

Planning Committee

Agenda

Date

Wednesday 6 June 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 D G Harrison*
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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| 1 | To receive declarations of interest under Procedural Rule no 8 | |
| 2 | Apologies for absence | |
| 3 | <u>Minutes of meeting held on 25 April 2018</u> | 3 – 43 |
| 4 | Matters arising therefrom (if any) | |
| 5 | Applications for planning permission to be considered by the Committee in the following order: | |
| | <u>Schedule of Applications</u> | 44 |
| | Planning Applications | 45 – 178 |

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 25 April 2018** at **9.30am** when there were present:

Mr I N Moncur – Chairman

Mr A D Adams
Mr R F Grady
Mr R J Knowles

Miss S Lawn
Mr G K Nurden
Mr S Riley (from Minute no: 115)

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:

Minute no: 113 - Mr O'Neill

Minute no: 115 - Mrs Gurney

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

Mr Jonathan Cage of Create Consulting attended for Minute no: 113.

110 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

| Member | Minute No & Heading | Nature of Interest |
|-----------|--|--|
| Mr Grady | 115 (149 Woodland Road, Hellesdon) | Advised the committee that he was a resident of Hellesdon and also a Hellesdon Parish Councillor. |
| Mr Nurden | 119 (1 Hall Cottages, The Street, Halvergate) | Had openly expressed his support for the application. Spoke as the Ward Member only and did not vote on the application. |
| Mr Riley* | 121 (Nurse Jenners House, Palmers Lane, Aylsham) | Had openly expressed his views on the application. Spoke as the Ward Member only and did not vote on the application. |

**declaration made during the meeting*

111 APOLOGIES FOR ABSENCE

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

112 MINUTES

The Minutes of the meeting held on 28 March 2018 were confirmed as a correct record and signed by the Chairman.

113 APPLICATION NUMBER 20161588 – LAND OFF WOODBASTWICK ROAD, BLOFIELD

The Committee considered an outline application for the erection of four dwellings and associated works on land off Woodbastwick Road, Blofield. Matters of appearance, landscaping, scale and layout were reserved for future consideration. The application proposed a private drive 4.2m wide with a splay arrangement at the junction with Woodbastwick Road. In presenting the application, the Area Planning Manager referred to an amendment to condition 6 so that it read “.... shall not be carried out otherwise than in accordance with ... “ and added an Arboricultural Impact Assessment to the list of approved documents.

The application was reported to committee due to the planning history of the site and given the current position with regard to the five year housing land supply.

The Committee received the further comments from the Highway Authority together with the officer's response including a revision to condition 12 and an additional Informative, all as reported in the Supplementary Schedule.

In addition, the Committee received the verbal views of Rob Christie of Blofield Parish Council, Peter Mackness of Francis House, Francis Lane and Terry Norton representing Heathlands Management Committee, all objecting to the application and Mr Futter, the agent, at the meeting. Mr O'Neill, one of the Ward Members, spoke against the application, requesting the committee to refuse it.

Members noted the lengthy planning history of the site, including the most recent planning permission for outline planning permission (ref: 20131655) which had subsequently lapsed as the subsequent reserved matters application was not submitted within the specified two year period from the date of decision (by 31 December 2016).

It was noted that the delay in bringing this current outline application to committee was due to the Council instructing a highways consultant to undertake an assessment of the proposal in light of representations made to the Council as to the suitability and deliverability of the means of access.

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. 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”.

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.

Social Role

The site was within very close walking distance of local facilities including a primary school, recreational space, community centre, Post Office and convenience store and bus stops. Therefore, the site was considered to be in a sustainable location with good accessibility to services and facilities. It was noted that there were currently a number of applicants on the self-build register for this area and therefore, the site could make a contribution towards meeting the demand and this weighed in favour of the proposal.

Given the scale of development proposed, it was noted that affordable housing contributions and tariff style contributions were not applicable, in accordance with the Ministerial Statement of 28 November 2014. Furthermore, Policies EN3 and RL1 of the Development Management DPD only applied to developments of five or more dwellings and therefore, no financial contributions could be required towards equipped children's play space, formal recreation space and informal open space.

Accordingly, the Committee considered that the proposals would bring forward a modest social benefit on the basis of the contribution to the supply of homes.

Environmental Role

The Committee considered that if the proposed dwellings were restricted to single storey (three of the four were described on the illustrative layout as bungalows) then there would be no adverse impact on the character and appearance of the area. Therefore, the proposals were considered to comply with Policy 2 of the JCS and Policies GC4 and EN2 of the DM DPD.

In terms of access and highway safety, the Committee noted that the applicant had satisfactorily demonstrated that the access as proposed could be delivered without third party land. Notwithstanding this, the position had been challenged by Heathlands Management Committee (HMC) and a further meeting had been held between HMC and the Council's highways consultant. The consultant's report of February 2018 concluded that "an appropriate safe and useable access can be provided for four dwellings in this location without the need for third party land and that no objection in highway terms can be sustained". The Committee considered this new evidence to weigh in favour of the proposal and also took into account the fact that the Highways Authority was also not objecting to the proposals.

It was noted that impact on residential amenity would be considered at the reserved matters stage but the Committee considered that the indicative layout satisfactorily demonstrated four dwellings could be accommodated on the site in a manner which would ensure existing residential amenity in relation to neighbouring properties would be preserved and that a satisfactory level of amenity would be provided for the proposed dwellings in accordance with Policy GC4 of the DM DPD.

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

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

RESOLVED:

to approve application number 20161588 subject to the following conditions:

- (1) Application for approval of the '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) appearance of all buildings including the precise details of the type and colour of the materials to be used in their construction;
 - (ii) landscaping of the site
 - (iii) layout
 - (iv) scale

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 above shall not include provision for more than 4 dwellings
- (4) The details required by conditions 1 and 2 above shall not include provision for more than 1,000m² of combined development floor space (including any garaging).
- (5) The dwelling(s) shall be of single storey construction and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order, revoking, re-enacting or modifying that order), no dormer windows or other openings to the roof space shall be provided.
- (6) The development hereby permitted shall not be carried out otherwise than in accordance with the following plans and documents:

Location Plan 5904/LM/10
Site Plan 5904/SL/10 Rev B
Site Access Plan 5904/SL/11 Rev C
Arboricultural Impact Assessment 13.01.29 AIA (Rev C)

- (7) No development shall commence until a detailed scheme of phasing for the construction of the dwellings and access road has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme of phasing. In addition, prior to the commencement of any works in relation to any phase, the Local Planning Authority shall be notified in writing of the commencement date of that phase.

- (8) As part of the reserved matters application, details of the surface water drainage scheme to serve the dwellings and shared private driveway shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following:
- (a) Calculations of the existing greenfield run-off rates for the proposed impermeable area and modelling to demonstrate that the surface water runoff will be restricted to the existing greenfield run-off rates in the equivalent rainfall events.
 - (b) Modelling of the surface water drainage scheme to show that the attenuation features will contain the 1 in 100 year rainfall event including climate change.
 - (c) Modelling of the conveyance system to demonstrate that there would be no above ground flooding in the 1 in 30 year rainfall event, and to detail the volumes of flooding in the 1 in 100 year climate change event, along with plans and drawings to show where any flood volumes would flow and be stored to prevent flooding of buildings and offsite flows.
 - (d) Plans depicting the exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system.
 - (e) Details of who will maintain each element of the surface water system for the lifetime of the development, and submission of a maintenance schedule.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the local planning authority.

- (9) The development shall be carried out in accordance with the submitted Arboricultural Impact Assessment Ref: 13.01.29 AIA (Revision C) dated August 2017 by Robert Thackray Ltd unless otherwise agreed in writing with the Local Planning Authority.
- (10) All hard and soft landscaping works shall be carried out in accordance with the approved details and BS 4428: 1989 Code of practice for general landscape operations. The works shall be carried out within the first planting season following the commencement of work in accordance with the approved scheme of phasing.

- (11) Prior to the commencement of works full details of the construction of the 'shared private driveway' shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include a minimum width of 3.7m, structural and horizontal designs to serve a 32 tonne refuse vehicle to each dwelling, a minimum size 3 turning head and full details of the management of the same for maintenance and upkeep. The agreed details shall be implemented as approved prior to the first occupation of any of the dwellings hereby permitted and retained as such thereafter.
- (12) Notwithstanding the details indicated on the submitted drawings no works shall commence on site (unless otherwise agreed in writing with the Local Planning Authority) until a detailed scheme for the highway improvement works comprising alterations to carriageway width of Woodbastwick Road to allow improved visibility splays to site access, has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme to be submitted shall include:
- the upgrading works as indicated on drawing 5904/SL/11/Rev C and to be in accordance with the Norfolk County Council residential access construction specification (highway specification No. TRAD 1 attached) for at least the first 5 metres as measured back from the near channel edge of the adjacent realigned highway carriageway
 - Arrangements for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- Prior to the first occupation of the development hereby permitted these highway improvement works shall be completed in accordance with the details as approved.
- (13) Prior to the first occupation of any of the dwellings 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 free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- (14) Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access (within 25m back from the near channel edge of the adjacent carriageway) unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reasons:

- (1) The time limit 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 ensure the satisfactory development of the site in accordance with Policies GC4 and EN2 of the Development Management DPD (2015) and Policy HOU4 of the Blofield Neighbourhood Plan (2016).
- (4) To ensure satisfactory compliance with Paragraph 031 Reference ID:23b-031-20161116 of National Planning Practice Guidance.
- (5) To ensure the satisfactory development of the site in accordance with Policies GC4 and EN2 of the Development Management DPD (2015) and Policy HOU4 of the Blofield Neighbourhood Plan (2016).
- (6) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (7) To enable individual commencement dates so that CIL exemptions for self-build properties on a plot by plot basis can be applied for.
- (8) To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development in accordance with Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (amendments adopted 2014), Policy CSU5 of the Development Management DPD (2015) and Policy ENV3 of the Blofield Neighbourhood Plan (2016) .
- (9) To ensure the proper development of the site without prejudice to the amenities of the area, in accordance with Policies GC4 and EN2 of the Development Management DPD (2015) and Policy ENV2 of the Blofield Neighbourhood Plan (2016) .
- (10) 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) and Policy ENV2 of the Blofield Neighbourhood Plan (2016).
- (11) In the interests of highway safety and accessibility of the site in accordance with Policies GC4 and TS3 of the Development Management DPD (2015) and Policy TRA1 of the Blofield Neighbourhood Plan (2016).

- (12) In the interests of highway safety and traffic movement in accordance with Policies GC4 and TS3 of the Development Management DPD (2015) and Policy TRA1 of the Blofield Neighbourhood Plan (2016).
- (13) In the interests of highway safety in accordance with Policy TS3 of the Development Management DPD (2015) and Policy TRA1 of the Blofield Neighbourhood Plan (2016).
- (14) In the interests of highway safety and traffic movement in accordance with Policies GC4 and TS3 of the Development Management DPD (2015) and Policy TRA1 of the Blofield Neighbourhood Plan (2016).

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 needs to be aware that the Community Infrastructure levy (CIL) will be applied to development on this site. Further information about CIL can be found at www.broadland.gov.uk/housing_and_planning/4734.asp
- (3) 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 10 metre exclusion zone should be established until such time as the nest has been fledged.
- (4) This development involves works within the Public Highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.
- (5) 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 and typically this can take between 3 and 4 months. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Please contact Stephen Coleman on 01603 430596.

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

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

114 APPLICATION NUMBER 20170764 – EQUESTRIAN CENTRE, LAND OFF LOWER STREET, SALHOUSE

Further to Minute no: 50 of the meeting held on 4 October 2017, the Committee reconsidered the outline application for residential development of up to 16 dwellings at the Equestrian Centre, Lower Street, Salhouse. The application had been deferred to negotiate a safe and suitable access to both the site and the Jubilee Hall. There was also an outstanding objection from the Lead Local Flood Authority (LLFA) on the matter of surface water flood risk. On 23 March 2018, revised plans had been received from the agent providing details of revised access arrangements serving the application site and Jubilee Hall. It was still intended to access the site via two private drives, each serving eight plots, with the eastern access still utilising the existing Jubilee Hall access and car park to serve eight of the proposed residential plots. Illustrative proposals indicated:

- The site plan had been amended which now allowed for 32 properly sized car parking spaces as opposed to the 25 sub-standard parking spaces at the Jubilee Hall site. This provided for an extended car park into our client's site [9 car parking spaces shown].
- A more detailed drawing indicating the car parking proposals and Disability Discrimination Act [DDA] access to the village hall had been provided with the addition of internal railings and kerb details separating the proposed 4.5m wide access from the car park and pedestrian access which should make for a much safer access than the Village Hall currently enjoys.
- The above works would be undertaken at the client's expense and arrangements made for the Village Hall to utilise the additional area of land will be the subject of a legal agreement which would be prepared by the client's agents.
- The illustrative layout had also been revised omitting the houses which were previously within the Flood Zone which should meet the LLFA's concerns.

The Committee received: the further comments of the LLFA together with the officer comment including an amended reason for refusal in the officer recommendation; further comments from the Chairman of Salhouse Village Hall Management Committee; an objection on behalf of the owner of Penny Farthing, 29 Lower Street and further comments from the Highway Authority,

the owner / occupier of 46 Lower Street and Salhouse Parish Council, all as reported in the Supplementary Schedule.

It was noted that since the original decision to defer consideration, 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 there was an abundant housing land supply this should be given weight in the decision making processes. Accordingly, it was necessary for the Planning Committee to make an assessment of the benefits of the scheme and any harm which 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), together with a consideration of the details contained in the amended plans.

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.

Social Role

The site was located outside of the settlement limit where development proposals would not normally be permitted unless they complied with a specific allocation and / or policy of the development plan. Policy 15 of the JCS provided for a small-scale allocation of housing (10 – 20 dwellings for a service village) and Members noted this had been achieved on land on Norwich Road where a development of 19 dwellings, including affordable housing, had been completed. It was considered that the addition of 16 dwellings in this location would clearly make a contribution but in light of the evidence of the updated SHMA which was a material consideration, the proposal would bring forward only a modest social benefit on the basis of its contribution to the supply of homes.

Environmental Role

The Committee noted the revised illustrative layout which showed that some small-scale development would be in place of, and therefore remove, some small-scale and some larger buildings. However, at least eight of the new dwellings would extend into the more open site curtilage beyond the existing building pattern. The site was clearly visible from the public footpath and the proposal would extend development into open countryside. Members

acknowledged that, in October 2017, the Committee had concluded the development would not cause significant harm to the character and appearance of the area; this was against a backdrop of considerable weight associated with delivering new housing in the Norwich Policy Area in the absence of a five year housing land supply. The SHMA was significant new evidence and diminished the weight which would otherwise be attached to the benefits of increased housing delivery in the context of Policy GC1 of the DM DPD and Paragraph 14 of the NPPF.

Therefore, it was considered that there would be harm associated with the proposed development and as a whole, the proposal would not respect, conserve or enhance the characteristic of the rural landscape character area. Furthermore, the development would impact on the setting of the Conservation Area and, whilst this harm could be considered to be less than substantial, it had to be weighed against the public benefits of the residential development as a whole, particularly given the diminished weight of increased housing delivery.

In terms of the risk of surface water flooding, the Committee noted that the revised illustrative layout did not deal with all the issues raised by the Lead Local Flood Authority (LLFA) and accordingly, their objection remained. Accordingly, the proposal was contrary to Policy 1 of the JCS and Policy CSU5 of the DMD DPD.

The Committee acknowledged that the remodelling of the carpark to facilitate the identified improvements and works demonstrated a safe and suitable access to both the site to the rear and to the Jubilee Hall could be achieved. It was noted that the Highway Authority continued to raise no objection to the proposals.

In conclusion it was considered that the modest economic and social benefits of providing additional housing would not outweigh the significant and demonstrable environmental harm which would result to both the rural landscape character area and the setting of the Salhouse Conservation Area and matters of surface water flood risk and, when considered as a whole, the scheme did not represent sustainable development. Accordingly, it was

RESOLVED:

to refuse application number 20170764 for the following reasons:

There is harm associated with the proposed development, particularly with regard to the scale of the proposal that extends beyond the existing building footprint and into the more open parts of the site that have an important role in the transition between the existing buildings and the adjoining open rural landscape. Therefore, the proposal as a whole would not respect, conserve or enhance the characteristic of the rural landscape character area and as such would be contrary to JCS Policy 2; Policies GC2, GC4 and EN2 of the DM DPD; Policies OE1 and H1 of the Salhouse Neighbourhood Plan; and the

Broadland Landscape Character Assessment (Supplementary Planning Document).

The development as a whole will impact on the setting of the Conservation Area and views of this from the public footpath to the northeast of the site. The scale of development proposed would in effect establish a new settlement edge projecting further into the landscape setting of the Conservation Area where there is currently an open/low level transition between the site curtilage and the rural landscape to the northwest. Whilst this harm may be less than substantial, it has to be weighed against the public benefits of the residential proposal as a whole and given the diminished weight that would otherwise be attached to the benefits of increased housing delivery when taking account of the new evidence of the updated SHMA as a material consideration, it is considered that the scheme as a whole would adversely affect the setting of the heritage asset that is Salhouse Conservation Area and would be contrary to JCS Policy 2; Policies GC2, GC4 and EN2 of the DM DPD; and Policy OE1 of the Salhouse Neighbourhood Plan.

The FRA / drainage strategy has not adequately addressed the risk of flooding to properties and drainage infrastructure from mapped surface water ponding. As such, the proposal is contrary to JCS Policy 1 and DMDPD Policy CSU5.

The Committee adjourned at 11am and reconvened at 11.15am when all of the Members listed above were present for the remainder of the meeting with the exception of Miss Lawn who left after Minute no: 116.

115 APPLICATION NUMBER 20180224 – 149 WOODLAND ROAD, HELLESDON

The Committee considered an application for the change of use of a semi-detached residential dwelling to accommodation providing supported living for up to five occupants living at the property at 149 Woodland Road, Hellesdon. No more than four patients / residents would occupy the property at any one time; two members of staff would be at the property during the day and one member of staff would sleep at the property overnight (classed as the fifth occupant of the property). The statement submitted with the application advised that the property would support nearby hospitals and provide supported living for those well enough to leave hospital but needed some assistance or support before they were ready to live on their own or with family again. No changes were proposed to the external appearance of the property and only very minor alterations were proposed internally such as the study being used as the manager's office.

The application was reported to committee at the request of Mrs Gurney for the reasons stated in paragraph 5.9 of the report.

The Committee received further comments from the applicant's agent as reported in the Supplementary Schedule. In addition, the Committee received the verbal views of Colin Abbott of 147 Woodland Road and Barry Vick representing 151 Woodland Road, both objecting to the application and Jason Parker, the agent, at the meeting. Mrs Gurney expressed her concerns on the application.

The site was located within the settlement limit where the principle of development was considered to be acceptable, subject to other considerations. Policies H4 and H5 of the DM DPD permitted the change of use of dwellings, including to residential institutions, subject to a number of criteria.

Contrary to the officer opinion, Members considered that the site was not a suitable location for the scale of the proposed use and the proposal would result in significant adverse impacts to the detriment of neighbours' amenities and the amenity needs of all future occupiers. Furthermore, the proposed change of use would fail to meet the requirements of Policy H5 of the DM DPD.

In conclusion, it was considered that the benefits associated with the development did not decisively outweigh the perceived harm.

Therefore, notwithstanding the officer recommendation, it was

RESOLVED:

To refuse application number 20180224 for the following reasons:

This application has been considered against the Development Plan for the area, this being the Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk (2011) as amended (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 1,2, 5 and 7 of the JCS and Policies GC1, GC2, GC4, EN4, H4, H5, TS3 and TS4 of the Development Management DPD.

The application seeks full planning permission for a change of use of a private residential dwelling to accommodation providing supported living for up to five occupants living at the property. The proposal is for up to four patients / residents to occupy the property at any one time with two members of staff at the property during the day and one additional member of staff at the property overnight.

The property is a semi-detached bungalow, with rooms in the roof, located within the settlement limits of Hellesdon, where Policy GC2 states that new

development is acceptable in principle. There are a number of factors, however, that determine the suitability of the site for development and proposals should not be at the expense of these factors. For example, the development should not give rise to anything that has an adverse impact on residential amenity.

Policy H5 of the Development Management DPD meanwhile states that it is important that any sites for residential institutions relate well to existing development and that no adverse impacts will arise. In this respect, proposals would be considered against the guiding principles set out in Policy GC4 of the Development Management DPD.

In this regard, the property is located within an established residential area, within close proximity to a number of neighbouring dwellings. As indicated by the Highway Authority the proposal is likely to significantly intensify the vehicular generation at the site and considering the fact that there will be both day and night staff, this could result in noise and disturbance to neighbouring dwellings at all hours of the day. As well as the staff, the proposal is also likely to result in a number of other visitors and vehicles coming to and from the site which is likely to increase the amount of noise and disturbance.

It is considered that the scale of the proposed use is also likely to lead to an increase in noise within the property. Given the scale of the proposed use and the fact that this is a modest sized, semi-detached property in close proximity to its neighbours, the proposal is very likely to lead to an unacceptable level of noise and disturbance, especially for the adjoining and adjacent neighbouring properties.

Policy GC4 of the Development Management DPD also states that proposals should pay adequate regard to meeting the reasonable amenity needs of all potential future occupiers. It continues to state that sufficient internal living space should be provided which allows the occupants to live comfortably and conveniently. In this regard, the dwelling in question is a modest sized bungalow which has been extended to provide rooms in the roof. Whilst there is a shower room upstairs for those mobile enough to use the stairs, there is only a small bathroom and separate WC for residents / patients and staff on the ground floor. Some of the rooms on the first floor are also likely to have limited head room and therefore, provide only a small amount of useable space whilst there is no designated room for the overnight member of staff to sleep in. Overall, it is considered that given the scale of the proposal and the modest size of the dwelling, that the proposal would not meet the reasonable needs of all potential future occupiers.

Overall, it is not considered that this is a suitable location for the use proposed. It is considered that the scale of the proposed use is unsuitable given the type of property it relates to and its position in relation to neighbouring residential properties. It is considered that the proposal will have a significant detrimental impact upon the amenities of existing neighbouring properties and will fail to meet the reasonable amenity needs of

all potential future occupiers. The application therefore fails to comply with Policies GC4 and H5 of the Development Management DPD.

The Local Planning Authority has taken a proactive and position approach to decision taking in accordance with the requirements of paragraphs 186 – 187 of the NPPF and as such, has acted to refuse this unacceptable form of development.

116 APPLICATION NUMBER 20180243 – 76 GORDON AVENUE, THORPE ST ANDREW

The Committee considered an application for the raising of the roof (by 0.6 metres), rear extension (6 metres) and loft conversion at 76 Gordon Avenue, Thorpe St Andrew. Five rooflights would be included in the west elevation, four of which would be to provide light to ground floor rooms with the fifth serving the landing in the loft space. One further rooflight would provide light to the stairwell on the east elevation. Combined with internal alterations, the property would be increased from a two bed to a four bed, detached dwelling.

The application was reported to committee as the applicant was related to a Council employee and objections had been received to the proposal.

The Area Planning Manager read out two emails received from the occupiers of no: 78 Gordon Avenue at their request, as they were concerned their objections had been greatly summarised in the committee report. In addition, the Committee received the verbal views of Mrs Gurney, representing the occupiers of 78 Gordon Avenue, objecting to the application, at the meeting.

The site was located within the settlement limit where the principle of development was considered to be acceptable, subject to other considerations.

The Committee accepted the principle of extensions and alterations to the property but considered that the overall bulk of the roof was excessive and there was scope for the applicants to revise their design proposals to minimise any impact on the neighbouring property. Therefore, it was unable to make a decision on the application in its present form and accordingly

RESOLVED:

- (1) To defer consideration of application number 20180243 to enable officers to negotiate with the applicant a revised roof bulk which incorporate a hipped roof to the rear to match the proposed hipped roof to the front.
- (2) To delegate authority to the Head of Planning to approve application

number 20180243, subject to the satisfactory conclusion of (1) above.

In the event that (1) was not achieved, the application would be reported back to Committee for determination.

117 APPLICATION NUMBER 20171999 – LAND OFF ROSEBERY ROAD, GREAT PLUMSTEAD

The Committee considered an application for the erection of 22 dwellings (1 to 4 bed) including a mix of 9 bungalows, 4 flats and 9 houses and associated works on land off Rosebery Road, Great Plumstead. Eight of the dwellings would be affordable equating to 36% of the total development. Vehicular access to the site would be via a continuation of the existing estate road.

The application was reported to committee as the applicant (Broadland Growth Ltd) formed part of the District Council and two Councillors, together with the Chief Executive, were members of the Board.

The Committee received the verbal views of Jonathan Green of NPS, the agent, at the meeting.

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. 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”.

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 there was an abundant housing land supply this should be given weight in the decision making processes.

It was noted that the application proposed eight affordable dwellings on a development of 22 which equated to 36%, thereby exceeding the requirements of Policy 4 of the JCS for 33%. This was considered to be beneficial to the development and affordable housing provision in the area, particularly as the proposal was for smaller property types which would meet the current housing need within the parish. Furthermore, the adjacent parcel of land was proposed to be changed from agricultural to community use (see Minute no: 118 below) and would be transferred to the Parish Council in lieu of onsite open space provision. It was noted that the size of the parcel of land was in excess of the size required by Policy RL1. Finally, off-site highway

works were also being proposed, focussing on achieving a better performing 30mph speed limit through the village. In total, it was considered these benefits were both substantial and significant and outweighed any harm arising from the extension of the village into the countryside.

Although the dwellings were contemporary in form, design and materials they did incorporate traditional elements of scale and massing and the overall design of the development was considered to respect the character and appearance of the area. Accordingly, the development was considered to accord with the relevant policies in the JCS, DM DPD and Neighbourhood Plan. Although the proposed dwellings will be partly visible from outside of the site, it was considered that there would be a limited effect on the general character and appearance of the area.

With regard to the impact upon neighbour amenity, it was considered that the layout, scale and design of the development had been carefully thought out, with bungalows proposed to back onto the existing bungalows on Rosebery Road. The proposed layout would not result in any significant overlooking issues and therefore, the privacy and amenities of neighbouring properties would be protected.

In terms of the impact on the highway, it was noted the Highways Authority was not objecting to the application subject to conditions but had raised concerns with regard to the layout of the development. The Committee considered that these did not justify a refusal of the application or outweigh the benefits outlined above. The Committee acknowledged that the level of parking was slightly below that stated in the Neighbourhood Plan (by 3 spaces) and not every dwelling had a garage but these factors were not considered to be so material as to result in an unacceptable form of development or one which would result in any serious conflict with the Neighbourhood Plan and overall, the proposal complied with Policies TS3 and TS4 of the DM DPD.

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

Members also assessed the proposals against the three dimensions to sustainable development.

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.

Social Role

For the reasons outline above, it was considered the proposals met the social dimension to sustainable development – through the over-provision of affordable housing; a significant area of publicly accessible open space; highway improvements and financial contributions through both CIL and to the Parish Council for the maintenance of the open space.

Environmental Role

The impact of the proposal extending the village into the surrounding countryside was considered to be mitigated by the layout and design quality of the scheme, together with the limited impact upon local residents' amenities.

In conclusion it was considered that the proposal represented an acceptable form and development and accordingly, it was

RESOLVED:

To delegate authority to the Head of Planning to approve application number 20171999 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:

- Play and open space contribution and tying application to 20172000 application
- Affordable housing contribution

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 details indicated on the submitted drawings, within 3 months of the date of this permission, a detailed scheme for the off-site highway works (including the provision of VAS and gateway features to the north and south of the village) shall be submitted to and approved in writing by the Local Planning Authority.

- (4) Prior to the first occupation of the development hereby permitted a scheme for the off-site highway works referred to in condition 3 shall be completed to the written satisfaction of the Local Planning Authority.
- (5) No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.)
- (6) Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking areas shall be laid out as in accordance with the approved plan and retained thereafter available for that specific use.
- (7) Prior to the commencement of any works on site a Construction Traffic Management Plan, to incorporate details of on-site parking for construction workers, access arrangements for delivery vehicles and temporary wheel washing facilities for the duration of the construction period shall be submitted to and approved in writing with the Local Planning Authority.
- (8) For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan unless otherwise approved in writing with the Local Planning Authority.
- (9) Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the relocation of the existing highway soakaway within the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- (10) Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in condition 9 shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.
- (11) Prior to the commencement of the development details of the maintenance arrangements for the lifetime of the development for the roads/paths, surface and foul water disposal options shall be submitted to and approved in writing by the Local Planning Authority.

- (12) No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy as approved unless otherwise approved in writing by the Local Planning Authority.
- (13) (A) No development shall take place unless otherwise agreed in writing with the Local Planning Authority 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.
- (B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).
- (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.
- In this case the programme of mitigatory work will comprise an archaeological excavation in accordance with a brief which can be obtained from the Norfolk County Council Historic Environment Service.
- (14) Prior to the commencement of development details of all external materials to be used in the development shall be submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- (15) All works shall be carried out in accordance with the requirements of the Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan, received 15 November 2017.

- (16) 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. (This should include the species listed within section 8 (Enhancements) of the Ecological Report).
 - (b) details of any proposed alterations in existing ground levels and of the position of any proposed excavation or deposited materials,
 - (c) 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.

- (17) Prior to the first occupation of the development hereby permitted 6 bird boxes and two bat boxes shall be erected within the development. Boxes should be placed at least three metres above ground on the new building, in the locations indicated in Figure 4, Section 8 (Enhancements) of the Ecological Report, received 15 November 2017.

The east, north and west sides of the new buildings would be the most suitable for installing bird nest boxes. The west, south and east sides of the new buildings would be the most suitable for installing bat boxes. Integrated bird and bat box designs (built into the fabric of the building) are available, and are more durable and visually subtle than externally fitted boxes. The bird boxes should target house sparrow *Passer domesticus*. House sparrow boxes should be of the terrace design, which hold three nest holes within one box.

- (18) Unless otherwise agreed in writing by the Local Planning Authority none of the dwellings hereby permitted shall be occupied until the development has incorporated the provision of a fire hydrant (on a minimum 90mm main) for the purposes of firefighting.

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 highway safety and in accordance with Policy TS3 of the Development Management DPD 2015.
- (4) In the interests of highway safety and in accordance with Policy TS3 of the Development Management DPD 2015.
- (5) To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy TS3 of the Development Management DPD 2015.
- (6) To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety and in accordance with Policy TS3 of the Development Management DPD 2015.
- (7) In the interests of maintaining highway efficiency and safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (8) In the interests of maintaining highway efficiency and safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (9) To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policy TS3 of the Development Management DPD 2015.
- (10) To ensure that the highway network is adequate to cater for the development proposed in accordance with Policy TS3 of the Development Management DPD 2015.
- (11) To ensure that these elements are maintained in perpetuity and to ensure the satisfactory development of the site in accordance with Policies GC4, TS3 and CSU5 of the Development Management DPD 2015.
- (12) To prevent environmental and amenity problems arising from flooding in accordance with Policy 1 of the Joint Core Strategy.

- (13) To enable the County Archaeologist to keep a watching brief on the site in accordance with Policy EN2 of the Development Management DPD 2015 and paragraph 141 of the National Planning Policy Framework.
- (14) To ensure the satisfactory appearance of the buildings in accordance with Policy GC4 of the Development Management DPD 2015.
- (15) 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.
- (16) To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies GC4, EN1 and EN2 of the Development Management DPD 2015.
- (17) To provide enhancements to the biodiversity and wildlife at the site in accordance with Policy EN1 of the Development Management DPD 2015.
- (18) To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire and 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: 001, received 15 November 2017

Site Block Plan (Amended), Dwg No: 003, received 7 March 2018

Indicative off-site highway works plan (OS001) (Additional), received 7 March 2018

Site Roof Plan (Amended) , Dwg No: 004, received 7 March 2018

Street Elevations, Dwg No: 010, received 15 November 2017

Arboricultural Impact Assessment, received 15 November 2017

Ecological Report, received 15 November 2017

Energy/Sustainability Statement, received 15 November 2017

Planning Statement (Amended), received 5th February 2018

Design & Access Statement, received 15 November 2017

Heritage Desk Based Assessment, received 15 November 2017

Archaeological Evaluation Report, received 15 November 2017

Foul and Surface Water Drainage Strategy/Assessment Vol 1 of 3, received 15 November 2017

Foul and Surface Water Drainage Strategy/Assessment Vol 2 of 3, received 15 November 2017

Foul and Surface Water Drainage Strategy/Assessment Vol 3 of 3, received 15 November 2017

House Types:

Bungalows Block A Plans and Sections – Plots 1 and 2, Dwg No: HBS-DR-A-23, received 15 November 2017

Bungalows Block A Elevations – Plots 1 and 2, Dwg No: HBS-DR-A-103, received 15 November 2017

Bungalows Block B Plans and Sections – Plots 3 and 4, Dwg No: HBS-DR-A-24, received 15 November 2017

Bungalows Block B Elevations – Plots 3 and 4, Dwg No: HBS-DR-A-104, received 15 November 2017

Bungalows Block C Plans– Plots 5 - 7, Dwg No: HBS-DR-A-25, received 15 November 2017

Bungalows Block C Elevations– Plots 5 - 7, Dwg No: HBS-DR-A-105, received 15 November 2017

Bungalows Block C Section– Plots 5 - 7, Dwg No: HBS-DR-A-145, received 15 November 2017

Bungalow Block D Plans – Plots 8 and 9 (Plot 8 to be M4(2) Compliant), Dwg No: HBS-DR-A-26, received 15 November 2017

Bungalow Block D Elevations – Plots 8 and 9, Dwg No: HBS-DR-A-106, received 15 November 2017

Bungalow Block D Section – Plots 8 and 9, Dwg No: HBS-DR-A-146, received 15 November 2017

4B7P Floor Plans and Section AA – Plots 10-14, Dwg No: HBS-DR-A-20, received 15 November 2017

4B7P Elevations – Plots 10-14, Dwg No: HBS-DR-A-100, received 15 November 2017

3B5P Detached Floor Plans– Plots 15 and 16, Dwg No: HBS-DR-A-27-3B5P received 15 November 2017

3B5P Elevations – Plots 15 and 16, Dwg No: HBS-DR-A-107-3B5P received 15 November 2017

3B5P Semi-detached Floor Plans - Plots 17 and 18, Dwg No: HBS-DR-A-21-3B5P received 15 November 2017

3B5P Semi-detached Elevations - Plots 17 and 18, Dwg No: HBS-DR-A-101-3B5P received 15 November 2017

Flat Floor Plans – Plots 19 – 22, Dwg No: HBS-DR-A-22-1B2P received 15 November 2017

Flat Floor Elevations – Plots 19 – 22, Dwg No: HBS-DR-A-102-1B2P received 15 November 2017

Double Garage – Plan & Section, Dwg No: 27, received 15 November 2017

Double Garage – Elevations, Dwg No: 107, received 15 November 2017

Informatives:

- (1) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or

enquiries@cncbuildingcontrol.gov.uk and the website
www.cncbuildingcontrol.gov.uk

- (2) Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence
- (3) 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. Please contact David Higgins on 01603 223274 or by e-mail graham.worsfold@norfolk.gov.uk
- (4) 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.
- (5) 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 decision is made. Further information about CIL can be found at www.broadland.gov.uk/housing_and_planning/4734.asp
- (6) 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 Nation Planning Policy Framework, as a number of pre-application meetings were held to assist the planning submission and the applicant's agent has been given the opportunity to respond to the consultation comments received.

118 APPLICATION NUMBER 20172000 – LAND OFF ROSEBERY ROAD, GREAT PLUMSTEAD

The Committee considered an application for the change of use of agricultural land to an outdoor community use, including allotments, on land off Rosebery Road, Great Plumstead. The application was connected to application no: 20171999 (see Minute no: 117 above). The change of use application was to ensure compliance with the policies of the Development Plan which required open space to be provided in respect of developments of five or more dwellings. The aim was for the land to be transferred to the Parish Council along with a financial contribution to cover future maintenance and a contribution towards play space, formal recreation and allotments. Vehicular access to the site would be provided through the adjacent site to the west. A pedestrian access was also being proposed.

The application was reported to committee as the applicant (Broadland Growth Ltd) formed part of the District Council and two Councillors, together with the Chief Executive, were members of the Board.

The Committee received the verbal views of Jonathan Green of NPS, the agent, at the meeting.

The site was located outside of the settlement limit where development proposals would not normally be permitted unless they accorded with a specific allocation and / or policy of the development plan. Members noted the relevant policies in the Great Plumstead, Little Plumstead & Thorpe End Garden Village Neighbourhood Plan relating to both this site and that submitted under application number 20171999. It was considered that, when assessing the two applications together, the criteria in the Neighbourhood Plan would be met and therefore, the principle of the proposal was considered to be acceptable.

As the site was to be transferred to the Parish Council, along with financial contributions, in lieu of on-site open space provision, it was considered that Policies EN3 and RL1 of the DM DPD and Policy 6 of the Neighbourhood Plan would be met. Furthermore, the provision of additional outdoor community space (and potentially allotments) would enhance the range of facilities available within the local area, thus the proposal would comply with Policy CSU1 of the DM DPD.

The comments of the Health and Safety Executive in relation to the proximity of the high-pressure gas pipeline were noted. However, the Committee acknowledged this was an automated response and therefore, there was no opportunity to provide any additional information or negotiate in a bid to overcome its objection. Furthermore, National Grid, whose pipeline ran underneath the adjacent site, had raised no objection. The Committee noted that the site was already subject to informal community use, eg local dog walkers. In any event, the HSE would be notified of the granting of planning permission and would have 21 days to consider whether to request that the

Secretary of State for Communities and Local Government call in the application for their own determination.

In terms of highway safety, it was noted the Highways Authority was not objecting to the application subject to conditions.

In conclusion it was considered that the proposal would benefit the local area and was in compliance with development plan policies. Accordingly, it was

RESOLVED:

To delegate authority to the Head of Planning to approve application number 20172000 subject to dealing with the HSE issues and 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.

Application Form, received 15 December 2017

Location Plan (Amended), received 7 March 2018

Arboricultural Impact Assessment, received 15 December 2017

Flood Risk Assessment and Drainage Strategy, received 15 December 2017

(3) Prior to the first use of any allotments within the site, details of the proposed arrangements including number of pitches, locations, ancillary areas including parking areas, structures and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The site shall be implemented in accordance with the approved details and maintained as such for the duration of its use.

(4) Notwithstanding the provisions of Schedule 2 Part 12 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 any hardstanding erected without the prior consent of the Local Planning Authority.

Reasons:

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

- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (3) To ensure the satisfactory development of the site and allow consideration to be given to the siting of any structures, hardstanding or parking areas etc. to prevent any impact upon the character of the area, nearby trees and highway safety in accordance with Policies GC4, EN2 and TS3 of the Development Management DPD 2015.
- (4) To ensure the satisfactory development of the site and allow consideration to be given to the siting of any structures, hardstanding or parking areas etc. to prevent any impact upon the character of the area, nearby trees and highway safety in accordance with Policies GC4, EN2 and TS3 of the Development Management DPD 2015.

Informatives:

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.

National Grid has a Deed of Easement for each pipeline which prevents change to existing ground levels and storage of materials. It also prevents the erection of permanent / temporary buildings, or structures. If necessary National Grid will take action to legally enforce the terms of the easement. No demolition shall be allowed within 150 metres of a pipeline without an assessment of the vibration levels at the pipeline. Expert advice may need to be sought which can be arranged through the National Grid. The applicant's attention should be drawn to the advice notes within National Grid's comments dated 16/03/2018.

The Committee adjourned at 12:55pm and reconvened at 1:15pm.

119 APPLICATION NUMBER 20180303 – 1 HALL COTTAGES, THE STREET, HALVERGATE

The Committee considered an application for the construction of an attached two bedroom dwelling adjacent to 1 Hall Cottages, The Street, Halvergate. The proposal would result in the continuation of the existing terrace and would match the ridge and eaves height.

The application was reported to committee at the request of Mr Nurden for the reasons stated in paragraph 3.2 of the report.

The Committee received the views of Karen Hatchett, the applicant via a statement read out on her behalf by Mr Nurden, at the meeting. Mr Nurden then expressed his own support for the proposals.

The site was located outside of any defined settlement limit, with Halvergate having no defined settlement limit, where Policy GC2 of the DM DPD did not permit new development unless it accorded with another policy of the development plan.

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 rural area, there was a 14.94 year housing land supply. The SHMA was a material consideration in the determination of planning applications – now that there was an abundant housing land supply this should be given weight in the decision making processes.

The nearest settlement limit was at Freethorpe, 1.8km away and there were no standard everyday service facilities within close proximity to the site; the site was not connected to footway links and public transport facilities were limited. Therefore, the application site was not considered to be in a sustainable location and did not represent a sustainable form of development. Members noted an application for four, single storey dwellings in the grounds of Halvergate Hall had been dismissed at appeal, with the Inspector referring to Halvergate being a relatively remote, rural location where there would be a reliance on car journeys for access to services and facilities.

The site was situated within the Halvergate and Tunstall Conservation Area and accordingly, Members also had regard to the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as the relevant development plan policies and the comments of the Historic Environment Officer. The Committee concluded that the development would satisfactorily preserve the character and appearance of the Conservation Area and surrounding streetscene, subject to the imposition of conditions relating to materials and boundary treatments.

In terms of residential amenity, it was considered that the proposal would not impact significantly upon neighbour amenity in terms of loss of light; privacy or overlooking due to the location of the site, proposed separation distances and existing / proposed boundary treatments.

However, in conclusion it was considered that the site was in an unsustainable location and as there was no shortage of housing land supply in the Broadland rural area, there was no justification for going against the development plan. Accordingly, it was

RESOLVED:

To refuse application number 20180303 for the following reasons:

The application site is outside of any defined settlement limit and therefore within the 'rural' part of the district outside the 'Norwich Policy Area' (NPA). The NPA is an area defined in the Joint Core Strategy (JCS) where development is focussed and comprises part of Broadland District, Norwich City and part of South Norfolk District. In planning terms it is treated as a separate entity for the supply of housing, as set out in the JCS. This has been accepted by Local Plan and Appeal Inspectors. For outside the NPA i.e. the 'rural' part of Broadland there is considerably more than a 5 year supply of housing land. Therefore, NPPF paragraph 14 and 49 do not apply in this case.

The application site is outside of any defined settlement limit, with the nearest settlement limit being Freethorpe which is located approximately 1.8km. There are no standard everyday service facilities within close proximity to the site, the site is not connected to footway links, and public transport facilities are very limited. Therefore the application site is not considered to be in a sustainable location and does not represent a sustainable form of development. The proposed development, if permitted, would therefore be contrary to Paragraph 55 of the National Planning Policy Framework and Policies GC1 and GC2 of the Development Management DPD 2015.

120 APPLICATION NUMBER 20180073 – SITE ADJACENT TO 6 GREEN LANE NORTH, THORPE ST ANDREW

The Committee considered an outline application for the erection of a single storey dwelling (self-build plot) on land adjacent to 6 Green Lane North, Thorpe St Andrew. All matters, other than landscaping, had been submitted for approval.

The application was reported to committee as it was contrary to policy.

The Committee noted that Thorpe St Andrew Town Council had no objection, as reported in the Supplementary Schedule.

The site was located outside of the settlement limit where Policy GC2 did not permit development proposals unless they accorded with a specific allocation and / or policy of the development plan.

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 there was an abundant housing land supply this should be given weight in the decision making processes.

Accordingly, the Committee assessed the proposals to establish the benefits of the scheme and any harm which 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

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

Social Role

The site was within walking distance of local facilities at Thorpe End and also good accessibility to public transport which connected it to a wider range of facilities and services approximately 4 miles away in the city centre. Therefore, the site was considered to be in a sustainable location with good accessibility to services and facilities. Furthermore, allocation GT6 relating to Brook Farm, a site of approximately 38 hectares to the south It was noted that there were currently a number of applicants on the self-build register for this area and therefore, the site would make a contribution towards meeting the demand and this weighed in favour of the proposal.

Environmental Role

The Committee considered the scheme allowed for the retention and enhancement of existing trees and vegetation on the boundaries of the site and therefore, minimised any potential impact on protected species. It was noted that landscaping would be agreed at the reserved matters stage. The site was adjacent to the Thorpe End Garden Village Conservation Area to the east and, given the proposal for a single storey dwelling within a relatively generous plot, consistent with the surrounding development, it was considered the proposal would have no material impact on the character and appearance of the adjacent Conservation Area.

In terms of residential amenity, it was considered that the dwelling would not impact significantly upon neighbour amenity in terms of loss of light, privacy or overlooking due to the location of the site, separation distances and existing / proposed boundary treatments.

In conclusion it was considered that there were limited adverse impacts associated with the development and these were outweighed by the benefits of the proposal. Accordingly, it was

RESOLVED:

To approve application number 20180073 subject to the following conditions:

- (1) Details of the landscaping (hereinafter called the “reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- (2) Application for approval of the reserved matters shall be made to the local planning authority not later than TWO years from the date of this permission. The development hereby permitted shall not begin later than TWO years from the date of approval of the last of the reserved matters to be approved.
- (3) The development hereby permitted shall not be carried out otherwise than in accordance with the following plans and documents:
- (4) Concurrently with the details of the reserved matters required, the following shall also be submitted to and approved by the local planning authority before any development commences:
 - i) A schedule of all external materials to be used in the development; and
 - ii) The landscaping of the site (including any proposed changes to existing ground levels, means of enclosure and boundary treatments, hard surfaced areas and materials, specification and schedules of existing plants to be retained and proposed planting and showing how account has been taken of underground services).
- (5) Prior to the commencement of the development hereby permitted full details (in the form of scaled plans and / or written specification) shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:
 - i) Visibility splays;
 - ii) Access arrangements; and
 - iii) Parking provision in accordance with adopted standard.
- (6) Prior to the commencement of development, an Ecological Method Statement shall be submitted to and approved by the local planning authority. The work shall be carried out in accordance with the approved details.

- (7) Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA) and Preliminary Method Statement supplied by Oakfield Arboricultural Services dated March 2018 and Tree Protection Plan (TPP) drawing no.OAS 18-050-TS01. No other operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved AIA have been carried out and all tree protection barriers are in place as indicated on the TPP. The protective fencing shall be retained in a good and effective condition for the duration of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior written approval of the local planning has been sought and obtained.

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 the satisfactory development of the site and to protect neighbour amenity in accordance with Policy GC4 of the Development Management DPD 2015.
- (5) In the interest of highway safety and traffic movement in accordance with Policies GC4 and TS3 of the Development Management DPD 2015.
- (6) To ensure the development is not detrimental to Protected Species in accordance with Policy EN1 of the Development Management DPD 2015 and the National Planning Policy Framework.
- (7) To ensure the development is not detrimental to tree and in the interests of the amenities of the area in accordance with Policy EN2 of the Development Management DPD 2015.

Informatives:

- (1) The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of 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 Building Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk.
- (3) This development involves works within the public highway that can only be carried out by Norfolk County Council as Highways 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.

121 APPLICATION NUMBER 20180422 – NURSE JENNERS HOUSE, PALMERS LANE, AYLSHAM

The Committee considered an application for the construction of a two storey rear extension and minor alterations including the provision of a new front entrance door and altering the position and size of some of the ground floor windows at Nurse Jenners House, Palmers Lane, Aylsham. The extension would project 4.7m from the back of the property and be the full width of the rear of the property.

The application was reported to committee at the request of Mr Riley for the reasons stated in paragraph 5.2 of the report.

The Committee received the verbal views of Mrs Lee of 59 Hungate Street, objecting to the proposals and Amy Pearce, the applicant at the meeting. Mr Riley expressed his concerns on the proposed scale of the roofline.

It was noted that the height of the extension would not extend above the height of the existing roof and the width would not extend beyond either side wall. Therefore it was considered the extension would not have an unacceptable effect on the appearance of the property when viewed from the front or the character and appearance of the street scene. The Committee acknowledged that the extension would result in a sizeable increase in the size of the property but considered that the size of the plot could easily accommodate the scale of the development without compromising the spacious character of the area and therefore, was not considered to be overdevelopment.

The objections from the occupiers of 59 Hungate Street were noted but given the distances involved, it was considered that there would not be any significant additional loss of privacy, when compared to the existing situation nor would there be any overshadowing as a result of the proposed extension.

In conclusion it was considered that the application would not have a significant detrimental impact on the character an appearance of the area or residential amenity. Accordingly, it was

RESOLVED:

To approve application number 20180422 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.

Application Form, received 13 March 2018
Location Plan, received 13 March 2018
Proposed Block Plan, received 13 March 2018
Proposed Elevations, received 13 March 2018
Proposed Floor Plans, received 13 March 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) The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.
- (2) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk

122 APPLICATION NUMBER 20180131 – WOOD FARM BARN, BRANDISTON ROAD, CAWSTON

The Committee considered an application for the conversion of an agricultural barn to a residential dwelling; change of use of agricultural land to residential curtilage; porch extension and erection of detached carport at Wood Farm Barn, Brandiston Road, Cawston. Prior approval had been granted for the conversion of the barn into a four bedroom residential dwelling in January 2018 and the only proposed changes were the inclusion of a porch on the north elevation and an external flue on the roof. The area of land for inclusion as residential curtilage had increased from 308m² to 863m².

The application was reported to committee as the recommendation was contrary to Development Plan policies.

The site was located outside of the settlement limit where development proposals would not normally be permitted unless they accorded with another policy and / or allocation of the development plan and did not have any significant adverse harm. It was accepted that the principle of the conversion of the barn to a residential dwelling had been established. However, notwithstanding this, the Committee considered that the application met the requirements of Policy GC3 of the DM DPD in that the building was capable of

conversion without substantial alteration and the conversion would lead to an enhancement of the immediate setting.

The Committee concurred with the officers' view that the increased size of the residential curtilage would result in better living conditions for the applicant and an improved form of development which followed the plot boundaries of the neighbouring dwelling to the west. In addition, it was not considered that the conversion of this gravelled parcel of land would result in any visual harm to the rural landscape, particularly as the site was well screened when viewed from Brandiston Road to the west and was only partially visible when viewed from the public footpath to the south. Therefore, despite being larger than originally approved, it was considered that the extension of the curtilage would not be unduly excessive, represent a significant incursion into the countryside or cause unacceptable harm to the general character and appearance of the surrounding area.

It was noted that the footprint of the barn was not increasing from the previously approved plans and the design of the barn and choice of materials were considered to be acceptable. Although the site was partially visible from the south and east, it was considered that the proposal would not cause any harm to the general character and appearance of the area, in accordance with Policies GC4 and EN2 of the DM DPD.

In conclusion it was considered that the development would have a neutral impact on the character and appearance of the area and would not result in any significant harm. Accordingly, it was

RESOLVED:

To approve application number 20180131 subject to the following conditions:

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

Site & Location Plan, received 19 February 2018
Proposed Ground and First Floor Plans, received 19 February 2018
Proposed Elevations, received 19 February 2018
Proposed Carport Elevations, received 22 February 2018
Existing and Proposed Elevations Showing Changes to 2017
Applications, received 19 February 2018

- (3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking and re-enacting or modifying that Order), no development permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 of that

Order shall be carried out 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) 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 egresses shall be permanently closed, and the highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority concurrently with the bringing into use of the new access.
- (6) Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking area shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.

Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (3) To ensure the satisfactory appearance of the building and satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (4) 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) 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 and manoeuvring area, in the interests of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.

Informatives:

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

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

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

- (5) There is a possibility that asbestos containing material may be present within the existing building structure. The removal of asbestos materials must be carried out in accordance with appropriate guidance and legislation including compliance with waste management requirements. Accordingly any works should be managed to avoid damage to any asbestos containing material such as to prevent the release or spreading of asbestos within the site or on to any neighbouring land. Failure to comply with this may result in the matter being investigated by the Health and Safety enforcing authority and the development not being fit for the proposed use. In addition the developer may incur further costs and a time delay while ensuring the matter is correctly resolved.
- (6) The buildings / site to which this permission relates contains suitable habitat for bats, barn owls or reptiles which are protected by the Wildlife and Countryside Act 1981 (as amended). In this respect the applicant is advised to consult Natural England, Dragonfly House, 2 Gilders House, Norwich, NR3 1UB or enquiries.east@naturalengland.org.uk and follow any requirements in this respect.

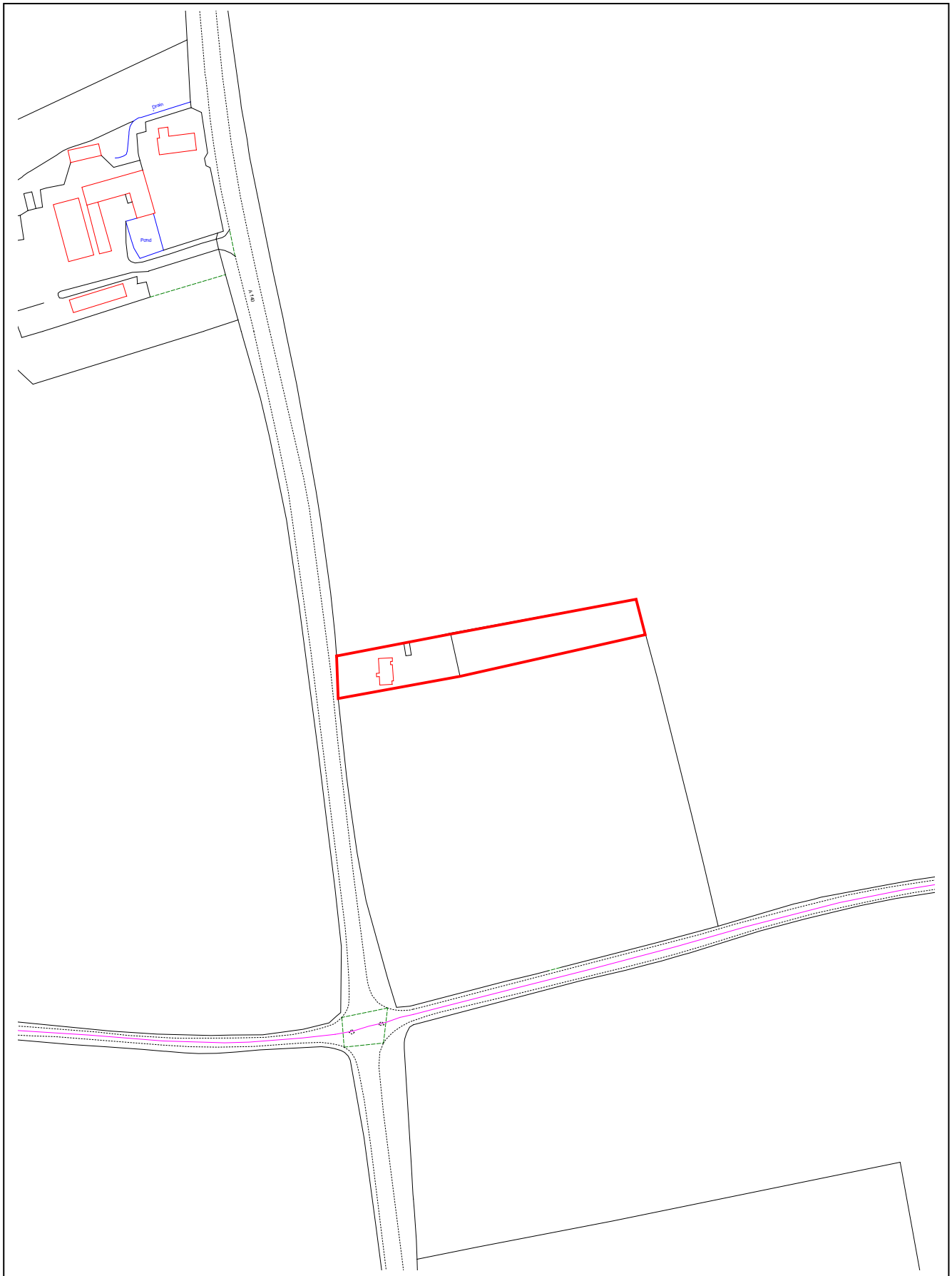
The meeting closed at 2:15pm

SCHEDULE OF APPLICATIONS TO BE CONSIDERED

| Plan No | App'n No | Location | Contact Officer | Officer Recommendation | Page Nos |
|---------|--------------------------|--|-----------------|---|-----------|
| 1 | 20180464 | Hill House, Norwich Road, Marsham | JF | APPROVE subject to conditions | 45 – 65 |
| 2 | 20172132 | Pyehurn Farm, Pyehurn Lane, Horsford | CR | Delegate authority to HoP to APPROVE subject to a Section 106 Agreement and conditions | 66 – 97 |
| 3 | 20180332 | 70 Neylond Crescent, Hellesdon | CR | APPROVE subject to conditions | 98 – 108 |
| 4 | 20180323 | Manor House Farm, Reepham Road, Foulsham | CR | APPROVE subject to conditions | 109 – 127 |
| 5 | 20180622 | Taverham Nursery Centre, Fir Covert Road, Taverham | CP | REFUSE | 128 – 138 |
| 6 | 20180243 | 76 Gordon Avenue, Thorpe St Andrew | MC | APPROVE subject to conditions | 139 – 170 |
| 7 | 20180634 | 1 Roundtree Close, Sprowston | AB | APPROVE subject to a condition | 171 – 178 |

HoP = Head of Planning

| Key | Contact Officer | Direct Dial No: |
|-----|-----------------|-----------------|
| JF | Julie Fox | 01603 430631 |
| CR | Chris Rickman | 01603 430548 |
| CP | Cheryl Peel | 01603 430550 |
| MC | Martin Clark | 01603 430581 |
| AB | Adam Banham | 01603 430491 |



Application No: 20180464

Hill House, Norwich Road, Marsham, NR10 5PQ

**Scale:
1:2500**

**Date:
29-May-18**



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AREA West
PARISH Marsham

1

APPLICATION NO: [20180464](#) **TG REF:** 619989 / 322842
LOCATION OF SITE Hill House, Norwich Road, Marsham, NR10 5PQ
DESCRIPTION OF DEVELOPMENT Change of use to Dog Rehabilitation Centre and erection of 10 no: kennels with 7ft chainlink security fence
APPLICANT Mr C Doyle
AGENT n/a

Date Received: 20 March 2018
8 Week Expiry Date: 15 May 2018

Reason at Committee: The Highway Authority has objected to the application for the reasons set out in paragraph 3.3 of this report.

Recommendation (summary): Approve, subject to conditions

1 THE PROPOSAL

- 1.1 The application seeks planning permission for the change of use of Hill House and agricultural land to the rear of the property to a dog rehabilitation centre, including the erection of 10 kennels and security fencing.
- 1.2 The application is being made by Safe Rescue for Dogs which has been a registered charity since 2014. The charity takes on dogs for rehabilitation mainly from Romania but also from other rescue centres in the UK, before being fostered and then rehomed.
- 1.3 The existing house will be occupied by a member of staff responsible for the day to day running of the kennels.
- 1.4 The 10 kennels will be located within the existing garden of the house.
- 1.5 The agricultural land to the rear of the house is proposed to be used as a secure exercise area for the dogs.

2 KEY CONSIDERATIONS

- Whether the proposed use will have any significant additional impacts for highway safety
- Impact of the proposal on neighbour amenity in relation to noise
- The effects the proposed development will have on the appearance and character of the area

3 CONSULTATIONS

3.1 Marsham Parish Council:

Objects to the proposal on the following grounds:

- Noise disturbance to both local residents and neighbouring farming fields
- Overdevelopment of the area
- Not in keeping with the area
- Concern for highways, accessing a business on the A140 and safety of the animals

3.2 Contracts Officer Team, Environmental Services

There needs to be provision for a waste collection point nearest the highway for both any domestic waste, and commercial waste. The collection crew will not come onto the property.

A commercial waste collection will be needed for the kennel waste and the developer should take into account the size of vehicle and access needed for this kind of waste collection.

3.3 Norfolk County Council, Highways

I note this is a resubmission of application [20180233](#) with the number of intended kennels reduced and a proposed parking and turning layout provided.

Notwithstanding this concern regarding intensification of use of an access to the A140 Principal Route remains and the comments and recommendation of refusal are as before:

This proposal is intended to take access from the Cromer Road (A140 Principal Route / Corridor of Movement) via an existing vehicular access which serves the dwelling Hill House. This access to the A140 is therefore a matter of fact, however, as it serves a single dwelling only the expected existing traffic generation would be in the region of six daily movements as set out in TRICS (Trip Rate Information Computer Systems).

The proposal provides some details of expected traffic generation of the proposed dog rehabilitation centre suggesting that the centre will not be open to the public and that potential adopters of the dogs will not visit the site. However, there will be volunteers and trustees visiting the site, an additional member of staff is mentioned and regular deliveries of dogs, food and waste removal (presumably by large vehicle) will occur.

The application gives, therefore, every indication that traffic generation will be low and not commensurate with that expected from a commercial kennels of this size. However, at this isolated location, realistically, all access to the proposed Centre will be by car and the fact remains that it will undoubtedly result in a significant increase in traffic movements from that expected from the existing single dwelling.

The A140 is subject to a 50 mph speed limit at this point, however, given the road alignment approaching the site access it is not expected that 85th Percentile traffic speeds would be within the limit in force.

I therefore consider that this proposal will result in an increase in vehicular use of the vehicular access with increased numbers of vehicles slowing, stopping and turning at a point where this would be undesirable and contrary to the main function of the A140 which is to allow traffic to be free-flowing and fast moving.

Policy TS3 of the Broadland District Council Development Management DPD refers in section 8.15 to inappropriately located development impairing the function of Principal Routes.

Section 7.1 & 7.2 of the Norfolk County Council document Safe, Sustainable Development states in Section 7.1 & 7.2 that 'Outside of urban areas with high connectivity, Principal Routes have a strategic role to play in carrying traffic, usually at speed. Development in the vicinity of these roads or their junctions can compromise the ability for people to travel more sustainably whilst also prejudicing the ability of strategic routes to carry traffic freely and safely. For these reasons Principal Routes are additionally designated "Corridors of Movement" where development is normally resisted. On

“Corridors of Movement” outside of urban areas, drivers do not generally expect to encounter slowing; stopping; turning; manoeuvring or parked vehicles; nor do they expect to encounter pedestrians.

This lack of expectancy increases the hazards caused by an access that exists in isolation. Furthermore, the generally more rural location dictates that the opportunity to provide high quality access to public transport and safe walking / cycling routes is severely curtailed’.

‘Development needs to be located in accessible locations recognising the needs and travel patterns of patrons, avoiding the need to create new accesses, or to increase or change the use of an existing access onto a “Corridor of Movement”. Development contrary to this aim is likely to attract a recommendation of refusal from the Highway Authority unless well founded reasons exist to permit development. This is strictly applied’.

In addition to the above the existing/proposed on-site parking facilities are limited with there being some evidence that, rather than park on site, cars associated with the dwelling have parked on the adjacent highway verge. This is clearly unsafe and a situation that could not be allowed to continue were the traffic generation/parking requirement of the site to increase.

The submitted supporting information mentions a large secure fenced area will be created for exercising the dogs on site. No mention is made of exercising away from the site which, given the number of dogs to be housed, is likely to be a requirement, at least for some of the dogs. The location of the site is remote from any footway or Public Right of Way facilities therefore requiring that any off-site exercising from the site would have to take place, at least initially, on the verge of the live A140. Given the high traffic levels and speeds encountered on this road this is hardly a safe environment to be exercising dogs.

This adds to the view that this is an unsuitable location for such a proposal.

Your Authority will be aware of a recent appeal decision (APP/K2610/W/17/3174353) at 43 Cromer Road, Hainford which was for change of use of a Garage / Store to Annexe Accommodation ([20161874](#)). The Appeal Inspector in dismissing the appeal supported the Highway Authority objection with the comments in Paragraph 12 & 13 of the decision notice being particularly pertinent and relevant to this present application which is only a few miles to the north and located on a, in many ways, similar section of the A140. The traffic generation of the proposal now under consideration (Dog Rehabilitation Unit and Kennels) would be considered to be much greater (even allowing for the applicants submitted details of the operation) than the annexe accommodation the subject of the appeal.

The application should therefore be refused for the following reasons:

The proposal would lead to an intensification in the use of an access onto Cromer Road (A140), which is a busy Principle 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. Contrary to Development Plan Policies

The proposed development, if permitted, would lead to increased right hand turning movements across the opposing traffic stream of a busy Principal route (Cromer Road A140) which would interfere with the free and safe flow of traffic and cause danger and inconvenience to highway users. Contrary to Development Plan Policies.

The proposed development does not link to off-site facilities for pedestrians to link with existing provision and / or local services. Contrary to Development Plan Policies.

1.4 Pollution Control Officer:

No comment.

4 PUBLICITY

4.1 Neighbour Notifications

West View, Beech Cottage and Crosswinds, Mill Road, Marsham; Holly Farm, Buxton Road, Marsham; 1 Cranes Lane, Marsham; Home Farm and Marsham Hall, Norwich Road, Marsham; Glebe Farm, Cromer Road, Hevingham; Sunrise, 36A High Road, Marsham; The Old Rectory, Hevingham

Expiry date: 15 April 2018

5 REPRESENTATIONS (Summarised Comments)

5.1 1 Cranes Lane, Marsham:

Although the number of kennels has been reduced I am still concerned about the appropriateness of a dog rescue/rehabilitation at this site in Marsham.

Standard conventional kennels are stressful for dogs. Even 10 (rather than 20) stressed / abused dogs in close proximity to each other (ie in hearing and / or sight of each other) will be more likely to increase the stress behaviour rather than decrease it. That is likely to include a lot of barking.

Conventional kennels near a noisy road will not provide the calm and peace that seriously stressed dogs require.

Kennels built according to up to date understanding of dogs would provide home like living spaces for a smaller number of dogs. This kind of situation would be better at preparing stressed/abused dogs for the rigours of living in a home.

The planning application indicates that the roof will be made of corrugated plastic panels. This would indicate poor temperature control – both cold in winter and hot in summer. The drawings indicate that the sleeping quarters will be insulated. Which statement is true? How will the sleeping quarters be heated / cooled?

The size of the kennels is a concern. At 1.5 metres wide many dogs would not be able to stand sideways in the kennel without nose and / or tail touching the sides.

The Planning Application still states that there will be only one part time member of staff. It would be inappropriate for one dog to have only part time care. This is not enough to provide the full care required for the rehabilitation and care of 10 dogs. This does not correspond with another statement in the Planning Statement that says that 'the centre can have a live-in carer'. 'Can' have one and really having one are not the same. This seems to imply that there will not necessary be anyone on site overnight or other parts of the day. This is not appropriate.

What are the specialist skills that the staff will have? What qualifications do they have? How will they be confirmed?

Can they show that they have the foster carers available.

Concerned that the applicant's website includes details that are either out of date or not in the interests of the dogs.

I know that the qualifications of the staff are not what you are evaluating. However, if you give your permission for this kennel you are implicitly validating the level of knowledge and methods used.

For these reasons, I do not support this new proposal for a rescue / rehabilitation kennel.

5.2 Beech Cottage, Mill Road, Marsham:

I am writing to you again with my concerns about the above planning application, which I understand has now been changed to the construction of ten kennels.

I am worried that there will be a considerable amount of noise created by the dogs housed in these kennels. This noise would directly affect my B and B business which is used by guests coming to the area for peace and tranquillity.

Please note my objections to this planning application.

5.3 36 High Street, Marsham:

We are residents in Marsham village and strongly object to the proposed application 20180464 - Change of Use to Dog Rehabilitation Centre and Erection of 10 no. Kennels with 7ft Chainlink Security Fence.

We object for many reasons. Clearly the noise disturbance due to the proximity near our community, a boarding kennels would not be so close to a village yet a kennel with 10 (or more) dogs will still carry a significant noise disturbance. Especially these types of dogs since they are rescued street dogs who will be barking and howling day and night being contained in these kennels after having freedom of movement in their natural surroundings in Romania.

Concerned about the medical aspects of bringing dogs from Romania and whether health concerns could transfer to humans and wildlife.

There will be a significant highways issue with the traffic associated with this application. They are charging hundreds of pounds for people to come and take these dogs, the turnover of visitors and staff along these roads would significantly impact the area which we also object.

5.4 53 High Street, Marsham:

Register my opposition to the proposed kennels in Marsham.

5.5 Glebe Farm, Cromer Road:

I believe another application for dog rehoming kennels at the above address. My objection still stands.

I've just been discussing kennels with friends who run a rehoming charity for dogs and they have made me aware that 10 kennels don't mean 10 dogs. Often kennels are doubled up and often bitches that are pregnant may have 5 or 6 puppies.

I feel this kennel application is wholly inappropriate as a close neighbour.

I'm one of the nearest neighbours to Hill House. I wholly object to the change of use. The noise would be awful. This is a quiet open area where sounds travel. Dogs of this amount would mean continuous barking.

5.6 Marsham Hall, Norwich Road, Marsham:

I am deeply concerned that yet again, there is another planning application proposing 10 kennels. As I have already voiced my strong objections as below, I wish to object once again.

A dog rehabilitation centre is effectively a dog re homing centre. 10 kennels could easily mean 20 plus dogs and the constant noise would most certainly have an adverse effect on my home and the peace and quiet and tranquillity that we have enjoyed for as long as we have lived at Marsham.

If you have visited the dog re homing centre on the A11 near Snetterton, you will be aware of the horrendous noise, with dogs barking day and night, the busy-ness of the place with the steady stream of visitors and the increased traffic, with the very large road signs, directing visitors on the A11.

Marsham is a quiet, peaceful village and I fear that the proposed dog kennels, if they were to go ahead, would most definitely change this. Building ten kennels would change the village, bringing constant noise and disruption, twenty four seven.

I strongly oppose this proposition.

5.7 28 High Street, Marsham

I strongly object to this application on the grounds of:

Health and safety issues from the socialisation (as part of their rehabilitation) with dangerous and potentially infected dogs to residents, children and other dogs.

Extra access traffic on the brow of a hill of a 50 mph major A road.

Despite the high fences there is still a good chance of dogs escaping onto the A140 and a danger to traffic, residents and livestock in adjacent fields.

There is also the potential amount of noise pollution to Marsham and Heckingham communities from very stressed kennelled dogs who won't have the freedom they had in Romania.

I am amazed that the applicants completed the purchase of this property without Planning permission being granted?

5.8 1 Pump Corner, Marsham

I am objecting to the proposed dog kennel application, for hill house Marsham. I live very close to the building. The noise from these dogs will be heard. What will happen when one or more escape? I have my young granddaughters to think about, they will not be able to play in the garden as the risk is too high from these dogs. They are aggressive not tamed dogs who have been left to go wild. Why-o-why once again are we put at risk? The noise the smell and the risk to humans should be paramount when a decision is being made. Plus this is on the busy A140 road, the risk of them causing an accident and more deaths on the road. Surely our safety must come first. Please, please do not allow this proposed application to go through, as it will cause all sorts of problems, injuries and god forbid deaths.

5.9 3 Old Norwich Road, Marsham:

This is a family community lovely and peaceful, we have lots of children in Marsham who play out, etc.

Me and my family of 7 who live in Marsham strongly disagree with these plans as do all us residents in Marsham. To have Romanian dogs or any dogs for that matter placed in kennels in Marsham, surely there can be a better place to home these dogs. We feel it will make our village unsafe and there will be noise disruption too, as well as any diseases these animals can be carrying. We understand helping the dogs etc but not in a small community village this will cause disruption and unsafe feelings.

5.10 Sunrise 36A High Street, Marsham:

With reference to the above mentioned application, as in our previous letter our objections remain the same toward this application, irrespective of the reduced number of dogs. It does not change the fact that these dangerous dogs will be very near to the village and livestock. Also these poor distressed dogs will be barking throughout the day. We should not be encouraging this practice, we have enough poor dogs that have to be put to sleep in this country already.

Furthermore we note that this plot of agricultural land has already been fenced off, before any permission for change of use has been granted.

5.11 Holly Farm, Buxton Road, Marsham:

We write to object to the planning application no: 20180464 for the erection of

10 dog kennels and change of use to a dog rehabilitation centre.

Although there has already been a reduction in the proposed number of kennels, from 20 to 10, there is no guarantee that there will only be this number of dogs. Ten large kennels could easily house 20 or more dogs. As we have previously stated, this is a small peaceful rural community and though we recognise and fully accept that farm life creates its own noise, this is nothing in comparison to the constant barking of dogs that are in the process of being rehomed which, having visited similar centres, I know is virtually constant.

My husband and I have recently retired and as keen gardeners, we plan to spend as much time in our garden as possible. With at least 10 or probably more dogs barking, inevitably setting off other dogs in the vicinity who are usually quiet, the hoped for enjoyment will be seriously marred and unacceptable.

5.12 41 Pochard Street, Costessey:

This charity is fantastic. I have adopted one of their dogs and the work they do is amazing. It is a very worthwhile organisation. The people that run the charity are responsible and extremely knowledgeable in their field.

5.13 Beech Cottage, Mill Road, Marsham:

I am writing to you again with my concerns about the above planning application, which I understand has now been changed to the construction of ten kennels.

I am worried that there will be a considerable amount of noise created by the dogs housed in these kennels. This noise would directly affect my B&B business which is used by guests coming to the area for peace and tranquillity.

Please note my objections to this planning application.

5.14 39 High Street, Marsham:

We are residents in Marsham village and strongly object to the proposed application 20180464 - Change of Use to Dog Rehabilitation Centre and Erection of 10 no. Kennels with 7ft Chainlink Security Fence.

We object for many reasons. Clearly the noise disturbance due to the proximity near our community, a boarding kennels would not be so close to a village yet a kennel with 10 (or more) dogs will still carry a significant noise disturbance. Especially these types of dogs since they are rescued street

dogs who will be barking and howling day and night being contained in these kennels after having freedom of movement in their natural surroundings in Romania.

Concerned about the medical aspects of bringing dogs from Romania and whether health concerns could transfer to humans and wildlife.

There will be a significant highways issue with the traffic associated with this application. They are charging hundreds of pounds for people to come and take these dogs, the turnover of visitors and staff along these roads would significantly impact the area which we also object.

5.15 West View, Mill Road, Marsham:

Thank you for sending us the letter informing us of the new planning application for dog kennels at Hill House, Norwich Road, Marsham.

We still have the same objections to that many dogs as we did to the previous application. Ten dogs would potentially make considerable noise when set off barking and cannot be guaranteed to be quiet. Whilst we are animal lovers and respect the applicant for helping dogs in need, we do not think this kind of kennelling centre would go well without a lot of complaints from neighbouring residents in the future. I have not spoken to one person in this area who is in favour of it. Some live much closer than we do so the disruption would be greater to them. The Parish Council member that alerted us to the application in the first place also stated the busy A140 that runs immediately past the property would pose a danger if one of the dogs were to get out and stray onto the road.

5.16 Home Farm, Norwich Road, Marsham:

This application is much the same as before, although scaled down, so my remarks are the same. As the nearest neighbour, the constant barking will have a huge impact on our right to peace and quiet in the countryside, a summer's evening, early mornings, this will probably be heard over a large area of Marsham. To quote from Planning, the dogs are the old, broken, too damaged to rehome, severe aggression, will bite if touched. Their words! Even with security fencing, this is no guarantee that these half wild dogs cannot escape, especially when doors are opened and whilst being transferred from vehicles to kennels etc. Not a nice thought so close to the village.

One must also remember that most years the land adjoining and close to Hill House usually has 2-300 sheep winter feeding for 2 months plus. Not good neighbours!

Whatever the pros and cons for the kennels it is not a safe/secure place here so close to the village

5.17 7 The Croft, Hanging Houghton, Northampton:

I am very concerned about the above application as I believe it would be very difficult for one person to look after so many dogs in kennels, let alone spend a great deal of time to rehabilitate them (and possibly others kept in the house as they are in her present home). There has never been any mention of employing staff. Also the premises would have to be extremely well fenced, at least 6 feet and held down at the base, as many Romanian dogs have led a feral life and escape at the earliest opportunity. I cannot understand why anyone would want to bring foreign dogs into this country when we already have so many needing homes. Many of the foreign dogs brought in don't have homes lined up for them or the potential adopter changes their mind and doesn't take them. These often end up with unsuitable foster carers or are put in boarding kennels with little hope of being rehomed. I do hope the application will be looked at very carefully and from every angle before yet another unsuitable rescue kennels is set up. Having been involved with animal rescue work for many years I know only too well how easily things can go wrong.

5.18 Crosswinds, Mill Road, Marsham

I have just learnt that a planning application has been applied for to erect and house 20 dogs just over the field from myself. Application number 20180233

I'm horrified to think that this would be allowed. Daily life for people living in this area will be adversely affected, and could well have detrimental effects on their mental health.

Noise is a known cause of adverse health issues both physical and mental, this should not be underestimated.

I wish to challenge this application.

5.19 The Old Rectory, Hevingham

This application has just come to our notice and understandably we have serious concerns about the noise levels, as we are situated just over 350 metres from Hill House on the A140 at The Old Rectory. At The Old Rectory (which is a residential care home), we care for nine vulnerable adults who have severe learning disabilities and a range of related health issues. In order to enable our residents to successfully manage their behavioural difficulties and reduce their anxiety levels, we try to ensure that the environment here is as calm and peaceful as possible. We therefore feel that

the noise from dogs potentially barking night and day would undoubtedly have a detrimental effect on the people living here and ultimately their quality of life.

5.20 Bolwick Hall Farm, Marsham

I would like to log a concern regarding the application in Marsham for a rehabilitation centre for dogs.

We farm around this area on 2 sides of the property. We often have sheep on this land. We are concerned that barking dogs will upset the pregnant ewes and cause them to abort.

Also where this is situated on top of the hill, the noise from several barking dogs will travel a huge distance. Not just upsetting local people but other villages too. Once one dog starts barking, they all start!

We have heard that some of the bitches could be in pup when they arrive and we are very concerned that this could potentially turn into a puppy farm!

5.21 Ffosygraig, Llwyndafydd, Llandysul, Ceredigion:

Why do we need 100's of Romanian strays brought into the UK by Safe Rescue each year, when we have such a large problem ourselves here in our own Country, we should be sorting out our own stray situation primarily.

The person who formed safe rescue is going to be running the new rehabilitation kennels, and although they are only applying for 20 kennels, at present she has about 30 dogs living in her present house which will not be going in the kennels, and you can bet that each of those 20 kennels with house at least 3 dogs each, if not more, so you probably are looking at around 90 dogs in that property at any one time, and 1 person saying they will rehabilitate this number of dogs is impossible, that one person would have to work all day just to feed and clear kennels, without doing any training with them.

I think if this is granted there should be a limit on the number of dog being kept at this property.

Also because of the flight risk if any of these dogs escape, the front of the property should also be fenced, as they take dogs that no one else will take, because of aggression and other reasons, and if you look into the number of Romanian dogs that are running loose in the UK, and no one can catch them, these dogs are causing never ending problems to this day.

I don't know if this application has gone through, people have been trying to find out where this property was so they could have an input, but the address

of the property was withheld (by the charity) until after the closing date for comments on it.

6 RELEVANT POLICY GUIDANCE

National Planning Policy Framework (NPPF) 2012:

- 6.1 Sets out the overarching planning policies on the delivery 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.

Planning Practice Guidance (NPPG):

- 6.2 Web based national guidance formalised in March 2014.
- 6.3 Paragraph 8 in section 'Determining a Planning Application' states a material planning consideration is one which is relevant to making the planning decision in question (eg whether to grant or refuse an application for planning permission).

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

- 6.4 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.

- 6.5 Policy 17: Smaller rural communities and the countryside

Sets out the types of uses that may be acceptable in the countryside.

Development Management Development Plan Document (DMDPD) 2015

- 6.6 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.

6.7 Policy GC4: Design

Development proposals will be expected to achieve a high standard of design and avoid any significant detrimental impact. The policy sets out a list of criteria that proposals should pay regard to, including the need to consider the environment, character and appearance of an area and the impact upon the amenity of existing properties.

6.8 Policy H4: Change of use of a dwelling

Proposals for change of use of a dwelling, including to allow working from home will be considered acceptable in principle provided that the scale and nature of the use relates acceptably to the surroundings.

6.9 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.

6.10 Policy TS4: Parking guidelines

Within new developments appropriate parking and manoeuvring space shall be provided to reflect the use and location.

7 LOCATION AND DESCRIPTION OF SITE

7.1 Hill House is a detached house located on Norwich Road, to the south of and outside the settlement limits of Marsham. The property is surrounded by open farmland.

7.2 The property occupies a relatively large plot, which has gardens to the front and rear. There is a driveway to the north side of the house leading to an attached garage and beyond the house to an additional detached garage structure in the rear garden. The rear garden is enclosed by well-established evergreen and conifer hedges to the southern and eastern boundaries and native hedge and tree screen to the northern boundary.

7.3 A post and wire netting fence has already been erected around the agricultural land to the rear of Hill House in preparation for the change of use and separating the land from the adjoining fields. Some new hedge planting has been carried out around the boundary of the application site.

7.4 Access into the site is directly from the A140. This section of the road is subject to a 50 mph speed limit.

8 PLANNING HISTORY

- 8.1 [20180233](#): Change of use to dog rehabilitation centre and erection of 20 no: kennels. Withdrawn 19 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 Development Plan policies and national planning guidance. In particular whether the change of use is appropriate for the location, the impact of the proposed development on highway safety, impact for residential amenity and character of the area.
- 9.2 Proposals for change of use of a dwelling, including working from home will be considered against the requirements of Policy H4 of the Development Management DPD. The proposal is acceptable in principle provided that the scale and nature of the use relates acceptably to the surroundings.
- 9.3 The proposed kennel block would be located in the south east corner of the existing rear garden of Hill House. The kennel block comprising 10 individual kennels would be approximately 15m long by 6m wide and have a roof height of 2.3m. The building would be screened by the existing boundary hedges which are at least 2m high. Only a small part of the building would be visible above the height of the hedge from outside the site. Security fencing is proposed to form an enclosure around the proposed kennels while still maintaining some garden and amenity space for the residents of the property.
- 9.4 The size of the site and boundary hedging is adequate to accommodate a building of the scale proposed without compromising the appearance of the area or the residential amenity of the existing property.
- 9.5 The change of use of the agricultural land to the rear of Hill House for use in association with the proposed rehabilitation centre will require enclosure with new fencing. The applicant has already erected a post and wire fence and has carried out hedge planting around the perimeter of the land. When viewed from the north the land is fairly exposed in the landscape but as the hedge establishes this will form a natural boundary to the field edge enhancing rather than detracting from the character of the area.
- 9.6 The enclosure and change of use of the land could be carried out without any adverse impacts on the appearance of the area.
- 9.7 The siting of any additional buildings or other structures including additional fencing will require further consideration and as such it is considered necessary to remove permitted development rights to ensure that appropriate

design, scale and location of any future development of the site can be controlled by the planning authority.

- 9.8 A number of objections have been received from residents living in Marsham and these are set out in paragraph 5 of this report. A key concern is noise created by the dogs barking.
- 9.9 Hill House has no immediate residential neighbours. The closest neighbour is Home Farm located on Norwich Road approximately 270m to the north. It is acknowledged that sound can travel however both properties, although in a rural location are adjacent to the busy A140 where there is a continual background of traffic noise. Other residents have raised noise as a reason for objection but it would be difficult to substantiate given the distance between the application site and other properties.
- 9.10 Notwithstanding that it is considered noise from the dogs would have limited impacts for the residents of Marsham given the remote location of Hill House and the existing traffic noise, limiting the number of dogs that can be kennelled at the property at any one time is recommended. It is also recommended that if planning permission is granted this should be for a temporary period in order for the proposed use to be monitored and reassessed once established. It is therefore suggested that the kennels should be occupied by a maximum of 20 dogs at any one time and that temporary permission personal to Safe Rescue for Dogs is granted for a period of no more than 2 years.
- 9.11 Highway safety is a key consideration of this proposal and an objection has been raised by the Highway Authority as set out in paragraph 3.3 above.
- 9.12 The Highway Authority has concerns about the intensification of use of the access onto the A140 as a result of the change of use although also acknowledges that traffic generation will be low compared with a commercial kennels. There is concern that traffic turning into and out of the access will compromise highway safety.
- 9.13 The applicant has set out the likely level of traffic movements to be generated by the use in their planning statement. The resident of Hill House will be the on-site carer and there will potentially be one or two volunteers visiting the site daily to help out. A weekly waste collection and monthly food delivery is anticipated. New dogs will be delivered to the property every two or three weeks and there will be trips from the site to take dogs to new homes. There will also be normal vehicular movements associated with the residential use of the property. The rehabilitation centre will not be open to the public therefore the level of activity associated with the proposed change of use would be limited and unlikely to result in a significant increase in the use of the existing access.

- 9.14 Lack of parking has also been cited as a reason for objection by the Highway Authority. The current driveway arrangement provides space for several cars to park but does not allow for easy turning on site. The applicant proposes to create a parking and turning area at the front of the house which would address this concern.
- 9.15 This development is not in a sustainable location as it is physically detached from the village and any services and facilities that residents will need to access. However, the residential use of the property already exists and this will not alter. Kennels by their nature are better located away from other residential properties to prevent any loss of amenity. The use of the site for a dog rehabilitation centre is therefore considered acceptable because of the location.
- 9.16 The dogs would be kept in a securely fenced area and exercised on site negating the need to walk dogs along a busy road where there are no footpaths.
- 9.17 In having regard to all matters raised, it is considered that this application will not have a significant detrimental impact on highway safety, residential amenity or the appearance of the area.
-

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

- (1) The use hereby permitted shall be carried out only on behalf of Safe Rescue for Dogs (registered charity 1157320) and shall be for a limited period being the period of two years from the date of this decision, or the period during which the premises are occupied on behalf of Safe Rescue for Dogs whichever is the shorter.
- (2) At the end of the temporary period all of the structures and enclosures within the site associated with the use, including the kennels and security fencing shall be removed from the site and the site and land shall revert to residential use only.
- (3) The development hereby permitted shall not be carried out otherwise in accordance with the plans and documents listed below.

Application Form, received 20 March 2018
Site Location Plan, received 20 March 2018
Proposed Layout Plan, received 20 March 2018
Proposed Parking and Turning Area Layout Plan, received 20 March 2018
Proposed Kennel Floor Plan, received 20 March 2018
Proposed Kennel Elevations, received 20 March 2018
Photograph of Proposed Security Fencing, received 20 March 2018

Photograph of Proposed Kennel Building, received 20 March 2018
Written Statement, received 20 March 2018

- (4) The maximum number of dogs permitted at the premises at any one time shall not exceed 20 in total.
- (5) The owner / operator on behalf of Safe Rescue for Dogs shall maintain an up-to-date register of all dogs that are occupying the kennels, date of arrival, duration of stay and date of departure. This information shall be made available upon request at all reasonable times to the Local Planning Authority.
- (6) Members of the public are not permitted to visit the site.
- (7) No staff (apart from the live-in carer) or volunteers shall be present on the site at any time other than 10.00-16.00 Monday to Sunday.
- (8) Notwithstanding, of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, and re-enacting or modifying that Order) no buildings, walls, fences or other structures (other than as hereby approved) shall be erected within the site curtilage without the prior consent of the Local Planning Authority.
- (9) Prior to commencement of the use hereby permitted the proposed on-site car parking and turning area shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.

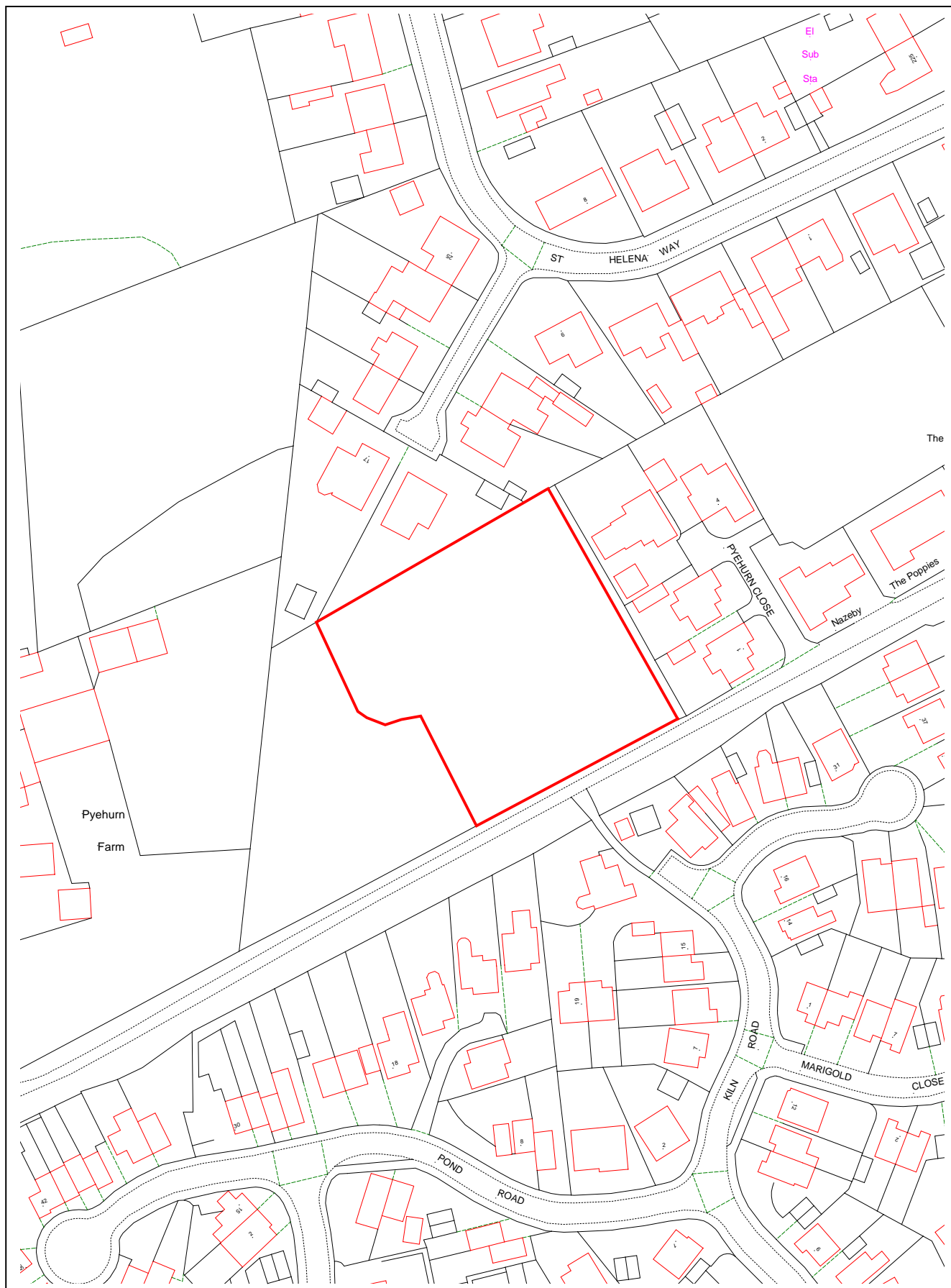
Reasons:

- (1) To enable the Local Planning Authority to keep the site under review, to ensure accordance with the criteria specified in Policies GC2 and GC4 of the Development Management DPD 2015.
- (2) The permission has only been granted for a temporary period and the site must be returned to the original condition when the use ceases.
- (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) For the avoidance of doubt and to clarify what is approved and to ensure that the development is carried out in accordance with the specified approved plans and documents.
- (5) To enable the Local Planning Authority to keep the site under review, to ensure accordance with the criteria specified in Policies GC2 and 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) In the interest of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (8) To ensure development appropriate for the area in accordance with the criteria specified within Policy GC4 of the Development Management DPD 2015.
- (9) In the interest of highway safety in accordance with policies TS3 and TS4 of the Development Management DPD 2015.

Informatives:

- (1) The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.
- (2) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk
- (3) The permission hereby granted relates to the change of use of the land and no permission is granted or implied for the erection of buildings (other than those approved by this planning permission), the carrying out of engineering operations or any other material works on the land. Any such developments will need to be the subject of a separate application for planning permission.



Application No: 20172132

**Pyehurn Farm, Pyehurn Lane, Horsford,
NR10 3DY**

**Scale:
1:1250**

**Date:
29-May-18**



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AREA West

PARISH Horsford

2

APPLICATION NO: [20172132](#)

TG REF: 618746 / 316553

LOCATION OF SITE Pyehurn Farm, Pyehurn Lane, Horsford, NR10 3DY

DESCRIPTION OF DEVELOPMENT Erection of five no: detached chalet bungalows (outline)

APPLICANT Mrs Cooper, c/o Agent

AGENT David Bullen Limited

Date Received: 5 December 2017

8 Week Expiry Date: 5 February 2018

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

Recommendation (summary): Approve subject to conditions

1 THE PROPOSAL

- 1.1 The application seeks outline planning permission for the erection of five detached chalet bungalows on an agricultural parcel of land to the north of Pyehurn Lane in Horsford. Approval is being sought for the appearance, layout and scale of the development with access and landscaping proposed to be dealt with at a reserved matters stage.
- 1.2 The five dwellings are all proposed to be of the same style, this being a one and a half storey dwelling with a dormer window to the front and garage attached to the side. Plots 1 and 2 will have single garages and plots 3, 4 and 5 will have double garages. The dwellings are proposed to have single storey elements projecting to the front and the rear creating a 'T' shaped footprint.
- 1.3 The dwellings are proposed to measure either 17.5m or 14.85m in width depending on whether they have single or double garages. The dwellings are proposed to be of a maximum height of 6.7m with the garages proposed to be 5.7m in height.

- 1.4 The accommodation to be provided by each dwelling comprises an entrance hall, a lounge, a kitchen / dining room, a study, a bathroom and a bedroom on the ground floor and two bedrooms with en-suites on the first floor.
- 1.5 Facing brickwork walls, black interlocking concrete tiles and white UPVC windows and rainwater goods have been proposed for the dwellings.
- 1.6 Vehicular access has been shown indicatively on the site plan coming off Pyehurn Lane towards the south east corner of the site.

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 Pyehurn Lane Public Right of Way.
- 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 Horsford Parish Council:

The Parish Council is totally opposed to this application for the following reasons:

- Pyehurn Lane is a narrow unadopted restricted byway and further residential development should not be permitted. As an unadopted byway maintenance of the surface is not the responsibility of Norfolk County Council.
- Vehicles park in the first 50 yards from Holt Road due to congestion on the Medical Centre car park or nervousness of drivers tackling a difficult entrance to the said car park.
- The junction of Pyehurn Lane and Holt Road is already a very dangerous one. Due to the narrow width, vehicles exiting Pyehurn restrict the ability

of others turning in from Holt Road causing traffic to back up on Holt Road. The junction is opposite Mill Lane which is very busy at peak times and it is also adjacent to a pedestrian crossing (with school crossing patrol). All these factors cause gridlock from time to time either due to the volume of traffic on Holt Road and Mill Lane or the ability of drivers exiting Pyehurn to deal with the situation.

3.2 Conservation Officer (Arboriculture & Landscape):

It would be okay to use the stem diameter measurement of the largest tree to form the dimensions of the RPA (rather than measure and annotate all the smaller trees) and associated Construction Exclusion Zone (CEZ) and this should be annotated on the drawing and details should be provided on the type of barrier fencing that would be installed.

Unfortunately, some of that information is missing from the drawing provided.

Further comments received following submission of revised plans:

The drawing now has the most significant elements of a TPP included and the 5m radius CEZ is shown well beyond the actual RPA's (3.5m) of the adjacent trees; so the detail is sufficient to safeguard them during construction.

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 Horsford and any other settlement boundary and therefore this development is contrary to Policy GC2 of the Broadland Development Management DPD (2015), as the proposed development would have a significant adverse impact and does not accord with a specific allocation and/or policy of the development plan. The applicant claims that the site in 2016 'was located within the settlement limit for Horsford' (2.2. Design & Access Statement). However, when viewed on the Site Allocations DPD (2016) the site is entirely outside the settlement boundary for Horsford.
- The site is currently an open field and not allocated for housing. Building on greenfield sites should be resisted where there are sustainable brownfield alternatives. This existing field provides a welcome buffer between Pyehurn Farm and the existing suburbanised dwellings of Horsford.
- Although this part of Broadland within the Norwich Policy Area does not currently have a five year supply of land for housing, the negative impacts of this scheme outweigh this consideration, especially as the development

lies outside the settlement boundary. In the recent Supreme Court judgements in *Suffolk Coastal District Council v Hopkins Homes and Richborough Estates v Cheshire East Borough Council* there is a significant ruling about the interpretation of paragraph 49 of the National Planning Policy Framework (NPPF.) In their judgement, the judges supported a narrow definition of 'policies for the supply of housing', meaning that local policies seeking to prevent development outside settlement boundaries, and / or protect areas of important countryside, are not to be automatically considered out of date in the absence of a five-year housing land supply. In addition, the more recent appeal decision dated 24th October 2017 made by an Inspector appointed by the Secretary of State for Communities and Local Government, regarding land off School Road, Pentlow, Essex, CO10 7JP (appeal ref APP/Z1510/W/17/3177899) rejected an appeal made by the developer for a residential development, where the Local Authority also cannot demonstrate a five year housing land supply. The Inspector noted that 'the weight to be attached to a policy in the development plan is not automatically reduced by virtue of its age or the absence of a five year housing land supply'.

Officer comment: These comments are dated January 2018, before the latest housing supply figures were announced.

3.4 Environmental Contracts Officer:

Looking at this development, they would need to provide a collection point for all properties on the boundary with Pyehurn Lane, as per our planning guidance notes.

Further comments following submission of revised plans:

This looks good now. Just for completeness, our vehicles would not expect to go onto the private drive at any point.

3.5 Norfolk County Council as Highway Authority:

I attach below response provided in regard to an informal inquiry on this site in 2015:

'As you will be aware it is Norfolk County Council policy to seek to restrict development served from private (Unadopted) roads such as Pyehurn Lane to no more than eight dwellings. Any further development served directly from this track would take the number of dwellings significantly above this number.'

Pyehurn Lane is a mainly unmade track of single-track construction which serves as Horsford Bridleway RB3 it connects Holt Road and adjacent

schools and Doctors Surgery etc with public footpath linking to Kiln Road and as such caters for a number of pedestrian movements.

Accordingly, whilst I have no principle objection to development on this particular site the present condition of Pyehurn Lane is considered unsuitable to cater for the additional traffic movements that will result.

To further any additional development I suggest the applicant's agent contacts Norfolk County Council to ascertain whether this track could be considered suitable for formal adoption by the County Council.

Should adoption not be acceptable then as a minimum requirement the carriageway up to and including the proposed development site access should be widened to provide a uniform bound surface of minimum 4.8m width and formal segregated pedestrian facilities should be provided from Holt Road to the footpath link through to Kiln Road.

The development site itself should allow for service vehicle access and turning with all dwellings being provided with on-site parking to required standard (expected 2/3 car parking spaces per dwelling unit).'

This formal application has been submitted with, to my knowledge, no attempt having been made to address the required Highway Authority improvements to Pyehurn Lane or indeed it being clarified as to whether the applicant is in any position to be able to bring forward these improvements.

Prior to any permission being granted the applicant should be asked to fully address the requested improvements to Pyehurn Lane as detailed above. In the event that adoption by the County Council is not acceptable then the ability to provide suitable improvements to the Lane together with a detailed scheme showing how this is to be achieved should be submitted.

I also note that, although the application is in outline form, no service vehicle turning areas are shown on the submitted site plan.

Further comments received:

As you know my issue with this proposal is the potential conflict arising from further vehicular use of the track Pyehurn Lane (Horsford RB3) with pedestrians on what is a well-used pedestrian route.

Widening the track as detailed to 4.8m may help in giving extra space but without suitable segregation for pedestrians, I actually think the danger could increase as vehicle speeds are likely to rise on what is a dead straight route to the site from Holt Road. I'm therefore tempted to think what we should be looking at here is a single width carriageway with passing place(s) and some

sort of completely separate pedestrian route (possibly planted to separate pedestrians from vehicles).

As this is a public right of way there is the issue of what surfacing can be allowed, the presently provided construction specification does not match NCC requirements for a roadway but this may not be acceptable for a PROW anyway.

3.6 Norfolk County Council as Trails Officer (Planning & Development):

The access along Pyehurn Lane is coincident with the Public Right of Way known as Horsford Restricted Byway 3 (RB3). The status Restricted Byway gives a legal right to pedestrians, cyclists, horses and carts. These users have the legal right to use the full width of the Restricted Byway, therefore segregating will not be possible. If necessary the applicant can request the full legal boundary extent from our highway research team. The proposed width increase may be within the highway boundary, or if it extends beyond it they will again need agreement from the landowner as it is private land.

We have no record of how the first part of RB3 came to be surfaced, when or by whom, or even if it was to an agreed specification. If the surface is improved it should be to an agreed specification that is suitable for its public use; tarmac is generally not suitable for horse use. The responsibility for the maintenance of the route to facilitate vehicular use will remain with those who carried out the improvement, or the private rights users. There is no responsibility upon the Highway Authority to maintain the route to facilitate private vehicular access, so we will not maintain to that standard.

With these proposals there is also the question of whether or not the applicant has the right to do the works as the red and blue lines on the plan does not include the RB. If they do not own it they would have to get the owner's permission to carry out any works as well as agree a specification with Norfolk County Council.

Further comments received:

I have consulted my colleagues and we feel that technically any increase in vehicular traffic is going to increase the risk to the public using the route. Five additional houses in reality will probably result in 10 extra cars using the route for access and that might be nearly double what has previous been experienced. However, we feel that the overall numbers are not large and the route is straight so the visibility should be good. As previously stated the full width of the land is public highway so it is not possible to segregate users. The installation of signage (eg Max Speed Limit 10 mph) may help alleviate some of the safety concerns.

I would also reiterate that any surface improvements should be carried out to an approved NCC specification; tarmac is generally unsuitable for horses. Also, consent will need to be sought from the owner of the lane before any works can be carried out.

3.7 Norfolk Fire and Rescue Service:

Request the following condition:

‘No development shall commence on site until a scheme has been submitted for the provision of the fire hydrant on the development in a location agreed with the Council in consultation with Norfolk Fire and Rescue Service’.

Reason for Condition: ‘To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire’.

Informative: ‘With reference to the condition, the developer will be expected to meet the costs of supplying and installing the fire hydrant’.

3.8 Pollution Control Officer:

Comments received following submission of completed sensitive end use form:

I see no reason to require any further assessment.

3.9 Ramblers’ Association Norfolk Area:

Pyehurn Lane has Horsford Restricted Byway 3 running down it. In the case of the restricted byway 3 the majority of the users are likely to be on foot, but there are likely to be a number of horse riders living in the vicinity and there are certainly cyclists particularly children who might use the path. It might well be the preferred route to the primary school for children from some of the houses round Kiln Road who can access it by a short footpath between the houses.

This should be borne in mind when considering that these 5 houses with 4 parking spaces each, could generate at least an extra 20 vehicle movements out and later back each day. For some reason the application form says there will be 28 extra cars. Is this because originally it was planned to put 7 houses on the site, where the extra 2 could be fitted in the remaining part of the field to the southwest?

These vehicle movements in Pyehurn Lane, will be enhanced by delivery vehicle movements. It would seem necessary to have a bound surface to the

Lane as far as this development, if it is granted. As the Lane is on a slope inwards and with a bound surface this would need drainage provision as well.

3.10 Section 106 Monitoring Officer:

Play and sport to be spent at the recreation ground on Holt Road.

Green Infrastructure contributions to be spent on projects identified in the West Broadland Green Infrastructure Project Plan (This is the fall-back position). The contributions will be approximately:

£8,500 for the Play & Sport
£10,685 for GI
subject to the inflation provision

4 PUBLICITY

4.1 Site Notice:

Expiry date: 3 January 2018

4.2 Neighbour Notification:

Expiry: 3 January 2018

32 notification letters were sent to neighbouring properties on Pyehurn Close, Saint Helena Way, Pond Road, Kiln Road, and Pyehurn Lane

4.3 Press Notice:

Expiry date: 23 January 2018

5 REPRESENTATIONS

5.1 14 Pond Road, Horsford (comments in summary):

In summary my concerns are:

- (1) The retention and preservation of the well-established trees and hedgerow both sides of Pyehurn Lane along with its rural integrity.
- (2) Possible increased risk of accidents at the junction of Holt Road, Mill Lane and Pyehurn Lane.

5.2 1 Pyehurn Close, Horsford (comments in summary):

The outline application appears to be very restrictive and does not give any information on how the viability of the site can be justified. The land has not been identified in the Local Plan as a possible site for development and the land has not remained barren and unused. It has sheep grazing throughout the year and is part of a working farm. The land is a lot lower and rain water etc runs down Pyehurn Lane into and past the proposed site, therefore drainage issues should be investigated.

The access onto Pyehurn Lane is very restricted. The sign post outside the Medical Centre states that it is a restricted by-way and is supported on the plaque with the words 'No Motor Vehicles'. I believe Pyehurn Close was permitted because there were already farm / commercial buildings on the site, this would not be the case on the application site.

The road is not owned by any known party, the road surface is churned up by vehicles, and there is no speed restriction on the lane. Builders churning up the road further is a worry but the outcome, even if a new surface was laid is not a good one, you only have to look at the state of the lane now, 20 months after builders provided a reasonably acceptable surface for light traffic, but not for heavy use that it gets from the properties surrounding the farm. As the lane is not owned, it is not maintained.

I own the road outside my property on Pyehurn Close and the only people / vehicles that have a right to pass over it are those wishing to access other residents on Pyehurn Close. There are vehicles using it to turn round on or to pull into to allow other vehicles to pass. I and my neighbours are responsible for the upkeep of our private road and it is not acceptable that people should need to use my property to enable them to traverse the lane. I would therefore respectfully request that this application is refused on the grounds of Highway Access and insufficient information on the application form to allow the development to proceed.

Further comments received from no:1 Pyehurn Close following submission of revised plan:

Firstly it would appear that there is not sufficient turning space for plot 2, they would have to back out onto plot 1's garden. The turning area simply does not appear to satisfy the needs of 5 properties. Maybe 4 properties would be more appropriate, with the possibility of 20 cars in the cul de sac alone this layout does not appear to work.

Pyehurn Lane is a restrictive and unlit byway; the part surfaced by the builders ready for the use of Pyehurn Close is of a chip seal surface which is more generally used for pavements or rural roads carrying lower traffic volumes. It contains sprayed layers of asphalt with layers of fine aggregate.

This surface is not suitable for the heavy Farm traffic, horse boxes, vans, lorries and cars that already traverse Pyehurn Lane every day, so to merely extend the same type of road surface to the Lane would be a total waste of time and money, because as is obvious from that already laid less than two years ago it will very soon be unfit for purpose, with no one responsible for its upkeep once laid.

The road is not speed restricted and any widening will merely encourage higher speeds, with my house being around 10ft away from the road edge water and mud from the potholes splash the house regularly as tractors and vehicles speed past. More vehicles will just produce more potholes and more problems for me.

I have carried out repairs to the road on several occasions and employed a tree feller to make safe the trees adjacent to my house and this would be, in the long term, a position I would find myself in more often, to obtain safe access into my rear gate off Pyehurn Lane.

A small amount of tree felling may be necessary to provide passing places and to enable a walk way to run alongside the road way. This will make the Lane more pedestrian friendly, so to make the Lane more owner friendly and vehicle friendly can we please have, at least, some speed bumps installed to slow the vehicles as they pass mine and other homes on Pyehurn Lane. There should also be a notice at the surgery entrance to prevent cars pulling straight out without looking or stopping.

If the permission is to be granted regardless of mine and other objectors comments and concerns then at the very least it should be a condition that all infrastructure and road ways must be carried out prior to them commencing any of the properties, as it will no doubt be necessary for them to dig up Pyehurn Lane to install water, drainage and gas pipes etc. Once the chalets are complete then they should only need to repair any damage caused by them during construction.

5.3 2 Pyehurn Close, Horsford (comments in summary):

We write to strongly object to the application on the following grounds:

- Lack of supporting information. The application is not supported by any relevant technical information. No ecological or arboricultural evidence has been submitted to demonstrate the development will not have an adverse impact on upon wildlife. The application is not supported by a transport assessment to demonstrate the access into the site is suitable to support the development. No surface water drainage assessments have been submitted to demonstrate whether the development would exacerbate run-off issues on to Pyehurn Lane or show that the development would increase the risk of surface water flooding.

- Access onto Pyehurn Lane. The properties on Pyehurn Lane have a blind access onto the Lane, further traffic as a result of the development, will exacerbate highway safety concerns. The Lane is part of a public footpath and is a restricted by-way and narrows to become a public footpath and bridal way. The lane is accessed by nine residential properties, Pyehurn Farm, the private owned fields, and two businesses. Pyehurn Lane is unable to accommodate further traffic movements and the applicant has failed to demonstrate that Pyehurn Lane can support the proposed development.
- Ownership of existing access. The land registry shows that the landowner does not appear to be known. Therefore given the applicant and/or the Highway Authority has no control or ownership over the lane, then it is not conceivable that any improvements could be made to improve the safety of this access or ensure the condition of the access is maintained. The application does not have either a suitable, acceptable or deliverable access solution.
- Pyehurn Lane not wide enough for cars to pass. Pyehurn Lane has become busy and hazardous. The Lane is used by many residents for country walks. Due to the lanes narrow width, cars cannot pass easily and those on foot or bicycles are forced to stand on the hedge verge to avoid oncoming vehicles. There is no lighting down the Lane and there are large pot holes in many areas.
- Increase in traffic. There is a working livery, a riding school, another livery as well as the working farm. All field owners have vehicles daily (horseboxes, vans, lorries, tractors). Currently, you have to pull into other resident's driveways or up the hedge verge for vehicles to pass.
- Entrance / exit hazards Pyehurn Lane. Horsford medical centre and Pledges pharmacy are on Holt Road adjacent to the entrance to Pyehurn Lane. With the increase in population in Horsford over the past few years, the car parks are mostly full and the overflow park on Pyehurn Lane during surgery hours. This causes congestion at Pyehurn Lane currently causing hazards. This results in the road surface being eroded which is the residents responsibility to maintain. Most residents have difficulty turning right onto Holt Road with the congestion on both Pyehurn Lane and congestion on Mill Lane. Both Pyehurn Lane and Mill Lane are in close proximity to the zebra crossing used by Mill Lane school.
- Surface on Pyehurn Lane. 18 months ago, Pyehurn Lane was re-laid as part of a planning agreement from the Doctors surgery to Pyehurn Close. Within a year, the surface had worn away, large pot holes appeared and it was worn back to its original condition. The surface was not robust enough to take the current volume of commercial and residential traffic movements.

- Design. The current scheme is an inappropriate form of development, contradicting and not respecting the built form or character of its surroundings. The proposal result in poor relationships with existing and proposed dwellings thereby compromising the residential amenity of both existing and proposed new residents. The proposals lack any contribution towards establishing a strong sense of place coupled with their poor design and the unsuitable access solution, and should be refused.

In conclusion the applicant has failed to demonstrate that the proposed development will not adversely impact the safety and amenity of the area. The application fails to comply with Development Management policies GC4 (Design) and TS3 (Highway Safety).

Further comments received from No.2 Pyehurn Close following submission of revised plan:

The road surface proposed is just not suitable for its current vehicle movement so to merely extend the same type of road surface to the Lane would be a total waste of time as it's lasted less than 18 months. The surface material has already demonstrated it's not fit for purpose; worn away, with no one responsible for its upkeep, once laid.

Having measured the lane (boundary to boundary) there is not enough true width on the ground to provide all NCC minimum ground requirements re widths. Being a PROW, this is a very popular route for dog walkers, cyclists, and horse riders, how will a safe segregated pedestrian section be achieved?

The applicant's Design and Access Statement proposes and states that "the existing trees and hedging will be retained to maintain the rural character of the Lane". This is not true, all trees / hedgerows would need to be removed on Pyehurn Lane, and still all the minimum widths would not be obtained in some areas.

If a single lane with passing places were provided, still there would not be enough width in all areas on the lane. Speed bumps would be the only way to slow vehicles that currently speed down the lane and with the increased traffic of over 20 cars with the proposed application; speed bumps would be a necessity.

The service vehicle turning head proposed on the applicants plan, is just not large enough, for their turning. Access cannot be achieved for multiple emergency service vehicles down this lane.

5.4 3 Pyehurn Close, Horsford (comments in summary):

I enquired with the developers regarding development on this field and was told no development could take place due to the field being outside of the

development boundary. I further enquired with the applicant regarding this field and was told the applicant grazed sheep throughout the year and they envisaged no change of use.

Horsford has grown in recent years with many dwellings being built which has resulted in the amenities throughout the village becoming full. Car parking within the shopping area is chronic.

Pyehurn Lane is an unmade road/ footpath which is used frequently by dog walkers accessing the woods to the south. The doctors and pharmacy car park is at the end which is often full and requires car parking on the Lane. This results in congestion around the entrance/exit and the Lane exits onto Holt Road opposite Mill Lane and adjacent to a pedestrian crossing. Vehicles leaving or turning into Mill Lane and Pyehurn Lane are constantly unsure as to who has the right of way and several near misses have occurred.

The field used for grazing sheep and wild birds, rabbits, moles, and other small creatures makes this a truly natural area within an already urbanised scene and the development will not improve this area. The site already has a permanent and definitive use used for grazing sheep.

As to how this application would improve the aesthetics of the road and street scene for the established neighbours, visitors and through traffic is bordering on the ridiculous. Same for improving the landscape character and appearance of the area. Pyehurn Close is built on a previous 'brown field' site and as such did not dramatically alter the area in a detrimental way.

How by building five new detached dwellings and increasing the volume of traffic along a foot/bridle path and removing a green and natural open space surrounded by trees, cannot have an adverse effect on neighbouring properties is beyond my comprehension. All the above must have a collective adverse impact which would seriously outweigh the few benefits which may be afforded by the passing of the plans.

I therefore urge that this application is refused and allow the continued access along Pyehurn Lane by the vast number of users to have the adjacent natural open green field area to be enjoyed and cherished. The many properties surrounding this field should also be given the opportunity to continue to overlook this green oasis as one of the few remaining spaces free from housing.

5.5 4 Pyehurn Close, Horsford (comments in summary):

We wish to object to this application for the following reasons:

- This application is outside of the local development plan
- Increased vehicular traffic movement on what is already a heavily used pedestrian route

- Detrimental affect further development would have on the environment and wildlife along Pyehurn Lane.

5.6 Nazeby, Pyehurn Lane, Horsford (comments in summary):

Objection on the following grounds:

- Pyehurn Lane is a 'Restricted Byway' and a public footpath and is not wide enough or suitable for further development. It is becoming increasingly busy and is used by pedestrians including children to and from the Junior School in Mill Lane, and patients visiting the doctors surgery. Pedestrians and cyclists are forced to stand on the verges to allow vehicles to pass.
- Approximately 18 months ago the Byway was surface dressed, from the Doctors Surgery entrance down to Pyehurn Close, and is already worn away and pot-holed. It was never suitable for the flow of traffic from commercial, farm, residential, and local authority waste bin collection vehicles. Many drivers using the lane to access Pyehurn Farm; a riding school; working livery; and privately own fields, travel too fast on the gravel surface and an accident is waiting to happen. Lorries, tractors, horseboxes and delivery vehicles use the lane every day.
- The waste bins from the properties in Pyehurn Close are collected at the junction with Pyehurn Lane and if a new development is allowed further down the narrow lane this will cause further obstruction from bins.
- The Design and Access Statement in support of this Planning Application, para 3.2, states that an initial enquiry has been made to Highways who consider the present condition of Pyehurn Lane to be unsuitable to cater for the additional traffic movements that will result. We feel strongly that development should not be permitted unless the County Council formally adopt Pyehurn Lane, and Highways take over the responsibility for improving and maintaining the surface. If the Planning Application is approved without the formal adoption of the lane, and the Developer is allowed to provide a 'uniform bound surface' as stated in paragraph 3.2 of the Design and Access Statement, this will be totally unsuitable for purpose, and more importantly will not be maintained in the future and the lane will revert back to pot holes and mud.
- The local doctors surgery and pharmacy car park are accessed at the top of Pyehurn Lane near the junction with the Holt Road. The car park is very often full, and the overflow vehicles frequently use Pyehurn Lane to park and turn around during opening hours. Traffic can build up on the main Holt Road as vehicles wanting to access Pyehurn Lane and the surgery are waiting for vehicles to exit the surgery car park between parked cars in the Lane. The recent growth in the population from the

Butterfly Mill Estate has not only increased the vehicles using the surgery but also vehicles trying to exit the Mill Lane junction with Holt Road, which is immediately opposite Pyehurn Lane. The additional developments already approved for Horsford (in particular 250 houses to the east of Holt Road and adjacent to Butterfly Mill) will add to the number of residents using the surgery and increase the congestion and the hazards of entering and exiting Pyehurn Lane at this junction. Further development in Pyehurn Lane will add to this traffic congestion.

- Due to the narrow width of Pyehurn Lane and parking in the lane at busy surgery times, emergency services would not always have access to properties.
- Because Pyehurn Lane is unadopted, the water meters for the individual properties situated in Pyehurn Lane are positioned at the corner of the junction with Holt Road. Any future development would require the length of the lane to be dug up to install new water supply to each property on the site. If, despite valid reasons for refusal, permission is granted for this development to go ahead, and the County Council do not adopt the road, then the Developers must be required to re-instate the length and width of the lane to a suitable improved surface that will withstand the traffic movement of all vehicles and provide a segregated pedestrian facility between the entrance to the surgery car park and the footpath link to Kiln Road.
- It is our opinion that this application does not meet County Council highway standards and there are no mechanisms in place to ensure the lane is upgraded or maintained to a satisfactory standard. For this reason the application must be refused, unless the County Council agree to adopt Pyehurn Lane between the Holt Road junction and the footpath link to Kiln Road.

Further comments received from Nazeby following submission of revised plan:

There are no measurements or details of existing trees, hedges and telegraph poles. There is no evidence that the required width can be obtained.

We are concerned that in order to obtain the required width for vehicles and safe pathway for pedestrians the developers will rip out these hedgerows and trees and we will lose that rural character.

The construction of the surface of the Lane is identical to that which was used for the development of Pyehurn Close which has deteriorated within 12-18 months. This has proved that it is not suitable for the amount of traffic that is currently using the Lane and a more substantial surface is required for additional traffic in the event that the application is approved.

5.7 15 St Helena Way, Horsford (comments in summary):

Object on the grounds of being overlooked by two storey buildings. St Helena Way is composed of bungalows and should not be overlooked by taller buildings. The village infrastructure is already stretched. Doctors, schools etc. There are more than ten proposed properties on Pyehurn Lane which are all using the Lane, causing wear and tear on the fabric of the road.

Further comments received from 15 St Helena Way:

We are already overlooked by a 5 bed house. My lounge and kitchen windows overlook the plot and we are 7 yards from the boundary. You will be taking all my privacy and sunshine away.

5.8 17 St Helena Way, Horsford (comments in summary):

I have lived in my property for many years which is surrounded by open fields. I protest against the proposed development at the bottom of my garden. This field is an infilled tip approximately 8ft deep. This was after being a pig field and filled in approximately 1970.

The properties will be chalet type bungalows so will have high level windows which will affect my privacy. The village is at breaking point now at schools and doctor's surgery and with more houses in the village it can only get worse.

Pyehurn Lane is a public footpath which is enjoyed by people walking their dogs and with more cars up and down it will be a hazard for them. I strongly object to this proposal.

6 RELEVANT POLICY GUIDANCE

- 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, 56, 60, 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 on 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 15: Service Villages:

In each Service Village identified, land will be allocated for small-scale housing development subject to form and character considerations.

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 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.

6.15 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 hectares per 1,000 population and the provision of children's play space should equate to at least 0.34 hectares 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.

Horsford Neighbourhood Plan 2018:

6.20 The Horsford Neighbourhood Plan is yet to be formally adopted, however it is considered to have significant weight as it has been through a thorough examination.

6.21 Policy HBE1: Mixed housing

Across Horsford there should be the provision of mixed type and tenure of housing to meet the needs of the community.

6.22 Policy HBE2: Connectivity

Where possible, all developments should be laid out in a way that is simple to navigate and have good connectivity to other parts of Horsford.

6.23 Policy HBE3: High quality design

Throughout the parish, all development proposals should be of a high quality design and should seek to demonstrate how they will respect and enhance the character of the local area.

6.24 Policy TRA3: Private parking

New housing developments should be designed to minimise the visual impact and dangerous obstruction of cars parking on streets. They should provide sufficient off road parking through parking bays, drives and garages.

6.25 Policy ENV5: Trees and site boundaries

Development proposals should seek to retain mature and significant trees, groups of trees or woodland, where appropriate.

Broadland Landscape Character Assessment SPD 2013:

- 6.26 Identifies the application site as falling within the Woodland Heath Mosaic landscape character area.

7 LOCATION AND DESCRIPTION OF SITE

- 7.1 The site is a parcel of agricultural land located on the north side of Pyehurn Lane in Horsford. Pyehurn Lane is an unmade road, off Holt Road, which also serves a doctors surgery and nine other residential dwellings and leads to Pyehurn Farm. The site forms part of a larger parcel of agricultural land, all within the ownership of Pyehurn Farm. In the Design and Access Statement the agent has described the site as 'largely redundant with only occasional sheep grazing for maintenance purposes'.
- 7.2 The application site is boarded by a further parcel of agricultural land to the west with Pyehurn Farm beyond. Pyehurn Lane is to the south with further residential development beyond, whilst to the north of the site are detached and semi-detached bungalows which are on a cul-de-sac off St Helena Way. To the east of the site there is a relatively new development of four detached two storey dwellings which were granted approval under outline application [20130274](#) and reserved matters application [20131481](#).
- 7.3 The site is mainly rectangular in shape but there is an additional parcel of land to the north west corner of the site, making the site more irregular. In total the site measures approximately 0.38 hectares in size.

- 7.4 The site is devoid of any significant landscaping or trees apart from on the boundaries where there are a number of established trees. This is particularly the case on the southern boundary with Pyehurn Lane where there are a number of mature trees. On the eastern boundaries there is close boarded fencing of approximately 1.8m to the rear of nos: 1 and 2 Pyehurn Close. There is then approximately 1m high post and wire fencing to the rear of no: 3 Pyehurn Close. On the site's northern boundary there is a mixture of boundary treatments including post and wire fencing of approximately 1m in height, 1.8m high close boarded fencing as well as various trees and hedging. At present there is no boundary treatment to the western boundary.
- 7.5 The site exhibits no significant changes in ground levels.

8 PLANNING HISTORY

- 8.1 There is not considered to be any relevant planning history on the application site itself. Below are the applications for the development of four dwellings immediately adjacent the eastern boundary of the site.
- 8.2 [20130274](#): Erection of 4 no: detached dwellings with garages (outline) (revised proposal) at The Poppies, Pyehurn Lane, Horsford. Approved 15 April 2013.
- 8.3 [20131481](#): Erection of 4 no: detached dwellings with garages (reserved matters) at land adjacent to The Poppies, Pyehurn Lane, Horsford. Approved 16 December 2013.

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, Pyehurn Lane public right of way, 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.
- 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 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.
- 9.11 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 convenient 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 immediately adjacent to the Settlement Limit for Horsford, which borders the site to the north and east and is within close proximity on the opposite side of Pyehurn Lane to the south. The site is also within close walking distance of local facilities including doctor’s surgery and pharmacy, primary school, village hall, post office, convenience store and public house as well as bus stops. 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 1,000m². The development is proposed to have a total floor area of under 1,000m² and therefore, no affordable housing in accordance with JCS Policy 4 will be delivered by this scheme.
- 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 proposes contributions towards both open space (play and sport) (approximately £8,500) and green infrastructure (approximately £10,685). This will mean that there will be a total contribution of £19,185 (to be index linked) which 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 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 Pyehurn Lane including single storey and two storey dwellings. The size and scale of the one and half storey dwellings proposed on the site are considered to sit comfortably against the neighbouring properties. Furthermore the general palette of materials proposed are considered to be sympathetic to the area, although a condition is to be added requiring the full details of the materials to be submitted to and approved in writing by the Local Planning Authority.
- 9.23 There are a number of established trees on the periphery of the site which are considered to have amenity value and provide some screening to the site. Concerns have been raised from some neighbouring residents with regards to the impact of the development on the established trees on or within close proximity to the site. No trees are proposed to be removed as part of the development whilst during the course of the application a Tree Protection Plan and Arboricultural Method Statement has been submitted, by request to set out how the existing trees will be protected during the development. The Council's Conservation Officer (Arboriculture & Landscape) has commented that the detail provided is sufficient to safeguard these trees during the construction process.
- 9.24 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 and EN2 of the DM DPD and Policies HBE1, HBE3 and ENV5 of the Horsford Neighbourhood Plan.

Impact of development upon highway safety and public right of way

- 9.25 A number of objections have been received from both neighbouring residents and the Parish Council which focus on the condition of Pyehurn Lane and its ability to serve an additional five dwellings. Concerns have also been raised regarding the impact of the proposal on the junction of Pyehurn Lane and Holt Road.
- 9.26 The Highway Authority has indicated that the junction of Pyehurn Lane and Holt Road has good visibility and has raised no objection to the principle of the application. Their only concern was regarding whether Pyehurn Lane was suitable to cater for the additional traffic movements that will result. During the course of the application, as requested by the Highway Authority, the applicants sought to ascertain whether this track could be considered suitable

for formal adoption by the County Council. The response received however was that Pyehurn Lane would not be considered for formal adoption. The Highway Authority then looked into the possibility of suitable improvements to the lane.

- 9.27 Pyehurn Lane is also a Public Right of Way known as Horsford Restricted Byway and there have also been concerns regarding the potential conflict with users of the Public Right of Way. Norfolk County Council in their role as Trails Officer has stated that technically any increase in vehicular traffic is going to increase the risk to the public using the route. However they continued to state that 'the overall numbers are not large and the route is straight so visibility should be good'. The Highway Authority did suggest segregating the lane to prevent any potential conflict between vehicles and users of the Public Right of Way however the Trails Officer commented that this was not possible.
- 9.28 Due to the concerns raised regarding the condition of Pyehurn Lane the applicants have proposed that the track is widened and provided with a uniform bound surface. Neighbouring residents have raised concerns that the proposed road surface will break up again as has done in the past. The Trails Officer did not object to some surface improvements but stated that any surface improvements should be carried out to an approved NCC specification as tarmac, for example, would generally be unsuitable for horses. The Highway Authority also did not object to surface improvements but suggested that they wouldn't want to see the lane widened as it could result in increased vehicles speeds. Given the restrictions on the type of surface that can be proposed along Pyehurn Lane and given that the proposed surface will improve the current condition of the track it is considered to be an acceptable proposal. A condition is proposed to be added to ensure that Pyehurn Lane shall be upgraded and bound surfaced in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority prior to the first occupation of the development.
- 9.29 Vehicular access to the site has been shown indicatively on the plans as being towards the south east corner of the site, although it is noted that access is not a matter which approval is being sought for at this stage. Overall the Highway Authority has raised no objection to the application on highway grounds whilst the Norfolk County Council Trails Officer has not objected to the proposal with regards to its impact upon the Public Right of Way. The proposal also appears to provide sufficient room for on-site parking and overall the application is considered to accord with Policies TS3 and TS4 of the DM DPD and Policy TRA3 of the Horsford Neighbourhood Plan.

Impact upon neighbour amenity

- 9.30 With regard to the impact upon neighbour amenity the layout of the development ensures that there will be a good degree of separation between the proposed dwellings and between the proposed dwellings and existing

neighbouring properties to the north and east. An area of landscape/screening has also been shown along the eastern boundary of the site which will help to lessen the impact upon the neighbouring properties on Pyehurn Close. Given the scale of the proposed dwellings it is considered that they will not appear dominating or overbearing and will not result in any significant loss of light for the existing neighbouring dwellings. The only first floor windows to the rear of the dwellings are rooflights which are proposed to be obscure glazed. The first floor windows to the front and side elevations will also not result in any overlooking issues. Overall it is considered that the proposals will not therefore result in any significant detrimental impact on neighbour amenity and the application is considered to accord with Policy GC4 of the DM DPD.

Other matters:

- 9.31 Some neighbouring residents have raised concerns that the proposal will have a detrimental impact upon the wildlife and biodiversity on the site. A condition is to be added to the decision notice requiring that an ecology report must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
- 9.32 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.
- 9.33 In assessing the environmental impact 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

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

Conclusion:

- 9.35 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 highway safety or Pyehurn Lane Public Right of Way. 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.

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 the '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) access
 - (ii) 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:

Site Location Plan, Site Plan and Proposed Floor Plans and Elevations (Amended Plan), Dwg No: 001d, received 13 February 2018

Tree Protection Plan and Arboricultural Impact Assessment (Additional Plan), Dwg No: 003a, received 18 April 2018

- (4) Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking areas shall be laid out as in accordance with the approved plan and retained thereafter available for that specific use.
- (5) Prior to the first occupation of the development hereby permitted the access track (Pyehurn Lane) serving the development shall be upgraded and bound surfaced in accordance with a detailed scheme to be submitted to and agreed in writing with the Local Planning Authority, in consultation with the Highway Authority.
- (6) Prior to the commencement of development details of all external materials to be used in the development 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.
- (7) 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.
- (8) Prior to the commencement of the development hereby permitted an Ecology Report shall be submitted to and approved in writing by the Local Planning Authority.
- (9) All works shall be carried out in accordance with the requirements of the Tree Protection Plan and Arboricultural Method Statement, Dwg No: 003a, received 18 April 2018.
- (10) No development shall commence on site until a scheme has been submitted for the provision of the fire hydrant on the development in a location agreed with the Council in consultation with Norfolk Fire and Rescue Service.

Reasons:

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

Town and Country Planning (Development Management Procedure) (England) Order 2015.

- (3) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (4) To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety and in accordance with Policy TS3 of the Development Management DPD 2015.
- (5) To improve the condition of the access track (Pyehurn Lane) in the interest of highway safety in accordance with policy TS3 of the of the Development Management DPD 2015
- (6) To ensure the satisfactory appearance of the buildings in accordance with Policy GC4 of the Development Management DPD 2015.
- (7) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (8) To ensure that there is no detrimental impact upon the biodiversity and wildlife at the site in accordance with Policy EN1 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 in the interest of amenity in accordance with Policies GC4 and EN2 of the Development Management DPD 2015.
- (10) To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire and to ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.

Informatives:

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

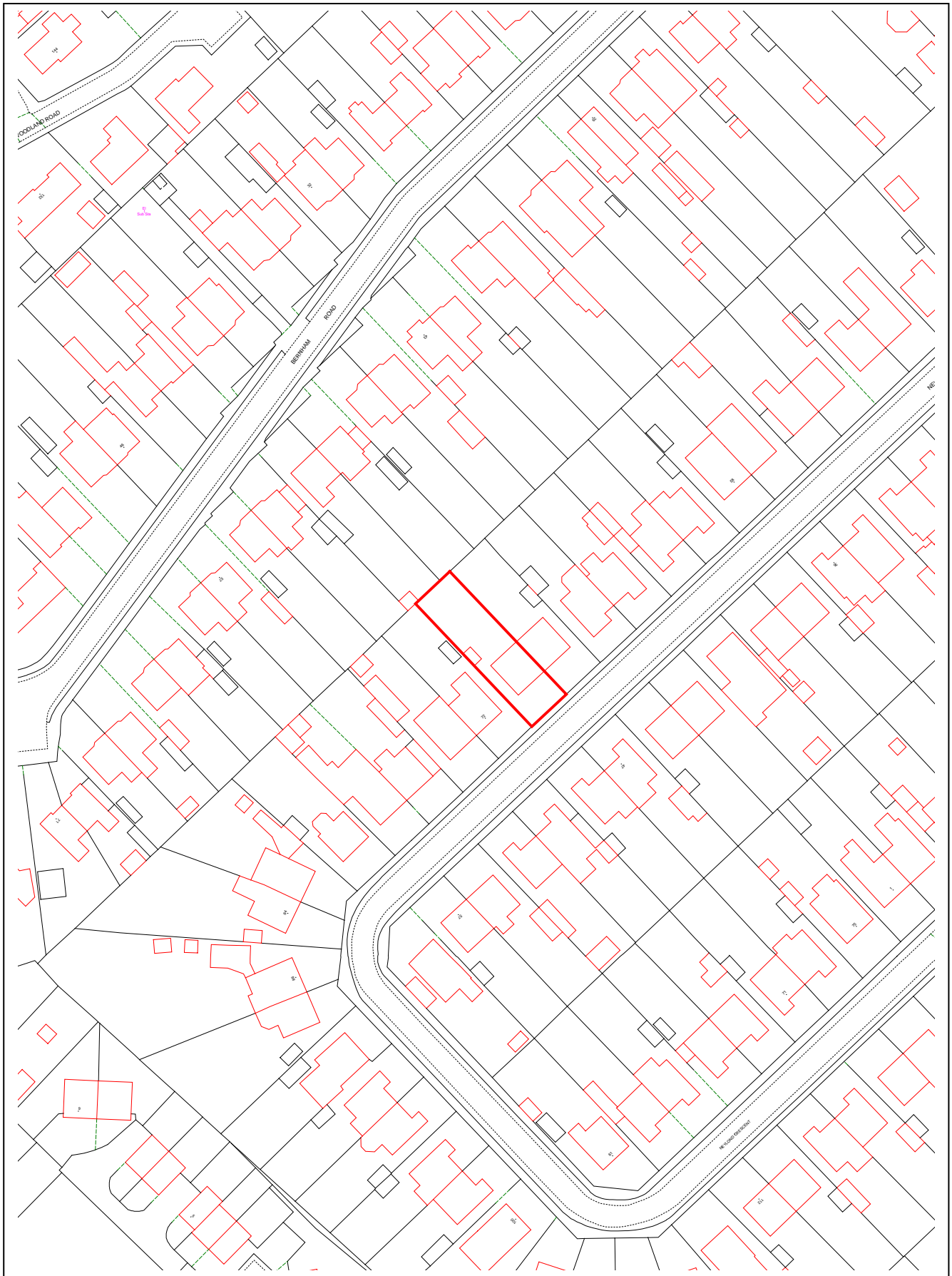
- (3) This development involves works within the Public Highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Control Group. Please contact Stephen Coleman on 01603 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) With reference to condition 10, the developer will be expected to meet the costs of supplying and installing the fire hydrant.
- (5) It is an offence to disturb, harm or kill breeding birds in the UK under the Wildlife and Countryside Act 1981. The removal of 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.



Application No: 20180332

70 Neylond Crescent, Helleston, NR6 5QE

**Scale:
1:1250**

**Date:
29-May-18**



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AREA: West

PARISH: Hellesdon

3

APPLICATION NO: [20180332](#)

TG REF: 620246 / 312566

LOCATION OF SITE: 70 Neylond Crescent, Hellesdon, NR6 5QE

DESCRIPTION OF DEVELOPMENT: Erection of outbuilding to form salon and domestic garden store

APPLICANT: Mr & Mrs Stefan Marchese

AGENT: N/A

Date Received: 27 February 2018

8 Week Expiry Date: 8 May 2018

Reason at Committee: At the request of Councillor Shelagh Gurney for the reasons given in paragraph 5.4

Recommendation (summary): Approve subject to conditions

1 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a detached single storey outbuilding to form a hair salon and a garden store at the rear of a semi-detached bungalow in Hellesdon. The proposal is for the applicant to be the only person working in the salon on a part time basis.
- 1.2 The outbuilding is proposed to be located to the rear of the rear amenity area associated with no: 70 Neylond Crescent. The outbuilding is of a rectangular shape and measures 9m in width by 4.6m in depth. The building is proposed to be 4.1m in height.
- 1.3 The building is proposed to have painted grey rendered walls with a brick plinth. Grey concrete roof tiles are proposed as well as UPVC windows. The proposal will have two windows and two doors on the southern elevation but will have no openings on the north, east or west elevations.
- 1.4 Internally the main salon area will measure 5m in width by 4m in depth and will have a door and two windows to the south. This area will also lead to a small utility room and WC. The garden store will be accessed via a single external door and the store area will measure 3.25m in width by 1.95m in

depth. The garden store will be used in conjunction with the domestic dwelling and not for any business use.

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.
- The level of parking provision provided and the impact of the proposal on highway safety.
- The impact of the proposal on neighbour amenity and the character of the area.

3 CONSULTATIONS

3.1 Hellesdon Parish Council:

Strongly object due to inappropriate commercial use in residential area which will be detrimental to surrounding homeowners. Should the application be granted, we would strongly object to conversion to residential dwelling in the future.

3.2 Conservation Officer (Arboriculture & Landscape):

Having checked the Root Protection Area (RPA) of the Spruce tree located within the neighbouring properties garden, I can confirm that the RPA will not extend into the area of the proposed building and the tree will not be at risk from the construction of the proposed building.

3.3 Highway Safety:

This proposal has potential to result in customers parking on-street, however, given the location this is expected to be, at worst, a highway inconvenience rather than safety issue and I therefore have no grounds for objection.

3.4 Pollution Control Officer:

No comments.

4 PUBLICITY

4.1 Site Notice:

Expiry date: 11 April 2018

4.2 Neighbour Notification:

47, 49, 68 and 72 Neylond Crescent and 49 and 51 Bernham Road,
Hellesdon

Expiry date: 5 April 2018

5 REPRESENTATIONS

5.1 45 Neylond Crescent, Hellesdon:

I live two doors away across the road and I am concerned about the garden store purpose. Is it about his tools etc or a business as it doesn't have much of a driveway? I am worried about parking. People always tend to park on our grass verges. If the garden store is a business perhaps you would consider parking. I have no worries about the hair salon.

5.2 72 Neylond Crescent, Hellesdon:

We have no problem whatsoever with the building or siting of the building. Along with adjacent neighbours and those opposite we are concerned with parking of cars if things get busy. Hopefully this will not be a concern.

5.3 51 Neylond Crescent, Hellesdon:

Please note our concerns about the application for a Hair Salon. We have been led to believe that the occupiers have written in their application that they have 2 parking spaces available on their property for clients. As they have 2 vehicles already does this mean that they will be parking in front of neighbours verges at various times? If this is the case we are against the application solely for parking problems.

5.4 Cllr Shelagh Gurney

I am of the view that this proposal is highly inappropriate for a residential area comprising of residential dwellings. This is a business, irrespective of whether or not it is intended to open for part time hours, which are vaguely stated. I am concerned about the impact on the area and residential amenity. This is a

background development. When the adjacent properties bought their bungalows they bought next door to another residential property and not a business. I am concerned about parking provision particularly if the application already has a number of cars. This is not an application I would wish to support. Neylond Crescent is a quiet crescent of either detached or semi-detached properties. Please if you are of the view to approve, kindly invoke the call-in opportunity.

6 RELEVANT POLICY GUIDANCE

National Planning Policy Framework (NPPF) 2012:

- 6.1 Sets out the overarching planning policies on the delivery 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.

Planning Practice Guidance (NPPG):

- 6.2 Web based national guidance formalised in March 2014.
- 6.3 Paragraph 8 in section 'Determining a Planning Application' states a material planning consideration is one which is relevant to making the planning decision in question (eg whether to grant or refuse an application for planning permission).

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

- 6.4 Policy 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.

- 6.5 Policy 5: The economy

The economy will be developed in a sustainable way to support jobs and economic growth in both urban and rural locations.

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

- 6.6 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.

6.7 Policy GC2: Location of new development

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

6.8 Policy GC4: Design

Sets out a list of criteria that proposals should pay regard to including the need to consider impact upon the amenity of existing properties, the environment, character and appearance of an area and being accessible via sustainable means.

6.9 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.

6.10 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.

Hellesdon Neighbourhood Plan 2017:

- 6.11 There are no policies within the neighbourhood plan which are considered to be specifically relevant to this application.

7 LOCATION AND DESCRIPTION OF SITE

- 7.1 The application site is the amenity area associated with a semi-detached bungalow located in Hellesdon. The dwelling is located within an established residential area, which in the immediate area is characterised by semi-detached bungalows of a similar size and scale to that at no: 70.
- 7.2 The site is rectangular in shape with the bungalow set towards the front of the site. The site is accessed off Neylond Crescent. There is a gravelled parking area to the front of the bungalow which provides on-site parking for at least three cars. To the rear of the bungalow there is a small patio area however the majority of the rear amenity area is laid to grass. There is a small timber

shed on the sites south west boundary which is the only other outbuilding currently on the site.

- 7.3 Close boarded fencing is used to provide the boundary treatment to the side and rear boundaries at the rear of the dwelling. This is approximately 1.8m in height to the north west (rear) boundary and approximately 1.6m in height to the east and west (side) boundaries. A low brick wall of approximately 600mm forms all of the boundaries at the front of the dwelling.
- 7.4 There are no significant trees on the site however there is a large Spruce / Fir tree approximately 9m beyond the north west (rear) boundary which is within the ownership of no: 51 Bernham Road. There are also some small trees to the east and west which are within the ownership of nos: 68 and 72 Neylond Crescent.
- 7.5 There is a slight slope down towards the south east of the site.

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 Development Plan policies and national planning guidance. In particular the level of parking provided and the impact of the development upon highway safety, residential amenity and the character of the area.
- 9.2 The outbuilding itself needs planning permission as the height of the proposal is greater than the limits set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. With regards to the hair salon use proposed within the outbuilding, planning permission is not always required in order to run a business at a residential property. The key test is whether the overall character of the dwelling will change as a result of the business. The planning portal website sets out that if the answer to any of the following questions is 'yes', then permission will be probably be required:
1. Will your home no longer be used mainly as a private residence?
 2. Will your business result in a marked rise in traffic or people calling?
 3. Will your business involve any activities unusual in a residential area?

4. Will your business disturb your neighbours at unreasonable hours or create other forms of nuisance such as noise or odours?
- 9.3 It is not considered points 1, 3 and 4 will apply however it could be argued that the proposal will result in a marked rise in traffic or people calling at the site and therefore it has been considered that planning permission was required for the hair salon use. It should be noted however that the proposal is not too dissimilar to something which could be carried out as permitted development and without the need to apply for planning permission.
- 9.4 Three neighbouring residents have made comment on the application and all have raised concerns with regards to the impact that the development will have on the parking at the site. As stated in paragraph 7.2 of this report there is a driveway to the front of the dwelling which provides parking for three cars. Even allowing for the applicants' car to already be on the drive this will mean that there is likely to be either one or two off-street parking spaces for customers to the salon, dependent upon whether the applicants' have one or two cars parked at the site at the time. The proposal is for Mrs Marchese to work part-time at the salon with nobody else being employed in connection with the business. The salon is proposed to have just one chair and one basin therefore it is likely that on most occasions there will only be one customer at the site at any one time. At worst if there are back to back appointments or if an appointment was to overrun it is only likely that there would be two customer vehicles at the site for a short period of time. Even then it may be that both of these vehicles could park at the application site. Furthermore, there are bus stops nearby and given that the site is in an established residential area some people will also walk to the salon which will reduce the amount of vehicles coming to and from the site.
- 9.5 Notwithstanding this the Highway Authority has commented that the proposal does have the potential to result in customers parking on-street, however, given the location this is expected to be, at worst, a highway inconvenience rather than a safety issue. The Highway Authority has concluded that they therefore have no grounds for objecting to the application. Overall, it is considered that the proposal complies with Policies TS3 and TS4 of the DM DPD.
- 9.6 The building is proposed to be 4.1m in height which is only 100mm higher than what could be built if the proposal was positioned further from the site's boundaries. There is a good degree of separation between the outbuildings and any neighbouring dwelling and the proposal is not considered to appear dominating or overbearing. The only windows proposed in the building are to face towards the applicants' own dwelling and so the proposal will not result in any overlooking issues. Furthermore, a condition is proposed to be added to restrict any further openings from being added to the building's side or rear elevations. Given the nature of the hair salon use proposed it is not likely to generate excessive noise or any odour pollution. A condition is proposed to be added to restrict the hours of operation at the building to between 09:00

and 17:00 on Mondays to Saturdays and at no time on Sundays and Bank Holidays. Notwithstanding this, it is understood that the proposal is for the salon to only be open on a part time basis. Overall taking all of the above into consideration it is considered that the proposal will not result in any significant detrimental impact upon neighbour amenity and the proposal is therefore considered to accord with Policy GC4 of the DM DPD.

- 9.7 A number of neighbouring properties also have outbuildings and sheds to the rear of the site, albeit these are slightly smaller than that being proposed. The proposal would however be sited to the rear of the dwelling well screened from public vantage points. As such, the development would have little impact on the character and appearance of the area. In this regard it is considered that the application will therefore comply with Policy GC4 of the DM DPD.
- 9.8 There is a large Spruce / Fir tree located to the north west of the site within the garden of no: 51 Bernham Road. This tree has been plotted on the Site Plan submitted with the application. The Council's Conservation Officer (Arboriculture & Landscape) has confirmed that the root protection area (RPA) of the tree will not extend into the area of the proposed building and the tree will therefore not be at risk from the construction of the proposed building.
- 9.9 In conclusion, it is considered that the development will have a neutral impact upon the parking in the area, highway safety, residential amenity and the character and appearance of the area. Given the scale of the proposed use, the proposal is not considered to have any significant detrimental impact and with that in mind the officer recommendation is that the application is approved.

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

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

Proposed 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.

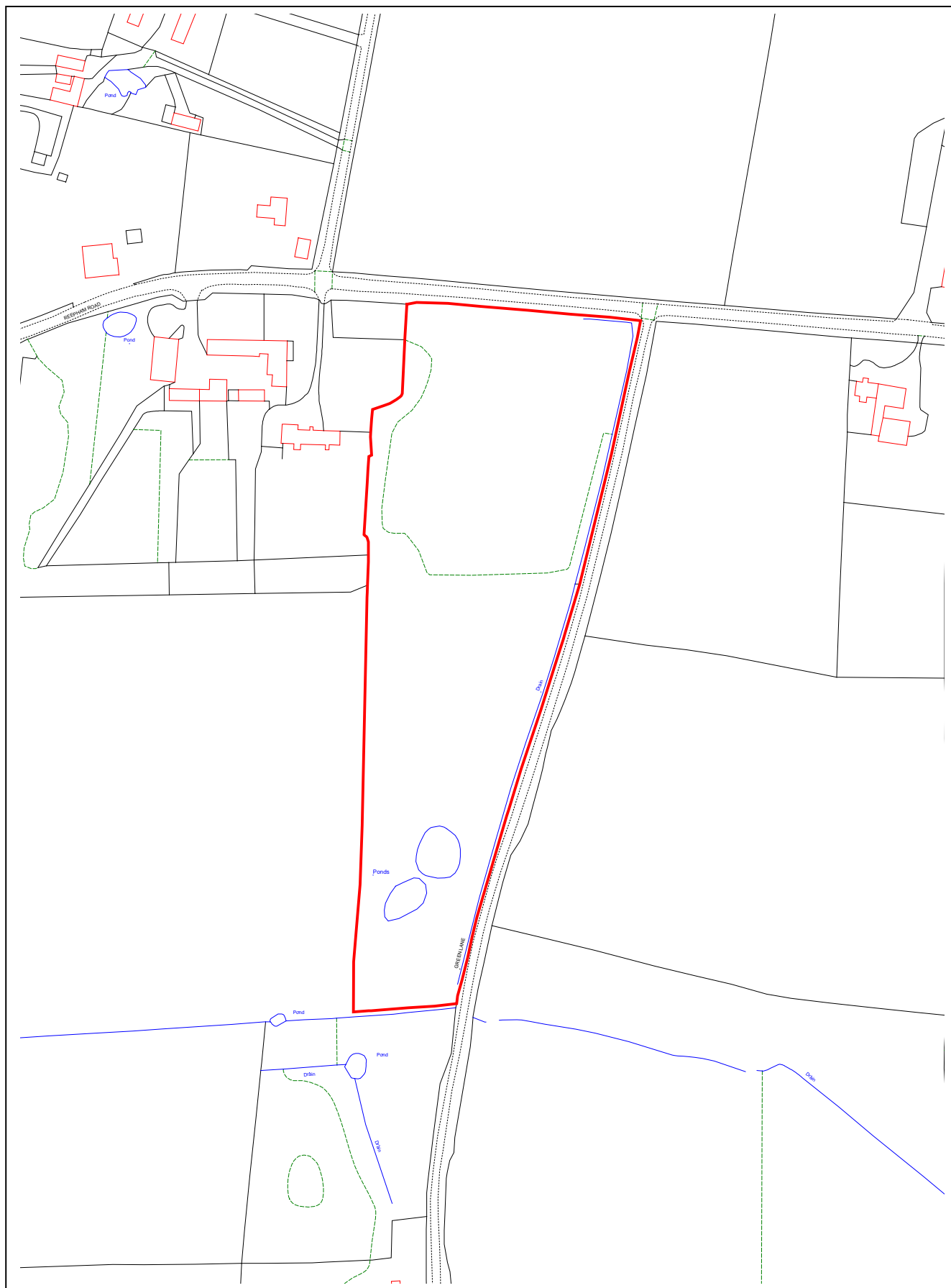
Reasons:

- (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 and the website www.cncbuildingcontrol.gov.uk



Application No: 20180323

**Manor House Farm, Reepham Road, Foulsham,
NR20 5PP**

**Scale:
1:2500**

**Date:
29-May-18**



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AREA West
PARISH Foulsham

4

APPLICATION NO: [20180323](#) **TG REF:** 604619 / 324586
LOCATION OF SITE Manor House Farm, Reepham Road, Foulsham, NR20 5PP
DESCRIPTION OF DEVELOPMENT Erection of single dwelling and detached garage and alterations to vehicular access
APPLICANT Mr & Mrs Charles and Judy Levien
AGENT Hudson Architects
Date Received: 26 February 2018
8 Week Expiry Date: 23 April 2018

Reason at Committee: 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 dwelling and detached garage on land to the south of Reepham Road in Foulsham. The proposal also seeks alterations to an established access into the site which is off Reepham Road.
- 1.2 The funnel-shaped site narrows towards the south and takes the form of a partially wooded field which has been developed as a wildlife reserve over the last twenty five years. The dwelling is proposed to be set back into the site and sit on the southern edge of the woodland with views over the remainder of the site which includes a meadow and ponds.
- 1.3 The proposal is for a low impact, sustainable dwelling which would largely be constructed from materials sourced from the site or from the local area. The dwelling is proposed to be built from a cob wall construction clad with straw bales. The building will be finished with a mixture of lime render and a transparent corrugated cladding which will expose the straw bales. The roof materials will be a combination of timber shingle and a sedum roof.
- 1.4 The dwelling takes the form of two circular structures joined together by a curved wall on the northern elevation and a 'V' shaped structure to the south

to form an irregular shaped building. The dwelling is predominantly single storey aside from the master bedroom which is at first floor level. The building will have a maximum height of 8.2m although the majority of the building will be of a lower height and the part of the building closest to neighbouring properties to the west will have a maximum height of 6.1m. The maximum depth of the dwelling (north to south) is 15m and the maximum width (east to west) of the dwelling is 26.5m.

- 1.5 In terms of accommodation to be provided, at ground floor level an open plan kitchen-dining-living area will be provided along with an entrance hall, a utility room, a bathroom, a WC, a retreat and two bedrooms. At first floor level a study and a master bedroom with an en-suite will be provided.
- 1.6 The detached garage is of a more orthodox rectangular shape and is proposed to be sited to the north of the dwelling, within the woodland. The garage is proposed to be constructed from locally sourced timber posts and structure with lime rendered cob walls and a pitched, sedum covered roof. The footprint of the garage is proposed to measure 9.2m by 9.8m and the garage will have a maximum height of 5m.
- 1.7 The site is outside the settlement limit that has been defined for Foulsham 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).

2 KEY CONSIDERATIONS

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

3 CONSULTATIONS

3.1 Foulsham Parish Council:

Objection as the site is outside the settlement limits.

3.2 Conservation Officer (Arboriculture & Landscape):

The principles recommended within the AIA appear to follow the industry best practice and if applied would lessen the impact to the existing woodland (in this situation the use of road pins and heavy duty safety barrier mesh would be sufficient to form the Construction Exclusion Zones (CEZs) rather than the welded mesh panels specified within BS5837). The most constrained element of the proposals appears to be the construction of the new access road and garage which would require the removal of 10 of the trees to allow construction (out of a total of 18 required to implement the scheme). I notice on the Cadcorp aerial photographs that there is an existing route to the western edge of the woodland block (marked as the access road for construction on the drawing) to the proposed site of the dwelling; couldn't this be an alternative access, with the parking area being located in the open to the west of the dwelling, this would reduce the number of trees that need to be removed?

Having looked at the site using the governments MAGIC geographic information website; the woodland block appears to be highlighted as a Forestry Commission (FC), Woodland Grant Scheme 1 (WGS) area (0.9 ha), which may have been planted under a grant scheme using public funding, the FC may have an interest if the proposed development requires the felling of trees planted under one of their grant schemes.

The details on the proposed services and most significantly the foul water disposal will be relevant to establish any potential impact on the woodland.

3.3 Design Adviser:

The scheme and design has been developed and amended to address the comments made following the last informal submission – specifically in relation to the roof covering of the tower elements.

The roof covering of the “towers” with recycled plastic shingles however was in my opinion less in tune with the overall design ethos and resultant aesthetic of the building. Whilst clearly a recycled material, its relevance to the scheme as a whole is tenuous and to the architecture of the scheme even less so. A timber shingle preferably sourced from site, or from a sustainable source locally provides a far better option in terms of the overall design outcome.

This amendment to the plans is welcomed and in my opinion the building now appears more coherent and honest to the ethos of the design concept of a dwelling constructed with materials won either on or close to the site.

The detailed justification given and explanation of the construction techniques and their rationale are clearly and comprehensively detailed. As stated below this is entirely in accordance with the requirement within paragraph 55 for a dwelling to enhance the immediate setting of the site and be sensitive to the surrounding characteristics of the surrounding area.

The free form of the building (which as explained in the supporting evidence is a product of / opportunity given by the materials used) accentuates this sensitivity to the natural setting of the site avoiding the use of geometric angular forms and creating gently curving shapes which assimilate visually into the natural “immediate setting” of the wooded part of the site and then flatten off as the building extends beyond the woodland fringe to relate to the gently sloping open meadow.

The construction technique is now more overt and this has provided a strong visual reference to the source of the material but also given the opportunity for a degree of articulation within the façade. Also by exposing the natural finish of the straw bales on views back to the woods under a sedum roof the building presents an elevation which cleverly blends back into the natural wooded edge.

The decision to use a more uniform and regular finish to the natural forms and a more natural finish to the more regular forms is a subtle but distinctive and pleasing contrast.

It is clear that not all the materials used will be won from on or near the site – in the case of the roof structure for the lower “day rooms” form there is a reasoned architectural justification in that the standard timber roof in this instance forms the natural sedum roof. The tower roofs now appear far more in keeping with the wooded setting and natural organic form of the building.

The design overall now incorporating the final amendments is considered to be entirely appropriate to the semi wooded site it occupies, assimilating visually with the backdrop of managed woodland when viewed from the south, west and east and yet taking advantage of the views over the open part of the site to the south.

In terms of the tests set in paragraph 55 of the NPPF the requirement is that the design is truly outstanding or innovative, reflects the highest standards in architecture, significantly enhances its immediate setting and is sensitive to the defining characteristics of the local area. In my opinion the design as now submitted meets the tests set out in paragraph 55.

The proposal is truly outstanding and is innovative although possibly not truly innovative (true innovation is difficult to achieve). The C21 investigation of earth building techniques and using materials won on site for the main structural elements of the build are very strong conceptually and by definition are therefore sensitive to the defining characteristics of the local area. This results in a truly vernacular building which significantly enhances its immediate setting.

The architectural design of the building itself is also very strong conceptually and cleverly linked to the way the building has been conceived as a building which is “of the site”. This has been carried through with the form of the building which has been informed by the construction techniques adopted.

The combination of the regular and more organic forms and the contrast between finishes also reflects the characteristics of the site and this is where the architecture of the building is of the highest standard. That is in the way that it marries the construction techniques to the form of the building and draws it all together to produce a building which is truly site specific. At the same time producing an exciting and visually attractive sculptural form and a coherent and dynamic plan which fully takes advantage of the aspect, light, shade, views and features on the site producing spaces internally that are as coherent and exciting and specific to the site as the external form.

In conclusion I am of the opinion that a submission of the scheme as submitted could for the reasons stated above be supported on design grounds as meeting the strict criteria set out in paragraph 55 of the NPPF.

3.4 Environmental Contracts Officer:

The applicant should consider the bin collection point for the proposed new property. To enable collections to commence from occupation this would need to be sited at the edge of the curtilage adjacent to the proposed new driveway adjoining Reephams Road.

Further comments following submission of revised drawing:

The proposed position is acceptable.

3.5 Historic Environment Officer:

Manor House Farm is a grade II listed historic farmstead in a rural setting. It was built in the 17th century and the farmhouse together with the adjacent courtyard of barns is clearly visible on historic maps dating back to the early 1800's. Whilst not completely physically isolated from other dwellings, it is by far the most substantial in a small rural hamlet.

The proposed new dwelling has the potential to adversely affect the setting of this designated heritage asset and the submitted documentation doesn't fully address this.

The applicant needs to:

- Assess whether, how and to what degree setting makes a contribution to the significance of the heritage asset.
- Assess the impact of the proposal and explore ways to maximise enhancement and avoid and minimise harm.
- There is brief reference to screening but the impact needs to be fully explored. Photo montages would help with this. If the harm to setting can be adequately minimised by screening then the decision will need to ensure that this is maintained in perpetuity.
- Views from the heritage asset towards the new dwelling are of key importance but in addition the entrance from the road needs to be carefully considered. It needs to sit quietly in the landscape preferably without gates or walls. It must not compete with the entrances to the farmhouse and barn complex.

Further comments following submission of further information:

I had a positive meeting with the applicants to fully consider the views to and from the listed building. I am keen that the additional planting on the western boundary to the south of the main woodland area, is maintained in perpetuity. The applicants showed me a management plan that they have for the site, which, if followed, will ensure that the site is maintained as it is currently managed. I would not want to see the current meadow area at the south of the site be changed to a formal garden as this would affect the setting of the listed building. If the management plan and the additional planting could be conditioned to be followed in perpetuity unless otherwise agreed with the Council, this would provide protection for the rural setting of the listed building into the future. I would then have no objection to proposed new dwelling.

3.6 Norfolk County Council (as Highway Authority):

Given this proposal is located on a well aligned section of Reepham Road with the proposed access position able to provide acceptable visibility sightlines I feel it difficult to have any highway safety objection to the granting of permission.

However, the location is remote and inaccessible to service facilities and any residential development at this location will therefore be highly reliant on the

car for everyday travel. In the case of one dwelling the Highway Authority would not cite this accessibility / transport sustainability concern as grounds for objection, however it is clearly something your authority should be considering in making an overall decision upon the acceptability of the proposal.

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

3.7 Pollution Control Officer:

No comments.

4 PUBLICITY

4.1 Site Notice:

Expiry date: 3 April 2018

4.2 Neighbour Notification:

13 Neighbours consulted. All located on Reepham Road apart from one dwelling on Green Lane, Foulsham.

Expiry date: 29 March 2018

4.3 Press Notice:

Expiry date: 3 April 2018

5 REPRESENTATIONS

5.1 The Old Gatehouse, Green Lane, Foulsham:

Although we have no substantial objections to the plans, we would like to make you aware that the four trees illustrated on the southernmost border of their property grow within our own land boundary. It is therefore inappropriate for them to be part of the discussions regarding these planning proposals. Please can we have clarification that these trees will not be included in any plans relating to their property, prior to the Council decision?

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 7, 11, 14, 17, 55, 56, 60, 63, 129, 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 (e.g. whether to grant or refuse an application for planning permission).
- 6.5 Paragraph 1 in section 'Design' is titled 'why does good design matter?' and is also relevant.

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 15: Service Villages

In each Service Village identified, land will be allocated for small-scale housing development subject to form and character considerations.

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

Broadland Landscape Character Assessment SPD 2013:

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

7 LOCATION AND DESCRIPTION OF SITE

- 7.1 The application site is part of a seven acre field located on Reepham Road, approximately 1,500m east of the centre of Foulsham.
- 7.2 The site is bordered by Reepham Road to the north and Manor House Farm to the west which is a detached Grade II listed building. Beyond this there is a cluster of other barns on the south side of Reepham Road. To the rear (south) of these properties are fields which also border the site. To the east of the site is Green Lane which is a single track no through road whilst to the south is the garden associated with The Old Gatehouse, a detached, two storey dwelling.
- 7.3 The site is of a funnel shape, narrowing on its east side towards the south. Over the last 25 years the site has been developed as a wildlife reserve and is split into three areas. The northern third of the site contains the site entrance which comes into an area of woodland. The central section of the site is a

meadow and it is on the boundary of the meadow and woodland that the dwelling is proposed to be located. Within the southern third of the site are two large ponds.

- 7.4 Access to the site is from an existing access to the north, off Reepham Road. The dwelling is proposed to be approached through the woodland via a low impact constructed lane.
- 7.5 There is hedging of approximately two metres in height along the northern and eastern boundaries. To the south and west there are a range of trees and hedges of various heights as well as a section of timber post and rail fencing towards the north west corner of the site.
- 7.6 There are no significant changes in levels within the site.

8 PLANNING HISTORY

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

9 APPRAISAL

- 9.1 The main issues to be taken into consideration in the determination of this application are an assessment of the proposal against the policies of the Development Plan, the NPPF and Planning Practice Guidance and whether the merits of the application warrant granting it planning permission outside of a defined settlement limit. Also key is the impacts of the development on the character and appearance of the area, the adjacent 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 1.3 of this report the proposal is for a low impact dwelling constructed of materials either from the site itself or from the local area. A clay cob wall construction is proposed with the clay being sourced directly from the application site. Straw bales will then be used to clad the cob walls with the straw proposed to be supplied by a local farmer within Foulsham. From the northern approach the dwelling will be reinforced using a lime render finish to the straw bales. At the entrance to the dwelling the actual construction of the straw clad cob walls will be revealed through transparent corrugated sheet cladding. To the south the walls are fully clad in transparent corrugated sheets and, where insulation is not required, the cob wall is revealed. This helps to showcase the storey of the construction.
- 9.4 Given the basis on which the application was submitted, comments were sought from the Council's Design Adviser. His response is reported at paragraph 3.3 of this report but by way of summarising these, his view is that the proposal is truly outstanding and is innovative, although he has said possibly not truly innovative as true innovation is difficult to achieve. He has stated that the investigation of earth building techniques and using materials won on site for the main structural elements of the build are very strong conceptually and by definition are therefore sensitive to the defining characteristics of the area. His view is that the proposal will enhance the immediate setting and that the combination of the regular and more organic forms and contrast between finishes also reflect the characteristics of the site and this is where the architecture of the building is of the highest standard.
- 9.5 The architecture is considered to celebrate the properties of the materials used from the site, for example, the plasticity of the clay in the form of cob construction in the curved forms of the building. The free form of the building is 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 assimilate visually into the natural immediate setting of the wooded part of the site and then flatten off as the building extends beyond the woodland fringe to relate to the gently sloping open meadow. The design is when coupled with the proposed materials and construction technique is considered to result in a proposal which is sympathetic to the site and the wider area.
- 9.6 The Design Adviser has concluded that the proposal could be supported on design grounds to meet the strict criteria set out in paragraph 55 of the NPPF. Officers are content to accept the recommendations of the Design Adviser and as well as meeting the exceptionally high standards set by paragraph 55 of the NPPF, officers consider that the application complies with Policy 2 of the JCS and Policy GC4 of the DM DPD.

- 9.7 The application site falls within the Plateau Farmland landscape character area. The design of the dwelling and the palette of materials proposed will ensure that the dwelling relates acceptably to the character and appearance of the site. Close up views from public vantage points are limited as a result of high roadside hedging while the relatively low scale of the building and the choice of materials will lessen any impact from more distant views. The scale of the building is an example of how the design is sensitive to the defining characteristic of the area. It should also be borne in mind that the high quality design will enhance the immediate setting and officers consider that significant harm will not be caused to the landscape character of the area. The application therefore complies with Policy 1 of the JCS and Policy EN2 of the DM DPD.
- 9.8 The site is situated immediately adjacent to Manor House Farm which is a grade II listed historic farmstead to the west of the site. Regard has therefore been given to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act. The Council's Historic Environment Officer originally raised concerns that the proposed new dwelling had the potential to adversely affect the setting of this designated heritage asset. During the course of the application a Heritage Impact Assessment, a further site elevation and an Ecology Management Plan were submitted. The Historic Environment Officer has stated that they would not want to see the current meadow at the south of the site changed to a formal garden as this would affect the setting of the listed building. They continued to state that if followed, the management plan will ensure that the site is maintained as it is currently managed. The Historic Environment Officer concluded that if conditioned along with additional planting, the management plan would provide protection for the rural setting of the listed building in the future and that they would have no objection to the proposed new dwelling. With this in mind it is considered that the application will not result in any significant detrimental impact upon the setting of the adjacent listed building and the application is considered to comply with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, Policy 1 of the JCS and Policy GC4 of the DM DPD.
- 9.9 Given the size and scale of the proposal, the degree of separation from neighbouring dwellings and the screening provided by the trees and hedging on the site and its boundaries the proposal will not appear overbearing or dominating. The dwelling will not result in any overlooking issues and the neighbouring Manor House Farm is not considered to significantly overlook the proposed new dwelling or its amenity area. The application is therefore not considered to result in any detrimental impact upon neighbour amenity and is therefore considered to accord with Policy GC4 of the DM DPD.
- 9.10 The dwelling is to be accessed from an existing access off Reepham Road which has been made good to suit the new driveway. The Highway Authority has stated that, given this proposal is located on a well aligned section of Reepham Road with the proposed access position able to provide visibility

sightlines, it would be difficult to have any highway safety objection to the granting of permission. There will be ample room for parking at the site including within the detached garage proposed to the north of the dwelling. Overall, it is considered that the proposal complies with Policies TS3 and TS4 of the DM DPD.

- 9.11 There are a number of established trees within the site and to facilitate the proposed development 18 young woodland trees are proposed to be removed. An Arboricultural Impact Assessment and a Tree Protection Plan has been submitted with the application and the Council's Conservation Officer (Arboriculture & Landscape) has stated that the principles recommended within the AIA appear to follow the industry best practice and if applied would lessen the impact to the existing woodland. The Conservation Officer has however questioned as to whether the proposed access road to the dwelling could be moved further to the west of the site to reduce the number of trees proposed to be removed. It is considered however, that if this was the case then it would bring the access road closer to Manor House Farm to the west and have an increased impact upon the setting of this listed building. The access road is therefore to remain in the position proposed. The bringing in of proposed services by various utilities are planned to follow the same route as the access road to minimise the disturbance to the woodland during the required excavation and back fill operation. Overall, the proposal is considered to have a minimal impact upon the trees on the site whilst further planting is also proposed as part of the application which will help to mitigate against the loss of the 18 trees.
- 9.12 An Ecological Report has been submitted with the application which revealed that there will be limited negative impacts to present ecological features such as nesting birds as a result of the development. The detached garage is proposed to house two sparrow boxes on the north elevation and a bat box on the south elevation. Notwithstanding this a condition is to be added to the decision notice which requires these boxes to be installed on the garage building prior to the first occupation of the development hereby permitted in order to enhance the biodiversity and wildlife in the site. As mentioned in paragraph 9.8 of this report an Ecology Management Plan has been submitted with the application which will ensure the long-term management of the site for wildlife and biodiversity. The proposal is therefore considered to be in compliance with Policy EN1 of the DM DPD.
- 9.13 The planning balance should consider whether the benefits associated with the development outweigh the harm. In having regard to all matters raised, it is considered that although the site is outside of a defined settlement limit where development is normally restricted, the dwelling proposed by this application meets the requirements of paragraph 55 of the NPPF by virtue of its outstanding design; it reflecting the highest standards in architecture; it significantly enhancing its immediate setting and being sensitive to the defining characteristics of the local area. It will have an acceptable impact on the landscape character of the area and will not cause significant harm to the

adjacent listed building, residential amenity or the satisfactory functioning of the highway network. Overall, it is considered that the benefits of an outstanding design that is responsive to its context outweighs the limited harm arising and that the application represents an acceptable form of development. Accordingly, the officer recommendation is that the application is approved

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

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.

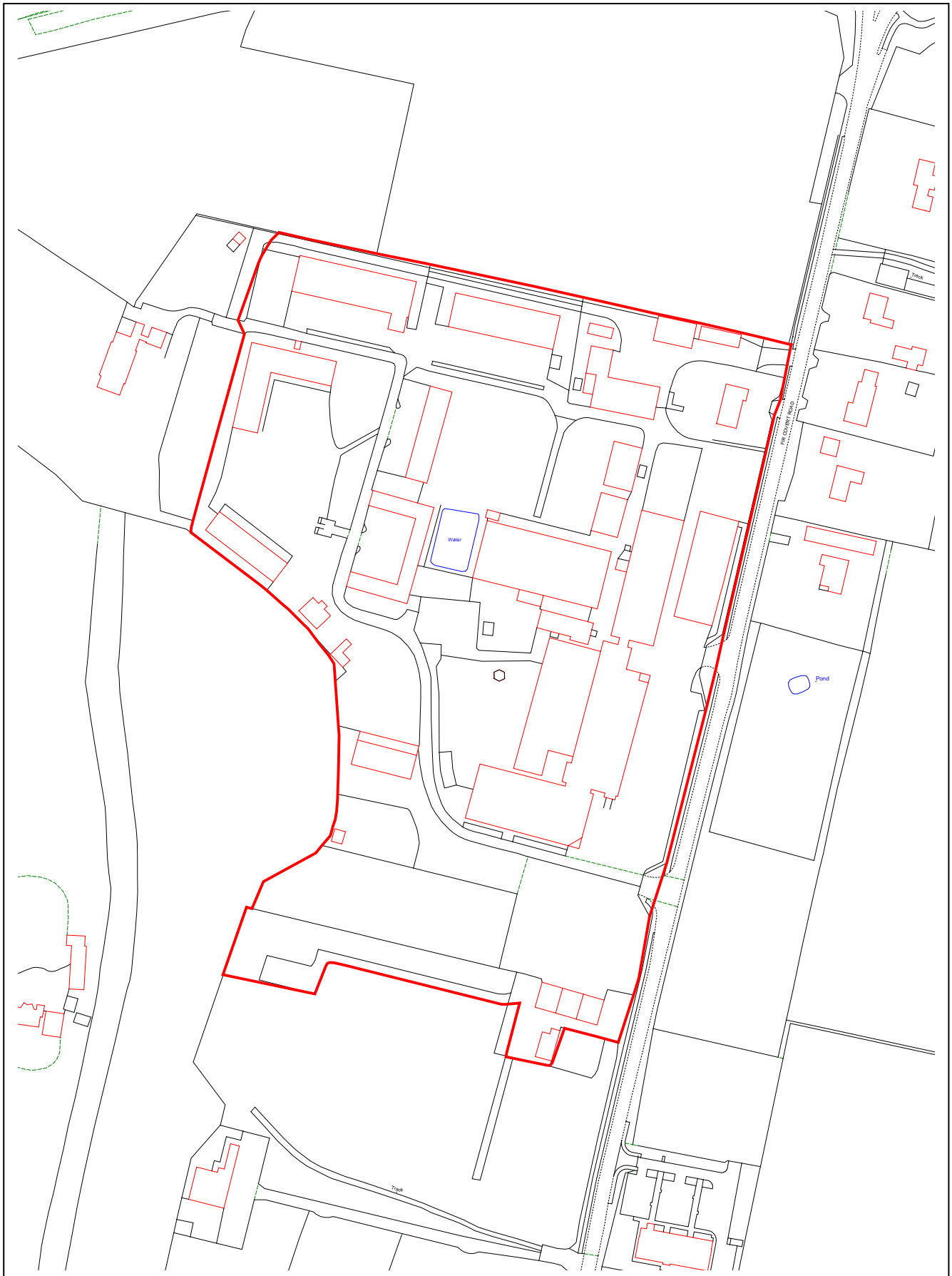
Plans and documents:

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 and the website www.cncbuildingcontrol.gov.uk
- (3) This development involves works within the Public Highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Control Group. Please contact Stephen Coleman on 01603 430 596.
- (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 and follow any requirements in this respect.



Application No: 20180622

**Taverham Nursery Centre, Fir Covert Road,
Taverham, NR8 6HT**

**Scale:
1:2500**

**Date:
29-May-18**



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AREA West
PARISH Taverham

5

APPLICATION NO: [20180622](#) **TG REF:** 615728 / 315228
LOCATION OF SITE Taverham Nursery Centre, Fir Covert Road, Taverham, NR8 6HT
DESCRIPTION OF DEVELOPMENT Variation of condition 3 following grant of planning permission 20081615 to allow open A1 (retail) use
APPLICANT K H Dye 2005 Settlement
AGENT Bidwells

Date Received: 16 April 2018
8 Week Expiry Date: 13 June 2018

Reason at Committee: At the request of Cllr Proctor for the reasons set out in Section 5.1 of this report.

Recommendation (summary): Refuse

1 THE PROPOSAL

- 1.1 The application seeks permission to vary condition 3 of [20081615](#) which restricted several A1 uses from operating at the site, to allow open A1 retail use.
- 1.2 Condition 3 of 20081615 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 or video recordings, DVDs, computer games and similar products.

And 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.

2 KEY CONSIDERATIONS

- The suitability of the use in this location
- The planning history of Taverham Garden Centre

3 CONSULTATIONS

3.1 Broadland District Council Economic Development Officer:

We would support this application for a number of reasons. Primarily, a diversity of services on offer at the Garden Centre would benefit the local economy, the existing businesses at the Garden Centre and businesses struggling to find suitable premises. We have offered support to two local businesses wishing to take up units at the garden centre but, because of the current conditions imposed on the site, they are unable to progress this under the current restrictions. These are existing local businesses which already trade and need to expand their businesses, which would be complimentary to each other. Unfortunately, there are no other suitable premises available locally and we would not wish to potentially lose two successful businesses from the district.

Furthermore, since the original planning permission was granted in 2008, the planning context of the Garden Centre has changed. In 2008, it was a stand-alone premises in a rural setting and it was felt necessary to impose conditions to protect this status. In the interim, however, the Council has approved commercial activity on adjoining sites including a major retail superstore, which will have a very wide retail remit. The physical context of the site has also changed dramatically particularly with the completion of Broadland Northway which makes the Garden Centre even more accessible to both local customers and those from further afield. It is already an established 'destination' rather than just a garden centre and more flexibility surrounding the uses on the site would make the site even more attractive and viable.

For the above reasons, I feel that this application would help to promote local economic diversity, growth and employment without any demonstrable harm and would accord with current Council policies.

3.2 Broadland District Council Pollution Control Officer:

No comments.

3.3 Taverham Parish Council:

No objection, subject to shops remaining as single units.

4 PUBLICITY

4.1 Site notice: 14 May 2018

Expiry date: 4 June 2018

4.2 Newspaper advert: published on 8 May 2018

Expiry date: 29 May 2018

4.3 Neighbour notification:

Neighbouring units at Taverham Garden Centre

Expiry date: 17 May 2018

5 REPRESENTATIONS

5.1 Cllr Proctor:

I would like to request that if you are minded to refuse the above that it be considered by the Planning Committee for the following reasons:

- (1) The original application was approved in 2008 under the previous local plan policies which are no longer relevant. The up to date policies allow the Council to respond more rapidly (and flexibly) to local economic needs and trends and it is clear that a diversity of services on offer at the Garden Centre would benefit the local economy, the existing businesses at the Garden Centre and businesses struggling to find suitable premises.

- (2) The planning context of the Garden Centre has changed. In 2008, it was a stand-alone premises in a rural setting and it was felt necessary to impose conditions to protect this status. In the interim, however, the Council has approved commercial activity on adjoining sites including a major retail superstore, which will have a very wide retail remit.
- (3) The physical context of the site has also changed dramatically particularly with the completion of Broadland Northway which makes the Garden Centre even more accessible to both local customers and those from further afield. It is already an established 'destination' rather than just a garden centre and more flexibility surrounding the uses on the site would make the site even more attractive and viable.

Given what you have said that the application would be better structured in seeking to vary condition 3, I have spoken to the Economic Development Manager about this and one of the Economic Development team will take this up with the applicants. I would also hope that between the two departments you can come to a view that supports business development and protects the integrity of planning policies and conditions.

6 RELEVANT POLICY GUIDANCE

National Planning Policy Framework:

- 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.

Planning Practice Guidance:

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

- 6.2 No relevant items.

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

- 6.3 Policy 2: Promoting good design

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

6.4 Policy 5: The Economy

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

6.5 Policy 17: Smaller Rural Communities and the Countryside

In the countryside medium-scale commercial enterprises where a rural location can be justified will be acceptable.

Development Management Development Plan Document (DM DPD) 2015:

6.6 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.

6.7 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.

6.8 Policy GC4: Design

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

6.9 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).

6.10 Policy TS4: Parking guidelines

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

Site Allocations Development Plan Document (SA DPD) 2016:

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

Landscape Character Assessment SPD:

- 6.12 Identifies the application site as falling within the Spixworth Wooded Estatelands landscape character area.

7 LOCATION AND DESCRIPTION OF SITE

- 7.1 The site is located within the boundaries of Taverham Garden Centre, towards the western edge of the site. As the crow flies, the site is approximately 190m from the main entrance into the Garden Centre from Fir Covert Road.
- 7.2 The units that form part of the application are Units 1 – 10 known as Craft & Country Shopping Centre, Unit 17 (Sew Simple), Unit 16 (The Kitchenary Cookshop) and Unit 15 (Country Corner). The units are single storey and of brick construction and all surround the large car parking area.
- 7.3 The units are not clearly visible from public vantage points on Fir Covert Road and can only be accessed by passing the garden centre.

8 PLANNING HISTORY

- 8.1 [20081615](#): Regularisation of uses (mixed use Garden Centre and Retail) and erection of security fence. Approved 24 November 2009.
- 8.2 [20100127](#): Variation of condition 3 of planning permission 20081615 (to permit the sale and production of chocolate). Approved 11 March 2010.
- 8.3 [20110466](#): Erection of car wash unit and valet. Approved 26 May 2011.
- 8.4 [20121035](#): Variation of condition 7 of planning permission 20081615: amalgamation of units 4 and 5. Approved 18 September 2012.
- 8.5 [20130659](#): Variation of condition 7 of planning permission 20081615: amalgamation of units 8, 9 and 10. Approved 20 June 2013.
- 8.6 [20130837](#): Change of use from general storage and display to caravan sales and hire. Approved 19 August 2013.
- 8.7 [20131175](#): Hybrid planning application for (1) Full planning permission for the construction of a supermarket (Class A1) and car parking with petrol filling station and landscaping; (2) Outline planning permission for erection of a

Class A3-A4 public house/restaurant and a Class A1 / A3 / B1 lifestyle leisure unit. Approved 12 June 2014.

- 8.8 [20141348](#): Erection of new entrance to Garden Centre. Approved 10 October 2014.
- 8.9 [20162192](#): The placement (temporary 3 year permission) on existing hard standing of a pop-up charity shop for Priscilla Bacon Hospice. Approved 8 March 2017.
- 8.10 [20171782](#): Hybrid planning application (part outline, part detailed), made up of: (1) An application for outline planning permission for the erection of a Class A1 retail unit; a Class A3 / A4 public house / restaurant; Class A3 / A5 fast food restaurant; and a Class A1 / A3 / B1 lifestyle leisure unit. (2) An application for full planning permission for the construction of a supermarket (Class A1), together with associated access, car parking and landscaping. The supermarket will comprise a total of 2,206m², gross external footprint, and will be served by a total of 129 car parking spaces (of which 7 would be disabled spaces and 8 parent and child spaces). Approved 12 February 2018.

9 APPRAISAL

- 9.1 The main issues to be taken into consideration in the determination of this application are the suitability of the proposed open A1 (retail) uses in this location and the planning history of Taverham Garden Centre.
- 9.2 This application seeks permission to vary Condition 3 of 20081615 to allow open A1 retail uses from several units within the garden centre. Condition 3 restricts certain A1 uses from these units:
- 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.
- 9.3 Although within the grounds of Taverham Garden Centre, the application site is outside of a defined settlement limit that has been defined for Taverham.

Policy GC2 of the DM DPD states that outside of settlement 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. The application site has not been allocated for development by the SA DPD.

- 9.4 The planning history of the site up to 2008 is extensive. However, planning permission 20081615 brought together and regularised various uses and activities at the Garden Centre. This planning permission maintained the principle use of the site as a Garden Centre with subsidiary retail units and restrictive conditions were imposed to ensure that the use of the site had no adverse impact on the vitality of local shopping areas and to prevent inappropriate retail units in the context of a Garden Centre.
- 9.5 Since that planning permission was granted in November 2009, other planning permissions have been granted that amalgamate units 4 & 5; and 8, 9 & 10, 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. These were permitted on the basis that they allowed the expansion of established businesses on site or that the proposed uses did not conflict with the intention of the conditions set out in planning permission 20081615.
- 9.6 Varying Condition 3 of 20081615 to allow an open retail use of the proposed units will alter the context of the garden centre in that it will change from a rural facility with ancillary retail uses to an out-of-town shopping centre. Although the agent states that further diversifying the range of goods for sale at the site will increase passing trade for other businesses, allowing uses such as a hairdressers or chemist would in fact reduce the potential for linked trips in that customers will only be visiting the garden centre for those specific shops rather than visiting the garden centre and browsing the entire site whilst already there.
- 9.7 Creating an out-of-town shopping centre in this location will increase traffic as it is unlikely people will visit the car on foot, by bicycle or public transport. This is contrary to the fundamental aim of the NPPF which seeks the presumption in favour of sustainable development. Furthermore, the NPPF also seeks to ensure the viability and vitality of town centres and local shopping areas and allowing an open retail use in this countryside location will adversely impact on the existing local centres in Drayton, Taverham and surrounding areas.
- 9.8 The application has not been accompanied by evidence that the currently vacant units have been marketed for a minimum of six months to identify if there are any viable tenants that would comply with the current requirement to be ancillary to the garden centre use. The agent has advised that the applicant has chosen not to do this as it is not financially viable. It is therefore

considered that there is insufficient evidence to justify the removal of the restrictions imposed under condition 3 of 20081615.

- 9.9 The site falls within the Spixworth Wooded Estate lands landscape character area. However, given the context of the site and its lack of visibility within the wider area, it is considered that the impact on the landscape will be neutral. The application therefore complies with Policy EN2 of the DM DPD.
- 9.10 There are no adjacent residential neighbours and thus there will be no impact on residential amenity. The application therefore complies with Policy GC4 (iv) of the DM DPD.
- 9.11 Officers consider that adequate parking exists within the Garden Centre to accommodate visitors. On that basis officers consider that the application complies with Policy TS4 of the DM DPD.
- 9.12 In conclusion, officers consider that the application to allow open A1 (retail) use on the site is contrary to the adopted Development Plan for the reasons set out above and represents an unacceptable form of development which is contrary to the aims of the NPPF and development plan policies.
-

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 and the Landscape Character Assessment SPD 2013. The policies particularly relevant to the determination of this application are Policies 2, 5 and 17 of the Joint Core Strategy and Policies GC1, GC2, GC4 and TS4 of the Development Management DPD.

This application seeks consent to vary Condition 3 of 20081615 to allow open A1 (retail) use on a number of units within the garden centre site. The proposal is considered to result in unacceptable development in a countryside location which will alter the context of the garden centre in that it will change from a rural facility with ancillary retail uses to an out-of-town shopping centre contrary to Policies GC1 and GC2 of the DM DPD.

Furthermore, the NPPF also seeks to ensure the viability and vitality of town centres and local shopping areas and allowing an open retail use in this countryside location will adversely impact on the existing local shopping centres in Drayton, Taverham and surrounding areas.

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 and GC2 of the Development Management DPD 2015 and the fundamental aim of the NPPF which seeks the presumption in favour of sustainable development.

The Local Planning Authority offers all applicants the opportunity to discuss applications both before and after they are submitted. It will, where appropriate, discuss amendments to applications. In this case it was not possible to overcome the principle concerns. The Authority has therefore acted promptly to refuse this unsustainable form of development.



Application No: 20180243

76 Gordon Avenue, Thorpe St Andrew, NR7 0DP

**Scale:
1:1250**

**Date:
29-May-18**



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PLAN NO: 6

**APPLICATION NO [20180243](#) – RAISING OF ROOF, REAR
EXTENSION AND LOFT CONVERSION AT 76 GORDON AVENUE,
THORPE ST ANDREW, NR7 0DP**

1 BACKGROUND

- 1.1 At its meeting on 25 April 2018 (Minute no: 116 refers) Planning Committee resolved: (1) To defer consideration of application number 20180243 to enable officers to negotiate with the applicant a revised roof bulk which incorporate a hipped roof to the rear to match the proposed hipped roof to the front. (2) To delegate authority to the Head of Planning to approve application number 20180243, subject to the satisfactory conclusion of (1) above.
- 1.2 In the event that (1) was not achieved, the application would be reported back to Committee for determination.
- 1.3 A copy of the original report to committee is attached at Appendix 1.

2 UPDATE

- 2.1 The applicants were informed of the Planning Committee's resolution and given the option to amend their plans. However, they have indicated that they do not wish to further revise the plans and wish for the application to be determined in its current form. In support of this position they have provided a detailed letter outlining their reasons for this and providing further evidence as to why they consider the application is acceptable (Appendix 2).

3 CONCLUSION

- 3.1 As the proposal remains the same as that presented at committee on 25 April 2018 the recommendation remains one of approval.

4 RECOMMENDATION

- 4.1 **APPROVE** subject to the following conditions:

- (1) The development to which this permission relates must be begun not later than THREE years beginning with the date on which this permission is granted. (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 76GA_RC_2018_A Plans and Elevations received 16 March 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. (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)

Informatives:

- (1) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk (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).
- (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 and the website www.cncbuildingcontrol.gov.uk (INF34)

Phil Courtier
Head of Planning

Background Papers

Planning application file 20180243

For further information on this report call Martin Clark 01603 430581 or email martin.clark@broadland.gov.uk

AREA East

PARISH Thorpe St Andrew

4

APPLICATION NO: 20180243 **TG REF:** 625858/ 309285

LOCATION OF SITE 76 Gordon Avenue, Thorpe St Andrew, NR7 0DP

DESCRIPTION OF DEVELOPMENT Raising of roof, rear extension and loft conversion

APPLICANT Mr Daniel Green

AGENT N/A

Date Received: 12 February 2018
8 Week Expiry Date: 9 April 2018

Reason at Committee: The applicant is related to a Broadland District Council employee and objections have been received to the proposal.

Recommendation (summary): Approve subject to conditions

1 THE PROPOSAL

- 1.1 An open fronted porch would be built over the front door, between the existing bay windows.
- 1.2 The property would be extended 6 metres further to the rear than the existing extension to form an open plan kitchen and dining area to the rear of the ground floor.
- 1.3 The roof ridge height over the existing property would be raised from 5.6 metres to 6.2 metres, an increase of 0.6 metres in height, and extended over the proposed rear extension to form a gable end to the rear which will enable rooms to be formed in the roof space. This will include one bedroom, bathroom and walk in wardrobe.
- 1.4 Five rooflight windows will be included on the west elevation, four of which will be to provide light to ground floor rooms with the fifth serving the landing in the loft space. One further rooflight will provide light to the stairwell on the east elevation.

- 1.5 Combined with internal alterations the property will be increased from a two bed to a four bed detached dwelling
- 1.6 The amended plans corrected an error on the original which showed the existing roof ridge to sit at 5 metres in height giving the impression that the roof ridge would be raised by 1.2 metres.
- 1.7 The proposal details that the property would be finished in painted render, the roof will be finished in black concrete tiles and the windows and doors would be white uPVC.

2 KEY CONSIDERATIONS

- The impact of the proposal on the character and appearance of the area.
- The impact of the proposal on neighbour amenity.

3 CONSULTATIONS

3.1 BDC Pollution Control Officer:

The property is within 250m of filled ground. I would suggest that the appropriate informative is added

3.2 Thorpe St Andrew Town Council:

Members noted that the proposal would increase the roof height by 90cm and felt the proposed roof line would be out of keeping with other properties in the area and have a negative impact on the street scene. They also felt the roof would be acceptable with a hip roof rather than a gable end. It was also felt that the proposed extension was too large and would have a negative impact on neighbouring properties. For these reasons it was agreed to raise an objection.

Re-consultation:

The roof would be more acceptable with a hip roof rather than a gable end. It was also felt that the proposed extension was too large and would have a negative impact on neighbouring properties. For these reasons it was agreed to raise an objection.

4 PUBLICITY

4.1 Site Notice: Expired 19 April 2018

4.2 Neighbour notifications:

63, 74 & 78 Gordon Avenue and 18 & 20 Blakestone Drive were notified by letters sent on 15/02/2018. The reply due date being 10 March 2018.

74 & 78 Gordon Avenue were reconsulted by letter sent 19 March 2018 with a reply due date of 2 April 2018.

5 REPRESENTATIONS

5.1 One comment received from neighbours. An objection received from 78 Gordon Avenue (to the east of the site) raising the following concerns:

- The proposal would be over-development of the site.
- The raised and extended roof will be out of keeping with the neighbouring properties and will block light to the living room, kitchen and conservatory to No. 78.
- Several velux windows overlooking driveway
- Front porch design not in keeping with the bungalow and street scene.

Re-consultation:

Original objection is maintained

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 & 186 are particularly relevant to the determination of this application.

6.2 The following sections of the NPPG are relevant:

Design and Determining a planning application (particularly "What is a material planning consideration?")

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

6.3 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.

Development Management Development Plan Document (DMDPD) (2015):

- 6.4 The policies set out within the Development Management DPD seek to further the aims and objectives set out within the National Planning Policy Framework and the Joint Core Strategy. It therefore includes more detailed local policies for the management of development.

- 6.5 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.

- 6.6 Policy GC4: Design

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

7 LOCATION AND DESCRIPTION OF SITE

- 7.1 The site is located on Gordon Avenue, a residential area in Thorpe St Andrew.

- 7.2 The site is rectangular, measuring approximately 66metres in length, front (north) to back (south) by 12 metres in width.

- 7.3 The existing dwelling on the site is a detached two bedroom bungalow with a hipped roof. There is off road parking to the front and a 47metre garden to the rear.

- 7.4 Gordon Avenue is made up of a vast majority of detached bungalows, many of which have been extended to the rear with a mix of gable and hipped roof designs. There are some detached two storey houses amongst the bungalows. The front boundaries tend to be low level (1metre or lower) fence or brick walls with some hedges, shrubs and small trees. There is a uniform feel to the street with all the properties having similar sized front gardens and drives with consistent spacing between the dwellings.

- 7.5 No. 78, to the east, is a detached bungalow with a hipped roof with a single storey rear extension and a small conservatory creating a stepped rear

elevation. The original bungalow sits approximately 1.5 metres from the boundary with the application site and has one window (to a non-habitable room) along the side elevation. There are windows to the rear elevation and the side elevation of the extension and conservatory. The conservatory is 4.5 metres and the extension 6.5 metres from the boundary with the application site. There is wire fencing along the boundary separating the front gardens with 6ft close boarded fencing starting halfway along the dwellings and extending to the rear boundary.

- 7.6 No. 74, to the west, is a detached bungalow with a hipped roof to the principle elevation and a gable end to the rear. The property has twice been extended to the rear under application 011020 and 20111375. The property sits 2.5 metres from the boundary with the application site and has three windows, two doors and a rooflight in the side elevation. A 6ft close boarded fence runs along the boundary so there is no overlooking from the windows and doors.

- 7.7 There are several examples of similar development permitted on Gordon Avenue as detailed below:

No. 37 Gordon Avenue – App No. 900568
No. 39 Gordon Avenue – App No. 20040222
No. 44 Gordon Avenue – App No. 20161318
No. 50 Gordon Avenue – App No. 20050871
No. 67 Gordon Avenue – App No. 980495
No. 68 Gordon Avenue – App No. 20041253
No. 99A Gordon Avenue – App No. 20140371

8 PLANNING HISTORY

- 8.1 No previous planning history.

9 APPRAISAL

- 9.1 The main issues to be taken into consideration in the determination of this application are an assessment of the proposal against the policies of the Development Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance.
- 9.2 Whilst there will be some change to the appearance of the dwelling from the street it is not considered to be significant or to cause harm to the character of the area.
- 9.3 The roof ridge will be raised by 0.6 metres from the existing height by following the existing roof slope and bringing it to a point rather than a flat top (ridge parallel to road). This is actually more in keeping with the neighbouring properties than the existing as the vast majority all come to a point to the front (with the ridge running backwards). Whilst the ridge line is being raised it is

considered that the additional 0.6 metres will not look out of place against the neighbouring dwellings.

- 9.4 The only other change to the principle elevation (front) is the proposed open fronted porch. There is already a small gable over the existing door with a ridge height of 4.8 metres; this is being brought forward but will also be lowered with a shallower pitch. The proposed porch measures 1.2m deep x 2.3m wide so it will be 2.76 sq metres and will be at a height of 4.2 metres. Although the height means that the current design could not be carried out under permitted development the applicants could erect a porch of the same size at a maximum height of 3 metres. The porch roof height is lower than the existing front gabled roof and an objection to this could not be sustained.
- 9.5 To the rear the garden backs onto No 18 & 20 Blakestone Drive. No representations have been received from either of these neighbours and after the extension the application site would retain a rear garden in excess of 41 metres. Therefore there would be no impact on the amenity of either of these dwellings.
- 9.6 To the west is No 74 Gordon Avenue separated by a gap of approximately 4 metres from the application dwelling (side wall to side wall). No 74 has a similar rear extension to the proposed which extends approximately 3.5 metres further to the rear than the current extension at No 76. No representations were received from the owner/occupiers of No 74 and given the separation between the dwellings and the existing extension at No 74 it is considered that the proposed development will not have any significant impact on the amenity of No 74.
- 9.7 To the east No 78 Gordon Avenue is separated by a gap of approximately 3 metres (side wall to side wall) and has a rear extension that extends approximately 4 metres further to the rear than the existing extension at No 76.
- 9.8 The proposed extension will extend 6 metres further to the rear than the existing so approximately 2 metres further than the extensions of No 78. The extension at No 78 is set to the east side, approximately 6.5 metres from the boundary and 8 metres from the proposed extension. No 78 has a detached dual pitched roof garage with a flat roof car port along the boundary and between the proposed extension at No 76 and No 78.
- 9.9 The proposed raised roof pitches away from No 78 so the ridge line will be approximately 10 and 12 metres away from the conservatory and kitchen windows in the side elevations of No 78. Whilst this may result in a small amount of light loss as the sun sets in the west it is not considered to be significant given the distance between the ridge line and the windows and that there is an existing garage and car port on the neighbours property that will also block some of the light as the sun sets in the west.

- 9.10 The Town Council suggested that a hipped roof to the rear would be more acceptable than the gable end but this will have no impact on the character and appearance of the area as it will not be visible. Many of the neighbouring properties have extensions to the rear with gable ends, for example 37, 39, 44, 50, 53, 55, 57, 67, 68, 74, 93 and 99a. The hipped roof to the front is to be maintained.
- 9.11 Five rooflight windows will be included on the west elevation, four of which provide light to ground floor rooms. The bottom of the windows will sit at 3.5 metres in height so there will be no possibility of overlooking the neighbouring property as these serve ground floor rooms. The fifth will serve the landing in the loft space so is not to a habitable room. One further rooflight will provide light to the stairwell on the east elevation.
- 9.12 The use of painted render would be in keeping with the character of the area. Within the row of bungalows in which No 76 sits many of them are rendered; on the south side of the road (even Nos) 58-70, 74, 78 and 82 and on the north side (odd Nos) 49, 51 and 67-75 are all finished in render. Black concrete tiles are in keeping with the existing roof of No 76 and the neighbouring properties at No 78 and 80. The windows and doors would be white uPVC to match the existing.
- 9.13 The proposals are not considered to cause significant harm to the character and appearance of the area and based on the reasons above the proposals are not considered to cause any significant harm to neighbour amenity.
- 9.14 In conclusion the application is considered to be an acceptable form of development and therefore should be approved as it complies with National Planning Policy Framework, National Planning Policy Guidance, Policy 2 of the Joint Core Strategy and Policy GC4 of the Development Management DPD 2015.

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

- (1) The development to which this permission relates must be begun not later than THREE years beginning with the date on which this permission 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 76GA_RC_2018_A Plans and Elevations received 16 March 2018

Location Plan received 12th 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. (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)

Informatives:

- (1) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk (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)
- (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 and the website www.cncbuildingcontrol.gov.uk (INF34)

Additional Information

Appendix 2

76 Gordon Avenue, Thorpe St Andrew, Norwich, NR7 0DP – Raising of Roof, Rear Extension and Loft Conversion – Application reference 20180243

Supporting Statement following the Council's Planning Committee decision to refer the application to be able to negotiate an amendment to the roof.

Please include this document when the application is heard again at planning committee on 6th June 2018.

Existing Property

The existing property is a 2 bedroom detached bungalow constructed from traditional Norfolk red brick with a hipped style roof. The property has a unique small gable at the front of the property which is over the main front door entrance and a small gable roof to the rear which is part of the original dwelling. The site as a whole in rectangular in shape and measures approx. 66m in length and 12m in width.



Extensions as Proposed

The development description is for a rear extension, raising of roof, and loft conversion to achieve a family home.

The proposed extension to the rear projects 6m from the rear wall of the property and will contain an open plan kitchen / dining room / living area and a utility room will also be incorporated into this area.

The proposal to raise the roof will see it being raised by no more than 0.6m and will change the line of the ridge to run front to back, rather than side to side. This is more in-keeping with the rest of the street scene where the majority of properties in this part of Gordon Avenue have a ridge which runs front to back. This is a minimal change which should not have a detrimental impact on the street scene or character and appearance of the surrounding area.



Example of proposed roof line once raised.

The proposed loft conversion would see a bedroom within the roof space over the proposed rear extension, and a landing area; walk-in wardrobe and bathroom within the roof space over the existing property. The front roof slope of the property is inhabitable as a room due to the angle of the roof slope; therefore, this will be used as a storage space. The rear will incorporate a gable end which will not be out of character for the area or surrounding properties.

The proposal will incorporate a total of 6 rooflights. 4 rooflights will be provided to serve ground floor rooms, adhering to fire safety building regulations, a window to the side cannot be placed on the side elevation, therefore, Velux rooflights will be installed. 1 further rooflight on the elevation facing No 78 Gordon Avenue will be provided which will serve a landing area. On the side elevation facing No.74 Gordon Avenue, there will be 1 rooflight which will serve the bathroom within the loft conversion.

Planning History of surrounding area and nearby / adjacent properties

No. 74 Gordon Avenue

Planning reference 011020 - Single Storey Rear Extension:

REFUSED by Broadland District Council 17/10/2001 **APPENDIX 1**

An appeal was then lodged with the planning inspectorate and was:

ALLOWED ON APPEAL on 12/12/2001 **APPENDIX 2**

The application was seen before Planning Sub-Committee where the officer recommendation was to approve the application subject to conditions. The Members of the Council's Planning Sub-Committee resolved to refuse the application which was contrary to officer recommendation. These documents form part of **APPENDIX 3**

The proposed extension under application **011020** was for an almost identical proposal which is subject of this application. The original proposal was for a 7.9m rear extension. This is subsequently reduced to 6m which was approved at the appeal stage.

Planning reference **20111375** was for 'Single Storey Rear Extension & Retention of Front Garden Wall'. This was granted full approval on 03/11/2011.

The proposed extension that was granted permission under 20111375 projects 4.49m from the rear wall of the extension which was granted under appeal 011020. Therefore, the total projection of rear extensions equate to a total projection of 10.49m from the 'original rear wall' of the dwelling.



Street View of No. 74 Gordon Avenue



View of No. 74 Gordon Avenue from No. 76 Gordon Avenue



View from garden of No. 76 of extensions at No. 74 Gordon Avenue

No. 74 also has a detached garage to the rear of the property. This sits approx. 1m away from the boundary with No. 76 and has a dual pitch roof with a gable end at the front and back. This has since been altered to provide living accommodation.



Garage at No. 74 Gordon Avenue

No. 78 Gordon Avenue

No. 78 Gordon Avenue has previously been extended in the form of an extension and a conservatory. There is no evidence of planning permission being obtained for either extension, but I understand that these extensions were possibly permitted development, not requiring a planning application to be submitted to the Council.

However, the extension on the right hand side of the rear of the property (when looking at a plan view) projects out approx. 5.8m from the original rear wall of the property with the conservatory projecting approx. 2.5m from the original rear wall of the property.

No. 78 has a detached garage with a dual pitch roof which is approx. 0.25m from the boundary with No. 76; this also has a flat roof car port in front of this garage. Both garage and car port sit in-between the proposed extension and No. 78. Given that there is a garage and car port in-between the two properties, the impact of the extension at No. 76 Gordon Avenue would be diminutive given the placement of these structures.

Between the two properties there is a solid 1.8m timber fence which separates the two properties. There is also a number of hedges and trees in No. 78's garden. It is considered that the extension to the rear with a gable end would have a miniscule impact on the outlook from the property, or the amount of sunlight and daylight reaching the property.



View of No. 78 Gordon Avenue from No. 76 Gordon Avenue



View from garden of No. 76 of extensions and outbuildings at No. 78 Gordon Avenue



View of No. 78 Gordon Avenue from the end of the rear garden at No. 76 Gordon Avenue



View from No. 76 of boundary with No. 78 Gordon Avenue

Surrounding Area

A number of properties on Gordon Avenue have been developed in similar ways to that which is being proposed at No. 76 Gordon Avenue. This includes No. 74 as mentioned above.

No. 37 Gordon Avenue – App No. 900568 - 1) Single Storey Rear Extension 2) Rooms In Roof

No. 39 Gordon Avenue – App No. 20040222 - Rear Extension & Alterations To Roof To Form Rooms In Roof

No. 44 Gordon Avenue – App No. 20161318 - Alterations & Extension to form Rooms in Roof

No. 50 Gordon Avenue – App No. 20050871 - 1. Rear Extension Incorporating Rooms In Roof; 2. Alter and Extend Existing Garage

No. 67 Gordon Avenue – App No. 980495 - 1. Single Storey Rear Extension; 2. Room In Roof; 3. Rebuilding Garage

No. 68 Gordon Avenue – App No. 20041253 - Rear Extensions Including Rooms In Roof

No. 99A Gordon Avenue – App No. 20140371 - Raising of Roof and Extension to Rear of Property to Provide Two Bedrooms in the Roof space and New Kitchen/Dining Area



Birdseye view of surrounding area around No. 76 Gordon Avenue.



Aerial 3D view looking North



Aerial 3D view looking South (towards Blakestone Drive)



Aerial 3D view of properties along Gordon Avenue opposite No. 76

Conclusion

In conclusion, we feel that our extension complies with the Broadland Development Plan which consists of:

- Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) 2011 – Policy 2 – Promoting Good Design which states:
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.
- Development Management Development Plan Document (DMDPD) (2015) – Policy GC4 – Design which states:
Development will be expected to achieve a high standard of design and avoid any significant detrimental impact.

Within the area of Gordon Avenue, a number of properties have done similar extensions to that which is being proposed at No.76. The properties have been extended to the rear to incorporate a gable end and loft conversion. The hipped roof to the front will be maintained and will be in-keeping with the surrounding area. The gable end to the proposed extension to the rear would not look out of place in the context of its surroundings, especially with the gable end being to the back of the building where it would not be readily seen from the road.

The roof design is considered to be in-keeping with the surrounding area and should not have a negative impact on the appearance and character of the surrounding area. Whilst considering the size of the plot, the distances away from neighbouring boundaries, the existing extensions and siting of garden structures on the neighbouring boundary, it is not considered the size of the proposed extension to the rear of the property will have a negative or unacceptable impact on neighbouring amenities or impact on light to neighbouring properties. It is also considered that the extension would not have an unacceptable impact on the living conditions of either neighbouring properties at No. 74 or No. 78 Gordon Avenue.



Ask for : Mr J Green
Direct dial : (01603) 703246
Fax : (01603) 700339
Date : 18 October 2001

MR H BROOKS
THE GABLE
BRUNDALL ROAD
BLOFIELD
NORWICH NR13 4LB

Application Number:

011020

Date of Decision: 17 OCT 2001

Description: SINGLE STOREY REAR EXTENSION

Location: 74, GORDON AVENUE, THORPE ST ANDREW.

Applicant: MR & MRS WRIGHT

Town and Country Planning Act 1990

The Council in pursuance of powers under this Act **REFUSES PLANNING PERMISSION** for the development referred to above for the following reasons.

Policy HOU13 of the Broadland District Local Plan states that extensions to existing dwellings may be permitted where the privacy and amenities of neighbours are adequately safeguarded. Additionally, Policies GS3 and ENV2 of the Local Plan only permit development where there are no unacceptable effects on, inter alia, the character and appearance of the surrounding area or residential amenity and where the privacy and amenities of neighbours are adequately safeguarded.

In the opinion of the Local Planning Authority, the proposed extension would by virtue of its size, design and overall projection out from the rear elevation of the bungalow result in a dominant and unacceptable form of development, having an adverse impact upon the amenities of the neighbouring properties. As such the proposal is contrary to policies HOU13, GS3 and ENV2 of the Broadland District Local Plan.

Signed
N George
Head of Planning
Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU



Appeal Decision

Site visit made on 22 April 2002

by **Anthony J Davison** BA(Hons) LLB(Hons) MSc
MBA FRTPi RIBA MLI
an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

The Planning Inspectorate
409 Kite Wing
Temple Quay House
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Bristol BS1 6PN
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e-mail: enquiries@planning-inspectorate.gov.uk

Date

- 1 MAY 2002

Appeal Ref: APP/K2610/A/01/1079496

74 Gordon Avenue, Thorpe St Andrew, Norwich

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D L Wright against the decision of Broadland District Council.
- The application (Ref.011020), dated 22 July 2001, was refused by notice dated 18 October 2001.
- The development proposed is a rear extension.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. The plans submitted with the planning application that is the subject of this appeal were subsequently amended, with the length of the extension being reduced from 7.9m to 6m. The Council considered the proposals in their revised form and I have dealt with the appeal on that basis.

Main Issues

2. I consider the main issues to be, firstly, the effect of the extension on the character and appearance of the area and, secondly, its impact on the living conditions of occupiers of 72 and 76 Gordon Avenue in terms of outlook, daylight and sunlight.

Planning Policy

3. The development plan includes the 2000 Broadland District Local Plan. Policy HOU13, which relates to extensions to existing dwellings, says that these may be permitted where the privacy and amenities of neighbours are adequately safeguarded. Policy GS3 sets out general considerations to be taken into account in all new development proposals, including residential amenity. Policy ENV2 sets out design considerations to be taken into account in all development proposals.
4. The Council has also published supplementary planning guidance in the form of the 1997 Broadland Design Guide. This provides general guidance on the design of extensions and sets out minimum distances to boundaries although it says that these may be reduced in particular circumstances.

Reasons

The Character and Appearance of the Area

5. The proposed extension would have a pitched roof with a gable end and would occupy the full width of the appeal building, which is a bungalow with a hipped roof. Although there are some two-storey buildings to be seen, development along this part of Gordon Avenue consists mainly of bungalows that display a variety of architectural styles. Many of these have hipped roofs but the Appellant has drawn attention to numerous others with gables that are either original features or are the result of later alterations and extensions. I noted during my site visit that the rear projection on the adjacent bungalow, 76 Gordon Avenue, has a gable end. Consequently, while I agree with the Council that a hipped roof would be more in keeping with the design of the original building, the gable end to the proposed extension would not, in my opinion, look out of place in the context of its surroundings. Moreover, being at the back of the building, it would not readily be seen from the road.
6. My conclusion on this issue is that the proposed extension would not harm the character or appearance of the area and would not conflict with Local Plan Policy ENV2.

Living Conditions in Neighbouring Property

7. The side of the adjoining property to the west of the appeal site, 72 Gordon Avenue, is less than a metre from the boundary. It has a flat roofed rear extension, which has no windows in the wall facing the site of the proposed extension. There is a window in the side of the original bungalow but this looks directly on to the existing side of No 74 some 1.5m away. There is also a 1.8m high solid fence along the boundary. In these circumstances I consider that the proposed single storey extension would have little or no impact on the outlook from the window or on the amount of sunlight and daylight reaching it.
8. The adjoining property to the east, 76 Gordon Avenue, has a window and a glazed porch facing the appeal site. The proposed extension to the appeal building, which would replace a smaller projection that is marginally closer to No 76, would be just over 2m from the site boundary. A solid 1.8m high timber fence separates the two properties. I am of the view that, in these circumstances, the proposed single storey extension would have little or no impact on the outlook from the west-facing porch and window in the side of No 76 or on the amount of sunlight and daylight reaching them.
9. The distance between the extension and its neighbours would, in each case, be less than that recommended in the Council's Design Guide. However, I am of the view that, in the particular circumstances of the appeal site, this would not cause it to have an unacceptable impact on living conditions in either of those properties. I have taken account of the fact that the extension would have a pitched roof but this would have a relatively shallow pitch and I consider that it would not have a significant additional impact on the situation.
10. My conclusion on this issue is that the proposed extension would not have an undue impact on living conditions in either of the adjoining properties and would not conflict with Local Plan Policies HOU13 or GS3.

Conditions

11. The Council suggests that, if the appeal is allowed and planning permission granted, two conditions should be imposed in addition to the statutory time limit for starting

development. I consider a condition requiring implementation in accordance with the amended plan to be unnecessary because the Council already has powers to deal with unauthorised development should that occur. However, I agree that a condition requiring the use of matching materials is necessary in the interest of visual amenity.

Conclusions

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

Formal Decision

13. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for a rear extension at 74 Gordon Avenue, Thorpe St Andrew, Norwich, in accordance with the terms of the application (Ref.011020), dated 22 July 2001, and the plans submitted therewith (and subsequently amended), subject to the following conditions:
- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Information

14. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.
15. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
16. Attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970, as amended.



Inspector

Minutes of 17 Oct 2001 Committee

Planning Sub-Committee

12

APPLICATION NO: 01.1020

LOCATION OF SITE: 74 Gordon Avenue, Thorpe St Andrew

DESCRIPTION OF DEVELOPMENT: Single storey rear extension

DECISION: REFUSE, on the following grounds:

Policy HOU13 of the Broadland District Local Plan states that extensions to existing dwellings may be permitted where the privacy and amenities of neighbours are adequately safeguarded. Additionally, Policies GS3 and ENV2 of the Local Plan only permit development where there are no unacceptable effects on, inter alia, the character and appearance of the surrounding area or residential amenity and where the privacy and amenities of neighbours are adequately safeguarded.

In the opinion of the Local Planning Authority the proposed extension would, by virtue of its size, design and overall projection out from the rear elevation of the bungalow, result in a dominant and unacceptable form of development, having an adverse impact upon the amenities of the neighbouring properties. As such, the proposal is contrary to Policies HOU13, GS3 and ENV2 of the Broadland District Local Plan.

The Sub-Committee received the verbal views of Mr Warrington of 76 Gordon Avenue, objecting to the application, at the meeting.

17 October 2001

Planning Sub-Committee

AREA: East Area Team

PARISH: Thorpe St. Andrew

12

APPLICATION NO: 01.1020

TG REF: 25850/09280

LOCATION OF SITE: 74 Gordon Avenue, Thorpe St. Andrew

DESCRIPTION OF DEVELOPMENT: Single storey rear extension

APPLICANT: Mr & Mrs Wright, 74 Gordon Avenue, Thorpe St. Andrew, Norwich, NR7 0DP

AGENT: Mr H Brooks, The Gable, Brundall Road, Blofield, Norwich, NR13 4LB

Date Received: 25 July 2001
8 Week Expiry Date: 19 September 2001

1 CONSULTATIONS

1.1 Thorpe St. Andrew Parish Council:

Comments on latest amended plans:

Objections to the gable end. We recommend discussions take place with the applicant to change the roof design from gable end to half hip. A design as seen on dwellings in nearby Avenue Green would not be out of place.

2 PUBLICITY

2.1 Site notice:

Expiry date 16 August 2001.

2.2 Neighbour Notification:

72 & 76 Gordon Avenue, Thorpe St. Andrew. 16 & 18 Blakestone Drive, Thorpe St. Andrew.

Expiry date 15 August 2001.

Amended Plans:

01.1020 74 Gordon Avenue, Thorpe St. Andrew

17 October 2001

72 & 76 Gordon Avenue, Thorpe St. Andrew.

Expiry date 1 October 2001.

3 REPRESENTATIONS

- 3.1 Letters of objection received from Mr & Mrs Warrington, 76 Gordon Avenue and K D & M Vinc, 72 Gordon Avenue, Thorpe St. Andrew. These can be summarised as follows:

Comments on latest amended plans:

- Although extension has been reduced, it will still result in loss of light and will overshadow neighbouring properties;
- Concerns over position of proposed toilet window;
- Proposed extension will devalue properties;
- Given neighbouring properties have been here more than 20 years, proposed extension will affect right to light;
- There would be no objection to a flat roofed extension.

4 RELEVANT POLICY GUIDANCE

- 4.1 PPG1 (Revised) – General Policy and Principles:

Outlines the planning framework and the purposes of the planning system. Contains a general statement on planning policies.

- 4.2 Broadland District Local Plan:

Site located within development boundary.

- 4.3 Policy GS1:

New development will normally be accommodated within the development boundaries. Outside these boundaries, development proposals will not be permitted unless they comply with a specific allocation and/or policy of the Plan.

- 4.4 Policy GS3:

Sets out general considerations to be taken into account in all new development proposals, including access, residential amenity, the character and appearance of the surrounding area, nature conservation, agricultural land, building conservation and utilities and services.

- 4.5 Policy ENV2:

For all development proposals a high standard of layout and design will be required with regard given to the scale, form, height, mass, density, layout, energy efficiency, landscape, access and the use of appropriate materials. This will include the consideration of the appearance and treatment of spaces between and around buildings

Planning Sub-Committee

and the wider setting of the development taking into account the existing character of the surroundings.

4.6 Policy HOU13:

Within development boundaries, extensions to existing dwellings may be permitted where the privacy and amenities of neighbours are adequately safeguarded. Outside development boundaries, the size of the extension which, together with any previous extensions should be subordinate to the original dwelling in terms of visual effect and floorspace.

4.7 Broadland Design Guide – Supplementary Planning Guidance:

Provides guidance on extensions to existing dwellings.

5 LOCATION AND DESCRIPTION OF SITE

5.1 The site lies within the development boundary for Thorpe St. Andrew as defined in the Broadland District Local Plan, and is located to the south side of Gordon Avenue.

5.2 The application property is a detached hipped roofed bungalow with a detached garage building to the rear, which did not require planning permission given its size and distance away from the property. The existing materials to the property include render and brickwork to the main exterior and clay pantiles to the roof. The existing fenestration takes the form of white painted timber windows.

5.3 The existing boundary treatments to the rear of the site include a mixture of 1.8 metre high interwoven and close boarded fencing along the eastern boundary, timber fencing and shrubbery along the southern boundary and 1.8 metre high close boarded fencing along the western boundary.

5.4 The property to the west, No 72 Gordon Avenue has been extended to the rear by way of a flat roofed single storey extension. Number 76 Gordon Avenue also takes the form of a detached bungalow, with single storey projection to the rear.

6 THE PROPOSAL

6.1 The current application seeks consent for a single storey gabled roofed extension to the rear of the existing property. The proposed extension is to form a new kitchen and living room area.

6.2 The application has been amended from the scheme originally submitted, which included a much larger extension measuring 7.9 metres in length, which was considered to be excessive, being larger than the existing property.

6.3 The extension has now been amended in size to 6.0 metres in length, which is considered to be more in keeping with the surrounding pattern of development and the existing property.

7 PLANNING HISTORY

7.1 00ENF107:

Erection of building. No further action. March 2000.

8 APPRAISAL

8.1 The issue which needs to be considered in the determination of this application is an assessment of the proposal against Local Plan policy, and in particular, the character and appearance of the area, and the amenities of neighbouring properties.

8.2 Policy ENV2 of the Broadland District Local Plan requires all development proposals to have a high standard of layout and design with regard given to a number of factors, including scale, form, height, mass and use of appropriate materials. Additionally, policy GS3 sets out general considerations to be taken into account, including in this instance residential amenity, and the character and appearance of the surrounding area.

8.3 The current application has been amended from that originally submitted, which sought an extension to the rear of the existing bungalow measuring 7.9 metres in length. Following successful negotiation, the overall length of the extension has now been reduced to 6.0 metres, however the proposal still includes a gabled roof, as opposed to a hipped roof. In considering the roof design and the character of the surrounding area, although both the neighbouring properties include hipped roofs to the rear, it is not considered that a refusal of planning permission would be justified for the gabled roofed proposed.

8.4 Several letters have been received in respect of the size of the proposed extension and the fact that this includes a gable roof. In considering the amended proposal in context of policy ENV2 of the Local Plan, and given the amendments which have been made in terms of reducing the overall length of the extension, and subject to the proposed materials matching the existing dwelling, it is not considered that a refusal of planning permission could be justified. The amended proposal is therefore considered to be in keeping with the surrounding area and there is no conflict with the Local Plan policies in this respect.

8.5 Policy HOU13 of the Broadland District Local Plan seeks only to permit extensions to existing dwellings where the privacy and amenity of neighbours are adequately safeguarded. In considering the amended design of the proposed single storey rear extension, given the proposed extension is to the rear of the property, the size of the plot and the distance away from the boundaries of the site, the position of the dwelling relative to the neighbouring properties either side, and the existing extensions to the rear of the neighbouring properties, it is not considered that there will be any impact on the amenities of neighbouring properties. As far as the position of any windows in the proposed extension, these are not considered to impact on the privacy or amenities of the neighbouring properties. The amended proposal therefore complies with the requirements of policy HOU13 of the Broadland District Local Plan.

8.6 It is therefore considered overall that the amended proposals for the rear extension represents an acceptable form of development.

Planning Sub-Committee

8.7 The application is reported to Committee in view of the Parish Council comments.

RECOMMENDATION: APPROVE – subject to the following conditions:

- (1) A1 (Statutory time limit).
- (2) E6 (The development hereby permitted shall not be carried out otherwise than in accordance with the amended drawing received 14 September 2001).
- (3) F3 (The external materials to be used shall match in type colour and texture those on the existing dwelling or shall otherwise receive prior approval of the Local Planning Authority).

Reasons:

- (1) R1 (Statutory requirement).
- (2) R32 (To ensure the permission relates to the application as amended).
- (3) R10 (To ensure the satisfactory appearance of the dwelling).

AREA West
PARISH Sprowston

7

APPLICATION NO: [20180634](#) **TG REF:** 624844 / 310639
LOCATION OF SITE 1 Roundtree Close, Sprowston, NR7 8SX
DESCRIPTION OF DEVELOPMENT Change of use from B1/C & B8 to D2 Assembly & Leisure
APPLICANT Mrs Maria Collins
AGENT n/a

Date Valid: 18 April 2018
8 Week Expiry Date: 13 June 2018

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

Recommendation (summary): Approve subject to a condition

1 THE PROPOSAL

- 1.1 This application seeks planning permission to change the use of a light industrial unit (use Class B1) with a floor space of 151m² to a gymnasium (use Class D2). No external works have been or are required to the building.
- 1.2 Information submitted in support of the application explains that the company Box Base Gyms operates a brand called BOX30. The concept being to offer a full body workout session in just 30 minutes. Classes run every 30 minutes, meaning that customers do not have to arrive or leave at a prescribed time.
- 1.3 Hours of opening are 07:30 to 21:00 hours from Monday to Friday and 09:00 to 12:00 hours on Saturdays, Sundays and Bank Holidays. Three full-time members of staff will be employed. Unit 1 has six car parking spaces associated with it outside the front. Two or three of the spaces will be taken by staff, leaving the remainder for customers. Whilst not formally part of this application, neighbouring business Leeson's Furniture has offered their car parking spaces for the evening.

2 KEY CONSIDERATION

- Whether the loss of an employment unit on a strategic employment site is acceptable.

3 CONSULTATIONS

3.1 Economic Development Officer:

The preference would be to see the unit remain in employment use if at all possible, given the proximity of the site to the urban fringe and the planning designation as strategic employment. There appears to be no evidence to suggest that Unit 1 has been fully marketed to see if an appropriate occupier can be found. It is queried whether the proposed use is viable given the proximity to a similar use at Unit 8 on the same industrial estate. In the case of Unit 8 an exception was made for an existing business which needed to be regularised. As to this current application an objection is made.

3.2 Norfolk County Council (as Highway Authority):

No principle objection is made but a concern is the on-site car parking, which is not helped by the applicants stating that they do not intend to have set class start times. It is queried how the operation is to be regulated to prevent numerous clients from being onsite at the same time, in which case the limited car parking of four spaces would be insufficient.

3.3 Pollution Control Officer:

No comments.

3.4 Sprowston Town Council:

No observations or objections to the granting of the application.

4 PUBLICITY

4.1 Neighbour notification:

Numbers 2, 5, 6, 7, 8, Roundtree Close; and, 2 and 4 Roundtree Way, Sprowston

Expiry date: 23 May 2018

5 REPRESENTATIONS

- 5.1 None received.

6 RELEVANT POLICY GUIDANCE

NPPF:

- 6.1 This document sets out that the purpose of the planning system is to contribute towards achieving sustainable development and that at the heart of the NPPF is a presumption in favour of sustainable development. It also reinforces the position that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration.

Planning Practice Guidance:

<http://planningguidance.planningportal.gov.uk/blog/policy/>

- 6.2 No relevant guidance.

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

- 6.3 Policy 5: The economy

Amongst other things, sets out that the local economy will be developed in a sustainable way to support jobs and economic growth in both urban and rural locations and that tourism, leisure, environmental and cultural industries will be promoted.

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

Amongst other items, states that throughout the suburban area and fringe parishes, opportunities will be sought to retain and improve local jobs, including through the retention of existing employment allocations and identified sites and by ensuring that small-scale opportunities are genuinely available to all levels of the market.

Development Management Development Plan Document (DM DPD) 2015:

- 6.5 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.

6.6 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.

6.7 Policy GC4: Design

Amongst a series of items, development will be expected to avoid any significant detrimental impact.

6.8 Policy E1: Existing strategic employment sites

Employment sites of strategic importance as identified on the policies map will be reserved for employment use.

6.9 Policy E2: Retention of employment sites

Sites in settlement limits that are in employment use or were last used for employment will be retained in employment use unless the proposed new use will not result in any detrimental impact and:

- (i) It has been demonstrated that continued employment use is not viable; or
- (ii) There is a significant environmental or community gain from redevelopment and/or change of use which outweighs the employment benefits.

6.10 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

6.11 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.

Sprowston Neighbourhood Plan 2014:

6.12 Policy 6: Local employment opportunities

Local employment opportunities will be supported by:

- Promoting the development of appropriate new and expanded businesses;
- The change of use of part of a dwelling including the erection of a building or use of an existing building within the curtilage to permit the occupant to work from home provided that the amenity of neighbours is not harmed.

7 LOCATION AND DESCRIPTION OF SITE

- 7.1 The application site is within the settlement limit that has been defined for Sprowston. Roundtree Close is a spur road off Roundtree Way close to Bunnings Warehouse (previously Homebase) at Sprowston Retail Park and is within an area identified within the DM DPD as a strategic employment site.
- 7.2 Roundtree Close is on the western side of Roundtree Way. It accommodates six blocks of similar sized employment units that are of red brick construction from ground level to the head of the windows with corrugated metal cladding above. Each unit has an area of hardstanding to the front that provides space for loading and unloading and parking. The application site is at the southern end of the first row of units on the left.
- 7.3 Neighbouring businesses on Roundtree Close include light industrial and trade counter uses, and in December 2017 Planning Committee granted a retrospective planning application from B1 to gymnasium at Unit 8 Roundtree Close (ref [20171766](#)). To the south is an area of woodland known as Mousehold Plantation.

8 RELEVANT PLANNING HISTORY

- 8.1 [831370](#): Erection of 21 general industrial units and change existing building from industrial to retail. Approved 22 November 1983.

9 APPRAISAL

- 9.1 The main issue to be taken into consideration in the determination of this application is whether the loss of an employment unit on a strategic employment site is acceptable. In this regard Planning Committee should have regard to its decision on 13 December 2017 in respect to Unit 8

(application reference 20171766). The view taken by Committee was that an exception could be made to Policy E1 of the Council's Development Management Policies (DM DPD), and the Economic Development Officer has no objection to the proposal.

- 9.2 Policy E1 of the DM DPD states that employment sites of strategic importance will be reserved for employment use. The supporting text to this policy explains that the retention of an adequate supply of employment land is crucial for achieving economic stability. The loss of employment uses will be controlled in order to maintain an adequate supply of employment land in appropriate locations. As a D2 use, the gymnasium is contrary to Policy E1 of the DM DPD.
- 9.3 Policy E2 of the DM DPD seeks to retain employment sites within settlement limits unless the proposed new use will not result in any detrimental impact and:
- (i) it has been demonstrated that continued employment use is not viable; or
 - (ii) there is a significant community gain that outweighs the employment benefits.
- 9.4 The supporting text to this policy states that in order to demonstrate that continued employment use is not viable, it will normally be expected for the site to be marketed at a realistic price for 12 months by a reputable estate agent, without any definite offers having been received. Full details of the marketing exercise and any offers received should be submitted in support of any planning application for alternative use.
- 9.5 From discussions with the applicant it is known that no marketing has taken place for finding an alternative office or industrial occupier for the building. The response from the applicant being that a gymnasium will employ a similar number of people to what would normally be expected in a 'start-up' industrial unit anyway. The applicant's supporting statement also hints to the possibility of the gymnasium business enrolling onto a Modern Apprenticeship scheme in the future.
- 9.6 The fact that a gymnasium creates jobs can be afforded some weight in the balance of competing planning priorities, but does not necessarily outweigh the 'opportunity cost' of losing a start-up unit for a new business needing an industrial estate location. Consequently, the application is contrary to Policy E2 of the DM DPD. A partial solution in this matter is to recommend the use a condition that the unit reverts back to its previous use upon the gymnasium use ceasing or the premises being vacated. Limiting the use to a gymnasium, and not widening the scope of use to any use within the D2 Assembly and Leisure classification is important too for retaining appropriate planning controls over the site.

- 9.7 On other matters, given the size of the premises and the activities that take place within the gymnasium, it is considered that it will have a neutral impact on the character of the area. The application therefore complies with Policy GC4(i) of the DM DPD. Norfolk County Council (as Highway Authority) has not objected to the application on the grounds of highway safety. The application therefore complies with Policy TS3 of the DM DPD. Unit 1 has six parking spaces allocated to it. There will be two or three full-time members of staff who work in shifts to cover opening hours and visitor numbers vary throughout the day. The site is accessible by car, cycle and foot and given the type of activities taking place, the likelihood exists that there are some shared journeys when travelling by car. There are also no parking restrictions on Roundtree Close. Officers are satisfied that the accessibility of the site and the relatively low visitor numbers results in the number of spaces being appropriate to the use and location and that the application is in accordance with Policy TS4 of the DM DPD.
- 9.8 To conclude, officers do not consider the loss of a second industrial unit to a gymnasium as undermining the development plan to a significant degree. The premises is one of 24 units of a similar size within Roundtree Close. Officers are of the view that the gymnasium sits comfortably alongside neighbouring uses, that it complies with the aims of Policy 5 of the JCS and Policy 6 of the Sprowston Neighbourhood Plan and its loss as an employment unit will not be keenly felt.

RECOMMENDATION: APPROVE 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.



PLANNING COMMITTEE

6 JUNE 2018

Final Papers

Page Nos

Supplementary Schedule

180 – 185

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

DEMOCRATIC SERVICES

Broadland District Council

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SUPPLEMENTARY SCHEDULE OF APPLICATIONS TO BE CONSIDERED

| Plan No | Application No | Location | Update | Page Nos |
|---------|----------------|--------------------------------------|---|----------|
| 2 | 20172132 | Pyehurn Farm, Pyehurn Lane, Horsford | <p>Further to comments noted in paragraph 3.5 of the report, further comments have been received from Norfolk County Council as Highways Authority:</p> <p>‘Further to recent communications regarding this proposal I confirm following recent comments from the County Council PROW officer there to be no highway safety reason for objection to the granting of permission.</p> <p>The matter of the condition (and any improvements) of the access track to the site is one for the PROW officer to agree with your authority.</p> <p>Should your authority be minded to approve the application I would be grateful for the inclusion of the following condition on any consent notice issued:</p> <p>Prior to the commencement of the development hereby permitted 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: -</p> <ul style="list-style-type: none"> i) Access arrangements ii) Parking and turning provision in accordance with adopted standard’ <p>Officer comment: Proposed condition 4 in the report shall be revised so</p> | 45 - 65 |

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| | | | that it reads as per condition above. | |
| 5 | 20180622 | Taverham Nursery Centre, Fir Covert Road, Taverham | <p>Additional Comment received from Elizabeth Clancy, The Kitchenary Ltd:</p> <p>“As the owner of one of the long-established businesses at the Craft Centre, I would urge that the current restrictions be lifted. The vacant units desperately need to be occupied and crucially, we need a great deal more diversity on the site, as a whole.</p> <p>The new proposed salons would attract more (and new) visitors and therefore, ALL the shops would ultimately benefit. There are only 2 hairdressing salons in Taverham and Thorpe Marriott, whilst there are 3 within literally a few yards of each other in the centre of Drayton (which has a considerably smaller population). Proposed plans to build thousands more houses within the parish of Taverham / Thorpe Marriott in the very near future will naturally create more demand for this type of facility.</p> <p>Having weathered the drop in footfall, during the construction of the NDR, I think it is reasonable now, for businesses here to expect to start benefitting from the extra catchment area. Taverham Nursery Centre has the opportunity to create an enormously attractive and thriving retail park, bringing in much needed extra revenue and new customers. Hopefully this is something Broadland District Council will encourage, support and be proud of.”</p> | 128 - 138 |
| 6 | 20180243 | 76 Gordon Avenue, NR7 0DP | Extended summary of representation submitted by neighbour at No. 78 Gordon Avenue | |

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| | | | <p>I wish to lodge an objection to the proposal. Whilst I accept that the new owners would wish to modernise and develop the bungalow, I am severely concerned about the design and scale of the planning proposal. I consider that the existing property is being over developed in that the new proposal is nearly one and half times again the original footprint.</p> <p>The raising of the roof height is extreme in that the property will not complement the existing heights of number 74 and my bungalow 78. The new roof design is extremely bulky, with several velux windows which will overlook my driveway.</p> <p>The proposed extension is general far too long and will be prominent and detrimental to my amenity and enjoyment of my living accommodation, being my home since 1953.</p> <p>The street scene of the Avenue is mainly ridge roof bungalows, some do have rear gables, as does no 74, this property is much closer to the front curtilage and pavement than 76 whose frontage aligns with my own property, so their rear extension does not have such impact on the natural light of no 76.</p> <p>The front porch design is also out of keeping with the design of the bungalow and with the rest of the immediate street scene, most properties have chosen and infill or left the porches open as part of the original design.</p> <p>This work is of great worry to me at my time of life. Sunlight and daylight are valued elements in a good quality living environment. Effective daylight reduces the need for electric lighting, which reduced my electricity consumption and costs. I need to safeguard my access to sunlight and daylight currently by me living in my bungalow. This will adversely affect the amenity to an unacceptable level, depriving my kitchen, living room and conservatory of natural light. The 60 and 45 degree test lines relating to windows and light need to be taken into consideration. My living room is very dark and I have replaced solid wood</p> | |
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| | | | doors with glass to maximise illumination, but already have to rely on electric lighting on dull weather days as it is without further impact. Characteristics of adjacent and street scene roof designs need to be considered. GC4 policy quotes development is expected to achieve a high standard and avoid any significant detrimental impact. DPD 2015 quotes loss of light as a planning objection. Overshadowing, loss of natural daylight to the substantive living accommodation must be considered, with regard to residential extensions and alteration. The new neighbours did mention the possibility of them extending and altering the house but they have not discussed the extent of this with me and given me the opportunity to discuss my serious concerns with them in order to try and reach an acceptable compromise.” | |
| 7 | 20180634 | Unit 1, Roundtree Close, NR7 8SX | <p>Correction to report</p> <p>Paragraph 1.2 – Classes run every 3 minutes and not every 30 minutes as stated in the report.</p> <p>In relation to further questions on the use of the building, parking arrangements, and where the business operates from now following comments were provided:</p> <p>Current Tenant</p> <p>The current tenant, Leeson’ Furniture no longer requires the unit as they find the location difficult to use. Their transport vehicles struggled to load and unload and it is too difficult to reverse into. It is too small for manufacturing and expensive too and the design of the plot is too limited for ‘goods in’ purposes. They receive complaints when transport vehicles unload. Leeson’s have marketed the property themselves with no</p> | |

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| | | | <p>success. It would have been impractical to attempt to share the building as the transport and access could have potentially increased.</p> <p>Parking</p> <p>The business model we operate has no class start times and therefore we do not encounter a large number of customers arriving at the same time. Our opening times allow customers the flexibility to start their training every three minutes and we notice a smooth arrival of customers over the opening period. Rarely do more than two people arrive together.</p> <p>If going forward, during our peak times we experience a large flow of customers we could manage this by extending our session times and or by using a booking system for the training sessions. This could easily and appropriately be managed to ensure an excellent customer experience whilst maintaining the business plan.</p> <p>The premises has six parking spaces and Leeson's Furniture (our potential neighbour) has kindly offered their car park for our use during the evenings if required, we appreciate this is an informal basis.</p> <p>Current business premises</p> <p>Box Base Gyms started in November 2017 and is currently based in a shared industrial unit in Whiffler Road, Norwich, close to the ASDA supermarket junction on the Norwich ring road.</p> <p>We share the premises with other organisations such as the 'Amateur</p> | |
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| | | | <p>Boxing Club' and we are unable to access a full range of business opening times due to the other organisations usage. We cannot access evenings and therefore are not able to offer our services to a wide section of the community which makes our business model unviable. We have not been able to locate any suitable premises currently designated for leisure purposes hence the need to seek planning permission for the change of use.</p> <p>The premises we currently use are generally in poor repair and are poorly maintained. For our business to succeed we require well maintained, clean premises where we can develop our brand and services enabling us to grow the business, increase income and employ more resources. We particularly wish to develop and grow Modern Apprenticeships and therefore require non-shared premises appropriate and suitable for a place of employment.</p> | |
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