

Planning Committee

Agenda

Date

Wednesday 28 November 2018

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

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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

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

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| 5 | Applications for planning permission to be considered by the
Committee in the following order: | |
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Please Note: In the event that the Committee has not completed its business by 1.00pm, at the discretion of the Chairman the meeting will adjourn for 30 minutes.

P C Kirby
Chief Executive

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 24 October 2018** at **9.30am** when there were present:

Miss S Lawn – Chairman

Mr A D Adams
Mrs C H Bannock
Mr G Everett

Mr R R Foulger
Mr R J Knowles
Mr K G Leggett

Mr G K Nurden
Mrs B H Rix
Mr D B Willmott

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

Mr Vincent Minute nos: 48 and 49 (land north of Norwich Road, Gt Plumstead)

Also in attendance were the Development Manager, Area Planning Managers and the Senior Committee Officer.

43 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

Member	Minute No & Heading	Nature of Interest
Mrs Bannock	47 (Reepham Road Treebelt, Thorpe Marriott)	Had predetermined the application so spoke as the Ward Member only and did not vote
Mr Everett	46 (Drayton Old Lodge, 146 Drayton High Road, Drayton)	Had chaired meetings of Drayton Parish Council when this application had been discussed but had abstained from voting. In addition, he had attended two separate meetings with the applicant and Mr Foulger.
	47 (Reepham Road Treebelt, Thorpe Marriott)	Had chaired meetings of Drayton Parish Council when this application had been discussed but had abstained from voting.
Mr Foulger reminded the Committee that he was the Portfolio Holder for Housing & Wellbeing		

44 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Grady, Mrs Hempsall, Mr Mallett and Mr J Ward.

45 MINUTES

The Minutes of the meeting held on 3 October 2018 were confirmed as a correct record and signed by the Chairman.

**46 APPLICATION NUMBER 20180236 – DRAYTON OLD LODGE,
146 DRAYTON HIGH ROAD, DRAYTON**

The Committee considered an application for the erection of 30 new build dwellings and conversion of Old Lodge from its current use as a business centre for five dwellings at Drayton Old Lodge, 146 Drayton High Road, Drayton. Five of the new build dwellings would be affordable housing (shared equity) which represented a 14.2% provision. The proposals also included the construction of new roadways within the site, parking areas, footpaths and landscaping, a new public woodland trail through the site with green infrastructure connections to the neighbouring sites to the east and west. Vehicular access would remain from Drayton Lodge Park but the width of the junction at Drayton High Road was proposed to be reduced; a new pedestrian crossing would be installed, together with some road widening from the crossing point, a widened footpath on the eastern boundary of the site and dropped kerb crossing on Drayton High Road to the east of the junction with Drayton Lodge Park. In addition, it was proposed to repair an on-site Scheduled Ancient Monument, which was Grade II* Listed, known as Old Lodge.

The application was reported to committee as it was contrary to the development plan and the officer recommendation was for approval.

The Committee noted a correction to paragraph 9.34 of the report relating to the width of the roadway (a widening of 1m and not 0.6m); an additional condition relating to floor slab levels which was recommended for inclusion and an amendment to the list of approved documents to reflect the updated Flood Risk Assessment & Drainage Strategy Addendum, all as reported in the Supplementary Schedule.

In addition, the Committee received the verbal views of Jonathan Hall of Drayton Parish Council and Ann Breed of 27 Drayton Lodge Park, both objecting to the application and Iain Wilson (the applicant) and Paul Lucas (the agent) at the meeting.

The site was located outside of, but adjacent to, the settlement limit for Drayton and had not been allocated for development but was within the Norwich Policy Area for housing supply.

Policy GC2 of the DM DPD stated that planning permission should be granted unless material considerations indicated otherwise and Paragraph 11(d) of the NPPF required applications to be approved unless the adverse impacts of doing so would “significantly and demonstrably outweigh the benefits”.

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 and also took into consideration the relevant objectives and policies within the Drayton Neighbourhood Plan.

Economic Role

Having regard to the NPPF, the Committee acknowledged that the development of this site would result in some short term economic benefits as part of the construction work and for the longer term, the economy would benefit from local spending from the future occupants of the dwellings. Furthermore, the development would also generate CIL (25% of which would go to the parish council) and New Homes Bonus. It was therefore considered that the scheme would bring forward a level of economic benefit.

Social Role

The site was adjacent to the settlement limit for Drayton, where a wide range of local services and facilities were available. The proposals included the provision of a footpath from the site onto Drayton High Road where a bus route to and from Norwich was available.

It was noted that five of the dwellings would be for affordable housing, equating to 14.2%, which was not in compliance with the Council's adopted policy requirements. The applicant contended that the scheme would otherwise be unviable due to the abnormal development costs involved in the proposals, such as the restoration of the monument, conversion of Drayton Lodge, including the demolition of the large extensions, provision of on-site woodland trails and removal of air raid shelters. The Council had instructed an independent consultant to appraise the applicant's economic viability assessment and he had concluded that the financial viability of the proposal had been satisfactorily demonstrated and it would be not viable to provide any more affordable housing or a commuted sum for off-site recreation.

Highways

It was noted that the Highways Authority was not objecting to the proposal, subject to the imposition of conditions. However, Members were unconvinced that the proposed reduction in the width of the junction with Drayton High Road was necessary. The Development Manager advised the Committee that if the current junction did not exist then the Highways Authority would require any new junction to be constructed with that width to meet highway safety requirements. If Members wished to pursue the option of making no changes to the junction, then they could authorise officers to require the applicant to submit an amended plan (but retaining the proposed pedestrian path and crossings) for consideration by the Highways Authority.

Green Infrastructure Path Network

Members noted that a publicly accessible footpath was proposed along the southern boundary of the site which would link to the Drayton High Road and into the neighbouring site (which had permission for 71 homes) and with potential to link to the wider green infrastructure network. Furthermore, a woodland path was also proposed from the southern boundary through the site, connecting to a 2m wide footway and cycleway to the north linking to Drayton High Road. It was considered that these were meaningful community benefits deriving from the scheme which would otherwise not have been possible. In terms of the provision of open spaces on site, it was noted that the proposals provided for a network of woodland trails and that the woodlands and areas of open space around the development would be informal areas of open space. Therefore, the proposals were considered to meet the requirements of Policy EN3 of the DM DPD. However, as demonstrated in the applicant's viability assessment, the scheme would be unviable if a commuted sum had to be paid for the off-site provision of formal recreation. Accordingly, the proposal did not meet the requirements of Policy RL1 of the DM DPD.

In terms of its design, the scheme was considered to be a well-designed development, which combined a sympathetic conversion of Drayton Lodge and appropriately located and designed new build houses in relation to the

form, position and appearance of the heritage assets and retained trees. In addition, the development would allow for safe public access to the 15th Century Old Lodge and the scheduled ancient monument.

Accordingly, the proposal was considered to meet a broad range of the social objectives of sustainable development as set out in the NPPF.

Environmental Role

Members acknowledged that the site had an individual character due to the particular elements which, in combination, were not present on any other site in the district. It was considered that the proposed development had been designed to retain as much of this unique character as possible by retaining the blocks of mature trees around the site boundaries and the open space at the junction of Drayton High Road as well as retaining the space around the ancient monument. Furthermore, the areas of new development were mainly parts of the site which had previously been developed – such as extensions to Drayton Lodge, the roadway and carpark. It was noted that the housing had been designed to reflect the forms of Drayton Lodge and arranged in groups between the trees, with a backdrop of mature landscaping across the site. Accordingly, it was considered that the proposals would not significantly alter the character and appearance of the site when viewed from public vantage points outside of the site and the proposals within the site would have the appearance of a well-designed, high quality development.

Regard was given to Section 16 of the NPPF and sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, in addition, the Ancient Monuments and Archaeological Areas Act 1979 in respect of the ancient monument. Members noted that the most significant issue with the development of this site was the protection of the Old Lodge, which was a Grade II* Listed structure, and the preservation of its setting but care had been taken to ensure no dwellings, structures or additional car parking areas would be sited within its immediate setting. The conversion of the Old Lodge into five houses would see the demolition of the less architecturally significant 1930's annexe extension and the more recent flat roofed kitchen extension but, crucially, the original building and its most important historic external and internal features would be retained. Members noted the comments of both Historic England and the Council's Historic Environment Officer and, in response, the suggestion that clauses be included within a Section 106 Agreement for a detailed repair programme and future maintenance of Old Lodge. Accordingly, it was considered that it had been demonstrated that the proposals would have less than substantial harm on the setting of the scheduled ancient monument / listed building. In accordance with Paragraph 196 of the NPPF, Members weighed the level of harm against the public benefits of the proposal and in doing so, noted that the applicant had committed £185,000 to be spent on the much needed sympathetic repair of Old Lodge, in consultation with Historic England. Furthermore, it was proposed by the applicant that the ownership and

maintenance of Old Lodge be held by the owners of the houses on the development and these responsibilities secured by being written into their Deeds. Assessing all of the public benefits to be derived from the scheme in relation to the ownership and maintenance of Old Lodge, Members considered that there were clear public benefits which were considered to outweigh the stated less than substantial harm to the heritage asset.

In terms of the natural environment, Members noted that it was proposed to fell 47 individual trees (category B and C) and eight groups of trees (Sycamore, Holly and Ash) but these losses would be mitigated by replacement planting across the site in more suitable locations. In addition, an area Tree Preservation Order had been served across the entire site which would safeguard the trees into the future.

Accordingly, the proposals were considered to have a positive contribution to the environmental objectives of sustainable development, by protecting and enhancing the built and historic environment.

Residential Amenity

Given the scale and position of the proposed dwellings away from existing neighbouring properties, it was considered there would not be an unacceptable effect on residential amenities. The comments from neighbouring properties and the Parish Council were noted but it was considered that, on balance, the proposals met the requirements of 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 appropriate conditions.

In conclusion, it was considered that the benefits of the proposal outweighed the stated harm, which had been fully assessed. However, Members remained unconvinced of the benefits of the proposed reduction in the width of the road junction and therefore it was

RESOLVED:

to delegate authority to the Head of Planning to

- (1) allow officers to satisfactorily negotiate with the applicant and the Highway Authority to redesign the junction onto Drayton High Road to retain the junction width with the proposed pedestrian path, crossings and road widening and

- (2) approve application number 20180236 subject to the satisfactory completion of a Section 106 Agreement with the following Heads of Terms and subject to the following conditions. In the event that the Highway Authority raised objections to the revised plan, the application would be referred back to the Planning Committee for determination.

Heads of Terms:

- Affordable housing as proposed, consisting of 5 no: 2 bedroomed shared equity houses.
- Programme of repairs and maintenance of the Scheduled Ancient Monument, together with details of ownership responsibility of the monument to safeguard it for the future.
- Provision and maintenance of the green infrastructure paths and on-site informal open spaces with unencumbered public access in perpetuity.

Conditions:

- (1) The development to which this permission relates must be begun not later than TWO 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) Development shall not proceed above slab level on the new build dwellings hereby permitted or commencement of the conversion of Drayton Lodge, whichever is the sooner, until details of all external materials to be used in the development, including full details of the replacement windows and windows frames on Drayton Lodge and large scale drawings of the soffit, eaves, verge and fascia and the window and reveals of the proposed houses 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 demolition of the extensions shown to be removed from Drayton Lodge and commencement of the development of Plots 26 - 30 within Drayton Lodge, a method statement which specifies the method of demolition, the removal / reuse of the demolition materials, together with a programme of works, with a timetable, for the repair of the Drayton Lodge building shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be undertaken as approved prior to the occupation of Plots 7, 8, 15, 17, 26 – 30 hereby permitted.

- (5) Prior to the first occupation of the development hereby permitted, visibility splays measuring 2.4m x 33m shall be provided to each side of the access where it meets the highway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225m above the level of the adjacent highway carriageway.
- (6) Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking / turning shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.
- (7) Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- (8) Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site, unless otherwise agreed in writing with the local planning authority, until detailed drawings for the off-site highway improvement works to include widening and junction amendments to Drayton Lodge Park, widening of the site frontage footway and provision of pedestrian crossing points on either side of Drayton High Road and Drayton Lodge Park have been submitted to and approved in writing by the Local Planning Authority.
- (9) Prior to the first occupation of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in condition 8 shall be completed to the written satisfaction of the Local Planning Authority.
- (10) No works or development shall take place until a scheme for the protection of the retained trees to comply with the relevant sections of BS5837:2012 - Trees in relation to design, demolition and construction - Recommendations (section 5.5 the Tree Protection Plan) has been agreed in writing with the LPA. This scheme shall include:
 - (a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (paragraph 4.6.1) of retained trees on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
 - (b) a schedule of tree works for all the retained trees in paragraph (a) above, specifying pruning and other remedial or preventative

work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Tree Work – Recommendations.

- (c) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones and the Construction Exclusion Zones (section 6.2).
- (d) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 paragraph 6.2.2 and Figure 2), identified separately where required for different phases of construction work (eg demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- (e) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 7.7).
- (f) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (paragraph 4.6.1) of any retained tree, including those on neighbouring or nearby ground.
- (g) the details of the working methods to be employed with the demolition of buildings, structures and removal of hard surfacing within or adjacent to the RPAs of retained trees.
- (h) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of 'No-Dig' construction.

The works shall then be undertaken as approved. In the event that any tree(s) become damaged during construction, the Local Planning Authority 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 Local Planning Authority, it shall be replaced within the first available planting season, in accordance with details to be agreed with the Local Planning Authority.

- (11) Development shall not proceed above slab level on the first ten new build dwellings hereby permitted until a landscaping scheme has been 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 paragraph 4.4.2.5 of BS5837: 2012), together with measures for their protection during the course of development.
- (c) specification of materials for fences, walls and hard surfaces,
- (d) details of any proposed alterations in existing ground levels and of the position of any proposed excavation or deposited materials.
- (e) details of the location of all service trenches.

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.

- (12) Prior to commencement of development, in accordance with the submitted Flood Risk Assessments (Ingent ref: IP17_015_04 Drayton Old Lodge, February 2018 and July 2018) and Dwg. No. SK002 rev. A and alternative drainage strategy (1704_015_010) detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:
 - I Detailed infiltration rates in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed soakaways.
 - II If infiltration is proven to be unfavourable then Greenfield runoff rates for the site shall be attenuated to 3 l/s or 2 l/s /ha as stated

within section 2.2 of the additional FRA.

- III Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1% annual probability rainfall event including for allowances for climate change. A minimum storage volume of 380m³ will be provided in line with Dwg. No. 1704-015-010 in the submitted FRA.
- IV Detailed designs, modelling calculations and plans of the drainage conveyance network in the:
 - 3.33% annual probability critical rainfall event to show no above ground flooding on any part of the site, and
 - 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (eg pumping station or electricity substation) within the development.
- V The design of the soakaways/attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event.
- VI Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
- VII Details of how all surface water management features are to be designed in accordance with The SuDS Manual (CIRIA C697; 2007) or the updated The SuDS Manual (CIRIA C753; 2015) including appropriate treatment stages for water quality prior to discharge.
- VIII A maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development.

- (13) No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy as approved unless otherwise approved in writing by the Local Planning Authority.
- (14) Prior to the commencement of development the following site investigation 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 the written approval of the proposed scheme is received from the Local Planning Authority.
- D Following the completion of the remedial measures identified in the 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.

- (15) No works to trees assessed as having bat roost potential, within the submitted MHE Consulting Ltd Ecological Survey dated February 2018, including removal, pruning or crown reduction shall take place unless a competent ecologist has undertaken further survey work to determine presence/ likely absence of roosting bats and provided written confirmation that no bat roosts will be harmed and/or that there are appropriate measures in place to protect bat interest on site. Any such written confirmation should be submitted to the local planning authority.

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

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

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

has been secured.

In this case the programme of archaeological mitigatory work will consist of an archaeological excavation. A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service.

- (17) Prior to the first occupation of the residential development hereby permitted details including accurately scaled plans of the design, size, materials, position, information to be displayed and maintenance of the interpretation board in respect of the on-site Scheduled Ancient Monument, shall be submitted to and approved in writing by the local planning authority, in consultation with Historic England. The approved interpretation board shall then be installed in full accordance with the details as approved prior to the occupation of the fifth dwelling hereby permitted.
- (18) Prior to the occupation of the first dwelling a fire hydrant on not less than a 90mm main shall be provided on site in a position to be agreed with Norfolk County Council Water Resources and Planning Manager.
- (19) 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, re-enacting or modifying that Order), no buildings, walls, fences or other structures shall be erected within the site curtilages, nor alterations including replacement windows, revised external materials, roof alterations or extensions be made to the dwellings.
- (20) 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 solar PV or solar thermal equipment shall be installed on the roof or walls of the dwellings facing the scheduled monument shown on the approved site layout plan drawing no. 1367.3 rev. C.
- (21) Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning authority to identify the finished ground floor slab levels of the new build dwellings, garages and garden areas above ordnance datum (AOD) with reference to off-site datum points. The development shall then be undertaken as approved.

Reasons:

- (1) The period for the commencement of the development has been reduced to bring forward the delivery of housing in a sustainable

location where the relevant planning policies for the supply of housing are not considered to be up to date, in accordance with the requirements of paragraph 76 of the National Planning Policy Framework.

- (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 the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (5) In the interests 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 in accordance with Policies TS3 and TS4 of the Development Management DPD 2015.
- (7) To ensure adequate off-street parking during construction in the interests of highway safety in accordance with Policy TS3 of the Development Management DPD 2015. This needs to be a pre-commencement condition as it deals with the construction period of the development.
- (8) To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policy TS3 of the Development Management DPD 2015.
- (9) 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.
- (10) To ensure that trees, shrubs 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 Policies GC4, EN2 and EN3 of the Development Management DPD 2015. This needs to be a pre-commencement condition as it deals with first phase of the construction period of the development.

- (11) 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.
- (12) To prevent flooding in accordance with NPPF paragraphs 163, 165 and 170 by ensuring the satisfactory management of local sources of flooding surface water paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development. This needs to be a pre-commencement condition as it deals with first phase of the construction period of the development.
- (13) To prevent environmental and amenity problems arising from flooding in accordance with Policy EN4 of the Development Management DPD 2015. This needs to be a pre-commencement condition as it deals with first phase of the construction period of the development.
- (14) 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. This needs to be a pre-commencement condition as it deals with first phase of the construction period of the development.
- (15) To ensure that the development has no adverse effects on the presence of protected species in accordance with Policy EN1 of the Development Management DPD 2015.
- (16) To enable the archaeological value of the site to be properly recorded before development commences in accordance with Policy EN2 of the Development Management DPD 2015. This needs to be a pre-commencement condition as it deals with first phase of the construction period of the development.
- (17) To ensure the enhancement of the development by the retention and restoration of historic features which significantly contribute to the historic and amenity value of the area in accordance with Policies GC4 and EN2 of the Development Management DPD 2015.
- (18) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (19) In accordance with Article 4(1) of The Town & Country Planning (General Permitted Development) Order 2015, the condition is imposed to enable the Local Planning Authority to retain control over

the siting and external appearance of the buildings in the interests of amenity and historic interests, in accordance with Policy GC4 of the Development Management DPD 2015.

(20) In accordance with Article 4(1) of The Town & Country Planning (General Permitted Development) Order 2015, the condition is imposed to enable the Local Planning Authority to retain control over the siting and external appearance of the buildings in the interests of amenity and historic interests, in accordance with Policy GC4 of the Development Management DPD 2015.

(21) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.

Plans & Documents:

Dwg. No. 1367.1 rev. A - Existing site & Location Plan, received 11 October 2018

Dwg. No. 1367.3 rev. (TBC) - Proposed Site Layout, received TBC

Dwg. No. 1367.6 rev. C - Proposed Site Layout sheet 1, received 30 August 2018

Dwg. No. 1367.7 rev. (TBC) - Proposed Site Layout sheet 2, received TBC

Dwg. No. 1367.8 - Plots 1, 2, 3, 4, & 31 Floor plans & elevations, received 9 February 2018

Dwg. No. 1367.9 rev. A - Plots 5, 6, 32, 33 & 34 Floor plans & elevations, received 4 July 2018

Dwg. No. 1367.10 rev. B - Plots 7 & 8 Floor plans & elevations, received 4 July 2018

Dwg. No. 1367.11 rev. B - Plots 9, 12, 18 & 35 Floor plans & elevations, received 30 August 2018

Dwg. No. 1367.12 rev. B - Plots 10 & 11 Floor plans & elevations, received 30 August 2018

Dwg. No. 1367.13 - Plots 13 & 14 Floor plans & elevations, received 9 February 2018

Dwg. No. 1367.14 rev. A - Plots 15 & 19 Floor plans & elevations, received 30 August 2018

Dwg. No. 1367.15 rev. A - Plots 16 & 17 Floor plans & elevations, received 30 August 2018

Dwg. No. 1367.16 rev. A - Plot 20 & carport for Plots 20 -24 Floor plans & elevations, received 4 July 2018

Dwg. No. 1367.17 - Plots 21-25 Floor plans & elevations, received 9 February 2018

Dwg. No. 1367.18 rev. B - Old Lodge Floor plans (plots 26-30) sheet 1, received 30 August 2018

Dwg. No. 1367.19 rev. B - Old Lodge Floor plans (plots 26-30) sheet 2, received 30 August 2018

Dwg. No. 1367.20 rev. B - Old Lodge elevations, received 30 August 2018

Dwg. No. 1367.22 – Site sections, received 9 February 2018

Dwg. No. IP17_015_04_005 rev. F - Road setting out sheet 1 of 2, received 4 September 2018

Dwg. No. IP17_015_04_006 rev. (TBC) - Road setting out sheet 2 of 2, received TBC

Dwg. No. IP17_015_04_010 rev. A - Alternative Drainage strategy, received 4 September 2018

Arboricultural Impact Assessment received 30 August 2018

Revised Flood Risk Assessment & Drainage Strategy received 8 August 2018

Ecological survey received 9 February 2018

Planning Statement received 9 February 2018

Informatives:

The site is subject to a related agreement under Section 106 of the Town and Country Planning Act 1990.

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 based at County Hall, Norwich. 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).

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 commences.

The applicant is advised that bats are protected species under the Wildlife & Countryside Act 1981 and the Conservation of Habitat and Species Regulations 2017. The granting of planning permission does not absolve the applicant / developer / successors in title from obtaining a licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitat and Species Regulations 2017 and complying with the terms and conditions of any licences. The applicant is therefore advised to contact Natural England and acquire the necessary licence/s prior to any development/works commencing on site.

The applicant is advised that the trees on site are the subject of a Tree Preservation Order and future occupants will not be permitted to undertake heavy lopping or branch removals to reduce leaf, seed, pollen and bird droppings due to the protection afforded to the trees.

The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to this development. A separate CIL Liability Notice has been issued with the decision notice.

47 APPLICATION NUMBER 20181358 – REEPHAM ROAD TREEBELT, THORPE MARRIOTT

The Committee considered an application for the creation of a public footpath which would link the Thorpe Marriott estate, Marriott's Way, Naber Furlong,

Pendlesham Rise, Littlewood (three woodlands owned by BDC) and the Broadland Northway Green Bridge, which led to Drayton Drewray. It was proposed that the footpath would be positioned within the tree belt which skirted around the Thorpe Marriott estate. Nine access points would be installed to allow access in and out of the woodland belt, in the form of wooden kissing gates. In addition, an access point was proposed on the path to allow users to cross Reepham Road, leading to a footpath and pedestrian bridge over Broadland Northway towards Drayton Drewray.

The application was reported to committee as the applicant was the district council and the majority of the application site was also owned and managed by Broadland District Council.

The Committee noted a correction to paragraph 5.1 of the report relating to the number of representations received; a further representation from 28 Ganners Hill and an objection received from 19 St Margarets Close, together with the officer response, all as reported in the Supplementary Schedule.

In addition, the Committee received the verbal views of Pauline Mooney of Taverham Parish Council, Lesley Gray of 28 Ganners Hill and Julia Holland of 16 Jordan Close all objecting to the application; Jonathan Hall of Drayton Parish Council in support of the application and Annie Sommazzi representing the applicant, at the meeting. Mrs Bannock, one of the Ward Members, spoke in support of the application.

Members noted that Paragraph 91 of the NPPF supported the provision of healthy lifestyles through safe and accessible green infrastructure and this proposal was considered to meet that principle. Furthermore, Paragraph 98 of the NPPF required planning policies and proposals to include opportunities to provide better facilities for users; for example, by adding links to existing rights of way networks. In addition, Members noted the relevant policies and projects within the Drayton Neighbourhood Plan and considered that the application was in accordance with them. In terms of the JCS, it was considered that the proposal was supported by Policy 7 which related to promoting healthier lifestyles and providing opportunities for greater access to green space.

The Committee also gave consideration to the West Broadland Green Infrastructure Project Plan whose aim was to enhance local recreational opportunities for residents and provide enhanced habitats and connectivity for local wildlife populations. It was noted that that the proposal under consideration was one of the ten projects within the WBGIPP and therefore, if approved, would see the delivery of a key green infrastructure project.

In terms of the impact on residential amenity, Members noted the concerns of local residents and Taverham Parish Council, together with the comments of the Architectural Liaison Officer (ALO) from Norfolk Constabulary. However,

it was not considered that the proposal would significantly increase the risk of criminal activity. A significant consideration was the fact that the footpath would be no closer to the rear of properties than the situation which currently existed on the nearby Marriott's Way footpath which was well used and had not resulted in significant levels of crime and anti-social behaviour.

It was noted that a number of recommendations proposed by the ALO had been incorporated into the proposals such as the kissing gates, defensive planting and strategically placed clearance brushwood. Furthermore, there would be ongoing maintenance of the path to ensure the boundary was maintained and that the planting would not have any adverse impacts. It was noted that clear signage would be provided and the path had been designed to be as straight as possible following the existing tree belt route whilst minimising the amount of tree removal required. The Committee did not consider that the proposal would result in unacceptable levels of noise or significant detrimental impact upon neighbour amenity.

It was noted that the proposal would require the removal of approximately 123 trees; however these were specimens that were either suppressed or were suppressing more suitable species. Therefore, their removal would not have a detrimental impact on the surrounding landscape. In addition, the tree belt had not previously undergone a structured thinning programme which was necessary to create good structure and safe sustainability of trees. The recommendations within the submitted Arboricultural Report could be secured by condition, together with a landscaping scheme to provide for replacement planting to mitigate against the removed trees. The design of the footpath was considered to be acceptable and sympathetic to the character of the area and therefore, would not cause any harm to the general character and appearance of the area.

In terms of the impact upon biodiversity and habitats, it was considered that overall, there would be no detrimental impact and the proposal may even result in some enhancements.

It was noted that the Highways Authority was not objecting to the proposal and, notwithstanding concerns raised by local residents, it was considered that the proposal would bring about improvements in pedestrian safety by providing a safer walking route rather than users have to walk closer to Reepham Road or School Road, for example.

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.

With reference to the three dimensions of sustainable development, it was considered that there would be minimal economic benefit but the proposal would result in both social and environmental benefits by providing improved

access within the local area through valuable recreational greenspace and alternative travelling options with a reduced reliance on vehicular movements.

In conclusion, it was considered that the proposal would not result in any significant adverse impact and, given the presumption in favour of sustainable development, was considered to be acceptable. Accordingly, it was

RESOLVED:

to approve application number 20181358 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.

Amended Location Plan (Amended), received 09 October 2018
Arboricultural Report (Amended), received 09 October 2018
Design And Access Statement, received 16 August 2018
- (3) Prior to the first use of the development hereby permitted the pedestrian crossing points to Reepham Road shall be provided and thereafter retained at the position shown on the approved plan in accordance with the highway specification (Dwg. No. TRAD 4) 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 use of the development hereby permitted visibility splays to the pedestrian crossing points to Reepham Road shall be provided in full accordance with the details referred to and shown in the submitted Design & Access Statement.
- (5) Prior to the commencement of the development hereby permitted full details of how the proposed footpath will link up with the Marriotts Way footpath shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be undertaken as approved.
- (6) All works shall be carried out in accordance with the requirements of the Arboricultural Report (Amended), carried out by Treecare Consultants Ltd, received 09 October 2018.

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

The scheme shall indicate:

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

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) No works shall be carried out to those trees assessed as having bat roost potential (Trees T755, T759 and T761 as set out in Arboricultural Report, received 09 October 2018) until a competent ecologist has undertaken further survey work to determine the presence / likely absence of roosting bats and provided written confirmation to the Local Planning Authority that no bat roosts will be harmed and/or that there are appropriate measures in place to protect bat interest on site.

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 satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in the interest 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 and the principles of the NPPF.
- (5) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (6) To ensure that trees, shrubs 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 Policies GC4 and EN2 of the Development Management DPD 2015.
- (7) In the interest of maintaining the amenity value of the area in accordance with Policies GC4, EN2 and EN3 of the Development Management DPD 2015.
- (8) To ensure that the development has no adverse effects on the presence of protected species in accordance with Policy EN1 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 paragraph 38 of the National Planning Policy Framework.
- (2) 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 01603 430 596.

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.

- (3) Tree T756 (as set out in Arboricultural Report, received 9 October 2018) was also assessed as having moderate potential to support roosting bats. Three knot holes were visible on the tree although no direct impacts on these knot holes are predicted and no significant pruning is proposed. However, if the proposed works were to be altered and direct impacts on these knot holes are necessary then further bat activity surveys or a climbed inspection will be necessary. Dead wood must not be removed in close proximity to these knot holes.

In the event that a bat is found during the course of the proposed works, it is advised that work stops immediately and a suitably qualified ecological consultant is contacted for advice.

As a precaution, and where possible, we recommend any works are conducted in September / October, to avoid maternity and hibernation seasons when bats are most vulnerable to disturbance.

- (4) To reduce the likelihood of impacts on nesting birds to acceptable levels there must be no removal, in full or in part, of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared.
- (5) As a precaution, to mitigate for potential impacts on amphibians, reptiles and badgers the following measures need to be implemented:

- Any trenches or excavations should be backfilled by the end of the working day, or if this is not possible, should be covered overnight to prevent accidentally entrapping terrestrial animals. Any excavations which cannot be backfilled or covered overnight should have egress boards left in them overnight. These should be boards left at an angle no steeper than 40 degrees, with one end at ground level and the other at the base of the excavation, as this would prevent any animals which do fall in from becoming trapped.
- To limit disturbance to nocturnal mammals, construction work will be undertaken during daylight hours
- All materials and waste materials should preferably be stored above the ground, such as on pallets or in skips respectively. This measure should ensure that such materials do not provide a sheltering opportunity, attractive to invertebrates, amphibians, reptiles and small mammals.
- Before any site preparation, ground clearance or construction works commence at the site, all contractors will be briefed on the low potential for encountering great crested newts during the project. Contractors will be briefed on the appropriate course of action to take in the unlikely event of encountering great crested newts during any stage of the works.
- In the event that a great crested newt is found during the course of the proposed works, it is advised that work stops immediately and a suitability qualified ecological consultant is contacted for advice.
- There is potential for great crested to hibernate in tree roots of the woodland areas. Ideally all clearance works at the site (including vegetation removal, topsoil stripping and clearance of features such as the compost heap and summer-house) will take place when great crested newts are active (ie not hibernating). Given the time constraint relating to nesting birds noted above, this will mean clearance works should take place between September and mid-November inclusive. Alternatively, clearance works could take place between March and August inclusive, but they would need to be preceded by a nesting bird check as outlined above.

The Committee adjourned at 11:55am and reconvened at 12:05am when all of the Members listed above were present for the remainder of the meeting.

48 APPLICATION NUMBER 20181261 – LAND NORTH OF NORWICH ROAD, GT PLUMSTEAD

The Committee considered an application for the erection of a pig rearing building on land to the north of Norwich Road in Gt Plumstead. The building would be used for pig rearing using a deep straw based system and, together with the other buildings on the site, would house 2,000 pigs from 7 kgs to 100 kgs bacon weight with each batch on site for approximately 20 weeks.

The application was reported to committee at the request of the Ward Member for the reasons stated in paragraph 3.4 of the report.

The Committee noted the comments of the Council's Environmental Services (Statutory Nuisance), together with the officer response; an additional condition which was recommended for inclusion and additional policy guidance (relevant policies of the Gt Plumstead, Lt Plumstead and Thorpe End Garden Village Neighbourhood Plan 2014-2034), together with the officer responses, all as reported in the Supplementary Schedule.

In addition, the Committee received the verbal views of Andrew Cawdron of Gt Plumstead Parish Council expressing its concerns and Mr Murrell, the applicant, at the meeting. Mr Vincent, the Ward Member, expressed his concerns on the application and requested the Committee to impose additional conditions.

It was noted that the site already had permission for two pig rearing buildings (20180864), a straw storage barn (20181104) and a grain store (20181105) which were yet to be constructed. Accordingly, it was considered that the principle of agricultural development and pig rearing buildings including a new vehicular access had been established at the site. The additional building would allow a pig farming operation to be established which would enable the growth of a rural agricultural business which, the Committee noted, was supported by the NPPF. Therefore, the principle of development was considered to be acceptable.

The proposed buildings would have a functional appearance, not uncommon to modern agricultural buildings and found within rural landscapes. It was considered that whilst the buildings would be visible within the surrounding landscape, the proposed landscaping scheme, together with the existing mature boundary hedgerows and trees, would help to break up the mass and bland form of buildings. As the building would be sited over 400m from Norwich Road and residential properties to the north and west, it was considered that there would be no significant impact upon the character and appearance of the area.

In terms of neighbour amenity, it was considered that, due to existing boundary treatments, the proposal additional landscaping within the site together with the separation distances, the proposal would not impact unduly upon neighbour amenity.

It was noted that both the Council's Environmental Services and the Environment Agency had not objected to the proposals and the applicant had submitted an Odour Management Plan, as requested.

The Highways Authority was also raising no objection, subject to the imposition of conditions relating to the vehicular access, closure of the existing access, gates etc and visibility splays. It was noted that National Grid had subsequently withdrawn its objection following an amendment to the scheme so that the access track did not cross the high pressure gas pipeline which ran through the site.

In conclusion it was considered that the proposal would not result in any significant adverse impact and accordingly, it was

RESOLVED:

to approve application number 20181261 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 proposed plans.
- (4) The landscaping plan produced by A T Coombes Associates Ltd, received on the 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.

- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) The development shall be operated in accordance with the approved Odour Management Plan, if less than 2,000 pigs are accommodated on the site.

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) 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.
- (5) 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.
- (6) In the interests of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (7) 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.
- (8) 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.
- (9) In the interests of the amenities of the area and local residents in accordance with Policy GC4 and EN4 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 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 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.

- (4) 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
- (5) The applicant's 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>.
- (6) The applicant's attention is drawn to following comments from the Environment Agency:

The Environmental Permitting Regulations 2016 require farms stocking 2,000 production pigs over 30 kg to have an Environmental Permit. The permit application fee is £8,020.

The applicant is advised to contact us for pre application advice before submitting a permit application. They can submit a pre application request by filling in a form available at <https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>.

The applicant is advised to calculate how much water pigs will require and plan how this need will be met. If the applicant plans to apply for an abstraction licence they should make a preliminary enquiry to see if this is possible. The applicant should note that there is no guarantee that a water abstraction licence will be granted. The preliminary enquiry for abstraction licences is made up of two forms – WR328 and WR330. These can both be found on our website at <https://www.gov.uk/government/publications/water-abstraction-application-for-a-water-resources-licence>.

The requirement for an odour management plan will be assessed when the applicant submits a permit application. On submission of the application, screening will be carried out to determine if there are sensitive receptors within 400m of the installation, and if so then an odour management plan will be required. If additional information is required the applicant will be advised at this stage. Further information on producing an odour management plan can be found in Appendix 4 of How to Comply with your Intensive Farming Permit https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/297086/geho0110brsc-e-e.pdf.

49 APPLICATION NUMBER 20181361 – LAND NORTH OF NORWICH ROAD, GT PLUMSTEAD

The Committee considered an application for the erection of an agricultural workshop on land to the north of Norwich Road in Gt Plumstead. The building would be used to store and repair agricultural machinery in connection with a proposed new pig farming operation on the site. Minute no: 48 above referred.

The application was reported to committee at the request of the Ward Member for the reasons stated in paragraph 3.3 of the report.

The Committee noted additional policy guidance (relevant policies of the Gt Plumstead, Lt Plumstead and Thorpe End Garden Village Neighbourhood Plan 2014-2034), together with the officer responses, all as reported in the Supplementary Schedule.

In addition, the Committee received the verbal views of Andrew Cawdron of Gt Plumstead Parish Council expressing its concerns and Mr Murrell, the applicant, at the meeting. Mr Vincent, the Ward Member, expressed his concerns on the application and requested the Committee to impose additional conditions.

It was noted that the site already had permission for two pig rearing buildings (20180864), a straw storage barn (20181104) and a grain store (20181105)

which were yet to be constructed. Accordingly, it was considered that the principle of agricultural development and pig rearing buildings had been established at the site. The erection of an agricultural workshop on the site would provide secure storage and a space to repair agricultural machinery used in association with the proposed farming operation on site and therefore, it was considered reasonably necessary for the purposes of agriculture. Therefore, the principle of development was considered to be acceptable.

The proposed workshop would have a functional appearance, not uncommon to modern agricultural buildings and found within rural landscapes. It was noted that the scheme had been amended to relocate the access track away from an agricultural hedge with a considerable number of mature Oaks. In addition, replacement hedging would also be required adjacent to the proposed visibility splays to soften and screen the proposed buildings from Norwich Road.

It was considered that whilst the buildings would be visible within the surrounding landscape, the proposed landscaping scheme, together with the existing mature boundary hedgerows and trees, would help to break up the mass and bland form of buildings. As the building would be sited over 400m from Norwich Road and residential properties to the north and west, it was considered that there would be no significant impact upon the character and appearance of the area.

In terms of neighbour amenity, it was considered that the proposal would not impact unduly upon neighbour amenity, given the proposed separation distances, existing boundary treatments and the proposed additional landscaping within the site.

The Highways Authority was raising no objection, subject to the imposition of conditions relating to the vehicular access, closure of the existing access, gates etc and visibility splays. It was noted that National Grid had subsequently withdrawn its objection following an amendment to the scheme so that the access track did not cross the high pressure gas pipeline which ran through the site.

In conclusion it was considered that the proposal would not result in any significant adverse impact and accordingly, it was

RESOLVED:

to approve application number 20181361 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 proposed plans.
- (4) The landscaping plan produced by A T Coombes Associates Ltd, received on the 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.

- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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) 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.
- (5) 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.
- (6) In the interests of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (7) 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.
- (8) 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 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) The applicant's 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 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.

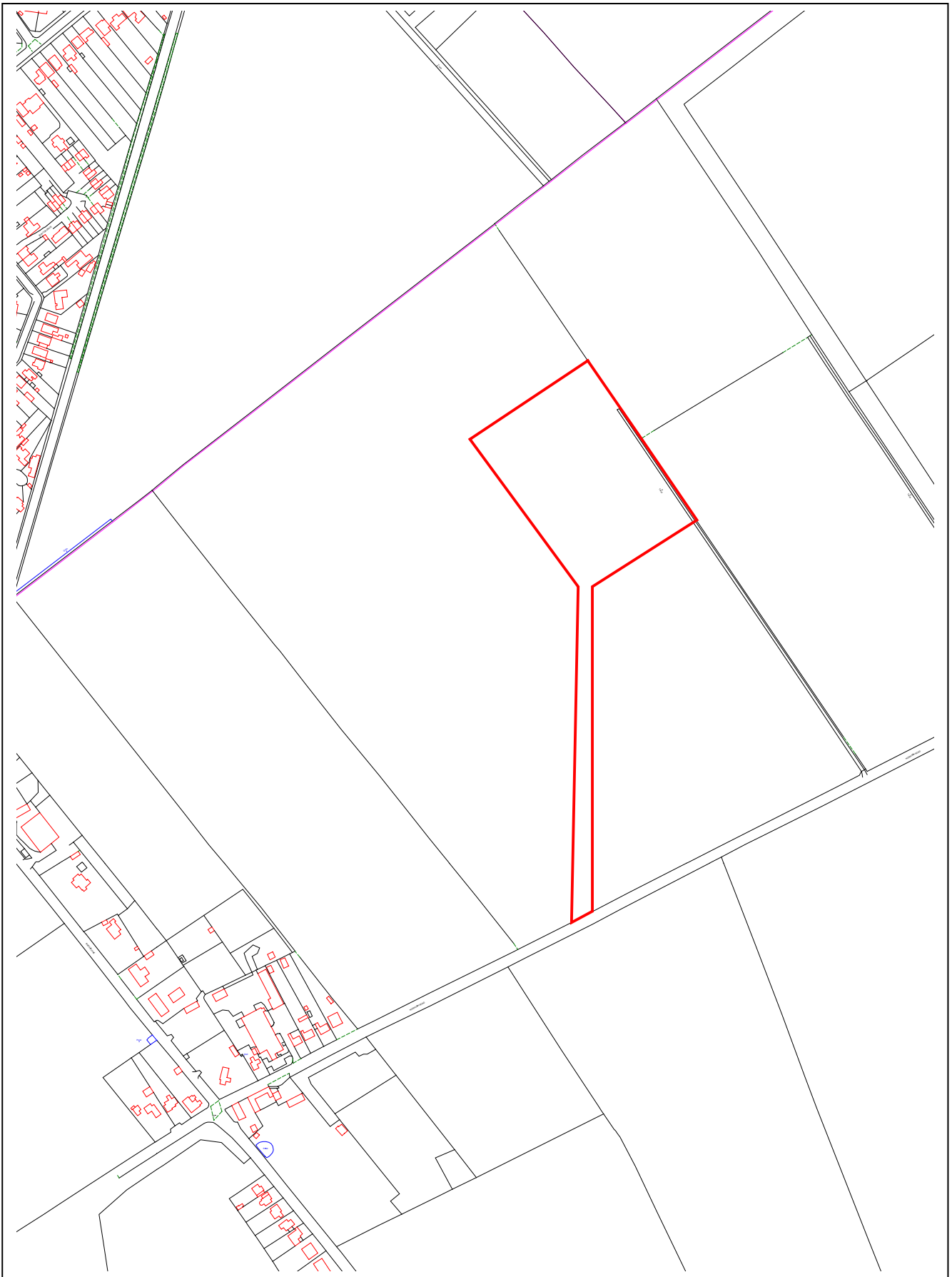
The meeting closed at 12:54pm

SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Plan No	App'n No	Location	Contact Officer	Officer Recommendation	Page Nos
1	<u>20181359</u>	<u>Land North of Norwich Road, Great Plumstead</u>	HB	APPROVE subject to conditions	40 – 61
2	<u>20171221</u>	<u>Land adjacent to St Mary's Care Home, North Walsham Road, Spixworth</u>	CP	To delegate authority to the HoP to APPROVE subject to the satisfactory completion of a legal agreement and conditions	62 – 80
3	<u>20181641</u>	<u>Barn at Wood Norton Road, Foulsham</u>	CR	APPROVE subject to conditions	81 – 95
4	<u>20180412</u>	<u>Beeston Park, Land North of Sprowston & Old Catton</u>	BB	APPROVE the Design Code	96 – 110

HoP = Head of Planning

Key	Contact Officer	Direct Dial No:
HB	Heather Byrne	01603 430628
CP	Cheryl Peel	01603 430550
CR	Chris Rickman	01603 430548
BB	Ben Burgess	01603 430625



Application No: 20181359

Land North of Norwich Road, Great Plumstead, NR13 5BY

**Scale:
1:5500
Date:
16-Nov-18**



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AREA East

PARISH Great Plumstead

1

APPLICATION NO: [20181359](#)

TG REF: 629458 / 312345

LOCATION OF SITE Land North of Norwich Road, Great Plumstead, NR13 5BY

DESCRIPTION OF DEVELOPMENT Self-build stockman's house

APPLICANT D & C Murrell

AGENT N/A

Date Received: 17 August 2018
8 Week Expiry Date: 12 October 2018

Reason at Committee: At the request of Councillor Vincent for the reasons stated in paragraph 3.3.

Recommendation (summary): Approve subject to conditions

1 THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a self-build stockman's dwelling on land to the North of Norwich Road, Great Plumstead. The building would be used in connection with the proposed new pig farming operation on site.
- 1.2 The dwelling would be a two storey, three bedroomed property and would be constructed of Manor red multi bricks and Sandtoft neo antique pantiles.

2 KEY CONSIDERATIONS

- Whether the development accords with the provisions of the development plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance
- The impact of the development upon the character and appearance of the area
- The impact of the development upon the amenity of nearby residents
- Other matters

3 CONSULTATIONS

3.1 Great and Little Plumstead Parish Council:

The Parish Council strongly objects on the following basis:

- The scale of this development
- The need / justification for this development in this location (the applicant already has an established farm business site with adjoining land in South Walsham)
- The numbers and type of vehicle movements throughout each year, accessing onto the Norwich / Plumstead Road
- The principle of the original applications to reduce vehicles movements and to only serve the output production from this one field, are no longer justified or relevant
- The provision of services
- Environmental issues – including the handling and disposal of waste; clear and foul water run-off from both the development site and the proposed concrete roadways / yard areas
- A full Planning Statement and Design & Access Statement in respect of the whole site
- Waste and clean water management plans
- Landscape and visual impact assessments
- Landscape Strategy
- Impact Assessments
- Arboricultural, archaeological and ecological statements and surveys
- Utility map and statement on the provision of services
- The development is outside any designated planning area and is not justified by either demonstrating need or providing a development of exemplary quality

3.2 Rackheath Parish Council:

Members of the Planning Committee raised the following concerns regarding the:

- i) Environmental impact of noise and smell caused by pig rearing to the neighbouring residents in Rackheath and Great Plumstead;
- ii) Suitability of the local road network and the impact of increased traffic accessing the site by HGVs;
- iii) Need to restrict the timing of the movement of vehicles to and from the site so that neighbouring residents are not unduly disturbed;
- iv) The need to provide adequate screening around the site.

Please note that our meeting was attended by 4 concerned members of the public from Broad Lane, who felt they should have been notified and consulted about these applications as neighbouring residents of the site.

3.3 Councillor Vincent:

I am calling in this application for the following reasons:

- Pollution impact – smell and discharge;
- Drainage and potential surface water flooding; and
- Highway impact – original grant of permission for removal of hedge was based on reduced traffic movements.

3.4 Broadland District Council Pollution Officer:

No comment.

3.5 Broadland District Council Conservation Officer (Arboriculture and Landscape):

Initial comments

The proposed route for the new access is directly adjacent to an agricultural hedge which has a considerable number of mature Oaks standing within it along its length. The roots of these trees and the hedge would be impacted by a new concrete access road.

An Arboricultural Impact Assessment is needed to assess the impacts of the proposals on these important landscape Oaks and the hedge. This assessment should include a Tree Protection Plan to ensure these trees are safely retained and any potentially negative impacts are minimised and an Arboricultural Method Statement describing sympathetic materials and construction methods for the new access road as well as any changes in levels.

It should also be noted that the area of hedgerow highlighted for removal has already been approved via a Hedgerow Removal Notice 20180572. A detailed Landscaping Plan is also required showing how this hedge will be replaced and the location, species and size of the tree planting mentioned in the Design and Access Statement. Planting should be designed in such a way as to soften and screen the new agricultural buildings from the Norwich Road.

Further comments following submission of Landscaping Plan and amended site access

The access revision is welcomed and it will benefit the Oaks by removing any risk of root damage from the construction of the road. Due to the new distance between the road and the Oaks a TPP/AIA/AMS will not be required.

The Landscaping Plan submitted is suitable and should adequately screen the agricultural buildings from the main road whilst providing benefits to biodiversity and visual amenity for the local area. It will be important to ensure that the saplings are put in as early as possible so the trees can begin to grow in height and act as a screen. Condition T07 Landscape Plan Submitted would be appropriate on the decision notice stating that the landscaping scheme should be carried out within the first planting season following commencement of work on site. This condition will also ensure the proper maintenance of the trees and ensure replacements are planted for a period of five years after planting.

3.6 Norfolk County Council as Highways Authority:

If your Authority is minded to approve the other recent applications on this site, which will allow the establishment of a farming business on this field I feel it very difficult to pass any adverse comment on a single dwelling that is intended to be occupied by a person associated with that proposed business. Conditions should be imposed relating to the vehicular access, closure of the existing access, gates etc, visibility splays, together with an occupancy restriction, and an informative relating to works within the public highway.

3.7 Health and Safety Executive:

HSE does not advise against the granting of planning permission on safety grounds in this case.

3.8 National Grid:

Initial comments

The proposed activity is in close proximity to National Grid's Transmission assets and place a holding objection to the proposal which will cross our High-Pressure Gas Pipeline.

The applicant will need to produce two slab designs to national grid specification T/SPCE/12 (cannot use the standard designs and will need to provide calculations showing no loading onto the pipeline). National Grid will then need to G35 approve both (cost ~£4,000 each and will take ~2 months from submission).

Further comments following revised access location

Thanks for the update to review the new access plan, which is acceptable to National Grid. Please find attached our tree planting guide for the shelter belt of trees.

4 PUBLICITY

4.1 Site Notice:

Date displayed: 3 September 2018

Expiry date: 24 September 2018

4.2 Press Notice:

Date displayed: 28 August 2018

Expiry date: 18 September 2018

4.3 Neighbour Notification:

Letters sent: 21 August 2018

Expiry date: 13 September 2018

5 REPRESENTATIONS

- 5.1 When the application was submitted, 15 consultation letters were sent to residents on Reeves Corner and Broad Lane, Great Little Plumstead. The consultation resulted in two letters of objection being received from residents on Reeves Corner, Great Plumstead and Bernard Close, Rackheath and are summarised below:
- There is no proof that this unit will be financially sound under section ii of your Policy H1 of the Development Management DPD (2015) and a property is for sale within 500 yards of the proposed site at present.
 - This whole development is growing and the only restriction is the size of the land.
 - Development is out of place and obtrusive in a strictly rural environment.
 - A piggery of this size will cause problems with traffic, smell, vermin, noise, and visibility for nearby residents.
 - Impact upon highway safety.
 - Technology is readily available and already in use to remotely monitor and control property and animals, eg video cameras, sound equipment, remote temperature controls etc, which remove the need for a stockman to be living so close to the pigs.
 - Attracting a suitable stockman is likely to be more aligned to the salary offered so would be better for the salary to be higher whilst the rules of three years temporary housing is adhered to until the farm (rather than the whole group of farms) is found to be profitable.
 - The building of a farmhouse is perhaps more driven by reducing the risk of overall investment, than by needing to be close to the pigs.

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 The NPPF is a material consideration and should be read as a whole but paragraphs 2, 7, 8, 9, 11, 12, 38, 47, 54, 55, 79, 83, 124, 127, 128, 170, 180, 183 are particularly relevant to the determination of this application.

National Planning Practice Guidance (NPPG):

- 6.3 This guidance is relevant to the determination of this application, specifically the sections relating to air quality, design, determining a planning application, health and wellbeing, and noise.

Joint Core Strategy for Broadland, Norwich and South Norfolk 2011/2014:

- 6.4 The Joint Core Strategy, adopted in 2011, is the development plan for the Greater Norwich Development Partnership (GNDP) area including Broadland, Norwich and South Norfolk. As discussed below, parts of the JCS have been remitted following a legal challenge and revised policies to replace the remitted parts were recently subject to examination in public. The remainder of the JCS, including general policies such as those on design and settlement hierarchy remain adopted and apply to Broadland.

- 6.5 Policy 1: Addressing climate change and protecting environment 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.

- 6.6 Policy 2: Promoting good design

Seeks to ensure that all development is designed to the highest possible standard. It also states that developments will respect local distinctiveness.

- 6.7 Policy 5: The economy

This policy states the local economy will be developed in a sustainable way to support jobs and economic growth both in urban and rural locations.

- 6.8 Policy 6: Access and transportation

Relates to access and transportation. Particularly it 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.

Development Management Development Plan DPD (2015) relevant policies:

- 6.9 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.

- 6.10 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.

- 6.11 Policy GC2: Location of new development

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

- 6.12 Policy GC4: Design

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

- 6.13 Policy EN2: Landscape

This Policy seeks to ensure development proposals have regard to the Landscape Character Assessment SPD and, in particular, consider any impact upon as well as seek to protect and enhance the landscape character.

- 6.14 Policy H1: Dwellings connected with rural enterprises

Outside settlement limits planning permission will be granted for dwellings associated with an enterprise which justifies a rural location where it can be demonstrated that:

- i. There is a demonstrable functional need which relates to a full-time worker that cannot be fulfilled by an existing dwelling; and
- ii. The enterprise has been established for at least three years, is financially sound, and has a clear prospect of remaining so.

6.15 Policy TS3: Highway safety

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

Great Plumstead, Little Plumstead and Thorpe End Garden Village Neighbourhood Plan 2014 – 2034:

6.16 Policy 2:

New development should deliver high quality design and should in relation to this application:

- Demonstrate how they will integrate into and enhance the existing villages and communities;
- Be of an appropriate scale and density to the wider Parish context;
- Respect and be sensitive to the local character and natural assets of the surrounding area;
- Provide roads that meet the requirements of the Highway Authority;
- Provide a garage for each dwelling of a minimum size as set out in the Broadland's Parking Standards SPD with garages within dwelling house curtilages being the preferred option;
- Provide, where feasible and practical, car parking for each new dwelling based on the standards (for a three bedroom dwelling 3 spaces to be provided; and
- Provide adequate external storage space for refuse, composting and recycling.

6.17 Policy 4:

New development proposals, where appropriate, will be expected to quantify the level of traffic they are likely to generate and its cumulative effect. They will also be expected to assess the potential impact of this traffic on road safety, pedestrians, cyclists, parking and congestion.

Site Allocations DPD (2016):

- 6.18 The site is located outside of any settlement limit and is not allocated.

Broadland Landscape Character Assessment SPD 2013:

6.19 The Landscape Character Assessment SPD identifies the site in question as within E4: Rackheath and Salhouse Wooded Estate lands.

6.20 The following Landscape Planning Guidelines apply to this area:

- Seek to conserve and enhance the landscape structure within the area, including blocks and belts of woodland, copses of mature trees, mature parkland trees and intact hedgerows;
- Seek to conserve the diverse and interesting landscape character, particularly in northern and western parts;
- Seek to conserve distinctive, historic architectural and landscape features including historic parkland landscapes and their setting, which contribute to the area's rich historic character and strong sense of place, particularly in northern and western parts;
- Seek to ensure the sensitive location of development involving further tall structures (such as steel pylons and telecommunication masts) in relation to prominent skyline locations both within the character area and within adjacent character areas;
- Seek to ensure that potential new small-scale development within villages is consistent with the existing settlement pattern, density and traditional built form;
- Seek to conserve the landscape setting of villages, such as Woodbastwick, Rackheath and Salhouse and seek to screen (where possible) harsh settlement edges and existing visual detractors;
- Seek to promote use of local vernacular buildings materials, including red brick, flint and pantiles;
- Seek to conserve the landscape setting of historic houses, halls (including Beeston, Salhouse and Rackheath) and churches; and
- Seek to conserve the interesting landscape pattern of parkland, arable fields and woodland.

7 LOCATION AND DESCRIPTION OF SITE

7.1 The application site currently forms part of an arable field measuring 26 hectares in total, which is accessed via Norwich Road to the south. The boundaries of the site consist of mature hedgerows and trees.

7.2 The site is bounded to the north, east and west by agricultural land, with residential dwellings beyond to the north and west. Beyond Norwich Road to the south is further agricultural land.

8 PLANNING HISTORY

- 8.1 [20181515](#): Pig Farm – Screening Opinion. EIA not required 4 October 2018.
- 8.2 [20181361](#): Agricultural workshop. Approved 24 October 2018.
- 8.3 [20181261](#): Pig rearing building. Approved 24 October 2018.
- 8.4 [20181105](#): Grain store. Approved 15 October 2018.
- 8.5 [20181104](#): Creation of new vehicular access and erection of straw storage barn. Approved 15 October 2018.
- 8.6 [20180990](#): Request for Screening Opinion for pig farm (two pig rearing buildings). EIA not required 18 June 2018.
- 8.7 [20180864](#): 2 Pig rearing buildings (prior notification). Prior approval not required 11 July 2018.
- 8.8 [20180572](#): Removal of 100 yards of hedge. Approved 11 May 2018.

9 APPRAISAL

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

- 9.1 This application seeks full planning permission for the erection of a self-build stockman's dwelling on land to the North of Norwich Road, Great Plumstead. The building would be used in connection with the proposed new pig farming operation on site (planning history outlined in section 8 of this report).
- 9.2 Paragraph 79 of the NPPF states 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.

9.3 Policy H1 'dwellings connected with rural enterprises' of the Development Management DPD (2015) states outside settlement limits planning permission will be granted for dwellings associated with an enterprise which justifies a rural location where it can be demonstrated that:

- There is a demonstrable functional need which relates to a full-time worker that cannot be fulfilled by an existing dwelling; and
- The enterprise has been established for at least three years, is financially sound, and has a clear prospect of remaining so.

9.4 The applicant contends that the proposal would satisfy part A of Paragraph 79 and that there is an essential need for a rural worker to live permanently at their place of work in the countryside. Whether a dwelling is essential depends on the particular needs of the enterprise rather than the personal circumstances of any individuals.

9.5 It is noted the application states the proposal would be a self-build dwelling. The Self-build and Custom Housebuilding Act 2015 requires the Council to have regard to the self-build register. In particular, the Act imposes a duty to grant sufficient development permission in respect of serviced plots of land to meet the demand as evidenced by the number of entries on the register in a base period. The draft regulations give a three year period from the end of the base period for sufficient permissions to be given.

9.6 There are currently two individuals on part 1 of the register for 31 October 2018 – 30 October 2019 (previously five entrants for the period 31 October 2017 – 30 October 2018) who have an interest to build in villages near Norwich, which includes Great and Little Plumstead. There are a number of planning permissions that could provide a self-build / custom build demand within the district with plots at Beeston Park, Sprowston; and plots at St

Faith's Lane, Old Catton. In addition, there are a number of permissions granted throughout the district for which self-build exemption from CIL has been claimed and therefore the potential supply is likely to exceed the level of demand. The provision of a self-build plot weighs in favour of the proposal; however this alone would not justify a dwelling in this rural location outside of any settlement limit.

- 9.7 The site already has permission for three pig rearing buildings (20180864 and 20181261), a straw storage barn (20181104), grain store (20181105) and a workshop (20181361), which are yet to be constructed. The principle of agricultural development and a pig farm operation at the site, which is 26 hectares in size, has therefore already been established and the application must be seen in this context. The site would house 2,000 pigs from 7 kg to 100 kg bacon weight with each batch on site for approximately 20 weeks.
- 9.8 A Report on the Agricultural Business of D & C Murrell in connection with the essential agricultural need for a dwelling on the site, produced by Cruso & Wilkin, has been submitted in support of the proposal. The report examines the functional and financial requirement of the agricultural business to establish whether it is essential for the proper functioning of the enterprise for a stockman to live permanently on site. The report states a labour requirement test for the proposed pig rearing unit has been carried out and the proposed need would be for 1 full time stockman, based on John Nix's Farm Management Pocketbook using standard man-days.
- 9.9 The report states *'each unit has a full time person responsible for carrying out all the necessary functions including feeding, watering, strawing, ventilation and mucking-out.'* It states 24 hour care is essential, in particular when the piglets arrive at 3 weeks old to ensure survival. The straw-based system the unit will use requires a reasonable amount of manual strawing and mucking-out and all temperature control is manual.
- 9.10 The report also states *'The production is also governed by the Welfare Codes and the Welfare of Farmed Animals Regulations 2000. The code has to adopt the highest standards of husbandry. Without good stockmanship animal welfare can never be adequately protected... Supermarkets have very high specifications for the carcass classification, quality of pigs and the condition that they arrive in. Any failure in standards by the stockman will mean contracts or market prices can be terminated or reduced. Inspections are carried out annually by approved Inspectors. The scheme requires stringent paperwork in relation to each individual pig and attention to detail in providing the best quality pigs.'* The supporting information also advises that the pigs are proposed to be looked after to RSPCA Freedom Food, Red Tractor and BQPs own assurance standards. The report goes on to say that *'The consideration of the modern welfare standards which are being put upon the pig sector by supermarkets, together with the RSPCA puts increasing pressure on the requirements to be with the animals 24 hours a day. This,*

with the increased time involved in supervision and recordings, intensifies the demands on modern pig production.'

- 9.11 Letters of support have been submitted by the applicant from BQP (part of Dalehead Foods), the National Pig Association (NPA), and the National Farmers' Union. These state the required high standards mean the constant close supervision by a stockman is essential and therefore a dwelling on site is required.
- 9.12 *'It is proposed to build a stockman's dwelling within sight and sound of the buildings to ensure he / she is able to fulfil their duties. The location of the dwelling will also allow the monitoring of compliance with bio security measures.'* The applicant has advised that 24 hour care is absolutely essential and allows the stockman to respond to emergencies immediately at all times, as they can hear if the pigs are in distress, and to allow monitoring and compliance with bio security measures (to minimise disease transfer) and Health and Welfare Regulations. It is also stated that a stockman is required on site for security reasons to deter theft and vandalism, which could result in financial loss and pose a risk to the health and welfare of the pigs.
- 9.13 The report also states the applicant has *'actively looked for suitable housing to come on the market within sight and sound of the proposed new farm buildings without success. The applicant has contacted local Estate Agents to register their need and demand for a dwelling within sight and sound of the unit but this has been unsuccessful. There is no alternative accommodation in the locality of suitable size and nature to meet the supervision and security circumstances outlines as the new unit is more than 500m away from the nearest housing.'*
- 9.14 The report concludes *'It is clear that there will be a functional need for a minimum of one person to be resident on site and that there is clear evidence that the unit is fully profitable and sustainable, and that there is no alternative accommodation which would be suitable to satisfy the functional requirements.'*
- 9.15 The enterprise would be similar to the applicants' existing pig farming operations at Field Farm, South Walsham (which has two agricultural tied dwellings) and Church Farm, Hemblington Road, South Walsham (which has one agricultural tied dwelling). In regards to the agricultural tied dwelling at Church Farm, this was approved under application 20121219, and at the time of determination, there was no pig farm at the holding although there were extant permissions for agricultural buildings on site. The supporting information stated the site would be used to expand the applicants' existing pig farming operation in South Walsham and a stockman's dwelling was required to meet the business needs of the applicants, to manage animal health and welfare and to provide security at the site.

- 9.16 A previous application, reference 20120609, for a stockman's dwelling on the Church Farm site was refused due to the fact no farm operated from the site and no consideration had been given to expanding the existing unit at Field Farm. As part of the approved application, it was stated a new unit was required to minimise disease transfer and reduce the level of antibiotics used throughout the business. On the basis of the justification provided, it was accepted that a functional need for a dwelling existed and the application was approved subject to an agricultural worker restriction and a condition stating the dwelling shall not be occupied until the pig farm is operational.
- 9.17 Whilst it is noted there are properties located along Norwich Road / Broad Lane to the south west of the site, which are within relatively close proximity, it is considered the applicant has demonstrated that there is an essential need for a rural worker to live permanently on site within sight and sound of the pig farming buildings. The proposed dwelling would be located within 45m of the closest pig rearing building which would ensure the worker is housed adjacent to the pig farming operation. It is therefore considered the proposal satisfies part (i) of Policy H1 of the Development Management DPD 2015 and demonstrates that there is a demonstrable functional need which relates to a full-time worker that cannot be fulfilled by an existing dwelling off-site.
- 9.18 Policy H1 of the Development Management DPD (2015), as highlighted within paragraph 9.3 of this report, also requires (within part ii) such applications to demonstrate that the enterprise has been established for at least three years, is financially sound, and has a clear prospect of remaining so. As highlighted above there is no pig farm currently operating on the site although there are approvals to construct the necessary buildings (as outlined in section 8 of this report). The site will be used to expand the applicants' existing pig farming operations in connection with Field Farm and Church Farm, which have been established for a number of years. The creation of a further pig farming operation, and the capital expenditure required, shows commitment to the business. However, the applicant is reluctant to construct the approved buildings without planning permission in place for a stockman's dwelling on site.
- 9.19 The applicant has also stated temporary accommodation would not attract the right calibre of worker that is required and therefore permanent accommodation is being proposed from the outset.
- 9.20 Whilst the requirement of part ii of Policy H1 is noted, paragraph 79 of the NPPF is less onerous than Policy H1 and does not require that the proposal is economically viable, simply a judgement on whether the rural enterprise has an essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 9.21 Paragraph 83 of the NPPF states decisions should enable the development of agricultural and other land-based rural businesses and enable the sustainable growth of all types of businesses in rural areas. Paragraph 80 also states

significant weight should be placed on the need to support economic growth and productivity.

- 9.22 For the reasons highlighted above, it is considered the proposal adequately demonstrates that there is an essential need for a rural worker, to live permanently at their place of work in the countryside that cannot be fulfilled by an existing dwelling and therefore, on balance and as a matter of planning judgement, the proposal is considered acceptable.

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

- 9.23 In terms of the effect of the proposal on the character and appearance of the area, the proposed dwelling would be sited adjacent to the approved pig farming buildings and would be viewed visually in this context.
- 9.24 The Conservation Officer (Arboriculture and Landscape) initially requested the submission of an Arboricultural Impact Assessment (AIA) as the proposed access track would be within close proximity to an agricultural hedge with a considerable number of mature Oaks. The scheme has since been amended to relocate the access track within the site so it runs diagonally from the site access to the agricultural buildings. They also requested the submission of a Landscaping Plan to include the replacement hedge adjacent to the proposed visibility splays to soften and screen the proposed buildings from Norwich Road.
- 9.25 Following the submission of the Landscaping Plan and relocation of the access the Conservation Officer (Arboriculture and Landscape) states the plan is suitable and should adequately screen the buildings from the main road whilst providing benefits to biodiversity and visual amenity for the local area. A condition would be imposed for the landscaping scheme to be carried out within the first planting season following commencement of development. This condition would ensure the proper maintenance of the trees and ensure replacements are planted for a period of five years after planting.
- 9.26 Whilst it is noted the dwelling will be visible within the surrounding landscape it is considered the proposed landscaping scheme, coupled with the existing mature boundary hedgerows and trees, would help to break up the mass of the built forms (the dwelling and the approved agricultural buildings) and reduce any potential impact. The dwelling would also be sited over 400m from Norwich Road and residential properties and therefore coupled with the existing / proposed planting would not significantly impact upon the character and appearance of the surrounding landscape.

The impact of the development upon the amenity of nearby residents

- 9.27 In terms of neighbour amenity it is considered the proposal would not impact upon amenity in terms of loss of light, privacy, overlooking, or by being overbearing given the separation distances between the nearest residential properties and given existing boundary treatments and proposed landscaping within the site which will provide a degree of screening.

Other matters

- 9.28 The Highways Authority stated if the authority is minded to approve the other recent applications on this site, which will allow the establishment of a farming business on the site, they feel it would be very difficult to pass any adverse comment on a single dwelling that is intended to be occupied by a person associated with the proposed business. Since these comments, the other applications relating to the site, outlined in section 8 of this report, have been approved. The Highways Authority therefore recommend the imposition of conditions relating to the vehicular access, closure of the existing access, gates etc, visibility splays, together with an occupancy restriction, and an informative relating to works within the public highway.
- 9.29 A High-Pressure Gas Pipeline runs through the site and initially National Grid placed a holding objection as the proposed access track would cross over the pipeline at two points and therefore the applicants would need to produce two slab designs to National Grid specification to ensure the proposal would not result in loading onto the pipeline. The scheme has since been amended so the access track does not cross the pipeline, which is acceptable to National Grid and therefore they have removed their holding objection. A note would be imposed drawing the applicants' attention to the National Grid's tree planting guide.

Conclusion

- 9.30 In conclusion, it is considered the proposal adequately demonstrates that there is an essential need for a rural worker to live permanently at their place of work in the countryside that cannot be fulfilled by an existing dwelling and therefore, on balance and as a matter of planning judgement, complies with Policy H1 of the Development Management DPD and the NPPF.

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 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:

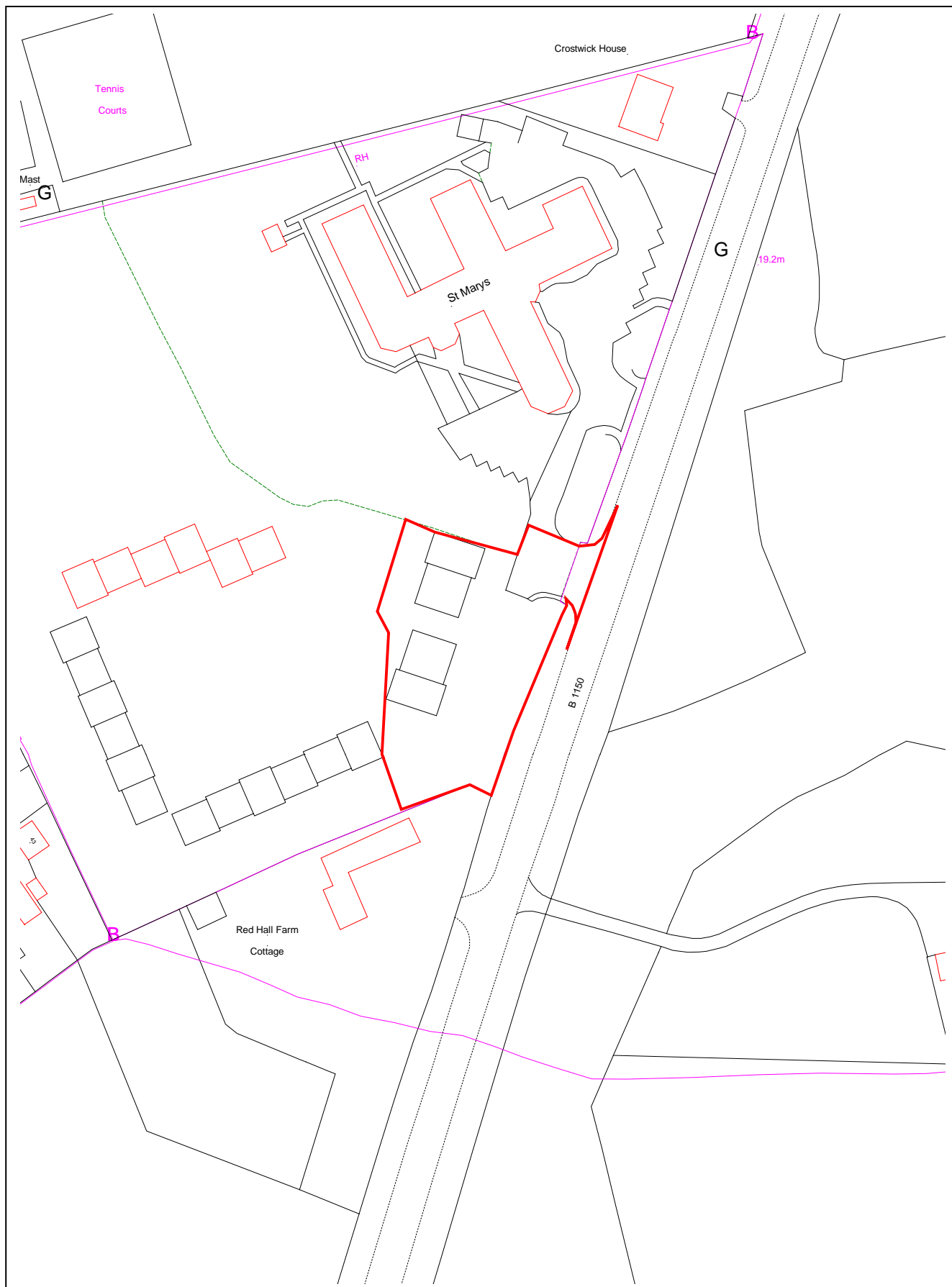
- (1) The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.
- (2) If this development involves any works of a building or engineering nature, please note that 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.



Application No: 20171221

**Land Adjacent St. Mary's Care Home, North
Walsham Road, Spixworth, NR12 7BZ**

**Scale:
1:1250**

**Date:
16-Nov-18**



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AREA East

PARISH Spixworth

2

APPLICATION NO: [20171221](#)

TG REF: 625330/315119

LOCATION OF SITE Land adjacent to St Mary's Care Home, North Walsham Road, Spixworth, NR12 7BZ

DESCRIPTION OF DEVELOPMENT Five supported retirement bungalows and footpath link to Rosa Close

APPLICANT Clerks Well Developments

AGENT Nigel Cooper, David Futter Associates

Date Received: 17 July 2017
8 Week Expiry Date: 14 September 2017

Reason at Committee: The proposal is contrary to the provisions of the Development Plan

Recommendation (summary): To delegate authority to the Head of Planning to approve the application subject to the satisfactory completion of a legal agreement.

1 THE PROPOSAL

- 1.1 The application seeks full planning permission for five supported two-bedroomed, detached retirement bungalows on land adjacent to St Mary's Care Home.
- 1.2 The site already benefits from planning permission for the erection of 18 no: supported retirement bungalows and the creation of 20 allotments (20150991). Works have already commenced on site and Plots 1-6 and 19-23 have been constructed, Plots 19-23 being the subject of the current application.
- 1.3 The proposal includes improved pedestrian links to village facilities and these were originally covered by a S106 Agreement dated August 2016. These original links comprised two footpaths: one extending from the site access to the existing bus stop on the North Walsham Road (this has been constructed) and a second which was proposed across Parish Council land adjacent to the village hall linking with Crostwick Lane.

- 1.4 The S106 also provides for the payment of an Affordable Housing Contribution of £175,000, the provision of allotments and subsequent leasing of those allotments to the Parish Council, an 'Over 55' occupancy restriction and provision of the footpath link with any sewer under that footpath link. In order to provide the footpath across the Parish land, a Deed of Easement between the relevant parties would have been required.
- 1.5 Negotiations commenced between the applicant and the Parish Council in relation to the required provision of the allotments and the footpath link / sewer and specifications for the construction and laying out of the allotments and footpath link were agreed (as required by the Section 106 Agreement) between the Council, the Parish Council and the applicant.
- 1.6 During the negotiations, the present application was received by the Council in July 2017. It was considered that an additional Affordable Housing Contribution in the sum of £70,000 was justified (making an overall contribution of £245,000). This was secured by means of a Deed of Variation to the existing S106 Agreement. A draft of this proposed Deed of Variation was agreed between the Council and the applicant.
- 1.7 However, the Parish Council (which was party to the original S106 Agreement and therefore party to the Deed of Variation) would not sign off the Deed of Variation because discussions between it and the applicant regarding the required Deed of Easement for the footpath link (see paragraph 1.4 above) had reached a stalemate. In summary, the reason for this state of affairs is that it transpires that at least part of the land over which the footpath link is to be constructed is in fact in the ownership of a charity. This has statutory consequences in terms of the consideration payable for the granting of rights over the footpath link land. The sum ultimately required has not proved acceptable to the applicant who is now looking at alternative ways of providing the required footpath link.
- 1.8 The alternative that is now proposed is a new footpath through to Rosa Close instead of across Parish Council (and charity) land. The footpath through to Rosa Close is situated on unregistered land and Certificate D has been completed in this regard confirming that all reasonable steps have been taken to identify the owner but no one has come forward.
- 1.9 The bungalows would be installed with the latest, third generation, hi-tech enabled services for communication and monitoring (ie Telecare and Telehealth) to help people live independently, whilst feeling safe with help at hand if needed. This is similar to the other 18 bungalows.
- 1.10 Materials match the 18 bungalows previously approved and comprise red brick, off-white coloured render and grey coloured timber boarding for the walls and selected pantiles for the roof. Window and door frames would be coloured grey. Boundary treatments would comprise hedging, timber fencing

and metal mesh fencing, vehicle access and hardstanding would be porous asphalt shared surface to the private drive.

- 1.11 If the revised application is approved, the applicant has indicated that he would be prepared to enter into a new Section 106 Agreement to safeguard the previously required Affordable Housing Contribution of £70,000.
- 1.12 The 2016 Section 106 Agreement would remain operative and enforceable, thereby safeguarding the payment of the Affordable Housing Contribution of £175,000 required under that Agreement (paragraph 1.4 above) and the provision of the allotments. The originally proposed Deed of Variation (paragraph 1.6 above) would however no longer be required (see also paragraphs 9.29 – 9.34 below).

2 KEY CONSIDERATIONS

2.1 The key considerations are:

- Whether the proposed development accords with the provisions of the adopted and emerging development plan, the NPPF and National Planning Practice Guidance.
- Whether there are material considerations sufficient to outweigh the presumption of determining the application in accordance with some of the provisions of the development plan – in this instance whether it is appropriate to build new dwellings outside of a defined settlement limit.
- The impact of the development on the character and appearance of the area, highways, design, amenity, trees and landscaping, ecology and contaminated land.
- Whether the proposal delivers satisfactory mitigation when compared with the requirements of the existing S106.
- Planning history on the site.

3 CONSULTATIONS

3.1 Spixworth Parish Council:

Consultation on original plans:

No comments to make.

Consultation on Amended Plans submitted 15 October 2018:

Object. The five bungalows are isolated with no connection to the village. The plan is incomplete and do not show the path for the other 18 bungalows.

3.2 BDC Conservation Officer (Arboriculture & Landscape):

I would request a landscape condition to be included as the detail on the drawings is not very detailed, condition T04 would be suitable and could be tailored for this application.

Tree protection would be recommended to prevent damage to any existing hedges or boundary trees which are to be retained; the basic Tree Protection condition T20 would be adequate.

3.3 BDC Environmental Health Officer (Contamination):

No comments.

3.4 BDC Housing:

Following discussions regarding the Deed of Variation, the applicant has agreed to pay an increased Affordable Housing Contribution of £245,000. This represents 7.59 dwellings (33% of 23 dwellings) rounded down at £35,000 per affordable housing dwelling.

3.5 BDC Amenity & Landscape Officer:

I understand that the POS will be maintained by a management company and the allotments will be maintained by the parish council.

3.6 NCC Highways Authority:

As discussed, with the North Walsham footway section completed as part of the major development on this site there is no objection subject to the following highway condition:

SHC 20 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.

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

- 3.7 Police Architectural Liaison Officer: Comments received on original plans. Response to amended plans awaited.

4 PUBLICITY

- 4.1 Site Notice: 28 July 2017

Expired: 19 August 2017

- 4.2 Notice in local newspaper: 8 August 2017

Expired: 29 August 2017

- 4.3 Neighbour Notification: 25 July 2017

Expired: 17 August 2017

Amended Plans: 15 October 2018

Expired: 5 November 2018

Red Hall Farm Cottage, North Walsham Road, 12, 14, 33 & 35 Rosa Close

5 REPRESENTATIONS

- 5.1 One representation has been received from 35 Rosa Close:

Please note my comments that I am extremely annoyed about this, this footpath is directly behind my boundary wall to my bungalow, this would mean people using this footpath can actually see directly into my lounge and bedroom, which I do not want. Originally, this small footpath was for access to two town houses, enabling them to put out their rubbish bins, as they had no other way.

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 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. The NPPF is a material consideration and should be read

as a whole but paragraphs 11, 59, 61, 62, 63, 68, 77, 78, 91, 96, 102, 124 and 127 are particularly relevant to the determination of this application.

- 6.2 Planning Practice Guidance is an online repository of Government guidance that supplements the NPPF.

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

**Joint Core Strategy for Broadland, Norwich and South Norfolk 2011:
(amendments adopted 2014)**

- 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 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 9:

The Norwich Policy Area (NPA) is the focus for major growth and development. Housing need will be addressed by the identification of new allocations to deliver a minimum of 21,000 dwellings distributed across various locations, including; Broadland smaller sites in the NPA: 2,000 dwellings, to be made in accordance with the settlement hierarchy and local environmental and servicing considerations.

6.8 Policy 15:

Spixworth is identified as a Service Centre village where land will be allocated for small-scale housing development subject to form and character considerations. Spixworth is also within the Norwich Policy Area (NPA) and may therefore be considered for additional development, if necessary, to help deliver the 'smaller sites in the NPA' allowance (see Policy 9).

Development Management Development Plan Document (DMDPD) adopted August 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 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.

6.11 Policy GC4: Design

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

6.12 Policy GC5: Renewable Energy

Proposals for renewable energy technology, associated infrastructure and integration of renewable technology will be encouraged where its impacts are (or can be made) acceptable.

6.13 Policy EN1: Biodiversity and Habitats

Development proposals will be expected to protect and enhance the biodiversity of the district, avoid fragmentation.

6.14 Policy EN3: Green Infrastructure

All development will be expected to maximise opportunities for the creation of a well-managed network of wildlife habitats. Residential development consisting of five dwellings or more will be expected to provide at least 4 ha of

informal open space per 1,000 population and at least 0.16 ha of allotments per 1,000 population. Development will also be expected to make adequate arrangements for the management and maintenance of green infrastructure.

6.15 Policy RL1: Provision of formal recreational space

Residential development consisting of five dwellings or more will be expected to make adequate provision and subsequent management arrangements for recreation. The provision of formal recreation should equate to at least 1.68 ha per 1,000 population and the provision of children's play space should equate to at least 0.34 ha per 1,000 population.

6.16 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.

6.17 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.

Site Allocations Development Plan Document (SA DPD) Submission document (2014):

- 6.18 The SA DPD has not allocated the application site for development.

Landscape Character Assessment SPD:

- 6.19 Identifies the site as falling within landscape character area E3 Spixworth Wooded Estate lands.

7 LOCATION AND DESCRIPTION OF SITE

- 7.1 The site is located to the north of Norwich City Centre via the B1150 (North Walsham Road) and just north of the Broadland Northway. The site is situated on a parcel of land, south of St Marys Care Home. To the north is Crostwick Community Hall, recreation ground, cycle track and tennis courts and the village hall / community area, to the west is the main developed area of Spixworth. The west-facing boundary runs along the bowls club and rear boundary of dwellings in Rosa Close.

- 7.2 The development has commenced on site and as of October 2018, the majority of the bungalows have been constructed.

8 PLANNING HISTORY

- 8.1 [20150991](#): 18 no: new supported retirement bungalows and 20 no: allotments. Approved 18 August 2016.
- 8.2 [20150066](#): Screening opinion for proposed 20 unit sheltered / close care accommodation. The proposed development is not EIA development as set out in the 2011 Regulations.
- 8.3 [001512](#): Re-positioning of existing shared access. Approved 16 January 2001.
- 8.4 [910719](#): Residential Home for the Elderly (erection of detached 44 bedroom residential care home). Approved 14 June 1991.

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, its impact on the character of the area, highways, design, amenity, landscaping, compliance with the existing S106 and proposed planning obligations.
- 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).
- 9.3 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. In this regard, consideration should be given to DM DPD Policy GC2 which makes provision for development to be granted outside of settlement limits where it accords with a specific allocation and / or policy of the Development Plan and does not result in any significant adverse impact.
- 9.4 Where development proposals do not accord with the development plan or relevant policies are out of date, consideration should be given to DM DPD Policy GC1 as to whether there are material considerations that otherwise indicate that development should be approved.

- 9.5 Of particular relevance to applications for housing development is 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.*

- 9.6 As the JCS housing requirement is less than five years old it should, in accordance with paragraph 73 of the revised NPPF, be the basis on which housing land supply is calculated. The 2017 Greater Norwich Area Housing Land Supply Assessment, published as Appendix A of the Joint Core Strategy Annual Monitoring Report, shows that 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 which are most important for determining the application in the NPA cannot be considered up to date and applications for housing should continue to be determined within the context of the tilted balance referred to in paragraph 11 of the NPPF.

- 9.7 It is notable that the JCS housing requirement will become five years old on 10 January 2019. Should, at this point, the JCS housing requirement be considered to need updating then housing land supply will begin to be calculated against the standard methodology for the calculation of housing need. A new housing land supply assessment will be published in 2019 and will set out the Council's position in regards to this issue. As the outcome of the updated assessment is not currently known the potential change in the calculation of housing land supply should not be given significant weight at this juncture.

- 9.8 However, in June 2017 an updated Strategic Housing Market Assessment (SHMA) was published for Central Norfolk (the Greater Norwich authorities plus, North Norfolk and Breckland). The SHMA assesses the Objectively Assessed Need for housing between 2015 and 2036 using evidence which supersedes that which underpinned the JCS housing requirement.

- 9.9 A housing land supply of 8.08 years can be demonstrated against the SHMA assessment of OAN, a surplus of 5,368 units. Whilst the guidance to which the Central Norfolk SHMA accords has now been superseded, it is considered, nevertheless, that the SHMA remains an intellectually credible assessment of housing need. As explained within the PPG, the scope of what can constitute a material consideration is very wide. It is considered that research and fact finding studies such as the SHMA can reasonably be considered material considerations. Moreover, assessments such as the SHMA will continue to form the basis of local plans submitted ahead of January 2019, including some within the Central Norfolk Housing Market Area. Therefore it remains entirely appropriate to give weight to the SHMA as a material consideration in the determination of planning applications.
- 9.10 The abundant housing land supply that is apparent in relation to the most up-to-date evidence of housing needs (8.08 years) should therefore be given weight in the decision-making process as a material planning consideration. This factor effectively diminishes the weight that would otherwise be attached to the benefits of increased housing delivery in the context of DM DPD Policy GC1 and NPPF Paragraph 11.
- 9.11 On the basis 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

- 9.12 The NPPF confirms the economic role as: *“to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.”*
- 9.13 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 is therefore considered that the scheme would bring forward a small level of economic benefit.

Social Role

- 9.14 The NPPF confirms the social role as: *“to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services*

and open spaces that reflect current and future needs and support communities' health, social and cultural well-being."

- 9.15 The site lies outside of the defined Settlement Limit for Spixworth but it is adjacent to allotments and a recreation ground and less than 0.5 miles from local shops (including a newsagent, supermarket, pharmacy, takeaway and hairdressers) and the doctors' surgery via the new proposed footpaths. The site is also served by a regular bus service operating between Norwich City Centre and North Walsham. Additional bus services operating between Spixworth and Wymondham / Attleborough also run from Crostwick Lane. The site is therefore considered to be located in a sustainable location in transport terms with good accessibility to services and facilities by foot or public transport.
- 9.16 Given the site area of the development proposed, Policy 4 of the JCS is relevant, seeking 30% affordable housing. The NPPF 2018 is relevant and states that affordable housing contributions should not be sought for developments that are not major developments. Given that this development is in addition to the existing development for 18 dwellings and brings the total number of new properties to 23, the affordable housing contribution, to be met by way of a commuted sum has been increased from £175,000 to £245,000. The additional £70,000 will be secured by a new S106.
- 9.17 Policy RL1 of the DM DPD requires that residential development consisting of five dwellings or more will be expected to make adequate provision and subsequent management arrangements for recreation. However, in a proposal such as this, children's play would not normally be considered appropriate given the nature of the residents associated with supported retirement homes.
- 9.18 Policy EN3 of the DM DPD requires residential development consisting of five dwellings or more to provide for informal space and allotments. However, the approved development includes significant overprovision of allotments and there is substantial new formal recreation provision elsewhere in the village. In these circumstances, it is considered that this can be seen as compensating for the lack of formal recreation provision in this instance.
- 9.19 The provision of five additional dwellings in this location would make a contribution to the maintenance of services in the settlement and in light of the evidence of the updated SHMA which is a material consideration in determining this application, it is considered that this proposal would bring forward social benefit on the basis of its additional contribution to the supply of older persons homes which weighs in favour of the proposal.

Environmental Role

- 9.20 The NPPF confirms the environmental role as *“to contribute to protecting and enhancing our natural, built, historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change, including moving to a low carbon economy.”*
- 9.21 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 is a small addition to the existing scheme for 18 bungalows and the proposal infills the frontage between the previously approved scheme and Hall Farm Cottage. The overall impact on the character of the area from these additional dwellings is therefore minimal and there is no material harm.

Highways

- 9.22 The access is existing and the Highway Authority has no objection to the development subject to conditions with respect to provision of parking. The new footpath along North Walsham Road to the bus stop has recently been completed.

Design, layout and scale of development

- 9.23 The proposal is to provide five additional two bedroomed bungalows to the east of the original scheme. The five additional bungalows will be of a similar design and materials to the existing eighteen approved. The five are separated into two blocks with the access road to the courtyard parking area in between which would be constructed with a sustainable drainage system and a permeable construction. Materials comprise red brick, off white coloured render and grey coloured timber boarding for the walls and selected pantiles for the roof. Window and door frames would be coloured grey. In summary, it is considered that the dwellings are of an acceptable design and appearance having regard to this context. Conditions removing permitted development rights for extensions, roof alterations, ancillary buildings or fences, gates, walls or other means of enclosure are considered appropriate in the interests of the satisfactory appearance of the development.

Trees and landscaping

- 9.24 New boundary planting is proposed to the western and southern boundaries. New hedging to match the existing is also proposed to the eastern boundary fronting North Walsham Road. A condition for a landscaping scheme to be submitted and approved by the Local Planning Authority prior to occupation of any of the dwellings is considered appropriate.

Amenity

- 9.25 It is considered that the proposed development would have no significant impact with respect to existing levels of residential amenity currently enjoyed by neighbouring properties, by virtue of the fact that the dwellings would be of single storey construction and the separation distances involved.
- 9.26 The footpath through to Rosa Close is existing but is not currently used as a through route from the site. The intensification of the use by residents of the development is not considered to raise additional concerns with regards to neighbour amenity as it will not be the sole access to the site and it is unlikely to be used by anyone other than residents accessing the village services. Users of the allotments will still access the site through the recreation ground and there is also the new pedestrian footpath along North Walsham Road. The footpath will be upgraded to hot rolled asphalt on a granular sub base and so it will not raise noise concerns whilst in use.
- 9.27 The new footpath to Rosa Close is approximately 1.5m in width for a length of 20m. Although this is narrower than the previously proposed route across the Parish Council land, it is a straight path over a shorter distance that can be seen end to end and it does not therefore raise concerns with regards to user safety. The new footpath is considered a satisfactory alternative to that proposed in the original S106 which has proved problematic to secure.

Drainage

- 9.28 The application is accompanied by a Flood Risk Assessment and Drainage Strategy Report. With regard to surface water drainage the site lies within Flood Zone 1 and is therefore at very low risk from sources of flooding. The new hardstanding would be via a permeable surface treatment comprising a mixture of permeable pavements and shingle. Rainwater from the proposed new bungalows would discharge into a sustainable soakaway system. Mains water would supply all the bungalows and a sub-metered water supply from the village hall feed would be located adjacent the allotments for watering needs.

Other Matters

- 9.29 The application was received by the Council in July 2017. It was considered that the affordable housing contribution could be dealt with by way of a Deed of Variation to the existing S106 and this was drafted and agreed. However, the document was not signed by the Parish Council because agreement between them and the developer regarding the Deed of Easement could not be reached. In order to move the application forward, the developer began to consider other options for the location of their utilities and identified the access way through to Rosa Close. The access lies on unregistered land and investigations have concluded that the owner is unknown.

- 9.30 This has been submitted as the revised scheme with the proposal to create a new S106 which will provide for the payment by the applicant of an Affordable Housing Contribution of £70,000 (Index Linked) with a payment trigger to be further negotiated and agreed and for the laying out, provision and future maintenance of the new access to the site in accordance with the detailed specification provided. The new Section 106 will dispense with the need for the formerly proposed Deed of Variation.
- 9.31 The original Section 106 of August 2016 will remain un-amended and *inter alia*, will continue to provide for the payment of an Affordable Housing Contribution of £175,000 and the provision of the allotments in accordance with the terms and requirements of that Agreement.
- 9.32 If this application is approved and the accompanying Section 106 Agreement is entered into, it is proposed that the Council will not seek to enforce the provisions at paragraph 6 of Schedule 1 to the original Section 106 Agreement relating to the provision of the former footpath link across the Parish Council land. Additionally, and having regard to the fact that the applicant will comply with the requirements of the original Section 106 Agreement to the extent of laying out and providing the allotment land in accordance with the Allotments Specification which has already been agreed, the Council will also resolve not to enforce the provisions of paragraphs 1.1 – 1.3 of Schedule 1 to the Agreement. In this way, the allotments will be available for lease by the Parish Council should it wish to pursue that option.

Conclusion

- 9.33 It is considered that the application site can be regarded as a suitable site for housing having regard to the principles of sustainable development. In particular having regard to paragraph 11 of the NPPF, the development 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 including providing much needed homes for the elderly, 20 allotments and on site informal open space together with footpath links from the site through to Rosa Close as well as a new footway on the east side of North Walsham Road from the site access to link to the bus stop and existing footpath to the north.
- 9.34 Accordingly, the recommendation is to delegate authority to the Head of Planning to approve the application subject to the satisfactory completion of a Section 106 Agreement to secure the agreed commuted sum for affordable housing and the on-site open space and subject to conditions.

RECOMMENDATION:

To delegate authority to the Head of Planning to **APPROVE** the application subject to the satisfactory completion of a Section 106 Agreement relating to the following Heads of Terms and subject to the following conditions 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.

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.

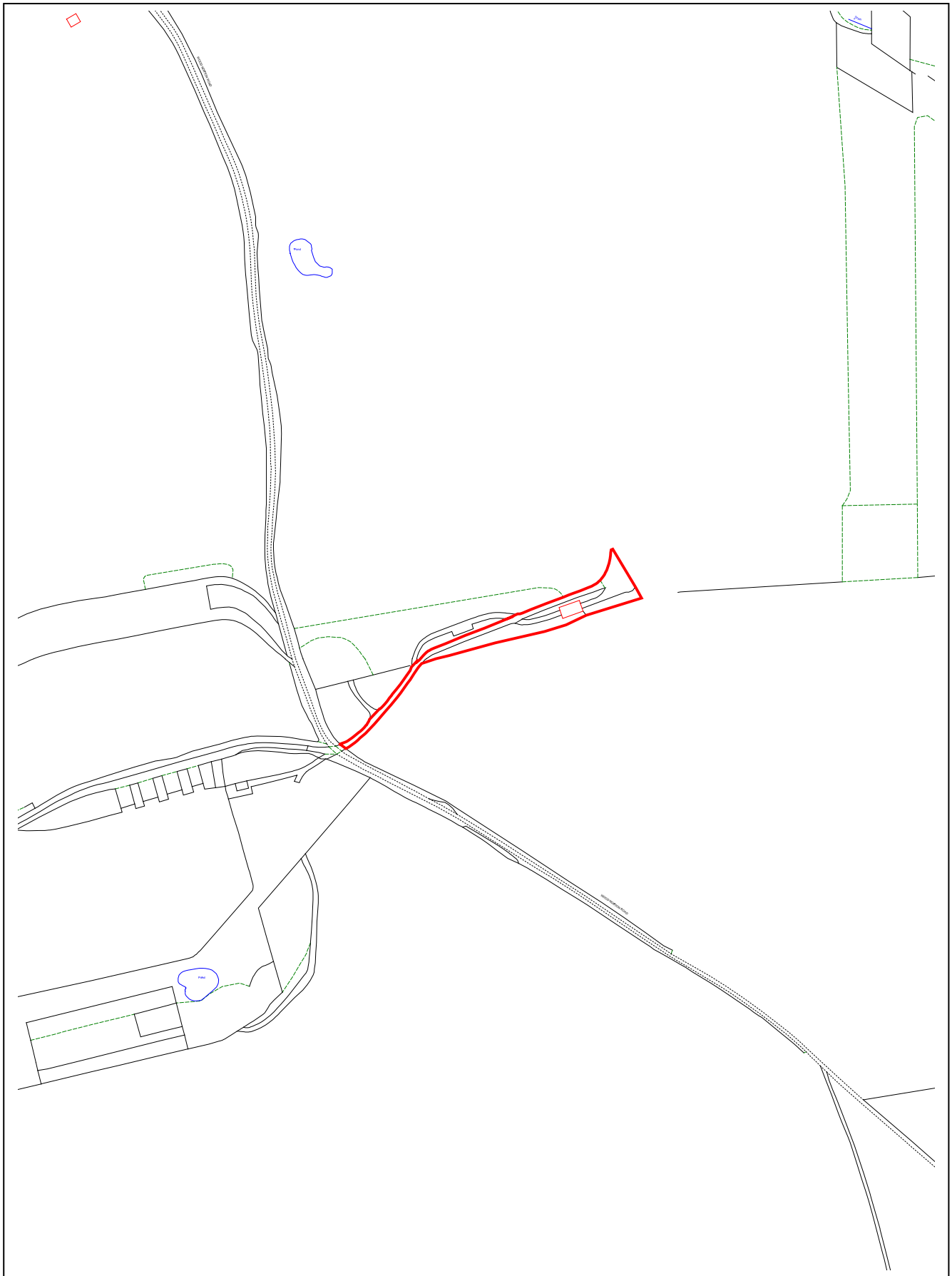
Reasons:

- (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).

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.



Application No: 20181641

Barn at Wood Norton Road, Foulsham, NR20 5TX

Scale:
1:4000
Date:
16-Nov-18



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AREA West
PARISH Foulsham

3

APPLICATION NO: [20181641](#) **TG REF:** 602916 / 325930

LOCATION OF SITE Barn at Wood Norton Road, Foulsham, NR20 5TX

DESCRIPTION OF DEVELOPMENT Conversion and extension of agricultural building to residential dwelling and change of use of agricultural land to residential curtilage

APPLICANT Mr Wayne Pope

AGENT Lanpro Services

Date Received: 5 October 2018
8 Week Expiry Date: 30 November 2018

Reason at Committee: The recommendation for approval is contrary to development plan policies.

Recommendation (summary): Approve, subject to conditions

1 THE PROPOSAL

- 1.1 The proposal seeks full planning permission 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 a site outside of the settlement limits in Foulsham.
- 1.2 The proposal follows an application which granted prior approval for the conversion of the barn into a three bedroom residential dwelling in June 2018. The main change to the barn from the previous prior approval application is the inclusion of a single storey extension to the west side of the barn which provides an entry hall, a boot room, an office and a single garage. The extension extends the building by approximately 7m to the west and provides approximately 50m² of additional internal floorspace. There is also a slight change to the layout of the master bedroom and en-suite, a change to the fenestration on the south elevation and the inclusion of three rooflights on the barn.
- 1.3 The application also seeks to change the use of an area of agricultural land to provide a larger garden and parking area. The area included within the

residential curtilage has increased from approximately 274m² as previously approved to approximately 2,580m².

- 1.4 The barn measures approximately 29m in length, 9.1m in width and 4.4m in height. The accommodation to be provided comprises three bedrooms, an open plan kitchen / dining / living area, a TV room, an office, a boot room, a garage, a bathroom and an en-suite bathroom. Outside, a driveway, parking area and landscaped garden are shown as being provided.
- 1.5 The barn is proposed to have irregular vertical timber batten cladding with a charred timber finish on both the walls and the roof. There will be horizontal timber cladding of a lighter colour on both the west elevation and garage. Light grey windows are proposed throughout. Apart from the lighter timber cladding on the west elevation and garage the materials are the same as those approved under the previous prior notification application.

2 KEY CONSIDERATIONS

- Whether the proposed development accords with the provisions of the development plan, the National Planning Policy Framework (NPPF) and 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.
- The design of the proposal
- The impact of the development on the character and appearance of the area, residential amenity and highway safety.

3 CONSULTATIONS

3.1 Foulsham Parish Council (summarised):

Objection to the application due to location outside settlement limits, concerns that this will lead to other similar developments, as this is a World War II MOD building and not a barn and as there is no mention of renovation or means of improving thermal efficiency.

3.2 Environmental Contracts Officer:

- (1) Provision for the storage of up to three standard sized wheeled bins (each of 240 litre capacity) must be made within the plot.

- (2) Provision for a bin collection point for up to two standard sized wheeled bins (each of 240 litre capacity) must be made. The collection point for the wheeled bins should be as near to the front curtilage of the property with the adopted highway as possible ie the boundary of the property with the nearest adopted standard surface. Please note that the collection crew and vehicle will not come onto the property.

3.3 Historic Environment Officer:

The current application seeks to extend the building permitted for conversion under [20180617](#). The change to the footprint and shape of the building is significant. It is more domestic and detracts from its appearance in the landscape as a former farm building. I would not object to a shorter but full width extension to the footprint to provide a garage which would maintain the agricultural form.

3.4 Norfolk County Council as Highway Authority:

As the building already has benefit of approval for residential conversion via prior approval application 20180617 I have no objection to this related planning application.

3.5 Norfolk County Council as Minerals Planning Authority (Minerals and Waste):

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

3.6 Pollution Control Officer:

Could you add the same condition as was applied to the previous (20180617) permission please?

Officer Note: Due to the site and building's past agricultural and military use a condition was previously added to 20180617 prior notification application stating that no development shall take place until a site investigation has been carried out. This condition is proposed to be added to the decision notice as requested by the Pollution Control Officer.

4 PUBLICITY

4.1 Site notice:

Expiry date: 7 November 2018

4.2 Press notice:

4.3 Expiry date: 13 November 2018

4.4 Neighbour notification:

Due to the site's rural location there are no neighbouring properties to notify.

5 REPRESENTATIONS

5.1 No representations received.

6 RELEVANT POLICY GUIDANCE

National Planning Policy Framework (NPPF) 2018:

6.1 Sets out the overarching planning policies on the delivery of sustainable development for rural communities through the planning system. It also reinforces the position that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Planning Practice Guidance (NPPG):

6.2 Web based national guidance formalised in March 2014.

6.3 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).

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

6.4 Policy 1: Addressing climate change and protecting environmental assets

Amongst other things, sets out that the environmental assets of the area will be protected, maintained, restored and enhanced.

6.5 Policy 2: Promoting good design

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

6.6 Policy 15: Service Villages

Foulsham is identified as a Service Village in Policy 15 of the JCS. Policy 15 states that in each Service Village land will be allocated for small-scale housing development subject to form and character considerations.

Development Management Development Plan Document (DM DPD) 2015:

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 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.

6.9 Policy GC3: Conversions of buildings outside settlement limits

Outside settlement limits, proposals for the conversion of buildings for residential use will be permitted where the building is capable of conversion without substantial alteration and where it will lead to an enhancement of the immediate setting.

6.10 Policy GC4: Design

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

6.11 Policy EN2: Landscape

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

6.12 Policy EN4: Pollution

Development proposals will be expected to include an assessment of the extent of potential pollution.

6.13 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.

6.14 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 SPD 2013:

- 6.15 Identifies the application site as falling within the Plateau Farmland landscape character area.

7 LOCATION AND DESCRIPTION OF SITE

- 7.1 The application site is in a rural location situated on the north east side of Wood Norton Road and to the north of Foulsham village. The village centre is approximately 1.4km to the south of the site whilst the nearest residential dwelling is located to the south west, approximately 500m away.
- 7.2 The site is part of an existing agricultural unit and is surrounded by open agricultural fields to the north, south and east. Wood Norton Road is located to the west of the site.
- 7.3 The site is accessed via an existing access off Wood Norton Road. A single width concrete access track of approximately 160m then leads to the main site through a large buffer of trees that front the site to the west. The site then consists of large areas of hardstanding and some smaller grassed areas.
- 7.4 The building itself is a rectangular shaped steel framed building with red brick walls and a concrete clad finish. The building has a dual pitch roof with corrugated metal roof covering. There are large metal double doors on both the eastern and western gable elevations.
- 7.5 The established trees either side of the access track towards the west of the site provide boundary treatments to the north and south. Beyond the trees the eastern part of the site is open to the north, east and south.
- 7.6 The topography of the site is generally flat.

8 PLANNING HISTORY

- 8.1 [20180617](#): Change of use of agricultural building to one no: residential dwelling – prior approval (Class Q (a) & (b)) – Barn at Wood Norton Road, Foulsham, NR20 5TX. Required and granted 7 June 2018.

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 design of the proposal and its impact on the character of the area, residential amenity and highway safety.
- 9.2 The site is located within the countryside, outside of the settlement limit that has been defined for Foulsham. Policy GC2 of the DM DPD explains that new development will be accommodated within settlement limits and that outside of settlement limits, development will be permitted where it does not have any significant adverse harm and where it accords with another policy and / or allocation of the Development Plan. Given that this application proposes to convert a building outside of a settlement limit, Policy GC3 of the DM DPD is engaged. Where a residential use is proposed, this policy requires the building to be capable of being converted without substantial alteration and for the conversion to lead to an enhancement of the immediate setting.
- 9.3 As set out in sections 1 and 8 of this report, the barn was the subject of a previous application under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. This application was submitted in April 2018 under application [20180617](#). The Council in pursuance of powers under this Act determined that prior approval was required and granted.
- 9.4 The current full planning application seeks to convert the barn in much the same way as previously approved under the [20180617](#) application but the main changes are an increase to residential curtilage and a single storey extension to the barn.
- 9.5 The change of use of agricultural land to residential curtilage is the element of the application that is contrary to the Development Plan. The prior approval application requires the curtilage associated with the proposed dwelling to be no larger than the building to be converted. The dwelling approved under the prior approval application would benefit from just 132m² of residential curtilage. Much of this area is likely to have been taken up by the parking and manoeuvring area and so the current proposals would provide the applicant with a more appropriately sized garden. Officers are satisfied that the increased size of the residential curtilage will result in better living conditions for the applicant and an improved form of development with the curtilage

following the current plot boundaries. Consequently, there is considered to be merit in setting aside Policy GC2 for this element of the application. In addition, it is not considered that the conversion of this parcel of land, much of which is an area of hardstanding, will result in any visual harm to the rural landscape. Furthermore, it should be noted that the site is also well screened when viewed from Wood Norton Road to the west and is only partially visible when viewed from the more elevated section of Wood Norton Road to the south. Overall, despite being larger than originally approved, it is considered that the extension of curtilage will not be unduly excessive, will not represent a significant incursion into the countryside and does not cause unacceptable harm to the general character and appearance of the surrounding area.

- 9.6 With regards to the barn itself a structural report has been submitted with the application which concludes that the structure can support the proposed loads and is considered viable for conversion. The current application does seek to extend the barn by extending the rectangular footprint to the west. The extension was outside of what could be permitted under the previous Class Q prior approval application. The plans were initially for a larger 'L' shaped extension however the Council's Historic Environment Officer raised concerns that the size and domestic appearance of the extension detracted from the buildings appearance in the landscape. During the course of the application the plans were amended to reflect the Historic Environment Officer's comments. With the plans in their amended form, the extension is considered to be of an acceptable size and scale and the continuation of the rectangular form and consistent ridge height is considered to maintain the agricultural form of the building. The design of the main barn and the choice of materials are also considered to be acceptable and overall it is considered that its conversion will enhance the overall appearance of this relatively plain building.
- 9.7 Taking into account that the barn already has permission to be converted to a residential dwelling which could still be implemented, it is considered that the principle of the conversion has been established. Notwithstanding this, it is considered that the application meets the requirements of Policy GC3 of the DM DPD in that the building is capable of conversion without substantial alteration and it is considered that the conversion will lead to an enhancement of the immediate setting. The application is also considered to comply with Policy 2 of the JCS and Policy GC4 of the DM DPD with regards to the design of the proposal.
- 9.8 Although the site is partially visible from the south and east of the site it is considered that the proposal will not cause any harm to the general character and appearance of the area in accordance with Policies GC4 and EN2 of the DM DPD.
- 9.9 There is a good degree of separation between the barn and any neighbouring residential property and the single storey nature of the building will ensure that the building does not appear overbearing or dominating. Overall, the proposal

will have no detrimental impact upon neighbour amenity and the application is therefore considered to comply with Policy GC4 of the DM DPD.

- 9.10 On matters of highway safety, the site already benefits from an existing access onto Wood Norton Road which would have been previously used for agricultural purposes whilst the site provides ample room for off-street parking. Given that the building already has the benefit of approval for residential conversion, the Highway Authority has raised no objection to the application and overall it is considered that the proposal will have no detrimental impact upon highway safety and the application therefore accords with Policies TS3 and TS4 of the DM DPD.
- 9.11 There are a number of established trees towards the west of the site which are mainly located either side of the access track. Although the proposed extension will result in the built form being closer to these trees, the extension will predominantly be built on an existing hard standing area and should not require the removal of any of the trees. A Tree Protection Plan (TPP) has been requested and is currently being prepared by an Arboriculturalist. If the TPP is received before the committee meeting this will be reported in the Supplementary Schedule. If not, a condition will be added which requires a TPP to be submitted to and approved by the Local Planning Authority prior to the commencement of the works. This should ensure that the nearby trees are adequately protected during the construction period. The Planning Statement submitted with the application also notes that the applicant is already committed to planting woodland on and near the site as part of a Countryside Stewardship Scheme. Notwithstanding this, the applicants are also looking to incorporate new landscaping on the site and a condition is proposed to be added to the decision notice requiring a landscaping scheme to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The landscaping scheme will also include details of the boundary treatments proposed on the site. Furthermore, a condition is proposed to be added to the decision notice revoking certain permitted development rights to ensure that alterations such as extensions to the dwelling, outbuildings and boundary treatments cannot be erected without the prior consent of the Local Planning Authority.
- 9.12 With regards to the impact that the proposal will have on the biodiversity and habitats on the site, an Ecology Report has been submitted as part of the application. The survey found no bats emerging from the building and no bat roosts associated with the building. The report also stated that there were no signs of nesting birds associated with the building and that nesting birds were identified as having only limited potential to nest under the eaves. The proposals are therefore considered to cause no harm to the biodiversity and habitats on the site and the application is therefore considered to be in accordance with Policy EN1 of the DM DPD. Notwithstanding this, informatives are proposed to be appended to the decision notice to draw the applicant's attention to some of the advice and recommendations set out within the Ecology Report.

- 9.13 As stated in paragraph 3.1 of this report, Foulsham Parish Council objects to the application due to the site being outside of the development boundary, due to the building being a World War II MOD building rather than an agricultural building and due to concerns regarding the condition of the building. As set out in paragraph 9.2 above, it is not being disputed that the site is outside the settlement limit; however the principle of the application is considered to have been established by the previous prior notification application and notwithstanding this, the proposal is considered to accord with Policy GC3 of the DM DPD. With regard to the use of the building, again this has been accepted previously under the prior notification application; however notwithstanding this it should be noted that although the barn was originally constructed in the 1940s, as a support building for the adjacent airfield, since the decommissioning of the airfield, the building has been operational as an agricultural barn. With regard to the condition of the barn, as set out in paragraph 9.6 of this report, a structural report has been submitted with the application which concludes that the structure can support the proposed loads and is considered viable for conversion.
- 9.14 As noted in paragraph 3.6 of this report due to the site and building's past agricultural and military use a condition was previously added to 20180617 prior notification application at the request of the Council's Pollution Control Officer stating that no development shall take place until a site investigation has been carried out. This condition is also proposed to be added to the decision notice for this application.
- 9.15 With reference to the three dimensions of sustainable development, the development would result in some short term economic benefits as part of any construction work on the site and in the longer term by spending from the future occupants of the dwellings which could support local services and facilities. It is therefore considered that the scheme would bring forward a level of economic benefit.
- 9.16 In terms of the social role, it is accepted that the proposal is located outside the settlement limits for Foulsham; however the principle of the development has already been established by the previous prior notification application. The proposal will be liable to pay towards the Community Infrastructure Levy; however it is accepted that this proposal would overall have, at best, a neutral impact with regards to the social role.
- 9.17 In assessing the environmental role, the site is located within a rural location but is for the conversion of an existing building and therefore the development will not be encroaching on the countryside or removing any existing green space. The design and appearance of the building is considered to be acceptable and the proposal will not have any detrimental impact upon the general character and appearance of the area, any local residents' amenities or the biodiversity and ecology on the site. The landscaping scheme which is proposed to be added as a condition will also ensure further planting takes place on the site which will help to enhance the landscaping and biodiversity

on the site. It is therefore considered that the proposal will provide environmental benefits on the site.

- 9.18 In conclusion, it is considered that the development will have a neutral impact on the character and appearance of the area, residential amenity, highway safety and the ecology and biodiversity on the site. Taking account of this, it is not considered that development results in any significant harm. With this in mind, together with the stated fall-back position, the officer recommendation is that the application is approved.
-

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 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.

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.

Informatives:

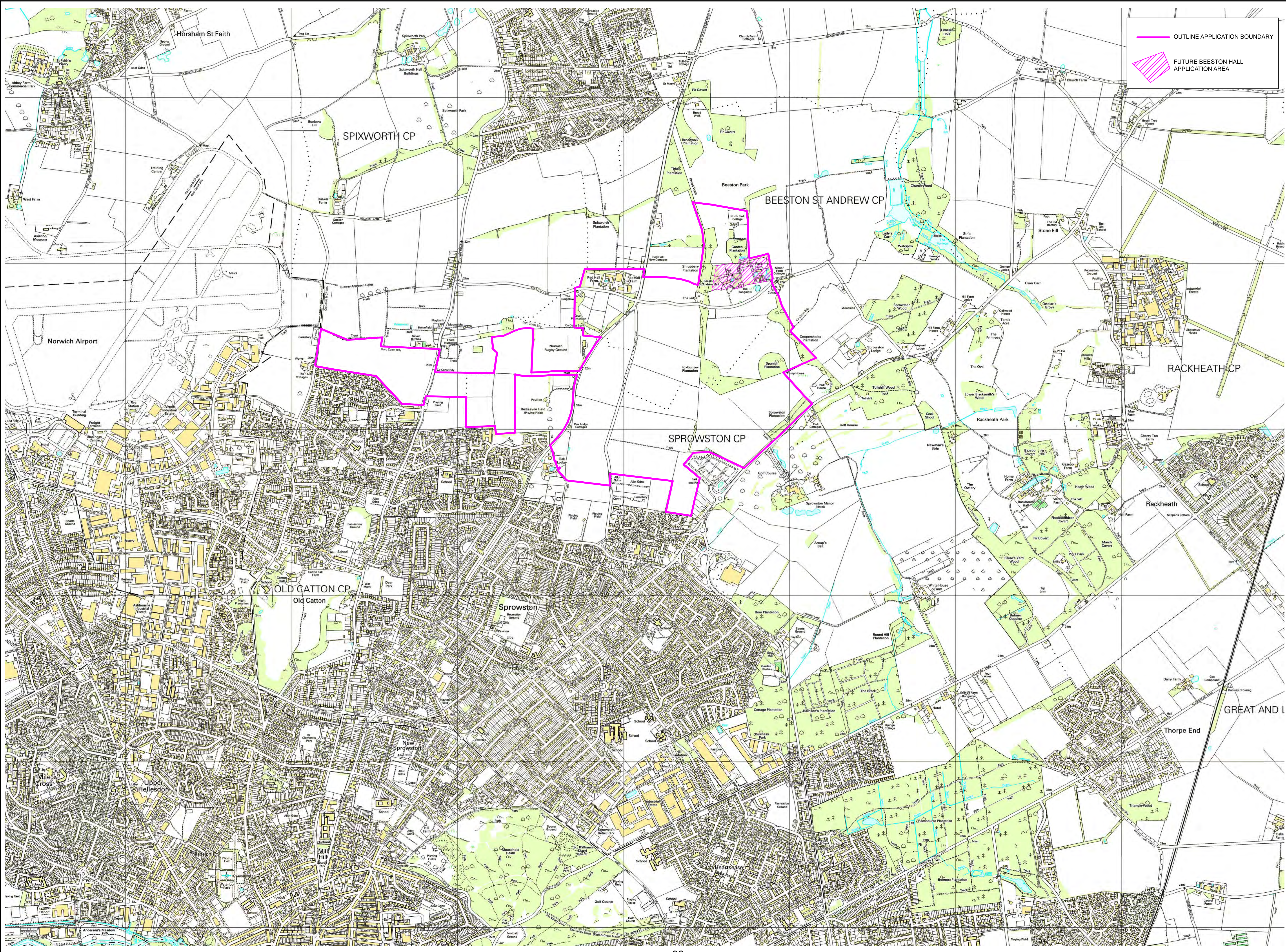
- (1) The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
- (2) If this development involves any works of a building or engineering nature, please note that before 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.



OUTLINE APPLICATION BOUNDARY

FUTURE BEESTON HALL APPLICATION AREA

BGD 2012

This drawing is not to be scaled.
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NOTES:
DRAWING STATUS:
FOR INFORMATION ONLY

BROADLAND DISTRICT COUNCIL
23 Oct 2012
20121516
PLANNING CONTROL

NORTH SPROWSTON & OLD CATTON
BEYOND GREEN DEVELOPMENTS

LOCATION PLAN

SCALE AS
1:10 000
BGD

18/09/2012
OPA

NS&OC
x

beyondgreen DEVELOPMENTS
think build live

NS&OC 101

AREA East

PARISH Beeston St Andrew, Old Catton, Spixworth, Sprowston

4

APPLICATION NO: [20180412](#)

TG REF: 625000/313788

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

DESCRIPTION OF DEVELOPMENT Details for condition 21 of planning permission 20161058 – site-wide Design and Sustainability Code

APPLICANT Mike Bodkin, [TOWN](#)

AGENT TOWN

Date Received: 9 March 2018

Expiry Date: 4 May 2018

Reason at Committee: At the request of the Head of Planning as it is considered important to have the agreement of Members to the Design Code, as the principles within it are fundamental to the consistent, high quality, sustainable delivery of the Beeston Park development.

Recommendation (summary): Approve

1 BACKGROUND

- 1.1 The purpose of the report is to provide an overview of the Design Code submitted to comply with condition 21 pursuant to outline planning permission [20161058](#) which requires said Design Code be submitted and approved for the application site, to ensure a coordinated approach to design across the site.
- 1.2 The report will explain the purpose of the Design Code and its relevance to the assessment of all phases of the Beeston Park development, as well as providing an understanding of the merits of its submission as a tool for ensuring a high quality development.
- 1.3 Members should note that officers have been working with the developers after submission of the document to ensure that it complies with the condition. As a result the document has been amended to ensure that it adequately sets out the guiding principles and mandatory requirements for development based on the outline consent.

2 CONSULTATIONS

2.1 Old Catton Parish Council:

No objections to the Design Code, however the Parish Council would like to highlight Policies 4 (traffic impact) and 5 (traffic in the Old Catton Conservation Area) of their Neighbourhood Plan. The Parish would also highlight that they do not have the expertise to scrutinise a development of this scale and as such are strongly reliant on the Planning Department at Broadland District Council to ensure the implications of the Beeston Park scheme reflect the requirements of the Old Catton Neighbourhood Plan.

The Parish Council also highlight that the provisions for the increase of traffic through Old Catton due to the development of the area be taken into consideration during planning and requests that the implementation of essential road infrastructure is strongly considered before development of Beeston Park commences.

2.2 Sprowston Town Council:

No observations or objections to the granting of this application.

2.3 Environmental Services (Contract Officer):

Concern was raised about the ability of the largest refuse vehicle that Broadland currently uses (through the contract with Veolia) to navigate the junctions as proposed by the Design Code. These vehicles have been tracked and plans show that, with some overhang, they can safely manoeuvre around the junctions that would be created. Furthermore, the street types and junction forms are key to the urban form of the development.

2.4 Environmental Services (Pollution Control):

No objections.

2.5 Design Manager:

Following some points of clarification and amendments it is considered that the Design Code reads well, is logical and easy to follow.

2.6 Norfolk County Council Highways:

Comments awaited – will be reported in the Supplementary Schedule.

2.7 No letters of representation have been received regarding this application.

3 RELEVANT POLICY GUIDANCE

National Planning Policy Framework (NPPF):

- 3.1 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):

- 3.2 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:

- 3.3 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 ecosystems of an area.

- 3.4 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.

- 3.5 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.

- 3.6 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.

3.7 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.

3.8 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).

3.9 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.

3.10 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.

3.11 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.

3.12 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.

3.13 Policy 19:

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

3.14 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:

- 3.15 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.

3.16 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.

3.17 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.

3.18 Policy GC4:

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

3.19 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.

3.20 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.

3.21 Policy EN3:

Residential development consisting of five dwellings or more will be expected to provide at least 4 ha of informal open space per 1,000 population and at least 0.16 ha of allotments per 1,000 population.

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

3.22 Policy EN4:

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

3.23 Policy RL1:

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

3.24 Policy TS1:

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

3.25 Policy TS2:

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

3.26 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.

3.27 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.

3.28 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.

3.29 Policy CSU3:

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

3.30 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):

3.31 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.

3.32 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.

3.33 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.

3.34 Policy GT12:

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

Recreational Provision in Residential Development (SPD):

- 3.35 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):

3.36 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.

3.37 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.

3.38 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.

3.39 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.

3.40 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.

3.41 Policy 7:

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

Sprowston Neighbourhood Plan (2014):

3.42 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.

3.43 Policy 2:

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

3.44 Policy 3:

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

3.45 Policy 6:

Local employment opportunities will be supported.

3.46 Policy 7:

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

3.47 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.

3.48 Policy 10:

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

3.49 Policy 11:

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

3.50 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.

3.51 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.

3.52 Policy 22:

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

4 PLANNING HISTORY

4.1 [20121516](#): The 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; pedestrian, cycle and vehicular accesses (outline). Approved 17 February 2016.

4.2 [20161058](#): 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 16,800m² 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).
Approved 22 December 2017.

5 LOCATION AND DESCRIPTION OF SITE

- 5.1 The site that the Design Code covers consists of 207.4 ha of land under the ownership of a group of landowner's consortium. It lies within the Broadland Growth Triangle originally designated by the adopted Joint Core Strategy (JCS) as a location for significant levels of development.
- 5.2 The application site is bounded to the south by the established communities of Old Catton and Sprowston, to the east by Sprowston Manor Golf Club and to the west by St Faith's Lane. North of the site runs the route of 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.
- 5.3 The site benefits from its location on three radial routes to and from central Norwich: the A1151 Wroxham Road immediately to east of the site; the B1150 North Walsham Road, which bisects it; and the unclassified Buxton Road to the west. Predominantly agricultural land, a significant part of the site comprises the locally-designated historic parkland of Beeston Park.

6 APPRAISAL

- 6.1 The application relates to the approval of the Design Code submission element that was required through condition 21 of the outline consent for the residential led, mixed-use development known as Beeston Park. The precise wording of the condition is as follows:

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.

- 6.2 The Design Code is a technical document that sets out guiding principles and a range of design parameters and rules to ensure a high quality sustainable development at Beeston Park. It does not fix every detail, but is intended to allow designers a degree of creative flexibility as long as design quality is retained. Scope also remains for discussion with the Local Planning Authority on detailed design matters, which will be subject to subsequent reserved matters applications.

- 6.3 The Design Code is intended to be used by developers, their agents, Broadland District Council and by consultees to help establish whether a scheme has met the design quality required and whether it will achieve an integrated, sustainable development with a strong sense of place and identity.
- 6.4 The main issue for consideration is whether the Design Code submission satisfies the requirements of the condition and provides an appropriate base to inform subsequent reserved matters.
- 6.5 The Design Code is set into three sections: an Introduction; General design requirements; Detail design requirements. Further detail of the content of the three main sections and their sub-sections is set out below.

Introduction

- 6.6 This section is split into three parts: the purpose of the Design Code, how the Design Code will be applied; definitions and terminology.
- 6.7 The purpose is clear and unambiguous in setting the rules and guidance for the design of Beeston Park. It seeks to provide instructions of varying degrees of precision to designers and developers involved in the implementation of the development.
- 6.8 The Design Code will be applied pursuant to and alongside the provisions of the outline planning permission. It will be a requirement of subsequent reserved matters submissions that a statement of compliance with the Design Code be submitted which should cross-refer the design proposals to the provisions of the code, and identify and justify significant departures.
- 6.9 Alongside the more factual elements of the definitions and terminology it is considered that this section of the Design Code sets down logically and clearly what it is seeking to achieve.

General design requirements

- 6.10 This section is split into four parts: masterplan philosophy; urban structure; transect zones; sustainable design.
- 6.11 Beeston Park is masterplanned on a fundamentally simple and familiar arrangement of streets, squares, green spaces and development blocks containing buildings and private and semi-private outdoor space. The underlying philosophy of the masterplanning approach is to create a place where it is easy and attractive to walk and cycle and where residents have convenient access to everyday services and community facilities. Furthermore the Design Code encourages developers and builders to reduce CO₂, reduce energy and waste consumption and provide appropriate internal

and external recycling facilities. These matters form the fundamental basis of sustainable development and is therefore fully in line with local and national policy.

- 6.12 The network of streets, squares and green spaces that create the urban structure of the development are broken down into primary, secondary and tertiary networks. The purpose of breaking these down is to very clearly set the form of the development. The primary streets, squares and greenspaces are key to the sustainable principles of the development, with the secondary streets and green spaces providing the backbone structure of the development. The tertiary streets and green spaces are more flexible, but still play a significant role in making the development walkable and liveable. The principles set in this section are welcomed and considered to be acceptable.
- 6.13 The Beeston Park Masterplan is based on the allocation of four transect zones, with the central zone in turn sub-divided to distinguish the most central, mixed use area from the more residential elements. The general requirements of design in accordance with each transect zone encompass: building heights, residential density; housing typology; plot widths; non-residential uses; car parking. Tables adding the detail to each of these requirements are included within this section and they give the parameters of what will be acceptable in each of the transect zones. These tables are set out in a logical and readable way and it is considered that they are a good way of getting this information across.

Detail design requirements

- 6.14 This section is split into six parts: streets; squares; green spaces; setbacks; blocks; building types and design.
- 6.15 There is significant and specific detail given in this section that will be key in defining the character of Beeston Park. There are parameters in which developers can work but the emphasis is on creating a place. Within it architectural diversity and high quality construction are encouraged, but within a coherent urban structure. Tables and examples within this section guide the developers of Beeston Park (and therefore this report won't go into the detail of them) and it is considered that this is a well thought through appropriate way of ensuring the development is built out to the highest possible standard.
- 6.16 It is considered that the Design Code complies with the policies of both Sprowston and Old Catton Neighbourhood Plans, however as two specific policies (4 and 5) of the Old Catton Neighbourhood Plan have been raised by the Parish Council it is considered to appropriate to provide a response.
- 6.17 Policy 4 of the Neighbourhood Plan states that:

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.

6.18 Policy 5 of the Neighbourhood Plan states that:

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.

- 6.19 A transport assessment was submitted with the outline approval and therefore that aspect of the policies has been covered. Furthermore a condition was added to the outline approval requiring a travel plan to be submitted, so this has also been covered. The Design Code and the ethos of the whole Beeston Park development is to be sustainable and to create walkable neighbourhoods and therefore reduce the reliance on the car. The Parish Council has asked that essential road infrastructure (such as the east-west link road through the development) be put in before the development of Beeston Park commences. This is not something that the Design Code can ensure and is not part of the consideration of this application.

7 CONCLUSION

- 7.1 The format and content of the Beeston Park Design Code is considered to be comprehensive, legible and user friendly as a stand-alone document. Officers are satisfied that the document will 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 is secured.

RECOMMENDATION: To **APPROVE** the Design Code



PLANNING COMMITTEE

28 NOVEMBER 2018

FINAL PAPERS

Page Nos

[Supplementary Schedule](#)

112 – 118

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

DEMOCRATIC SERVICES

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SUPPLEMENTARY SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Plan No	Application No	Location	Update	Page Nos
2	20171221	Land adjacent to St Mary's Care Home, North Walsham Road, Spixworth	<ol style="list-style-type: none"> 1 A revised site location plan is attached (p118). 2 An amended plan has been submitted that includes a minor alteration to the pathway at Plot 19. 3 In respect of para 9.26 on page 76 of report, the enclosure of the development on the boundary with the recreation ground will include an access gate thereby allowing for the access referred to. 4 In relation to para 9.27 on page 76 of the report, the Rosa Close access link is 1.8m wide where it adjoins the site, gradually tapering to its narrowest point of 1.35m before it then opens out onto Rosa Close. The path is straight with visibility end to end for users. 5 Seven additional letters of representation received from residents of Rosa Close. Their comments are summarised below: <ul style="list-style-type: none"> • School children will use the footpath as a cut through to bus stops on the North Walsham Road • Parents will use Rosa Close as a drop off/collection point for school children • Safety concerns • Security concerns • Loss of privacy • The path will access the allotments and as there is no 	62 - 80

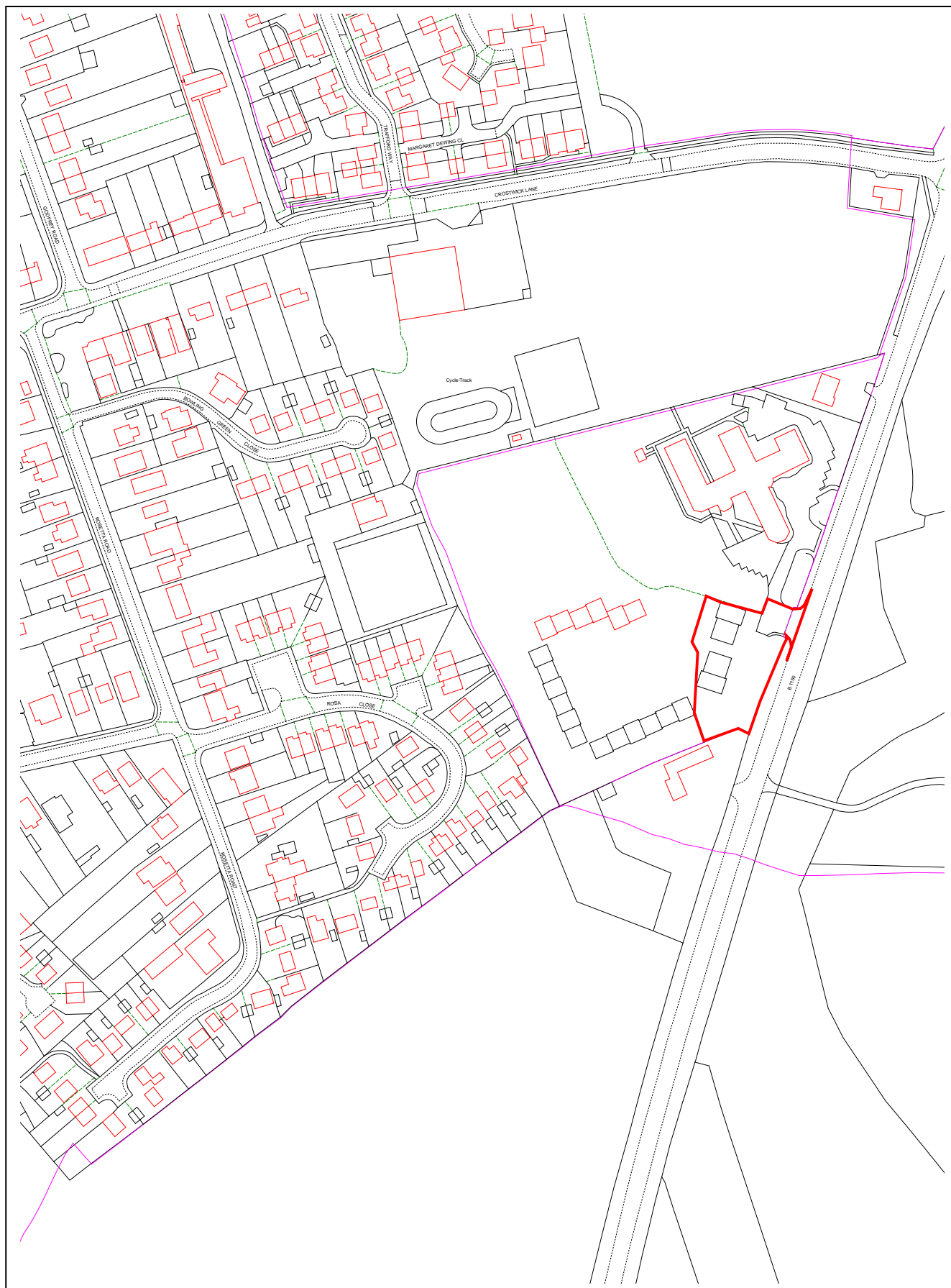
			<p>allotments parking, users are likely to park in Rosa Close</p> <ul style="list-style-type: none"> Rosa Close does not have room for additional parking <p><u>Officer responses:</u></p> <p>Allotment users travelling by car will have access to the car park at the village hall which is closer than parking at Rosa Close.</p> <p>A condition relating to lighting details is proposed to ensure the safety of users of the footpath. Furthermore, the footpath is straight with visibility end to end for users.</p> <p>It is possible that we could condition that both the access gate to the footpath and the access gate to the allotments are operated by a combination code made available to residents and allotment users only. This would need to be included within a management / maintenance plan. However, the footpath is intended to integrate the new community with the village and it is for the Committee to decide if they feel this restrictive access is both necessary and reasonable. It would be difficult for the LPA to enforce that the gate remains shut (unless being used) and as these gates are likely to be sturdy, there is the question that users in mobility scooters may have difficulty using them.</p> <p>6 Officer comments for clarification with regards to the existing S106:</p> <p>The original Section 106 will remain enforceable as to</p> <p>a) The payment of an Affordable Housing Contribution of £175,000 b) The provision of allotments (but see further below)</p>	
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			<p>c) The over 55 age restriction provisions d) The On Site Amenity Area provisions in Schedule 2.</p> <p>So far as the allotments are concerned, the specification has been agreed but the Parish Council has declined so far to enter into the Allotment Lease despite the applicant formally indicating that he is ready to so do.</p> <p>Having regard to the fact that Rosa Close is now offered as an alternative private access route to the development and to the circumstances above, the Council (as part of any decision to approve the amended application and enter into the new Section 106) will <u>resolve</u>:</p> <p>a) <u>Not to enforce</u> 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).</p> <p>b) <u>Firstly not to enforce</u> 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;</p> <p>c) <u>Secondly not to immediately enforce</u> 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) <u>for so long</u></p>	
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			<p><u>as the Allotment Lease / agreement for lease has not been completed.</u></p> <p>As indicated, the applicants stand ready to enter into the allotment Lease. Once signed by the Parish Council, the applicant will thereupon complete the allotment works and the allotments will be available for use by the Parish Council should it wish to pursue that option.</p>	
3	20181641	Barn at Wood Norton Road, Foulsham	<p>Paragraph 9.11 on page 90 of the agenda states that a Tree Protection Plan will either be received before the committee meeting or if not received beforehand it would be conditioned.</p> <p>The Tree Protection Plan has not been received to date and therefore a further condition is proposed to be added to the decision notice to read:</p> <p><i>'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:</i></p> <p><i>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.</i></p> <p><i>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).</i></p>	81 - 95

			<p><i>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.</i></p> <p><i>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.'</i></p> <p>The reason for the condition is:</p> <p><i>'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.'</i></p> <p>The Proposed Location Plan (Drawing No: 0947-01-002-3) shows an indicative location for a proposed septic tank to the west of the building. Due to this position being within close proximity to several trees, the septic tank is now likely to be located elsewhere within the site. A further condition is therefore proposed to be added to any subsequent decision notice to confirm the method and location of the foul sewage disposal. The condition is proposed to read:</p> <p><i>'Prior to the commencement of the development hereby approved, a plan showing the details and location of the proposed septic shall be submitted</i></p>	
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			<p><i>to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.'</i></p> <p>The reason for the condition is proposed to read:</p> <p><i>'To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.'</i></p> <p>The Local Planning Authority is awaiting a revised version of the Proposed Location Plan which removes the septic tank from the position shown indicatively. This is likely to lead to a slight revision to the red line of the application site. If received before the planning committee then the details of the revised plan will be reported at the meeting and the list of approved plans set out in condition 2 will be revised.</p>	
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Application No: 20171221

**Land Adjacent St. Mary's Care Home,
North Walsham Road, Spixworth, NR12 7BZ**

**Scale:
1:2500**

**Date:
26-Nov-18**



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