

# Planning Committee

## Agenda

### Date

Wednesday 4 July 2018

### Members of the Planning Committee

Mr I N Moncur (Chairman)	Miss S Lawn (Vice Chairman)
Mr A D Adams	Mr R J Knowles
Mr P H Carrick	Mr A M Mallett
Mr G Everett	Mrs B H Rix
Mrs L H Hemsall	Mr J M Ward
Mr K G Leggett MBE	

### 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  
Mr R F Grady  
Mrs T M Mancini-Boyle\*  
Mr G K Nurden  
Mr M D Snowling MBE  
Mrs K A Vincent  
Mr S A Vincent  
Mr D C Ward  
Mr D B Willmott

#### Liberal Democrat

Mr S Riley

### Contact

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\*not met training requirement so ineligible to serve

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

### The Openness of Local Government Bodies Regulations 2014

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

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

**A G E N D A**

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|----------|---|---------------|
| <b>1</b> | <b>To receive declarations of interest under Procedural Rule no 8</b>                                 |               |
| <b>2</b> | <b>Apologies for absence</b>  |               |
| <b>3</b> | <b><u>Minutes of meeting held on 6 June 2018</u></b>  | <b>3 – 23</b> |
| <b>4</b> | <b>Matters arising therefrom (if any)</b>   |               |
| <b>5</b> | <b>Applications for planning permission to be considered by the Committee in the following order:</b> |               |

Schedule of Applications  
Planning Applications

**24 – 25**  
**26 – 199**  
**(200 – 245**  
**exempt)**

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 6 June 2018** at **9.30am** when there were present:

Mr I N Moncur – Chairman

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

Mr R J Knowles  
Miss S Lawn  
Mr K G Leggett

Mr S Riley  
Mr J M Ward  
Mr D B Willmott

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

Mrs Gurney - Minute no: 5 (Pyehurn Farm, Pyehurn Lane, Horsford) and Minute no: 6 (70 Neylond Crescent, Hellesdon)

Mr Peck - Minute no: 7 (Manor House Farm, Reephram Road, Foulsham)

Also in attendance were the Head of Planning, Area Planning Managers and the Senior Committee Officer.

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

Member	Minute No & Heading	Nature of Interest
Mr Everett and Mr Grady	6 (70 Neylond Crescent, Hellesdon)	Hellesdon Parish Councillor. Non-disclosable local choice interest.
Mr Adams	5 (Pyehurn Farm, Pyehurn Lane, Horsford)	County Councillor for Horsford. Non disclosable local choice interest.

### 2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Carrick, Mr Mallett and Mrs Rix.

### 3 MINUTES

The Minutes of the meeting held on 25 April 2018 were confirmed as a correct record and signed by the Chairman.

**4 APPLICATION NUMBER 20180464 – HILL HOUSE, NORWICH ROAD, MARSHAM**

The Committee considered an application for the change of use of the property and agricultural land to the rear to a dog rehabilitation centre, including the erection of 10 kennels and security fencing, at Hill House, Norwich Road, Marsham. The existing house would be occupied by a member of staff responsible for the day to day running of the kennels and the agricultural land to the rear of the house was proposed to be used as a secure exercise area for the dogs.

The application was reported to committee as the Highway Authority had objected to the proposals.

The Committee received the verbal views of Mrs Wilcocks of Marsham Parish Council objecting to the application and Bridget Foreman from Safe Rescue for Dogs in support of the application, at the meeting.

It was noted that Policy H4 of the Development Management DPD permitted proposals for the change of use of a dwelling, including to allow working from home, provided that the scale and nature of the use related acceptably to the surroundings. Notwithstanding the remote location of Hill House and the existing traffic noise from the A140, Members considered that the noise and disturbance from the keeping of up to 20 dogs would have a significant adverse impact on nearby properties and uses, notably the residential properties in the surrounding area.

The applicant had provided details of the likely traffic movements to be generated by the use: weekly waste collection and monthly food delivery; new dogs would be delivered every two to three weeks plus the normal vehicular movements associated with the residential use of the property. It was acknowledged that the rehabilitation centre would not be open to the public. Members concurred with the views of the Highway Authority regarding the intensification of use of the access from the property onto the A140 as a result of the change of use. Concern was expressed that traffic turning into and out of the access would compromise highway safety.

In conclusion it was considered that the proposal would be contrary to Policies GC4 and TS3 of the DM DPD.

Therefore, notwithstanding the officer recommendation it was

**RESOLVED:**

To refuse application number 20180464 for the following reasons:

The application has been considered against the Development Plan for the area, this being the Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk 2014 and the Development Management DPD (2015). Other material considerations include the National Planning Policy Framework (NPPF) 2012 and the Planning Practice Guidance (2014).

The policies particularly relevant to the determination of this application are Policies 1 and 2 of the JCS and Policies GC1, GC2, GC4, H4, TS3 and TS4 of the Development Management DPD.

The application seeks full planning permission for the change of use of Hill House and a parcel of agricultural land to the rear of Hill House to a Dog Rehabilitation Centre. The application also includes the erection of a block of ten kennels and security fencing within the existing residential curtilage of Hill House. A parking and turning area is to be provided utilising the front garden of Hill House.

Policy G4 of the Development Management DPD requires new development to avoid any significant impacts paying particular regard to the amenity of existing properties and uses. Hill House is positioned on higher ground and surrounded by open farmland which will allow the sound of barking dogs to travel unimpeded. It is considered that the noise and disturbance from the keeping of up to 20 dogs at Hill House would have a significant adverse impact on nearby properties and uses, notably residential properties in the surrounding area. The proposed use would therefore be contrary to the aims of Policy GC4 of the Development Management DPD.

The proposal would lead to intensification in the use of an access onto the A140, which is a busy Principal Route and would cause undue interference with the safe and free flow of traffic on this important traffic route to the detriment of highway safety. The application is contrary to Policy TS3 of the Development Management DPD.

The proposed development, if permitted, will lead to increased right hand turning movements across the opposing traffic stream of a busy Principal Route (A140) which would interfere with the free and safe flow of traffic and cause danger and inconvenience to highway users. The application is contrary to Policy TS3 of the Development Management DPD.

It is considered that the development conflicts with the development plan for the area for the above reasons. It is not considered that there are sufficient material considerations to overcome the conflict with policy and the proposal is not considered to represent sustainable development and is in conflict with the NPPF.

The Local Planning Authority will, where appropriate, discuss amendments to applications to secure an acceptable and sustainable form of development.

However, in this instance it is not considered that the proposal could be amended to overcome the concerns of the authority. The authority has therefore acted accordingly to refuse this inappropriate development.

### **5 APPLICATION NUMBER 20172132 – PYEHURN FARM, PYEHURN LANE, HORSFORD**

The Committee considered an outline application for the erection of five detached chalet bungalows on an agricultural parcel of land to the north of Pyehurn Lane in Horsford. Approval was being sought for the appearance, layout and scale of the development with access and landscaping proposed to be dealt with at the reserved matters stage. Vehicular access had been shown indicatively on the site plan coming off Pyehurn Lane towards the south east corner of the site.

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

The Committee noted the further comments of the Highway Authority including an amendment to condition 4 as reported in the Supplementary Schedule. In addition, the Committee received the verbal views of Mr Graves Clerk to Horsford Parish Council, the occupiers of 2 and 3 Pyehurn Close, all objecting to the application and James King, the developer, at the meeting. Mrs Gurney spoke against the proposals on behalf of the Ward Members for Horsford.

The site was within the Norwich Policy Area but outside of the settlement limit where development proposals would not normally be permitted unless they accorded with another policy of the Development Plan. Furthermore, the site had not been allocated for development in the Site Allocations DPD. Policy GC1 of the DM DPD stated that planning permission should be granted unless material considerations indicated otherwise and Paragraph 14 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 14 of the NPPF.

However, the Committee noted that, on 14 March 2018, the Greater Norwich Growth Board published the Joint Core Strategy draft annual monitoring report, a key element of which was the Central Norfolk Strategic Housing Market Assessment (SHMA), published in June 2017. This identified that, for

the Norwich Policy Area, there was an 8.08 year housing land supply. The SHMA was a material consideration in the determination of planning applications – now that this latest evidence showed that there was an abundant housing land supply this should be given weight in the decision making processes.

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

### *Economic Role*

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. It was therefore considered that the scheme would bring forward a level of economic benefit, albeit limited.

### *Social Role*

The site was within close walking distance of local facilities including a doctors' surgery and pharmacy, primary school, village hall, Post Office, convenience store and Public House as well as bus stops. Given the scale of development proposed, there was no requirement to provide affordable housing.

The development did propose contributions towards both open space of approximately £8,500 and green infrastructure of approximately £10,685. In addition, there would also be CIL contributions.

### *Environmental Role*

The Committee noted that the site was outside of the settlement limit and had not been allocated for housing. Therefore, it was considered that the development would result in an encroachment into the countryside contrary to the development plan policies. Accordingly, it was considered the proposals did not reflect the environmental dimension to sustainable development in accordance with the NPPF.

It was noted that the Highway Authority had raised no objection to the principle of the application and the Norfolk County Council Trails Officer had not objected to the proposal with regards to its impact upon the Public Right of Way. However, Members considered that as Pyehurn Lane was a mainly unmade track of single-track construction and also a designated Public Right of Way, it would be unacceptable to increase the vehicular movements

associated with this development along its length. Furthermore, the impact of the proposals would have a detrimental effect on the safety of users of the track including pedestrians, cyclists and horse-riders. It was considered these issues were exacerbated by the existing problems of parking and manoeuvring of cars at the junction of Holt Road and Pyehurn Lane.

In conclusion, it was considered that the adverse impacts associated with the development did not outweigh the economic, social and environmental benefits including the limited increase in housing delivery. Therefore, the proposal was considered to represent an unsustainable form of development, contrary to Policies GC2 and GC4 of the DM DPD. Accordingly, notwithstanding the officer recommendation it was

### **RESOLVED:**

to refuse application number 20172132 for the following reasons:

This application has been considered against the Development Plan for the area, this being the Joint Core Strategy for Broadland, Norwich and South Norfolk adopted 2011, amendments adopted 2014 (JCS); the Development Management DPD adopted 2015 (DMDPD) and the Site Allocations DPD, adopted 2016 (SADPD).

Also material is the National Planning Policy Framework (NPPF); the National Planning Practice Guidance (NPPG) and the Landscape Character Assessment SPD adopted 2013. The Horsford Neighbourhood Plan is also considered to have significant weight, as although it is yet to be formally adopted, it has been through a thorough examination.

The policies particularly relevant to the determination of this application are policies 1, 2, 4, 6, 15 and 21 of the JCS; policies GC1, GC2, GC4, EN1, EN2, EN3, EN4, RL1, TS3, TS4 and CSU5 of the DMDPD; and policies HBE1, HBE2, HBE3, TRA3 and ENV5 of the Horsford Neighbourhood Plan.

The proposal represents development outside of a defined settlement limit and the site has not been allocated for housing. The proposal would significantly impact on the rural landscape characteristic of this site by virtue of its encroachment into the countryside.

The site is proposed to be served from Pyehurn Lane which is a private unadopted road. The general configuration of Pyehurn Lane, including its inadequate width and surface, is considered to be poor and inadequate to accommodate the increase in vehicular movements associated with the development along its length. In addition, Pyehurn Lane serves as a restricted byway which gives a legal right to pedestrians, cyclists and horse riders and it is considered that the proposal will also unacceptably increase the potential conflict between the respective users. These issues are



exacerbated by the existing problems of parking and manoeuvring of cars at the junction of Holt Road and Pyehurn Lane.

The proposal would be contrary to Policies 1, 2 and 15 of the JCS; policies GC2, GC4 and EN2 of the DMDPD.

The proposed development does not represent a sustainable development, having regard to the three tests (social, economic and environmental) set out in the NPPF, by virtue of the environmental harm caused by the proposals encroachment into the countryside. The unsatisfactory condition of Pyehurn Lane, its function as a byway and the existing problems of parking and manoeuvring of cars at the junction with Holt Road all contribute to the harm that the proposals will cause. This harm is not outweighed by the modest short-term economic benefit the proposal may bring, especially with the diminished weight that can be applied to the benefits of housing delivery in the context of the Strategic Housing Market Assessment which was revised in 2017. Accordingly, the limited benefits of the scheme are not considered to be an overriding factor which justifies an approval under Policy GC1 of the DMDPD and Policy 21 of the JCS. For this reason, the scheme is also contrary to Policy GC1 of the DMDPD and Policy 21 of the JCS.

*The Committee adjourned at 11.35am and reconvened at 11:50am when all of the Members listed above were present.*

### **6 APPLICATION NUMBER 20180332 – 70 NEYLOND CRESCENT, HELLESDON**

The Committee considered an application for the erection of a detached, single storey outbuilding to form a hair salon and garden store at the rear of 70 Neylond Crescent in Hellesdon. The proposal was for the applicant to be the only person working in the salon, on a part-time basis. The garden store would be used in conjunction with the domestic dwelling and not for any business use.

The application was reported to committee at the request of Mrs Gurney, one of the Ward Members, for the reasons given in paragraph 5.4 of the report.

The Committee received the verbal views of the applicant at the meeting. Mrs Gurney spoke against the proposals in her capacity as Ward Member.

Members noted that the proposal was not too dissimilar to something which could be carried out as permitted development and therefore, without the need for planning permission. The outbuilding itself required planning permission due to its height exceeding the limits set out in the Town and Country Planning (General Permitted Development) (England) Order 2015.

In terms of the outbuilding it was considered that there was a good degree of separation between the neighbouring dwellings and it would not appear dominating or overbearing. Furthermore, being sited to the rear of the dwelling, the outbuilding would have no impact on the character and appearance of the area.

It was noted that the Highway Authority was not objecting to the proposal and the Committee took into consideration the information provided by the applicant at the meeting regarding the availability of parking on the driveway and the very low-key nature of the proposals together with an appointments only system.

In conclusion it was considered that the development would have a neutral impact upon parking in the area; highway safety; residential amenity and the character and appearance of the area, subject to the imposition of appropriate conditions.

### **RESOLVED:**

To approve application number 20180332 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 Plan, Elevations, Section, Site & Location Plan (Amended),  
Dwg No: 01, received 22 May 2018

- (3) The building hereby permitted shall be used as a garden store and a hair salon and for purposes incidental to the enjoyment of the dwellinghouse only and for no other purposes (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking, re-enacting or modifying that Order).
- (4) Unless otherwise specified in writing by the Local Planning Authority, hours of operation shall be limited to 09:00 to 17:00 on Monday to Saturday and at no time on Sundays and Bank Holidays.
- (5) No other person other than Becky Marchese shall work in connection with the hair salon business hereby approved unless otherwise specified in writing by the Local Planning Authority.

- (6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development ) Order 2015 (or any Order revoking, or re-enacting, or modifying that Order) no further windows or doors shall be inserted in the northern, eastern or western elevations of the building hereby permitted.

Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (3) To ensure the satisfactory development of the site in accordance with Policies GC4 and TS3 of the Development Management DPD 2015.
- (4) To ensure the satisfactory development of the site and to safeguard the amenities of neighbouring properties in accordance with Policy GC4 of the Development Management DPD 2015.
- (5) To prevent other people being employed in order to control the scale of the business and to ensure development appropriate for the area in accordance with the criteria specified within Policy GC4 of the Development Management DPD 2015.
- (6) To prevent overlooking to the detriment of the amenities of the adjacent properties in accordance with Policy GC4 of the Development Management DPD 2015.

Informatives:

- (1) The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of 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](mailto:enquiries@cncbuildingcontrol.gov.uk) and the website  
[www.cncbuildingcontrol.gov.uk](http://www.cncbuildingcontrol.gov.uk)

**7 APPLICATION NUMBER 20180323 – MANOR HOUSE FARM, REEPHAM ROAD, FOULSHAM**

The Committee considered an application for the erection of a single dwelling and detached garage on land to the south of Reepham Road in Foulsham. The proposal also sought alterations to an established access into the site which was off Reepham Road. The dwelling would be sustainable, of low impact and largely be constructed from materials sourced from the site or from the local area: built from a cob wall construction clad with straw bales and finished with a mixture of lime render and a transparent corrugated cladding which would expose the straw bales. The roof materials would be a combination of timber shingle and a sedum roof.

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

The Committee received the verbal views of the applicant and the agent at the meeting. Mr Peck spoke in support of the proposals in his capacity as Ward Member.

The site was located outside of the settlement limit and in a rural location where development proposals would not normally be permitted. However, the application had been submitted as an example of a dwelling which met the guidance set out in Paragraph 55 of the NPPF where the design should be of exceptional quality or innovative nature.

The Committee concurred with the views of the Council's Design Advisor that the proposal was truly outstanding and innovative and would enhance the immediate setting, with the combination of the regular and more organic forms and contrast between finishes also reflecting the characteristics of the site. The free form of the building was considered to accentuate the sensitivity to the natural setting of the site, avoiding the use of geometric angular forms and creating gently curving shapes which assimilated visually into the natural immediate setting of the wooded part of the site and then flatten off as the building extended beyond the woodland fringe to relate to the gently sloping open meadow. Therefore, it was considered that the proposal met the criteria of Paragraph 55 of the NPPF, together with Policy 2 of the JCS and Policy GC4 of the DM DPD.

It was considered that the high quality of the design would enhance the immediate setting and significant harm would not be caused to the landscape character of the area and accordingly, the application complied with Policy 1 of the JCS and Policy EN2 of the DM DPD.

As the site was immediately adjacent to a grade II listed historic farmstead, the Committee had regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Noting the comments and requirements of the Historic Environment Officer, it was considered that the application would not result in any significant detrimental impact upon the setting of the adjacent listed building and the application complied with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 1 of the JCS and Policy GC4 of the DM DPD.

Given the size and scale of the proposal, the degree of separation from neighbouring dwellings and the screening provided by the trees and hedging, it was considered that the proposal would not appear overbearing or dominating nor would it result in any overlooking issues. Therefore, it was not considered to result in any detrimental impact upon neighbour amenity and accordingly, complied with Policy GC4 of the DM DPD.

The Committee acknowledged the loss of 18 young woodland trees but accepted that the proposed location of the access road would have less of an impact on the listed building than moving it to the west of the site to reduce the number of removed trees. In addition, it was noted that further planting was also proposed as part of the application.

In conclusion it was considered that the proposal would have an acceptable impact on the landscape character of the area and would not cause significant harm to the adjacent listed building, residential amenity or the satisfactory functioning of the highway network. The benefit of an outstanding design which was responsive to its context outweighed the limited harm arising and accordingly, the proposal represented an acceptable form of development. Therefore, it was

### **RESOLVED:**

To approve application number 20180323 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) Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan in accordance with the highway specification (Dwg No TRAD 5) attached. Arrangement shall be made for surface water drainage to be intercepted and disposed of

separately so that it does not discharge from or onto the highway carriageway.

- (4) Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4m x 120m shall be provided to the eastern side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- (5) Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5m from the near channel edge of the adjacent carriageway.
- (6) Notwithstanding the provisions of Schedule 2 Part 1 and Part 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, and re-enacting or modifying that Order) with or without modification, no buildings, walls, fences or other structures shall be erected within the site curtilage, nor alterations or extensions be made to the dwelling without the prior consent of the Local Planning Authority.
- (7) All works shall be carried out in accordance with the requirements of the Arboricultural Impact Assessment and Tree Protection Plan, received 26 February 2018.
- (8) Prior to the first occupation of the development hereby permitted two sparrow boxes shall be erected on the north elevation of the garage and a bat box shall be erected on the south elevation of the garage. Boxes should be installed as indicated on drawing No P-220, received 26 February 2018.
- (9) The details of the Ecology Management Plan, received 16 May 2018 shall be adhered to and implemented in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
- (10) Prior to the first occupation of the dwelling further trees shall be planted on the site as in accordance with the Proposed Planting and Landscape Plan, Drawing No: P-50, received 23 May 2018.
- (11) Prior to the commencement of development details and proposed location of the package treatment plant and soakaway shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (3) To ensure the satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with policy TS3 of the Development Management DPD 2015.
- (4) In the interests of highway safety in accordance with policy TS3 of the Development Management DPD 2015.
- (5) To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened in the interests of highway safety in accordance with policy TS3 of the Development Management DPD 2015.
- (6) To ensure development appropriate for the area in accordance with the criteria specified within Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011/2014 and Policy GC4 of the Development Management DPD 2015.
- (7) To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability in the interest of amenity in accordance with Policies GC4 and EN2 of the Development Management DPD 2015.
- (8) To provide enhancements to the biodiversity and wildlife at the site in accordance with Policy EN1 of the Development Management DPD 2015.
- (9) To ensure the long-term continuance and safe-guarding of native biodiversity at the site and to ensure no harm is caused to the setting of the adjacent listed building in accordance with Policies GC4, EN1 and EN2 of the Development Management DPD 2015.
- (10) To mitigate for the loss of the trees to be removed from the site as part of the development and to provide additional screening in order to reduce the impact upon the setting of the adjacent listed building in accordance with Policy 1 of the Joint Core Strategy for Broadland,

Norwich and South Norfolk 2011/2014 and Policy EN2 of the Development Management DPD 2015.

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

Plans and documents:

Site Location Plan, Dwg No: EX-001, received 26 February 2018  
As Proposed Site Plan, Dwg No: P-001, received 26 February 2018  
As Proposed Ground Floor Plan, Dwg No: P-100, received 26 February 2018  
As Proposed First Floor Plan, Dwg No: P-110, received 26 February 2018  
As Proposed Roof Plan, Dwg No: P-120, received 26 February 2018  
As Proposed South and East Elevation, Dwg No: P-210, received 26 February 2018  
As Proposed North and West Elevation, Dwg No: P-200, received 26 February 2018  
As Proposed Sections A-A and B-B, Dwg No: P-300, received 26 February 2018  
As Proposed Sections C-C and D-D, Dwg No: P-310, received 26 February 2018  
As Proposed Shed Plans, Dwg No: P-130, received 26 February 2018  
As Proposed Shed Elevations (Amended Plan), Dwg No: P-220, received 23 May 2018  
As Proposed Shed Sections, Dwg No: P-320, received 26 February 2018  
Arboricultural Impact Assessment, received 26 February 2018  
Tree Protection Plan, Dwg No: 002.rev1, received 26 February 2018  
Proposed Planting and Landscape Plan (Additional Plan), Dwg No: P-50, received 23 May 2018  
Ecology Report, received 26 February 2018  
Ecology Management Plan, received 16 May 2018  
Design and Access Statement, received 26 February 2018  
Material Sources, received 26 February 2018  
Appendix, received 26 February 2018

Informatives:

- (1) The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.
- (2) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is



also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or [enquiries@cncbuildingcontrol.gov.uk](mailto:enquiries@cncbuildingcontrol.gov.uk) and the website [www.cncbuildingcontrol.gov.uk](http://www.cncbuildingcontrol.gov.uk)

- (3) This development involves works within the Public Highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Control Group. Please contact Stephen Coleman on 01603 430 596.
- (4) 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.
- (5) The site to which this permission relates contains suitable habitat for bats, barn owls or reptiles which are protected by the Wildlife and Countryside Act 1981 (as amended). In this respect the applicants are advised to consult Natural England, Dragonfly House, 2 Gilders House, Norwich, NR3 1UB or [enquiries.east@naturalengland.org.uk](mailto:enquiries.east@naturalengland.org.uk) and follow any requirements in this respect.

*The Committee adjourned at 12:50pm and reconvened at 13:20pm when all of the Members listed above were present for the remainder of the meeting with the exception of Mr Riley who left after Minute no: 8.*

### **8 APPLICATION NUMBER 20180622 – TAVERHAM NURSERY CENTRE, FIR COVERT ROAD, TAVERHAM**

The Committee considered an application for the variation of condition 3 of planning permission 20081615 to allow an open A1 retail use at Taverham Nursery Centre, Fir Covert Road, Taverham. Condition 3 specifically restricted the following uses:

- Hairdressers and beauticians
- Shop for the sale of food and drink (except for the unit identified on the plan as the Farm Shop)

- Hire shop for personal or domestic goods or articles
- Cycle sales and repairs
- Chemists
- Newsagents / tobacconists
- Post Office
- Electrical white goods
- Travel or ticket agency or shop
- Vehicle parts and accessories
- Shop for the sale, rent or hire of video recordings, DVDs, computer games and similar products.

The reason for the condition was:

To minimise the impact upon local shopping areas and to prevent Class A1 uses which are not appropriate in the context of a garden centre in accordance with Policies GS1 and SHO10 of the Broadland District Local Plan (Replacement) 2006.

In presenting the application, the Area Planning Manager (East) advised the Committee that, following discussions with the applicant and agent, a late revision had been made to the application which limited the change of use to units 1 and 2 only (which were currently vacant). Accordingly, the officer recommendation was amended to delegate authority to the Head of Planning to approve the application subject to no new material issues being raised during the consultation period and any conditions considered appropriate by Members.

The application was reported to committee at the request of Mr Proctor, for the reasons given in paragraph 5.1 of the report.

The Committee noted the comments of the occupier of The Kitchenary Ltd as reported in the Supplementary Schedule. In addition, the Committee received the verbal views of the agent and the applicant, at the meeting during which the Committee was advised that the prospective occupiers of the two units would be a hairdressers and beautician respectively.

It was noted that since the permission to regularise the uses and activities at the site, granted in 2009, planning permission had been granted to permit the production and sale of chocolate; permit the display and sale of caravans and allowed a temporary permission for a pop-up hospice charity shop. The Committee considered that, in its revised form, this current application represented an acceptable form of development and would not have an adverse impact on the existing local centres in Drayton, Taverham and surrounding areas. It was acknowledged that the situation could be reassessed if and when other units became vacant.

In conclusion, it was considered that planning permission should be granted but the change of use should be varied only allowing for a hairdressers and beauticians on units 1 and 2. Accordingly, it was

### **RESOLVED:**

To delegate authority to the Head of Planning to approve application number 20180622 (in its revised form) following expiry of the consultation period and no new material issues being raised and subject to a varied condition 3 only allowing for use by a hairdressers and beautician.

### **9 APPLICATION NUMBER 20180243 – 76 GORDON AVENUE, THORPE ST ANDREW**

Further to Minute no: 116 of the meeting held on 25 April 2018 the Committee reconsidered the application for the raising of the roof, rear extension and loft conversion at 76 Gordon Avenue, Thorpe St Andrew. The application had been deferred to enable officers to negotiate with the applicant a revised roof bulk which incorporated a hipped roof to the rear to match the proposed hipped roof to the front. In presenting the application, the Area Planning Manager (East) drew Members' attention to an additional plan which needed to be included as part of condition 2 which correctly showed the proposed rooflight to the first floor landing on the west elevation.

The applicants had been informed of the Committee's decision and given the option to amend their plans but they had indicated that they did not wish to further revise the plans and wanted the application to be determined in its current form. The Committee noted the content of a detailed letter from the applicants outlining the reasons for their decision and providing further evidence as to why they considered the application to be acceptable.

The Committee noted an extended summary of the representation submitted by the occupier of no: 78 Gordon Avenue as reported in the Supplementary Schedule. In addition, the Committee received the verbal views of Mrs Gurney representing the occupiers of no: 78 objecting to the application and the applicant, at the meeting.

It was acknowledged that there would be some change to the appearance of the dwelling from the street but it was not considered to be significant or cause harm to the character of the area. The raising of the roof ridge by 0.6m by following the existing roof slope and bringing it to a point rather than a flat top was considered to be more in keeping with the neighbouring properties than existing as the vast majority all came to a point to the front (with the ridge running backwards). Furthermore, the increase in height was not considered to be out of place against the neighbouring dwellings.

In terms of impact on neighbour amenity, it was considered that given the separation between the dwelling at no: 74 and the existing extension at no: 74 the proposed development would not have any significant impact on the amenity of no: 74. It was noted that no representations had been received by the occupiers of that property. The property to the east (no: 78) was separated by a gap of approximately 3 metres and also had a rear extension which extended approximately 4 metres further to the rear than the existing extension at no: 76. Members acknowledged that there may be some light loss as the sun set in the west but it was not considered to be significant, given the distance between the ridge line and the windows and that there was an existing garage and car port on the property at no: 78 which would also block some of the light.

Regarding the proposed rooflights, it was considered there would be no possibility of overlooking the neighbouring property as four of these served ground floor rooms and the fifth would serve a landing in the loft space (ie a non habitable room). One further rooflight would provide light to the stairwell on the east elevation.

In conclusion, it was considered that the proposals would not cause significant harm to the character and appearance of the area or neighbour amenity. Accordingly, it was

### **RESOLVED:**

To approve application number 20180243 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 Dwg No 76GA\_RC\_2018\_A Plans and Elevations received  
4 June 2018

Location Plan received 12 February 2018

### **Reasons:**

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Informatives:

- (1) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or [enquiries@cncbuildingcontrol.gov.uk](mailto:enquiries@cncbuildingcontrol.gov.uk) and the website [www.cncbuildingcontrol.gov.uk](http://www.cncbuildingcontrol.gov.uk)
- (2) Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.
- (3) The applicant is herewith advised that due to the proximity of the site to an area of filled ground, a suitable membrane to prevent the potential risk of gas ingress should be included in the design of the works to be carried out and agreed with CNC Building Control Consultancy, who provide the Building Control Service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or [enquiries@cncbuildingcontrol.gov.uk](mailto:enquiries@cncbuildingcontrol.gov.uk) and the website [www.cncbuildingcontrol.gov.uk](http://www.cncbuildingcontrol.gov.uk)

### **10 APPLICATION NUMBER 20180634 – 1 ROUNDTREE CLOSE, SPROWSTON**

The Committee considered an application for the change of use of a light industrial unit (use class B1) with a floor space of 151m<sup>2</sup> to a gymnasium (use class D2) at 1 Roundtree Close Sprowston. No external works had been or were required to the building. Hours of opening were 0730 to 2100 from Monday to Friday and 0900 to 1200 on Saturdays, Sundays and Bank Holidays.

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

The Committee noted a correction to paragraph 1.2 of the report and additional information from the applicant as reported in the Supplementary Schedule. In addition, the Committee received a verbal presentation by the

applicant at the meeting.

As a D2 use, the gymnasium was contrary to Policy E1 of the DM DPD which sought to protect employment sites of strategic importance. Policy E2 of the DM DPD permitted new uses on employment sites within the settlement limit, subject to certain criteria, including evidence that a continued employment use was unviable and there was a significant environmental or community gain which outweighed the employment benefits. However, a marketing exercise had not taken place and furthermore, it was not considered that a gymnasium of this size would provide a significant community gain. Consequently, the application was contrary to Policy E2.

The Committee did not consider that the gym would undermine the development plan to a significant degree. Although not an employment use, the gym was a starter business that employed a similar number of people for the size of unit in question and would sit comfortably alongside neighbouring uses. Therefore, it was considered to comply with the aims of Policy 5 of the JCS and Policy 6 of the Sprowston Neighbourhood Plan. However, it was considered appropriate to impose a planning condition which restricted the use of the unit to a gymnasium and, upon that use ceasing or the premises become vacant, the unit would revert to its former use. Furthermore, regard was also had to a decision made by the Committee in December 2017 in respect of unit 8 for a similar application.

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

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

### **RESOLVED:**

To approve application number 20180634 subject to the following condition:

The premises shall be used as a gymnasium and for no other purpose including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification. Upon the gymnasium ceasing to operate or the premises being vacated, the premises shall revert back to its previous use.

**Reason:**

To ensure development appropriate to the area in accordance with Policies GC4, E1 and E2 of the Development Management DPD 2015.

**Informative:**

The local planning authority has taken a proactive and positive approach to decision taking in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.

*The meeting closed at 2:40pm*

DRAFT

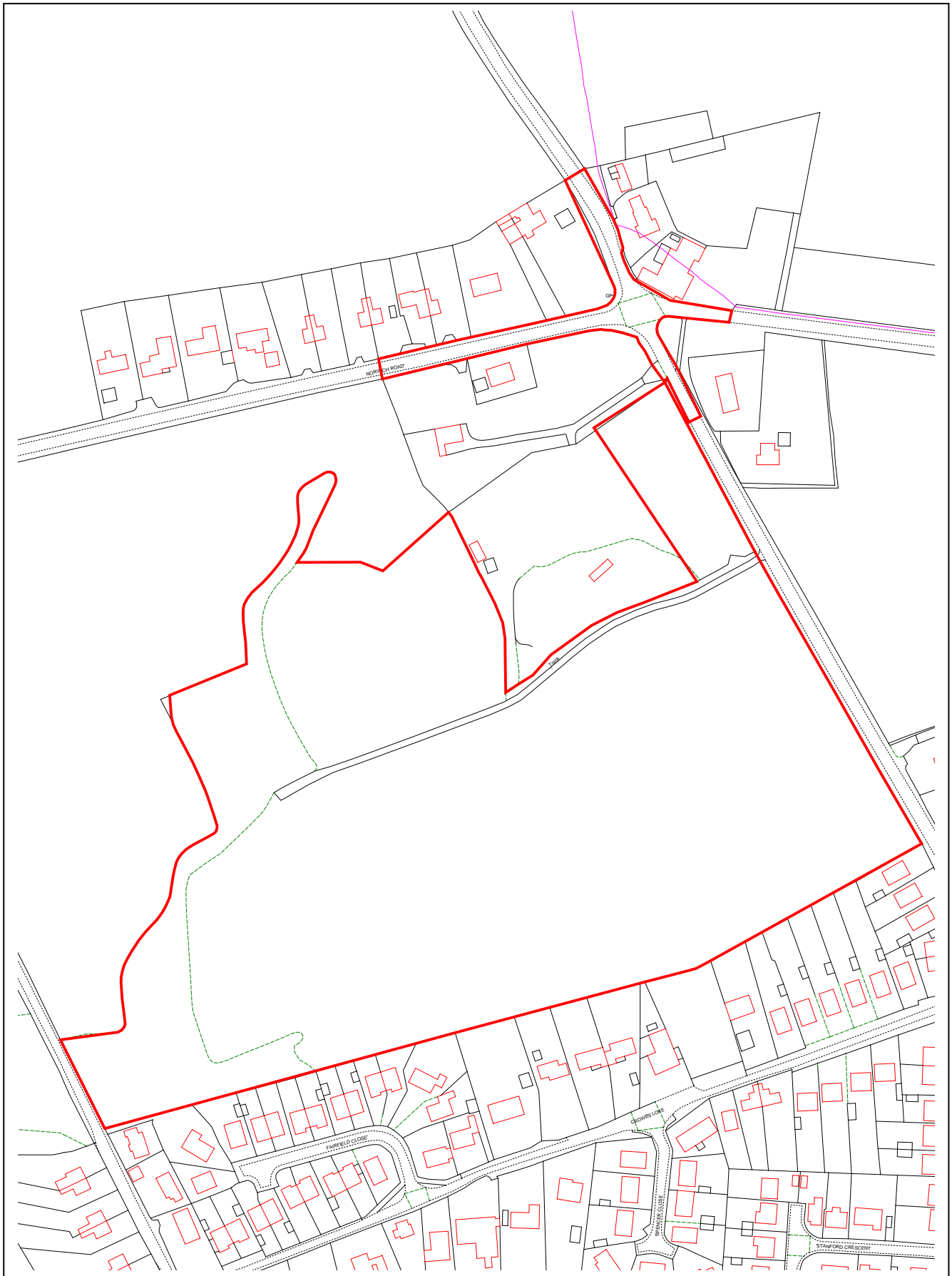
## SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Plan No	App'n No	Location	Contact Officer	Officer Recommendation	Page Nos
1	<a href="#">20172209</a>	<a href="#">Land west of Salhouse Road, Little Plumstead</a>	CJ	To delegate authority to HoP to <b>GRANT OUTLINE PLANNING PERMISSION</b> subject to conditions and the satisfactory completion of a Section 106 Agreement	26 – 62 <a href="#">200 – 210 (exempt)</a>
2	<a href="#">20172148</a>	<a href="#">Land off Beech Avenue, Taverham</a>	CJ	To delegate authority to HoP to <b>GRANT OUTLINE PLANNING PERMISSION</b> subject to conditions and subject to securing a Section 106 Agreement	63 – 99 <a href="#">211 – 245 (exempt)</a>
3	<a href="#">20180598</a>	<a href="#">94 Fakenham Road, Drayton</a>	CR	<b>APPROVE</b> subject to conditions	100 – 123
4	<a href="#">20180722</a>	<a href="#">Hoot Hollow, Dumbs Lane, Hainford</a>	CR	<b>APPROVE</b> subject to conditions	124 – 139
5	<a href="#">20180688</a>	<a href="#">Oak Farm, Acle Road, South Walsham</a>	HB	<b>APPROVE</b> subject to conditions	140 – 156
6	<a href="#">20180777</a>	<a href="#">Perownes Farm, Bullacebush Lane, Blofield</a>	CP	<b>REFUSE</b>	157 – 179
7	<a href="#">20180631</a>	<a href="#">Witton Hall, Witton Lane, Postwick</a>	CP	<b>APPROVE</b> subject to conditions	180 – 190
8	<a href="#">20180503</a>	<a href="#">93 Newton Street, Newton St Faiths</a>	MC	To delegate authority to HoP to <b>APPROVE</b> subject to conditions	191 – 199



HoP = Head of Planning

<b>Key</b>	<b>Contact Officer</b>	<b>Direct Dial No:</b>
CJ	Charles Judson	01603 430592
CR	Chris Rickman	01603 430548
CP	Cheryl Peel	01603 430550
MC	Martin Clark	01603 430581
HB	Heather Byrne	01603 430628



**Application No: 20172209**

**Land west of Salhouse Road, Little Plumstead**

**Scale:  
1:2500**

**Date:  
25-Jun-18**



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**AREA** East

**PARISH** Great and Little Plumstead

1

**APPLICATION NO:** [20172209](#)

**TG REF:** 631081/311066

**LOCATION OF SITE** Land west of Salhouse Road, Little Plumstead

**DESCRIPTION OF DEVELOPMENT** Residential development of 84 dwellings with access details (outline)

**APPLICANT** Glavenhill Strategic Land (Number 12) Limited, c/o Agent

**AGENT** Lanpro Services, Mrs Jane Crichton, Brettingham House, 98 Pottergate, Norwich, NR2 1EQ

**Date Received:** 20 December 2017  
**13 Week Expiry Date:** 22 March 2018

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**Reason at Committee:** The recommendation for approval is contrary to Development Plan policies.

**Recommendation (summary):** To delegate authority to the Head of Planning to grant planning permission subject to planning conditions and the satisfactory completion of a Section 106 Agreement.

## 1 THE PROPOSAL

- 1.1 The application seeks outline planning permission with all matters reserved other than access for the erection of 84 dwellings. Also included as part of the proposal is the creation of a new roundabout at the junction with Salhouse Road, Norwich Road, Honeycombe Road and Belt Road (hereafter referred to in this report as the 'Brick Kilns junction').
- 1.2 The application has been amended to revise the form of roundabout from a 'mini' to a larger 'compact' roundabout following comments made by the highway authority. The roundabout would consist of a raised centre island surrounded by a textured overrun surface. Kerbed splitter islands would be provided at the four junctions to the roundabout to provide pedestrian refuge.
- 1.3 Permission is sought for a new access onto Salhouse Road to serve a type 3 estate road 5.5m in width in addition to 5 no: private access drives to serve the potential for frontage development. An existing residential access would also be realigned through the site to accommodate the roundabout proposals

and a 1.8m wide footpath would be provided along the site's frontage with Salhouse Road, to extend south to Sandhole Lane.

- 1.4 An indicative masterplan has been provided to show how the number of dwellings proposed could be accommodated within the site, based on the proposed access arrangements, in addition to the provision of open space.
- 1.5 The scheme seeks to deliver 33% affordable housing which equates to 28 dwellings and 5% self-build housing which equates to 4 dwellings. A viability assessment has been submitted by the applicants to confirm that the development is viable and advice has been received to confirm this from an independent consultant. The viability assessment is provided for Members only as exempt papers as it contains commercially sensitive information (see appendix 1).

## 2 KEY CONSIDERATIONS

- Housing supply in the Norwich Policy Area (NPA).
- Whether the proposed development accords with the provision of the Development Plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
- Whether the proposed development results in any adverse impacts which would significantly and demonstrably outweigh the benefits.

## 3 CONSULTATIONS

### Internal

#### 3.1 Arboriculture and Landscape Officer:

The layout is sympathetic to the retention of the majority of existing trees and the open space would potentially provide a pleasing backdrop to the development which is shown at lower density and would allow sufficient space for additional planting to further integrate the scheme into the existing landscape. I note that the central tree belt is associated with a previous industrial use and contains the remnants of the old brick works, it should be verified at an early stage if any soil contamination remediation works would be required, as this may have a detrimental impact on the health and retention of the existing trees. I would prefer to see a single point of access as this would allow the retention of more of the existing hedgerow (visibility splays allowing) which adds to the existing rural character of the location. It would make a lot of sense from a landscape perspective. Once a final layout is agreed a Tree

Protection Plan (TPP) and an Arboricultural Method Statement (AMS) and a detailed landscaping scheme will be required.

### 3.2 Housing Enabler:

I note the applicants are proposing 33% affordable housing on this site of 84 dwellings which equates to 28 affordable units. This is therefore the Policy requirement for a site of this size. The proposed tenure split is 85:15 which is as per the JCS Policy 4. A more beneficial tenure split of 60:40 could be considered if the applicants are proposing to deliver bungalows and a good mix of units to meet the needs of all applicants on the Housing List (including those with a disability or the elderly) and an indicative mix is provided on this basis. It is noted that we would expect to see the affordable housing pepper potted throughout the development and delivered as tenure blind, rather than delineated from the market sale housing.

### 3.3 Pollution Control Officer:

In accordance with the submitted desk study, a condition should be imposed to require a site investigation (for contamination).

### 3.4 Section 106 Monitoring Officer:

The parish are interested in developing recreational facilities at Great Plumstead Recreation Ground so the development may contribute towards this as part of off-site recreational contributions. The quality of the GI to the west of the site needs more investigation. The proposed play space backs onto the existing play area beside the village hall perhaps the two open spaces need connecting and one play space only needs to be provided.

## External

### 3.5 Anglian Water:

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

The foul drainage from this development is in the catchment of Whitlingham Trowse Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

3.6 Highway Authority:

With reference to the amended access and roundabout plans, in relation to highway matters, I would not wish to raise an objection to the granting of planning permission subject to conditions.

3.7 Historic Environment Service, Norfolk County Council:

The archaeological desk based assessment accompanying the application concludes that there is potential for buried archaeological remains of regional significance to survive within the proposed development area. The remains are of brick kilns and other structures related to brick and tile manufacturing which took place across parts of the proposed development area from at least the 16<sup>th</sup> century until 1939. In the period 1902 to 1939 the Little Plumstead brickworks was one of the locations where Costessey Ware was manufactured. If planning permission is granted, we therefore ask that this be subject to a programme of archaeological work in accordance with National Planning Policy Framework paragraph 141.

3.8 Lead Local Flood Authority:

Following our previous objection the applicant has provided a Flood Risk Assessment and drainage strategy, alongside additional information to account for the local flood risk issues and surface water drainage at this location. We welcome that Sustainable Drainage Systems (SuDS) have been proposed in the development. A condition should be imposed to require the approval of a detailed surface water drainage scheme.

3.9 Minerals and Waste Planning Officer , Norfolk County Council;

No objection on the grounds of mineral safeguarding due to the poor quality of the mineral remaining on site.

3.10 NHS England Midlands and East, incorporation North Norfolk Clinical Commissioning Group:

The proposal is likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision in the area and NHS England would expect these impacts to be assessed and mitigated. To be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, the proposed development should

provide appropriate levels of mitigation. NHS England advise that healthcare contributions should be sought to contribute to the provision of sustainable primary care services in the area, particularly for the additional residents generated as a direct result of development growth. It has been advised that Healthcare is not currently contained on Broadland Council's CIL123 list, consequently, until this policy is addressed, it is confirmed mitigation cannot be obtained for primary healthcare. NHS England understands this matter is now being considered through the Greater Norwich Growth Board forum. NHS England and the CCG do not have funding to support development growth; therefore, it is essential this is resolved as a matter of priority, in order to effectively mitigate development impact and maintain sustainable primary healthcare services for the local communities of Broadland.

Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development.

### 3.11 Natural Environment Team, Norfolk County Council:

The application is supported by an ecological appraisal (Ecological Appraisal at little Plumstead; Aspect Ecology; December 2017). The report is fit for purpose. It describes the application site as being of low ecological value (arable land) with the highest biodiversity in the site being the boundary trees and margins. The report notes the site contained substantial conservation margins, supported wintering birds (a flock of reed buntings), and had foraging potential for bats.

Whilst the report acknowledges potential for foraging bats, we are also aware of records of roosting Barbastelle bats both to the north (Salhouse, 1.5km) and south (Great Plumstead Hospital area, 1.5km) and so the application site falls within the Core Sustenance Zones (CSZ) of local barbastelle populations. The wider landscape is highly suitable for Barbastelle bats as it has numerous woodlands and wide tree belts.

We would wish to see: the retention of the boundary habitat features as the wider landscape is important for Barbastelle and other bat species; compensation for the loss of the 'substantial conservation margins', winter feeding habitat for farmland birds, and the loss of potential skylark territories; a sensitive lighting scheme both during construction and operation that minimises light on the natural habitats on the boundaries. As a precautionary measure to minimise the risk of harm to reptiles (should they be present), a habitat manipulation exercise and destructive search should be used prior to commencement of construction (6.17 of the report).

The Ecological Reports include some recommendations for enhancements for biodiversity (section 6.2) and we would expect the applicant to be required to commit to these recommendations.

Conditions are recommended regarding nesting birds, lighting and biodiversity enhancement.

### 3.12 Norwich International Airport:

No objection subject to any landscaping should be arranged to ensure that birds are not attracted to the site to minimise the risk of serious aircraft accident resulting from a collision with birds.

## 4 PUBLICITY

### 4.1 Site Notice:

Expired 24 January 2018

### 4.2 Press Notice:

Expired: 6 February 2018

### 4.3 Neighbour notification:

80 neighbours consulted on Salhouse Road, Norwich Road, Crowes Loke, Sandhole Lane, Honeycombe Road and Fairfield Close

Expiry of consultation: 25 January 2018 and 23 April 2018 (following 'focussed' re-consultation on amended roundabout plans)

## 5 REPRESENTATIONS

### 5.1 Representations received from 15 addresses raising the following issues:

- Sufficient brown field land closer to Norwich
- Loss of habitat for wildlife
- Roundabout is unnecessary with changes in traffic flows to the NDR
- Adding roundabouts will increase traffic flow by making an easier route from the A47 at Witton to Greater and Little Plumstead and Salhouse
- Vehicles travel in excess of the speed limit in the area
- Contrary to the NPPF which seeks to reduce the need to travel, especially by car



- Estimate of vehicular movements is too low and the increase in traffic will cause congestion
- Bus service isn't good, especially for commuter use
- Local facilities are not easily accessed by foot or cycle
- Single point of access onto a single carriageway adjacent to a brow on a hill where cars park is dangerous
- Little Plumstead has insufficient infrastructure and facilities to accommodate this and other developments
- Site is outside of village boundary
- No objection but the site must not be overcrowded
- Social housing must be provided on site
- Speed limit in area should be reduced to 20mph
- Increase in pollution
- Compact roundabout will take vehicles closer to the Brick Kilns PH than a mini roundabout
- Concerned about drainage
- 84 houses are too many for the site
- Applicant's pre-application engagement was not useful
- Proposed play area is too small
- Roundabout is needed at Brick Kilns junction due to past accidents
- Proposed roundabout will increase vehicle speeds on roundabout approach
- Proposal is contrary to the adopted Neighbourhood Plan

### 5.2 Great and Little Plumstead Parish Council:

Objects on following basis:

- Density of housing is not in line with Policy 2 of the Neighbourhood Plan. The parish would be grateful if there could be a cap on the number of houses which could be built.

- The amenity space proposed is not sufficient and does not comply with Policy 1 of the Neighbourhood Plan
- The application falls outside of the development area as per Policy 7
- The proposed access road does not comply with Policy 4 of the Neighbourhood Plan. The access is close to a brow of a hill and there is no pathway on the application side of Salhouse Road.
- No explanation has been given to how surface water drainage will be dealt with contrary to Policy 4
- The applicant does not confirm where overhead power lines will be located contrary to Policy 4
- The amended plans do not address the objections
- Amenity land should make provision for allotments and secured in the S106
- The roundabout design is oversized for the locality. A mini roundabout would be more in-keeping. The revised roundabout will force cars close to the Brick Kilns PH and incline cars towards it. Whilst the roundabout is one of our neighbourhood Plan aspirations we do not want it at the expense of having development.
- The development is contrary to the Service Village designation of Little Plumstead contrary to the Development Plan
- The pathway to Sandhole Lane needs to be investigated in terms of its width which could be very narrow

### 5.3 Campaign to Protect Rural England:

The site is outside the settlement boundary of Little Plumstead according to the Site Allocations DPD (adopted 2016) on land which is unallocated for housing. Even though there is a lack of a 5-year land supply for housing, the harm this development would bring outweighs any potential benefits. The proposal site also lays outside any areas earmarked for housing within the Plumsteads' Neighbourhood Plan (adopted July 2015). Weight should be given to this adopted Neighbourhood Plan within the planning process.

The proposals in terms of the design and type of housing are contrary to various policies within the Plumsteads' Neighbourhood Plan, as they would give a highly suburban rather than rural village feel. The proposal also goes against Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk, which relates to promoting good design and requires new development to be designed to high standards resulting in a strong sense of place.

Paragraphs 7 and 8 of the National Planning Policy Framework outline the three dimensions of “Sustainable Development” for planning, the third of which is the “Environmental Role,” whereby the “built environment should contribute to the protection and enhancement of the natural, built and historic environment.” The applicant’s Design and Access Statement fails to meet these criteria.

## **6 RELEVANT POLICY GUIDANCE**

### **National Planning Policy Framework (NPPF):**

- 6.1 This document sets out that the purpose of the planning system is to contribute towards achieving sustainable development. It also reinforces the position that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. As national policy, the NPPF is an important material consideration and should be read as a whole but paragraphs 6, 7, 8, 11, 12, 13, 14, 17, 19, 32, 47, 49 and 73 are particularly relevant to the determination of this application.

### **National Planning Practice Guidance:**

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

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

- 6.3 Policy 1 – Addressing Climate Change and Protecting Environmental Assets:

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

- 6.4 Policy 2 – Design:

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

- 6.5 Policy 3 – Energy and Water:

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 – Housing Delivery:

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 6 – Access and Transportation:

States that the transportation system will be enhanced to develop the role of Norwich as a regional transport node and will improve access to rural areas.

### 6.8 Policy 7 – Supporting Communities:

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

### 6.9 Policy 9 – Growth in the Norwich Policy Area:

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 a number of locations.

### 6.10 Policy 15 – Service Villages:

In each Service Village, land will be allocated for small scale housing development subject to form and character considerations. Settlements identified in this policy that are also within the Norwich Policy Area may be considered for additional development if necessary to help deliver the 'smaller sites in the NPA' allowance (see JCS Policy 9).

### 6.11 Policy 21 – Implementation of proposals in the Broadland part of the Norwich Policy Area:

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 Document (DM DPD)  
(2015):**

### 6.12 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.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant planning permission unless material considerations indicate otherwise – taking into account whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole of specific policies in the Framework indicate that development should be restricted.

### 6.13 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.

### 6.14 Policy GC4 – Design:

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

### 6.15 Policy EN1 – Biodiversity and Habitats:

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

### 6.16 Policy EN2 – Landscape:

In order to protect the character of the area, this policy requires development proposal to have regard to the Landscape Character Assessment SPD.

### 6.17 Policy EN3 – Green Infrastructure:

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

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

6.18 Policy EN4 – Pollution:

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

6.19 Policy RL1 – Provision of Formal Recreational Space:

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

6.20 Policy TS2 – Travel Plans and Transport Assessments:

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

6.21 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.

6.22 Policy CSU5 – Surface Water Drainage:

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

**Site Allocations Development Plan Document (SA DPD) (2016):**

- 6.23 The site is not allocated for development or located within the settlement limit defined for Little Plumstead.

**Great Plumstead, Little Plumstead & Thorpe End Garden Village Neighbourhood Plan 2014-2034 (2015):**

6.24 Policy 1

New development will respect and retain the integrity of Great Plumstead, Little Plumstead and Thorpe End Garden Village as distinct settlements, protecting their character as individual villages.

Response: Officers do not consider that the development would adversely impact on the character of Little Plumstead as a distinct settlement with a proposed density of development reflecting the existing urban environment

and the avoidance of coalescence with Thorpe End and Great Plumstead given the scale.

### 6.25 Policy 2:

New development should deliver high quality design meeting criteria including consideration over scale and density, local character and natural assets, provision of a mix of housing types, roads that meet the standards of the Highway Authority, appropriate parking provision and the delivery of 5% of self-build plots.

Response: Officers consider that the development will have an urbanising impact on the character and appearance of the site but that the density of development reflects local character and the scheme seeks to retain existing mature trees and would allow for additional soft landscaping to soften the impact of development. Many of the requirements of Policy 2 are applicable to reserved matters stage (such as parking provision).

### 6.26 Policy 3:

All new development should maximise opportunities to walk and cycle between Great Plumstead, Little Plumstead and Thorpe End Garden Village.

Response: The scheme includes provision of a footpath extension to Sandhole Lane to provide connection to existing footpath and cycle ways to Great Plumstead and the former Hospital site.

### 6.27 Policy 4:

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

Response: The applicant is supported by a Transport Statement, the scope and content of which is considered acceptable by the Highway Authority.

### 6.28 Policy 5:

Where Green Infrastructure is provided as part of development it should aim to improve biodiversity and connections with existing green spaces in and around the villages.

Response: An above policy compliant level of informal open space / green infrastructure is proposed which, subject to detailed design at reserved

matters could link to existing play space at the Village Hall and informal recreation on Sandhole Lane.

6.29 Policy 6:

Where new developments provide elements of green infrastructure (such as open space, natural green space, recreational areas, allotments, community woodland and orchards) the developer will be required to demonstrate an effective and sustainable management programme.

Response: The management arrangements for onsite open space would be secured through Section 106.

6.30 Community Aspirational Policy 4 – Junction improvement at Brick Kilns Public House:

Proposals to improve the junction at the Brick Kilns Public House intersection of Norwich Road, Salhouse Road, Belt Road and Honeycombe Road will be supported.

Response: The scheme includes provision for a compact roundabout at this junction, designed to the agreed standards of the Highway Authority.

**Core Strategy and Minerals and Waste Development Management Policies DPD 2011:**

6.31 Policy CS16: Safeguarding minerals and waste sites and in particular mineral resources

The County Council will safeguard existing, permitted and allocated mineral extraction and associated development and waste management facilities within certain categories.

**Recreation Provision in Residential Development Supplementary Planning Document (2016):**

6.32 Sets the guidance on how the requirements set out within Policies EN1, EN3 and RL1 will be applied.

**Broadland Landscape Character Assessment Supplementary Planning Document (SPD) 2013:**

6.33 E4 – Rackheath and Salhouse



## **7 LOCATION AND DESCRIPTION OF SITE**

- 7.1 The application site is located to the west of Salhouse Road and measures 7.11ha. The vast majority of the site was last used for agriculture, however a strip of land to the north adjacent to Salhouse Road is currently residential garden. Furthermore, the area of land required to undertake the roundabout is also included in the application site boundary and whilst mostly public highway it also includes an area of residential garden.
- 7.2 To the south of the site is Crowes Loke and Fairfield Close with residential dwellings backing on to the appeal site. The boundary treatments are a variety of fencing, hedgerows and open aspect to these dwellings. Dwellings in the area are a mix of bungalows, chalets and two storey properties. Also on Crowes Loke is Little Plumstead Village Hall with associated play area which backs on to the appeal site and is owned by Broadland District Council.
- 7.3 To the west of the site is Sandhole Lane with access to Norwich Road to the north and residential dwellings to the south. To the west of Sandhole Lane is an informal area of public open space with informal football goals. Also to the west of the site is an agricultural field, elevated by approximately 4m from the application site with the embankment containing a variety of mature and semi-mature landscaping features.
- 7.4 To the north of the site is agricultural land and a residential garden with a tree belt and hedgerow forming a boundary treatment.
- 7.5 To the east of the site is a mature hedgerow forming the boundary to Salhouse Road beyond which is a field and residential dwellings fronting Salhouse Road.
- 7.6 There is a large cluster of dwellings and the Brick Kilns public house and restaurant which front on to the existing Brick Kilns junction and associated roads on approach to the junction.

## **8 PLANNING HISTORY**

- 8.1 No relevant history.

## **9 APPRAISAL**

- 9.1 The application seeks outline planning permission with all matters other than access reserved for 84 dwellings. Also included within the application site boundary are proposals for the creation of a new compact roundabout at the Brick Kilns junction. 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;
- whether there are any material considerations to justify a departure from the Development Plan with reference to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG);
- the housing supply situation in the Norwich Policy Area (NPA); and
- whether the proposed development results in any adverse impacts which would significantly and demonstrably outweigh the benefits.

**Whether the development accords with the provisions of the Development Plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG):**

- 9.2 Great and Little Plumstead are designated as a Service Village by Policy 15 of the Joint Core Strategy (JCS) where it is envisaged that allocations will be within the range of 10-20 dwellings subject to form and character considerations.
- 9.3 The site, however, is not allocated for development in the Site Allocations Development Plan Document (SA DPD) and lies outside the defined settlement limit where Policy GC2 of the Development Management Development Plan Document (DM DPD) does not permit new development unless the proposal accords with a specific allocation and / or policy of the Development Plan. The development is therefore considered to be contrary to GC2 of the DM DPD.
- 9.4 Little Plumstead is however located within the Norwich Policy Area (NPA) and a key material consideration in regards to housing land supply in the NPA is the Central Norfolk Strategic Housing Market Assessment (SHMA); the most recent version of which was published in June 2017. This is significant new evidence and forms part of the Joint Core Strategy for Broadland, Norwich and South Norfolk: Draft Annual Monitoring Report 2016-17 published in draft on 14 March 2018 and made final in April 2018. For the NPA there is an 8.08 year housing land supply against the SHMA assessment of the Objectively Assessed Need (OAN) for housing. The following paragraphs explain why this effectively diminishes the weight attached to the benefits of increased housing supply.
- 9.5 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 NPPF.

- 9.6 In accordance with both the Council's adopted Development Plan and the NPPF, in cases where there are no overriding material considerations to the contrary, development proposals for housing that accord with the Development Plan should be approved without delay.
- 9.7 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.
- 9.8 Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council, in accordance with DM DPD Policy GC1, will grant permission unless material considerations indicate otherwise – taking into account whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits or whether specific policies in the NPPF indicate that development should be restricted.
- 9.9 Of particular relevance to applications for housing development in this regard is paragraph 49 of the NPPF. This states that: 'housing applications should be considered in the context of the presumption in favour of sustainable development; and that, relevant (local plan) policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'. Where policies in the Local Plan are not considered to be up-to-date, paragraph 14 of the NPPF requires decision-taking to approve applications for housing unless the adverse impacts of granting permission 'would significantly and demonstrably outweigh the benefits' when assessed against the policies of the NPPF as a whole.
- 9.10 The 2017 Greater Norwich Area Housing Land Supply Assessment, published as Appendix A of the Joint Core Strategy Annual Monitoring Report 2016-2017, shows that against the JCS requirements there is 4.61 years supply in the combined NPA, a shortfall of 1,187 dwellings. Consequently relevant policies for the supply of housing in the NPA cannot be considered up-to-date and applications for housing should continue to be determined within the context of paragraph 14 of the NPPF.
- 9.11 The JCS housing requirement is, however, now several years old (the JCS was adopted in March 2011, with amendments in January 2014). The evidence on which the requirement is based has now been superseded. 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 (OAN) for housing between 2015 and 2036 using the most recent evidence available. Unlike the evidence underpinning the JCS, the SHMA also includes an assessment of the contribution made by student accommodation in line with the Planning Practice Guidance.

- 9.12 The SHMA is significant new evidence that is also a material consideration in the determination of planning applications. A housing land supply of 8.08 years can be demonstrated against the SHMA assessment of OAN, a surplus of 5,368 units. The abundant housing land supply that is apparent in relation to the most up-to-date evidence of housing needs should be given weight in the decision making process. 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 14.
- 9.13 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.
- 9.14 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

### **Economic Role**

- 9.15 The NPPF confirms the economic role as: *“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure”*.
- 9.16 The development would result in some short term economic benefits as part of any construction work (a development of this scale may take approximately 2 years to construct) and in the longer term by spending from the future occupants of the dwellings which could support local services and facilities. The development would also generate CIL (25% of which would go to the Parish Council as there is an adopted Neighbourhood Plan) and New Homes Bonus. Therefore given the scale of development it is considered that the scheme would bring forward a modest level of economic benefit which weighs in favour of the development in the planning balance.

### **Social Role**

- 9.17 The NPPF confirms the social role as *“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being”*.

### Housing

- 9.18 The site is located within the NPA where against the requirements of the JCS there is a 4.61 year supply of land for housing. However, when measured against the SHMA OAN there is 8.08 year housing land supply. This consideration diminishes the weight that would otherwise be given to proposals for new housing. Therefore, whilst the delivery of additional housing in the NPA can still be regarded as a social benefit of the scheme, it is a benefit of diminished weight.
- 9.19 The site lies outside of, but adjacent to, the defined settlement limit for Little Plumstead. The level of services in Little Plumstead is limited with just a Public House and village hall and residents would be reliant on services provided in Great Plumstead and the former hospital site to meet their day-to-day needs. Together, however, these villages provide a primary school, village hall, church, allotments and informal & formal recreational facilities and the villages collectively are a Service Village in Policy 15 of the JCS, defined as having a good range of services / facilities where allocations will be made within the range of 10-20 dwellings.
- 9.20 Great and Little Plumstead are connected by a shared use foot / cycleway and whilst this does narrow to just a footway before it enters Great Plumstead it is considered that this facility provides a sustainable means for residents to access the various services and facilities to meet most of their day-to-day needs. Furthermore, the site is well related to an existing bus stop at the Brick Kilns junction which provides services to Norwich ensuring residents would have the ability to access Norwich without necessarily being reliant on the car. Whilst the number of dwellings proposed is on the high side relative to the level of services within the villages, it is considered on balance that the scale of proposed development is sustainable in terms of its location. Furthermore, whilst the amount of dwellings is in excess of the range of dwellings envisaged in Policy 15, and in combination with other committed development in Great and Little Plumstead (including the former hospital site) this number would be significantly exceeded, Policy 15 of the JCS, as a housing supply policy, is out of date by virtue of the lack of 5 year supply against the JCS requirements and the weight it can be given is therefore reduced.
- 9.21 The applicant has confirmed that they would be agreeable for 5% of the dwellings (ie 4 dwellings) to be self-build properties. 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. There are five people who have registered for Part 1 of the register (0 on Part 2) in this area. Whilst this number is low and therefore the demand for self-build properties appears limited, there is nevertheless national support for self-build and the proposed development would contribute towards

meeting this objective and increasing the type of housing available for residents and represents a social benefit in favour of the proposal.

- 9.22 Furthermore, Policy 2 of the Great and Little Plumstead Neighbourhood Plan encourages the provision of at least 5% of land as self-build plots on development of 20 dwellings or more and in this regard it is considered that the application complies with Policy 2 of the Neighbourhood Plan. The delivery of self-build plots can be secured by Section 106.

### **Affordable housing**

- 9.23 Policy 4 of the JCS requires on a development of this scale that 33% of the dwellings are affordable. In these circumstances that would equate to 28 affordable dwellings. The applicant proposes to meet this requirement and this would be secured through a Section 106 Agreement. The application proposes a tenure split of 85% social rented and 15% intermediate tenures in accordance with Policy 4 of the JCS. Notwithstanding the implications of the 2017 SHMA on the weight to give to housing as a material consideration the provision of 28 affordable houses is considered to represent a social benefit of significant weight in the overall planning balance. The affordable housing would be secured by a Section 106 Agreement and its delivery has been confirmed as viable following the submission of a viability assessment and review by an independent consultant, details of which are attached as exempt papers.

### **Open space**

- 9.24 Policies EN3 and RL1 of the DM DPD are also relevant to the determination of this application and these require the provision of green infrastructure and formal recreational space (children's play, sports facilities and allotments). The precise amount of green infrastructure and formal recreational space would be dependent on the final housing mix and given the outline nature of the application this cannot be determined at this stage. However, the applicants have provided an indicative mix of house types and the following table provides an assessment of what the policy requirement is and what the appellants are proposing on site based on the indicative mix:

	<b>Required</b>	<b>Proposed on site</b>	<b>Surplus / deficit</b>
Sports provision	0.35ha	0ha	-0.35ha
Children's Play	0.07ha	0.12ha	+0.035ha
Green Infrastructure	0.84ha	2.02ha	+1.18ha
Allotments	0.03ha	0ha	-0.35ha

- 9.25 It can therefore be seen that there is a very modest over provision of children's play space and a significant over provision of green infrastructure. This is considered to represent a social benefit of moderate weight and would provide the new and existing residents of the village greater opportunities for accessing open space with associated benefits in terms of health and well-being in accordance with Policy 7 of the JCS. The proposed children's play equipment could be located adjacent to the existing play equipment and open space at the Village Hall on Crowes Loke (owned by the District Council) and the proposed green infrastructure provides onward connection to the existing informal open space of Sandhole Lane. To ensure that this open space is of a sufficient quality to count as green infrastructure a scheme for the provision out of this space would be secured through the Section 106 Agreement / considered through reserved matters. Members will note that no sports provision or allotments are proposed on site but given the scale of development it would be acceptable for a commuted sum to be secured for off-site contributions. The contributions for sports provision could be used towards changing facilities at the Great Plumstead playing field, which is identified as a community aspiration in the Neighbourhood Plan. Taken together it is considered that the open space and associated facilities would have a positive social benefit of moderate weight.

### Highway improvements

- 9.26 Salhouse Road is a 30mph road approximately 5.5m wide. To the north is the 'Brick Kilns' junction, a 4 arm cross road junction between Salhouse Road, Norwich Road, Honeycombe Road and Belt Road. During the period 2012-2016 there have been a total of 9 accidents at this junction of which 2 were considered to be 'serious' and 7 'slight'. Improvements to this junction are included within the Neighbourhood Plan under Community Aspirational Policy 4 where it is stated that the junction has been identified as dangerous as a result of excessive speed and poor visibility. However, despite campaigning, a lack of funding has meant that the junction has not been improved.
- 9.27 The application proposes a number of highway interventions which include increasing the width of Salhouse Road along the frontage of the site to 6m, providing a 1.8m wide footpath to the site frontage and the continuation of this south to Sandhole Lane (although a narrower footpath may be required subject to detailed design) to provide onward connection to the existing footpath provision and the inclusion of a new roundabout on the Brick Kilns junction. The proposed roundabout has been amended following consultation with the Highway Authority who objected to the inclusion of a mini roundabout as originally proposed and required instead the provision of a larger compact roundabout. Subsequent to this amendment the Highway Authority has no objections subject to conditions.
- 9.28 The highway improvements are to some extent mitigation necessary to make the development acceptable which tempers the weight that they can be given in the planning balance. However, whilst mitigation for the development, they

also provide wider public benefits to which weight can be given in the planning balance. This is particularly so for the proposed roundabout which would result in the removal of a sub-optimal junction where there has been a recent record of serious accidents and its replacement with a compact roundabout with improved visibility and management of traffic flow. Officers consider that this would have public safety benefits which are a significant benefit of the scheme. The weight to be given to this is enhanced by its inclusion as a community aspiration in the Neighbourhood Plan. Whilst the Parish Council objects to the planning application and they have stated that they do not want it at the expense of having the (residential) development, officers do not consider that there is any likely prospect of this roundabout being delivered other than through the granting of this planning application. The Neighbourhood Plan suggests that the roundabout could be funded through CIL or other grants however the roundabout requires land outside of the control of the Parish Council and land not within the highway boundary. Officers therefore consider that the planning application proposes the only realistic prospect of delivering a roundabout which meets Highway Authority standards in terms of design and thereby delivering the community aspiration in the Neighbourhood Plan.

- 9.29 To ensure that the scale of development is proportionate to the cost of implementing the highway improvements, a viability appraisal has been provided. The Council has sought independent advice on its content (exempt appendix 2) and is satisfied that the scale of development is no more than is necessary to deliver the roundabout whilst also providing the developer with a competitive return. Officers therefore consider that the scale of development has been justified and that the development is no larger than necessary to deliver the roundabout. Furthermore, the viability appraisal provides officers with a satisfactory degree of certainty that the other 'benefits' (such as the housing, 33% affordable housing and open space) are viable and the proposal represents a deliverable scheme.

### **Local Infrastructure**

- 9.30 Concerns have been expressed that the scale of development is excessive for local infrastructure and that schools and doctors have insufficient capacity to accommodate future residents. As stated in paragraph 9.20 the site is considered to be sustainable in terms of access to services and facilities for residents to meet their day-to-day needs. Norfolk County Council has identified that taking in to account committed development there would be insufficient places at Early Education level, Little Plumstead Primary School and Thorpe St Andrew High School and Sixth Form to accommodate the children generated from this proposed development. However, contributions towards meeting this need would need to come from the Community Infrastructure Levy and this is accepted by Norfolk County Council. The NHS has identified that the development would have an impact on the NHS funding programme for the delivery of primary healthcare provision and that the catchment surgery of Blofield does not have sufficient capacity for



additional demand which would result from the development. Accordingly, they are seeking mitigation. Healthcare is not on the Broadland CIL 123 list and contributions from CIL therefore cannot be sought. However, officers consider that the responsibility for health provision remains with the health providers, primarily with NHS England who provide funding for doctors based on the population / number of patients in an area. The residents in new developments will contribute to this national funding through taxes in the same way as existing residents. Consequently, in general terms, the impact of a new residential development on existing medical facilities is managed by health providers and it is not considered that obligations could reasonably be sought through Section 106.

### **Environmental role**

- 9.31 The NPPF confirms the environmental role as *“contributing to protecting and enhancing our natural, built and historic environment: and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

### **Character and appearance of area**

- 9.32 The existing site is an agricultural field on the fringes of a settlement bounded by a mix of dwellings and agricultural fields. The proposed development would alter the existing character of the site and have an urbanising impact through the introduction of residential dwellings and associated infrastructure. It is proposed to remove the existing roadside hedge to facilitate the proposed points of vehicular accesses, the widening of Salhouse Road and the provision of a frontage footpath. The proposed new roundabout would also have a more urban impact than the existing crossroads through the introduction of additional hard landscaping and street furniture. The result would be a development which has a detrimental impact on the character and appearance of the area contrary to Policy 1 of the JCS and Policy EN2 of the DM DPD and the application was subject to objections from CPRE on these grounds.
- 9.33 The site is however located between the settlement limit of Little Plumstead and a cluster of dwellings at the Brick Kilns junction infilling an area of open space between two areas of built form, but not result in coalescence between either Thorpe End, Great Plumstead or Little Plumstead. Furthermore, the development proposed is relatively low density at approximately 12 dwellings per hectare (gross) and 17 dwellings per hectare (net) which reflects the density of Little Plumstead which is generally characterised by detached post war dwellings of a suburban character and appearance. By contrast, suburban developments are typically constructed at an overall density of 30-35 dwellings per hectare. Officers therefore consider that the density of the development reflects the density of the existing settlement in accordance with neighbourhood plan Policy 1. Further consideration would be given to the

visual impact of the development at reserved matters stage when details of scale and appearance are known. The indicative layout shows that the proposal seeks to retain existing landscaping features, including the mature belt of trees to the west of the site which the Conservation Officer (Arboriculture and Landscape Officer) notes would help provide a pleasing backdrop to the development and the low density would allow sufficient space for additional planting to integrate the scheme into the landscape. Therefore, whilst the urbanising impact of the development would result in some harm to the character and appearance of the area and this weighs against the application, this harm is not considered to be significant.

### **Biodiversity**

- 9.34 Submitted in support of the application is an ecological appraisal, the content of which has been reviewed by the Natural Environment Team at Norfolk County Council. This report describes the site as being of low ecological value (arable land) with the highest biodiversity being the boundary trees and margins. The Natural Environment Team has no objections but recommend the retention of boundary habitat features as the wider landscape is important for Barbastelle bats and other species, compensation for the loss of conservation margins (which support wintering birds and had foraging potential for bats), sensitive lighting and a precautionary search for reptiles prior to commencement. Conditions are also recommended to secure such recommendations. The site boundary features are proposed largely for retention on the indicative masterplan with the mature trees retained, however the existing hedge to the site frontage is to be removed. This loss would have limited harm on the ecology of the site and replacement planting could be secured through an appropriate landscape scheme. Furthermore, ecological enhancements can be secured by condition to provide bat and bird boxes and habitat enhancement. This could have a positive impact on ecology. Overall therefore the ecological impact is not considered significant and can be adequately protected by condition and the application is considered to comply with EN1 of the DM DPD.

### **Residential amenity**

- 9.35 Representations from residents have raised concern regarding the impact of development on the enjoyment of their property, especially from those who currently enjoy an outlook over the agricultural field. The loss of a private view is not a material consideration and officers do not consider that in principle a residential development would have a detrimental impact on residential amenity to an extent that there is a conflict with GC4 of the DM DPD. However, more precise consideration regarding loss of light, overlooking and whether the development is overbearing or unneighbourly would be given further consideration at reserved matters stage when details of scale and layout are known.

### **Access**

- 9.36 Access to the site would be from Salhouse Road via an estate road serving a Type 3 road in addition to five private access drives which, subject to layout, could serve frontage development along Salhouse Road. The application is supported by a Transport Statement in accordance with TS2 of the DM DPD and Policy 4 of the Neighbourhood Plan. The Highway Authority has no objection to this access strategy subject to conditions and it is considered that the application would not result in conditions detrimental to highway safety in accordance with Policy TS3 of the DM DPD. Residents and the Parish Council have raised concern regarding the amount of traffic and the existence of a brow of a hill on Salhouse Road and the impact this could have on visibility at the proposed access. However, the Highway Authority has considered this and raised no objections. Visibility splays would be secured by condition to ensure a safe development in highway terms.

### **Flood risk and surface water drainage**

- 9.37 The application is accompanied by a flood risk assessment and surface water drainage strategy; amended at the request of the Lead Local Flood Authority (LLFA). This identifies the potential of the site for infiltration on site and the use of Sustainable Drainage Systems (SuDS) can be incorporated through the use of soakaways and permeable surfaces. The LLFA has no objections subject to standard condition to secure a detailed drainage scheme. The Parish Council has raised concern that no explanation has been given in terms of surface water drainage and the application is contrary to the Neighbourhood Plan, however this information is provided in the applicant's submission. In principle therefore, the development would comply with CSU5 of the DM DPD.

### **Archaeology**

- 9.38 There is the potential for the site to contained buried archaeological remains of regional significance, the remains being brick kilns and other structures associated with the use of the site for the production of bricks and tiles from at least the 16<sup>th</sup> century until 1939. The Historic Environment Service has requested a condition is imposed to secure an archaeological written scheme of investigation.

### **Conclusions and Planning Balance**

- 9.39 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.40 The application is contrary to the Development Plan in that it proposes residential development outside of the defined settlement limit in conflict with

GC2 of the DM DPD. Planning permission should therefore be refused unless material considerations indicate otherwise.

- 9.41 The NPPF is a material consideration and paragraph 47 aims to boost significantly the supply of housing. It also states at paragraph 14 that where the Development Plan is absent, silent or relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (“the tilted balance”). Against the housing requirement of the JCS, the local planning authority is unable to demonstrate a 5 year supply of land for housing in the NPA and the Council’s policies concerning the supply of housing are considered to be out of date. Paragraph 14 is therefore triggered and the presumption in favour of sustainable development and the tilted balance applies. Whilst these do not displace the section 38(6) duty, the NPPF is national planning policy and is a material consideration of significant weight.
- 9.42 However, also relevant is the Central Norfolk Strategic Housing Market Assessment (SHMA), the most recent version of which was published in June 2017. This is significant new evidence against which a housing supply of 8.08 years can be demonstrated in the NPA. This consideration diminishes the weight that would otherwise be given to proposals for new housing.
- 9.43 Little Plumstead, along with the adjacent village of Great Plumstead, is a Service Village defined in Policy 15 of the JCS as a having good level of services / facilities. Whilst the scale of the proposed and committed development significantly exceeds the allocation of Service Villages, Policy 15 of the JCS, as a policy for the supply of housing, is out of date and the weight it should be given is reduced.
- 9.44 There is a range of services accessible by foot or cycle and a bus stop providing service to Norwich is well located relative to the site. Whilst the number of dwellings is on the high side relative to the services and facilities available and the application is therefore finely balanced in respect of its scale, it is not considered that the development would be unsustainable in locational terms.
- 9.45 The development would result in harm to the character and appearance of the application site and its surroundings by having an urbanising impact on its appearance and would result in the loss of open countryside. This is considered to be in conflict with EN2 of the DM DPD and Policy 1 of the JCS and is considered to be an adverse impact of modest weight.
- 9.46 Whilst the weight to give housing is diminished in light of the 2017 SHMA, housing is still a benefit and the proposal would also deliver 33% affordable housing to which significant weight can be given. The development would also result in a significant benefit to the local highway network by providing a

new roundabout at a currently dangerous junction helping to deliver a community aspiration of the Neighbourhood Plan. This is a consideration of significant weight. The proposal would provide an above policy compliant level of green infrastructure and informal open space which would have benefits for existing residents in terms of health and well-being, the development would result in economic benefits in terms of job creation from construction, spending by the future occupants of the dwellings which could support local services and facilities and the payment of CIL and New Homes Bonus. These are considered to represent benefits of moderate weight.

- 9.47 Taking account of the above it is considered that the development can be considered sustainable with reference to Policy GC1 of the DM DPD and the NPPF, and with regard to the tilted balance in paragraph 14 and Policy GC1, it is considered that the development would not result in adverse impacts which would significantly and demonstrably outweigh the benefits. These conclusions are material to the planning balance to be made under section 38(6). Taking into account all the matters assessed in the report and made in representations, officers conclude overall that whilst there would be some conflict with Development Plan policies (notably the location outside of the settlement limit and harm to the character of the area), this is outweighed by other material considerations. Therefore whilst finely balanced, officers consider that the development is acceptable and it is recommended that outline planning permission should be granted.

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**RECOMMENDATION:** Delegate Authority to the Head Of Planning to **APPROVE** subject to the following conditions and securing a Section 106 Agreement with the following Heads of Terms:

### Heads of Terms

- 33% Affordable housing
- Open space to comply with EN3 and RL1 of the DM DPD – but minimum of 2.02 ha of informal open space / green infrastructure to be provided on site
- Delivery of 5% self-build dwellings

### Conditions:

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

The development hereby permitted must be begun in accordance with the “reserved matters” as approved not later than the expiration of TWO years from either, the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such reserved matter to be approved.

- (2) Application for the approval of the “reserved matters” shall include plans and descriptions of the:

details of the layout;

scale of each building proposed;

the appearance of all buildings including the precise details of the type and colour of the materials to be used in their construction;

the landscaping of the site.

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

- (3) The details required by conditions 1 and 2 shall not include provision for more than 84 dwellings.
- (4) Prior to the commencement of development a phasing plan for the residential development shall be submitted to and approved in writing by the Local Planning Authority.
- (5) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below:

Amended Dwg 0555 00 001 Rev B – Location Plan received 22 June 2018

Amended Dwg SK 006 P6 – Proposed Site Access Junction received 22 June 2018

- (6) Prior to commencement of development on for each phase, in accordance with the submitted Flood Risk Assessment RLS Ref: 161374.3, detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development.

The scheme shall address the following matters:

- I Detailed infiltration testing in accordance with BRE Digest 365 at the depths and locations of the proposed infiltration features.
  - II Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change, flood event.
  - III Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
    - 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
    - 1 in 100 year 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.
  - IV Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period.
  - V Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding.
  - VI Details of how all surface water management features 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.
  - VII A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.
- (7) Concurrently with the submission of reserved matters for each phase, an Arboricultural Impact Assessment to comply with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations Section 5.4 detailing the extent of the direct and indirect impacts of the development proposals on existing trees on or adjoining the site, this will include details of Root Protection Areas (RPAs), Construction Exclusion Zones (CEZs), and Tree Protection shall be submitted to and approved by the Local Planning Authority.

Additionally, an Arboricultural Method Statement shall be similarly submitted and approved prior to the commencement of development. This will specify the methodology for the implementation of any aspect of the development that has the potential to result in loss of or damage to any retained tree on or adjacent to the site.

All works shall be carried out as approved to the satisfaction of the Local Planning Authority and in accordance with the requirements of BS 5837:2012 "Trees in relation to design, demolition and construction – Recommendations".

- (8) Concurrently with the submission of reserved matters for each phase full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- existing and proposed finished levels or contours;
- means of enclosure;
- other pedestrian access and circulation areas;
- hard surfacing materials;
- structures (eg furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines etc. indicating manholes, supports etc);
- retained historical landscape features and proposals for restoration, where relevant.

Soft landscaping works shall include:

- plans identifying all proposed planting;
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- implementation programme.

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.

- (9) (A) Prior to the commencement of development for each phase an archaeological written scheme of investigation shall be 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 occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- (10) Prior to commencement of the development for each phase details of energy efficient design and the construction of on-site equipment to secure at least 10% of the development's energy from decentralised and renewable or low-carbon sources shall be submitted to and approved by the Local Planning Authority. The details as approved shall be completed prior to the first occupation of any of the dwellings hereby permitted and thereafter shall be maintained in accordance with the approved details.
- (11) Prior to the commencement of development for each phase a site investigation of the nature and extent of contamination shall be 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.

- (12) Prior to the commencement of development a biodiversity enhancement plan, based on the content of section 6.2 of the submitted Ecology Report, shall be submitted and approved in writing by the local planning authority, detailing the enhancement measures for biodiversity on site. The biodiversity enhancement plan should include the number and locations of bird boxes, bat boxes and details of habitat enhancement and an implementation schedule. The measures shall be carried out strictly in accordance of the approved scheme.
- (13) Prior to the commencement of development for each phase detailed plans of the roads, footways, foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
- (14) No works shall be carried out on roads, footways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority.
- (15) Prior to the occupation of the first dwelling within a phase the roads and footways for that phase shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- (16) Prior to the first occupation of the development for each phase visibility splays measuring 2.4m x 59m shall be provided to each side of the accesses where they meet the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225m above the level of the adjacent highway carriageway.
- (17) Prior to the commencement of development for each phase a scheme detailing provision for on-site parking for construction workers for the duration of the construction period shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

- (18) Prior to the commencement of development for each phase a scheme for the provision of 1 fire hydrant for every 50 dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- (19) Notwithstanding the details indicated on the submitted drawings, prior to the commencement of development a detailed scheme for the highway improvement works as indicated on drawings numbered 161374.3-SK004 rev P5, 161374.3-SK-005 rev P7 shall be submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of development the highway improvement works referred to in this condition shall be completed to the written satisfaction of the Local Planning Authority.
- (20) Prior to the commencement of development on any phase, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

### Reasons:

- (1) The time limit condition is imposed in compliance with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) The application is submitted in Outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- (3) To reflect the scope of the application and 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) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (6) To ensure the satisfactory development of the site in accordance with Policy CSU5 of the Development Management DPD 2015.
- (7) To ensure the satisfactory development of the site in accordance with Policy GC4, EN1 and EN2 of the Development Management DPD 2015.

- (8) To ensure the satisfactory development of the site in accordance with Policy GC4, EN1 and EN2 of the Development Management DPD 2015.
- (9) To ensure the satisfactory development of the site in accordance with Policy 1 of the Joint Core Strategy 2011/2014
- (10) To ensure the satisfactory development of the site in accordance with Policy 3 of the Joint Core Strategy 2011/2014.
- (11) 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.
- (12) To ensure the satisfactory development of the site in accordance with Policy GC4 and EN1 of the Development Management DPD 2015.
- (13) To ensure satisfactory development of the site and a satisfactory standard of highway design and construction as required by policies GC4 and TS3 of the Development Management DPD 2015 and Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011.
- (14) To ensure satisfactory development of the site and a satisfactory standard of highway design and construction as required by policies GC4 and TS3 of the Development Management DPD 2015 and Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011.
- (15) To ensure satisfactory development of the site and a satisfactory standard of highway design and construction as required by policies GC4 and TS3 of the Development Management DPD 2015 and Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011.
- (16) In the interests of highway safety in accordance with Policy TS3 of the Broadland Local Plan (Replacement) 2006.
- (17) In the interests of highway safety in accordance with Policy TS3 of the Broadland Local Plan (Replacement) 2006.
- (18) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (19) To ensure satisfactory development of the site and a satisfactory standard of highway design and construction as required by policies GC4 and TS3 of the

Development Management DPD 2015 and Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011.

- (20) To ensure the satisfactory development of the site in accordance with Policy GC4 and EN2 of the Development Management DPD 2015.

**Informatives:**

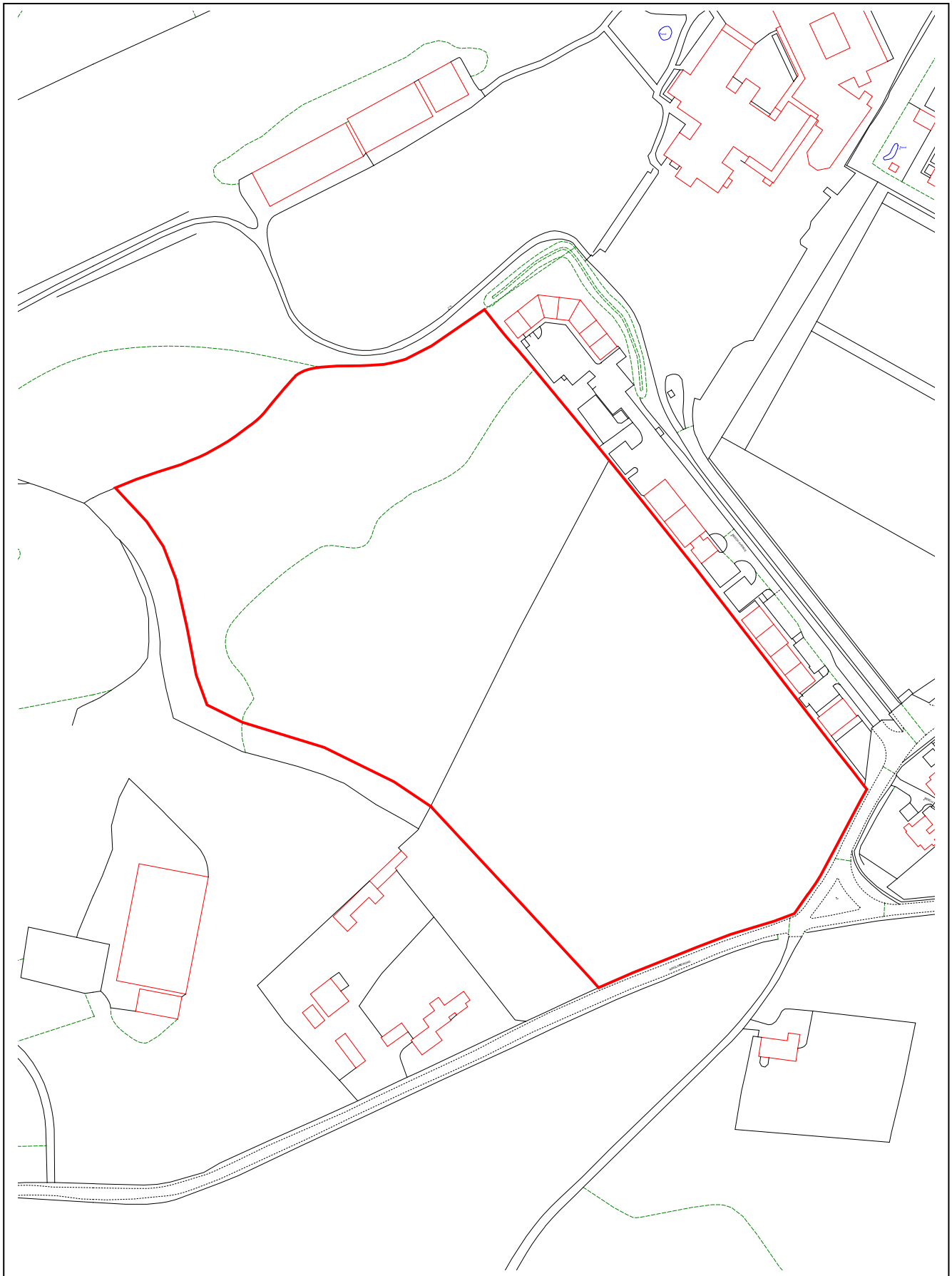
- (1) It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the applicant and the County Council. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich.

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

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

- (2) The site is subject to a related agreement under Section 106 of the Town and Country Planning Act 1990.
- (3) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or [enquiries@cncbuildingcontrol.gov.uk](mailto:enquiries@cncbuildingcontrol.gov.uk) and the website [www.cncbuildingcontrol.gov.uk](http://www.cncbuildingcontrol.gov.uk)
- (4) It is an offence to disturb, harm or kill breeding birds in the UK under the Wildlife and Countryside Act 1981. The removal of the vegetation should take place outside of the breeding season (March – September). In the event that this is not possible, the vegetation to be removed should be inspected by a suitably qualified ornithologist and if any nests are found a 10m exclusion zone should be established until such time as the nest has been fledged.

- (5) 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.
- (6) The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted. Further information about CIL can be found at [www.broadland.gov.uk/housing\\_and\\_planning/4734.asp](http://www.broadland.gov.uk/housing_and_planning/4734.asp)



**Application No: 20172148**  
**Land off Beech Avenue, Taverham**

**Scale:**  
**1:2500**  
**Date:**  
**25-Jun-18**



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**AREA** West  
**PARISH** Taverham

2

**APPLICATION NO:** [20172148](#) **TG REF:** 615325 / 314396

**LOCATION OF SITE** Land off Beech Avenue, Taverham

**DESCRIPTION OF DEVELOPMENT** Residential development of up to 93 dwellings with associated access, parking and open space (outline)

**APPLICANT** ESCO Developments, D Draper and R Betts

**AGENT** Brown and Co, Mr Paul Clarke

**Date Received:** 11 December 2017  
**13 Week Expiry Date:** 12 March 2018

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**Reason at Committee:** The application is contrary to the Development Plan and the officer recommendation is for approval.

**Summary of recommendation:** To delegate authority to the Head of Planning to grant outline planning permission subject to conditions and subject to securing a Section 106 Agreement to cover affordable housing and open space.

## 1 THE PROPOSAL

- 1.1 The application seeks outline planning permission with all matters reserved other than access for a residential development of up to 93 dwellings. It is proposed for the site to be accessed via a single point of vehicular access on to Beech Avenue to serve a 5.5m wide estate road with 1.8m wide footways to either side.
- 1.2 Also included in the proposals are off-site highway works to provide a new T-junction from Ringland Road (east) on to Beech Avenue thereby transferring priority to Ringland Road (west) leading to Beech Avenue.
- 1.3 Whilst the application is in outline, an amended indicative layout plan has been provided to demonstrate how the number of dwellings can be accommodated within the site and this plan includes the provision of on-site informal open space and green infrastructure incorporating the use of an existing mature wood located within the application site.
- 1.4 The applicant has confirmed in an addendum to the Planning Statement that it is proposed to provide 36% affordable housing which equates to 33 dwellings



and a viability appraisal has been submitted to demonstrate that the scheme is viable. Advice has been received to confirm this from an independent consultant. The viability assessment is provided for Members only (exempt appendix 1) as it contains commercially sensitive information.

## 2 KEY CONSIDERATIONS

- Housing supply in the Norwich Policy Area.
- Whether the proposed development accords with the provision of the Development Plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
- Whether the proposed development results in any adverse impacts which would significantly and demonstrably outweigh the benefits.

## 3 CONSULTATIONS

### Internal

#### 3.1 Conservation Officer (Arboriculture and Landscape):

The area for development has limited tree constraints to its current use. Some of the build area was originally woodland and this is annotated on the Ordnance Survey First edition maps as 'Round wood' and is probably of an age to be Ancient Woodland although this is not officially recognised as such. The development will undoubtedly have some impact on the existing landscape. A Landscape and Visual Impact Assessment (LVIA) has been provided which demonstrates the estimated Zone of Theoretical Visibility but a more detailed assessment should be provided relating to existing views as experienced by the residents, road users, tourists and future residents should be requested\*.

Tree constraints are limited to the northern and western edges and the dwellings adjacent to these would have to be positioned outside of the Root Protection Area and canopy spreads. It is essential that there are no level changes in the RPAs. New access routes in to the woodland would have to be carefully considered avoiding the slopes of the woodland edge. The outlook for residents on the western edge could be improved with new tree and shrub planting. If approved an Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural method Statement and more detailed landscape plan would be required.

\* At the time of making this comment the Conservation Officer (Arboriculture and Landscape) was not aware that a detailed LVIA had already been

submitted. Following further review of the LVIA no objections were raised by the Conservation Officer (Arboriculture and Landscape) on the conclusions reached on the submitted information.

### 3.2 Environmental Contracts Officer:

Please refer the applicant to the planning guidance notes for consideration at reserved matters.

### 3.3 Historic Environment Officer:

The main issue is whether there is any impact on the setting of the grade II listed Taverham Hall, a designated heritage asset. It is considered that there will be no impact on the immediate setting due to woodland to the north of the hall. However, there will be some negligible harm to the hall's wider setting, with its rural location being eroded by the encroachment of Taverham further west along Ringland Road. However this could to some extent be mitigated through ensuring an appropriate scale, density, layout and landscaping of any new development on this site.

### 3.4 Housing Enabler:

The applicant is proposing 32 affordable dwellings on a total of up to 93 new homes. The Policy requirement of 33% would equate to 31 dwellings. The applicants are proposing a mix of 2 and 3 bedroom property types which meets in part the current local and district wide housing need. As the current housing need is for the smaller property types I would suggest amending the mix to include some 1 bedroom flats (built as semis with their own front door and garden space). The proposed mix is based on a 60:40 ART: Intermediate split. All units would need to meet (or approach) level 1 space standards to achieve maximum occupancy. The preferred tenure for the Intermediate properties is shared ownership. Up to a third of the ART units will be for local lettings for residents of the parish of Taverham. Additional comments regarding level of parking.

### 3.5 Pollution Control Officer:

Agrees with the submitted report and therefore suggests that a condition is added to require site investigation for contamination.

### 3.6 Section 106 Monitoring Officer:

The development would need to provide 900m<sup>2</sup> of play; 4,300m<sup>2</sup> of formal recreation (sport); 400 m<sup>2</sup> of allotments and 1.01ha of Green Infrastructure (GI). I do not know of any allotments in Taverham but 400m<sup>2</sup> is not a sustainable size for an allotment site. In theory the site is over providing its GI

requirement with the woodland area alone being 1.53ha. A site of this size and location needs one play space catering for children up to around 12 years rather than the two proposed, one of which is a natural area for toddlers. The plans show no on-site formal recreation so subject to the discussions with the Parish I would have thought provision would be at either Sandy Lane playing fields or Hinks Meadow.

### **External**

#### **3.7 Anglian Water:**

There are no Anglian water assets or those subject to an adoption agreement within the development site boundary. There is sufficient capacity on the foul drainage treatment and sewerage network. The details of surface water drainage does not relate to Anglian Water.

#### **3.8 Environment Agency:**

No comments as the application does not meet the criteria for applications relevant to the Environment Agency.

#### **3.9 Lead Local Flood Authority:**

No comments. Please refer to Standing Advice 2 in the LLFA guidance.

#### **3.10 Natural England:**

No objection regarding impact on statutory nature conservation sites. If undertaken in strict accordance with the details submitted the development would not likely have a significant effect on the interest features for which River Wensum SAC has been classified. Natural England therefore advises that your authority is not required to undertake an Appropriate Assessment. In addition Natural England is satisfied that the proposed development will not damage or destroy the features for which the River Wensum SSSI and Alderford Common SSSI has been notified. Please refer to standing advice for impacts on protected species.

#### **3.11 NHS (incorporating Norfolk CCG):**

NHS England would expect impacts on delivery of primary healthcare provision to be considered. There is one GP practice within a 2km radius which does not have sufficient capacity for the additional growth from this development and cumulative development in the area and if unmitigated would be unsustainable.

3.12 Norfolk County Council (Historic Environment Service):

Concerned that the submitted information significantly underplay the archaeological potential of the site and a condition is suggested for further archaeological investigations to be undertaken.

3.13 Norfolk County Council (Highway Authority): Following submission of the revised highway works plan shown on drawing 1264-03-007 rev F I can confirm that, in relation to highway matters, the County Council would have no objection to the granting of planning permission subject to appropriate conditions.

3.14 Norfolk County Council (Infrastructure):

Although there is spare capacity at Early Education and High School Levels, Infant and Junior schools are full. Mitigation required for Early Education for 9 places, Nightingale Infant and Nursery School for 11 places and Taverham VC CE Junior School for 13 Places to be funded through CIL. Mitigation required at Costessey library to develop self-service system for local area to be funded through CIL. The development will require one fire hydrant per 50 dwellings which should be dealt with by condition.

3.15 Norfolk County Council (Minerals and Waste):

No objection subject to condition

3.16 Norfolk County Council (Natural Environment Team):

No objections subject to conditions requiring further bat and reptile surveys, and the submission of an Ecological Management Plan and Construction Environmental Management Plan.

3.17 Norwich International Airport:

No objections subject to conditions regarding external lighting to avoid lights dazzling pilots and air traffic controllers, landscaping to ensure birds are not attracted to the site and notification of the use of mobile or tower cranes.

3.18 Taverham Parish Council:

No objection subject to following comments:

Parking provision inadequate; Off-site highway improvements (option 1) should be in place prior to construction taking place; 3 storey dwellings out of keeping with the area; street lighting will be required; Parish Council should

be involved before play equipment is purchased and a suggestion was made for an outdoor gym; no details provided of actual garden size; bin storage and collection would need to be acceptable; bus stop would be best located on the east side of Beech Avenue; new footpath should be provided to the east of Beech Avenue up to the High School; concerned about increased traffic on Beech Avenue; Parish Council would like to be consulted on the allocation of affordable housing.

#### **4 PUBLICITY**

##### **4.1 Site Notice:**

Expired 3 January 2018

##### **4.2 Press Notice:**

Expired: 23 January 2018

##### **4.3 Neighbour Notification:**

Expired 5 January 2018

#### **5 REPRESENTATIONS**

##### **5.1 13 letters of representation received raising the following objections and comments:**

- Extent of area to be developed is unclear
- Uncertainty over the meaning of affordable and social housing, both terms being used in the application documents
- Concern over height of 3 storey houses
- Concern over use of wood cladding
- Proposed access is close to other junctions and dangerous
- Appropriate hard surfacing and parking must be provided
- Who will maintain hedgerows, open space and play areas?
- Ecological mitigation in submitted report must be delivered
- Area has previously suffered low water pressure

- Concerns about detrimental impact of increased traffic
- Off-site highway improvements seem dangerous and will increase vehicle speeds approaching Beech Avenue from Ringland
- Beech Avenue is a 'rat run' for traffic and gets especially busy due to the school, business units and golf course and leisure facilities
- Properties will be devalued
- Site has poor pedestrian access
- There is existing pressure on schools, doctors and utilities
- The proposal will increase existing surface water flooding issues in area
- Will the NDR be connected to the A47 to accommodate the impact of this development?
- Site is outside of settlement limits
- Development will result in urban sprawl into Wensum Valley
- Increase in people walking past our house will reduce privacy
- Speeds are excessive on Beech Avenue
- Noise and disruption will impact operation of adjacent business units

### 5.2 Cllr Stuart Clancy:

No objection in principle subject to:

- Off-site highway improvements being undertaken before commencement of development
- Cost and management of street lighting should be clarified prior to commencement
- Off street parking should be incorporated into the layout
- Footpath provision should be provided to Taverham High School
- Local stakeholders to be consulted on tenure of affordable housing
- Lifetime occupancy features should be incorporated
- Adequate capacity in schools and doctors should be available

5.3 Campaign to Protect Rural England:

- Outside settlement boundary therefore contrary to policy
- Building on greenfield sites should be resisted where there are suitable brownfield alternatives
- Development would have a negative impact on the gap between Taverham and Attlebridge
- Recent High Court and appeal decisions support a narrow definition of housing supply policies and support the weight of the Development Plan
- The application states that this is infill but this is not the case being surrounded by woodland and a golf course

**6 RELEVANT POLICY GUIDANCE**

**National Planning Policy Framework (NPPF):**

- 6.1 This document sets out that the purpose of the planning system is to contribute towards achieving sustainable development. It also reinforces the position that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. As national policy, the NPPF is an important material consideration and should be read as a whole but paragraphs 6, 7, 8, 11, 12, 13, 14, 17, 19, 32, 47, 49 and 73 are particularly relevant to the determination of this application.

**National Planning Practice Guidance:**

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

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

- 6.3 Policy 1 – Addressing Climate Change and Protecting Environmental Assets:

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

- 6.4 Policy 2 – Design:

Seeks to ensure that all development is designed to the highest possible

standard, whilst creating a strong sense of place. It also states that developments will respect local distinctiveness.

6.5 Policy 3 – Energy and Water:

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 – Housing Delivery:

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 6 – Access and Transportation:

States that the transportation system will be enhanced to develop the role of Norwich as a Regional transport Node and will improve access to rural areas.

6.8 Policy 7 – Supporting Communities:

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

6.9 Policy 9 – Growth in the Norwich Policy Area:

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 a number of locations.

6.10 Policy 12 – The remainder of the Norwich urban area, including the fringe parishes:

Identifies the opportunities which will be sought in the suburban area and fringe parishes

6.11 Policy 21 – Implementation of proposals in the Broadland part of the Norwich Policy Area:

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 Document (DM DPD) (2015):**

#### **6.12 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.

#### **6.13 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.

#### **6.14 Policy GC4 – Design:**

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

#### **6.15 Policy EN1 – Biodiversity and Habitats:**

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

#### **6.16 Policy EN2 – Landscape:**

In order to protect the character of the area, this policy requires development proposal to have regard to the Landscape Character Assessment SPD.

#### **6.17 Policy EN3 – Green Infrastructure:**

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

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

6.18 Policy EN4 – Pollution:

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

6.19 Policy RL1 – Provision of Formal Recreational Space:

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

6.20 Policy TS2 – Travel Plans and Transport Assessments:

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

6.21 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.

6.22 Policy TS4 – Parking Guidelines:

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

6.23 Policy CSU1 – Additional Community Facilities:

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. Such proposals may be permitted outside settlement limits where it has been adequately demonstrated that a clearly defined need exists.

6.24 Policy CSU5: Surface Water Drainage

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

**Site Allocations Development Plan Document (SA DPD) (2016):**

- 6.25 The site is not allocated for development or located within the settlement limit defined for Taverham.

**Recreation Provision in Residential Development Supplementary Planning Document (2016):**

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

**Broadland Landscape Character Assessment Supplementary Planning Document (SPD):**

- 6.27 Character area – Urban

**Planning (Listed Buildings and Conservation Areas) Act 1990:**

- 6.28 Section 66(1) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## **7 LOCATION AND DESCRIPTION OF SITE**

- 7.1 The application site is 5.85 ha and comprises an agricultural field to the south-east, semi improved grassland to its centre and deciduous woodland to the north-west. The agricultural field is predominantly flat whilst the semi-improved grassland contains a notable slope from south-east to north-west and the woodland contains steeply sided banks forming a valley to a level area within the woodlands central area.
- 7.2 To the north-east of the site is an industrial estate containing light industry and office accommodation, beyond which is Norwich City Hockey Club and Taverham High School. To the north is Wensum Valley Golf Course and to the west is a residential dwelling and woodland within the applicants' control, beyond which is a conference centre and bowls club. To the south of the site are the grounds associated with Taverham Hall and to the south-east of the site there are residential dwellings which extend to the east of Beech Avenue and north of Ringland Road.

## **8 PLANNING HISTORY**

- 8.1 No relevant history.

### 9 APPRAISAL

9.1 The application seeks outline permission with all matters reserved apart from access for a residential development of up to 93 dwellings. 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;
- whether there are any material considerations to justify a departure from the Development Plan with reference to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG);
- the housing supply situation in the Norwich Policy Area (NPA); and
- whether the proposed development results in any adverse impacts which would significantly and demonstrably outweigh the benefits.

**Whether the development accords with the provisions of the Development Plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG):**

- 9.2 Taverham is designated a Fringe Parish by Policy 12 of the Joint Core Strategy (JCS) where, inter alia, opportunities will be sought to identify land to contribute towards the smaller sites allowance set out in Policy 9.
- 9.3 The site however is not allocated for development in the Site Allocations DPD 2016 (SA DPD) and lies outside the defined settlement limit where Policy GC2 of the Development Management DPD (DM DPD) does not permit new development unless the proposal accords with a specific allocation and / or policy of the Development Plan. The development is therefore considered to be contrary to Policy GC2.
- 9.4 Taverham is however located within the Norwich Policy Area (NPA) and a key material consideration in regards to housing land supply in the NPA is the Central Norfolk Strategic Housing Market Assessment (SHMA); the most recent version of which was published in June 2017. This is significant new evidence and forms part of the Joint Core Strategy for Broadland, Norwich and South Norfolk: Draft Annual Monitoring Report 2016-17 published in draft on 14 March 2018 and made final in April 2018. For the NPA there is an 8.08 year housing land supply against the SHMA assessment of the Objectively Assessed Need (OAN) for housing. The following paragraphs explain why this effectively diminishes the weight attached to the benefits of increase housing supply.
- 9.5 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).

- 9.6 In accordance with both the Council's adopted Development Plan and the NPPF, in cases where there are no overriding material considerations to the contrary, development proposals for housing that accord with the Development Plan should be approved without delay.
- 9.7 In this regard, consideration should be given to DM DPD Policy GC2. This policy 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.
- 9.8 Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council, in accordance with DM DPD Policy GC1, will grant permission unless material considerations indicate otherwise – taking into account whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits or whether specific policies in the NPPF indicate that development should be restricted.
- 9.9 Of particular relevance to applications for housing development in this regard is paragraph 49 of the NPPF. This states that: *'housing applications should be considered in the context of the presumption in favour of sustainable development; and that, relevant (local plan) policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*. Where policies in the Local Plan are not considered to be up-to-date, paragraph 14 of the NPPF requires decision-taking to approve applications for housing unless the adverse impacts of granting permission, *'would significantly and demonstrably outweigh the benefits'*, when assessed against the policies of the NPPF as a whole.
- 9.10 The 2017 Greater Norwich Area Housing Land Supply Assessment, published as Appendix A of the Joint Core Strategy Annual Monitoring Report 2016-2017, shows that against the JCS requirements there is 4.61 years supply in the combined NPA, a shortfall of 1,187 dwellings. Consequently relevant policies for the supply of housing in the NPA cannot be considered up-to-date and applications for housing should continue to be determined within the context of paragraph 14 of the NPPF.
- 9.11 The JCS housing requirement is, however, now several years old (the JCS was adopted in March 2011, with amendments in January 2014). The evidence on which the requirement is based has now been superseded. 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 the most recent evidence available. Unlike the evidence underpinning the JCS, the SHMA also includes an assessment of the contribution made by student accommodation in line with the Planning Practice Guidance.

- 9.12 The SHMA is significant new evidence that is also a material consideration in the determination of planning applications. A housing land supply of 8.08 years can be demonstrated against the SHMA assessment of OAN, a surplus of 5,368 units. The abundant housing land supply that is apparent in relation to the most up-to-date evidence of housing needs should be given weight in the decision making process. 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 14.
- 9.13 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.
- 9.14 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

### **Economic Role**

- 9.15 The NPPF confirms the economic role as: *“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure”*.

The development would result in some short term economic benefits as part of any construction work and in the longer term by spending from the future occupants of the dwellings which could support local services and facilities. The development would also generate CIL (15% of which would go to the Parish Council) and New Homes Bonus. Given the scale of development it is considered that the scheme would bring forward a modest level of economic benefit which weighs in favour of the development.

### **Social role**

- 9.16 The NPPF confirms the social role as *“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built*

*environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being".*

### **Housing**

- 9.17 The site is located within the NPA where against the requirements of the JCS there is a 4.61 year supply of land for housing. However, when measured against the SHMA OAN there is 8.08 year housing land supply. This consideration diminishes the weight that would otherwise be given to proposals for new housing. Therefore, whilst the delivery of additional housing in the NPA can still be regarded as a social benefit of the scheme, it is a benefit of diminished weight.
- 9.18 The site lies outside of, but adjacent to the defined settlement limit for Taverham which contains a wide variety of services including a library, garden centre, doctors and pharmacy, dentists, care home, recreational grounds, employment areas, primary schools, high school, leisure facilities, local shops and Public House. Many of these services are within reasonable walking or cycling distance from the site being no more than 2km away. Bus routes in to Norwich are also run from the parish, with stops between 500m – 1km of the site (as measured from the far end of the site). In the context of the level of service available and the location of the development on the edge of the built up area within a Fringe Parish it is considered that the site is sustainable in locational terms with regard to the scale of development proposed. Residents would therefore have suitable access to sufficient services to meet their day-to-day needs.

### **Affordable housing**

- 9.19 Policy 4 of the JCS requires on a development of this scale that 33% of the dwellings are affordable. In these circumstances that would equate to 31 affordable dwellings. The proposed mix suggested by the Housing Enabler is based on a 60:40 Affordable Rent Tenure:Intermediate Tenure split. In an addendum to the Planning Statement the application has increased the provision of affordable housing above a policy compliant level to 36% which would equate to 33 affordable dwellings. Notwithstanding the implications of the 2017 SHMA on the weight to give to housing as a material consideration the provision of 33 affordable houses, a provision modestly in excess of policy requirements, is considered to represent a social benefit of significant weight in the overall planning balance. The affordable housing would be secured by a Section 106 Agreement.

### **Open space**

- 9.20 Policies EN3 and RL1 of the DM DPD are also relevant to the determination of this application and these require the provision of green infrastructure and formal recreational space (children's play, sports facilities and allotments).

The precise amount of green infrastructure and formal recreational space would be dependent on the final housing mix and given the outline nature of the application this cannot be determined at this stage. However, based on the indicative housing mix the development would be required to provide 1.0ha of green infrastructure and 0.04ha of allotments under EN3 and 0.42ha of formal recreation and 0.08ha of children's play space under RL1. The application documents suggest that the site could provide 1.53ha of green infrastructure within the existing woodland and a further 0.68ha of informal open space totalling 2.21ha of informal open space on site in addition to a policy compliant level of children's play space. This open space would benefit residents of the proposed development and is necessary to mitigate the recreational pressure of the new residents, but would also be accessible to the wider public with associated benefits for health and well-being in accordance with Policy 7 of the JCS. To ensure that this open space is of a sufficient quality to count as green infrastructure a scheme for the provision of this space would be secured through the Section 106 Agreement and considered in detail through reserved matters. No sports provision or allotments are proposed to be provided on site but given the scale of development it would be acceptable for a commuted sum to be secured for off-site contributions also secured through S106. Taken together it is considered that the open space and associated facilities would have a positive social benefit of moderate weight.

### **Local Infrastructure**

- 9.21 Concerns have been expressed that the scale of development is excessive for local infrastructure and that schools and doctors have insufficient capacity to accommodate future residents. As stated in paragraph 9.19, the site is considered to be sustainable in terms of access to services and facilities for residents to meet their day-to-day needs. Norfolk County Council has identified that although there is spare capacity at Early Education and High School levels, Infant and Junior Schools are full and there are insufficient places at Nightingale Infant & Nursery School and Taverham VC CE Junior School to accommodate the children generated from this proposed development should it be approved. However, contributions towards meeting this need would need to come from the Community Infrastructure Levy and this is accepted by Norfolk County Council. The NHS has identified that the development would have an impact on the NHS funding programme for the delivery of primary healthcare provision and that the catchment surgery of Taverham does not have sufficient capacity for additional demand which would result from the development. Accordingly they are seeking mitigation. Healthcare is not on the Broadland CIL 123 list and contributions from CIL therefore cannot be sought, however officers consider that the responsibility for health provision remains with the health providers, primarily with NHS England who provide funding for doctors based on the population / number of patients in an area. The residents in new developments will contribute to this national funding through taxes in the same way as existing residents. Consequently, in general terms the impact of a new residential development



on existing medical facilities is managed by health providers and it is not considered that obligations could reasonably be sought through Section 106.

### Environmental Role

- 9.22 The NPPF confirms the environmental role as *“contributing to protecting and enhancing our natural, built and historic environment: and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

### Character and Appearance

- 9.23 Policy GC4 of the DM DPD requires development to pay adequate regard to the environment, character and appearance of an area; Policy EN2 requires development proposals to have regard to the Landscape Character Assessment SPD and consider any impact; Policy 1 of the JCS seeks to, inter alia, protect the landscape setting of settlements including the urban / rural transition and the treatment of gateways. In support of the application are a Landscape and Visual Impact Assessment (LVIA) and Arboricultural Impact Assessment.
- 9.24 The site is located within the ‘Urban Area’ as defined in the Landscape Character Assessment SPD, albeit outside of a settlement limit and in agricultural use. To the north-west of the site the landscape character is defined as A1 Wensum River Valley. The proposed development, through the introduction of buildings and infrastructure, would have an urbanising impact on the character and appearance of the site given its current undeveloped and open nature. However, this impact would be limited to the immediate area with the site not being visually prominent in the wider landscape. The application proposes the retention of the deciduous woodland as Green Infrastructure and this would therefore continue to screen the site from the Wensum River Valley and provide a pleasant backdrop for the development. Whilst layout and landscaping are reserved for later consideration the submitted plans demonstrate that the number of dwellings proposed could be achieved whilst retaining a wide landscaped verge to the front of the site on to Beech Avenue and Ringland Road to provide a landscaped frontage. This would help soften a transition from rural to urban. The site is also adjacent to an existing light industrial estate to the north-west and a residential dwelling and curtilage to the south east which the development would be read in conjunction with. In their consultation response the Conservation Officer (Arboriculture and Landscape) requested the submission of a more detailed LVIA, however this information had already been provided and the consultee upon review of this has raised no objections on landscape and visual impact grounds.

- 9.25 It is therefore accepted that the development would alter the character and appearance of the area and would result in a more urban environment than currently exists. This represents a conflict with planning policies which seek to preserve and enhance the character the district such as GC4 and EN2 of the DM DPD and Policy 1 of the JCS. However, whilst the urbanising impact weighs against the development in the planning balance, the harm is not considered to be significant.
- 9.26 The application makes reference to the development incorporating 3-storey dwellings and this has raised concern amongst local residents and the Parish Council, with residential dwellings in the area being a maximum of 2-storey in height. In response to this an amended plan was submitted indicatively showing dwellings to a maximum of 2.5-storey. However, scale is a matter reserved for later consideration and the submitted plans proposing the housing mix are taken to be indicative only. The acceptability of 3-storey dwellings will also hinge in part on other reserved matters such as layout, landscaping and appearance and it is not considered that a judgment can be made on the appropriateness of such dwellings without considering these other matters. On the basis, therefore, that 3-storey dwellings may or may not be acceptable it is not considered reasonable to limit the scale of dwellings to 2-storey through condition.

### **Heritage and Archaeology**

- 9.27 Policy 1 of the JCS seeks to, inter alia, protect heritage assets. To the south of the site is the grounds of Taverham Hall, a Grade II listed building. The advice of the Council's Historic Environment Officer has been sought who has confirmed that there will be no impact on the immediate setting, due to the woodland to the north of the hall. However, there will be some negligible harm to the Hall's wider setting, with its rural location being eroded by the encroachment of Taverham further west along Ringland Road but that this could to some extent be mitigated through ensuring an appropriate scale, density, layout and landscaping of any new development on this site. In considering whether to grant planning permission for a development which affects a listed building or its setting, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that the local planning authority shall have a special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Given that the harm identified is negligible, subject to further consideration at reserved matters it is considered that the impact on the setting of the listed building is acceptable.
- 9.28 In respect of archaeology, the application is supported by an Archaeological Desk Based Assessment and Geophysical Survey Report. The Historic Environment Team considers that the submitted information underplays the archaeological potential of the application site and has therefore requested that a condition is imposed to require further archaeological investigations to

be undertaken. Subject to this condition it is considered that the archaeological significance of the site will have been adequately considered.

### **Access / Highways**

- 9.29 Policy TS3 of the DMD DPD states that development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network. In support of the application, and in accordance with TS2 of the DM DPD is a Transport Assessment to provide an understanding of the highway consequences of the development and to identify any mitigation measures which may be necessary.
- 9.30 The scheme proposes a single point of vehicular access in to the site from Beech Avenue. Whilst the application is in outline, access is not reserved and therefore detailed plans have been provided of the proposed access configuration. The plans propose a 5.5m wide access road in to the site with footpath provision to either side extending to the north and south along Beech Avenue with dropped crossing points to give pedestrian crossing across Beech Avenue to the south of the proposed access. Visibility splays of 43m x 2.4m would be provided in each direction from the proposed junction.
- 9.31 Also proposed is a package of off-site highway measures to reconfigure the existing junction arrangements between Beech Avenue and Ringland Road. These are shown on Dwg No 1264 03 007 Rev F, amended by the applicant following discussions with the highway authority. The proposals would transfer priority from Ringland Road (west) to Beech Avenue with a new T-junction provided for Ringland Road (east) to Beech Avenue. A pedestrian footpath would be provided to Taverham Hall School, raised platforms would be provided to attenuate traffic speeds along Ringland Road (west) and Beech Avenue and new signage and gateway features would be provided. The existing junction arrangements are considered sub-optimal and the proposed changes are necessary to make the development acceptable. However, the changes would also have wider public benefits for existing highway users through a simplified and standardised junction arrangement which meets current highway standards. These changes are therefore considered to represent a benefit of modest weight and would be secured by condition. Notwithstanding the request of the Parish Council for these works to be undertaken prior to commencement of development, the Highway Authority have suggested that they are only necessary following first occupation of the development and this is reflected in the recommended condition.
- 9.32 Concern has been raised about the capacity of the Beech Avenue / Fakenham Road / Fir Covert Road junction with the development resulting in a 14% increase in traffic at this junction and the applicant was required to provide further information/justification on this matter. The Highway Authority, following discussions with the applicants and their highway consultants are now satisfied that the development would not result in any significant capacity

issues on the local highway network and raise no objections on this basis. Concern has also been expressed about the location of the proposed access opposite the access for existing dwellings at Beech Court, a private drive serving 3 dwellings, but again the Highway Authority has confirmed that it is satisfied by the relationship between the existing and proposed access.

- 9.33 Residents and the Parish Council have made representations on the level of parking which would serve the development and have requested adequate off-street parking is provided. This is a matter which would be considered at reserved matters stage and therefore is not relevant to the outline application.
- 9.34 Taking account of the above it is considered that the development would not lead to conditions detrimental to highway safety and the application would comply with Policy TS3 of the DM DPD.

### **Ecology and Open Space**

- 9.35 Policy EN1 of the DM DPD requires development to protect and enhance the biodiversity of the district, avoid fragmentation of habitats and support the delivery of a co-ordinated green infrastructure network. Policy EN3 requires development to maximise opportunities for the creation of a well-managed network of wildlife habitats and Policy RL1 requires development to make adequate provision and subsequent management arrangements for recreation. The application is supported by an ecology report and indicative plans proposing the delivery of on-site open space.
- 9.36 The Natural Environment Team at Norfolk County Council has provided advice on the impact of development on protected species. They consider that the submitted report downplays the ecological value of the application site given, for example, that all the existing semi-natural grassland will be lost which would result in a loss of potential habitat for reptiles, invertebrates and other species. They also highlight that nesting habitats for farmland birds are likely to be impacted including all available habitat within the development footprint for skylarks. Skylarks are a 'red listed' species on the current Birds of Conservation Concern and are particularly affected by impacts from cumulative housing in Norfolk. However, notwithstanding these concerns the Natural Environment Team does not object to the application. The submitted ecology report recommends that further surveys are undertaken for bats and reptiles and it has been agreed with the Natural Environment Team that these can be secured by condition as part of an Ecological Management Plan and Construction Environmental Management Plan. Subject to these measures it is considered that the development would have an acceptable impact on biodiversity and habitats in accordance with EN1 of the DM DPD.
- 9.37 Natural England has provided advice on the potential impact of the development on statutory nature conservation sites and has confirmed that provided the development is carried out in accordance with the submitted

details it is not likely to have a significant effect on the interest features for which River Wensum SAC has been classified. Natural England, therefore, advises that the authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives. In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the River Wensum and Alderford Common SSSI has been notified. They therefore advise that this SSSI does not represent a constraint in determining this application.

- 9.38 New development has the potential to impact internationally designated sites through increased recreational pressure and accordingly it is necessary to provide adequate informal open space to meet the recreational needs of existing and future residents. Such provision needs to provide a viable alternative to visiting internationally designated sites. With reference to table 4 of the Recreational Provision in Residential Development SPD 2016 it would normally be expected that informal open space for a development of this scale would be provided off-site. However, the application site contains deciduous woodland which is a resource capable of being a high quality piece of Green Infrastructure that would give residents of the site and the wider population of Taverham access to mature woodland suitable for informal recreation. Also proposed on the indicative plans are routes through the development to provide access to the woodland for future residents of the site and existing residents of Taverham. The quantity of open space proposed is discussed in paragraph 9.20 of this report and subject to it being secured and delivered it is considered that the development would adequately mitigate potential recreational impacts on International and European sites.
- 9.39 Taking account of the above it is considered that subject to conditions the development would not have an adverse impact on protected species and subject to open space being secured through Section 106 agreement for on and off-site provision the development would not have an adverse impact on national and internationally protected sites. The development would therefore comply with EN1, EN3 and RL1 of the DM DPD and there would be no significant impact in terms of ecology.

### **Pollution, flood risk and amenity**

- 9.40 Policy EN4 requires development proposals to include an assessment of the extent of potential pollution. The application is supported by a Phase 1 Contaminated Land Assessment. This concludes that there are low to moderate risks from potential sources of pollution to future residents and groundwater. To manage the uncertainty associated with the potential for ground contamination associated with the recent and historical site uses and adjacent site uses it is recommended that a site investigation should be undertaken and where necessary appropriate remediation carried out. The Council's Pollution Control Officer agrees with this approach and this can be

secured by condition. The adjacent industrial estate is not considered to be a potential pollution nuisance for future residents bearing in mind the nature of the uses on this industrial estate being largely light industry and office based activities, which are not significant noise or pollution generating uses. It is therefore considered that the development would comply with Policy EN4 of the DM DPD.

- 9.41 Policy CSU5 reflects the need to manage surface water in new development proposals without resulting in flooding on site or increasing the risk of flooding off site. In support of the application is a Flood Risk Assessment including Drainage Statement proposing that surface water from the site is managed by way of infiltration. The site is in Flood Zone 1, where there is the lowest risk of flooding and the Lead Local Flood Authority has been consulted but has advised that the scale of development is such that they do intend to provide detailed comments and have referred officers to their standing advice. Officers consider that the submitted Drainage Strategy, which proposes the use of SuDS to discharge to soakaways and infiltration basins, complies with the standing advice and that the principle of the proposed drainage strategy is acceptable. A condition should be imposed to require a detailed surface water drainage scheme concurrently with the reserved matters to reflect the proposed layout. The development would therefore comply with Policy CSU5.
- 9.42 Policy GC4 of the DM DPD requires consideration of the impact of the development on amenity. The site is sufficiently separate from adjacent residential dwellings to ensure that the proposal would not be overbearing or unneighbourly for adjacent residents. An increase in traffic may be perceived by residents but given the extent of traffic movements already the increase is not likely to be harmful to the residents enjoyment of their property. Along the north east boundary of the site are a number of industrial units, the occupants of one have raised concern regarding the impact of construction activities on the operation of their business given that construction would be undertaken at times similar to the businesses being open. However, such impacts are likely to be short term rather than permanent and would not constitute reason refusal. Environmental Health legislation could be used if construction activities were causing a statutory nuisance in terms of noise and dust. Additional landscaping on the boundary with the industrial units could also be secured at reserved matters to improve the relationship between dwellings and commercial units. It is therefore considered that the development would comply with Policy GC4 of the DM DPD in respect of amenity.
- 9.43 Norwich Airport has requested conditions regarding lighting which can be secured by condition and the need for landscaping to not attract birds, however this is a matter which would be addressed through reserved matters and consideration of a landscaping scheme. They have also requested a condition regarding the use of cranes and the need to notify the airport, however officers consider that it is more appropriate for this to be included as an informative.

- 9.44 A number of representations made by the Parish Council and residents include matters which would be considered at reserved matters stage such as bin storage and collection strategies, garden sizes and location of play equipment and are therefore not relevant to the consideration of this outline application.

### **Planning balance and conclusion**

- 9.45 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.46 The application is contrary to the Development Plan in that it proposes residential development outside of the defined settlement limit on a site which is not allocated in conflict with GC2 of the DM DPD. Planning permission should therefore be refused unless material considerations indicate otherwise.
- 9.47 The NPPF is a material consideration and paragraph 47 aims to boost significantly the supply of housing. It also states at paragraph 14 that where the Development Plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole ("the tilted balance"). Against the housing requirement of the JCS, the local planning authority is unable to demonstrate a 5 year supply of land for housing in the NPA and the Council's policies concerning the supply of housing are considered to be out-of-date. Paragraph 14 is therefore triggered and the presumption in favour of sustainable development and the tilted balance applies. Whilst these do not displace the section 38(6) duty, the NPPF is National Planning Policy and is a material consideration of significant weight.
- 9.48 However, also relevant is the Central Norfolk Strategic Housing Market Assessment (SHMA), the most recent version of which was published in June 2017. This is significant new evidence against which a housing supply of 8.08 years can be demonstrated in the NPA. This consideration diminishes the weight that would otherwise be given to proposals for new housing.
- 9.49 Housing, nevertheless is still a benefit and the proposal would also deliver affordable housing to which significant weight can be given as a social benefit. The level of affordable housing provision (36%) is modestly in excess of the Policy requirements (33%) further enhancing the weight that can be given to the social benefit of the scheme. The site is also in a location with good access to a wide range of services to the extent that residents of the development could meet their day to day needs without reliance on the car and consequently, with regard to the scale of development, it is considered that the proposal is sustainable in locational terms.

- 9.50 The development would also deliver improvements to the local highway network and whilst these are necessary to make the development acceptable and are therefore mitigation for the development, they would have wider public benefit by upgrading an existing sub-optimal junction used to current highway standards. This is regarded as a modest benefit of the development.
- 9.51 The proposal would provide an above policy compliant level of green infrastructure and informal open space which would have benefits for existing residents in terms of health and well-being. This too is considered a benefit. Finally, the development would result in moderate economic benefits in terms of job creation from construction, spending from the future occupants of the dwellings which could support local services and facilities and the payment of CIL and New Homes Bonus. These are considered to represent modest benefits.
- 9.52 Whilst the development would result in an urbanisation of the locality, with a detrimental impact on the immediate character and appearance of the area contrary to Development Plan policies, the impact of this is not considered to be significant. Furthermore, no other significant adverse impacts would result from the development.
- 9.53 Taking account of the above it is considered that the development can be considered sustainable with reference to Policy GC1 of the DM DPD and the NPPF, and with regard to the tilted balance in paragraph 14 and Policy GC1, it is considered that the development would not result in adverse impacts which would significantly and demonstrably outweigh the benefits. These conclusions are material to the planning balance to be made under section 38(6). Taking into account all the matters assessed in the report and made in representations, officers conclude overall that whilst there would be some conflict with Development Plan policies (notably the location outside of the settlement limit and harm to the character of the area), this is outweighed by other material considerations. Officers therefore consider that the development is acceptable and it is recommended that outline planning permission should be granted.

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**RECOMMENDATION:** Delegate authority to the Head of Planning to **APPROVE** subject to the following conditions and securing a Section 106 Agreement with the following Heads of Terms:

- 36% affordable housing
- Open space to comply with EN3 and RL1 of the DM DPD – but minimum of 2.21 ha of Informal open space to be provided on site



Conditions:

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

The development hereby permitted must be begun in accordance with the “reserved matters” as approved not later than the expiration of TWO years from either, the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such reserved matter to be approved.

- (2) Application for the approval of the “reserved matters” shall include plans and descriptions of the:

details of the layout;

scale of each building proposed;

the appearance of all buildings including the precise details of the type and colour of the materials to be used in their construction;

the landscaping of the site.

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

- (3) The details required by conditions 1 and 2 shall not include provision for more than 93 dwellings.

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

Dwg No 16 065 Site Location Plan

Dwg No 1264 03 007 Rev F Access Strategy Option 1

- (5) Prior to commencement of development, detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development.

The scheme shall address the following matters:

- I Detailed infiltration testing in accordance with BRE Digest 365 at the depths and locations of the proposed infiltration features.
  - II Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change, flood event.
  - III Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
    - 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
    - 1 in 100 year 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.
  - IV Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period.
  - V Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding.
  - VI Details of how all surface water management features 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.
  - VII A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.
- (6) Concurrently with the submission of reserved matters, an Arboricultural Impact Assessment to comply with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations Section 5.4 detailing the extent of the direct and indirect impacts of the development proposals on existing trees on or adjoining the site, this will include details of Root Protection Areas (RPAs), Construction Exclusion Zones (CEZs), and Tree

Protection shall be submitted to and approved by the Local Planning Authority.

Additionally, an Arboricultural Method Statement shall be similarly submitted and approved prior to the commencement of any work on the site. This will specify the methodology for the implementation of any aspect of the development that has the potential to result in loss of or damage to any retained tree on or adjacent to the site.

All works shall be carried out as approved to the satisfaction of the Local Planning Authority and in accordance with the requirements of BS 5837:2012 "Trees in relation to design, demolition and construction – Recommendations".

- (7) Concurrently with the submission of reserved matters full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- proposed finished levels or contours;
- means of enclosure;
- other vehicles and pedestrian access and circulation areas;
- hard surfacing materials;
- structures (eg furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines etc. indicating manholes, supports etc);
- retained historical landscape features and proposals for restoration, where relevant.

Soft landscaping works shall include:

- plans identifying all proposed planting;
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- implementation programme.

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) (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 occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- (9) Prior to commencement of the development details of energy efficient design and the construction of on-site equipment to secure at least 10% of the development's energy from decentralised and renewable or low-carbon sources shall be submitted to and approved by the Local Planning Authority. The details as approved shall be completed prior to the first occupation of any of the dwellings hereby permitted and thereafter shall be maintained in accordance with the approved details.
- (10) Prior to the commencement of development a site investigation of the nature and extent of contamination shall be 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.

- (11) Prior to the commencement of development, an ecological management plan (EMP) shall be submitted to, and approved in writing by the LPA. The content of the EMP shall include the following.
- (a) Description and evaluation of features to be managed
  - (b) Ecological constraints on site that might influence management
  - (c) Aims and objectives of management
  - (d) Appropriate management options for achieving aims and objectives including mitigation detailed in the ecology report submitted with the application namely that for
    - farmland birds
    - protection and enhancement of bat feeding and commuting corridors and protection and enhancement of hedgerows and the deciduous woodland informed by additional bat activity surveys carried out in-line with Bat Conservation Trust guidelines (3rd edn) (Collins, J (ed), 2016). In-line with the Bat Conservation Trust's guidance (3rd ed) (Collins; 2016) up to two survey visits per month (April-October) and static surveys in three locations per transect need to be carried out for high value habitat
    - reptiles
    - number of nest boxes for birds
    - number of bat boxes
  - (e) Prescriptions for management actions

- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
  - g) Details of the body or organisation responsible for implementation of the plan
  - (h) On-going monitoring and remedial measures.
- (12) Prior to the commencement of development (including demolition ground works, vegetation clearance) a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:
- Risk assessment of potentially damaging construction activities
  - Identification of 'biodiversity protection zones'
  - A method statement for reptiles informed by reptile surveys undertaken in accordance with best practice guidance
  - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
  - The location and timing of sensitive works to avoid harm to biodiversity features
  - The times during construction when specialist ecologists need to be present on site to oversee works
  - Responsible persons and lines of communication
  - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
  - Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented through the construction phases strictly in accordance with the approved details, unless agreed in writing by the local planning authority.

- (13) Prior to the commencement of development, detailed plans of the roads, footways, foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
- (14) No works shall be carried out on roads, footways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority.

- (15) Before any dwelling unit is first occupied the road(s) and footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- (16) Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4m x 43m shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225m above the level of the adjacent highway carriageway.
- (17) Prior to the commencement of development a scheme detailing provision for on-site parking for construction workers for the duration of the construction period shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- (18) Notwithstanding the details indicated on the submitted drawings, prior to the commencement of development a detailed scheme for the off-site highway improvement works as indicated on drawing number 1264-03-007 rev F, to also include provision of a bus shelter at the existing bus stop on Beech Avenue and bus stop improvements on Nightingale Drive, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in this condition shall be completed to the written satisfaction of the Local Planning Authority.
- (19) Prior to the commencement of development a scheme for the provision of one fire hydrant for every 50 dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- (20) Prior to the commencement of the development hereby approved the following will be submitted to and approved in writing by the Local Planning Authority:
  - (A) A Mineral Resource Assessment will be carried out to inform a Materials Management Plan-Minerals (MMP-M). The Mineral Resource Assessment will include a written methodology for an intrusive site investigation, including Particle Size Distribution testing to determine if the site contains a viable mineral resource for prior extraction.

Assessment of the results of the Particle Size Distribution testing should refer to material class types in Table 6/1 of the Manual of Contract Documents for Highway Works: vol 1: Specification for

Highway Works Series 600, in order to identify potential suitability for use in the construction phases.

- (B) The MMP-M will consider the extent to which on-site materials which could be extracted during the proposed development would meet specifications for use on-site through intrusive site investigations, testing and assessment.

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

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

The development shall then be carried out in accordance with the approved MMP-M.

The developer shall provide an annual return of these amounts to the Local Planning Authority and the Mineral Planning Authority, or upon request of either the Local Planning Authority or Mineral Planning Authority.

- (21) Prior to the commencement of development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

### Reasons:

- (1) The time limit condition is imposed in compliance with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) The application is submitted in Outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- (3) To reflect the scope of the application and 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) To ensure the satisfactory development of the site in accordance with Policy CSU5 of the Development Management DPD 2015.
- (6) To ensure the satisfactory development of the site in accordance with Policy GC4, EN1 and EN2 of the Development Management DPD 2015.
- (7) To ensure the satisfactory development of the site in accordance with Policy GC4, EN1 and EN2 of the Development Management DPD 2015.
- (8) To ensure the satisfactory development of the site in accordance with Policy 1 of the Joint Core Strategy 2011/2014
- (9) To ensure the satisfactory development of the site in accordance with Policy 3 of the Joint Core Strategy 2011/2014.
- (10) 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
- (11) To ensure the satisfactory development of the site in accordance with Policy GC4 and EN1 of the Development Management DPD 2015.
- (12) To ensure the satisfactory development of the site in accordance with Policy GC4 and EN1 of the Development Management DPD 2015.
- (13) To ensure satisfactory development of the site and a satisfactory standard of highway design and construction as required by policies GC4 and TS3 of the Development Management DPD 2015 and Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011
- (14) To ensure satisfactory development of the site and a satisfactory standard of highway design and construction as required by policies GC4 and TS3 of the Development Management DPD 2015 and Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011
- (15) To ensure satisfactory development of the site and a satisfactory standard of highway design and construction as required by policies GC4 and TS3 of the Development Management DPD 2015 and Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

- (16) In the interests of highway safety in accordance with Policy TS3 of the Broadland Local Plan (Replacement) 2006.
- (17) In the interests of highway safety in accordance with Policy TS3 of the Broadland Local Plan (Replacement) 2006.
- (18) To ensure satisfactory development of the site and a satisfactory standard of highway design and construction as required by policies GC4 and TS3 of the Development Management DPD 2015 and Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011.
- (19) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (20) To ensure that needless sterilisation of safeguarded mineral resources does not take place in accordance with the National Planning Policy Framework and Policy CS16 of the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026
- (21) To ensure the satisfactory development of the site in accordance with Policy GC4 and EN2 of the Development Management DPD 2015.

### Informatives:

- (1) It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich.

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

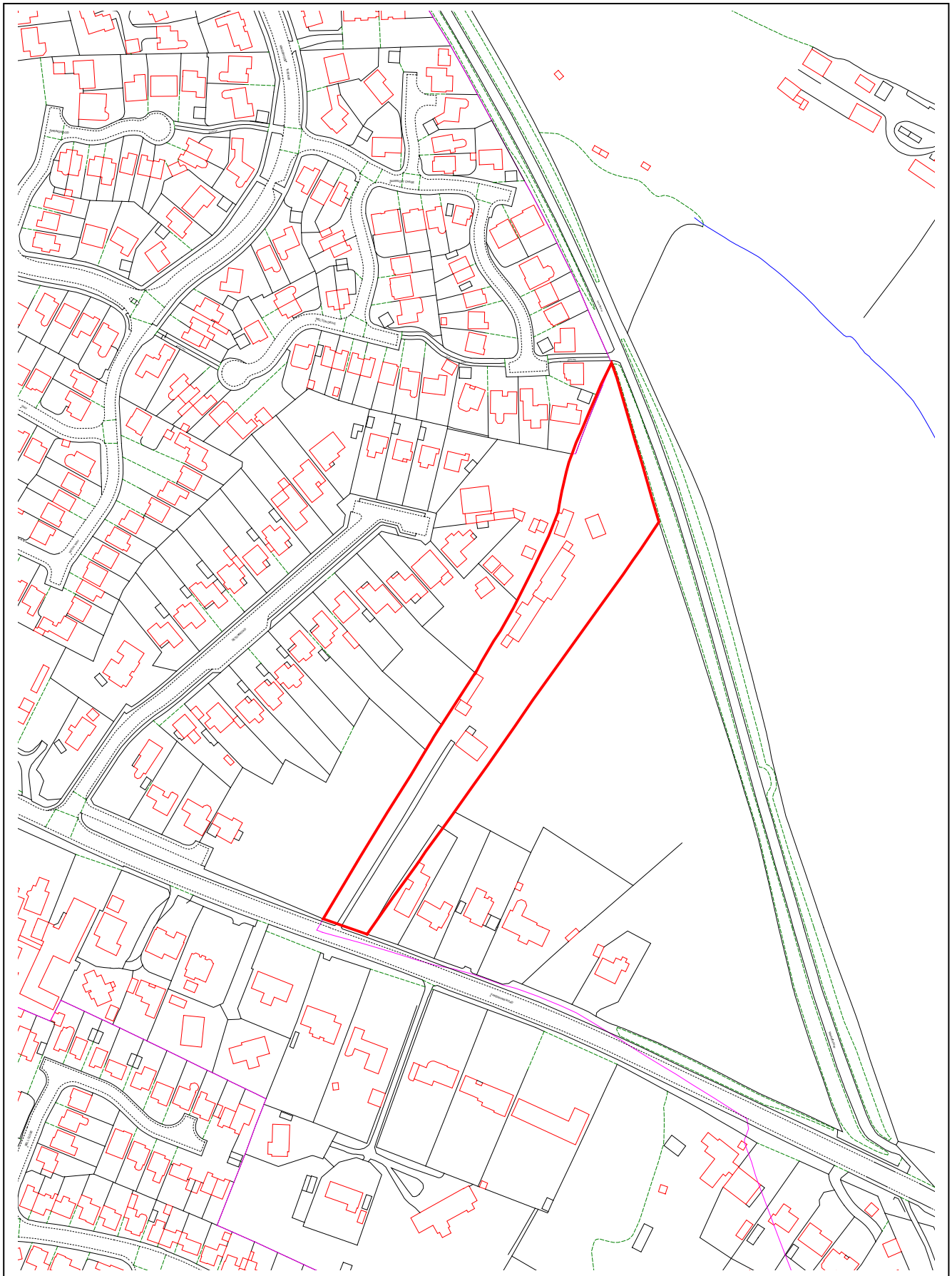
If required, street furniture will need to be repositioned at the applicants' own expense.

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

- (3) 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](mailto:enquiries@cncbuildingcontrol.gov.uk) and the website [www.cncbuildingcontrol.gov.uk](http://www.cncbuildingcontrol.gov.uk)
- (4) It is an offence to disturb, harm or kill breeding birds in the UK under the Wildlife and Countryside Act 1981. The removal of the vegetation should take place outside of the breeding season (March – September). In the event that this is not possible, the vegetation to be removed should be inspected by a suitably qualified ornithologist and if any nests are found a 10m exclusion zone should be established until such time as the nest has been fledged.
- (5) 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.
- (6) The applicants need to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted. Further information about CIL can be found at [www.broadland.gov.uk/housing\\_and\\_planning/4734.asp](http://www.broadland.gov.uk/housing_and_planning/4734.asp)
- (7) If the construction phases of the development require the use of mobile or tower cranes, they should be operated in accordance with British Standard 7121 and CAP 1096, and the Airport should be notified of plans to erect these cranes at least 21 days in advance.

The notification should include:

- OSGB grid coordinates of the crane's proposed position to 6 figures each of Eastings and Northings
- the proposed height of the crane Above Ordnance Datum (AOD)
- the anticipated duration of the cranes existence, and
- contact telephone numbers of the crane operator and the site owner for use in an emergency.



**Application No: 20180598**

**94 Fakenham Road, Drayton, NR8 6PY**

**Scale:  
1:2500  
Date:  
25-Jun-18**



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**AREA** West  
**PARISH** Drayton

3

**APPLICATION NO:** [20180598](#) **TG REF:** 617369 / 314086  
**LOCATION OF SITE** 94 Fakenham Road, Drayton, NR8 6PY  
**DESCRIPTION OF DEVELOPMENT** Sub-division of residential plot and erection of five additional detached dwellings & re-positioning of access (outline)  
**APPLICANT** Mr John Burrage  
**AGENT** BD+M (UK) LTD, FAO: Mr Ashley Wyatt  
**Date Received:** 12 April 2018  
**8 Week Expiry Date:** 12 June 2018

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**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 application seeks outline planning permission for the sub-division of a residential plot and the erection of five additional detached dwellings. Approval is being sought for the access and the application also seeks the re-positioning of the vehicular access to a position to the east onto Fakenham Road. The appearance, landscaping, layout and scale of the development are proposed to be dealt with at the reserved matters stage.
- 1.2 The proposal is for the existing detached bungalow (no: 94) on the site to be retained. An indicative plan shows a single dwelling is proposed to be located to the south of the bungalow along with four detached dwellings located to the north. The properties are indicated to be served from an upgraded private drive off Fakenham Road which will run along the western boundary of the site before deviating towards the north east corner of the site. The driveway is then proposed to end with a turning head at the entrance to Plot 6. A passing place is also proposed approximately halfway along the driveway.

### 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 and contributes towards sustainable development.
- The impact of the development on highway safety
- The impact of the development on the character and appearance of the area
- The impact of the development on residential amenity

### 3 CONSULTATIONS

#### 3.1 Drayton Parish Council:

The Parish Council wishes to object to the application. The application is outside of the settlement limit, not included in the DPD and the 5 year land supply is secure. This stretch of land provides a natural divide between Taverham and Drayton and the loss of such land would contribute to the urban sprawl as that it reduces the village feel of Drayton. The Parish Council has in the past resisted development of this land

#### 3.2 Taverham Parish Council:

- Concern was raised as to the length of the road and that it was only single access with designated passing places. It was felt that this could cause a safety issue and restrict access for lorries and emergency vehicles. It was suggested that the access road should be double width for the whole length with a turning circle at the end.
- It was noted that highways had recommended for the access to be moved to allow better visibility onto Fakenham Road and the meeting agreed with this proposal.
- Concern was raised as to the amount of houses on the plot and the impact of the extra traffic accessing Fakenham Road.
- It was felt that the car parking allowances for each dwelling should be adequate for modern standards and any garages must be constructed large enough for modern cars.

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

CPRE Norfolk objects to this application for the following reasons:

- It is outside the settlement boundary of Taverham and Drayton and any other settlement boundary and therefore this development is contrary to Policy GC2 of the Broadland Development Management DPD (adopted August 2015), as the proposed development does not accord with a specific allocation and / or policy of the Development Plan. We note and are concerned that the applicant's design and access statement claims that the site 'lies within and/or abuts the settlement boundary' (page 13). This is clearly wrong and needs to be highlighted.
- It is the case that this part of Broadland within the Norwich Policy Area demonstrates a 5-year land supply for housing. This is clearly shown by the most recent Annual Monitoring Report (AMR) for 2016-17 (April 2018). The Greater Norwich area Housing Land Supply Assessment, 1 April 2017, explains the situation with the land supply for housing in greater depth. It states that 'significant new evidence on housing need, in the form of the Central Norfolk SHMA, was published in January 2016 and update in July 2017.' This shows that there is an 8.08 years supply of land for housing within the NPA, when considered against the SHMA assessment of Objectively Assessed Need (OAN) for housing within the NPA, when the five year supply is considered plus the NPPA required 20% buffer is added. 'When the five year land supply is calculated using SHMA OAN, including uplift associated with the Greater Norwich City Deal, the authorities can demonstrate': a minimum of 6.82 years for the NPA. It is only when calculating the five year land supply using the JCS as a base that the five year land supply figure drops to 4.61 years for the NPA. Given the 'significant and substantial increase in the size of housing commitment in Greater Norwich since the base date of the JCS' the former calculations should be afforded greater weight than the latter. It should also be noted that 'there are currently sites with planning permission or in adopted local plans sufficient to deliver 28,480 homes by 2026, of which 24,784 are within the NPA. In combination with housing completions since 2008, the delivery of these sites would result in the JCS housing requirement being exceeded by 5,117 dwellings across Greater Norwich and 1,869 in the NPA.' This clearly shows that there is no need for the addition of unplanned houses on an unallocated site outside any development boundary (ie in open countryside) of the type proposed in the application.
- The long, thin site makes it unsuitable for development. Thorpe Marriot, on the north-west boundary, is screened by a band of trees and shrubs, and this successfully terminates this suburban "village". There are existing trees on this site, but it is unlikely they would survive the building of five new dwellings on this constricted site.

- As the site is on land classified as 'countryside' under the JCS the site should only be considered suitable for housing if that housing is affordable. None of the units are planned to be affordable in this application.

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

Having studied the details provided I have the following observations and comments:

- The site is adjacent to a wooded area which is located to the west which is protected by Woodland Tree Preservation Order 2011 No.56 (1027) and the Marriott's Way to the east which is designated a County Wildlife Site (CWS). Any development should avoid damaging these important assets.
- A preliminary Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) & Arboricultural Method Statement (AMS) has been provided by Norfolk Wildlife Services.
- The report estimates that five trees T34 Cherry (B Category), T35 Ash, T36 Ash, T37 Ash & T38 Ash (C Category) would be removed to allow the construction and upgrade of the access track and that no trees would require remedial works to implement the development.
- A Tree Constraints Plan (TCP) has been produced this has the Root Protection Areas (RPAs) and the trees crown spreads annotated on it, unfortunately the crosses used to depict the crown spreads has obscured many of the tree numbers which makes interpreting the tree survey difficult.
- No annotation to show the predicted shadow patterns of the existing trees has been provided, although the majority of the protected woodland trees shouldn't be a major overshadowing constraint, the trees within the site and those located to the south and east boundaries will have to be considered before a layout was agreed.
- The TPP has the proposed Construction Exclusion Zones (CEZs) shown in a red hatching, to enclose the areas of retained trees with protection barriers and the plan also shows the suggested areas for the provision of contractors parking, site storage, site facilities and construction route.
- No details of the locations of the services have been provided at this stage, however these would have to be located outside of any RPAs, if this was not possible the use of less-invasive trenchless methods of installation would be required.



- New hardstanding within RPAs should be avoided, if this is not practicable, its area should not cover more than 20% of any trees RPAs and it would have to be constructed using a permeable 'no-dig' design. Once a layout is agreed an updated AMS will be required.
- At this stage no specific details of the proposed Landscape Scheme have been provided although some generic tree planting is shown on the indicative site plan, a detailed scheme will be required and condition T04 would be suitable.
- If the application progresses and a layout is agreed a revised TCP, TPP & AMS will be required.

### 3.5 Environmental Contracts Officer:

Note that it is proposed as a private drive leading off the Fakenham Road, which we cannot access with waste collection vehicles and bin collection points need to be considered. Therefore suggest that the guidance notes are used and bin collection points need to be located adjacent to the curtilage fronting Fakenham Road for all properties.

### 3.6 Green Infrastructure and Woodlands Officer:

No objections to the proposals outlined in the application however suggest that there may be concerns from any future residents residing at this address should the houses be built in very close proximity to the trees growing along the Marriott's Way. Currently I deal with various complaints from residents whose homes back onto the Marriott's Way due to loss of light, leaf litter and the concern that there may be intrusion from the path into gardens.

### 3.7 Norfolk County Council as Highway Authority:

No objection to the granting of permission.

Should your Authority be minded to approve the application I would be grateful for the inclusion of the following conditions and informative. *(Four conditions relating to vehicular access, visibility splays and further details to be provided are to be added as requested.)*

### 3.8 Norfolk County Council as Minerals and Waste Policy (Planning Services):

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

### 3.9 Pollution Control Officer:

There is a need for an assessment of the ground conditions on the site, suggest that the appropriate condition is added should you grant planning permission.

### 3.10 Section 106 Monitoring Officer:

If there is to be a S106 agreement associated with this development we would seek off-site contributions to support recreational opportunities in Drayton in line with policy requirements.

## 4 PUBLICITY

### 4.1 Site Notice:

Expiry date: 22 May 2018

### 4.2 Neighbour Notification:

Expiry date: 18 May 2018

16 notification letters were sent to neighbouring properties on Fakenham Road, Seton Road and Marriott Chase.

### 4.3 Press Notice:

Expiry date: 29 May 2018

## 5 REPRESENTATIONS

### 5.1 92 Fakenham Road, Drayton:

We feel we have to write to object and oppose some aspects of the proposed development.

The proposed plot 1 building has been positioned very close to the boundary line between the two relevant residential plots and with the difference in ground levels, up to a metre in certain places, with plot 94 being higher than plot 92, this would mean any windows on the east side of the proposed structure would overlook our property and invade our privacy. Does this proposed structure really need to be positioned there and that close to an existing dwelling?

The proposed position of the site facilities ie storage units, mess room and toilets etc, will bring us added noise, disruption and an additional invasion of our privacy, with such a large plot of land why position these units adjacent to an existing occupied dwelling?

When we purchased our property some eight and half years ago we understood that this was a conservation area, is this really the right sort of development for such a sensitive area.

### 5.2 22 Seton Road, Taverham:

We are bitterly upset by this planning application. We moved into number 22 Seton Road nine years ago with essentially a smallholding at the rear of our property. The language used in the planning application is laughable. The landscape is not being maintained or improved, it is being destroyed. We are particularly concerned by three issues.

Firstly, the desire to build houses and not bungalows. All the houses on the south-east side of Seton Road are bungalows, yet no consideration appears to have been given to this. Although the owner of the property under consideration has steadfastly refused to adequately manage his boundary hedge, the loss of light from the construction of dwellings twice the height of ours will be far more considerable than that taken by his Leylandii. As usual this seems to lack any consideration for the people on the opposite side of the fence.

Secondly, in addition to the loss of light, there is the potential loss of privacy. Having purchased a property that is not overlooked, we are concerned that bedroom windows will be facing directly into our property. We will want to ensure, if this planning proposal is accepted, that this will not be the case.

Thirdly, the plan says that the current landscape will be enhanced. Specifically, we would like to know what will be happening to the Leylandii hedge which borders our property. We have concerns as the current owner's reluctance to manage the hedge gives us little confidence that any 'enhancement' will take place and that any changes will be unsympathetic and have a negative impact on our property.

## 6 RELEVANT POLICY GUIDANCE

### National Planning Policy Framework (NPPF) 2012:

- 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. The NPPF is a material consideration and should be read as a whole but paragraphs 7, 8, 11, 14, 17, 49, 50, 53, 56, 109, 118, 186, 187, 203 and 204 are particularly relevant to the determination of this application.

### **National 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 for Broadland, Norwich and South Norfolk 2011 and as Amended 2014:**

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

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

- 6.5 Policy 2: Promoting good design

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

- 6.6 Policy 4: Housing delivery

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 6: Access and transportation

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

- 6.8 Policy 12: The remainder of the Norwich urban area, including the fringe parishes

Throughout the suburban area and fringe parishes opportunities will be sought to, amongst other things, identify land to contribute towards the smaller sites allowance and protect the landscape setting of the urban area.

### **Development Management Development Plan DPD (2015):**

#### **6.9 Policy GC1: Presumption in favour of sustainable development**

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

#### **6.10 Policy GC2: Location of new development**

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

#### **6.11 Policy GC4: Design**

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

#### **6.12 Policy EN1: Biodiversity and habitats**

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

#### **6.13 Policy EN2: Landscape**

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

#### **6.14 Policy EN3: Green infrastructure**

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 EN4: Pollution

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

### 6.16 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.

### 6.17 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.

### 6.18 Policy TS4: Parking guidelines

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

### 6.19 Policy CSU5: Surface water drainage

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

## **Drayton Neighbourhood Plan 2016:**

### 6.20 Policy 1C:

Development which would have an impact on the natural environment will not be permitted unless it can be shown that the natural environment would not be harmed.

### 6.21 Policy 8:

Development which would undermine the integrity of the River Wensum Special Area of Conservation and Site of Special Scientific Interest, or the Marriott's Way green infrastructure corridor will not be permitted.

Development which would enhance the nature conservation interests of these areas will be supported.

### **7 LOCATION AND DESCRIPTION OF SITE**

- 7.1 The application site is a parcel of land which forms the residential curtilage associated with 94 Fakenham Road, Drayton. The site lies to the north west of Drayton, on the northern side of Fakenham Road.
- 7.2 The site itself is long and narrow and is predominantly rectangular in shape. In total the site measures approximately 0.85 ha. The site slopes down slightly towards the north east of the site.
- 7.3 No: 94 is a detached single storey, brick built bungalow with a conservatory extension to the rear and is set back a good distance into the site. The site also contains a number of different outbuildings to the rear of the bungalow. The outbuildings, which are predominantly located along the sites western boundary, include a brick built double garage and a number of timber or metal sheet buildings of a variety of sizes. The site is mainly laid to grass aside from a parcel of land close to the eastern boundary which has been ploughed.
- 7.4 To the south east there are some detached bungalows, the closest being no: 92 which is immediately adjacent to the site. To the rear of these properties there are open fields to the east. To the north east is Marriott's Way public right of way, a County Wildlife Site (CWS), which is on lower ground than the application site. There is a wooded area which runs adjacent to the western boundary of the site. The trees within this area are within third party ownership and are all protected by a Tree Preservation Order. To the north west of the site are detached two-storey houses on Melton Drive. Beyond the wooded area to the west are properties which are accessed off Seton Road and a detached bungalow to the south west (no: 104 Fakenham Road). Fakenham Road itself is situated to the south west of the site.
- 7.5 There are a number of established trees within or within close proximity to the site including to the front of the existing dwelling and the site boundaries. This is particularly the case on the north and west boundaries of the site where there are number of mature trees. There is a post and wire fence of approximately 1.2m in height on the south east boundary and then hedging of various heights. Approximately 1.2m high post and wire fencing is also in place on the sites south west boundary with Fakenham Road.

### **8 PLANNING HISTORY**

- 8.1 There is not considered to be any relevant planning history on the application site.

**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 relevant policies of the Development Plan; the guidance set out in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). This includes the impact of the development on highway safety, the general character of the area and neighbour amenity.

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

- 9.2 The site is located within the Norwich Policy Area (NPA) and lies outside the defined settlement limit, where Policy GC2 of the Development Management DPD does not permit new development unless the proposal accords with another policy of the Development Plan. Furthermore, the site has not been allocated for development in the Site Allocations DPD.
- 9.3 A key material consideration in regards to housing land supply in the NPA is the Central Norfolk Strategic Housing Market Assessment (SHMA), the most recent version of which was published in June 2017. This is significant new evidence and forms part of the Joint Core Strategy for Broadland, Norwich and South Norfolk: Draft Annual Monitoring Report 2016-17 published 14 March 2018. For the NPA there is an 8.08 year housing land supply against the SHMA assessment of the Objectively Assessed Need (OAN) for housing. The following paragraphs explain why this effectively diminishes the weight attached to the benefits of increase housing supply.
- 9.4 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).
- 9.5 In accordance with both the Council's adopted Development Plan and the NPPF, in cases where there are no overriding material considerations to the contrary, development proposals for housing that accord with the Development Plan should be approved without delay.
- 9.6 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.
- 9.7 Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council, in accordance



with DM DPD Policy GC1, will grant permission unless material considerations indicate otherwise – taking into account one of two criteria.

- 9.8 Of particular relevance to applications for housing development in this regard is paragraph 49 of the NPPF. This states that: ‘housing applications should be considered in the context of the presumption in favour of sustainable development; and that, relevant (local plan) policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites’. Where policies in the Local Plan are not considered to be up-to-date, paragraph 14 of the NPPF requires decision-taking to approve applications for housing unless the adverse impacts of granting permission, ‘would significantly and demonstrably outweigh the benefits’, when assessed against the policies of the NPPF as a whole.
- 9.9 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 NPA, a shortfall of 1,187 dwellings. Consequently relevant policies for the supply of housing in the NPA cannot be considered up-to-date and applications for housing should continue to be determined within the context of paragraph 14 of the NPPF.
- 9.10 The JCS housing requirement is, however, now several years old (the JCS was adopted in March 2011, with amendments in January 2014). The evidence on which the requirement is based could be considered to have been superseded. 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 the most recent evidence available. Unlike the evidence underpinning the JCS, the SHMA also includes an assessment of the contribution made by student accommodation in line with the Planning Practice Guidance.
- 9.11 The SHMA is significant new evidence that is also a material consideration in the determination of planning applications. A housing land supply of 8.08 years can be demonstrated against the SHMA assessment of OAN, a surplus of 5,368 units. The abundant housing land supply that is apparent in relation to the most up-to-date evidence of housing needs should be given weight in the decision making process. 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 14.
- 9.12 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 basis for structuring the assessment of the proposal against Development Plan policies.

- 9.13 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

### **Economic role**

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

### **Social role**

- 9.16 The NPPF confirms the social role as *“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”*
- 9.17 The site lies adjacent to the Settlement Limit for Thorpe Marriott, which borders the site to the north west and is within close proximity on the opposite side of Fakenham Road to the south. The site is also within walking distance of local facilities including doctors’ surgery and pharmacy, Post Office, convenience store and Public House as well as bus stops. There are also schools nearby and overall the site is therefore considered to be located in a sustainable location with good accessibility to services and facilities.
- 9.18 Given the scale of development proposed, the Ministerial Statement of 28 November 2014 is relevant and which states that affordable housing contributions and tariff style contributions should not be sought for sites of 10 units or less and which have a maximum combined gross floor space of 1,000m<sup>2</sup>. Less than 10 dwellings are proposed as part of the development and although no layout details have been provided as yet, a condition is to be appended to the decision notice restricting the development to no more than 1000m<sup>2</sup> of additional floorspace. No affordable housing is therefore proposed as part of the application.

- 9.19 Policy RL1 of the DM DPD requires all new developments consisting of five dwellings or more to provide recreational open space or pay a financial contribution towards off site provision. Policy EN3 also states that development consisting of five dwelling or more will be expected to provide towards green infrastructure. The development will be required to pay contributions towards both open space (sport, play and allotments) and green infrastructure. As no details of layout and scale have not been provided with this outline application the total contribution is unknown at this stage however this will be secured by a Section 106 Agreement for the commuted sum.
- 9.20 The additional 5 dwellings in this location would be liable to pay towards the Community Infrastructure Levy as well as the contribution towards open space and green infrastructure. However, 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 a modest social benefit on the basis of its contribution to the supply of homes.

### **Environmental role**

- 9.21 The NPPF confirms the environmental role as *“contributing to protecting and enhancing our natural, built and historic environment: and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*
- 9.22 There are a variety of styles of properties currently located on Fakenham Road including single storey and two storey dwellings. Although the layout and scale of the development is unknown at this stage it is considered that a bungalow towards the front of the site and houses beyond, as shown indicatively on the plans would sit comfortably against the neighbouring properties. Furthermore, given the depth of the site and screening of the site the properties to the rear of the existing dwelling will not be clearly visible, especially when viewed from the street scene. Notwithstanding this the size, scale and appearance of the properties will be considered in full at the reserved matters stage. In addition, there are currently a number of outbuildings and structures on the site which will be removed as a result of the development and it is considered that replacing these with residential dwellings will contribute to improving the visual appearance of the site.
- 9.23 The site is adjacent to a wooded area to the west of the site which is protected by a Tree Preservation Order and Marriott's Way to the east which is designated as a County Wildlife Site. An Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement have all been submitted as part of the application. The Arboricultural Impact Assessment estimates that five trees would be removed to allow the construction and upgrade of the access track and that no trees would require remedial works to implement the development. It is considered that the loss of these trees will have no significant detrimental impact upon the character of the area and the

Council's Conservation Officer (Arboriculture & Landscape) has raised no objection to the application. Notwithstanding this landscaping of the site will be assessed further at the reserved matters stage and the Arboricultural Impact Assessment has recommended that the loss of the trees should be mitigated with replacement planting, thereby enhancing the appearance and the environment.

- 9.24 Drayton Parish Council has stated that the stretch of land in which the application site is located provides a natural divide between Taverham and Drayton. They have also commented that the loss of such land would contribute to the urban sprawl as it reduces Drayton's village feel. It is accepted that the site falls outside of the settlement limits defined for both Taverham and Drayton however the site is a narrow parcel of land and there is still considered to be a large natural divide between Taverham and Drayton even allowing for the proposed development. Furthermore, there are five other dwellings located to the east of the application site and so it cannot be agreed that the proposal contributes to an 'urban sprawl'.
- 9.25 Overall, it is considered that the development will not cause any significant harm to the general character and appearance of the area and the application is considered to comply with Policies GC4, EN2, RL1 and EN3 of the DM DPD and Policies 1C and 8 of the Drayton Neighbourhood Plan.

### **Impact of development upon highway safety**

- 9.26 Access, which is the only matter for consideration at this stage, is proposed off Fakenham Road to the south of the site. There is already a vehicular access to the site which serves the existing dwelling on the site. At a pre-application stage the Highway Authority commented informally on the proposals and suggested that the access should be relocated slightly further eastwards to improve visibility at the entrance. The plans have taken these comments on board and now provide the requisite visibility splays. Within the site the properties will be served from a new private drive with a turning head provided at the north of the site. Although the layout of the proposal will be dealt with at the reserved matters stage the indicative site plan shows that there is sufficient room to provide the required levels of on-site parking. The Highway Authority has raised no objection to the application subject to conditions relating to vehicular access and visibility splays which are all proposed to be added to the decision notice. Overall, the application is not considered to have any detrimental impact upon highway safety and the proposals are considered to accord with Policy TS3 of the DM DPD.

### **Impact upon neighbour amenity**

- 9.27 Comments have been received from two neighbouring residents who have raised concerns with regards to the positioning, size and scale of the dwellings and issues relating to a loss of light, loss of privacy and landscaping

at the site. These are all issues which will be considered in full at the reserved matters stage. Notwithstanding this a condition is also to be added to the decision notice which states that the dwelling shown as plot 1 on the indicative site layout plan shall be no more than single storey construction so that is not overbearing or dominating for the bungalow at No.92 located to the east of the site. This should also ensure that there is no overlooking towards No.92. Elsewhere on the site it is not considered that two storey dwellings would be unacceptable however again this will need further assessment at the reserved matters stage when approval will be sought for the layout, scale and appearance of the proposal. At this stage the application is not considered to result in any detrimental impact upon neighbour amenity and the proposal is therefore considered to comply with Policy GC4 of the DM DPD.

### **Other matters**

- 9.28 The site is not located within flood zones 2 or 3 and is therefore not considered to be any area at risk of flooding. The application proposes that soakaways will be used to dispose of surface water and a condition is to be added to the decision notice requiring further details and location of the soakaways to be provided concurrently with the submission of the reserved matters application.
- 9.29 An Ecological Report has been submitted with the application which although seemed to indicate that the likelihood of any protected species being on the site was low it did provide recommendations for enhancement for biodiversity on the site. Conditions are to be added requiring both a reptile survey and a scheme showing bat and bird boxes on the site to be submitted to and approved by the Local Planning Authority concurrently with the submission of the reserved matters application. With these conditions in place it is considered that the biodiversity on the site will be both protected and enhanced as in accordance with Policy EN1 of the DM DPD.
- 9.30 It should be noted that the Council's Contracts Officer has asked the applicant to submit a plan to show vehicle tracking of a large service vehicle to demonstrate that development can be accessed acceptably by bin collection vehicles. This plan is awaited however it is considered that this matter can be assessed further at the reserved matters stage when further details of the layout of the development will be provided and assessed.
- 9.31 In assessing the environmental role it is acknowledged that the proposal extends the village into the surrounding countryside. However, this impact is mitigated by the neutral impact that the proposal will have upon the general character and appearance of the area as well as the limited impact upon local residents' amenities.

### The Community Infrastructure Levy

- 9.32 Broadland District Council implemented the Community Infrastructure Levy (CIL) on 1 July 2013. The proposed development will be liable for CIL.

#### Conclusion:

- 9.33 In drawing the above appraisal to a conclusion it is appropriate to consider the proposal against the three dimensions to sustainable development: economic, social and environmental. As set out above it is considered that the application will provide economic, social and environmental benefits. The development is also not considered to result in any significant detrimental impact upon the general character and appearance of the area, neighbour amenity or highway safety. This matter is considered to be finely balanced having regard to the three dimensions to sustainable development and the benefits of the proposal compared with the lack of any harm as discussed above. Having regard to all matters raised, the proposal is not considered to result in any significant adverse impact and given the presumption in favour of sustainable development the proposal is, on balance, considered acceptable subject to conditions.

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**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:

#### Heads of Terms:

- Commuted sum for off-site provision of children's play, formal recreation and green infrastructure.

#### Conditions:

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

The development hereby permitted must be begun in accordance with the "reserved matters" as approved not later than the expiration of TWO years from either, the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such reserved matter to be approved.

- (2) Application for the approval of the "reserved matters" shall include plans and descriptions of the:

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

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

- (3) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.
- (4) 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 first occupation of the development hereby permitted, the vehicular access shall be provided and thereafter retained at the position shown on the approved plan in accordance with the highway specification (Dwg No TRAD 1) 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.
- (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 footway / 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) Prior to the first occupation of the development hereby permitted access visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- (8) Concurrently with the submission of the reserved matters application full details (in the form of scaled plans and / or written specifications) shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:
  - Access arrangements
  - Parking and turning provision in accordance with adopted standard.
- (9) Concurrently with the submission of the reserved matters application a revised Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement should be submitted and approved by the Local Planning Authority.
- (10) The dwelling shown on Drawing No: P-1713-03 as plot 1 shall be no more than single storey construction.
- (11) The total additional floor area proposed as a result of the development hereby permitted will be no greater than 1,000m<sup>2</sup>.
- (12) Prior to the commencement of the development hereby permitted details and location of the proposed soakaway shall be submitted to and approved in writing by the Local Planning Authority.
- (13) Concurrently with the submission of the reserved matters application a reptile survey shall be submitted to and approved in writing by the Local Planning Authority as in accordance with the recommendations set out in Paragraph 5.1.1 of the Ecological Report, prepared by Norfolk Wildlife Services and received 12 April 2018.
- (14) Concurrently with the submission of the reserved matters application a scheme showing bird and bat boxes on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the recommendations set out in paragraph 5.4.8 of the Ecological Report, prepared by Norfolk Wildlife Services and received 12 April 2018.



### Reasons:

- (1) The time limit condition is imposed in compliance with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) The time limit condition is imposed in compliance with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (3) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (4) To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EN4 of the Development Management DPD 2015.
- (5) To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (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 in accordance with Policy TS3 of the Development Management DPD 2015.
- (8) In the interests of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (9) 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 Policies GC4, EN2 and EN3 of the Development Management DPD 2015.
- (10) To prevent the development from being overbearing and to prevent overlooking to the detriment of the amenities of the adjacent properties in accordance with Policy GC4 of the Development Management DPD 2015.
- (11) As no affordable housing has been proposed as a result of the proposed development in accordance with Policy 4 of the Joint Core Strategy 2011 (as amended 2014).

- (12) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (13) 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.
- (14) 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 positive and proactive approach to reach this decision in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.
- (2) The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted. Further information about CIL can be found at [www.broadland.gov.uk/housing\\_and\\_planning/4734.asp](http://www.broadland.gov.uk/housing_and_planning/4734.asp)
- (3) This development involves works within the Public Highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Control Group. Please contact Stephen Coleman on 01603 430 596.

If required, street furniture will need to be repositioned at the 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.

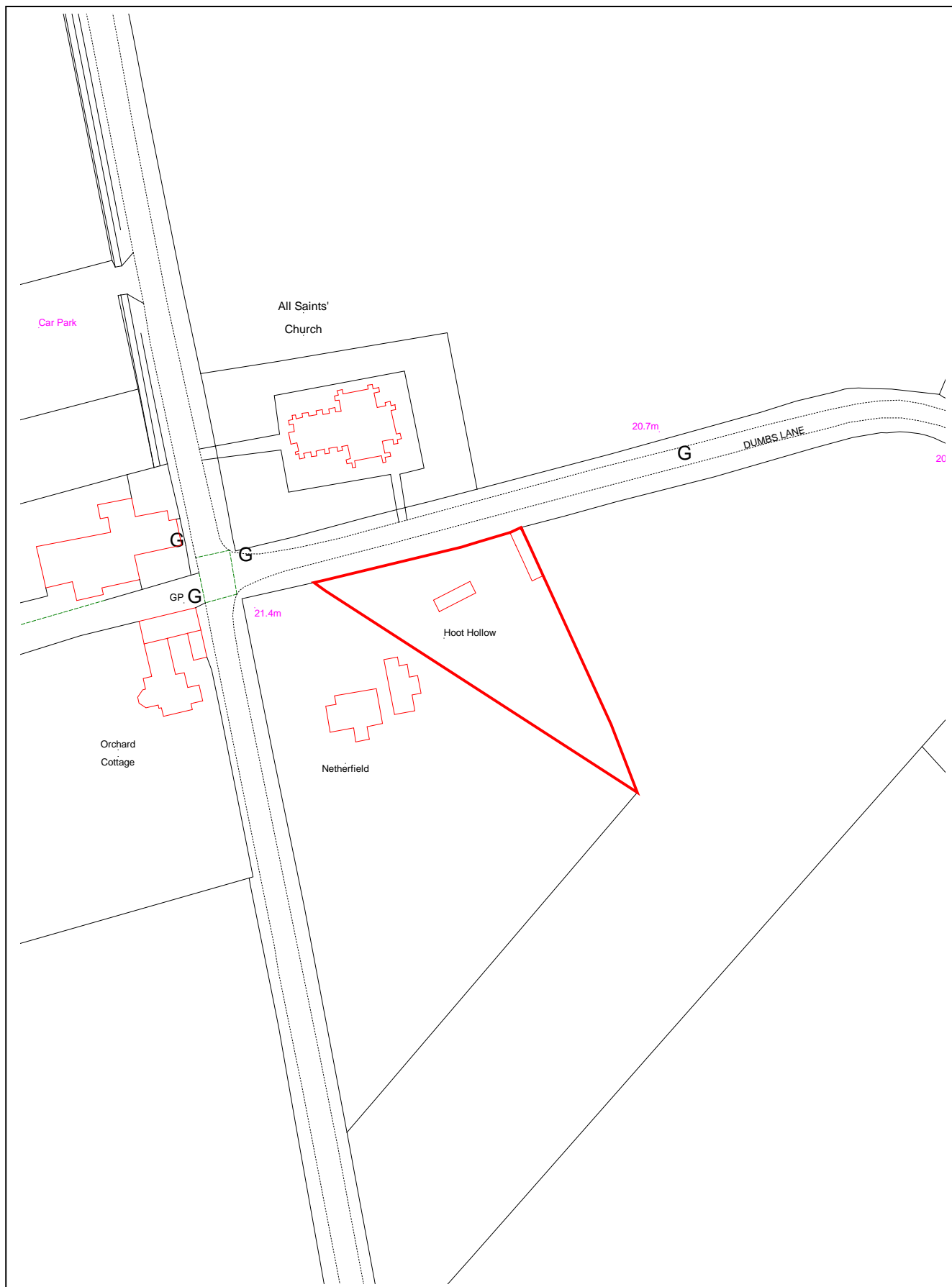
- (4) It is an offence to disturb, harm or kill breeding birds in the UK under the Wildlife and Countryside Act 1981. The removal of the vegetation should take place outside of the breeding season (March – September). In the event that

this is not possible, the vegetation to be removed should be inspected by a suitably qualified ornithologist and if any nests are found a 10m exclusion zone should be established until such time as the nest has been fledged.

- (5) Based on information provided with this application it has become apparent that asbestos containing material may be present within existing buildings. 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.

Plans and documents:

Location Plan, Dwg No: 1713 01, received 12 April 2018  
Indicative Site/Block Plan, Dwg No: 1713 03, received 12 April 2018  
Tree Survey and Arboricultural Impact Assessment, received 12 April 2018  
Tree Survey and Report, Arboricultural Method Statement and Tree Protection Plan, received 12 April 2018  
Tree Protection Plan, received 12 April 2018  
Tree Constraints Plan, received 12 April 2018  
Ecological Report, Dwg No: 12 April 2018



**Application No: 20180722**

**Hoot Hollow, Dumbs Lane, Hainford, NR10 3BH**

**Scale:  
1:1250**

**Date:  
25-Jun-18**



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**AREA** West  
**PARISH** Hainford

4

**APPLICATION NO:** [20180722](#) **TG REF:** 622421 / 318980  
**LOCATION OF SITE** Hoot Hollow, Dumbs Lane, Hainford, NR10 3BH  
**DESCRIPTION OF DEVELOPMENT** Erection of semi-subterranean dwelling and detached shed, greenhouse and carport  
**APPLICANT** Mr Nicholas Kirton  
**AGENT** N/A

**Date Received:** 1 May 2018  
**8 Week Expiry Date:** 26 June 2018

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**Reason at Committee:** The recommendation for approval is contrary to the current Development Plan policies

**Recommendation (summary):** Approve subject to conditions

## 1 THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single 'eco-dwelling' and detached shed, greenhouse and carport on land to the south of Dumbs Lane in Hainford.
- 1.2 The proposed three bedroom dwelling is of a 'low impact' design, taking the form of a semi-subterranean building which uses earth-sheltering principles (banked soil walls and a green roof) to help the dwelling blend into the environment. The dwelling is to be of an innovative curved shape and will incorporate numerous sustainable features into its fabric and will satisfy Passivhaus specifications as far as practicable to ensure its long-term viability and continued energy efficiency. The overall construction sits approximately 1.7m below ground level with a 'height to ridge' of up to 3m above the current levels on the site.
- 1.3 The walls are mainly proposed to be finished in a vertical oiled cedar cladding. The bottom of the wall will have a feature of knapped Norfolk flint so that the building relates to All Saints Church which is located on the opposite side of Dumbs Lane. A soil and sedum system is proposed for the external roof covering of the dwelling.

- 1.4 In terms of accommodation to be provided, an open plan kitchen-dining-living area will be provided along with three bedrooms, two en-suites, a shared bathroom and a plant room all over one level.
- 1.5 The carport is proposed to measure 5.83m by 4.58m and have a maximum height of 2.55m. The carport will be constructed of a timber beam construction and PVC corrugated roofing sheets. The shed is to be of a timber construction with a sedum green roof and is proposed to be 3.40m in height and measure 9.77m by 5.16m. The greenhouse is proposed to be of a timber and glass construction.
- 1.6 Associated external hard and soft landscaping is also proposed as well as new 1.5m high post and rail fencing on the north and east boundaries of the site.
- 1.7 The site is outside the settlement limit that has been defined for Hainford and is in a countryside location. On that basis, the application has been submitted for consideration under paragraph 55 of the National Planning Policy Framework (NPPF).
- 1.8 This is a revised application as planning permission was originally granted on the site for an eco-dwelling of a similar design in June 2014; however this permission lapsed in June 2017.

## 2 KEY CONSIDERATIONS

- Whether the proposed development accords with the provisions of the Development Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance.
- Whether there are material considerations sufficient to outweigh the presumption of determining the application in accordance with the provisions of the Development Plan – in this instance whether it is appropriate to build a new dwelling outside of a defined settlement limit.
- The planning history on the site
- The impact of the development on the character and appearance of the area
- The impact of the development on the nearby Listed church
- The impact of the development on residential amenity
- The impact of the development on highway safety

### 3 CONSULTATIONS

#### 3.1 Hainford Parish Council:

No objection.

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

Having studied the details provided I have the following comments.

- A comprehensive Arboricultural Impact Assessment (AIA) has been undertaken which has considered the tree constraints and the effects of the proposed development on the trees.
- Six trees are shown to be removed to construct the scheme, T9, T17, T18, T19, T20, T22 and an additional three trees T23, T24 & T25 to create increased amenity space. T9 & T18 have been classified as 'B' category trees with the others being classified as 'C's'. I would have no objections to the removal of these as long as there is adequate replacement planting included within the landscaping proposals and the stumps are ground out.
- The proposed construction of the carport and green house does encroach within the Root Protection Areas (RPAs) of T8 Oak and T5 which are both category 'A' Oak trees and important landscape trees due to their size, age and form.
- Section 3.6.2 states no details on the construction of the carport have been provided and a generic design has been described which would be acceptable, excavation within the RPAs other than those required to install the concrete plinths would not be acceptable. An Arboricultural Method Statement (AMS) is shown in section 4.4 and the use of an impermeable plastic membrane to line the plinth holes to prevent the contamination of the trees RPA's with cement has been detailed.
- The detail of precautions to be followed when installing services and new fencing is shown in section 4.6 & 4.7 and must be applied if they encroach within any RPAs.
- Please condition the detail of the AIA which includes a Tree Protection Plan (TPP) & Arboricultural Method Statement (AMS).

I have no objections if the recommendations within the AIA, TPP & AMS are conditioned and implemented, if it is possible for replacement planting to be secured as mitigation for those removed trees that would be great.

### 3.3 Contracts Officer:

A bin collection point should be provided nearest the highway.

### 3.4 Design Adviser:

I note that the application is for an amended design on the same footprint as previously approved.

The previous approval was commented on by the former Design and Conservation Officer and considered to fulfil the requirements of Paragraph 55 of the NPPF. As the scheme was approved I do not intend to comment on the principle of a Paragraph 55 house at this stage and will concentrate solely on the amended proposed detailed design.

The revised proposal raises the overall height of the building by 500mm which constitutes the major change – other amendments are minor and mainly detail information that was required by condition of the original consent.

Given the form of the building – particularly the roof form, which is (as previously approved) a gently sloping dome with a sedum roof, the visual impact of an increase in height will be negligible in reality barely perceptible. The finish of the roof will also help mitigate any visual impact as it is a natural sedum finish which in itself will vary over time.

The single storey building is also partly subterranean and screened with earth banks further minimising any visual impact.

The most noticeable visual feature on the roof will be the rooflights and large scale detail of the relationship between rooflight and roof covering should be conditioned in order to ensure that the upstands are not excessive in height.

The Shed and carport do not appear to have changed in design terms although further construction detail has been supplied in this application.

In conclusion given the only minimal alteration from the approved scheme, there is no objection to this application which can be recommended for approval on design grounds.

### 3.5 Historic Environment Officer:

The previous approved application [20140327](#) was for a very similar dwelling and I do not feel that the design of the dwelling has changed to such an extent that I would now wish to raise an objection. The shed and car port represent an improvement on the previously approved shed which would have been obtrusive in the street scene.



I therefore confirm that I do not object to the application.

3.6 Norfolk County Council (as Highway Authority):

I have no objection to this proposal.

Should your authority be minded to approve the application I would be grateful for the inclusion of the following conditions on any consent notice issued.

*(Three conditions relating to vehicular access and on-site parking and turning to the added as requested.)*

3.7 Norfolk County Council (as Principle Planner – Minerals and Waste Policy):

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

3.8 Pollution Control Officer:

No comment.

## 4 PUBLICITY

4.1 Site Notice:

Expiry date: 7 June 2018

4.2 Neighbour Notification:

Netherfield; Orchard Cottage; Hainford VC First School; Church of All Saints, Newton Road, Hainford

Expiry date: 6 June 2018

4.3 Press Notice:

Expiry date: 12 June 2018

## 5 REPRESENTATIONS

5.1 No comments received.

**6 RELEVANT POLICY GUIDANCE**

**National Planning Policy Framework (NPPF) 2012:**

- 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, 14, 17, 55, 56, 60, 186 and 187 are particularly relevant to the determination of this application.
- 6.2 Given the emphasis that has been placed on paragraph 55 in submitting the application, Members are advised that this paragraph guides local planning authorities to avoid new isolated homes in the countryside unless there are special circumstances such as the exceptional quality or innovative nature of the design of the dwelling. Such a design should be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.

**National Planning Practice Guidance (NPPG):**

- 6.3 Web based national guidance formalised in March 2014.
- 6.4 Paragraph 8 in section 'Determining a Planning Application' states a material planning consideration is one which is relevant to making the planning decision in question (eg whether to grant or refuse an application for planning permission).
- 6.5 Paragraph 001 in section 'Why Does Good Design Matter?' is also relevant.

**Planning (Listed Buildings and Conservation Areas) Act 1990:**

- 6.6 Section 66(1) states that in considering whether to grant planning permission for a development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the buildings or its setting or any features of special architectural or historic interest which it possesses.

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

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

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

### 6.8 Policy 2: Promoting good design

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

### 6.9 Policy 3: Energy and Water

Development in the area will, where possible, aim to minimise reliance on non-renewable high-carbon energy sources and maximise the use of decentralised and renewable or low-carbon energy sources and sustainable construction technologies.

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

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

### 6.13 Policy EN1: Biodiversity and habitats

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

### 6.14 Policy EN2: Landscape

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

### 6.15 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.

### 6.16 Policy TS4: Parking guidelines

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

### 6.17 Policy CSU5: Surface water drainage

Mitigation measures to deal with water arising from development proposals should be incorporated to minimise the risk.

### **Broadland Landscape Character Assessment SPD 2013:**

- 6.18 Identifies the application site as falling within the Woodland Estate lands landscape character area.

## **7 LOCATION AND DESCRIPTION OF SITE**

- 7.1 The application site is located to the south of Dumbs Lane within the parish of Hainford. It is triangular in shape and is approximately 0.17 ha in size. The site is currently undeveloped apart from a static caravan, a storage container and a small timber shed which are being stored on the site.
- 7.2 Dumbs Lane is located to the north of the site and the Grade II Listed All Saints' Church is situated further to the north on the opposite side of Dumbs Lane. To the east of the site are open fields whilst there is a detached house to the west of the site (Netherfield), the curtilage associated to which also extends to the south of the application site.
- 7.3 The site is currently bounded by tall mature trees on the north, south and west boundaries. There is also a post and wire fence to the east and west boundaries of approximately 1.2m in height.

- 7.4 The site exhibits no significant changes in ground levels.
- 7.5 Access to the site would be served from an existing entrance off Dumbs Lane.

### **8 PLANNING HISTORY**

- 8.1 [20140327](#): Construction of one eco dwelling. Approved 5 June 2014.
- 8.2 [883050](#): Stable and shelter. Approved 28 November 1988.
- 8.3 [802553](#): Outline dwelling. Refused 2 December 1980.
- 8.4 [791677](#): Outline residential development. Refused 21 August 1979.
- 8.5 [761062](#): Outline housing. Refused 15 June 1976.
- 8.6 [751823](#): Outline housing. Refused 19 September 1975.

### **9 APPRAISAL**

- 9.1 The main issues to be taken into consideration in the determination of this application are an assessment of the proposal against the policies of the Development Plan, the NPPF and Planning Practice Guidance and whether the merits of the application warrant granting it planning permission outside of a defined settlement limit. Also key is the impact of the development on the character and appearance of the area, the nearby listed building, residential amenity and highway safety.
- 9.2 As noted in paragraph 1.7 of this report the application site is outside of a defined settlement limit in a rural location. The application has been submitted as an example of a dwelling that meets the guidance set out in paragraph 55 of the NPPF, where the design should be of exceptional quality or innovative nature. By way of reminding Members of the wording of the relevant part of this paragraph, it states that new isolated homes in the countryside should be avoided unless there are special circumstances such as the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas
  - reflect the highest standards in architecture
  - significantly enhance its immediate setting

- be sensitive to the defining characteristics of the local area.
- 9.3 As stated in paragraph 1.2 of this report the proposal is for a 'low impact' semi-subterranean design and it is clear that the materials of construction, levels of insulation and the fabric provided by the 'earth shield' would achieve a thermal performance of a very high standard. The proposal will also satisfy Passivhaus specifications as far as practicable (eg airtightness, thermal bridging, insulation, energy requirements, air quality, efficiency) for all aspects of the dwelling. To this extent, it would contribute to the objectives of sustainable development.
- 9.4 It should be noted, however, that the technology, materials of construction and energy saving principles proposed here are becoming more well-established and indeed many have been included in proposals in more sustainable locations. Therefore, when applying these qualities to this application it is not considered to be truly outstanding or innovative when applying the special circumstances set out by the NPPF.
- 9.5 The Committee should instead consider how the applicant has applied these sustainable construction techniques to an overall design concept which is largely unique to the Broadland area and highly innovative in demonstrating a single dwelling which has a reduced visual impact compared to a conventional property. The semi-submerged form of the dwelling, with the low sloping roof would significantly reduce its mass and scale. Similarly, the external materials and landscaping plan proposed would help blend the structure into the landscape. The biodiversity of the site would also be enhanced with a programme of planting, seeding and refuge for wildlife that would help retain the link between the open countryside to the east and the established trees to the north, south and west. It is considered that this combination of sustainable construction, high quality architecture and a well-considered landscaping scheme cumulatively leads to a proposal which help to raise standards more generally in Broadland and significantly enhances its immediate setting. In doing so, it is considered to represent the special circumstances set out by Paragraph 55 of the NPPF.
- 9.6 As set out in paragraph 1.8 of this report, planning permission was previously granted for an eco-dwelling on this site in June 2014; however this has since lapsed. The dwelling approved under this permission was for a very similar semi-subterranean design with an almost identical footprint to the current proposal. The main difference to the design is that the proposal is now 500mm higher in height than the originally approved dwelling. Another difference between the two applications is the carport, shed and greenhouse proposed on the site. The Council's Historic Environment Officer has commented however that these represent an improvement on the previously approved shed.
- 9.7 Given the basis on which the application was submitted, comments were sought from the Council's Design Adviser. His response is reported at

paragraph 3.4 of this report but by way of summarising this, his view is that the visual impact of an increase in height will be negligible and in reality barely perceptible and the finish of the roof will also help mitigate any visual impact. The Design Adviser did suggest that a condition should be added to set out the detail of the rooflights and the details of the rooflights are proposed to be conditioned as suggested. In conclusion, the Design Adviser has stated that given the minimal alteration from the approved scheme, there is no objection to this application which can be recommended for approval on design grounds. Taking this into account, it is considered that the principle of the development has been established, however notwithstanding this it is considered that the proposal could be supported on design grounds to meet the strict criteria set out in paragraph 55 of the NPPF.

- 9.8 In terms of otherwise complying with the Development Plan the proposed development will clearly change the character of the land. Even so, the landscaping scheme incorporates mainly natural materials and the form of the dwelling largely reflects the rural setting as already mentioned above. Although a carport, shed and greenhouse are proposed, they would have a modern appearance with simple, clean shapes and lines. Given the low roofline of the dwelling, the external planting proposed and choice of materials, the development would retain the spacious feel of the site, its countryside qualities and the strong rural character of the surrounding area in accordance with Policy 2 of the JCS and Policies GC4 and EN2 of the DM DPD.
- 9.9 As previously stated the proposal is within close proximity to All Saints Church, a Grade II Listed Building and therefore regard has been given to section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990. It is clear the dwelling is contemporary in design terms compared to the traditional form of the adjacent neighbour and the setting of All Saints Church, a Grade II Listed Building. The Council's Historic Environment Officer has commented that the design of the dwelling is very similar to the previous approval on the site and has raised no objection to the application. Overall it is considered that the proposal will not cause harm to or detract from the setting of the listed building and the application is considered to accord with Policy 1 of the JCS, Policy GC4 of the DM DPD and section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 9.10 In terms of neighbour amenity, the site enjoys a good deal of separation from the adjacent neighbour at 'Netherfield' to the west. Given that the highest point of the main building will be only 3m above ground level and the screening on the western boundary of the site the proposal will not have any detrimental impact upon neighbour amenity. For these reasons, the scheme complies with Policy GC4 of the DM DPD.
- 9.11 The dwelling is to be accessed from an existing access of Dumbs Lane to the north east corner of the site. There is considered to be ample room for parking on site whilst the proposals also include plans for a car port on the

site. The Highway Authority has raised no objection to the proposal subject to the inclusion of conditions relating to vehicular access and on-site parking which are all proposed to be added to any decision notice. Overall, it is considered that the proposal complies with Policies TS3 and TS4 of the DM DPD.

- 9.12 The recommendations of arboricultural and ecological reports submitted with the application can be secured by planning condition. Further conditions are proposed to remove permitted development rights for the dwelling and to approve the external appearance of the site to ensure it remains appropriate for a countryside location.
- 9.13 Having regard to all matters raised, the quality of the architecture, the range of visual and ecological benefits flowing from the design and the sustainable features incorporated into the dwelling render it acceptable in complying with Paragraph 55 of the NPPF. Significant weight is also given to the previous approved similar scheme on the site. Furthermore, the development would be acceptable in terms of protecting the character and appearance of the surrounding area, the nearby Listed Church; biodiversity and landscape and the residential amenity of neighbouring properties.
- 

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

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) Notwithstanding the provisions of Schedule 2 Part 1 and Part 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, and re-enacting or modifying that Order) with or without modification, no buildings, walls, fences or other structures shall be erected within the site curtilage, nor alterations or extensions be made to the dwelling without the prior consent of the Local Planning Authority.
- (4) Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan in accordance with the highway specification (Dwg. No. TRAD 5) attached. Arrangement shall be made for surface water drainage to be



intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

- (5) Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5m from the near channel edge of the adjacent carriageway.
- (6) Prior to the first occupation of the development hereby permitted the proposed access and on-site car parking / turning area shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.
- (7) Development shall not proceed until details of all external materials to be used in the development (including full details and sectional drawings of the rooflights) have been submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- (8) All works shall be carried out in accordance with the requirements of the Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan, received 1 May 2018.
- (9) The development hereby permitted shall be implemented in accordance with the recommendations set out in the Ecological Site Appraisal prepared by Wild Frontier Ecology, dated December 2013 and received 1 May 2018. The development shall incorporate the mitigation recommendations and implement all the enhancements set out in the report.

### Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (3) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (4) To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.

- (5) To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened in the interests of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (6) To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (7) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (8) 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.
- (9) To protect local wildlife and ensure that the development has no adverse effects on the biodiversity on site and presence of any protected species in accordance with Policy EN1 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) 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 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) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or [enquiries@cncbuildingcontrol.gov.uk](mailto:enquiries@cncbuildingcontrol.gov.uk) and the website [www.cncbuildingcontrol.gov.uk](http://www.cncbuildingcontrol.gov.uk)
- (4) The site to which this permission relates contains suitable habitat for bats, barn owls or reptiles which are protected by the Wildlife and Countryside Act 1981 (as amended). In this respect the applicant is advised to consult Natural England, Dragonfly House, 2 Gilders House, Norwich, NR3 1UB or [enquiries.east@naturalengland.org.uk](mailto:enquiries.east@naturalengland.org.uk) and follow any requirements in this respect.



**Application No: 20180688**

**Oak Farm, Acle Road, South Walsham, NR13 6DD**

**Scale:  
1:2500**

**Date:  
25-Jun-18**



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**AREA** East

**PARISH** South Walsham

**5**

**APPLICATION NO:** [20180688](#)

**TG REF:** 637192 / 313227

**LOCATION OF SITE** Oak Farm, Acle Road, South Walsham, NR13 6DD

**DESCRIPTION OF DEVELOPMENT** Demolition of agricultural buildings and erection of one dwelling house & garage

**APPLICANT** David Murrell

**AGENT** N/A

**Date Received:** 25 April 2018  
**8 Week Expiry Date:** 25 June 2018

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**Reason at Committee:** (1) At the request of Councillor O'Neill for the reasons stated in paragraph 3.2 and (2) The site is outside of the settlement limit and is therefore contrary to policy.

**Recommendation (summary):** Approve subject to conditions

## 1 THE PROPOSAL

- 1.1 This application seeks consent for the demolition of agricultural buildings at Oak Farm and the erection of a two storey, five bedroomed dwelling with detached garage and workshop. The dwelling would be constructed of red brick and black clay pantiles.
- 1.2 The application originally included the provision of a pedestrian footpath to connect the access drive to School Road to the north east of the site; however this has been removed during the processing of the application.

## 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 South Walsham Parish Council:

The matter was considered at the Parish Council meeting and 4 Councillors had declared an interest and the other 3 delivered a vote of no objections.

#### 3.2 Councillor O'Neill:

I request a call in of application 20180688 (replacing [20180395](#)). This relates to a new dwelling to replace the steel frame barn. I make this request so the Planning Committee may determine whether or not the proposal is justified on planning grounds and having regard to local plan policies. I have been told:

- The removal of redundant barn structure / farm buildings would significantly improve the amenity for School Road residents affected.
- The erection of one purpose built dwelling subject to appropriate conditions would be an improvement over the dwelling subject to the Part Q ruling.

#### 3.3 Broadland District Council Pollution Control Officer:

No comment.

#### 3.4 Norfolk County Council as Highways Authority:

I have no grounds for objection. If approved a condition should be imposed relating to visibility splays.

#### 3.5 Norfolk County Council Senior Green Infrastructure Officer:

The planning application is supported by a Biodiversity and European Protected Species Survey report (Aurum Ecology; June 2016). The survey data is almost two years old, however from photographs of the buildings and the information provided the buildings are likely to have remained unsuitable to support roosting roosts.

Oak trees along the entrance drive have potential to support roosting bats, however the report states these will not be impacted by the proposed

development. Foraging habitat is available on the site and a few bat droppings were found on parked caravans in the open-fronted buildings that suggest bats have occasionally flown through them. Any lighting therefore needs to be low-level and directional away from features, such as hedgerows and trees.

There was no evidence of use of the buildings at the time of the survey visit by barns owls. It is unclear if the buildings were suitable for nesting barn owls. An inspection of the buildings for nesting barns owls prior to any demolition works needs to be carried out. The buildings are suitable for other species of nesting birds. Any works to the buildings must therefore be carried out outside of the bird nesting season.

Two muck heaps were present on the site that could be suitable for grass snakes for egg laying and the species has been observed along the entrance driveway. Other species such as hedgehogs may be present on the site. Precautionary methods of working as outlined in a Biodiversity Method Statement condition need to be adhered to in order to avoid killing or injuring reptiles and other wildlife including hedgehogs during demolition and construction works.

If approved conditions and informatives should be imposed relating to a nesting barn owl check prior to demolition; biodiversity method statement working practices; and enhancement measures.

### 3.6 Norfolk County Council Public Rights of Way Officer:

Whilst we welcome the suggestion of new footpaths it appears that they would only serve the new dwelling and the existing farm buildings so would be of no purpose to the general public. The vehicular access road is private which confirms to us that this is for private use not public. We therefore have no objections to the proposals.

## 4 PUBLICITY

### 4.1 Site Notice:

Date displayed: 4 May 2018

Expiry date: 25 May 2018

### 4.2 Press Notice:

Date displayed: 22 May 2018

Expiry date: 12th June 2018

4.3 Neighbour notification:

Letters sent: 3 May 2018

Expiry date: 26 May 2018

## 5 REPRESENTATIONS

5.1 When the application was submitted 11 consultation letters were sent to neighbouring residents. One letter of objection was received from the neighbouring property Manor Farm, 36 School Road raising an objection on the following grounds summarised below:

- The proposed development is located outside the settlement limit and is an illogical site for a domestic property
- The proposed footpath would be detrimental to neighbouring amenity in terms of privacy, overlooking, and security
- The proposed footpath would be detrimental to the bio-security of neighbouring agricultural land and livestock
- The proposed footpath is a considerable distance from the village centre and could not be practically managed

## 6 RELEVANT POLICY GUIDANCE

### National Planning Policy Framework (NPPF) 2012:

- 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 1, 2, 6, 7, 8, 11, 12, 14, 17, 29, 35, 47, 49, 50, 53, 55, 56, 57, 60, 61, 64, 95, 126, 128, 129, 131, 132, 133, 134, 135, 137, 186, 187, 196, 197, and 203 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 design and rural housing.

### **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 environmental assets

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

- 6.6 Policy 2: Promoting good design

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

- 6.7 Policy 4: Housing delivery

Allocations will be made to ensure at least 36,820 new homes can be delivered between 2008 and 2026, of which approximately 33,000 will be within the Norwich Policy Area (NPA – defined in Appendix 4), distributed in accordance with the Policies for places.

- 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.

### 6.9 Policy 15: Service Villages

In each Service Village land will be allocated for small-scale housing development subject to form and character considerations. Existing local shops and services will be protected.

#### **Development Management Development Plan DPD (2015) relevant policies:**

- 6.10 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.

### 6.11 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.

### 6.12 Policy GC2: Location of new development

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

### 6.13 Policy GC4: Design

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

### 6.14 Policy EN1: Biodiversity and Habitats

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

### 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.

### 6.16 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 DPD (2016):**

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

## **7 LOCATION AND DESCRIPTION OF SITE**

- 7.1 The application site is located outside of any defined settlement limit and currently consists of a group of modern agricultural buildings. To the north, the site is bounded by residential dwellings, to the east by agricultural land, to the south by a care facility (previously an agricultural dwelling linked to Oak Farm) and beyond agricultural land, and to the west by residential gardens associated with dwellings on School Road to the north.

## **8 PLANNING HISTORY**

- 8.1 [20180395](#): Demolition of agricultural buildings and erection of one dwelling house and garage. Withdrawn 20 April 2018.
- 8.2 [20180136](#): Change of use of agricultural building to dwellinghouse – Prior Approval. Required and refused 5 March 2018.
- 8.3 [20171619](#): Change of use of agricultural building to dwellinghouse – Prior Approval. Refused 7 November 2017. Appeal allowed 26 April 2018.
- 8.4 [20170714](#): Change of use from residential dwelling (formerly bed and breakfast) to self contained care facility. Approved 18 August 2017.
- 8.5 [20170306](#): Change of use of agricultural building into 2 no: residential units – Prior Notification (Class Q(a) & (b)). Required and refused 5 April 2017.
- 8.6 [20160893](#): Dwelling of redundant agricultural buildings and erection of barn style dwelling with detached garage/workshop (revised application). Refused 2 September 2016.
- 8.7 [20160483](#): Demolition of redundant agricultural buildings and erection of barn style dwelling with detached granny annexe / garage. Withdrawn.

**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 consent for the demolition of agricultural buildings at Oak Farm and the erection of a two storey, five bedroomed dwelling with detached garage and workshop.
- 9.2 The site is outside of any defined settlement limit, where policy GC2 of the Development Management DPD does not permit new development unless the proposal accords with another policy of the development plan. The nearest settlement limit to the site is South Walsham which is approximately 0.5km to the west. South Walsham is designated as a Service Village within policy 15 the Joint Core Strategy for Broadland, Norwich and South Norfolk, which states land will be allocated for small-scale housing development subject to form and character considerations. A site has been identified close to the village centre in the Site Allocations DPD for 15-20 dwellings (SWA1). Outline planning permission has been granted on this allocation, reference [20161643](#), for a residential development of 21 dwellings.
- 9.3 Whilst the principle of development in this location is contrary to the DM DPD and JCS, regard must also be had to the requirements of the NPPF. Paragraphs 14, 47 and 49 seek to boost the supply of housing. The NPPF requires authorities to supply sites sufficient to provide 5 years' worth of land for housing (in addition to a 5% or 20% buffer subject to circumstances). The site is located in the rural part of the district outside of the Norwich Policy Area (NPA).
- 9.4 On 14 March 2018 the Greater Norwich Growth Board published the Joint Core Strategy draft annual monitoring report. Members are advised that a key material consideration in regards to housing land supply is the Central Norfolk Strategy Housing Market Assessment (SHMA), the most recent version of which was published in June 2017. This is significant new evidence and forms part of the Joint Core Strategy for Broadland, Norwich and South Norfolk: Draft Annual Monitoring Report 2016-17 published on 14 March 2018 and is a material consideration in the determination of planning applications. For the rural area there is a 14.94 year housing land supply against the SHMA assessment of the Objectively Assessed Need (OAN) for housing, substantially above the five year target.
- 9.5 In accordance with paragraph 49 it is considered that the Development Plan is up to date in so far as it deals with housing supply and therefore full weight can therefore be given to the development plan policies GC1 and GC2 which seek to resist development in this location.

- 9.6 However, a material consideration in the planning application is a recent prior approval application on the site, reference [20171619](#), which was allowed on appeal for the change of use of an agricultural building to a dwellinghouse (see Appendix 1). The Inspector stated on the balance of the evidence before him that the appeal proposal meets the requirements of paragraph Q (a) and the proposed change of use would therefore be permitted development. This appeal allows for development under Class Q (a) only which relates solely to the change of use. If building operations are required to convert the building under Class Q, which would appear to be the case, a further Class Q application for development consisting of Q (a) and (b) would be required. This decision to allow the principle of a dwellinghouse on the site carries significant weight.

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

- 9.7 The proposed dwelling would be designed in the style of a barn using red bricks and black clay pantiles. Precise details of materials have not been provided and therefore a condition would be imposed for these to be agreed to ensure the satisfactory development of the site.
- 9.8 The site currently consists of agricultural buildings and is bounded to the north by existing residential dwellings and to the south by the care home at Oak Farm. Given the proposal would result in the demolition of the existing agricultural buildings on site and the residential nature of all of the surrounding development, it is considered the proposal would remove a potential conflict between these two uses and would result in a more appropriate use of the site, particularly in light of the recent appeal decision. The removal of these buildings would also result in a visual improvement on site more in keeping with the surrounding uses.
- 9.9 The design and appearance of the proposed dwelling is therefore considered acceptable and in keeping with surrounding development and would not impact significantly upon the surrounding landscape.

**The impact of the development upon the amenity of nearby residents:**

- 9.10 A neighbour objection has been received from Manor Farm, which is located to the north east of the application site raising concerns regarding the fact the development is outside the settlement limit, impact upon neighbour amenity, and the impact of the proposed footpath.
- 9.11 In regards to the pedestrian footpath, this has since been removed and an amended plan provided.
- 9.12 In terms of neighbour amenity, it is considered the proposal would not impact unduly upon neighbour amenity in terms of loss of light, privacy, outlook or

overlooking due to the orientation of the dwelling and separation distances. Two windows are proposed at first floor level on the northern elevation; however these would serve an en-suite and a bathroom.

- 9.13 If approved a condition would be imposed for these to be obscure glazed to maintain and protect neighbour amenity. Also, if approved a condition would be imposed for boundary treatments to be agreed to ensure the proposal would maintain and protect neighbour amenity.

### **Other matters:**

- 9.14 The Highways Authority state the application is identical in highway terms to that seen previously and therefore have no grounds for objection. If approved the Highways Authority request the imposition of a condition relating to visibility splays.
- 9.15 Whilst visually the dwelling is not disconnected, in accessibility terms it is. This is a harm, as the site does not have pedestrian access to the services and facilities within South Walsham; however the principle has been established with the appeal decision which did not include a pedestrian link.
- 9.16 The Pollutions Control Officer had no comments to make.
- 9.17 Norfolk County Council Ecology state conditions and informatives should be imposed relating to a nesting barn owl check prior to demolition; biodiversity method statement working practices; and enhancement measures.

### **Conclusion:**

- 9.18 Whilst the housing land supply that is apparent in relation to the most up to - date evidence of housing needs should be given weight in the decision making process, this factor effectively diminishes the weight that would otherwise be attached to the benefits of increased housing delivery. Notwithstanding this, in this case there are considered to be limited adverse impacts and the site has approval for a change of use to a residential dwelling under Class Q, which is a material planning consideration. There are economic, social and environmental benefits associated with the development, albeit limited given the proposal is for one dwelling. The proposal would not impact significantly upon the character and appearance of the area and would not result in an isolated development in the countryside except in accessibility terms.
- 9.19 On balance, the proposal is considered acceptable and therefore is recommended for approval, subject to conditions.

**RECOMMENDATION: APPROVE** subject to the following 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 until details of all external materials to be used in the development have been submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- (4) Development shall not proceed above slab level until a scheme has been submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall then be completed before the building first occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- (5) The first floor windows shown on the submitted plans on the north elevation shall be permanently formed with obscure glass unless the prior consent of the Local Planning Authority has been obtained.
- (6) Prior to the first occupation of the development hereby permitted visibility splays measuring a minimum of 120m from a 2.4m setback shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- (7) The development, including demolition, shall not commence until a suitably qualified ecologist has undertaken a careful, detailed check of the building for nesting barn owls and provided written confirmation that no nesting barn owls will be harmed. Such written confirmation shall be submitted to the local planning authority for approval.
- (8) The development shall be undertaken in accordance with the enhancement measures stated in section 8.2 and 8.10 if the Biodiversity and European Protected Species Survey Report produced by Aurum Ecology, dated 30 June 2016.

### Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (3) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (4) To safeguard the amenities of the adjacent residential properties in accordance with Policy GC4 of the Development Management DPD 2015.
- (5) To prevent overlooking to the detriment of the amenities of the adjacent properties in accordance with Policy GC4 of the Development Management DPD 2015.
- (6) In the interest of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (7) To ensure the proposal is not detrimental to protected species in accordance with Policy EN1 of the Development Management DPD 2015 and the National Planning Policy Framework.
- (8) To ensure the proposal is not detrimental to protected species in accordance with Policy EN1 of the Development Management DPD 2015 and the National Planning Policy Framework.

### 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](mailto:enquiries@cncbuildingcontrol.gov.uk) and the website [www.cncbuildingcontrol.gov.uk](http://www.cncbuildingcontrol.gov.uk)



- (3) The applicant's attention is drawn to the requirements of the Conservation of Habitats & Species Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).
- (4) The applicant's attention is drawn to the following comments from Norfolk County Council Ecology:

Given the nature and size of this development and the information included in the Biodiversity and European Protected Species Survey report (Aurum Ecology; June 2016), the following working practices will be adhered to:

- No piles of loose sand or other granular materials into which [amphibians or reptiles] could bury themselves should be left around the site. All such materials should be delivered in bags and kept on pallets or hardstanding until required for use;
- Should any waste be generated from the development, this should be placed straight into skips or rubble sacks, or immediately removed and not left lying around the site;
- No bonfires should be made or lit on site. [Amphibians and / or reptiles] often use piles of timber as a place of refuge;
- All trenches should be left covered at night. They must be checked in the morning before they are filled in.
- Works should preferably be restricted to daylight hours only to prevent disturbance or accidental harm to nocturnal animals such as hedgehogs. Ideally night lighting of the site should be minimised to reduce disturbance to other nocturnal animals such as bats.

Site lighting schemes for the new development should be unobtrusive, hooded / shielded and directional away from features that may be used by commuting/ foraging bats, such as hedgerows and mature trees. Further guidance on lighting is available on the Bat Conservation Trust website (Interim Guidance: Artificial lighting and wildlife – Recommendations to help minimise the impact of artificial lighting; 2014. Available at: [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html)).

## Appeal Decision

Site visit made on 27 March 2018

**by R A Exton Dip URP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>th</sup> April 2018**

**Appeal Ref: APP/K2610/W/17/3191594**

**Oak Farm, Acle Road, South Walsham, Norfolk NR13 6DD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Paragraph Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
- The appeal is made by Mr D Murrell against the decision of Broadland District Council.
- The application Ref 20171619, dated 12 September 2017, was refused by notice dated 7 November 2017.
- The development proposed is described as change of use of agricultural building to dwellinghouse - prior approval.

### Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Paragraph Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the Order') for the change of use of agricultural building to dwellinghouse at land at Oak Farm, Acle Road, South Walsham, Norfolk NR13 6DD in accordance with the terms of the application Ref 20171619, dated 12 September 2017, the plans submitted with it, the condition in Schedule 2, Part 3, Paragraph Q.2 (3) of the Order and to the following additional condition:
  - i) Prior to the first occupation of the dwellinghouse hereby permitted visibility splays measuring a minimum of 120m from a 2.4m setback shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

### Procedural Matter

2. The application form and supporting statement proposes the formation of two dwellings. However, the appellant states that the description was subsequently amended to refer to one dwelling. I have determined the appeal on that basis.

### Preliminary Matters

3. The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 came into force on the 6 April 2018. I must consider the appeal proposal in light of this order rather than the one that was in place at the time the Council made its decision. However, as this order does not make any changes that affect the main issue in this appeal there has been no need to seek main parties' comments.

4. Schedule 2, Part 3, Paragraph Q (a) of the Order permits a change of use from a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. Under paragraph Q.1 (a) of the Order development is not permitted if the site was not used solely for an agricultural use as part of an established agricultural unit on 20<sup>th</sup> March 2013, or in the case of a building which was in use before that date but was not in use on that date, when it was last in use.
5. The Council is not satisfied that the appeal proposal meets the requirements of paragraph Q.1(a) but does not consider that it conflicts with any other requirements of paragraph Q.1. I have no reason to take a different view.

### **Main Issue**

6. In light of the above, the main issue is whether or not the appeal proposal constitutes permitted development under Schedule 2, Part 3, Paragraph Q of the Order. In determining this, the key consideration is the past use of the site.

### **Reasons**

7. The appeal site contains a group of modern agricultural buildings situated close to the rear garden areas of properties fronting School Road. The closest of these properties appear to be older agricultural buildings converted to residential use. To the south of the appeal site is a building of domestic appearance apparently in use as a care facility. Further to the south, east and west is open countryside. The appeal building has an obviously agricultural appearance and, at the time of my site visit there was a limited amount of agricultural machinery within it.
8. The Council's decision notice states that the site was not used solely for an agricultural use as part of an established agricultural unit on 20<sup>th</sup> March 2013, or when it or when it was last in use or for a period of at least 10 years before the date development under Class Q begins. However, the detailed justification that underlines this assessment has not been presented.
9. The appellant contends that the appeal building has been historically used for the storage of grain and farm machinery. A number of pieces of evidence are submitted in support of this.
10. A letter from a haulage company states that grain has been collected from Oak Farm every year for the past 15 years. This does provide evidence of past agricultural use at regular intervals. Photographs of a building being used for the storage of grain are also submitted. Whilst these are not dated they do show grain being stored at some point in time. A tenancy agreement is submitted as evidence of past use. However, the plan attached to this agreement only relates to a part of the building which is proposed for use as a dwelling. Whilst the agreement describes the building as 'the grain store' it does not specify the use for which the tenancy is granted or, when any use took place. This agreement therefore carries limited weight as evidence of the past agricultural use of the site.
11. In light of the above, I consider that whilst the evidence relating to past agricultural use of the appeal building is limited, the Council have not offered any evidence of a material change of use taking place. Therefore, on the

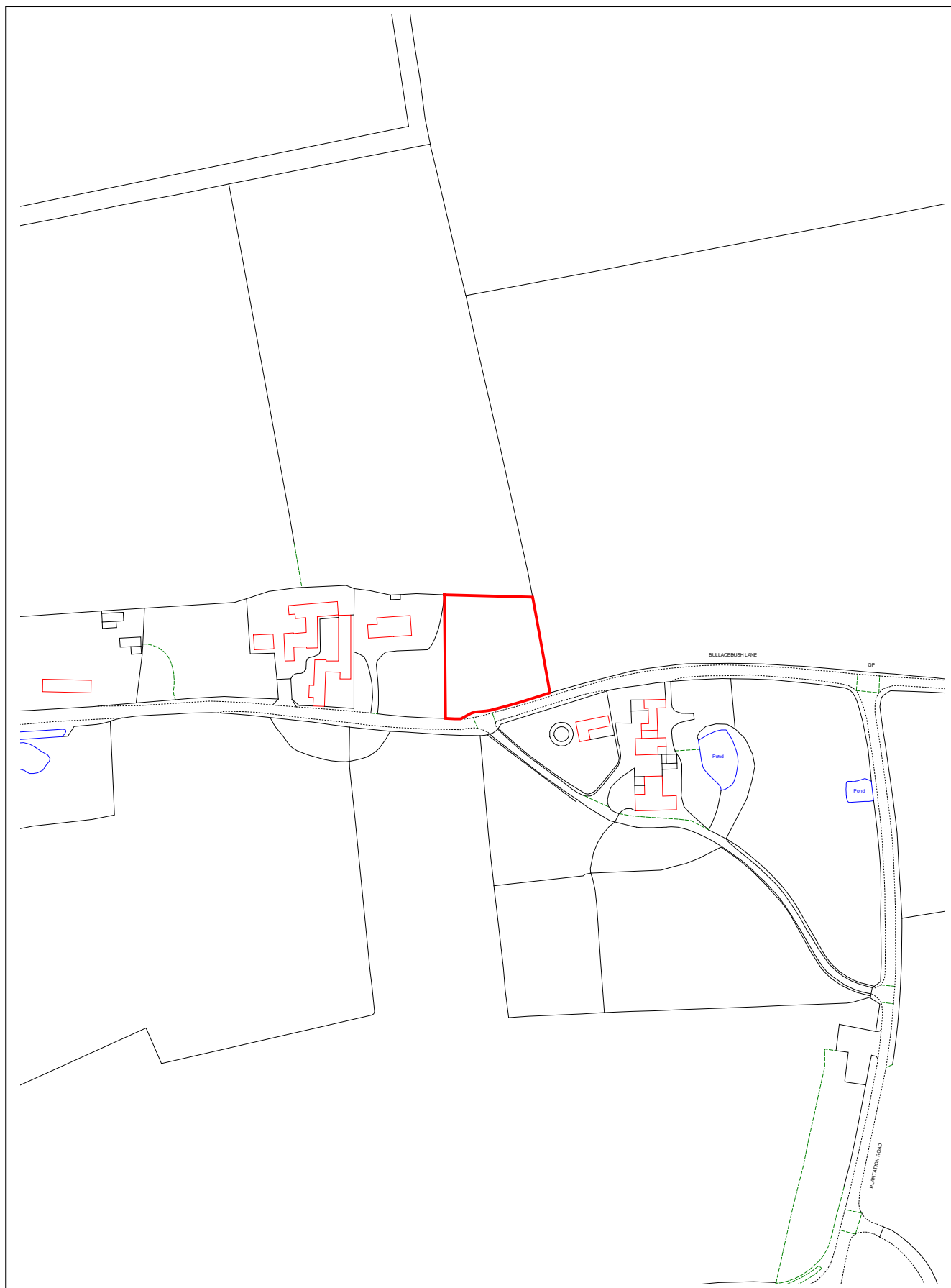
balance of the evidence before me I consider that the appeal proposal meets the requirements of paragraph Q.1 (a) and the proposed change of use would therefore be permitted development.

### **Conclusion and conditions**

12. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be allowed.
13. The planning permission granted for the change of use of agricultural building to dwellinghouse under Schedule 2, Part 3, Paragraph Q (a) of the Order is subject to the condition that development must be completed within a period of 3 years starting with the date of this decision.
14. I note the 4 conditions the Council suggests are imposed if planning permission is granted. The first suggested condition is the standard time limit condition for completion of development as set out above. As the permission relates to change of use only, a further application would be required to determine whether prior approval was required for the design or external appearance of the building. This would address the Council's requested condition No 3. The Order generally provides that development must be carried out in accordance with details approved. If prior approval were required and granted, development would need to be carried out in accordance with any plans or details submitted. The Council's suggested condition No 2 would be addressed through this process.
15. Section W (13) of Part 3 of Schedule of the Order allows for conditions reasonably related to the subject matter of the prior approval. The Council's suggested condition No 4 relates to the transport and highways impacts of the development and is therefore necessary.

*Richard Exton*

INSPECTOR



**Application No: 20180777**

**Perownes Farm, Bullacebush Lane, Blofield, NR13 4SG**

**Scale:  
1:2500**

**Date:  
25-Jun-18**



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**AREA** West  
**PARISH** Blofield

6

**APPLICATION NO:** [20180777](#) **TG REF:** 633282 / 310477  
**LOCATION OF SITE** Perownes Farm, Bullacebush Lane, Blofield, NR13 4SG  
**DESCRIPTION OF DEVELOPMENT** Subdivision and erection of 1 no: self-build dwelling, including new vehicular access and associated soft and hard landscaping and other ancillary works  
**APPLICANT** Mr P Rogerson  
**AGENT** La Ronde Wright

**Date Received:** 10 May 2018  
**8 Week Expiry Date:** 9 July 2018

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**Reason at Committee:** At the request of Cllr O'Neill for the reasons set out in Section 5.1 of this report

**Recommendation (summary):** Refuse

## 1 THE PROPOSAL

- 1.1 The application seeks full planning permission for the subdivision of the plot and erection of a detached, two storey dwelling. A new vehicular access onto Bullacebush Lane is also proposed.
- 1.2 The dwelling has an internal floor area of approximately 440m<sup>2</sup> and is located central to the plot. The height of the dwelling to the ridge is 8.5m. The site area is 0.2ha.

## 2 KEY CONSIDERATIONS

- Development outside of Settlement Limit
- The presence of a five year supply of land for housing in the NPA
- Impact of the proposal on the character and appearance of the area
- Impact of the development on residential amenity

- Impact of the development on the functioning of the local highway network
- Ecology
- Other matters

### 3 CONSULTATIONS

#### 3.1 Blofield Parish Council:

The council agreed to object to the planning application, and raised the following points:

- This development is outside the settlement limit
- The pre-planning advice is unfavourable
- HOU5 – Removed the imposing garage as a result of Pre Planning advice but not clear if sufficient car parking for 4 cars
- HOU1- again another 4 bedroom house – local housing needs not addressed
- ENV 3 – Drainage looks like septic tank and drainage over land but will infill a pond to do so
- ENV2 – removing a hedge and planting a new one closer to the property but not a great deal of splay for visibility
- TRA3 – the application discusses walking and cycling benefits but no footpath from Bullacebush Lane / Plantation Road to Blofield so this raises safety concerns, together with it being on the bus route to Blofield Heath with limited passing places combined with Dark Skies policy.
- In addition, the parish council requests that if this development is approved a reduction in the speed limit along Plantation Road / Bullacebush Lane should be put in place from 'de-restricted' to 30mph and a continuous footpath is provided to Blofield.

#### 3.2 BDC Conservation Officer (Arboriculture & Landscape):

The development scheme will require the removal of two trees T5 & G6 to facilitate the construction of the access drive and sewage infrastructure; although these are not significant trees within the landscape and have been categorised as 'C' and 'U' within the BS5837 survey.

Although no precise details relating to the tree constraints and the required

visibility splays have been provided, it has been mentioned within Section 3.2 that two sections of existing hedge will have to be removed to form the new entrance plus an additional Holly & Hawthorn which are thought to have originated from within the hedge.

Replacement hedge planting is specified within Section 3.4 with Hawthorn, Holly & Yew being suggested, which would be acceptable. The replacement hedge should be located as shown to maintain the natural appearance on the road frontage. The use of close boarded fence should be avoided as it would look out of place in this rural location.

I have no objections to the proposals; as the loss of existing trees appear minor and the building will be located outside any Root Protection Areas. Please condition the details of the AIA. Additionally landscape condition T04 would be appropriate to ensure the replacement hedge planting is undertaken.

### 3.3 BDC Historic Environment Officer:

Thanks for consulting me on this application. As previously stated there will be very little impact on the historic environment, although it will lead to the unfortunate sub-division of an historic plot. The nearest heritage asset to the site is Blofield Lodge, which is a locally-identified heritage asset. However, that building is set within substantial grounds and this proposed development is set far enough away that it will not have an impact on the setting of that asset.

Should permission be granted it will be important to ensure that the materials are suitable and that there is sufficient planting around the site to reduce the impact on the character of the wider landscape.

### 3.4 BDC Design Advisor:

Original comments:

In terms of the design it would appear that the proposal is attempting to emulate the appearance of a converted barn within a "Rural" setting. As a concept in design terms this is very difficult to achieve.

Agricultural holdings historically evolved over a period of time and although it may be possible theoretically to replicate the form of a group of such buildings the details are almost impossible to replicate and in fact when added to a design produce a kind of pastiche which is then uncomfortable visually. Here examples include the vent slits, the incorrect positioning of the wide openings within the elevations, the overly domestic fenestration pattern and the introduction of dormer windows Juliet balconies etc none of which would have



appeared on vernacular agricultural buildings.

When redundant agricultural buildings are converted (generally because they are making a positive contribution to the landscape) great care is generally taken to ensure that in conversion the agricultural appearance of the building is not compromised by the conversion. This means the avoidance of things like an overly domestic fenestration pattern, the introduction of dormer windows, Juliet balconies etc and the retention of key features such as the large openings to threshing barns being retained in their original position.

For these reasons I think that the concept of the proposal and its detail are flawed and could not be supported in their current form in design terms.

Comments on Amended Plans:

In terms of the revisions they do result in the proposal appearing less like an agricultural conversion. The revised proposal has a more residential appearance, although still with a slightly agricultural reference architecturally.

I would not now object on design grounds, although there may be other development management issues with the proposal. The relationship with the host building and the subdivision of curtilage to facilitate the development alone will impact on the street scene, compounded by the erection of a dwelling.

### 3.5 NCC Highway Authority:

This proposal indicates provision of acceptable access visibility sightlines for the evidenced 85th Percentile traffic speeds on adjacent section of Bullacebush Lane and the proposed new vehicular access could be constructed to also operate as an informal vehicular passing bay. Accordingly I feel it to be very difficult to sustain objection to this proposal on highway safety grounds.

In regard to transport sustainability this site does not offer safe access to service facilities or access to public transport etc and occupiers of the proposed dwelling are realistically therefore reliant on the use of the car for everyday travel. Residential development at this location is therefore contrary to sustainability objectives seeking to site development at locations where alternative travel modes are readily and safely accessible. Whilst, in this particular case, not wishing to raise this as a reason for objection the Highway Authority would hope that your authority would take this into account when considering the overall acceptability of the proposal.

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

issued:

SHC 08(Variation), SHC 19, SHC 13, SHC 24, SHC 39A, SHC 39B and Inf.2

### 3.6 NCC Ecology:

Original Comments:

The submitted PEA report (Greenlight Ecology, 28 May 2018) is fit for purpose as a preliminary assessment. The report recommends several items of mitigation, and some ecological enhancements which are included in the Summary Table on Page 3.

However the main issue is that the PEA recommends an eDNA test for great crested newts at the on-site pond. If the application is to be determined this year, any eDNA test MUST be completed before 30 June to comply with Natural England requirements (refer to <https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-development-projects>). The Government Circular on Planning and Biodiversity states that the presence and absence of protected species, and the potential impact on them, should be ascertained before the application is determined.

Therefore I can only recommend that this eDNA test is undertaken now and the results of that test considered in the light of the proposed works (section 8.27 of the PEA and subsequent paragraphs). Helpfully, the report suggests a suitable draft mitigation strategy for GCN should they be found to be present.

In due course, I would suggest that once the Great Crested Newt situation is resolved, you may wish to consider conditioning the mitigation described in the PEA. There are a number of items and it may be helpful to list these (drawn from the summary table in the PEA) to ensure things are not missed. I would also note the specific enhancements for biodiversity.

Revised Comments (22 June 2018)

The eDNA test results are included in the revised report, showing a negative result. My previous comments (05/06/18) concluded:

*"In due course, I would suggest that once the great crested newt situation is resolved, you may wish to consider conditioning the mitigation described in the PEA. There are a number of items and it may be helpful to list these (drawn from the summary table in the PEA) to ensure things are not missed. I would also note the specific enhancements for biodiversity."*

Therefore, if you are minded to approve the application, I would suggest that

you condition that mitigation and enhancement for biodiversity are delivered in line with the revised report.

#### **4 PUBLICITY**

##### **4.1 Site Notice: 21 May 2018**

Expired: 11 June 2018

##### **4.2 Press Advert: 5 June 2018**

Expired: 26 June 2018

##### **4.3 Neighbour Notification: 18 May 2018**

Expired: 10 June 2018

#### **5 REPRESENTATIONS**

##### **5.1 Cllr O' Neill:**

The planning issues are addressed in the applicant's planning statement. You have indicated you are mindful to refuse consent because the site is outside a defined settlement and we have in excess of a five year land supply of housing. Perversely, that has not handicapped the issue of planning permissions for other sites outside the settlement.

I request the call-in for the following reasons:

- (1) Those given in the applicant's planning statement.
- (2) Developments outside but close to settlements entail judgements calls which I hope you agree are better delegated to the Planning Committee.
- (3) The presumption in favour of development even if outside the settlement as recently applied on the advice of Head of Planning in application [20161588](#). This is DMDPD Policy GC1 where it is stated '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 RELEVANT POLICY GUIDANCE**

**National Planning Policy Framework (NPPF) March 2012:**

- 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 Paragraphs 1, 2, 6, 7, 11, 14, 17, 29, 35, 47, 49, 50, 55, 56, 57, 95, 186, 187, 196, 197, 203, & 204 are relevant.

**National Planning Practice Guidance:**

- 6.3 Web based national guidance formalised 6 March 2014.
- 6.4 This document guidance is relevant to the determination of the application specifically in regard to sections relating to design and rural housing.

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

- 6.5 Policy 1:
- The environmental assets of the area will be protected, maintained, restored and enhanced.
- 6.6 Policy 2:
- All development will be designed to the highest possible standards creating a strong sense of place.
- 6.7 Policy 4: Housing delivery
- Allocations will be made to ensure at least 36,820 new homes can be delivered between 2008 and 2026, of which approximately 33,000 will be within the NPA, distributed in accordance with Policies for Places.
- Of relevance to this application, states that on sites for 5 to 9 dwelling or 0.2 – 0.4Ha), the target proportion of affordable housing to be provided will be 20%.

### 6.8 Policy 9: Strategy for growth in the NPA

Sets out that the NPA is the focus for major growth and development and that smaller sites in the Broadland part of the NPA will contribute 2,000 dwellings towards achieving the minimum target of 21,000 dwellings in the NPA.

### 6.9 Policy 14: Key Service Centres

Identifies Blofield as a Key Service Centre capable of accommodating housing growth of approximately 50 dwellings. Settlements in this policy that are also within the NPA may be considered for additional development, if necessary, to help deliver the smaller sites in the NPA allowance set out in Policy 9.

### 6.10 Policy 15: Service Villages

Identifies Blofield Heath as a Service Village capable of accommodating small scale housing growth (within the range of 10 to 20 dwellings) to meet a range of local needs including affordable housing. Settlements in this policy that are also within the NPA may be considered for additional development, if necessary, to help deliver the smaller sites in the NPA allowance set out in Policy 9.

### 6.11 Policy 17: Smaller rural communities and the countryside

Amongst other things, sets out that in the countryside, affordable housing for which a specific local need can be shown will be permitted in locations adjacent to villages as an exception to general policy. Other development will be permitted in the countryside where it can clearly be demonstrated that to further the objectives of the JCS.

### 6.12 Policy 21: Implementation of proposals in the Broadland part of the NPA

When considering development proposals in their part of the NPA, Broadland District Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, the Council will grant planning permission unless material considerations indicate otherwise.

### **Development Management (DPD) 2015:**

### 6.13 Policy GC1:

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

### 6.14 Policy GC2:

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

### 6.15 Policy GC4:

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

### 6.16 Policy EN1: Biodiversity and habitats

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

### 6.17 Policy EN2: Landscape

In order to protect the landscape of the area, development proposals should have regard to the Landscape Character Assessment Supplementary Planning Document (SPD).

### 6.18 Policy EN3: Green infrastructure

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.

### 6.19 Policy EN4: Pollution

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

### 6.20 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.

### 6.21 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.

### 6.22 Policy TS4: Parking guidelines

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

### 6.23 Policy CSU5: Surface water drainage

Amongst other things, 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.

## **Blofield Parish Neighbourhood Plan 2016:**

### 6.24 Policy HOU1: Local housing needs

Given the significant increase in population of the parish, developers should address the specific needs of the population which include housing for older people and the disabled, smaller homes for parishioners to downsize so that they may retain their ability to live in the parish, two bedroom and larger starter homes on planned mixed development for first time buyers, and social housing as part of mixed developments.

### 6.25 Policy HOU4: Rural image, heights and massing

The Neighbourhood Plan seeks to maintain and enhance the village image as rural and green. Wherever possible, development should deliver enhancements to the landscaping character.

### 6.26 Policy HOU5: Parking for new developments

Where feasible and practical, car parking should be provided on the basis of two spaces for one and two-bed properties, three spaces for three-bed properties and four spaces for four or more bed properties.

### 6.27 Policy ENV2: Soft site boundaries and trees

New development site boundary edges should be soft, using trees and native hedgerows where adjacent to the countryside, giving a rural edge.

### 6.28 Policy ENV3: Drainage

All development should take advantage of modern drainage methods to alleviate localised flooding. Future development should not cause or contribute to the problem of flooding or drainage issues or pollution.

### 6.29 Policy ENV4: Agricultural land

High quality agricultural land is of particular importance locally in terms of its contribution to the economy and the rural character.

### 6.30 Policy TRA1: Local traffic generation

The assessment of traffic generation needs to be addressed in accordance with its potential impact. Major development of over 100 dwellings need to consider total travel demand, patterns of public transport in the area, how development impacts upon them, and if required, how infrastructure or services could be improved to mitigate such impacts.

Particular regard should be made to road safety, the needs of pedestrians and cyclists, parking provision and mitigating congestion.

### 6.31 Policy TRA3: Walking and cycling

Developments should contribute to an enhanced and joined-up network of high quality footpaths / rights of way to improve access to village amenities and the countryside.

### **Landscape Character Assessment SPD:**

- 6.32 Identifies the application site as falling within the D4 Blofield Tributary Farmland landscape character area which forms a large area of gently undulation tributary farmland extending between the Yare and Bure River Valleys.

### **Written Ministerial Statement of 28 November 2014:**

- 6.33 Sets out that affordable housing contributions and tariff style contributions should not be sought for sites of 10 units or less and which have a maximum combined gross floor space of 1,000 square metres.



## **7 LOCATION AND DESCRIPTION OF SITE**

- 7.1 The site lies approximately 600m north of the village of Blofield (accessed via a bridge over the A47) and 1.5km from the settlement of Blofield Heath. The site is accessed from Bullacebush Lane, an unclassified road which joins Plantation Road to the east and Woodbastwick Road to the west.
- 7.2 To the west of the site there is a detached two storey dwelling and barns which have been converted to residential dwellings. To the east are open fields and to the south-east is Blofield Lodge, a detached property set in large grounds.

## **8 PLANNING HISTORY**

- 8.1 [20171195](#): Outline application for up to five dwellings including associated access road and infrastructure improvements within site and provision of new footway link to Blofield village. Refused 7 September 2017. Appeal dismissed 14 February 2018.
- 8.2 [20160843](#): Sub-division of plot and erection of 1 no: dwelling with cartshed / carport and new access. Withdrawn.
- 8.3 [20140383](#): Retrospective application for Juliet Balcony to rear elevation. Approved 31 March 2014
- 8.4 [20130185](#) Erection of replacement dwelling. Approved 15 March 2013.
- 8.5 [20120873](#): Replacement of thatched roof with natural clay plain tile roof following fire damage to the property. Approved 12 July 2012.
- 8.6 [20061128](#): First floor extension to garage including external staircase. Approved 12 September 2006.

## **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 relevant policies of the Development Plan; the guidance set out in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). This includes the impact of the development on highway safety, the general character of the area and neighbour amenity.

### **Whether the development accords with the provisions of the Development Plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance:**

- 9.2 The site is within the Norwich Policy Area (NPA) and lies outside the defined settlement limit, where Policy GC2 of the Development Management DPD does not permit new development unless the proposal accords with another policy of the Development Plan. Furthermore, the site has not been allocated for development in the Site Allocations DPD.
- 9.3 A key material consideration in regards to housing land supply in the NPA is the Central Norfolk Strategic Housing Market Assessment (SHMA), the most recent version of which was published in June 2017. This is significant new evidence and forms part of the Joint Core Strategy for Broadland, Norwich and South Norfolk: Draft Annual Monitoring Report 2016-17 published 14 March 2018. For the NPA there is an 8.08 year housing land supply against the SHMA assessment of the Objectively Assessed Need (OAN) for housing. The following paragraphs explain why this effectively diminishes the weight attached to the benefits of increase housing supply.
- 9.4 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).
- 9.5 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.
- 9.6 Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council, in accordance with DM DPD Policy GC1, will grant permission unless material considerations indicate otherwise – taking into account one of two criteria.
- 9.7 Of particular relevance to applications for housing development in this regard is paragraph 49 of the NPPF. This states that: 'housing applications should be considered in the context of the presumption in favour of sustainable development; and that, relevant (local plan) policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'. Where policies in the Local Plan are not considered to be up-to-date, paragraph 14 of the NPPF requires decision-taking to approve applications for housing unless the

adverse impacts of granting permission, 'would significantly and demonstrably outweigh the benefits', when assessed against the policies of the NPPF as a whole.

- 9.8 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 NPA, a shortfall of 1,187 dwellings. Consequently relevant policies for the supply of housing in the NPA cannot be considered up-to-date and applications for housing should continue to be determined within the context of paragraph 14 of the NPPF
- 9.9 The JCS housing requirement is, however, now several years old (the JCS was adopted in March 2011, with amendments in January 2014). The evidence on which the requirement is based has now been superseded. 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 the most recent evidence available. Unlike the evidence underpinning the JCS, the SHMA also includes an assessment of the contribution made by student accommodation in line with the Planning Practice Guidance.
- 9.10 The SHMA is significant new evidence that is also a material consideration in the determination of planning applications. A housing land supply of 8.08 years can be demonstrated against the SHMA assessment of OAN, a surplus of 5,368 units. The abundant housing land supply that is apparent in relation to the most up-to-date evidence of housing needs should be given weight in the decision making process. 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 14.
- 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.
- 9.12 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

### **Economic role:**

- 9.13 The NPPF confirms the economic role as: *“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure.”*
- 9.14 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 dwelling. It is therefore considered that the scheme would bring forward a small level of economic benefit.

### **Social role:**

- 9.15 The NPPF confirms the social role as: *“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”*
- 9.16 The site lies outside of the defined Settlement Limit for Blofield and is approximately 0.5 miles from the school and doctors’ surgery. These facilities can only be accessed by crossing the A47 trunk road and there is no footpath on Plantation Road or Bullacebush Lane. The site is therefore considered to be located in an unsustainable location in transport terms with poor accessibility to services and facilities by foot or public transport.
- 9.17 Given the site area of the development proposed, Policy 4 of the JCS is relevant, seeking 20% affordable housing. However, the Ministerial Statement of 28 November 2014 is relevant and which states that affordable housing contributions and tariff style contributions should not be sought for sites of 10 units or less and which have a maximum combined gross floor space of 1,000m<sup>2</sup>. The development is for only one dwelling, under 1,000m<sup>2</sup> and therefore, no affordable housing in accordance with JCS Policy 4 will be delivered by this scheme.
- 9.18 Policy RL1 of the DM DPD requires all new developments consisting of five dwellings or more to provide recreational open space or pay a financial contribution towards off site provision. Policy EN3 also states that development consisting of five dwelling or more will be expected to provide towards green infrastructure. The development is under both of these thresholds and therefore will make no contribution in this regard.
- 9.19 The provision of one additional dwelling in this location would only make a small 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 only a modest social benefit on the basis of its contribution to the supply of homes.

### **Environmental role:**

- 9.20 The NPPF confirms the environmental role as *“contributing to protecting and enhancing our natural, built and historic environment: and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*
- 9.21 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 involves the erection of a dwelling beyond the built up area in an attractive countryside location, which has an open character of surrounding fields. The site itself although within the curtilage of an existing property physically and visually reads as countryside.
- 9.22 The subdivision of the site to facilitate the development will lead to the loss of the historic plot for Perownes Farm, a substantial, detached farmhouse. As the majority of the garden area is currently located to the east, the remaining private amenity space will mostly be situated to the front of the dwelling, visible from the highway.

### **Impact on landscape character:**

- 9.23 This site is located within Landscape Character Type D: Tributary Farmland as identified in the Broadland Landscape Character Assessment SPD. Key characteristics include a predominantly rural character throughout with a dispersed but evenly distributed settlement pattern. This area, any development should seek to conserve the simple, predominantly rural character and seek to conserve the landscape setting of hamlets and villages.
- 9.24 The subdivision of curtilage to facilitate the development will adversely impact on the rural character of the street scene, extending the built form east along Bullacebush Lane. Furthermore, the proposal involves the loss of some trees and hedging along the road frontage to facilitate the new access. It is therefore considered that the scheme, including the highways works to create a new access, results in loss of existing landscape features, including trees and hedging would have an urbanising effect on the locality, at odds with the rural character of the surrounding area and detract from rather than enhance its open character and appearance, contrary to Policy EN2 of the DMDPD and Policy HOU4 of the Blofield Parish Neighbourhood Plan.

### Ecology:

- 9.25 The submitted PEA report (Greenlight Ecology, 28 May 2018) is fit for purpose as a preliminary assessment and the report recommends several items of mitigation, and some ecological enhancements. The revised PEA submitted 22 June 2018 includes details of the eDNA test for great crested newts at the on-site pond which show a negative result.

### Other matters:

- 9.26 Permission was granted in December 2016 for the erection of a dwelling on the land between Callow Green and Fairfield Barn, Bullacebush Lane ([20161615](#)). It was concluded that the development would not cause significant harm to the character and appearance of the area, against the backdrop of considerable weight associated with delivering new housing within the NPA in the absence of a five year land supply at that time.
- 9.27 An outline application was made at Blofield Lodge, Plantation Road, Blofield ([20171195](#)) for the erection of five dwellings and creation of a new footpath and this was refused by Members in October 2017 and subsequently the appeal was dismissed in February 2018. The Appeal Decision is available in Appendix 1. The inspector found that the benefits of the scheme did not outweigh the harm in respect of a detrimental impact on the rural character and appearance of the area.

### Conclusion:

- 9.30 Having due regard to the above assessment made in the context of having a 5 year land supply, when taking account of the new evidence of the updated SHMA as a material consideration, it is considered that the modest economic and social benefits of providing additional housing would not outweigh the significant and demonstrable environmental harm that would result to the rural landscape character of the area and when considered as a whole, this scheme does not represent sustainable development.

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### RECOMMENDATION: REFUSE for the following reasons:

This application has been considered against the Development Plan for the area, this being the NPPF, the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (amendments adopted 2014), the Development Management DPD 2015, the Blofield Parish Neighbourhood Plan (2016) and the Landscape Character Assessment SPD 2013. The policies particularly relevant to the determination of this application are Policies 1, 2, 4, 9, 14, 17 and 21 of the Joint Core Strategy, Policies GC1, GC2, GC4, EN1, EN2, EN4, TS3 and TS4 of the Development Management

DPD and Policies HOU1, HOU4, HOU5, ENV2, ENV4, TRA1 and TRA3 of the Blofield Parish Neighbourhood Plan.

This application seeks full planning permission for the subdivision of the plot and erection of one, detached, two-storey dwelling and new access.

The proposal represents development outside of a defined settlement limit and the site has not been allocated for development in the Local Plan. The proposal is therefore considered to be contrary to policies GC1 and GC2 of the DMDPD. These policies are considered 'up-to-date' with regard to paragraph 49 of the NPPF as there is a supply of land for houses in excess of 5 years within the Norwich Policy Area.

Blofield Heath is identified under Policy 15 of the JCS as a Key Service Centre where land will be allocated for residential development of approximately 10-20 dwellings. The application site has not been identified as a preferred option by the Council in the Site Allocations DPD with other sites closer to the core of the village being preferred to meet the allocation identified in the JCS.

Having due regard to the above assessment made in the context of having a 5 year land supply, when taking account of the new evidence of the updated SHMA as a material consideration, it is considered that the modest economic and social benefits of providing additional housing would not outweigh the significant and demonstrable environmental harm that would result to the rural landscape character of the area and when considered as a whole, this scheme does not represent sustainable development.

In summary, the proposal represents an unacceptable form of development which does not accord with Policies 2, 5 and 17 of the Joint Core Strategy and Policies GC1, GC2, GC4 and EN2 of the Development Management DPD 2015, Policy HOU4 of the Blofield Parish Neighbourhood Plan and the fundamental aim of the NPPF which seeks the presumption in favour of sustainable development.

# Appeal Decision

Site visit made on 30 January 2018

**by Nick Palmer BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 February 2018**

**Appeal Ref: APP/K2610/W/17/3186686**

**Blofield Lodge, Bullacebush Lane, Blofield, Norwich NR13 4SG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Dr A Dhesi against the decision of Broadland District Council.
- The application Ref 20171195, dated 13 July 2017, was refused by notice dated 7 September 2017.
- The development proposed is up to five dwellings including associated access road and infrastructure improvements within the site and provision of a new footway link to Blofield village.

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The application is for outline permission with details of access submitted for approval and all other matters reserved. A site layout plan has been submitted which is intended to be indicative of a possible scheme and I shall consider that plan on this basis.

## Main Issue

3. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

## Reasons

### *Character and Appearance*

4. Blofield Lodge is an early 19<sup>th</sup> century house which occupies grounds of about 6.5 acres. This is within open countryside to the north of Blofield. The grounds were laid out as a park in the 19<sup>th</sup> century, the extent of the original park having subsequently been reduced. The appeal site occupies the southern part of the grounds. A new vehicular access would be formed to Plantation Road and an existing drive to that road would be used as a footpath which would link to a new footpath to be provided within the highway verge to enable the occupants of the development to walk to Blofield.
5. Policy GC2 of the Development Plan Document<sup>1</sup> (DPD) requires that new development is accommodated within the settlement limits as defined in the development plan, with exceptions being made for development that accords

<sup>1</sup> Broadland Development Management Development Plan Document (2015)



- with a specific allocation or policy of the plan and that does not result in any significant adverse impact. The site is outside the settlement limit for Blofield and the proposal would not accord with that policy.
6. The site falls within the defined Norwich Policy Area and in this area the Council cannot demonstrate a five year supply of deliverable housing sites. On this basis its policies for the supply of housing are not up-to-date by virtue of paragraph 49 of the National Planning Policy Framework (the Framework). The fourth bullet of paragraph 14 of the Framework therefore applies. This states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The weight that I can give to the identified conflict with policy GC2 of the DPD is limited in the absence of the required housing land supply.
  7. Although the original grounds have been reduced in size they retain a rectangular shape with the house and its outbuildings in the central northern part. The area to the south remains largely open and provides a setting to the house. There are some mature trees close to the house but the house is still clearly visible from the remainder of the grounds. While the grounds have been used in part as paddocks and are fenced with post and rail fencing the general open parkland setting remains. The grounds are distinct from the surrounding agricultural landscape in this respect and are enclosed by trees and hedging. The appeal site forms a significant part of those grounds which are of value to the landscape including in terms of their historical significance.
  8. Neither Blofield Lodge nor its grounds are formally recorded as a non-designated heritage asset. Previous applications for an extension to the house and conversion of its coach house have been approved without any mention of this. A study of cultural heritage along the A47 corridor in 2007 did not identify Blofield Lodge as being of interest despite it being within the area studied. The lack of previous references to the site being of heritage significance and the absence of any formal record of this does not mean however that the site is not of interest in this respect. The Historic Environment Officers of Broadland District Council and Norfolk County Council both consider the site to form part of a non-designated heritage asset and I find no reason to disagree with them on this matter.
  9. The proposed development would be screened from view across the wider landscape to some extent by the existing boundary planting. Nonetheless it would still be clearly visible through the trees and the access points. There are small groups of dwellings in the rural area but the proposal would introduce a suburban form of development which would be intrusive and out of character. As well as this general effect the proposal would result in harm to the significance of the grounds of Blofield Lodge by developing a significant part of those grounds and intruding into the open parkland setting.
  10. The appellant has referred to other developments in the rural area that have been allowed and has provided details of a proposed development of 7 dwellings at Little Plumstead within the setting of listed buildings. Proposals are considered on their individual merits and because the circumstances of individual proposals vary those other approvals do not establish a precedent. The details of the proposed scheme at Little Plumstead differ from the appeal

proposal in a number of respects and for this reason that case is not directly comparable with the proposal.

11. The Framework contains a number of policies that are relevant to the proposal in terms of the historic and landscape value of the site. Paragraph 61 requires development to integrate with the natural, built and historic environment. Paragraph 109 requires the protection and enhancement of valued landscapes. Paragraph 135 requires the effect on the significance of a non-designated heritage asset to be taken into account. The DPD requires protection of landscape character and regard to be given to the character and appearance of the area in policies EN2 and GC4. The Joint Core Strategy (JCS)<sup>2</sup> in Policy 1 requires protection of heritage assets and their settings. For the reasons given the proposal would not accord with those national and local policies. I conclude that the proposed development would unacceptably harm the character and appearance of the area and I give significant weight to that harm.

#### *Other Considerations*

12. The Council states that the housing supply in the Norwich Policy Area stands at 4.7 years and the appellant does not dispute this figure. There has been a record of persistent under-delivery and I understand that a 20% buffer has been added to the housing requirement to reflect this but full details of the housing requirement and supply are not before me. The limited number of proposed dwellings would indicate that their benefit in helping to address the shortfall would be limited. As an increased buffer has been incorporated into the housing requirement and the deficit is not large I see no reason to give any extra weight to the proposal in this respect. I recognise the importance of providing sites of the size proposed in order to benefit smaller developers but this would not significantly increase the weight that I can give to this benefit.
13. Blofield has a range of services and facilities including a primary school, a medical centre, a library and shops. The development would be about 400m to 750m away from those facilities and the new footpath would enable pedestrian accessibility. In this respect the proposal would accord with the Framework and with the development plan, in particular Policy 1 of the JCS which requires minimisation of the need to travel. The proposal would support the economy both through the provision of construction jobs and support for local businesses. These matters weigh in favour of the proposal but nonetheless the proposal would not accord with the development plan as a whole.
14. The removal of the conifer hedge from the southern boundary of the site and its replacement with a native species hedge may be of benefit to wildlife and to the landscape but any benefit in the latter respect would have to be considered in conjunction with the visual impact of the development. The new footpath would be of benefit to the general public as well as to the residents of the development and I take this into account.

#### *Other Matter*

15. The Council's decision states that the development would be contrary to policy EN3 of the DPD. That policy requires development of five dwellings or more to make provision for informal open space, allotments and green infrastructure. The reasons for refusal do not however refer to these matters and no evidence

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<sup>2</sup> Joint Core Strategy for Broadland, Norwich and South Norfolk (2011 with amendments adopted 2014)

has been provided to me in this respect. Consequently I have not considered this further.

*Overall*

16. I have given significant weight to the harms that I have identified in respect of the character and appearance of the area. I give modest weight overall to the identified benefits. The weight that I have given to the identified harms would significantly and demonstrably outweigh the benefits. On this basis the presumption in favour of sustainable development in the fourth bullet of paragraph 14 of the Framework does not apply.
17. I have found that the proposal would conflict with the development plan as a whole. There are no other material considerations of sufficient weight to indicate that my decision should be otherwise than in accordance with the development plan.

**Conclusion**

18. For the reasons given I conclude that the appeal should be dismissed.

*Nick Palmer*

INSPECTOR



**Application No: 20180631**  
**Witton Hall, Witton Lane, Postwick, NR13 5DN**

**Scale:**  
**1:1250**  
**Date:**  
**25-Jun-18**



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**AREA** East

**PARISH** Postwick

**7**

**APPLICATION NO:** [20180631](#)

**TG REF:** 631396 / 309627

**LOCATION OF SITE** Witton Hall, Witton Lane, Postwick, NR13 5DN

**DESCRIPTION OF DEVELOPMENT** Change of use of land from agricultural to residential curtilage and erection of tennis court.

**APPLICANT** Mr S Franklin

**AGENT** Robert McVicar, A Squared Architects

**Date Received:** 18 April 2018  
**8 Week Expiry Date:** 15 June 2018

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**Reason at Committee:** The proposal is contrary to the provisions of the Development Plan and the recommendation is to approve.

**Recommendation (summary):** Approve subject to conditions

## **1 THE PROPOSAL**

- 1.1 The application seeks planning permission to change the use of a parcel of agricultural land, adjacent to the existing garden of Witton Hall to residential curtilage and the erection of a tennis court.
- 1.2 The application site measures approximately 60m by 30m and is located to the south of the existing garden, adjacent to an area of hardstanding subject of another application for the erection of an agricultural building ([20180630](#)) – not yet determined.
- 1.3 The proposed tennis court will be enclosed with 2.7m high green chainlink fencing and an earth bank and new hedgerow are also proposed. No external lighting is proposed.

## **2 KEY CONSIDERATIONS**

- Whether the development complies with the Development Plan and the guidance set out in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).

- Impact of the development on the character and appearance of the area and on residential amenity.
- Setting of a listed building.

### **3 CONSULTATIONS**

#### **3.1 Parish Council:**

No objection.

#### **3.2 BDC Conservation Officer (Arboriculture & Landscape):**

The positions and estimated tree heights of the existing trees are shown on the site layout drawing and I do not envisage any issues relating to tree constraints for the change of use and construction of the tennis court as there are no significant trees close to this area of the site.

Also annotated on the site layout drawing are the proposed positions of the court fence, earth bank and new hedge. No additional details relating to the species, size, planting specification, densities and aftercare of hedging plants has been provided and this should be requested at this stage or condition T04 would be suitable.

Looking at the location from a landscape and ecology perspective the new hedge planting may provide an opportunity to plant a mixed native hedge that could connect with the existing field boundary hedge to the north east and the new hedge on the grass bank to the west. If a more formal close clipped hedge is required adjacent to the court fence this would be less practical and a better option would be to plant a new mixed native species hedge to the south east of the proposed earth bank which could link the two existing hedges (a gap maybe required if access to the field is required from the area of the existing annex).

The position and sweep of the new hedge should take account of the future management of the retained agricultural ground and the current proposal appears to leave a small triangular area of field that would be difficult to cultivate with larger modern farm machinery. This could be improved if the position of a new hedge was aligned to join the existing hedge bank at a point to create a straighter edge. Another option would be to plant native trees or shrubs in the triangular area of land to create a new profile to the field edge.

#### **3.3 BDC Historic Environment Officer:**

The proposal for the change of use of this parcel of land and provision of a tennis court should not have any impact on the setting of the grade II\* Witton church which is some way to the north.

### 3.4 NCC Ecology:

No ecological information has been submitted in support of the planning application. From publically available aerial sources and information provided the land appears to be arable. There is a pond approximately 115 metres from the site. However, the habitat on the site is unlikely to support great crested newts and a road separates the pond from the site. As a precaution a biodiversity method statement condition needs to be followed to avoid impacts on great crested newts, if present during construction works.

There are suitable habitat features surrounding the site for commuting/foraging bats. Any lighting must be directional and low level away from these features, such as hedgerows, trees and woodland.

Due to the scale of the proposals and distances involved, there are unlikely to be impacts on designated sites.

We support the provision of a hedgerow surrounding part of the court.

### **Biodiversity Method Statement – Condition**

*“Given the nature and size of this development, the following working practices will be adhered to:*

- *No piles of loose sand or other granular materials into which [amphibians or reptiles] could bury themselves should be left around the site. All such materials should be delivered in bags and kept on pallets or hardstanding until required for use.*
- *Should any waste be generated from the development, this should be placed straight into skips or rubble sacks, or immediately removed and not left lying around the site.*
- *No bonfires should be made or lit on site. [Amphibians and/or reptiles] often use piles of timber as a place of refuge.*
- *All trenches should be left covered at night. They must be checked in the morning before they are filled in.*
- *Works should preferably be restricted to daylight hours only to prevent disturbance or accidental harm to nocturnal animals such as hedgehogs.*

*Ideally night lighting of the site should be minimised to reduce disturbance to other nocturnal animals such as bats.*

- *Site lighting schemes for the new development needs to be unobtrusive, hooded / shielded and directional away from features that may be used by commuting / foraging bats, such as hedgerows and mature trees. Further guidance on lighting is available on the Bat Conservation Trust website (Interim Guidance: Artificial lighting and wildlife – Recommendations to help minimise the impact of artificial lighting; 2014. Available at: [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html)).*

*In addition if any protected species are identified at any stage during the development, work should immediately cease and a suitably qualified ecologist contacted for further advice.*

### **Nesting birds – Informative**

*“The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while the nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.”*

## **4 PUBLICITY**

### **4.1 Press Notice: 8 May 2018**

Expiry date: 29 May 2018

### **4.2 Neighbour Notification:**

Field Barn, Church Barn, Hall Barn, Pond Barn, Little Barn, Witton House Farm, Witton Lane, Postwick

Expired: 20 May 2018

## **5 REPRESENTATIONS**

### **5.1 None received.**



**6 RELEVANT POLICY GUIDANCE**

**National Planning Policy Framework 2012:**

- 6.1 Sets out the Government's planning policies for England and how these are expected to be applied. The NPPF sets out a clear presumption in favour of sustainable development.

**National Planning Policy Guidance (NPPG):**

- 6.2 Web based national guidance formalised in March 2014.

Section 11: Protecting and Conserving the Natural Environment and Section 12: Conserving and Enhancing the Historic Environment.

**Planning (Listed Buildings and Conservation Areas) Act 1990:**

- 6.3 Section 66(1) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

- 6.4 Policy 1: Climate Change and Environmental Assets

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

**Development Management DPD (2015):**

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

- 6.6 Policy GC1:

Presumption in favour of sustainable development.

6.7 Policy GC2:

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

6.8 Policy GC4:

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

6.9 Policy EN1:

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

6.10 Policy EN2:

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

**Landscape Character Assessment SPD (2013):**

- 6.11 Identifies the application site as falling within the D4 Blofield Tributary Farmland landscape character area which forms a large area of gently undulation tributary farmland extending between the Yare and Bure River Valleys.

## 7 LOCATION AND DESCRIPTION OF SITE

- 7.1 The site has an area of 0.15 Ha and relates to a large piece of agricultural land located to the south-east of the existing group of buildings consisting of Witton Hall, several residential barn conversions and Grade II\* Listed St Margaret's Church.
- 7.2 The site is approximately 60m by 30m in size and is adjacent to a large area of agricultural hardstanding which itself is the subject of a separate application for the erection of an agricultural storage building (20180630). A previous Agricultural Prior Approval Application for the erection of a large grain store on this site was approved in 2008 but not constructed.
- 7.3 The site is currently part of a larger arable field bounded by trees to the east but more open to the west.

### 8 PLANNING HISTORY

- 8.1 [20180630](#) Erection of an agricultural storage building. Undetermined.
- 8.2 [20141771](#): (1) Extension to existing garage and new roof (2) Conversion of garage loft to annex accommodation. Approved 27 November 2014.
- 8.3 [20111318](#): Alterations and demolition of existing two storey rear extension and erection of new single and two storey rear extensions. Approved 3 November 2011.
- 8.4 [20081149](#): Erection of a grain store. Observation on determination 23 September 2008.

### 9 APPRAISAL

- 9.1 The main issues to consider in relation to the application are the impact of the development on the character of the area, on the setting of the listed building, on residential amenity and an assessment against the policies of the Development Plan.
- 9.2 The site forms part of 12 hectares of land (mainly agricultural) owned by the applicant, owner of Witton Hall. There is limited open garden space to the side and rear of the hall which would not be large enough to accommodate a tennis court given the existence of large trees, hence choosing this particular location to the south-east.
- 9.3 The application for the agricultural building on the adjacent site is likely to be acceptable (subject to the submission of some further arboricultural details) given the planning history for a much larger grain store historically. The application site does not extend as far south as this area of hardstanding and the site is lower than the surrounding land to the north. The site is screened by existing hedgerow when viewed from the Hall and Grade II\* Listed Church beyond and this coupled with the presence of mature trees will ensure the proposal will not have a detrimental impact on the setting of the dwellings or church to the north in accordance with Policy EN2 of the DM DPD and Policy D4 of the Landscape Character Assessment.
- 9.4 The tennis court would be screened from the north by existing hedgerow and will only have limited views from the A47 to the south given that further screening is proposed as part of the proposal. There is no floodlighting proposed and the means of enclosure is green, chainlink fencing which will assimilate into the surroundings. The Landscape Planning Guidelines for the Blofield Tributary Farmland Landscape Character Area seek to conserve the predominantly rural character of the area and the setting of historic halls and churches. The proposal does not represent a significant intrusion into open

countryside and there will only be limited views from the A47 against an existing green backdrop. The proposal is therefore not considered to result in a detrimental impact on the rural nature of the locality.

- 9.5 There is no objection from the Conservation Officer in terms of an adverse impact on trees or hedgerow. A new hedge to the south is proposed and details of this can be conditioned.
- 9.6 In terms of the impact on residential amenity of neighbouring properties, it is considered that the change of use is unlikely to give rise to conditions that could be regarded as unneighbourly particularly given the distance of separation from neighbouring dwellings.
- 9.7 In having regard to the issues that this application raises, it is recognised that this application represents encroachment of residential curtilage outside of the defined settlement limit into the countryside. However, given the location of the site adjacent to an area of agricultural hardstanding and the landscaped residential backdrop against which it will be seen from public vantage points, it is considered that the change of use will not cause significant harm to the character and appearance of the surrounding area, the setting of the Grade II\* Listed Church or residential amenity. As such, it is considered that the policies of the Development Plan will not be infringed and that the application represents an acceptable form of development.
- 

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

- (1) The development to which this permission relates must be begun not later than THREE years beginning with the date on which this permission was granted.
- (2) The development hereby permitted shall be carried out in accordance with the plans and documents listed below.
- Site Location Plan  
Dwg No 18\_02\_SK3 Tennis Court Proposed Site Layout
- (3) 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 hedging plants 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.

- (4) Given the nature and size of this development, the following working practices will be adhered to:
  - No piles of loose sand or other granular materials into which [amphibians or reptiles] could bury themselves should be left around the site. All such materials should be delivered in bags and kept on pallets or hardstanding until required for use;
  - Should any waste be generated from the development, this should be placed straight into skips or rubble sacks, or immediately removed and not left lying around the site;
  - No bonfires should be made or lit on site. [Amphibians and / or reptiles] often use piles of timber as a place of refuge;
  - All trenches should be left covered at night. They must be checked in the morning before they are filled in.
  - Works should preferably be restricted to daylight hours only to prevent disturbance or accidental harm to nocturnal animals such as hedgehogs. Ideally night lighting of the site should be minimised to reduce disturbance to other nocturnal animals such as bats.

- Site lighting schemes for the new development needs to be unobtrusive, hooded/shielded and directional away from features that may be used by commuting/ foraging bats, such as hedgerows and mature trees. Further guidance on lighting is available on the Bat Conservation Trust website (Interim Guidance: Artificial lighting and wildlife – Recommendations to help minimise the impact of artificial lighting; 2014. Available at: [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html)).

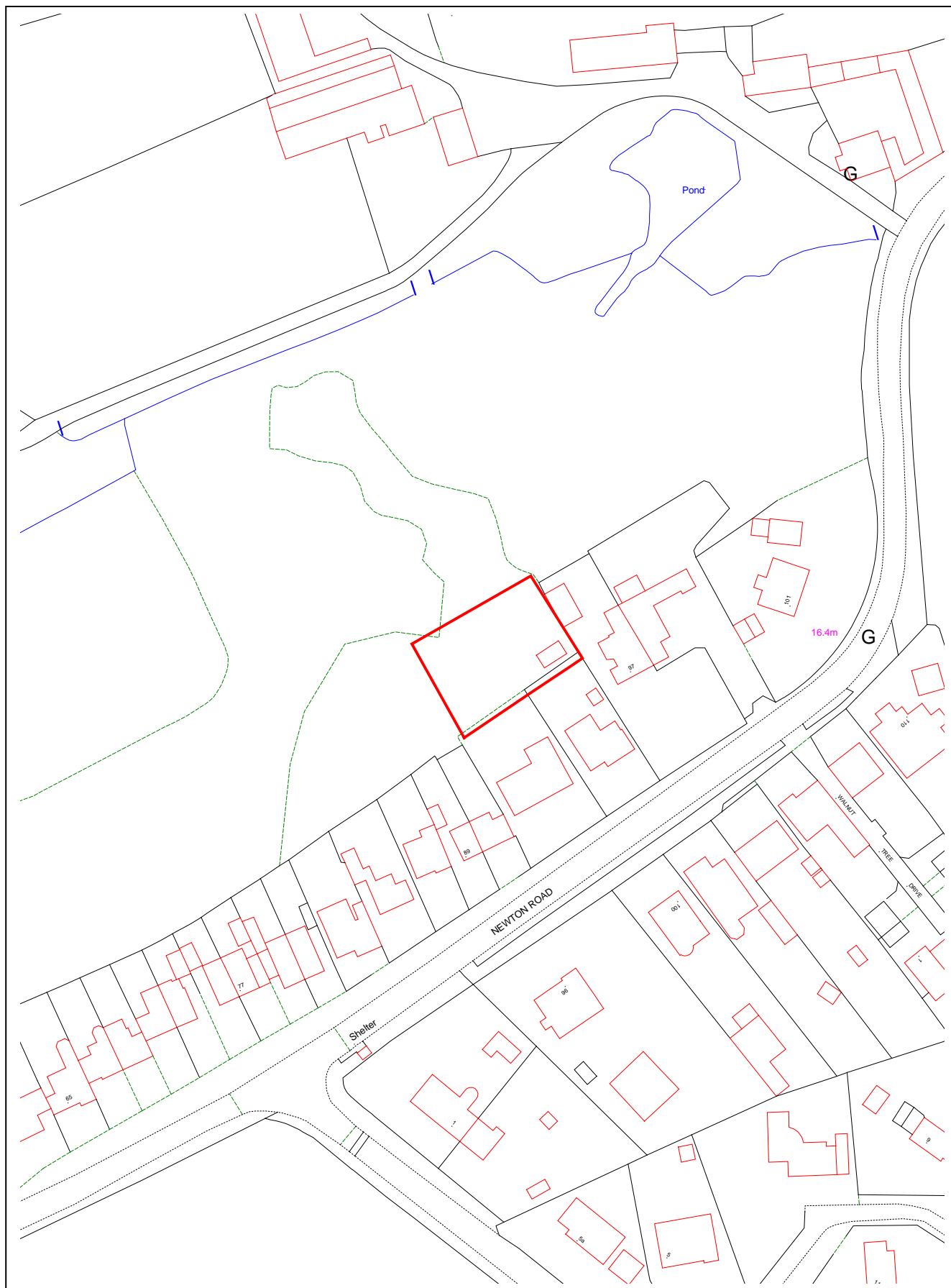
In addition if any protected species are identified at any stage during the development, work should immediately cease and a suitably qualified ecologist contacted for further advice.

### 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) In the interests of visual amenity in accordance with the criteria specified within Policy GC4 of the Development Management DPD 2015.
- (4) To ensure the protection of protected species in accordance with Policy EN1 of the DM DPD.

### Informatives:

- (1) The local planning authority has taken a proactive and positive approach to decision taking in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.
- (2) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while the nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.



**Application No: 20180503**

**93 Newton Street, Newton St Faith, NR10 3LS**

**Scale:  
1:1250**

**Date:  
25-Jun-18**



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**AREA** East

**PARISH** Horsham & Newton St Faith

**8**

**APPLICATION NO:** [20180503](#) **TG REF:** 622346 / 317310

**LOCATION OF SITE** Land to rear of 93 Newton Street, Newton St Faith, NR10 3LS

**DESCRIPTION OF DEVELOPMENT** Change of use of land to residential and erection of detached garage

**APPLICANT** Mr Del-Rio Slater

**AGENT** N/A

**Date Received:** 26 March 2018  
**8 Week Expiry Date:** 21 May 2018

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**Reason at Committee:** The application is contrary to policy and the recommendation is to approve

**Recommendation (summary):** To delegate authority to the Head of Planning to approve subject to conditions

## **1 THE PROPOSAL**

- 1.1 This application seeks full planning permission for the change of use of land to the rear of the existing residential garden to residential curtilage to be used in association with 93 Newton Street, Newton St Faith, NR10 3AD and the erection of a detached garage on this parcel of land.
- 1.2 The original application was for the whole parcel of land to be changed to residential curtilage and the erection of the garage.
- 1.3 Following concerns raised by officers, discussion took place with the applicant as to how this could be amended to provide an acceptable proposal. As a result an amended plan was submitted with the south western part of the site, as shown in the plan Amended Dwg No RS2\_1 Proposed plans received on 21 June 2018, to be used as residential curtilage (this is where the garage will be constructed). The remaining area of the site (hashed out on the same plan) will be subject to a landscape and planting scheme to be agreed.



- 1.4 The boundary treatment to the rear (northern) boundary is proposed to be Norfolk Estate metal fencing to allow free movement of woodland animals etc in and out of the site. This will also be used for the boundary around the residential garden, again to allow movement and to allow views out into the woodland from the house and garden. The boundary to the west will be 4ft close board fencing in keeping with the existing boundary treatment.
- 1.5 The existing access from Newton Street will remain unchanged with a parking area to the front of the dwelling. The proposed garage will be accessed by a gravel drive along the western side of the dwelling.
- 1.6 The proposed detached garage will be approximately 10m in length by 4m wide and 3.5m in height with a shallow dual pitch roof and gable ends. The garage will be constructed using red brick and tiles.

## 2 KEY CONSIDERATIONS

- The impact of the proposal on the character and appearance of the area
- The site lies outside of the defined settlement limit
- The impact of the proposal on the woodland adjacent to the site

## 3 CONSULTATIONS

### 3.1 BDC Conservation Officer:

Concerns were raised with regard to the erosion of the woodland and setting a precedent that neighbouring properties may wish to follow in a similar manner.

The impact could be minimised by reducing the size of the site used as residential garden and by including a landscaping and planting scheme for the remaining area around the garden.

### 3.2 BDC Pollution Control Officer:

No comment.

### 3.3 Horsham & Newton St Faith Parish Council:

No objection to this application.

**4 PUBLICITY**

4.1 Site Notice:

Date Displayed: 19 April 2018

Expiry Date: 10 May 2018

4.2 Press Notice:

Date Displayed: 10 April 2018

Expiry Date: 1 May 2018

4.3 Neighbour Notifications:

91 Newton Street; 95 Newton Street and The Willows, 97 Newton Street

Letters sent: 3 April 2018

Expiry Date: 26 April 2018

Reconsultation letters sent 22 June 2018; expiry 6 July 2018

**5 REPRESENTATIONS**

5.1 No representations received.

**6 RELEVANT POLICY GUIDANCE**

**National Planning Policy Framework (NPPF) 2012:**

- 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 14, 17, 56, 61 & 186 are particularly relevant to the determination of this application.

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

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

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

### 6.3 Policy 2: Promoting good design

All development will be designed to the highest possible standards, creating a strong sense of place. In particular, development proposals will respect local distinctiveness.

#### **Broadland Development Management DPD 2015:**

### 6.4 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.

### 6.5 Policy GC2: Location of new development

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

### 6.6 Policy GC4: Design

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

### 6.7 Policy EN1: Biodiversity and habitats

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

#### **Broadland Landscape Character Assessment SPD 2013:**

### 6.8 The application site falls within the Marsham & Hainford Wooded Estate landscape character area.

## **7 LOCATION AND DESCRIPTION OF SITE**

- 7.1 The application site is a rectangular parcel of land located along the north boundaries of no: 93 & 95 Newton Street and adjoining the western boundary of no: 97. The site is located outside but adjacent to the defined settlement limit of Horsham & Newton St Faith.
- 7.2 The site measures approximately 50m along the western boundary, narrowing slightly to 45m along the east boundary shared with no: 97. It is approximately 65m in width, 38m of which lies along the northern boundary of 93 Newton Street with the remaining 27 metres behind no: 95.
- 7.3 The part of the site that will be used as residential curtilage sits only behind the rear garden of no: 93 extending 13.5m to the rear. It does not extend across the back of no: 95.
- 7.4 The remaining area that site to the north and east of this part of the site will be subject to the conditioned landscaping and planting scheme to be agreed if approved.
- 7.5 The site is currently just top soil with no planting.
- 7.6 To the north and west of the site is woodland whilst the south and east is residential curtilage belonging to nos: 93, 95 & 97. The rear boundary of the garden of no: 95 follows the line of the current rear boundary of no: 93. The rear boundary of no: 97 sits further north, towards the woodland. To the west the neighbouring rear boundaries are set in line with the existing rear boundary of no: 93.
- 7.7 Along the eastern boundary of the site is existing hedgerow belonging to no: 97, whilst the rear boundary of no: 95 is close board fence.

## **8 PLANNING HISTORY**

- 8.1 [20180297](#): Single storey rear extension. Approved 27 March 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 JCS and the National Planning Policy Framework (NPPF).

- 9.2 The site lies outside of the defined settlement limit which runs along the boundaries of the rear gardens to the north. As such, the application site's southern boundary is adjacent to the settlement limit.
- 9.3 To the east, both no: 97 & 99 Newton Street are set back further from the road and their rear gardens extend further to the north. The rear of the gardens and extensions to the dwellings sit outside of the settlement limit. The application site extends in line with the rear of these two gardens.
- 9.4 Part of the site sits behind the garden of no: 97 Newton Street but this part of the site will be used for landscaping and planting and so will not have any detrimental impact on neighbour amenity. This land is currently clear top soil so the planting scheme could be seen to enhance the appearance of this part of land.
- 9.5 The applicant purchased the site with the view to incorporating the land into the existing garden as part of the residential curtilage. As there were concerns raised with regards to the impact on the woodland they agreed to reduce the size of the area to be used as residential curtilage and agree to a landscaping and planting scheme. This is demonstrated on the amended plans.
- 9.6 The land that is now allocated for the landscaping and planting is currently just top soil with no planting. The application will provide additional trees and shrubs to enhance this small parcel of land and help to integrate it into the existing woodland. Therefore the application can be considered to provide a biodiversity enhancement.
- 9.7 The use of metal post and rail fencing to the rear and garden boundary will allow movement of wildlife in and out of the site, so minimising any impact on the existing wildlife and combined with the planting will provide additional habitat.
- 9.8 The proposed garage would sit just off of the west boundary but would be set back from the rear of the garden at no: 91. Therefore it is considered to have no impact on the light or amenity of the neighbouring property.
- 9.9 The site is approximately 62m from the street with the garage a further 4m into the site and as such it is considered that there would be no impact on the character and appearance of the area.

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**RECOMMENDATION:** Delegate authority to the Head of Planning to **APPROVE** (in revised form) subject to the expiry of the re-consultation period ending 6 July 2018 (providing no material issues are raised) and 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. (A1)
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below. (E3)

Amended Dwg No RS2\_1 Proposed plans received 21 June 2018.

- (3) 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 paragraph 4.4.2.5 of BS5837: 2012), together with measures for their protection during the course of development.

The scheme as approved shall be carried out not later than the next available planting season following the commencement of development or such further period as the Local Planning Authority may allow in writing. If within a period of FIVE years from the date of planting, any tree or plant or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, [or becomes in the opinion of the Local Planning Authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (T04)

- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any other Order amending, revoking or re-enacting that Order with or without modification, no further outbuildings permitted by Class E of Part 1 Schedule 2 of that Order shall be erected or placed on the hatched area as shown on Amended Dwg No RS2\_1 Proposed plans received 21 June 2018 without the prior written consent of the Local Planning Authority. (D3 Amended)

### 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. (R2)
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents. (R15)
- (3) 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. (R41)
- (4) To ensure development appropriate to the site in accordance with the criteria specified within Policy GC4 of the Development Management DPD 2015. (R11 Amended).

### Informatives:

- (1) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or [enquiries@cncbuildingcontrol.gov.uk](mailto:enquiries@cncbuildingcontrol.gov.uk) and the website [www.cncbuildingcontrol.gov.uk](http://www.cncbuildingcontrol.gov.uk) (INF27)
- (2) 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. (INF40)

NOT FOR PUBLICATION BY VIRTUE OF SCHEDULE 12A OF PART 1 PARAGRAPH 3 OF THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED) BY THE LOCAL AUTHORITIES (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 (contains information relating to the financial or business affairs of any particular person (including the authority holding that information))

**Pages 200 to 210 and 211 to 245**  
are not available to the public  
because the information is confidential  
as it includes exempt information  
about the financial or business  
affairs of a person





## **PLANNING COMMITTEE**

**4 JULY 2018**

**Final Papers**

**Page Nos**

### **Supplementary Schedule**

**247 - 249**

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

#### **DEMOCRATIC SERVICES**

**Broadland District Council**  
Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU  
Tel: 01603 430428  
Email: [cst@broadland.gov.uk](mailto:cst@broadland.gov.uk)

**SUPPLEMENTARY SCHEDULE TO APPLICATIONS TO BE CONSIDERED**

Plan No	Application No	Location	Update	Page Nos
2	20172148	Land off Beech Avenue, Taverham	<p>Comments received from member of public (address unspecified) who has made the following comments:</p> <p><i>“There is already inadequate highways provision in the area and further development will make it worse. Beech Avenue is already queued up a fair way during the day with cars trying to get to Taverham. This has got worse since the new Northern road was put in. The double filter junction at the end is a massive pinch point and is often the site of near misses when people try and pull over too soon into the patch of cars coming into the filter to go onto Beech Avenue or Fir Covert Road. Any further traffic will make this worse. Additionally, Ringland Road to the right or to the left are windy and narrow roads. The left turn is 20 mph and often is obstructed with cars parked – perfectly legally but it won’t cope with a lot of traffic”.</i></p> <p>Officer comment: The application is supported by a Transport Assessment and the Highway Authority has considered both the safety and capacity of the local highway network and raise no objections to the development subject to conditions.</p> <p>Additional comments received from Taverham Parish Council:</p> <ul style="list-style-type: none"> <li>The improvements at the Fir Covert Road junction with Beech Avenue and Beech Avenue with Ringland Road should be in place prior to commencement of this development due to the increased</li> </ul>	63 - 99

			<p>traffic from Broadland Northway and due to poor visibility at the junction of Beech Avenue and Ringland Road.</p> <ul style="list-style-type: none"> <li>As the allotments had been removed and replaced with an additional green area clarification was requested as to who would be responsible for this area and for what period.</li> <li>Clarification was requested as to the management period for the Woodland area.</li> <li>Comments on this application from our meeting on the 22nd January 2018 still stand.</li> </ul> <p>Officer comment: The Highway Authority has not required the junction improvements to be undertaken prior to commencement and instead requires them prior to first occupation. The management arrangements for the open space would be negotiated and secured through the Section 106 Agreement.</p>	
4	20180722	Hoot Hollow, Dumbs Lane, Hainford	<p>Applicant has provided an additional plan showing further details of the roof lights proposed on the dwelling. Should the application be approved the additional plan (House Roof Light Section, Dwg No: HHPL16, received 27/06/2018) will now be added to the list of plans and documents which the application will need to be in accordance with.</p> <p>Condition, which requires details of the external materials to be used in the development, will now be re-worded so that it does not include reference to the roof lights as this information has now been provided. Condition 7 is now proposed to read:</p>	

			<p>'Development shall not proceed until details of all external materials to be used in the development have been submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.'</p>	
7	20180631	Witton Hall, Witton Lane, Postwick	<p>Additional Planting Schedule Received (27 June 2018). There is no objection from the Conservation Officer (Arboriculture &amp; Landscape) subject to compliance with the details proposed. Additional Condition proposed:</p> <p>"The Landscaping Scheme and Planting Schedule received 27 June 2018 shall be carried out no 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.</p> <p>Reason: To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policy EN2 of the DM DPD.</p>	