

Minutes of a meeting of the **Planning Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 28 November 2018** at **9.30am** when there were present:

Miss S Lawn – Chairman

Mr A D Adams
Mr G Everett
Mrs L H Hemsall

Mr R J Knowles
Mr K G Leggett
Mrs B H Rix

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 Leggett	Minute no: 56 (Beeston Park, land north of Sprowston & Old Catton)
Mr Roper	Minute no: 54 (land adjacent to St Mary's Care Home, North Walsham Road, Spixworth)
Mrs Vincent	Minute no: 56 (Beeston Park, land north of Sprowston & Old Catton)

Also in attendance were the Development Manager, Area Planning Manager (NH) (for Minute nos: 50-54); Planning Projects and Landscape Manager (for Minute no: 56); the Senior Planning Officer (CR) (for Minute no: 55) and the Senior Committee Officer.

50 ITEM OF URGENT BUSINESS

The Chairman authorised the following as an item of urgent business:

Minute no: 106 – Application Number 20172094 – 116 The Street, Brundall

The Development Manager reported that the appeal for the change of use from an existing optician shop to a pizza takeaway and external flue to the rear of 116 The Street in Brundall had been allowed. Furthermore, the Inspector had awarded costs to the appellant. In making his decision, the Inspector stated that the Council had acted unreasonably in that it had gone against the advice of its professional officers without good reason and failed to substantiate the objection on the grounds of harm to the living conditions of nearby residents.

The Development Manager reminded Members that although they were not duty bound to follow officer recommendations they needed to demonstrate clearly why on planning grounds a planning proposal was unacceptable and

provide clear evidence to substantiate this reasoning. With this particular application, the Inspector stated that little evidence had been put forward by Members to support the reason for refusal. Therefore, in accordance with the Planning Practice Guidance, a full award of costs had been justified.

51 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Grady and Mr Mallett.

52 MINUTES

The Minutes of the meeting held on 24 October 2018 were confirmed as a correct record and signed by the Chairman.

Minute no: 46 – Application No: 20180236 – Drayton Old Lodge, 146 Drayton High Road, Drayton

The Development Manager reported that the Highway Authority had not objected to the revised plan for retaining the width of the road junction and therefore, the application would be approved under delegated powers, in accordance with the Committee's decision.

53 APPLICATION NUMBER 20181359 – LAND NORTH OF NORWICH ROAD, GT PLUMSTEAD

The Committee considered an application for the erection of a self-build stockman's dwelling on land to the North of Norwich Road in Gt Plumstead. The dwelling would be used in connection with the proposed new pig farming operation on site.

The application was reported to committee (1) at the request of Mr Vincent for the reasons stated in paragraph 3.3 of the report and (2) as it was contrary to policy.

The Committee received the verbal views of Mr Murrell, 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. Paragraph 79 of the NPPF and Policy H1 of the Development Management DPD (2015) were both relevant policy considerations, relating to the need for rural workers to live near their place of work. The site already had permission for three pig rearing buildings, a straw storage barn, grain store and a workshop (yet to be

constructed) on a 26 hectare site and therefore, the principle of agricultural development and a pig farm operation at the site had already been established.

The applicant had submitted supporting evidence in connection with the essential agricultural need for a dwelling on the site which demonstrated why 24 hour care was essential particularly when the piglets arrived at 3 weeks old, to ensure survival. Furthermore, the various welfare codes and regulations, coupled with the RSPCA and BQP standards, necessitated constant close supervision by a stockman and, therefore, a dwelling on site was essential. The applicant had looked for suitable housing on the market within sight and sound of the proposed new farm buildings without success.

Having considered all of the evidence put forward by the applicant, it was agreed that the applicant had demonstrated that there was an essential need for a rural worker to live permanently on the site within sight and sound of the pig farming buildings. The Committee noted that the site would be used to expand the applicant's existing pig farming operations at two other sites which had been established for a number of years. It was considered that the creation of a further pig farming operation and the capital expenditure required showed commitment to the business.

It was noted that the provision of a self-build plot weighed in favour of the proposal but this alone would not justify a dwelling in this rural location outside of any settlement limit.

In terms of the effect of the proposal on the character and appearance of the area, it was noted that the dwelling would be visible within the surrounding landscape but it was considered that the proposed landscaping scheme, coupled with the existing mature boundary hedgerows and trees, would help to break up the mass of the building forms of both the dwelling and approved agricultural buildings and reduce any potential impact. Furthermore, the dwelling would be sited over 400m from Norwich Road and other residential properties and this would mean the proposal would not impact upon neighbour amenity in terms of loss of light, privacy, overlooking or by being overbearing given the separation distances.

The Highways Authority was not objecting to the application, subject to the imposition of conditions and an informative.

In reaching its decision, the Committee acknowledged that the comments of both the parish council and Ward Member very much related to the pig rearing buildings which had recently been granted planning permission.

In conclusion, it was considered that the proposal adequately demonstrated that there was an essential need for a rural worker to live permanently at their place of work in the countryside and therefore, on balance, the proposal was

considered to comply with Policy H1 of the Development Management DPD and the NPPF. Accordingly, it was

RESOLVED:

to approve application 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.
- (3) The development hereby permitted shall be constructed using the materials specified within Section 9 of the planning application form and approved plans.
- (4) The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the business occupying the plot edged red on the submitted Site Location Plan, or widow or widower of such a person or any resident dependants.
- (5) The dwelling hereby permitted shall not be occupied until the pig farming buildings that benefit from consent at the site (Local Planning Authority reference numbers 20181104, 20181105, 20181261, and 20181361) are all fully constructed and the pig farm is fully operational on the site.
- (6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any other Order amending, revoking or re-enacting that Order with or without modification, no development permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 of that Order shall be carried out without first receiving planning permission from the Local Planning Authority.
- (7) The landscaping plan produced by A.T. Coombes Associates Ltd, received on 11 October 2018 shall be carried out within the first planting season following the commencement of work on site or in accordance with a programme agreed in writing with the Local Planning Authority.

The scheme as approved shall be carried out not later than the next available planting season following the commencement of development or such further period as the Local Planning Authority may allow in writing. If within a period of FIVE years from the date of

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

- (8) Prior to the first occupation / use of the development hereby permitted the vehicular access / crossing over the verge shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the Norfolk County Council Field Access construction specification and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- (9) Vehicular access to and egress from the adjoining highway shall be limited to the access shown on the approved drawing 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 with the Local Planning Authority concurrently with the bringing into use of the new access.
- (10) Any access gates / bollard / chain / other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 8m from the near channel edge of the adjacent carriageway.
- (11) Prior to the first occupation / use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

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 development, in accordance with Policy GC4 of the Development Management DPD 2015.

- (4) The site of the proposed development lies outside an area in which the Local Planning Authority normally permits residential development and permission has only been granted because of the agricultural need for a dwelling on this site in accordance with Policy H1 of the Development Management DPD 2015.
- (5) To ensure that the functional agricultural need for the dwelling remains associated with the proposed pig farm operation at the application site in accordance with Policy H1 of the Development Management DPD 2015.
- (6) To ensure development appropriate for the area in accordance with Policy GC4 of the Development Management DPD 2015.
- (7) To ensure the maintenance of screening to the site and to protect the appearance and character of the area in accordance with Policies GC4, EN2 and EN3 of the Development Management DPD 2015.
- (8) 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.
- (9) In the interests of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (10) In the interests of highway safety enabling vehicles to safely draw off the highway before the gates / obstruction is opened in accordance with Policy TS3 of the Development Management DPD 2015.
- (11) In the interests of highway safety in accordance with the principles of the National Planning Policy Framework and Policy TS3 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.
- (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) The applicants need 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) The applicants' attention is drawn to National Grid's tree planting guide which can be found on the following website: <https://www.nationalgridgas.com/land-and-assets/working-near-our-assets>
- (5) 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 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.

54 APPLICATION NUMBER 20171221 – LAND ADJACENT TO ST MARY'S CARE HOME, NORTH WALSHAM ROAD, SPIXWORTH

The Committee considered an application for five supported retirement bungalows on land adjacent to St Mary's Care Home on North Walsham Road in Spixworth. The site already benefitted from planning permission for the erection of 18 supported retirement bungalows and the creation of 20 allotments (pp 20150991). Works had already commenced on site with plots 1-6 and 19-23 already being constructed and plots 19-23 being the subject of

this application. The Section 106 Agreement attached to the original planning permission required the provision of pedestrian links to village facilities. These comprised two footpaths, one extending from the site access to the existing bus stop on the North Walsham Road (already constructed) and a second which was proposed across parish council land adjacent to the village hall linking with Crostwick Lane. However, during the negotiations between the parish council and the developer, it had transpired that part of the required land was in fact in the ownership of a charity and this had statutory consequences in terms of the consideration payable for the granting of rights over the footpath link land. The total sum had ultimately not proved acceptable to the applicant despite negotiation over a reduced sum and that was why they were now looking at alternative ways of providing the required footpath link. The alternative being proposed as part of this current application was a new footpath through to Rosa Close.

In presenting the application, the Area Planning Manager referred to an additional condition which the officers were proposing relating to the provision of an access gate on the northern boundary and the footway to Rosa Close to be completed prior to the first occupation of the development. In addition, condition 6 was to be amended by adding “prior to first occupation of the development” after “... with the approved plans”.

The application was reported to committee as it was contrary to the provisions of the development plan.

The Committee noted the following: a revised site location plan; the receipt of an amended plan which included a minor alteration to the pathway at plot 19; reference to an access gate between the development and its boundary with the recreation ground; further measurements on the width of the access link to Rosa Close (varied between 1.8m and 1.35m); the receipt of seven additional letters of representation, together with the officer response; clarification on the existing S106 Agreement obligations; an update on the Allotment Lease and additional recommendations relating to the proposed new Section 106 following the fact that Rosa Close was now being offered as an alternative private access route to the development, all as reported in the Supplementary Schedule.

In addition, the Committee received the verbal views of Anne Barnes of Spixworth Parish Council, objecting to the application and Nigel Cooper of David Futter Associates (the agent) at the meeting. Mr Roper, one of the Ward Members also spoke against the application, in relation to the revised access route via Rosa Close.

Members acknowledged that the NPPF stated that there was a presumption in favour of sustainable development unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

There was currently a 4.61 years' supply of housing land in the NPA as published in the 2017 Greater Norwich Area Housing Land Supply Assessment as part of the Annual Monitoring Report for the JCS. Consequently, relevant policies for the supply of housing in the NPA could not be considered up to date and applications for housing should continue to be determined within the context of paragraph 11 of the NPPF.

However, the Committee noted that, in June 2017, an updated Strategic Housing Market Assessment (SHMA), published for Central Norfolk. This identified that, for the Norwich Policy Area, there was an 8.08 year housing land supply. The SHMA was a material consideration in the determination of planning applications – now that this latest evidence showed that there was an abundant housing land supply this should be given weight in the decision making processes.

Accordingly, the Committee assessed the proposals against the three dimensions of sustainable development against the development plan policies.

Economic Role

It was noted that 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 additional dwellings. It was therefore considered that the scheme would bring forward a small level of economic benefit.

Social Role

Although the site was outside of the settlement limit for Spixworth, it was adjacent to allotments and a recreation ground and less than 0.5 mile from a variety of local shops and the doctors' surgery via the new proposed footpaths. The site was also served by regular bus services. Accordingly, it was considered to be a sustainable location in transport terms with good accessibility to services and facilities by foot or public transport.

It was noted that, given this development was in addition to the existing development for 18 dwellings, the commuted sum for the affordable housing contribution had been increased from £175,000 to £245,000 with the additional amount being secured by a new Section 106 Agreement.

Whilst noting the requirements of Policy RL1 of the DM DPD relating to recreation provision, the Committee considered that children's play would not be appropriate for this development, given the nature of the residents associated with supported retirement homes. In terms of Policy EN3 relating to informal space and allotments, the Committee noted that the approved development included significant over-provision of allotments and there was

substantial new formal recreation provision elsewhere in the village. Accordingly, this was considered to compensate for the lack of formal recreation provision in this instance.

Finally, the additional contribution to the supply of older persons' homes weighed in favour of the proposals, in terms of the social benefit.

Environmental Role

It was considered that the overall impact on the character of the area from these additional dwellings would be minimal and there would be no material harm.

In terms of the highways implications, Members noted that the access currently existed and the Highway Authority had no objection to the development, subject to conditions with respect to the provision of parking.

It was noted that the five additional bungalows would be of a similar design and materials to the existing approved dwellings and a condition was being recommended for the removal permitted development rights for extensions, roof alterations, ancillary buildings or fences, gates, walls or other means of enclosure and this was considered appropriate in the interests of the satisfactory appearance of the development.

In terms of amenity, it was considered that the proposed development would have no significant impact with respect to existing levels of residential amenity currently enjoyed by neighbouring properties, as the dwellings would be of single storey construction and given the separation distances involved.

The Committee considered that the new footpath was a satisfactory alternative to that proposed in the original S106 Agreement which had proved problematic to secure. However, it was considered that a condition should be imposed requiring the provision of a gate on the northern boundary and footway to Rosa Close to prevent access by mopeds etc.

Members noted that the Section 106 Agreement from 2016 would remain operative and enforceable thereby safeguarding the payment of the affordable housing contribution and the provision of the allotments. Furthermore, Members acknowledged that the Council would not seek to enforce the provisions within the original S106 relating to the provision of the former footpath link across the Parish Council land and additionally, paragraphs 1.1-1.3 of Schedule 1 to the Agreement relating to the laying out and provision of allotment land which had already been agreed as this would allow for the allotments to be available for lease by the Parish Council if it wished to pursue that option.

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

In conclusion it was considered that the proposals represented an acceptable form of development in a sustainable location and would not result in significant harm to the character and appearance of the area, residential amenity or highway safety and would result in a number of significant benefits. Accordingly, it was

RESOLVED:

to delegate authority to the Head of Planning to approve application number 20171221 subject to the satisfactory completion of a Section 106 Agreement relating to the following Heads of Terms and subject to the following conditions and no new material issues arising from consultation on revised plans:

Heads of Terms:

- (1) Affordable Housing (off site commuted sum £70,000 index linked).
- (2) Occupancy restriction that the units are not to be occupied by persons under 55 years of age. Such restriction shall not prevent occupation by a younger partner or prevent occupation by the younger partner if the older partner dies. To include a clause that should the property be sold the seller takes all reasonable steps to ensure the purchaser will comply with the occupancy restriction and any occupier shall provide to the Local Planning Authority any reasonable evidence of compliance on request.
- (3) Management of on-site amenity areas as per the original S106 to include the additional five dwellings and new footpath link.

Not to enforce the provisions at paragraph 6 of Schedule 1 to the original Section 106 Agreement relating to the provision of the originally proposed Footpath Link across Charity Land (the need for this link being effectively replaced and met by the new access through Rosa Close).

Firstly not to enforce the provisions of paragraph 1.2 of Schedule 1 to the Agreement (being a requirement not to Commence Development until the Allotment Lease or agreement for lease has been completed); and;

Secondly not to immediately enforce the provisions of paragraph 1.3 of Schedule 1 to the Agreement (being a requirement not to Occupy more than 9 dwellings until the works comprised in the agreed Allotment Specification

has been carried out and completed to the satisfaction of the Council and the Parish Council) for so long as the Allotment Lease / agreement for lease has not been completed.

Conditions:

- (1) The development hereby permitted shall not be carried out otherwise than in accordance with the following plans and documents:
- (2) Prior to the first occupation of the development hereby permitted the proposed access and on-site car parking areas shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.
- (3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), no extensions, roof alterations or ancillary buildings as defined within Classes A, B, C and E of Part 1 of Schedule 2 of that Order shall be carried out on the land unless an appropriate planning application is first submitted to and approved by the Local Planning Authority.
- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), no fences, gates, walls or other means of enclosure as defined within Class A of Part 2 of Schedule of that Order shall be carried out on the land unless an appropriate planning application is first submitted to and approved by the Local Planning Authority
- (5) Within one calendar month of the granting of this permission, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall indicate:

- the species, number, size and position of new trees and shrubs at the time of their planting
- specification of materials for fences, walls and hard surfaces.

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.

- (6) Within one calendar month of the granting of this permission, full details of the construction specification and details of proposed lighting with respect to the footpath from the site to Rosa Close shall be submitted to and approved by the Local Planning Authority in writing. The equipment shall be installed, operated and maintained in accordance with the approved plans prior to the first occupation of the development.
- (7) The provision of an access gate on the northern boundary and footway to Rosa Close as shown on the approved plans shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

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 ensure the permanent availability of the parking / manoeuvring areas, in the interests of satisfactory development and highway safety.
- (3) To ensure the satisfactory appearance of the dwellings in accordance with Policy GC4 of the Development Management DPD 2015.
- (4) To ensure the satisfactory appearance of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (5) To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies GC4, EN1, EN2 and EN3 of the Development Management DPD 2015.
- (6) To ensure the satisfactory development of the site without prejudice to the amenity of the site in accordance with Policy GC4 of the Development Management DPD (2015).
- (7) To ensure the satisfactory development of the site without prejudice to the amenity of the site in accordance with Policy GC4 of the Development Management DPD (2015).

Informatives:

- (1) The local planning authority has taken a proactive and positive approach to decision taking in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.
- (2) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk
- (3) The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site.
- (4) S106.

The Committee adjourned at 10:50am and reconvened at 10:57am when all of the Members listed above were present for the remainder of the meeting.

55 APPLICATION NUMBER 20181641 – BARN AT WOOD NORTON ROAD, FOULSHAM

The Committee considered an application for the conversion and extension of an agricultural barn into a residential dwelling and the change of use of agricultural land to residential curtilage at Wood Norton Road in Foulsham. Prior approval had previously been granted for the conversion of the barn into a three bedroom residential dwelling in June 2018 and the main changes as part of this new application were the inclusion of a single storey extension to the west side of the barn; some minor changes to the fenestration on the south elevation and the inclusion of three rooflights on the barn. In addition, the area of land for the residential curtilage was proposed to be increased from approximately 274m² as previously approved to approximately 2,580m².

The application was reported to committee as the recommendation for approval was contrary to development plan policies.

The Committee noted that the Tree Protection Plan, referred to in paragraph 9.11 of the report, had not been received and accordingly, an additional condition was being proposed and also noted that the applicant was

suggesting relocating the septic tank due to its proximity to several trees and accordingly, another further condition was being proposed, all as reported in the Supplementary Schedule. As no justification had been given for a septic tank the condition was proposed to be changed so that it referred to foul water proposals in general rather than specifically a septic tank, as previously set out in the Supplementary Schedule. The Senior Planning Officer advised that an amended location plan had subsequently been received and therefore the list of drawings in condition (2) would need to be updated accordingly. In addition, the Committee received the verbal views of Sam Jones of Lanpro (the agent) at the meeting.

As the barn already had permission to be converted into a residential dwelling which could still be implemented, the Committee considered that the principle of the conversion had been established. Notwithstanding this, it was considered that the application met the requirements of Policy GC3 of the DM DPD in that the building was capable of conversion without substantial alteration and the conversion would lead to an enhancement of the immediate setting.

Members noted that the change of use of agricultural land to residential curtilage was the element of the application which was contrary to the development plan. It was considered that the increased size of the residential curtilage would result in better living conditions for the applicant and an improved form of development within the curtilage following the current plot boundaries. Furthermore, as much of the parcel of land was currently within an area of hardstanding, its conversion would not result in any visual harm to the rural landscape, particularly as the site was well screened when viewed from Wood Norton Road to the west and was only partially visible when viewed from the more elevated section of Wood Norton Road to the south.

The amended plans for the barn were supported by the Council's Historic Environment Officer and the Committee concurred that the extension was of an acceptable size and scale and the continuation of the rectangular form and consistent ridge height would maintain the agricultural form of the building. It was considered that the design of the main barn and the choice of materials were also considered to be acceptable and overall, its conversion would enhance the overall appearance of a relatively plain building.

As there was a good degree of separation between the barn and any neighbouring residential property, coupled with the single storey nature of the building, it was considered that the building would not appear overbearing or dominating. Overall, the proposal would have no detrimental impact upon neighbour amenity and therefore, the application was considered to comply with Policy 4 of the DM DPD.

In terms of highway safety, the Committee noted that the Highway Authority had not objected to the proposals and the application was considered to comply with Policies TS3 and TS4 of the DM DPD.

In terms of all other matters raised by consultees, the Committee concurred with the officer's appraisal in the report and noted that any unresolved issues would be dealt with by the imposition of appropriate conditions / informatives.

In conclusion it was considered that the proposal would not result in any significant harm and therefore, represented an acceptable form of development. Accordingly, it was

RESOLVED:

to approve application number 20181641 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.
 - Proposed Location Plan (Amended), Dwg No: 0947-01-002-3, received 14 November 2018
 - Proposed Site Plan (Amended), Dwg No: 0947-01-004-4, received 14 November 2018
 - Proposed Ground Floor Layout Plan (Amended), Dwg No: 0947-03-001-5, received 14 November 2018
 - Proposed Elevations (Amended), Dwg No: 0947-03-002-3, received 14 November 2018
- (3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking and re-enacting or modifying that Order), no development permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 or Classes A and C of Part 2 of Schedule 2 of that Order shall be carried out without the prior consent of the Local Planning Authority.
- (4) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be supplied to the local planning authority for consideration before any development begins. If any contamination is found during the site investigation, a report specifying the measures to

be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before commencement of the remediation of the site. The site shall be remediated in accordance with the approved measures and a post remediation validation report produced and submitted to the local planning authority to demonstrate the successful remediation of the site.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The additional remediation of the site shall incorporate the approved additional measures.

- (5) Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall indicate:

- (a) the species, number, size and position of new trees and shrubs at the time of their planting
- (b) all existing trees and hedgerows on the land, with details of any to be retained (which shall include details of species and canopy spread, root protection areas as required at para 4.4.2.5 of BS5837: 2012), together with measures for their protection during the course of development
- (c) Details of boundary treatments and specification of materials for fences, walls and hard surfaces
- (d) details of any proposed alterations in existing ground levels and of the position of any proposed excavation or deposited materials
- (e) details of the location of all service trenches.

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.

- (6) Prior to the commencement of development a scheme for the protection of the retained trees that complies with the relevant sections of British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations, shall be agreed in writing with the Local Planning Authority (LPA). A plan shall be submitted to a scale and level of accuracy appropriate to the proposal that shows:
- (a) the position and Root Protection Areas (RPAs) of every retained tree on site and on neighbouring ground to the site in relation to the approved plans.
 - (b) the details and positions of the Tree Protection Barriers. Barriers should be fit for the purpose of excluding construction activity and storage of materials within RPAs appropriate to the degree and proximity of work taking place around the retained tree(s).
 - (c) the details and positions of the Ground Protection Zones. Ground protection over RPAs should consist of scaffold boards placed on top of 100-150mm layer of woodchip which is underlain by ground sheets.

No works should take place until the Tree Protection Barriers and Ground Protection are installed.

In the event that any tree(s) become damaged during construction, the LPA shall be notified and remedial action agreed and implemented. In the event that any tree(s) dies or is removed without the prior approval of the LPA, it shall be replaced within the first available planting season, in accordance with details to be agreed with the LPA.

- (7) Prior to the commencement of the development hereby approved, a plan showing the details and location of the proposed septic 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.

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 building and satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (4) Due to the sites military and agricultural use and to ensure that risks from potential land contamination to the future users of the land and neighbouring land are minimised in accordance with policy EN4 of the Development Management DPD 2015.
- (5) To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies GC4, EN1 and EN2 of the Development Management DPD 2015.
- (6) To ensure that trees and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interest of amenity in accordance with Policy GC4 of the Development Management DPD 2015.
- (7) 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) Based on information provided with this application it has become apparent that asbestos containing material may be present within the existing building structure. The removal of asbestos materials must be carried out in accordance with appropriate guidance and legislation

including compliance with waste management requirements. Accordingly any works should be managed to avoid damage to any asbestos containing material such as to prevent the release or spreading of asbestos within the site or on to any neighbouring land. Failure to comply with this may result in the matter being investigated by the Health and Safety enforcing authority and the development not being fit for the proposed use. In addition the developer may incur further costs and a time delay while ensuring the matter is correctly resolved.

- (4) The buildings / 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 applicant is advised to consult Natural England, Dragonfly House, 2 Gilders House, Norwich, NR3 1UB or enquiries.east@naturalengland.org.uk.
- (5) If bats or signs of bats are found prior to, or during the development work should stop in that part of the building (eg the roof covering replaced carefully in that area) and a suitably licenced bat ecologist should be contacted for advice. Bats must not be handled.

Due to the presence of locally foraging bats and features of low suitability for roosting bats on the building if development work has not commenced within two years (ie by September 2020) then an update of the inspection survey is recommended.

- (6) Due to the potential presence of nesting birds on the building it is recommended that work to the building is started outside the nesting bird season of March to August inclusive, unless advised by an ecologist of no active nests. If work is undertaken during the nesting bird season a precautionary check by the ecologist should be undertaken prior to work. In the event that active nests are present a stand-off distance of 10m will be set where no work would be undertaken within that zone until the young have fledged and the nest is no longer active.

56 APPLICATION NUMBER 20180412 – BEESTON PARK, LAND NORTH OF SPROWSTON AND OLD CATTON

The Committee considered an application which had been submitted to comply with condition 21 of outline planning permission 20161058 requiring the submission and approval of a Design Code to ensure a co-ordinated approach to design across the site at Beeston Park on land north of Sprowston and Old Catton. The developers had been working closely with officers after submission of the document to ensure that it complied with the condition – setting out the guiding principles and mandatory requirements for

development based on the outline consent.

In presenting the report, the Planning Projects & Landscape Manager advised the Committee that the majority of the issues raised by the Highways Authority had been resolved with only two minor issues outstanding. Therefore, the officer recommendation was amended to one of delegated authority to the Head of Planning to approve subject to the issues raised by the Highways Authority being satisfactorily addressed.

The application was reported to committee at the request of the Head of Planning as it was considered important to have the agreement of Members to the Design Code as the principles within in were fundamental to the consistent, high quality, sustainable delivery of the Beeston Park development.

The Committee received the verbal views of Mrs Leggett, Chairman of Old Catton Parish Council and Mrs Vincent, one of the Ward Members, at the meeting. These related to perceived omissions within the Design Guide with particular reference to its compatibility with the Old Catton Neighbourhood Plan.

Members noted that the Design Code did not set every detail but was intended to allow designers a degree of creative flexibility as long as the design quality was retained. Scope also remained for discussion with the planning authority on detailed design matters which would be subject to subsequent reserved matters applications. The main thrust of the Code was to ensure an integrated, sustainable development with a strong sense of place and identity.

It was considered that the Design Code complied with the policies of both Sprowston and Old Catton Neighbourhood Plans and following the response of the Planning Projects & Landscape Manager to the concerns raised by the speakers at the meeting, Members were reassured that the issues raised were either covered in the Design Code or would be addressed as part of any Reserved Matters application. The Development Manager reaffirmed that consideration of each Reserved Matters application would include an appraisal of the Neighbourhood Plan policies.

In conclusion it was considered that the document would provide clear design guidance on which to base subsequent reserved matters to ensure a sustainable, high quality, integrated development with a strong sense of place and identity secured.

Accordingly, it was

RESOLVED:

to delegate authority to the Head of Planning to approve the Design Code subject to the issues raised by the Highway Authority being satisfactorily addressed.

The meeting closed at 11:50am