

Minutes of a meeting of the **Planning Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 10 April 2019** at **9.30am** when there were present:

Miss S Lawn – Chairman

Mr A D Adams
Mrs C H Bannock
Mr R F Grady

Mr R J Knowles
Mr K G Leggett
Mr G K Nurden

Mrs B H Rix
Mr D C Ward
Mr J M Ward

Also in attendance were the Development Manager; Area Planning Managers; Planning Projects & Landscape Manager and the Senior Committee Officer.

93 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

Member	Minute No & Heading	Nature of Interest
Mr Adams	96 (Hill House, Hall Lane, Drayton)	Norfolk County Councillor for Drayton. Had not formed any views on the application.
Mr D Ward	99 (Hill Rest, Clarks Loke, Blofield)	Blofield Parish Councillor. Had not been involved in the application at any time.
Mrs Bannock	96 (Hill House, Hall Lane, Drayton)	Had attended pre-meetings about the application but did not participate.

94 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Everett, Mrs Hempsall, Mr Mallett and Mr Willmott.

95 MINUTES

The Minutes of the meeting held on 6 March 2019 were confirmed as a correct record and signed by the Chairman.

96 APPLICATION NUMBER 20181623 – HILL HOUSE, HALL LANE, DRAYTON

The Committee considered an application for the demolition of a detached dwelling and garage / annexe and the erection of a 56 bed nursing care home, new vehicular access and associated landscaping at Hill House, Hall Lane, Drayton. The care home was proposed to provide care for dementia

and co-morbidity conditions with a specialist focus on early onset dementia. The care home would provide en suite bedrooms clustered in “households” of up to eight residents, each sharing domestic scale kitchen, dining and living space. Each household would have dedicated care staff and a therapeutic case worker delivering unique and appropriate care to each resident. The existing access to the site was proposed to be relocated to provide a new centralised vehicular access and a new hard surfaced drive and car park was proposed to be created to the front of the site providing 30 car parking spaces as well as space for an ambulance bay, motorcycle parking and cycle stands.

An Unilateral Undertaking had been submitted with the application to provide an on-going daily shuttle service offering all staff a free, daily, taxi pick-up / drop-off facility as well as transport (once in the morning and once in the afternoon) for visitors to and from the home to and to/from Drayton village centre.

The application was reported to committee as (1) the recommendation was contrary to development plan policies and (2) at the request of Mr Everett and Mr Foulger for the reasons given in paragraphs 5.2 and 5.3 of the report.

The Committee noted a suggested amendment to condition 3; explanation of co-morbidity and a correction to paragraph 9.11 of the report relating to the number of accidents which had been recorded on Hall Lane, all as reported in the Supplementary Schedule and the additional comments of Drayton Parish Council, as reported at the meeting, together with the officer response. In addition, the Committee received the verbal views of Mr Gray of Brickyard Farm on behalf of himself, Drayton Hall Park Residents' Association and Mr Hall of Tall Trees, Hall Lane objecting to the application and Lester Broome, the applicant and Debi Sherman, the agent, at the meeting.

The site was outside of the settlement limit which had been defined for Drayton where Policy GC2 of the Development Management DPD sought new development to be located. However, the policy did permit development outside settlement limits which did not result in any significant adverse impact and where it accorded with a specific allocation and / or policy of the development plan. The relevant policy in this case was Policy H5 of the DM DPD which stated that applications for residential institutions outside settlement limits would be considered acceptable in principle provided the site was accessible by public transport, within reasonable proximity of community facilities and it had been demonstrated that the facility was required to meet an identified need in the locality. In addition, Policy 4 of the JCS supported the provision of specialist housing such as they type being proposed. Policy 7 of the JCS, in particular paragraph 5.53, recognised the urgent need for new dementia care facilities in the plan area and therefore, the application was considered to comply with that policy. The Committee noted the evidence submitted by the applicant to demonstrate the demand for dementia care within the county together with the current level of supply which identified a significant unmet need. Furthermore, it was noted that the Director of Commissioning for Adult Social Services had welcomed the proposal as a

priority development for Norfolk County Council and also confirmed there would be future demand for the facility within the locality. Taking all of the above into account, the Committee considered that the facility would meet an identified need in the locality, as required by Policy H5.

In terms of the site's accessibility, it was noted that the site was located approximately 1.3km from the centre of Drayton with the nearest bus stops located on School Road and Drayton High Road. Facilities within Drayton included a food store, pharmacy, bank, church, doctors, Public House, village hall, schools, leisure uses and a petrol filling station plus there were a range of additional facilities and services located within a 5km catchment area.

As the proposals would provide jobs and economic growth, it was considered that the application complied with Policy 5 of the JCS.

The Committee noted that the Highway Authority had raised an objection on the grounds that proposal was remote from local service centre provision which conflicted with the aims of sustainable development, the need to minimise travel and the reduction on reliance on the private car, contained within both national and local policy. The Highway Authority had concerns that the proposal did not adequately provide for pedestrians with disabilities to link with existing provision and /or local services due to the lack of footway along Hall Lane, stating that the nature of Hall Lane, with narrow and raised verges, did not encourage walking on the road. In a bid to overcome the Highway Authority's objection, the applicant had submitted a Unilateral Undertaking for the provision of an ongoing daily shuttle service (as outlined above) to minimise car based trips and encourage shared travel. It was noted that, due to the type of residents to be accommodated at the care home and their specific conditions, they would have no need for daily journeys to / from the site and individuals would not be allowed independent or unaccompanied movement outside of the care home environs. Notwithstanding this, the applicant had indicated their willingness to facilitate the provision of a footpath but the Highway Authority had deemed this impractical due to land ownership and conservation constraints.

In terms of the impact of the development upon existing trees, the character and appearance of the area, amenity of nearby residents; surface and foul water drainage issues and the issues raised through the consultation, Members noted and concurred with the officer response, all as detailed in the report.

In conclusion it was considered that the proposal did have merit, providing a much needed facility, but the lack of a footpath providing connectivity to the village was a concern and the provision of a shuttle bus was not considered to be a satisfactory alternative. Therefore, Members were of the view that the application should be deferred to enable negotiations to take place with the applicant and Highway Authority for the provision of a footpath along Hall Lane to enable staff and visitors to access the site and the village centre

more readily. Accordingly, it was

RESOLVED:

to defer consideration of application number 20181623 and delegate authority to the Head of Planning to negotiate with the applicant options for the provision of a footpath along Hall Lane to connect to Drayton village centre. The application would be referred back to the Committee for final determination.

The Committee adjourned at 11.10am and reconvened at 11:20am when all of the Members listed above were present for the remainder of the meeting.

97 APPLICATION NUMBER 20171464 – LAND OFF GREEN LANE WEST, RACKHEATH

The Committee considered an application for the construction of 322 dwellings and associated works including the provision of three vehicular accesses; landscaping; open space and increasing the height of a bund to the Broadland Northway all on land off Green Lane West in Rackheath. The application site was split into two distinct areas, subdivided by a track and an area of amenity land / paddocks outside of the applicant's control. The northern site would accommodate 120 dwellings and be served by a single point of access onto Green Lane West whilst the southern site would accommodate 202 dwellings and be served by one point of access onto Salhouse Road and a further one onto Green Lane West.

In presenting the application, the Planning Projects & Landscape Manager advised the Committee that the highways conditions may need to be revised slightly to take account of ongoing discussions with the Highways Authority.

The application was reported to committee as the provision of affordable housing (28%) was below that required by Policy GT18 of the Growth Triangle Area Action Plan.

The Committee noted a letter of representation from the occupier of 19 Aldryche Road, Norwich commenting on the affordable housing figure; comments received from the Historic Environment Service, as a consequence of which condition 4 was no longer required; advice received from the Highway Authority in response to concerns raised by Rackheath Parish Council; a letter from the occupier of 111 Green Lane West and a suggested amendment to condition 10 regarding pedestrian access routes from the site into Newman Road Woods, all as reported in the Supplementary Schedule. In addition, the Committee received the verbal views of Simon Wheatman, the agent, at the meeting.

The site was located outside of the settlement limit but had been allocated for residential development under Policy GT18 of the Growth Triangle Area Action Plan (GT AAP) and accordingly, the principle of residential development was considered to be acceptable. Policy GT18 prescribed five criteria which the development would need to satisfy to ensure compliance with the policy: affordable housing; pedestrian and cycle routes; highway improvements; landscaping and noise mitigation.

The Committee noted that, when the JCS was adopted, the demonstrated affordable housing need was 33% for larger sites. Policy 4 of the JCS also stated that the proportion of affordable housing would be based on the most up to date need assessment for the plan area. However, since the JCS was published, the Central Norfolk Strategic Housing Market Assessment (SHMA) June 2017 had provided more recent evidence of need for affordable housing and the current assessment was 28%. Whilst the application had originally been submitted on the basis of 33%, this had subsequently been revised to 28% to reflect the identified needs in the SHMA.

The Committee acknowledged that the proposed figure of 28% affordable housing conflicted with the criterion specified within Policy GT18 but considered that the most up to date needs identified in the SMHA were a material consideration which diminished weight to be given to the conflict with Policy GT18. It was noted that the mix and type of affordable housing had been agreed with the Council's Housing Enabler and would help contribute towards a balanced community, whilst delivering a mix which would be attractive to the market.

In terms of the design aspects, the Committee noted the comments of Council's Design Officer who had described the proposed development as "visually and conceptually one of the most cohesive volume housing schemes" they had seen and concurred with the view that, whilst distinctive from the neighbouring dwellings in Rackheath, the development would represent a high standard of design.

In terms of all the other relevant considerations, including matters raised through the consultation process, the Committee concurred with the officer response, as detailed in the report.

In conclusion it was considered that no significant adverse impact had been identified in terms of highways; landscape; ecology and the natural environment; flood risk and amenity and therefore, the development was acceptable. Accordingly, it was

RESOLVED:

to delegate authority to the Head of Planning to approve application number 20171464 subject to the completion of a Section 106 agreement to provide

the following heads of terms and subject to the following conditions (including any amendments that may be required following final discussions with the High Authority):

Heads of terms:

- (1) 28% affordable housing
- (2) Provision of open space in accordance with RL1 and EN3 of the DM DPD

Conditions:

- (1) The development to which this permission relates must be begun not later than THREE years beginning with the date on which this permission is granted.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed in the attached schedule (insert schedule details here when final)
- (3) Prior to commencement of development, in accordance with the submitted Flood Risk Assessment (Rossi Long ref: 141079 Rev 3 Dated May 2018), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:
 - I. Detailed infiltration testing in accordance with BRE Digest 365 along the length of the proposed infiltration features.
 - II. Infiltration feature sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change flood event.
 - III. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change flood event.

- IV. Surface water runoff rates from the development site should be attenuated to the existing runoff rate to a maximum of 15.6 l/s in all return periods as stated within section 7.11 of the FRA. This should be maintained at detailed design stage.
 - V. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
 - VI. Calculations provided for a 1 in 100 year critical rainfall event, plus climate change, to show, if any, the depth, volume and location of any above ground flooding from the drainage network, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
 - VII. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
 - VIII. Plans showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period need to be provided. Floor levels associated with the drainage system should not be less than 300mm below the finished ground floor levels.
 - IX. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development. This will also include the ordinary watercourse and any structures such as culverts within the development boundary.
- (4) Prior to the commencement of development, further surveys for Skylarks shall be undertaken in accordance with best practice to determine the number of Skylark territories affected by the development. The surveys shall inform a scheme of mitigation for the loss of Skylark habitat to be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme of mitigation.
- (5) The development hereby permitted shall be carried out in full accordance with the approved Arboricultural Method Statement, Tree

Protection Plans, Tree Pit details and Landscape and Ecological Management and Maintenance Plan as listed as approved plans and documents under condition 2.

- (6) Prior to the first occupation of any dwelling within a phase, a scheme for the implementation of landscaping within that phase shall be submitted to and approved in writing by the Local Planning Authority.

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

- (7) All dwellings, other than those shown within the green contours in Figures 1 and 2 of the Noise Assessment (ref 15-0059-0 R02 dated 4th July 2017), shall be constructed in full accordance with the glazing and ventilation specification requirements as detailed in 4.2 of the submitted Noise Assessment.

- (8) Prior to the commencement of development the following shall be submitted to and approved in writing by the local planning authority:

A Materials Management Plan-Minerals (MMP-M) informed by the submitted Additional Mineral Assessment (Ref NHOM0114 dated January 2018), which will consider the extent to which on-site materials which could be extracted during the proposed development would be reused in the construction phases.

The MMP-M should outline the amount of material which could be reused on site; and for material extracted which cannot be used on-site its movement, as far as possible by return run, to an aggregate processing plant.

The MMP-M will require that the developer shall keep a record of the amounts of material obtained from on-site resources which are used on site and the amount of material returned to an aggregate processing plant.

The development shall then be carried out in accordance with the approved MMP-M. The developer shall provide an annual return of these amounts to the Local Planning Authority, or upon request of the Local Planning Authority.

- (9) Prior to the first occupation of phase 1 (as shown at 7.1 of the Design and Access Statement), details of pedestrian access routes from the site into Newman Road Woods to be provided from the estate roads and boundary treatment between the site and Newman Road Woods shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details prior to the occupation of the first dwelling in phase 1.
- (10) Prior first installation, details of external lighting to serve the public realm shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- (11) Details of energy efficient design and the construction of on-site equipment to secure at least 10% of the development's energy from decentralised renewable or low-carbon sources shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The details as approved shall be completed prior to the first occupation of any of the dwellings hereby permitted and thereafter shall be maintained.
- (12) Prior to the commencement of development detailed plans of the roads, footways, cycleways, street lighting, foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.
- (13) Prior to the occupation of the final dwelling all works shall be carried out on roads / footways / cycleways / street lighting / foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.
- (14) Before any dwelling is first occupied the road(s)/footway(s)/cycleway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
- (15) Prior to the first occupation of any dwelling within phase 1 or 2, visibility splays at the access onto Green Lane West which serves these phases shall be provided in full accordance with the details shown on the approved plans. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

Prior to the first occupation of any dwelling within phases 3, 4, 5 or 6 visibility splays at the accesses onto Green Lane West and Salhouse

Road which serve these phases shall be provided in full accordance with the details shown on the approved plans. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

- (16) Prior to the commencement of development a scheme detailing provision for on-site parking for construction workers for the duration of the construction period shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- (17) Prior to the commencement of development a Construction Traffic Management Plan and Access Route which shall incorporate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.

For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.

- (18) Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works as indicated on drawings 141079-SK-20-P3 and 141079-SK-21-P2 have been submitted to and approved in writing by the Local Planning Authority.

Prior to the first occupation of the development hereby permitted the off-site highway improvement works shall be completed to the written satisfaction of the Local Planning Authority.

Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.

- (3) To avoid the risk of flooding and to ensure the satisfactory development of the site in accordance with policy CSU5 of the Development Management DPD 2015. The requirements of the condition are 'pre-commencement' to ensure that the detailed design has been finalised and appropriate room for SuDS/local flood risk management has been allowed for and is compatible with other constraints.
- (4) To ensure appropriate mitigation for the loss of Skylark habitat in accordance with policy EN1 of the Broadland District Development Management DPD 2015. The requirements of the condition are pre-commencement on the basis that the surveys must be undertaken before development commences.
- (5) To ensure the continuity of amenity value afforded by the existing and proposed trees in accordance with Policies GC4 and EN2 of the Development Management DPD 2015.
- (6) To ensure the timely delivery of proposed landscaping in accordance with Policies GC4 and EN2 of the Development Management DPD 2015.
- (7) To protect the amenities of future occupiers in respect of road noise in accordance with Policy GC4 and EN4 of the Development Management DPD 2015.
- (8) To ensure that needless sterilisation of safeguarded mineral resources does not take place in accordance with the National Planning Policy Framework and Policy CS16 of the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026. The requirements of the condition are pre-commencement as the details relate to construction activities on site.
- (9) To ensure access to Newman Road Woods is provided to enhance the permeability of the site for pedestrians in accordance with policy GC4 of the Development Management DPD 2015 and GT18 of the Growth Triangle Area Action Plan.
- (10) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (11) To ensure the satisfactory development of the site in accordance with Policy 3 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014.

- (12) To ensure satisfactory development of the site and a satisfactory standard of highway design and construction as required by policies GC4 and TS3 of the Development Management DPD 2015 and Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014. This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.
- (13) To ensure satisfactory development of the site and a satisfactory standard of highway design and construction as required by policies GC4 and TS3 of the Development Management DPD 2015 and Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014.
- (14) To ensure satisfactory development of the site as required by policies GC4 and TS3 of the Development Management DPD 2015 and Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011.
- (15) In the interests of highway safety in accordance with policy TS3 of the Development Management DPD 2015.
- (16) To ensure adequate off-street parking during construction in the interests of highway safety in accordance with policy TS3 of the Development Management DPD 2015. This needs to be a pre-commencement condition as it deals with the construction period of the development.
- (17) In the interests of maintaining highway efficiency and safety in accordance with policy TS3 of the Development Management DPD 2015. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
- (18) To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policy TS3 of the Development Management DPD 2015.

Informatives:

- (1) It is an offence to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that

can only be undertaken within the scope of a Legal Agreement between the applicant and the County Council. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich.

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

- (2) The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of the National Planning Policy Framework.
- (3) The site is subject to a related agreement under Section 106 of the Town And Country Planning Act 1990.
- (4) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk
- (5) It is an offence to disturb, harm or kill breeding birds in the UK under the Wildlife and Countryside Act 1981. The removal of hedges should take place outside of the breeding season (March to September). In the event that this is not possible, any hedgerow to be removed should be inspected by a suitably qualified ornithologist and if any nests are found a 10 metre exclusion zone should be established until such time as the nest has been fledged.
- (6) The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. Further information about CIL can be found at www.broadland.gov.uk/housing_and_planning/4734.asp

98 APPLICATION NUMBER 20182040 – LAND AT REAR OF 33 NORWICH ROAD, STRUMPSHAW

The Committee considered an application for the erection of seven dwellings with garages and an access road from the adjacent development currently under construction (from Norwich Road) on land at the rear of 33 Norwich Road, Strumpshaw. There was an extant permission on the site for the erection of two dwellings (ref: 20131181) one of which was outside the settlement limit. The other dwelling had been commenced (identified as plot 14 on the submitted plan). The application site area for this new application proposed two plots within the settlement limit and the remaining five outside.

In presenting the application, the Area Planning Manager advised the Committee of additional conditions to be added to the officer recommendation relating to the slab levels and rear boundary treatments to plots 17 – 21 inclusive.

The application was reported to committee as the recommendation to approve was contrary to the development plan.

The Committee received the verbal views of Malcolm Dixon, the agent, at the meeting.

The majority of the site was within the Rural Policy Area and lay outside the defined settlement limit for Strumpshaw. Policy GC2 of the Development Management DPD did not permit new development outside settlement limits unless the proposal accorded with another policy of the development plan. Furthermore, the site had not been allocated in the Site Allocations DPD. However, the Committee acknowledged that the site straddled the settlement limit which wrapped around the application site with residential development to the south and west. The site was also within walking distance of some local facilities including a Public House, garage and shops and facilities of nearby Lingwood as well as bus stops to and from the city centre, all accessible via public footpath constructed as part of the adjacent new development. Therefore, the site was considered to be in a sustainable location with good accessibility to services and facilities and accordingly, the proposals were in accordance with Policy GC1 of the DM DPD.

In terms of design and impact on the character and appearance of the area, it was noted that the dwellings would be similar in appearance to the properties under construction on the adjacent site and would replace an existing, large industrial building together with new boundary planting. Accordingly, it was considered that the dwellings would not result in an adverse visual impact on the character and appearance of the area. Furthermore, despite the changes in levels towards the north of the site, it was not considered there would be any issues of overlooking or loss of privacy.

It was noted that the Highways Authority had not objected to the proposals in terms of highway safety but had suggested a footpath to the south of Norwich Road, which would fulfil Neighbourhood Plan Policy 7. However, Members acknowledged that the Council could not require this (or accept a financial contribution) as it would not be CIL Reg 122/123 compliant as this stated that planning obligations could only be imposed if they made the development acceptable in planning terms; were directly related to the development and were fairly and reasonably related in scale and kind to it. Accordingly, the proposal was considered to comply with Policies TS3 and TS4 of the DM DPD.

Although the proposal did not trigger a requirement for affordable housing due to the site area and number of dwellings proposed, the applicant was proposing one affordable housing bungalow (Shared Equity). This was considered to be a material consideration in favour of the proposal.

The application would also be liable for financial contributions towards off site provision of recreational open space and Green Infrastructure which was also a material consideration.

In conclusion, it was considered that the application would provide economic, social and environmental benefits and would not result in any significant detrimental impact upon the general character and appearance of the area, neighbour amenity or highway safety. Having regard to all matters raised, it was considered the proposal would not result in any significant adverse impact and, given the presumption in favour of sustainable development, the proposal was, on balance, considered to be acceptable. Accordingly, it was

RESOLVED:

to delegate authority to the Head of Planning to approve application number 20182040 subject to the satisfactory completion of a Section 106 Agreement relating to the following Heads of Terms and subject to the following conditions:

Heads of Terms:

- (1) Affordable Housing Unit (shared equity property delivered via a shared ownership lease at 75% Open Market Value)
- (2) A financial contribution towards off site provision of recreational open space and green infrastructure.
 - GI £17,783.34
 - Sport £11,697.49
 - Play £2,366.42
 - Allotments £534.06

Conditions

- (1) The development to which this permission relates must be begun not later than THREE years beginning with the date on which this permission was granted.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the following plans and documents:

[Amended Dwg No 1183_01_Rev N Site Layout Plan received 050219.pdf](#)
[Amended Dwg No 1183_11_Rev A Site Cross Section received 050219.pdf](#)
[Dwg No 1183_04_C Plots 15 and 16 Plans and Views.pdf](#)
[Dwg No 1183_05_C Plots 15 and 16 Elevations.pdf](#)
[Dwg No 1183_06_A Plots 15_16 and 17 Garage Plan and Elevations.pdf](#)
[Dwg No 1183_08 Plot 14 Plans and Elevations.pdf](#)
[Dwg No 1183_15_A Plots 20 and 21 Plans and Elevations.pdf](#)
[Dwg No 1183_16_A Plots 18 and 19 Plans and Elevations.pdf](#)
[Dwg No 1183_17_A Plot 17 Plans and Elevations.pdf](#)
[Planning Design and Access Statement.pdf](#)
- (3) Prior to the commencement of development, details showing the location and layout of the waste bin storage area required at the junction with Norwich Road shall be submitted to and agreed in writing with the Local Planning Authority. The waste storage area will then be laid out in accordance with these agreed details and retained.
- (4) Prior to the commencement of the development, a scheme shall be submitted for the provision of the fire hydrant on the development in a location agreed with the Council in consultation with Norfolk Fire and Rescue Service.
- (5) Prior to the commencement of development, details of the strategy for disposal of surface water on the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.
- (6) Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate:-
 - (a) the species, number, size and position of new trees and shrubs at the time of their planting.

- (b) all existing trees and hedgerows on the land, with details of any to be retained (which shall include details of species and canopy spread, root protection areas as required at para 4.4.2.5 of BS5837: 2012), together with measures for their protection during the course of development
 - (c) specification of materials for fences, walls and hard surfaces,
 - (d) details of any proposed alterations in existing ground levels and of the position of any proposed excavation or deposited materials,
 - (e) details of the location of all service trenches.
- (7) The scheme as approved shall be carried out not later than the next available planting season following the commencement of development or such further period as the Local Planning Authority may allow in writing. If within a period of FIVE years from the date of planting, any tree or plant or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, [or becomes in the opinion of the Local Planning Authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- (8) Prior to the first occupation of the dwellings hereby approved hereby the proposed access / on-site car parking / turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- (9) Prior to first occupation of the properties hereby permitted soil testing will be carried out of the garden areas of the properties to demonstrate the suitability of the soils for domestic garden use. Testing should include asbestos along with other suitable parameters to ensure that the removal of the former building has not negatively impacted the soil condition. Soil testing, analysis, interpretation and the associated report and risk assessment must be carried out and produced by suitably competent and experienced professional to ensure that best practise is adopted. Should the results of the analysis and the risk assessment identify that the soil is not fit for domestic use a written remediation method statement should be submitted to the LPA for written approval before implementation. The remediation work must be supported by soil testing to demonstrate its success. Further remediation will be required if the initial remediation has not be successful. All work must be carried out in accordance with accepted best practice.

- (10) Prior to the first occupation of the development hereby permitted, the proposed access and on-site car parking and turning areas shall be laid out in accordance with the approved plan (Dwg No 1183/01/RevN) and retained thereafter available for that specific use.
- (11) The precautionary measures contained within the Ecological Assessment Report shall be implemented in accordance with the agreed details.
- (12) No development shall take place until details of all existing and proposed ground levels and ground floor slab levels of the dwellings on plots 17, 18, 19 and 21 have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
- (13) Development shall not proceed above slab level until a scheme has been submitted to and approved in writing by the local planning authority indicating the materials and type / height of boundary treatment to be erected on the southern boundary of plots 17, 18, 19 and 21. The boundary treatment shall then be completed before the dwellings are first occupied. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (3) To ensure the satisfactory appearance of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (4) To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.
- (5) To prevent the existing surface water drainage issues being exacerbated by the development.
- (6) To ensure the satisfactory appearance of the site in accordance with Policy GC4 of the Development Management DPD 2015.

- (7) To ensure the satisfactory appearance of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (8) To ensure construction of a satisfactory access into the site in the interests of Highway Safety.
- (9) To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN4 of the Development Management DPD 2015.
- (10) To ensure the adequate provision of off site car parking in accordance with Policy TS4 of the DM DPD.
- (11) To ensure the works are carried out to industry best practice in accordance with Policy EN1 of the DM DPD.
- (12) To safeguard the amenities of the adjacent residential properties in accordance with Policy GC4 of the Development Management DPD.
- (13) To safeguard the amenities of the adjacent residential properties in accordance with Policy GC4 of the Development Management DPD.

Informatives:

- (1) The local planning authority has taken a proactive and positive approach to decision taking in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.
- (2) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk
- (3) The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site.

- (4) The site is subject to a related agreement under Section 106 of the Town and Country Planning Act 1990.
- (5) Based on information provided with this application it has become apparent that asbestos containing material may be present within the existing building structure. The removal of asbestos materials must be carried out in accordance with appropriate guidance and legislation including compliance with waste management requirements. Accordingly any works should be managed to avoid damage to any asbestos containing material such as to prevent the release or spreading of asbestos within the site or on to any neighbouring land. Failure to comply with this may result in the matter being investigated by the Health and Safety enforcing authority and the development not being fit for the proposed use. In addition the developer may incur further costs and a time delay while ensuring the matter is correctly resolved.
- (6) With reference to condition 4, the developer will be expected to meet the costs of supplying and installing the fire hydrant.

99 APPLICATION NUMBER 20190202 – HILL REST, CLARKS LOKE, BLOFIELD

The Committee considered an application for the change of use of land to the south of the site from agricultural to residential curtilage to be used in association with the existing dwelling house “Hill Rest” and the erection of a detached garage at Clarks Loke, Blofield. The site dimensions were 21m along the northern boundary and 16m on the southern boundary by 10m in width, measuring 185 sqm in total. The site was currently rough grass with a couple of small trees.

The application was reported to committee as the recommendation to approve was contrary to policy.

The site was located within the countryside where the principle of new development was not considered to be acceptable unless the proposal complied with a specific allocation and / or policy of the development plan. As the proposed extension of residential curtilage within the countryside did not comply with a specific policy of the plan, the development was therefore considered to conflict with Policy GC2 of the DM DPD. However, Members acknowledged that the site’s northern boundary was adjacent to the settlement limit and that the site was already separated from the agricultural field to the south with a hedged boundary and there would be no change to this arrangement. The proposed garage would be sited close to the existing dwelling and, taking into account the extant permission for a detached house immediate to the south of the site, it was not considered there would be any detrimental impact on the character and appearance of the area.

Furthermore, given that permission had been granted (on appeal) for residential development outside of the settlement limit adjacent to the application site, it was considered unreasonable not to allow this application.

In conclusion it was considered that, whilst there was a degree of conflict with the development plan, the lack of harm was considered a material justification to justify approval of the application. Accordingly, it was

RESOLVED:

to approve application number 20190202 subject to the following conditions:

- (1) The garage must be begun not later than THREE years beginning with the date on which this permission is granted.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.

Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.

Informatives:

- (1) Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
- (2) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk

100 APPLICATION NUMBER 20190178 – LAND TO THE REAR OF 30 SAINT PAULS CLOSE, HORSFORD

The Committee considered a retrospective application for the change of use of agricultural land to residential curtilage to be used in association with the dwelling at no 30 Saint Pauls Close in Horsford.

The application was reported to committee as the recommendation to approve was contrary to the development plan.

The site was located within the countryside where the principle of new development was not considered to be acceptable unless the proposal complied with a specific allocation and / or policy of the development plan. As the proposed extension of residential curtilage within the countryside did not comply with a specific policy of the plan, the development was therefore considered to conflict with Policy GC2 of the DM DPD.

However, Members took into consideration a similar application which was granted permission for the extension of the residential curtilage at no: 28 St Pauls Close in 2017. This current application sought to extend the residential curtilage to the east by approximately the same amount as that approved at no: 28. Therefore, by following the same lines, it was considered that the site would follow a natural line from the south and create a natural addition to the site's curtilage. It was noted that the site was laid to lawn to match the original garden at no: 30 and the boundary treatments also matched the original boundaries at no: 30, which meant that they were in keeping with the site's surroundings. It was considered that the extension of the curtilage was not duly excessive and did not represent a significant incursion into the countryside to a degree which would cause harm to the general character and appearance of the surrounding area or any adverse impact on the amenity of the neighbouring residents.

In conclusion it was considered that, whilst there was a degree of conflict with the development plan, the lack of harm was considered a material justification to justify approval of the application. Accordingly, it was

RESOLVED:

to approve application number 20190178 subject to the following condition:

- (1) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.

[Location Plan, received 7 February 2019](#)

[Site Plan, received 7 February 2019](#)

Reason:

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

Informative:

- (1) The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

101 APPLICATION NUMBER 20190113 – UNIT H, SAPPHIRE HOUSE, ROUNDTREE WAY, SPROWSTON

The Committee considered an application for the change of use of part of a two storey office building (Use Class B1) to a gymnasium and sports rehabilitation centre (Use Class D2) at Unit H, Sapphire House, Roundtree Way in Sprowston. No physical alterations were proposed to the exterior of the building. There were ten existing vehicular parking spaces provided to the south of the site which, although specifically for Unit H, were located within a larger car park providing parking for the other commercial units within the site. The applicant was proposing to move from his existing gym located at no: 8 Roundtree Close in Sprowston in order to have a bigger unit, better facilities and more on-site parking. Proposed hours of operation were 0600 to 2030 Monday to Friday and 0730 to 1300 on Saturdays and 0830 to 1300 on Sundays and Bank Holidays.

The application was reported to committee as the recommendation to approve was contrary to the development plan.

As a D2 use, the gymnasium was contrary to Policy E1 of the DM DPD which sought to protect employment sites of strategic importance. Policy E2 of the DM DPD permitted new uses on employment sites within the settlement limit, subject to certain criteria, including evidence that a continued employment use was unviable and there was a significant environmental or community gain which outweighed the employment benefits. The applicant had provided information which stated that the unit became vacant in June 2018 and had been marketed with Sapphire Property Services but with no interest. Furthermore, there were other vacant office units on the site which had also not had any interest since being marketed.

The Committee did not consider that the proposed use would undermine the development plan to a significant degree. Although not an employment use, the gym was a starter business that employed a similar number of people for the size of unit in question and would sit comfortably alongside neighbouring

uses. Therefore, it was considered to comply with the aims of Policies 5 and 7 of the JCS and Policies 6 and 8 of the Sprowston Neighbourhood Plan. However, it was considered appropriate to impose a planning condition which restricted the use of the unit to a gymnasium with sports rehabilitation centre and, upon that use ceasing or the premises become vacant, the unit would revert to its former B1 use.

The Committee acknowledged that, in similar circumstances on other sites within the district, non-employment uses had been permitted where no adverse impact had been demonstrated and the building had been vacant for a number of months, actively marketed and found to have no likely prospect of being occupied as an employment use.

In terms of all other matters raised, it was noted that these had either been addressed in the report or would be dealt with through the imposition of appropriate conditions.

In conclusion it was considered that no harm would be caused to the character of the area or highway safety and, on balance, the development would not undermine the provisions of the development plan. Accordingly, it was

RESOLVED:

to approve application number 20190113 subject to the following conditions:

- (1) The development to which this permission relates must be begun not later than THREE years beginning with the date on which this permission is granted.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.
 - Location Plan, received 29 January 2019
 - Site Plan, received 29 January 2019
 - Floor Plan, received 23 January 2019
- (3) The premises shall be used as a gymnasium and sports rehabilitation centre and for no other purpose including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification. Upon the gymnasium ceasing to operate or the premises being vacated, the premises shall revert back to its previous B1 business use.

- (4) Unless otherwise specified in writing by the Local Planning Authority, hours of operation shall be limited to 06:00 to 20:30 on Monday to Friday and 07:30 until 13:00 on Saturdays and 08:30 until 13:00 on Sundays and Bank Holidays.

Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (3) To ensure development appropriate to the area in accordance with Policies GC4, E1, E2, TS3 and TS4 of the Development Management DPD 2015.
- (4) To ensure the satisfactory development of the site and to safeguard the amenities of neighbouring properties in accordance with Policy GC4 of the Development Management DPD 2015.

Informatives:

- (1) The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
- (2) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk

**102 CONSIDERATION OF CONDITION 19 OF PLANNING PERMISSION
20161770 – PROVISION OF BUS GATE ON LAND TO THE EAST OF HOLT
ROAD, HORSFORD**

Further to Minute no: 97 of the meeting held on 8 March 2017, the Committee considered a report relating to condition 19 of planning permission 20161770 which required the provision of a bus gate on land to the east of Holt Road in Horsford. The condition had been imposed at the request of the Highway Authority to ensure that the vehicular access shown between the residential development under consideration (now known as Kingfisher Meadow) and the neighbouring residential development of 125 dwellings which had been constructed under phase 1 (now known as Butterfly Mill) be restricted to buses and emergency vehicles only. This was due to concerns that unrestricted vehicular access between the two developments would enable residents to drive through Butterfly Mill and cause an unacceptable increase in vehicular traffic passing along Mill Lane in front of Horsford Primary School resulting in the potential for danger to pedestrians and school children and other motorists.

The applicants had subsequently submitted a plan which identified the respective hammerheads between the two developments, marked by a narrow landscaped strip including bollards so that pedestrians and cyclists could pass through unhindered and a central roadway provided as a bus lane with a rising bollard in the centre. However, the Highway Authority had then refused to approve the submitted details, stating that, across the county, rising bollards had proved to be problematic and had long-term maintenance issues as, over time, the rising mechanism could fail and the bollard was left in the upright position. The Highway Authority's preference was for a bus gate to be provided with a CCTV camera which would record any vehicle passing through it, together with an effective monitoring system, but no physical barrier.

As the original plans previously presented to Committee specifically referred to a rising bollard and there was an expectation from residents and Horsford Parish Council that this would be provided, it was considered necessary to refer the matter back to the Committee for reconsideration.

The applicant's preference was to provide a rising bollard but they were prepared to meet the requirements of the Highway Authority. However, they had not yet submitted details of the bus gate with a CCTV camera as officers had advised the Planning Committee would need to assess the implications: how the images would be monitored and what were the consequences for motorists who breached the restrictions and the effect of general traffic driving between the two developments and, in turn, passing in front of the primary school.

The Committee noted that Norwich City Council had agreed to administer the proposal, if required, as they currently enforced bus lanes in and around the city. Appropriate signage would be installed and an operator would view the images from the CCTV camera and record contraventions. The City Council would be responsible for issuing Penalty Charge Notices within 14 days of the contravention, ensure the charge was paid and also administer the associated appeals process.

Members took into consideration the fact vehicles from a total of 384 dwellings could potentially access Mill Lane both into and out of the respective developments, causing particular highway and pedestrian safety issues in proximity to the school. This impact would be emphasised at school drop-off and pick-up times during the school day. Therefore, the provision of an effective bus gate was essential.

The Committee remained in favour of a physical barrier, at the same time acknowledging the reasons given by the Highway Authority for not approving. Therefore, whilst supportive of the principle for monitoring by CCTV, Members questioned who would receive the money paid from the Fixed Penalty Notices. The Area Planning Manager responded that this would need to be part of the discussions between the Council, applicant and the operator.

Accordingly, it was

RESOLVED:

to delegate authority to the Head of Planning to approve a bus gate proposal which included designs for signage and a CCTV camera system including a mechanism for effective monitoring, administration and issuing of a penalty charge notice should any breaches occur and administration of any appeals submitted.

The meeting closed at 12:17pm