2 uses and a 1200 sqm car showroom, associated infrastructure to include highway works, car parking, landscaping, drainage and other ancillary infrastructure.

2. Application in detail for junction improvements at Postwick Interchange to include new slip roads, link roads, overbridge, landscaping, formation of balancing ponds and drainage.

2.2 20170827: Approved 14 September 2017

Variation of Conditions 8_9 & 27 of Planning Permission 20081773 (Revised Plans, Revised Quantum of Development & Infiltration Basins respectively). GT10 Broadland Gate Land to the East of Broadland Way and to the North of A47 Postwick.

3 Planning Policies

3.1 National Planning Policy Framework (NPPF)

NPPF 02 : Achieving sustainable development
NPPF 03 : Plan-making
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)

Policy 1 : Addressing climate change and protecting environmental assets
Policy 2 : Promoting good design
Policy 3 : Energy and water
Policy 5 : The Economy
Policy 6 : Access and Transportation
Policy 9 : Strategy for growth in the Norwich Policy Area
Policy 12 : Strategy for growth in the Norwich Fringes

Policy 19: Hierarchy of Centres
Policy 20 : Implementation

3.3 Greater Norwich Local Plan – Stage C Regulation 18 Draft Strategy and Site Allocations

Policy 6 – The Economy, allocates employment land in accessible locations to meet identified need and provide for choice.

It identifies Strategic employment areas which includes the complex of several business parks at Thorpe St Andrew. The site is within this area in the Broadland Business Park.

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 TS2 : Travel Plans and Transport Assessments

Policy TS3 : Highway safety

3.5 Site Allocations Development Plan Document 2016

The site falls within the Growth Triangle AAP area and the Postwick Hub scheme which has been completed.

3.6 Growth Triangle Area Action Plan 2016

Policy GC1: Presumption in Favour of Sustainable Development

Policy GT10: The site will deliver up to 4,500m² of A1, A2, A3 and A4 uses in accordance with the existing planning permissions.

4 Consultations

4.1 Thorpe St Andrew Town Council:

Strong objection. The Committee do not feel that the sequential assessment put forward justifies a change in condition. The Council supported the original 2008 application with an emphasis on these conditions.

4.2 Postwick with Witton Parish Council:

Strongly Object on the grounds that the business park is for commercial use only and not retail use and that this application would set a precedent for

more retail. The Parish Council also said that this application would encourage a lot more traffic at all times of the day and this would be detrimental to local residents, especially those living in close proximity to the store.

4.3 Great and Little Plumstead Parish Council:

Objects. The new placement of a discount food store would be in competition with Sainsburys and would put a further squeeze on local businesses. It's accessed off the business park infrastructure/NDR so could easily spread wider in effect. The road network off and through our Parish could also see an increase in traffic via Middle Road (which is just big enough to take passing cars, but in some places this isn't possible) and Green Lane (which frequently floods and becomes impassable). Environmentally out of town business/retail parks attract cars and delivery vehicles and this use is a pollution and vehicle movements increaser. This is a climate change negative. BDC wanted the Business Park to be a working environment with small convenience shops for workers. This moves that model considerably and could invite other retailers to challenge original consents on the basis of competition.

4.4 Norwich City Council:

As the variation would not increase the overall quantum of A1 retail floor space from that permitted at outline approval stage, Norwich City Council have no comments to make with respect to this proposed variation.

4.5 The Broads Authority:

I can confirm that the Broads Authority does not wish to raise an objection.

4.6 Highways England:

Offers no objection.

4.7 Environment Agency:

We have no comments on this proposal. Our comments to the original application refer to surface water flooding for which the Lead Local Flood Authority (Norfolk Council Council) now hold responsibility for. I would therefore recommend consulting the LLFA.

4.8 Natural England:

Natural England currently has no comment to make on the variation of condition 10.

4.9 Anglian Water:

The variation of condition application is not foul or surface drainage related, therefore this is outside our jurisdiction for comment. If there are any further drainage documents later uploaded then we do wish to be re-consulted.

4.10 Environmental Management Officer

No objection.

4.11 Health and Safety Executive:

Does Not Cross Any Consultation Zones.

4.12 Highways Authority:

No objections.

4.13 Other Representations:

A representation has been received from Field Barn, Heath Farm which is to the south of the site;

The original permission for this type of retail activity was I believed to be 5 times smaller than the new application and located further away from the main entrance and the residential area. There will be a huge increase in vehicle movements in and out of the site and probable at a constant rate all day long with HGV vehicles delivering stock 24 hours/day. These deliveries will be numerous and all hours of the night with their reversing alarms blasting out disturbing the local residents constantly. We were promised vehicle movement would be in 2 waves when people came to work and when they left off but a supermarket of this size depends on large volumes of traffic to survive.

I doubt whether our concerns will make any difference to your decision so if the inevitable happens can you please ensure the warehouse and the loading bays are as far away as possible from the residents in the Heath Farm complex and provide as much screening as you can to this area.

5 Assessment

- 5.1 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below.
- 5.2 Section 73 allows the Local Planning Authority to reconsider the question of the conditions subject to which planning permission was granted. It grants a new planning permission. The following assessment is therefore focused on the condition that the applicant is seeking to vary.

Key Considerations

- 5.3 The main issue for consideration in this case is the variation of the extant permission to permit one single retail unit rather than several smaller retail units.

Principle

- 5.4 Broadland Gate was allocated in 2014 in the JCS as an extension to Broadland Business Park for approximately 25ha for general employment uses. It acknowledges that this will include a variety of different uses.
- 5.5 The principle of the development was assessed in detail as part of outline application 20081773 and later with application 20170827. Since the original planning approval date new development plan documents have been adopted by the council and the Joint Core Strategy has been subject to amendment. These did not materially alter the policy considerations relating to the assessment of the 2017 application. Since 2017, there have been no new adopted local plan development documents, however a new version of the NPPF was published in February 2019. It is not considered that the revised NPPF contains any new provisions which alter the principle of development at this site.
- 5.6 Policy GT10 of the Area Action Plan (AAP) adopted in 2016 states that the site will deliver up to 4,500sqm of A1, A2, A3 and A4 uses and this is set out in Condition 9 of 20170827. The proposed variation remains in line with the Policy which did not specify the size of the units.

However, the Policy also referred to the site being developed in accordance with the outline planning permission. Therefore, whilst the application does

not alter the principle, the uses or the amount of each specified use - in this case A1 (retail) uses - the proposed change is to remove the precise specification of the format of the units to permit one single retail unit rather than several smaller retail units. As this detail is different to the outline it requires permission.

The Condition currently limits the individual A1 units to 500sqm, which would mean the overall 2,400sqm retail use could have no more than four units of this size but could have smaller units. Lidl has stated that this store would be in the region of 1,900sqm (GIA) which would still leave some retail floorspace for smaller units. It should be noted that this is not being determined or fixed here and a further application would be required.

- 5.7 To support the application a Sequential Site Assessment is required to consider whether there are suitable alternative sites for a retail use of this size and to outline the way the store operates and the impact of the proposal. This requirement comes from the NPPF in paragraph 89, which requires that:

When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Therefore this Sequential Site Assessment has been submitted as the threshold for retail has been set by the condition referred to in paragraph 5.6 above at 500sqm. This was required at the time of issuing the outline approval as the plan for the wider Broadland Gate business park was to have smaller ancillary retail uses supporting the main employment uses. This was a point in time, with 12+ years having elapsed since this original vision for the site and the market for employment land having changed considerably. Furthermore large scale residential development has been approved to the north of Broadland Gate in the intervening time, meaning that a medium scale supermarket on this site would be beneficial to those future residents.

I bring to Members attention that this S73 application is only applying for the principle of bringing the majority of the A1 retail units together into one larger unit. However, it has been made clear in the submission that, if

successful, Lidl would submit a detailed application to build a store on this site. Therefore within the Sequential Site Assessment an overview of the Lidl retail operation as a 'no frills' store is provided. It states that its offer is limited, and predominantly own brand (90%) which is much larger than conventional food retailers. It explains that around 80% of the floor space is convenience shopping (i.e. food etc) and only 20% comparison (e.g. small garden items/furniture) and that these items are limited and constantly changing. Its customers tend to purchase low cost basic staples and visit other retailers for a wider range, luxury and specialist items as well as other services such as fresh meat, pharmacy, post office etc. It is stated as a complementary retail provision and therefore the impact on other retailers is negligible.

The store format requires a large gross floor area between 1,800-2,500sqm which equates to a net sales area of 1,150-1,400sqm because of the above type of bulky items and the way the products are displayed in the original delivery pallets/boxes to reduce costs.

It states that because of this limited offer, its small store size and shorter trading hours Lidl stores serve a relatively compact catchment area intended for local shopping of around a 0-5 minute drive.

The report concludes that because of the key trading characteristics that distinguish Lidl from the mainstream convenience retailers and smaller independent retailers the trading impacts of new Lidl stores on existing retailers and centres are very limited.

The sequential assessment defines this as an out-of-centre location and assesses the suitability and availability of potentially sequentially preferable sites within an identified catchment area based on the requirements of a limited assortment discount (LAD or 'deep discount') food store. It found six alternative sites and considered each. The assessment concluded that there are no suitable or available sequentially preferable sites to accommodate the proposed development, even with the application of appropriate flexibility to the site search parameters. I concur with the findings of the assessment and consider that a single retail unit of the size proposed would be complimentary to the existing retail offer in the area. Furthermore, with the significant scale of housing growth to the north of the site (1000+ dwellings) a use such as this is necessary to ensure a local and convenient offer as well as catering to range of households.

- 5.8 The NPPF requires significant weight to be placed on the need to support economic growth and productivity (paragraph 80). Of some relevance is that it states within paragraph 81 that planning policies should be flexible enough to accommodate needs not anticipated in the plan.

Policy 5 of the Joint Core Strategy supports the development of the local economy in a sustainable way, with larger scale needs being met through

the allocation of suitable land. The proposal will not affect the overall quantum of each employment use, if approved it would potentially create 40 new jobs.

The need to support the economy as part of the recovery from the COVID-19 pandemic is a material consideration. Even though this is a S73 application for the principle of development, it has been submitted on behalf of an end user (Lidl) who has made it clear that it wants to bring forward the development at pace. This application will provide employment during the construction phase and significant levels of employment once built and operational. It is my view that moderate weight can be given to this, which weighs in favour of the proposal.

- 5.9 Policy GC4 of the DMDPD encourages development proposals to be accessible to all via sustainable means including public transport. This larger site was allocated because of its location which is accessible and has good links to the City. The Highway Authority has no objection to the application.

Other Issues

- 5.10 The residents at Field Barn, Heath Farm and the Parish Councils have raised concerns about the increase in traffic and in particular the need for loading bays and consequent impact on their amenity. These concerns have been addressed in the supporting documents and the Highway Authority raises no objection. A Condition can be attached to control delivery times and to require engines to be turned off as set out in the supporting document (page 9). However, matters such as this (opening hours, lighting, etc) would be more relevant to agree at the detailed application stage. Therefore no conditions to cover these matters are proposed

If the current variation is approved and if Lidl decides to proceed then a further application would be required for the store which would include all details; including the size of store, layout, parking and design. The precise location of the loading bays can be considered at this stage to reduce any neighbour impact and this would be subject to further consultation.

- 5.11 Thorpe Town, and Postwick/Witton and Gt and Little Plumstead Parish Councils raise an objection to the retail use, however the application does not alter the amount of retail already approved and the submitted Assessment supports the application.

Norwich City Council does not raise an objection as the quantum of retail use remains the same.

- 5.12 The original permission was assessed under the Town and Country Planning Environmental Impact Assessment (EIA) Regulations. An updated Environmental Statement has therefore been submitted alongside the application. This demonstrates that the proposed development as amended will not give rise to any significant adverse impacts (during either construction and operation phases) and there are no revisions required to the extant planning permission in this regard.
- 5.13 This application is not liable for Community Infrastructure Levy (CIL) as the extant outline approval was determined prior to the introduction of CIL in Broadland.

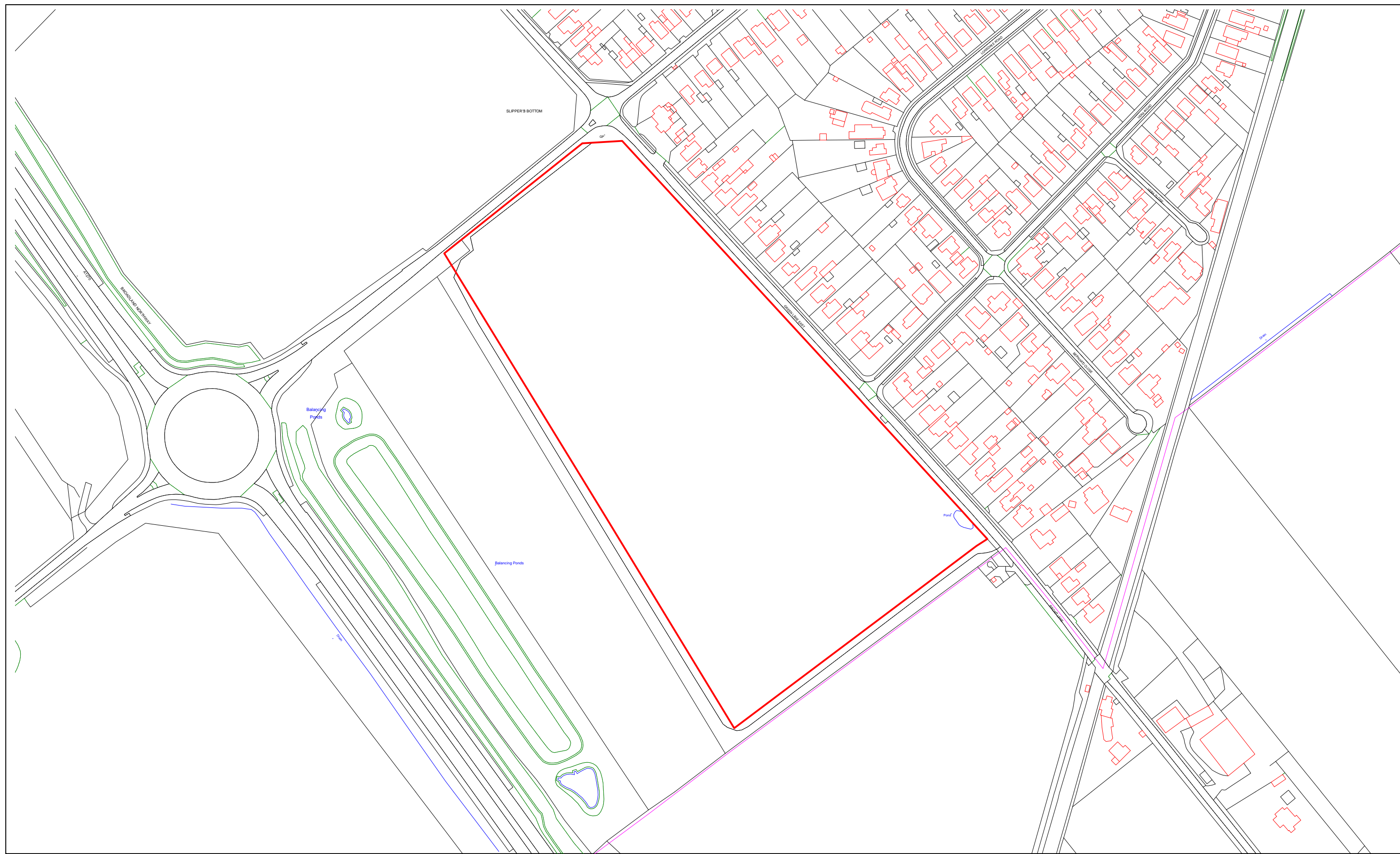
Conclusion

- 5.14 The application relates to the principle of the use and a further application would be required to deal with the details of the proposed retail unit.
- 5.15 The reason cited for Condition 10 is to ensure that the Class A uses are ancillary to the development. Given that the overall amount remains the same and having balanced the planning merits of the proposal and with regard to the material considerations set out above, I consider that there are sufficient reasons to indicate that the application to vary Condition 10 should be approved.

Recommendation: Approve Variation of Condition 10 to read;

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

Contact Officer, Ben Burgess
Telephone Number 01603 430625
and E-mail ben.burgess@broadland.gov.uk



Application No: 20200855
Land South of Green Lane East, Rackheath

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



Application No: 20200855
Parish: Rackheath

Applicant's Name: Lovell Partnerships Ltd
Site Address: Land south of Green Lane East, Rackheath
Proposal: Development of up to 157 Dwellings together with Associated Access, Open Spaces & Infrastructure at Land South of Green Lane East, Rackheath without complying with condition no. 3 previously imposed on the approval of reserved matters Ref 20191032 dated 12th March 2020 (and amended by 20201209) pursuant to conditions no. 1 and 2 imposed on planning permission Ref 20160395 dated 31 January 2019 (Removal/Variation of a condition under s73)

Reason for reporting to committee

The application is contrary to the provisions of the development plan and the officer recommendation is for approval.

Recommendation summary:

Delegate Authority to the Director of Place to Approve subject to conditions and a deed of variation to the s106 agreement and subject to satisfactory resolution of the issues raised by the Highway Authority and Contracts Officer.

1 Proposal and site context

- 1.1 In January 2019 outline planning permission was granted for the development of up to 157 dwellings together with associated access, open spaces & infrastructure, with all matters except access reserved under application reference 20160395 ("the outline permission"). This permission was subject to conditions and a section 106 agreement including an obligation to provide "Affordable Dwellings on the Site equating to at least 20% of the total number of Dwellings" with a tenure mix of 59% Rented Housing and 41% Intermediate Housing .
- 1.2 In March 2020 reserved matters pursuant to conditions 1 and 2 of 20160395 was granted under application 20191032 ("the reserved matters permission"). This permission approved details of layout, scale, appearance and landscaping in addition to discharging conditions 5, 6, 7, 15, 16, 17, 19 and 22 of the outline permission.
- 1.3 Whilst the decision notice for 20191032 listed the approved plans and documents, a subsequent application for a non-material amendment was approved (20201209) to impose a condition requiring the development to be carried out in accordance with those plans and documents.

- 1.4 The application, the subject of this report, is submitted pursuant to section 73 of the Town and Country Planning Act (as amended) and seeks permission to vary the list of drawings and accompanying documents approved by condition 3 of the reserved matters permission (as amended by 20201209).
- 1.5 The application seeks to amend the approved house types to facilitate the delivery of 100% affordable housing with a mix of 55% Rented Housing (Affordable Rent) and 45% Intermediate Housing (Shared Ownership) (which amounts to 86 and 71 dwellings respectively). Consequential changes are required to the layout to reflect the change in housing mix and updated technical details in respect of flood risk, surface water drainage, energy efficiency, ecology and landscaping have been submitted.
- 1.6 The applicants have identified that the 20% affordable housing scheme approved under the outline permission is not deliverable, however grant funding is available to Flagship as a Registered Provider of affordable housing to enable the delivery of the site as 100% affordable housing.
- 1.7 The site is allocated as GT19 in the Growth Triangle Area Action Plan 2016, it is approximately 7ha in area and was last used for arable agriculture. It is broadly level and contains a semi-mature tree belt to the south-west and south-east boundaries. To the north east the site is bounded by mature trees and a ditch, beyond which is Green Lane East and associated dwellings mostly of single and 1.5 storey. To the north west the site is open to Salhouse Road which provides access to the Broadland Northway to the west and Rackheath village to the east. Beyond Salhouse Road is the allocated site GT18 which has a committee resolution to approve 322 dwellings of which 28% (90 dwellings) would be affordable.

2 Relevant planning history

- 2.1 20160165 – EIA Screening Opinion – residential development. Not EIA Development.
- 2.2 20160395 - Development of up to 157 Dwellings together with Associated Access, Open Spaces & Infrastructure. Outline Approval.
- 2.3 20191032 - Reserved Matters application for details of appearance, layout, landscaping and scale of 157 dwellings following Outline Planning Permission 20160395, including details reserved by Condition 5 (Landscaping), Condition 6 (Tree protection), Condition 7 (Energy Efficiency), Condition 15 (Noise), Condition 16 (Archaeology); Condition 17 (Ecological enhancement); Condition 19 (Surface water Drainage) and Condition 22 (Phasing) – Approved.
- 2.4 20201209 - Non material amendment to 20191032 - Addition of a condition listing the originally approved plans and documents. Approved.

- 2.5 20200970 - Approval of Details Reserved by Condition 20 of Permission 20160395 - Surface Water Drainage Details. Approved
- 2.6 20201102 - Details reserved by Condition 1 of Planning Permission 20191032 - soft landscaping proposals. Undetermined.
- 2.7 20201346 - Details for condition 12 of planning permission 20160395 - Traffic Management Plan. Undetermined.
- 2.8 20201347 - Details reserved by Condition 8 of planning permission 20160395 - Roads, footways, cycleways, foul and surface drainage. Undetermined.
- 2.9 20201348 - Details reserved by condition 14 of Planning Permission 20160395 – Off site highway works. Undetermined.
- 2.10 20201350 - Non Material Amendment following grant of Planning Permission 20160395 - Roads, Footways, Cycleways, Foul and surface water drainage. Approved.

3 Planning Policies

3.1 National Planning Policy Framework (NPPF)

NPPF 02 : Achieving sustainable development
NPPF 03 : Plan-making
NPPF 04 : Decision-making
NPPF 05 : Delivering a sufficient supply of homes
NPPF 06 : Building a strong, competitive economy
NPPF 08 : Promoting healthy and safe communities
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 7 : Supporting Communities
Policy 8 : Culture, leisure and entertainment
Policy 9 : Strategy for growth in the Norwich Policy Area

Policy 10 : Locations for major new or expanded communities in the
Norwich Policy Area
Policy 20 : Implementation

3.3 Development Management Development Plan Document (DM DPD) 2015

Policy GC1 – Presumption in favour of sustainable development
Policy GC2 Location of new development
Policy GC4 – Design
Policy EN1 – Biodiversity and Habitats
Policy EN2 – Landscape
Policy EN3 – Green Infrastructure
Policy EN4 – Pollution
Policy RL1 – Provision of Formal Recreational Space
Policy TS2 – Travel Plans and Transport Assessments
Policy TS3 – Highway Safety
Policy TS4 – Parking Guidelines
Policy CSU5 – Surface Water Drainage

3.4 Growth Triangle Area Action Plan 2016

Policy GT1 – Form of development
Policy GT3 – Transport
Policy GT19 – Land south of Green Lane East

3.5 Rackheath Neighbourhood Plan

Policy HOU1 – Mixed type and tenure of housing
Policy HOU2 – Character, density and massing
Policy ENV1 – Drainage
Policy ENV2 – Climate change
Policy ENV3 – Tree belts and wildlife habitats
Policy ENV4 – Trees and soft site boundaries
Policy ENV5 – Local landscape character and historical development
Policy ENV7 – Green space
Policy ENV8 – Approaches to Rackheath and village landscape
Policy COM1 – Linked community
Policy COM3 – Social spaces, play spaces and parks
Policy COM4 – Community safety
Policy COM7 – Allotments
Policy TRA2 – Pedestrian, cycle and bridleways
Policy TRA3 – Layout and traffic calming
Policy TRA4 – Residential car parking for new developments

3.6 Supplementary Planning Documents (SPD)

Recreational Provision in Residential Development SPD
Landscape Character Assessment
Parking Standards SPD
Affordable Housing SPD

4 Consultations

4.1 Anglian Water:

The application is not drainage related therefore this is outside of Anglian Water jurisdiction to comment.

4.2 Environmental Contracts Officer:

Comments regarding the location of some refuse collection points to ensure that they are as close as possible to the nearest adopted road. Tracking plans are also required to demonstrate that the Councils refuse lorry can service the site.

Comments on Tracking Plans:

The private drive shows the vehicle body over running the property boundary of plot 42 which is not acceptable. The vehicle is shown over running the car parking space and also onto the private drive areas but there should be no need for the vehicle to enter here as there is a communal collection point. The turn by plots 136 and 144 is very tight and the trees will prevent access as the vehicle is shown driving through them. This area should be adoptable. Previous comments regarding moving the communal collection points as close as possible to the highway still stand to minimise the manual handling for the crews.

4.3 Environmental Management Officer:

No objection

4.4 Highway Authority:

The layout of the estate roads remains generally in line with what was approved under 20191032. Notwithstanding this there are minor changes associated with plot changes which require minor amendments.

4.5 Historic Environment Service:

Archaeological work has been carried out and completed in relation to a previous application at this site and we do not wish to make any recommendations for further archaeological work

4.6 Housing Enabler:

I can confirm that Enabling are extremely supportive of the delivery of 100% affordable housing on this site. We understand that this will be as a mix of rental units and affordable homeownership products as Shared Ownership.

As mentioned previously some of the other sites within the Parish have either stalled or are not due to deliver affordable units until later Phases. So this site would deliver 157 newbuild affordable homes to good space standards towards both the local and districtwide housing need.

We expect that up to a third of the rental properties would be for local lettings as per the existing S106 agreement. So based on the proposed tenure split (55:45 Rent:Intermediate) and the site total this would amount to a significant proportion of the rental units being for local lettings. It is also expected that this site will deliver a very good mix of homes for rent and Affordable Home Ownership.

In addition, because of the number of affordables being delivered, there may be flexibility within the Council's Housing Allocation policy to explore an increase the number of rental units for local lettings - provided the Council's housing list indicates the additional local need.

For the shared ownership (as for any affordable home ownership dwellings) allocation priority should be given to those with a local connection to Broadland. So again applications from current residents, working or close family / caring connection to the Parish would be considered.

The affordable homes proposed would be as a varied mix of property types and sizes, from 1 bedroom bungalows, 2 bedroom houses, flats and bungalows to larger 3 bedroom bungalows and houses and 4 bedroom family homes.

Within both the rental and shared ownership units bungalows are included – which are in addition to the original proposed affordable housing mix. Obviously there is an identified need for level access and wheelchair adaptable properties, so this significant increase in the delivery of bungalows is particularly helpful.

4.7 Lead Local Flood Authority:

We are unable to recommend the variation of condition 3 at this time. The LLFA is satisfied with the technical documentation that was provided to support the details reserved by Conditions 19 and 20 (Surface Water Drainage details) in the 20160395 application (our ref: FW2019_0201 and FW2020_0361). The LLFA is not aware of any new technical information regarding the drainage strategy for the proposed development, therefore, it is for the LPA to decide whether this application satisfies the Council planning requirements to accept the variation of Condition 3.

Comments on additional plans:

The applicant has submitted updated plans and details to include the modifications following the design of flow paths. The LLFA is satisfied with the technical documentation that has been submitted to support this application. However, it is for the LPA to decide whether this application satisfies the Council planning requirements to accept the removal/variation of Condition 3.

4.8 Natural Environment Team:

Site Plan: No significant changes in terms of ecology.

Boundaries and Surfacing Plan: Plan submitted for 20200855 is fit for purpose in that they accord with that submitted for 20191032 although we would encourage provision of hedgehog highways beneath the gravel boards of the 1.8m close boarded timber fencing around the curtilage of dwellings (1 to 2 per dwelling) to allow hedgehogs to permeate the site. This could be conditioned.

Landscape and Ecology Strategy: Plan submitted for 20200855 is broadly fit for purpose and shows location of bird and bat boxes, new hedges, upgraded hedges and location of wildflower meadow. It is not clear how these features will be managed going forward so it is recommended a Landscape and Ecology Management Plan is conditioned.

The plan references a NWS Biodiversity Management Plan 2014/210.1 Section 9 Appendix B but this is not submitted with the application and I have been unable to find the application it relates to. It is recommended that this is checked for validity as 2014/210 is an old application.

Green Infrastructure Plan: Plan submitted for 20200855 incorporates additional 'native' trees.

Other matters: Consideration should be given to lighting and ensuring that linear landscape elements and the SuDS are not artificially illuminated at night so as to maintain ecological corridors. Condition suggested.

20200855 is also supported by an updated ecology report. It is dated 23/04/2019. This report is valid for this application. CIEEm guidelines on the lifespan of ecological surveys applies.

4.9 Norfolk Constabulary:

As you will be aware, Central Government place great emphasis on the role of the Police. The National Planning Policy Framework (NPPF) gives significant weight to achieving inclusive and safe communities (in section 8 of the NPPF). This is highlighted by the provision of paragraph 91, which states

Planning policies and decisions should aim to achieve healthy, inclusive and safe places which.....b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion....

Norfolk Constabulary have the responsibility for policing, making Norfolk a safe place where people want to live, work, travel and invest. A key element of this is ensuring that crime and disorder does not undermine community cohesion (and quality of life). To achieve this, it is necessary to ensure that the necessary police infra-structure is available where growth is to take place.

Norfolk Constabulary have highlighted that this application represents a significant proposal that will place additional pressure on police services. This development, alongside other development proposals in the south Broadland area, will place considerable strain on existing resources. Therefore further investment will be required to deliver the police services required in this part of the District.

Whilst a new police station is currently planned at Broadland Gate, a second new response police station is required to ensure that infrastructure meets the requirements of the growing population in south Broadland, otherwise there will not be sufficient long term capacity to deliver the police services. Norfolk Constabulary is actively seeking a fit for purpose new facility to serve the growth planned for south Broadland, including that from the application site.

Therefore this significant application needs to address the impact on policing of the development to ensure that the developer contributes to the necessary facilities / infra-structure required by the police to deliver a safe and secure environment and quality of life (and limit crime and disorder and the fear of crime) for future residents.

Norfolk Constabulary trust that the above will be properly considered and addressed in determining this application.

Additional comments:

The comment reflects the focus that Norfolk Constabulary now have to seek to secure contributions towards police infrastructure required as a result of significant growth in the area (and reflect similar comments made on large scale applications in recent months). The importance of securing such contributions has been highlighted by recent work undertaken by the National Police Estate Group supported by Arup.

4.10 Norfolk Constabulary (Designing Out Crime Officer):

Layout:

4 x paths along the eastern boundary of Green Lane East have lockable gates and provide no access for non-residents. This greatly improves my interpretation of permeability throughout this development reducing public movement through semi-private areas/parking courts and is supported.

The pathway on the western boundary adjacent woodland strip has balustrading and timber rails to indicate the desired route past adjacent dwellings.

Dwelling Boundaries:

In directing general footfall from designated open spaces to join the desired tarmacked points, please consider additional landscape or boundary treatment (1m hedging or knee rails) to assist in creation of defensive space to prevent casual movement or accidental contact with adjacent area. To protect from any desire lines consider extending hedge up to rear of #145 and prevent movement through parking court of #141-144.

No comments on car parking or lighting.

UK Power Networks:

UK Power Networks has a live, operational, electricity network structure situated on the eastern boundary of the proposed development. The applicant must note that safe working clearances will need to be maintained from this structure in accordance with 'Health & Safety Executive Guidance Notes GS6 - Avoidance of Danger from Overhead Power Lines'.

4.11 Other Representations

Rackheath Parish Council:

Object for the following reasons:

- This development brings no benefit to Rackheath community in terms of infrastructure or financial return. Due to the type of housing being proposed, no CIL funding will be made available to the community. Rackheath will bear the brunt of additional housing and will not receive any funding in order to support or invest in infrastructure to ensure community growth needs are met.
- Rackheath still has no extra school capacity or medical provision, no cycle/public footpath connections to the city or Salhouse.
- The changes have been put forward not to meet a justified need within Rackheath but have been proposed for financial reasons as the Developer has too much open market stock.
- Lovells claim that there is too much competition in the area from other housing developments to continue with the original plans.

There has not been any large scale housing development supplied within Rackheath that should impact on Lovell's ability to sell.

- Norfolk Homes (opposite of Salhouse Road/GLW) is yet to commence.
- Taylor Wimpey's site (Mahoney Green) is uncertain.
- GT16 (Airfield Development) – yet to materialize.
- Developments in neighbouring Sprowston are being passed with lower affordable housing allocations, typically 20% and as low as 10%. Rackheath is now being used as an offset so the primary private houses can be built in these areas for most profit.
Rackheath gets extra houses but no community investment.
- This application is aimed at low income households and those needing additional support who are will be dependent on public transport. Rackheath has poor and unreliable transport links and cannot provide these residents with reliable transport to work locations or key areas, leaving them stranded in a rural village with little to do.
 - Rackheath itself has limited work opportunities; the Industrial Estate has no bus connections from the village.
 - Bus times often do not match with people's work patterns.
 - There are no active bus stops/routes outside development.
 - Rackheath is still without a direct bus route to Norwich.
- This application tenure is not balanced and is not in line with the Rackheath Neighbourhood Plan and goes against policy HOU1. As a Community Council will seek to uphold our Neighbourhood Plan.
- We support affordable rent and shared ownership housing, as with all developments, we expect to see a balanced percentage of housing tenure split between privately owned housing, shared ownership housing and rental to ensure we have a good level of community spirit and cohesion. We strive to be a place where people want to live, work and get involved, now and for future generations.
- No prior consultation with Rackheath Community Council despite this Application's impact on the community.
- Flagship do not have a local lettings policy in place for this development – we would want to see a robust local lettings policy in place that not only covers the first renters to be local but also for years to come to ensure those with family links to Rackheath can reside in the same area as their family.
- No play areas have been put forward on this development and as there will be no CIL available to Rackheath, there will not be the funds to provide recreational equipment either on this development or the ability to increase current provision on existing sites within Rackheath.
- We have noted the response and concerns raised by Norfolk Constabulary and share these concerns.
- Rackheath Neighbourhood Plan COM4: Community Safety
 - New developments should be designed with good natural surveillance...and buildings that face onto the public realm.
 - The housing on this application has been designed in "blocks" of

tenure type leading to enclaves which is directly against the Rackheath Neighbourhood Plan. Groupings of rental properties are placed on the NDR side of the site and it is felt that this is poor design and will lead to anti-social behaviour hot spots as there is no natural surveillance.

130 representations from residents raising the following issues (summarised). Complete comments are available on the Council's website:

- The level of affordable housing does not complement the existing mix of properties in Rackheath which are largely privately owned.
- The number of affordable houses on one estate is not a mixed and balanced community. There should be a more balanced mix of market, rented and shared ownership properties. The scheme does not comply with the Neighbourhood Plan, the JCS, DM PDP and NPPF on this basis.
- There is no provision for recreation in the development.
- The scheme will increase the number of young people in the village and will not provide facilities for them.
- Insufficient capacity in the road network, especially at the Broadland Northway junctions. Serving the village.
- Insufficient capacity in Rackheath Primary School meaning children will need to go elsewhere for education.
- There is no doctors surgery in Rackheath.
- Insufficient consultation with local residents.
- Will impact local house prices.
- Form and scale of housing is not in accordance with existing village.
- Rackheath needs affordable housing but not on this scale.
- New residents will feel segregated from existing community.
- Rackheath is not served well by public transport.
- Conflicts with the GT AAP which requires 33% affordable housing.
- Development would not pay CIL.
- Proposal would result in overlooking of existing properties.
- Development will impact on ecology.
- Access proposals are unsafe.
- Increased cars will lead to increased emissions.
- Development will overshadow existing bungalows.
- Will impact on the character of Rackheath as a small village.
- Routes to school should be assessed to ensure that they are safe – crossing the Broadland Northway is not.
- Insufficient parking spaces.
- Unclear if street lighting is proposed.
- Social housing will increase crime and vandalism.
- Norfolk Constabulary has confirmed that this will impact on their resources to police the area.
- Loss of natural green space.
- Property types not in keeping with existing village.

- Developers should not be able to change plans once approved.
- Concerned that Flagship will have management control of the site rather than the Council.
- Timing of application with Coronavirus restrictions in place and a lack of transparency.
- There is no local lettings proposed.
- Will the tree belts be removed? Will public access to them be secured?
- Location of access is unacceptable.
- As an applicant on the housing list I am interested in these properties.
- Location of site next to pub.
- Lack of capacity at existing doctors surgeries serving the village.
- Proposed changes are not minor in nature but major and therefore should not be considered under s73.
- Where will residents of the development be moving from?
- Are Flagship suitable to manage the site and how will they be overseen by the Council?
- House design and materials will not be as previously approved.
- Two points of access should be provided.
- How will construction traffic be managed?
- Site is at risk of flooding.
- Light and noise pollution resulting from the development.
- Application supports commercial interests rather than that of the local community.
- Little employment in Rackheath to serve new growth.
- Will create a 'Sink Estate' which the government do not support.
- Overdevelopment.
- Site not close to existing facilities.
- What would happen if Flagship went 'bust'?
- Scheme should be justified with regard to local policy to meet build for life 12.
- Scheme does not responsibly address the housing crisis and does not provide private rented homes which will increase the cost of affordable housing.
- What are the financial incentives for all parties and have they been published?
- Have other schemes such as First Home Scheme and Affordable Rent to Buy been considered?
- What will happen if the Shared Ownership properties are not sold?
- Why has this site been selected rather than others in the district?
- Tree lined streets should be provided.

Key Considerations

5.1 The key considerations are:

- The principle of development and planning history
- The principle of 100% affordable housing
- CIL and infrastructure requirements
- Whether the proposal is acceptable in all other regards in respect of the development plan and any material considerations including highway safety, landscape, ecology, design.

Principle and Planning History

5.2 The site is allocated as GT19 in the Growth Triangle Area Action Plan (GT AAP) for residential development. Policy GT19 includes four criteria stating that the development will include:

- Residential development including 33% affordable housing.
- Pedestrian and cycle links across the frontage of the site adjacent to Green Lane East.
- An agreed landscape masterplan prior to the commencement of development including reactional areas in accordance with the Council's standard policies and extensive landscaping along the western edge of the site.
- An appropriate noise assessment to identify any appropriate mitigation necessary to offset the impact of the Northern Distributor Road (now the Broadland Northway).

5.3 The planning history of the site is provided in sections 1 and 2 of this report. In summary, the site has secured outline planning permission with all matters reserved except access for a development of up to 157 dwellings under application 20160395. Secured as part of this application in the section 106 agreement was affordable housing to amount to at least 20% of the dwellings on site. Subsequently all outstanding reserved matters for a scheme of 157 dwellings and the discharge of some conditions was secured under application 20191032. This scheme included 20% affordable housing in accordance with the section 106 agreement. The decision notice for the reserved matters approval listed the approved plans and documents, but a subsequent non material amendment was made to impose condition 3 requiring the development to be carried out in accordance with those plans and documents.

5.4 The current application is made pursuant to section 73 of the Town and Country Planning Act 1990. Section 73 deals with "applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted". In this instance, the applicant proposes to not comply with condition 3 imposed on 20191032 (as amended by 20201209).

- 5.5 Condition 3 states: “The development hereby permitted shall be carried out in accordance with the plans and drawings and other documents and details received as listed under the heading Plans & Documents”. Those Plans and Documents are listed on the decision notice for 20191032.
- 5.6 The purpose of the amendment is to substitute new plans for the previously approved plans to vary the mix of dwellings to facilitate its delivery as a site for 100% affordable Housing, based on a tenure of 55% Affordable Rent and 45% Shared Ownership (86 and 71 dwellings respectively). As a result of the change in housing mix consequential changes are also required to the layout. It is therefore proposed to substitute amended floor plan and elevation drawings and any previously approved plan or document that included a layout or referred to the previous housing mix.
- 5.7 Criteria 1 of GT19 states that the development will include “residential development including 33% affordable housing”. On the basis that the scheme proposes 100% affordable housing it is considered that the application represents a departure from the development plan.
- 5.8 Criteria 2 requires the provision of pedestrian and cycle links across the frontage of the site adjacent to Green Lane East. The scheme in this regard is not amended from the previously approved layout and provides 3m wide paths, set behind the existing trees on Green Lane East with continuing provision along the frontage of the site with Salhouse Road connecting with the existing provision serving the Broadland Northway. Also included are alterations to the Sole and Heel roundabout which will aid crossing of Salhouse Road for pedestrians and cyclists in accordance with TRA2 of the Neighbourhood Plan. The precise details of these off-site works were secured by condition on the previous outline application and have not been discharged. Consequently the condition should be re-imposed if permission is granted.
- 5.9 Criteria 3 requires the submission of a landscape masterplan, including recreational areas and public open spaces in accordance with the Council’s standard policies and extensive landscaping along the western boundary. The application is supported by a Landscape and Ecology Strategy Plan which demonstrates how landscaping could be incorporated into the site. This scheme reflects the previously approved scheme with the retention of the existing semi-mature tree belts to the western and southern boundaries, the retention of mature trees on the boundary with Green Lane East and new planting throughout the development. Details of tree protection, in accordance with that previously approved, have been provided and compliance with these should be conditioned. Furthermore, whilst the indicative landscaping strategy is acceptable, precise details (such as the number of plants, species, planting methods and aftercare etc) should be a condition on the permission.

- 5.10 In respect of the requirement of criteria 3 to provide open space, the relevant policies are EN3 and RL1 of the DM DPD. These require the provision of green infrastructure, allotments, formal recreation and children's play space. The Recreational Provision in Residential development SPD which is supplementary to these policies identifies that on a development of this scale it is anticipated that green infrastructure and children's play space should be provided on site whilst allotments and formal recreation should be provided off-site. In response to these requirements the applicant has submitted a Green Infrastructure Plan demonstrating that the area of public open space to the south east of the site and woodland belt to the site boundaries, which will have a woodland walk, will meet the sites green infrastructure requirements. Other areas of open space on site are not proposed as green infrastructure but assist in placemaking and their inclusion is welcomed. A financial contribution towards the purchase, equipping and maintenance of children's play equipment, allotments and formal recreation will be made in accordance with the SPD. Comments from residents have questioned whether a children's play area could be provided on site for use by the occupants of the development and policy COM3 of the Neighbourhood Plan expects Major development to provide enhanced facilities including children's play areas. The SPD does indicate that on a site of this scale children's play should be provided on site, although the thresholds in the SPD are indicative. Officers have raised this request with the applicant but they wish to pay a commuted sum towards off-site provision. Given the proximity of the site to Jubilee Park, where financial contributions towards the enhancement of the existing play areas could be spent this is considered to be acceptable. This principle was established in the outline application and secured in the section 106 agreement which also binds any subsequent s73 application. Consequently it is considered that the proposal complies with criteria 3 of GT19.
- 5.11 Criteria 4 requires a noise assessment to be submitted to identify any appropriate mitigation necessary to off-set the impact of the operation of the Northern Distributor Road (now Broadland Northway). At the outline stage a noise assessment was submitted which identified that the site could be developed to achieve a satisfactory level of internal and external amenity details and a condition was imposed to ensure that the stated noise criteria in the report were achieved. The proposed application reflects the principles of the previous applications in terms of the location and scale of dwellings, such that the conclusions of the previous acoustic report remain valid for the proposed layout. It is proposed to re-impose the condition on the outline application.

Given the above, it is considered that the proposal does conflict with criteria 1 of policy GT19, but complies with criteria 2, 3 and 4. Given this conflict, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the application is determined in accordance with the development plan (i.e. refused) unless material considerations indicate otherwise.

The Principle of 100% Affordable Housing

- 5.12 As established above, the provision of 100% affordable housing would not comply with policy GT19. A significant number of representations from residents and the objections from the Parish Council relate to the acceptability of providing 157 affordable dwellings in respect of providing mixed and inclusive communities. Relevant policies in this regard include policy 4 of the JCS, HOU1 of the Neighbourhood Plan and GC4 of the DM DPD. Also relevant are paragraphs 91 and 127 of the NPPF.

JCS4 states:

Proposals for housing will be required to contribute to the mix of housing required to provide balanced communities and meet the needs of the area, as set out in the most up to date study of housing need and/or Housing Market Assessment.

This relates to the overall plan objective to “allocate enough land for housing, and affordable housing, in the most sustainable settlements” (objective 2).

HOU1 states:

In any new development there will be provision of mixed type and tenure of housing, appropriately located to ensure exclusive enclaves do not occur. Proposals for new residential development should not include large scale amounts of flatted accommodation to contribute to a rural village feel. To meet housing need and enable social diversity, the mix of the housing across the parish should include the following:

- *Starter homes.*
- *Family homes, with a range of garden sizes.*
- *Affordable housing, including social housing.*
- *Housing for older people and the disabled, suitable for independent living.*
- *Supported housing (a range of housing types for people with support needs).*
- *Bungalows.*

GC4 states:

“Proposals should pay adequate regard to.....ix) The creation of sustainable, inclusive and mixed communities”.

Whilst the scheme does not provide for any market properties I am of the opinion that these policies of the development plan do not preclude the delivery of sites which are for 100% affordable housing from being considered mixed and inclusive and creating balanced communities. These

policies do not prescribe that a mix of market and affordable properties is necessary to be considered mixed and inclusive.

The application proposes a tenure mix of 55% Affordable Rent and 45% Shared Ownership. On a development of 157 dwellings that amounts to 86 Affordable Rent and 71 Shared Ownership dwellings. The eligibility criteria for those Shared Ownership properties include a maximum annual household income of £80,000 which would therefore be available to a wide section of society from a range of socio-economic profiles. Furthermore, through the purchase of a Shared Ownership property there is the ability to 'staircase' enabling the owner to increase their share in the property up to 100%, thereby becoming the sole owner. In addition, the application proposes a wide range of property types from 1 bedroom flats, bungalows and 1- 4 bedroom dwellings or varied size to suit a range of householder requirements. Consequently, whilst not including any market properties, the proposed mix would still enable the delivery of an inclusive and mixed development in accordance with HOU1 and GC4. Objections have been raised by the Parish Council that the tenures are not evenly distributed throughout the development, however the Tenure Plan shows a spread of tenures across the development. Whilst there are 'clusters' of Affordable Rent and Shared Ownership properties, this is not untypical and facilitates in the management of the site by the Registered Provider.

Of note is the fact that if this were to be a development with a lower level of affordable housing then that would not preclude a Registered Provider buying all of the units post planning approval. Therefore this site, or any other site, could have 33% of the total dwellings as affordable in the planning permission, but then the landowner/developer may choose to sell to a Registered Provider who could then deliver 100% affordable housing. The Local Planning Authority would have no control over this. Were this application not to propose changes to the layout and house types of the scheme then this could have been a route that the landowner/developer may have chosen to use.

- 5.13 The latest Annual Monitoring Report (AMR) for the JCS identifies that the number of affordable housing completions each year has increased and now exceeds the JCS annual target. However, there remains a backlog and the AMR cautions that continuing to meet the delivery target across the Greater Norwich Area will be a challenge. Other developments across the Growth Triangle, and across Greater Norwich more generally have not been able to deliver affordable housing in line with the JCS target as amended and (historically) have not consistently achieved the annualised target of affordable homes per year.

From a strategic perspective, looking at the settlement as a whole, the viability undertaken in conjunction with the masterplan developed for North Rackheath (GT16) indicated that the viable affordable housing level was likely to be 10%. Whilst this will need to be re-visited on submission of an application for this area, it is evident that there are likely to be viability

issues in achieving policy compliant affordable housing in the wider strategic growth area. Consequently, delivering GT19 as 100% affordable housing (and therefore increasing the number of affordable homes delivered across the settlement as a whole) may actually make the future Rackheath (as a settlement) a more balanced community, which better meets the needs of the area. However, on the basis that North Rackheath is not yet subject to a planning permission, securing this level of affordable housing is as a consideration that does not carry significant weight but is nonetheless a material consideration given the comprehensive masterplanning which has been undertaken for that site.

- 5.14 With regard to the above, I consider that the delivery of affordable housing, based on the tenure and range of property types proposed, would lead to an inclusive and mixed community in accordance with the development plan, albeit one which does not have any market dwellings.
- 5.15 Concerns have been expressed that those occupying the development, by virtue of their need for affordable housing, would not assimilate into the wider village and the site would be liable for attracting anti-social behaviour, crime and vandalism. However, little evidence has been provided in the representations to substantiate these claims. Comments made by residents have highlighted the response from the Norfolk Constabulary who have identified that this development, alongside other development proposals in the south Broadland area, would place increased pressure on police services. The Constabulary did not make similar claims when the proposal was considered at outline or reserved matters stage and clarification has been sought about whether this response is as a result of any of the changes proposed. However, the Constabulary have confirmed that these comments reflect the focus that Norfolk Constabulary now have to seek to secure contributions towards police infrastructure as a result of the significant growth in the area and reflect similar comments made on large scale applications in recent months. Consequently, I do not consider that it is the changes proposed which have resulted in this request rather that the Constabulary are, and will be on other sites, seeking contributions as a result of growth per se.
- 5.16 The Housing Enabler is extremely supportive of this application, highlighting that other sites in the Parish have either stalled or are not due to deliver affordable units until later phases. Furthermore, sites elsewhere in the Growth Triangle have not provided a policy compliant level of affordable housing due to viability. The proposed delivery of 100% affordable housing will significantly increase the supply of affordable housing for existing residents of Rackheath (or people with a connection to the village) and the wider community as contrary to the representations from a number of residents, 33% of the Affordable Rent properties, at first let, would be for Local Lettings. I therefore consider the social benefits of this scheme to be significant. The permission would need to be accompanied by a deed of variation to the existing section 106 agreement to ensure that the triggers,

process and procedures of the agreement remain relevant to the revised proposal. This is reflected in the officer recommendation.

CIL and Infrastructure requirements

- 5.17 The CIL Regulations enable affordable housing to be exempt from paying CIL, subject to meeting eligibility criteria. Any application for exemption is made following the issuing of a CIL Liability notice, however it is anticipated that this scheme would be exempt from CIL. CIL is a charge which can be levied by Local Authorities on new development in the area used to help deliver the infrastructure needed to support development. Furthermore, a proportion of CIL from a development goes directly to the Parish Council – in this case Rackheath would be eligible for 25% of the CIL from this development on the basis that it has an adopted Neighbourhood Plan.
- 5.18 Comments made by residents and the Parish Council have identified that the exemption from CIL that this site may benefit from would impact on the ability to deliver the required infrastructure for the village.
- 5.19 With regards to concerns over education, Rackheath Primary School is understood to be near capacity and it is understood that it has limited scope to increase. Therefore children from this development may be required to travel elsewhere for their school needs – this situation is no different from when the outline application was determined. In the long term it is proposed that Rackheath would be served by two new primary schools on the North Rackheath allocation GT16 which will be required to provide land for such a facilities, however the timescales for their delivery are presently uncertain given a planning application has not been submitted.

However, in the event that this site is not liable to pay CIL it does not mean that the local education authority cannot seek funding. Subject to sufficient funding being available in the pooled CIL fund, £2M of CIL a year is provided to the education authority to support school provision. The education authority then invests this along with other capital funding it receives on the priorities within its capital programme. As such the investment is directed to priorities rather than by some apportionment relative to income in specific areas. Therefore, investment into primary school infrastructure at Rackheath would not be effected by whether this site is eligible for CIL relief or not. Consequently, the lack of CIL which this development may pay does not represent a reason for refusal in respect of education.

- 5.20 The `loss` of CIL as a result of this development would mean that the 25% that the Parish Council had expected to receive would also not be payable. This will impact on the ability for the Parish Council to provide more local infrastructure that it deems necessary to meet the needs of the village and mitigate the impact of this development. This I consider to be a dis-benefit of the scheme which weighs against the proposal. However, contrary to a number of representations from residents, the scheme will still be required

to contribute towards the provision of children's play space, formal recreation and allotments under the requirements of EN3 and RL1 of the DM DPD and officers would work with the Parish Council to identify how this money could be best spent in the Parish. Furthermore, as previously stated in this report green infrastructure will be provided on site to meet the needs of residents in accordance with EN3.

- 5.21 As stated in paragraph 4.9 of this report Norfolk Constabulary are seeking contributions towards police infrastructure due to the scale of growth from this, and other developments in the area. The Constabulary could seek to secure money from the CIL but this is a competitive process and contributions towards police are not an infrastructure item on the former Regulation 123 list. Whilst regulation 123 has been deleted from the CIL Regulations and there are no barriers for the police to seek funding from the CIL pot, the former list is being used as a statement of practice pending the CIL review. However, given that an outline and reserved matters scheme for 157 dwellings is in place, and the Constabulary has confirmed that it is not the changes proposed which has resulted in their request, it is not considered that contributions via section 106 are necessary to make the development acceptable and it would not be reasonable to impose this requirement on the development. Consequently the request would not meet the tests of Regulation 122 and cannot be secured by section 106.

Whether the proposal is acceptable in all other regards in respect of the development plan and any material considerations including highway safety, surface water drainage, landscape, ecology, archaeology, design.

- 5.22 Highway safety:

The outline permission, accompanied by a Transport Assessment, secured means of access to the site onto Salhouse Road via a priority junction onto a Type 3 estate road. The reserved matters permission maintained this highway strategy and the proposed development is identical to the reserved matters in this regard. Comments from residents have raised concerns regarding the location of the access, its proximity to the Broadland Northway and Sole and Heel roundabout, and the capacity of Salhouse Road to accept the scale of development. However, these are all issues of principle which have been established by the outline and reserved matters permission. The highway authority have raised no objections subject to some minor changes to the layout as a result of the plot substitutions. Consequently, and with regard to the extant permission, it is considered that the proposed development would have an acceptable impact on highway safety and the satisfactory functioning of the local highway network in accordance with policy TS3 of the DM DPD. The officer recommendations reflects the need to resolve the minor changes to the layout with the highway authority. Conditions relating to the design and construction of highway details and the need for construction traffic

management should be reimposed from the outline consent on the basis that they have not yet been discharged.

5.23 Surface water drainage:

Policy CSU5 of the DM DPD states that mitigation measures to deal with surface water arising from development proposals should be incorporated to minimise the risk of flooding on the development site without increasing risk elsewhere. Policy 1 of the JCS states that development will be located to minimise flood risk, mitigating any such risk through design and implementing sustainable drainage. Policy ENV1 of the Neighbourhood Plan reflects the requirements of the local plan encouraging the use of Sustainable Drainage Systems (SuDS) to prevent the increased risk of flooding either on site or elsewhere.

The site is fully located in Flood Zone 1 (i.e. land having a less than 1 in 1,000 (0.1%) annual probability of river or sea flooding). It is partially at high risk of surface water flooding (i.e. risk is greater than a 1 in 30 annual probability for flood risk from surface water flooding) and has a surface water flow path from the north at the Salhouse Road and Green Lane junction across the site to the south east corner where there is a record of water ponding.

An amended Flood Risk Assessment (FRA) was submitted with the outline application with outline designs to account for surface water drainage. The outline scheme proposes the use of infiltration including the use of cellular soakaways and permeable paving and the Lead Local Flood Authority raised no objections subject to conditions. These conditions have subsequently been discharged. However, as the layout has changed and resulted in minor alterations to the surface water drainage strategy (although the principle remains as previously approved), revised technical information is required in respect of surface water drainage. These have been submitted and the LLFA have raised no objection to the proposals. It is considered that the application complies with CSU5 of the DM DPD, policy 1 of the JCS and policy ENV1 of the Neighbourhood Plan. A condition should be imposed to require the development to be undertaken in full accordance with the submitted drainage information.

5.24 Landscape:

Policy GC4 of the DM DPD requires development to pay adequate regard to the environment, character and appearance of an area; Policy EN2 requires development proposals to have regard to the Landscape Character Assessment SPD and consider any impact on a range of landscape related criteria; Policy 1 of the JCS seeks to, inter alia, protect the landscape setting of settlements including the urban/rural transition and the treatment of gateways and policies ENV3, ENV4, ENV5 and ENV8 of the Neighbourhood Plan are all relevant to considerations of landscape impact. The outline application was supported by a Landscape and Visual Impact

Assessment (LVIA) and Arboricultural Impact Assessment and tree protection details and a landscape masterplan have been submitted to support the current application.

The site is located within landscape character area E3 in the Landscape Character Assessment SPD. The residential development would have an urbanising impact on the character and appearance of the site and immediate landscape through the introduction of roads, dwellings, domestic paraphernalia, hardstanding and street furniture. However, the site is allocated for residential development where the principle of residential development is acceptable and accordingly the urbanising impact should not in itself warrant a reason for refusal.

The development seeks to retain existing tree belts to the south-west and south-east which will provide a good level of screening when the site is viewed from the south and west. Furthermore, the construction of the Broadland Northway has fundamentally altered the character and appearance of the landscape to the west of the site. The site is not within or adjacent to any designated landscapes or conservation areas and the development would not impact on the setting of Rackheath Hall, the closest listed building approximately 900m from the site. The Sole and Heel public house is designated as a locally important Local Heritage Asset in being an Art Deco building, but given that the site is allocated it is not considered that residential development would adversely impact its setting in accordance with ENV5 of the Neighbourhood Plan.

In support of the application is a Landscape Strategy which identifies tree retentions and new planting within the development, largely within the areas of open space. This strategy closely reflects the strategy approved under the reserved matters permission however, it is necessary to secure precise details of landscaping by condition to ensure an acceptable development which complies with the development plan. A tree protection plan demonstrates how existing trees within the site will be adequately protected and a condition should be imposed to secure compliance with this.

5.25 Ecology:

Policy EN1 of the DM DPD expects developments to protect and enhance the biodiversity of the district. In support of the outline application was an Ecological Survey which identifies that the development within the arable field would likely have a low ecological impact. However, the landscape belt to the south-east and south-west of the site was identified as an important habitat corridor which should be retained and protected and this has been shown on the indicative layout. An updated report has been submitted in support of this application. A scheme for the enhancement of ecology to reflect the recommendations of the submitted ecological survey was conditioned on the outline permission and subsequently discharged. An amended scheme to reflect the current layout has been submitted in support of the current application and is considered by the Natural

Environment Team to be fit for purpose. However, an updated Biodiversity Management Plan is required and details of this can be secured by condition. Furthermore, the inclusion of hedgehog gaps in fencing, as requested by the Natural Environment Team can be secured as part of the landscaping scheme for the site to be secured by condition. A condition can also be imposed regarding the need for a lighting scheme to be submitted.

Considering Ecology more broadly, Natural England have previously advised that development of the scale proposed on this site has the potential to impact on internationally protected sites as a result of visitor pressure. The Habitats Regulations Assessment for the GT AAP also identified the potential for surface water to impact upon these sites. Consequently an Appropriate Assessment is required. An HRA was previously undertaken as part of the outline application and this concluded that the likelihood of direct impacts are negligible and indirect impacts on the integrity on European Sites will be avoided. Mitigation in the form of green infrastructure was secured in the section 106 agreement and conditions were imposed to secure a surface water drainage scheme.

The proposed development provides sufficient open space on site to meet the requirements of policy EN3 in accordance with the previous section 106 agreement and a suitable surface water drainage scheme will be secured in consultation with the LLFA. A revised HRA has been undertaken which concludes that subject to these mitigation measures it remains that the likelihood of direct impacts are negligible and indirect impacts on the integrity on European Sites will be avoided.

5.26 Design:

The layout of the development largely reflects the previously approved layout with the main structure of the roads and position of dwellings and open space in accordance with the reserved matters permission which was deed to comply with the development plan. Minor changes have been made to the private road adjacent to the area of public open space serving plots 131 - 134 resulting in an improved relationship with the open space. Bungalows are retained to Green Lane East to reflect the scale of existing dwellings on the opposite side of the road and no dwelling exceeds 2 storey in height. A small number of flats are proposed but these are designed to appear as dwellings and are also no more than 2 storey in height. Materials are consistent with the scheme approved at reserved matters and the design and detailing of dwellings also reflects the approved scheme. Dwellings would have private amenity space to meet future resident's needs and the positioning of dwellings would afford future residents a satisfactory degree of amenity. Furthermore, the proposed development, by virtue of its location and the scale of development would not adversely impact on the residential amenity of existing residents with no significant overlooking or overshadowing.

Comments have been received from the Council's Contracts Officer regarding the ability for the refuse vehicle to service the site and the location of bin collection points. These matters are being discussed with the applicant and I consider that they are not an issue of principle and can readily be resolved through minor changes to the scheme. The officer recommendation reflects that this issue remains outstanding.

The design of the scheme is therefore considered to be acceptable with regard to the development plan.

5.27 Conclusion:

On the basis that the application proposes 100% affordable housing it is considered that the scheme conflicts with policy GT19 of the GT AAP, which requires 33% affordable housing. Section 38(6) requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.

In this instance, I consider that the delivery of 157 affordable dwellings represents a social benefit which weighs significantly in favour of the development. Representations have been received which object to this amount of affordable housing on one site on the basis that it would not result in the delivery of a mixed and inclusive development. However, whilst no market housing is proposed I consider that the balance of tenures, in conjunction with the range of house types proposed, would enable the delivery of a site which meets a range of housing needs and accommodate a sufficiently diverse section of society to conclude that the scheme would be mixed and inclusive, albeit one without market housing. Furthermore, with regard to the masterplanning for GT16 which identifies that that scheme may only be capable of delivering 10% affordable housing, the delivery of 157 dwellings on this site has the potential to make the wider settlement more sustainable, although I give this reduced weight on the basis that the amount of affordable housing on GT16 has not been secured in the form of a planning permission.

The applicant has also stated in their Planning Statement that based on the existing provision of affordable housing the approved scheme is not considered deliverable at present. Should this allocated site not be delivered it would impact upon the Council's supply of land for housing in the district. Consequently, enabling a scheme which allows this site to be developed and contribute towards housing delivery in the Growth Triangle is a consideration which weighs in its favour.

Under Section 143 of the Localism Act the Council is required to consider the impact on local finances. This development will likely be exempt from paying CIL on the basis that it is for 100% affordable housing. It would not therefore contribute towards the central CIL 'pot', but this does not mean that infrastructure to mitigate the impacts of this development at a strategic level cannot be sought. I do accept however that the scheme would not

provide the Parish Council with the 25% CIL that they would otherwise receive to mitigate the development and this is considered to be a dis-benefit of the scheme.

In all other respects it is considered that the application would comply with the development plan and would not result in adverse impacts which cannot be mitigated either by condition or section 106 agreement.

I consider therefore that the benefits of this scheme significantly and demonstrably outweighs the limited dis-benefits of this scheme and recommend that planning permission is granted. The application has been subject to a significant number of public comments, the content of which has been taken into consideration in reaching this recommendation.

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

Conditions:

- 1) Time limit, 2 year commencement from approval of Reserved Matters 20191032 (12 March 2020)
- 2) Plans and Documents
- 3) Prior to the commencement of development, a scheme for landscaping and site treatment to include grass seeding, planting of new trees and shrubs, specification of materials for fences, walls and hard surfaces, and the proposed maintenance of amenity areas, shall be submitted to and approved as part of the application for reserved matters.

If within a period of FIVE years from the date of planting, any tree or plant or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, [or becomes in the opinion of the Local Planning Authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

- 4) The development hereby permitted shall be carried out in complete accordance with the approved Tree Protection Plan and Arboricultural Impact Assessment and Method Statement approved under 20191032 .

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

- Assessment 1411-88/TA/02 Rev A) have been submitted to and approved in writing by the Local Planning (officer note, these were the plans approved under outline application 20160395). Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in this condition shall be completed to the written satisfaction of the Local Planning Authority.
- 13) Prior to commencement of any development above slab level, the approved Noise Strategy dated 22.05.2019 (ref 11127: Letter Report By Adrian James Acoustics) shall be undertaken and the results and recommendations submitted to and approved in writing by the Local Planning Authority. Thereafter, specific measures identified in the approved recommendations document shall be incorporated into the design and build of the development hereby approved.
 - 14) The development hereby approved shall be carried out in full accordance with Dwg No 5871_012_P12 Landscape and Ecology Strategy, Update to Ecology Report and Biodiversity Management Plan.
 - 15) Prior to the commencement of development a scheme for the provision of 1 fire hydrant for every 50 dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
 - 16) The development hereby permitted shall be carried out in full accordance with the approved technical drainage details (plans to be listed)
 - 17) Prior to their installation details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

**Contact Officer
and E-mail**

Charles Judson
Charles.judson@broadland.gov.uk

Planning Appeals: 4 August to 27 August 2020

Appeal decisions received: None

Appeals lodged:

Ref	Site	Proposal	Decision maker	Officer recommendation
20200709	Thickthorns,12 Church Road,Reedham,NR13 3TY	Erection of 4 no. detached dwellings, parking and gardens	Delegated	Refusal

PLANNING COMMITTEE

9 September 2020

Final Papers

	Page No
Supplementary Schedule	99

Attached is the Supplementary Schedule showing those representations received since the Agenda was published and other relevant information.

SUPPLEMENTARY SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Plan No	Application No	Location	Update
1	202003045	Land at Dawson's Lane Blofield	<p>One additional letter of objection</p> <ul style="list-style-type: none"> • Block plan shows reduced drainage rates • LLFA have agreed the calculations but they have not seen the scheme translate on site. • Other issues raised have already been covered in the committee report. <p>Officer:</p> <ul style="list-style-type: none"> • The Highway Authority have investigated the pooling of water on Blofield Corner Road further and have agreed to install soakaways within the verge. At present there is no timeframe for this work, but the connection of the existing pipe within the drive to a soakaway as discussed in the report, will facilitate the drainage of the water and prevent the flooding of the garage. • Resolving existing issues on Blofield Corner Road is not the responsibility of the developer or this current application • An amended block plan will be provided which removes any references to surface water drainage.
4	20200855	Land South Green Lane East, Rackheath	<p>Since the completion of the officer's report, additional plans and documents have been submitted to ensure that the previously approved Biodiversity Management Plan, Arboricultural Method Statement and off-site highway improvement plans are on file for the section 73 application and enable these documents to be referred to in the schedule of recommended conditions.</p>