

Planning Committee

Agenda

Date

Wednesday 6 March 2019

Members of the Planning Committee

Miss S Lawn
(Chairman)

Mr D B Willmott
(Vice Chairman)

Mr A D Adams
Mr G Everett
Mr R F Grady
Mrs L H Hemsall
Mr R J Knowles

Mr K G Leggett MBE
Mr A M Mallett
Mrs B H Rix
Mr J M Ward

Time

9.30am

Place

Council Chamber
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich

Substitutes

Conservative

Mrs C H Bannock
Mr R R Foulger
Mrs T M Mancini-Boyle*
Mr I N Moncur
Mr G K Nurden
Mr M D Snowling MBE
Mrs K A Vincent
Mr S A Vincent
Mr D C Ward

Liberal Democrat

Mr S Riley

Contact

Sara Utting tel (01603) 430428

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

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



@BDCEmServices

*not met training requirement so ineligible to serve

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

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

Page No

- | | | |
|----------|---|-----------------|
| 1 | To receive declarations of interest under Procedural Rule no 8 | |
| 2 | Apologies for absence | |
| 3 | <u>Minutes of meeting held on 6 February 2019</u> | 3 – 36 |
| 4 | Matters arising therefrom (if any) | |
| 5 | Applications for planning permission to be considered by the Committee in the following order: | |
| | <u>Schedule of Applications</u> | 37 |
| | Planning Applications | 38 – 135 |

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 6 February 2019** at **9.30am** when there were present:

Miss S Lawn – Chairman

Mr A D Adams
Mr G Everett
Mr R F Grady

Mrs L H Hemsall
Mr K G Leggett
Mrs B H Rix

Mr M D Snowling MBE
Mr J M Ward
Mr D B Willmott

The following Members attended the meeting and spoke with the Chairman's concurrence on the items shown:

Mrs Bannock 79 (122 Haverscroft Close, Taverham)

Mr Riley 78 (St Michael's Service Station, Cawston Road, Aylsham)

Also in attendance were the Development Manager; Area Planning Managers; Senior Planning Officer (CJ) and the Senior Committee Officer.

75 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

Member	Minute No & Heading	Nature of Interest
Mr Snowling	81 (land at 11 Station New Road, Brundall)	Had met with the applicant on site but not indicated his views on the application. Non-disclosable, non-pecuniary interest.
Mr Adams, Mr Everett, Mrs Hemsall and Mrs Rix	78 (St Michael's Service Station, Cawston Road, Aylsham)	Acquainted with one of the public speakers on a political basis. Non-disclosable, non-pecuniary interest.
Mr Adams	81 (land at 11 Station New Road, Brundall)	Acquainted with the agent at the time when he was a political assistant for the Conservatives at Norfolk County Council. Non-disclosable, non-pecuniary interest.

76 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Knowles.

77 MINUTES

The Minutes of the meeting held on 23 January 2019 were confirmed as a correct record and signed by the Chairman.

78 APPLICATION NUMBER 20181761 – ST MICHAEL’S SERVICE STATION, CAWSTON ROAD, AYLSHAM

The Committee considered an application for the demolition of the existing houses (nos: 48 & 50) and St Michael’s garage building and the erection of a new garage building with a single, detached, two storey-dwelling to the rear at St Michael’s Service Station on Cawston Road in Aylsham. The existing garage forecourt would be retained to the front of the site and continue to provide parking for the business. The two existing accesses from Cawston Road would also be retained: one to serve the new garage and the other providing dedicated access to the new dwelling via a new driveway. Cumulatively, the redevelopment of the site would result in a net increase of floor space of just 7m².

The application was reported to committee at the request of one of the Ward Members for the reasons given in paragraph 5.9 of the report.

The Committee noted the receipt of a representation from the occupiers of 16 Charles Ewing Close, together with the officer response, as reported in the Supplementary Schedule. In addition, the Committee received the verbal views of Mr Graham of 10-12 Pound Lane; Mr Rouse of 1 Yaxleys Lane and Mr Turkmen representing Mr Minns of 44 Cawston Road, all objecting to the application and Mr Morton (the agent) and Mr Harrison (the applicant) at the meeting. Mr Riley, one of the Ward Members, expressed his concerns on the application.

The site was located within the settlement limit for Aylsham where the principle of development was acceptable. The Committee acknowledged that the redevelopment represented an opportunity to separate the commercial elements of the site from the residential use, the main change seeing a new dwelling to the rear of the workshop building with a dedicated access, parking and private garden. Furthermore, as the garage premises and associated residential use were already well established, the principle of the redevelopment of the site was considered to be acceptable and in accordance with Policy 5 of the JCS and Policies GC2 and E2 of the DM DPD.

As there were two Listed Buildings immediately to the south west of the application site, the Committee had regard to Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Members considered that the proposals would result in the removal of a number of poorly designed structures, tidy the site and result in additional space between the Listed

Buildings and the relocated workshop. It was noted that the dominant feature on that side of the road, when approaching from either direction, would remain as the Listed Buildings. Furthermore, the choice of materials would ensure the new building would recede into the background rather than dominate the appearance of the area. Accordingly, it was concluded that the proposed development would not harm the appearance or setting of the Listed Buildings.

Members acknowledged the concerns raised in relation to highway safety and parking but recognised that there were issues of parking generally in Aylsham and not all of the vehicles parked in the vicinity of the application site were associated with the garage business. The parking layout plan identified 24 spaces within the site and the Highway Authority had not objected to the application, taking the view that, overall, there would be significant benefits in highway terms through the redevelopment of the site and formalising the forecourt parking arrangements. Accordingly, the application was considered to comply with Policies TS3 and TS4 of the DM DPD.

In terms of the buildings' design, the workshop was considered to be fairly modest in scale and appropriate for the size of the site. Whilst the design was functional, it was noted that it did pick up on elements in a simplified form from the surrounding area. Therefore, it was considered to be in accordance with Policy 2 of the JCS and Policy GC4 of the DM DPD. It was noted that the proposed dwelling had been designed to fit within the existing rear garden and its design was not dissimilar to the more modern houses located on Pound Lane which backed onto the site. Members considered the backland position of the dwelling to be acceptable and not out of character with the area due to the irregular layout of surrounding development. The position, space and orientation of the new dwelling in its revised form would ensure there would be no loss of light to any of the neighbouring properties or issues of overlooking.

It was noted that concerns regarding contamination and the possible removal of asbestos would be controlled through the imposition of appropriate conditions.

In conclusion, it was considered that the proposal would not cause significant harm to the setting of the Listed Buildings, character and appearance of the area nor lead to any significant harm to neighbour amenity in terms of loss of light, outlook or privacy and there would be no additional impacts for highway safety and parking.

However, Members considered it would be appropriate to impose a condition limiting the working hours of the garage to 0800 to 1730 Mondays to Fridays and 0800 to 1300 on Saturdays with no working on Sundays or Bank Holidays.

Accordingly, it was

RESOLVED:

To approve application number 20181761, 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.

Design And Access Statement received 26 October 2018

Dwg No 108 Proposed Garage Floor and Roof plan received 26 October 2018

Dwg No 109 Proposed Garage Elevations received 26 October 2018

Dwg No 110a Proposed Dwelling Floor Plans received 8 January 2019

Dwg No 111a Proposed Dwelling Elevations received 8 January 2019

Dwg No 112a Existing and Proposed Site Details received 8 January 2019

Dwg No 113a Parking and Layout received 8 January 2019

- (3) Development shall not proceed above slab level until details of all external materials (including samples of the cladding and roofing materials of the garage building) to be used in the development have been submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

- (4) Prior to the commencement of this development the following must be submitted to and approved in writing by the Local Planning Authority before the commencement of each stage of the process:

- (a) A desk study compiled in line with current good practice guidance must be completed. The report must include a conceptual site model and risk assessment to determine whether there is a potentially significant risk of contamination that requires further assessment.

- (b) Based on the findings of the desk study a site investigation and detailed risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originated on the site. The report must include:

- (1) A survey of the extent, scale and nature of contamination

- (2) An assessment of the potential risks to possible receptors identified in the desk study report:

The report must include a revised conceptual site model and risk assessment. There must be an appraisal of the remedial options, and details of the preferred remedial option(s). This must be conducted in accordance with currently accepted good practice guidance.

- (c) Based on the findings of the site investigation a detailed remediation method statement must be submitted for approval. Remediation must bring the site to a condition suitable for the intended use. The method statement must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990. Remediation work cannot commence until written approval of the proposed scheme is received from the LPA.
- (d) Following the completion of the remedial measures identified in the approved in C above a verification report (also called a validation report) must be produced. The report must scientifically and technically demonstrates the effectiveness and success of the remediation scheme. Where remediation has not been successful further work will be required.
- (e) In the event that previously unidentified contamination is found during the development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken as per part B above, and where remediation is necessary a remediation method statement and post remedial validation testing must be produced and approved in accordance with parts C & D above.
- (5) Prior to the first occupation of any of the development hereby approved a 2.4m wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- (6) Prior to the first occupation of the development hereby approved the proposed access / on-site car parking / servicing / loading / unloading / turning / waiting area shall be laid out, demarcated, levelled and

surfaced in accordance with the approved plan and retained thereafter available for that specific use.

- (7) No demolition or construction work shall be carried out at the site before 07.00 hrs on weekdays and 08.00 hrs on Saturday nor after 18.00 hrs on weekdays or 13.00 hrs on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.
- (8) No part of the dwelling hereby approved, or any part of the curtilage of the dwelling as indicated on drawing numbers 112a and 113a received 8 January 2019, including the garden / amenity space, parking area or access driveway shall be used for any purpose other than that associated with the residential use of the property and at no time shall be used for a purpose associated with the garage business, including but not limited to, storage, parking and repairs.
- (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting, or modifying that Order), no further first floor windows shall be inserted and no dormer windows or other openings to the roof space shall be provided.
- (10) Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (or any Order revoking, re-enacting, or modifying that Order) no advertisements or signs shall be erected on the garage workshop building hereby approved without the prior written consent of the local planning authority.
- (11) Unless otherwise specified in writing by the Local Planning Authority, working hours shall be limited to 0800 to 1730 Monday to Friday; 0800 – 1300 on Saturdays and at no time on Sundays or 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 the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.

- (4) 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.
- (5) In the interest of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (6) To ensure the permanent availability of the parking / manoeuvring areas, in the interests of satisfactory development and highway safety.
- (7) To safeguard the amenities of the adjacent residential properties in accordance with the criteria specified in Policies GC4 and EN4 of the Development Management DPD 2015.
- (8) To ensure development appropriate for the area in accordance with the criteria specified within Policy GC4 of the Development Management DPD 2015.
- (9) To prevent overlooking to the detriment of the amenities of the adjacent properties in accordance with Policy GC4 of the Development Management DPD 2015.
- (10) To ensure development appropriate for the area in accordance with Policy GC4 of the Development Management DPD 2015.
- (11) To safeguard the amenities of the adjacent residential 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 paragraphs 186-187 of the National Planning Policy Framework.

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 Control 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.

If required, street furniture will need to be repositioned at the applicant's own expense.

- (2) 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
- (3) Owing to the age and nature of the existing structures there is potential for asbestos containing material to 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.
- (4) Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
- (5) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk

79 APPLICATION NUMBER 20181933 – 122 HAVERSCROFT CLOSE, TAVERHAM

The Committee considered an outline application for the sub-division of the plot, creation of an access and erection of two dwellings at 122 Haverscroft, Taverham. All other matters were reserved for later determination but an indicative layout plan suggested a pair of semi-detached bungalows with off-road parking for two vehicles per dwelling, with a turning head on the site.

The application was reported to committee at the request of one of the Ward Members for the reasons given in paragraph 5.1 of the report.

The Committee noted a suggested additional condition as reported in the Supplementary Schedule. In addition, the Committee received the verbal views of Mr Barber (the agent) at the meeting. Mrs Bannock, one of the Ward Members, spoke in opposition of the application.

The site was located within the settlement limit where the principle of development was acceptable, under Policy GC2, subject to other considerations. As the site was part of a domestic garden incidental to no: 122, it was considered to be in a suitable and sustainable location appropriate for housing development.

As the application was in outline, Members acknowledged that it was not possible to assess comprehensively and in detail the impact the proposal might have on the character and form of the settlement at this would be for consideration at the Reserved Matters stage. The Design and Access Statement suggested a pair of semi-detached bungalows and it was considered that these would not be out of character with the locality as the site was surrounded by a mixture of house types with reasonable sized gardens. Whilst the proposal would constitute a backland form of development, as it would not mirror the dominant linear form of the character of the area, it was considered that it would not have an adverse impact on the overall visual appearance of the area nor appear incongruous within the setting of that part of Taverham. Furthermore, it was considered that the size of the application site was adequate to accommodate a pair of semi-detached bungalows and would not have a harmful impact on the form and character of the settlement and would not result in a cramped form of development. Members noted the indicative plan identified the siting of the proposed dwellings with adequate garden space, with the dwellings maintaining the building line to ensure that the character and form of the area was not eroded by the proposed development. Accordingly, the proposals were considered to be in accordance with Policy GC4 of the DM DPD.

Members considered that, with the proposed dwellings being limited to single storey, the proposed development would not appear over dominant or have a detrimental effect in terms of overshadowing, loss of privacy due to

overlooking to neighbouring properties or result in any significant harm to the residential amenities of the neighbouring residents and future occupants of the proposed dwellings.

In terms of the access, it was noted that the Highways Authority had not objected to the proposed ingress and egress point and therefore, the Committee considered that, due to its minor scale and size, the proposal would not significantly increase or intensify the use of Haverscroft Close. Furthermore, it was unlikely to cause adverse impact on the free flow of traffic, both vehicular and pedestrian, on Haverscroft Close and on the other roads in the vicinity of the site.

Members acknowledged the concerns raised by the occupiers of no: 116 relating to construction vehicles using the private driveway / road but noted these were not strong and sound reasons to justify refusal. However, they endorsed the officer recommendation to impose a condition limiting the hours of operation for the construction work to ensure it was not carried out at unsociable hours which had the potential to have an adverse impact on highway safety and on neighbouring residential amenity.

In terms of all other matters raised, Members concurred with the officer's appraisal addressing these in the report including the imposition of conditions, as appropriate.

In conclusion it was considered that the proposal represented an acceptable form of development in a sustainable location and accordingly, it was

RESOLVED:

To approve application number 20181933, subject to the following conditions:

- (1) Application for approval of ALL "reserved matters" must be made to the Local Planning Authority not later than the expiration of TWO years beginning with the date of this decision.
- (2) The development hereby permitted must be begun in accordance with the "reserved matters" as approved not later than the expiration of TWO years from either, the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such reserved matter to be approved.

Application for the approval of the "reserved matters" shall include plans and descriptions of the:

- i) details of the layout;
- ii) scale of each building proposed;

- iii) the appearance of all buildings including the precise details of the type and colour of the materials to be used in their construction;
- iv) the landscaping of the site.
- v) the layout of foul sewers and surface water drains

Approval of these “reserved matters” must be obtained from the local planning authority in writing before any development is commenced and the development shall be carried out in accordance with the details as approved.

- (3) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.
- (4) Prior to the first occupation hereby permitted the proposed access/on-site car parking areas shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.
- (5) Construction works, and deliveries shall be restricted to between 0800 hours and 1700 hours Monday to Friday and between 0830 hours and 1300 hours on a Saturday and shall not take place at any time on Sundays Bank holidays and Public holidays
- (6) A scheme for landscaping and site treatment to include grass seeding, planting of new trees and shrubs specification of materials for fences, walls and hard surfaces and the proposed maintenance of amenity areas, shall be submitted to and approved as part of the application for reserved matters:

The scheme shall also include the positions of all existing trees (which shall include details of species and canopy spread) and hedgerows both on the site and within 15m of the boundaries together with measures for the protection of their above and below ground parts during the course of development.

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. The landscaping work shall be undertaken as approved.

- (7) The dwellings shall be of single storey construction and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order, revoking, re-enacting or modifying that order), no dormer windows or other openings to the roof space shall be provided.

Reasons:

- (1) The time limit condition is imposed in compliance with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) The application is submitted in outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- (3) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (4) To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety
- (5) To safeguard the amenity of the occupiers of the surrounding properties in the interests of amenity having had regard to Policy GC4 of Broadland District Council Development Management DPD [2015]
- (6) To ensure the provision of amenity afforded by new landscape features and to retain and protect existing trees which are within close proximity to the site in accordance with Policies GC4 and EN2 of the Development Management DPD 2015.
- (7) To ensure the satisfactory development of the site in accordance with Policies GC4 and EN2 of the Development Management DPD 2015.

Informatives:

This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

It is an offence to carry out any work within the Public Highway, which involves a Public Right of Way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that in addition to planning permission any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group. Please contact Stephen Coleman on 01603 430596.

If required, street furniture will need to be repositioned at the applicant's own expense.

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 accrued out at the expense of the developer.

The applicant is advised that the previous use of the building and associated land may have involved potentially contaminated activities which have given rise to the presence of contamination. In view of this you are advised to consider commissioning a suitably qualified independent and experienced professional or company to undertake a site investigation and risk assessment to determine whether any remedial work is required to ensure that the site is suitable for the intended use. The responsibility for the safe development of the site, the disposal of any contaminated materials from the development of the site and ensuring that the site is suitable, or can be made suitable for the intended development, through the implementation of an appropriate remediation strategy, is the responsibility of the developer.

A leaflet explaining in more details what the council would expect to comply with this advice is available either from the Broadland District Council office or via the Broadland District Council website (www.broadland.gov.uk)

The Committee adjourned at 11.05am and reconvened at 11.10am when all of the Members listed above were present.

80 APPLICATION NUMBER 20181877 – PARK FARM, PARK LANE, REEPHAM

The Committee considered an application for the erection of two detached dwellings with detached garages and associated vehicular accesses at Park Farm, Park Lane in Reepham.

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

The Committee received the verbal views of Richard Mathers of Field View, Park Lane, objecting to the application and Mr Crane, the applicant, at the meeting.

The site was located outside of the settlement limit where development proposals would not normally be considered acceptable unless they complied with a specific allocation and / or policy of the Development Plan. Members noted that the site had not been allocated for development in the Site Allocations DPD. However, the site was immediately adjacent to the settlement limit which wrapped around the application site with residential development to the north and east and was within close walking distance of local facilities (eg doctors' surgery; primary school; high school and a range of shops as well as bus stops). Therefore, the site was considered to be located in a sustainable location with good accessibility to services and facilities and accordingly, the proposals were therefore in accordance with Policy GC1 of the Development Management DPD. Furthermore, the land to the south of the application site formed part of a site which was allocated for residential development (under REP1 of the Site Allocations DPD). Upon completion, this development would change the character of that section of Park Lane and result in the application site being surrounded by residential development to the north, south and east. Therefore, the proposals were considered to be tantamount to "infill" development as opposed to any significant erosion of the countryside.

In terms of the proposal's design, Members noted that there were a variety of property styles on Park Lane including single and two storey dwellings and it was considered the proposed two dwellings were of an acceptable size, scale and design. As part of their consideration, Members acknowledged that the proposed palette of materials was not identical to that within the immediate area but considered that the development proposed a high quality of design. Although the proposed dwellings would be clearly visible from outside of the site, it was considered they would sit comfortably against the neighbouring properties and not be an incongruous addition to the street scene. Overall, it was considered that the design of the proposals was considered to be acceptable and the development would not cause any harm to the general character and appearance of the area, in compliance with Policy 2 of the JCS and Policies GC4 and EN2 of the DM DPD.

Regarding the impact of the proposals, Members noted that although there were a number of bungalows on the eastern side of Park Lane, it was not considered the proposed dwellings would appear dominating or overbearing, given the degree of separation which would exist and the treatment of space throughout the development. Furthermore, it was not considered there would be any significant overlooking issues and accordingly, the privacy and amenities of neighbouring residents and future occupiers would be protected. Whilst acknowledging the concerns raised by the neighbour in terms of Field View, to the north of the site, Members did not agree that the proposals would result in any significant loss of light or its associated amenity space, given the

degree of separation between plot 1 and Field View (30m at the closest point). Overall, the proposals were considered to comply with Policy GC4 of the DM DPD.

In terms of all other matters raised, Members concurred with the officer's appraisal addressing these in the report including the imposition of conditions, as appropriate.

In conclusion it was considered that the application would provide economic, social and environmental benefits and 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, the proposal was not considered to 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 approve application number 20181877, 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.
 - Site Location, Site Layout and Garage Plan (Amended), Dwg No: 01/01, received 22 December 2018
 - Plot 1 – Floor Plans and Elevations, Dwg No: 01/02, received 20 November 2018
 - Plot 2 – Floor Plans and Elevations, Dwg No: 01/03, received 20 November 2018
- (3) Prior to the development proceeding above slab level, details of all external materials (including details and colour of the bricks, render, cladding, roof tiles, rainwater goods, windows and doors) to be used in the development shall be submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- (4) Prior to the first occupation of the development hereby permitted the vehicular crossings over the verge shall be constructed in accordance with the highways specification (TRAD 4) and thereafter retained at the

position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

- (5) Prior to the first occupation of the development hereby permitted the proposed on-site car parking and manoeuvring areas shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.
- (6) Prior to the first occupation of the development hereby permitted a 2.4m wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- (7) Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5m from the near channel edge of the adjacent highway.
- (8) Prior to the commencement of the development hereby permitted details and location of the proposed soakaway/s shall be submitted to and approved in writing by the Local Planning Authority. The soakaway/s shall then be constructed in accordance with the approved details.

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 buildings and ensure no harm to the character and appearance of the area in accordance with Policy 2 of the JCS and Policy GC4 of the Development Management DPD 2015.
- (4) To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with policy TS3 of the Development Management DPD 2015.

- (5) To ensure the permanent availability of the parking manoeuvring area, in the interests of highway safety in accordance with policies TS3 and TS4 of the Development Management DPD 2015.
- (6) In the interests of highway safety in accordance with the principles of the NPPF and policy TS3 of the Development Management DPD 2015.
- (7) To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened in the interests of highway safety in accordance with policy TS3 of the Development Management DPD 2015.
- (8) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.

Informatives:

- (1) The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
- (2) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk
- (3) 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
- (4) This development involves works within the Public Highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

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. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Advice on this matter can be obtained from the County Council's Highway Development Control Group. Please contact Stephen Coleman on 01603 430596.

If required, street furniture will need to be repositioned at the applicant's own expense.

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.

81 APPLICATION NUMBER 20181885 – LAND AT 11 STATION NEW ROAD, BRUNDALL

The Committee considered an outline application for the sub-division of the existing curtilage and erection of a detached, self-build dwelling to the rear of no: 11 Station New Road in Brundall. The vehicular access would be located on the west side of the plot between nos: 11 and 13. All other matters were reserved for later determination.

In presenting the application, the Area Planning Manager advised the Committee of an additional reason for refusal to be added to the recommendation, relating to the potential detrimental impact on the existing amenity of the occupiers of no: 11 Station New Road, contrary to Policy GC4 of the DM DPD.

The application was reported to committee at the request of one of the Ward Members for the reasons set out in paragraph 3.2 of the report.

The Committee received the verbal views of Phil Hardy, the agent and Alan Clarke, the applicant, at the meeting. In addition, the Committee received the views of Mr Proctor, one of the Ward Members, in support of the application as read out by the Chairman at the meeting.

The site was within the settlement limit and therefore, the principle of development was acceptable, subject to other considerations. Members noted that although Government guidance advised that new development should preferably be located within existing settlement limits, this should not be at the expense of the erosion of the character of the surrounding area nor give rise to development which had an adverse impact on the amenity of the area.

The proposed plot would be created by the sub-division of the existing rear garden of 11 Station New Road with the proposed vehicular access running alongside numbers 11 and 13. Members considered that the backland

location and size of the resultant plot would not be in keeping with the existing pattern of development on that side of Station New Road, which formed a linear and relatively uniform pattern between nos: 5a and 13. Accordingly, the proposal was contrary to Policy GC4 (i) and (ii) of the DM DPD. The Committee acknowledged the development of four properties which had been approved on land to the west but this was not considered to be comparable to the application site. That particular site was at the end of a private drive and adjoined Station Road whereas this application related to parallel backland development within a uniform street scene.

In terms of arboricultural issues, it was noted that the trees to the rear of nos: 9, 11 and 13 were covered by Tree Preservation Order 1994 No: 7 (TPO) which was a Woodland Order. The proposed dwelling shown on the indicative drawing would require the removal of these trees subject to the TPO at the rear of no: 11. Furthermore, Members noted that the Tree Constraints Plan showed the majority of the proposed dwelling and its surrounding amenity space would be in shade and, in addition, the dwelling was shown to be just 1.5m away from the canopy of T14 (a Category A mature Oak) which had a height of 18m and 4m away from the canopy of T12 (a Category A Copper Beech) which had a height of 20m. Consequently, it was considered that the shade effects of the trees, in combination with their proximity to the house could be perceived as a risk by future occupants and also reduce the quality of life of any future inhabitants. Weight was also given to the fact that pressure may be put on the removal of the Category A trees as the residents sought more light, less leaf fall and a perception of less risk to their property. Accordingly, the proposal was considered to be contrary to Policy GC4 (iii) and EN2 of the DM DPD.

Members noted that the proposed access road would have to pass through the Root Protection Areas (RPA) of 6 Douglas Fir within about 1m of their stems. Whilst the Arboricultural Impact Assessment submitted with the application suggested that a no-dig driveway surface would be used to avoid excavation and root damage, the British Standard 5837:2012 stated "New permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA". This 20% maximum limit was also reiterated in the guidance provided by the manufacturer of the no-dig surface solution proposed by the applicant. However, the Tree Constraints Plan within the AIA showed the RPAs and position and the driveway and suggested that almost half of the RPAs of T3, T6, T7, T8 and T9 would be covered in hard surfacing which would far exceed best practice guidelines and risk the long-term health and vitality of these trees. Notwithstanding the assurances given by the applicant and agent at the meeting, Members remained unconvinced that the trees would not be at risk and therefore, considered the proposal was contrary to Policy EN2 of the DM DPD.

Due to the change in levels on the site, it was considered likely that the proposed dwelling would be overlooked to some degree by the existing property which had a large rear aspect onto a raised terraced area and first

floor dormer windows facing south. Furthermore, it was considered the location of the access drive so close to no: 11 would likely give rise to noise and disturbance to the occupants from additional vehicular movements and loss of privacy and this would result in a detrimental impact on the amenity of both existing and future occupants, contrary to Policy GC4(iii) of the DM DPD.

In terms of the proposal being a self-build dwelling, the Committee noted that, based on the monitoring conducted to date, there were already more than sufficient numbers of potential self-build plots within the district to meet the numbers on the register. Therefore, this element of the proposal was not considered to override the other issues of concern raised by the proposal.

The Committee took into consideration the planning history of the site, particularly the dismissal of two appeals with the Inspector raising concerns about the loss of trees in that location and the adverse impact on the appearance of the site and its surroundings.

In conclusion it was considered that the proposal was unsympathetic to the existing pattern of development in the locality, resulting in a backland form of development which would have an adverse impact on the character and appearance of the area, detrimental impact on the Douglas Fir Trees and finally, an adverse impact on the occupants' amenity from shading and leaf fall as well as putting additional pressure to fell the protected trees. Accordingly, it was

RESOLVED:

to refuse application number 20181885 for the following reasons:

This application has been considered against the Development Plan for the area, this being the NPPF, the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (amendments adopted 2014), the Development Management DPD 2015 and the Brundall Neighbourhood Plan (2016). The policies particularly relevant to the determination of this application are Policies 1 and 2 of the Joint Core Strategy and Policies GC1, GC2, GC4, EN2, TS3 and TS4 of the Development Management DPD 2015.

Although the site lies within the settlement limit for Brundall, there are a number of factors that determine the suitability of a site for development. Government guidance advises that new development should preferably be located within existing settlements but this should not be at the expense of the erosion of the character of the surrounding area or give rise to development that has an adverse impact on the amenity of neighbouring properties and the area in general.

The proposed plot would be created by the subdivision of the existing rear garden of 11 Station New Road. The proposed vehicular access runs

alongside number 11 and number 13. The backland location and size of the resultant plot would not be in keeping with the existing pattern of development on this side of Station New Road which forms a linear and relatively uniform pattern between numbers 5a and 13. The proposal is therefore contrary to Policy GC4 (i, ii & iv) of the DM DPD. Furthermore, the location of the access in such close proximity to no: 11 is highly likely to result in an adverse impact on the amenities of its occupants.

The Tree Constraints Plan shows that the majority of the proposed dwelling and its surrounding amenity space would be in shade. In addition, the dwelling is shown to be just 1.5m away from the canopy of T14 a mature Oak (Category A) with a height of 18m and 4m away from the canopy of T12 a Copper Beech (Category A) with a height of 20m. Consequently, the shade effects of the trees in combination with their proximity to the house (which future residents may perceive as a risk) would reduce the quality of life of any future inhabitants of the property. It may also put pressure on the removal of these protected Category A trees as residents seek more light, less leaf fall and a perception of less risk to the property. The proposal is therefore contrary to Policy GC4 (iii) and EN2 of the DM DPD.

The Tree Constraints Plan within the submitted AIA shows the Root Protection Areas and position of the driveway and, in the absence of any quantifications within the report, it suggests that almost half of the RPAs of T3, T6, T7, T8 and T9 would be covered in hard surfacing, far exceeding best practice guidelines and risking the long term health and vitality of these. The proposal is therefore contrary to Policy EN2 of the DM DPD.

Overall the proposal represents an unacceptable form of development which does not accord with Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk, 2011 (amended 2014), Policies GC4 and EN2 of the Development Management DPD 2015 and the high standards of design required by the NPPF.

The Local Planning Authority will, where appropriate, discuss amendments to applications to secure an acceptable and sustainable form of development. However, in this instance, it is not considered that the scheme could be amended to overcome the 'in principle' concerns of the Authority. The Authority has therefore acted accordingly to refuse this inappropriate development.

82 APPLICATION NUMBER 20181056 – BROADLAND GATE ASPHALT PLANT, POPPY WAY, BROADLAND GATE

The Committee considered an application to continue the ongoing coated stone operations on the site and retain the existing ancillary facilities for a period of 18 months from the date the application was received, at Broadland Gate Asphalt Plant, Poppy Way, Broadland Gate in Postwick. The

operational aspects comprised the construction of the coated stone plant and infrastructure and day to day operation of the coated stone plant and ancillary facilities, including the importation, storage and use of aggregates, bitumen and other activities. The proposed hours of operation were 0600 to 2200 Monday to Friday. Upon cessation of operations, all plant, buildings and equipment would be removed off site and the land restored to its former condition.

The application was reported to committee as it was contrary to the Development Plan and the officer recommendation was to approve.

The Committee noted that the operation had been established as “permitted development” associated with the construction of the Broadland Northway. However, since completion of the Broadland Northway, the site was no longer supplying materials to that project and hence no longer benefited from permitted development but the applicant had identified the need for its continued operation.

The site was located outside of the settlement limit where Policy GC2 of the DM DPD did not permit new development unless the proposal had no significant adverse impact and accorded with a specification allocation and / or policy of the Development Plan. Members noted that the site was allocated as GT11 in the Growth Triangle Area Action Plan but this allocation was for a residential led, mixed-use development which would contribute to the delivery of community services and social infrastructure. Therefore, given the nature of the proposed development, it was considered that the proposed operation did not comply with this allocation. However, Members noted the applicant had identified a three-fold need to maintain the existing operations, as detailed in the report and considered these were a material consideration which could justify a departure from the plan.

The operation and ancillary features were industrial in appearance and significant in scale and the site was illuminated with external lighting at night for health and safety reasons. Whilst the application site did offer some screening by the existing bunds it was visible in the surrounding landscape by road users, from public footpaths and from residential dwellings. Furthermore, whilst permission existed for significant commercial development to the south and there was significant commercial development to the west, with the Broadland Northway located to the east, it was considered the proposed development would be detrimental to the character and appearance of the area contrary to Policies EN2 and GC4 of the DM DPD and Policies 1 and 2 of the JCS. However, Members acknowledged that, whilst this harm was considered to be significant, the application was for a temporary period and the site would be restored to its previous condition after its use ceased. Consequently, the harm would only be temporary and the benefits of the proposal were considered to outweigh the temporary harm to the character and appearance of the area.

The comments of the Environmental Health Officer and Pollution Control Officer on the issues of noise, odour and air quality were noted as detailed in the report and Members concluded that the application would comply with Policy EN4 of the DM DPD and sufficient controls would be in place through the permitting regime should air quality or odour issues arise.

In terms of all other matters raised, Members concurred with the officer's appraisal addressing these in the report including the imposition of conditions, as appropriate.

In conclusion it was considered that the applicants had provided sufficient justification to enable the continued operation for a period of 18 months from the date the application was received (22 November 2019). Accordingly, it was

RESOLVED:

To approve application number 20181056, subject to the following conditions:

- (1) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.
- (2) Unless otherwise specified in writing by the Local Planning Authority, hours of operation shall be limited to 06:00 – 22:00 on Monday to Friday and at no time on Saturdays, Sundays or Bank Holidays.
- (3) The development hereby permitted shall be discontinued on or before 22 November 2019. Within 3 months of the use ceasing the site shall be restored to its former condition in accordance with a scheme of work to be submitted to and approved by the Local Planning Authority.

The scheme must include details of:

- How the site restoration will be undertaken to ensure an acceptable impact on the amenity of neighbours with regard to dust and noise.
- Laboratory analysis of soil samples to ascertain whether contamination is present. Where contamination is present a risk assessment and remediation method statement and details of appropriate remediation to bring the site to a condition suitable for residential use shall be submitted for approval.
- Details of any soil to be imported to demonstrate it is suitable for residential use and free from contamination.

- The closure of the site access.
- Soft landscaping.

The work shall be carried out in full accordance with the approved scheme.

Reasons:

- (1) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (2) To reflect the scope of the application and to ensure an acceptable impact on the amenity of the area in accordance with Policies GC4 and EN4 of the Development Management DPD 2015.
- (3) To prevent long term harm to the character and appearance of the area and protect residential amenity in accordance with Policies GC4 and EN2 of the Development Management DPD 2015 and Policies 1 and 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014.

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) This permission relates solely to planning permission and does not automatically satisfy requirements or override restrictions under other legislation.
- (3) Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Plans and Documents:

Dwg N401-00001-1 – Location Plan
Dwg N401-00001-2 – Site Plan
Dwg N4001-00001-3 – Site Layout Plan
Dwg N401-00001-4 – Elevations
Dwg N401-00001-5 – Site Sections
Dwg N401-00001-6 – Elevations of Ancillary Facilities

83 APPLICATION NUMBER 20181801 – 7 MEADOW WAY, HELLESDON

The Committee considered a retrospective application for the erection of a single storey building with vaulted ceiling in the rear garden of 7 Meadow Way in Hellesdon. The use of the building was to be incidental to the dwelling: used to garage and maintain a classic car and for storage. It replaced a smaller garage which had been demolished during the construction of the rear extension of the houses (pp 20150489). The dimensions and materials were detailed in the report.

The application was reported to committee at the request of one of the Ward Members for the reasons given in paragraph 5.2 of the report.

The Committee received the verbal views of Mr Davison, the applicant, at the meeting.

As part of its deliberations, Members acknowledged Part 1 of Schedule 2 of the Town and Country Planning (General Permitted development) Order 2015 (as amended), with particular attention to Class E development (buildings etc incidental to the enjoyment of a dwelling-house). Given the total area of ground covered by the building and shed did not exceed 50% of the total area of the curtilage, the eaves of the building were no higher than 2,500mm and the building was not less than 2m from the boundaries, the only aspect of the building which did not fall within Class E was the roof over the main bulk, which was 0.9m higher to its ridge than the permitted development allowance.

The Committee noted that the eaves of the dwelling were 3.25m in height and the ridge of 6.7m in height and the eaves of the building in question were 0.93m lower and the ridge 1.8m lower. Therefore, although higher than other buildings incidental to their associated dwellings in the area, the height of the building was considered to be subservient to the associated dwelling and did not have a significant adverse impact on the character of the area.

In terms of neighbour amenity, it was considered that the building would have no adverse impact on the light and outlook of nos: 5 and 9 Meadow Way or nos: 67 and 69 Middletons Lane, given its size, height and siting. Members accepted that the top of the gabled rear end of the building was visible from no: 69 Middletons Lane over the mature hedge but this was not a planning consideration and they could only take into consideration whether it had a significant adverse impact on the light received by and / or outlook enjoyed from the dwelling. Given the rear elevation of no: 69 was 27m from the gabled rear end of the new building, the Committee considered that there would be no significant adverse impact.

Regarding the building's external appearance, Members concurred with the officer view that the rear wall which had been finished with white blocks should be rendered in a finish which matched the texture and colour of the

render on the associated dwelling. As part of the condition, the applicant would be granted a period of five months of planning permission being granted to complete the work. This was considered to be acceptable, given that, had the ridge been no higher than 4m, then the white block external finish would have been permitted.

In terms of all other matters raised, Members concurred with the officer's appraisal addressing these in the report including the imposition of conditions, as appropriate.

In conclusion it was considered that the building would not have an adverse impact on the character of the area or on the residential amenities of the neighbouring properties in terms of their light, outlook or privacy. Accordingly, it was

RESOLVED:

To approve application number 20181801, subject to the following conditions:

- (1) The north-west rear gable end of the building must be rendered not later than FIVE months 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.
- (3) Notwithstanding the provisions of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, and re-enacting or modifying that Order) with or without modification, no alterations, including the insertion of roof-lights or first floor windows/openings, or extensions shall be made to the building without the prior consent of the Local Planning Authority.

Reasons:

- (1) To ensure the satisfactory appearance of the building in accordance with Policy GC4 of the Development Management DPD 2015.
- (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 prevent overlooking to the detriment of the amenities of the adjacent properties in accordance with Policy GC4 of the Development Management DPD 2015.

Informatives:

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

The Committee adjourned at 12.47pm and reconvened at 12.52pm when all of the Members listed above were present for the remainder of the meeting.

84 APPLICATION NUMBER 20182069 – LAND ADJ MANOR HOUSE FARM, REEPHAM ROAD, FOULSHAM

The Committee considered an application for the variation of condition 2 of planning permission 20180323 which granted full permission for the erection of a single dwelling and a detached garage and an amended access on land adj Manor House Farm off Reepham Road in Foulsham. This current application sought to revise the proposed materials to be used in the construction of the dwelling and garage as well as some other minor changes.

The application was reported to committee as the recommendation was for approval, contrary to the current Development Plan policies.

The Committee received the verbal views of Mrs Levien, the applicant and Mr Hudson, the agent, at the meeting.

Members noted that planning permission had been granted by the Committee in June 2018 for a dwelling under paragraph 55 of the NPPF (now paragraph 79) as the design of the dwelling was considered to be of exceptional quality (Minute no: 7 referred). One of the key features was that the proposal was for a low impact, sustainable dwelling which would largely be constructed from materials sourced from the site or from the local area – cob wall construction clad with straw bales. The roof materials were to be a combination of timber shingle and a sedum roof. However, following further investigation the cob construction method had proved to be cost prohibitive plus the applicants wanted to pursue a more innovative and lower carbon construction method, by

omitting concrete and using locally grown hemp. The building was now proposed to be constructed with hempcrete walls finished with lime render and cordwood where the straw bales were previously proposed. The roof materials would remain the same as those granted planning permission. The garage would still be timber framed but infilled with cordwood instead of rendered cob and the roof would still be a pitched sedum roof.

The Committee acknowledged that the design of the main building remained relatively unchanged from the approved scheme but, due to the loss of the straw bales, the walls would reduce in width and the building would therefore occupy a smaller footprint. In addition, the parapet to the roof towers had also been replaced with simple overhanging eaves and a half-round gutter. In terms of the garage, this would be of a simpler mono-pitch roof design and be lower in height, two openings to the front as opposed to the original three and the lesser eaves overhang resulted in a reduction of the internal floor area covered by the roof.

It was noted that the current proposals would actually result in a higher percentage weight and volume of materials won from the site than the previously approved scheme. Furthermore, there would be a significant reduction in the overall weight of the building, in particular the hemp walls, which consequently meant a far less complicated and engineered foundation solution would be required. This, in turn, negated the need to use concrete piles and further reduced the carbon footprint of the dwelling. Members took into consideration the comments of the Council's Design Advisor who believed the strong design concept remained undiluted and that the building and its siting were a positive response to the character of the site and concluded the revised scheme demonstrated how the building met all the tests set out in paragraph 79 of the NPPF.

As the site was situated immediately adjacent to Manor Farm House, a Grade II Listed historic farmstead to the west, regard was given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Members noted that the Historic Environment Officer had raised no objection to the variation of the condition and the additional planting and ecology management plan could be controlled through condition. Accordingly, it was considered that the application would not result in any significant detrimental impact upon the setting of the adjacent listed building and the application was considered to comply with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 1 of the JCS and Policy GC4 of the DM DPD.

In conclusion it was considered that, despite the revisions to the materials and some minor alterations to the proposed dwelling and garage, the proposals would still adhere to and deliver the original concept of an outstanding design and an innovative low or carbon neutral dwelling. In addition, the proposal was considered to significantly enhance the immediate setting and respond sensitively to the defining characteristics of the local area. Accordingly, it was

RESOLVED:

To approve application number 20182069 subject to the following conditions:

Conditions:

- (1) The development to which this permission relates must be begun not later than 7 June 2021.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.
- (3) Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan in accordance with the highway specification (Dwg. No. TRAD 5) attached. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- (4) Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4m x 120m shall be provided to the eastern side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- (5) Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5m from the near channel edge of the adjacent carriageway.
- (6) Notwithstanding the provisions of Schedule 2 Part 1 and Part 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, and re-enacting or modifying that Order) with or without modification, no buildings, walls, fences or other structures shall be erected within the site curtilage, nor alterations or extensions be made to the dwelling without the prior consent of the Local Planning Authority.
- (7) All works shall be carried out in accordance with the requirements of the Arboricultural Impact Assessment and Tree Protection Plan, received 26 February 2018 under application ref 20180323.
- (8) Prior to the first occupation of the development hereby permitted a minimum of two sparrow boxes shall be erected on the north elevation

of the garage and a minimum of one bat box shall be erected on the south elevation of the garage. Boxes should be installed as indicated on drawing No P-220 B, received 19 December 2018.

- (9) The details of the Ecology Management Plan, received 16 May 2018 under application ref 20180323 shall be adhered to and implemented in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
- (10) Prior to the first occupation of the dwelling further trees shall be planted on the site as in accordance with the Proposed Planting and Landscape Plan, Drawing No: P-50 A, received 19 December 2018.
- (11) Prior to the commencement of development details and proposed location of the proposed foul and surface water drainage schemes shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- (12) Development shall not proceed above slab level until details and colour of the lime render, rainwater goods and stepped eaves and verge to the Sedum roof, to be used in the development have been submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

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 access into the site and avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with policy TS3 of the Development Management DPD 2015.
- (4) In the interests of highway safety in accordance with policy TS3 of the Development Management DPD 2015.
- (5) To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened in the interests of highway safety in accordance with policy TS3 of the Development Management DPD 2015.

- (6) To ensure development appropriate for the area in accordance with the criteria specified within Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011/2014 and Policy GC4 of the Development Management DPD 2015.
- (7) To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability in the interest of amenity in accordance with Policies GC4 and EN2 of the Development Management DPD 2015.
- (8) To provide enhancements to the biodiversity and wildlife at the site in accordance with Policy EN1 of the Development Management DPD 2015.
- (9) To ensure the long-term continuance and safe-guarding of native biodiversity at the site and to ensure no harm is caused to the setting of the adjacent listed building in accordance with Policies GC4, EN1 and EN2 of the Development Management DPD 2015.
- (10) To mitigate for the loss of the trees to be removed from the site as part of the development and to provide additional screening in order to reduce the impact upon the setting of the adjacent listed building in accordance with Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011/2014 and Policy EN2 of the Development Management DPD 2015.
- (11) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (12) To ensure the satisfactory development of the site and maintain the character of the adjacent listed building in accordance with Policies GC4 and EN2 of the Development Management DPD 2015 and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act.

Plans and documents:

Site Location Plan, Dwg No: EX-001, received 26 February 2018
As Proposed Site Plan, Dwg No: P-001 A, received 19 December 2018
As Proposed Ground Floor Plan, Dwg No: P-100 B, received 19 December 2018
As Proposed First Floor Plan, Dwg No: P-110 B, received 19 December 2018
As Proposed Roof Plan, Dwg No: P-120 A, received 19 December 2018
As Proposed South and East Elevation, Dwg No: P-210 B, received 19 December 2018
As Proposed North and West Elevation, Dwg No: P-200 B, received 19 December 2018

As Proposed Sections A-A and B-B, Dwg No: P-300 A, received 19 December 2018
As Proposed Sections C-C and D-D, Dwg No: P-310 A, received 19 December 2018
As Proposed Shed Plans, Dwg No: P-130 A, received 19 December 2018
As Proposed Shed Elevations, Dwg No: P-220 B, received 19 December 2018
As Proposed Shed Sections, Dwg No: P-320 A, received 19 December 2018
Arboricultural Impact Assessment, received 26 February 2018
Tree Protection Plan, Dwg No: 002.rev1, received 26 February 2018
Proposed Planting and Landscape Plan, Dwg No: P-50 A, received 19 December 2018
Ecology Management Plan, received 16 May 2018

Informatives:

- (1) The Local Planning Authority has taken a positive and proactive approach to reach this decision 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 applicants' responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk
- (3) This development involves works within the Public Highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing. 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. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Control Group. Please contact Stephen Coleman on 01603 430 596.

If required, street furniture will need to be repositioned at the applicants' own expense. 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.

The site to which this permission relates contains suitable habitat for bats, barn owls or reptiles which are protected by the Wildlife and Countryside Act 1981 (as amended). In this respect the applicants are advised to consult Natural England, Dragonfly House, 2 Gilders House, Norwich, NR3 1UB or enquiries.east@naturalengland.org.uk and follow any requirements in this respect.

85 APPLICATION NUMBER 20182061 – VEOLIA, BROOKSIDE DEPOT, BUXTON ROAD, FRETtenham

The Committee considered an application for the erection of two modular buildings to be installed on the southern boundary of the Veolia Depot site on Buxton Road in Frettenham within the existing southern car park. An existing small portacabin would be removed and the space used for the two new units. The purpose of the buildings would be to provide additional welfare provision for members of staff working from the site.

The application was reported to committee as the site was owned by the district council.

The Committee acknowledged that the additional buildings would be visible when viewed from the open farmland to the south; however as the proposal was within an established general industrial site and the proposed buildings would be modest low level structures, in keeping with the current use of the site, it was considered that the impact on the existing landscape would not be significantly detrimental.

Members noted there were currently 19 car parking spaces, with a further four spaces taken up by the existing portacabin. After installing the two modular buildings, four parking spaces would be utilised resulting in a zero net reduction of parking availability on the site.

In conclusion, it was considered that the proposed development was acceptable in terms of scale, form and design and represented an acceptable form of development. Accordingly, it was

RESOLVED:

to approve application number 20182061 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. (E3)

Dwg. No. GF0001_X Titan TN104 Specification Drawing received 17 December 2018

Dwg. No. GF0001_X Titan TN124 Specification Drawing received 17 December 2018

Dwg. No. NOR_03_08_01_10 Proposed Site Plan received 17 December 2018

Dwg. No. NOR_03_08_01_20 Location Plan received 17 December 2018

Supporting Statement received 17 December 2018

Additional details regarding proposed use of new modular buildings and parking arrangements received 22 January 2019

Additional Plan Existing Site Layout – Existing Cabin Position and Parking received 22 January 2019

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

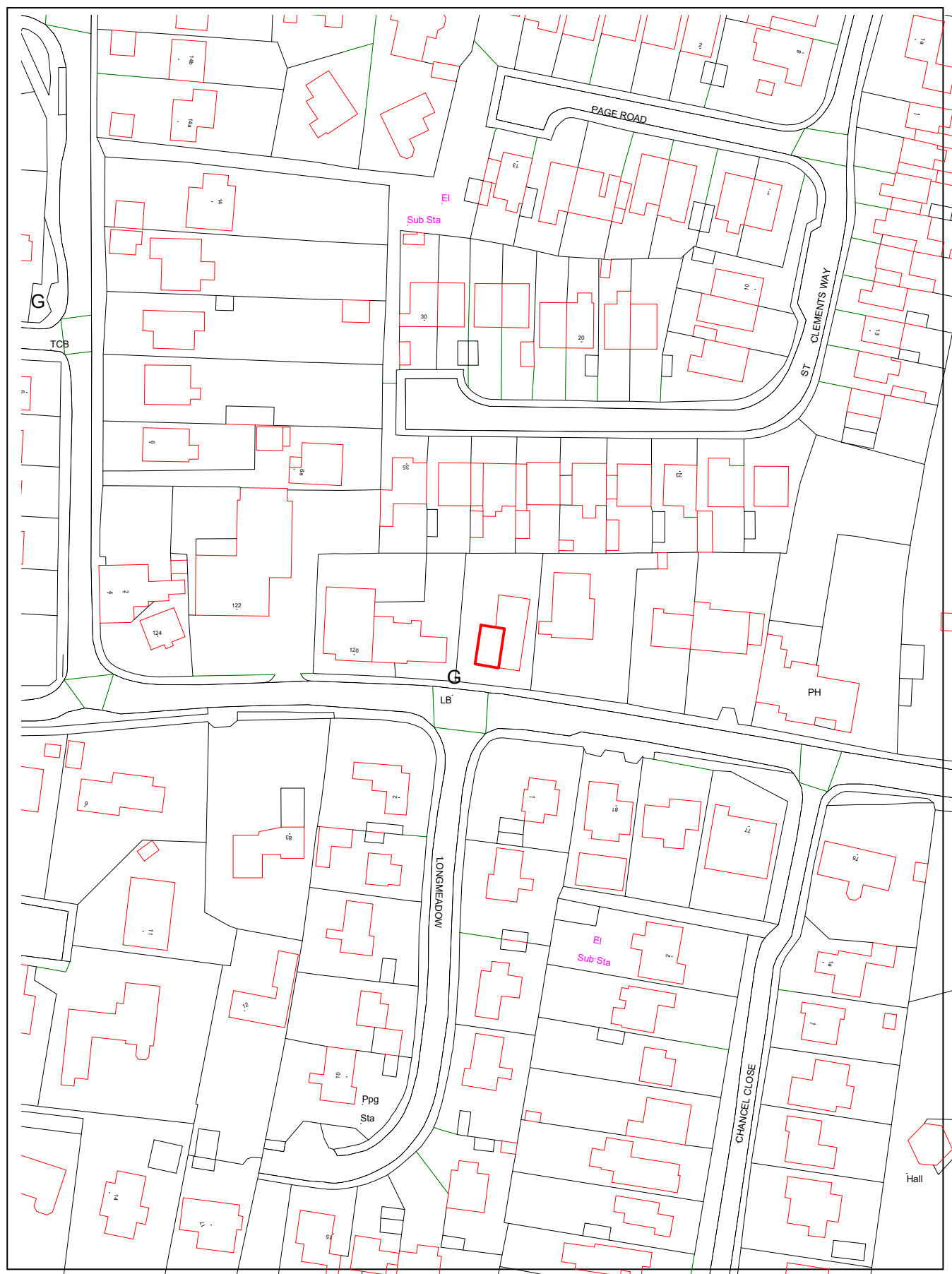
The meeting closed at 1:10pm

SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Plan No	App'n No	Location	Contact Officer	Officer Recommendation	Page Nos
1	<u>20182021</u>	<u>116 The Street, Brundall</u>	CP	APPROVE subject to conditions	38 – 52
2	<u>20180708</u>	<u>Land to the North of Sprowston and Old Catton, between Wroxham Road & St Faiths Road</u>	BB	APPROVE	53 – 90
3	<u>20190005</u>	<u>Grove Farm, Blackwater Lane, Heydon</u>	JF	REFUSE	91 – 103
4	<u>20181487</u>	<u>The Lodge, 39 Church Road, Upton</u>	CP	REFUSE	104 – 118
5	<u>20182088</u>	<u>Leighton House, Broad Lane, Little Plumstead</u>	CP	APPROVE subject to conditions	119 – 135

HoP = Head of Planning

Key	Contact Officer	Direct Dial No:
CP	Cheryl Peel	01603 430550
BB	Ben Burgess	01603 430625
JF	Julie Fox	01603 430631



Application No: 20182021

116 The Street, Brundall, NR13 5LP

**Scale:
1:1250**

**Date:
26-Feb-19**



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011. Ordnance Survey Licence number 100022319.

AREA East

PARISH Brundall

1

APPLICATION NO: [20182021](#)

TG REF: 632045 / 308580

LOCATION OF SITE 116 The Street, Brundall, NR13 5LP

DESCRIPTION OF DEVELOPMENT Removal of condition 5 of previous permission [20172094](#) – to allow other cooking methods excluding chargrilling.

APPLICANT Mr Aleksandar Olinov Singartiliev

AGENT ADA Group, FAO Mr B Uzun

Date Received: 11 December 2018
8 Week Expiry Date: 5 February 2019

Reason at Committee: At the request of Cllr Proctor for the reasons set out in paragraph 4.2 of this report.

Recommendation (summary): Approve subject to conditions

1 THE PROPOSAL

1.1 The application seeks to remove condition 5 of [20172094](#) which states:

“The use hereby permitted shall be limited to producing hot food through the use of multi-deck or conveyor feed, gas or electric, pizza style convection ovens only, with no additional cooking (including chargrilling) or food reheating equipment being operated at the premises without the prior written approval of the local planning authority.”

1.2 The appeal decision is attached as Appendix A. Condition 6 of the appeal decision approved a specific type of filtration, ventilation and sound insulation equipment which has now been upgraded from the previous application to reflect the additional cooking methods proposed. This upgrade includes the use of an Electostatic Precipitator Unit which are specifically designed for kitchen extract with internal sumps to collect oil, grease and smoke particles eradicating potentially dangerous spillage from the bottom of the units.

1.3 Furthermore, the ESP will be followed by Site-Safe Carbon Filters which use activated carbon to remove the malodourous gases within the commercial kitchen extract duct.

2 KEY CONSIDERATIONS

- The impact on residential amenity in terms of noise and disturbance and odour
- The impact on the character and appearance of the area
- Highway considerations
- The recent appeal decision

3 CONSULTATIONS

3.1 Brundall Parish Council:

Object.

The Parish Council object on the basis of it being a fundamental change in the nature of the earlier approved application in terms of:

- (a) The type of cooked food outlet. No longer related to cooking around Pizzas, instead a very broader range of ('anything goes') food to cook.
- (b) The proposal providing a more significant impact on the environmental pollution and health and safety in the immediate area of the proposed takeaway (for example, increased noise, increases to odour, increases in fumes, increased traffic congestion on a busy local main roads and side roads, and increase in safety costs etc).

3.2 Environmental Health Officer:

In relation to noise and odour: The ESP proposed is designed to remove smoke and grease particles and the carbon filter to remove gaseous odours. It is designed to cope with a high level of odour control and for a business of this size is in my opinion appropriate mitigation.

The 1 metre above eaves height for the flue termination is in line with the guidance on Control of odour from commercial kitchens. I do not think that we can restrict the type of cooking once this equipment is installed. It does rely on regular cleaning and maintenance to be effective and I would suggest that the ESP is cleaned monthly and the carbon filters changed every 6 to 9 months, subject to feedback from the engineer.

Odour control is not an exact science and some odour cannot be ruled out. However the mitigation proposed is in line with industry guidance.

3.3 Highways Authority:

No objections.

You will be aware of the Highway Authority's original response to application 20172094. I see no reason to depart from that original consultation response in relation to this application for the variation of condition 5.

The comments were that the proposal had very limited on-site parking likely to result in car borne customers of the proposed takeaway parking on The Street adjacent to the site. The point was made that while such parking was undesirable and potentially detrimental to highway safety, such concern had to be weighed against the permitted A1 use of the shop (with the potential permitted changes) the location of the proposal within a heavily built up area (where customers can walk to and from the site) and the conclusion of the Appeal Inspector with regard to application appeal [20141214](#). Regard was also given to the fact that The Street is well aligned at this point and that adjacent junctions and accesses are protected by no waiting restrictions.

Taking all of these matters into account, I consider that any objection would not be sustainable at appeal. I therefore have no objection to the granting of permission.

3.4 Environmental Health Officer (Contamination):

No objections.

3.5 Economic Development:

No objection.

3.6 Site Notice: 8 January 2019

Expired: 29 January 2019

3.7 Neighbour notification: 20 December 2018

Expired: 12 January 2019

77, 79, 81, 83, 108, 110, 112, 114, 116B, Flats 1, 2, 3 116, 118, 118A, 120, 120A, 120B The Street; 19, 21, 23, 25, 27, 29, 31, 33 & 35 St Clements Way; 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15 & 17 Longmeadow

4 REPRESENTATIONS

- 4.1 Received from the following addresses: 4 Mill Road, Salhouse; 112, 114 & 116B The Street, Brundall; 1, 2, 6, 8 & 9 Longmeadow, Brundall; 29 & 33 St Clement's Way, Brundall

A petition signed by 20 households accompanies the letter from 114 The Street.

Summary of representations:

- A takeaway is not in keeping with the area
- Brundall does not need more takeaways
- Increase in traffic problems from on-road parking
- Highway safety concerns
- Noise and disturbance from vehicles using the takeaway
- Noise and odours from the cooking
- Concern the premises is too small.
- Concern the Purified Air report is incorrect

- 4.2 Cllr Proctor:

I note the request for condition 5 to be removed but if officers are minded to approve this application I want it referred to the Planning Committee for determination because:

- (1) The permission given was for a Pizza takeaway not a general takeaway and the applicant accepted the conditions through to appeal but is now changing the nature of the establishment to a takeaway cooking a wide range of food but not pizzas - chips, fried chicken etc have been referenced. That is a totally different form of business.
- (2) It is a very weak reason to say the pizza specialist is no longer in the business therefore the plan changes. I am sure there are others who would welcome such a job opportunity.
- (3) A general hot food takeaway is a totally different proposition and will create different smells and adverse environmental conditions for the adjoining hairdressers business, occupants of flats above and nearby residents.

- (4) It will as the documents say require a high level of odour control and whilst Purified Air have provided a sales document, that does not mean that or similar appropriate equipment will be purchased or that it will provide adequate or any form of protection. Certainly not for 10 hours a day as the opening hours are conditioned. What's next - increase the hours and cause more problems. Enforcement if this new unfettered business were to get under way will be difficult to say the least.
- (5) If such a variation was to be allowed all that will happen, which has always been expected, is there will be no regard for neighbours be they private residents or businesses.
- (6) Traffic implications have been cast aside because of the weak response of the Highways Authority but the fact of the matter is that there would have been traffic problems, parking here there and everywhere with the adverse impact on local residents' amenities, and this will only exacerbate them.

5 RELEVANT POLICY GUIDANCE

National Planning Policy Framework 2012:

- 5.1 Sets out the Government's planning policies for England and how these are expected to be applied. The NPPF sets out a clear presumption in favour of sustainable development and supports economic growth. Paragraphs 54 and 55 are particularly relevant.
- 5.2 Paragraph 109 states that development should only be prevented or refused on Highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (JCS) Amendments adopted January 2014:

- 5.3 Policy 2: Promoting Good Design

Requires all development to be designed to the highest possible standard creating a strong sense of place.

- 5.4 Policy 6: Access and Transportation

Seeks to concentrate development close to essential services and facilities to encourage walking and cycling as the primary means of travel with public transport for wider access.

5.5 Policy 14: Key Service Centres

Key Service Centres have a range of facilities enabling them to meet local needs of residents of surrounding areas.

Planning Practice Guidance 2014 (Web based informal guidance formalised 6 March 2014:

<https://www.gov.uk/government/collections/planning-practice-guidance>

5.6 Paragraph: 002 Reference ID: 30-002-20140306: Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.

5.7 Paragraph 123. Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

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

5.8 The policies set out within the Development Management DPD do not repeat but seek to further aims and objectives set out within the National Planning Policy Framework and the Joint Core Strategy. It therefore includes more detailed local policies for the management of development.

5.9 Policy GC1:

Presumption in favour of sustainable development.

5.10 Policy GC2:

New development will be accommodated within settlement limits defined on the proposals map.

5.11 Policy GC4:

Development will be expected to achieve a high standard of design and avoid any significant detrimental impact.

5.12 Policy EN4:

Development proposals will be expected to include an assessment of the extent of potential pollution. Where pollution may be an issue, adequate mitigation measures will be required. Development will only be permitted where there will be no significant adverse impact upon amenity, human health or the natural environment.

5.13 Policy TS3:

Development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network.

5.14 Policy TS4:

Within new developments, appropriate parking and manoeuvring space should be provided to reflect the use and location as well as its accessibility by non-car modes.

Brundall Neighbourhood Plan (2016):

5.15 Policy 1: Improving Local Centres and Gateways

The protection and enhancement of the environmental quality and public realm along The Street for pedestrians, cyclists and Local Businesses.

6 LOCATION AND DESCRIPTION OF SITE

6.1 The site is located within the village of Brundall and within the Settlement Limit. The site is on the northern side of The Street, within an existing commercial area that consists of a Co-op supermarket, pharmacy, hairdressers and a Public House. Among these businesses there are residential properties.

6.2 The existing building is divided into two retail units on the ground floor (the opticians and the hairdressers) and three residential flats on the first floor. There is off-road parking at the frontage for two vehicles and an access drive leading to the back where there is additional parking for two vehicles.

7 PLANNING HISTORY

7.1 [20172094](#): Change of use from existing optician shop (A1) to Pizza Takeaway (A5). External Flue to the Rear. Appeal allowed 14 November 2018.

8 APPRAISAL

- 8.1 The main issues to consider in relation to the proposal to allow other cooking methods are the possible impacts on the amenity of neighbouring properties, the character of the area, highway safety and planning history.
- 8.2 Concerns have been expressed that the proposal to allow a takeaway that sells more than just pizza will result in an increase in on-street car parking. However, the Highways Authority has confirmed that it does not object to this proposal on highway safety grounds (see Paragraph 3.3). It has previously stated that customers are likely to park on the road along The Street as is the current situation for uses of the adjacent pharmacy and hairdressers. This section of The Street has waiting restrictions in place and is well aligned and so the change of cooking methods is not considered to result in an unacceptable impact on the satisfactory functioning of the highway network in the locality and is in accordance with Policy TS3. Any associated highway impacts are unlikely to result in unacceptable impacts to highway safety and the residual cumulative impacts on The Street will not be severe (Paragraph 109 of the NPPF); a view shared by the Appeal Inspector in Paragraphs 8 & 9.
- 8.3 The principle of a takeaway establishment in this location has been set by the allowing of the appeal in November 2018. This proposal seeks to allow other cooking methods (excluding chargrilling) and proposes additional extraction equipment to mitigate any odour concerns that this would raise.
- 8.4 The agent has provided details with regards to the extraction flue and noise insulation within the building in order to minimise disturbance to the residential flats located above the unit. The Environmental Health Officer has confirmed that the ESP proposed is appropriate mitigation for the takeaway use as it is designed to cope with a high level of odour control. He also confirms that in his opinion we cannot restrict the type of cooking once the equipment proposed is installed.
- 8.5 Furthermore, the Environmental Health Officer is satisfied with the conclusions of the Odour Control Specification by Purified Air (received 11 December 2018) and that subject to their implementation, there will be no adverse noise impacts on the residential amenity of these properties and the proposal therefore accords with Policies GC4 and EN4 of the DM DPD.
- 8.10 An additional response has been received from Purified Air that confirms there is an incorrect calculation in the report with regards to the proximity of the nearest receptors but even with the correct calculation of an additional 5 points, the score rises to 30 and is still within the parameters of a 'High' category.

- 8.11 In summary, officers agree with the Appeal Inspector who summarises in Paragraph 11 of the appeal decision that:

“It has been sufficiently demonstrated that the proposed development could be adequately controlled by conditions to ensure that there would be no undue harm to the living conditions of nearby residents and businesses in terms of noise and disturbance, odour or highway safety issues. The proposal therefore complies with Policies GC4 (parts i and iv), EN4, TS3 and TS4 of the Broadland District Council Development Management DPD (2015).”

RECOMMENDATION: **APPROVE** 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 was granted.
- (2) The development hereby permitted shall be carried out in accordance with the plans and documents listed below.
 - Acoustic Design Review (received 4 February 2019)
 - Purified Air Specification (received 11 December 2018)
 - Dwg No TS-2711-2 (received 4 February 2019)
- (3) The hours of opening of the takeaway hereby approved shall be restricted to 11:00 hrs to 21:00 hrs Monday to Sunday.
- (4) Prior to the first operation of the use hereby approved the floor construction recommendations as described in Section 2.2 of the Acoustic Design Review Report received 4 February 2019 shall be implemented and retained unless otherwise agreed in writing with the Local Planning Authority.
- (5) The filtration, ventilation and sound insulation detailed within the Acoustic Design Review (received 4 February 2019), Purified Air Specification (received 11 December 2018) and Dwg No TS-2711-2 (received 4 February 2019) shall be:
 - (a) installed as proposed within the Acoustic Design Review (received 4 February 2019), Purified Air Specification (received 11 December 2018) and Dwg No TS-2711-2 (received 4 February 2019) prior to the first use of the development hereby permitted;
 - (b) maintained in accordance with the details contained within the Acoustic Design Review (received 4 February 2019), Purified Air

Specification (received 11 December 2018) and Dwg No TS-2711-2 (received 4 February 2019) and the manufacturer's recommendations and;

- (c) retained as proposed within the Acoustic Design Review (received 4 February 2019), Purified Air Specification (received 11 December 2018) and Dwg No TS-2711-2 (received 4 February 2019)

unless otherwise agreed in writing with 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 safeguard the amenities of adjacent residential properties in accordance with Policies GC4 and EN4 of the DMDPD.
- (4) To safeguard the amenities of adjacent residential properties in accordance with Policies GC4 and EN4 of the DMDPD
- (5) To safeguard the amenities of adjacent residential properties in accordance with Policies GC4 and EN4 of the DMDPD.

Informative:

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.

Appeal Decision

Site visit made on 16 October 2018

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2018

Appeal Ref: APP/K2610/W/18/3200331

116 The Street, Brundall, Norwich NR13 5LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Aleksander Orlinow Singartilev against the decision of Broadland District Council.
- The application Ref 20172094, dated 29 November 2017, was refused by notice dated 29 March 2018.
- The development proposed is the change of use from existing optician shop (A1) to pizza take-away (A5) and external flue to rear.

Decision

1. The appeal is allowed and planning permission is granted for the change of use from existing opticians shop (A1) to pizza take-away (A5) and external flue to rear at 116 The Street, Brundall, Norwich NR13 5LP in accordance with the terms of the application, Ref 20172094, dated 29 November 2017, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Aleksander Orlinow Singartilev against Broadland District Council. This application is the subject of a separate decision.

Procedural Matter

3. The new National Planning Policy Framework (the Framework) was published in July 2018. Both parties had the opportunity to comment on the revised document.

Main Issue

4. The main issue is the effect of the development on the living conditions of nearby residents and businesses.

Reasons

5. The appeal site is located on The Street in Brundall and forms a vacant retail unit, formerly used as an opticians. The surrounding area is predominantly residential with small groups of shops and other facilities, including a Co-op, hair salon and public house, set amongst the houses. The hair salon occupies the adjoining premises and there is residential accommodation to the upper floor of the building. The proposed development would change the existing A1

- use of the premises to a pizza take-away (A5). An external flue would be located to the rear of the property.
6. The use of the premises as a pizza take-away would vary in nature to the previous use as an opticians, with differing opening hours and the noise and odour implications of food being cooked in the building. The rear door of the adjoining hair salon is in proximity to the rear elevation of the appeal site and the location of the proposed flue. There are also residential properties to the rear, with their rear gardens adjoining the appeal site. These are separated from the building by the existing car park.
 7. The Appellant has carried out an Acoustic Design Review and has included technical specifications of the extraction and filter equipment. The Acoustic Design Review proposes mitigation measures to include improved floor construction to protect the residents of the upper floors and the technical information provided would ensure that the installed mitigation measures would restrict noise and odour to the surrounding properties. I have considered the full comments of the Environmental Health Officer and note that, subject to conditions, they are satisfied that the proposal would not result in unacceptable harm as a result of odours or noise. Based on the clear evidence before me contained within the submitted report and technical specifications, I find that the proposed use and the positioning of the flue would not be harmful to the adjacent premises and nearby residences and I have little evidence before me that would lead me to conclude differently to the views of the Council's Environmental Health Officer.
 8. Whilst a pizza take-away is likely to generate a number of vehicular movements, I have had regard to the previous use of the unit as an opticians. This would have generated some traffic which would have parked in the vicinity, possibly for some time whilst visiting the opticians. The use of the premises as a take away includes some parking to the rear of the building, which is shared with the hair salon and residents of the above accommodation, and there is parking available to the front of the building. I have noted the images provided by the occupier of the hair salon showing cars parked and traffic waiting, and whilst the use will generate vehicular activity, these are likely to be for a shorter amount of time than visits to the opticians and I have little evidence before me to demonstrate that this would alter the situation to such a degree that it would become harmful to highway safety.
 9. The Highway Team have also concluded that although the proposal would be likely to generate some parking on The Street which they consider to be undesirable, by giving due consideration to the previous use and the no waiting restrictions there would not be such an impact on the highway network to result in the proposal being unacceptable and I have little evidence that would lead me to conclude differently on this matter.
 10. Concerns have been raised by local residents about the potential for noise, antisocial behaviour and an increase in litter. I have had regard to the presence of the Co-op and other retail premises in proximity to the site and noted their advertised opening hours. The proposed opening hours for the business would be until 9pm only, which would not be significantly longer than the opening hours of the nearby businesses and would be within the opening hours for the public house and Co-op. Accordingly, I do not find that the proposal would be likely to generate significant amounts of additional noise. As with any take-

away premises it is the responsibility of those using the facilities to dispose of their waste considerately and the owners of the take away will be required to dispose of their business waste in accordance with the relevant legislation and licencing.

11. Accordingly, I find that it has been sufficiently demonstrated that the proposed development could be adequately controlled by conditions to ensure that there would be no undue harm to the living conditions of nearby residents and businesses in terms of noise and disturbance, odour or highway safety issues. The proposal therefore complies with Policies GC4 (parts i and iv), EN4, TS3 and TS4 of the Broadland District Council Development Management DPD (2015). These policies seek to permit development only where there will be no significant adverse impact on amenity, human health or the natural environment and highway safety, amongst other things.

Conditions

12. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty. Conditions restricting the opening hours, the method of cooking and the provision of the proposed mitigation measures for the floor construction, sound, ventilation and filtration are necessary in the interests of protecting the living and working conditions of the nearby residents and businesses. I have had regard to the full comments of the Environmental Health Officer and consider the condition for the cooking restrictions to be necessary as worded in the Council's submission.

Conclusion

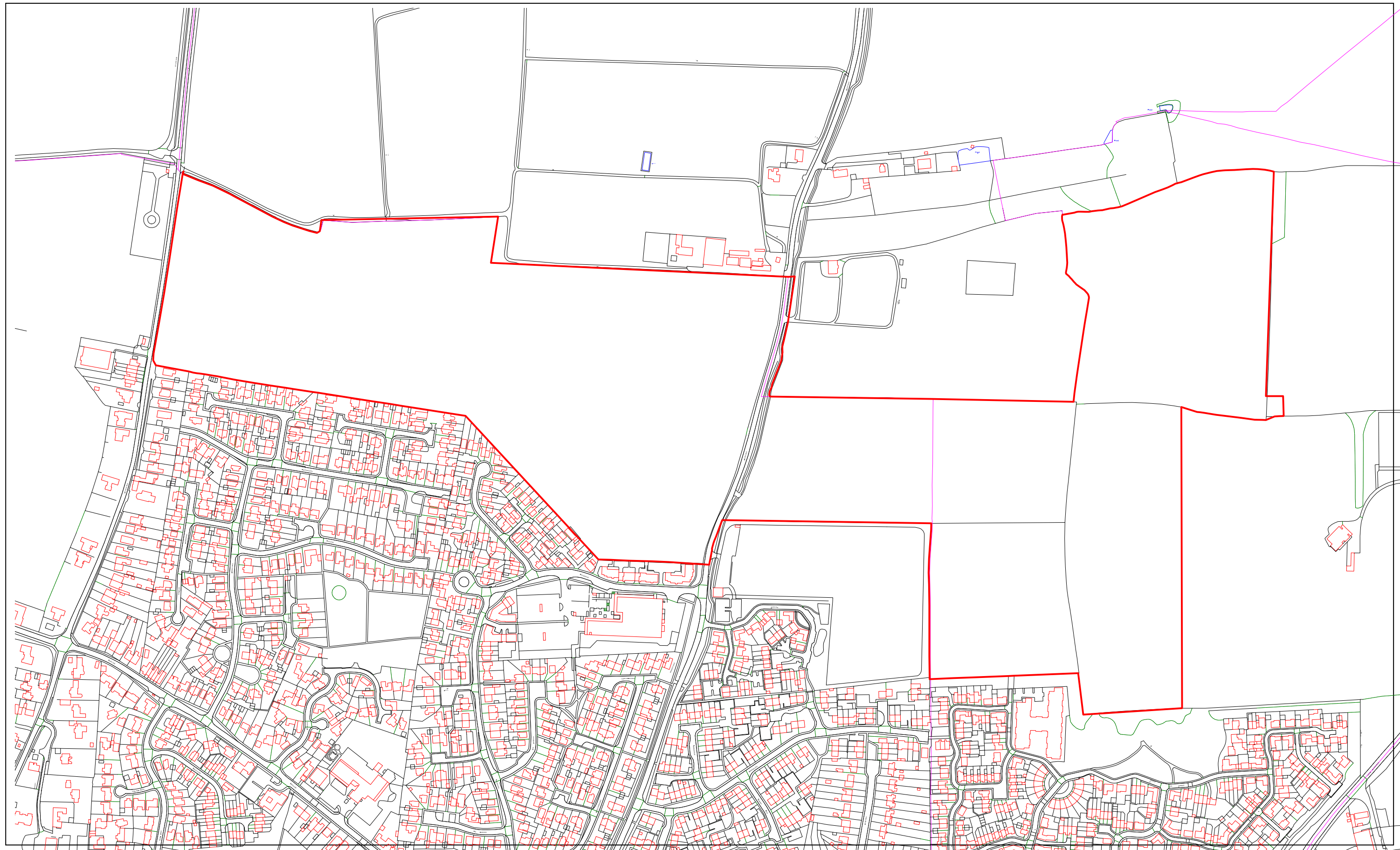
13. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Scale 1:1250; Block Plan Scale 1:500; Drawing Numbers REVD--TS-2711-1; TS-2711-2; Acoustica Silencer Technical Specifications; Airclean Air Filter Technical Specification; Helios Gigabox Centrifugal Fan Technical Specification; SuperLite Vibration Isolators Details, Acoustic Design Review Report Ref 17095.ADR.01 prepared on 02 February 2018 and received 6 February 2018.
- 3) The premises shall only be open for customers between the following hours:
1100 - 2100 Mondays - Sundays
- 4) Prior to the first operation of the use hereby approved, the floor construction recommendations as described in Section 2.2 of the Acoustic Design Review Report received 6 February 2018 and shown on the accompanying drawing REVD-TS-2711 – 1 received 6 February 2018, shall be implemented and retained unless otherwise agreed in writing by with the local planning authority.
- 5) The use hereby permitted shall be limited to producing hot food through the use of multi-deck or conveyor feed, gas or electric, pizza style convection ovens only, with no additional cooking (including chargrilling) or food reheating equipment being operated at the premises without the prior written approval of the local planning authority.
- 6) The filtration , ventilation and sound insulation detailed within the Acoustic Design Review and Amended Plan dated 6 February 2018 shall be:
 - a) installed as proposed within the above document prior to the first use of the development hereby permitted;
 - b) maintained in accordance with the details constrained within the above document and the manufacturers' recommendations; and
 - c) retained as proposed within the above document;unless otherwise agreed in writing with the local planning authority.



Application No: 20180708

Land to the North of Sprowston and Old Catton, Btn Wroxham Road & St Faiths Road

Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011. Ordnance Survey Licence number 100022319.

Scale:
1:4122

Date:
26-Feb-19



AREA East

PARISH Beeston St Andrew, Old Catton, Spixworth, Sprowston

2

APPLICATION NO: [20180708](#)

TG REF: 625000 / 313788

LOCATION OF SITE Beeston Park, Land North of Sprowston & Old Catton

DESCRIPTION OF DEVELOPMENT Reserved matters application for phase one strategic infrastructure

APPLICANT TOWN

AGENT TOWN

Date Received: 27 April 2018
8 Week Expiry Date: 30 July 2018

Reason at Committee: At the request of one of the Ward Members for the reasons listed in paragraph 5.2 of this report

Recommendation (summary): Approve

1 THE PROPOSAL

- 1.1 This application seeks consent for the delivery of strategic infrastructure to phase one of the Beeston Park development. It includes details of the east-west link road, the sustainable urban drainage and foul drainage for said phase.
- 1.2 This application also seeks to comply with relevant conditions attached to the outline approval 20161058; namely conditions 1, 2, 3, 4, 5, 10, 11, 21, 22, 27, 28, 29, 31, 32, 33, 35 and 36. Further detail of these conditions and the information submitted with them will be given in the appraisal section of this report.

2 KEY CONSIDERATIONS

- Whether the removal of the condition would result in a development which complies with the Development Plan.
- Whether there are other material considerations which justify a decision otherwise than in accordance with the Development Plan.

3 CONSULTATIONS

3.1 Environment Agency:

At the time of writing comments from the EA were still outstanding. Conversations are ongoing and have been for a period of time in an attempt to agree the final detail of the sustainable drainage scheme for the development area. It is anticipated that an agreed solution will be in place ahead of planning committee and it will be reported to Members at said committee.

3.2 Lead Local Flood Authority:

At the time of writing comments from the LLLFA were still outstanding. Conversations are ongoing and have been for a period of time in an attempt to agree the final detail of the sustainable drainage scheme for the development area. It is anticipated that an agreed solution will be in place ahead of planning committee and it will be reported to Members at said committee.

3.3 Norfolk County Council (Ecology):

No objections.

3.4 Norfolk County Council (Highways):

At the time of writing the Highway Authority had not provided a final response to this application. They are happy with the principle of the development, but they are still awaiting some details before they can confirm their acceptance of the scheme. In part this relies on information being agreed by the LLLFA.

3.5 Norwich International Airport:

There is a need to ensure that the proposed landscaping arrangements (tree(s)) do not become obstacles that will have an impact on our Obstacle Limitation Surfaces, Instrument Flight Procedures or interfere with navigational equipment. We note that the mature height of some trees in the landscape schedule would be between 10m and 25m. Therefore, we would require a condition which states that: *“the site owner or maintenance company shall be responsible for ensuring any landscaping arrangements within the boundary of this site, do not penetrate any of Norwich Airports safeguarded surfaces, and do not interfere with any of its navigational aids.”*

With regard to the lighting proposal, there has not been enough information submitted to make an accurate assessment, and we would still insist on the following condition being applied to an application of this scale, in such close

proximity to the aerodrome: “Any external lighting shall be of a flat glass, full cut-off design, and shall be horizontally mounted to prevent light spill above the horizontal. This is to minimise the risk of these lights dazzling Pilots and Air Traffic Controllers.”

Finally, if the construction phases of the development require the use of mobile or tower cranes, they should be operated in accordance with British Standard 7121 and CAP 1096, and the Airport should be notified of plans to erect these cranes at least 21 days in advance. We would request this statement being included as a condition on the grant of Planning Permission. However, I’m aware that this normally gets applied as an informative, which is still acceptable to Norwich Airport.

3.6 Old Catton Parish Council:

With regard to the above application, and taking into consideration the Old Catton Neighbourhood Plan, Old Catton Parish Council would make the following comments:

- (1) East-West Link Road (EWL) is an area of concern for the Parish Council. Concerns have been previously expressed regarding the junction with St Faiths Road and the EWL – specifically that the junction should be designed to ensure that St Faiths Road does not become a cut-through/rat-run whilst ensuring that there is suitable access for cars to use St Faiths Road to access the cemetery and sufficient access to the airport crash gate. The Parish Council are concerned that developers of Beeston Park and Repton Avenue / Land at St Faiths Road should have “joined up” thinking with regard to the EWL; the Council must ensure that adequate access to the cemetery is provided as part of the development while ensuring that St Faiths Road does not become a main traffic route from the new developments. The Parish Council reminds developers and Planning that the speed limit for St Faiths Road is 20 mph.
- (2) The Parish Council are concerned that areas of the EWL near the junction with St Faiths Road have been allocated splays of 45m. The Council is of the opinion that these splays are too large and will encourage parking close to the St Faiths Road junction. The Parish Council are concerned that this will reduce visibility around the junction increasing road safety concerns. The Parish Council are against this proposal.
- (3) The Parish Council notes that the application refers to a pub located in area B1 and request clarification that this premise will be a family orientated facility.

- (4) The Parish Council notes that the application proposes black bollards along the EWL and are against the colouring of the bollards.
- (5) The Development, Phasing and Infrastructure Report refers to “private lanes” within the development. The Parish Council are aware of local concerns of “private lanes” and activity occurring in similar lanes around north Norwich. The Parish Council requests that consultation with Police Neighbourhood Safety be carried out prior to final decision regarding inclusion of “private lanes” within the development.
- (6) The Parish Council notes that there is no reference to the Airport Expansion Plan within the application and requests that the proposed runway expansion be taken into considering when designing the houses most likely to be impacted by the flight paths.
- (7) It is noted that the Development, Phasing and Infrastructure Report refers to the design and construction of B1150/George Hill junction improvements. The Parish Council are very interested to know what proposals and designs are proposed for this junction as they can see no area in which this narrow, weight-restricted road within the Conservation Area can or should be altered as part of the Beeston Park development. The Parish Council asks for clarification of this point.
- (8) The Parish Council request confirmation that the “spine road” referred in the Road Safety Audit report is actually the EWL and not an alternative road that has not been identified.

Old Catton Neighbourhood Plan – Policy 4: Traffic Impact

New development proposals will be expected to quantify the level of traffic movements they are likely to generate and its accumulative effect with other developments in Old Catton and surrounding parishes. They will also be expected to assess the potential impact of this traffic and include measures to mitigate any negative impacts on road safety, pedestrians, safe road crossings, cyclists, parking and congestion within Old Catton

- (1) It is noted that the Road Safety Audit report states “no traffic flow or speed data was provided to the audit team” The Parish Council would highlight that this is a Policy Requirement of the Old Catton Neighbourhood Plan – Policy 4: Traffic Impact. The Parish Council requests that traffic flow and speed data be provided as part of this application to ensure that all traffic movement within Old Catton has been given due consideration as part of this development.
- (2) The Parish Council also notes that the Road Safety Audit highlights a speed reduction to 30mph on Buxton Road and St Faiths Road. The

Council would highlight that most roads within Old Catton, in particular St Faiths Road, the speed limit is 20 mph and it is hoped that the new roads within the development will reflect this reduced speed limit.

- (3) The Parish Council stress that it is essential to ensure there is an effective, approved Traffic Management Scheme for this development which ensures all development traffic uses White Woman Lane only for access to and from the development. With the reduced junction width of Chartwell Road / Spixworth Road there is no alternative route within Old Catton for construction traffic. All other routes from Old Catton are weight restricted and/or within the Conservation Area and therefore unsuitable for HGVs. Assurances that HGVs will abide to the 20mph speed limit near the school on White Woman Lane and abide by the speed tables located on this road are essential.
- (4) It is noted that open space area marked Area A has been allocated as recreation ground containing cricket pitch, tennis courts, football pitch and pavilion. The Parish Council would like clarification to what extent these proposals are the final design plan. The Council are considering future locations for a community centre, as highlighted in the public “wish list” during public consultation of the Old Catton Neighbourhood Plan, within the Parish and this location would be of consideration. Public opinion placed a community centre No.6 in priority order for the benefit of Old Catton. Space for community centre is limited within the Parish at present and possible locations within future development of Old Catton are of consideration to the Parish Council.

Old Catton Neighbourhood Plan – Policy 3: Open Space Management

Where new developments provide elements of green infrastructure (such as open space, natural green space, recreation areas, allotments, community woodland and orchards) the Developer will be required to demonstrate an effective and sustainable management programme for them by having:

- (a) An effective transition to the Local Authority ownership; or
 - (b) An effective transition to the Parish Council ownership with suitable funding to cover projected future upkeep costs for at least the next ten years; or
 - (c) An appropriate legally binding arrangement for management by an established management company with a viable and sustainable business case and operating model.
- (1) It is noted that the Development, Phasing and Infrastructure Report states that “.... Promoters are in advanced discussion with a charitable organisation which operates nationwide and which would assume

responsibility initially for management of the Phase One open space". The Parish Council would highlight the Old Catton Neighbourhood Plan Policy 3: Open Space Management and state that the Council's preference would be Option A or Option B for the open spaces of application proposal, particularly if part of this area was to be considered for community centre.

- (2) The Parish Council is against the proposal of shared open space with the school. The Council believes that a shared space does not provide adequate protection to school children whilst using the playing field during the day. There is a risk of dogs accessing the school premises and fouling which in turn increases health and safety risks. Open spaces should be designated for public use and school use separately with clear boundaries.
- (3) The Parish Council are also concerned that provision for vehicle access to the school has not been fully considered with this application. It is not clear if provision for a car park has been provided as part of the application, nor of provision for street parking nearby and the Parish Council requests that this be considered as part of this application. It is also noted that no hard-ground playground at the school has been provided as part of the application. Children will require a space to "let off steam" during wet weather when the playing field is out of bounds.
- (4) Attenuation space located within the smaller green space area. The Parish Council requests confirmation that these areas (shown as areas B-F, H, M and Nm on the masterplan area schedule) will not be developed with pond areas. The Council would prefer all open spaces to be designed with provision for playground equipment and adequate green space for public enjoyment. The Council would be against pond/water areas for the increased health and safety risk.
- (5) The Parish Council note that the proposal includes x2 sewerage pumping stations and would request assurance that the proposed sewerage plans will adequately facilitate the new development and surrounding area. The Council also seeks assurances that new facilities will be in place to cope with the increase population and the impact this will have on the existing strained sewerage system within Old Catton.

3.7 Sprowston Town Council:

Concerned about the shared use of community land, sufficient provision of vehicular access to school, obscured splays, close location of open space to water, late phasing of the health centre and possible criminality resulting from private lanes.

4 PUBLICITY

4.1 Site Notice: 21 May 2018

Expired: 11 June 2018

4.2 Neighbour notification: 14 May 2018

Expired: 6 June 2018

5 REPRESENTATIONS

5.1 Three letters of representation have been received regarding this application with the following comments:

- Concern about the possibility of Repton Avenue being opened through to the airport industrial estate. The roads through Old Catton are narrow and already congested and they are not suited to the sort of heavy traffic that would occur. It seems much more logical that the road through the new estate should join up with the airport estate further north if at all.
- Traffic exiting onto Repton Avenue and then onto either Lodge Lane or St Faiths Lane will undoubtedly lead to great levels of congestion along these roads.
- Increases in traffic will be unsafe for cyclists. There is nothing in the proposal to deal with north/south cyclist traffic from the proposed Beeston Park development.
- Heavy industrial traffic should never be allowed along village roads, especially having to pass two primary schools and dense housing before they can access main roads.
- No objection to the new housing, but no building should go ahead until the necessary infrastructure is in place. There is already pressure on the local doctors' surgery.
- It is imperative that the east-west link road between Hurricane Way and Wroxham Road is total and complete and is tied in with the Repton Avenue proposals by Taylor Wimpey, otherwise Spixworth Road and others will become gridlocked.

5.2 Cllr K Vincent:

I confirm I wish to call in application 20180708 for it to be reviewed and determined by the Planning Committee. My reasoning for this is that I am concerned about the impact on the existing highways network and road safety. Examples include:

- Since the outline scheme for the outline planning application for this scheme was determined the junction of Spixworth Road and the ring road has been narrowed to deter HGVs and they can no longer safely use this junction. This is a material change.
- The engineering solution to deter traffic from turning into St Faiths Road is missing.
- Radius kerbs are missing between the east-west link road and St Faiths Road, which will result in vehicles driving over the footpath/cycleway.

6 RELEVANT POLICY GUIDANCE

National Planning Policy Framework (NPPF):

- 6.1 This document sets out that the purpose of the planning system is to contribute towards achieving sustainable development. It also reinforces the position that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. As national policy, the NPPF is an important material consideration and should be read as a whole but paragraphs 7, 8, 10, 11, 73, 74, 91, 92, 94, 96, 102, 103, 104, 108, 109, 110, 111, 122, 123, 124, 125, 126, 127, 128, 130, 131, 170, 175, 177, 178, 180 and 182 are particularly relevant to the determination of this application.

National Planning Practice Guidance (NPPG):

- 6.2 This provides guidance and adds further context to the NPPF and should be read in conjunction with it as a material consideration.

Joint Core Strategy:

- 6.3 Policy 1:

This policy sets down a number of standards that new development should achieve in its attempts to address climate change and promote sustainability, including giving careful consideration to the location of development and the impact it would have on ecosystems of an area.

6.4 Policy 2:

Seeks to ensure that all development is designed to the highest possible standard, whilst creating a strong sense of place. It also states that developments will respect local distinctiveness.

6.5 Policy 3:

Amongst other things seeks to ensure that the highest levels of energy and water efficiencies are met through the planning submission and conditions if necessary.

6.6 Policy 4:

States that proposals for housing will be required to contribute to the mix of housing required to provide balanced communities and meet the needs of the area, as set out in the most up to date study of housing need and/or Housing Market Assessment. Furthermore it sets out appropriate percentages for the delivery and tenure of affordable housing.

6.7 Policy 5:

States that the local economy will be developed in a sustainable way to support jobs and economic growth. It further goes on to state that sufficient employment land will be allocated in accessible locations consistent with the 'Policies for Places' in this strategy to meet identified need and provide for choice.

6.8 Policy 6:

Relates to access and transportation. Particularly it seeks to ensure that the transport system will be enhanced to develop the role of Norwich as a Regional Transport Node, particularly through the implementation of the Norwich Area Transport Strategy (NATS).

6.9 Policy 7:

Requires development to maintain or enhance the quality of life and the well-being of communities and will promote equality and diversity, and protect and strengthen community cohesion.

6.10 Policy 8:

Requires that existing cultural assets and leisure facilities will be maintained and enhanced. Development will be expected to provide for local cultural and

leisure activities.

6.11 Policy 9:

The Norwich Policy Area (NPA) is the focus for major growth and development, including in the Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle 7,000 dwellings by 2026 continuing to grow to around 10,000 dwellings eventually; and Broadland smaller sites in the NPA: 2,000 dwellings.

6.12 Policy 10:

Identifies location for major new or expanded communities in the Norwich Policy Area. Of particular relevance is the identification of the Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle. It states that this location will deliver an urban extension on both sides of the Northern Distributor road. However, there is scope for partial delivery, the precise extent of which will be assessed through the Area Action Plan. It also states that the new community will take the form of inter-related new villages and gives details of what these will include, such as community facilities, schools, employment, greenspaces, transport improvements etc.

6.13 Policy 19:

The Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle to be served by a new district centre.

6.14 Policy 21:

When considering development proposals in their part of the Norwich Policy Area Broadland District Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Development Management Development Plan DPD (2015) relevant policies

- 6.15 The policies set out within the Development Management DPD do not repeat but seek to further the aims and objectives set out within the National Planning Policy Framework and the Joint Core Strategy. It therefore includes more detailed local policies for the management of development.

6.16 Policy GC1:

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development

contained in the NPPF.

6.17 Policy GC2:

New development will be accommodated within settlement limits defined on the proposals 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.

6.18 Policy GC4:

Development will be expected to achieve a high standard of design and avoid any significant detrimental impact.

6.19 Policy EN1:

Development proposals will be expected to protect and enhance the biodiversity of the district, avoid fragmentation of habitats and support the delivery of a co-ordinated green infrastructure network.

6.20 Policy EN2:

In order to protect the character of the area, this policy requires development proposal to have regard to the Landscape Character Assessment SPD and consider such things as gaps between settlements, the nocturnal character of the area and so forth.

6.21 Policy EN3:

Residential development consisting of five dwellings or more will be expected to provide at least 4 hectares of informal open space per 1000 population and at least 0.16 hectares of allotments per 1000 population.

Development will also be expected to make adequate arrangements for the management and maintenance of green infrastructure.

6.22 Policy EN4:

Development will be expected to include an assessment of the extent of potential pollution, and mitigation measures will be required where necessary.

6.23 Policy RL1:

Residential development consistent of five dwellings or more will be expected to make adequate provision and subsequent management arrangements for

recreation.

6.24 Policy TS1:

Land required for the improvement of the transport network will be safeguarded.

6.25 Policy TS2:

In the case of major development a Transport Assessment and/or Travel Plan will be required.

6.26 Policy TS3:

Development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network.

6.27 Policy TS4:

Within new developments, appropriate parking and manoeuvring space should be provided to reflect the use and location as well as its accessibility by non-car modes.

6.28 Policy CSU1:

Proposals which improve the range of community facilities and local services available within the district will be encouraged where no significant adverse impact would arise.

6.29 Policy CSU3:

Proposals for large-scale residential development will be expected to include appropriate provision for community facilities.

6.30 Policy CSU5:

Mitigation measures to deal with surface water arising from development proposals should be incorporated to minimise the risk of flooding on the development site without increasing flood risk elsewhere.

Growth Triangle Area Action Plan (2016):

6.31 Policy GT1:

This policy relates to the form of the development. It sets down ways in which development proposals should be masterplanned and relate to other development around them.

6.32 Policy GT2:

Makes specific reference to areas of green open space that are to be retained to preserve the landscape setting of the area. It also identifies that informal and formal open space and recreational facilities should be appropriately provided within development.

6.33 Policy GT3:

New orbital road links across the Growth Triangle will be provided by development. Further transport measures including those for improving walking and cycling will be incorporated into development as appropriate also.

6.34 Policy GT12:

Land North of Sprowston and Old Catton (approximately 144ha) is allocated for residential use. This policy sets down certain requirements for the development of the site.

Recreational Provision in Residential Development (SPD):

- 6.35 Sets the guidance on how the requirements set out within Policies EN1, EN3 and RL1 will be applied in practice.

Norfolk Minerals and Waste Core Strategy (2011)

Old Catton Neighbourhood Plan (2015):

6.36 Policy 2:

Where green infrastructure is provided as part of any new development it should aim to improve biodiversity and connections with existing open spaces in and around Old Catton.

6.37 Policy 3:

Where new development provides elements of green infrastructure the developer will be required to demonstrate an effective and sustainable management programme for them.

6.38 Policy 4:

New development proposals will be expected to quantify the level of traffic movements they are likely to generate and its accumulative effect with other developments in Old Catton and surrounding parishes. They will also be expected to assess the potential impact of this traffic and include measures to mitigate any negative impacts on road safety, pedestrians, safe road crossings, cyclists, parking and congestion within Old Catton.

6.39 Policy 5:

Transport assessments and/or travel plans prepared in accordance with policy TS2 of the DMDPD should, where it is both necessary and possible, incorporate appropriate proposals to deter additional traffic entering the Old Catton Conservation Area.

6.40 Policy 6:

All new development should maximise opportunities to enhance and encourage the use of existing footpath and cycleway links to the wider parish and countryside.

6.41 Policy 7:

New development will be expected to deliver high quality design alongside other key considerations of the policy.

Sprowston Neighbourhood Plan (2014):

6.42 Policy 1:

The environmental assets of the area will be protected and opportunities taken for their maintenance and enhancement, and increasing the benefits for residents and wildlife.

6.43 Policy 2:

Development will be well designed to fit with the local area and contribute to creating a strong sense of place.

6.44 Policy 3:

Housing development will be acceptable, in principle, within settlement limits or on allocated sites, subject to meeting normal development criteria.

6.45 Policy 6:

Local employment opportunities will be supported.

6.46 Policy 7:

Fast broadband connections will be promoted throughout the area. All new development should demonstrate how it contributes to this objective.

6.47 Policy 8:

All development will be expected to maintain or enhance the quality of life and the wellbeing of the local community and to promote equality and diversity, and protect and strengthen community cohesion.

6.48 Policy 10:

Development should seek to promote healthier lifestyles by maximising access by walking and cycling.

6.49 Policy 11:

Wider community use of schools will be encouraged. This will enable greater accessible education and leisure opportunities for the community.

6.50 Policy 13:

If the park and ride site on Wroxham Road is relocated in the future, the current site should be redeveloped for appropriate uses that complement the area.

6.51 Policy 21:

Open areas at or near to Barkers Lane/Church Lane will be retained and enhanced as an integrated network of green and open spaces to create a 'Green Heart' for the community.

6.52 Policy 22:

An area of 2.4 ha is allocated as an extension to the existing burial ground at Church Lane.

7 LOCATION AND DESCRIPTION OF SITE

- 7.1 The land that this application covers forms the first phase of the wider 207.4 hectares site that benefits from outline approval and is known as Beeston Park. It lies within the Broadland Growth Triangle, originally designated by the adopted Joint Core Strategy (JCS) as a location for significant levels of development.
- 7.2 The application site is bounded to the south by the established communities of Old Catton and Sprowston, to the east by Norwich Rugby Club and land owned by the Norwich School and to the west by St Faith's Lane. North of the site runs the Broadland Northway, beyond which lies the village of Spixworth. Parts of the site fall within the four parishes of Sprowston, Old Catton, Beeston St Andrew and Spixworth.
- 7.3 The site benefits from its location on one radial route to and from central Norwich: the unclassified Buxton Road. The current use of the land is for agriculture.

8 RELEVANT PLANNING HISTORY

- 8.1 [20121516](#): Development of land north of Sprowston and Old Catton to provide up to 3,520 dwellings; up to 16,800m² of employment space; up to 8,800m² of space for shops, services, cafes, restaurants and drinking establishments; up to 1,000m² of hotel accommodation; two primary schools; up to 2,000m² of community space including a health centre, library and community halls; an energy centre; cycle and vehicle parking for residents, visitors and staff; landscaping and public open space for amenity, recreation and food-growing; ecological mitigation and enhancement; utilities and sustainable urban drainage infrastructure; and pedestrian, cycle and vehicular accesses (outline). Approved 17 February 2016.
- 8.2 [20161058](#): Variation of conditions of outline planning permission 20121516. Approved 22 December 2017.
- 8.3 [20180412](#): Details for condition 21 of planning permission 20161058 - site-wide design and sustainability code. Resolution to approve from Planning Committee, but as yet undetermined.

9 APPRAISAL

Principle of development:

- 9.1 This site forms part of the mixed use allocation under Policy GT12 of the Growth Triangle Area Action Plan (GTAAP). It is known as Beeston Park. In 2016 outline planning permission (20121516) was granted for:
- 3,520 dwellings;
 - 16,800m² of employment space (B1);
 - 8,800m² of space for shops, services, cafes, restaurants and drinking
 - Establishments (A1-A5);
 - 1,000m² of hotel accommodation (C1);
 - Two primary schools (up to 500m²);
 - 2,000m² of community space including a health centre, library and community halls;
 - An energy centre (up to 1,500m²).
- 9.2 Following the grant of the outline planning permission, an application was made under Section 73 of the Town and Country Planning Act 1990 to vary a number of conditions under planning application 20121516. The S73 application (20161058) was submitted to vary the phasing strategy that was submitted as part of the outline planning application. This application was approved in 2017.
- 9.3 Further to this a site-wide Design and Sustainability Code was submitted and in November 2017 a resolution to approve subject to the issues raised by the Highways Authority being satisfactorily addressed was agreed. This permission has not been issued at the time of writing, but is very close to being so and it is hoped that this can be done ahead of Planning Committee.
- 9.4 This application is for phase one of the Beeston Park development, which covers an area to the north of Old Catton and between St Faiths Road and the Norwich Rugby Club / Norwich School land. The strategy for delivery of phase one of Beeston Park is to plan and deliver a package of strategic infrastructure costing around £13 million which will enable the disposal of serviced parcels to housing developers. Land for a primary school site will be included with phase one as will a large recreational area of land. This particular reserved matters application includes:

- the proposed East-West Link Road (EWLR) between St Faith's Road and Norwich Rugby Club, incorporating new junctions with St Faith's Road and with Buxton Road and associated landscaping;
 - surface water drainage attenuation areas and connections to serve both the EWLR and future development parcels, including associated landscaping; and
 - utilities to serve future development parcels.
- 9.5 This will create a series of serviced parcels of land for over 700 dwellings across phase one, each with one or more points of access (via tertiary street junctions) from the EWLR and associated utilities and drainage connections. Each parcel will be governed by a capacity matrix which details the extent of impermeable surfaces allowed to achieve the run-off rates facilitated by the surface water drainage design.
- 9.6 This is a well thought through and innovative way in which to bring development forward. The submission is in accordance with the relevant sections of Policy GT12 and the outline planning approval. Given this it is considered that the principle of this reserved matters application is acceptable. However, an assessment must also be made as to whether the proposal complies with other relevant policies of the development plan and whether there are any other material considerations relevant to the application. Specifically the consideration of the highway design and surface water drainage strategy (SuDS) are the key considerations of this application.

Highways:

- 9.7 One of the key pieces of infrastructure within the Broadland Growth Triangle is a link road that will connect the airport industrial estate with Broadland Business Park. This link road will connect the areas of housing growth with these strategic employment areas and allow easy access to them for cars, bikes, pedestrians and buses. Part of this link road has been built to the north of the White House Farm development in Sprowston and the other sections of it are all either permitted through planning permissions or will be in the near future.
- 9.8 This application provides the detail for a key part of that link road and will set the precedent for the rest of the Beeston Park development. The road has been designed in such a way that it will allow for the free flow of traffic along it, but also give just as much consideration to pedestrians and cyclists. On the north and south of the road there are segregated footpath and cycle lanes to allow for the safe and direct movement of people along them. Furthermore, the link road has been designed with parking bays along its northern and southern sides. This has been done to allow for future housing to front onto the link road and accepts that people will want to park their cars to the front of their properties. The parking bays are interspersed with trees, which is

intended to give a sense of place, natural shading and is an attempt to slow down traffic.

- 9.9 Norfolk County Council as the Highways Authority has worked closely with the promoter on this development and the delay in their formal response is not due to a fundamental objection, rather they are ensuring that all of the plans and documents are fully representative of what will be built. The level of detail that is required to satisfy planning is not as much as would be to satisfy sign off through the formal Highways Authority agreements (Sections 38 and 278 of the Highways Act, which refers to the creation of new road for highway adoption and works to an adopted highway). The promoter and Highways Authority are taking the time now to go through this process and ensure that the detail is complete so that a start on site can be had as soon as possible post approval. It is anticipated that the Highways Authority will confirm the acceptance of the highways scheme ahead of planning committee and their response will be reported verbally.

Sustainable Urban Drainage Systems (SuDS):

- 9.10 The application proposes a network of pipes, primarily underneath the EWLR and secondary streets, leading to surface water attenuation tanks and then onto deep bore soakaways. This has been a carefully thought through strategy and has been challenging for its designers due to the composition of the ground that the development is to be built upon.
- 9.11 Work is continuing on the SuDS strategy as the Environment Agency and the Lead Local Flood Authority have raised concerns about the use of deep bore soakaways. Deep bore soakaways are used as a last resort in drainage systems as they are costly for the developer to put in, costly for whoever is managing them at the time they are replaced (should they need to be) and will not be adopted by Anglian Water. The promoter would prefer not to be using them, but they are the only option. The land that this application covers has very poor natural drainage due to the near surface soils comprising principally of cohesive materials with relatively low infiltration potential. This means that drainage to a soakaway, which would allow for water to permeate the ground into the water table over a period of time is not possible. A deep bore soakaway is built through the impermeable ground to the level that does allow for natural soakage and that is how the site is drained. This is the end point of a series of other above and below ground SuDS features, but the key point of contention is the use of deep bore soakaways.
- 9.12 Significant and appropriate testing of the ground has been undertaken by the applicant, but the LLFA are asking for further testing to be done. This would add considerable delay to starting the development and cost to the applicant, which they may not be willing to incur. The use of deep bore soakaways has been agreed in principle at the stage of considering the outline planning application and S.73 variation. Testing has been done in the broad areas that they are to be placed. To ask the applicant to do more at this point could be

considered to be unreasonable. However, discussions are ongoing with the LLFA and it is hoped that a compromise can be made ahead of Planning Committee. Assuming it is then this will be reported verbally to Members.

Other matters:

- 9.13 Should this application be approved then the detail to comply with a number of conditions attached to the outline planning permission will be agreed. It is important to note that this will relate to phase one only and information to satisfy these conditions will still be required for all later phases of development.
- 9.14 Rather than repeating all of these conditions in this report a copy of the outline planning permission has been attached (Appendix 1). The detail submitted to comply with these conditions has been appropriately assessed by officers and technical specialists and is considered to be acceptable. Clearly the information relating to highways and drainage cannot yet be agreed until there is a formal letter of acceptance from the LLFA and the Highway Authority.
- 9.15 A number of specific points have been raised by Old Catton Parish Council with some of which not being addressed in this report, so it is considered appropriate to provide a summary response. Their submission is broken down into numbered paragraphs (see paragraph 3.6), which are highlighted below.
- 9.16 Paragraphs 1 and 2 – The design of the east-west link road will not allow for vehicular traffic to turn into or out of it so will not become a rat run. There has been joined up thinking by officers in relation to the neighbouring development and adequate access will be provided to the cemetery. The visibility splays are considered acceptable by the Highways Authority.
- 9.17 Paragraph 3 – Market forces will determine the type of pub that is provided.
- 9.18 Paragraph 4 – The colour of the bollards is in line with the agreed design code.
- 9.19 Paragraph 5 – The Police Architectural Liaison Officer will be consulted on all of the subsequent reserved matters applications.
- 9.20 Paragraph 6 – Norwich International Airport will be consulted on all of the subsequent reserved matters applications.
- 9.21 Paragraph 7 – The relevant triggers for the B1150/George Hill junction are for design and subsequent construction as development proceeds later in Phase One. Hence there are as yet no proposals as to the form that improvements may take. The Promoter has undertaken to engage with the Highway

Authority and Old Catton Parish Council at the appropriate juncture prior to producing any designs for improvement of the junction.

- 9.22 Paragraph 8 – The spine road and the east-west link road are the same road.
- 9.23 Paragraph 9 – This information has been highlighted by the Highways Authority too and has been requested.
- 9.24 Paragraph 10 – It is the promoters' intention that all roads be 20 mph.
- 9.25 Paragraph 11 – A construction access management plan will be submitted as required by condition in due course and will be considered appropriately in co-ordination with the Highways Authority.
- 9.26 Paragraph 12 – The open space plans represent a finalised scheme for the parts of open space which form a dual function for Sustainable Urban Drainage. Details of the proposed treatment of the playing fields or other green and open spaces will be included as part of subsequent Reserved Matters Applications prior to handover to the Managing Body. The Outline Planning Application makes provision for up to “2,000m² of community space including a health centre, library and community halls” and it is possible that a new community centre for Old Catton could be provided on or adjacent to the playing fields. The promoter is willing to engage with the Parish Council on this point to make land available – construction would need to be funded by CIL or the Parish Council itself.
- 9.27 Paragraph 13 – The management of the open space is noted.
- 9.28 Paragraphs 14 and 15 – Noted. Further discussion will be had with Children's Services as the development progresses. The detail of the school site is not part of this application.
- 9.29 Paragraphs 16 and 17 – this is covered by the sustainable drainage plans.
- 9.30 The Safeguarding Officer has raised concerns relating to lighting, heights of trees and the erection of cranes. It is not considered that a condition relating to the heights of trees can be reasonably added should planning permission be granted. If a tree causes issue in the future then the Airport would be within their rights to take action as appropriate. An informative in relation to the erection of cranes will be added to the decision notice, which is usual practice. Furthermore, an informative relating to lighting will be added too as it is not considered appropriate to add a condition to a reserved matters planning application.

Conclusion:

- 9.31 This reserved matters application represents the first step in the delivery of the Beeston Park development. The applicant's strategy of delivering the key site wide infrastructure will undoubtedly make building in this area significantly more attractive to housebuilders. The promoters of Beeston Park have made it clear that they have a number of housebuilders interested, but subject to this infrastructure being put in place.
- 9.32 Of relevance is that the bid to the Housing Infrastructure Fund (HIF), led by Norfolk County Council and supported by Broadland District Council, is due for submission by the end of March. The bid is for £57m and should it be successful then the required amount to deliver the infrastructure for phases two and three of Beeston Park would be provided. It would certainly be beneficial to show that phase one has planning permission for this way of delivering up front infrastructure and would look positive to those that are considering the HIF bid (Homes England).
- 9.33 It is the officer's opinion that the link road design and SuDS have been designed in an appropriate and desirable way, which will result in the basis of a high quality sustainable community. There are still matters outstanding at the time of writing this report, specifically agreement to the detail of the SuDS design. However, agreement to this from the relevant parties is close. Therefore, it is recommended to the Planning Committee that this application be approved.

RECOMMENDATION: APPROVE



www.broadland.gov.uk

Appendix 1

Application Number
20161058



TOWN

FAO: Mr Mike Bodkin
Impact Hub Kings Cross
34B York Way
London N1 9AB

Date Of Decision : 22 December 2017
Development : Variation of Conditions of Outline Planning Permission 20121516
(The Development of Land North of Sprowston and Old Catton to Provide Up To 3,520 Dwellings; Up To 16,800 Square Metres of Employment Space; Up To 8,800 Square Metres of Space For Shops, Services, Cafes, Restaurants and Drinking Establishments; Up To 1,000 Square Metres of Hotel Accommodation; Two Primary Schools; Up To 2,000 Square Metres of Community Space Including A Health Centre, Library and Community Halls; An Energy Centre; Cycle and Vehicle Parking For Residents, Visitors and Staff; Landscaping and Public Open Space for Amenity, Recreation and Food-Growing; Ecological Mitigation and Enhancement; Utilities and Sustainable Urban Drainage Infrastructure; And Pedestrian, Cycle and Vehicular Accesses)
Location : Land to the North of Sprowston and Old Catton, Btn Wroxham Road & St Faiths Road
Applicant : Beyond Green Developments (Broadland) Ltd
Application Type: Amendment Section 73

Town & Country Planning Act 1990

The Council in pursuance of powers under this Act **GRANTS OUTLINE PLANNING PERMISSION** for the development referred to above in accordance with the submitted plans and application forms subject to the following **conditions:-**

- 1 Application for approval of ALL "reserved matters" must be made to the Local Planning Authority not later than 17 February 2031. The first of these "reserved matters" applications must be made to the Local Planning Authority no later than the expiry of THREE years beginning with the date of 17 February 2016. The development hereby permitted must be begun in accordance with the "reserved matters" as approved not later than the expiry of TWO years from the final approval of said reserved matters. The development permitted under the last of the "reserved matters" applications must be begun no later than the expiry of THREE years from its final approval.
- 2 Applications for the approval of the "reserved matters" shall include plans and descriptions of the:
 - i) extent of the zone of development covered by the reserved matters; with a zone being defined as a phase, parcel and/or block, or any parts or part

thereof, as set out in the Development Phasing and Infrastructure Improvements Strategy V 2.0 from TOWN dated April 2017;

- ii) details of the layout of that zone;
- iii) scale of each building proposed in that zone;
- iv) the appearance of all buildings in that zone including the precise details of the type and colour of the materials to be used in their construction; and
- v) the landscaping of that zone.

Approval of these "reserved matters" must be obtained from the Local Planning Authority in writing before any development is commenced on that zone and the development of that zone shall be carried out in accordance with the details as approved.

- 3 The development shall be carried out in accordance with the Development Phasing and Infrastructure Improvements Strategy V 2.0 from TOWN dated April 2017, in particular the schedule of off-site highway improvements and bus service enhancements and respective trigger points identified at Appendix Three of the Strategy, except as otherwise agreed in writing in advance by the Local Planning Authority.

- 4 As part of each set of reserved matters, a surface water drainage scheme for that zone of development shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be informed by the Flood Risk Assessment referenced 24109/005 R003/Rev03 and dated September 2012, and Technical Note referenced 24109/005 and dated 4 February 2013 by Peter Brett Associates.

The scheme shall be informed by further information as reasonably deemed necessary by the LPA, including appropriate geotechnical and infiltration testing, and shall be designed to incorporate shallow source control infiltration SUDS measures wherever possible. The scheme shall include details of how the surface water will be managed in all rainfall events to ensure it does not increase the flood risk on the site or off site, and shall include details of how the surface water scheme shall be maintained and managed after completion for the lifetime of the development.

The scheme shall subsequently be implemented in accordance with the approved details.

- 5 As part of the first set of reserved matters for a zone (as defined in condition 2) (or if appropriate a Phase, as described in the Development Phasing and Infrastructure Improvements Strategy V 2.0 from TOWN dated April 2017) a Groundwater Quantitative Risk Assessment that addresses the risks associated with the use of deep bore soakaways shall be submitted to and approved in writing by the Local Planning Authority for that zone (or Phase if appropriate). This shall inform the surface water drainage strategy required under condition 4.

- 6 Prior to the commencement of development on each zone (as defined in condition 2) (or if appropriate a Phase, as described in the Development Phasing and Infrastructure Improvements Strategy V 2.0 from TOWN dated April 2017) (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) a remediation strategy that includes the following components to deal with the risks associated with contamination of land covered by the zone (or Phase if appropriate) shall be submitted to and approved, in writing, by the Local Planning Authority:

(1) A preliminary risk assessment which has identified for that zone (or Phase if appropriate):
o all previous uses;
o potential contaminants associated with those uses;
o a conceptual model of the development zone (or Phase if appropriate) indicating sources, pathways and receptors; and
o potentially unacceptable risks arising from contamination on that zone (or Phase if appropriate).

(2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components requires the express written consent of the Local Planning Authority. The scheme shall be implemented as approved unless varied in writing in advance by the Local Planning Authority.

7 No occupation of a zone (as defined in condition 2) (or if appropriate a Phase, as described in the Development Phasing and Infrastructure Improvements Strategy V 2.0 from TOWN dated April 2017) shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation for that zone (or Phase if appropriate) shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan for that zone (or Phase if appropriate). The long-term monitoring and maintenance plan shall be implemented as approved unless authorised in writing in advance by the Local Planning Authority.

8 No occupation on a zone (as defined in condition 2) (or if appropriate a Phase, as described in the Development Phasing and Infrastructure Improvements Strategy V 2.0 from TOWN dated April 2017) should take place until long-term monitoring and maintenance and supporting reports for any contamination on that zone (or Phase if appropriate) has been submitted to and approved in writing by the Local Planning Authority. Reports should be as specified in the approved plan, including details of any necessary contingency measures to be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in each plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

9 If, during development, contamination not previously identified is found to be present in land covered by the zone (as defined in condition 2) then (unless otherwise agreed in writing by the Local Planning Authority) no further

development on that zone shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

- 10 Development hereby permitted shall not be commenced on a zone until such time as a scheme to dispose of foul drainage for that zone has been submitted to, and approved in writing by, the Local Planning Authority. Where appropriate this scheme should include details for the improvement of the existing sewerage system. The scheme shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.
- 11 Prior to the commencement of a zone (as defined in condition 2), full details (in the form of scaled plans and/or written specifications) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following for that zone:
 - i) Roads, footways, cycleways, foul and on-site water drainage;
 - ii) Visibility splays;
 - iii) Parking provision in accordance with adopted standard;
 - iv) Loading areas; and
 - v) Turning areas
- 12 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any amendments thereto, garage accommodation on the site shall be provided with minimum internal dimensions measuring 3 metres x 7 metres.
- 13 Development shall not commence on any zone until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period for that zone has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period for that zone unless otherwise agreed in writing by the Local Planning Authority.
- 14 Prior to the commencement of works on a zone (as defined in condition 2) (or if appropriate a Phase, as described in the Development Phasing and Infrastructure Improvements Strategy V 2.0 from TOWN dated April 2017) or part thereof a Construction Traffic Management Plan and Access Route for that zone (or Phase if appropriate) or part thereof shall be submitted to and approved in writing with the Local Planning Authority in consultation with Norfolk County Council Highway 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.
- 15 For the duration of the construction period of any zone (as defined in condition 2) (or if appropriate a Phase, as described in the Development Phasing and Infrastructure Improvements Strategy V 2.0 from TOWN dated April 2017) or part thereof all traffic associated with the construction of that zone (or Phase if appropriate) or part thereof will comply with the Construction Traffic Management Plan for that zone (or Phase if appropriate) and use only the relevant 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority in consultation with the Highway Authority.

- 16 No works shall commence on a zone until the details of wheel cleaning facilities for construction vehicles for that zone have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. For the duration of the construction period of a zone all construction traffic will use the approved wheel cleaning facilities provided.
- 17 Prior to the commencement of development on a zone (as defined in condition 2) (or if appropriate a Phase, as described in the Development Phasing and Infrastructure Improvements Strategy V 2.0 from TOWN dated April 2017) a monitoring programme to assess the level of traffic generation from that zone (or Phase if appropriate) at defined intervals of occupancy/before the end of that zone (or Phase if appropriate) shall be submitted to and approved in writing by the Local Planning Authority in consultation with Norfolk County Council as Local Highway Authority. The monitoring programme shall be implemented as agreed one that zone (or Phase if appropriate) unless the Local Planning Authority gives written approval to any variation in consultation with Norfolk County Council, the Local Highway Authority.
- 18 On occupation of 80% of the dwellings in each Phase and prior to the commencement of Phase 2 (as described in the Development Phasing and Infrastructure Improvements Strategy V 2.0 from TOWN dated April 2017) a Transport Monitoring Report based upon the traffic generation rates demonstrated by the monitoring programme approved pursuant to Condition 17 above and other local traffic monitoring shall be submitted to and approved in writing by the Local Planning Authority in consultation with Norfolk County Council as the Local Highway Authority. In the event that the morning and evening peak hour vehicle trip rate from housing development occupied is more than 10% above that predicted in the application Transport Assessment, a package of remedial measures shall be required to include some or all of: enhanced travel planning, sustainable travel measures and demand management; on-site highway works; and, as a last resort, off-site highway works. The further development over and above the Phase permitted shall not take place until the revised measures are implemented as approved unless otherwise agreed in writing by the Local Planning Authority.
- 19 The development hereby permitted shall not be commenced until an Overarching Travel Plan covering all types of development has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, such Travel Plan shall accord with the Norfolk County Council document 'Guidance Notes for the submission of Travel plans'.
- 20 No development on a Phase (as described in the Development Phasing and Infrastructure Improvements Strategy V 2.0 from TOWN dated April 2017) shall be occupied prior to the approval of the Overarching Travel Plan and the approval of the relevant Phase Travel Plan and the implementation of those parts identified in the approved Overarching Travel Plan Phase referred to in condition 19 or Phase Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Overarching Travel Plan and the Phase Travel Plan implemented in accordance with the timetable contained therein shall continue to be implemented as long as any part of the development is occupied unless otherwise agreed in writing by the Local Planning Authority.
- 21 Prior to the submission of the first of the reserved matters applications a site

wide Design and Sustainability Code shall be submitted to the Local Planning Authority.

- 22 The detail of water features as may be included in any zone (as defined in condition 2) shall be agreed prior to the commencement of development of that zone by the Local Planning Authority in consultation with Norwich International Airport as part of the reserved matters application of which they are part.
- 23 No community facilities as may be approved shall have roof structures that will attract nesting birds.
- 24 Any building constructed on site shall not exceed the quantum of development set out in part 1 of the description of this application. For clarification this quantum is:
- 3,520 dwellings;
 - 16,800 square metres of Employment Space (B1);
 - 8,800 square metres of Space for Shops, Services, Cafes, Restaurants and Drinking Establishments (A1-A5);
 - 1,000 square metres of hotel accommodation (C1);
 - Two primary schools;
 - 2,000 square metres of community space including a health centre, library and community halls;
 - An energy centre (up to 1,500 square metres).
- 25 No more than one individual Class A1 retail unit (as identified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)) shall exceed 1500sqm. No other Class A1 retail unit (as identified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)) shall exceed 500sqm.
- 26 The heights/storeys of buildings in the hereby approved development shall not exceed those shown for any particular building typology as shown in the Key Parameters Appendix A of the Design and Access Statement dated October 2012.
- 27 Prior to the commencement of development on any zone (as defined in condition 2), a scheme for the provision of fire hydrants as maybe required shall be submitted to and approved in writing by the Local Planning Authority in consultation with Norfolk County Council.
- 28 Details of energy efficient design and the construction of on-site equipment to secure at least 10% of the energy supply requirement of any zone (as defined in condition 2) from decentralised and renewable or low-carbon sources shall be submitted to and approved by the Local Planning Authority prior to commencement of the development on that zone. The details as approved shall be completed prior to the last occupation of any part of the development hereby permitted on that zone and thereafter shall be maintained.
- 29 Prior to the commencement of development on a zone (as defined in condition 2) (or if appropriate a Phase, as described in the Development Phasing and Infrastructure Improvements Strategy V 2.0 from TOWN dated April 2017), a geophysical survey of that zone (or Phase if appropriate) shall be undertaken in accordance with a recognised methodology and the findings submitted to the Local Planning Authority. Based on the findings of the

geophysical survey, a Scope and Programme of Works for appropriate further archaeological site investigations on that zone (or Phase if appropriate), including inter alia trial trenching, shall be prepared in submitted for written approval by the Local Planning Authority and works carried out on that zone (or Phase if appropriate) in accordance with the approved scope and programme except as otherwise agreed in writing by the Local Planning Authority.

- 30 Prior to the occupation of development on a zone full details of the adoption and maintenance of any surface water drainage features for that zone shall be submitted and agreed in writing by the Local Planning Authority.

- 31 A scheme for landscaping and site treatment to include grass seeding, planting of new trees and shrubs, specification of materials for fences, walls and hard surfaces, and the proposed maintenance of amenity areas, shall be submitted to and approved as part of the application for reserved matters for a zone.

The landscaping scheme shall also include the positions of all existing trees (which shall include details of species and canopy spread) and hedgerows both on the development and within 15m of the boundaries together with measures for the protection of the above and below ground parts of those that will be retained, throughout the course of development.

The scheme as approved shall be carried out not later than the next available planting season following the commencement of development on that zone 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 in the next available planting season, unless otherwise approved in writing by the Local Planning Authority.

- 32 The plans and particulars submitted for a zone in accordance with condition 31 above shall include:

(a) a plan showing the location of, and allocating a reference number to every tree within that zone which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread and Root Protection Area of each tree to be retained. In addition any tree on neighbouring or nearby ground to that zone that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area (para. 4.6.1 of BS5837 2012 Trees in relation to design, demolition and construction - Recommendations) or general landscape factors) must be shown.

(b) the details of each tree on that zone as required at para 4.4.2.5 of BS5837: 2012 in a separate schedule.

(c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruned or subject to other remedial or preventative work.

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within 5m of the Root Protection Area (para. 4.6.1 of BS5837: 2012) of any retained tree including those on neighbouring ground.

(e) details of the specification and position of all appropriate tree protection measures for the protection of every retained tree from damage before and for the entire duration of the course of the development of that zone.

(f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure. In this condition, 'retained tree' means an existing tree which is to be retained in accordance with paragraph (a) and (b) above.

- 33 Prior to the commencement of development on a zone, details of the planting of new mixed hedgerow or hedgerow enhancement within that zone (or on suitable nearby land) as maybe agreed shall be submitted to and approved in writing by the Local Planning Authority. Planting will be delivered 1 for 1 with hedgerow removal over the lifetime of the development of that zone and up to a total of at least 4km across the entire development.
- 34 Prior to the commencement of works on a zone a method statement for ecological mitigation during construction works for that zone shall be submitted to and agreed in writing by the Local Planning Authority. The method statement shall be implemented throughout the construction period as approved except as otherwise agreed in writing by the Local Planning Authority.
- 35 Prior to the commencement of development of a zone a detailed ecological management plan for that zone shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be implemented as approved except as otherwise agreed in writing by the Local Planning Authority.
- 36 Prior to the commencement of development of a zone, lighting plans for that zone shall be submitted to and agreed in writing by the Local Planning Authority.
- 37 Prior to the occupation of development on a zone, details of the proposed arrangements for future management and maintenance of the proposed streets within that zone shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

The reasons for the conditions are:-

- 1 The time limit condition is imposed in compliance with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The application is submitted in Outline form only and the reserved matters are required to be submitted in accordance with the requirements of Article 3 of

the Town and country Planning (General Development Procedure) Order 1995.

- 3 To ensure the satisfactory development of the site in accordance with Policy GT12 of the Growth Triangle Area Action Plan 2016.
- 4 To prevent the increased risk of flooding, both on and off site for the lifetime of the development in accordance with Policies 1 and 3 of the Joint Core Strategy for Broadland, Norwich and South Norfolk: 2011.
- 5 To prevent an unacceptable risk to groundwater through the use of deep bore soakaways in accordance with Policies 1 and 3 of the Joint Core Strategy for Broadland, Norwich and South Norfolk: 2011.
- 6 To protect and prevent the pollution of the water environment, particularly the sands and gravels Secondary A Aquifer, and the Crag Group Principal Aquifer, from potential pollutants associated with current and previous land uses (as identified in submitted documents) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and the Environment Agency's Groundwater Protection: Principles and Practice (GP3:2012) position statements A2, G11, J3 and J5.
- 7 To protect and prevent the pollution of the water environment, particularly the sands and gravels Secondary A Aquifer, and the Crag Group Principal Aquifer, from potential pollutants associated with current and previous land uses (as identified in submitted documents) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and the Environment Agency's Groundwater Protection: Principles and Practice (GP3:2012) position statements A2, G11, J3 and J5.
- 8 To protect and prevent the pollution of the water environment, particularly the sands and gravels Secondary A Aquifer, and the Crag Group Principal Aquifer, from potential pollutants associated with current and previous land uses (as identified in submitted documents) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and the Environment Agency's Groundwater Protection: Principles and Practice (GP3:2012) position statements A2, G11, J3 and J5.
- 9 To protect and prevent the pollution of the water environment, particularly the sands and gravels Secondary A Aquifer, and the Crag Group Principal Aquifer, from potential pollutants associated with current and previous land uses (as identified in submitted documents) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and the Environment Agency's Groundwater Protection: Principles and Practice (GP3:2012) position statements A2, G11, J3 and J5.
- 10 To ensure that the foul drainage arising as a result of this development can be disposed of appropriately, without causing deterioration of the water environment of the Joint Core Strategy for Broadland, Norwich and South Norfolk: 2011.
- 11 In the interest of highway safety in accordance with Policy TS3 of the

- Development Management DPD 2015.
- 12 To minimise the potential for unplanned on-street parking and thereby safeguard the interest of safety and convenience of road users in accordance with Policy TS3 of the Development Management DPD 2015.
 - 13 To ensure adequate off-site parking during construction in the interests of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
 - 14 In the interests of maintaining highway efficiency and safety in accordance with Policy TS3 of the Development Management DPD 2015.
 - 15 In the interests of maintaining highway efficiency and safety in accordance with Policy TS3 of the Development Management DPD 2015.
 - 16 To prevent extraneous material being deposited on the highway in accordance with Policy TS3 of the Development Management DPD 2015.
 - 17 To ensure that agreed traffic levels are not breached and thus the highway network is adequate to cater for the development proposed in accordance with Policy TS3 of the Development Management DPD 2015.
 - 18 To ensure that the highway network is adequate to cater for the development proposed in accordance with Policy TS3 of the Development Management DPD 2015.
 - 19 To ensure that the development is as sustainable as possible in accordance with Policy TS2 of the Development Management DPD 2015.
 - 20 To ensure that the development is as sustainable as possible in accordance with Policy TS2 of the Development Management DPD 2015.
 - 21 To ensure that the development is cohesively planned to the highest design standards in accordance with Policy GS3 of the Broadland District Local Plan (Replacement) 2006 and Policy 2 of the Joint Core Strategy 2011.
 - 22 To protect the interests of the aviation safety from the risk of bird strike in accordance with policy TRA10 of the Broadland District Local Plan (Replacement) 2006.
 - 23 To protect the interests of the aviation safety from the risk of bird strike in accordance with Policies TS5 and TS6 of the Development Management DPD 2015.
 - 24 To ensure that the highway network, utilities, services and social infrastructure are adequate to cater for the development proposed in accordance with Policy GT12 of the Growth Triangle Area Action Plan 2016.
 - 25 To ensure that the Class A uses are ancillary to the development in accordance with the provision of the National Planning Policy Framework.
 - 26 In the interests of visual amenity in accordance with the criteria specified within Policy GT12 of the Growth Triangle Area Action Plan 2016.
 - 27 To ensure that the development is adequately served by fire hydrants in the event of a fire in accordance with Policy GT12 of the Growth Triangle Area

- 28 To ensure the development is constructed to an appropriate standard in accordance with Policies 3 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk: 2011.
- 29 To secure appropriate field evaluation and, thereby, mitigation of impact on archaeological and heritage assets in accordance with Chapter 7 of the submitted Environmental Statement.
- 30 To prevent the increased risk of flooding throughout the lifetime of the development in accordance with Policies 1 and 3 of the Joint Core Strategy for Broadland, Norwich and South Norfolk: 2011.
- 31 To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policy EN2 of the Development Management DPD 2015.
- 32 To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policy EN2 of the Development Management DPD 2015.
- 33 To ensure appropriate mitigation in accordance with Policy EN1 of the Development Management DPD 2015.
- 34 To ensure appropriate mitigation for protected species in accordance with Policy EN1 of the Development Management DPD 2015.
- 35 To ensure appropriate mitigation for protected species in accordance with Policy EN1 of the Development Management DPD 2015.
- 36 To ensure the satisfactory and development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy TS3 of the Development Management DPD.
- 37 To ensure the satisfactory and development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy TS3 of the Development Management DPD.

Plans and Documents

Dwg No NS&OC_101_A Location Plan received 16 June 2016
Dwg No NS&OC_103_B Proposed Development Blocks received 16 June 2016
Dwg No NS&OC_104_A Proposed Key Areas Plan received 16 June 2016
Dwg No NS&OC_105_B Proposed Transect Plan received 16 June 2016
Dwg No NS&OC_106_B Storey Heights Plan received 16 June 2016
Dwg No NS&OC_110_B Proposed Street Hierarchy Plan received 16 June 2016
Dwg No NS&OC_111_B Proposed Connections Plan received 16 June 2016
Dwg No NS&OC_121_B Proposed Phase 1 Development received 16 June 2016
Dwg No NS&OC_122_B Proposed Phase 2 Development received 16 June 2016
Dwg No NS&OC_123_B Proposed Phase 3 Development received 16 June 2016
Dwg No NS&OC_127_B Proposed Phasing received 16 June 2016
Dwg No NS&OC_130_A Site Constraints Plan received 16 June 2016
Dwg No NS&OC_131_B Proposed Green Infrastructure Plan received 16 June 2016
Dwg No NS&OC_132_B Proposed Recreation & Leisure Plan received 16 June 2016
Dwg No NS&OC_133_B Proposed Suds Plan received 16 June 2016
Environmental Statement received 10 June 2016
Planning Statement received 10 June 2016

Informatives:-

1. If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk
2. It is an offence to carry out any works within the Public Highway, which includes a Public Right of Way, without 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. Please contact Liz Poole at liz.poole@norfolk.gov.uk
 - a. 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.
 - b. If required, street furniture will need to be repositioned at the Applicants own expense
3. Public utility apparatus may be affected by this proposal and contact should be made with the appropriate utility service to reach agreement on the necessary alterations, which have to be carried out at the expense of the developer.
4. This development involves a Travel Plan to be implemented within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Town and Country Planning Act 1990 or Highways Act 1980 are also obtained.
 - a. Advice on this matter can be obtained from the County Council's Highways Development Management Group.
 - b. Commuted Sum for Travel Plans.
 - c. The Highway Authority levies a charge to cover the on-going costs of reviewing and monitoring a Travel plan annually. The Highway Authority also requires a Bond to ensure that Travel Plan targets are met. Both the bond and the monitoring charge are secured by a Section 106 Legal Agreement.
 - d. Developers are expected to enter into a Section 106 Agreement to secure the necessary funding before Planning Permission is granted.

5. Street lighting is a concurrent power to the County, District and Parish Councils. However, it is the County Council after consultation with the Local Lighting Authority (District or Parish Council) who decides whether street lighting is required on proposed public highways. Norfolk County Council will challenge any automatic assumption that street lighting needs to be provided on part or all of the new development.
6. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted. Further information about CIL can be found at:
https://www.broadland.gov.uk/info/200153/planning_permission/277/community_infrastructure_levy_cil.
7. The following comments in relation to refuse collection and recycling should be noted in the preparation of reserved matters applications:
 - If any roads/shared drives on the development are not adopted they must be suitable to take the width and weight of a 32t Refuse Collection Vehicle (RCV);
 - If a road (or shared drive) isn't adopted and remains private the occupiers/owners must be made aware that Broadland and its contractor will not be held responsible for any wear/tear or damage to the highway caused by its RCVs. If householders decide to exclude the RCVs from a private road/drive then the collection point for all properties will be at the nearest junction with the public highway;
 - The design of all site roadways must avoid/minimise the need to reverse a RCV on bin collection day;
 - All vehicle turning points must be a type or size 3 turning bay. This is to allow a RCV to turn safely;
 - Broadland currently has a three wheeled bin collection service encompassing the separate collection of dry recyclables, residual waste and green garden waste. Broadland is also phasing-in a food waste collection service;
 - Clear bin collection and storage points must be indicated on a plan for all properties. This plan must be approved by Broadland's Waste Management department;
 - Access to all bin collection points (two bins per property) must not be hindered by parked cars;
 - Communal bin collection points must be kept to a minimum;
 - It would be expected that community recycling site hosting a number of recycling banks for materials not collected through the kerbside recycling bins.
8. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
9. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained

fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

10. The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.
11. The site is subject to a related agreement under Section 106 of the Town And Country Planning Act 1990.
12. This development has been considered through full accordance with Environmental Impact Assessment Regulations 1999 and subsequent amendments.

Signed



Mr P Courtier BB

Head of Planning

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

Information relating to appeals against the decision of the Local Planning Authority.

If you are aggrieved by this decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

There are different time limits for appealing against the different types of application:

- If this is a decision relating to a householder application then any appeal must be made within **12 weeks** of the date of this notice.
- If this is a decision against any other type of application then any appeal must be made within **6 months** of the date of this notice.
- If an enforcement notice has been served for the same or substantially the same development within the period of two years before this application was made, or subsequently, then the period within which an appeal can be lodged is reduced to **28 days** from the date of this decision or 28 days from the serving of the enforcement notice, whichever is the later.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel: 0303 444 00 00 or via the Planning Portal at <https://www.gov.uk/appeal-planning-inspectorate>

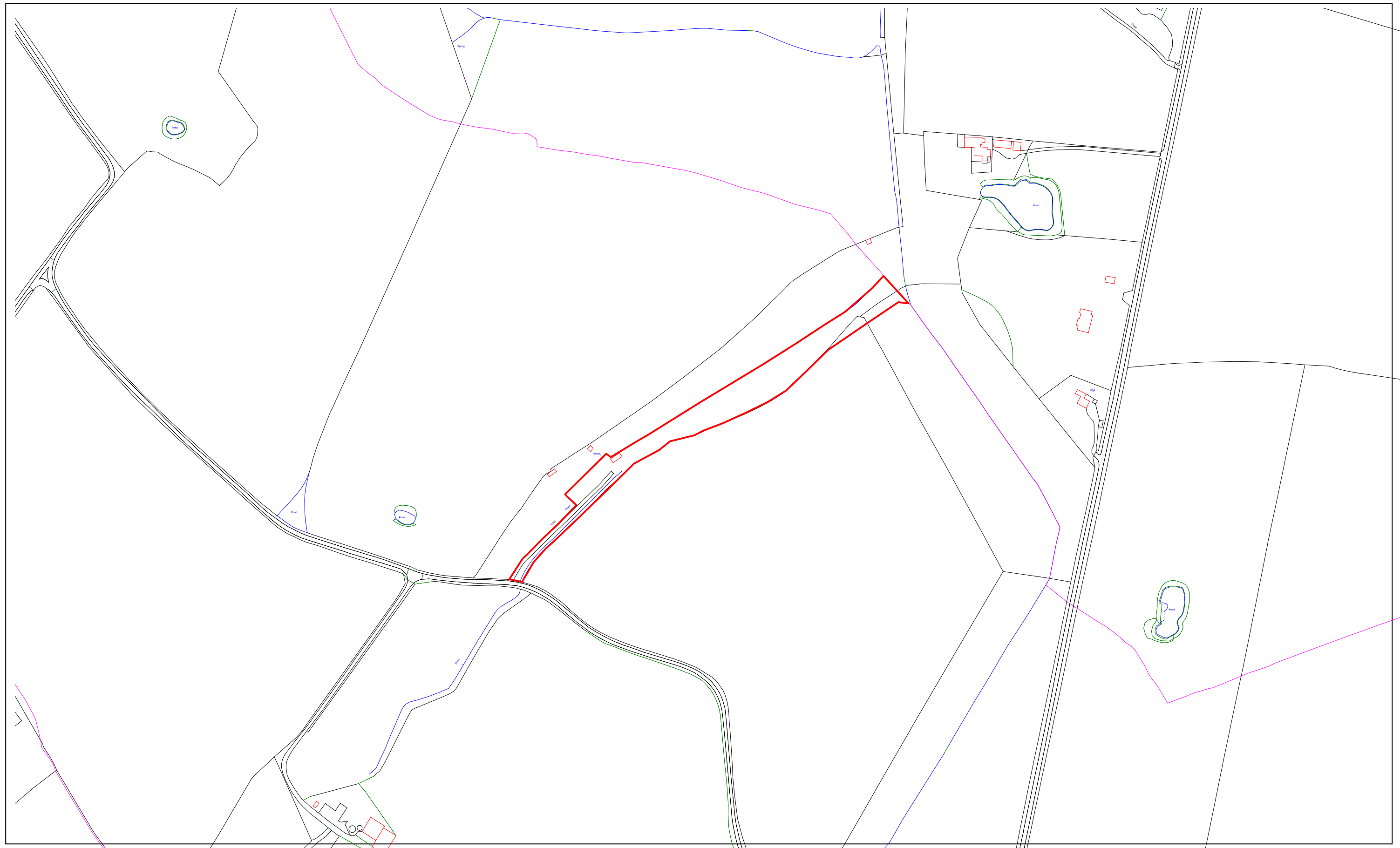
The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



Application No: 20190005

Grove Farm, Blackwater Lane, Heydon, NR11 6RT

Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011. Ordnance Survey Licence number 100022319.

Scale:
1:2976

Date:
26-Feb-19



AREA West
PARISH Heydon

3

APPLICATION NO: [20190005](#) **TG REF:** 610202 / 328541

LOCATION OF SITE Grove Farm, Blackwater Lane, Heydon, NR11 6RT

DESCRIPTION OF DEVELOPMENT Use of land as camp site for 4 no: tents, erection of timber shower block with storage and honesty shop and provision of car parking area

APPLICANT G & R Harrold Partnership

AGENT Norfolk & Norwich Architecture Limited

Date Received: 2 January 2019
8 Week Expiry Date: 27 February 2019

Reason at Committee: At the request of Cllr Peck for the reasons stated in paragraph 5.3.

Recommendation (summary): Refuse

1 THE PROPOSAL

- 1.1 The proposal is to use 0.7 ha of one of the fields at Grove Farm as a small-scale campsite. This will be a small farm diversification opportunity to complement an established farming business to provide additional income.
- 1.2 The scheme proposes the siting of 4 tents, the erection of a timber building housing communal shower facilities, storage room and honesty shop and a car parking area.
- 1.3 The tents would be sited and available for hire from March to October. The operation would be run by the landowner, with the tents, marketing and booking systems supplied by an independent company operating as 'Feather Down'. This company runs a number of similar franchise-style operations across the UK and throughout Europe.
- 1.4 The tents are of traditional square construction approximately 5m wide by 9m long (45m²) with a pitched roof approximately 3.4m high to the ridge. They are clad in heavy green and brown canvas and sit on wooden floors supported by small concrete pads. The accommodation comprises a living area with tables, chairs, stove, sink, storage, cold box, flushing toilet, two

bedrooms and a bed cupboard that can accommodate two children. Each tent can accommodate 6-8 people.

- 1.5 The shower block will be a permanent construction of a wooden timber frame and clad building with a dark felt or similar roofing material. The building will be approximately 5m wide by 9.5m in length with a pitched roof approximately 3.3m high. It will comprise male and female showers and toilet, plus a store area and unisex accessible shower and toilet. An area for an honesty shop is also provided within the building.
- 1.6 The scheme proposes parking for up to 10 cars in a car park located at the southern end of the site, set back from the road and screened from view by existing boundary planting.
- 1.7 A small package treatment plant would be installed to process all foul waste water from the camp site, allowing fully treated wastewater effluent to be discharged into the existing land drainage system.

2 KEY CONSIDERATIONS

- Whether the proposed development accords with the provisions of the development plan, the National Planning Policy Framework (NPPF), Planning Practice Guidance and other material planning considerations.
- Whether the proposed development results in any significant detrimental impact upon the character and appearance of the surrounding area, the natural environment, highway issues and residential amenity.

3 CONSULTATIONS

3.1 North Norfolk District Council:

Does not wish to raise any objection to the proposals as submitted. Should planning permission be granted careful consideration and control of external lighting given the rural nature of the site and landscape mitigation in the form of trees and hedges, to the northwest boundary to help screen the proposed development.

3.2 Heydon Parish Meeting:

No response received.

3.3 Natural England:

No comments to make on this application. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscape.

3.4 National Grid:

No response received.

3.5 Norfolk County Council Minerals and Waste:

No comments.

3.6 Norfolk County Council Highways:

I note this is a resubmission of application [20181274](#). I also note the applicant's agent has mentioned the expected Highway Authority objection to the proposal in the supporting information. The agent's comments are correct in acknowledging that I have tried to be sympathetic to this (apparently) low-key proposal but I have had to balance such views against the severe shortcomings of the rural road network that will serve the site.

As nothing has changed or can be expected to change in this regard I must reiterate the previous Highway Authority reason for objection.

This proposal is served via a network of poorly aligned and predominantly single track rural lanes where historically the Highway Authority have resisted development proposals that would lead to intensification of vehicular use of the local network.

This particular site is located on Blackwater Lane (U571140) a very narrow lane (typically some 3m only in width) with a number of bends that restrict forward visibility. I note, in the submitted supporting information, the applicants agent is suggesting that passing places could be provided on this road to mitigate against the increased traffic use that will result from the proposal. However, Blackwater Lane from the Wood Dalling Road (C447) to Heydon Road (U57253) junctions measures some 1.6km in length with the number of passing places required to be effective on this tortuous length of carriageway being significant.

An additional issue to the number of passing places required to satisfactorily mitigate against the increased traffic use of Blackwater Lane that will result from the proposal is the constraints in providing passing places in regard to conservation, verge alignment and land ownership.

My view is that this suggested mitigation measure is overly constrained both in terms of the above concerns and in terms of cost (with typical passing place costing in the region of £5,000) to provide the number of passing places that would be required on Blackwater Lane.

There is also the issue of the adjoining poorly aligned and narrow rural roads that will be subject to intensification of vehicular use resulting from this proposal.

Accordingly, whilst I acknowledge that the actual increase in traffic use resulting from the proposed four tents may appear low; in the context of the lightly trafficked serving road network it is material and, of course, any permission granted to this apparently small development may set a precedent for future additional pitches on this, or other, sites on the adjoining road network.

I therefore would wish to recommend the application be refused for the following reason:-

The road network serving the site is considered to be inadequate to serve the development proposed, by reason of its poor alignment, restricted width, lack of passing provision and restricted forward and junction visibility. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety, contrary to Development Plan policies.

It should be noted that the site access visibility onto Blackwater Lane is presently severely restricted in the westerly (critical traffic) direction. With it being a requirement that visibility splays of 90m x 2.4m x 90m (Design manual for Roads and Bridges (DoT)) be provided from the access for the expected 85th Percentile traffic speeds of 30mph past the site. Although the applicants agent is indicating that visibility can be improved this would appear to involve removal of mature hedgerows that may be of concern to your Conservation Department.

In the case that your authority are to be minded to approve this application contrary to the Highway Authority recommendation the site vehicular access concern should be satisfactorily addressed.

3.7 Health and Safety Executive:

Do not advise against granting of planning permission in this case on safety grounds.

3.8 District Council Environmental Contracts Officer:

This would be a commercial development. For this business to fulfil their Duty

of Care under the Environmental Protection Act 1990, they will need to provide safe and secure waste facilities. They will require a commercial waste collection and I would suggest they make a small area at the entrance where it meets Blackwater Lane for the purpose of collection of any commercial waste, as looking at the site plan a refuse collection vehicle would not be able to drive onto the site itself.

3.9 District Council Contaminated Land Officer:

No comment.

3.10 District Council Economic Development Officer:

No objection to this proposal in this location.

4 PUBLICITY

4.1 Neighbour notifications:

Hill Cottage and Little Coppings, Heydon Road, Corpusty

Expired: 31 January 2019

5 REPRESENTATIONS

5.1 Little Coppings:

No objection. Owner of the property adjacent to the site of the planning application and wishes to state that there is no objection whatsoever to the proposed development.

5.2 Hill Cottage, Heydon Road, Corpusty:

Objection. The visual impact of tents and a shower block will have a negative impact on the character and appearance of the landscape. Surrounding neighbours will see this development across the fields. Concern is raised about the type of booking that could be made for the site that would generate and an unacceptable level of noise and disturbance from people and vehicles to affect the quiet enjoyment of property and garden. Use of wood burners for heating and cooking will create smells and smoke pollution. Visibility splays created for access into the site and passing places along the Lane will require removal of hedgerow. Hedgerow should be maintained and not removed. If these improvements are needed there is a question to the suitability of access to the site for this venture. Additional use of the narrow lane by traffic could

result in accidents to vehicles, pedestrians, cyclists and horse riders. While there is support for farm diversification this should not be placed above the need for road safety or amenity of neighbours. The proposal will have a significant, negative impact on the peace and enjoyment of our property and garden.

5.3 Cllr Peck:

If you are minded to reject I would wish to call the application in to the Planning Committee.

This application is for a sustainable development, creating a small business to help support the viability of and increase the diversity of the current farm business. It will support local businesses and surrounding area with tourist trade and will create employment for local people.

It will be shielded from view from the road and any neighbouring properties. It is off-grid, as lighting will be by oil lamps and heating by wood burning stove.

The entrance to the site will be developed to provide extra visibility for the small amount of traffic using this road. Most traffic using the road is the applicants own farm vehicles.

6 RELEVANT POLICY GUIDANCE

National Planning Policy Framework (NPPF) 2018:

- 6.1 This document sets out that the purpose of the planning system is to contribute towards achieving sustainable development. It also reinforces the position that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. As national policy, the NPPF is an important material consideration and should be read as a whole but paragraphs 7, 8, 10, 11, 83 (c), 109 and 170 are particularly relevant to the determination of this application.

Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk 2011 (amended 2014):

- 6.2 Policy 1: Addressing climate change and protecting environmental assets

This policy sets out that development will be located to minimise the need to travel and give priority to low impact modes of transport.

6.3 Policy 2: Promoting good design

Seeks to ensure that all new development is designed to the highest possible standards, in particular development proposals will respect local distinctiveness including landscape character.

6.4 Policy 5: The economy

States that the local economy will be developed in a sustainable way to support jobs and economic growth in urban and rural locations. It also states that the rural economy and diversification will be supported by promoting the development of appropriate new businesses which provide tourism opportunities.

6.5 Policy 17: Smaller rural communities and the countryside

In the countryside farm diversification where a rural location can be justified, including limited leisure and tourism facilities to maintain and enhance the rural economy, will be acceptable.

Development Management Development Plan Document (DMDPD) 2015:

6.6 The policies set out within the Development Management DPD seek to further the aims and objectives set out within the National Planning Policy Framework and the Joint Core Strategy.

6.7 Policy GC1: Presumption in favour of sustainable development

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

6.8 Policy GC2: Location of new development

New development will be accommodated within the settlement limits defined on the policies map. Outside these areas limits development which does not result in any significant adverse impact will be permitted where it accords with specific allocation and/or policy of the Development Plan.

6.9 Policy GC4: Design

Development will be expected to achieve a high standard of design and avoid any significant detrimental impact. Proposals should pay adequate regard to the environment, character and appearance of an area, consider the amenity

of existing properties and be accessible to all via sustainable means including public transport.

6.10 Policy EN2: Landscape

Development proposals should have regard to the Landscape Character SPD and consider any impact upon as well as seek to protect and enhance natural green spaces which make a contribution towards the character of the area.

6.11 Policy E3: Tourist accommodation

New tourist accommodation will be permitted outside settlement limits where it has been adequately demonstrated that a site-specific demand for the accommodation exists and that the enterprise will be financially viable.

6.12 Policy TS3: Highway safety

Development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network.

6.13 Policy TS4: Parking guidelines

Within new developments appropriate parking and manoeuvring space should be provided to reflect the use and location as well as its accessibility by non-car modes.

Broadland Landscape Character Assessment Supplementary Planning Document (DPD)

6.14 Character area: Blickling and Oulton Wooded Estate lands

7 LOCATION AND DESCRIPTION OF SITE

7.1 The application site is located off Blackwater Lane in the parish of Heydon. Blackwater Lane is a narrow winding single track road connecting to Heydon Road which is also a single track road which then leads to either the village of Heydon located to the south east or Corpusty to the north. Access into the site is via an existing vehicle entrance gate and length of unmade grassy track from Blackwater Lane.

7.2 The application site is part of the field extending in a north easterly direction from Blackwater Lane and is currently used as grazing land in association with Grove Farm. It is an open field at one end with a fenced area closest to Blackwater Lane. A drainage channel runs lengthways through the centre of

the site creating two distinct areas and this will form the north western boundary of the camp site.

- 7.3 The main farm buildings of Grove Farm are located to the south west and on the other side of Blackwater Lane and set back from the road. Two residential properties are located at some distance to the extreme north eastern end of the proposed camp site. Little Coppings and Hill Cottage are located to the east some 180m and 200m respectively from the boundary of the application site. Generally, however, the site is in a remote and isolated location surrounded by farmland and some distance away from any existing built development.
- 7.4 The field is long and thin forming a narrow valley which slopes gently away from the road frontage towards the rear of the site. The north western boundary is elevated above the height of the application site and has mature hedge planting along the ridge. The south eastern boundary is separated from the adjoining field by a drainage ditch, hedge and mature trees. The boundary adjacent to Blackwater Lane comprises of overgrown hedge and brambles. The site is well contained within the existing landscape.

8 PLANNING HISTORY

- 8.1 No relevant planning history.

9 APPRAISAL

- 9.1 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 National Planning Policy Framework (NPPF) and other material considerations. Whether the proposed development results in significant detrimental impact upon the character and appearance of the surrounding area, the natural environment, highway issues and residential amenity.
- 9.2 The site is located in the countryside outside any settlement limit. Policies 5 and 17 of the Joint Core Strategy (JCS) and paragraph 83 of the National Planning Policy Framework (NPPF) all promote development of new tourist accommodation as a form of farm diversification where it can be demonstrated that the development can be justified in terms of need and financial viability and on the condition that it will have no significant adverse impacts for the site or surroundings.
- 9.3 Policy E3 of the Development Management DPD (DMDPD) states that new tourist accommodation will be permitted outside settlement limits where it has been adequately demonstrated that a site-specific demand for the accommodation exists. The development for new tourist accommodation in

the countryside will be only be permitted where it can be justified by way of a specific need for provision of that type of accommodation in the particular location, for example where accommodation is associated with an established enterprise.

- 9.4 The applicant has provided written justification for the proposed tourist accommodation in this location that concludes the development has the potential to be commercially viable if well marketed and developed to a high standard. The analysis also concludes that there is an identified local shortage of tourist accommodation within the district and that this proposal would supply the local area with the additional bed spaces required to meet an identified demand. The application is therefore considered to comply with the aims of Policies 5 and 17 of the JCS and paragraph 83 of the NPPF. However, the accommodation is not for a site-specific purpose as set out in paragraph 9.3 above and for this reason does not comply with Policy E3 of the DMDPD.
- 9.5 The site is located within the Blickling and Oulton Wooded Estate lands as defined in the Landscape Character Assessment SPD. The proposed development is low key in design. The tents are temporary structures and the proposed appearance and materials used would be inconspicuous in this rural setting. The location of the site and the position of the proposed structures on the site in association with the levels of the land, its relationship to the surrounding landscape and the existing trees and hedgerows around the perimeter of the site, would ensure the campsite would be well contained within the existing landscape. Additional boundary planting could be provided to further enhance the site and to better screen the area of car parking from outside the site. It is considered that the proposal would have no significant adverse effect on the character or appearance of the landscape and would therefore comply with the aims of Policy 2 of the JCS and Policy EN3 of the DMDPD.
- 9.6 The development would be 'off-grid' and there are no proposals to provide any mains electricity to the site thereby limiting any impacts for noise and light pollution to the surrounding locality or to distant residential neighbours. The occupants of Hill Cottage have raised a number of objections in relation to the location of the campsite with particular concerns about noise of campers, light pollution, cooking smells and smoke pollution from proposed wood burning stoves. Hill House and its garden are some distance from the site and it would be difficult to justify that there would be any significant adverse impacts for the amenity of neighbours from this proposal due to its small scale. The application is considered to comply with the aims of Policy GC4 of the DMDPD.
- 9.7 The application site is in a rural location, the nearest villages are Heydon and Corpusty approximately 1.2 miles and 2.2 miles away respectively. The closest service centre is Reepham, approximately 4.5 miles from the site. Because of its rural location the site is not close to any forms of public

transport and it is accepted that the majority of visitors will arrive by private car.

- 9.8 Although the proposal is small in scale it is considered that the surrounding highway network is unsuitable for any material increase in traffic. The Highway Authority has expressed serious concerns (as set out in paragraph 3.6 above) regarding the road leading to the proposed campsite, which is a narrow and winding single track road. The applicant has stated that it would be possible to create a number of passing bays along Blackwater Lane on land owned by the applicant to assist with the adequate functioning and safety of Blackwater Lane. However, the Highway Authority maintains their objection to the proposed development on highway safety grounds.
- 9.9 Blackwater Lane is approximately 1 mile in distance and a significant number of passing places would be required. Not only would this be a costly exercise with a typical passing place costing in the region of £5,000 there would be constraints associated with verge alignment, possibly land ownership issues and visual impacts that would detrimentally affect the character and roadside nature conservation of the area.
- 9.10 The Highway Authority is also concerned about the impact on the adjoining road network, which comprises of narrow rural roads that would be subject to intensification of vehicular use resulting from this proposal. There is concern that a precedent could be set for similar proposals in the vicinity or for additional pitches on this site leading to increased vehicular use of unsuitable rural roads to the detriment of highway safety. For these reasons the application is considered to be contrary to the aims of the paragraph 84 of the NPPF and Policies GC2, GC4 and TS3 of the DMDPD.
- 9.11 In conclusion, the application is considered to be an unacceptable form of development contrary to the aims of the NPPF and DMDPD on highway grounds and should therefore be refused.

RECOMMENDATION: **REFUSE** for the following reasons:

The application site is outside of any defined settlement limit and within the rural part of the district. In the countryside farm diversification including sustainable rural tourism developments will be acceptable where a rural location can be justified and where it can be clearly demonstrated that a site-specific demand for the accommodation exists and that the development will be financially viable. This has not been adequately evidenced in this case and therefore the proposal fails to comply with Policy E3 of the Development Management DPD.

Development must also ensure that the character of the countryside is respected and where locations are not served by public transport should not have an unacceptable impact on local roads.

The road network serving the site is considered to be inadequate to serve the development proposed by reason of its poor alignment, restricted width, lack of passing provision and restricted forward and junction visibility.

The proposal would give rise to conditions detrimental to highway safety and the character and appearance of the countryside contrary to paragraph 84 of the National Planning Policy Framework and Policies GC2, GC4 and TS3 of the Development Management DPD.



Application No: 20181487

The Lodge, 39 Church Road, Upton, NR13 6AW

**Scale:
1:2500**

**Date:
26-Feb-19**



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011. Ordnance Survey Licence number 100022319.

AREA East

PARISH Upton

4

APPLICATION NO: [20181487](#)

TG REF: 639168 / 311856

LOCATION OF SITE The Lodge, 39 Church Road, Upton, NR12 6AW

DESCRIPTION OF DEVELOPMENT Sub-division of curtilage and erection of dwelling and access

APPLICANT Mrs D Millard

AGENT Mr D Marris

Date Received: 7 September 2018
8 Week Expiry Date: 2 November 2018

Reason at Committee: At the request of Cllr O'Neill, one of the Ward Members, for the reasons given in paragraph 5.2

Recommendation (summary): Refuse

1 THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a detached dwelling on land to the south-west of The Lodge, 39 Church Road Upton. Access will be onto Church Road.
- 1.2 The proposed dwelling has a two-storey monopitch 'barn' element with an exposed steel frame and an extended open bay and straw clad wall which screens the single storey accommodation behind. At the front there is a 'silo' staircase leading to the first floor.
- 1.3 The building comprises a steel frame construction, zinc roof with a natural finish, sawn timber boarding, grey aluminium windows, straw cladding panels and a concrete finish to the silo stair tower.
- 1.4 PV panels will be provided on the two-storey element and heating will be through a ground source heat pump. Rainwater will be collected from all roofs and discharged into the pond. Foul water will connect to the public sewer in Church Road.

- 1.5 A significant number of new trees will be planted between the site frontage and the new dwelling and a pond created around the silo stair tower. The driveway will be compacted gravel with no edging.
- 1.6 The site is outside of a defined settlement limit 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 KEY CONSIDERATIONS

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

3 CONSULTATIONS

3.1 Upton Parish Council: Object.

The site is outside any settlement limit and against BDC's Local Plan. "Southend" has no facilities of any sort so the new house would not contribute to the sustainability of the area, and it is very unlikely that the occupants would walk half a mile down the road (which has no pavement) to the community shop or pub in the centre of the village.

I have been clerk for about 23 years and am aware of several plots in the village where people have applied for planning permission and have been turned down, being told that the site was outside the settlement limit (when there was one in the village) and (recently) that there is to be no new housing in the village. The councillors fear that allowing a house on this site in Church Road would open the doors to other applications for currently open plots/gardens. A local resident was told only a few months ago that there is to be no new housing in the village so it was not worth putting in an application.

The proposed dwelling is out of keeping with the style of housing in the village and has chosen its design from the ugliest part of the village - the industrial side of the local farm. A bit of extra hedging does nothing to change the councillors' views. If it is so out-of-keeping that it requires hedges to mitigate the impact, then it is surely not right for the site.

3.2 BDC Pollution Officer:

No objections.

3.3 BDC Design Advisor:

As you are aware this application follows the submission of a pre-application enquiry for a (then para 55 now) para 79 house on the above site. We have met with the architect a number of times and have discussed the principle of whether the site is an appropriate one to develop in this way. Initial comments regarding both the principle of development and appropriateness of the site to develop a para 79 dwelling were cautious of the approach and questioned the suitability of the site. Comments noted the paucity of features on the site itself as well as the relatively featureless surrounding agricultural landscape.

The design that has been developed has sought to turn those negative observations into a positive way forward to the site and produce a design which reflects those characteristics within the proposed design for the dwelling. The detailed design has been developed with an "agricultural" appearance reflecting the surroundings, this has been combined with a well considered plan form, which takes full advantage of the unusual form, to both light the interior and frame views out onto the agricultural landscape behind.

Whilst the building, except by the most casual of observers, would not be mistaken for anything other than a dwelling. The use of familiar agricultural forms in its design and external appearance is clever in the way that it references the surroundings of the site and area.

As a concept the design is strong, responding to the lack of features in a positive way which will both enhance the immediate site and wider landscape setting, in this respect there is some merit on the approach taken.

The judgement required as regards para 79 is clear – Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- (d) the development would involve the subdivision of an existing residential dwelling;

or e) the design is of exceptional quality, in that it: – is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

In this case the relevant criteria which to judge the application against is –

- (e) that the design is truly outstanding or innovative, reflects the highest standard of architecture, helps raise standards of design more generally in rural areas; and – would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

In terms of assessment it is considered that the proposed design could potentially meet the tests set out in criteria e) of the para certainly it reflects a high standard of architecture and is considered outstanding and innovative in this regard. It is also considered that it could enhance its immediate setting (currently a relatively featureless meadow) simply through its intervention. It could also be considered to be sensitive to the defining agricultural characteristics of the area. Although it has to be said however that the current semi domestication of the existing plot and the neighbouring dwellings do dilute this to a degree. Also the location of the particular site in that regard makes the whole concept of reflecting the agricultural characteristics of the wider area harder to justify.

In conclusion the proposal represents a high quality design in a rural location. The design is considered outstanding and innovative and could be recommended for approval in this regard. The concept of the proposal reflecting the agricultural buildings seen within the wider landscape is understood and does have merit. However the criteria regarding enhancing immediate setting is somewhat harder to justify in this case. The design could be said to be sensitive to the defining characteristics of the wider landscape (that being agricultural) but this is a less convincing argument - given the semi domesticated plot and the immediate neighbouring residential development on the East of Church Road.

3.4 BDC Conservation Officer:

No tree survey information has been submitted with the application.

3.5 NCC Highways:

A desktop study of this proposal indicates it would be very difficult to maintain that any detriment to highway safety will result and I therefore have no objection to the granting of permission subject to the conditions detailed below:

SHC05, SHC07, SHC10, SHC16, SHC20 and Informative 2.

3.6 NCC Ecology:

No objections.

3.7 Cllr O'Neill:

I request an unqualified call-in (see full comments in paragraph 5.2).

4 PUBLICITY

4.1 Site Notice:

Expiry date: 18 September 2018

4.2 Neighbour Notification:

18 Neighbours consulted: 1-18 Southend, Upton

Expiry date: 4 October 2018

Reconsultation expired: 6 February 2019.

4.3 Press Notice:

Expiry date: 16 October 2018

5 REPRESENTATIONS

5.1 3 Southend, Upton:

Letter of support for the scheme.

5.2 Cllr O'Neill:

As District Councillor for Blofield with South Walsham I represent the residents of the parish of Upton with Fishley. I write concerning the above.

I support the Parish Council in opposing this proposal. A nice project for TV programs perhaps but a disappointment for everybody else not least the poor residents on whom this is to be visited and who will have to navigate past. Vernacular has been mentioned. In that contest it is the wrong house for this location and completely out of keeping.

In his introduction to the NPPF the then minister Greg Clark said this "The purpose of planning is to help achieve sustainable development." Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Hmm.

The Design

To be sure I am not missing something I attach a copy of the Architect's impression for the proposed new dwelling. The present application is the second iteration of the original scheme. To my surprise I see little difference. Good though the scheme might be for some locations I am aghast to think it was ever considered appropriate for this site and trust you will find a way to refuse consent.

Paragraph 14 NPPF

But we have a problem. The Council has established a precedent to the effect that all sites outside the settlement are right for development. The principle was demonstrated again at Oak Farm South Walsham Road where a new dwelling was recommended by officers for approval under application [20180688](#).

As I recall my submissions regarding Paras 79 NPPF were passed over. Your argument to the effect that nothing trumps the *presumption in favour of sustainable development* under Para 14 NPPF was warmly supported by the Committee. And so, that application was approved. Apart from the name of the applicant I see nothing about this application to differentiate.

Location

The application site at Upton forms part of the garden to the established dwelling. It sits on the western boundary of the existing dwelling. A well-designed dwelling in keeping would enhance the pleasing perspective as one approaches the village at that location and do nothing to detract from the established building.

While there are agricultural premises on Church Road. There are none at that location and none on the South side of the road. Thus, the question; - Heavens to Betsy where is the vernacular in this context.

Southern Aspect

The site sits on the South side of Church Road. To the South of the site are views across open fields for about one kilometre to the concrete road that leads from the main South Walsham road to Fishley Hall. Regular services are conducted at St. Mary's Church Fishley which adjoins the road. Wedding ceremonies are performed at both locations. There is a public footpath which runs North from Fishley Church to Upton. The FP also connects South with the cemetery at the top of Pyebush Lane Acle. Both the FP and the concrete road are popular destinations for the leisure walker (I include myself). However, for others the FP is the principal (for some the only) practical means of access to Upton and/or Acle. I fear that this extraordinary building will blight the view from all points along the raised elevations of the concrete road between the church and the commercial premises of Hugh Crane. Likewise the same may be said of the FP.

Northern Aspect

To the North lies the public road and beyond that above rising ground more open fields.

My comments regarding views from the South are equally relevant to those viewing the site from the North; in particular Church Road. It has been suggested that this building is appropriate to the location as it "conforms with the vernacular". With respect to the conservation officer and the applicant that is utterly wrong. There is nothing in the immediate vicinity that identifies this location as one of an Agri-Business with which the new building is supposed to conform. There are necessary agricultural business structures along Church Road but they cannot be found in the vicinity of the site. At this location there is nothing to the North bar fields and nothing south of Church Road but dwellings and open fields.

In Conclusion

I welcome a design more in keeping. The present design is flawed as entirely out of keeping with the vernacular of the neighbouring homes.

I opened with Mr Clark's remarks. With those in mind I submit that adopting this scheme means ensuring *worse lives for ourselves and worse lives for future generations*.

I encourage you and/or the Committee to refuse consent on this occasion.

6 RELEVANT POLICY GUIDANCE

National Planning Policy Framework (NPPF) 2018:

- 6.1 This document sets out that the purpose of the planning system is to contribute towards achieving sustainable development and that at the heart of the NPPF is a presumption in favour of sustainable development. It also reinforces the position that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2 Given the emphasis that has been placed on paragraph 79 in submitting the application, Members are advised that this paragraph guides local planning authorities to avoid new isolated homes in the countryside unless there are special circumstances such as the design is of exceptional quality. Such a design should be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.

National Planning Practice Guidance (NPPG):

- 6.3 Web based national guidance formalised in March 2014.
- 6.4 Paragraph 8 in section 'Determining a Planning Application' states a material planning consideration is one which is relevant to making the planning decision in question (eg whether to grant or refuse an application for planning permission).
- 6.5 Paragraph 1 in section 'Design' is titled 'why does good design matter?' and is also relevant.

Joint Core Strategy for Broadland, Norwich and South Norfolk (2011) (and as Amended 2014):

6.6 Policy 1: Addressing climate change and protecting environmental assets

This policy sets down a number of standards that new development should achieve in its attempts to address climate change and promote sustainability; including giving careful consideration to the location of development and the impact it would have ecosystems of an area.

6.7 Policy 2: Promoting good design

Seeks to ensure that all development is designed to the highest possible standard, whilst creating a strong sense of place. It also states that developments will respect local distinctiveness.

6.8 Policy 17: Smaller Rural Communities and the Countryside

In the countryside, affordable housing for which a specific local need can be shown will be permitted in locations adjacent to villages as an exception to general policy. Farm diversification, home working, small scale and medium scale commercial enterprises where a rural location can be justified, including limited leisure and tourism facilities to maintain and enhance the rural economy will also be acceptable. Other development, including the appropriate replacement of existing buildings, will be permitted in the countryside where it can be clearly demonstrated to further the objectives of this Joint Core Strategy.

Development Management Development Plan DPD (DM DPD) (2015):

6.9 Policy GC1: Presumption in favour of sustainable development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

6.10 Policy GC2: Location of new development

New development will be accommodated within the settlement limits. 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.

6.11 Policy GC4: Design

Development is expected to achieve a high standard of design and avoid any significant detrimental impact. Sets out a list of criteria that proposals should pay regard to, including the environment, character and appearance of the area.

6.12 Policy EN1: Biodiversity and habitats

Development proposals will be expected to protect and enhance the biodiversity of the district, avoid fragmentation of habitats and support the delivery of a co-ordinated green infrastructure network throughout the district.

6.13 Policy EN2: Landscape

In order to protect the character of the area, development proposals should have regard to the Landscape Character Assessment SPD.

6.14 Policy TS3: Highway safety

Development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network.

6.15 Policy TS4: Parking guidelines

Within new developments, appropriate parking and manoeuvring space should be provided to reflect the use and location as well as its accessibility by non-car modes.

6.16 Policy CSU5: Surface water drainage

Mitigation measures to deal with surface water arising from development proposals should be incorporated to minimise the risk of flooding on the development site without increasing flood risk elsewhere.

Broadland Landscape Character Assessment SPD 2013:

- 6.17 Identifies the application site as falling within the C2 Freethorpe Plateau landscape character area.

7 LOCATION AND DESCRIPTION OF SITE

- 7.1 The site is located on the East side of Church Road approximately 1km south of the central part of the village where there is a Public House, community shop and village hall.
- 7.2 The site forms part of the garden (albeit separated by fencing) of The Lodge, a large, three-storey, detached property set in a spacious plot. The site is laid to grass and there are some fruit trees towards the rear. There are mature trees beyond the northern boundary with the Lodge and hedging to the south-

east and south-western boundaries. The frontage is open to the road with post and rail fencing.

- 7.3 To the south-east of the site is a group of 18 semi-detached properties known as 1-18 Southend. To the north-west (on the opposite side of Church Road) there is open farmland and some agricultural buildings.

8 PLANNING HISTORY

- 8.1 [001182](#): Two storey side extension. Approved 20 October 2010.
- 8.2 [881817](#): Two houses (outline). Refused 7 September 1988.

9 APPRAISAL

- 9.1 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 NPPF and Planning Practice Guidance 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:

- 9.2 As noted in paragraph 1.6 of this report, the application site is 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 or innovative nature.
- 9.3 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 or innovative nature of the design of the dwelling. Such a design should:
- be truly outstanding or innovative, reflecting the highest standards in architecture and helping 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.

(i) Be truly outstanding or innovative, reflecting the highest standards of architecture

- 9.4 As stated in paragraph 1.3 of this report the proposal is for a steel-framed structure which has an 'agricultural' appearance to reference agricultural style buildings seen across the landscape surrounding Upton, the nearest of which is located north of the application site. The building seeks to be contemporary in nature although in scale and form the building references a combination of modern and traditional agricultural outbuildings, particularly with the silo stairwell located to the front. The Council's Design Advisor agrees that the design is strong as it responds to the lack of features in a positive way and it is indeed innovative. With conditions to ensure that detailing is finished to a high quality, the design should achieve a high standard of architecture.

(ii) helping to raise standards of design more generally in rural areas

- 9.5 The building has an agricultural appearance but it would not be mistaken for anything other than a contemporary dwelling. Being architect designed and if followed up by attention to detail at the construction phase, then the building may achieve a high standard design and demonstrate quality above that of other dwellings.

(iii) Significantly enhance its immediate setting and

- 9.6 There has always been concern that the site itself is not suitable for a Paragraph 79 dwelling. Given the semi-domesticated nature of the site and the paucity of features within it, it is difficult to justify that the proposal will enhance the immediate setting.
- 9.7 The scale of the building proposed and the use of 'agricultural' materials in its construction would not be in keeping with the immediate setting of this part of Church Road. The proposal would not only adversely change the existing settlement pattern by resulting in infill development and a loss of an open, green space, but it would also result in an incongruous building which would be harmful to the existing rural setting of the locality.

(iv) Be sensitive to the characteristics of the area

- 9.8 The predominant character of the area is red-brick, traditional style dwellings of quite a uniform design. Between these clusters of dwellings, the landscape gaps and views to open countryside remain an important characteristic of this part of Upton. In order to preserve this more rural character, infill and ribbon

development should be avoided. The site is an existing open gap but only enclosed with post and rail fencing. It does not contribute significantly to expansive views across open countryside but it does remain of importance in preserving the existing settlement pattern of the locality.

- 9.9 The scheme includes additional planting and the creation of a pond to the front. Planting to partly screen the building from the streetscene suggests that the design of the building is not sensitive to the character of the area. Planting trees behind the existing post and rail fencing hedge changes the 'hedge and open field' character of the site. In view of the above the proposed development is therefore contrary to Policy 2 of the JCS, Policy GC2 and GC4 of the DM DPD and the requirements of Paragraph 79 of the NPPF.

Self build

- 9.10 The application has been submitted as a self-build proposal for the applicants to remain in the village whilst living in a smaller home as a two-generation family. In considering this matter regard should be had to the Council's duties under the Self Build and Custom Housebuilding Act 2015. The Council are required, under this legislation, to keep a register of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects and to have regard to such registers in carrying out planning and other functions.
- 9.11 The applicant is not listed on the register but in the event they were, this would not specifically gain them an advantage in achieving planning permission. Nor is there an obligation on the Council's part for self-build plots to be physically provided. The Council are however required to provide sufficient planning permissions that could be for self-build schemes within a given three year period and from the current evidence Broadland are able to demonstrate in excess of this provision. Furthermore, the legislation does not profess to 'trumping' any consideration of a given scheme under the planning acts, having regard to the Development Plan, national policy, planning merit and site specific circumstances.

Other matters

- 9.12 Given the level of screening proposed within the Landscape Scheme and the orientation of first floor windows, the proposal is not considered to result in a detrimental impact on the amenity of neighbouring properties and is not contrary to Policy GC4 of the DM DPD in this respect.
- 9.13 The new access onto Church Road is acceptable to the Highways Authority and there is sufficient space within the site for turning and parking. The proposal is therefore not considered to be contrary to Policy TS3 or TS4 of the DM DPD.

- 9.14 No detailed tree survey has been submitted with the proposal although the agent has advised that the tree details on his plans are accurate. The proposed new dwelling does not directly impact on the existing trees within The Lodge and these are not protected by a Tree Preservation Order.
- 9.15 The planning balance should consider whether the benefits associated with the development outweigh the harm. In the absence of any special need identified, the proposal conflicts with the Joint Core Strategy and the Development Management DPD Policy GC2. The proposal is not considered to satisfy the requirements of Paragraph 79 (e) of the National Planning Policy Framework (NPPF), particularly in relation to significantly enhancing its immediate setting and being sensitive to the defining characteristics of the local area. The recommendation is therefore to refuse the application.
-

RECOMMENDATION: REFUSE for the following reasons:

The proposed development is outside of a Settlement Limit as defined by the Broadland District Council Site Allocations DPD Development Management DPD 2016. In the absence of any special need identified, the proposal conflicts with the Joint Core Strategy and the Development Management DPD Policy GC2.

The proposal fails to meet the four requirements of Paragraph 79 of the National Planning Policy Framework (NPPF), particularly in relation to significantly enhancing its immediate setting and being sensitive to the defining characteristics of the local area. The site is open and laid to grass, which contributes to the characteristics of the area. The proposed design, by virtue of its scale, size and contemporary form together with its siting and the proposed additional landscaping, would be harmful to the defining characteristics of this part of Church Road, Upton. The proposal is therefore contrary to Policy 2 of the Joint Core Strategy and Policy GC4 of the DM DPD and Paragraph 79 of the NPPF.

As the proposal development conflicts with the Development Plan and there are no other material considerations that override it, including the criteria set out in Paragraph 79 of the National Planning Policy Framework (NPPF), the proposal is refused in accordance with paragraph 12 of the NPPF.



Application No: 20182088

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

**Scale:
1:2500**

**Date:
26-Feb-19**



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011. Ordnance Survey Licence number 100022319.

AREA East

PARISH Little Plumstead

5

APPLICATION NO: [20182088](#)

TG REF: 629004/311851

LOCATION OF SITE Leighton House, Broad Lane, Little Plumstead, NR13 5BZ

DESCRIPTION OF DEVELOPMENT Erection of 2 dwellings (outline)

APPLICANT Mr M O'Sullivan

AGENT D J Designs, Michael Marshall

Date Received: 24 December 2018
8 Week Expiry Date: 5 February 2019

Reason at Committee: The site is outside of the Settlement Limit and the recommendation is to approve

Recommendation (summary): Approve subject to conditions

1 THE PROPOSAL

- 1.1 The application seeks outline planning permission for sub-division of the plot and erection of two dwellings.
- 1.2 The application is in outline form with all matters reserved for later determination. An illustrative layout provides two detached dwellings each served by their own vehicular access onto Broad Lane.
- 1.3 The application was originally submitted for a single property which was approved by Planning Committee in 2017 ([20170935](#)). A subsequent application for three properties was refused and dismissed on appeal ([20172190](#)). The appeal decision is attached as Appendix A.

2 KEY CONSIDERATIONS

- Development outside of Settlement Limit
- Impact of the proposal on the character and appearance of the area

- Impact of the development on residential amenity
- Impact of the development on the functioning of the local highway network
- Recent planning history

3 CONSULTATIONS

3.1 Little Plumstead Parish Council:

No objection for the proposal but strongly objects to the access land at the back which could give rise to further development.

3.2 Highways:

The site is located within a 40 mph speed limit, has no formal pedestrian links and is isolated by the railway crossing from village services. However, subject to visibility splay provision as detailed in condition SHC16 below, the fact that the proposal would form part of continuous existing residential development on the north-eastern side of Broad Lane / Green Lane East and also that this section of road has been stopped up at the with Norwich Road (C874) as part of the Broadland Northway works, I feel it would be very difficult to substantiate highway objection to the granting of permission. In addition, to this, I note that previously permission was granted for a single dwelling in this location under reference 20170935.

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

SHC05, SHC08, SHC16, SHC 11, SHC 20 and INF 2.

3.3 Environmental Health Officer:

No comments to make.

4 PUBLICITY

4.1 Site Notice: 10 January 2019

Expiry date: 31 January 2019

4.2 Press Notice: 15 January 2019

Expiry date: 5 February 2019

4.3 Neighbour Notification amended plans:

Braemar House, Homeleigh, Greenacre, Pump House, Hatherleigh, Ladoma, Kestrel, Units 1 – 4 Reeves Corner, Little Plumstead; Five Farthings, Broad Cottage Broad Lane, Little Plumstead

Expired: 31 January 2019

5 REPRESENTATIONS

None received.

6 RELEVANT POLICY GUIDANCE

National Planning Policy Framework (NPPF) 2018:

- 6.1 This document sets out that the purpose of the planning system is to contribute towards achieving sustainable development and that at the heart of the NPPF is a presumption in favour of sustainable development. It also reinforces the position that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2 Paragraph 79 seeks to prevent new isolated homes in the countryside and instead locate them where it will enhance or maintain the vitality of rural communities.

National Planning Practice Guidance:

- 6.3 Web based national guidance formalised 6 March 2014.
- 6.4 This document gives guidance on a number of issues. It states that new development should look to respond appropriately to the existing layout of buildings, streets and spaces to ensure that adjacent buildings relate to each other, streets are connected and spaces complement one another.

Joint Core Strategy for Broadland, Norwich and South Norfolk March 2011, amendments adopted January 2014:

6.5 Policy 1:

The environmental assets of the area will be protected, maintained, restored and enhanced.

6.6 Policy 2:

All development will be designed to the highest possible standards creating a strong sense of place.

6.7 Policy 15:

Service Villages: Land will be allocated for small-scale housing development subject to form and character considerations.

Development Management (DPD) 2015:

6.8 Policy GC1:

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development.

6.9 Policy GC2:

New development will be accommodated within the settlement limits. 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.

6.10 Policy GC4:

Development is expected to achieve a high standard of design and avoid any significant detrimental impact.

6.11 Policy TS3:

Development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network.

Site Allocation (DPD) 2016:

6.12 The site is not within a defined Settlement Limit and is not allocated for development.

Great & Little Plumstead Neighbourhood Plan 2015:

- 6.13 Policy 1: New development will respect and retain the integrity of Great Plumstead, Little Plumstead and Thorpe End Garden Village.
- 6.14 Policy 2: New development should deliver high quality design.
- 6.15 Policy 3: New development should maximise opportunities to walk and cycle between Great Plumstead, Little Plumstead and Thorpe End Garden Village.
- 6.16 Policy 4: New development will be expected to quantify the level of traffic they are likely to generate.

7 LOCATION AND DESCRIPTION OF SITE

- 7.1 The site is located on the west of the village of Little Plumstead, close to the settlement of Rackheath. Leighton House is a detached, two storey property situated to the north-west of the plot. At the rear (towards the north-east) is a paddock area and to the south-east is the application site also currently in use as a paddock. There is an existing vehicular access on to Broad Lane.
- 7.2 The site is surrounded on three sides by other residential properties. The settlement of Rackheath is approximately 350m to the north-west albeit separated by the 'Bittern Line' railway line and level crossing.
- 7.3 The site is outside of any Settlement Limit and is not allocated for development in the Site allocations DPD.

8 PLANNING HISTORY

- 8.1 [20172190](#): Erection of three dwellings (outline). Refused 20 March 2018. Appeal dismissed 12 November 2018.
- 8.2 [20170935](#): Erection of one dwelling (outline). Approved 9 October 2017.
- 8.3 [20051817](#): Dwelling (outline). Refused 2 February 2006.
- 8.4 [010634](#): First floor extension. Approved 15 June 2001.

9 APPRAISAL

- 9.1 The main issues to be taken into consideration in the determination of this application are: an assessment of the proposal against Development Plan

policies and national planning guidance. In particular, whether the site constitutes a sustainable location and the impact of the proposal on the character and appearance of the area, highway safety, neighbour amenity and planning history of the site.

- 9.2 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Material considerations include the National Planning Policy Framework (NPPF). In accordance with both the Council's adopted Development Plan and the NPPF, in cases where there are no overriding material considerations to the contrary, development proposals for housing that accord with the Development Plan should be approved without delay.
- 9.3 In this regard, consideration should be given to Policy GC2 of the DM DPD which states that outside of defined settlement limits development that does not result in any significant adverse impact will be permitted where it accords with a specific allocation and / or policy of the Development Plan. Where development proposals do not accord with the Development Plan, consideration should be given to whether there are material considerations that otherwise indicate that development should be approved.
- 9.4 On 10 January 2019 the JCS housing requirement became 5 years old. Consequently, consideration needs to be given to NPPF paragraph 73. Paragraph 73 requires the Greater Norwich authorities to assess land supply against the Government's standard method for assessing local housing need, unless the JCS housing requirement has been reviewed and it has been determined that it does not need updating. At the time of writing no formal review of the JCS has been undertaken nor a formal resolution made in terms of whether the JCS Housing Requirement needs updating.
- 9.5 Notwithstanding the above, the revised NPPF made further changes to calculation of 5 year housing land supply including changes to the definition of what is a deliverable site and the way in which an authorities past housing delivery performance is measured: The Housing Delivery Test. A full reassessment of land supply for Greater Norwich that takes account of the changes to the definition of a deliverable site is currently being undertaken and is due to be published shortly. The first Housing Delivery Test outputs, originally scheduled by Government for November 2018, are yet to be published. The Government also undertook consultation on the standard method, ending on 7 December 2018, which will alter the scale of local housing need; changes to the standard methodology following this consultation are also expected to be published shortly.
- 9.6 Whilst there remains uncertainty about aspects of the housing land supply calculation and in advance of the publication of a comprehensive update of the land supply position applications should continue to be determined in

accordance with Appendix A of the Joint Core Strategy Annual Monitoring Report.

- 9.7 This appendix shows that, at 1 April 2017, against the JCS requirements there is 4.61 years supply in the combined Norwich Policy Area (NPA), a shortfall of 1,187 dwellings. Consequently, the policies relating to housing land supply cannot be considered up-to-date and applications for housing should continue to be determined within the context of the titled balance referred to in paragraph 11 of the NPPF, which states that:

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date Development Plan without delay; or
 - d) where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.8 The AMR refers to the Strategic Housing Market Assessment (SHMA) for Central Norfolk (the Greater Norwich authorities plus, North Norfolk and Breckland) published in June 2017. The SHMA assesses the Objectively Assessed Need for housing between 2015 and 2036 using evidence which supersedes that which underpinned the JCS housing requirement. Based on the evidence within the SHMA there would be a housing land supply of 8.08 years in the NPA.
- 9.9 The SHMA is considered an intellectually credible assessment of housing need and therefore a material planning consideration. Recent appeal decisions have applied differing approaches to the use of the evidence in the SHMA. To date, these appeals have been by written representation and, as acknowledged in some of the decisions themselves, this type of appeal is not the appropriate place to undertake a detailed housing land supply assessment and robustly test the approach. The Council's approach has been examined at Inquiry through the appeal at Racecourse Plantations, Plumstead Road East; in allowing the appeal the Inspector found no adverse impacts in respect of the proposed residential development so it did not prove necessary to test the Council's approach to 5 year land supply although the Inspector did

consider the use of the SHMA as a jumping off point as a reasonable place to start.

- 9.10 Taking account of the above, the following assessment seeks to establish the benefits of the scheme and any harm that would be caused in the context of the relevant Development Plan policies and the NPPF, with reference to the three dimensions of sustainable development (economic role, social role and environmental role). These three headings form a convenient basis for structuring the assessment of the proposal against Development Plan policies.

Economic role:

- 9.11 The NPPF confirms the economic role as: *“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure.”*
- 9.12 The development would result in some short term economic benefits as part of any construction work and in the longer term by local spending from the future occupants of the dwellings. It is therefore considered that the scheme would bring forward a small level of economic benefit.

Social role:

- 9.13 The NPPF confirms the social role as: *“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”*
- 9.14 Although the site is located outside of the defined settlement limit, the site lies less than half a kilometre from the settlement of Rackheath and on a bus route into the city of Norwich. Furthermore, the site is also close to the new Broadland Northway. The new properties would be located amongst other residential dwellings in accordance with Paragraph 79 of the NPPF and the site is therefore considered to be sustainable development.
- 9.15 Given the site area of the development proposed no affordable housing in accordance with JCS Policy 4 will be delivered by this scheme.
- 9.16 Policy RL1 of the DM DPD requires all new developments consisting of five dwellings or more to provide recreational open space or pay a financial contribution towards off site provision. Policy EN3 also states that development consisting of five dwelling or more will be expected to provide

towards green infrastructure. The development is under both of these thresholds and therefore will make no contribution in this regard.

- 9.17 The provision of two additional dwellings in this location would make a small contribution to the maintenance of services in the settlement and would bring forward a modest social benefit on the basis of its contribution to the supply of homes.

Environmental role:

- 9.18 The NPPF confirms the environmental role as *“contributing to protecting and enhancing our natural, built and historic environment: and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*
- 9.19 The consideration of a proposal's impact on the character and appearance of the area in which it is situated is integral to the environmental dimension of sustainable development. In this regard, the proposed development involves the erection of a two dwellings on an area of land between residential properties. It does not extend further into the countryside and is not considered to have an adverse visual impact on the locality.

History of the site

- 9.20 In 2017, planning application 20170935 on this site was approved by Planning Committee despite the site being outside of a defined Settlement Limit. Application 20172190 was refused because the site was located outside of the settlement limit and the proposal for three dwellings was not considered appropriate for the site. The Inspector dismissed the appeal stating that whilst the proposal is in conflict with Policy GC2 of the DMDPD, the location itself is sustainable in transport terms and this materially outweighs the policy conflict in this instance. Accordingly, he concluded that the appeal site would be in a suitable location for housing (Paragraphs 8 & 9 of the appeal decision attached).
- 9.21 The Inspector agreed with the LPA that three properties would be out of character with the predominant layout of dwellings in the locality (paragraph 11 of the appeal decision). The Inspector compares this site to the nearby property adjacent to Bundu which had a road frontage of 20m. This scheme for two dwellings creates two road frontages of approximately 18m and 20m respectively which is considered to be in keeping with the existing character of Broad Lane. This proposal will not have an adverse impact on existing neighbouring residential properties and it will be sympathetic to the existing character and appearance of the area in accordance with Policy GC4 of the DM DPD.

Highways:

- 9.22 The existing access will remain for Leighton House and the paddock to the rear. Adequate parking provision can be made with ample room for off-street parking and the Highways Authority has advised that there is no objection. The proposal is therefore not considered to have an adverse impact on highway safety and is in accordance with Policies TS3 and TS4 of the DM DPD.
- 9.23 In summary, officers consider that the application proposes an acceptable use in a relatively sustainable location (in transport terms) without causing harm to residential amenity, the character and appearance of the surrounding area or highway safety and will not undermine the aims and objections of the Development Plan.
-

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

- (1) Application for approval of ALL “reserved matters” must be made to the Local Planning Authority not later than the expiration of TWO years beginning with the date of this decision.

The development hereby permitted must be begun in accordance with the “reserved matters” as approved not later than the expiration of TWO years from either, the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such reserved matter to be approved. 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) Application for the approval of the "reserved matters" shall include plans and descriptions of the:
- i) details of the layout;
 - ii) scale of the building proposed
 - iii) the appearance of the building including the precise details of the type and colour of the materials to be used in its construction;
 - iv) the means of access to the site and
 - v) the landscaping of the site.

- (3) The development hereby permitted shall be carried out in accordance with the plans and documents listed below:

20182088 Dwg No 12_12_2018 Location Plan.pdf

20182088 Dwg No MJSM12122018 Site Layout Plan.pdf

- (4) **SHC05** Prior to the first occupation of the development hereby approved the vehicular access/crossing over the verge shall be constructed in accordance with a detailed scheme to be agreed in writing by the Local Planning Authority in accordance with the highways specification (TRAD 5) and thereafter maintained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- (5) **SHC 08** Vehicular access to and egress from the adjoining highway shall be limited to the accesses shown on the approved plan only. Any other access or egress shall be permanently closed, and the highway verge shall be reinstated in accordance with a detailed scheme to be agreed by the Local Planning Authority concurrently with the bringing into use of the new access. approved.
- (6) **SHC 16** Prior to the first occupation of any of the development hereby approved a 2 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage and adjacent land under the control of the applicant (Leighton House). The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- (7) **SHC 11** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates / bollard / chain / other means of obstruction / enclosure shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- (8) **SHC20** Prior to the commencement of the development hereby approved, full details (in the form of scaled plans and / or written specifications shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:
- Parking provision in accordance with adopted standard.

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 development of the site.
- (4) To ensure construction of satisfactory accesses into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- (5) In the interests of highway safety.
- (6) In the interests of highway safety.
- (7) In the interests of highway safety.
- (8) In the interests of highway safety.

Informatives:

- (1) The Local Planning Authority has taken a proactive and positive approach to decision taking in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.
- (2) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are: telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk
- (3) This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing. 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. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street

Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Control Group. Please contact Stephen Coleman on 01603 430596. If required, street furniture will need to be repositioned at the applicants own expense. 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.

- (4) The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted. Further information about CIL can be found at www.broadland.gov.uk/housing_and_planning/4734.asp

Appeal Decision

Site visit made on 16 October 2018

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2018

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

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

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

Decision

1. The appeal is dismissed.

Procedural Matters

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

Main Issues

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

Reasons

Whether the location would be suitable

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

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

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

Character and appearance

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

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

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

Conclusion

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

R Norman

INSPECTOR

PLANNING COMMITTEE

6 March 2019

Final Papers

Page No

Supplementary Schedule

137 – 138

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

DEMOCRATIC SERVICES

Broadland District Council

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

Tel: 01603 430428

Email: cst@broadland.gov.uk

SUPPLEMENTARY SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Plan No	Application No	Location	Update	Page Nos
2	20180708	Beeston Park, Land North of Sprowston & Old Catton	<p>Norfolk County Council Highway Authority has now formally responded with the following comments:</p> <p>Thank you for your consultation dated 15 May 2018. The Highway Authority has been in discussions with the applicant and is now in a position to formally respond.</p> <p>The Highway Authority is content that the submitted information is enough to inform a decision regarding the application for strategic infrastructure.</p> <p>There is a substantial quantity of information which the Highway Authority needs to subject to detailed design checks which have already begun and which will result in further iterations of the scheme drawings.</p> <p>The Highway Authority will continue its design checks. The road and its junctions will not be constructed until there is an approved scheme in place.</p> <p>In light of the above the Highway Authority considers that the information submitted is adequate to recommend no objection to this application.</p>	53 - 90

4	20181487	The Lodge, 39 Church Road, Upton	An additional plan showing the root protection areas of the adjacent trees has been received. There is no objection from the Conservation Officer (Arboriculture & Landscape) but if the application were to be approved, he suggests Condition T20 be applied.	104 - 118
---	----------	----------------------------------	---	------------------