

Planning Committee

Agenda

Date

Wednesday 27 November 2019

Members of the Planning Committee

Miss S Lawn
(Chairman)

Mr J M Ward
(Vice Chairman)

Mr A D Adams
Mr S C Beadle
Mr S M Clancy
Mr J F Fisher
Mr R R Foulger

Ms R M Grattan
Mrs C Karimi-Ghovanlou
Mr I N Moncur
Mr S Riley

Time

9.30am

Place

Council Chamber
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich

Substitutes

Conservative pool

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

Liberal Democrat

Mr D J Britcher
Mr D G Harrison*
Mrs L A Starling
Mr D M Thomas

Contact

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*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.

E-mail: sara.utting@broadland.gov.uk



@BDCEmServices

The Openness of Local Government Bodies Regulations 2014

Under the above Regulations, any person may take photographs, film and audio-record the proceedings and report on all public meetings. If you do not wish to be filmed / recorded, please notify an officer prior to the start of the meeting. The Council has a protocol, a copy of which will be displayed outside of each meeting room and is available on request.

**The Chairman will ask if anyone wishes to
film / record this meeting**

A G E N D A

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| 1 | To receive declarations of interest under Procedural Rule no 8 | |
| 2 | Apologies for absence | |
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| 4 | Matters arising therefrom (if any) | |
| 5 | Applications for planning permission to be considered by the Committee in the following order: | |
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Please Note: In the event that the Committee has not completed its business by 1.00pm, at the discretion of the Chairman the meeting will adjourn for 30 minutes.

Trevor Holden
Managing Director

Copies of the applications and any supporting documents, third party representations and views of consultees are available for inspection in the planning control section.

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.

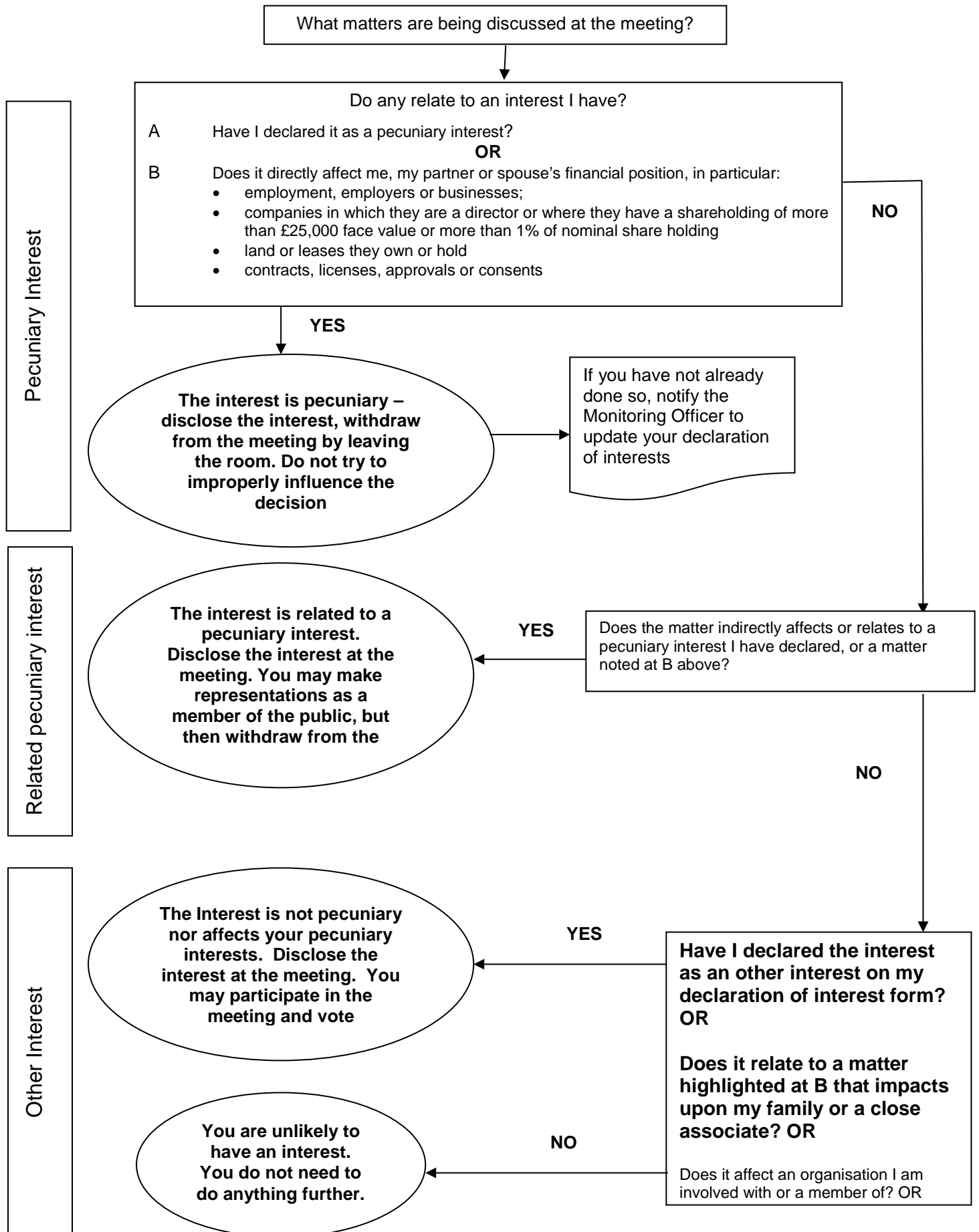
Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

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 at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 30 October 2019** at **9.30am** when there were present:

Miss S Lawn – Chairman

Mr A D Adams
Mr S C Beadle
Mr N J Brennan
Mr S M Clancy

Mr J F Fisher
Mr I N Moncur
Mr S Riley

Mr M D Snowling
Mr D M Thomas
Mr J M Ward

Also in attendance were the Assistant Director of Planning; Area Planning Manager (West) and the Senior Committee Officer.

46 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Foulger, Ms Grattan and Mrs Karimi-Ghovanlou.

47 MINUTES

The Minutes of the meeting held on 2 October 2019 were confirmed as a correct record and signed by the Chairman.

In respect of the decisions indicated in the following Minutes (nos: 48 to 49), 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.

48 APPLICATION NUMBER 20191280 – 24 CROMER ROAD, HELLESDON

The Committee considered an application for the demolition of the existing garage building, change of use of a building to office (A1 to B1) including additional space at first floor level and the provision of one additional first floor flat at 24 Cromer Road, Hellesdon. There would be a total of 19 car parking spaces for the proposed B1 use and four parking spaces for the flats, with each flat having two spaces. The existing ingress and egress point for both vehicular and pedestrian traffic would be retained.

The application was reported to committee at the request of Mrs Prutton, one of the Ward Members, for the reasons given in paragraph 4.6 of the report.

The Committee noted that as the use of the building as an office had commenced, the description of the development was to be revised to include

“retrospective” and consequently, the suggested imposition of a time limit condition be removed, both as reported in the Supplementary Schedule.

In addition, the Committee received the verbal views of Mrs Prutton representing Hellesdon Parish Council, Andrew Bathgate of 17 Eversley Road and Julie Edwards of 1 Mayfield Avenue, all objecting to the application and Martin Howe of Peter Codling Architects and Mr Laws (the applicant) at the meeting.

The site was located within the settlement limit where the principle of development was considered to be acceptable, subject to other considerations. It was noted that the change of use brought the building back into economic use and contributed to employment creation within Hellesdon and therefore, the proposal was compliant with Policies GC2 and E2 of the DM DPD and Policies 1, 2 and 5 of the JCS.

In terms of the impact on amenity of neighbouring residential dwellings, the Committee acknowledged the concerns raised but it was considered that the use of the building as an office and the proposed additional flat would not have a significant adverse impact on residents' amenity, due to the distances involved and the positioning of the windows. Furthermore, B1 use would not have an unacceptable impact on the living conditions currently enjoyed by the residents living in the neighbouring properties. Members were mindful that the building previously had been in use as a Public House and Co-op supermarket.

It was noted that the proposed number of car parking spaces complied with, and exceeded by two spaces, the provisions of the Parking Standard SDP and it was considered that the new commercial use and the additional flat (making two in total) would not severely affect parking provision within the site and surrounding area. Members took into consideration the fact that the Highways Authority had not objected to the proposal, subject to the imposition of conditions. It was further considered that there would not be a substantial adverse impact on the free flow of vehicular and pedestrian traffic on Cromer Road, Mayfield Avenue or Eversley Road and nor would there be a significant increase in the use of these and other surrounding roads. The Committee noted that the site was in an area well served by public transport and heard from the applicant that employees also cycled to the offices and use public transport.

Members noted the concerns raised by local residents on highway safety and, in particular, parking and visibility issues at the junction of Mayfield Avenue and Cromer Road but took into consideration the comments of the Highway Authority who had not raised an objection. Furthermore, it was noted that parking already occurred in the vicinity of the adjacent junction and on surrounding roads and it was not considered that these proposals would give rise to a material change in that respect or the residual cumulative impacts on the road network would be severe. Accordingly, it was considered that the

proposal would not result in an adverse impact on highway safety and complied with Policies TS3 and TS4 of the DM DPD.

Members discussed the issue of opening hours but concluded that a restriction was not necessary due to the previous uses of the building as a Public House and supermarket which would have been open much earlier and later in the day.

In terms of all other matters raised through the consultation, Members noted that these had either been resolved or would be dealt with by the imposition of appropriate conditions.

In conclusion it was considered that the proposal was acceptable and complied with the relevant policies in the DM DPD, JCS and Hellesdon Neighbourhood Plan and the provisions outlined in the NPPF. Accordingly, it was

RESOLVED:

to approve application number 20191280 subject to the following conditions:

- (1) Plans and documents
- (2) External materials to be agreed
- (3) Vehicular plans as per approved plans
- (4) Parking spaces as per approved plans

The Committee adjourned at 10:35am and reconvened at 10:42am when all of the Members listed above were present for the remainder of the meeting.

49 APPLICATION NUMBER 20191290 – 24 CROMER ROAD, HELLESDON

The Committee considered an application for the erection of a terrace of four, two storey dwellings at 24 Cromer Road, Hellesdon with a new vehicular access off Eversley Road. The proposed terrace would have an open frontage enabling each property to have ingress and egress points to the front of the building with parking for two cars each.

The application was reported to committee at the request of Mrs Prutton, one of the Ward Members, for the reasons given in paragraph 4.4 of the report.

The Committee noted the receipt of letters of objection from nos: 3A, 5, 6 and 18 Mayfield Avenue and nos. 9, 13 and 27 Eversley Road, together with the officer response, all as reported in the Supplementary Schedule.

In addition, the Committee received the verbal views of Mrs Prutton

representing Hellesdon Parish Council, Andrew Bathgate of 17 Eversley Road and Julie Edwards of 1 Mayfield Avenue, all objecting to the application and Martin Howe of Peter Codling Architects and Mr Laws (the applicant) at the meeting.

The site was located within the settlement limit where the principle of development was acceptable subject to other considerations. Furthermore, the principle of residential development on part of this site had been established by planning permission 20180950 (outline permission for two, two storey houses).

The Committee acknowledged the concerns raised by the Parish Council, Ward Member and local residents but considered that, due to the design, height, massing, scale and nature of the proposed residential development, it was unlikely to result in a significant or unreasonable harm to the character of the residential area. Accordingly, the proposal would not appear alien or incongruous to the character of that part of Hellesdon or the entire parish. Furthermore, the local area was characterised by a mixture of two storey detached and semi-detached dwellings with detached bungalows in a linear format with frontage to the roads. Members noted, in particular, that the recent development at Silk Mill Road included blocks of terraced houses. In terms of amenity area, it was considered that the proposed rear garden spaces and front court yards would be of adequate and reasonable size as well as maintaining the visual character of the area.

In terms of highway safety, it was noted that the Highways Authority was not objecting to the proposal, with the submitted plans showing that the site had adequate parking provision. The Committee considered that the proposed dwellings would not significantly increase the use of Eversley Road, Mayfield Avenue and Cromer Road or a significant increase in on-street parking on those roads. Whilst the concerns of neighbouring residents, the Parish Council and Ward Member were noted, Members concluded that there were no strong reasons or justifications to refuse the application on highways grounds.

Notwithstanding the concerns raised through the consultation, the Committee considered that, due to its location, massing, scale, height and proposed boundary to the rear of the proposed dwellings, the development would not have a detrimental impact on the residential amenity of the neighbouring residents or future occupants of each of the proposed dwellings or cause any significant levels of overlooking. It was acknowledged that the property at no: 1 Mayfield Avenue was a bungalow while the proposed development was a two storey terrace of four houses but due to the scale, height, massing and separation distance between the gable end of plot 1 and the eastern (front) elevation of no: 1 Mayfield Avenue, it would not appear over-dominant or intrusive to the neighbouring property.

Members noted that the housing density in the area was variable and, as

such, it was considered that the proposed development would not be out of keeping with the wider street scene.

In terms of all other matters raised through the consultation, Members noted that these had either been resolved or would be dealt with by the imposition of appropriate conditions.

In conclusion it was considered that the proposal made the best and most efficient use of the land and complied with the relevant policies in the DM DPD, JCS and Hellesdon Neighbourhood Plan and the provisions outlined in the NPPF. Accordingly, it was

RESOLVED:

to approve application number 20191290 subject to the following conditions:

- (1) Time limit
- (2) Plans and documents
- (3) External materials to be agreed
- (4) Vehicular plans as per approved plans
- (5) Parking spaces as per approved plans
- (6) Obscure glazing to first floor windows on side elevations
- (7) Removal of PD rights for extensions, roof alterations and outbuildings

50 PLANNING APPEALS

The Committee noted details of the planning appeals decisions which had been received for the period 21 September to 18 October 2019 (no appeals had been lodged during this period).

The meeting closed at 11:45am

SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Plan No	Application No	Location	Officer Recommendation	Page Nos
1	<u>20190844</u>	<u>Land at Dawson's Lane, Blofield</u>	Delegate authority to DoP to APPROVE subject to conditions and completion of a S106 Agreement	11 - 32
2	<u>20190792</u>	<u>Site of T H Blyth and Sons Builders' Yard, Claypit Road, Foulsham</u>	APPROVE subject to conditions	33 – 61
3	<u>20190583</u>	<u>Woodview, 81 Fakenham Road, Great Witchingham</u>	APPROVE subject to conditions	62 – 74
4	<u>20191503</u>	<u>Homeleigh, Broad Lane, Lt Plumstead</u>	APPROVE subject to conditions	75 - 86

DoP = Director of Place

Application No: [20190844](#)
Parish: **Blofield**

Applicant's Name: PPAP Investments Ltd
Site Address: Land at Dawson's Lane, Blofield, NR13 4SB
Proposal: Residential development of 12 no: dwellings

Reason for reporting to committee

- (1) One of the Ward Members has requested that the application be determined by the Planning Committee for appropriate planning reasons as set out below in section 4.
- (2) The proposed development is contrary to the development plan.

Recommendation summary:

Delegate authority to the Director of Place to approve subject to conditions and completion of a S106 agreement

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.
- 1.2 Outline permission was allowed at appeal for 8 dwellings on the site application number [20172032](#). This is a full application for twelve dwellings to be 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 includes an off-site surface water drainage strategy.
- 1.3 The following mix of single and two storey dwellings is proposed:
 - 1 x 1 bedroom bungalow (affordable rented)
 - 1 x 2 bedroom bungalow (affordable rented)
 - 2 x 2 bedroom houses (affordable shared equity)
 - 5 x 3 bedroom bungalows
 - 3 x 4 bedroom houses

This equates to 33% affordable housing provision on site.

2 Relevant planning history

- 2.1 [20172032](#): Residential development of 8 no: dwelling houses. Allowed at appeal 6 February 2019.

3 Planning Policies

3.1 National Planning Policy Framework (NPPF)

NPPF 02: Achieving sustainable development
NPPF 04: Decision-making
NPPF 05: Delivering a sufficient supply of homes
NPPF 09: Promoting sustainable transport
NPPF 11: Making effective use of land
NPPF 12: Achieving well-designed places
NPPF 14: Meeting the challenge of climate change, flooding and coastal change
NPPF 15: Conserving and enhancing the natural environment

3.2 Joint Core Strategy (JCS)

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

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

Policy GC1: Presumption in favour of sustainable development
Policy GC2: Location of new development
Policy GC4: Design
Policy GC5: Renewable energy
Policy EN1: Biodiversity and habitats
Policy EN2: Landscape
Policy EN3: Green Infrastructure
Policy EN4: Pollution
Policy TS3: Highway safety
Policy TS4: Parking guidelines
Policy CSU4: Provision of waste collection and services within major developments
Policy CSU5: Surface water drainage

3.4 Blofield Neighbourhood Plan (BPNP)

Policy HOU1: Local housing Needs
Policy HOU2: Supported housing
Policy HOU4: Rural image, heights and massing
Policy HOU5: Parking for new development
Policy ENV2: Soft site boundaries and trees

Policy ENV3: Drainage
Policy ENV4: Agricultural land

3.5 Supplementary Planning Documents (SPD)

Recreational Provision in Residential Development SPD
Landscape Character Assessment

4 Consultations

4.1 Parish Council:

Original proposal

Refuse

- This is a new application on the same site where eight were granted on appeal, when there was not a five-year land supply.
- Five-year land supply can now be demonstrated and plans including the neighbourhood plan are up to date.
- Planning landscape has changed significantly
- This application should be considered in this light rather than for an additional four dwellings.
- The site is outside the development limit and located on good quality agricultural land. Last cropped in 2018.
- Contravenes BPNP ENV4 where agricultural land should be avoided for further development.
- BPNP ENV3 drainage does not support this proposal.
- Although not specifically named the area where it is proposed to drain the water is in an area of high surface water flooding, identified on the Environment Agency maps.
- ENV3 states that future development should not cause or contribute to problems or drainage issues.
- Material change to existing drainage.
- Drainage management plan does not cover the parts of the drainage solution beyond the attenuation pond, it will appear this will not be maintained.
- Pipes crossing the road will need to cross drainage pipes, electricity and telephone cables.
- Farm traffic will need to continue to use this track.
- High risk of the pipe blocking.
- This puts land and private property at risk from flooding from over land flows.
- Wider system not included in maintenance contracts.
- Assumed road will be adopted and NCC will then have responsibility but it is not given.
- Dawson's Lane is an unowned unregistered track which serves as access to the four fields and four properties.

- The first part of Dawson's Lane will be widened and adopted which will resolve the issue of accessing more than 8 properties off a private drive.
- No guarantee that adoption would take place.
- Guarantees are required that the existing refuse collection for properties on Dawson's Lane not be altered.
- Footpath linking proposed Dawson's Lane to Skedge Way, at present this verge is used for parking without narrowing the road.
- A footpath will increase parking along Blofield Corner Road increasing rather than reducing congestion along with the local traffic generation with the additional Bennetts Home site for 36 homes to the east of the development along Blofield Corner Road.
- The Design and Access Statement highlights 10 minutes walking to services, but the circles are shown on the Bennett's Homes rather than the application site, instead of a 10 minute walk to services it is more like 20 minutes.
- Proposed two of dwellings will be wheelchair accessible bungalows. There is no indication that the private driveway within the site will extend to this point and bungalows are located at the further point maximising distance to local amenities contrary to BPNP TRA3.
- Together with dark skies policy BPNP ENV5 the position of both the site and the disabled access bungalows within it.
- Challenge it is truly sustainable development.
- Mature hedge and 3 trees are to be removed, contravening BPNP ENV2 policy soft site boundaries and trees.
- Where removal of trees of recognised importance is proposed a replacement of similar amenity value should be provided on site.
- The site access off Dawson's Lane shows a wall along the side of the site. At odds with Policy ENV2.
- Some parts of the submission show that along Dawson's Lane itself a mixed native hedge is to be planted on the outside of the property close board fencing boundaries, but is not consistently shown.
- Fails on two out of three measures of sustainable development.

Drainage scheme 4

Refuse

- Drainage strategy is now having a terminal attenuation pond to the north of the site and there is no attempt to drain any further through to the Witton Run as originally stated.
- Serious concerns about drainage system.
- LLFA have said that they will not comment but this proposal will direct a new source of surface water from the development site into an area which is already at a high risk of surface water flooding on Environment Agency and photographic evidence from local residents.
- 36 homes from the Bennett's Homes sites have been in allowed to discharge into the ditch on the pretence that it drained into the Witton run and River Yare.

- This proposal demonstrates that water connection does not exist.
- Therefore, the pond must have enough capacity for the 36 plus 12 houses and existing agricultural land to ensure a sustainable drainage system.
- No evidence of this has been included in the calculations.
- LLFA guidance is against discharging into blind ditches.
- System not compliant.
- LLFA requires evidence of long term maintenance of SuDS. No evidence of maintenance agreements agreement between the two ponds.
- If the drainage is not compliant then NCC Highways will not adopt road and result in more than 8/9 dwellings being accessed off an adopted road.

Current scheme

Refuse

- Tree T2 and T6 should be protected as not within the applicant's control.
- Loss of T3, T4 are noted.
- Need to offset the loss of four trees plus the old hedge, not discussed in arboricultural impact assessment.
- 1.8 metre fence to the south behind existing properties on Blofield Corner Road contrary to Policy ENV2 of NP.
- Currently a gap in the west boundary of the site, which would need to be closed off.
- Is their boundary treatment around attenuation pond, needs to be securely fenced off.
- Large area of agricultural land lost from production at odds with BPNP Policy ENV4.
- At odds with Neighbour Plan Policy ENV3 should not cause flooding.
- The strategy is unnecessarily complex with many elements attenuation pond pipe to open ditch to infiltration pond in isolated sand.
- Equally serious is the 40 metre culvert omitted from the maintenance plan.
- Resident was flooded on 5/6 October 2019 storm due to surface water flooding that came from Dawson's Lane run off contravening the NPPF policy and LLFA Guidance.
- Neighbourhood Plan expects surface water drainage ponds to be colonised by flora and fauna whilst maintaining their design purpose.
- The proposed road splay only shows a splay to the east which is at odds with other amended documentation and this splay has been interrupted for access to number 72 as this is the only access to their property.
- No evidence has been provided how services along Dawson's Lane will be treated.
- Inconsistencies in drainage report.

- Surface water does not infiltrate at times of storm or prolonged rain it flows over land as evidenced by recent flooding on Blofield Corner Road.
- LLFA are aware of this incident and have visited.
- The storm illustrates that draining into a blind ditch is not sustainable without Bennett Home Scheme.

4.2 Ward Member

To be determined by Committee

It is not compliant with the NPPF and the material change in drainage strategy means the next door site Bennetts Homes of 36 homes, which is supposed to be draining into the Witton Run will now have its water exit blocked by the new attenuation pond and there is no indication that run off has been accommodated in the pond size to prevent flooding to Dawson's Lane, preventing access, private property, foul drainage systems and farmland in an area highlighted by the Environment Agency as at high risk of surface water flooding.

4.3 NCC Highways

Original scheme

- Request the access road is constructed to adoptable standards.
- What is purpose of green link to the west of the development.
- Junction with Blofield Corner Road should be amended to a simple footway crossing.
- Beneficial to have the accesses either side of Dawson's Lane to be accessed from Dawson's Lane to avoid conflict.
- Beneficial to extend the proposed footway westwards.
- A size 5 turning area should be provided at the end of the shared private drive.
- No plan is provided showing alternative access for 80 Blofield Corner Road.
- Information I have on highway boundary is highway boundary in front of 72 Blofield Corner Road is the frontage hedge and continues in a straight line across Dawson's Lane. This is based on unverified information and if disputed would need to be verified.

Current proposal

- Dawson's Lane is not a highway and is unknown ownership.
- Recommend the following conditions
 - Request conditions on road specification provision of road and footways
 - Prior to occupation constructed to binder course
 - Details of offsite highway works and provision.

4.4 Anglian water

- Foul water is within the catchment Area of Whitlingham Trowse Water Recycling Centre, which has available capacity for these flows
- The sewerage system at present has capacity for these flows.
- Preferred method of surface water drainage is SuDS and connection to the sewer should be the last option.
- It is not proposed to discharge into the main sewer so have no comments.

4.5 NCC Lead Local Flood Authority

Original scheme

- No comments apply standing advice

Scheme 2

- No comments apply standing advice

Scheme 3

- LPA should refer to standing advice
- LPA should satisfy themselves that provision for long term maintenance as part of any SuDS scheme.
- Evidence of agreement should be provided for ditch to east of Dawson's Lane and ditch to north of no. 74
- Clarification should be sought that the proposed ditch network connects
- Proposed infiltration basin is outside the red line

Scheme 4

- Two additional trial holes were undertaken off-site to the north of the site with the existing ditch and 54 metres west of the ditch, which demonstrate good permeability. Ground water was encountered at depth of 3.75 – 4.75 metres.
- The revised plan shows a ditch flowing around between 74 and 76 through a culvert under Dawson's Lane into the ditch which terminates in the adjacent field,
- Ditch has no positive outfall into the wider watercourse network.
- Provide an infiltration basin have been sized to accommodate the volume of run off from the development.
- Management and maintenance plan has also been amended, which states the existing ditch will be maintained by riparian owners (no. 74 and 76) if this part of the ditch and culvert is not maintained it has implications on the ability of the ditch to convey any increased flows and accommodate increased volume without increasing flood risk.

- Strategy relies on an infiltration basin some distance away and is dependent on several third party bodies to maintain the system.
- Serious concerns regarding the long term sustainability of the proposal specifically regarding management and maintenance.
- Suggest that an alternative strategy is investigated closer to the site. Infiltration test could be taken to west or northeast.
- If this is not considered the LPA should satisfy themselves that this current drainage proposal is acceptable and appropriate in the planning balance.
- If it affects any ordinary water course permission is required for culverting.

Current scheme

- Previously sent bespoke comments
- The revised strategy is reliant on an infiltration basin some distance away from the development and dependent on third party bodies to maintain the system.
- We therefore had concerns about the long term sustainability of the system especially with regard to management and maintenance.
- Suggested an alternative system is investigated closer to the site.
- Amended surface water has been submitted
- Additional testing to the NE provided moderate results 2no off site locations were tested to find an alternative location for the infiltration basin to supplement the onsite drainage.
- However, to adverse falls it would not be possible to gravitate all the site drainage to this location.
- Further porosity testing was undertaken northwest of the main site where an isolated band of sand was encountered.
- It is proposed that a ditch will be reinstated along Dawson's Lane from the outfall of the detention basin and highway drain.
- Prior to reaching the boundary with No. 74 water will be directed to the north west under the road via a 225mm culvert into a parcel of land where the local watercourse network terminated.
- Due to the more formal feature is proposed for the termination of the proposed system. The culvert will discharge to an infiltration basin where good permeability was encountered within the sand strata.
- To maintain the status quo of the local watercourse network, the basin will be located south of the natural surface water flow path.
- Revised calculations have been provided for the amended infiltration basin but they do not tie in with the additional soakage testing in the new location.
- Approval may be required for culverting, which the LLFA seeks avoid unless required for a means of access.
- Although this is a more preferable solution, we still have concerns about the proposal.

Updated comments from the LLFA will be provided in the supplementary schedule.

4.6 Broadland Housing Enabling Officer

- 33% 4 affordable units are proposed
- 1 x 1 bedroom bungalow and 1 x 2 bedroom bungalow for rent
- 2x 2 bedroom for shared equity
- Properties will be designed to meet level space standards and bungalows will meet Part M (cat 2) Building Regulations for w/c accessible properties

4.7 Broadland Conservation Officer Landscape and Arboriculture

- The location has no significant trees located within or adjacent to the area with 12 dwellings.
- Three trees along access are proposed to be removed
- Desktop analysis indicates the tree hedgerow trees T3 – T5 do not appear to be significant from a visual amenity perspective.
- If trees were to be retained as in third party ownership, method statement and tree protection plan would be required.
- Proposed landscaping plan appears to be sufficient to provide a mixed habitat and all year-round interest.
- No after care is provided but not needed if within gardens.

4.8 Broadland Contract Officer

Original scheme

- Swept path analysis /tracking plan for 4 x 8 refuse vehicle required
- Confirmation private road and sewerage system is built to take 32 tonne refuse vehicle turning on it.
- Details of management arrangements for upkeep of the road
- Details of bin collection points near adopted road.
- This is a private road so no street cleaning etc will need to be provided by management company or private individuals
- Cannot confirm that we will enter the development to collect waste at this stage
- Either need tracking to all properties or a collection point for the bins.

Current scheme

- The proposal now provides acceptable access for refuse vehicles.

4.9 Broadland Pollution Control Officer

No objection

4.10 Other Representations

34 letters of objection

- Questions how developers can come back with increased schemes.
- Encroach on open rural landscape.
- Overlooking.
- Create more traffic.
- Create more noise.
- Loss of wildlife.
- Site is poorly located to local infrastructure improvements.
- Access is problematic and narrow.
- Report states it is closer to services than it is, 20 minutes from Post Office and amenities and further from the school.
- Already a sufficient land bank in Blofield no need for further housing.
- Tree survey fails to include 30 year silver birch tree needs to be protected during construction and after and impact on canopy.
- Appeal decision was based on the Council not having a five-year housing land supply the Council can now demonstrate a five-year housing supply.
- Future loft conversion could overlook.
- Details of boundary treatments are required.
- Increased flood risk.
- Make access to property difficult.
- Nearest public transport is 15 -20 minutes on foot and footpaths are not wheelchair friendly.
- Road junction with Dawson's Lane floods which goes into my property.
- Verge on Dawson's Lane is in my ownership.
- Widening will result in a loss of hedge and mature holly trees home to wildlife.
- Blind junction.
- Outside development boundary.
- Not in keeping with Blofield Parish Neighbourhood Plan.
- Caveat placed on land when Blofield Corner houses were built which stipulated land could not be built on.
- Dawson's Lane used as a safe place for horse riding, dog walking and for children to play.
- Village is losing its identity and becoming a small town.
- School and doctors already struggling with current demand.
- Loss of agricultural land.
- Single lane road will be difficult with 12 additional dwellings.
- Increase parking on Blofield Corner Road.
- Ditch does not connect into Witton Run.

- Excess flows will cause flooding to properties.
- Proposed culverts will cross Dawson's Lane will be vulnerable to blockage.
- No maintenance and management plan is provided.
- Proposed detention basin is only 66% of the size of Bennetts Home development.
- Refers to reinstating the ditch, but no evidence it was ever there.
- Could grey water system be used?
- Rest of field would be land locked and result in it being taken out of agricultural production. Hedge, tress and electricity pole would need to be moved.
- Dwellings will not be affordable to local people.
- Increased traffic will not facilitate people walking and cycling in the village.
- Windfall sites should not be used within first 10 years of the plan.
- Loss of agricultural land contrary to policy ENV4 in the BPNP.
- Policy ENV3 does not support this drainage although not specifically names this area is at high risk from surface water drainage. Culverts will need to cross existing services in the lane.
- Accessible bungalows would be a long way from services and path which would make access difficult.
- Loss of hedge and trees contrary to ENV2 in Neighbourhood Plan.
- Having been maintaining the lane, so how can somebody who has no rights of access over lane claim it and turn it into a road.
- Interruption to services.
- What happens to bin collections?
- Maintenance only as far as the attenuation pond.
- How deep will attenuation basin be will it be fenced?
- Will attenuation pond have stagnant water and associated smells?
- Is there possibility of flooding to existing properties on Skedge Way?
- Current ditches not maintained.
- Lack of maintenance has caused flooding along east –west section of Dawson's Lane, where 36 houses have been given permission to discharge into.
- The Area already has flooding issues this is not a 1 in 100 year event it is a regular occurrence. As part of application 20190790 LLFA requested evidence of how the ditch connects to the nearest river.
- The developer has said that he will dig out ditch further, but will not reach the river, removing of the long pipe will ease issues.
- Discharge into blind ditch is contrary to LLFA guidance.
- Over development of the site.
- Even with further attenuation basin the proposal is going into a blind system contrary to NPPF.
- Ditch to north of no: 74 is being deepen is not within developer's control.
- Any erosion will reduce access to number 76 and reduce available turning.

- Does the attenuation pond take into consideration of drainage of 36 Homes from Bennetts Homes which will also discharge into that ditch?
- The inability to infiltrate would also apply to second attenuation basin.
- Design and Access plan showing services has been updated but not the text.
- Most direct and quickest route to the nearest shop is via Reve Crescent. Is inaccessible to wheelchair users due to bicycle barriers. The alternative route around busy Blofield Corner Road and Woodbastwick Road junction is difficult in a wheelchair or mobility scooter due adverse camber, narrow uneven footpath and overhanging plants.
- Land is our ownership is being proposed to be part of the highway.
- Japanese knotweed is present on the site.
- Gates opens into Dawson's Lane.
- Will not move my access onto Dawson's Lane.
- Contrary to paragraphs 115-165 of the NPPF as it would increase flood risk elsewhere and would not incorporate sustainable drainage systems.
- No evidence that the drainage strategy elsewhere.
- Ditch to north of no: 74 is not within developer's control.
- This part of the ditch is not part of maintenance plan.
- Flood threat been moved to northern boundary.

Current scheme

- Photographs of flooding after heavy rain development will make this worse.
- No improvement for pedestrian provision.
- Consideration needs to be given to larger vehicles, emergency and delivery vehicles two vehicles will not pass in Dawson's Lane.
- Where are the passing points for private or commercial vehicles?
- What provision is being made for pedestrians or those that need to use a wheelchair or mobility device.
- Are raised pavements being provided, white line indicating pavement is no substitute and would be inadequate.
- Splaying at the entrance road is asymmetric no: 72 appears to have lost some of its frontage whilst little splaying on the no: 80 side.
- Better splaying is required on no: 80 side.
- 1.8 metre fence will not prevent overlooking. My fence is not to be touched.
- The theoretical drainage information is not reality.
- Where does ditch flow actually reappear, would it be at the local watercourse?
- Drainage problems being shifted to another area.
- Contravenes NPPF would increase flood risk elsewhere.
- Flooding occurred on 5 / 6 October including level area around 40 Blofield Corner Road opposite Heath Way.

- Flooding and damage occurred without the runoff from another housing estate.
- Greater problems have occurred further along Blofield Corner Road heading to Dyes Road at no: 69 opposite Anglian Water Station.
- Run off will reappear adding to existing drainage and flooding problems.
- Wouldn't cope with worse events.
- Events like that could occur regularly.
- What will happen to Bennett's Homes water?
- People will not be able to insure, sell or mortgage properties.
- My property flooding recent events show that the infiltration basin will not provide sufficient drainage in an extreme rainfall.
- The water flows over land from location of the infiltration basin to the west of the heathlands and Snellings properties Laundry Lane.
- Access would be widened across drive.
- Not safe to leave my driveway.
- Inconsistencies in whether the proposed ditch is new or a replacement.
- OS maps show no evidence of a ditch and would not serve a purpose on that axis.
- Infiltration rate did not tie in with soakage figures.
- Relies on vulnerable culverts including 40 metre one which should be avoided.
- 600mm culvert blocks, blockage inevitable.
- Fence is too high, homeowners should have a say, feel like being in prison.
- Applicant does not own the Lane.
- Drainage currently unsustainable site currently a high point and water runs down the lane.
- The drainage strategy has had many revisions and back to the 40 plus metre culvert. Was deemed unsustainable the first time.
- The drainage strategy is moving a new source of surface water to an area of flooding.
- The drainage strategy does not follow the lie of the land but the ability of use land in control of the applicant.
- Avoids dealing with the Bennetts Homes site
- Drainage system results in loss of additional agricultural land
- Infiltration is an isolated seam water will appear elsewhere.
- Is weight of farm machinery factored into culvert design?
- Trees overhang the ditch and will fill it with debris.
- Culvert failure will result in water draining directly into number 74.
- Evidence that maintenance companies fail.
- Sales of land have been done on agreements and insurances based on declarations of truth of impeded access never from a position of ownership.
- Unregistered unowned track cannot be adopted which is fundamental to the application.
- The lane has not been owned by the people claiming ownership.
- Access must be maintained at all times for residents.

- Precedent for further development and already put forward in GNLP call for sites.

5 Assessment

Key Considerations

- 5.1 The key consideration for this application are the principle of the development, landscape impact, design, residential amenity, highway safety, accessibility, drainage, ecology, affordable housing, open space and green infrastructure contributions.

Principle

- 5.2 The site is outside but adjacent to the settlement limit for Blofield Heath. Policy GC2 of the DM DPD restricts new development outside limits unless there is a specific policy permitting it.
- 5.3 The site currently benefits from an extant outline permission for 8 dwellings which was allowed at appeal. At the time the Council could not demonstrate a five-year housing land supply and as a result paragraph 11 was engaged and the Inspector considered that the development did not result in significant and demonstrable harm, which outweighed the benefits.
- 5.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the existence of the extent permission is a material consideration in determining this application, which would warrant departing from the development plan.
- 5.5 Paragraph 117 of the NPPF supports making effective use of land and the proposed density of dwellings is not out of character with other developments in Blofield. As a result, in principle the increased density of dwellings on the site is acceptable.

Landscape Impact

- 5.6 The dwellings are located within the same site area as the outline approval, which the Inspector found would have minimal landscape impact. The rear boundary of the development site is in line with the outward edge of the residential estate at Skedge Way on the opposite side of Dawson's Lane. The new housing would extend laterally away across the existing arable field, with the properties on the eastern boundary being single storey and hedges are proposed along the east and west boundaries of site. The proposed development would continue a pattern of development in Blofield Heath, which typically, comprises small residential estates to the rear of the frontage housing. It would result in a small contiguous extension in keeping

with the shape of the settlement and not result in any significant harm to the appearance of the village or the Blofield Tributary Farmland Landscape. Permitted development rights have been removed for boundary treatments along west boundary to retain the soft edge to the village. As a result, it is considered to accord with policy EN2 of the DM DPD which seeks to protect the local landscape and policy ENV2 of the BPNP which seeks to retain soft edges to the settlement.

Design

- 5.7 There is a mix of 1, 2, 3 and 4 bedroom bungalows and two storey dwellings proposed on the site. The dwellings have a simple modern design which would not be out of keeping with other properties in the area and of a similar density. 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.

Residential amenity

- 5.8 Concern has been raised about potential overlooking. All the proposed properties exceed the recommended 24 metres minimum back-to-back distances, within the Broadland Design Guide. Given the size of the plots and the distance between the dwellings and neighbouring properties it is not considered that the development would result in any significant loss of amenity. Nor it is considered necessary or reasonable to remove permitted development rights in order to protect future residential amenity. As a result, it is considered that the proposed development would comply with policy GC4 of the DM DPD, which seeks to protect residential amenity.

Highways

- 5.9 It is proposed to access the development via Dawson's Lane which is a private unmade track off Blofield Corner Road which is located between 74 and 80 Blofield Corner Road and currently serves four properties and the surrounding farmland.
- 5.10 It is proposed to widen the lane to make it a 6 metres wide road, including a one metre pedestrian run-over area. This will be achieved by incorporating land currently within the curtilage of number 80 Blofield Corner Road. It is intended that the road will be adopted and the access to number 80 will be moved so that it is onto Dawson's Lane. It would have been preferable to move the access of number 74 onto Dawson's Lane but the owner is not willing to do so and the Highway Officer considers the relationship of the access with the Dawson's Lane is satisfactory. The road within the development would be a private drive. Swept analysis plans have been submitted which demonstrate a 26 tonne refuse vehicle could access all the dwellings.

- 5.11 Adequate parking within the development is proposed for the new dwelling as required by policy TS4 and policy TRA2 in the BPNP
- 5.12 A new pedestrian footpath is being provided between Dawson Lane to the other side of Skedge Way where it will connect with the existing path and improve connectivity to the services in other parts of the village by foot, which is in accordance with BPNP policy TRA3 that requires development to provide footpath enhancement to improve access to village amenities.
- 5.13 Concern has been raised over the ownership of the verges to the front and side of Number 74 Blofield Corner Road and ownership of Dawson's Lane which is currently unregistered. A formal highway boundary assessment has been made along Blofield Corner Road and all the land in front of the boundary treatments is within the highway boundary, which is within the jurisdiction of the Highway Authority regardless of ownership.
- 5.14 It is not the place of the Local Planning Authority to determine the ownership of land. The ownership of Dawson's Lane is a civil matter, which needs to be resolved between the parties. It is not proposed that the verge to the east of Dawson's Lane would be within the adopted highway. It is proposed that the highway design conditions are pre- commencement, so work cannot start until detailed highway drawings have been agreed. Although not a planning matter there is provision within the Highways Act to adopt land, where the owners is not known.
- 5.15 It is considered that the proposed development would not adversely affect highways safety in accordance with policy TS3 of the DM DPD.

Accessibility

- 5.16 There is a Post Office/shop, primary school, community and social club, playing field and commercial garage within Blofield Heath, which would be accessible by foot, the original Design and Design Statement was misleading in the walking distance to these services, which are approximately twenty minute walk away.
- 5.17 The site is adjacent to the settlement for Blofield and with the proposed extension to the proposed pedestrian footpath on Blofield Corner Road, it would be possible to access services and facilities and public transport by foot. The Inspector considered that the site was sustainable in terms of accessibility as part of the appeal.

Surface Water Drainage

- 5.18 The site itself is within fluvial flood zone one (low risk) and is not at risk of surface water flooding. Currently there is no formal field drainage of the site and it has been established through percolation tests that surface water would not infiltrate on the site. The surface water from the site therefore currently follows the contours of the land to the north east to the existing

ditch to the south of 74 Blofield Heath Road which connects into the ditch which runs East to West to the North of 74 Blofield Corner Road and terminates in the field to the West of Dawson's Lane. This is a blind ditch system which is identified by the Environment Agency as being at high risk from surface water flooding. This has been corroborated by evidence of actual flooding. The latest event being on 5th/6th October which resulted in flooding to Dawson's Lane and the blind ditch system overflowing and creating over land flows which resulted in the flooding of 69 Blofield Corner Road.

- 5.19 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.

- 5.20 This approach supported by policy 1 in the JCS, policy CSU5 in the DM DPD and policy ENV3 in the BPNP, which also seek positive solution to existing drainage problems where practical.

- 5.21 The surface water strategy for this development has changed a number of times during the life of the application. Percolation test have established that infiltration drainage would not work within the site boundaries or the immediate area. It has also been established that the nearest ditch is blind and is at high risk of surface water flooding, which is accordance with the LLFA guidance is not suitable to take discharges from the development.

- 5.22 The current drainage strategy proposes that the surface water from the site would go under the Dawson's Lane via a culvert to an open attenuation basin in the area between 6 Skedge Way and an existing agricultural building on the east of Dawson's Lane. Surface water from the highway would go into an underground tank. Water in both systems would be discharged at greenfield run off rates via culvert 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 an approximately 35 metre culvert into the field to the west of Dawson's Lane and into a another new ditch and infiltration basin in an area of land where the percolation tests have demonstrated that infiltration would occur. The level of ground water was also assessed in this location.

- 5.23 Final comments and conditions from the LLFA will be reported to committee, but they have verbally confirmed that they are do not object to the strategy.

- 5.24 This system would be completely separate from the existing ditch network and the area at risk from surface water flooding.
- 5.25 Concerns has 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, on balance the approach is considered acceptable as it facilitates the movements of surface water to an area where infiltration can occur. A revised management and maintenance plan have been requested which 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 Alternative proposals involving creating a new ditch system around to the south and east of 74 Blofield Corner Road with the water discharging into the existing ditch running east to west to the north of number 74 Blofield Corner Road and into a new infiltration basin at the terminus of the ditch have been discounted because due to landownership issues the applicant and future management company would not be able to control the maintenance of the whole system.
- 5.27 Members will note from the representations that on the advice from the LLFA an attenuated surface water network from the Bennett's Home site further to the east has been agreed to be discharged into the blind ditch system. The LLFA have admitted the advice given on that site was not correct.
- 5.28 The Bennett's Homes site is however a separate issue. It is not the responsibility of this developer to resolve that issue and the current strategy from this site is a stand-alone system, which is not connected to the ditch which the Bennett's Home site would discharge into.
- 5.29 It is acknowledged that the proposed drainage strategy is complex, but it will provide attenuated discharged into any area suitable for infiltration, with considerable additional storage being created within the system and the whole system can be managed and maintained by a management company. 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.

Foul water

- 5.30 It is proposed to discharge the foul water into foul sewer to the west. Which is in accordance the foul water hierarchy. Anglian Water have confirmed that there is sufficient capacity within the foul drainage network to take the additional flows.

Trees

- 5.31 An arboricultural report has been submitted with the application which has identified that the hedge and 3 trees along Dawson's Lane would be lost as a result of the widening works and a tree adjacent to the proposed attenuation pond. The Conservation Officer (Arboriculture and Landscape) has confirmed that these trees are not of significant amenity value and raises no objection to their removal. Tree protection measures for the trees retained on the boundary but not in the applicant's ownership have been conditioned.
- 5.32 Policy ENV2 of the BPNP requires development of the edge of the settlement to have soft boundaries using trees and hedges and significant trees shall be replaced. It is proposed that the west boundary of the site would be planted with a native species hedge which will soften the edge of the development. Further planting in the site including a hedge along Dawson's Lane would compensate for the existing trees which will be removed but were not themselves significant.

Ecology

- 5.33 The site is agricultural land until very recently has been in arable production, as a result the site is not of significant ecological value.
- 5.34 The proposed infiltration and attenuation basins as well as the new ditches and additional planting would be an ecological enhancement.
- 5.35 An appropriate assessment has been carried out and concluded that the development will not adversely affect the integrity of any habitat sites.

Loss of agricultural land

- 5.36 Policy ENV4 of the BPNP and paragraph 171 of the NPPF gives preference to lower grade agricultural land being used when significant areas of agricultural are required.
- 5.37 The appeal Inspector determined that the loss of agricultural was only very modest which would still be the case taking into consideration the land loss by the infiltration basin.

Planning obligations

- 5.38 It is proposed to provide four affordable dwellings on the site, two single storey dwellings for rent and two houses for shared ownership. The single storey dwellings would meet accessibility and space standards. This equates to 33% affordable housing which is compliant with policy 4 of the JCS. These along with open space and green infrastructure contributions required under policy EN3 and RL1 of DM DPD will be secured by a S106 agreement.

Other issues

- 5.39 An unsubstantiated claim has been made that there is Japanese knotweed on the site. The applicant has investigated this, and no evidence of the plant has been found. In any event, its existence would not be a planning consideration, but something that the applicant would have to deal with. As agricultural land there has no identified contamination risk on the site,
- 5.40 It is noted Blofield has received more development than allocated within the JCS, but the JCS does not put a ceiling on development within the area.
- 5.41 Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. The Council has taken a proactive approach to this through the allocation of a range small and medium sized sites and through defining settlement limits for over 80 settlements to facilitate suitable windfall development. Point (c) of NPPF para 68 states that local planning authorities should *'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'*. Although this is a material consideration in the determination of the application, it can only be afforded limited weight, given the previous supply of housing on small sites within the district.
- 5.42 Access to properties and disruption to services is a civil matter between the parties.
- 5.43 Policy 3 of the JCS requires 10 or more dwellings to have more than 10% of their energy from renewable sources which has been conditioned.
- 5.44 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 and planning balance

- 5.45 The proposed development would provide twelve additional dwellings including 4 affordable units, two of which would be accessible units within a sustainable location, where there is the ability to access services, facilities and public transport via foot. There is no significant highway safety, amenity, ecological or increased risk of flooding harms identified. When weighted against the minimal harm resulting from the loss of a modest amount of agricultural land and minimal landscape impact, it is considered that the benefits outweigh the harm.
- 5.46 The proposal is contrary to policy GC2 of the DM DPD, but the extant outline permission along with the limited harms and the Government's

desire in the NPPF to make the most effective use of land would warrant in this instance departing from the development plan.

5.47 This application is liable for Community Infrastructure Levy (CIL) as it is for new dwellings.

Recommendation: Delegate authority to the Director of Place to approve subject to conditions and completion of a S106 agreement

Conditions:

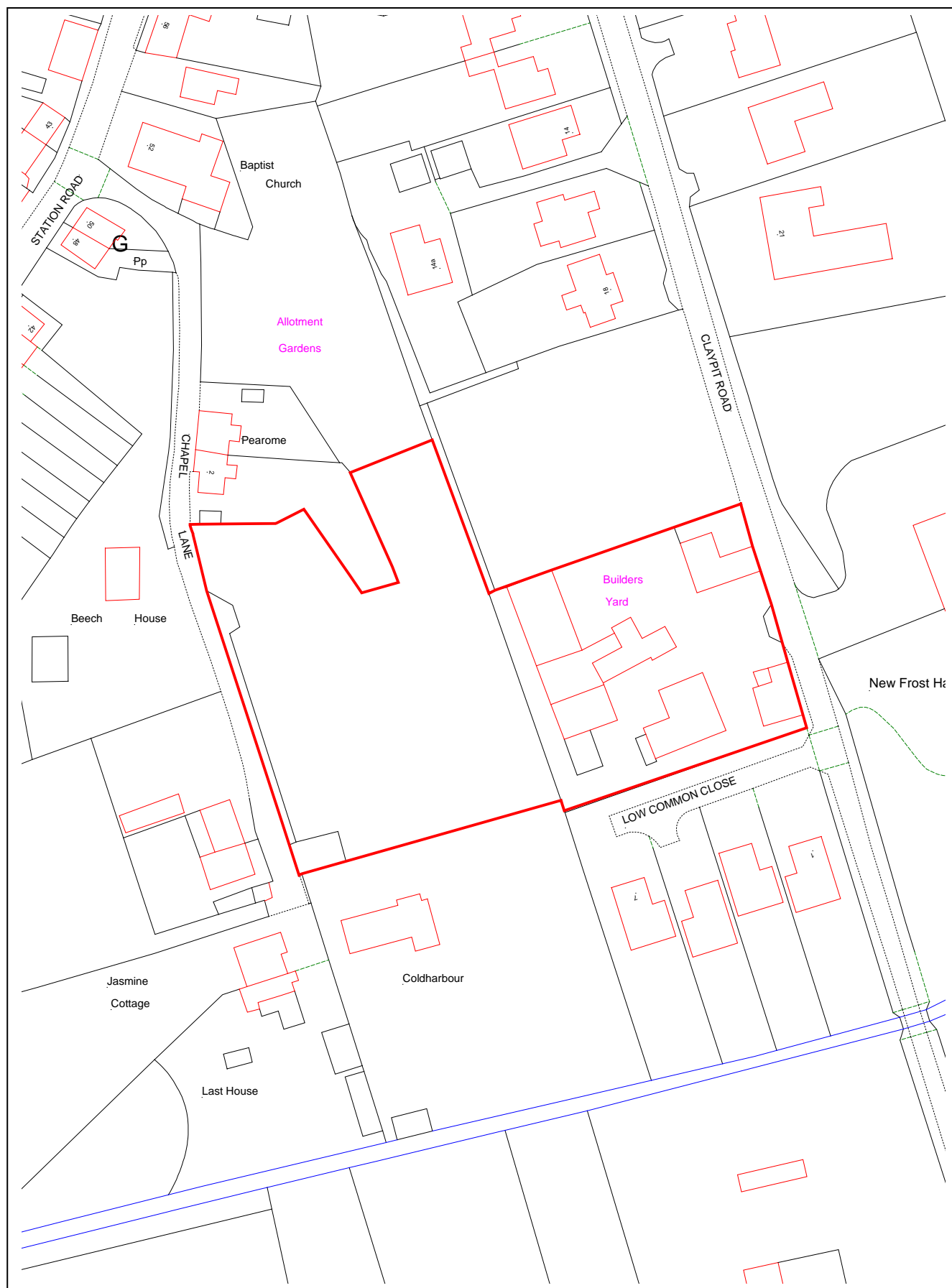
- (1) Full permission time limit (TL01)
- (2) In accordance with drawings (AD01)
- (3) Surface water drainage (bespoke)
- (4) Standard Estate Road (SHC01)
- (5) Standard Estate Road (SCH02)
- (6) Standard Estate Road (SHC03A)
- (7) Highway Improvements off-site (SHC32A)
- (8) Highway Improvements off-site (SHC32B)
- (9) Tree protection (L08)
- (10) Landscaping scheme to be submitted (L06)
- (11) Renewable Energy – Decentralised source (E01)
- (12) Boundary Treatments (L02)
- (13) No PD fences, walls etc. on western boundary (P08)
- (14) Fire hydrant (D09)

Heads of terms

33% Affordable housing

Contributions for open space and green infrastructure.

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



Application No: 20190792

Site of T H Blyth and Sons Builders' Yard, Claypit Road, Foulsham, NR20 5RW

**Scale:
1:1088**

**Date:
19-Nov-19**



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Application No: [20190792](#)
Parish: **Foulsham**

Applicant's Name: Mackinnon Construction Limited

Site Address: Site of T H Blyth and Sons Builders' Yard, Claypit Road, Foulsham, NR20 5RW

Proposal: Demolition of builders' yard and erection of 9 no: dwellings comprising 5 no: houses and 4 no: bungalows with associated access

Reason for reporting to committee

The Ward Councillor has requested that the application be determined by the Planning Committee for appropriate planning reasons as set out below in paragraph 4.13 of this report.

Recommendation summary

Approve subject to conditions.

1 Proposal and site context

- 1.1 The application seeks full planning permission for the demolition of a builders' yard and the erection of nine dwellings on a site within the defined settlement limits in Foulsham. The application also proposes three access points off Claypit Road.
- 1.2 The site measures approximately 0.61 hectares in size and comprises a former builders' yard and associated buildings on a square shaped parcel of land off Claypit Road and an area of open land to the west (rear) of this yard adjacent to Chapel Lane. The area of open land is of a rectangular shape, aside from a 'U' shaped parcel of land to the north, which is part of the residential curtilage associated with no: 2 Chapel Lane. There is a slight slope in levels down towards the south west of the site.
- 1.3 The north-west part of the application site is outside, but adjacent to, the Foulsham Conservation Area. The Conservation Area is immediately to the north of the open land part of the application site. The boundary for the Conservation Area then extends slightly further down Chapel Lane so it also includes Beech House to the west of the site.
- 1.4 The site is boarded by Claypit Road to the east, where there is an existing access to the former builders' yard. On the opposite side of Claypit Road to the east there is a newly built village hall. To the west of the site is Chapel Lane with a detached house (Beech House) and a number of semi-detached two storey cottages on the opposite side of the road. To the north of the builders yard is an area of open space with detached bungalows

further north. To the north of the area of open land there are allotment gardens and the amenity area associated with no: 2 Chapel Lane. To the south of the builders' yard part of the site is a development of four detached bungalows off Low Common Close, whilst to the south of the open land is a detached bungalow (Coldharbour).

- 1.5 There are approximately eight redundant buildings on the former builders' yard site that are, in the main, constructed of brick, block and corrugated metal sheeting. The open land to the west is devoid of any significant landscaping or trees apart from on the boundaries where there are some established trees and various hedging towards the north as well as 2m high close boarded fencing on part the boundary with no: 2 Chapel Lane. To the north of the builders' yard part of the site there is 2.5m high post and wire fence which continues to form the eastern boundary. There is 1.8m high close boarded fencing to the south of the builders' yard and then a combination of approximately 1.5m high picket fencing and close boarded fencing. To the west of the site there is approximately 1.2m high post and rail fencing and mature hedging.
- 1.6 The development is proposed to comprise 4 x 3 bed detached bungalows, 2 x 3 bed semi-detached houses and 3 x 4 bed detached houses. All of the properties will have detached garages with a total of 6 double garages and 3 single garages proposed across the site. The dwellings are to be of a traditional brick and pantile construction.
- 1.7 The main vehicular access to the site is from the existing access off Claypit Road. This access will be improved and will lead to a private drive with a turning head at the west end of the development. The two properties facing Claypit Road (Plots 1 and 9) are proposed to have their own separate access off Claypit Road. A black tarmac finish is proposed for the main estate road and block paving is proposed for the private drives.
- 1.8 A combination of existing hedging and 1.8m high close boarded fencing and brick walls are proposed to form the side and rear boundary treatments. Planting areas are also proposed around the development, which includes a combination of grass and new trees. No street lighting is proposed within the site.
- 1.9 This is a revised planning application as it follows a similar application ([20160639](#)) for 11 dwellings on this site which was withdrawn in June 2016. A further application for 11 dwellings was then submitted on the site ([20170594](#)) in April 2017 but was refused in August 2018 due to the developments impact on the character and appearance of the area and residential amenity.

- 2 Relevant planning history
- 2.1 [770447](#): Builders Yard, Claypit Lane, Foulsham. Retention of storage building. Approved 19 April 1977.
- 2.2 [782543](#): Chapel Lane, Foulsham. Dwelling (outline). Refused 21 November 1978.
- 2.3 [793045](#): Builders Yard, Claypit Lane, Foulsham. Remove existing buildings and build new general store. Approved 2 January 1980.
- 2.4 [802489](#): Chapel Lane, Foulsham. Dwelling and garage (outline). Refused 2 December 1980.
- 2.5 [802490](#): Chapel Lane, Foulsham. Three dwellings and garages (outline). Refused December 1980.
- 2.6 [880119](#): Chapel Lane/Claypit Road, Foulsham. Residential development (outline). Approved 29 March 1988.
- 2.7 [901456](#): Claypit Road, Foulsham. Four bungalows. Refused 19 February 1991. Appeal allowed in part 5 November 1991.
- 2.8 [910429](#): Claypit Road and Chapel Lane, Foulsham. Renewal of Planning Permission 880119 (residential development – outline). Outline Approval – 10 May 1991.
- 2.9 [940574](#): Land at Claypit Lane and Chapel Lane, Foulsham. Renewal of Planning Permission 910429 (residential development – outline). Approved 14 July 1994.
- 2.10 [960555](#): Builders Yard, Claypit Road, Foulsham. (1) Demolition of existing buildings (2) Erection of 12 dwellings (outline). Approved 18 September 1996.
- 2.11 [970557](#): Land at Claypit Lane/Chapel Lane, Foulsham. Renewal of Planning Permission 940574 (residential development – outline). Approved 4 August 1997.
- 2.12 [000841](#): Land at Claypit Road, Chapel Lane. Residential development (outline). Refused 29 August 2000.
- 2.13 [20041462](#): Land adjacent to 2 Chapel Lane (inc 50 Station Road), Foulsham. Alterations and improvements to Chapel Lane and junction with Station Road, demolition of one of the existing pair of cottages and erection of nine new dwellings and garages. Refused 1 November 2004.
- 2.14 [20160639](#): Site of T H Blyth & Sons Builders' Yard and land to west of Claypit Road, Foulsham. Demolition of builders' yard and erection of 11 no:

dwellings with associated access. Withdrawn 28 June 2016.

- 2.15 [20170594](#): Site of T H Blyth & Sons Builders' Yard and land to west of Claypit Road, Foulsham. Demolition of builders' yard and erection of 11 no: dwellings with associated access (revised proposal). Refused 10 August 2018.

3 Planning Policies

3.1 National Planning Policy Framework (NPPF) (2018)

NPPF 02 : Achieving sustainable development
NPPF 04 : Decision-making
NPPF 05 : Delivering a sufficient supply of homes
NPPF 09 : Promoting sustainable transport
NPPF 11 : Making effective use of land
NPPF 12 : Achieving well-designed places
NPPF 14 : Meeting the challenge of climate change, flooding and coastal change
NPPF 15 : Conserving and enhancing the natural environment
NPPF 16 : Conserving and enhancing the historic environment

3.2 Joint Core Strategy (JCS) (2014)

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

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

Policy GC1 : Presumption in favour of sustainable development
Policy GC2 : Location of new development
Policy GC4 : Design
Policy EN1 : Biodiversity and habitats
Policy EN2 : Landscape
Policy EN3 : Green infrastructure
Policy EN4 : Pollution
Policy E2 : Retention of employment sites
Policy RL1 : Provision of formal recreational space
Policy TS3 : Highway safety
Policy TS4 : Parking guidelines
Policy CSU5 : Surface water drainage

3.4 Site Allocations Development Plan Document (2016)

3.5 Supplementary Planning Documents (SPD)

Landscape Character Assessment SPD (2013)

The application site falls within the Foulsham and Reepham Plateau Farmland Landscape Character area.

3.6 Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:

S16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission or listed building consent for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S72 Listed Buildings Act 1990 provides: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

4 Consultations

4.1 Foulsham Parish Council:

Overall no objection but the following comments:

Since the pavement has been built in Claypit Road the road is now only one vehicle wide. I can see this being an issue during site construction. Therefore, could we request that construction traffic uses a 'one-way' system?

Item 12a on application form – what species are they and are they likely to be affected, or conserved?

Are there great crested newts (Likely as on a flood plain)?

Who will be responsible for maintenance of hedges?

Further comments received following submission of amended plans:

Overall no objection but the following comments:

My concerns regarding road width for construction traffic and also the bridge remain.

Clarification is still sought on question 12a of application form. Question 12a indicates that there is 'a reasonable likelihood of protected and priority species being affected adversely or conserved and enhanced' within the development site. The question is rather ambiguous. The Parish Council would like to know if the 'yes' refers to species being 'adversely affected' or to the species being 'conserved and enhanced'. Presumably, it can't be both as they are opposites. Could you please advise which it is and, if you could elaborate on which species are to be affected or conserved? (**Officer Note:** This issue is covered in the ecology section within paragraphs 5.32 to 5.34 of the report).

4.2 Anglian Water:

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your notice should permission be granted. (**Officer Note:** Suggested text to be added to the decision notice as an informative as requested by Anglian Water.)

The foul drainage from this development is in the catchment of Foulsham-Station Road Water Recycling Centre that will have available capacity for these flows.

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.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (Part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

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. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Further comments received following submission of amended plans:

We have no changes to make to our previous response. We also reviewed the amended site layout and we need to advise that there is a water main owned by Anglian Water within the site boundary. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

4.3 Conservation Officer (Arboriculture & Landscape):

The site has few trees and its main arboricultural assets are the four hedges, highlighted in the report, which stand on the west, north and east boundaries. These hedges stand tall and thick therefore providing valuable habitat to birds and serving as a migratory route for other passing species. Whilst the Arboricultural Report has noted the presence of these four hedges and two other trees notably an off-site Alder (Category A) and an on-site Field Maple (Category C), the report doesn't make clear where these trees are or how they will be protected. There is other missing information which is required to make informed comments on the arboricultural impacts of the proposal, this information includes:

- (1) A Tree Constraints Plan as per British Standard 5837:2012 showing the location of all the trees/hedges, their Root Protection Areas and shade arcs relative to the proposed development
- (2) A Tree Protection Plan as per British Standard 5837:2012 showing how the trees and hedges on the site will be protected during construction so that they don't suffer damage such as soil compaction or mechanical damage
- (3) The Design and Access Statement mentions that a path will be made to link the development to Chapel Lane to the west. This path has not been included on the site plan nor is it present within the tree report even though this would mean cutting through a section of hedge on the western boundary.
- (4) The Site Plan indicates that a number of new trees and hedges will be planted, both within the domestic gardens and at the entrance of the site to improve the visual amenity of the development and soften the buildings. The Tree Report does not provide any information about the number of trees to be planted, their species, size, maintenance or tree pit design or how hard surfaces will be protected with root barriers. All this information is required to ensure suitable species are planted and that the trees can be retained in the long

term by the future residents. The site plan indicates new hedging on the south western border but again no detail of species mix, planting regime and maintenance is given.

- (5) Section 6.6 of the Tree Report references a hedge called H7 however H7 does not appear in the tree schedule in section 3.
- (6) Section 6 also references T1 and T2 with possible arboricultural conflicts however without a tree protection plan or constraints plan it is not clear where these trees are and what area is proposed to be no dig.

The Tree Report needs to be amended to include the above information in order to allow for a full assessment of the arboricultural impacts of the proposal and ensure that future planting is appropriate and fully considered. Once I have received the amended report I can provide conclusive comments on the scheme.

Further comments received following submission of amended plans:

No objection providing the report now contains the previously requested missing information.

4.4 Environmental Contracts Officer:

- The tracking of the waste vehicle on the attached map is perfect and doesn't overlap any property boundaries or pathways.
- Some of the properties have what looks like collection points however, just to make sure the developer is aware, I have put red stars where all of the properties' collection points should be.
- The blue star is the collection point for plot numbers 4, 5 and 6. We will not go down this part of the road as it is a private drive so the collection point for all properties that this drive serves will need to be at the blue star's location.

Further comments received following submission of amended plans:

As per my previous comments, with reference to the attached map, please can the developer detail the collection points. The blue star marks the collection point for all of the bins from the private drive properties and the red stars mark individual collection points for properties. Once this detail has been added I will be able to confirm that we will be able to provide a household waste collection service for this development.

Further comments received following submission of amended plans:

I am pleased to confirm under the Environmental Protection Act that we would be able to provide a collection service for these properties.

4.5 Historic Environment Officer:

Although there are now fewer plots proposed than that submitted for the refused earlier scheme (20170594) I would still prefer plots 4, 5 & 6 to front Chapel Lane so that there is a positive impact on the street scene in this area. The site, whilst outside the conservation area, adjoins its southern boundary. The current layout which leaves plots 4 & 5 side on to Chapel Lane has a negative impact on the street scene and the setting of the conservation area.

Further comments received following submission of amended plans:

The revised site layout addresses the concerns I expressed previously. I now have no objection to the application.

4.6 Housing Enabling Officer:

I note the applicants are now not proposing any affordable housing and have provided a Viability Report to support this. Presumably this will be assessed to confirm whether any affordable housing can be delivered.

At this stage, I note within the updated NPPF that on sites of over 0.5 Ha this constitutes a major development. As such we would expect the applicants to provide 28% Affordable Housing on site (or off site as a commuted sum) or if no affordable housing is provided we would expect there to be a clawback provision within the S106 agreement.

Based on this site size of 0.61 Ha for x 9 units we would therefore expect delivery of 3 units (2.5 rounded up) of affordable housing. Within this only 1 unit would need to be for intermediate tenure (as shared ownership or shared equity) with the remaining units being for affordable rent. This is because the NPPF states that at least 10% of the homes on a major development should be available for affordable home ownership.

Further comments received following submission of amended plans:

Thank you for providing the Viability Appraisal, which confirms that the site is unable to support the delivery of any affordable dwellings.

With regard to the custom / self-build units thank you for clarifying that this is not the case within this application.

4.7 Norfolk County Council as Highway Authority:

The scale of development has reduced such that now 9 dwellings are proposed. Two of the dwellings will have access direct from Claypit Road, meaning the access road will serve 7. We would not normally adopt roads serving this scale of development.

Should your Authority support the application we recommend the following conditions be appended to the consent notice (**Officer Note:** 5 conditions relating to visibility splays, access and on-site parking, parking for construction workers and off-site highway improvement works are to be added to the decision notice as suggested by the Highway Authority).

Further comments received following submission of amended plans:

The size of the radii at the turning head adjacent plots 4 & 6 appears quite tight. If this were proposed estate road we would normally expect 6m radii. It would appear the layout could accommodate 6m radii without significant change to the layout.

Should your authority support the application the conditions previously recommended should be imposed.

Further comments received following submission of amended plans:

I have checked drawing 6627-SL02D and can confirm it addresses our final comment.

4.8 Norfolk County Council as Lead Local Flood Authority (summarised):

We previously responded to this planning application on 4 May 2018 (our ref: FWP/18/5/6235) stating that we had no objection subject to conditions.

The applicant has now submitted additional information to reflect a revised layout. An updated Flood Risk Assessment and Surface Water Drainage Strategy (Canham Consulting Ltd., ref. 209953 – P5, January 2019) was submitted.

The exceedance flow routing plans supplied by the applicant in the revised Flood Risk Assessment highlight that in extreme events (greater than the 1% plus climate change) water will leave the site and flow through/past existing properties to reach the watercourse. The applicant advises that this is no different to the existing situation as topographic levels are not being altered at this location. The applicant is under no obligation to improve on any existing flood risk, and has provided betterment for these properties in rainfall events up to and including the 1% plus climate change through the provision of attenuation storage, but we would like to highlight this matter to the LPA for consideration

We have no objection subject to these amended conditions being attached to any consent if this application is approved and the Applicant is in agreement with pre-commencement conditions. If not, we would request the following information prior to your determination. We recognise that the Local Planning Authority is the determining authority, however to assist, we suggest the following wording: (amended to suit the revised Drainage Strategy). (**Officer Note:** Condition requiring detailed designs of a surface water drainage scheme to be submitted to and approved in writing by the LPA is to be added as requested by the LLFA).

4.9 Norfolk Rivers Drainage Board:

Please be aware that the site has been screened as being near to the Internal Drainage District (IDD) of the Norfolk Rivers Internal Drainage Board (IDB) and so please be aware of the Board's byelaws. Please see our website for detailed mapping of the Board's District. These maps also show which watercourses have been designated as 'Adopted Watercourses' by the Board. The adoption of a watercourse is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD and as such will normally receive maintenance from the IDB. Additionally please be aware that the proposals include works which are outside of the red-line boundary of the site; these works (the laying of a surface water discharge pipe) are partially within the Board's District.

In order to avoid conflict between the planning process and the relevant Board's regulatory regime and consenting process please be aware of the following:

I note that the applicant intends to discharge surface water to a watercourse, with no other means of draining the site readily available or discussed. The proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a surface water development contribution fee, calculated in line with the Board's charging policy.

I note that while not immediately adjacent to the site, the applicant intends to do works within 9 metres of a Board-Adopted watercourse. Therefore, consent is required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure).

We are not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary. However, this should be confirmed by the applicant. Please be aware that regardless of whether a watercourse is within the Board's IDD, if proposals include works to alter a watercourse (including culverting for access) consent is required under Section 23 of the Land Drainage Act. If the watercourse is within an IDD then the IDB is the

consenting authority for these works. If outside of the IDD, the County Council (Lead Local Flood Authority) is the consenting authority.

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such we strongly recommend that any application to discharge is made to the board prior to determination of the planning application. (Officer Note: An informative is proposed to be added to the decision notice ensuring that the applicant is aware that separate consents are likely to be required and highlighting the main comments made by the Norfolk Rivers Drainage Board.

4.10 Pollution Control Officer:

Under the previous application I suggested that a condition is added to require an assessment of the ground conditions to expand on the work submitted with the application. As no further information has been submitted with this application I feel that this recommendation is still appropriate. Can I suggest that the same condition is added? (**Officer Note:** Condition requiring a Site Investigation and detailed Risk Assessment to be added to the decision notice as suggested by Pollution Control Officer).

4.11 Norfolk Ramblers' Association (Norfolk Area):

The Ramblers welcome paragraph 6.36 in the Combined Planning and Design and Access Statements where it says that there would be pedestrian access to Chapel Lane, although we would point out that the access point is not drawn onto either the original plan or the amended plan of 17 October.

We request that it is made a condition of approval of the application that a public footpath is dedicated from Chapel Lane to Claypit Road along the course of the Private Drive and the Type 6 Adopted Road. We have to include the latter in case the County Council refuse to accept its adoption as a public road. Dedication of public footpaths we believe is arranged by the County Council free of charge.

This footpath would benefit a significant proportion of the village by making a shorter pedestrian access to the New Frost Hall. All the houses in Station Road south of the junction with Chapel Lane would benefit in this respect. The houses northward, up to and including, Foundry Close would also benefit to some extent.

In paragraph 7.26 of the Combined Planning and Design and Access Statements the fifth bullet point says "On-site renewable energy generation to deliver a minimum of 10% of predicted energy requirements". I could not find within the documents what this meant. The southern aspect of many of

the site's roofs means that installation of solar panels during construction would be easier than optional installation at a later date. This would certainly lead to a minimising of electricity consumption in the dwellings as claimed in the paragraph's sixth bullet point. However, I also cannot see any reference to solar panels in the documents.

4.12 Section 106 Monitoring Officer:

Assuming there will be a S106 agreement we would look for off-site open space contributions. I note in the Design and Access Statement that we have already provided figures based on previous layout. As an indication, the contributions now stand at £45,930.43 (Sept 2019) (**Officer Note:** This is a combined figure, which includes the contributions towards both open space and green infrastructure).

4.13 Other Representations

Councillor Greg Peck:

Should you be minded to approve the above application I wish to "call it in".

A similar application last year was turned down unanimously by the Planning Committee as not being in character with the surrounding area. Apart from a reducing the number of properties, nothing appears to have been done in this application to address that issue.

My other reason for the 'call in' is that I am concerned that this still represents a flood risk to these dwellings and existing properties in Chapel Lane. Although on the previous application it was stated that the site was at 'low risk' of flooding, there is evidence of nearby properties having difficulty obtaining insurance as insurance companies state it is in a 'high risk flood plain'. This needs to be clarified as both statements can't be correct.

Further comments received following submission of amended plans:

If you are minded to approve this application I wish to "call it in".

The plans are very similar to the previous application which was rejected by the Planning Committee. Concerns expressed then still apply: potential for flooding of nearby properties especially in Chapel Lane. The part of the site which is currently a field abutting Chapel Lane is currently used as a run off area for surplus water when the drains in the village and the river cannot cope. Design of properties not in keeping with the surrounding properties, on the edge of a conservation area. This was an issue last time and the new application appears not to have addressed this.

Representations have been received from 6 address points in Foulsham, all of which objecting to the application. Letters were received from

Coldharbour, Chestnut Cottage (No.2), Beech House, Jasmin Cottage and Green Man Cottage on Chapel Lane and No.1 Low Common Close on Claypit Road.

The objections are summarised as follows:

- I appreciate the developers have gone some way to addressing the objections raised following the previous application.
- The plans fail to address flooding issues. The site has been identified as a flood zone. The NPPF states new development should be free of and not contribute to flood risk elsewhere. The Environment Agency considers Chapel Lane, which runs alongside the proposed development, as a 'High Risk'.
- At the previous planning committee meeting the Council deemed the site in a 'low risk' flood zone. I have been advised by two major insurance companies the area is a 'high risk' flood plain. Some clarity would be appreciated.
- There is a history of flooding in the area.
- As Chapel Lane naturally follows a downhill journey, surface water runs down through the village and naturally down Chapel Lane. The site runs alongside and sits approximately 500mm higher than Chapel Lane. Despite efforts to collect rainwater as per the plan, we believe that due to the land being covered with housing, a less permeable surface will force more water into Chapel Lane in times of heavy downpour, thereby exacerbating the flood risk.
- In times of extended rainfall, the collected rainwater will still end up going into an overflowing beck. It doesn't stop the risk, merely extends the length of time of risk of flooding.
- It seems surface water would be directed to the drains leading to the stream in Claypit road. The drains are not able to cope with the large amounts of water.
- Increased risk of flooding will make it difficult, if not impossible to insure neighbouring properties.
- Currently dwellings are surrounded by space and the road has the feel and atmosphere of rural occupation. Design does not respect the immediate and local character of existing properties and the street pattern. In particular, the scale and proportions of surrounding buildings is not respected and development would be entirely out of character for the area and to the detriment of the local environment.

- The proposals, by reason of their size, siting and design would represent an un-neighbourly form of development.
- We have issues with the cramming at the northern end of the site due to the amount of dwellings proposed. This is too many when design of the dwellings is taken into account and compared to our property, which is a small 1800's cottage.
- The development, especially the houses, remain totally out of character to the adjacent and surrounding area. The application has not addressed the previous reasons for refusal, only reduced the number of two storey dwellings from nine to five.
- This field is one of the last remaining areas of open land within the settlement area, and is very much part of the character of the area. As there is no pollution from noise, traffic or light, it being intrinsically a dark landscape at night, it brings a sense of peace, calm and tranquillity. Development will erode and destroy character and quality of area.
- Development would be very much self-contained as well as visually looking dominant. Plans give illusion of spacious plots when in reality the proposed site is of an awkward shape for residential development.
- Dwellings on Plots 5, 6 and 7 will result in overlooking issues. The proposed site is much higher than Chapel Lane. Our windows are positioned low and our bedroom and bathroom window have the potential to be overlooked as well as the whole amenity area of our garden (no: 2 Chapel Lane).
- Due to closeness of the development, it will appear overbearing and result in overshadowing and loss of light. Light reduction will be unavoidable. We are concerned that due to the traditional cottage styling and very low windows that we will feel suffocated and completely dominated by the proposed dwellings.
- The design does not afford adequate privacy in relation to our family's right to the quiet enjoyment of our garden amenities. We would please urge you to consider the responsibilities of the Council under the Human Rights Act.
- Noise and light pollution. Proposal brings prospect of over 30 vehicles, as well as other associated noise and light pollution. Development would have significant detrimental impact on the locality and its residents.
- There is no alternative means of transport out of the village as suggested by the developers. The local bus service was abandoned over 12 months ago. Should a resident require a bus, to Norwich for

example, it would require an approximate 1 mile walk to the main A1067 Road at Bintree, this being a totally unpaved, unlit country road.

- Highway safety concerns. Claypit Road has been made narrower following creation of footpath. The new village hall entrance is immediately opposite the proposed access.
- Objection to any access onto Chapel Lane. Chapel Lane is a single car road with no room for a pathway, and an L shaped tight bend near the top. Sending people down the lane would be incredibly dangerous for both pedestrians and drivers alike. Also strong possibility of a child running or cycling out into the path of a vehicle.
- Access to Claypit Road from Gunn Street or High Street has poor visibility at the junctions and road is very narrow with cars having to drive onto the grass verges to pass in places.
- The site has, worryingly, been confirmed as contaminated with land being harmful. The findings say that this land is not suitable for residential gardens. We are concerned about these findings and the risk of further pollution if the land is disturbed in any way.
- We are concerned for the wildlife that exists on the site. The loss of green space would be catastrophic. We have an abundance of wildlife that currently live on and use the site. We understand that bat roosts have been confirmed on the site. What steps will the developers take to stop/reduce these risks?
- Whose responsibility will the maintenance of hedging and fencing surrounding the development be?
- We wish to raise concerns relating to the risk of damage to our home and belongings due to the close proximity of these dwellings and their gardens.
- Developments of five or more dwellings should provide open space. The plans do not provide this.
- The applicant has never consulted local residents on the proposals.
- Should the application be approved the Council should enforce controlled hours of operation and other restrictions to make the duration of the works more bearable. We would ask for consideration as to where construction vehicles and site staff gain access to the site for unloading and parking without causing highway hazard or inconvenience to existing residents.

Following the re-consultation process, representations were received from 4 address points in Foulsham, all of which objecting to the application.

Letters were received from Coldharbour, Beech House and Jasmin Cottage on Chapel Lane and No.1 Low Common Close on Claypit Road.

The objections received in respect of the latest plans raised the following additional issues:

- The Beck flooded again on 6 October 2019, this is the second time in 2 years. In the same time period there have been 2 floods in Chapel Lane from surface water.
- The developers have taken steps to ensure the site does not suffer flooding but have pushed that risk onto existing properties.
- What guarantee do we have from the Council or developers that existing residents will not become uninsurable due to increased flooding? Where is the Council's duty of care to existing properties? Do the plans include upgrading to the road surface water drains?
- Development remains disproportionate in size, scale and density to those in Chapel Lane, which are low density with large gardens.
- The revised proposal has still not take into account the detrimental effect it will have on residents of Chapel Lane. I object to the architectural design of the development, which is still not in keeping with the existing properties in the area.
- I strongly object to two storey buildings on a plot of land totally surrounded by bungalows and cottages.
- Plots 5 & 6 now directly overlooks my property (Beech House) and directly looks into my lounge, dining room and bedrooms.

5 Assessment

Key Considerations

- 5.1
- The principle of the development
 - The design and impact upon the character and appearance of the area
 - The impact on residential amenity
 - The impact on flooding on or within close proximity to the site
 - The impact upon highway safety

Principle

- 5.2 The application seeks full planning permission for the demolition of a builders' yard and the erection of nine dwellings on a site in Foulsham. The application also proposes three access points off Claypit Road.
- 5.3 The main issues to be taken into consideration in the determination of this application are an assessment of the proposal against the relevant policies of the Development Plan and the guidance set out in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG). This includes the impact of the development on the general character of the area, residential amenity, flooding on or within close proximity of the site and highway safety.
- 5.4 Policy GC2 of the Development Management DPD states that new development will be accommodated within the settlement limits defined on the policies map. The site is located within the settlement limit of Foulsham and there is a footpath running from the site to the centre of the village where facilities include a public house, a post office and a primary school. The proposal for residential development on this site is therefore considered to comply with Policy GC2. The application is also considered to accord with Policy GC1 of the DM DPD and Policies 1 and 6 of the JCS in this regard.
- 5.5 As set out in Section 2 of this report, there has been a number of previous planning applications submitted on the site, or part of the site, over the years. Outline planning permission was previously granted on the open land part of the site in 1988, which was then renewed in 1991. Outline planning permission was also previously granted on the builder's yard part of the site for 12 dwellings in 1997. Given that the application site is within the defined settlement limits and is partially on a brownfield site as well as the planning history, the principle of residential development on the site is considered acceptable.
- 5.6 Policy E2 of the DM DPD states that within the settlement limits, sites which are in employment use or were last used for employment will be retained in employment use unless the proposed new use will not result in any detrimental impact and:
- i. it has been demonstrated that continued employment use is not viable; or
 - ii. there is a significant environmental or community gain from redevelopment and / or change of use which outweighs the employment benefits.
- 5.7 A Viability Report has been submitted with the application, which sets out that some of the buildings associated with the former builders' yard are beyond economic repair and although some could, theoretically, be upgraded and refurbished, they would provide sub-standard working

facilities for current businesses. The report concludes that developers or speculators are unlikely to be interested in refurbishing the premises and that banks are unlikely to want to lend on this type of property. It also states that there are modern purpose built premises in the village which have been available for a number of years and there has been no interest in these. As is later explained in this report, it is also considered that the proposal will not result in any significant detrimental impact and overall the proposal is considered to accord with Policy E2 of the DM DPD.

- 5.8 The scheme constitutes a major development by virtue of the size of the site and therefore despite being for only nine dwellings affordable housing exceptions contained within paragraph 63 of the NPPF do not apply. On sites such as this Policy 4 of the JCS requires 28% affordable housing, subject to viability. On the application site, this would equate to 3 dwellings being provided for affordable housing. An Economic Viability Analysis Report has been submitted with the application which seeks to demonstrate that the viability of the development is not sufficient to deliver either on site affordable housing or a commuted sum in lieu. The applicant's Economic Viability Analysis Report has been reviewed on behalf of the Council by an independent consultant who has confirmed that the methodology of the appraisal is sound and that in overall terms they consider it to be a fair assessment of the viability of the development. The independent consultant has concluded that the applicants have made the case in justification that the proposed development is unable to support the delivery of affordable housing on grounds of viability.
- 5.9 Policy 4 of the JCS allows for a reduction in affordable housing where it can be demonstrated that site characteristics, together with the requirement of affordable housing, would render the site unviable in prevailing market conditions. Given that the applicants have justified that the proposed development is unable to support the delivery of affordable housing through an Economic Viability Analysis Report it is considered that the proposal, despite providing no affordable housing, is acceptable.
- 5.10 Policy RL1 of the DM DPD requires all new developments consisting of five dwellings or more to provide recreational open space or pay a financial contribution towards off site provision. Policy EN3 states that development consisting of five dwellings or more will also be expected to provide towards green infrastructure. The development will be required to pay contributions towards both open and green infrastructure and this will be secured by a Section 106 agreement for the commuted sum.

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

- 5.11 The layout, scale, spacing and appearance of the development has been carefully considered during the course of the application, whilst regard has also been given to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act due to the fact that the site is immediately adjacent to the Foulsham Conservation area.

- 5.12 As set out in paragraphs 1.9 and 2.15 of this report, this application is a revised planning application as it follows planning application [20170594](#) which was refused in August 2018 due to the impact of the development on the character and appearance of the area and residential amenity. With regards to the impact on the character and appearance of the area, it was considered for application [20170594](#) that the layout and density of the development was at odds with the immediate area and that the scale and massing of some of the dwellings was out of character with the immediate neighbouring properties.
- 5.13 Regarding the density of the development, the current application has been scaled down and reduced the number of dwellings proposed on the site from eleven to nine. The reduction in dwellings gives the development a much more spacious feel and allows for increased amenity space for the majority of the dwellings. The layout of the development has also changed, particularly towards the west of the site, where the reduction in dwellings has resulted in the development appearing less cramped.
- 5.14 Regarding the scale and massing of the dwellings, the number of two storey dwellings proposed on the scheme has reduced from nine as proposed on the previous [20170594](#) application to just five. As was previously the case, two bungalows are proposed to the south east of the site adjacent to the bungalows to the south, on Low Common Close. The current application now also proposes two detached bungalows to the south west of the site, adjacent to the detached bungalow (Coldharbour) to the south. Five two storey dwellings are then proposed on the north side of the access drive however these are either adjacent to an open parcel of land or to other two storey dwellings in the area, such as no: 2 Chapel Lane to the north or Beech House to the west.
- 5.15 Whilst there are mainly bungalows on Claypit Road there are also chalets and houses further north on the road whilst there is a mix of bungalows, and two storey properties, both detached and semi-detached on Chapel Lane. The variation in dwelling types in the immediate area means that there is not a particular style or type that the development proposed by this application has to conform to.
- 5.16 Overall the density of the development has been substantially reduced and the layout changes and alterations to the scale and massing of some of the dwellings has ensured that the development is in keeping with the surrounding properties. With the plans in their amended form, the site is considered to be of a sufficient size to accommodate the proposed development without resulting in overdevelopment of the site. As well as there being sufficient room for amenity space for each plot there is ample room on the site for parking and manoeuvring. The size and scale of the proposed dwellings is considered to be acceptable whilst alterations have been made to the design of the dwellings to ensure that they are of a more rural appearance than previously submitted. The alterations include the

stone window sills being replaced with simpler style brick courses below the windows, revised door and window styles and the door surrounds being omitted and replaced with simpler style canopies over the front doors. The overall scheme is intended to be of a traditional design palette, reflecting the predominant neighbourhood and a condition is to be appended to the decision notice requiring full details of the external materials to be submitted to and approved in writing by the Local Planning Authority.

- 5.17 Plots 4, 5 and 6, to the west of the site, were originally orientated so that they were side on to Chapel Lane however the Council's Historic Environment was concerned that this would have a negative impact on the street scene and the setting of the conservation area. During the course of the application, the plans have been revised so that these properties now front Chapel Lane and with the plans in their amended form, the Historic Environment Officer has raised no objection to the application.
- 5.18 Officers feel that the changes made to the scheme have overcome the reasons for refusal given against the previous scheme regarding the impact on the character and appearance of the area. It is also considered that the removal of several rundown buildings situated within the former builders' will aesthetically improve the overall area. Overall, although the development will be clearly visible from the street scene, it is not considered to appear at odds with the prevailing character of the area or cause any harm to the Foulsham Conservation Area. The application is therefore considered to comply with Policies GC4, EN2 and EN4 of the DM DPD and Policy 2 of the JCS.

The impact on residential amenity

- 5.19 The other main reason for the refusal of planning application [20170594](#) was due to the impact of the development on residential amenity. In particular it was considered that the siting of two two-storey dwellings within close proximity to the detached bungalow to the south of the site (Coldharbour) could result in these properties appearing overbearing and dominating and resulting in overlooking issues. Similarly, it was considered that the two storey dwellings to the north west of the site (previously plots 6 & 7) would result in overlooking towards both No.2 and Beech House on Chapel Lane.
- 5.20 To the south of the site, dwellings previously proposed on plots 3 and 4 have been replaced with single storey bungalows and these properties will not now appear dominating or overbearing or result in any overlooking issues towards Coldharbour, to the south of the site.
- 5.21 The dwellings to the north west of the site (now plots 5 & 6) are still proposed to be semi-detached houses, however the revised layout of the development has allowed these dwellings to be positioned further south and east and therefore further away from the properties at No.2 and Beech House on Chapel Lane. Plot 5, which is the nearest dwelling to No.2, to the north of the site, will have only one first floor window facing towards No.2

and this is a landing window which is to be conditioned to ensure that it is obscure glazed. The first floor windows to the rear of plots 5 and 6 will only look towards part of the rear of the garden area associated with No. 2 and not towards the dwelling or main amenity space. Given this and the fact that the existing trees and hedging, which are to be retained, provide a good level of screening to the rear of the garden it is not considered that there will be any significant overlooking to No.2.

- 5.22 Regarding the impact of the development on Beech House, to the west of the site, the repositioning of plots 5 & 6 further south and east helps to increase the degree of separation between these properties and Beech House. Although it is acknowledged that there are four first floor windows which face this property, two of these are bathroom windows which are to be conditioned to ensure that they are obscure glazed. The other two windows are proposed to serve bedrooms, however it should be noted that these windows will look towards the side garden associated with Beech House and not directly look towards the property. The proposed new properties will not have any view of the main amenity area to the rear of Beech House and again it is considered that no significant overlooking will occur. It is also considered that none of the other two storey properties will appear overbearing or result in any overlooking issues.
- 5.23 Some neighbouring residents have raised concerns that the proposals will result in noise and light pollution. It is recognised that the development will result in some additional noise in the area from noise associated with day to day living and vehicular movements. However, given the degree of separation between the development and neighbouring properties, the proposed boundary treatments and the past uses on the site, it is considered that there will not be any significant noise pollution created by the development. Concerning light pollution, no street lighting is proposed within the site and it should be noted that the site is located within the defined settlement limits and on a site with a former commercial use. Therefore, it is felt that the proposals will not result in any significant light pollution.
- 5.24 Overall, the proposals are not considered to result in any significant detrimental impact upon residential amenity of neighbours or future occupiers and the application is therefore considered to comply with Policy GC4 of the DM DPD in this regard. A neighbouring resident has raised concerns that the proposed development conflicts with Article 8 (The Right to respect for private and family life) and Article 1 of the First Protocol (The right to peaceful enjoyment of possessions) of the Human Rights Act. Having considered the likely impact on an individual's Human Rights, and the general interest of the public, to approve this application as recommended is considered to be justified, proportionate and in accordance with planning law.

The impact on flooding on or within close proximity to the site

- 5.25 The site is located outside, but within close proximity to, flood zones 2 and 3 which are to the south of the site and several concerns have been raised by residents that the proposal will increase the risk of flooding in the area. A Flood Risk Assessment (FRA) and Surface Water Drainage Strategy report has been submitted with the application. This sets out that the infiltration is not feasible on the site and the development therefore intends to discharge surface water to a nearby watercourse to the south of the site. Surface water drainage design has been undertaken, which demonstrates a suitable strategy for discharge of the surface water. The proposed surface water design optimises SuDS to mimic the existing scenario by restricting the discharge rate. The report states that there will also be a benefit as the overland flow risk will be reduced and captured within the proposed surface water system, therefore bringing a positive impact on the surface water drainage in the area.
- 5.26 Norfolk County Council as Lead Local Flood Authority (LLFA) have commented on the application. They have stated that the exceedance flow routing plans supplied by the applicant in the revised FRA highlight that in extreme events (greater than the 1% plus climate change) water will leave the site and flow through / past existing properties to reach the watercourse to the south of the site. The applicant advises that this is no different to the existing situation as topographic levels are being altered at this location. The LLFA have noted that the applicant is under no obligation to improve on any existing flood risk, and has provided betterment for these properties in rainfall events up to and including the 1% plus climate change through the provision of attenuation storage. With this in mind the LLFA have raised no objection to the application subject to a condition being appended to the decision notice which requires detailed designs of the surface water drainage scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The condition as suggested by the LLFA is proposed to be imposed on the decision notice should the application be approved.
- 5.27 Norfolk Rivers Drainage Board (NRDB) have also raised no objection to the application. They have however noted that the ability to implement any subsequent planning permission may be dependent on the granting of land drainage consent from NRDB. An informative is proposed to be added to the decision notice to ensure that the applicant is aware of this. Overall in light of the LLFA and the NRDB raising no objection to the application, it is considered that the proposal will not result in any detrimental impact upon flood risks in the area. The application is therefore considered to comply with Policy 1 of the JCS and Policy CSU5 of the DM DPD.

The impact upon highway safety

- 5.28 The main access to the site is proposed off Claypit Road and is in the same position as the existing access for the builders' yard site. The dwellings on plots 1 and 9, which front Claypit Road, will have their own new vehicular access point. A pedestrian access link was originally proposed from

Chapel Lane, however this was removed from the scheme following concerns raised by the residents of Chapel Lane. Norfolk County Council, in their role as Highway Authority, has raised no objection to the application subject to five conditions being added to the decision notice. These conditions relate to visibility splays, access and on-site parking, parking for construction workers and off-site highway improvement works and are to be imposed as suggested by the Highway Authority.

- 5.29 Foulsham Parish Council, as well as some neighbouring residents, have raised concerns regarding the construction traffic and parking for construction vehicles during the construction period. Foulsham Parish Council also questioned whether a one-way system could be put in place for construction traffic. As alluded to above, one of the highway conditions proposed requires a scheme, detailing provision for on-site parking for construction works and access arrangements for construction traffic for the duration of the construction period, to be submitted to, and approved by the Local Planning Authority. With this condition in place, the concerns regarding the construction traffic and parking has been considered and will be further assessed at a later stage.
- 5.30 There is ample room provided for parking on site with every dwelling having at least two parking spaces as well as a detached garage. Overall, the application is not considered to result in any detrimental impact upon highway safety and the proposals comply with Policies TS3 and TS4 of the DM DPD.

Other issues

- 5.31 With regards to potential contamination at the site a Contamination Report was submitted with the planning application however the Council's Pollution Control Officer has requested that a condition is added to require that further detailed investigation of the site is carried out prior to the commencement of the development. A bespoke condition is proposed to be appended to the decision notice. If fully met, the condition should ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and that the development can be carried out safely without unacceptable risks. The application is therefore considered to comply with Policy EN4 of the DM DPD 2015.
- 5.32 With regards to ecology on the site a Preliminary Ecological Appraisal has been submitted with the application. Potential constraints have been identified relating to bats and birds. A bat survey report was also submitted with the application which stated that the buildings were not found to contain any bats or bat roosts and the development of this site is therefore unlikely to affect bat roosts. These reports were undertaken in 2016 and therefore during the course of the application an update report was submitted, by request, to determine the validity of the previous reports. A site walkover and detailed internal and external inspection of the buildings by a licensed bat ecologist was undertaken in November 2019. This

confirmed that there had been no significant changes on the site and still no signs of roosting bats or nesting birds.

- 5.33 Notwithstanding this, bat and bird boxes are proposed as a way to enhance the biodiversity and wildlife on the site. A plan has been submitted which shows the location of two bat boxes and five bird boxes which are proposed on the site. A condition is also proposed to be appended to the decision notice which requires full details of the bat roosting boxes and bird nesting features to be submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall then be integrated around the development in accordance with the approved scheme. Informative's are also proposed to be added to the decision notice which advises the applicant of several points raised within the Ecological Appraisal, including that any demolition works and ground-works on the site should take place between 1 September and 28 February, unless advised by an ecologist that there are no nesting birds present.
- 5.34 Foulsham Parish Council questioned the impact on priority species and whether these would be adversely affected or conserved and enhanced and as explained above it is considered that any priority species will be conserved and enhanced. Foulsham Parish Council also questioned whether there were any great crested newts present on the site. The Preliminary Ecological Appraisal concluded that there was no record of this species within the search area and that it is unlikely the site is used by great crested newts. Overall, it is considered that the proposal complies with Policy EN1 of the DM DPD. Furthermore, an appropriate assessment has been carried out on the site and concluded that the development will not adversely affect the integrity of any habitat sites.
- 5.35 A tree report has been submitted with the application, which sets out that a Field Maple tree will need to be removed to facilitate the development. The other trees and hedges are proposed to be retained and protected during the construction process. In addition the tree to be removed will be replaced by numerous trees on site. A Landscaping condition is proposed to be added to the decision notice requiring full details of the replacement planting to be submitted to and approved by the Local Planning Authority.
- 5.36 Norfolk Ramblers' Association have indicated that they welcome the pedestrian access linking the site with Chapel Lane. However, as mentioned in paragraph 5.28 of this report the pedestrian link was removed from the scheme following concerns raised by the residents of Chapel Lane. Norfolk Ramblers' Association also raised a question with regards to on-site renewable energy. It is confirmed that a condition is to be added to the decision notice requiring a scheme to secure at least 10% of the energy supply of the development from decentralised and renewable or low-carbon energy sources to be submitted to, and approved, by the Local Planning Authority.

- 5.37 Finally, some neighbouring residents have asked that, should the application be approved, whether the hours of operation could be limited during the construction process. It is not however considered to be reasonable to limit the hours of operation given the location of the site and the scale of the development proposed.

Conclusion

- 5.38 In drawing the above appraisal to a conclusion, it is appropriate to consider the proposal against the three dimensions to sustainable development: economic, social and environmental.
- 5.39 The NPPF confirms the economic role as: “helping to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.”
- 5.40 The development would result in some short term economic benefits as part of any construction work for the dwellings and in the longer term by spending from the future occupants of the dwellings which could support local services and facilities. It is therefore considered that the scheme would bring forward a level of economic benefit.
- 5.41 The NPPF confirms the social role as “supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.”
- 5.42 In terms of the social role, the site is located within the settlement limit and within close proximity to a number of local facilities, many within walking distance. The site is therefore considered to be located in a sustainable location with good accessibility to services and facilities. Although no affordable housing is proposed on the site, the development will pay contributions towards both open space (likely to be approximately £20,706) and green infrastructure (likely to be approximately £25,224) to be spent on provision in the local area. This will mean that there will be a total contribution of approximately £45,930 (to be index linked) which will be secured by a Section 106 agreements for the commuted sum. The additional dwellings would also be liable to pay towards the Community Infrastructure Levy and it is considered that this proposal would bring forward a modest social benefit on the basis of its contribution to the supply of homes and benefits to the viability and vitality of Foulsham.
- 5.43 The NPPF confirms the environmental role as “contributing to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural

resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

- 5.44 In assessing the environmental role, the application is located within a sustainable location and will have a positive impact upon the general character and appearance of the area, given the removal of the unsightly buildings on-site. The application will also have a neutral impact upon the adjacent conservation area and local residents’ amenities. The landscaping scheme and additional bat roosting and bird nesting features which are proposed to be added as conditions will also ensure that the landscaping and biodiversity on the site are enhanced.
- 5.45 Overall, despite no affordable housing being provided, adequate justification has been submitted in the form of an Economic Viability Analysis Report which has been independently tested. Officers consider that there is sufficient justification to warrant a departure from the Development Plan in terms of the affordable housing provision. No significant adverse impact has been identified in terms of the impact on the character of the area, residential amenity, flood risk, highway safety, biodiversity and ecology and other relevant considerations. Taking into account all of the matters assessed in the report and matters made in representations, officers conclude that the development is acceptable and it is recommended that planning permission should be granted.

Recommendation: To delegate authority to the Director of Place to approve the application 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:

Play Provision, recreational open space and green infrastructure contributions

Conditions:

- (1) Time Limit (3 years)
- (2) In accordance with plans and documents
- (3) Details of external materials
- (4) Removal of PD – Schedule 2, Part 1, Class B – Additions to the roof
- (5) All first floor bathroom and en-suite windows and landing window for Plot 5 to be fitted with obscure glazed glass
- (6) Highways – Visibility splays to be provided
- (7) Highways – Access and on-site parking
- (8) Highways - On-site parking for construction workers and wheel washing provision
- (9) Highways – Off-site highway improvement works

- (10) Highways – Off-site highway improvement works completed to written satisfaction of LPA
- (11) LLFA – Surface water drainage scheme
- (12) Landscaping Scheme
- (13) Contamination - Site Investigation Report
- (14) In accordance with AIA (tree report)
- (15) 10% Renewable energy
- (16) Scheme for bat and bird boxes to be submitted and approved by LPA

Contact Officer,	Christopher Rickman
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Application No: 20190583

**Woodview, 81 Fakenham Road, Great
Witchingham, NR9 5AE**

**Scale:
1:1133**

**Date:
19-Nov-19**



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Application No: [20190583](#)
Parish: **Great Witchingham (Lenwade)**

Applicant's Name: Mr Geoffrey Pryke

Site Address: Woodview, 81 Fakenham Road, Great Witchingham, NR9 5AE

Proposal: Sub-Division of Plot and Erection of 2 Detached Dwellings with New Vehicular Access

Reason for reporting to committee

The application is reported to Committee as it is being recommended for approval contrary to the current development plan policies.

Recommendation summary:

Approve, subject to conditions

1 Proposal and site context

- 1.1 The application seeks full planning permission for the sub-division of an existing residential plot and the erection of two detached dwellings to the west of the site. The application also seeks permission for a new vehicular access off Fakenham Road, which will run along the east side of the site and serve both new dwellings.
- 1.2 The site is located immediately adjacent to, but outside of, the defined settlement limit for Great Witchingham. It measures approximately 980m² in size and is located on the south side of Fakenham Road. The site, which is relatively level, is of an irregular 'C' shape as it wraps around a turning head at the end of Morse Close to the east of the site. At present, the site forms part of the rear garden associated with no: 81 and is currently laid to grass. There are two small outbuildings to the south of the site, which are proposed to be removed as part of the application.
- 1.3 The Fakenham Road (A1067) is located to the north of the site. To the north east of the site is no: 79 Morse Close, which is a detached chalet bungalow. To the south east is no: 5 Morse Close which is a detached bungalow, and Morse Close and the turning head at the end of Morse Close are located in between these two properties to the east. Number 83 Fakenham Road is a detached house located to the south of the site and no: 81 Fakenham Road is a detached house to the west.
- 1.4 The site is bounded to the north by close-boarded fencing of approximately 2m in height. To the east, there is various close boarded fences, all of approximately 1.8m in height. On the southern boundary, there is a small section of timber post and rail fencing, which is approximately 1.4m in

height, as well as several trees, which have been lopped at approximately 3m in height. There is currently no boundary to the west with no: 81.

- 1.5 The dwelling at Plot 1 is to be sited towards the north of the site and is proposed to be a rectangular shaped chalet bungalow, with rooms in the roof. The dwelling will have a steep pitched roof and will measure approximately 6.7m in height. Two dormer windows are proposed to the front elevation, facing Fakenham Road, and one to the rear elevation. The dwelling will be constructed of facing bricks and plain tiles, with the dormer windows proposed to be timber clad. Internally there will be a hallway, kitchen, open plan living room/dining area, WC and study, as well as two bedrooms and a bathroom on the first floor. Two parking spaces are to be provided at the front of the property.
- 1.6 A bungalow is proposed at Plot 2, towards the south of the site, measuring approximately 4.8m in height. The bungalow will primarily be of a rectangular shape but with gable elevations to the front and rear, and a single garage proposed to be attached to the west side of the bungalow. The bungalow will again be constructed of facing bricks and plain tiles with timber cladding proposed on the gables to the front, rear and west elevations. Internally the dwelling at Plot 2 will have a hallway, open plan kitchen/dining area, living room, three bedrooms, bathroom and en-suite. As well as the single garage, two parking spaces are also proposed to the front of the dwelling.
- 1.7 A single point of access from Fakenham Road to the north will serve both dwellings.
- 1.8 These proposals follow two recent and similar applications for two detached dwellings on the site. The first application ([20150756](#)) was refused in July 2015 and later dismissed on appeal. This application was proposed to be accessed via Morse Close and the appeal was dismissed due to the severely substandard visibility at the Common Lane / Fakenham Road junction. Although dismissing the appeal, the Inspector concluded that the principle of development outside the settlement limit was acceptable and that the proposals would not detract from the character or appearance of the area. A further application ([20160253](#)) was later approved in April 2016 with access proposed off Fakenham Road. Work never commenced on the site for the 20160253 application due to ownership issues surrounding the turning head and land at the end of Morse Close, and this permission has now lapsed.

2 Relevant planning history

- 2.1 [790032](#): 81 Fakenham Road, Great Witchingham. Two houses and double garages, revised access. Approved 5 March 1979.
- 2.2 [921347](#): Morse Close, Great Witchingham. Two dwellings with garages

(outline). Refused 4 June 1993.

- 2.3 [20150756](#): Land End of Morse Close, Lenwade. 2 no: detached dwellings & garages. Refused 3 July 2015. Appeal dismissed 12 January 2016.
- 2.4 [20160253](#): Land End of Morse Close, Lenwade. 2 no: detached dwellings & garages. Approved 6 April 2019.

3 Planning Policies

3.1 National Planning Policy Framework (NPPF) (2018)

NPPF 02 : Achieving sustainable development
NPPF 04 : Decision-making
NPPF 05 : Delivering a sufficient supply of homes
NPPF 09 : Promoting sustainable transport
NPPF 11 : Making effective use of land
NPPF 12 : Achieving well-designed places
NPPF 14 : Meeting the challenge of climate change, flooding and coastal change
NPPF 15 : Conserving and enhancing the natural environment
NPPF 17 : Facilitating the sustainable use of minerals

3.2 Joint Core Strategy (JCS) (2014)

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

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

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

3.4 Planning Practice Guidance (PPG)

3.5 Supplementary Planning Documents (SPD)

Landscape Character Assessment SPD (2013)

The site is located in the River Wensum (A1) character area.

4 **Consultations**

4.1 Great Witchingham Parish Council:

No objections.

4.2 Environmental Contracts Officer:

The applicant should note that the collection point for bins should be at a point closest to the public highway. It needs moving slightly as it is shown on the driveway and we will not access the private driveway for waste collection. There doesn't appear to be any reason why the bins can't be presented at the very end of the driveway as required by the Council.

Further comments following submission of revised plans:

I am pleased to confirm that, with the changes made to the proposed site plan with regard to bins, under the Environmental Protection Act, Broadland will be able to provide a household waste collection service for these properties.

4.3 Norfolk County Council as Environmental Services (Minerals and Waste):

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

4.4 Norfolk County Council as Highway Authority:

On the basis that highway matters are similar to that previously approved as application 20160253 on this site, I have no objection to the granting of permission. Highway conditions 5, 6, 7, 8, 9 & 10 together with Informative 5 should be carried forward on any consent notice issued. **Officer Note:** Conditions and informative proposed on previous 20160253 application are proposed to be imposed again as requested by Highway Authority.

Other Representations

4.5 79 Fakenham Road, Great Witchingham (Summarised):

Mr Pryke already has plans passed for his 2 dwellings (application no.20160253). I know this has now reached the three year starting date, but the conditions should still be the same as in this application. I have no other comments other than to say he must follow the development of the site as

agreed in the last application. For example, no works to begin before the vehicular access is completed to the site and no access to and egress from Morse Close is permitted for any reason. I ask that no Leylandii trees are planted anywhere on the site and no trees or hedges which grow above 3 metres. It was previously agreed to take possession of the turning head at the end of Morse Close and myself and another party to each take possession of the land to the sides of our gardens. The new plans show the turning head fence as being renewed and put back to the original position. At the moment Mr Pryke has already fenced across the end of Morse Close taking possession of the hammer-head on Morse Close can you confirm what is happening to our agreement?

Further comments following submission of revised plans:

The plans are basically the same as the last application so I have no objections and hope Mr Pryke can start the project soon, as I will soon be wanting to sell my property and I'm sure it will be better to sell once the new builds are completed.

4.6 83 Fakenham Road, Great Witchingham (Summarised):

Although this is a typical 'garden grab' which is out of character in Gt Witchingham, our main objection is based on the effects to road safety as another vehicular access directly onto the already busy A1067 would have safety issues impacting on pedestrians and road users alike.

We also have concerns that the proposal would result in overlooking, not only our property no 83, but No.5 Morse Close & 79 Fakenham Road. There is a significant material change in the size of structure of No.2, across all dimensions, compared to the original planning consent; therefore the proposal would result in overlooking.

What actually does key 'C' mean materially - 'Allow privacy for existing neighbouring properties'?

For the record, there is a bus stop directly adjacent, Norwich side of the access to the proposed build, which in our opinion affects road safety.

Although I accept the original application was passed, the development is still outside the settlement limits of the village.

We look forward to you upholding our objection against this new application in part due to the adverse material changes proposed plus the above points.

Further comments following submission of revised plans:

In principle, we've no objection to the revised plans for Plot 2 which is directly adjacent to our property. However, this is subject to the maximum

height of the dwelling remaining at 4.8m and clarification as to what 'New Garden Wall' means, its structure, materials and height?

Plus, does Mr Pryke intend erecting another structure along the remaining western boundary ie Between No 81 & 83?

4.7 5 Morse Close, Great Witchingham:

A shed containing asbestos needs to be removed from the site in a responsible manner.

One, if not both, proposed properties will overlook our property.

The water meters for 81 and 83 Fakenham Road are situated in front of our property and should be moved onto those properties.

5 **Assessment**

Key Considerations

- 5.1
- The principle of development
 - The planning history of the site
 - The design and impact upon the character and appearance of the area
 - The impact on residential amenity
 - The impact upon highway safety

The principle of development

- 5.2 The main issues to be taken into consideration in the determination of this application are an assessment of the proposal against the policies of the development plan, the NPPF and Planning Practice Guidance. The other key considerations are the planning history of the site and the impact of the development on the character of the area, residential amenity and highway safety.
- 5.3 As set out in paragraph 1.1 of this report the application seeks full planning permission for the sub-division of an existing residential plot and the erection of two detached dwellings to the west of the site.
- 5.4 Critical to the determination of the application is whether or not the principle of development is acceptable. The site is outside, but immediately adjacent to, the settlement limit that has been defined for Lenwade / Great Witchingham. Policy GC2 of the DM DPD seeks to locate new development within defined settlement limits, but outside of these limits, it

permits development that does not result in any significant adverse impact and where it accords with a specific allocation and / or policy of the development plan.

- 5.5 Furthermore, The Annual Monitoring Report (AMR) of the Joint Core Strategy for Broadland, Norwich and South Norfolk for 2017-18 was published in October 2019. The AMR includes the Greater Norwich Area Housing Land Supply Assessment (HLS) at 1 April 2018, which sets out the housing land supply position for Greater Norwich for the period 1 April 2018 to 31 March 2024. The AMR HLS replaces the interim Housing Land Supply Assessment for the same period. The AMR HLS demonstrates that a 6.54 year housing land supply can be demonstrated across the Greater Norwich area.
- 5.6 Policy GC1 of the DM DPD seeks a presumption in favour of sustainable development. Although the application site is outside the settlement limits the proposed dwellings would be located at the end of a residential cul-de-sac with houses on the north side of Fakenham Road extending west of the site as does the dwelling at No.81. There is also a residential dwelling to the south and therefore the proposed dwellings would be surrounded by residential development. The site is also within reasonable walking distance of a range of services and facilities located along, or just off, Fakenham Road. These include a village hall, primary school, doctor's surgery, garage, tea-rooms, butchers, bakers and fish and chip shop which are accessible via a public footpath. The site is also on a bus route with the nearest bus stop immediately outside the application site. Officers therefore consider that the site is in a broadly sustainable location, and accords with Policy GC1 of the DM DPD.

Planning history of the site

- 5.7 As set out in paragraph 1.8 and Section 2 of this report, this application follows previous proposals for two dwellings on the site. Applications 921347 and 20150756 were both refused, with the latter being dismissed on appeal.
- 5.8 The 20150756 application was proposed to be accessed via Morse Close and the appeal was dismissed as the visibility at the Common Lane / Fakenham Road junction was considered to be severely substandard. The appeal was dismissed solely on the grounds of highway safety.
- 5.9 Application 20160253 was later submitted with access proposed off Fakenham Road and was approved in April 2016. Work did not commence on the site for this application due to ownership issues surrounding the turning head and land at the end of Morse Close, which was included in the application site.
- 5.10 The Planning Inspector's comments in the recent 20150756 appeal decision are considered to be significant material considerations. The

Inspector previously considered that the proposal did not conflict with Policy GC1 of the DM DPD regarding sustainability and concluded that the principle of development outside the settlement limit was acceptable. The Inspector also concluded that the proposals would reflect the character and appearance of its immediate surroundings and would not detract from the character or appearance of the area. Although the 20160253 permission has now lapsed, it is also considered a material consideration given that a similar scheme for two dwellings on the site was recently considered acceptable.

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

- 5.11 Regarding the design and layout of the proposed development, the size of the application site has changed from the previously approved 20160253 application. This is partly due to ownership issues surrounding the turning head and land at the end of Morse Close. This has resulted in revisions to the size of the plots, the access, the internal parking and manoeuvring areas and design of the dwellings as well as the removal of the detached garages from the previously approved scheme.
- 5.12 Both of the proposed dwellings will follow the building lines of the properties on Morse Close to the east of the site. The chalet bungalow proposed on plot 1 will be of a similar footprint, but higher in height than the chalet previously approved to the north of the site. Despite this however, the dwelling will still be of a similar style and have a similar ridge height to the dwellings immediately to the east of the site. The bungalow proposed on plot 2 will now only be of a single storey construction and will be significantly lower in height than the dwelling previously approved on this part of the site, which included rooms in the roof.
- 5.13 The Local Planning Authority originally raised concerns with regards to the size of the dormer windows on the front elevation of the dwelling on Plot 1. During the course of the application, these dormer windows have been reduced in size and the dormer windows proposed to both the front and rear of the dwelling are now considered to relate acceptably to those on the neighbouring properties to the east of the site.
- 5.14 Although outside of the settlement limits, given that the site would be surrounded by residential dwellings, officers consider that the proposals would not represent clear encroachment into open countryside. Despite the size of the site being reduced in size, which has reduced the rear amenity area for Plot 1 in particular, it is still considered that the site contains sufficient space to accommodate the proposals without resulting in a cramped form of development. The design, size and scale of the proposed dwellings and the proposed boundary treatments are all considered to relate sympathetically to the surrounding properties whilst a condition is to be imposed requiring full details of the external materials to be approved in writing by the Local Planning Authority at a later stage. Overall, although the dwellings will be clearly visible, it is considered that their design is

acceptable and they will not be viewed as a discordant feature in the street scene or cause harm to the general character and appearance of the area. The application will therefore accord with Policies 1 and 2 of the JCS and Policy GC4 of the DM DPD.

The impact on residential amenity

- 5.15 Regarding residential amenity, the Local Planning Authority originally raised concerns about the height of both proposed dwellings and them appearing dominant and overbearing. It was also considered that the dwelling on plot 2 was likely to result in overlooking issues, in particular for the dwellings at 5 Morse Close and No's 79 and 83 Fakenham Road.
- 5.16 During the course of the application, the chalet bungalow proposed on plot 2 was reduced to a single storey bungalow, which resulted in the dwelling being reduced from 7.2 metres in height to approximately 4.8 metres in height. As stated in paragraph 5.14 of this report, the bungalow will now have a ridge height which is significantly lower than the dwelling previously approved to the south of the site. During the application a street scene plan was also submitted which shows that the dwelling on plot 1 is of a comparable height to the dwellings to the east on the north side of Morse Close.
- 5.17 It is considered that, given the height of the dwellings and the degree of separation with neighbouring properties, the proposed dwellings will not appear dominating or overbearing, or result in any significant loss of light. With the plans in their amended form, neither of the proposed dwellings are considered to result in any significant overlooking issues for existing neighbouring properties and both dwellings will be provided with sufficient rear amenity space. Overall, it is considered that the proposals will not result in a detrimental impact upon neighbour amenity and the application is considered to comply with Policy GC4 of the DM DPD.

The impact upon highway safety

- 5.18 Access to both dwellings is proposed to be from Fakenham Road in a similar position to that approved under the previous 20160253 application. Despite some local concerns relating to the access and highway safety, Norfolk County Council, as Highway Authority has not objected to the application on the grounds of highway safety. The Highway Authority has recommended that, if approved, a number of highway conditions are added to the decision notice relating to the vehicular access, visibility splays and on-site parking. These conditions are considered reasonable and necessary to make the development acceptable and are proposed to be added as suggested.
- 5.19 It is considered that there is sufficient room within the site for parking for both dwellings and overall, the application is considered to accord with Policies TS3 and TS4 of the DM DPD.

Other Issues

- 5.20 The majority of the concerns raised by neighbouring residents have either been addressed during the course of the application or in the report above. One neighbouring resident has stated that one of the sheds which is to be removed contains asbestos and therefore needs to be removed from the site in a responsible manner. It is confirmed that an informative is proposed to be added to the decision notice, which brings this to the applicant's attention and provides some guidance on the safe removal of asbestos material from the site.
- 5.21 The neighbouring resident at no: 5 Morse Close has stated that the water meters for nos: 81 and 83 Fakenham Road are situated in front of their property and should be moved. This however is an existing issue and is not something that needs to be resolved as part of this planning application.
- 5.22 The neighbouring resident at no: 79 Fakenham Road has made reference to an agreement that was in place between different parties regarding the ownership of the land at the end of Morse Close however this is outside the red line for the application and is not planning consideration.

Conclusion

- 5.23 In drawing the above appraisal to a conclusion, it is appropriate to consider the proposal against the three dimensions to sustainable development: economic, social and environmental.
- 5.24 The NPPF confirms the economic role as: "helping to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure."
- 5.25 The development would result in some short-term economic benefits as part of any construction work for the dwellings and in the longer term by spending from the future occupants of the dwellings which could support local services and facilities. It is therefore considered that the scheme would bring forward a small level of economic benefit.
- 5.26 The NPPF confirms the social role as "supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being."
- 5.27 As stated above, it is considered that the application site, despite being outside the settlement limits is still within a sustainable location close to a

number of local services and facilities. The additional dwellings would also be liable to pay towards the Community Infrastructure Levy and it is considered that this proposal would bring forward a modest social benefit on the basis of its contribution to the supply of homes and benefits to the viability and vitality of Great Witchingham.

- 5.28 The NPPF confirms the environmental role as “contributing to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”
- 5.29 In assessing the environmental role, it is acknowledged that the site is outside the settlement limits however, as stated above the dwellings would be surrounded by neighbouring dwellings and would not represent clear encroachment into open countryside. The impact of being outside the settlement limit is also mitigated by the neutral impact that the proposal will have upon the general character and appearance of the area as well as the limited impact upon local residents’ amenities. It is therefore considered that the proposal will provide environmental benefits on the site.
- 5.30 Overall, the application will provide economic, social and environmental benefits and, although the site is outside the settlement limits, officers consider that this application represents an acceptable form of development in a sustainable location that will not undermine the provisions of the development plan. It is also considered that the development will not result in demonstrable harm to the general character and appearance of the area, residential amenity or highway safety. Accordingly, given the presumption in favour of sustainable development the proposal is, on balance, considered acceptable subject to conditions. The application is therefore recommended for approval.

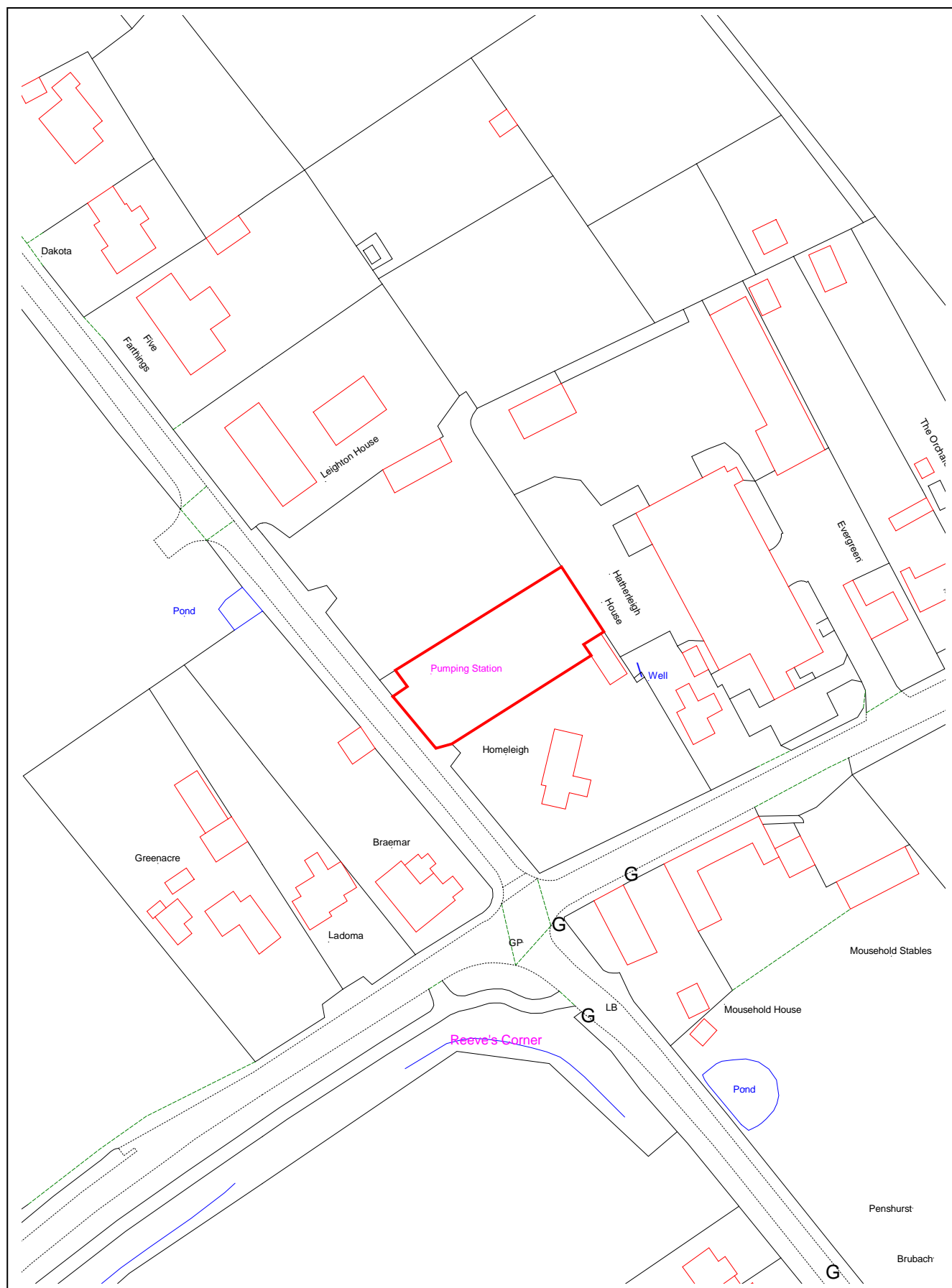
Recommendation: Approve, subject to the following conditions:

- (1) Time Limit
- (2) In accordance with plans and documents
- (3) Details of external materials
- (4) Highways - Vehicular access provided and retained as shown on plans
- (5) Highways – Access to be maintained in perpetuity with min width of 5.5m for at least 6m into site
- (6) Highways – Access visibility splays
- (7) Highways – No gates, bollard, chain, or other means of obstruction shall be erected across access
- (8) Highways – On-site parking and manoeuvring areas as shown on plans

- (9) Highways – Access shall be from Fakenham Road only
- (10) Tree Protection Plan
- (11) Landscaping Scheme
- (12) Removal of permitted development rights (Schedule 2, Part 1 of GDPO)

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

Christopher Rickman
01603 430548
christopher.rickman@broadland.gov.uk



Application No: 20191503

Homeleigh, Broad Lane, Little Plumstead, NR13 5BY

**Scale:
1:1250**

**Date:
19-Nov-19**



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Application No: [20191503](#)
Parish: **Great & Little Plumstead**

Applicant's Name: Mr Steve Gale
Site Address: Homeleigh, Broad Lane, Little Plumstead
Proposal: Proposed sub-division of garden to create 1 new dwelling and attached double garage

Reason for reporting to committee

The application is reported to Committee as it is outside the settlement limit and is therefore contrary to the current development plan policies.

Recommendation summary:

Approve subject to conditions

1 Proposal and site context

- 1.1 The application seeks planning permission for sub-division of an existing residential plot and erection of one dwelling with an attached double garage.
- 1.2 The site is located on the west of the village of Little Plumstead, close to the settlement of Rackheath approximately 350m to the northwest, separated by the 'Bittern Line' railway and level crossing.
- 1.3 The existing dwelling, known as Homeleigh, is a modest two and single storey building set within a large plot with ample parking for several vehicles. It is surrounded by mature hedgerow and a number of residential properties comprising mostly large detached dwellings. In addition, there is a small outbuilding / annexe situated to the northeast of the existing dwelling, which will remain within the curtilage of Homeleigh.
- 1.4 The proposed plot is level and comprises a large rectangular area of mown grass with predominantly mature hedgerow along the northeast, northwest and southwest boundaries. The site also benefits from an existing gated access.
- 1.5 Adjacent to the northwest corner of the proposed plot there is a pumping station.
- 1.6 Land to the northwest of the application site known as Leighton House, benefits from an extant outline planning permission for two detached dwellings, granted approval on 6 March 2019 under planning application reference [20182088](#).

Currently the Local Planning Authority is considering an application for reserved matters following the outline approval under planning application

reference [20191112](#).

Prior to this, the neighbouring site at Leighton House also gained planning permission for one dwelling approved by Planning Committee in 2017 (reference [20170935](#)) and subsequently an application for three dwellings was refused and dismissed on appeal (reference [20172190](#)). The appeal decision is attached as Appendix 1.

2 Relevant planning history

- 2.1 [770479](#): Access to highway. Approved 5 April 1977.
- 2.2 [772158](#): Extension to Garage. Approved 29 November 1977.
- 2.3 [960606](#): Bungalow (outline). Refused 5 August 1996.
- 2.4 [20060723](#): (1) First floor side extension (2) Single storey front extension. Approved 20 June 2006.
- 2.5 [20170935](#): Erection of one dwelling and access road (outline). Approved 9 October 2017.
- 2.6 [20172190](#): Erection of three dwellings and access road (outline). Dismissed on appeal 12 November 2018.
- 2.7 [20182088](#): Erection of two dwellings (outline). Approved 6 March 2019.
- 2.8 [20191112](#): Erection of two dwellings (reserved matters application following grant of outline permission 20182088). Awaiting Decision.

3 Planning Policies

3.1 National Planning Policy Framework (NPPF)

NPPF 02 : Achieving sustainable development
NPPF 04 : Decision-making
NPPF 11 : Making effective use of land
NPPF 12 : Achieving well-designed places
NPPF 15 : Conserving and enhancing the natural environment

3.2 Joint Core Strategy (JCS)

Policy 1 : Addressing climate change and protecting environmental assets
Policy 2 : Promoting good design
Policy 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 EN2 – Landscape

Policy TS3 – Highway Safety

Policy TS4 – Parking

3.4 Great Plumstead, Little Plumstead & Thorpe End Garden Village Neighbourhood Plan

Policy 1 – New development will respect and retain the integrity of Great Plumstead, Little Plumstead and Thorpe End Garden Village

Policy 2 – New development should deliver high quality design.

Policy 3 – New development should maximise opportunities to walk and cycle between Great Plumstead, Little Plumstead and Thorpe End Garden Village.

Policy 4 – New development will be expected to quantify the level of traffic they are likely to generate.

3.5 Supplementary Planning Documents (SPD)

Landscape Character Assessment

The site is located in character area D4 Rackheath and Salhouse Wooded Estatelands.

4 Consultations

4.1 Great & Little Plumstead Parish Council – Comments awaited.

4.2 Highway Authority

Having considered the documents supplied and visited the site I can confirm that I have no objection.

Should your Authority be minded to approve the application I would be grateful for the inclusion of the following condition on any consent notice issued:

SHC 20 Prior to the first occupation/use of the development hereby permitted the proposed on-site access, car parking / turning area shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.

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

4.3 Anglian Water

The Pre-Development Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development is 0.5 hectares or more and floor space of 500sqm or more.

As your query is below this threshold we will not be providing comments.

However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

4.4 BDC Pollution Control Officer

No objection.

4.5 Neighbour representations

None received.

5 **Assessment**

Key Considerations

- 5.1
- The acceptability of the development in terms of its location, which is outside the Great & Little Plumstead settlement limit and is therefore contrary to Policy GC2 of the Development Management DPD 2015.
 - The impact of the development on highway safety.
 - The impact of the development on character and appearance of the area.
 - The impact of the development on residential amenity.

Principle

- 5.2 As set out in paragraph 1.1 of this report the proposal seeks planning permission for the erection of one detached dwelling with an attached double garage. The site is outside of the designated settlement limit for Great and Little Plumstead.
- 5.3 Policy GC2 of the DM DPD states that new development will be accommodated within defined settlement limits. Outside of these limits, development that does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the development plan. The application site has not been allocated for housing and is outside of the defined settlement limit.

- 5.4 Great and Little Plumstead is designated as a service village under Policy 15 of the JCS – service villages are defined as having good levels of services / facilities such as primary school, food shop, public transport links to Norwich or a main town where small scale housing growth is considered acceptable to meet local needs.
- 5.5 Rackheath is in proximity to the north, which can be accessed fairly easily by cycle. The site is also located within a reasonably short distance of the Northern Distributor Road, which provides good vehicular connections with the surrounding area.
- 5.6 The key considerations of this application are whether the proposed development accords with the provisions of the development plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance. In particular the acceptability and sustainability of the proposal in terms of its location and whether the development will have any detrimental impact in regards to highway safety, the character and appearance of the area or residential amenity and having regard to any material considerations that may be relevant in this particular case.

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

- 5.7 The site lies outside of the defined settlement limit for Great & Little Plumstead and for this reason the proposal conflicts with Policies GC1 and GC2 of the DM DPD.
- 5.8 However, relevant to the application is the extant outline planning permission for two dwellings directly adjoining the current application site to the northwest at Leighton House, under planning reference 20182088. Based on this approval and a previous approval for one dwelling (application reference 20170935) at Leighton House, the principle of residential development has been established within the immediate locality, which is a material consideration.

In addition, regard must be had for the comments made by the Planning Inspector following a dismissed appeal for three dwellings at Leighton House in March 2018 under planning reference 20172190, attached as Appendix A, primarily on the impact three dwellings would have on the existing character and appearance of the area.

The Inspector acknowledged the previous planning permission granted for one dwelling in October 2017 was as a result in a shortfall of housing land supply at that time.

Additionally the Inspector also notes that, whilst at the time of the appeal for three dwellings, the Council could identify a 5 year housing land supply of over 8 years, the location of the appeal site, between a row of existing houses, together with reasonable links to the Northern Distributor Road and

Rackheath by cycle, and giving some weight to the extant permission for one dwelling on the site materially outweighed the conflict in terms of Policy GC2 of the DM DPD 2015. Accordingly the Inspector found the site would be a suitable and sustainable location for housing.

Also relevant to the determination of the current application is the Annual Monitoring Report (AMR) of the Joint Core Strategy for Broadland, Norwich and South Norfolk for 2017-18 published in October 2019.

The AMR includes the Greater Norwich Area Housing Land Supply Assessment (HLS) at 1st April 2018, which sets out the housing land supply position for Greater Norwich for the period 1 April 2018 to 31 March 2024.

The AMR HLS replaces the interim Housing Land Supply Assessment for the same period, which now demonstrates a 6.54 year housing land supply across the Greater Norwich area.

- 5.9 Whilst the Council is currently able to demonstrate a 6.54 year housing land supply, regard for Paragraph 122 of the NPPF should also be considered. This seeks to ensure that planning policies and decisions promote and support an effective use of land in meeting the need for homes taking into account; an identified need for different types of housing, the availability and capacity of infrastructure and services, the desirability of maintaining an area's prevailing character and securing well-designed, attractive and healthy places to live.

It is considered that the proposal will make the best use of the land available due to the predominantly residential locality and extant planning permission on the adjacent site to provide two dwellings. Furthermore, the site has good access to the Northern Distributor Road and the village of Rackheath and is therefore considered a sustainable location in accordance with Policy GC1 of the DM DPD.

Paragraph 68 of the NPPF also states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. Based on the Inspector's comments noted previously, it is concluded that the proposed sub-division of Homeleigh would also provide a small site making a positive contribution to the housing requirements in the area in a suitable and sustainable location.

The impact of the development on highway safety

- 5.10 The existing dwelling at Homeleigh has two points of vehicular access onto Broad Lane, the southern access will be retained and adequate parking provision can be made for the occupants of the existing dwelling and annexe following sub-division of the plot.

The northern access will be utilised for a new dwelling. The submitted site layout demonstrates sufficient parking for a four bedroom dwelling in line

with the parking standards guide for Norfolk. The Highways Authority has advised there is no objection therefore the proposal is not considered to have an adverse impact on highway safety and is in accordance with Policies TS3 and TS4 of the DMDPD.

The impact of the development on the character and appearance of the area

- 5.11 The designed and layout of the proposed dwelling is considered to be in keeping with the prevailing character and appearance of the locality, which provides a variety of house types and therefore will provide a positive contribution to the housing mix along Broad Lane.

The site is accessed directly off the public highway with the dwelling being set back some 20m, which is also in keeping with the general pattern of development along this part of Broad Lane. Although, this is in part due to the location of the pumping station to the northwest which requires development to be positioned a minimum of 15m away.

The proposed scale, form and position of the development is in keeping with other properties within the locality, therefore it will not lead to an adverse impact on the existing character and appearance of the area.

The impact of the development on residential amenity

- 5.12 There is sufficient space between the proposed development and the existing dwelling known as Homeleigh, to ensure the development is not considered overbearing or unneighbourly.

Overall the design and position of the proposed dwelling will ensure that the residential amenity of existing neighbouring properties and those constructed on the site to the northeast, will not be adversely affected in terms of loss of privacy, overlooking or loss of light.

6.0 Conclusion

- 6.1 It is acknowledged that the site is outside of the settlement limit for Great and Little Plumstead and that the Council can demonstrate a 6.54 year housing land supply. However, material to the consideration of the proposal is the extant permission for two dwellings on the plot directly adjacent to the application site together with the comments noted by the Planning Inspector as part of the dismissed appeal under planning reference 20172190.

Having had regard for all material considerations the site is considered to be located in a sustainable location since it is within easy reach of Rackheath village and the Northern Distributor Road which provides good connections to the area as a whole.

The development will make the best use of land due to its position between existing residential properties and land already approved for further development as well as provide a positive contribution to the housing requirements in the area.

The Highway Authority offered no objection to the proposal and based on the proposed design and location the development will not lead to a significantly detrimental impact on the character and appearance of the area or the amenity of neighbouring properties.

Whilst there is conflict with Policy GC2 of the DMDPD, it is concluded that the reasons above materially outweigh this policy conflict in this instance and therefore the proposal is considered acceptable in this location.

This application is liable for Community Infrastructure Levy (CIL)

Recommendation: Approve subject to the following conditions:

- (1) Time limit [A1]
- (2) Plans and documents [E3]
- (3) Parking/Turning on site [SCH20]
- (4) Landscaping details TBC

Contact Officer, Mrs Jane Fox
Telephone Number 01603 430643
and E-mail jane.fox@broadland.gov.uk

Appeal Decision

Site visit made on 16 October 2018

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2018

Appeal Ref: APP/K2610/W/18/3200957

Leighton House, Broad Lane, Little Plumstead, Norwich NR13 5BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Michael O'Sullivan against the decision of Broadland District Council.
- The application Ref 20172190, dated 18 December 2017, was refused by notice dated 20 March 2018.
- The development proposed is outline application for three dwellings.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The new National Planning Policy Framework (the Framework) was published in July 2018. I have taken the comments received on this into consideration.
3. The application is in outline with all matters reserved for later consideration. A layout plan has been submitted, however this is indicative only at this stage. I have therefore considered the appeal on this basis.

Main Issues

4. The main issues are:
 - whether the proposed development would be in a suitable location; and
 - the effect of the development on the character and appearance of the area.

Reasons

Whether the location would be suitable

5. The appeal site is located on Broad Lane and currently comprises a paddock adjacent to Leighton House. The site is accessed off Broad Lane via gates and is bounded by trees and hedging. The proposed development would introduce three dwellings into the site and the indicative layout shows the dwellings fronting Broad Drive in a linear arrangement.
6. The appeal site is located outside of a defined settlement limit and is not in an area which has been allocated for development in the Local Plan. Policy GC2 of the Broadland District Council Development Management DPD (2015) (DMDPD)

identifies that outside of the settlement limits, development which does not result in any significant adverse impacts will be permitted where it accords with a specific allocation and/or policy of the development plan. Policy 15 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011 – amended 2014) (JCS) identifies Little Plumstead as a Service Village where land will be allocated for small scale housing development, subject to form and character.

7. Whilst the site is not in an allocated area, it has had a previous planning permission for one dwelling, approved in October 2017. The Council have identified that this previous approval was as a result of a shortfall in their 5 year housing land supply. However, subsequent to this the Council now identify a 5 year housing land supply of just over 8 years, as evidenced by the Central Norfolk Strategic Housing Market Assessment (SHMA). Consequently, the relevant development plan policies relating to new housing can be considered to be up to date and therefore there would be a conflict with Policy GC2 of the DMDPD in this regard.
8. I have, however, given consideration to the location of the appeal site which is set between a row of existing houses within a small cluster of development and I have given reasonable weight to the extant planning permission on the site, albeit for one dwelling only. Furthermore, the appeal site is located within a reasonably short distance from the new Northern Distributor Road, which was visible across the open landscape. It would therefore achieve good vehicular connections with the surrounding area. Rackheath is also in proximity to the north which could be accessed reasonably easily by cycle
9. Whilst there is conflict with Policy GC2 of the DMDPD, I find that the above considerations materially outweigh this policy conflict in this instance and accordingly I find that the appeal site would be in a suitable location for housing.

Character and appearance

10. Broad Lane is very rural in character, with reasonably large dwellings set within spacious plots running from the junction with Norwich Road/Plumstead Road, and areas of open land opposite the appeal site. Whilst there has been a previous approval on the site, the introduction of three dwellings into the site would provide a more compact form of development than exists along this part of Broad Lane and would result in the urbanisation of Broad Lane and an erosion of the spacious rural quality.
11. I acknowledge that the layout of the proposed development has not yet been established, and the Appellant advises that the site could be developed in an alternative way with a frontage dwelling and two set behind. However, I find that the introduction of three dwelling into the site would be out of character with the area and I do not have any indicative layouts before me which I consider would overcome my concerns in this regard, given the overall size of the site and its ability to accommodate the proposed number of dwellings, and the existing character of the area.
12. I viewed the dwelling adjacent to Bundu House. However, this provided one additional dwelling only, and although the density and site frontage was similar to the appeal proposal, the fact that it was for a single dwelling ensured that the spacious nature of the area would not be undermined to the same degree

that would occur as a result of the introduction of three dwellings in proximity to one another. Furthermore, the Council identify that this development was approved prior to the publication of the 2017 Greater Norwich Area Housing Land Supply Assessment. I therefore find that this example is materially different to the proposed development and I give this limited weight in my consideration of the proposal.

13. The development would be harmful to the established character and appearance of the area for the above reasons. Accordingly it fails to comply with Policies 1, 2, 4 and 15 of the JCS, Policies GC1, GC2, and GC4 of the DMDPD and Policy 2 of the Great Plumstead, Little Plumstead and Thorpe End Garden Village Neighbourhood Plan 2014 – 2034. These collectively seek to ensure that new development should respond to and reinforce local distinctiveness, amongst other things.

Conclusion

14. For the reasons given above, and having had regard to all matters raised including the support from neighbouring residents, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR

Planning Appeals: 19 October – 15 November 2019

Appeal decisions received:

Ref	Site	Proposal	Decision maker	Officer recommendation	Appeal decision
20190451	Hoe Down, 1 Mill Road, Blofield	Erection of double garage in front garden	Delegated	Refusal	Dismissed
20190565	Hollygate Farm, Haveringland Road, Felthorpe	Change of use of 2 agricultural buildings to 3 dwellings – Prior Notification	Delegated	Required and refused	Dismissed

Appeals lodged:

Ref	Site	Proposal	Decision maker	Officer recommendation
20180873	Merryhill Country Park, Telegraph Hill, Honingham	Use of caravans for sole or main place of residence	Delegated	Refusal of Certificate of Lawfulness

PLANNING COMMITTEE

27 November 2019

Final Papers

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Nos**

Supplementary Schedule

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

DEMOCRATIC SERVICES

Broadland District Council

Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU

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SUPPLEMENTARY SCHEDULE TO APPLICATIONS TO BE CONSIDERED

Plan No	Application No	Location	Update	Page Nos
1	20190844	Land at Dawson's Lane Blofield NR13 4SB	<p>Additional comments from Ward Member Cllr Justine Thomas:</p> <ul style="list-style-type: none"> • Drainage plans have been resubmitted 2 working days before committee • Assume consultation period would be extended • If not explanation required. • Not in anyone's benefit for an application with a high percentage of much needed affordable housing to be rejected because a robust drainage strategy has not been properly scrutinised. <p>Lead Local Flood Authority</p> <p>Additional comments on scheme 5</p> <ul style="list-style-type: none"> • The consultant informally provided information to show that the geology in the location is similar to where testing was done to the north, so very likely to have similar infiltration rates. As such, it is unnecessary to test this area. • Informally responded to say that information had been submitted to address my concerns and requested to be re-consulted. • Formal comments are that although the infiltration rates have been clarified we still have concerns about the drainage strategy scheme in relation to its close proximity to the 	11 - 32

			<p>indicative 0.1% AEP overland flow path to the north</p> <ul style="list-style-type: none"> • This could result in the SuDS feature being inundated reducing the standard of protection provided and possible increasing the risk of flooding elsewhere • Would recommend that the basin is moved further to the south away from the extent of the flow path capacity to be provided to accommodate the overland flow. • If works affects an ordinary watercourse then consent would be required. <p>Additional comments Current scheme (6)</p> <ul style="list-style-type: none"> • So far the LLFA have not accepted or rejected this application, only given advice • Amended strategy now shows the basin to have a 2 metre buffer between the edge and the indicative 0.1% AEP event flow path. This should prevent the inundation of the basin, so this flow path should not affect the standard of protection. • The culvert is now mentioned in the Management and Maintenance plan. • With regard to the culvert, the existing watercourse is technically blind as are the other ditches in the locality. • As such, the diverted watercourse from the development through the new culvert will only allow flows from the development to the infiltration basin proposed and is not connected to the wider network. We only require consent on the ordinary watercourse connected to the wider network. • With regard to flooding downstream of the proposal, this does not appear to be as a result of the overland flow. 	
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			<p>Officer comments:</p> <p>In paragraph 5.9, line 2; paragraph 5.10, line 6 and paragraph 5.13, line 2 - number 74 needs be changed to number 72.</p> <p>Since the report has been written, the drainage scheme has been slightly amended to move the infiltration basin further south, to provide separation between the surface water flooding flow path and the culvert has been extend to avoid the verge, which is within separate ownership.</p> <p>In addition, two separate responses have been received from the LLFA. The latter being on the current scheme that they do not object subject to conditions. To ensure that the drainage strategy is acceptable then instead of conditioning the percolation tests it is recommended that the decision is delegated to the Director of Place subject to satisfactory percolation tests being received.</p> <p>The Conservation Officer (Arboriculture and Landscape) has also recommended that an Arboricultural Impact Assessment and Method Statement is submitted so the prior to the application being determined so the implications for the trees along Dawson's Lane can be fully considered. The recommendation has been changed to reflect this (see below).</p> <p>It is now considered that the drainage strategy is satisfactory and will not increase flooding elsewhere.</p>	
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3	20190583	Woodview, 81 Fakenham Road, Great Witchingham	<p>With reference to paragraph 5.6 of the report, it should be clarified that the application, in fact, fails to accord with Policy GC1 of the DM DPD given the site's location outside of the settlement limit and the Annual Monitoring Report (AMR) Housing Land Supply Assessment (HLS) demonstrating that a 6.54 year housing land supply can be demonstrated across the Greater Norwich area.</p> <p>Notwithstanding this, as stated in paragraph 5.10 of the report, the Planning Inspector's comments in the 20150756 appeal decision are considered to be significant material consideration. Although the appeal was dismissed on grounds of impact on highway safety, the Inspector clearly stated that there was no significant detrimental</p>	62 - 74

			<p>impact on the site's immediate setting and that the principle of development outside of the settlement limit was acceptable here. The Inspector at that time concluded that the proposals would not conflict with Policy GC1 of the DM DPD, however it should be noted that at the time the Council was not able to demonstrate a five-year housing land supply.</p> <p>Overall it is considered that this material consideration, along with the other reasons stated within paragraph 5.30 of the report, outweigh any harm caused by the fact that the site is outside the settlement limit and contrary to the principles of Policies GC1 and GC2 of the DM DPD.</p>	
4	20191503	Homeleigh, Broadland Lane, Little Plumstead, NR13 5BY	<p>Comments from the Parish Council received 20 November 2019 as follows:</p> <p><i>'Broad Lane is now a cul de sac and development is now removed from Public Transport hence car use would appear inevitable One cannot access the Highways information. We note that vision must be obscured to a certain extent by the immediate proximity of (Anglian Water?) sub (pumping) station. We believed there are proximity limits to residential development.</i></p> <p><i>No mention is made of the large tree shown on the drawings either for protection or root protection. (The application form is silent on the subject.).</i></p> <p><i>There is currently no shortfall in land supply contrary to the design access statement.</i></p>	75 - 86

			<p><i>We find the proposal disappointing and bland with no redeeming features for carbon reduction and 4 extra car parking spaces. No attention has been given to orientation, placing main living areas to the NE.'</i></p> <p>Officer Note:</p> <p>In response to the highway concerns noted by the Parish Council, the comments from the Highway Authority are accessible online and based on their assessment they have no objections to the proposal. Whilst vehicular usage will be necessary, the site is within cycling distance of Rackheath village and has good access to the Northern Distributor Road allowing greater access to the area as a whole.</p> <p>In terms of the pumping station located to the southwest of the proposed dwelling, development should be a minimum of 15m away from the station, which is depicted by the dotted line shown on Dwg. No. 01 received 24 September and Amended Dwg. No. 01 Rev B received 19 November 2019.</p> <p>Anglian Water Services Ltd did not provide detailed comments as the proposal is below the threshold for major proposals of 10 or more dwellings, an industrial/commercial development of 0.5 hectares or more and floor space of 500 square metres or more.</p> <p>There are no large trees that will be directly affected by the development. As noted above, the large dotted circle on the submitted drawings relates to the minimum distance new development should be from the pumping station.</p>	
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