

# Planning Committee

## Agenda

### *Date*

Wednesday 12 June 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**

All Conservative Members  
who have undertaken  
mandatory training

#### **Liberal Democrat**

Mr D G Harrison  
Mrs L A Starling  
Mr D M Thomas

### *Contact*

Sara Utting tel (01603) 430428

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Council  
Thorpe Lodge  
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Norwich NR7 0DU  
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Members must have undertaken mandatory training in order to serve on the committee

**If any Member wishes to clarify details relating to any matter on the agenda they are requested to contact the relevant Area Planning Manager, Head of Planning or the Head of Democratic Services & Monitoring Officer prior to the meeting.**



@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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|----------|---|-----------------|
| <b>1</b> | <b>To receive declarations of interest under Procedural Rule no 8</b>                                 |                 |
| <b>2</b> | <b>Apologies for absence</b>  |                 |
| <b>3</b> | <b><u><a href="#">Minutes of meeting held on 10 April 2019</a></u></b>                                | <b>3 – 29</b>   |
| <b>4</b> | <b>Matters arising therefrom (if any)</b>   |                 |
| <b>5</b> | <b>Applications for planning permission to be considered by the Committee in the following order:</b> |                 |
|          | <b><u><a href="#">Schedule of Applications</a></u></b>  | <b>30</b>       |
|          | <b>Planning Applications</b>  | <b>31 – 123</b> |

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.**

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

Miss S Lawn – Chairman

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

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

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

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

### 93 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

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

### 94 APOLOGIES FOR ABSENCE

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

### 95 MINUTES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

more readily. Accordingly, it was

### **RESOLVED:**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **RESOLVED:**

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

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

Heads of terms:

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

Conditions:

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reasons:

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

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

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

### Informatives:

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

### **RESOLVED:**

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

#### Heads of Terms:

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

### Conditions

- (1) The development to which this permission relates must be begun not later than THREE years beginning with the date on which this permission was granted.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the following plans and documents:  
  
[Amended Dwg No 1183\\_01\\_Rev N Site Layout Plan received 050219.pdf](#)  
[Amended Dwg No 1183\\_11\\_Rev A Site Cross Section received 050219.pdf](#)  
[Dwg No 1183\\_04\\_C Plots 15 and 16 Plans and Views.pdf](#)  
[Dwg No 1183\\_05\\_C Plots 15 and 16 Elevations.pdf](#)  
[Dwg No 1183\\_06\\_A Plots 15\\_16 and 17 Garage Plan and Elevations.pdf](#)  
[Dwg No 1183\\_08 Plot 14 Plans and Elevations.pdf](#)  
[Dwg No 1183\\_15\\_A Plots 20 and 21 Plans and Elevations.pdf](#)  
[Dwg No 1183\\_16\\_A Plots 18 and 19 Plans and Elevations.pdf](#)  
[Dwg No 1183\\_17\\_A Plot 17 Plans and Elevations.pdf](#)  
[Planning Design and Access Statement.pdf](#)
- (3) Prior to the commencement of development, details showing the location and layout of the waste bin storage area required at the junction with Norwich Road shall be submitted to and agreed in writing with the Local Planning Authority. The waste storage area will then be laid out in accordance with these agreed details and retained.
- (4) Prior to the commencement of the development, a scheme shall be submitted for the provision of the fire hydrant on the development in a location agreed with the Council in consultation with Norfolk Fire and Rescue Service.
- (5) Prior to the commencement of development, details of the strategy for disposal of surface water on the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.
- (6) Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate:-
  - (a) the species, number, size and position of new trees and shrubs at the time of their planting.

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

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

Reasons:

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

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

### Informatives:

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

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

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

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

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

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

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

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

### **RESOLVED:**

to approve application number 20190202 subject to the following conditions:

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

### Reasons:

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

### Informatives:

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

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

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

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

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

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

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

**RESOLVED:**

to approve application number 20190178 subject to the following condition:

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

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

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



Reason:

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

Informative:

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

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

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

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

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

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

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

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

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

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

### **RESOLVED:**

to approve application number 20190113 subject to the following conditions:

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

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

Reasons:

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

Informatives:

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

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

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

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

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

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

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

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

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

Accordingly, it was

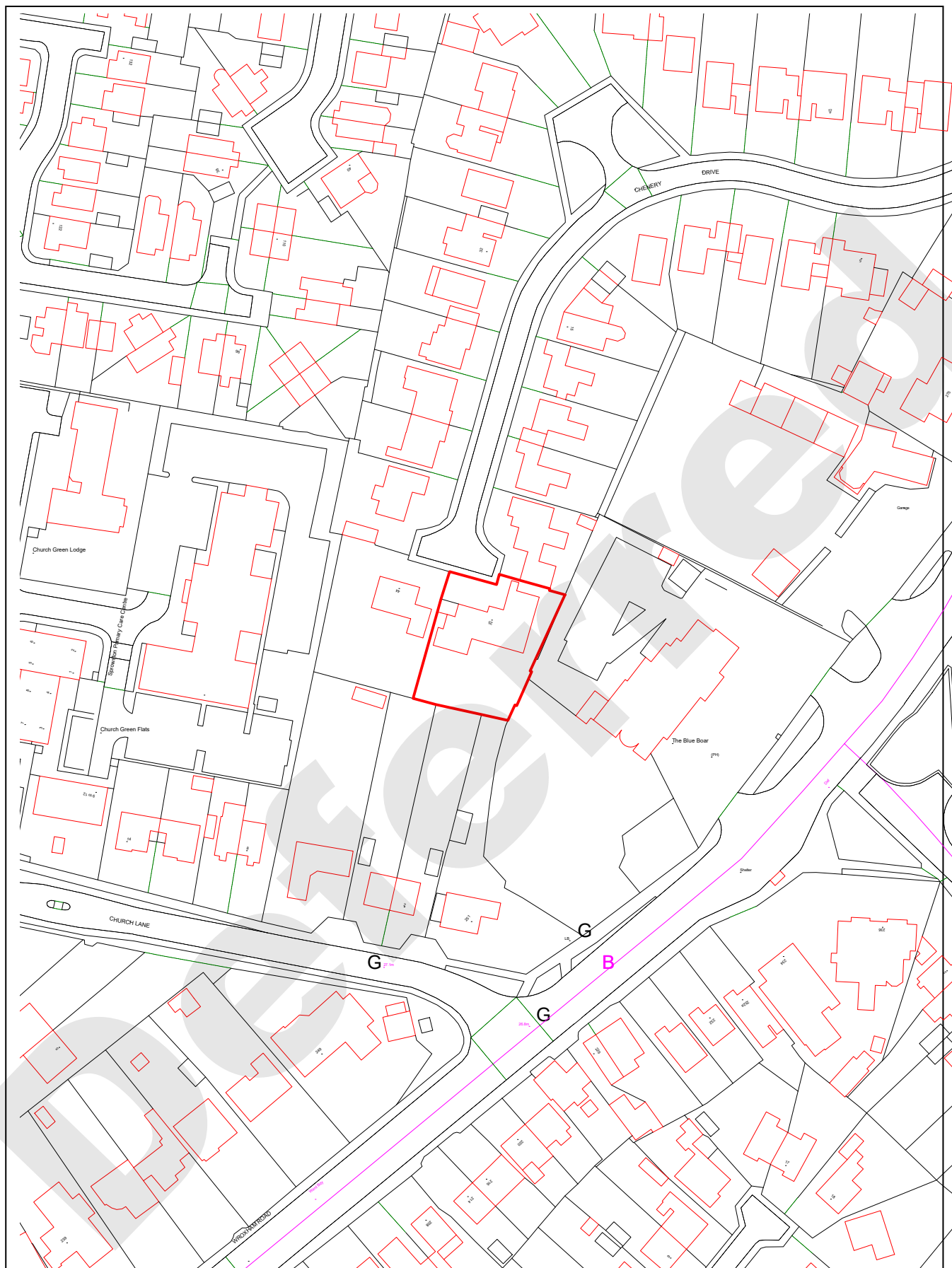
**RESOLVED:**

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

*The meeting closed at 12:17pm*

## SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Plan No	Application No	Location	Officer Recommendation	Page Nos
1	<a href="#">20190392</a>	<a href="#">25 Chenery Drive, Sprowston</a>	<b>APPROVE</b> subject to conditions	31 – 46
2	<a href="#">20190061</a>	<a href="#">The Whiffler, Boundary Road, Hellesdon</a>	<b>APPROVE</b> subject to conditions	47 – 62
3	<a href="#">20181808</a>	<a href="#">Beck Farm, Norwich Road, Reepham</a>	<b>REFUSE</b>	63 – 75
4	<a href="#">20190352</a>	<a href="#">Land at Seven Acres, Seven Acres Lane, Coltishall</a>	<b>APPROVE</b> subject to conditions	76 – 98
5	<a href="#">20190443</a>	<a href="#">Church Farm Barns, The Street, Heydon</a>	<b>APPROVE</b> subject to conditions	99 – 107
6	<a href="#">20190695</a>	<a href="#">Land rear of 33 Sandhole Lane, Little Plumstead</a>	<b>APPROVE</b> subject to a condition	108 – 111
7	<a href="#">20190654</a>	<a href="#">Lawn Bungalow, Tunstall Road, Halvergate</a>	<b>APPROVE</b> subject to conditions	112 – 117
8	<a href="#">20190454</a>	<a href="#">Oak Lodge, Scotts Corner, Woodbastwick</a>	<b>APPROVE</b> subject to conditions	118 – 123



**Application No: 20190392**

**25 Chenery Drive, Sprowston, NR7 8RR**

**Scale:  
1:1250**

**Date:  
3-Jun-19**



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Application No: [20190392](#)  
Parish: Sprowston

Applicant's Name: Mr T Allen  
Site Address: 25 Chenery Drive, Sprowston, NR7 8RR  
Proposal: Use of pool and pool building for private hire

### Reason for reporting to committee

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

Recommendation summary:  
Approve subject to conditions

#### 1 Proposal and site context

- 1.1 The dwelling which is the subject of this application is a detached chalet bungalow. The dwelling is situated at the southern end of Chenery Drive in an established residential area, within the settlement limits of Sprowston.
- 1.2 Within the immediate area there are a variety of property styles including detached and semi-detached houses and bungalows. To the west of the site is the detached chalet bungalow at No. 44 Chenery Drive. To the north of the site is a detached bungalow (No. 23). The Blue Boar PH, Wroxham Road and its grounds are located immediately to the east of the site. To the south are the long rear gardens of properties on Church Lane.
- 1.3 The bungalow has been extended to the side, front and rear including conversion of the garage to additional accommodation. There is off-road parking to the front of the property. Part of the enclosed rear garden is occupied by the existing outdoor swimming pool (10m x 5m).
- 1.4 The rear garden is enclosed by a 2m high boundary wall along the eastern boundary with the Blue Boar PH, 2m high wall and 1.8m high timber fence along the southern boundary with properties on Church Lane and a mix of 2m high close boarded fence, 1m high post and rail fencing and trees and planting of varying heights along the western boundary with the neighbour at No. 44 Chenery Drive. The northern boundary with No. 23 Chenery Drive is formed by a low brick wall with railings and 1.8m high brick wall beyond the neighbours' garage.
- 1.5 The application seeks planning permission for use of the existing swimming pool for private hire. Private hire of the pool would be for between the hours of 9am and 5pm Monday to Friday and 9am to 5pm on Saturdays. The pool would not be available for private hire on Sundays or Bank Holidays.



- 1.6 Pool hire would be bookable for sessions of 60 minutes or longer. Each session would be separated by a 30 minute gap to ensure there would be no crossover between pool users arriving and leaving the site. A maximum of 5 sessions would be available on any one day.
- 1.7 The number of people permitted to use the pool at any one session would be limited to a maximum of 5.
- 1.8 Off-road parking will be provided on the driveway of the property. This will comprise a single allocated parking space for pool users.
- 1.9 The pool is within the enclosed rear garden of the property and located in the south-west corner of the plot adjacent to the boundary with the Blue Boar PH.
- 1.10 The pool building approved under planning permission 20181670 has yet to be constructed. This is proposed to be single storey, part flat roof, part sloped roof with a maximum height of approximately 3.17m, constructed of facing bricks and timber cladding with large glazed panels facing into the garden.
- 1.11 Internally, the enclosure will allow walking space around the pool, provide changing facilities, a toilet and plant room. The external measurements of the proposed building are approximately 13.5m long by a minimum of 9m wide to a maximum of 11.2m wide due to the angle of the boundary wall.

## 2 Relevant planning history

- 2.1 [770486](#): Extension. Approved 26 July 1977.
- 2.2 [770883](#): Commercial use of day room. Approved 26 July 1977.
- 2.3 [782176](#): Extensions. Approved 16 October 1978.
- 2.4 [20140689](#): Replacement porch to front, enlargement of existing front and rear dormers and single storey rear extension. Approved 11 June 2014.
- 2.5 [20141805](#): Application for non-material amendment to planning permission 20140689 Agreed 10 November 2014.
- 2.6 [20181670](#): Erection of building to change outdoor to indoor pool. Approved 10 January 2019.

## 3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
  
NPPF 02: Achieving sustainable development  
NPPF 04: Decision-making

NPPF 08: Promoting healthy and safe communities  
NPPF 09: Promoting sustainable transport

### 3.2 Joint Core Strategy (JCS)

Policy 7: Supporting Communities  
Policy 8: Culture, leisure and entertainment  
Policy 10: Locations for major new or expanded communities in the Norwich Policy Area  
Policy 12: The remainder of the Norwich Urban area, including the fringe parishes  
Policy 19: The hierarchy of centres

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

Policy GC1: Presumption in favour of sustainable development  
Policy GC4: Design  
Policy H4: Change of use of a dwelling  
Policy TS3: Highway safety  
Policy TS4: Parking guidelines

### 3.4 Sprowston Neighbourhood Plan

Policy 6: Local employment opportunities  
Policy 8: Health, education and quality of life

## 4 Consultations

### 4.1 Sprowston Town Council:

Council is opposed to the granting of this application on the grounds that it is an unneighbourly form of development, detrimental to residential amenities and highways given the additional traffic this proposal will attract in a narrow cul-de-sac.

### 4.2 District Councillor Cllr R Foulger:

Despite assurances to the contrary this application has been submitted. For the reasons quoted in respect of the extant permission there are many objections in addition to which are questions relating to safe storage of chemicals and supervision and safety of fee paying clients. The application is intrusive to immediate neighbours and detrimental to the peaceful environment of this secluded development. There are problems with access and parking. Given the issues and many objections from the residents from 34 detached properties in this road which is not an estate as previously described if you are minded to refuse the application I am content for this to

be an officer decision under delegated powers. On the other hand, if you are minded to approve I wish it to be considered by the Planning Committee.

### 4.3 Norfolk County Council (as Highways Authority):

The hiring of the pool will inevitably result in an increase of the traffic generated by this site. However, given the location, while increased traffic movement may result in some inconvenience to local householders, it would be difficult to maintain that it would result in a detriment to highway safety. Accordingly, I would not wish to restrict the grant of consent.

#### Further comments

The property is situated at the end of a cul-de-sac and based on this location and low key use, does not justify a highway objection. The applicant has confirmed that a booking system will be in operation and will be managed so that there is half an hour between each booking slot. In addition, the applicant has confirmed that the traffic will be restricted to one car per session. Any obstruction caused by cars blocking the footway or accesses would be matters for the police. There could be some inconvenience to adjacent householders but highway inconvenience is not the same as highway safety. It is noted that the space at the front of the property is less than that indicated on the plan but it can accommodate the level of parking indicated on the plan with some alterations. This can be addressed by increasing the width of the dropped kerb across the whole frontage of the site and levelling the area to the front of the property to maximise the amount of space for on-site parking. A condition to ensure the provision of on-site parking as shown on the submitted plans should be included and a condition requiring the kerb is dropped. There is no requirement for specific on-site disabled or minibus parking as each booking will be restricted to one car per session.

### 4.4 Pollution Control Officer:

No objection.

### 4.5 Environmental Health Officer:

After examining the application and associated technical data in respect of the proposed plant and equipment, Environmental Health considers that it is unlikely that the development will have a negative effect on the amenity of nearby residents and therefore has no objections to the application.

### 4.6 Other Representations:

#### Comments on originally submitted details

Objections received from 17 residents raising the following issues:

- Inappropriate use and out of character in a private residential area;
- Use would harm the quiet low traffic environment for residents;
- Use would cause significant disturbance for immediate neighbours;
- Change of use would affect property value and saleability;
- Insufficient and restricted car parking to accommodate additional use of the site and existing residents;
- Additional parking and traffic would cause problems of access for utility, delivery and emergency vehicles;
- Pool users will park along the pavement;
- Use would result in an unacceptable increase in traffic;
- Extra traffic would reduce safety of the drive for residents and their children;
- Cul-de-sac turning area is used for emergency vehicles and service vehicles to manoeuvre;
- Use would generate increased noise and cause general disruption and nuisance to neighbours;
- Increased risk to security;
- Concern about future operating hours;
- Use by friends would be outside the operating hours;
- Commercial use of properties is restricted by covenants;
- Concerns regarding safety of pool users if there is an accident or user becomes ill;
- Impact on drains and sewers of future discharge of chlorinated water and other chemicals;
- No details of safe storage of chemicals on site;
- Use of smart technology to monitor pool activity would be inadequate;
- Installation of CCTV to monitor pool use would lead to loss of privacy;
- A pool facility in this location is unnecessary;
- Emissions from proposed boiler being in use 24 hours a day would affect health of neighbours;
- No guarantees that pool users would comply with a one car rule and this would be difficult to monitor;
- Insufficient car parking and size and quantity of parking available on the site is inadequate;
- No dropped kerb to access driveway parking;
- Noise and disturbance from pool use;

- Light pollution from pool building and any external lighting;
- Noise from heating and extraction units;
- Smell from extractors or vents;
- Loss of privacy and overlooking;
- Pool would be in constant all year round use as private hire, and use by friends and family;
- Up to 5 people per session and 6 sessions a day could result in an extra 30 cars a day;
- No provision for disabled parking;
- The building would overshadow garden and eating area of the PH;
- The plant room and chemical smell would put customers off and damage business at the PH;
- People could end up parking in the PH car park to use the pool;
- Lifeguard parking will be needed if disabled people use the pool;
- Letting out the pool for six days a week is not reasonable use in a residential area;
- Wroxham Road is a busy road and there is poor visibility from the roundabout which makes Chenery Drive dangerous to enter and exit;
- Sprowston Neighbourhood Plan states that all development will be expected to maintain and enhance quality of life and wellbeing of local community;
- Driving over the kerb has caused damage and raised drain covers;
- Inadequate parking without obstructing the footpath

### Comments received following consultation on additional information

Objections received from 6 residents raising the following issues:

- Would not be able to control and monitor the number of cars for each session to restrict this to one per booking despite applicants assertions;
- A request for access to the Blue Boar PH to use their car parking has been rejected;
- Only indicative information is provided for the air source heat pump, noise of which will affect direct neighbours all day everyday;
- 31 out of 33 residents have signed a petition objecting to the development;
- Applicant should not be permitted to submit additional information after the consultation period closing date;

- Applicants property is for sale and concerned that this will be with the private hire use of the pool included;
- The deeds to the properties in Chenery Drive prohibits business use and this has not been recognised as a major factor in the planning application;
- There are five other swimming pools in a 3 mile radius of Chenery Drive that offer public use and have proper parking arrangements and do not affect neighbours;
- Located within the turning area of the cul-de-sac is the worst place;
- Only indicative information is provided in relation to health and safety and pool management
- Additional traffic would create increased vehicle emissions;
- Position of parking for the pool will cause noise and continual disturbance for neighbours living room which is just 8 metres away;
- Noise from the air source heat pump would be constant and unacceptable;
- Unacceptable chemical smells;
- No disabled parking provision;
- No disabled toilet facilities;
- Use of the pool by the public will be detrimental to the quality of neighbours lives;
- The pool would be in use all the time detrimental to the quiet and safe residential environment;
- Additional use of the junction of Chenery Drive and Wroxham Road has an impact on highway safety;
- Smart technology to monitor use of the pool is inadequate to prevent misuse;
- External lighting positioned to be detrimental to neighbours;
- Plans do not show the close proximity of the proposed building to neighbouring properties;
- North and south elevations of the building do not show any measurements or details;
- Ventilation of the pool building will cause noise and odour for adjacent properties;
- Concerns about health and safety of pool users of an unmanned facility;
- Pool rules will be difficult to enforce;
- Inadequate details to determine the impact of noise and smell and impact this will have on customers using the outside area at the PH;

- No need for a public pool in this location;
- The depth of the parking spaces is 4.6m and not as previously advised, an accurate measurement of the area needs to be carried out. This is important to the parking conditions in Chenery Drive and highway safety as it would reduce the cars parked on the pavement causing obstruction for pedestrians;
- NCC legislation on dropped kerb law requires a minimum depth of 4.8m;
- The amended plans are very objective and give no real definition of noise or fumes/smells that could have a detrimental effect on the business at the PH;
- Any loss of trade as a result of this development could have a long lasting impact on viability of the business and cause loss of jobs;
- Building is right up to the boundary with the PH, any external lighting will be directed to B & B rooms;
- Pool users may end up using PH parking spaces;
- A lighter weight pool cover would be more appropriate to allow all year round use that would have less impact on neighbours;

### Petition

A petition opposed to the private hire of the swimming pool has been lodged. Signed by 31 households and the owners of the Blue Boar PH on the following issues:

- Extra traffic and strangers will have an impact on a quiet residential drive;
- Scale of the development would cause disruption with extra traffic and noise affecting quality of life;
- Use will generate more traffic and add to parking problems;
- Concerns about access for emergency services and service vehicles;
- Inappropriate location for business;
- Property deeds do not permit use for business purposes.

## 5 Assessment

### **Key Considerations**

- 5.1 Whether the proposed development accords with the provisions of the development plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance.

- 5.2 Whether the proposed development results in significant detrimental impact upon residential amenity.
- 5.3 Whether the proposed development results in significant detrimental impact upon highway safety and parking.

### **Principle of Development**

- 5.4 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.5 Policy GC2 of the DM DPD states that new development will be accommodated within the settlement limits defined on the policies map. Policy GC4 goes on to state that new development will be expected to avoid any significant detrimental impact with particular regard to the character and appearance of an area and consider the impact upon the amenity of existing properties. Policy H4 considers working from home acceptable in principle subject to the scale and nature of the use relates acceptably to the surroundings. Policy TS3 states that development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network. Policy TS4 requires new development to provide appropriate parking reflecting the use and location as well its accessibility by non-car modes.
- 5.6 Policy 6 of the Sprowston Neighbourhood Plan supports the change of use of part of a dwelling, including the erection of a building or use of an existing building within the curtilage, to permit the occupant to work from home provided the amenity of neighbours is not harmed. Policy 8 of the Sprowston Neighbourhood Plan states that all development will be expected to maintain or enhance the quality of life and the wellbeing of the local community.

### **Highways**

- 5.7 Residents of Chenery Drive have raised objections to the proposal on both highway safety grounds and level and adequacy of parking provided for the proposed development and use.
- 5.8 Chenery Drive is a residential cul-de-sac and the road is fairly narrow. Many of the properties in the immediate vicinity of the application site also have limited on-site parking which means there is a need on occasions to park on the road. Due to the width and configuration of the road this can result in parking half on the pavement.
- 5.9 Residents are concerned that the proposed use of the pool for private hire will result in an increase in traffic on Chenery Drive to a level that is not appropriate for this quiet residential street. The hours of operation of the pool



are proposed to be from 9am to 5pm Monday to Saturday. Each session will be at least one hour in duration and have a 30 minute separation between each booking. This would limit the amount of sessions to a maximum of five per day. In the proposed terms and conditions of pool use the applicant has stipulated that only five people and one car per session will be permitted on site to use the pool at any one time. On this basis the level of traffic generated by the proposed use is not considered to be significant and the Highway Authority has raised no objections on highway safety grounds. The application complies with Policy TS3 of the DM DMP.

- 5.10 Concerns have also been raised about how additional traffic will cause congestion and potential obstruction for utilities vehicles and emergency services as a result of the proposed use. The level of traffic that is likely to be generated by this use is very small (limited to one car per session as stated above) and as 25 Chenery Drive is located right at the end of the cul-de-sac any visitors to the property or the pool would be very unlikely to cause obstruction to other road users. The whole of Chenery Drive would remain accessible up to the end of the cul-de-sac.
- 5.11 Objections have been raised about the level of parking to be provided and that which is actually possible at 25 Chenery Drive for existing occupants and parking for swimming pool visitors. The whole front garden of 25 Chenery Drive is paved. The application proposes a dedicated single parking space on site for swimming pool users during the times that the pool is available for private bookings. This space would be on the existing drive to the front of what was originally the garage to the property and would be accessed from the existing dropped kerb.
- 5.12 The plans indicate that there are 4 available parking spaces on site including the pool parking space. Neighbours contend that the size of the parking area will not accommodate the amount of parking stated and not to a standard to meet highway requirements for parking. The Highway Authority has advised that it would be possible to park 4 cars on the forecourt of the property, although has acknowledged that the depth of the spaces, at between 4.6m and 4.8m does not meet the standards set out in their guidance, and part of the car will partly overhang the footway. However, they have confirmed that due to the location of the property, which is at the end of a cul-de-sac, some encroachment over the footpath would not cause any highway safety issues and that they would not raise an objection to the proposal on this issue. The application therefore complies with Policy TS4 of the DM DPD.
- 5.13 It is noted that there is level changes between the tarmac section of the drive and the paved parking area within the property's frontage that would benefit from some minor re-levelling to maximise the parking area available. A further requirement would be to extend the dropped kerb across the whole frontage of the site to make the existing parking area more easily accessible. These changes would be secured by conditions.

- 5.14 The applicant has indicated on the approved plans of the building that a disabled changing room will be provided. This has resulted in a number of comments that if the pool will be catering for disabled swimmers that a disabled parking space will also be required. The Highway Authority has stated however that as one of the rules of pool use is that only one car per session is allowed, the allocated space is sufficient for use as a disabled space and no specific provision is required as a result.
- 5.15 Therefore, with regard to highway safety and parking, it is considered that with the imposition of a condition to extend the dropped kerb and ensure that the on-site parking is maximised, the application is in accordance with Policies TS3 and TS4 of the DM DPD.

### **Residential Amenity**

- 5.16 The pool is located in the rear garden of the property, in the south west corner of the site where it abuts the rear boundary of the Blue Boar PH. This is an existing pool that has planning permission to be enclosed by a building to allow all year round use including the use for private hire which is the subject of this application. Permission was granted by the Planning Committee for the pool building in January this year.
- 5.17 Pedestrian access to the swimming pool will be provided via a gate adjacent to the southern boundary with 23 Chenery Drive and immediately adjacent to the proposed allocated parking space. The applicant has explained that the site will only be accessible for pre-booked sessions and the use of 'smart technology' will both monitor and allow access to people who have booked. The same technology will ensure that pool users are complying with the terms and conditions of the facility in terms of number of people using the pool and the length of their stay. Terms and conditions set out by the applicant state that any abuse of the terms of use will result in those people not being able to use the pool in the future. The local planning authority are confident that the applicants will monitor use of the pool as stated to ensure that any abuse of the terms of conditions of the pools use are appropriately dealt with.

### Noise

- 5.18 The immediate neighbours are concerned that use of the pool will result in noise and disturbance that will be detrimental to their quality of life and affect the quiet enjoyment of their properties and gardens. There are two aspects of this concern: the first is the noise of cars and people arriving and leaving the pool and of noise of people within the pool building during their swimming session; the second is the noise and disturbance that will be caused by the heating and extraction methods used within the pool building itself.
- 5.19 The arrival and departure of five cars per day at intervals of approximately an hour and a half is not considered to be significant. People getting into and out of their cars may cause some noise with talking and banging of car doors but

not to a level that would be unexpected in a residential area. The hours of operation are also restricted to between 9am and 5pm Monday to Saturday which are considered reasonable daytime hours and not considered anti-social hours that may cause undue disturbance to neighbours. Once into the site the pathway leading to the pool is away from immediate residential neighbours. This runs a short distance along the boundary wall with the PH and will lead directly into the entrance door of the pool building. There will be no requirement for pool users to enter any part of the rear garden of 25 Chenery Drive to access the pool. The pool will be totally enclosed within a building and any noise associated with people using the pool will be very limited, particularly as the amount of people able to use the pool at any one time will be restricted to a maximum of five.

- 5.20 Heating of the pool is proposed to be by air source heat pump, which is proposed to be positioned on the south west corner of the building with the equipment housing facing into the garden of 25 Chenery Drive and towards the neighbour at 44 Chenery Drive. This neighbour is concerned that the noise from this unit will be at a level that would cause noise and disturbance to their property and garden, noting that the unit would be in continual operation to heat the pool and pool building. Air source heat pumps can be noisy; however the details submitted by the applicant as an indication of the type of unit that would be required for heating the building and pool shows that the noise levels will be low at approximately 52db. The unit would be approximately 13m from the boundary with the neighbour and at least 20m from the nearest part of their property. The boundary between 25 and 44 Chenery Drive is screened by a mix of planting and fencing. The Environmental Health Officer has also confirmed that the decibel levels of the type of air source heat pump unit proposed would be unlikely to have a negative effect on the amenity of nearby residents.
- 5.21 The intakes and exhausts of the air handling unit which will deal with the ventilation of the pool will be positioned in the roof above the plant room which is located adjacent to the eastern wall of the building where it abuts the boundary of the Blue Boar PH garden. Information about the type of unit required to adequately ventilate the building has been provided by the applicant. The data supplied indicates that the unit would have a low noise level similar to units used to ventilate a kitchen or bathroom. The Environmental Health Officer has raised no objection stating that the noise level would not be detrimental to residential amenity.

### Smell

- 5.22 Another concern raised by immediate neighbours is the potential for chlorine smells to impact on the enjoyment of their outside space. The PH has also raised concerns that the smell from the pool will be detrimental to their outside diners and harm business as a result. The swimming pool is an existing feature of the rear garden of 25 Chenery Drive and for this reason there must already be the potential for chemical smells to affect neighbouring properties

from this uncovered pool. It is considered therefore that an indoor pool would have no greater impacts for neighbours than currently exist.

### Loss of Privacy

- 5.23 Pool users will park immediately adjacent to the gate that provides the access to the pool at the rear of 25 Chenery Drive. The neighbour at 23 Chenery Drive has no windows close to the parking space or on the side elevation of their property. This part of their property was formerly a garage but has now been converted to an additional room, although the external appearance of the garage has not been changed (the garage door has been retained). The boundary between 23 and 25 Chenery Drive is screened by a low brick wall and railings to the extent of the rear of the former garage. The applicant has planted a beech hedge along this part of the boundary between the two properties. A solid brick wall approximately 1.8m high screens the remainder of this boundary from the back of the former garage to the rear boundary. Visitors to the pool would not be able to look into the rear garden of 23 Chenery Drive to cause any loss of privacy.
- 5.24 The front windows of 23 Chenery Drive are approximately 8 metres away and at such an angle to the parking space and entrance gate that no direct views into these would be possible. The high brick wall that separates 25 Chenery Drive from the Blue Boar PH will ensure that anyone walking down the side path to the pool would not be able to look into the PH building or garden.
- 5.25 There will be large glazed panels on the elevation facing 44 Chenery Drive and this neighbour is extremely concerned about loss of privacy to their rear garden. The applicant has advised that these glazed panels will not be able to be opened and that it would be possible to fit the windows with blinds that could be fixed shut during private lettings. Regardless of this fact, it remains that the building is located at least 13m from the boundary and there is good screen planting on the shared boundary that will prevent any overlooking from the pool building and loss of privacy to neighbours during its use.

### Light Pollution

- 5.26 The applicant is not proposing to install any external lights to the new swimming pool building. New lighting is proposed to be fitted to the side wall of their property adjacent to the access to the pool however these could be fitted without the need for any planning permission. Light pollution associated with the private hire of the pool building is extremely unlikely apart from some times during the winter months as the hours of operation are limited to between 9am and 5pm.
- 5.27 Therefore with regard to impact upon residential amenity, it is considered that the proposal will not result in any adverse impact on noise, privacy, smell or light pollution and the application is in accordance with Policy GC4 of the DM DPD and Policies 6 and 8 of the Sprowston Neighbourhood Plan.

### Other Issues

#### Disabled Facilities

- 5.28 A number of concerns have been raised that the applicant must not discriminate against pool users and that a public pool, as this would be, must be accessible by disabled people. Comments have been made that although there is a disabled changing room shown on the approved plans that there is no disabled toilet and access into and within the building is not of an appropriate standard to meet disability requirements. Part M of the Building Regulations does require that new buildings for public use must be built to be accessible for disabled people. It is acknowledged that some minor modifications to the interior of the building will be required but that this will be possible without altering the external appearance or size of the building as already approved by planning. The construction of the building will require a full plans application submitted for Building Control approval and Building Control will oversee the construction process to ensure compliance.

#### Health and Safety

- 5.29 It is likely that the pool will be an unmanned facility and residents of Chenery Drive have raised concerns about the safety of pool users and what would happen in the event of an accident. This is not a planning matter and the applicant will be responsible for the safety of pool users and implementation of any health and safety requirements associated with operating a public pool.

#### Chemical Storage

- 5.30 The pool will be managed using chlorine as it currently is and chemicals will be stored in the locked plant room. The level of chemical use for a pool of this size will be relatively small and less than 100 kg of granular product per year. The applicant has stated that these will be added to the pool by an automated system. It is considered that there would be no safety issues associated with the storage and use of pool chemicals for neighbours.

#### Future Use

- 5.31 Concerns have been raised regarding future use of the pool should the current applicant decide to sell their property and whether the use of the pool for private lettings would be automatically permitted to continue. The applicant has set out clear terms and conditions for use of the pool and also intends to use modern technology to monitor that the pool is being used in accordance with these rules. However, it is agreed that a new owner may not operate the pool in the same way. For this reason a condition that is personal to this applicant is suggested and on change of ownership use of the pool for private lettings would cease.

### 6 Conclusion

- 6.1 In having regard to those matters raised, it is considered that the proposed development is appropriate and will have an acceptable impact on residential amenity, highway safety and parking. The application is therefore in accordance with Policies GC4, H4, TS3 and TS4 of the DM DPD and Policies 6 and 8 of the Sprowston Neighbourhood Plan and is recommended for approval.

Recommendation:

**APPROVE** subject to conditions:

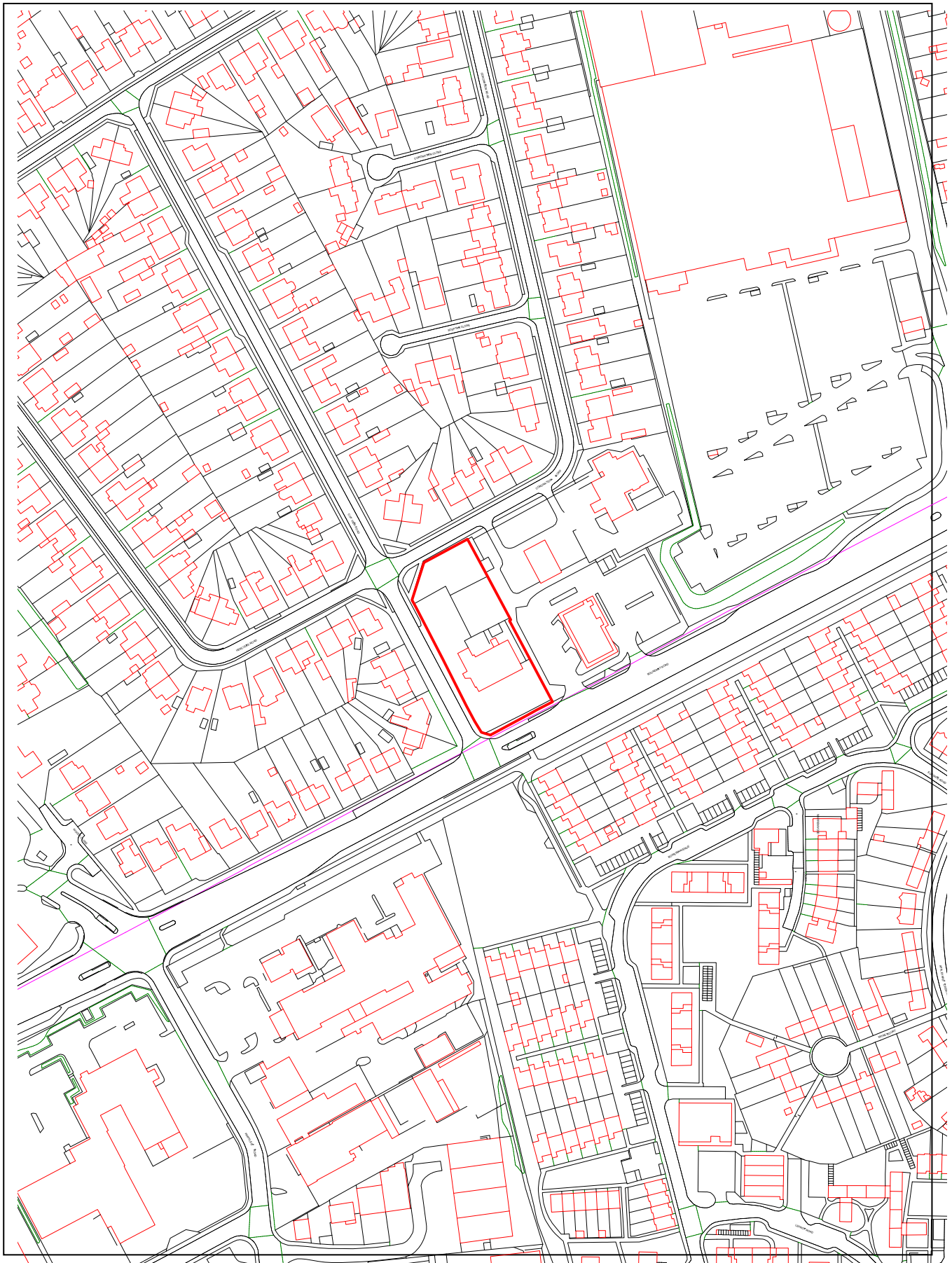
- 1 (A1) Full Planning Permission time limit
- 2 (E3) In accordance with submitted drawings and details
- 3 (C3) Personal to applicant
- 4 (I2) Hours and days of operation
- 5 (NS) Maximum number of people per session
- 6 (NS) Maximum number of cars per session
- 7 (NS) Provision of dropped kerb
- 8 (NS) Provision and layout of car parking

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

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**Application No: 20190061**

**The Whiffler, Boundary Road, Hellesdon, NR6 5JB**

**Scale:  
1:2500**

**Date:  
3-Jun-19**



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Application No: [20190061](#)  
Parish: Hellesdon

Applicant's Name: J D Wetherspoon PLC  
Site Address: The Whiffler, Boundary Road, Hellesdon, NR6 5JB  
Proposal: Erection of conservatory extension to front elevation with retractable roof, single storey rear extension to form a new kitchen, provision of additional parking spaces and associated works

### Reason for reporting to committee

Two local Members have requested that the application be determined by the Planning Committee for appropriate planning reasons as set out below in section 4.

### Recommendation summary:

Approve subject to conditions

#### 1 Proposal and site context

- 1.1 The application seeks full planning permission for single storey front and rear extensions and an extension and alterations to the car park at The Whiffler Public House in Hellesdon.
- 1.2 The public house is located towards the front of a large corner plot site within the defined settlement limits of Hellesdon. Coronation Road is to the north of the site with residential dwellings beyond. To the east of the site is a McDonald's restaurant and to the south of the site is the busy Boundary Road. To the west is City View Road with a parade of shops and some residential dwellings further west on the opposite side of the road.
- 1.3 The Whiffler is a two storey building constructed of red bricks with a steep red tiled roof. The building has two projecting hipped roof gables on both the front and rear elevations, as well one to each side elevation and a steeply pitched dormer window centrally to the front. The building already has single storey flat roof extensions to the front and side.
- 1.4 The proposed extension to the front of the public house is to be a flat roof single storey extension. It is proposed to be an aluminium framed, fully glazed structure with a fully retractable roof and sliding and folding glazed doors on all sides. The front extension is to measure 22.5 metres in width and have a depth of 5.25 metres. It will also have a total height of approximately 2.8 metres. This proposal will incorporate the main entrance to the building and will increase the customer area within the Public House.



- 1.5 The extension proposed to the rear of the building is to increase the size of the kitchen area. This is a single storey flat roof extension constructed with bricks proposed to match those used on the main building. The rear extension is to measure 10.5 metres in width, have a depth of 4.3 metres and be 3 metres in height.
- 1.6 The site has car parking to the front, rear and western side of the Public House building and there are two vehicular access points off City View Road. The existing car park, which currently has approximately 44 car parking spaces, is proposed to be altered and extended to incorporate a grassed area to the north (rear) of the site which will result in a total of 65 car parking spaces being available on site, including an additional disabled parking space. The application will also result in the addition of a designated space for service delivery vehicles and additional cycle spaces. The surface for the extended car park area has not been confirmed at this stage.
- 2 Relevant planning history
- 2.1 [821292](#): Alterations. Approved 5 August 1982.
- 2.2 [870272](#): Alteration to external appearance of building. Approved 26 February 1987.
- 2.3 [960452](#): (1) Demolition of existing public house and ancillary buildings. (2) Construction of A1 retail unit, car park, servicing and landscaping (outline). Refused 16 September 1996.
- 2.4 [981256](#): (1) Refurbishment of existing Public House. (2) Minor changes to shopfront. Approved 29 December 1998.
- 2.5 [990319](#): Erection of two-storey 33 bedroom Travel Lodge with basement parking. Refused 2 June 1999.
- 2.6 [20031550](#): Erection of conservatory. Approved 23 December 2003.
- 2.7 [20051484](#): Flat roof rear extension to enlarge commercial kitchen. Approved 8 December 2005.
- 2.8 [20060554](#): Proposed residential development of 4 no: 2-bed flats, 2 no: 2-bed houses and 3 no: 3-bed houses (outline). Refused 26 May 2006.
- 2.9 [20071339](#): Extension to Public House to provide additional customer area. Refused 8 November 2007.
- 2.10 [20071552](#): To install a contemporary glazed canopy to part of the front elevation of the property to provide a smoking haven. Refused 28 November 2007.

- 2.11 [20071722](#): Retractable awning to provide smoking shelter. Approved 21 January 2008.
- 2.12 [20151312](#): (1) Extensions & alterations to existing Public House & gardens. (2) Revised parking, new cycle parking & associated works. Refused 3 December 2015.
- 2.13 [20151503](#): Proposed 30 bedroom hotel within the grounds of existing pub/restaurant including parking, landscaping and associated works. Full Refused 3 December 2015.
- 2.14 [20180588](#): Erection of conservatory extension to front elevation with retractable roof and single storey rear extension to form a new kitchen. Withdrawn 19 June 2018.
- 2.15 [20180775](#): Single and two storey extensions to Public House comprising 31 hotel bedrooms and kitchen extension. Withdrawn 3 July 2018.

### 3 Planning Policies

#### 3.1 National Planning Policy Framework (NPPF) (2018)

NPPF 02: Achieving sustainable development  
NPPF 04: Decision-making  
NPPF 06: Building a strong, competitive economy  
NPPF 08: Promoting healthy and safe communities  
NPPF 09: Promoting sustainable transport  
NPPF 12: Achieving well-designed places  
NPPF 14: Meeting the challenge of climate change, flooding and coastal change

#### 3.2 Joint Core Strategy (JCS) (2014)

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

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

Policy GC1: Presumption in favour of sustainable development  
Policy GC4: Design  
Policy EN2: Landscape  
Policy EN4: Pollution  
Policy TS3: Highway safety  
Policy TS4: Parking guidelines

Policy CSU5: Surface water drainage

### 3.4 Hellesdon Neighbourhood Plan (2017)

There are no policies that are considered to be specifically relevant to the application in the Hellesdon Neighbourhood Plan.

### 3.5 Supplementary Planning Documents (SPD)

Landscape Character Assessment SPD

## 4 Consultations

### 4.1 Hellesdon Parish Council:

Object due to concerns surrounding parking, highway and pedestrian safety, and having a deleterious effect on local residents. There are also substantial additional concerns regarding extra land at the front of the property not being used for parking and the intent of this in any future developments on the site.

Further comments following submission of revised Proposed Site Plan and parking layout:

Object on grounds that increased parking will not meet future demand and there will still be dangerous parking on the highway.

### 4.2 Conservation Officer (Arboriculture & Landscape):

- A Tree Protection Plan (TPP) & Arboricultural Method Statement (AMS) has been produced by Ligna Consultancy, this includes details of two existing trees T2, T3 (Cat C) & G2 (Cat C) which will be removed.
- G1, G3, T1 & T4 are shown to have encroachment within their Root Protection Areas (RPA's) to accommodate the new hard standing shown for the carpark, 'No-Dig' three-dimensional cellular system has been specified for the surfacing within the trees RPA's.
- I can find no detail of the amounts of new hard standing specified within the retained trees RPA's, so it is not possible to verify that it doesn't exceed 20% maximum specified within BS5837.
- If the percentage of new hard surfacing is below 20% the proposals will be acceptable, if the proposals are practicable from a construction perspective (can the change in levels and the transition from conventional construction to 'No-Dig' in the areas show annotated on drawing No.P1385 – TPP01 V1 actually be achieved).

- The Tree Protection Plan and Arboricultural Method Statement appear acceptable if the recommendations specified are implemented in full.

### 4.3 Economic Development Officer:

Generally I would support the proposals for the expansion of the existing pub, particularly given the employment opportunity that this brings with it. I do have some concerns, however, regarding the current parking situation around the site. At the time of my visit, (mid-morning) the existing car park was full and there was extensive on-street parking. I note from the application that the parking on the site is being expanded and rationalised but I am concerned that highways are happy that the extra parking can address the current issues adequately as well as the expansion of the business. If the issue around the site worsens this could be to the detriment of other nearby businesses so I wouldn't want to see this problem exacerbated.

#### Further comments following submission of revised Proposed Site Plan and parking layout:

I can confirm that, based on the amended plans, which appear to show a significant improvement to the proposed parking situation, I have no reason to object to the amended application.

### 4.4 Environmental Health Officer:

No objection. The proposed kitchen will be required to meet current food hygiene standards and it is recommended that the applicant contacts Environmental Health to discuss their proposals.

### 4.5 Norfolk County Council as Highway Authority:

You will be aware of the previous Highway Authority objections to proposed extensions of this public house (20180588 & 20151312). Notwithstanding that, this latest proposal is somewhat smaller in scale and does increase parking to a minimal extent. Unless this issue is satisfactorily resolved I fully expect to reiterate the previous Highway views. Having re-inspected the site during an apparently busy period last week and counted the available parking spaces I very much doubt that, in reality, the on-site parking provision (total 65 spaces) as shown on the submitted site layout plan is accurate. A potential solution to this clear shortfall in parking provision would be for the grassed banked area to the north of the site to be made available for parking and this should be suggested to the applicant's agent. In making this request I am aware of Government planning guidance seeking to avoid an over reliance on the use of the car and to this end reducing on-site parking provision in certain situations and locations. This particular out of town site has a clear attraction for car borne customers that cannot be practically altered and this leads to off-site parking that is considered detrimental to highway safety. On this basis the need for further on-site parking is considered to be fully justified.

Additionally the submitted plan shows a servicing area adjacent to one of the sites vehicular access points that is totally unsatisfactory. This service point access should be relocated to avoid conflict with vehicles accessing or egressing the site.

Further comments following submission of revised Proposed Site Plan and parking layout:

The applicant's agent has provided a revised parking plan showing the area to the north of the site to be available for parking, a practical parking layout on the overall site and the servicing/delivery area re-sited to avoid conflict with the access arrangements to the highway. On this basis the applicant has done everything that appears possible to ensure on-site parking provision is provided for car borne customers and given that the size of the extension has been reduced in floor area from that previously seen, I feel it would be very difficult now to maintain any objection. I do note that the proposed site layout drawing 7496PL05 RevC shows the vehicular access being altered and this to include dropped kerbs to the footway radius and tactile paving crossing points. This seems rather excessive and the revised vehicular access points should simply be standard footway crossings as shown on Norfolk County Council drawing TRAD 1.

Should your Authority be minded to approve the application the following conditions and informative note should be appended to any consent notice issued. (Officer Note: Two conditions relating to vehicular access and on-site car and cycle parking are to be added to the decision notice as requested by the Highway Authority).

4.6 Norfolk County Council as Community and Environmental Services (Minerals and Waste Policy):

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 and location it would be exempt from the requirements of Policy CS16-safeguarding of the adopted Norfolk Minerals and Waste Core Strategy.

4.7 Pollution Control Officer:

No objection.

4.8 Other Representations:

Letters of representation have been received from 13 addresses in Hellesdon, all of which object to the application. In summary the representations have raised the following issues:

- No problems with extensions but need extra parking - current parking provision is inadequate.
- Ground surface of existing car park is uneven causing large puddles and further restricting parking.
- Proposed parking plans are unrealistic and will not work – spaces 1-4 often flood, several spaces do not work or allow enough room to drive through or park - plans provide room for cars but not large vans or lorries – plans show two cars being able to access the entrances at any one time which in practice there is insufficient room for this.
- Additional parking is welcomed but is only adequate for the current size of the premises. The number of proposed parking spaces is overly optimistic and disingenuous.
- Plans show additional parking but there will be additional staff who will take up these spaces.
- Plans will make parking worse on site due to extended storage area
- There seems a reluctance to use the land available to the north of the site for parking? This should be used for additional parking
- The highway and pedestrian safety from the overspill of cars parking on the nearby road is worsening and will worsen further – Overspill from the Whiffler results in cars parking and blocking footpaths, reducing carriageway from two way to single lane traffic - Pedestrians have to either walk in the road or cross the road to get past the cars parked on the pavement
- Double yellow lines should be installed on both sides of City View Road
- There is insufficient room for delivery vehicles – delivery vehicles often have to turn, reverse and park in the road.
- There is insufficient disabled spaces provided on site
- Cars often drive on path to enter or leave car park or negotiate parked cars
- Area is already known as a rat run and volume of traffic is high
- Both vehicular access points are a hazard – cars are parked on City View Road and Coronation Road and regularly turn and reverse to gain access to car park

- Vehicular access closest to Boundary Road is dangerous and should be stopped up
- Proposals impact on road surface
- The main Boundary Road is already impacted by vehicles queuing at the junction due to vehicles waiting to gain access to the car park – additional traffic will cause additional congestion
- With Subway and other shops also accessed off City View Road, there is already an increase in parking issues as these premises have limited parking
- The bus stop on City View Road is often inaccessible
- Plans would result in there being no smoking area as this would be lost to additional parking area – if moved to the side or rear of the site residents will suffer noise pollution from people outside
- Proposal will result in noise and light pollution due to cars sitting with their engines on and music playing in the car park or parking on nearby roads
- Design of extension and retractable roof will result in noise pollution late into the evening
- Parking on footpaths destroys the grass verges.
- Plans show removal of a mature hedgerow – there is so little green space in the area that it would be a definite loss to wildlife and birds
- There are on-going problems with sewers and surface water drainage in the area

Further comments following submission of revised Proposed Site Plan and parking layout:

- I think the new car park layout is a much better plan
- We welcome the additional parking on the grass land; however this doesn't increase the overall parking capacity on the site. With 65 spaces on both the original and revised plans there is no improvement in parking capacity at the site.
- How many extra covers are proposed? Will additional parking be sufficient?
- 65 Spaces is still insufficient. Further spaces could be provided on the grassed area.

- More disabled spaces are required as one is insufficient
- Spaces should be made available as vans and commercial vehicles which are just as prevalent as cars.
- We fear that the additional parking may come at a later date or the additional parking doesn't happen at all
- Service vehicles space is too close to car park entrance and will cause obstruction to cars entering or leaving the site
- The entrance/exit nearest the Boundary Road is too close to this junction. Cars often have to stop half in and out of this junction. Increased traffic will impact on Boundary Road junction.
- Cars are currently parking on both sides of City View Road, close to the junction with Coronation Road and therefore blocking the view of vehicles wanting to exit the car park
- Cars park on roads in the area even when there are spaces available within the car park so additional parking spaces will not address this issue but extra seating capacity will increase the problem
- Extra cars from proposal will worsen traffic volumes in the area
- However many changes there are to the application it makes no difference to the amount of traffic on City View Road and adjacent roads
- Double yellow lines should be installed on both sides of City View Road
- Headlights from increased traffic will impact local residents. Boundary treatments should be installed to screen this.
- Noise levels from the pub garden late at night would also impact local residents, particularly in the summer. Pub garden should be removed to accommodate further parking.
- Concerns over ventilation. Currently cooking smells are frequent and pungent and with additional cooking this will only get worse.

#### 4.9 Cllr Tony Adams and former Cllr Richard Grady:

Would like this application considered by the Planning Committee as this might be contrary to GC4 (iv) and TS3. There are already considerable problems with parking on the roads surrounding The Whiffler because there is insufficient parking. Also the exit from The Whiffler is from City View Road



onto the extremely busy Boundary Road which might endanger highway safety.

### 5 Assessment

#### **Key Considerations**

- 5.1 The impact of the development on the parking on site and on highway safety.
- 5.2 The impact of the development on the character and appearance of the area.
- 5.3 The impact of the development on residential amenity.

#### **Principle**

- 5.4 As set out in paragraph 1.1 of this report the proposal is for single storey extensions to the front and rear of a public house as well as alterations and an extension of the car park.
- 5.5 The site is situated within a sustainable location, within the settlement limits of Hellesdon where Policy GC2 seeks new development to be located. Policy 5 of the JCS meanwhile states that the local economy will be developed in a sustainable way to support jobs and economic growth both in urban and rural locations. The policy also promotes development of appropriate new and expanded businesses, which provide either tourism or other local employment opportunities. The proposed extensions will help the expansion of a business within the district and the employment opportunity that this brings with it. The application therefore complies with Policy 5 of the JCS. The principle of the development is therefore considered to be acceptable.
- 5.6 The key considerations of the application are whether the proposed development accords with the provisions of the development plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance, in particular as to whether the development will have any detrimental impact with regards to the parking and highway safety, the character of the area or residential amenity.

#### **The impact of the development on the parking on site and highway safety**

- 5.7 The Whiffler Public House is located in a relatively busy area and the car park serving the site frequently operates at or near capacity. Currently there are often times when the car park is full and when vehicles are parked on the nearby footpaths, particularly on City View Road, immediately adjacent to the public house. Objections have been received from the Parish Council, two local Councillors and several neighbouring residents who have raised concerns regarding the impact of the proposals on the parking and highway safety in the area.

- 5.8 More specifically, concerns have been raised that there is currently insufficient parking at the site and that the proposed extensions will increase the number of people visiting the site and therefore worsen the parking situation both at the site and on surrounding roads. Concerns have also been raised that the southern access is within close proximity to the Boundary Road to the south and that additional vehicular movements using this access will result in a detrimental impact to highway safety.
- 5.9 As set out in paragraph 2.14 of this report, the current proposals follow a very similar application, which was withdrawn in June 2018, following an objection from the Highway Authority. The objection was due primarily to concerns that the scheme would worsen the parking situation at the site. As not all of the parking spaces on the site are demarcated it is difficult to tell exactly how many parking spaces there currently is within the site. It is estimated that the site provides for approximately 46 parking spaces and the Highway Authority have previously stated that 65 spaces were required due to the proposed extensions.
- 5.10 The current proposals are for very similar extensions to those previously submitted under the withdrawn application, although the extension to the front of the public house has been reduced in size. Norfolk County Council in their role as Highway Authority initially still raised concerns to the current application due to the lack of parking provision at the site. They stated that this particular out of town site has a clear attraction for car borne customers that cannot be practically altered and this leads to off-site parking that is considered detrimental to highway safety. The Highway Authority suggested that a potential solution to this would be for the grassed banked area to the north of the site to be made available for additional parking. They also stated that the parking space proposed for service delivery vehicles was unsatisfactory and that this should be altered to avoid conflict with vehicles accessing or egressing from the site.
- 5.11 During the course of the application the plans have been amended, by request, to include additional parking on the grassed area to the north of the site which results in a total of 65 parking spaces being provided on site, as requested. The amended plans also revised the service delivery parking space to accord with the comments from the Highway Authority and increased the amount of disabled parking on site to three spaces. With the plans in their amended form the Highway Authority has stated that the applicant has done everything possible to ensure on-site parking provision is provided for car borne customers and, given that the size of the extension has been reduced in size from that previously seen, they have said that it would be very difficult to maintain any objection.
- 5.12 The Highway Authority has requested that two conditions are imposed which require the width of the vehicular accesses to be widened and accesses and parking to be as laid out on the plans prior to the first occupation of the extensions. These conditions are proposed to be imposed as requested.

- 5.13 Both the Parish Council and some neighbouring residents have raised concerns that, even with the additional parking on the site, there will still be dangerous parking on the highway. It is important to point out however, that this is a problem that already exists in the area and will continue whether this application is approved or not. It must also be noted that there is a parade of shops on the opposite side of City View Road, including a Subway restaurant and so this problem is not solely due to vehicles associated with visitors to the public house. The surrounding roads, including City View Road do not have parking restrictions such as double yellow lines and therefore there is every chance that parking will still exist on the surrounding highway in the future. Given however that the parking is being significantly improved on site the application is certainly not considered to worsen the situation.
- 5.14 Concerns have also been raised by two local Councillors and from neighbouring residents due to the close proximity of one of the accesses to the Boundary Road. Amongst other things it is stated that the proposals will result in increased vehicular movements which will cause more vehicles to slow and turn onto or off the Boundary Road and cause more congestion and delays whilst cars try to access the car park. Again it should be stressed that the access points are as existing and therefore this is a situation that already exists. Whilst the application may result in additional vehicular movements to the site it is not considered that this will be so significant as to cause any detrimental impact upon highway safety. It should also be noted that the Highway Authority has raised no objection regarding this.
- 5.15 Overall it is considered that the application will provide sufficient on-site parking and will not result in any detrimental impact upon highway safety. The application therefore complies with Policies TS3 and TS4 of the DM DPD.

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

- 5.16 The proposed extension to the front of the public house is of a contemporary design which has previously been discouraged on a past application (20151312) for an extension on the site. The current proposals are however for a smaller extension than previously proposed and it is noted that the building already has an existing single storey flat roof extension to the front. Given the single storey nature of the extension and the fact that there are other more modern buildings in the area such as the McDonalds restaurant to the east of the site, the design is considered to be acceptable. The extension to the rear will be less contemporary and better screened but will again be of an acceptable, size, scale and design. Overall although both extensions will be clearly visible from the street scene, it is considered that they will not cause any harm to the general character and appearance of the area. The application is therefore considered to accord with Policy 2 of the JCS and Policy GC4 of the DM DPD.

### **The impact of the development on residential amenity**

- 5.17 Concerns have also been raised with regards to the impact that the proposals will have upon nearby residential amenity, in particular regarding noise, light and odours. With regards to the noise at the site the proposed extension to the front is to have sliding doors and a retractable roof, and when combined with the enlarged car park and additional vehicular movements it is likely that there will be increased noise levels at the site. The extension to the front however is only likely to have the doors fully open and roof retracted at certain times during summer months and the noise which comes from this will not be dissimilar to the noise that could arise from the beer garden during similar times of the year. Any additional noise from the extension to the front should be set against the fact that the beer garden is to be significantly reduced in size due to the extension of the parking area. The extension to the front is also further away from neighbouring properties on the north side of the Boundary Road than the beer garden which is being reduced in size.
- 5.18 With regards to the noise from the additional vehicular movements and extended car park it should be stressed that this will be heard against the background noise of the busy Boundary Road to the south and neighbouring late night uses such as the noise generated from the McDonalds restaurant to the east. The proposed surface for the additional car parking area has not been confirmed yet and this is to be conditioned. Notwithstanding this there is already an area of gravel parking at the site and the extension to the car park is not considered to result in any significant increase in noise levels.
- 5.19 With regards to light pollution, concerns have been raised that this will be created by additional car lights within the car park. However, given the busy location and the fact that there is already a large car park at the site and parking occurring elsewhere in the area, it is considered that the proposal will not result in any significant increase in light pollution. The fact that the front extension has sliding doors and a retractable roof is likely to mean that there will be additional light seen from inside the building, however the front extension faces the Boundary Road with the nearest residential properties to the south being approximately 45 metres away. When taking into account the built up location of the site and that the McDonald's restaurant to the east has large amounts of glazing as well, it is considered that the proposal will not result in any significant light pollution or have any detrimental impact upon the nocturnal character of the area.
- 5.20 Concerns have also been raised that the extension to the kitchen and increase in covers at the public house will result in additional cooking and therefore additional odour issues. Taking into consideration that there are Subway and McDonald's restaurants in close proximity and the fact that any increase in cooking is not likely to be significant and it is considered that the proposal will not result in any significant increase in odours. The Council's Environmental Health Officer has been consulted on the application and has raised no concerns with regards to noise, light or odour pollution. It is

therefore considered that the proposals will not result in any pollution or have any significant detrimental impact upon neighbour amenity. The application is therefore considered to accord with Policies GC4 and EN4 in this regard.

### **Other issues**

- 5.21 There are some trees on the site which are mainly located towards the northern and eastern boundaries. A Tree Protection Plan and Arboricultural Method statement has been submitted with the application which details protection measures for the retained trees on site but does show that a small amount of hedging and three trees are proposed to be removed. These three trees are however described as having low impact significance. The Council's Conservation Officer (Arboriculture & Landscape) has raised no objection to the loss of these trees and has stated that, if the recommendations specified are implemented in full, the Tree Protection Plan and Arboricultural Method Statement appear acceptable.
- 5.22 One neighbouring resident has raised concerns that the loss of the trees and hedging will have a detrimental impact upon the wildlife in the area. Given however that the majority of the trees are being retained on site it is considered that the proposal will not result in any significant detrimental impact upon the wildlife on site or in the area.
- 5.23 One neighbouring resident has raised concerns surrounding the condition of the existing parking surface however this is an existing problem and is considered to be a management issue rather than something that needs to be addressed by this application.
- 5.24 With regards to surface water drainage on the site, as the surface details of the additional car park area are yet to confirmed this will be considered further at a condition stage when the full details of the car park surface has been submitted.
- 5.25 The Council's Environmental Health Officer has stated that the kitchen will be required to meet current food hygiene standards and an informative is proposed to be imposed to any subsequent decision notice to inform the applicant of this and advise them to discuss their proposals with the Council's Environmental Health team.
- 5.26 This application proposes over 100m<sup>2</sup> of additional floorspace and is therefore liable for Community Infrastructure Levy (CIL).

### **Conclusion**

- 5.27 Overall, the proposal will result in additional employment and support the growth of a business in the area. As set out above it is considered that the proposals will not result in any significant harm to the parking on site, highway safety, the general character and appearance of the area or residential

amenity. It is considered that the benefits of the proposals outweigh any harm that may arise and that the application represents an acceptable form of development. Accordingly, the officer recommendation is that the application is approved.

Recommendation:

**APPROVE** the application subject to the following conditions:

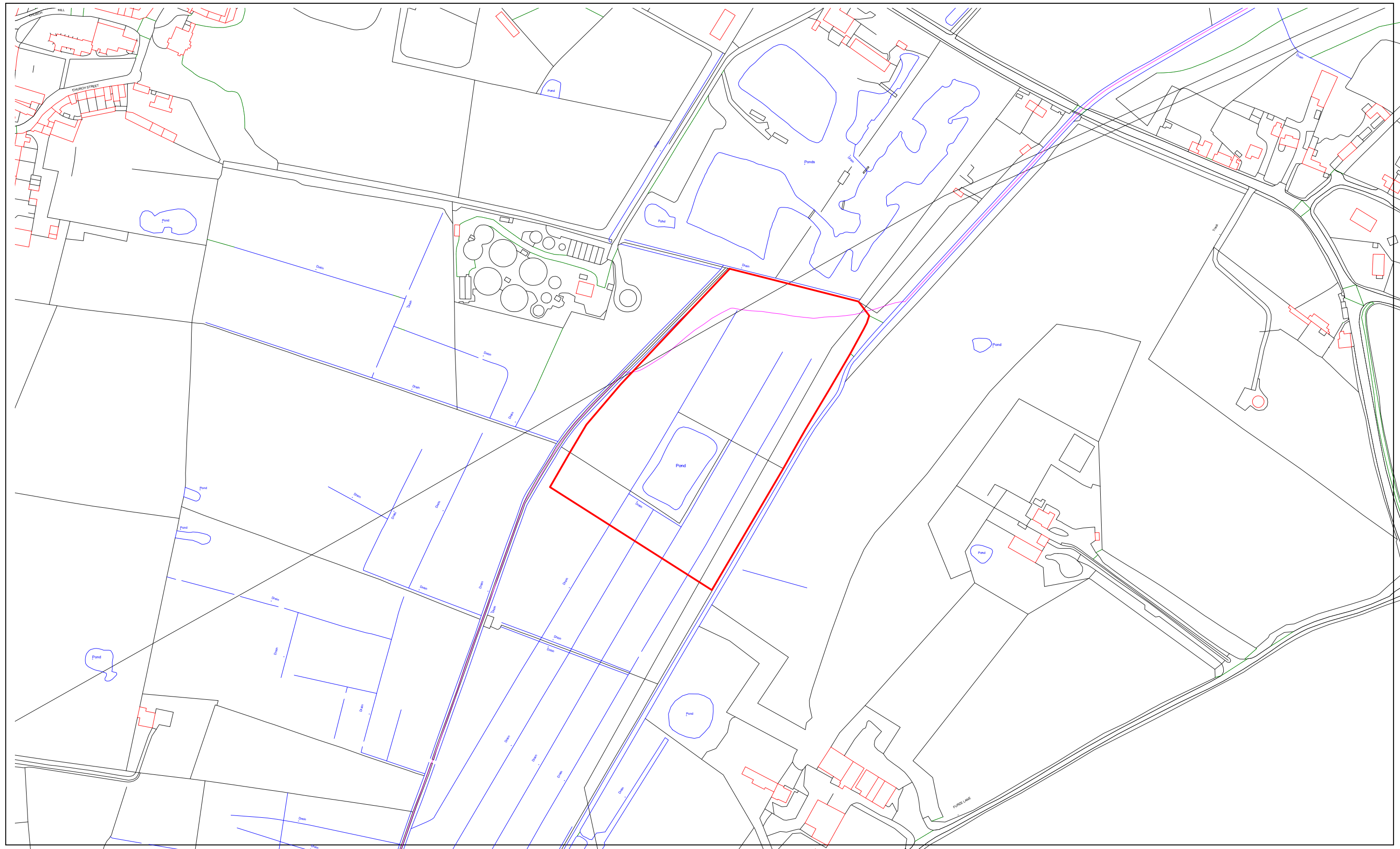
- 1 (A1) Time Limit (3 years)
- 2 (E3) Development shall be carried out in accordance with the approved plans and documents
- 3 (SHC05 - Variation) Highways – vehicular access to be widened
- 4 (SHC20) Highways – on-site parking to be laid out in accordance with plan prior to first occupation of extensions
- 5 (NS) Development shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan.
- 6 (NS) Details of the surface for the car park extension shall be submitted and approved

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

Christopher Rickman

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**Application No: 20181808**  
**Beck Farm, Norwich Road, Reepham, NR10 4NR**

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**Scale:**  
**1:2500**

**Date:**  
**3-Jun-19**



Application No: [20181808](#)  
Parish: Reepham

Applicant's Name: Reepham Fishery  
Site Address: Beck Farm, Norwich Road, Reepham  
Proposal: Change of use of land to provide two new fishing lakes

### Reason for reporting to committee

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

Recommendation summary:

Refuse

- 1 Unacceptable impact on the County Wildlife Site
- 2 No significant overriding social or economic benefits

### 1 Proposal and site context

- 1.1 Reepham Fisheries is located just outside the town on Norwich Road. The current site comprises of a number of well-established fishing lakes with parking accessed via an unmade track off Norwich Road. There is on-site self-catering accommodation at the front of the site in the form of four, 4 person holiday lodges and a bungalow that sleeps 6 people. There are also two caravans on site that sleep 4 and 6 people. Site ownership extends to approximately 8.9 hectares.
- 1.2 The proposed site is wholly contained within an area known as Reepham Meadows which is designated as a County Wildlife Site (CWS). This CWS is a complex of habitats, with grazed meadows to the west and east, the existing fishery ponds to the north and arable land to the south-east. There is an Anglian Water sewage treatment works and associated land immediately to the west.
- 1.3 The current owner has been running the fishery business here since January 2017. Prior to this the site had been owned by the same person for 30 years and had as reported by the applicant been mainly used as grazing land. The section directly adjacent to the existing fishing lakes has a flight pond, which had been used for shooting purposes. The previous owner had not maintained the area and over the years the land has become overgrown.
- 1.4 The application is seeking planning permission for two new fishing lakes on land to the south of the existing fisheries. This will involve the clearance of



1.39ha of land, excavation of the new lakes and landscaping to fully incorporate the area into the existing fishery business site.

### 2 Relevant planning history

- 2.1 [861884](#): Change of use from fish farm to water garden centre. Approved 1 September 1986.
- 2.2 [20130482](#): Application for Lawful Development Certificate for an existing single storey building. Approved 3 May 2013.
- 2.3 [20152055](#): Application for Lawful Development Certificate for the standing of two static caravans for holiday accommodation. Approved 6 January 2016.
- 2.4 [20180229](#): Change of use and incorporation of land into fishery business to provide two new fishing lakes. Withdrawn.

### 3 Planning Policies

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

NPPF 02: Achieving sustainable development  
NPPF 04: Decision-making  
NPPF 06: Building a strong, competitive economy  
NPPF 08: Promoting healthy and safe communities  
NPPF 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 5: The economy  
Policy 7: Supporting communities  
Policy 8: Culture, leisure and entertainment  
Policy 14: Key Service Centres

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

Policy GC1: Presumption in favour of sustainable development  
Policy GC2: Location of new development  
Policy EN1: Biodiversity and habitats  
Policy TS3: Highway safety

### 4 Consultations

#### 4.1 Reepham Town Council:

Reepham Town Council would like to record that whilst they would wish to support a local business, they remain concerned about the lack of an ecological report as requested in the documents. They would support the proposal subject to a satisfactory ecological / environmental report / approval from Norfolk Wildlife Trust and trust that Broadland Planning will not make a decision on this application until this information is received.

### 4.2 Former District Councillor Cllr Everett:

I wish to call this application into Planning Committee if you are minded to refuse it. I am content to leave it to officer's decision should you be minded to approve the application.

I am aware that the ecology report that has been requested by BDC is still outstanding and that there may be some ecological concerns, however, I understand this report should provide mitigation measures to help address some matters and may enhance other areas of land.

Reepham is identified as a Key Service Centre and needs to promote and support local businesses in expansion to keep the town vibrant.

I believe the economic benefits that could be achieved by the expansion of Reepham Fisheries to not only the business itself but to the wider local community would be advantageous and will attract tourists and numerous other groups to the town of Reepham.

### 4.3 County Council as Lead Local Flood Authority:

No comments to make.

### 4.4 County Council as Minerals and Waste Authority:

No comments to make.

### 4.5 BDC Economic Development Officer:

I have had meetings on site with the applicants over the last two years to discuss how they can develop their business. I would re-iterate and emphasise the comments that I made in relation to the original application. It is obvious that this successful existing tourist business is operating at near capacity, particularly with regard to the fishing activity. The proposal will allow the business to offer a more diverse experience and accommodate existing match fishing bookings without adversely affecting the rural experience enjoyed by those using the holiday accommodation on site. Visitors to the site also provide valuable income for the local economy in Reepham and the wider area and the proposal is likely to lead to more local employment opportunities in the future. I believe there is support in the local community for this venture and for the benefits to the immediate and wider economy. I

would also re-iterate that it is an important venue/site for the sport of fishing within the district.

I understand the concerns relating to the habitat that will be affected by this proposal. However, if the scheme does not get permission it is unlikely that any positive management of the habitat will be possible and eventually the intrinsic importance of the habitat will be lost. The scheme gives the opportunity to grow an existing local business in a sustainable way whilst providing the opportunity for sensitive management of the remaining site. In this situation, therefore, I would fully support the application.

#### 4.6 County Council Ecologist

##### Comments on originally submitted documents

This application for change of use is wholly within a County Wildlife Site (CWS 1365; Reepham Meadows) and would involve the creation of two new ponds. The internationally-designated Booton Common SAC is hydrologically-connected to the application site being around 200m upstream on the Blackwater Drain.

Policy EN1 of Broadland Council's DPD (2015) requires that applicants demonstrate that 'the development cannot be located where it would cause less harm' and that 'adequate mitigation is incorporated'. The supporting text in paragraph 3.9 describes how this should be done, including the requirements for an ecological assessment. The supporting text makes it clear that any proposed development in close proximity to an internationally-designated site, and any application within a CWS, requires an ecological appraisal.

The application documents on the planning portal include a document that is called an 'ecology report'. However, it is simply a letter from an ecological consultant to their client (the applicant) and is not in any way sufficient to support a planning application. Before we are able to offer an opinion on this application, we would need to have a full understanding of the ecological habitats that are currently at the site and an understanding of how they would be affected by the proposed works. It is likely that any assessment would need to include hydrological details as the habitats present may be sensitive to subtle changes in water levels (the creation of ponds frequently can affect ground water conditions in the local area). Consideration of protected species will also be necessary.

In addition, given the proximity of the internationally-designated site of Booton Common SAC, the Habitat Regulation Assessment (HRA) process will be triggered. Broadland Council will be the competent authority in this case as defined in the Conservation of Habitats and Species Regulations 2017. However, we would recommend that the applicant is asked to produce the necessary information to support a HRA. All ecological assessments and

reports should be completed by a suitably-qualified ecologist and should comply with industry best practice. We also recommend that all ecology surveys and reports comply with the British Standard, BS42020: 2013 Biodiversity – Code of practice for planning and development.

### Comments on additional documents

This application for change of use is wholly within a County Wildlife Site (CWS 1365; Reepham Meadows) and would involve the creation of two new ponds. We previously requested further information on the ecology of the site in line with national and local policies.

We asked for “a full understanding of the ecological habitats that are currently at the site and an understanding of how they would be affected by the proposed works. It is likely that any assessment would need to include hydrological details as the habitats present may be sensitive to subtle changes in water levels (the creation of ponds frequently can affect ground water conditions in the local area). Consideration of protected species will also be necessary.”

An ecology report has been submitted, named as a Vegetation and Habitat Assessment (Wild Frontier Ecology, dated February 2019). The report makes it clear that the proposed works would “result in a major negative impact on the Reepham Meadows CWS, which cannot be mitigated by on-site measures”. The report states that there may be opportunities to undertake some management of open habitat elsewhere within the blue line, which it describes as compensation for loss of fen habitat. However, it notes uncertainty as to whether these open habitats would be “restorable to the same habitat as the proposal areas”.

Suitability of surveys: The report further states that the habitat survey was undertaken in December, and it was not possible to “provide a complete list of plant species...as many would be undetectable in December” (paragraph 5.3). The appropriate time to survey fen-type vegetation is mid-May to July inclusive.

We also note the comments by the Norfolk Wildlife Trust who consider that the lakes cannot be accommodated without adversely impacting the fen habitats, either directly or through hydrological changes to the remainder of the fen. The Vegetation and Habitat Assessment does recognise that potential hydrological changes are possible on the wider site resulting from the proposed works. However, it does not consider these in any detail, e.g. considering if water table changes might occur as a result of the creation of lakes and what the impacts of these might be on the fen vegetation.

With regards to protected species, the report states “No attempts were made to further assess the site for protected species” (paragraph 5.3). It includes requirements for a suite of further surveys, namely bat commuting and

foraging surveys, bat roost surveys, a reptile survey and a breeding bird survey. These should be undertaken prior to the determination of the application.

Net gain: The NPPF requires that planning delivers Net Gains for biodiversity. The Vegetation and Habitat Assessment states that “The proposal is not able to deliver a Net Gain for biodiversity, due to the impact on the CWS and the habitat contained within it”.

Recommendation: In principle we would object to a proposal that would adversely impact a CWS without providing suitable mitigation and compensation. The submitted ecology report recognises that the proposed works would result in a major adverse impact on the Reepham Meadows CWS, and that on-site mitigation is not possible. Some compensation may be possible on other land owned by the applicants, but that at this point uncertainty remains as to the effectiveness or deliverability of this. In addition, several surveys of protected species remain outstanding, and the submitted survey does not consider the potential impacts on the wider site arising from hydrological changes. Given the above, we do not consider that sufficient ecological information has been provided to lawfully determine this application. Furthermore, no net gains for biodiversity appear to be deliverable.

#### 4.7 NCC as Highways Authority

The vehicular access to this site has severely restricted visibility onto the Norwich Road (C260), especially in the critical south-easterly direction. Although I have no principal objection to this proposed expansion of the existing fishery business, as the proposal will clearly increase the traffic generating capacity of the site the vehicular access will require significant improvement to allow favourable comment.

The access visibility requirement under Manual for Streets (MfS) recommendations for the expected 85th percentile traffic speed past the site limit is that 59m x 2.4m visibility splays be provided. Accordingly a site frontage plan should be provided demonstrating this level of visibility to the south-east of the access or alternatively a 2.4m parallel roadside frontage splay maintained clear of any obstruction exceeding 0.6m above level of adjacent highway carriageway.

#### 4.8 Norfolk Wildlife Trust

We have considered the information in detail, and retain our objection due to the significant permanent damage to the Reepham Meadows County Wildlife Site (CWS) this proposal would cause.

The Vegetation and Habitat Assessment provided correctly identifies that the excavation of two new fishing lakes in part of the CWS would result in the

permanent loss of part of the CWS, described in the assessment as ‘a major negative impact on the Reepham Meadows CWS, which cannot be mitigated by on-site measures’. In addition to the land directly lost to the fishing lakes, there would be significant damage to the habitats immediately surrounding the lakes through disturbance and soil compaction during the construction process and changes to the vegetation away from fen plant communities due to changes in the hydrology.

We do not agree that the impact could be compensated for by positive conservation management elsewhere on land within the applicant’s control, as there would be no guarantee that the desired habitat could be restored, and as the assessment predicts, it would likely only result in habitats of lower ecological value. This proposal therefore is contrary to Broadland Development Management policy EN1, which expects avoidance of potential harm to habitats and protected species and requires proposals to demonstrate that significant adverse impacts on local wildlife sites will not occur. We therefore object to this proposal.

### 4.9 Other Representations

Letters of support from the fisheries customers, local clubs, schools and businesses making the following comments:

- Reepham Fishery has become an integral part of the local fishing and leisure scene;
- The fishery has excellent facilities for all ages and experiences;
- Easy access to safe and secure parking;
- Access for disabled anglers;
- Supports local businesses;
- Good for local tourism;
- Provides a venue for teaching and competitions;
- More space is needed to allow the facility to meet demand;
- Expansion of the fishery will enhance the habitat for pond life, birds and bats;
- New lakes will benefit both wildlife and anglers;
- More lakes will cater for larger numbers and promote the sport for more people;
- Local businesses will benefit from visitor trade;

- Provides a unique service to the angling and local community;
- Nationally recognised facility.

### 5 Assessment

#### **Key Consideration**

- 5.1 Whether the proposal that results in the permanent loss of part of a designated County Wildlife Site can be sufficiently justified against the potential economic and social benefits that may be achieved for the local community and businesses from additional leisure and tourism offer on the site.

#### **Principle**

- 5.2 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 The main issue to be taken into consideration in the determination of this application is an assessment of the proposal against the policies of the Development Plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) and whether the benefits of the proposal justify granting of planning permission that would result in the loss of an area of locally designated habitat.
- 5.4 Paragraph 8 of the NPPF requires development to be sustainable in terms of economic, social and environmental objectives and planning decisions to play an active role in sustainable solutions whilst taking local circumstances into account. Paragraph 80 of the NPPF states that decisions should help create conditions in which businesses can invest, expand and adapt taking account of local business needs and wider opportunities for development. Notwithstanding this Paragraph 170 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting valued sites, minimising impacts on and providing net gains for sites of biodiversity.
- 5.5 Policy 1 of the JCS requires development to conserve and enhance existing environmental assets of local importance. Where harm is unavoidable, development will provide appropriate mitigation or replacement with the longer term aim of maintenance or enhancement of the local biodiversity. Policy 5 of the JSC states that the local economy will be developed in a sustainable way and tourism, leisure and environmental industries will be promoted.
- 5.6 Policy GC1 of the DM DPD requires the Council to take a positive approach working with applicants to find solutions to approve proposals wherever

possible and to secure development that improves the economic, social and environmental conditions in the area. Applications that accord with policies in the NPPF and DM DPD will be approved unless material considerations indicate otherwise. For development proposals outside of defined development boundaries, Policy GC2 of the DM DPD is also relevant. It states that new development will be accommodated within the settlement limits defined on the policies map. Outside of these limits development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the development plan. In this case the site is located outside the settlement limit. Policy EN1 of the DM DPD requires new development to protect and enhance the biodiversity of the district. Policy TS3 of the DM DPD states that development will not be permitted where it would result in any adverse impacts on highway safety.

### **Ecology**

- 5.7 Conservation, enhancement and avoiding harm to environmental assets is the objective of achieving a long term protection of local biodiversity. Where harmful impacts may occur, it should be demonstrated that adequate mitigation is incorporated and the benefits of the development clearly outweigh the impacts. All proposals should consider protection and enhancement of biodiversity from the outset avoiding potential harm to habitats and protected species. An ecological assessment should demonstrate that the proposal will not result in any significant adverse impact upon internationally, nationally and locally designated sites or areas. All new developments must ensure that there will be no adverse impacts on the water environment.
- 5.8 The applicant has provided a 'Vegetation and Habitat Assessment' of the site in order to inform the planning application and this also includes consideration of the potential for restoration of open fen and swamp where tree and scrub cover has encroached. The assessment concluded that the proposal would result in a major negative impact on the Reepham Meadows County Wildlife Site (CWS), which could not be mitigated by on-site measures. Although it was suggested that the impact could be compensated to some extent by positive conservation management in the land to the south, which is also in the ownership of the applicant the assessment concluded that the proposal is not able to deliver a net gain in biodiversity, due to the impact on the CWS and the habitat contained within it.
- 5.9 The County Ecologist has requested that more detailed surveys of the site and impacts on the ecology of the wider area including a hydrological assessment are required to determine the application. Notwithstanding this requirement, the conclusion that it would not be possible to provide any net gain in biodiversity and that there would be no guarantee that compensatory measures would help mitigate the irreplaceable loss of part of the CWS site, did not justify requesting further information from the applicant.



- 5.10 Paragraph 175 of the NPPF states that when determining planning applications that result in significant harm to biodiversity that cannot be adequately mitigated or compensated for, planning permission should be refused. The presumption in favour of sustainable development does not apply where a plan is likely to have a significant effect on a habitats site. The proposed development would permanently and irreversibly change the character and ecological value of the site.
- 5.11 The proposed development would therefore be contrary to Policy 1 of the JCS, Policy EN1 of the DM DPD and Paragraph 175 of the NPPF.

### **Social Benefits**

- 5.12 The applicant has provided written evidence from Reepham Scouts, Reepham High School, Wensum Valley Angling and fishing writer, photographer and presenter John Bailey, commending Reepham Fishery and the facility it currently provides for the area. Reepham Fishery is nationally recognised and provides a service for both the angling and local community. It caters for all ages and abilities including access for disabled people to fish.
- 5.13 Paragraph 91(c) of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles through the provision of safe and accessible sports facilities. Paragraph 92 (d) of the NPPF goes on to state that decisions should ensure that established facilities and services are able to develop and are retained for the benefit of the community. Paragraph 96 of the NPPF further emphasises the importance of providing opportunities for sport and physical activity to health and well-being of communities.
- 5.14 Policies 5, 7 and 8 of the JCS promote proposals for leisure activities including new or improved built facilities and greater access to green space and the countryside. The Council will therefore look favourably upon proposals which improve the range and quality of leisure and recreational facilities throughout the district, provided its impacts are, or can be made, acceptable.
- 5.15 It is acknowledged that the existing fishery is held in high regard and has generated demand beyond the capacity of the current facility. For this reason the proposed increase in the size of the business would be considered in accordance with the aims of the NPPF and JCS as stated in the paragraphs above.

### **Economic Benefits**

- 5.16 Local planning authorities should approach decisions on proposed development in a positive and creative way and secure development that will improve the economic, social and environmental conditions of the area. Policy

5 of the JCS promotes tourism and leisure industries that are recognised as crucial sectors in the local economy.

- 5.17 The construction and subsequent operation of the additional fishing lakes will generate an economic benefit to Reepham. The applicant has provided written evidence from local businesses, such as hotels and restaurants, that state they currently benefit financially from visitors to the fisheries in provision of accommodation and other services. The applicant goes on to state that an increase in the capacity at their site would naturally increase demand for associated services and facilities in the locality.
- 5.18 Paragraph 83 of the NPPF states that planning decisions should enable sustainable rural leisure developments which respect the character of the countryside and enable retention and development of accessible facilities. Paragraph 84 goes on to state that although planning decisions should recognise that sites to meet local business and community should be supported where possible it will be important to ensure that development is sensitive to its surroundings.
- 5.19 The current fishery business provides some economic benefits for businesses in Reepham as evidenced by the applicant. It is also recognised that there is potential for economic benefits to increase for these businesses if the fishery is able to expand to increase its capacity. This would meet the aims of Policy 5 of the JCS. However, economic benefits have to be weighed against other considerations and in this case the overriding concern is the harm to the ecology of the site.

### **Highways**

- 5.20 The new fishing lakes will be served by the existing access to the site. Although the highway authority has no objection to the principle of expansion of the existing fishery it is concerned that visibility from the access is inadequate and would require work to improve this aspect of the development. The applicant would need to provide and maintain clear visibility to the south-east of the access for a distance of 59m. This would be achievable within land owned by the applicant and it is considered that the highway concerns could be overcome.

## **6 Conclusion**

- 6.1 In having regard to those matters raised, it is considered that the proposed development is unacceptable and will result in irreversible harm to the character and ecology of the County Wildlife Site. Although it is acknowledged that the proposal will provide some benefits to the local economy and local community any benefits would not outweigh the significant harm to the ecology of the site and its surroundings.

- 6.2 The application is therefore recommended for refusal as it does not comply with Policies 1 and 5 of the JCS, Policies GC1 and EN1 of the DM DPD and Paragraph 175 of the NPPF.

Recommendation:

### **REFUSE**

#### Reasons for Refusal

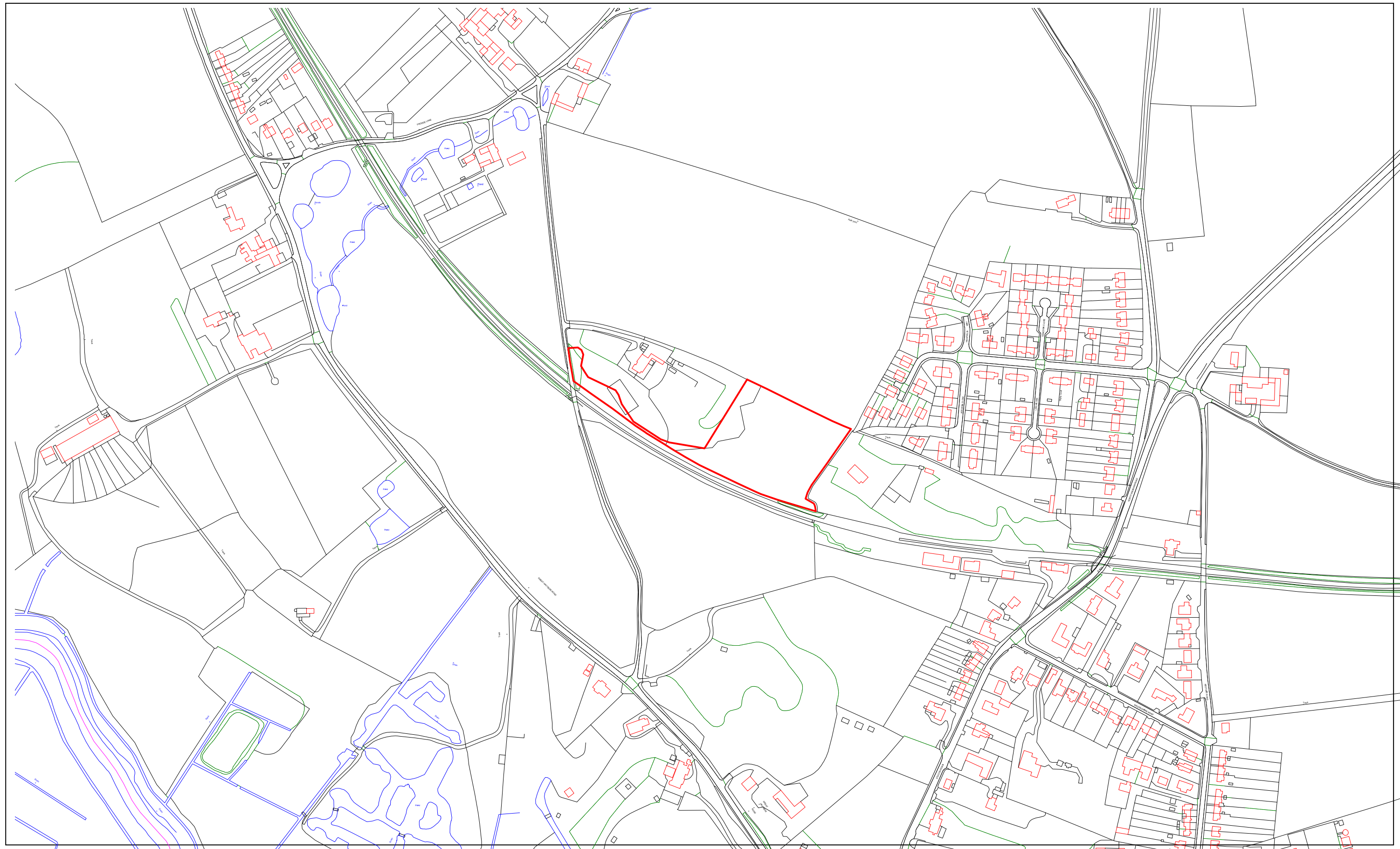
- 1 The application site lies wholly within the Reepham Meadows County Wildlife Site and would involve the creation of two new fishing lakes. The excavation of the lakes and change of use would result in permanent loss of part of the County Wildlife Site.
- 2 In addition to the land directly lost to the fishing lakes, there would be significant damage to the habitats immediately surrounding the lakes through disturbance, soil compaction and changes to the vegetation due to changes in the hydrology of the site.
- 3 There are no guarantees that the impact could be compensated for by positive conservation management elsewhere on land within the applicant's control and that the desired habitat could be restored. It is likely that any replacement habitat would be of lower ecological value.
- 4 The proposed works would result in major adverse impact on the Reepham Meadows County Wildlife Site and therefore does not comply with Policy EN1 of the DM DPD which seeks to protect and enhance the biodiversity of the district. Furthermore, the development will cause significant harm to biodiversity that cannot be avoided, adequately mitigated or compensated for which would be contrary to Paragraph 175 of the NPPF.

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

Julie Fox

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[julie.fox@broadland.gov.uk](mailto:julie.fox@broadland.gov.uk)



**Application No: 20190352**

**Land at Seven Acres, Seven Acres Lane, Coltishall, NR12 7JZ**

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**Date:**  
**3-Jun-19**

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Application No: [20190352](#)  
Parish: Coltishall

Applicant's Name: Mr Denis Phelan  
Site Address: Land at Seven Acres, Seven Acres Lane, Coltishall,  
NR12 7JZ  
Proposal: Erection of dwelling and 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 erection of a dwelling on land to the rear (east) of an existing dwelling known as Seven Acres. The proposal also seeks a new vehicular access off Seven Acres Lane.
- 1.2 The dwelling is proposed to be set back into the site with a long access drive running from the access off Seven Acres Lane, through a wooded dell along the southern boundary of the site and alongside the Bure Valley Railway. The driveway is proposed to be constructed from a locally sourced natural aggregate.
- 1.3 The building itself has been designed to address the landscape and incorporates three main elements, an east and a west wing and a central link building. The eastern wing is a single storey curved structure which is partially sunken into the ground and has a grass roof to reference the natural topography of the site. The landscape envelopes this part of the building and so when viewed from the north or east this element will be barely visible. The southern elevation of the eastern wing, which is visible, is proposed to have timber clad walls and large polyester coated steel frame windows and door openings.
- 1.4 The western wing references the local and adjacent railway narrative and takes its form from railway signal boxes. This element is a two storey building with a dual pitch roof. The western wing has glazing to the east, south and west allowing for views across the railway and towards the Bure Valley. The western wing has timber clad walls and softwood windows. The roof of this part of the building changes from a formal slate roof towards the west of the building to a green sedum roof as the building links to the central part of the building.

- 1.5 The central green building connects the two wings and is again partially sunken into the ground. It incorporates two cube buildings to the rear which have rendered timber walls and a green wall surrounding them to further lock them into the landscape. The cube forms also have a sedum roof and polyester coated steel frame windows.
- 1.6 Due to the topography of the site and the different elements of the proposal the building will have varying heights. The highest part of the building will be the western wing which, when measured from the ground level to the south (front) of the building, will be approximately 7.4 metres in height. The building will have a maximum width (east to west) of approximately 39.5 metres and a maximum depth (north to south) of approximately 23.5 metres. The building will result in a total of approximately 400m<sup>2</sup> of internal floorspace.
- 1.7 In terms of accommodation to be provided, at ground floor level there will be an entrance lobby over two levels as well as a kitchen, larder, dining room, WC, utility room, boots room, integral garage, internal garden and three bedrooms. One of the bedrooms will have access to an en-suite bathroom and the other two will share access to a 'Jack and Jill' bathroom. At first floor level a living room, library, snug room, and two further bedrooms will be provided. These bedrooms complete with access to en-suite bathrooms and dressing areas.
- 1.8 The site is outside the settlement limit that has been defined for Coltishall and is in a countryside location. On that basis, the application has been submitted for consideration under paragraph 79 of the National Planning Policy Framework (NPPF).

## 2 Relevant planning history

- 2.1 [20031445](#): Seven Acres, Seven Acres Lane, Coltishall. Conversion and extension of existing outbuilding to form one unit holiday accommodation. Approved 27 October 2003.
- 2.2 [20171171](#): Land at Seven Acres, Seven Acres Lane, Coltishall. Erection of five bedroom dwelling. Withdrawn 3 November 2017.

## 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 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)

Policy 1: Addressing climate change and protecting environmental assets  
Policy 2: Promoting good design  
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 Supplementary Planning Documents (SPD)

Landscape Character Assessment SPD 2013:

Identifies the application site as falling within the Coltishall Tributary Farmland (D3) land character area but the Bure River Valley (A2) land character area runs alongside it. It is therefore a transitional site with the edge of the transition being where the railway line is and the land to the south of the railway being in the Bure River Valley (A2) area. The characteristics of the site are considered to be more akin to that of the Tributary Farmland area (D3) than of the Bure River Valley (A2).

### 3.5 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.

### 4 Consultations

#### 4.1 Coltishall Parish Council:

Objection based primarily on the following point:

Paragraph 79 of the National Planning Policy Framework states “Planning policies and decisions should avoid the development of isolated homes in the countryside”

The proposed development is outside Coltishall's settlement limit.

The Architectural and Design merits of the house are purely subjective and must also take into account how the structure fits into its surroundings. It was the view of the Parish Council that the design, while innovative, does not resemble any other structures around it and as such is not in keeping with its environment. I understand you will be seeking advice on this point and I would ask that the Parish Council is sent any copies of such advice prior to this application going before the planning committee so that we have an opportunity to respond.

The Parish Council also wishes to reiterate the wider point that Coltishall is suffering from a series of planning issues. The Council was assured by Broadland District Council that the then proposed Northern Distributor Route would not impact on the village. In fact, SAM2 evidence shows a dramatic and sustained rise in traffic through the village from the week the NDR first opened. A similar rise in traffic has resulted from development in North Walsham, with a huge rise in commuter traffic to and from Norwich. There is no evidence that Coltishall was even considered with regard to, much less consulted on, the impact.

Our local research has also uncovered the fact that 50 houses have been built in the village outside the Local Plan since 2004 (Freedom of Information, Broadland District Council December 2018). Several of these are ‘conversions’, and the village remains prey to a stream of attempts to develop residential properties via large-scale garages or stores being built and then converted to residential use. In fact, more houses have been built outside Local Plan in its current iteration than the number stated as required in the Local Plan.

The combined impact of these things is such that our District Councillor, Jo Copplestone, has publicly stated the need for a by-pass for the village. That is in advance of the proposed 30 house development on Rectory Road (for which Broadland moved the settlement limit and from which traffic will decant onto the B1150 and then through the village) and/or any further planned housing through the latest GNLP consultation.



We have no wish to disappoint villagers who have made a significant contribution to our community, but unfortunately while the apparently laissez-faire approach of Broadland District Council to development in Coltishall persists, we must object on principle to any development that oversteps settlement limits for the good of the people who already live in the village, whose quality of life is being negatively affected by an epidemic of traffic on infrastructure not designed to take it, and in which scant investment has been made to improve it.

### 4.2 Campaign to Protect Rural England (CPRE):

CPRE Norfolk objects to this application for the following reasons:

- The location for the proposed 5 bedroom house is outside the settlement boundary / limit of Coltishall and any other settlement boundary and therefore this development is contrary to Policy GC2 of the Broadland Development Management DPD, as the proposed development would have a significant adverse impact and does not accord with a specific allocation and/or policy of the development plan.
- The site for the proposed 5 bedroom house is currently not allocated for housing, and lies within land designated as countryside. Building on greenfield sites should be resisted where there are sustainable brownfield alternatives.
- We do not understand how the applicant's planning statement claims that "the proposal is in general conformity with the objectives of Policy 17" of the Joint Core Strategy (JCS). This clearly is not the case as this proposal is not for one of the exceptions in this policy under which development in a rural location could be considered, namely affordable housing or farm diversification, home working and small-scale and medium-scale commercial enterprises where a rural location can be justified. Therefore, this proposal is very much contrary to Policy 17 of the JCS.
- The application claims to meet the objectives of paragraph 79e of the NPPF by meeting the criteria set down for allowing certain dwellings outside settlement limits. However, whilst the proposed design can be said to be innovative, we feel that it would not enhance its immediate setting, or be sensitive to the defining characteristics of the local area, thus contravening this paragraph of the NPPF. The development of the idea of "a signal box" is acceptable; however this theme has been exaggerated to form an excessively large two storey building. It should be remembered that the adjacent Bure Valley Line is a narrow gauge railway, and the size of this dwelling would need to be considerably scaled down for it to sit comfortably in the landscape and to successfully echo the neighbouring railway.

- Any benefits the proposal could bring are outweighed by the harm of permitting this large-scale unplanned building in land designated as 'countryside'.

### 4.3 Conservation Officer (Arboriculture & Landscape) (summarised):

I have the following comments and observations:

- As acknowledged for the earlier application the new driveway is the element of the proposals that is most constrained by the existing trees and would require the removal of 15 Existing trees, T5, T7, T22, T32, T33, G41 (2 X Beech), G34 (2 X Norway Spruce), T53, T54 & T55. I have no objections to the removal of these as the site is well stocked with trees and suitable replacement planting is detailed within the application as mitigation.
- The use of a three-dimensional cellular confinement system will be required to construct the driveway, as the route is significantly constrained by tree roots, as specified within section 3.5.2 there are issues over the detail of construction and working methods relating to the drive construction and installation of services within Root Protection Areas (RPA's) which must be demonstrated to be practical and achievable and an assessment made of their cumulative impact.
- The detail of the design and construction of the 'No-dig' access drive should be requested as a section drawing; to demonstrate the specification of materials that will be used.
- Within section 1.3.3 of the Executive Summary it is highlighted that the construction access will require some thought if damage to the retained trees is to be avoided. The option to use a temporary trackway to the north of the site would appear the most practical, if suitable ground protection measures are used and the lifting of any low tree canopies along the route is undertaken prior to the access being used as suggested within section 3.5.4.
- Section 1.3.4 raises the subject of the required service runs and offers suggestions on installation, although no definitive option has been put forward, section 1.5.2 suggests the services are assumed to be located to run from the property to existing services at Seven Acres, although another option has been mentioned following the route of the new access, although it has been acknowledged; as not being ideal due to the retained trees Root Protection Areas (RPAs). This uncertainty does give me cause for concern as any open trenching within retained trees RPAs would have a differential impact on the health and retention of these, a satisfactory solution to this needs to be agreed at the earliest opportunity and the detail amended within the AIA and on the drawings.

- Section 3.5.8 refers to the use of higher level precautions to avoid root damage than the NJUG guidance and the recommendations within section 7.7 of BS 5837 and the use of trenchless installation solutions such as impact moling (thrust- bore) would be the most suitable method.
- A Landscaping Plan has been provided that shows an overview of the existing and proposed trees and hedges however a detailed landscaping scheme will be required and Landscaping Condition T04 would be suitable if the details are not available before determination.

(Officer Note: Landscaping condition T04 to be added as suggested by Conservation Officer.)

#### 4.4 District Design Adviser:

You will be aware that the site has been subject to much pre-application discussion regarding the introduction of a paragraph 79 dwelling - A dwelling of exceptional architectural design and innovation.

There have been several iterations of a design proposed but each with the common theme of a long approach through the sunken Dell garden (of the existing property Seven acres) to access the field to the South east of the property alongside the Bure Valley Railway.

The second theme that has run through the design process is the reference to the remodelled land in the area which was a feature of the building of the railway at the end of the C19.

The process of Cut and Fill which was used to run the railway along the valley side and excavate the goods yards to the station to the south east is a remnant archaeological feature of the area and an extant feature which is characteristic of the area.

The overall concept of the journey, the arrival point and the remodelling of land to achieve this does seem to be a strong concept to be explored through the design.

The site itself also enjoys views across the Bure Valley Railway and wider valley floor and would be visible from the public vantage point of the Bure Valley Railway and footpath which runs from Wroxham to Aylsham.

The siting of the dwelling has been designed to maximise the sense of arrival, take advantage of the natural contours of the land and complement the landscaped gardens to Seven Acres - appearing within but not blocking the strong axis from the dwelling to the south east boundary of the field.

In principle the concept of a para 79 dwelling in this location does seem acceptable - that is that the site does have potential for such a dwelling in that a design of the highest architectural quality could enhance the immediate setting and be sensitive to the characteristics of the wider landscape.

The latest design has been carefully considered to do that.

It is uncompromisingly contemporary in design yet references the railway heritage of the area through the remodelling of the landscape that occurs to facilitate the accommodation, accentuate the point of arrival at the building and connect and immerse the building within the landscape.

The journey through the dell and then the cutting through the field forming the driveway means that the dwelling is not really perceived until the last minute on approach to it.

In contrast though the cutting of the driveway facilitates long views from the dwelling across the valley.

The building itself has also been designed to address the landscape and incorporates three elements. The single storey element partially sunk and of landscape form to enclose the point of arrival. The central element behind is still a focal point. It reinforces the sense of arrival and architecturally links the more sculpted and organic lower wing and the more formal west wing.

As a composition the contrasting forms work well and although intricate and subtle in terms of relationship the overlaps and interfaces of the forms work well both visually and physically. Joining to produce a building of integrity and visual cohesion.

In conclusion the proposed design does appear to meet the strict criteria contained within the paragraph.

The design has been developed to be wholly site specific. Beginning from the entry into the site, following through the approach to the built form through the dell (itself a remnant cutting) and then a new cutting through the field to the higher ground where the building is revealed.

The building however is visible from outside the confines of the approach and will figure in long views from the Bure Valley Railway and long distance path as well as from longer distance views across the bure valley.

The design of the building itself and its integration within the site responds to and enhances the immediate site and is sensitive to its wider setting in accordance with the requirements of the paragraph 79.

The dwelling is considered to meet the strict criteria of the paragraph as it relates to the outstanding quality and innovation of its architecture. Its response to the setting and its contemporary form in combination produce a building which references the modified landscape remnant from the railway works of the C19 and resulting intervention within the landscape. The sculptural quality of the building and the approach to it are considered to represent a positive visual intervention within the wider landscape.

Although there have been lengthy pre-application discussions, and indeed the design does appear to follow that and to meet the test set out in the paragraph, further detailed information should be submitted in relation to the levels of the building and its immediate setting which will be critical to the success of the scheme.

Subject to the receipt of this information, in order to confirm with certainty the intended illustrated integration of the proposal within the landscape, it is considered that the proposal does meet the strict criteria set put in paragraph 79 of the NPPF and its approval on design grounds can be recommended.

Given the complexity of the scheme and relationships of built form a condition should be imposed confirming the exact external materials to be used. A condition requiring large scale details of all critical junctions should be considered.

- Plinth base
- Eaves
- Verge
- Opening reveals including sills and heads

Also large scale details of:

- Balconies and stairs
- External joinery including windows, doors.
- Construction of green wall
- Sedum roof including sloping section

Also:

- Detailed levels around the built form and adjacent ground level.
- Detailed levels along the drive cutting and adjacent field level.

Further comments following submission of additional information:

Thank you for the additional cross sectional information. This illustrates the relationship between the proposed dwelling and the existing house 7 acres and also illustrates on both Axis of the site how the building is proposed to relate to the existing site levels.

This also illustrates the relationship as discussed with the building relating closely to the adjacent ground levels at the central arrival point, the use of a semi basement level at the eastern end to incorporate the arrival area and relate to the drive cutting. The second storey of the accommodation wing sitting above immediate adjacent ground level at the West end but its first floor level relating to the higher land to the North of the building.

In the additional information the design appears to closely relate to the adjacent ground levels in accordance with pre-application discussions.

Given this relationship is critical to the scheme and indeed the design rationale I am of the opinion that the levels related to Ordinance datum both of key points of the built form – (The Ridge, floor slab heights, the external arrival area and the driveway) and the existing and proposed immediate surrounding ground levels need to be clearly indicated on the drawings. This is necessary to ensure that the illustrative relationships submitted are both achievable and can be monitored.

This is something that should be submitted prior to a consent being issued. This I think is justified as these levels and the relationship of the building, driveway and the immediate adjacent ground levels is fundamental to the design of the scheme.

Subject to the receipt of this additional information confirming the illustrated relationships are achievable and subject to a condition relating to materials, critical junctions and joinery details, the scheme can be recommended for approval as per the recommendation in my Email of 17 April 2019.

### Further comments specific to whether the application raises the standard of design in rural areas

The proposed design introduces a very contemporary building into an area of relatively open countryside this in itself does raise the profile of design and particularly contemporary design in a rural area.

This however does not apart from the introduction of the building itself raise the standard of rural design more generally.

The design however through its response to the immediate and wider setting and through the references to the historic development of the landscape of the area (particularly the modifications to that landscape) Illustrates how contemporary architectural interventions can be successfully integrated into a rural landscape.

Furthermore the building will be visible from the Bure Valley railway and footpath and from wider views across the valley meaning that the intervention and its integration into the landscape will be clearly read and viewed from beyond the confines of the site. The Architectural design its response and

referencing to the landscape will be apparent and visible and readily accessible and can therefore be said to help raise the standard of design in more rural areas generally.

(Officer Note: Condition relating to external materials covering the above points to be added to the decision notice as suggested by Design Advisor.)

#### 4.5 Environmental Contracts Officer:

There is detail of a collection point for bins however it is a little unclear as to exactly where this collection point is. It needs to be on the curtilage of the property with Seven Acres Lane and needs to have enough room for two bins max. The waste collection vehicle will not go down this private drive in order to empty bins. The storage point between collections can be anywhere on the property and needs to have enough room for three bins (general waste, recycling and potential garden waste).

#### Further comments following submission of additional information:

The contracts team have no objections to this application.

#### 4.6 Historic Environment Officer:

There are a number of heritage assets in the vicinity, those with the most potential to be harmed are St Theobalds Church (Grade II\* and SAM), the Church of the Holy Trinity (Grade II), and Church Farmhouse and its barns (Grade II). Given the revised position and scale of the building, particularly the way in which it sits within the landscape, if there are any glimpses of the proposed dwelling these will be glimpsed and it is not considered that it will be detrimental to the setting of these heritage assets and so there will be no harm to their significance. I therefore have no objection.

#### 4.7 Historic Environment Service:

The proposed development site is located immediately south of an area where evidence for the presence of a levelled barrow cemetery of Bronze Age date has been recorded. Cropmarks of one or more annular or penannular ring-ditches have been recorded from aerial photographs and google earth images. There is potential for previously unidentified heritage assets with archaeological interest (buried archaeological remains of prehistoric date) to be present within the current application site and that their significance would be affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological work in accordance with National Planning Policy Framework 2019 paragraphs 199 and 189.

A brief for the archaeological work can be obtained from Norfolk County Council Environment Service historic environment strategy and advice team.

We suggest that the following conditions are imposed:

- A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

and

- B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).

and

- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

(Officer Note: Above suggested conditions are proposed to be added to the decision notice as requested by the Historic Environment Service but combined into a single condition.)

#### 4.8 Norfolk County Council (as Highway Authority) (summarised):

You will be aware this is an isolated location where any residential development is expected to be totally reliant on the use of the car for access to everyday service facilities. This being contrary to transport sustainability requirements.

In regard to highway safety, Seven Acres Lane is a very lightly trafficked narrow rural road and I would be extremely reluctant for it to be subject to increased traffic movements. However I do not consider these highway concerns to be sufficient to warrant objection in their own right.



I therefore have no objection to the granting of permission.

Should your Authority be minded to approve the following conditions and informative note should be appended to any consent notice issued.

(Officer Note: Three conditions relating to vehicular access and visibility splays are to be added as requested by Highway Authority as well as the proposed highway informative.)

4.9 Norfolk County Council (as Lead Local Flood Authority):

No comments to make.

4.10 Pollution Control Officer:

No objection.

4.11 Other Representations:

Neighbours were consulted on the application. 13 letters of representation have been received from 10 addresses in Coltishall, all of which object to the application. In summary the representations have raised the following issues:

- Proposal is for development outside settlement limit and will extend the urbanisation of the village.
- Site is in an unsustainable location.
- Proposal has the ability to set a precedent for properties and fields in the area. Should permission be granted, could the local planning authority then prevent the site from being developed in the future to a much higher density?
- Proposal is out of character and out of keeping with neighbourhood. Whilst the proposed dwelling is distinctive, it does not have any relationship with other properties in the area. Proposal would aesthetically destroy the character of the area.
- Comments regarding the planning statement and design of the proposal. It is hard to detect any 'art décor' element within the illustrations. Size of signal box element. Signal box is not 'innovative architecture'. Design is excessive and will be an eyesore. Wood frame buildings are not unknown in Coltishall. The application makes no mention of what the source(s) of energy the completed building will be.
- The proposal jars with the existing Seven Acres, a fine arts and crafts country dwelling occupying a commanding position on a large plot. The

large access driveway and cutting the land in half with screening introduced will have a negative impact on a largely original house.

- Proposal, including loss of trees, in combination with other nearby recent or upcoming development will detract from the amenity of the Bure Valley Footpath and scenic railway.
- Numerous mature trees will be felled and others will be at risk of root damage from both the construction of the driveway and potential route for mains services to the development. Although new trees will be planted they will never replace those removed.
- Proposal will reduce the potential area available to be landscaped as a wild flower area.
- There has been a minimalistic ecological survey of the site carried out. There has been a number of fauna observed at the site.
- Proposal will increase the amount of traffic using the already unsuitable single track Seven Acres Lane which has no passing places or footpaths.
- Concerns around highway safety and visibility at access point. The access will not provide a safe exit point as it is not possible to see oncoming traffic. Seven Acres Lane at the point of the access is exceptionally narrow and very close to the blind summit of the bridge.
- Concerns around pedestrian/cyclist/horse riders safety due to nature of Seven Acres Lane. There is no reduced speed limit for vehicles or footpath and vehicles cannot pass on Seven Acres Lane.
- The nearby Girl Guide Centre uses this lane and the extra traffic could restrict their use of it.
- The construction will create the need for large construction vehicles to use the narrow lane which is already in a poor state of repair. The nearby bridge which construction traffic would have to drive over is not in a fit state of repair or suitable for heavy lorries etc. Proposal will damage road further and result in constant road blockages during the construction period.
- The driveway to the proposed new dwelling is excessive in its design and length.
- Only two parking spaces are proposed which is unrealistic and insufficient.

- It is not clear whether this five bedroom dwelling would be used for commercial uses in the future, ie bed & breakfast accommodation. This would increase traffic further.
- Additional vehicle movements including service vehicles, delivery vans, post vans, construction vehicles etc. would cause disturbance to local residents.
- Proposal will have detrimental impact on local wildlife and will block wildlife corridors. Although trees will be replanted, the immediate loss of habitat will be devastating. The area is used by birds, bats, owls, woodpeckers, kestrels, partridges, pheasants, deer, grass snakes, glow worms, voles, hedgehogs and insects. A full ecological survey should be carried out.
- Site is one of the few grassed meadows in the area and should be treasured and retained.
- There are a large number of properties of this size already on the market in the area and this is not the type of property that is currently in demand.
- The proposed house appears to be a German made system design which limits the use of local skilled labour in construction.
- I understand that the village facilities are already stretched, for example, the school and doctors surgery appear to be at, or near, full capacity. Will they be able to cope bearing in mind existing planning approvals?
- Can the services such as electrical, water and drainage cope with an added population?

## 5 Assessment

### 5.1 Key Considerations:

- Whether there are material considerations sufficient to outweigh the presumption of determining the application in accordance with the provisions of the development plan – in this instance whether it is appropriate to build a new dwelling outside of a defined settlement limit.
- The impact of the development on the character and appearance of the area.
- The impact of the development on residential amenity.
- The impact of the development on highway safety.

**Whether there are material considerations sufficient to outweigh the presumption of determining the application in accordance with the provisions of the development plan – in this instance whether it is appropriate to build a new dwelling outside of a defined settlement limit**

- 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 National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) and whether the merits of the application warrant granting it planning permission outside of a defined settlement limit. Also key is the impacts of the development on the character and appearance of the area, residential amenity and highway safety.

### **Paragraph 79 of the NPPF**

- 5.3 As noted in paragraph 1.8 of this report the application site is situated outside of a defined settlement limit in a rural location. The application has been submitted as an example of a dwelling that meets the guidance set out in paragraph 79 of the NPPF, a material consideration that can be given some weight contrary to the Development Plan, where the design should be of exceptional quality.
- 5.4 By way of reminding Members of the wording of the relevant part of this paragraph, it states that new isolated homes in the countryside should be avoided unless there are special circumstances such as the exceptional quality of the design of the dwelling. Such a design should:
- be truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
  - Significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

To meet this test, all four aspects of Paragraph 79 (e) need to be met. This has been made clear by Planning Inspector's decisions when considering appeals against the previous Paragraph 55 requirements. On the basis of the above, the following assessment seeks to establish whether the scheme meets the four aspects of Paragraph 79 of the NPPF.

### **Be truly outstanding or innovative, reflecting the highest standards of architecture**

- 5.5 The scheme for a paragraph 79 dwelling on the site has been subject to much pre-application consultation and during this time there have been several revisions to the design proposed. Each theme has included a long approach to the site through the sunken dell garden of Seven Acres and along the southern boundary adjacent to the Bure Valley Railway. The second theme

which has run through the design process is the reference to the remodelled land in the area which was a feature of the building of the railway at the end of the nineteenth century. The process of Cut and Fill which was used to run the railway along the valley side and excavate the goods yards to the Station to the South East is a remnant archaeological feature and extant feature which is characteristic to the area.

- 5.6 As stated in paragraph 1.3 of this report the proposal is for a building which will address the landscape and incorporate three main elements, an east wing, a west wing and a central link building. The eastern wing is a single storey curved structure which is partially sunk into the ground and has a grass roof to reference the natural topography of the site. The landscape envelopes this part of the building and so when viewed from the north or the east this element will be barely visible. The western wing references the railway narrative and takes its form from a railway signal box. This element is a two storey building with a dual pitch roof and large amounts of glazing, allowing for views across the railway and towards the Bure Valley. The central green building connects the two wings and is again partially sunken into the ground. It incorporates two cube buildings to the rear which have rendered timber walls and a green wall surrounding them to further lock them into the landscape.
- 5.7 Given the basis on which the application was submitted, comments were sought from the District Design Adviser. His response is reported at paragraph 3.4 of this report but by way of summarising these, his view is that the overall concept of the journey, the arrival point and the remodelling of land is a strong concept and that the principle of a paragraph 79 dwelling in this location seems acceptable. He has added that the design is uncompromisingly contemporary yet references the railway heritage of the area through the remodelling of the landscape that occurs to facilitate the accommodation, accentuate the point of arrival at the building and connect and immerse the building within the landscape.
- 5.8 The Design Adviser has concluded that the proposal could be supported on design grounds to meet the strict criteria set out in paragraph 79 of the NPPF. Officers are in agreement with the recommendations of the Design Adviser and with conditions to ensure the external materials and detailing are of a high quality; the design should be outstanding and achieve a high standard of architecture.

### **Helping to raise standards of design more generally in rural areas**

- 5.9 The Design Adviser has stated that the proposed design introduces a very contemporary building into an area of relatively open countryside which in itself does raise the profile of design and particularly contemporary design in a rural area. The design through its response to the immediate and wider setting and through the reference to the historic development of the landscape of the area illustrates how contemporary architectural interventions can be

successfully integrated into a rural landscape. Furthermore the building will be visible from the Bure Valley Railway and footpath and from wider views across the valley meaning that the intervention and its integration into the landscape will be clearly read and viewed from beyond the confines of the site. The Design Adviser has confirmed that the Architectural design, its response and referencing to the landscape will be apparent, visible and readily accessible and therefore could be said to help raise standard of design in more rural areas generally.

- 5.10 Taking the above into account it is considered that the proposed dwelling would achieve a high standard of design and demonstrate quality above that of other dwellings more commonly seen in rural areas. It is therefore considered that the application complies with this point within paragraph 79.

### **Significantly enhance its immediate setting**

- 5.11 The Design Adviser has stated that the dwellings response to the setting and its contemporary form, in combination, produce a building which references the modified landscape remnant from the railway works of the nineteenth century and resulting intervention within the landscape. The sculptural quality of the building and the approach to it are considered to represent a positive visual intervention within the wider landscape. Overall the Design Adviser's view is that the design of the building itself and its integration within the site responds to and enhances the immediate site and is sensitive to the wider setting.

### **Be sensitive to the characteristics of the area**

- 5.12 The application site falls within the Coltishall Tributary Farmland landscape character area. The design of the dwelling and the palette of materials proposed will ensure that the dwelling relates acceptably to the character and appearance of the site. With the driveway being through the dell and then the cutting through the field, it means that the dwelling will not really be perceived until the last minute on approach to it. Close up views from public vantage points are limited, although there will be some views from the public footpath to the south. The fact that the dwelling will be partially sunken into the ground and its relationship with the landscape as well as the choice of materials will all lessen any impact from more distant views. This is an example of how the design is sensitive to the defining characteristic of the area.

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

- 5.13 There are a number of established trees situated within the site. The proposed new access drive is approximately 100 metres in length and passes through a wooded garden and dell area. The access and driveway route has been carefully assessed and located to minimise impact on surrounding trees of good quality. Despite this 15 trees are proposed to be removed to facilitate

the development. An Arboricultural Impact Assessment has been submitted with the application which notes that all of the trees to be removed are difficult to see from public vantage points. The Council's Conservation Officer (Arboriculture & Landscape) has stated that he has no objections to the removal of these trees as the site is well stocked and suitable replacement planting is detailed on the Landscaping Plan, submitted with the application, as mitigation. The Conservation Officer has requested that a landscaping condition is added to the decision notice to provide further details of the proposed replacement planting. This is to be added as requested and will also require details of the service runs, no-dig access drive and the construction access as requested by the Conservation Officer. Overall the proposal is considered to have a minimal impact upon the trees on the site whilst further planting is also proposed as part of the application which will help to mitigate against the loss of the 15 trees.

- 5.14 Although clearly visible from the Bure Valley Railway and footpath, which runs adjacent to the southern boundary of the site, the proposals are not considered to result in any detrimental impact to either the railway or the footpath. There are a number of heritage assets in the vicinity, those with the most potential to be harmed are St Theobalds Church, the Church of Holy Trinity and Church Farmhouse and its barns which are all grade II listed. Regard has therefore been given to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act. The Council's Historic Environment Officer has however raised no objection to the application. They have stated that given the position and scale of the building, particularly the way in which it sits within the landscape, if there are any glimpses of the proposed dwelling, it not considered that it will be detrimental to the setting of these heritage assets and so there will be no harm to their significance. The application is therefore considered to comply with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act and Policy 1 of the JCS with specific regard to the impact upon the nearby heritage assets.
- 5.15 Taking this into account as well as the information within paragraph 5.11 of this report, it is considered that significant harm will not be caused to the general character and appearance of the area. The application therefore also complies with Policy 1 of the JCS and Policies GC4 and EN2 of the DM DPD.

### **The impact of the development on residential amenity**

- 5.16 The proposed dwelling would be situated a good distance from any existing neighbouring properties. Given that the dwelling will be partly sunken into the landscape and the size and scale of the proposal, as well as the degree of separation from neighbouring dwellings and the screening provided by the trees and hedging on the site and its boundaries, the proposal will not appear overbearing or dominating. The dwelling will also not result in any overlooking issues and none of the existing neighbouring properties are considered to significantly overlook the proposed new dwelling or its associated amenity area. The application is therefore not considered to result in any detrimental

impact upon neighbour amenity and is therefore considered to accord with Policy GC4 of the DM DPD.

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

- 5.17 The dwelling is proposed to be accessed from a new vehicular access off Seven Acres Lane, to the south west of the existing Seven Acres site. This will mean that the existing dwelling at Seven Acres and the proposed new dwelling would have separate access points. Norfolk County Council in their role as Highway Authority has stated that in regard to highway safety, Seven Acres Lane is a very lightly trafficked narrow rural road and they would be extremely reluctant for it to be subjected to increased traffic movements. However they have stated that they do not consider those highway concerns to be sufficient to warrant objection in their own right and so have raised no objection to the application. There will be ample room for parking at the site including within the integral garage proposed within the dwelling. The Highway Authority has requested that if the application is approved that three conditions relating to the vehicular access and visibility splays are added to the decision notice and it is confirmed that these would be imposed. Overall it is considered that the proposal complies with Policies TS3 and TS4 of the DM DPD.

### **Other Issues**

- 5.18 The District Design Advisor originally advised that additional information should be submitted regarding the proposed levels on site. During the course of the application a sectional drawing was submitted which shows that the first floor level of the new dwelling will be the same as the ground floor level of the existing dwelling at Seven Acres. Although the sectional drawing is considered acceptable, given this relationship is critical to the scheme and indeed the design rationale, a condition is also to be imposed which requires levels of the proposed dwelling, the existing dwelling and the relationship of the building, driveway and the immediate ground levels to be submitted and approved by the Local Planning Authority prior to the commencement of the development. The Design Advisor has confirmed that he is accepting of this approach.
- 5.19 A Desk Top Study and Full Field Ecology Survey Report has been submitted with the application which revealed that the site has a modest ecological value. The report states that the development will not significantly alter the habitats on site, but that the proposed landscaping scheme actively builds upon the existing habitat structure and should improve the ecological value and diversity of the grassland substantially, whilst also providing a better structure and diversity to the hedges. The report also concludes that, in regards to protected species, the site does not present more than a fairly modest value. Notwithstanding this, a condition is to be added to the decision notice, as recommended within the report, which requires a minimum of twelve bird nesting boxes and a minimum of 7 bat boxes to be installed



around the site prior to the first occupation of the development in order to enhance the biodiversity and wildlife on the site. Overall the proposal is not considered to have any detrimental impact upon the ecology and biodiversity on the site and the application is considered to be in compliance with Policy EN1 of the DM DPD.

- 5.20 The Historic Environment Service have commented on the application and noted that the site is located immediately south of an area where evidence for the presence of a levelled barrow cemetery of Bronze Age date has been recorded. They have stated that there is potential for previously unidentified heritage assets with archaeological interest to be present within the site and their significance would be affected by the proposal. The Historic Environment Service have therefore requested that a condition is imposed which requires a programme of archaeological work to take place prior to the commencement of the development. It is confirmed that this condition is to be added to the decision notice as requested.
- 5.21 It is noted that Coltishall Parish Council have objected to the application as set out in paragraph 3.1 of this report. Their main reasons for objection are the fact that the site is outside the settlement limit, the design of the dwelling and the cumulative impact that the additional dwelling will have on Coltishall, in particular the increase in traffic on the surrounding road networks. It is accepted that the site is outside the settlement limits as set out in paragraph 5.3 of this report and the design merits of the scheme have been discussed above. The Parish Council have referenced a number of other recently approved applications in the area but this application should only be assessed on its own merits. With regards to the impact on the surrounding road network, it is noted that the Highway Authority raised no objection to the application and therefore the Parish Council's comments on this application cannot be supported.
- 5.22 This application is liable for Community Infrastructure Levy (CIL).

### **Conclusion**

- 5.23 The planning balance should consider whether the benefits associated with the development outweigh the harm. In having regard to all matters raised, it is considered that although the site is outside of a defined settlement limit where development is normally restricted, the dwelling proposed by this application meets the requirements of paragraph 79 of the NPPF by virtue of its outstanding design, it reflecting the highest standards in architecture, it significantly enhancing its immediate setting and being sensitive to the defining characteristics of the local area. It will have an acceptable impact on the landscape character of the area and will not cause harm to any residential amenity or the satisfactory functioning of the highway network. Overall, it is considered that the benefits of an outstanding design that is responsive to its context outweighs the limited harm arising and that the application represents

an acceptable form of development. Accordingly, the officer recommendation is that the application is approved.

Recommendation:

**APPROVE** the application subject to the following conditions:

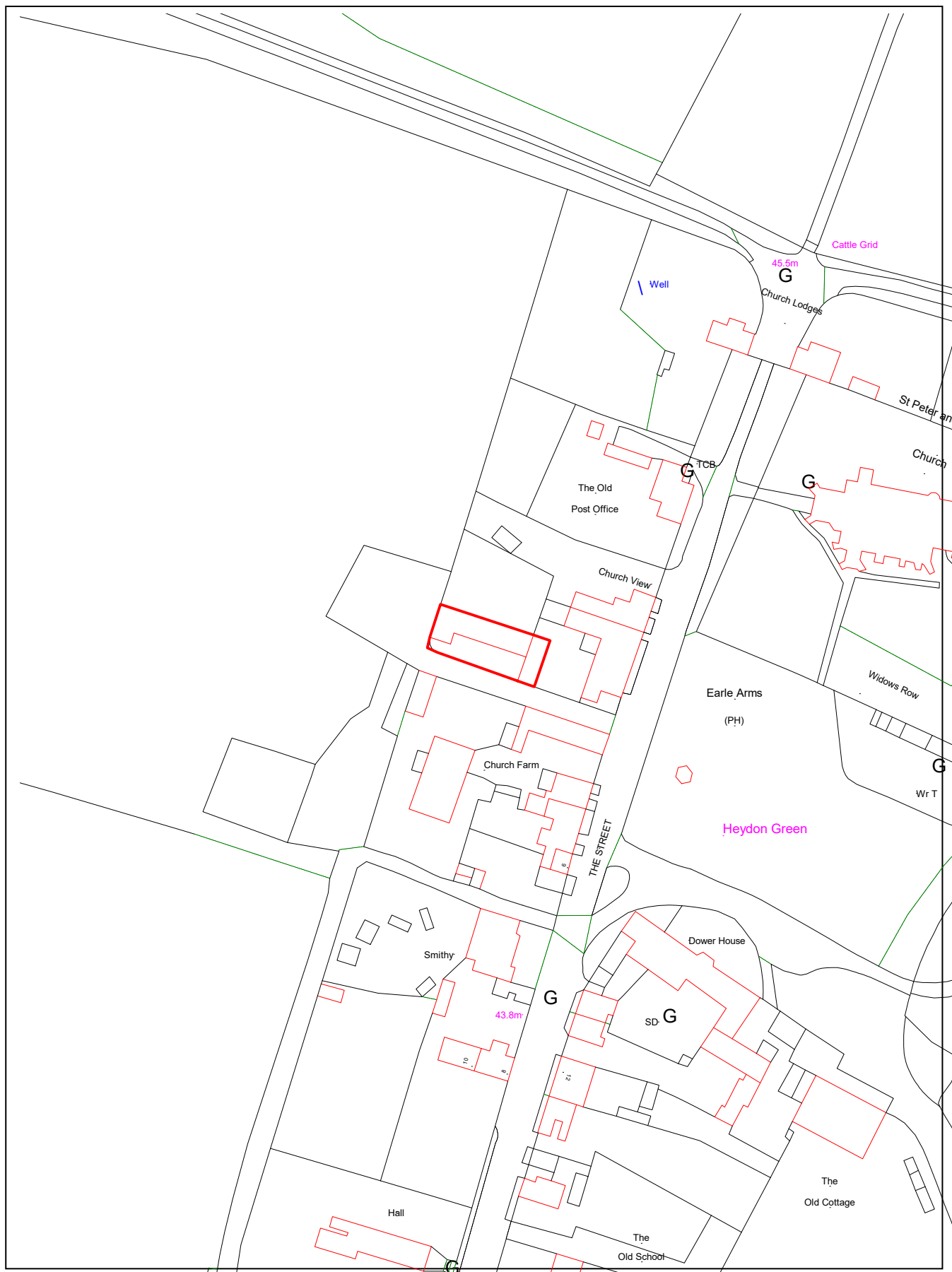
- 1 (A1) Time Limit (Three years)
- 2 (E3) Development to be carried out in accordance with approved plans
- 3 (E4) Details of external materials, critical junctions and joinery details to be submitted and approved
- 4 (NS) Details of site levels to be submitted
- 5 (SHC05) Highways – vehicular access
- 6 (SHC16) Highways – visibility splays
- 7 (SHC07) Highways – No obstruction to access within 5 metres of carriageway
- 8 (D2) Removal of permitted development rights for any buildings, walls, fences or alterations or extensions to dwelling
- 9 (NS) Works shall be carried out in accordance with AIA, TPP and AMS
- 10 (T04) Details of proposed landscaping to be submitted and approved, this includes details of construction access and service runs
- 11 (J01, J04 & J05 combined into one condition) Archaeology
- 12 (NS) Bird nest boxes and bat boxes
- 13 (NS) Details of surface water and foul sewage disposal

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

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Application No: [20190443](#)  
Parish: Heydon

Applicant's Name: Mrs Rhona Bulwer-Long  
Site Address: Church Farm Barns, The Street, Heydon, NR11 6AD  
Proposal: Extension and rebuilding of damaged farm buildings to form 4 no: commercial units for A1 and B1 use (part retrospective)

### 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 rebuilding and extension of damaged agricultural barns to form four commercial units for retail (A1) and business (B1) use. The application is part-retrospective as the building work for the rebuilding of the barns started in January 2019.
- 1.2 The site is located outside of any defined settlement limits within the rural village of Heydon. It is accessed off a single width unmade track which is to the south of the barns. Further south, on the opposite side of the track, there are some former agricultural barns, some of which have recently been converted for commercial use. The grade II listed Earle Arms public house is located to the east and beyond this is 'The Street' which is the main road which runs through the village. To the north is a garden area associated with the public house whilst to the west of the site is a gravelled car park. The site is located in the Heydon Conservation Area.
- 1.3 The current proposals follow a similar full planning application (ref: 20180892) which granted planning permission for the conversion of the same set of agricultural barns to form four commercial units in July 2018. However on commencement of the works, the walls were found to be in a worse condition than anticipated once the render had been removed. As a consequence they were lowered to reach a sound base to build off however this was to such an extent that it was considered that rebuilding the barns to match the existing was the best solution.
- 1.4 The original barns were of a single storey red brick and tile construction and had a central barn and east and west wings which projected towards the south. The part of the barn which projected to the west side didn't project out

as far as the east side, whilst there was also a paved area to the front of the barns. The original barns were approximately 4.3 metres in height at their highest point and had an internal floor area of 160m<sup>2</sup>. The application for the conversion of the barn (20180892) proposed to extend the west side projection so that it was the same length as the east and so the barn formed a 'U' shape. A structural survey was submitted with the application which identified that a number of repairs and rebuilding work was necessary to preserve the buildings and facilitate the conversion. As part of the conversion the majority of the roof timbers and some of the brickwork were to be replaced as well as some new openings and rooflights added. Following the conversion the highest part of the building was to be 4.1 metres in height and the barns were to have a floor area of 168m<sup>2</sup>.

- 1.5 The current application proposes to re-build the barns in much the same way as the approved 20180892 application proposed. The footprint, height, and floor area of the barns all remain unchanged from the previous approval. The design and materials are also much the same as previously approved.
- 1.6 One change from the previously approved 20180892 application is the addition of two air source heat pumps on the rear (north) of the building which are to be enclosed by new close boarded fencing.

## 2 Relevant planning history

- 2.1 [20180892](#): Conversion of barns from general estate storage to allow A1 and B1 use. Approved 25 July 2018.

The following applications apply to two sets of barns to the south of the site on the opposite side of the track.

- 2.2 [20140110](#): Church Farm, The Street, Heydon. Change of use of agricultural buildings to workshop & office. Approved 18 March 2014.
- 2.3 [20160427](#): Church Farm Barns, The Street, Heydon. Conversion of agricultural barns to B1 use. Approved 16 June 2016.
- 2.4 [20180192](#): Units 2 & 3, Church Farm Barns, The Street, Heydon. Change of use of units from business use (B1) to allow retail use (A1) or business use (B1). Approved 23 March 2018.
- 2.5 [20181906](#): Unit 1, Church Farm Barns, The Street, Heydon. Change of use of units from business use (B1) to allow retail use (A1) or business use (B1) (retrospective). Approved 22 January 2019.

## 3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)

NPPF 02: Achieving sustainable development  
NPPF 04: Decision-making  
NPPF 06: Building a strong, competitive economy  
NPPF 09: Promoting sustainable transport  
NPPF 12: Achieving well-designed places  
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 5: The Economy  
Policy 6: Access and Transportation  
Policy 17: Small rural communities and the countryside

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

Policy GC1 – Presumption in favour of sustainable development  
Policy GC2 – Location of new development  
Policy GC4 – Design  
Policy EN1 – Biodiversity and Habitats  
Policy EN2 – Landscape  
Policy TS3 – Highway safety  
Policy TS4 – Parking guidelines

### 3.4 Supplementary Planning Documents (SPD)

Landscape Character Assessment (2013)  
Heydon Conservation Area Character Statement (2009)

### 3.5 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 Economic Development Officer:

I can confirm that I would support this application which will add to the business opportunities and facilities available within the village.

#### 4.2 Historic Environment Officer:

I have no objection to the rebuilding of these barns which will make a positive contribution to the character and appearance of the Conservation Area as rebuilt.

The scale and design matches what was previously agreed as a conversion prior to the barns being demolished. All materials proposed are appropriate. There is no detail provided for the joinery but provided the applicant confirms that the windows and doors will match those permitted for the barns opposite (original applications 20160427 & 0429) I have no objection.

#### 4.3 Pollution Control Officer:

I can see no requirement for further investigation.

#### 4.4 Other Representations:

No neighbour representations received.

### 5 Assessment

#### 5.1 Key Considerations

- Whether there are material considerations sufficient to outweigh the presumption of determining the application in accordance with the provisions of the development plan – in this instance whether it is appropriate to rebuild the barns for commercial use outside of a defined settlement limit
- The impact of the development on the character and appearance of the Heydon Conservation Area and nearby listed buildings
- The impact of the development on residential amenity
- The impact of the development on highway safety

**Whether there are material considerations sufficient to outweigh the presumption of determining the application in accordance with the provisions of the development plan – in this instance whether it is**

**appropriate to rebuild the barns for commercial use outside of a defined settlement limit.**

- 5.2 As noted in paragraph 1.2 of this report the application site is situated outside of a defined settlement limit in a rural location. Policy GC1 of the Development Management DPD (2015) (DM DPD) sets out that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy GC2 of the DM DPD does not permit new development outside of the settlement limits unless the proposal complies with a specific allocation and/or policy of the development plan.
- 5.3 In this regard Policy 5 of the JCS states that the local economy will be developed in a sustainable way to support jobs and economic growth both in urban and rural locations. The policy also promotes development of appropriate new and expanded businesses, which provide either tourism or other local employment opportunities. The proposal will provide four small retail or business units which will be attractive additions to the village and help to bring customers to the area. The proposal has received support from the Economic Development Officer on the basis that it will add to the business opportunities and facilities available within the village. The application therefore complies with Policy 5 of the JCS.
- 5.4 The planning history at the site is also considered to be a material consideration in determining this application. As set out in paragraph 1.3 of this report the current proposals follow a similar application (ref: 20180892) which granted planning permission for the conversion of a group of agricultural barns to form four commercial units. On commencement of the works, although a structural survey had been submitted with the application, the building was found to be in a worse condition than previously expected and was considered to be unsafe. As a consequence it was considered that rebuilding the barns to match the existing was the best solution.
- 5.5 The proposal is to rebuild the barns to the same size, design and materials as previously approved. The end result will be a barn, which although rebuilt, will be of the same character and appearance as that previously approved.
- 5.6 The structural survey submitted as part of the 20180892 application identified that a number of repairs and rebuilding work was necessary to preserve the buildings and facilitate the conversion. It was considered that without these repairs and without the conversion of the building, it could deteriorate further and could ultimately be lost. As the barns have now been demolished completely it is accepted that there is now no building to convert and therefore the proposals cannot be recommended for approval in line with Policy GC3 of the DM DPD as was previously the case with the 20180892 application. The barns are however considered to have a historic significance and if this application was to be refused the area would potentially be left as an area of



hardstanding with no obvious future use. Taking a balanced view it is considered that there is merit in approving the application despite its conflict with Policy GC2 of the DM DPD.

### **The impact of the development on the character and appearance of the Heydon Conservation Area and nearby listed buildings**

- 5.7 The site is situated within the Heydon Conservation Area and is located within close proximity to a number of listed buildings including the public house building immediately to the east of the site. Regard has therefore been given to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It should be noted however that the barns, which were demolished and in the process of being rebuilt, were not considered to be curtilage listed.
- 5.8 The proposals are considered to be sympathetic to the original barns and surrounding area and the design, materials and joinery details proposed for the development are considered to be acceptable. The Council's Historic Environment Officer has commented that the scale and design matches what was previously agreed as a conversion prior to the barns being demolished and has also raised no objection to the addition of the two air source heat pumps on the rear of the building. Overall she has supported the application stating that the rebuilding of the barns will make a positive contribution to the character and appearance of the Conservation Area once rebuilt.
- 5.9 Overall, although visible from the street scene, it is considered the proposals will not cause any harm to the character and appearance of the Heydon Conservation Area or the setting of any nearby listed buildings. The application is therefore considered to comply with Policies 1 and 2 of the JCS, Policies GC4 and EN2 of the DM DPD and sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **The impact of the development on residential amenity**

- 5.10 In terms of residential amenity, B1 uses are defined as industrial processes which can be carried out in a residential area without causing detriment to the amenity of that area as well as offices and places of research and development. The proposal would create four modest sized units which would be in keeping with the size of the three units recently approved to the south of the site which are also for an A1 or B1 use. Given the modest size of the units, it is considered that any retail use will be of a small scale and also not cause any detrimental impact upon neighbour amenity.
- 5.11 The previous 20180892 application sought permission for the units to be open until 9pm, Monday to Saturday and until 6pm on a Sunday. Given that the nature of the units are unlikely to generate any significant noise and disturbance and considering the units are opposite a public house which is likely to be open even later into the evening it was considered that the hours

proposed are acceptable. Units 2 and 3 to the south also have similar operating hours and a condition is proposed to be added to the decision notice for this application to similarly control the opening hours. Overall it is considered that the application will not have any detrimental impact upon neighbour amenity and the proposal is considered to comply with Policy GC4 of the DM DPD.

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

- 5.12 Planning permission has recently been granted for the formation of a new car park which provides parking for the community to the south west of the application site under ref 20161387. With this in mind there will be ample parking available nearby for customers visiting the proposed units. The Highway Authority raised no objection to the previous 20180892 application and overall the proposal is considered to comply with Policies TS3 and TS4 of the Development Management DPD.

### **Other issues**

- 5.13 A Preliminary Roost Assessment was submitted with the previous application for the conversion of the barns which stated that no impact on any designated sites or habitats of ecological significance was envisaged. Section 7 of the report suggested some enhancements that could be made on the site which included the installation of a bat box and a minimum of two bird boxes on the building. A condition is proposed to be appended to the decision notice to ensure that the development is carried out in accordance with this section of the report. In light of this it is considered that the application is in accordance with Policy EN1 of the DM DPD.
- 5.14 This application is liable for Community Infrastructure Levy (CIL).

### **Conclusion**

- 5.15 Overall, the proposal will rebuild a building of historic significance and will result in additional employment and support the economic growth in the area. As set out above it is considered that the proposals will not result in any significant harm to the general character and appearance of the Heydon Conservation Area, nearby listed buildings, residential amenity or highway safety. It is considered that the benefits of the proposals outweigh any harm that may arise and that the application represents an acceptable form of development. Accordingly, the officer recommendation is that the application is approved.

Recommendation:

**APPROVE** the application subject to the following conditions:

- 1 (E3) Development to be carried out in accordance with approved plans
- 2 (I3) Premises shall only be used for A1 or B1 use
- 3 (D2 - Variation) Removal of permitted development rights (Schedule 2 Part 2 and Part 7 of GDPO)
- 4 (I12) Hours of operation – 08:00 until 21:00 Monday to Saturday and 09:00 until 18:00 Sundays and Bank Holidays
- 5 (NS) Bat and Bird Boxes to be installed prior to first occupation

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

Christopher Rickman

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broadland.gov.uk

**Application No: 20190695**

**Land Rear of 33 Sandhole Lane, Great Little Plumstead, NR13 5HZ**

**Scale:  
1:1250**

**Date:  
3-Jun-19**



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Application No: [20190695](#)  
Parish: Great and Little Plumstead

Applicant's Name: Mr John Alan Shreeve  
Site Address: Land rear of 33 Sandhole Lane, Little Plumstead,  
NR13 5HZ  
Proposal: Change of use of agricultural land to garden/ residential  
curtilage (retrospective)

### Reason for reporting to committee

The site is outside of the settlement limit and is therefore contrary to policy.

Recommendation summary:

Approve subject to a condition

### 1 Proposal and site context

- 1.1 The application seeks retrospective permission for the change of use of land from agricultural to residential curtilage to be used in association with the existing dwelling, known as 33 Sandhole Lane.
- 1.2 The site lies outside of but adjacent to the settlement limit on its northern and eastern boundaries.
- 1.3 A 1.8m close board fence has been erected around the land, enclosing it as part of the existing rear garden.
- 1.4 The land is laid to lawn and maintained as part of the residential garden.
- 1.5 A public footpath runs along the eastern edge of the site

### 2 Relevant planning history

- 2.1 [20040894](#): Alterations and extensions including rooms in roof. Approved 29 July 2004.
- 2.2 [20050940](#): Change of use of agricultural land to domestic garden extensions – land rear of 37, 39, 41, 43 & 45 Sandhole Lane. Refused 10 August 2005.
- 2.3 [20051232](#): Change of use of agricultural land to domestic garden extensions – land rear of 37, 39, 41, 43 & 45 Sandhole Lane. Approved 13 October 2005.

### 3 Planning Policies

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

NPPF 02: Achieving sustainable development

NPPF 04: Decision-making

#### 3.2 Joint Core Strategy (JCS)

Policy 2: Promoting good design

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

Policy GC1 – Presumption in favour of sustainable development

Policy GC4 - Design

#### 3.4 Great & Little Plumstead Neighbourhood Plan

Policy 1 – Growth

Policy 2 – Design

#### 3.5 BDC Site Allocations DPD (2016) – site outside of but adjacent to settlement limit.

### 4 Consultations

#### 4.1 Parish Council:

No objection.

#### 4.2 BDC Pollution Control Officer:

No objection.

#### 4.3 No representations received from neighbours.

### 5 Assessment

#### **Key Considerations**

The key considerations for the application are the principle of the development, the impact of the development on the character and appearance of the area and the planning history on adjoining sites.

#### **Principle**

#### 5.1 Permission was granted in 2005 for the change of use of land to the rear of 37, 39, 41, 43 & 45 Sandhole Lane from agricultural to residential. These

dwellings are situated to the north of the site and the proposed does not extend beyond these.

- 5.2 To the east the neighbouring dwellings have much longer gardens extending approximately 70m further south.
- 5.3 Given the historical approval for a very similar proposal and the extent of other neighbouring residential gardens I consider it would be unreasonable not to grant retrospective permission for the change of use.
- 5.4 There is minimal impact to the character or appearance of the area as the neighbouring gardens have close board fence boundaries and extend as far if not further towards the existing agricultural land to the south.

### **Other Issues**

- 5.5 Whilst no structures or planting has taken place it is laid to lawn and maintained as a part of the rear garden. It is therefore considered that the change of use has already taken place hence the retrospective nature of the application.
- 5.6 Several of the neighbouring sites that extended their gardens under application 20050940 have outbuildings adjacent to the rear boundaries and so it is not considered necessary or reasonable to include a condition removing permitted development rights within the extended garden area.

**This application is not liable for Community Infrastructure Levy (CIL)**

Recommendation:

**APPROVE** subject to a condition

- 1 (A1) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below:

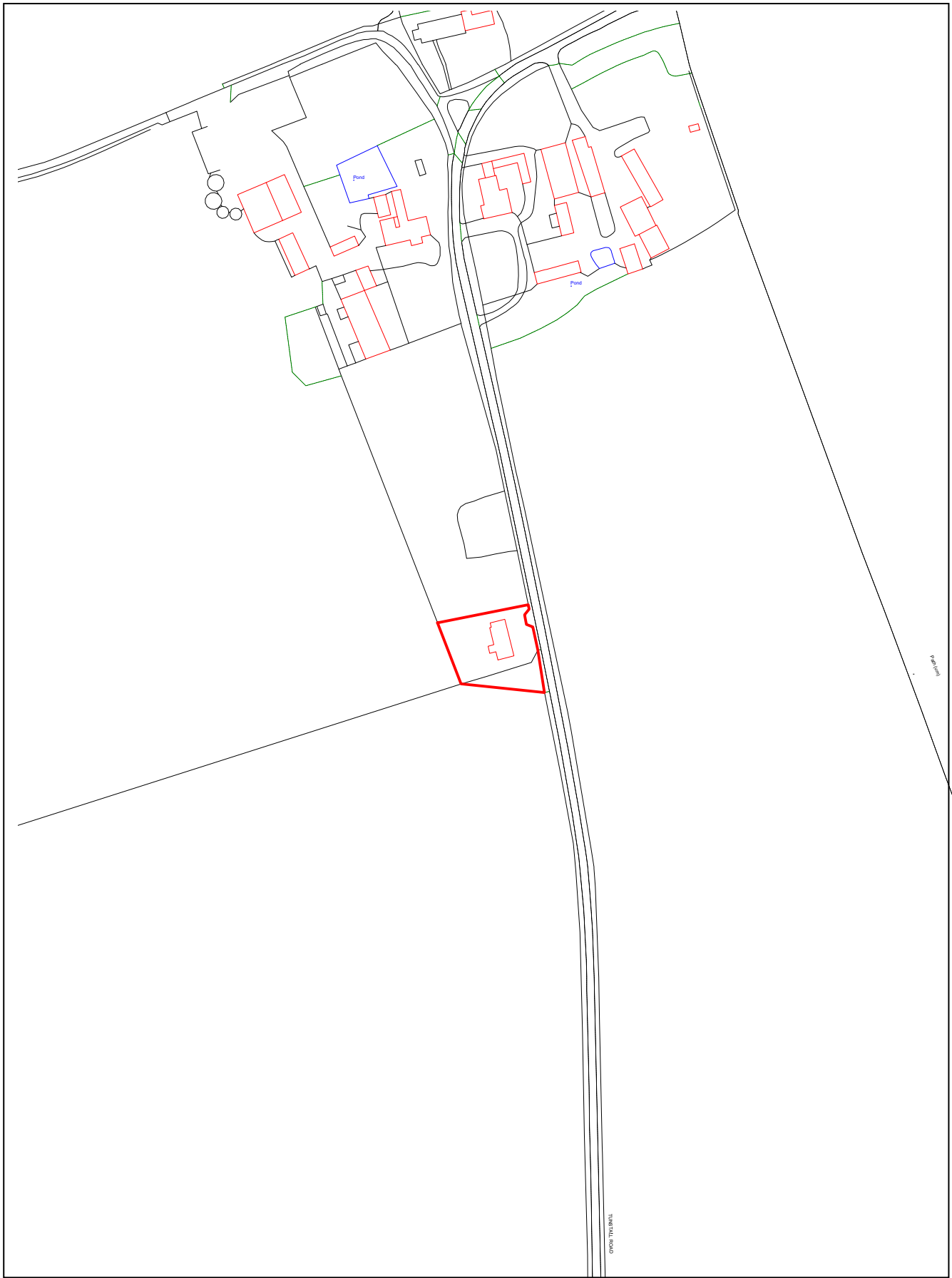
Dwg No 2 Site Plan 1:500 received 25 April 2019

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

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**Application No: 20190654**

**Lawn Bungalow, Tunstall Road, Halvergate, NR13 3FD**

**Scale:  
1:2500**

**Date:  
3-Jun-19**



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Application No: [20190654](#)  
Parish: Halvergate

Applicant's Name: Mr Mrs R More  
Site Address: Lawn Bungalow, Tunstall Road, Halvergate, NR13 3FD  
Proposal: (1) Erection of replacement dwelling and detached garage / workshop (2) Change of use of agricultural land to residential curtilage

### Reason for reporting to committee

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

Recommendation summary:

Approve with conditions

### 1 Proposal and site context

- 1.1 The boundary with the Broads Authority and Broadland Local Planning Authority Area (LPA) runs along the existing southern boundary of the dwelling. The proposal is to provide a replacement dwelling which is within the Broads Area and to extend the residential curtilage to the south into the Broadland LPA in a triangular shape and provide a new vehicular access to the dwelling within this area.
- 1.2 The site is outside any defined settlement limit and outside but adjacent to the Conservation Area boundary which follows the line of the existing southern boundary of the dwelling. The site is part of the landscape defined as F3 Reedham to Thorpe Marshes Fringe area by the Broadland landscape Character Assessment (SPD).
- 1.3 There is currently a non-native species hedge along the southern boundary of the site which would be removed and replaced new a new native species hedge along the southern boundary.
- 1.4 The Broad's Authority has a separate application for the replacement dwelling. We are only considering the extended residential curtilage and new access which is within Broadland's area.

### 2 Relevant planning history

- 2.1 [BA/2019/0044/FUL](#): Replacement bungalow & garage with associated works. Not yet determined.

### 3 Planning Policies

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

NPPF 02: Achieving sustainable development

NPPF 04: Decision-making

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)

Policy 1: Addressing climate change and protecting environmental assets

Policy 2: Promoting good design

#### 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

#### 3.4 Supplementary Planning Documents (SPD)

Landscape Character Assessment

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

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 Halvergate Parish Council:

No objection to this (or to the overall application for the erection of a new dwelling to replace the existing bungalow)

4.2 District Member:

No response.

4.3 NCC Highway Officer:

No objection subject to conditions on access, removal of permitted development rights on gates within 5m of the highway edge, provision of a visibility splay and provision of parking and turning.

4.4 NCC Ecologist: (summarised)

Ecological report submitted. No evidence of bats found. Building assessed as having low suitability for bats. Evidence missing on who carried out surveys and their qualifications.

Potential impact on land to north from slinky pipes, associated with a ground source heat pump. Recommend preliminary ecological appraisal which will inform whether further surveys are required and details of ecological mitigation and enhancements.

4.5 Broadland Pollution Control Officer:

No objection.

4.6 Broadland Conservation Officer (Arboriculture and landscape):

The plot is located on the southern edge of the Halvergate and Tunstall Conservation Area and is bounded by agricultural land, with two significant hedgerow Oaks T3 & T4 within its curtilage.

An Arboricultural Impact Assessment (AIA) & Preliminary Method Statement (PMS) has been undertaken by Oakfield Arboricultural Services, this explores the tree constraints and the measures required to ensure the retained trees can be protected during the demolition and construction phases of the development.

No trees are listed for removal to implement the scheme.

One section of hedge; H2 Privet is shown for removal, I have no objections to this as the hedge would not qualify for inclusion under the Hedgerow Regulations due to it being considered residential curtilage.

I have no objections to the development proposals if the Tree Protection Plan (TPP) is followed and implemented in full, the Construction Exclusion Zones (CEZ's) should be in place prior to the demolition of the existing dwelling.

As described within the PMS the service trenches must be located outside of the Root Protection Areas (RPA's) and should be confirmed prior to installation.

If the layout changes an amended TPP & AMS will be required.

#### 4.7 Other Representations

No response.

### 5 Assessment

#### **Key Considerations**

- 5.1 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 JCS, the National Planning Policy Framework (NPPF) and the character and appearance of the area, character and appearance of the conservation area, impact on trees and highway safety.

#### **Assessment**

- 5.2 The proposed extension of residential curtilage would result in the removal of the non-native hedge and the replacement along the new southern boundary with a native species hedge.
- 5.3 Policy EN2 of the Development Management DPD seeks to protect the local landscape character. I do not consider extending the residential curtilage would adversely affect the local landscape or the character and appearance of the area.
- 5.4 The part of the site within the Broadland LPA is outside, but adjacent to the Conservation Area, S72 of the 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." I consider that the extension of the residential curtilage would not harm the character and appearance of the adjacent Conservation Area.
- 5.5 The NCC Ecologist has raised a number of issues relating to Ecology which relates to development within the Broads Area. She has verbally confirmed that no additional ecological information for the development within the Broadland LPA is required. The proposed new native species hedge along the boundary would result in an ecological enhancement.
- 5.6 An aboricultural report has been submitted to the application there are two trees in the Broadland LPA T2 and T3, which development may affect. T3

being a category A mature oak tree. The report proposed tree protection measures which will ensure that these trees are not damaged as a result of the development, which it is proposed to condition.

- 5.7 There is already a field access where access to the dwelling is proposed the Highway Officer has raised no objection to the development subject to a number of conditions; as a result it is considered that the development complies with Policy TS3 of the Development management DPD, which seeks to ensure highway safety.
- 5.8 Under Section 143 of the Localism Act the Council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

**This application is not liable for Community Infrastructure Levy (CIL) as no new floor space is being created in the Broadland LPA.**

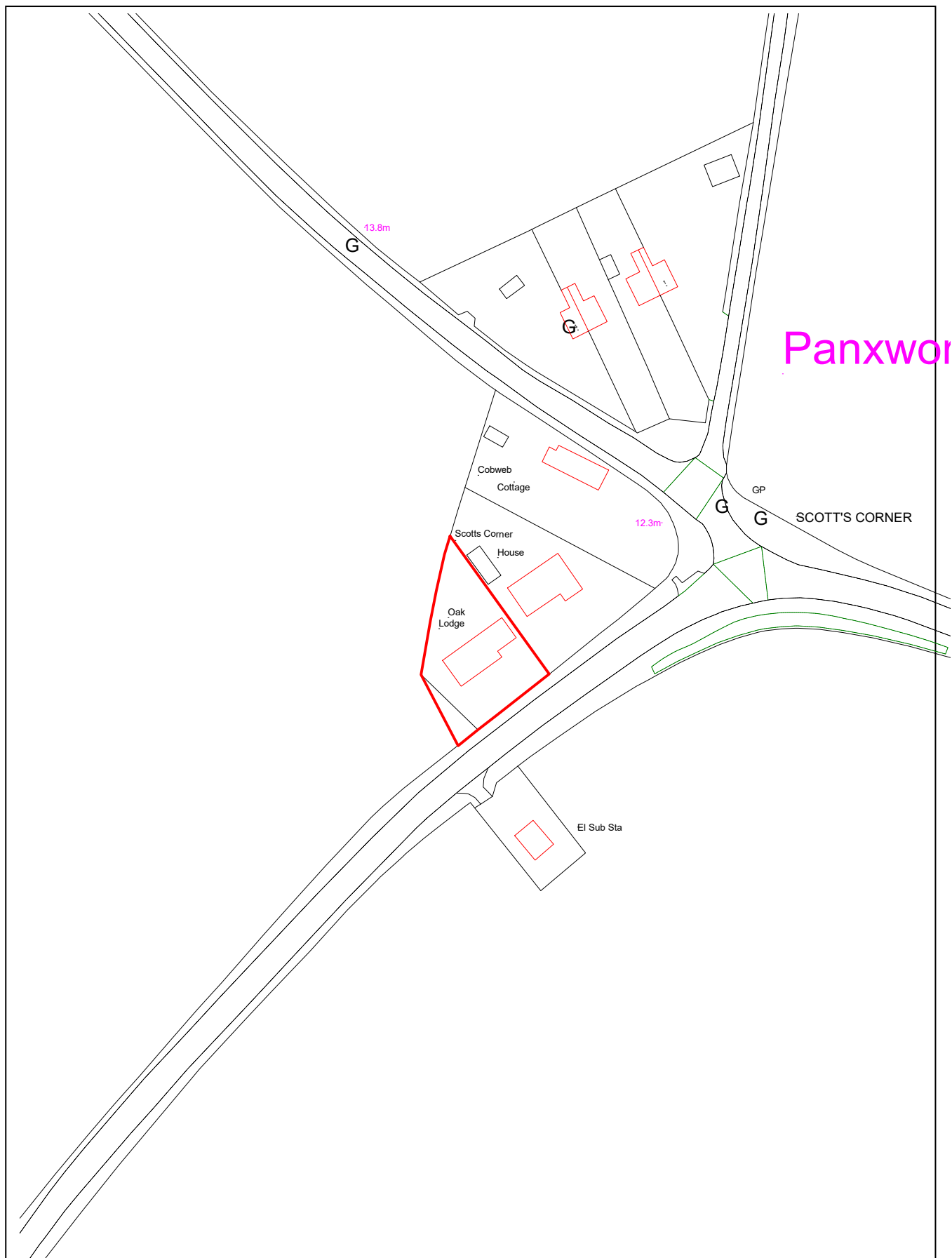
Recommendation:

**APPROVE** with conditions.

- 1 (A1) Full time limit
- 2 (E3) In accordance with drawings
- 3 (T16) Hedge planting
- 4 (T11) Tree protection
- 5 (SHC05) Access construction to required specification
- 6 (SHC07) Access gate configuration
- 7 (SHC16) Provision of visibility splays, approved plan
- 8 (SCH20) Provision of access parking and turning

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

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broadland.gov.uk

**Application No: 20190454**

**Oak Lodge, Scotts Corner, Woodbastwick, NR13 6JF**

**Scale:  
1:1250**

**Date:  
3-Jun-19**



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Application No: [20190454](#)  
Parish: Woodbastwick

Applicant's Name: Mr and Mrs Tims  
Site Address: Oak Lodge, Scotts Corner, Woodbastwick, NR13 6JF  
Proposal: Change of use of part of an agricultural field to residential use and erect side and front extension  
(Revision of [20181968](#))

### Reason for reporting to committee

The site is outside the settlement limits and the change of use of the land to residential use does not accord with any specific policy of the development plan.

Recommendation summary:

Approve subject to conditions

### 1 Proposal and site context

- 1.1 The proposal is to change the use of part of an agricultural field into residential use as part of the curtilage to the dwelling named Oak Lodge and erect a single storey side and front extension for use as a double bay cart lodge. The site is within the countryside within the Rackheath and Salhouse Wooded Estate lands landscape character area and opposite the South Walsham to Reedham Marshes Fringe landscape character area. The Blofield Tributary Farmland landscape character area is within proximity of the site to its south.
- 1.2 The land to be brought into residential use adjoins the south-west side boundary of the property and is uncultivated. A mature Oak tree stands adjacent the highway on the corner of the proposed boundary.
- 1.3 The existing boundary of the residential property with the land consists of a 1.8 metre high concrete post and close boarded fence to the side and rear of the dwelling and shrubs to the front of the dwelling. A section of the fence would be removed for the extension proposed. The section of the fence that would be to the rear of the extension proposed would be retained.
- 1.4 The extension would measure 6m out to the side and approximately 2.2m out to the front of the dwelling by approximately 2.6 metres in height to the eaves and 3.867m in height to the ridge. The application form declares that the external materials would include horizontal timber boarding for the walls and red concrete pantiles for the roof slopes. The proposed elevations indicate that it would be timber framed with a brick base.

### 2 Relevant planning history

- 2.1 [20181968](#): Extend residential curtilage and erect timber cart lodge on front garden. Withdrawn 21 February 2019.
- 2.2 [20090154](#): New vehicular access. Approved 7 March 2019.

### 3 Planning Policies

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

NPPF 02: Achieving sustainable development  
NPPF 04: Decision-making  
NPPF 09: Promoting sustainable transport  
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 17: Small rural communities and the countryside

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

Policy GC1: Presumption in favour of sustainable development  
Policy GC2: Location of development  
Policy GC4: Design  
Policy EN1: Biodiversity and habitats  
Policy EN2: Landscape  
Policy TS4: Parking guidelines

#### 3.4 Supplementary Planning Documents (SPD)

Landscape Character Assessment SPD  
  
Parking Standards SPD

### 4 Consultations

#### 4.1 Broadland District Council: Assistant Conservation Officer (Arboriculture and Landscape):

No objection although, given some hedgerow shrubs would need to be removed to allow for the extension, an informative regarding nesting birds to ensure any would not be disturbed.



4.2 Norfolk County Council: Highway Authority:

No objection.

4.3 No other representations

5 Assessment

**Key Considerations**

5.1 Principle of development

5.2 Impact on the character and appearance of the area

5.3 Impact on the environment including biodiversity and habitats

5.4 Impact on on-site parking and manoeuvring space

**Principle**

- 5.5 Policy GC1 of the DM DPD states that there will be a presumption in favour of sustainable development. Policy GC2 of the DM DPD states that development outside the settlement limits that does not result in any significant adverse impacts will be permitted where it accords with a specific policy of the development plan. However the proposed change of use of the land to residential use does not accord with any specific policy of the development plan. Notwithstanding this, I consider that the proposed residential use of the land would otherwise be acceptable given the area that would be brought into residential use is small, uncultivated and to the side of an existing residential property.

**Impacts**

- 5.6 Policy GC4 of the DM DPD states that development will be expected to achieve a high standard of design and avoid any significant detrimental impact. Policy EN1 of the DM DPD states that development proposals will be expected to protect and enhance biodiversity and avoid fragmentation of habitats. Policy EN2 of the DM DPD states that the character of the area shall be protected and this includes consideration of the impact on natural features such as trees.
- 5.7 I consider that the extension proposed would not have a significant detrimental impact on the character of the area given its extent, height, siting, design and external materials. The extension proposed would not have a significant detrimental impact on the appearance of the area or dwelling given the horizontal timber boarding for the walls would be subservient in appearance to the existing dwelling and the brick base and roof tiles could be

similar to those of the existing dwelling. However details of the form of boarding, profile of tiles and texture and colouring of bricks would be required. Given the proposed development would otherwise be acceptable, I recommend planning permission subject to the condition that development does not proceed above slab level until such details have been approved.

- 5.8 Notwithstanding the use of the land on the south-west side of the property, the erection or construction of a new wall or fence on the proposed south-west boundary of the property would be permitted development. Although the bringing of the land into residential use would make this more likely, I consider it unreasonable to remove such a permitted development right given the small area that could potentially be encompassed.
- 5.9 The Assistant Conservation Officer does not object although advises that, given some hedgerow shrubs would need to be removed to allow for the extension, an informative regarding nesting birds should be added to ensure none would be disturbed.
- 5.10 Policy TS4 of the DM DPD states that development shall include appropriate parking and manoeuvring space. The Highway Authority does not object to the development proposed therefore I consider that the proposed extension would not have a detrimental impact on the existing parking and manoeuvring space.
- 5.11 In conclusion, although the change of use of agricultural land into residential use is contrary to Policy GC2 of the DM DPD, I consider that the small area and fact that it would form part of an existing residential property would be material considerations that indicate that the development plan should not be complied with in this case. Otherwise I consider that the development proposed would comply with Policies 1 and 2 of the JCS and Policies GC1, GC4, EN1, EN2, and TS4 of the DM DPD and is therefore recommended for approval subject to the conditions listed below.

**This application is not liable for Community Infrastructure Levy (CIL)**

Recommendation:

**APPROVE** subject to the following conditions:

- 1 (A1) Statutory Time Limit
- 2 (E3) Submission of Details
- 3 (E4) Submission of External Materials

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

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**PLANNING COMMITTEE**

**12 June 2019**

**Final Papers**

**Page No**

**Supplementary Schedule**

**125 – 130**

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

**DEMOCRATIC SERVICES**

**Broadland District Council**

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Tel: 01603 430428

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## SUPPLEMENTARY SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Plan No	Application No	Location	Update	Page Nos
1	20190392	25 Chenery Drive, Sprowston	This application has been withdrawn from the agenda as not all of the concerns relating to highways issues have been addressed via the further comments of the Highways Authority. Therefore, officers will bring the item before committee for consideration in due course.	31 - 46
3	20181808	Reepham Fisheries, Beck Farm, Norwich Road, Reepham	<p>Statement of support received from Cllr Copplestone</p> <ul style="list-style-type: none"> <li>This application has been submitted by a very successful existing tourist business which is currently operating at near capacity, particularly with regard to the fishing activity on the site. The proposal will allow the business to expand and to offer a more diverse experience whilst accommodating existing match fishing bookings without adversely affecting the rural experience enjoyed by those using the holiday accommodation on site. Visitors to the site also provide valuable income for the local economy in Reepham and the wider area.</li> <li>Examples of this are the fishing festivals that the applicants run twice a year. At the festival held earlier this year a minimum of 36 anglers attended the four day event, coming from all over the country. Each ticket sold for the festival includes accommodation and also a food package. The food package provides each angler with breakfast and dinner each day and this year the package was arranged in conjunction with local businesses at The Dial House, The King's Arms and The Crown. It is estimated that this brought</li> </ul>	63 - 75

			<p>at least £12,300 into the local economy over the period of the festival. The proposal for the additional lakes would allow the applicants to double the number of festivals held every year with the associated additional economic benefits this would bring.</p> <ul style="list-style-type: none"> <li>• The expansion of the business is also likely to lead to more local employment opportunities in the future. I believe there is support in the local community for this venture and for the benefits to the immediate and wider economy. I would also emphasize that it is an important venue/site for the sport of fishing within the District and beyond.</li> <li>• I understand that there are concerns relating to the habitat that will be affected by this proposal. However, if the scheme does not get permission it is unlikely that any positive management of the habitat will be possible and eventually the intrinsic importance of the habitat will be lost.</li> <li>• The scheme gives the opportunity to grow an existing successful local business in a sustainable way whilst providing the opportunity for sensitive management of the remaining habitat, which will, inevitably, suffer in the future if not managed properly.</li> <li>• I, therefore, fully support the application for the economic and social benefits that would accrue from the permission but also for the environmental benefits that will result from a controlled management regime of the remaining habitat.</li> </ul>	
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4	20190352	Land at Seven Acres, Seven Acres Lane, Coltishall	<p>Additional comments have been received from Councillor Jo Copplestone in support of the application which are as follows:</p> <p>“In normal circumstances I disagree with building in the countryside, especially in Coltishall which is an area of outstanding natural beauty and the gateway to the Broads.</p> <p>However, Paragraph 79 (e) states if a design is of exceptional quality, and of outstanding design and enhances its immediate setting while being sensitive to the defining characteristics of the local area, an exception can be made.</p> <p>I have spoken to the applicants since becoming the District Councillor for Coltishall and they have been pursuing their aspiration to build an architecturally unique home over the last 3-4 years. They have been assisted by planning officers at Broadland with pre-planning advice, during that time.</p> <p>I believe the applicants have now composed an inspirational and exceptional design, and I think the building sits comfortably within the natural landscape and will become a positive ‘landmark’ view from the Bure Valley Railway and path.</p> <p>If approved the building would be constructed using the Nur-Holz method of timber construction, using cross laminated sustainable timber which is combined with wooden dowels rather than glue, giving a high level of insulation, and exceeds current building regulations on energy performance.</p> <p>The ‘green’ roof and walling will increase the opportunity for bio-diversity,</p>	76 - 98
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			<p>and the bedroom wing is embedded into the landscape and therefore gains natural insulation from the ground.</p> <p>I know the Parish Council at Coltishall have voiced concerns about building in the countryside and whether this policy will become commonplace. However, I believe obtaining planning permission using Paragraph 79 will become increasingly difficult for architects to achieve new conceptual and innovative designs into the future.</p> <p>I ask you to approve this application under NPPF Paragraph 79.”</p>	
7			<p>Comments from Broads Authority</p> <ul style="list-style-type: none"> <li>Whilst it is understood that the extension of the garden to accommodate an improved access and slightly larger property, results in encroachment of residential land within the open countryside, in this instance we don't hold an in principle objection to the scheme. This is on the basis that the current plot and 1960's dwelling on site at the edge of the hamlet of Tunstall and associated Conservation Area form an incongruous addition that doesn't benefit the character of the area and this scheme would be an improvement. The cramped nature of the existing plot means that the boundary hedge is very close to the existing dwelling and in turn, the hedge doesn't shield the dwelling from view. The replacement dwelling is considered to be a better quality structure and the existing building is not worthy of retention. The existing boundary hedge is of limited quality and it is considered that this proposal could result in better planting on the boundary which would ensure the development enhances the overall character and</li> </ul>	112 - 117



			<p>appearance of the Conservation Area and Landscape character.</p> <ul style="list-style-type: none"> <li>• The main landscape changes that would result from this proposal are a physical and visible change to the field boundary, and the increase to height and massing of built form on the site which will be visible within the surroundings.</li> <li>• In principle we have no objection to the proposal to replace the dwelling on this site, but we did request a number of tweaks to the scheme to reduce the impact of the proposed development both in terms of visual impact and changes to the existing landscape character:</li> <li>• Whilst from a landscape perspective we have asked the applicant to consider a more rectangular form of garden/plot extension, this was not considered to be suitable in agricultural terms, and therefore the current scheme before us is considered acceptable as it reduces the amount of agricultural land lost, and is an efficient layout for the adjoining field. This angle of the new boundary is not considered to be a reason for refusal, subject to landscaping being conditioned. The new area of garden should be enclosed using a native species mix hedgerow - this should if possible include a tree within the hedgerow to the southern boundary or on the southeast corner. A native hedge should also be used to enclose the front boundary to provide a cohesive character in keeping with existing field enclosure and the appearance of Tunstall Road generally. The protection of the oaks (T3 &amp; T4) within the boundary hedge will be essential to maintaining a mature character and as a marker of the old field boundary.</li> </ul>	
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