

# Planning Committee Agenda

## Members of the Planning Committee:

Cllr I N Moncur (Chairman)  
Cllr K Vincent (Vice-Chairman)  
Cllr A D Adams  
Cllr S C Beadle  
Cllr N J Brennan  
Cllr J F Fisher

Cllr R R Foulger  
Cllr C Karimi-Ghovanlou  
Cllr S M Prutton  
Cllr S Riley  
Cllr J M Ward

## Date & Time:

Wednesday 6 October 2021  
9:30am

## Place:

Council Chamber Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich

## Contact:

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## PUBLIC ATTENDANCE:

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## Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

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- In person at the Council offices

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All those attending the meeting in person are invited to sign in on the QR code for the building and promptly arrive at, and leave the venue. Hand sanitiser are still provided and we would encourage you to observe social distancing. Further guidance on what to do on arrival will follow once your public speaking registration has been accepted.

# **AGENDA**

- 1. To receive declarations of interest from members;**  
(guidance and flow chart attached – page 4)
- 2. To report apologies for absence and to identify substitute members;**
- 3. To confirm the minutes of the meeting held on 29 July 2021;**  
(minutes attached – page 6)
- 4. Matters arising from the minutes;**
- 5. Applications for planning permission to be considered by the Committee in the order shown on the attached schedule;**  
(schedule attached – page 12)
- 6. Planning Appeals– for the period 30 June 2021 to 9 September 2021 (for information);**  
(table attached – page 81)

## DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<p>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> <li>1. affect yours, or your spouse / partner's financial position?</li> <li>2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?</li> <li>3. Relate to a contract you, or your spouse / partner have with the Council</li> <li>4. Affect land you or your spouse / partner own</li> <li>5. Affect a company that you or your partner own, or have a shareholding in</li> </ol> <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.  
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST  
INSTANCE**

## DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



## PLANNING COMMITTEE

**Minutes of a meeting of the Planning Committee of Broadland District Council, held on 29 July 2021 at 9:30am at the Council Offices**

**Committee Members Present:** Councillors: I Moncur (Chairman), T Adams, S Beadle, N Brennan, J Fisher, R Foulger, L Hemsall, C Karimi-Ghovanlou and S Prutton

**Apologies:** Councillors: S Riley, K Vincent and J Ward (substitute: Cllr Hemsall)

**Officers in Attendance:** The Assistant Director for Planning (H Mellors), the Area Planning Manager (MR) and the Democratic Services Officers (DM/JH)

**Also in Attendance** Cllr D Roper – local member

### 6 DECLARATIONS OF INTEREST

The following members declared interests in the matters listed below. Unless indicated otherwise, they remained in the meeting.

Application	Parish	Councillor	Declaration
20202016	HAINFORD	Cllr Brennan	Other interest – a member of his family owned and occupied a neighbouring property – he had not discussed the application with them
20210002	TAVERHAM	Cllrs Adams and Karimi - Gouvanlou	Ward member and member of the parish council –had not taken part in any discussions on the application

### 7 MINUTES

The minutes of the meeting of the Planning Committee held on 3 June 2021 were confirmed as a correct record.

## 8 MATTERS ARISING

No matters were raised.

## 9 PLANNING APPLICATIONS

The Committee considered the reports circulated with the agenda, which were presented by the officers. The Committee received updates to the report, which had been added to the published agenda. An additional matter was raised at the meeting in relation to application no 20210356, Thorpe St Andrew. The reference to “pharmacy” in paragraph 5.8 on page 39 needed to be removed and replaced with “proposal”.

The following speakers addressed the meeting on the applications listed below.

Application	Parish	Speakers
20201787	HORSHAM ST FAITH	Georgina Brotherton – agent for the applicant
20202016	HAINFORD	Tony Dosser – Hainford Parish Council Rob Shaw – agent for the applicant John Woods – landowner Cllr D Roper – local member
20210002	TAVERHAM	Pauline Mooney – Taverham Parish Council

The Committee made the decisions indicated in the attached appendix, conditions of approval or reasons for refusal of planning permission as determined by the Committee being in summary form only and subject to the final determination of the Director of Place.

## 10 PLANNING APPEALS

The Committee noted the planning appeals.

(The meeting concluded at 12:10pm)

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Chairman

NOTE: Conditions of approval or reasons for refusal of planning permission as determined by the Committee are in summary form only and subject to the Director of Place's final determination.

1. **Appl. No** : **20201787**
- Parish** : **HORSHAM ST. FAITH**
- Applicant's Name** : Horsham Properties Ltd
- Site Address** : Land west of Abbey Farm Commercial Park, Church Street, Horsham St. Faith
  
- Proposal** : Erection of 7 No. commercial buildings (4,843.6m<sup>2</sup> floor space), for Classes B2, B8 and E(g) purposes; parking and servicing areas; ancillary infrastructure and structural landscaping including extension to earth bund; pedestrian footways and cycleway; creation of new vehicular access from Church Street and associated works
  
- Decision** : Members voted (unanimously) to **authorise the Assistant Director – Planning to approve** the application subject to no adverse comments being received by the County Ecologist and LLFA and the following conditions:
  - 1 Time limit – full permission
  - 2 In accordance with submitted drawings
  - 3 Submission of a phasing plan
  - 4 External materials to be in accordance with submitted details
  - 5 Implementation of submitted landscaping scheme
  - 6 Provision of extension to bund to northeast of site
  - 7 In accordance with Arboricultural Impact Assessment and Tree Protection Plan
  - 8 In accordance with lighting scheme
  - 9 Archaeological written scheme of investigation
  - 10 No plant or machinery installed unless otherwise granted planning permission
  - 11 Construction of vehicular access
  - 12 No obstruction across access
  - 13 Gradient of vehicular access
  - 14 Provision of visibility splays
  - 15 Provision and retention of on-site private road network and parking and service areas
  - 16 Parking scheme for construction workers
  - 17 Submission of construction traffic management plan and access route



- 18 Implementation of construction traffic management plan and access route
- 19 Submission of drawings for off-site highway works
- 20 Completion of approved off-site highway works
- 21 Promotion of Traffic Regulation Order for extension of 30mph speed limit
- 22 Confirmation of details of energy efficient design
- 23 Previously undiscovered contamination during construction
- 24 Restrict use of units to Classes B2, B8 and E(g)
- 25 Surface water drainage and any other conditions as may reasonable be recommended by the LLFA
- 26 Ecological mitigation and enhancements and/or any other conditions as may reasonably be recommended by the County Ecologist

2. **Appl. No** : **20210356**  
**Parish** : **THORPE ST ANDREW**  
**Applicant's Name** : Mr Gavin Smith  
**Site Address** : Plot 16B, Peachman Way, Broadland Business Park, Thorpe St Andrew
- Proposal** : Use of the northern part of the site as a storage yard in association with hire of equipment; erection of a building to facilitate the hire business; provision of hardcore finish on the southern part of the application site; fencing, external lighting, gates, vehicle wash bay, recycling area and cycle stands; realignment to existing access; amendment to standard operating hours
- Decision** : Members voted (unanimously) for **Approval** subject to conditions

#### Approved with Conditions

- 1. Time limit – full permission
- 2. In accordance with submitted drawings
- 3. Foul water drainage strategy to be submitted
- 4. Implementation of surface water drainage strategy
- 5. In accordance with submitted landscaping scheme
- 6. Scheme for on-site parking for construction workers
- 7. Submission of a construction management plan, including wheel cleaning facilities
- 8. All traffic to comply with construction management plan
- 9. Access gates to remain open during hours of operation
- 10. Provision and retention of access, parking, turning and service areas

11. Hours of operation
12. No more than 12 out of hours to take place during one calendar year with the Council being given a minimum of two weeks notice of any event(s) and the applicant keeping a register of events
13. Unexpected contamination during construction
14. details of onsite wash down facilities to be submitted and agreed in consultation with LLFA and AW before commencement and these details shall be implemented as per the approved details

<b>3. Appl. No</b>	:	<b>20202016</b>
<b>Parish</b>	:	<b>HAINFORD</b>
Applicant's Name	:	Pathfinder Clean Energy UK Dev Ltd
Site Address	:	Burgate Solar Farm, Fields adjoining Spixworth Road, Hainford, NR10 3BX
Proposal	:	Ground mounted solar photovoltaic (PV) farm along with continued agricultural use, ancillary infrastructure and security fencing, landscaping provision, ecological enhancements and associated works
Decision	:	Members voted (unanimously) for <b>Approval</b> subject to conditions

#### Approved with Conditions

1. Temporary permission 57 years, removal of all equipment from site at end of this time period. (TMT01)
2. Not less than 12 months prior to expiry or within 3 months of the cessation of electricity production submission of decommissioning statement.
3. Removal of solar panels within 6 months of them no longer generating electricity and revert land back to previous use.
4. In accordance with plans (AD01)
5. Full details of Landscaping (L05)
6. Ecological Design and Management Strategy including landscape management and maintenance
7. Replacement planting 57 years (Bespoke)
8. Details of tree protection (L08)
9. Retention of trees and hedges (L16)
10. Upgrading the access (HC09)
11. Visibility splay to the access (HC17)
12. Signage on Spixworth Road (bespoke)
13. On site construction worker parking (HC23)
14. Wheel washing

15. Construction management plan including compliance with route (HC24 and B)
16. Abnormal wear and tear (Bespoke)
17. No access to solar farm from northern entrance (Bespoke)
18. Archaeology (H01)
19. No external light unless agreed (HC26)
20. Contamination during construction (AM14)
21. Surface water drainage strategy and implementation (DR04)
22. Details of CCTV areas of vision (bespoke)
23. No loud speakers (bespoke)

4. **Appl. No** : **20210002**  
**Parish** : **TAVERHAM**  
Applicant's Name : Mr Chris Dique  
Site Address : 122 Haverscroft Close, Taverham, NR8 6LU
- Proposal : Demolition of existing garage. New replacement garage and immediate driveway, extension to existing bungalow
- Decision : Members voted (6- 3) for **Approval**

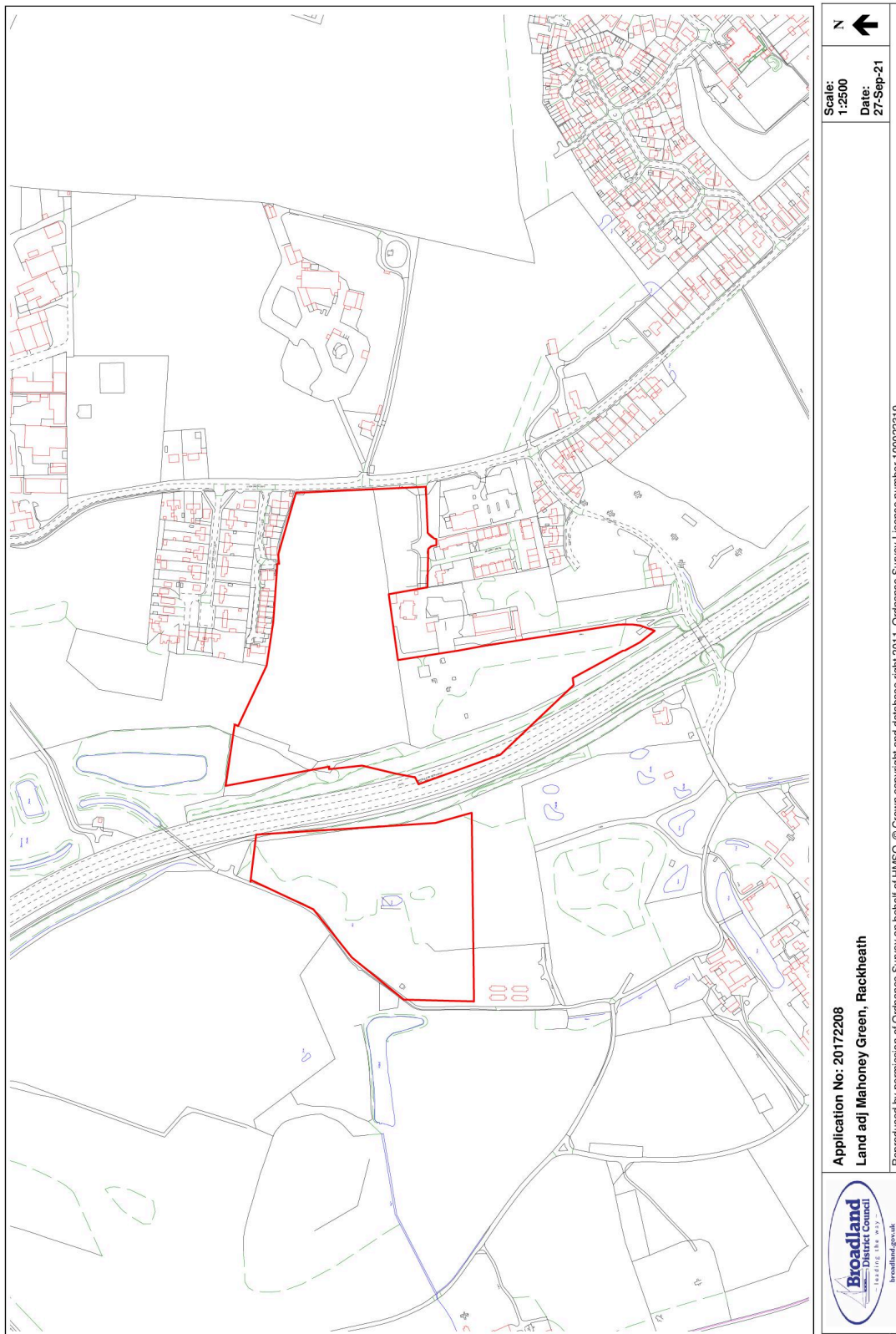
Approved with Conditions

1. Time Limit – Full Permission
2. In accordance with approved plans
3. remove pd for dormer windows

## Schedule of Applications

	Application No	Location	Officer Recommendation	Page No
1	20172208	Land adj Mahoney Green, Rackheath	Delegate Authority to <b>APPROVE</b> subject to no objections and to conditions and a section 106 agreement.	13
2	20211222	Haveringland Hall Coach House, Haveringland Hall Park, Haveringland, NR10 4PN	<b>APPROVE</b> subject to conditions	67
3	20211331	Broadland Country Park, Felthorpe	<b>APPROVE</b> subject to conditions	74

Application 1



- 1. Application No: 20172208**  
**Parish: RACKHEATH**

Applicant's Name: Taylor Wimpey UK Ltd, Blanmar 1 LLP, Blanmar 2 LLP & SCR Ltd

Site Address: Land adj Mahoney Green, Rackheath

Proposal: Residential Development for up to 205 dwellings and associated works (Outline)

Reason for reporting to committee

Due to the passage of time and change in housing supply and planning policies since the application was previously reported to committee.

Recommendation summary:

Delegate Authority to the Assistant Director (Planning) to Approve subject to no objections being raised by the Natural Environment Team and subject to conditions and a section 106 agreement.

**1 Introduction**

- 1.1 This application was last brought to Planning Committee on 3<sup>rd</sup> October 2018. It was reported to committee as the application was contrary to the development plan and the officer recommendation was for approval.

- 1.2 At this committee Members resolved to:

Delegate authority to the Head of Planning [as was at the time] to approve subject to the satisfactory completion of a section 106 agreement and subject to conditions [as listed in the original committee report attached to this report as Appendix 1].

- 1.3 The application seeks outline planning permission for residential development for up to 205 dwellings and associated works with all matters reserved except for means of access. Included with the proposal is the provision of 4.12ha of land for informal open space to the west of the Broadland Northway.

- 1.4 At the time that the application was reported to Planning Committee the Council was unable to demonstrate a 5 year supply of land for housing in the Norwich Policy Area (NPA). This was a material consideration in the determination of the application. However, during the course of the negotiation of the section 106 agreement the housing supply position changed and a 5 year supply of land for housing can now be demonstrated.

Consequently there has been a change in material considerations that would have affected the consideration of the application.

- 1.5 In addition to this change in housing supply, the application site has been included as a proposed allocation in the Greater Norwich Local Plan (GNLP). The GNLP has now been submitted to the Secretary of State for independent examination in accordance with a resolution of full Council. The proposed GNLP allocation is consistent with the nature and scale of the proposed planning application.
- 1.6 Furthermore, approval has also been granted for a development on the adjacent industrial estate at Mahoney Green under 20191164 which warrants further consideration before the application is determined.
- 1.7 Given these changes in circumstances it is considered that the application should be brought back to Members for further consideration.

## 2 Relevant planning history

- 2.1 20091323 Redevelopment to Provide Office and Industrial Units - Application for a new planning permission to replace an extant planning permission (20060733) in order to extend the time limit for implementation. Approved 20/04/2010.
- 2.2 20191164 Variation of Conditions 2, 8, 9, 10 and 12 of Planning Permission 20091323 - Revised Plans to include Drain Centre moving from Unit 12 to Unit 2, Outside Storage moved to Northern End of Site, Alterations to Size, Scale and Design of Proposed Buildings and Alterations to Hours of Operation. Approved 09/01/2020

## 3 Planning Policies

### 3.1 National Planning Policy Framework (NPPF)

NPPF 02 : Achieving sustainable development  
NPPF 03 : Plan-making  
NPPF 04 : Decision-making  
NPPF 05 : Delivering a sufficient supply of homes  
NPPF 06 : Building a strong, competitive economy  
NPPF 08 : Promoting healthy and safe communities  
NPPF 09 : Promoting sustainable transport  
NPPF 11 : Making effective use of land  
NPPF 12 : Achieving well-designed places  
NPPF 14 : Meeting the challenge of climate change, flooding and coastal change

NPPF 15 : Conserving and enhancing the natural environment  
NPPF 17 : Facilitating the sustainable use of minerals

3.2 Joint Core Strategy (JCS)

Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting good design  
Policy 3: Energy and water  
Policy 4 : Housing delivery  
Policy 5 : The Economy  
Policy 6 : Access and Transportation  
Policy 7 : Supporting Communities  
Policy 9 : Strategy for growth in the Norwich Policy Area  
Policy 10 : Locations for major new or expanded communities in the Norwich Policy Area  
Policy 20 : Implementation

3.3 Development Management Development Plan Document (DM DPD) 2015

Policy GC1 – Presumption in favour of sustainable development  
Policy GC2 – Location of new development  
Policy GC4 – Design  
Policy EN1 – Biodiversity and Habitats  
Policy EN2 – Landscape  
Policy EN3 – Green Infrastructure  
Policy EN4 – Pollution  
Policy RL1 – Provision of Formal Recreational Space  
Policy TS2 – Travel Plans and Transport Assessments  
Policy TS3 – Highway Safety  
Policy CSU5 – Surface Water Drainage

3.4 Growth Triangle Area Action Plan 2016

Policy GT1 – Form of development  
Policy GT2 – Green Infrastructure  
Policy GT3 – Transport

3.5 Rackheath Neighbourhood Plan

Policy HOU1 – Mixed type and tenure of housing  
Policy HOU2 – Character, density and massing  
Policy ENV1 – Drainage  
Policy ENV2 – Climate change  
Policy ENV3 – Tree belts and wildlife habitats  
Policy ENV4 – Trees and soft site boundaries  
Policy ENV5 – Local landscape character and historical development  
Policy ENV7 – Green space  
Policy ENV8 – Approaches to Rackheath and village landscape  
Policy COM1 – Linked community



Policy COM3 – Social spaces, play spaces and parks  
Policy COM4 – Community safety  
Policy COM7 – Allotments  
Policy TRA2 – Pedestrian, cycle and bridleways  
Policy TRA3 – layout and traffic calming

3.6 Supplementary Planning Documents (SPD)

Recreational Provision in Residential Development SPD  
Landscape Character Assessment  
Affordable Housing SPD

4 Consultations

The following reflects consultee comments since the application was previously reported to Committee. For a full list of consultation responses, please refer to the committee report at Appendix 1.

4.1 Environmental Management Officer:

It is understood that comments on an additional acoustic assessment are required to be sure that the potential for noise nuisance from a change in circumstances at the nearby industrial estate has been addressed appropriately.

I have reviewed the additional acoustic assessment by Acoustic Associates of Peterborough. The assessment adequately assesses the potential for noise from the proposed development on the proposed residential development.

The report highlights three different scenarios and mitigation methods for each of these with scenario c the most unlikely to occur.

The mitigation methods for each of these scenarios seem reasonable. The developer should after confirmation of the precise end use of the industrial estate confirm the mitigation methods to be used. The development should then proceed in line with the approved scheme.

4.2 Natural Environment Team:

Comments awaited pending the submission of updated ecological surveys given the passage of time since these were previously undertaken.

#### 4.3 Other Representations

Comments received from owner of adjacent commercial units (and applicant of 20191164:

- The scheme proposed under 20191164 does not increase the risk of pollution beyond the current operations.
- Taylor Wimpey must have taken into considerations existing uses on the industrial estate and cannot expect businesses to change their way of working should housing be built.
- If required, Taylor Wimpey should provide noise mitigation.
- The current acoustic design statement from Taylor Wimpey, is not sufficient to be certain that the closest proposed houses will not be affected by existing industrial noises and dust

#### 5 Assessment

- 5.1 Three years have passed since the application was previously reported to Planning Committee. Since this time there have been a number of changes in circumstance relating to housing supply and planning policy that require further consideration and a new planning permission has been granted on the adjacent industrial estate. The purpose of this report is to update members on these changes and give further consideration to how the application should be determined. The original committee report is attached at Appendix 1 and provides a comprehensive assessment of the issues associated with this scheme at the time it was reported to committee.

The key material considerations to be considered are:

- Housing land supply
- Submission of the Greater Norwich Local Plan to the Secretary of State which proposes this site to be allocated.
- Other consents granted in the area and any impacts to be considered

The report below sets out these material considerations in turn.

##### **Housing Land Supply**

- 5.2 At the time of the previous consideration of this application, the Council was previously unable to demonstrate a 5 year supply of land for housing in the Norwich Policy Area (NPA) against the development plan requirements, and whilst paragraph 11(d) of the NPPF was not engaged by virtue of the need to undertake an appropriate assessment for this application, it was recognised that the need to significantly boost the supply of housing was a consideration that resulted in the provision of housing to be a benefit of the scheme. The

weight given to this as a benefit at that time was however diminished by the evidence of the 2017 Strategic Housing market Assessment (SHMA) against which the Council was able to demonstrate an abundant housing supply.

- 5.3 Since the application was previously considered by Members, a 5 year supply of land for housing can now be demonstrated as evidenced in the most up to date housing land supply assessment (1 April 2020). This housing supply has subsequently been tested through appeal and found to be robust.
- 5.4 Consequently, the housing land supply position has strengthened and the weight to give housing is diminished compared to a situation where a 5 year housing land supply does not exist. However in this case it is evident in reaching its resolution to approve this scheme in 2018, the Committee already diminished the weight to housing delivery at that time through the application of the evidence from the 2017 SHMA which indicated the Council has in excess of a 5 year housing land supply. In addition, the Council has also now resolved, through the submission of the Greater Norwich Local Plan (GNLP) for independent examination that it is necessary to plan for additional homes to meet needs until 2038 and that this site is one that should be allocated to meet those needs. The progress of the GNLP is considered specifically below.

### **Progress of the Greater Norwich Local Plan**

- 5.5 On 30 July 2021 the Greater Norwich Local Plan (GNLP) was formally submitted to the Secretary of State for Housing, Communities and Local Government for independent examination. The submission document proposes to allocate the part of the application site to the east of the Broadland Northway for residential development (approximately 205 homes) and the land to the west for open space under policy GNLP0172. The full policy text is provided at Appendix 2 of this report. The proposed allocation relates to the same site area as the application site, proposes to allocate the site for the same number of dwellings as is proposed in the application and allows for the delivery of informal open space on land to the west of the Broadland Northway as is proposed in the application. Whilst the application also proposes 33% affordable housing in accordance with the GNLP, there are conflicts with other more general policies of the emerging plan.
- 5.6 The GNLP however is an emerging plan and has not yet been through examination and subsequently adopted as part of the development plan. Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the

- less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)
- 5.7 With reference to (a), the submission of the GNLP for examination enables the emerging plan to attract a greater degree of weight than at the pre-submission stage. As the examination progresses and the plan gets closer to adoption, greater weight can be given. Consequently whilst some weight can be given to the GNLP, it is considered that the weight is considered to be only limited at this stage.
- 5.8 With reference to (b), the most relevant policy in the GNLP is GNLP0172 which proposes to allocate the site. At the regulation 19 consultation for the GNLP only two comments were made in respect of this proposed allocation - one of which was from the applicants who supported the allocation. The other comment was made by Historic England who welcome the changes made to the policy to make it absolutely clear that land to the west of the Broadland Northway should only be used for open space and to conserve and where opportunities arise enhance the grade II listed Rackheath Hall and bridge. Consequently I do not consider that there are unresolved objections to the most relevant policy in the GNLP which relates to this site. Furthermore, the proposed scheme complies with the proposed policy with regard to the scale of development and the scheme adequately addresses the specific criteria listed within the policy (subject to further consideration at reserved matters stage and/or conditions). More generally, a number of representations have raised objections to the overall housing numbers and the location of growth. Indirectly these objections could impact on the number and choice of allocations proposed within the GNLP. Whilst officers remain of the view that there are well-reasoned arguments that justify the approach taken, a view shared by the Council as evidenced in the resolution to submit the GNLP for examination, the fact that there remain a number of unresolved objections at this point in time serves to limit the weight that can be given to the emerging plan.
- 5.9 With reference to (c), the plan will have been prepared with regard to the NPPF and whilst it will have been substantially prepared in advance of the most recent iteration of the NPPF (July 2021), I do not consider that the changes made to the NPPF significantly impact the degree to which the GNLP would comply with the NPPF particularly with regard to consideration of this site. Consequently I am satisfied that the emerging policies, including the most relevant policy which allocates the site, have a high degree of consistency with the NPPF.

- 5.10 Therefore, overall the GNLP is considered to attract limited weight at this stage in decision making.

**Other considerations**

- 5.11 Since the application was reported to Members an application has been approved on the adjacent industrial estate which is material to the consideration of this application. 20191164 granted permission of the variation of Conditions 2, 8, 9, 10 and 12 of Planning Permission 20091323 to alter the layout and buildings of the adjacent site and amend the operating hours.
- 5.12 To ensure that the scheme on the adjacent site would not have an unacceptable amenity of future residents of the application site an updated noise assessment has been submitted. This assessment considers 3 possible scenarios of development at the Mahoney Green industrial estate to reflect the planning history of that site. The assessment identifies that under 2 of the scenarios noise levels may be excessive but that these noise levels can be mitigated through the incorporation of a 2m high acoustic fence along part of the boundary with the application site and adjacent industrial estate. The masterplan has also been updated to reflect the required mitigation.
- 5.13 The Environmental Management Officer has reviewed this additional information and raise no objections to the application subject to the construction of the acoustic fencing as appropriate. A condition is proposed to require a further noise assessment to be submitted at reserve matters stage to reflect the detailed design and layout. Consequently I consider that the scheme can comply with policy EN4 of the DM DPD.
- 5.14 Due to the passage of time since the application was last considered, the ecological reports and surveys which supported the application are now considered to be out of date. Consequently the applicant has been asked to provide updated surveys. It is understood that these are being undertaken and will be submitted to the Council as soon as they are available. Upon receipt of these the Natural Environment Team at Norfolk County Council will be consulted. My recommendation reflects that this issue is currently outstanding.

**Conclusion**

- 5.15 There are a number of material considerations that need to be considered following Committee resolution to approve the application in 2018. As set out in the report these are the changes to the land supply position; the submission of the GNLP with this site being proposed for allocation to meet identified housing needs to 2038; and other matters such as grant of permission on adjacent sites. These all need to be considered taken as a whole whether the material circumstances would change the resolution of the Committee to

approve and whether the material considerations continue to be as such to outweigh the conflict with the development plan.

- 5.16 In respect of the land supply matter, since the application was last reported to Members there has been an increase in the supply of land such that the Council is now able to demonstrate a 5 year housing land supply. This would diminish the weight to give to housing in the decision making process. However, it is also evident when the application was previously considered by Members the weight given to housing was already diminished by virtue of the evidence of the 2017 SHMA (which indicated in excess of a 5 year housing land supply). It is also material that the Council has also now resolved, through the submission of the Greater Norwich Local Plan (GNLP) for independent examination, that it is necessary to plan for additional homes to meet needs until 2038 and that this site is one that should be allocated to meet those needs. The progress of the GNLP is considered specifically below.
- 5.17 On this point officers would conclude that notwithstanding the presence of a 5 year housing land supply, market housing is still considered to be a limited benefit of the scheme, with the provision of affordable housing at a level above current policy attracting moderate weight. The planning weight to be given to housing overall, including consideration of the proposed allocation, is considered to remain broadly consistent to when the application was considered in 2018.
- 5.18 In respect of the GNLP submission and weight to be afforded to this. The site is well located in a major growth location and is proposed to be allocated in the emerging GNLP (accepting this has limited weight at this time). Consequently the scheme would comply with the strategy for distributing housing in Greater Norwich. The proposed scheme, insofar as it is in outline with all matters reserved except access, would also not conflict with this emerging allocation policy GNLP0172. However, there are more general aspects of the GNLP that the scheme would not comply with. Whilst the weight to give this emerging plan is limited, it does carry some weight having been submitted for examination, as despite the number of unresolved objections to the number of homes and location of growth, the specific allocation policy most relevant to this scheme does not have unresolved objections and the GNLP has been prepared to have consistency with the NPPF. Whilst there are conflicts with more general aspects of the emerging plan, consistency with GNLP distribution and allocations and weight afforded to additional housing and affordable housing (even in a land supply context) outweighs any conflict with the emerging general policies. Also of significant relevance in this case, are the unique planning circumstances of this site in that it has a resolution to approve from Members and has therefore previously been found to be acceptable, this weighs in favour of early consideration of this site in advance of the outcome of the GNLP.

- 5.19 In respect of other material considerations including any consented scheme adjacent to the site, as set out in the report the scheme is acceptable in this regard.
- 5.20 In summary, the scheme was previously considered, and remains, contrary to the adopted development plan (being contrary to GC2 of the DM DPD as the site is outside the settlement limit and not in accordance with a specific policy of the plan). This was the same scenario as was the case when it was previously considered by Members. It is considered that the scheme continues to present benefits as it did previously and the limited harm remains and as such it is considered that there are sufficient material considerations to determine the application otherwise than in accordance with the plan.

Recommendation:	Delegate Authority to the Assistant Director (Planning) to Approve subject to no objections being raised by the Natural Environment Team and subject to the following conditions and a section 106 agreement:
	<ul style="list-style-type: none"> <li>• Heads of Terms as listed in the report at Appendix 1</li> <li>• Conditions as listed in the report at Appendix 1</li> <li>• Condition regarding the need to provide 10% renewables.</li> <li>• Any further conditions required by the Natural Environment Team</li> </ul>

Contact Officer, Charles Judson  
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**AREA** East  
**PARISH** Rackheath

4

**APPLICATION NO:** [20172208](#) **TG REF:** 627818 / 313176  
**LOCATION OF SITE** Land adjacent to Mahoney Green, Rackheath  
**DESCRIPTION OF DEVELOPMENT** Residential development for up to 205 dwellings and associated works (outline)  
**APPLICANT** Taylor Wimpey UK Ltd, Blanmar 1 LLP, Blanmar 2 LLP & SCR Ltd  
**AGENT** Carter Jonas LLP, Mr Richard Seamark, One Station Square, Cambridge, CB1 2GA

**Date Received:** 19 December 2017  
**13 Week Expiry Date:** 5 April 2018

**Reason at Committee:** The application is reported to Committee as the development is contrary to the Development Plan but officer recommendation is for approval.

**Recommendation (summary):** Delegate authority to the Head of Planning to approve subject to completion of a Section 106 Agreement and conditions.

## 1 THE PROPOSAL

- 1.1 The application seeks outline planning permission with all matters reserved except access for the construction of 205 dwellings and associated works on land to the east of the Broadland Northway. The application also includes provision for the delivery of 4.12 hectares (ha) of informal public open space on land to the west of the Broadland Northway which would be subject to landscape and ecological enhancements.
- 1.2 The residential development would be served by a primary point of vehicular access in the form of a priority junction and an additional emergency access, both of which would be onto Green Lane West. The proposed primary access would serve an estate road 6m in width with 2m wide footpaths to either side which would extend across the sites frontage with Green Lane West. The emergency access would take the form of a 3.7m wide shared footway / cycleway with method of control, such as a removable bollard, to be agreed with the highway authority.
- 1.3 An amended indicative masterplan has been submitted to demonstrate how the number of dwellings could be accommodated within the application site.



This identifies that the residential development would occupy 5.34 ha of the site with a remaining 2.76 ha used for informal open space, sustainable drainage features and two children's play areas with circular walking routes created to the site boundaries.

- 1.4 The application proposes 33% affordable housing which on a scheme of 205 dwellings would equate to 68 dwellings. A viability assessment has been submitted to demonstrate that the scheme is viable and this has been tested by the Council's independent advisor. The applicant's viability assessment is attached as Appendix 1 to this report and the Council's viability report will be provided as part of the supplementary schedule.

## **2 KEY CONSIDERATIONS**

- Housing supply in the Norwich Policy Area (NPA).
- Whether the proposed development accords with the provision of the development plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
- Whether there are material considerations sufficient to justify an approval contrary to the provisions of the Development Plan.
- The impact of the development on the character and appearance of the area, amenity, highway safety and the functioning of the local highway network, noise, air quality and other sources of pollution, ecology and green infrastructure, drainage, heritage and archaeology, airport safeguarding and other relevant planning considerations.

## **3 CONSULTATIONS**

### **3.1 Anglian Water:**

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. An informative should be added.

The foul drainage from this development is in the catchment of Rackheath The Springs Wroxham Road Recycling Centre that will have available capacity.

The sewerage system at present has available capacity for these flows which will require notice under Section 106 of the water Industry Act 1991.

Our Engineer has been liaising with the developer and we are now happy that sufficient evidence has been provided to show the surface hierarchy has been followed as stipulated in the Building Regulations, Part H. We also recognise the constraints with infiltration techniques for this site and we have taken this into account on our assessment.

In terms of outstanding conditions, we can confirm that we are in a position to permit the discharge of the surface condition and a foul condition has not been applied for this site.

3.2 Conservation Officer (Arboriculture and Landscape):

Most individual trees are shown as retained with some removals required for the main access road and visibility splays on Green Lane West with five individual trees shown for removal. A veteran category 'A' Oak has been highlighted as an important landscape tree. More significant removals would be required along the wooded belt (within the southern part of the site) with the majority of trees being shown to be removed. The removal of trees from the group along the boundary with the industrial estate would erode the density of the woodland belt and it would be preferable to retain its existing width if a viable screen is to be maintained. Approximately 0.40 ha of broadleaved woodland have already been felled and mitigation should be provided in the form of replacement planting. The value of the proposed area for ecological and landscape enhancement should be carefully considered as the footpath access would create a route of approximately 1.3 km adjacent to the Broadland Northway.

The details of species choice of trees will need to be carefully considered. A tree protection plan and Arboricultural Method Statement will be required together with a detailed landscape scheme.

3.3 Environmental Health Officer (Noise):

Following the submission of an initial Noise Assessment, additional Acoustic Design Statement, additional Noise Report the noise constraints are lower than originally predicted. The report recommends 1.8m close-boarded fences to achieve outdoor amenity levels which should be sufficient. The applicant should submit the glazing specification with the final layout to show that internal amenity is in line with the criteria set out in BS8233:1999, Sound Insulation and noise reduction for Buildings – Code of Practice.

3.4 Highway Authority:

Whilst a single point of access is not our preference the applicant has demonstrated that it can be provided to technical requirements along with the emergency access. The proposed off-site works involves pedestrian improvements between the site and Salhouse Road (including footway widening and crossing improvements), maintaining a 6m wide carriageway width along Green Lane West and improving access to bus stops.

On the basis of drawings NR5011.088-RevD and NR5011.006-RevC we withdraw our holding objection subject to conditions.

3.5 Historic Environment Service:

The site lies adjacent to the possible site of the deserted medieval village of Little Rackheath where there is the potential for heritage assets which archaeological interest (buried archaeological remains) to be present at the site and their significance will be adversely affected by the proposed development. A condition should be imposed to require a programme of archaeological migratory work.

3.6 Housing Enabler:

No objections subject to 33% affordable housing with a 60:40 (Affordable Rent: Intermediate) tenure split and an acceptable housing mix being secured in the Section 106 Agreement.

3.7 Lead Local Flood Authority:

We previously objected in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy / supporting information relating to the need to provide confirmation from Anglian Water that they are in agreement with the discharge rates.

Initially soakaway testing conducted at the site by the applicant showed favourable results, so an infiltration drainage strategy was proposed. As such Anglian Water accepted that infiltration was possible and thus were unwilling to accept any surface water flows from the site. However, due to the LLFA concern over infiltration rates due to groundwater issues in the vicinity of the site Anglian Water have now confirmed that they would be able to approve a connection to the surface water sewer at a rate of 25.2 l/s.

No objection subject to condition.

3.8 Minerals and Waste:

The site is partly underlain by an identified mineral resource (sand and gravel) which is safeguarded as part of the adopted Norfolk Minerals and Waste Core Strategy of which Policy CS16 'Safeguarding' is applicable. A condition should be imposed to secure a Materials Management Plan – Minerals for the part of the site to the east of Broadland Northway to estimate the quantities of material which could be extracted from groundworks and reused.

3.9 Natural England:

No comments.

3.10 Natural Environment Team:

A phase 1 and subsequent phase 2 surveys have been completed. Generally these are of an acceptable standard but contain some discrepancies and omissions in relation to the scope of ecological work, the need for further discussion of Great Crested Newts, the potential impact on Barbastelle Bats and breeding birds. There is insufficient information regarding the proposed heathland creation and there are inherent problems in establishing this

habitat. Should these issues be addressed it is recommended that a Construction Ecological Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) are conditioned.

Comments on additional information:

The report on the additional surveys are noted and the results are as expected. It is not surprising that the ponds to the west showed the presence of newts as they were used as mitigation for newts as a result of impacts from the NDR. I would have hoped that a discussion on the relevance of these finding would be used to inform the proposed management of the area to the west of the NDR and this should be picked up in any pre- and post-construction ecology plans.

The applicants are obviously also reluctant to provide anything further on Barbastelle Bats. The NDR project included a huge amount of information on the use of the area by bats, including radio-tracking of at least two individuals whose home ranges included the application site (both east and west of the NDR). This information is publically available (PINS website) and it would surely have been sensible to consider this in any assessment, but again we have to accept that this is not going to be provided.

In terms of Skylarks, the applicants now state that no skylark territories were present (contradicting their previous position). It can be confirmed that the NDR Ecological Monitoring Surveys this spring undertaken by Norfolk County Council, did not record any Skylarks holding territory on or immediately adjacent to the application site, so we accept this position.

In line with all our previous comments we would recommend conditions for a Construction Ecological Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP).

3.11 NHS incorporating North Norfolk Clinical Commissioning Group (CCG):

The development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within the area. The NHS would expect these impacts to be assessed and mitigated. There are no GP practices within a 2 km radius, the closest being Sprowston Primary Care Centre which is 3 km which does not have sufficient capacity for the additional growth resulting from this and proposed cumulative development in the area.

The impacts, if unmitigated, would be unsustainable and developer contributions will be required to provide a new build facility in Rackheath.

3.12 Norwich International Airport:

Certain elements cause us some concern and we would request that conditions are imposed regarding: external lighting to minimise the risk of lights dazzling pilots and air traffic controllers; landscaping proposals to ensure that birds, particularly wildfowl, are not attracted to the site and that

sustainable urban drainage systems fully drain within 14 days for a 1/100 year storm, 4 days for an annual storm and 24 hours for general rainfall to minimise the risk of bird strike; a requirement for the use of cranes to be operated in accordance with British Standard 7121 and CAP 1096 and for the airport to be notified of the use of cranes with at least 21 days' notice.

3.13 Pollution Control Officer (Contaminated Ground):

The amended Site Investigation report does not include any soil investigation where the site was previously occupied by a World War II air base. A condition should be imposed to require further testing in this area.

3.14 Pollution Control Officer (Air Quality):

Following the submission of an Air Quality Assessment, further assessment will be required and can be secured by condition.

3.15 Principal Planning Officer (Spatial Planning):

The application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The principal issues are: the current housing land supply and whether in light of this the proposal constitutes a sustainable form of development; access and connectivity; public open space and mitigation of noise impacts from the Broadland Northway. It is difficult to conclude that this site lies in an unsustainable location despite the potential for a shortage of primary school places locally. There are also some benefits of the scheme if appropriately designed including pedestrian and cycle links to Newman Road Woods and Newman Road bridge from the proposed primary access of North Rackheath and Trinity Close; enhancement of the Mousehold to Broads Green Infrastructure Corridor and the provision of a large, if somewhat detached, area of informal open space. On the basis that an appropriately designed scheme can be secured addressing these issues there is no policy objection to the proposed development.

## **4 PUBLICITY**

4.1 Site Notice:

Expired: 1 February 2018

4.2 Press Notice:

Expired: 6 February 2018

4.3 Neighbour Notification:

115 letters sent to addresses on Sir Edward Stracey Road; Green Lane West, Mahoney Green and Trinity Close

## **5 REPRESENTATIONS**

5.1 Four neighbour representations (including one letter on behalf of all business owners on Mahoney Green) received raising the following issues:

- Security will be compromised to industrial units if the proposed potential pedestrian / cycle link is provided to Mahoney Green. This would also be dangerous given the use of this access for larger vehicles such as articulated lorries. In addition, the Mahoney Green property owners pay for the maintenance of the road and manage the verged and vegetation.
- Introducing a third entrance in quick succession onto Green Lane West will result in increased accidents and a danger to the public.
- There is significant traffic on Green Lane West.
- The scale of planned development is not matched by proportionate increases in local facilities such as schools, healthcare and transport.
- Rackheath is served by insufficient public transport.

5.2 Rackheath Parish Council:

Requests clarification over the following matters:

- Design of the emergency access.
- At least two points of access should be provided.
- A pedestrian cycle link to Mahoney Green is not suitable.
- The footpath to the front of the site needs to be increased to a more appropriate width. Hedging needs to be maintained to ensure visibility.
- The traffic assessment does not align with local experience.
- The distances to public transport connections is not accurate.
- The site and the adjacent industrial estate are liable to flooding.
- The provision of heathland to the west of the site is appreciated however the access is inadequate.
- We would expect better on-site play provision to be provided to the south of the site and an off-site contribution for improvements elsewhere in the village.
- The inclusion of SuDS features as open space would limit their use.
- A detailed noise assessment will be required.

- The proposed low density of housing was appreciated.
- The development impacts on schools and health care provision.

5.3 Norfolk Rivers Drainage Board:

The site is outside of the Internal Drainage District and no connection is currently proposed to a watercourse. Should in due course a surface water discharge be proposed to a watercourse within the Internal Drainage District, land drainage consent would be required in accordance with the Board's byelaws. Whilst the consenting process as set out under the Land Drainage Act 1991 and the Board's byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents.

5.4 Campaign to Protect Rural England:

The site lies outside of the development boundary. Land in Rackheath is already allocated for 3,000 new houses. Even though there is a lack of a 5-year supply for land for housing, to add to the allocated housing would cause harm to the Parish. The site lies outside of the centrally located area within the Rackheath Neighbourhood Plan and is not allocated. The density of 40 dwellings per hectare results in a cramped form of development which disrespects the local character and vernacular architecture with a suburban rather than rural village feel contrary to HOU2 of the Neighbourhood Plan and Policy 2 of the Joint Core Strategy. The design and access statement fails to demonstrate that the scheme meets the three dimensions of sustainable development (economic, social and environmental). If granted planning permission 33% affordable housing should be secured.

## 6 RELEVANT POLICY GUIDANCE

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

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

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

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

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

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

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

6.4 Policy 2 – Design:

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

6.5 Policy 3 – Energy and Water:

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

6.6 Policy 4 – Housing Delivery:

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

6.7 Policy 6 – Access and Transportation:

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

6.8 Policy 7 – Supporting Communities:

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

6.9 Policy 9 – Growth in the Norwich Policy Area:

The Norwich Policy Area (NPA) is the focus for major growth and development. Housing need will be addressed by the identification of new allocations to deliver a minimum of 21,000 dwellings distributed across a number of locations.

6.10 Policy 10 – Locations for major new or expanded communities in the Norwich Policy Area:

Identifies the Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle as a location to deliver a major urban extension.



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

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

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

- 6.12 Policy GC1 – Presumption in favour of sustainable development:

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

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

- 6.13 Policy GC2 – Location of new development:

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

- 6.14 Policy GC4 – Design:

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

- 6.15 Policy EN1 – Biodiversity and Habitats:

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

- 6.16 Policy EN2 – Landscape:

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

- 6.17 Policy EN3 – Green Infrastructure:

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

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

6.18 Policy EN4 – Pollution:

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

6.19 Policy RL1 – Provision of Formal Recreational Space:

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

6.20 Policy TS2 – Travel Plans and Transport Assessments:

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

6.21 Policy TS3 – Highway Safety:

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

6.22 Policy CSU5 – Surface Water Drainage:

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

**Growth Triangle Area Action Plan (GT AAP) (2016):**

6.23 Policy GT1 – Form of development:

States that all development proposals should create, or contribute to the creation of, distinct quarters; the character of which should be based upon the principles of mixed use walkable neighbourhoods and master planned in a manner which has regard to other development proposals in the locality.

6.24 Policy GT2 – Green Infrastructure

Identifies two primary and seven secondary green infrastructure corridors to deliver biodiversity and habitat connectivity. Informal and formal open space, sports pitches, play areas, walking and cycling routes, landscaping and sustainable urban drainage systems will be located and orientated to support the delivery of these corridors.

6.25 Policy GT3 – Transport:

Identifies the need for transport improvements in the growth triangle to support planned growth including a new orbital link road, bus rapid transport routes. Internal layouts will need to support public transport and provide permeable and legible street layouts which support walking and cycling and encourage low traffic speed.

**Rackheath Neighbourhood Plan 2017-2037 (2017):**

6.26 Policy HOU1 – Mixed type and tenure of housing:

In any new development there will be provision of mixed type and tenure of housing, appropriately located to ensure exclusive enclaves do not occur. Proposals for new residential development should not include large scale amounts of flatted accommodation to contribute to a rural village feel.

6.27 Policy HOU2 – Character, density and massing:

New development should maintain a green and rural village feel of high quality and inclusive design that conserves local distinctiveness. Density and massing should vary and should be of a character to reflect existing development in Rackheath. Where possible main routes through developments should be laid out to create efficient vehicle, cycle and pedestrian connections with permeable cul-de-sacs.

6.28 Policy ENV1 – Drainage:

Development should take advantage of modern drainage to prevent and alleviate localised flooding.

6.29 Policy ENV2 – Climate change:

The Neighbourhood Plan supports cost effective and efficient passive solar gain and solar PV panels.

6.30 Policy ENV3 – Tree belts and wildlife habitats:

Where possible existing strategic tree belts should be protected, extended and linked to other existing tree belts creating circular routes within the parish. Development should facilitate access to and through them with paths, cycleways and bridleways. Development should support the creation of wildlife habitats for enhancing ecological networks.

6.31 Policy ENV4 – Trees and soft site boundaries:

Development proposals should seek to retain mature or significant trees. New development should incorporate significant tree planting and landscaping.

6.32 Policy ENV5 – Local landscape character and historical development:

All developments will be required to demonstrate how landscape character, historical development and features of local significance have been considered.

6.33 Policy ENV7 – Green space:

Proposals for new housing developments should include quality outdoor green amenity space

6.34 Policy ENV8 – Approaches to Rackheath and village landscape:

New development located at the village entrances will be encouraged to enhance the approaches to Rackheath, for example through the provision of signage, tree, shrub and flower planting. High quality landscaping should be incorporated to create a village feel and new houses should overlook green spaces.

6.35 Policy COM1 – Linked community:

Developments should contribute to an enhanced and joined-up movement network of roads, footpaths, pavements, tree belt routes, cycle ways and bridleways to connect Rackheath as one Parish.

6.36 Policy COM3 – Social spaces, play spaces and parks:

All developments are expected to include new landscaped play areas and parks with appropriate parking for larger play and park provision. All play areas and parks should have good road access, be near family housing and benefit from natural surveillance. Major developments will be expected to provide enhanced facilities, including children's play areas, water features, covered areas for sitting and stopping, nature conservation and sports.

6.37 Policy COM4 – Community safety:

New development should be designed with good natural surveillance, active frontage, permeable routes and buildings that face onto the public realm and open spaces/play areas. Development proposals will be expected to meet secured by design.

6.38 Policy COM7 – Allotments:

Major developments should make appropriate provision for allotments.

6.39 Policy TRA2 – Pedestrian, cycle and bridleways:

Developments will be expected to contribute to sustainable transport by providing safe, attractive, convenient and where possible off-road pedestrian routes, cycle ways and bridleways and providing crossing points from development with boundaries on Green Lane East to the other side of the road.

6.40 Policy TRA3 – layout and traffic calming:

To retain a rural feel, development design and layouts should promote a street hierarchy which is sensitive to users' needs and which prioritises the safety of pedestrians. Developments must be permeable and maximise pedestrian access with more than one route in and out of any large development.

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

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

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

- 6.42 E4 – Rackheath and Salhouse

**7 LOCATION AND DESCRIPTION OF SITE**

- 7.1 The application site measures approximately 12.2 ha but is comprised of two distinct areas, separated by the Broadland Northway. A 4.1 ha area of land to the west of the Broadland Northway is proposed as public open space to include landscape and habitat enhancement (hereafter referred to as the 'open space site') and an 8.1 ha area of land to the east of the Broadland Northway is proposed for residential development and associated infrastructure including open space and surface water drainage features (hereafter referred to as the 'residential site').
- 7.2 The open space site is irregular in shape and undulating with a high point to the south east and low point to the north west. It contains semi-improved grassland, scrub and ruderal vegetation with a mature woodland to the west. A bridleway created as part of the Broadland Northway is located to the eastern boundary of the open space site. Access to the open space site from Rackheath is via the Newman Road Bridge to the south east and along the bridleway. To the south of this part of the site is land owned by Norfolk County Council where ecological mitigation measures, including ponds and a bat house have been installed as part of the Broadland Northway.
- 7.3 The residential site is also irregular in shape with a frontage to the east on to Green Land West which is subject to a 40 mph speed limit. To the north is Trinity Close at a higher level to the application site with two storey residential dwellings backing on to the site. To the west is the Broadland Northway which is located below the level of the application site within a cutting. To the south and east of the site is the Mahoney Green Industrial Estate which contains a variety of light industrial and employment uses including a builder's merchant, vehicle servicing units, office accommodation and children's soft play amongst other uses.

- 7.4 The northern section of the residential site contains a valley which runs approximately south east to north west to a low point adjacent with the Broadland Northway. The highpoint of the site is along the boundary with Green Lane West and Mahoney Green Industrial Estate. The southern section of the site is largely flat and level and contains the remnants of buildings associated with the former use of the site as part of Rackheath airfield and a belt of trees along the eastern boundary.

## **8 PLANNING HISTORY**

- 8.1 No relevant history.

## **9 APPRAISAL**

- 9.1 The application seeks outline planning permission with all matters reserved except access for the erection of 205 dwellings. The main issues to be taken into consideration in the determination of this application are:

- an assessment of the proposal against the policies of the Development Plan;
- whether there are any material considerations to justify a departure from the Development Plan with reference to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG);
- the housing supply situation in the Norwich Policy Area (NPA);
- the impact of the development on the character and appearance of the area, amenity, highway safety and the functioning of the local highway network, noise, air quality and other sources of pollution, ecology and green infrastructure, drainage, heritage and archaeology and airport safeguarding and other relevant planning considerations.

### **The principle of development**

- 9.2 The site is located in the parish of Rackheath within the Old Catton, Sprowston, Rackheath and Thorpe St Andrew Growth Triangle as defined in the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (amendments adopted 2014) (JCS). The Growth Triangle has been identified in Policies 9 and 10 of the JCS as a location to deliver a minimum of 7,000 dwellings by 2026 continuing to grow to around 10,000 dwellings eventually.
- 9.3 To enable and co-ordinate sustainable strategic development in the Growth Triangle, in accordance with the requirements of the JCS, the Growth Triangle Area Action Plan (GT AAP) was produced and adopted in 2016. Whilst located within the Growth Triangle, the site is not allocated for development in the GT AAP, nor is it identified as being within the settlement limits for Rackheath on the policy maps that accompany the JCS.
- 9.4 Policy GC2 of the Development Management DPD 2015 (DM DPD) states that new development will be accommodated within the settlement limit.

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. On the basis that the proposed residential development is outside of a settlement limit and does not accord with a specific allocation or Policy of the Development Plan the application is considered to be contrary to Policy GC2.

- 9.5 Whilst contrary to GC2, Policy GC1 of the DM DPD states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits or whether specific policies in the NPPF indicate that development should be restricted. This Policy reflects the presumption in favour of sustainable development at paragraph 11(d) of the National Planning Policy Framework (NPPF).
- 9.6 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Material considerations include the NPPF.
- 9.7 Of particular relevance to applications for housing development in this regard is paragraph 73 of the NPPF. This states that Local Planning Authorities should identify and update annually a supply of specifically deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old. The JCS housing requirement was adopted in January 2014 and it is therefore less than 5 years old so, in accordance with paragraph 73 of the NPPF, it is appropriate for housing supply to be measured against the JCS housing requirement.
- 9.8 The 2017 Greater Norwich Area Housing Land Supply Assessment, published as Appendix A of the Joint Core Strategy Annual Monitoring Report 2016-2017, shows that against the JCS requirements there is a 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 when measured against the housing requirement in the JCS and applications for housing should continue to be determined within the context of the titled balance referred to in paragraph 11 of the NPPF.
- 9.9 However, in June 2017 an updated Strategic Housing Market Assessment (SHMA) was published for Central Norfolk (the Greater Norwich authorities plus, North Norfolk and Breckland). The SHMA assesses the Objectively Assessed Need (OAN) for housing between 2015 and 2036 using the most recent evidence available. Unlike the evidence underpinning the JCS, the SHMA also includes an assessment of the contribution made by student accommodation in line with the Planning Practice Guidance.

- 9.10 A housing land supply of 8.08 years can be demonstrated against the SHMA assessment of OAN, a surplus of 5,368 units. Whilst the guidance to which the Central Norfolk SHMA accords has now been superseded it is nevertheless considered that it remains an intellectually credible assessment of housing need. Assessments such as the SHMA will continue to form the basis of local plans submitted ahead of January 2019, including some within the Central Norfolk Housing Market Area and it remains entirely appropriate to give weight to the SHMA as a material consideration in the determination of planning applications.
- 9.11 The abundant housing land supply that is apparent in relation to the most up-to-date evidence of housing needs (8.08 years) should be given weight in the decision making process as a material planning consideration. This factor effectively diminishes the weight that would otherwise be attached to the benefits of increased housing delivery in the planning balance in the context of DM DPD Policy GC1 and NPPF Paragraph 11.
- 9.12 An important consideration in the determination of this application however is paragraph 177 of the NPPF. This states that *“the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitat’s site is being planned or determined”*.
- 9.13 The site is located within 5 km of the Broads Special Area of Conservation (SAC) and Broadland Special Protection Area (SPA) which are European sites and part of the Natura 2000 (N2K) network where there is the potential for recreational pressure resulting from the development to impact upon designated features. In such circumstances it is the responsibility of the Local Planning Authority to undertake a screening exercise to determine whether an Appropriate Assessment (AA) needs to be undertaken. In the recent past the need for an AA could be ‘screened out’ provided that the development was delivering open space in accordance with Policies EN3 and RL1 of the DM DPD to ensure that the recreational needs of future residents are met, thereby mitigating any potential recreational impact on N2K sites.
- 9.14 However, a decision made by the European Court of Justice on a case known as People Over Wind (Case C-323/17) EU:C:2018:244) has determined that mitigating measures (such as the provision of open space) cannot be taken into account at the screening stage. Instead, the mitigating measures are to be considered in the AA.
- 9.15 Whilst the application provides for significantly more open space than is required under the Development Plan Policies, on the basis that mitigation measures can no longer be taken in to consideration at the screening stage, an AA has been required. The AA has been undertaken by the Natural Environment Team at Norfolk County Council on behalf of Broadland District Council and has concluded that there is not likely to be any significant impact on the integrity of N2K sites from recreational pressure resulting from the development.



- 9.16 However, because AA was required, despite no significant impact being identified, the wording of paragraph 177 of the NPPF establishes that the presumption in favour of sustainable development in paragraph 11(d) and GC1 of the DM DPD does not apply to the proposed development.
- 9.17 The determination of this application therefore should focus solely on the statutory basis for assessment at section 38(6) Planning and Compulsory Purchase Act 2004 – ie that the decision must be made in accordance with the Development Plan unless material considerations indicate otherwise. The fact that the presumption in favour of sustainable development does not apply does not mean that the factors which would have led to the presumption applying if there had been no need for an AA can be ignored as these are still material considerations relevant to the application.
- 9.18 One such material consideration is the requirement in the NPPF to support the Government's objective of significantly boosting the supply of homes – and the absence of a 5 year supply of housing against the requirements of the JCS is a factor which weighs in favour of the development.
- 9.19 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 objectives, social objectives and environmental objectives). These three headings form a convenient basis for structuring the assessment of the proposal against Development Plan Policies.
- 9.20 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 objective**

- 9.21 The NPPF confirms that the economic objective is: *“to help build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure”*.
- 9.22 The development would result in some short term economic benefits as part of any construction work which may take in the region of 4 years and in the longer term by spending from the future occupants of the dwellings which could support local services and facilities. The development would also generate CIL (25% of which would go to the Parish Council as a Neighbourhood Plan has been adopted) and New Homes Bonus. Given the scale of development it is considered that the scheme would bring forward a modest level of benefit to the local economy which weighs in favour of the development.

### **Social objective**

- 9.23 The NPPF confirms that the social objective is: *“to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”*.

### **Housing**

- 9.24 The site lies outside of but adjacent to the defined settlement limit for Rackheath – a village which contains a variety of services including a village hall, formal and informal recreational facilities, strategic employment areas, a primary school, a local shop, fast food takeaway and a public house which gives it the equivalent status of a Service Village with regard to the JCS. Over the longer term, the substantial North Rackheath development allocated as GT 16 in the GTAAP for approximately 4,000 dwellings, 25 ha of employment and supporting services is planned so as to expand the range of services and facilities that are locally available. The location of the site is directly adjacent to the area of Rackheath defined as being ‘centrally located’ in the Neighbourhood Plan and is considered to be well related to the existing and planned services and facilities in Rackheath.
- 9.25 It should be noted that Rackheath will not be able to deal with the demand for primary school places that will result from current housing commitments ahead of the delivery of a new school as part of the North Rackheath development. Therefore in the medium term it could be the case that the children from new development (including from other sites with planning permission and / or allocations in Rackheath) need to travel other schools in the local area.
- 9.26 Furthermore, the NHS have identified that the development would have an impact on the NHS funding programme for the delivery of primary healthcare provision and that the closest GP practice in Sprowston does not have sufficient capacity for additional demand which would result from the development. Accordingly they are seeking mitigation in the form of financial contributions towards a new build health facility in Rackheath. Healthcare is not on the Broadland CIL 123 list and contributions from CIL therefore cannot be sought, however officers consider that the responsibility for health provision remains with the health providers, primarily with NHS England who provide funding for doctors based on the population / number of patients in an area. The residents in new developments will contribute to this national funding through taxes in the same way as existing residents. Consequently, in general terms the impact of a new residential development on existing medical facilities is managed by health providers and it is not considered that obligations could reasonably be sought through Section 106.
- 9.27 The Principal Policy Officer (Spatial Planning) has stated that, notwithstanding this issue regarding schools, in the context of the level of services available and the sites location on the edge of the built up area of Rackheath and adjacent to significant planned growth it is considered that the site is a

sustainable location for new development of the scale proposed and that it would not be possible to substantiate an objection based on the sustainability of the location. Officers are therefore satisfied those in locational terms the development is sustainable with reference to the scale of development proposed.

### **Affordable housing**

- 9.28 Policy 4 of the JCS requires on a development of this scale for 33% of the dwellings to be affordable. Of a development of 205 dwellings that would equate to 68 affordable dwellings. The proposed mix suggested by the Housing Enabler is based on a 60:40 Affordable Rent Tenure: Intermediate Tenure split. Notwithstanding the implications of the 2017 SHMA on the weight to give to housing as a material consideration, the provision of 68 affordable houses is considered to represent a social benefit of significant weight in the overall planning balance providing homes for those whose needs are not met by the market. The affordable housing would be secured by a Section 106 Agreement and an independent viability assessment has been undertaken to demonstrate that the scheme would be viable at this level of affordable housing.

### **Open space**

- 9.29 Policies EN3 and RL1 of the DM DPD are also relevant to the determination of this application and these require the provision of green infrastructure and formal recreational space (children's play, sports facilities and allotments). Also relevant are Policies ENV7, COM3, COM6 and COM 7 of the Neighbourhood Plan. The precise amount of green infrastructure and formal recreational space would be dependent on the final housing mix and given the outline nature of the application this cannot be determined at this stage. However, the application proposes to meet its requirement for green infrastructure and children's play space on the residential site and to commute its obligations which are not met on site (including for allotments and sports provision) off site. The indicative masterplan shows a network of walking routes and play areas through the site to demonstrate how open space can be integrated with the residential development and a second play area has been incorporated to the south of the site at the request of the Parish Council. The site would also provide pedestrian and cycle access to Newman Road where access is available to Newman Road Woods which is owned by the District Council and where work is being undertaken with the Parish Council to provide improved access for the public.
- 9.30 In addition, the application proposes to provide a 4.1 ha area of public open space to the west of the Broadland Northway which would also be subject to landscape and ecological enhancement. This would be above and beyond the Policy requirements for open space required under EN3. However, the benefits of this open space are given only modest weight by officers due to its distance from the application site. The site is disconnected from the proposed residential development and existing housing in the village due to the Broadland Northway and whilst it would be accessible over the newly

constructed Newman Road bridge and along the bridleway to the west of the Broadland Northway, the distances involved to access it are considered to limit the weight which can be given to this as a material consideration. Nevertheless, it is regarded as a social benefit by officers in accordance with Policy 7 of the JCS and paragraph 96 of the NPPF and in addition to the social benefits, this area of open space would have ecological benefits which are discussed at paragraphs 9.49-9.54 of this report. The provision and management of this open space would be secured by a combination of condition and Section 106 Agreement.

### **Environmental role**

- 9.31 The NPPF confirms that the social objective is: *“to contribute to protecting and enhancing our natural, built and historic environment; including making efficient use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”*.

### **Character and appearance**

- 9.32 Policy GC4 of the DM DPD requires development to pay adequate regard to the environment, character and appearance of an area; Policy EN2 requires development proposals to have regard to the Landscape Character Assessment SPD and consider any impact; Policy 1 of the JCS seeks to, *inter alia*, protect the landscape setting of settlements including the urban / rural transition and the treatment of gateways. Policy HOU2 of the Neighbourhood Plan relates to character, density and massing. Policy ENV4 seeks to retain trees and soft boundaries and the incorporation of new planting in development. Policy ENV5 seeks to protect local landscape character. In support of the application are a Landscape and Visual Impact Assessment (LVIA) and amended Arboricultural Impact Assessment (AIA) in addition to an amended indicative Masterplan and Framework Plan.
- 9.33 The site is located within the “E4 Rackheath and Salhouse” landscape character area as defined by the Landscape Character Area Assessment SPD 2013. The landscape guidelines seek to, *inter alia*, conserve landscape structure including blocks and belts of woodland, conserve historic landscape features including historic parkland and their setting and conserve the landscape setting of villages. The AIA identifies that there are a number of individual and groups of trees within the site and to its boundaries including a Category A Veteran Oak tree which has been highlighted as an important landscape tree. Approximately 0.40 ha of woodland has been felled on the site in the area between the northern and southern section of the residential site but this was before the application was submitted.
- 9.34 The proposed development, through the introduction of buildings and infrastructure, would have an urbanising impact on the character and appearance of the site given its current undeveloped and open nature. In terms of public vantage points, the residential development would be particularly visible from Green Lane West and the Broadland Northway, users

of which would recognise a noticeable change in the sites character and appearance to the detriment of the visual amenity of the immediate locality. Whilst the site would also be visible from those dwellings to the south of Trinity Close, whose dwellings share a boundary with the application site and have views towards it, the loss of a private view is not a material consideration to which weight can be given. These dwellings are located at a higher level than the application and consideration to the impact of overlooking would need to be given at reserved matters stage.

- 9.35 Whilst visible in the immediate locality, the site would be well screened from longer distance views by existing groups of trees, topography and existing buildings and therefore it is considered that the proposed development would not have an adverse impact on the wider landscape. Existing bunding associated with the Broadland Northway provides some screening of the site and further bunding and fencing is proposed along part of the western boundary as mitigation for noise impacts. This will further screen the site from the Broadland Northway. Landscaping associated with the Broadland Northway has yet to be implemented in this location and additional landscaping along this boundary proposed as part of the development will help reduce the visual impact although this will take many years to establish and would not entirely screen the development from public vantage points.
- 9.36 The scheme is able to retain some of the existing landscaping to the site's frontage with Green Lane West (although there would be the need to remove two Category B trees (an Oak and Ash) and a group of Category C mixed species trees to facilitate the access, visibility splays and frontage footpath). Also proposed for removal is the removal of a section of a group of Category C trees to the south of the site along the boundary with Mahoney Green industrial estate and the removal of other Ash dominated groups which divide the main site from the southern part. The loss of these trees is considered to result in some landscape harm to be weighed in the planning balance; however some mitigation could be provided in the form of replacement planting across the site. The submitted masterplan demonstrates how the Category A Veteran Oak can be retained and incorporated in to the development.
- 9.37 The Campaign to Protect Rural England objects to the location of the development outside of settlement limits and consider that the density would result in a cramped form of development which would be suburban in character rather than retaining a village feel contrary to HOU2 of the Neighbourhood Plan. In contrast the Parish Council has stated that it is pleased with the density proposed. At 39 dwellings per ha (net) and 25 dwellings per ha (gross), the density is of a suburban nature but officers consider that this makes efficient use of land and is a density which would be expected from new development in a location such as Rackheath and would accord with paragraph 123 of the NPPF which seeks to avoid low density housing where there is a shortage of land for meeting identified housing needs. Further consideration of impact on the character and appearance would be given at Reserved Matters to ensure that the appearance and layout of dwellings is acceptable.

- 9.38 It is therefore considered that the development would alter the character and appearance of the area and would result in a more urban environment than currently exists. This represents a conflict with planning policies which seek to preserve and enhance the character the District such as GC4 and EN2 of the DM DPD, Policy 1 of the JCS and Policies HOU2 and ENV4 of the Neighbourhood Plan. This harm needs to be weighed against the benefits of the development in the planning balance.

**Access / highways**

- 9.39 Policy TS3 of the DMD DPD states that development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network. In support of the application, and in accordance with TS2 of the DM DPD is a Transport Assessment to provide an understanding of the highway consequences of the development and to identify any mitigation measures which may be necessary. Policy TRA2 of the Neighbourhood Plan requires, where appropriate, the provision of crossing points for development with boundaries on Green Lane West to enable safe passage by pedestrians within the village and to schools.
- 9.40 The scheme proposes a primary point of access on to Green Lane West with an additional secondary access provided for emergency vehicles and pedestrians and cycles. The current speed limit on this part of Green Lane West is 40 mph but the highway authority would require this to be reduced to 30 mph through a Traffic Regulation Order. Pedestrian and cycle access would also be provided to Newman Road to the south providing access for residents to Newman Road Woods and Newman Road Bridge and the bridleway to the west of the Broadland Northway. As originally submitted the masterplan included a potential pedestrian cycle access in to Mahoney Green Industrial Estate but this was subsequently omitted following concerns raised by the occupants of the industrial estate about residents gaining unauthorised access to the estate. Overall it is considered that the development achieves a satisfactory level of permeability for pedestrians and cyclists with further regard given at reserved matters when details of layout are considered.
- 9.41 Given the scale of development it would be typical to provide two main points of vehicular access. However, the only point of access to the site is via Green Lane West and the provision of two points of access on to this relatively short stretch of site frontage would require the removal of significantly more of the existing trees and would result in four points of access (two to the proposed development, one to Trinity Close directly to the north and one to Mahoney Green directly to the south) within very close proximity. This arrangement would result in a much more prominent and more urban form of development detrimental to the visual amenity of Green Lane West. The highway authority have therefore been willing, in this instance, to accept a single point of access and secondary emergency access on to Green Lane West subject to conditions.
- 9.42 A number of off-site highway works have been required by the highway authority including the provision of a footpath to the sites frontage, bus stops

to either side of Green Lane West, the provision of dropped kerb crossings, localised footway and carriageway widening on Green Lane West to ensure it is 6m and vehicle activated signs at an existing pinch point on Green Lane West to provide a crossing point for those walking to Rackheath Primary School. A plan has been provided by the applicant to demonstrate their provision and these will be secured by condition.

- 9.43 The Highway Authority has raised no objection to the methodology or conclusions of the Transport Assessment which was submitted to support the application and it is considered that the development would not lead to conditions detrimental to highway safety or the satisfactory functioning of the local highway network. The application would therefore comply with Policy TS3 of the DM DPD and would result in a safe passage for pedestrians in accordance with TRA2.

**Noise, pollution and air quality**

- 9.44 Policy EN4 of the DM DPD requires development proposal to include an assessment of the extent of potential pollution and details of adequate mitigation measures. Policy GC4 of the DM DPD requires development to meet the reasonable amenity needs of future occupiers.
- 9.45 The site is adjacent to the Broadland Northway and Mahoney Green Industrial Estate, both of which have the potential to adversely impact on the amenity of future residents by virtue of the noise that they generate. A Site Noise Assessment and subsequent additional Acoustic Design Statement and Noise Report have been submitted, the later document being submitted after the opening of the Broadland Northway to take account of noise levels following its opening at the request of the Environmental Health Officer.
- 9.46 The Acoustic Design Statement includes provision for an acoustic bund and fence along part of the western boundary of the site which is reflect on the submitted masterplan. The submitted information demonstrates that internal and external amenity spaces will be subject to acceptable levels of noise and the Environmental Health Officer raises no objections subject to a condition requiring the applicant to show how the layout at reserved matters meets the noise criteria in BS8233:1999, Sound Insulation and Noise Reduction for Buildings – Code of Practice. In noise terms the application is therefore considered to comply with Policy EN4 and GC4 of the DM DPD.
- 9.47 The former use of the site, which includes military use associated with the airfield that was in operation during World War II, also requires the need for consideration of ground contamination and a Phase 1 and 2 Site Investigation have been submitted. The Council's Pollution Control Officer requires further site investigations to be undertaken and a report to identify whether any remediation will be necessary, but he is satisfied that this can be secured by condition.
- 9.48 The proximity of the site to the Broadland Northway also requires consideration of air quality and the impact that this may have on future

residents of the site. An Air Quality Assessment has been submitted and following consultation with the Pollution Control Officer it has been agreed that further consideration of this issue can be secured by condition.

### **Ecology and green infrastructure**

- 9.49 Policy 1 of the JCS seeks to, *inter alia*, minimise the fragmentation of habitats, contribute to providing a multifunctional green infrastructure network and requires that all new developments will ensure that there will be no adverse impacts on European and RAMSAR designated sites and no adverse impacts on European protected species. Policy EN1 of the DM DPD expects developments to protect and enhance the biodiversity of the district. Policy ENV3 of the Neighbourhood Plan requires development to support the creation and preservation of wildlife habitats.
- 9.50 In support of the application is a Phase 1 Habitat Survey and further surveys for bats, reptiles, birds, badgers and great crested newts have been submitted. The site contains a variety of habitat types including semi-improved grassland, hedgerows, and trees.
- 9.51 The results of the ecology survey work have been discussed with the Natural Environment Team (NET) at Norfolk County Council who requested the submission of additional information regarding bats, great crested newts and sky larks which was submitted by the applicant. Following further consideration the NET have advised that they have no objections in terms of ecological impact subject to conditions regarding the need for a Construction Ecological Management Plan to provide details of mitigation and compensation measures and a Landscape and Ecology Management Plan to ensure the long term suitability of management of ecological features. Subject to these conditions it is considered that the development would not adversely impact upon ecology and would result in a net increase in biodiversity across both the open space site and recreational site.
- 9.52 Policy GT2 of the GT AAP seeks to deliver 2 primary and 7 secondary green infrastructure corridors within the Growth Triangle to deliver biodiversity and habitat connectivity through the provision of green infrastructure. The application site is located along the route of the Mousehold to the Broads primary green infrastructure corridor. The Policy states that such corridors will be delivered through the provision of informal and formal open space, sports pitches, play areas, walking and cycling routes, landscaping and sustainable urban drainage systems. In its current state the application site, whilst undeveloped, is unmanaged and is of limited ecological value and does not provide multifunctional green infrastructure. The proposed development would introduce landscape and ecological enhancements with long term management to the west of the Broadland Northway on the open space site and provide walking and cycle routes, play areas, informal open space, sustainable drainage and new landscaping to the east of the Broadland Northway on the residential site. These features would contribute towards the delivery of the green infrastructure corridor in accordance with Policy GT2. The contribution that the development would make towards the delivery of a



multifunctional green infrastructure corridor is considered to be a matter which weighs in favour of the development in the planning balance.

- 9.53 Given the location of the proposal being within 5 km of the Broadland internationally designated sites, there is the potential for increased recreational impacts on the Broads which could have an adverse impact on the designated features and therefore the integrity of the N2K network. Therefore it is necessary to undertake an Appropriate Assessment with regard to assessing impacts from recreational pressure. This has been undertaken by the NET on behalf of Broadland District Council and it concludes that cumulative effects with other developments in the Growth Triangle are unlikely as the application delivers on-site recreational space and there are further opportunities for recreation already consented within the Growth Triangle sufficient to ensure that there will be suitable opportunities for residents to undertake their daily recreational needs close to their homes and avoid the need to travel to N2K sites. Natural England has no comments on the application.
- 9.54 Overall it is considered that the development would result in a net gain in biodiversity given the limited ecological value of the site and lack of management on the open space site and will contribute towards the delivery of multi-functional green infrastructure corridor that enhances habitat connectivity and provides opportunity for informal recreation. In addition the development would not impact upon internationally designated sites through recreational pressure. The application therefore complies with the development plan in respect of ecology and biodiversity.

### **Drainage**

- 9.55 Policy CSU5 of the DM DPD states that 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 risk elsewhere. Policy 1 of the JCS states that development will be located to minimise flood risk, mitigating any such risk through design and implementing sustainable drainage. Policy ENV1 of the Neighbourhood Plan reflects the requirements of the local plan encouraging the use of Sustainable Drainage Systems (SuDS) to prevent the increased risk of flooding either on site or elsewhere.
- 9.56 The application is supported by an amended Flood Risk Assessment and Surface Water Drainage Strategy and advice has been sought from Anglian Water and the Lead Local Flood Authority. The site is located entirely within Flood Zone 1, the zone with the lowest probability of flooding.
- 9.57 As originally submitted the drainage strategy sought to collect surface water in two infiltration basins which would discharge in to the Anglian Water surface water sewer network. Anglian Water objected to this as a strategy as infiltration testing undertaken by the applicant and submitted as part of their application showed that infiltration on site was feasible and accordingly, would not accept a connection in their system. Accordingly an amended Flood Risk

Assessment and Surface Water Drainage Strategy was submitted proposing infiltration on site without connection to the Anglian Water network necessitating larger infiltration basins that would likely hold water for a longer period of time.

- 9.58 However, the Lead Local Flood Authority, whilst accepting that the technical information submitted by the applicant demonstrated that infiltration on site was feasible, were concerned at the infiltration basins would not drain as anticipated given that drainage features very near to the site associated with the Broadland Northway were not performing at the infiltration rates expected. Given these concerns Anglian Water have accepted a connection in to their surface water network and the applicant has therefore reverted back to their originally submitted Flood Risk Assessment and Surface Water Drainage Strategy. This necessitates smaller infiltration basins and they would be not be permanently wet features enabling them to be used as public open space.
- 9.59 A condition would be required to secure the submission of a detailed surface water drainage scheme with the reserved matters. On this basis it is considered that the development would not result in an increased risk of flooding either on site or downstream in accordance with Development Plan Policies.

### **Archaeology and Heritage**

- 9.60 The proposed development site lies adjacent to the possible site of the deserted medieval village of Little Rackheath. Burials, possibly associated with Little Rackheath's Church, were found on Sir Edward Stracey Road in 1995. Recent excavations along the route of the Northern Distributor Route uncovered evidence of medieval enclosures, charcoal clamps, extraction pits, industrial features and at least one structure. In addition, cropmarks recorded adjacent to the west are suggestive of medieval settlement. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development. The Historic Environment Team at Norfolk County Council has recommended that a condition is imposed to secure a programme of archaeological mitigatory work.
- 9.61 The open space site is located within Rackheath Park, the grounds associated with the Grade II Listed Rackheath Hall which is now converted into a number of residential dwellings. However, no buildings are proposed on the open space site and the site is well screened from the Hall and grounds by mature woodland. Consequently it is not considered that the development would impact upon the setting of the Listed Building.

### **Airport safeguarding**

- 9.62 The application site is located outside of the Public Safety Zones as defined under Policy TS6 of the DM DPD and shown on the associated proposals maps. However, Norwich Airport have commented that a number of elements

of the application cause them concern however they do not object provided conditions are imposed to control external lighting to minimise the risk of dazzling pilots; for landscaping to be arranged to ensure that birds, particularly wildfowl, are not attracted to the site and that mitigation measures are taken to ensure that the SuDS are maintained with a high proportion of tall fescue grass which is unpalatable to wildfowl and maintained as a meadow. They also require SuDS to be designed to drain within 24 hours for general rainfall and for the airport to be notified by the developer of the intended use of cranes during the construction phase.

- 9.63 As the application is in outline and drain down times of the SuDS feature cannot be confirmed and details of landscaping are reserved it is proposed to impose a condition requiring the submission of a Bird Risk Assessment and Bird Hazard Management Plan in respect of aviation safety to be submitted for approval prior to the commencement of development. This will demonstrate that the development is not detrimental to aviation safety.

### **Planning balance and conclusion**

- 9.64 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.65 The application is contrary to the Development Plan in that it proposes residential development outside of the defined settlement limit on a site which is not allocated, in conflict with GC2 of the DM DPD. Planning permission should therefore be refused unless material considerations indicate otherwise.
- 9.66 The NPPF is a material consideration and paragraph 73 aims to boost significantly the supply of housing. It also states at paragraph 11 that where the Development Plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (“the tilted balance”). Against the housing requirement of the JCS, the local planning authority is unable to demonstrate a 5 year supply of land for housing in the NPA and the Council’s policies concerning the supply of housing are considered to be out-of-date.
- 9.67 Whilst this would normally trigger the application of the presumption in favour of sustainable development, on the basis that an AA has been undertaken for the reasons set out in paragraph 9.13-9.15 of this report, the presumption cannot be applied in this instance and the application should be determined on the statutory basis for assessment at section 38(6) Planning and Compulsory Purchase Act 2004 – ie that the decision must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.68 Whilst contrary to the Development Plan, the proposal would contribute towards the provision of housing in a sustainable location. Whilst there is a

lack of 5 year supply against the JCS requirements, given the 2017 SHMA the benefit of this housing is considered to represent a social benefit of modest weight. However, 33% of the dwellings would be for affordable housing which would be considered to represent a significant social benefit of the scheme (albeit in accordance with Development Plan Policies). A viability assessment has been submitted to demonstrate that this level of affordable housing would be viable providing comfort to officers that weight can be given to this as a consideration.

- 9.69 The scheme would also provide for 4.1 ha of informal open space with landscape and ecological enhancements which would provide modest social benefits by giving residents of the village greater access to open space and would contribute towards the delivery of a multi-functional green infrastructure network in accordance with the GT AAP. The scheme would also have modest economic benefits through the creation of jobs during the construction phase and spending by residents during the occupation of the development.
- 9.70 These benefits are considered to outweigh the limited harm, including the harm to the character and appearance of the area, sufficient for officers to conclude that there are material considerations which justify approval contrary to the Development Plan.
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**RECOMMENDATION:** Delegate authority to the Head of Planning to **APPROVE** subject to the satisfactory completion of a Section 106 Agreement to secure the following Heads of Terms and subject to the following conditions:

Heads of Terms:

- (1) 33% Affordable housing (60:40 Affordable Rent: Intermediate) tenure split.
- (2) Delivery of open space on the residential site (or commuted sum) in accordance with RL1 and EN3 of DM DPD.
- (3) Delivery of 4.11 ha of public open space, landscape and ecological enhancements and management on open space site to west of Broadland Northway.

Conditions:

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

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

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

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

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

- (3) The details required by conditions 1 and 2 shall not include provision for more than 205 dwellings.
- (4) There shall be no residential development on the part of the application site to the west of the Broadland Northway.
- (5) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below:

Dwg No CSA\_3075\_102 Site Location Plan

Dwg No NR5011-006-C Proposed Site Access

- (6) Prior to commencement of development, in accordance with the submitted Flood Risk Assessment (Matrix: reference BE1385 - 31M – second issue, dated February 2018) detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:
- I Surface water runoff rates will be attenuated to 25.2 l/s as agreed with Anglian Water.
  - II Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change flood event. Demonstration that if extra storage cannot be achieved other mitigation should be proposed, such as providing at least the storage for a subsequent storm 1 in 10 year (10% annual probability) rainfall event. Other freeboard allowances should also be considered.
  - III Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
  - IV Calculations provided for a 1 in 100 year critical rainfall event, plus climate change, to show, if any, the depth, volume and location of any above ground flooding from the drainage network, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (eg pumping station or electricity substation) within the development.
  - V Plans showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period need to be provided. Finished floor levels should be not less that 300mm above any sources of flooding and not less that 150mm above surrounding ground levels.
  - VI A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development. This will also include the ordinary watercourse and any structures such as culverts within the development boundary.
- (7) Concurrently with the submission of reserved matters, an Arboricultural Impact Assessment to comply with BS5837:2012 Trees in relation to design,

demolition and construction – Recommendations Section 5.4 detailing the extent of the direct and indirect impacts of the development proposals on existing trees on or adjoining the site, this will include details of Root Protection Areas (RPAs), Construction Exclusion Zones (CEZs), and Tree Protection shall be submitted to and approved by the Local Planning Authority.

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

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

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

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

Soft landscaping works shall include:

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

- implementation programme.

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

- (9) Concurrently with the submission of reserved matters a noise report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how internal amenity in residential dwellings meets the criteria of BS8233:1999, Sound Insulation and noise reduction for Buildings – Code of Practice. The development shall be constructed in accordance with the approved details.
- (10) (A) Prior to the commencement of development an archaeological written scheme of investigation shall be submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and (1) The programme and methodology of site investigation and recording; (2) The programme for post investigation assessment; (3) Provision to be made for analysis of the site investigation and recording; (4) Provision to be made for publication and dissemination of the analysis and records of the site investigation; (5) Provision to be made for archive deposition of the analysis and records of the site investigation and (6) Nomination of a competent person or persons / organisation to undertake the works set out within the written scheme of investigation.

and

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

and

- (C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- (11) Prior to the commencement of the development hereby approved the following will be submitted to and approved in writing by the Local Planning Authority:

A Materials Management Plan – Minerals (MMP–M) which will consider the extent to which on-site materials which could be extracted during the proposed development would meet specifications for use on-site. The MMP–



M will refer to the findings of the Site Investigation Report with particular reference to the Particle Size Distribution testing and the assessment of the results.

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

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

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

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

- (12) Prior to the commencement of development (including demolition ground works, vegetation clearance) a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of 'biodiversity protection zones';
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- Use of protective fences, exclusion barriers and warning signs.

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

- (13) No works above slab level shall commence until a landscape ecological management plan (LEMP) shall be submitted to, and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following.

- (a) Description and evaluation of features to be managed
- (b) Ecological constraints on site that might influence management
- (c) Aims and objectives of management
- (d) Appropriate management options for achieving aims and objectives
- (e) Prescriptions for management actions
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- (g) Details of the body or organisation responsible for implementation of the plan
- (h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and / or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- (14) Prior to the commencement of development, a Bird Risk Assessment and Bird Hazard Management Plan in respect of aviation safety shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- (15) Prior to the commencement of development, a site investigation into the nature and extent of possible contamination in the area of land shown green on drawing 001a/Rev 0 (contained in Appendix 12 of the amended Phase 1 and 2 desk study and site investigation report dated 16 February 2018) shall be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation with associated risk assessment and interpretation shall be supplied to the local planning authority for approval before any development begins. If any contamination is found that requires remediation during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before commencement of the remediation of the site. The site shall be remediated in accordance with the approved measures and a post remediation validation report produced and submitted to the local planning authority to demonstrate the successful remediation of the site.

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

- (16) Concurrently with the submission of the reserved matters for any residential development, an assessment of the air quality impacts of the adjacent highways and the impacts of construction operations on the adjacent and proposed residential areas will be submitted the Local Planning Authority for approval.

The assessment should:

Identify if the air quality within the development will be impacted by the adjacent highways, alterations to traffic on Green Lane West as a result of this development and the impact on air quality to adjacent properties from the construction activities permitted by this permission by means of a preliminary study and risk assessment.

If required, based on the results of the above preliminary study and risk assessment, appropriate air quality modelling of the potential risk and area impacted must be undertaken and submitted to the Local Planning Authority. The results of the modelling and assessment must be fully interpreted and be able to determine whether the areas stated above are at risk of poor air quality that could result in the Local Authority being required to declare an Air Quality Management Area.

If the above modelling and risk assessment identifies a potential risk of poor air quality the developer must submit details of mitigation measures proposed for the area impacted in order for the properties to be able to be occupied by residents without causing unacceptable impacts on residential amenity.

All stages must be referred to the Local Planning Authority for consideration and written approval in advance of the commencement of development within that phase.

All works must be undertaken in accordance with accepted good practice.

- (17) Prior to the commencement of development detailed plans of the roads, footways, cycleways, street lighting, foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
- (18) Prior to the occupation of an dwelling the road(s) / footway(s) / cycleway(s) shall be constructed to binder course surfacing level from the dwelling unit to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.

- (19) Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4m x 59m shall be provided to each side of the access where it meets the highway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225m above the level of the adjacent highway carriageway.
- (20) Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the highway improvement works as indicated on Drawing № NR5011-008-D have been submitted to and approved in writing by the Local Planning Authority.

Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in this condition shall be completed to the written satisfaction of the Local Planning Authority.

- (21) No works shall commence on the site until the Traffic Regulation Order for the extension of the 30 mph speed limit on Green Lane West has been promoted by the Local Highway Authority.
- (22) Prior to development 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. For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and unless otherwise approved in writing with the Local Planning Authority.

**Reasons:**

- (1) The time limit condition is imposed in compliance with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) The application is submitted in Outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- (3) To reflect the scope of the application and to ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (4) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with Policies GC4, EN1 and EN2 of the Development Management DPD 2015.
- (5) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with Policy GC4 and TS3 of the Development Management DPD 2015.

- (6) To ensure the satisfactory development of the site in accordance with Policy CSU5 of the Development Management DPD 2015. The details are required pre-commencement as the drainage scheme relates to the construction of the development.
- (7) To ensure the satisfactory development of the site in accordance with Policy GC4, EN1 and EN2 of the Development Management DPD 2015. The details are required pre-commencement as the details relate to the construction of the development.
- (8) To ensure the satisfactory development of the site in accordance with Policy GC4, EN1 and EN2 of the Development Management DPD 2015. The details are required pre-commencement as the details relate to the landscaping of the site which is a reserved matter.
- (9) To ensure residents of the site have an acceptable level of amenity in accordance with Policies GC4 and EN4 of the Development Management DPD 2015. The details are required pre-commencement as the details may relate to the location and construction of dwellings.
- (10) To ensure the satisfactory development of the site in accordance with Policy 1 of the Joint Core Strategy 2011/2014. The details are required pre-commencement as construction activity may harm any buried archaeological remains.
- (11) To ensure that needless sterilisation of safeguarded mineral resources does not take place in accordance with the National Planning Policy Framework and Policy CS16 of the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026. The details are required pre-commencement as the details relate to below ground resources which may be impacted by construction activity.
- (12) To ensure the satisfactory development of the site in accordance with Policy GC4, EN1 and EN2 of the Development Management DPD 2015 and GT2 of the Growth Triangle AAP 2016. The details are required pre-commencement as the details relate to the construction of the development.
- (13) To ensure the satisfactory development of the site in accordance with Policy GC4, EN1 and EN2 of the Development Management DPD 2015 and GT2 of the Growth Triangle AAP 2016.
- (14) To ensure that the development does not result in any significant impact on aviation safety in accordance with TS6 of the Development Management DPD 2015. The details are required prior to commencement as the details may impact upon the layout and landscaping of the site.
- (15) To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours

and other offsite receptors in accordance with Policy EN4 of the Development Management DPD 2015. The details are required pre-commencement as the details may relate to construction activities and the need to avoid unacceptable risk to construction workers.

- (16) To ensure an acceptable level of amenity in accordance with Policies GC4 and EN4 of the Development Management DPD 2015. The details are required pre-commencement as the details may relate to the construction of dwellings and infrastructure.
- (17) To ensure satisfactory development of the site and a satisfactory standard of highway design and construction as required by Policies GC4 and TS3 of the Development Management DPD 2015 and Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011/2014. This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.
- (18) To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway in accordance with Policy GC4 of the Development Management DPD 2015.
- (19) To ensure satisfactory development of the site in accordance with Policy GC4 and TS3 of the Development Management DPD 2015.
- (20) 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 Policies GC4 and TS3 of the Development Management DPD 2015.
- (21) In the interests of highway safety in accordance with Policies GC4 and TS3 of the Development Management DPD 2015. This needs to be a pre-commencement condition to ensure it is resolved in a timely manner in advance of the development being occupied.
- (22) In the interests of maintaining highway efficiency and safety in accordance with Policies GC4 and TS3 of the Development Management DPD 2015. The details are required pre-commencement as the details relate to construction activity.

Informatives:

- (1) 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 developer's 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.

- (2) 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 applicants and the County Council. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich.

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

- (3) If the construction phases of the development require the use of mobile or tower cranes, they should be operated in accordance with British Standard 7121 and CAP 1096, and the Airport should be notified of plans to erect these cranes at least 21 days in advance.

The notification should include:

- OSGB grid coordinates of the crane's proposed position to 6 figures each of Eastings and Northings,
  - the proposed height of the crane Above Ordnance Datum (AOD),
  - the anticipated duration of the cranes existence, and
  - contact telephone numbers of the crane operator and the site owner for use in an emergency.
- (4) The site is subject to a related agreement under Section 106 of the Town and Country Planning Act 1990.
- (5) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or [enquiries@cncbuildingcontrol.gov.uk](mailto:enquiries@cncbuildingcontrol.gov.uk) and the website [www.cncbuildingcontrol.gov.uk](http://www.cncbuildingcontrol.gov.uk)

- (6) The applicants need to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted. Further information about CIL can be found at [www.broadland.gov.uk/housing\\_and\\_planning/4734.asp](http://www.broadland.gov.uk/housing_and_planning/4734.asp)
- (7) The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.





**Document**

**Map**

**Evidence base**

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## Policy GNLP0172: Land to the west of Green Lane West, Rackheath

3.57 This site is promoted as two parcels of land bisected by the Broadland Northway (A1270). It is allocated for residential development limited to land to the east of the A1270. Land to the west is only suitable for open space as it is within the landscape buffer for the Broadland Northway and close to the historic gardens of Rackheath Hall, a grade II listed building.

### Policy GNLP0172

**Land to the west of Green Lane West, Rackheath (Approx. 11.44 ha) is allocated for residential development. This will accommodate approximately 205 homes.**

More homes may be accommodated, subject to an acceptable design and layout being achieved and any infrastructure constraints addressed.

The development will be expected to address the following specific matters:

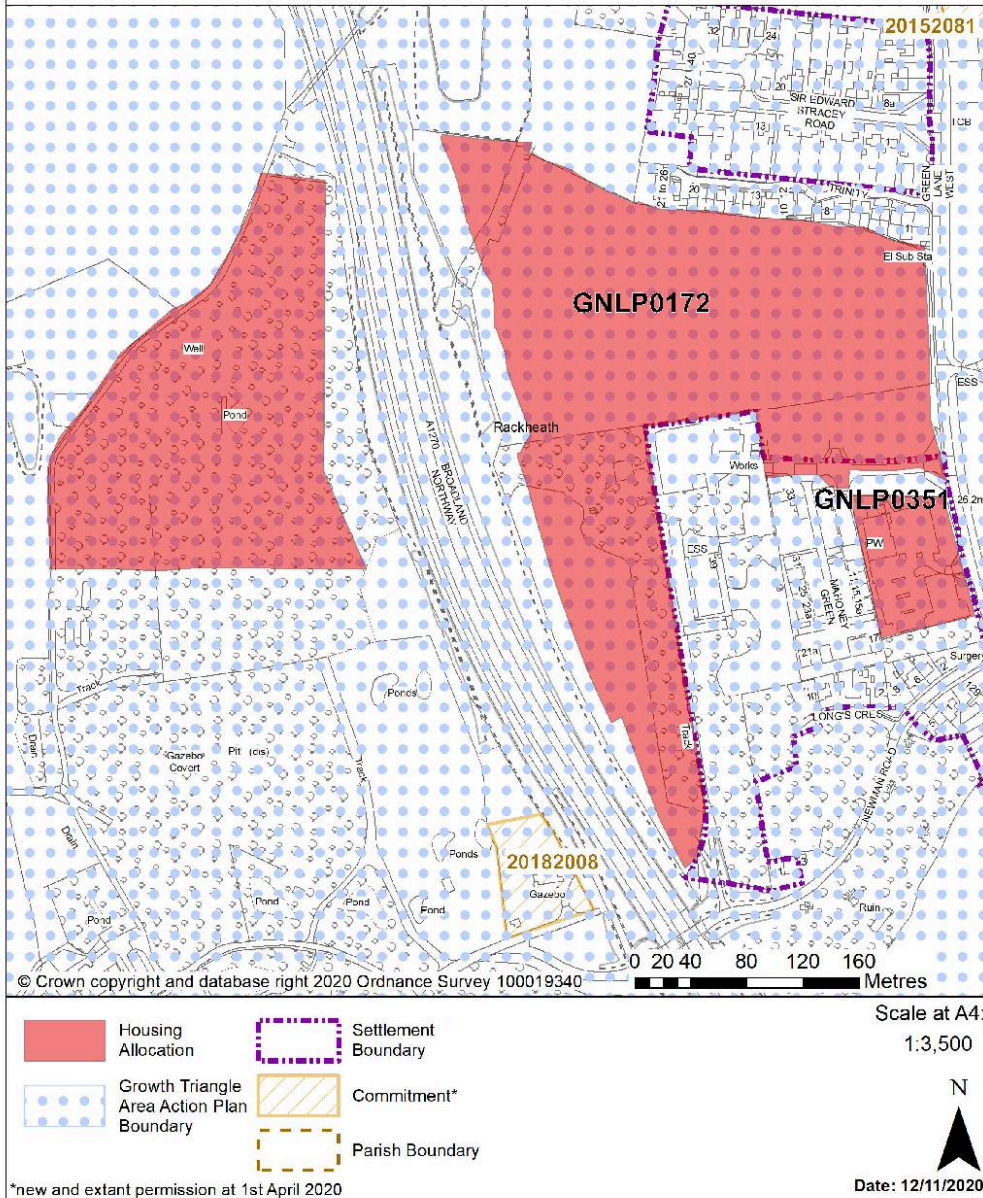
1. A suitable vehicular access onto Green Lane West that does not prevent access to the North Rackheath GT16 allocation.
2. Pedestrian and cycle connections provided between Green Lane West and Newman Road.
3. A design and layout that functions appropriately with other site allocations and policies in the Growth Triangle Area Action Plan.
4. Mitigation measures to manage the compatibility of neighbouring residential and industrial estate uses, as well as the nearby Broadland Northway (A1270).
5. A design and layout that avoids adverse impact on views through the valley of Beck Brook.
6. Land to the west of the A1270 should only be used for open space to conserve and where opportunities arise enhance the significance of the grade II listed Rackheath Hall and bridge.
7. Norfolk Minerals and Waste Core Strategy Policy CS16 applies, as this site is partly underlain by safeguarded minerals resources. The benefits of extracting the minerals, if feasible, will be taken into consideration

### Policy Map

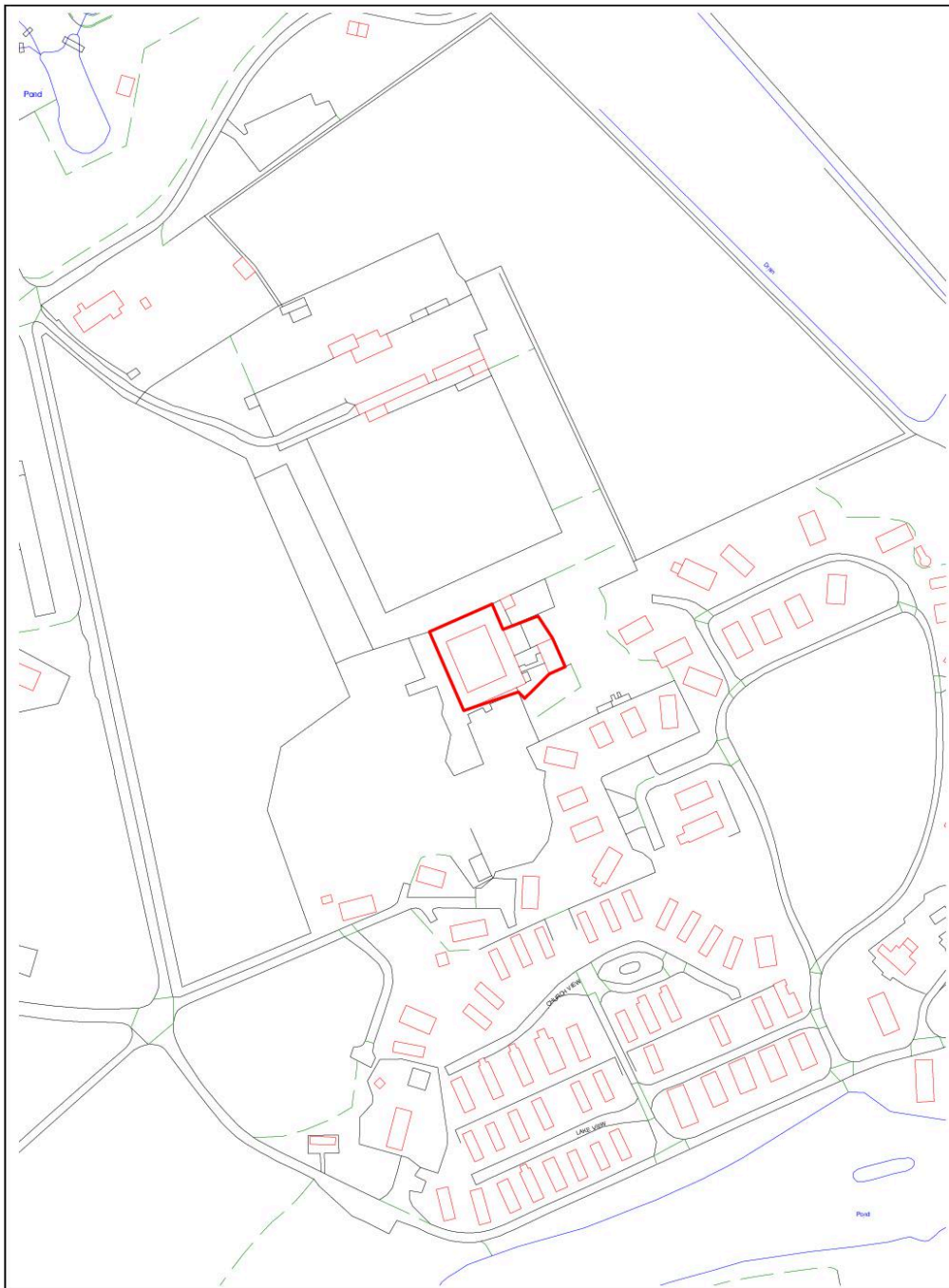
# RACKHEATH

## GREATER NORWICH LOCAL PLAN SITE ALLOCATION FOCUS MAP

SITE REFERENCE: GNL0172  
LOCATION: Land to the west of Green Lane  
ALLOCATION: Residential development (205 dwellings)  
SITE AREA: 11.44 ha



Application 2



 <p><b>Broadland</b> District Council — leading the way — broadland.gov.uk</p>	<b>Application No: 20211222</b>	<b>Scale:</b> 1:1250	<b>N</b> ↑
	<b>Haveringland Hall Coach House, Haveringland Hall Park, Haveringland, NR10 4PN</b>	<b>Date:</b> 27-Sep-21	
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**2. Application No: 2021/1222**  
**Parish: HAVERINGLAND**

Applicant's Name: John L Broome, Haveringland Hall Country Park Ltd  
Site Address: Haveringland Hall Coach House, Haveringland Hall Park, Haveringland, NR10 4PN  
Proposal: Application for listed building consent for demolition of interior walls and external door steps; removal of plasterboard ceilings; alteration to external doors; and, courtyard surfacing works.

Reason for reporting to Committee

The Local Member has requested that the application be determined by the Planning Committee for appropriate planning reasons as set out below in section 4.

Recommendation summary:

Approve subject to conditions.

**1 Proposal and site context**

- 1.1 The Coach House is a Grade II listed range of converted stables that is currently used as holiday accommodation. The buildings are connected to each other and laid out in a quad arrangement with a courtyard in the centre. External materials are predominantly red brick walls and a slate roof. The main entrance is via a buff brick archway with a turret above in the west elevation. The Coach House was once part of Haveringland Hall (which was demolished after the Second World War) but is now part of the grounds of Haveringland Hall Country Park, which provides a mixture of holiday and permanent residential accommodation.
- 1.2 The aforementioned holiday and permanent residential accommodation is largely to the south of The Coach House, the former kitchen garden of Haveringland Hall to the north, a woodland belt to the west and a swimming pool building to the east. The wider site is accessed via a long driveway that from Haveringland Road to the west, which in turn runs between Felthorpe to the south and the Eastgate part of Cawston to the north.
- 1.3 As part of this application, the following is proposed:-

- Internal studwork walls removed from the northern, eastern and part of the southern ranges of the Coach House demolition of interior walls and brick steps removed from six door openings facing into the courtyard.
- Removal of plasterboard ceilings to expose roof trusses;
- The reinstatement of large double door openings on the north courtyard elevation;
- The gravel surface within the courtyard replaced with a raised paved surface with the intention that this will make it more suitable for wheelchair access and outside dining.

1.4 In the supporting information to the application, it has been explained that these works are being proposed to facilitate a change of use of the Coach House so that it may be used for a café, takeaway, convenience shop and leisure space. It should be noted that these proposals will require planning permission to change the use from the existing holiday accommodation and it is at that time that the planning merits of those proposals can be considered. There is not an active planning application or extant planning permission to consider in parallel with this application for listed building consent. Members are therefore advised that when considering applications for listed building consent, a key issue is whether the proposed alterations are appropriate to the fabric and historic interest of the building. Issues such as the appropriateness of the intended end-use, residential amenity, highway safety and parking provision are matters to be assessed as part of a planning application.

## 2 Relevant planning history

- 2.1 [20200020](#): Construction of Holiday & Leisure Park comprising 280 units of holiday accommodation; Landscaping, Drainage & Associated Infrastructure Works (Screening Opinion). EIA not required.
- 2.2 [20191426](#): Construction of Holiday and Leisure Park Comprising an Additional 101 Units of Holiday Accommodation; Landscaping, Drainage and Associated Infrastructure Works. Withdrawn.
- 2.3 [20160500](#): Variation of Condition 4 of Planning Permission 930577 - Conversion of former Coach House to two dwellings & two units of holiday accommodation – to permit unrestricted occupation. Approved May 2016.
- 2.4 [20160532](#): Variation of condition 1 of appeal decision ref 781632 to increase number of permitted caravans to 19. Approved October 2016.
- 2.5 [20160531](#): Continued use of holiday caravan park including associated landscaping, internal roads, car parking, pathways, removal of disused show caravan base. Approved July 2018.

- 2.6 [20160530](#): Change of use of land for the siting of 5 no. static caravans for holiday use, access and vehicle parking area. Approved October 2016.
- 2.7 [20160529](#): Change of use of land for the siting of 10 no. residential mobile homes, landscaping, internal roads, parking, relocation of gas tanks & sewage treatment plant. Approved October 2016.
- 2.8 [20111821](#): (1) Erection of building comprising reception, office, shop, bar, social area and toilets to serve existing caravan and lodge holiday site  
(2) Existing reception building to be re-used as caravan sales office.  
Approved March 2012.
- 2.9 [20080486](#): Variation of condition 1 of planning permission 781632 – to increase the number of permitted residential mobile homes to 23. Refused May 2008.
- 2.10 [19930577](#): Conversion of former Coach House to two dwellings and two units of holiday accommodation. Approved July 1993.

### 3 Planning Policies

#### 3.1 National Planning Policy Framework (NPPF)

NPPF 02 : Achieving sustainable development

NPPF 12 : Achieving well-designed places

NPPF 16 : Conserving and enhancing the historic environment

#### 3.2 Joint Core Strategy (JCS)

Policy 1 : Addressing climate change and protecting environmental assets

Policy 2 : Promoting good design

#### 3.3 Development Management Development Plan Document (DM DPD) 2015

Policy GC4: Design

#### 3.4 Statutory duties relating to listed buildings:

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4     Consultations

4.1    Haveringland Parish Meeting

See 'Other representations' below.

4.2    District Councillor  
Cllr P Bullman

In light of the comments submitted by Haveringland Parish Meeting and the Line in the Sand Group, I reserve the right to refer this matter to the Planning Committee if you are minded to approve the application.

4.3    Senior Heritage & Design Officer

The original stables dates back to 1840s by Blore and are Grade II listed. It has lost much of its original context with the Hall having been demolished and three sides of the courtyard much altered. The only original parts are now the south wing, and the external wall of the west wing and the feature gate/entrance which is an impressive surviving feature and it is these elements which carry significance. Internally, the stables were divided up for holiday accommodation and there is no objection to these later alterations being taken out and reversed. Otherwise there are no significant external alterations, and in terms of the character of the building being more true to the original, making the wings more open plan would be more in keeping with the original character of the building. From a heritage point of view I therefore have no objection to the proposals.

4.4    Other representations

Objection received on behalf of Haveringland Parish Meeting and the Line in the Sand Group that includes representations from Horsford Parish Council and Felthorpe Parish Council. The following points were submitted:

1. We acknowledge that this application is associated with the recently withdrawn planning application for additional holiday units, and that some of the documents (especially the Heritage Statement) make mention of the intended uses for the Coach House in the withdrawn application.

2. We understand that the application relates to the site/property involved and not the circumstances of the applicants, but we would draw attention to the fact that one of them (Haveringland Hall Country Park Ltd.) is in voluntary receivership.

3. We think it very unsatisfactory that this application can be considered without an accompanying planning application, but understand that this cannot be required of the applicants.

4. We strongly object to the application because of the implications it has for future use of the Coach House and associated development - the fundamental issues of the unlikely economic viability of the proposed uses; increased traffic generation and reduced road safety, negative impacts on existing residents and the associated ecological and environmental damage that would result. There are also some major issues that would probably need to be addressed such as the likely removal of protected trees to improve access to the building, provision for staff and customer parking, commercial vehicle access, noise and odour issues that might well have an impact on the listed structure.

5. We request that a clear message to the applicants is attached to any approval that the decision implies no support for the intended uses or associated development which must be addressed in a separate planning application.

5 Assessment

**Key Considerations**

- 5.1 Principle of development  
Impact on historic interest of the listed building

**Principle of development**

- 5.2 The principle of carrying out alterations to a listed building is acceptable under national and Local Plan policies regarding heritage assets subject to an assessment of the impact of proposals on the special interest/significance of the listed building.

**Impact on the historic interest of the listed building**

- 5.3 This application proposes a series of internal and external alterations to The Coach House. These are described in section 1 of this report. The Heritage Statement submitted with the application explains the Ordnance Survey map of 1952 shows the stable block much reduced as a result of war time and post-war neglect. By the latter date, only the south range, garage and perimeter wall survived along with some fragmentary remains of the west range but with the north and west ranges removed completely. In 1993 an application was made to convert the stable block to residential use and holiday accommodation and this included the construction of new single-storey north, east and west ranges within the surviving Victorian perimeter wall.
- 5.4 When considering how the building has evolved since the War with large sections being rebuilt and with relatively modern features (such as partition walls and plasterboard ceilings), it is considered that removing these features to open out the Coach House so that it resembles its more historic arrangement is an acceptable approach to take. The greatest historic significance lies with those surviving original features such the perimeter walls



and the southern range and changes to those features or minimal. The Senior Heritage & Design Officer has not objected to the application and my assessment is that the significance and special interest of the Coach House will be preserved. The application therefore complies with Policies 1 and 2 of the JCS and Policy GC4 of the DM DPD. I have also had regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act in reaching this view.

### Other issues

- 5.5 As referred to in paragraph 1.4 of this report, this application is for listed building consent and not planning permission. Therefore, matters relating to a potential change of use will need to be assessed as part of a planning application. Approving this application does not imply that planning permission will or will not be granted, only that the proposed alterations to the listed building are acceptable.
- 5.6 It should also be noted permitted development rights were withdrawn for extensions and alterations to the building when application ref. 20160500 was approved. This means that the proposal to install the doors in the north facing courtyard elevation needs planning permission either separately or as part of a prospective application for a change of use.
- 5.7 Under Section 143 of the Localism Act the Council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.8 This application is not liable for the Community Infrastructure Levy.

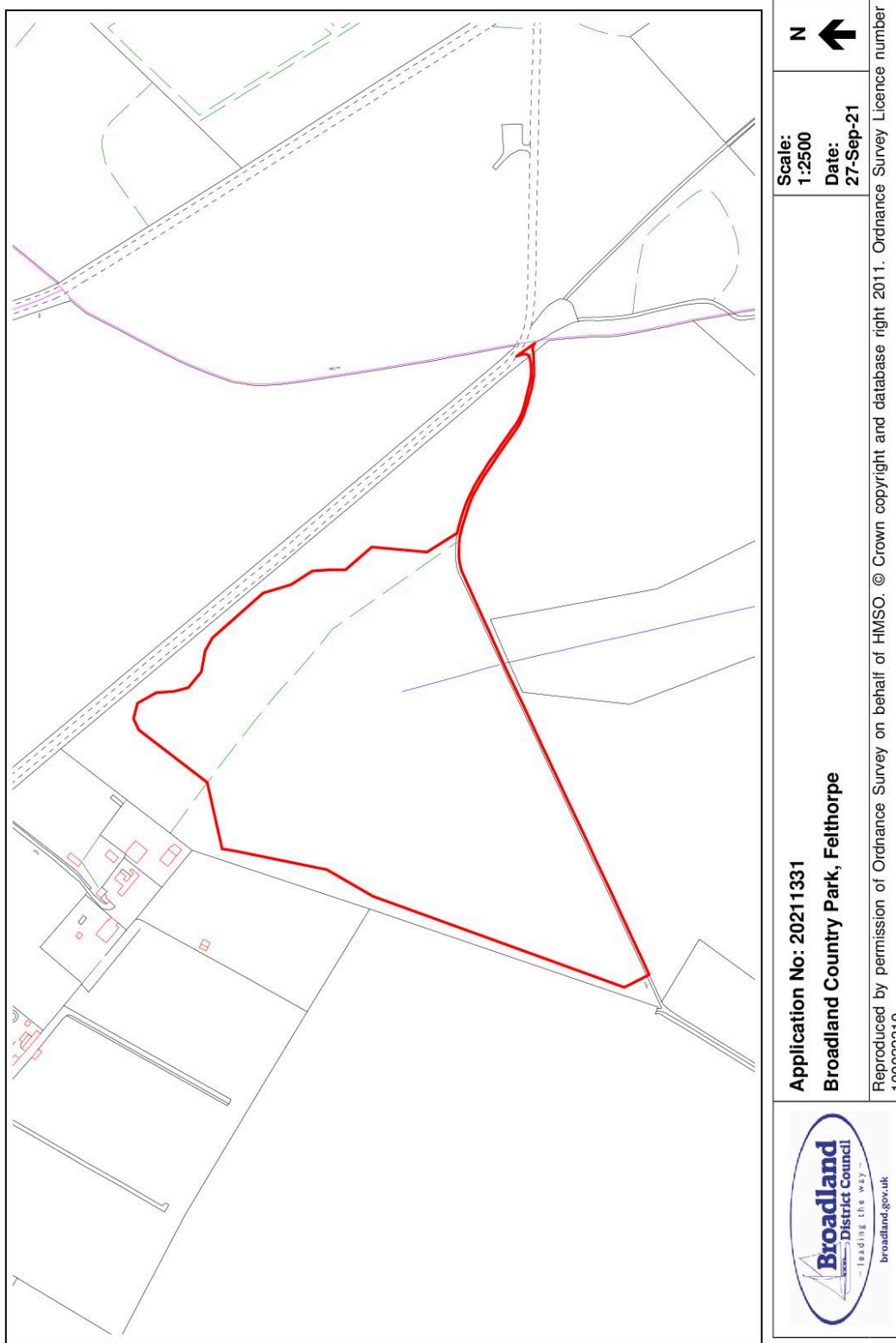
### Conclusion

- 5.9 In having regard to those matters that this application raises, the alterations will preserve the significance, special interest and historic features of the listed building and the recommendation is that listed building consent is granted.

Recommendation:	Approve subject to conditions
	<ol style="list-style-type: none"> <li>1. Time limit – listed building consent</li> <li>2. In accordance with submitted drawings</li> <li>3. Details of new windows to be submitted for approval</li> <li>4. Details of new flooring on ground floor to be submitted for approval</li> <li>5. Details of surface to be used within courtyard to be submitted for approval</li> </ol>

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Application 3



**3. Application No: 20211331**  
**Parish: FELTHORPE**

Applicant's Name: Broadland District Council  
Site Address: Broadland Country Park, Felthorpe  
Proposal: Resurfacing to improve the path surface for all users (pedestrians, wheelchair users, pushchairs, cyclists and horse riders) along this short circular route through Broadland Country Park; and to implement biodiversity enhancements at the same time, as highlighted in the Preliminary Ecological Appraisal

Reason for reporting to Committee

Broadland District Council is the applicant.

Recommendation summary:

Approve subject to conditions

**1 Proposal and site context**

- 1.1 This application seeks planning permission for the resurfacing of a circular route (the pink route) through the northeast section of Broadland Country Park to provide improved access to a range of users and to implement biodiversity enhancements around the Park.
- 1.2 Broadland Country Park is located between the villages of Horsford and Felthorpe and comprises a 140 acre mosaic of managed heath, woodland and marshy grassland. It has permissive access rights for pedestrians, cyclists and horse riders and also connects to other routes beyond the boundaries of the Park. The Park is part of a wider County Wildlife Site.
- 1.3 As part of this application, it is intended that the works will provide a better quality surface that will be suitable year round for all users, including those with wheelchairs, prams/pushchairs and other mobility issues, cyclists and horse riders. It is intended that resurfacing will start from the gate with the car park off Haveringland Road and will follow the existing route through the northeast section of the Country Park before returning back to the car park. The new surface will be a total of 1,417 metres (m) in length and for the most part will be 2.5m in width. In places where there are pinch points, the width will reduce to 2m. Close to the emergency access, the width will be increased to 2.8m. The surface will be unsealed and free draining and comprise Type 1 granite and granite fines – a crushed rock commonly used on hardstandings, driveways and paths.

- 1.4 The proposed biodiversity enhancements comprise additional planting in the understorey of species, planting of wildflowers, the installation of between 4 and 6 bat boxes along the plantation edge, the installation of 10 bird boxes and one owl box, artificial hibernation features for invertebrates, reptiles and amphibians such as log piles and heaps of stone and rubble and purpose built hibernacula for hedgehogs.
- 1.5 It is also proposed that an existing seasonal pond approximately halfway along the southern section of path will be increased from 6m x 5m to 10m x 10m to provide increased capacity for surface water and to offer biodiversity improvements. The pond will be also be removed of silt and restored to a depth of 1m.
- 2 Relevant planning history
- None
- 3 Planning Policies
- 3.1 National Planning Policy Framework (NPPF)
- NPPF 02 : Achieving sustainable development  
NPPF 04 : Decision-making  
NPPF 08 : Promoting healthy and safe communities  
NPPF 12 : Achieving well-designed places  
NPPF 15 : Conserving and enhancing the natural environment
- 3.2 Joint Core Strategy (JCS)
- Policy 2 : Promoting good design  
Policy 7 : Supporting Communities  
Policy 8 : Culture, leisure and entertainment
- 3.3 Development Management Development Plan Document (DM DPD) 2015
- Policy GC1 : Presumption in favour of sustainable development  
Policy GC2 : Location of new development  
Policy GC4 : Design  
Policy EN1 : Biodiversity and habitats  
Policy EN2 : Landscape  
Policy CSU5 : Surface water drainage
- 3.4 Landscape Character Assessment Supplementary Planning Document
- Landscape Character Area B1: Horsford Woodland Heath Mosaic

4     Consultations

4.1    Felthorpe Parish Council

No objections.

4.2    District Councillor

To be reported if received.

4.3    Conservation & Tree Officer

No objections. The construction must be undertaken as specified within the Tree Survey & Report, and following the construction designs specified within the NCCH drawings, No. NTCMF SURF 004 & No. NTCMF SURF 005.

The details of the ecological enhancements specified within section 7 of the Preliminary Ecology Appraisal would be welcomed.

4.4    Other representations

None received.

5     Assessment

**Key Considerations**

5.1    Principle

Impact of the development on the surrounding area  
Impact on trees  
Biodiversity

**Principle**

- 5.2    In support of the application, the applicant has set out that one of the roles of Broadland Country Park is to act as Suitable Accessible Natural Green Space to provide mitigation for potential impacts of visitor pressure on Special Protection Areas (such as the Broads) arising from new residential development and to divert visitors away from those Special Protection Areas. Although there are two routes shown on the information board next to the car park, there are a series of informal paths criss-crossing the Park that allow visitors to explore it and that also provide through routes to byways and paths outside of the site. The works proposed as part of this application will improve access to wider range of people and will enhance the leisure/recreation offer to residents and visitors alike. In a planning policy context, this will provide opportunities to promote healthier lifestyles (Policy 7 of the JCS) and improve

access to green space and country parks (Policy 8 of the JCS). Taking account of this, the principle of the works is generally acceptable subject to consideration being given to other relevant planning matters.

### **Impact of the development on the surrounding area**

- 5.3 While the length of path proposed for resurfacing is not insignificant, the resurfacing works will follow an existing route at ground level. Given the route and widths of the path, any visual impacts will be localised as opposed to having a noticeable impact beyond the boundaries of the Country Park. The choice of materials and extent of the work are appropriate to the setting and I do not consider that it will diminish the quality of the area, the overriding verdant character of the Country Park nor the landscape character of the wider area. With that in mind, I consider that the resurfacing works will have an acceptable impact on the immediate and surrounding area and comply with Policies 1 and 2 of the JCS and Policies GC4(i) and EN2 of the DM DPD.

### **Impact on trees**

- 5.4 By way of explanation, for the most part the path will be constructed by scraping the existing path to a depth of 100mm and levelling the surface out. Where no dig root protection zones have been identified, there will be no surface scrape. Instead, exposed tree roots greater than 50mm in diameter will be covered with a layer of sharp sand. Any tree stumps in the line of the path will be excavated or ground out. A geotextile membrane will be laid over the scraped area or sand layer and above this, layers of Type 1 granite and granite fines that will be mechanically compacted. Any surface spoil will be used to regrade the edges of the path or recycled on site. Above ground, some vegetation clearance and the removal of low hanging branches will need to take place to allow access for construction machinery and to deal with any health and safety risks for contractors.
- 5.5 Having reviewed the Tree Survey and Report that was submitted in support of the application, the Council's Conservation & Tree Officer has not objected provided the work takes place in accordance with that report and the path construction details. This can be secured via a suitably worded planning condition and will ensure compliance with Policy 1 of the JCS (insofar as it relates to the protection of trees as environmental assets).

### **Biodiversity**

- 5.6 The application site is within the Whinney Hills and Common County Wildlife Site and as part of the application, a Preliminary Ecological Appraisal was submitted. This noted that the works is largely limited to the width of the existing path and does not entail the removal of any habitat. Broadland Country Park has the potential to support a range of species including bats, birds, reptiles, hedgehogs and Common Toad. However, mitigation measures have been proposed to ensure neutral impacts on those species and these can be secured via an appropriately worded planning condition to ensure

compliance with Policy 1 of the JCS (insofar as it relates to ensuring no adverse impacts on protected species). These works include measures around the existing pond that is to be enlarged. These comprise planting rushes and sedges and placing logs and tree stumps around the edges to provide shelter for amphibians.

- 5.7 As described in the introductory section to this report, a series of biodiversity enhancements are proposed for the Country Park. Although welcome, they are not development in their own right and so do not require planning permission. I am also of the view that they are not directly related to the resurfacing of the path and could be implemented independent of this application. Accordingly, I am not persuaded that it is necessary to make the development acceptable to impose a planning condition that requires and secures these measures. In other words, would planning permission be granted if the proposed biodiversity enhancements were not included? My view is that it would be.

### **Other issues**

- 5.8 When considering how surface water will be managed, the surface of the path will be unsealed and will have a gentle crossfall to it allowing surface water to either pass through or be directed to the regraded soil edges. The ditches alongside the southern section of path will be cleared and the existing seasonal pond approximately halfway along this section of path enlarged to improve existing capacity. Water is held in these features and not discharged off site and either evaporates or drains away. These appear to be a practical and appropriate way to deal with surface water to ensure that the application complies with Policy CSU5 of the DM DPD.
- 5.9 Under Section 143 of the Localism Act the Council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.10 This application is not liable for the Community Infrastructure Levy.

### **Conclusion**

- 5.11 When having regard to those matters raised by this application, the benefits of an enhanced route through Broadland Country Park that will contribute towards mitigating potential impacts on protected sites such as the Broads, will promote health and wellbeing by appealing to a variety of users and abilities outweighs any perceived harm arising from the works. I consider that the application complies with the provisions of the development plan as a whole and it is therefore recommended for approval.

Recommendation:	Approve subject to conditions
	<ul style="list-style-type: none"><li>6. Time limit – full permission</li><li>7. In accordance with drawings</li><li>8. Development to take place in accordance with Tree Report and Survey</li><li>9. Ecological mitigations measures to be adhered to</li></ul>

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## Planning Appeals: 30 June 2021 to 9 September 2021

### Appeal decisions received:

Ref	Site	Proposal	Decision maker	Officer recommendation	Appeal decision
20181408	Land at Holt Road, Horsford	Construction of 47 Dwellings, Access & Associated Open Space (Outline)	Delegated	Outline Refusal	Dismissed
20190580	296 Drayton High Road, Hellesdon NR6 5BJ	Proposed Residential Development (Outline)	Delegated	Outline Refusal	Allowed
20191686	The Paddocks, Frettenham Road, Horstead, NR12 7LB	Erection of Dwelling (Outline)	Delegated	Outline Refusal	Allowed
20200116	Land to the North East of Telegraph Hill, Honingham, NR9 5AT	Erection of Two Detached One & a Half Storey Dwellings (Outline)	Delegated	Outline Refusal	Dismissed
20200497	Land off Church Lane, Guestwick, NR20 5QJ	Erection of detached self-build dwelling and detached outbuilding	Delegated	Full Refusal	Allowed
20201644	Aldersbrook, Woodbastwick Road, Blofield, NR13 4QH	Demolish Single Bungalow and erect Two New houses	Delegated	Outline Refusal	Allowed
20201942	Beck House, Lyng Road, Weston Longville	Convert and extend double garage to holiday let accommodation	Delegated	Full Refusal	Allowed

Ref	Site	Proposal	Decision maker	Officer recommendation	Appeal decision
2002160	6 Sir Williams Lane, Aylsham	Convert workshop to flexible holiday accommodation	Delegated	Full Refusal	Allowed

#### Appeals lodged:

Ref	Site	Proposal	Decision maker	Officer recommendation
20200984	127 Reephams Road, Hellesdon, NR6 5LY	Change of use to bed & breakfast (use class C1), rear extensions and extensions to roof to facilitate rooms in roof	Delegated	Full Refusal
20201549	Land South of Yarmouth Road, Blofield, NR13 4LQ	Erection of 1 no. dwelling with associated garden and parking	Delegated	Full Refusal
20201960	Meadow Hill, 90 Lower Street, Salhouse, NR13 6AD	Residential development of 4 new dwellings, bin store & new access drive	Delegated	Full Refusal
20201809	Plot of Land between Beech Hill and Burgate Hill House, Newton Road, Hainford, NR10 3LT	Detached Dwelling (Outline)	Delegated	Outline Refusal