

# 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 26 January 2022  
9:30am

## Place:

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

## Contact:

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## PUBLIC ATTENDANCE:

This meeting will be live streamed for public viewing via the following link: [Broadland YouTube Channel](#)

You may register to speak by emailing us at [committee.services@broadland.gov.uk](mailto:committee.services@broadland.gov.uk) no later than 5pm on Friday 21 January 2022

## 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.

## **Public Speaking and Attendance**

All public speakers are required to register to speak at public meetings by the date / time stipulated on the relevant agenda. Requests should be sent to:

[committee.services@broadland.gov.uk](mailto:committee.services@broadland.gov.uk)

Public speaking can take place:

- Through a written representation (which will be read out at the meeting)
- In person at the Council offices

Please note that the Council cannot guarantee the number of places available for public attendance but we will endeavour to meet all requests.

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 5 January 2022;**  
(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 11)
6. **Planning Appeals (for information);**  
(table attached – page 135)

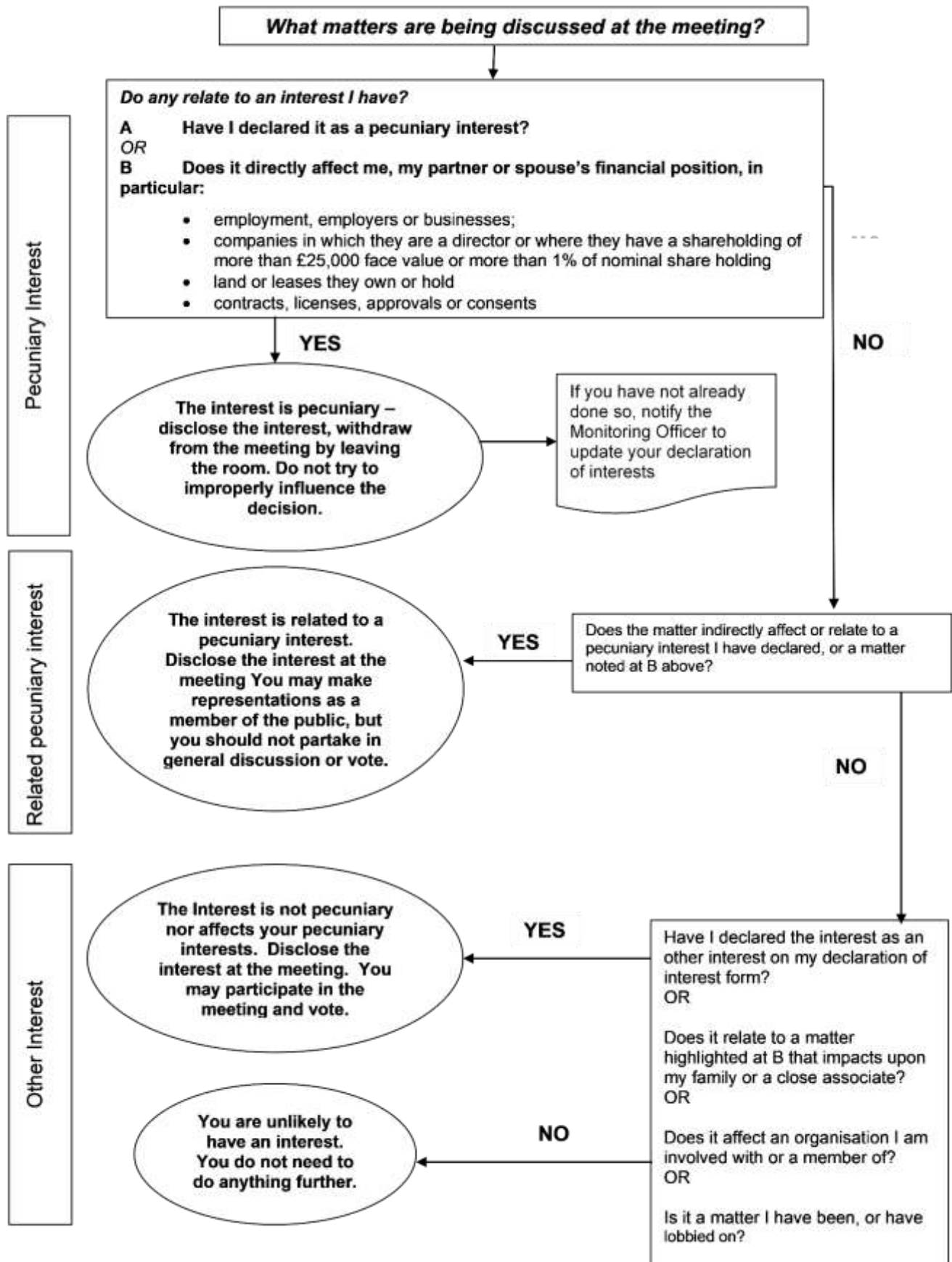
## DECLARATIONS OF INTEREST AT MEETINGS

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, on 5 January 2022 at 9:30am at the Council Offices.**

**Committee Members Present:** Councillors: Cllrs K Vincent (Vice-Chairman in the Chair), A Adams, S Beadle, N Brennan, Cllr Fisher, R Foulger, C Karimi-Ghovanlou, S Prutton and J Ward.

**Other members present:** Cllrs K Lawrence and G Peck

**Officers in Attendance:** The Assistant Director for Planning (H Mellors), the Area Team Manager (N Harriss), the Area Planning Manager (G Beaumont), the Principal Planning Officer (H Bowman) and the Democratic Services Officers (DM/LA)

### 27 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
20211717	Blofield	All members	Lobbied by an objector
		Cllr Brennan	Ward member – had not taken part in any meetings or conversations about the application
20210727	Upton	Cllr Brennan	Ward member – had not taken part in any meetings or conversations about the current application (had previously expressed a view on the proposal prior to an amendment to the access arrangements but was satisfied he had not predetermined the current application)
20211316	Taverham	Cllr Adams & Cllr Karimi-Ghovanlou	Ward member – had not taken part in any meetings or conversations about the application

### 28 APOLOGIES FOR ABSENCE

An apology for absence was received from Cllr Moncur.

## **29 MINUTES**

The minutes of the meeting of the Planning Committee held on 1 December 2021 were confirmed as a correct record and signed by the Chairman.

## **30 MATTERS ARISING**

In response to a question, the Assistant Director of Planning confirmed that the representation to the Planning Inspectorate regarding recent appeal decisions had been drafted and would be sent shortly.

## **31 PLANNING APPLICATIONS**

The Committee considered the reports circulated with the agenda, which were presented by the officers.

The Committee had received updates to the report which had been added to the published agenda and an update was given at the meeting in relation to application 20211316 at Taverham for which a further objection had been received regarding the lack of a second car parking space for a 3 bed property and highway safety concerns.

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

<b>Application</b>	<b>Parish</b>	<b>Speakers</b>
20211717	Blofield	Stuart Smith - Blofield Parish Council Dr P Moxon – objecting Nicholas Hooper – agent for the applicant Cllr J Thomas – local member (representation read out in her absence)
20211098	Frettenham	Cllr K Lawrence – local member
20211898	Guestwick	Edward Plumb – applicant Cllr G Peck – local member

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.

## **32 PLANNING APPEALS**

The Committee noted the planning appeals.

(The meeting concluded at 12:35pm)

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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** : **20211717**  
**Parish** : **BLOFIELD**  
 Applicant's Name : Greenacre Developments Norwich Ltd  
 Site Address : Land at Dawson's Lane, Blofield, NR13 4SB  
 Proposal : Details for condition 3 of 20202164 - (3) verification report for surface water drainage  
 Decision : Members voted (7-2) (contrary to the officer recommendation for approval) for Deferral of the decision to discharge condition 3 for 12 months

Reason for Deferral for 12 months to allow for all the houses and the road surface to be completed and for further testing to take place on the approved system. In reaching this decision members acknowledged that the requirement of condition 3 would not be met and no enforcement action would be taken and the houses could be occupied.

2. **Appl. No** : **20210727**  
**Parish** : **UPTON WITH FISHLEY**  
 Applicant's Name : Mr Anthony Dunham  
 Site Address : Cranleigh House, South Walsham Road, Upton, NR13 3ES  
 Proposal : 1. Subdivision of existing dwelling and annexe to create two dwellings.  
 2. Alterations to existing vehicular access.  
 3. Erection of garage.  
 Decision : Members voted (unanimously) for approval

APPROVED subject to conditions:

1. 3 year time limit
2. Development shall be carried out in accordance with approved plans and documents
3. Full details of boundary treatments and access gates to be submitted to and approved by LPA
4. Vehicular access to be constructed as shown
5. No obstruction of access within 5 metres of highway and any gates to be hung to open inwards
6. Access and on-site parking to be laid out in accordance with plans



3. **Appl. No** : **20211098**  
**Parish** : **FRETtenham**  
Applicant's Name : Mr R Seed  
Site Address : 60 School Road, Frettenham, NR12 7LL  
Proposal : Erection of Side and Rear Extension with Accommodation within Loft and Consisting of the Construction of a Verandah and Balcony  
Decision : Members voted (unanimously) for approval subject to conditions

APPROVED subject to conditions:

1. Time Limit
2. In accordance with the amended drawings
3. External materials to be agreed
4. Ecology mitigation

4. **Appl. No** : **20211316**  
**Parish** : **TAVERHAM**  
Applicant's Name : Mr Mike Dawson  
Site Address : 54 Freeland Close, Taverham, NR8 6XR  
Proposal : Single storey side extension  
Decision : Members voted (7-2) for refusal (contrary to officer recommendation for approval)

REFUSED

Reasons: the provision of 2 parking spaces within in the curtilage of the site was essential for a 3 bed dwelling due to the location of the dwelling on a junction and due to the lack of on-street parking and the proposal was contrary to the Taverham Neighbourhood Plan Policy TAV7, the Development Management DPD Policy TS4 and Parking Standards SPD which sought 2 parking spaces for 3 bed dwellings

5. **Appl. No** : **20211898**  
**Parish** : **GUESTWICK**  
Applicant's Name : Mr Edward Plumb  
Site Address : Orchard Farm, Hindolveston Rd, Guestwick, NR20 5QW  
Proposal : Change of use of land from agricultural to allow for a single glamping pod with a new access onto the highway (Revised Proposal)  
Decision : Members voted (unanimously) for approval (contrary to officer recommendation for refusal) subject to conditions

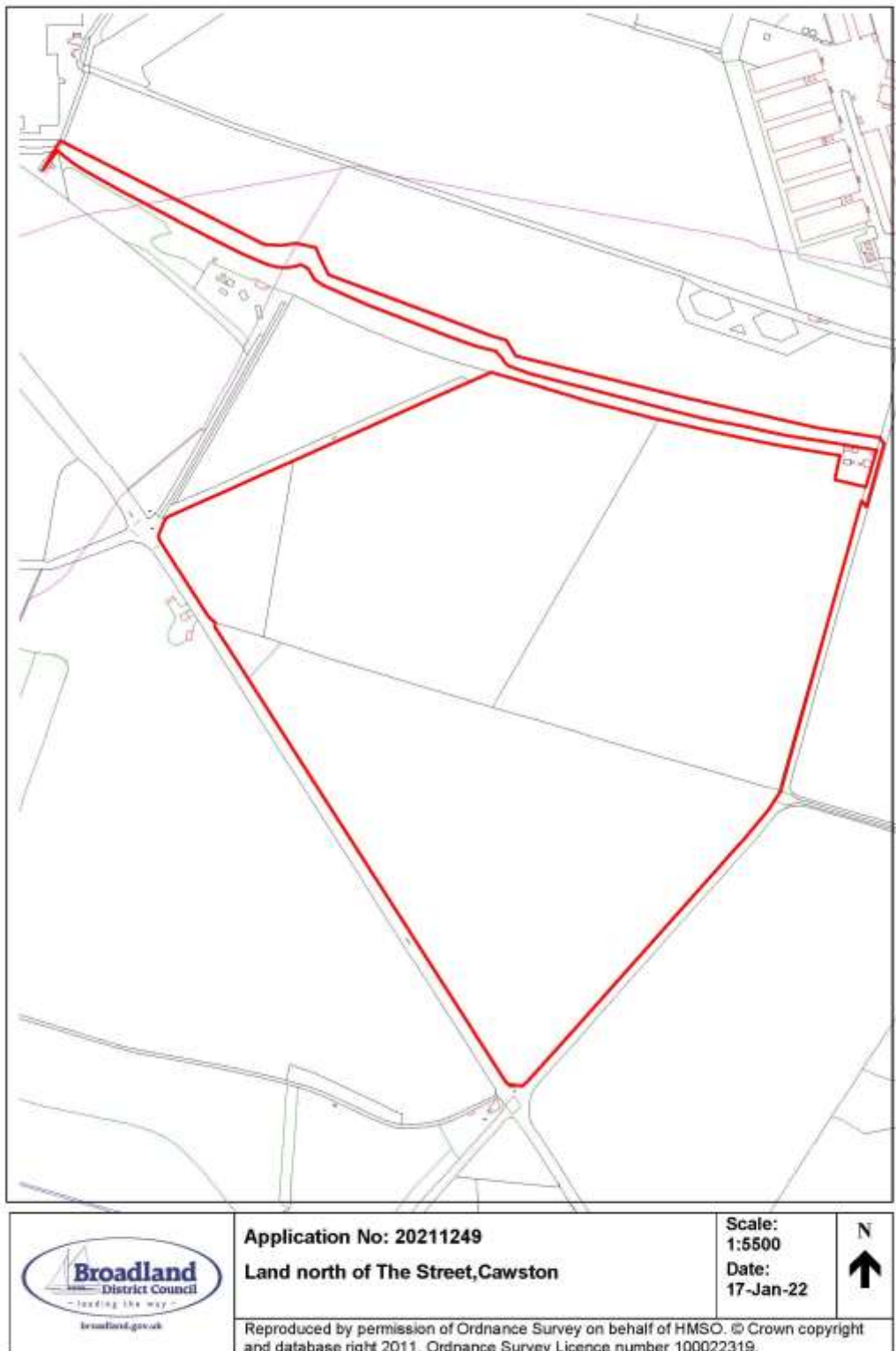
Reasons for approving the application contrary to policy: weight was given to the tourism and economic benefits of the proposal and to the merits of farm diversification and weight given to Policy 17 of the JCS which supports small scale tourism uses, together with conditioning the operation of the business to the farm dwelling

APPROVED subject to conditions

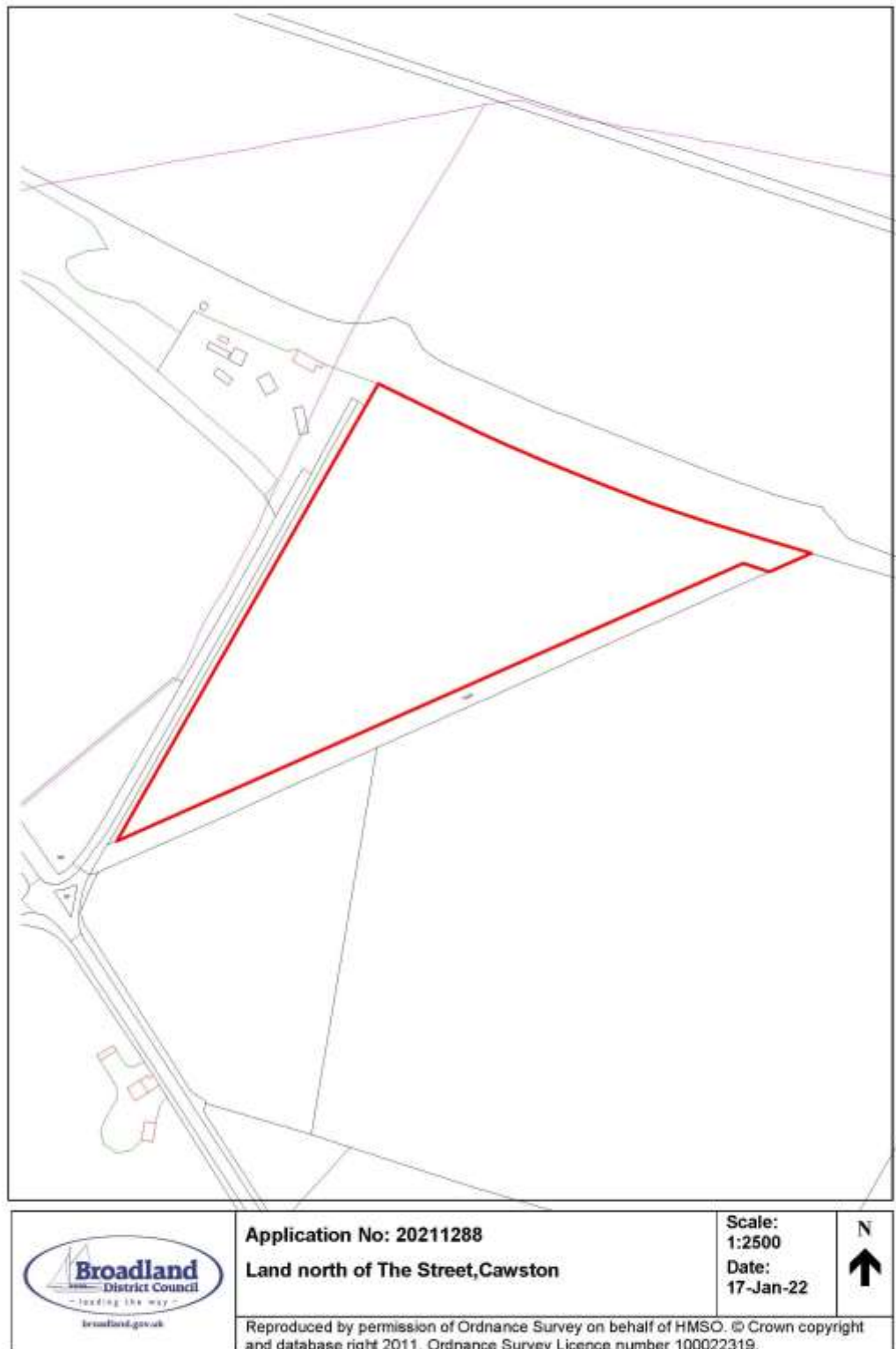
1. Time limit
2. In accordance with submitted drawings
3. Construction of vehicular access
4. No obstruction of access within 5 metres of highway and any gates to be hung to open inwards
5. Provision of visibility splays
6. Holiday occupancy condition
7. Operation/management of the glamping pod to be linked to the existing farm and dwelling at Orchard Farm.

	Application No	Location	Officer Recommendation	Page No
1	20211249 & 20211288	Cawston	<b>APPROVE</b> subject to conditions	14
2	20200077	Blofield	<b>APPROVE</b> subject to conditions	43
3	20211287	Brundall	<b>APPROVE</b> subject to conditions	67
4	20201627	Coltishall	To delegate authority to the Director of Place to <b>APPROVE</b> the application subject to conditions and the satisfactory completion of a Section 106 Agreement.	79
5	20201611	Lingwood & Burlingham	<b>APPROVE</b> subject to conditions	111

Application 1 – Plan for 2021/1249



Application 1 – Plan for 2021/1288



**1. Application Nos: 20211249 & 20211288**  
**Parish: CAWSTON**

Applicant's Name: Mr A Brindle  
Site Address: Land north of The Street, Cawston  
Proposal: Ground mounted solar farm including associated infrastructure

Reason for reporting to committee

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

Recommendation summary:

Approve both applications subject to conditions.

**1 Proposal and site context**

- 1.1 These applications are seeking full planning permission for the proposed development of a ground mounted solar farm. The development includes associated infrastructure of inverters, transformers and a Distribution Network Operator (DNO) substation.
- 1.2 The applications are a resubmission following a refused scheme under planning application reference 20201776. The refusal reasons were as follows: -
- The proposed ground mounted solar farm covers an area totalling of 35.67 hectares, a high proportion of the land within the application site is classified as 'best and most versatile agricultural land' which would be taken out of active food production for 40 years as a result of this proposal. The loss and impact of losing grade 2 and 3a agricultural land by this significant development is not considered to be outweighed by the benefits of the proposed renewable energy generation, including its bio-diversity proposals.
  - The Ministerial Statement issued on 25 March 2015 provided the government's approach on the siting of large-scale ground mounted solar farms which identified that poorer quality land is to be used in preference to land of a higher quality. Furthermore, it was made clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. It is considered that the details submitted do not represent the most compelling evidence in support of the proposed solar farm in this location.

- In addition, there are considered to be harmful cumulative environmental effects of the proposed solar farm in combination with the approved ground mounted solar farm which is being developed in two phases to the north and north west in close proximity of this site. The first 5MW phase has been installed and is operational, however the second 5MW phase is still to be constructed. It is considered that the close proximity of these developments will have a detrimental impact on the rural landscape by virtue of the combined scale and form of these developments.
  - Therefore the proposed solar farm is considered to be a significant development which fails to comply with the requirements of Policies GC2, GC5 and EN2 of the Development Management DPD, Policy 17 of the Joint Core Strategy, the Ministerial Statement issued on 25 March 2015 and the NPPF.
- 1.3 The application sites cover an area of approximately 38.42 hectares of land to the north of The Street, Cawston and falls within the parish of Cawston where it borders the parishes of Oulton and Heydon.
- 1.4 The proposed site comprises of two areas of agricultural land. The site is bounded to the north, east and west by agricultural land. To the south west is Bluestone Plantation a large area of woodland. Further to the north are a number of poultry sheds and further to the north-west there is an existing ground mounted solar farm. The permission for this development (ref 20150952), allowed development of approximately 17.1ha but only part has been built. The Street runs along the eastern boundary which connects Cawston and Oulton Street. The B1149 that runs along the southern boundary is the main route between Holt and Horsford. The boundaries of the site are planted with hedges and trees. The hedgerows are in good condition and a reasonable height. To the north-west corner of the site there is a small plantation of trees.
- 1.5 The nearest residential dwellings are Bluestone Cottage located immediately to the north of the site, Bluestone Hall that is located on the B1149 opposite the north western corner of the site, Bluestone Lodge located at the south western corner of the site opposite the junction of The Street and the B1149 and The Old Railway Gatehouse located adjacent to the north eastern corner of the site.
- 1.6 There are no Public Rights of Way crossing the site or adjacent to it. The nearest is Marriott's Way which is approximately 660m south east of the site. Given the nature of Marriott's Way being an old railway line it sits lower than the surrounding land along large parts of it. The part of it closest to the site has substantial vegetation including hedgerows and trees on both sides of the route which means there are no views from it to the site.

- 1.7 There are overhead power lines which cross the site in a north/south direction. These will serve the project's point of connection into UKPN's 33kV grid.
- 1.8 The site is generally within flood zone 1 as identified on the Environment Flood Risk Maps but does have two very small areas within the northern and western part of the site where there is a risk of surface water flooding.
- 1.9 There are no listed buildings or Scheduled Monuments on the site. The closest heritage assets are Heydon and Salle Conservation Area which is located on the western side of the B1149 (Bluestone Plantation is located within it). Beerhouse Farmhouse is located 520m south of the site which is Grade II. Heydon Hall is located 1000m west of the site and is a Grade II\* listed Registered Park and Garden.
- 1.10 The nearest Site of Special Scientific Interest (SSSI) is the Cawston and Marsham Heaths SSSI which is located approximately 2.8km south east of the site.
- 1.11 The solar panels are fixed on a frame onto mounting posts fixed into the ground. The mounting posts will be pile-driven approximately 1.5 metres into the ground to avoid use of mass concrete foundations and will be easily retrieved using similar hydraulic equipment when the solar farm is decommissioned, and the land reinstated back to agricultural land.
- 1.12 The proposed panels would be laid out in rows running from east to west across the site, the number of which will be determined by the final layout. The solar panels will be installed at 25° from the horizontal. The rows will be placed approximately 5 metres apart to optimise solar collection. The maximum height of the panels will be 2.8 meters above the ground.
- 1.13 The structures will also provide a route for electrical wiring. The installation is free draining through gaps around all panels which allows dispersed rainwater runoff.
- 1.14 The development will also include the installation of associated infrastructure required for the running of a solar farm which includes:
- 2 substations – maximum height of 2.8m (14.64 sqm each)
  - 1 storage container – maximum height 3m (14.64 sqm)
  - 6 inverter transformers – maximum height of 3.5m (14.4 sqm each)
  - 5 Power units – maximum height 3m (29.28 sqm each)
  - 21 CCTV cameras – maximum height of 3m
  - Perimeter fence – maximum height of 2m



- 1.15 Although originally detailed in the application, the applicant has confirmed that there will not be any battery storage containers as part of the proposals.
- 1.16 The above infrastructure will be housed within a GRP type enclosures which will be colour coded with the landscape. The site perimeter fence will be constructed using wooden posts and wire mesh. Additional planting will be introduced for screening purposes where necessary.
- 1.17 The CCTV cameras will be positioned to prevent areas outside the site being monitored, capable of viewing the solar PV farm only (without panning angles beyond). There will be no floodlighting, the cameras will have night vision capability and be motion activated and allow for constant monitoring of the site being monitored.
- 1.18 The solar farm will be connected to the grid via the existing 33kV overhead lines which cross the site. In addition, there is a UK Power Network's requirement for the project to be connected to the existing substation to the north-west of the solar farm (labelled ESS on the proposed site layout plan) via a fibre optic cable. The proposed site plan shows the proposed route of the communications cable from the Customer and DNO Substation at the south of the site, along the eastern edge of the site and across the field to the north of the solar farm. The communication cable would be buried below ground level. The location of the cable in the field to the north of the solar farm would be between five and ten metres from the field boundary to make sure there is not any impact on trees or hedges.
- 1.19 The proposed access arrangements will comprise of the existing field access opposite the road leading to Docking Farm and a new access point will be created further south. Both are located along the eastern boundary. The applicant has provisionally indicated where the site construction compound will be located along the eastern boundary.

## 2 Relevant planning history

- 2.1 Screening Opinion (Environmental Impact Assessment) Regulations 2017 under planning reference 20201012 for proposed development of a ground mounted solar farm and associated infrastructure. EIA not required. 4th June 2020.
- 2.2 Planning application reference number 20201776 for the development of a solar farm was refused at planning committee in April 2021. This application is presently subject to an appeal, which will be dealt with via an Informal Hearing procedure.

3 Planning Policies

3.1 National Planning Policy Framework (NPPF)

NPPF 02 : Achieving sustainable development

NPPF 04 : Decision-making

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 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

Policy 3 : Energy and water

Policy 17 : Small rural communities and the countryside

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 GC5 : Renewable energy

Policy EN1 : Biodiversity and habitats

Policy EN2 : Landscape

Policy EN3 : Green Infrastructure

Policy EN4 : Pollution

Policy TS3 : Highway safety

Policy CSU5 : Surface water drainage

3.4 Supplementary Planning Documents (SPD)

Landscape Character Assessment – E1 Blickling and Oulton Wooded Estate lands

4 Consultations

4.1 Cawston Parish Council

Comments summarised as follows: -

- Supports the generation of solar farms;
- Objects to loss of good quality agricultural land;
- Access issues to enable farming of retained land;

- Concerns regarding battery storage on site;
- Concerned about noise;
- Light impact on wildlife;
- Inadequate landscape screening;
- Unnecessary degradation of the countryside;
- Different crops could be ground in fields;
- Not on the remote edge of the farm as suggested;
- Concern about construction phase clashing with NSIP projects; and
- Equinor proposed cabling route crosses site.

#### 4.2 Heydon Parish Meeting

No comments received.

#### 4.3 Oulton Parish Council

Object to the revised application. Their response is summarised as follows:-

- There will be significant loss of BMV agricultural land, grades 2 and 3a on an increased site layout;
- There is a compelling cumulative impact generated by offshore wind farm NSIP applications together with the proposed solar farm, both wishing to use this same site;
- Loss of BMV land for 40 years would not be mitigated by the generation of 28MW of solar power, since in combination with the existing 5MW solar farm it will result in over-capacity in the local grid;
- Biodiversity net gains are limited to off-the shelf requirements with no long-term management plans for ecology;
- The landscape and visual impact of such a large solar farm would have severe adverse effect, hedgerow mitigation would be compromised by conflicts with the Highway Intervention Scheme for the wind farm projects;
- Battery storage containers are mentioned in the Planning Statement, clarification that these are not part of the application is required;
- NCC Highways need to respond in relation to the HIS for The Street in relation to the offshore wind construction and how impact on the proposed access and road layout;
- Conflict between the HIS and solar farm on proposed screening from roadside hedges;
- Removal of roadside hedgerow to create the new exit is in conflict with the HIS to protect important hedgerows;
- Temporary passing bays for the offshore construction projects could conflict with the proposed exit and entry for the solar farm;
- Hedgerow replacement following decommissioning should be a requirement;

- Existing solar farm is fulfilling local energy needs, no need for another;
- There is no glint and glare assessment. Impact on traffic using B1149 and The Street if reduced hedgerow heights for NSIP project traffic;
- There is no biodiversity management plan for how the site will be maintained for 40 years;
- There is no swept path plan for how HGVs will enter and exit the site along The Street; and
- Agricultural grading data used show an overall grading of BMV land of 2/3a not 50% 3a 50% 3b as stated

Comments in response to Landscape Architect's assessment summarised as follows: -

- No mention of the potential for cumulative landscape impact with the existing solar farm or gradual erosion of agricultural land which would increase industrialisation of this area;
- Failure to mention cumulative landscape impact of the proposed Sheringham and Dudgeon Extension Project's cable route coming through the solar farm site and Hornsea Three, Vanguard and Boreas proposals;
- No indication of intent for use of fields not being developed;
- Conflict between the NSIP projects and the solar farm applications in relation to the classification of the quality of the hedge running along The Street;
- Do not agree with the Landscape Architects assessment of the visual impact of the proposal and request a review.

Comments in response to the County Ecologist's assessment summarised as follows: -

- Disagree that the hedgerow along The Street is species-poor;
- Concern that solar panels are within potential foraging areas of Badgers.

Comments in response following the submission of further information by the applicant summarised as follows: -

- Isolated pockets of farmland are unlikely to be farmed due to difficulty of access;
- Use for grazing livestock questioned due to concerns regarding electrocution;
- Percentage loss of BMV agricultural land unacceptable when it should be used for food production;
- Inconsistency regarding proposed heights of panels and maintained heights of existing hedgerows. Height is critical to screen the development and condition requested;

- Conflict between highway intervention scheme and ineffectiveness of proposed internal hedge planting until fully established;

Additional comments in relation to Equinor's Sheringham and Dudgeon project: -

- Concern that the removal of the fields from the solar farm scheme is to facilitate construction of the cable route and not to allow BMV land to be retained for farming;
- Solar farm will cause unacceptable additional issues for neighbours who are already impacted by offshore projects;
- Extent of construction work required on this site for renewable energy infrastructure will create severe and unacceptable environmental impacts;
- NSIP planning process requires that cumulative impacts are considered;
- Solar farm represents industrialisation of the area.

4.4 District Councillor – Cllr Greg Peck

Called in the application on the grounds of loss of high-grade agricultural land.

4.5 Landscape Architect

The landscape proposals have been compared with the refused scheme. The layout has been adjusted to consider the agricultural land and is therefore different. In addition to the reinforcement offered by the original scheme, the scheme as currently presented offers some lengths of completely new hedgerow planting. Some of these will, once established, close off/reduce the views into the site identified above. A further new hedge, will be provided to form the new boundary resulting from the sub-division of one of the land parcels; whilst this is less necessary for visual mitigation it will provide additional wildlife connectivity and habitat benefits. The proposed scheme is compatible with the landscape character and the visual effects are not of sufficient harm to justify refusal on these grounds. Proposed landscape mitigations could be improved to help lessen the identified effects to specific viewpoints and should be considered.

4.6 Norwich Airport

No safeguarding objections.

4.7 Highway Authority

Operational traffic generation is negligible. Construction traffic is the main concern but subject to suitable management there are no grounds for highway objection.

4.8 Emergency Planner

No issues to raise.

4.9 Lead Local Flood Authority

No comments to make.

4.10 Health and Safety Executive

Does not lie within the consultation distance of a major hazard site or major accident hazard pipeline.

4.11 County Ecologist

The ecology report identifies an active badger sett and nesting birds which can be addressed through compliance with a Biodiversity Method Statement. Mitigation for loss of hedge and measures to secure biodiversity enhancement measures to be secured with an Ecological Enhancement and Management Plan. If trees identified as having bat roost potential further appraisal will be required.

4.12 Other Representations

CPRE

Objection summarised as follows: -

- Development not in accordance with the local plan
- Impact on the intrinsic character of the countryside
- Cumulative negative effect on loss of high-quality agricultural land
- Cumulative effects of construction work
- Unacceptable noise and disturbance
- Traffic issues
- Potential benefits of the application are not justified

1 letter of objection from Blue Stone Cottage

Objection summarised as follows: -

- Close to property and will cause unnecessary stress
- Devalue property
- Impact on wildlife
- Would not give permission for any access for cabling or disturbance to trees or land

5 Assessment

Key Considerations

- Principle of development
- Loss of agricultural land
- Need for development
- Landscape impact
- Heritage impact
- Biodiversity impact

- Traffic and highway safety
- Drainage and flooding
- Noise

- 5.1 As set out in paragraph 1.1 of this report the application seeks planning permission for the temporary use of the land for a solar farm with associated infrastructure.
- 5.2 Under Section 38 of The Planning and Compulsory Purchase Act 2004 ('The 2004 Act'), the determination of planning applications must be in accordance with the approved development plan unless material considerations indicate otherwise and the following assessment will focus on this. As part of the decision-making process it is also important to have regard to the with the UK legally bound through The Climate Change Act (2008), as amended in 2019 to cut greenhouse gas emissions by 100% by 2050, compared to 1990 levels and how developments such as this can contribute towards meeting this requirement and would also be fully supported by energy policy because it would assist in replacing outdated energy infrastructure and the move to a low carbon economy (and ultimately will assist with more affordable energy bills).
- 5.3 In line with the Climate Change Act 2008 (as amended), the National Planning Policy Framework (NPPF) sets a presumption in favour of sustainable development. The NPPF is heavily supportive of renewable energy development and places an over-riding emphasis on the presumption in favour of sustainable development, which this development clearly constitutes. Infrastructure, which is required to ensure the generation of renewable energy, is inherently sustainable under the NPPF.
- 5.4 In terms of the development management process, the site is located within an area designated as countryside in the local plan.
- 5.5 Policy GC2 of the DMDPD identifies that development outside of settlement limits will be permitted where the development does not result in any significant adverse impact where it accords with a specific allocation and/or policy of the development plan.
- 5.6 In this case policy GC5 of the DMDPD is directly applicable and states that proposals for renewable energy technology and associated infrastructure will be encouraged where its impacts are (or can be made) acceptable.
- 5.7 On this basis there is "in principle" support for solar farms in countryside locations such as this provided that "development does not result in any significant adverse impact" as identified in policy GC2 above and where it also fulfils all other relevant policy requirements.

- 5.8 With this in mind it is considered appropriate to assess the relevant issues by beginning with those that resulted in the previous scheme (app no. 20201776) being refused.

Use of Best and Most Versatile Agricultural Land

- 5.9 The first two reasons are interlinked insofar as they refer to the loss of best and most versatile land, the specific reasons set out being as follows:
- *The proposed ground mounted solar farm covers an area totalling of 35.67 hectares, a high proportion of the land within the application site is classified as 'best and most versatile agricultural land' which would be taken out of active food production for 40 years as a result of this proposal. The loss and impact of losing grade 2 and 3a agricultural land by this significant development is not considered to be outweighed by the benefits of the proposed renewable energy generation, including its bio-diversity proposals.*
  - *The Ministerial Statement issued on 25 March 2015 provided the government's approach on the siting of large-scale ground mounted solar farms which identified that poorer quality land is to be used in preference to land of a higher quality. Furthermore, it was made clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. It is considered that the details submitted do not represent the most compelling evidence in support of the proposed solar farm in this location.*
- 5.10 On this matter, it is evident that as with the previous application, Oulton and Cawston Parish Councils and the District Councillor continue to raise an objection to the use of the land for a solar farm on the grounds that good quality agricultural land should not be taken out of food production.
- 5.11 In terms of understanding the agricultural land classification system this consists of 5 grades (1 to 5) with grade 1 being “excellent” through to grade 5 being “poor”. Grades 1 to 3a are defined as “best and most versatile land” in the NPPF. Natural England provide basic mapping for the eastern region.
- 5.12 In response to the loss of best and most versatile land as referred to in the above reasons for refusal, the application has been revised so that no solar panels or associated equipment are located on grades 2 (very good), with 50% on grade 3a (BMV under the NPPF) and 50% grade 3b (moderate quality and not BMV under NPPF) agricultural land. This compares with favourably with the previous refusal which consisted of consisted of 3.1% Grade 2, 68% Grade 3a and 28.9% Grade 3b agricultural land.



- 5.13 The above revisions have been informed by a more comprehensive Agricultural Land Classification Report than previously submitted. This assists in fully understanding the impact on BMV for this particular site and adds greater detail to the information that can be obtained from Natural England's records in relation to the site.
- 5.14 In returning to the reasons for refusal it is considered that the removal of all grade 2 and reduction in the amount grade 3a from the scheme is a significant material change from the previous offering. In considering this improved position in the context of the benefits of renewable energy generation, including its bio-diversity measures that the balance as referred to in the first reason has been reversed from that previously expressed. For these reasons officers consider that this reason has been overcome.
- 5.15 In terms of the second reason, the landowner has sought to clarify that the use of the land for the proposed solar farm at Docking Farm would also not undermine the viability of the wider farming enterprise and that the solar farm would in any event support the wider farming business.
- 5.16 In particular, it is noted that the farmed area of the agricultural holding is approximately 700 hectares. The proposed solar farm would occupy an area of just 38.42 hectares representing less than 5.5% of the available farmland. The panelled area of the site will be just 25.5 hectares leaving the remaining undeveloped areas available for continued farm use. The applicant also advises that it is the worst farmland in terms of its location, a requirement for irrigation and use of environmentally damaging and costly pesticides to treat soil-borne disease to maintain crops. It is also stated that land requires a set-aside period of at least 20 years to address the disease issue and to replenish the health of the soil. Use of the land for a solar farm would enable natural restoration, protect insects and provide a second income, supporting the long-term viability of the farm and future investment. The farm currently employs seven local people on a full-time basis and this will not change if the solar farm were to proceed.
- 5.17 Furthermore a more detailed Site Selection Assessment (SSA) has been submitted to assist the Council with understanding in more detail how this site was arrived at, this is particularly pertinent in this instance given the reference in refusal reason 2 insofar as it highlights the government advice to site large-scale ground mounted solar farms on poorer quality land in preference to land of a higher quality and that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. It should be noted that the ministerial statement does not preclude the use of higher quality land, but to be satisfied that other "lesser sites do not exist and the need for compelling evidence if a decision is made to site a solar farm on such land.

- 5.18 In terms of understanding this site selection process, the primary consideration in justifying the loss of BMV land in the process of site selection is to consider whether the project could feasibly avoid such loss through an alternative siting.
- 5.19 It is evident that Broadland District Council has no allocations for renewable energy projects and no assessment of sites has been carried out as part of the evidence base of the adopted Local Plan. In the absence of such guidance the SSA sets out the applicant's own process for site selection within the context of a defined study area and explains why alternative sites within the search area would not be feasible. This study area is fixed at 2.5km from the electricity substation to which the scheme would connect on the basis that the scheme would be commercially unviable beyond this range.
- 5.20 Indeed gaining access to a viable grid connection is the most important aspect of solar farm development. The further the distance from a suitable grid connection a site is located, the greater the challenge of transferring any generated electricity to the grid. Increased cabling and labour costs as well as potentially more third-party land easements increase costs and render a project uneconomical, which as the applicant explains is why the site search for this project has been limited to 2.5km from the point of connection.
- 5.21 In this instance it has been possible to position the solar farm near to the planned point of connection whilst also avoiding the key planning constraints identified through the site selection process, avoiding the need for a lengthy cable run, which brings transmission losses and entails additional construction works.
- 5.22 On this issue, it should also be noted that there is almost no grade 4-5 land within the Broadland area (the 2 lowest grades using the NE grading system).
- 5.23 Overall, the SSA document is considered to be comprehensive in outlining the various environmental factors which have been considered through this process. The application avoids sensitive environmental areas and historic features in order to avoid potential impacts arising from the development.
- 5.24 Despite the evidence submitted through the SSA document, objectors maintain that the reasons for refusing the previous application are still applicable, asserting that the Broadland region should not accommodate any more solar farm development and that alternative sites, on lower grade agricultural land, should be used elsewhere within the country (UK).
- 5.25 In response to this officers would wish to highlight that there is no policy or planning guidance which promotes an approach whereby a district/region/administrative body can say no to development as it already has solar farms within it. Likewise, there is no planning requirement to prove "need" for the development as paragraph 158 of the NPPF sets out that in

order to increase the use and supply of renewable energy, LPAs should not require applicants to demonstrate the overall need for renewable or low carbon energy. LPAs should approve the application if its impacts are or can be made acceptable.

- 5.26 In summarising on how the applicant has responded to the second reason for refusal, officers are satisfied that the additional information provided indicates that there isn't a site available which is on poorer quality land and which has access to the grid and that the ever increasing need to pursue renewable solutions is sufficiently compelling that the scheme is not in conflict with the aims of the ministerial statement referred to in the second reason.
- 5.27 Officers would also wish to make reference to a planning appeal APP/R3325/W/15/3135346 (Appendix A) referred to by the applicant as an example of a very similar case, involving a proposal for a solar farm on BMV land. The Inspector for this Appeal notes that the appellants looked at alternative sites within a 2.5 kilometre radius of the connection point and that no suitable buildings, previously developed land or potential rooftop opportunities on large commercial or industrial buildings were identified within the search area and no agricultural land within grades 4 or 5 was identified. This is not dissimilar to the situation for the proposed solar farm at Docking Farm.
- 5.28 In determining the appeal, the Inspector noted the following key points in respect of the BMV land forming part of the appeal site:
- That the site had potential to remain in agricultural use;
  - That the proposal was temporary, meaning that crops could be grown in the future when the development was removed;
  - That the extended fallow period would be likely to be of benefit to soil quality;
  - That there would be biodiversity enhancements associated with the proposal.

Taking account of these factors, the inspector concluded that "There would be no conflict with the Ministerial Statement in this respect".

- 5.29 Similarly, the site at Docking Farm could also continue to be grazed and additionally, areas without solar panels are accessible and large enough to retain an agricultural function. The proposal is also for a temporary, reversible development on a site which would benefit from an extended fallow period due to the presence of soil disease. There are also biodiversity benefits that could result in an ecological gain. In this respect, it is considered that the proposed use of BMV land at Docking Farm would not conflict with the Ministerial Statement.

- 5.30 Whilst all applications must be assessed on their own merits, these allowed schemes are considered to reflect the need to seek to positively consider renewable energy projects.
- 5.31 The site selection process has been set out in Section 6 of the Planning Design and Access Statement and separate Site Selection Assessment and both provide detailed evidence to justify the inclusion of some BMV land within the site boundary. The site has therefore been considered appropriately and aims to assist with the planning objective of maintaining a supply of agricultural land. The proposals accord with the PPG in as much as the assessment demonstrates (i) the proposed use of the agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal encourages biodiversity improvements around arrays.
- 5.32 In summary, the site has been selected using a thorough approach going from a country-scale assessment to a more specific consideration of the site's location within a viable range of a grid connection.

#### Landscape

- 5.33 The third reason included in the previous refusal, expressed concern at environmental impacts, stating the following:
- In addition there are considered to be harmful cumulative environmental effects of the proposed solar farm in combination with the approved ground mounted solar farm which is being developed in two phases to the north and north west in close proximity of this site. The first 5MW phase has been installed and is operational, however the second 5MW phase is still to be constructed. It is considered that the close proximity of these developments will have a detrimental impact on the rural landscape by virtue of the combined scale and form of these developments.*
- 5.34 Policy EN2 of the DMDPD relates to the landscape and advises that development proposals should have regard to the Landscape Character Assessment SPD and should consider the impacts upon certain areas which including sensitive skylines, hillsides and valley sides, Conservation Areas, Historic Parks and Gardens. Development proposals should protect and enhance where appropriate.
- 5.35 On a national level, Paragraph 174 of the NPPF states that planning policies and decision should contribute to the natural environment by: 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services'. Landscape character assessment is

the process which can identify these intrinsic values and unique characteristics of the diverse landscapes in the UK.

- 5.36 Policy 2 of the JCS states that all development will respect local distinctiveness including as appropriate landscape character and historic environment.
- 5.37 The Broadland Landscape Character Assessment referred to in Policy EN2 of the DMDPD divides the district into 6 landscape character types and further defines landscape character areas within them.
- 5.38 The third reason of the refusal notice highlights concern at the cumulative environmental effects of the proposal in combination with other solar farms in the locality. The reason elaborating by highlighting the combined scale and form of these developments resulting in a detrimental impact on the rural landscape.
- 5.39 In response to these concerns the applicant has undertaken further work to assess such impacts and duly submitted as an update to the Landscape and Visual Appraisal contained within the Planning, Design and Access Statement. In particular this has assessed in more detail the cumulative and visual relationship between the proposed solar farm site and those of the existing and approved solar farms to the north.
- 5.40 It is evident that the site is located within a landscape, defined at the district scale by the Broadland Landscape Character Assessment, as Landscape Character Area E1: Blickling and Oulton, described as gently rolling landscape, predominantly of agricultural use and with long established agricultural history. Within the wider context the landscape character is one of mainly arable fields with settlements, villages and isolated farmsteads scattered with historic buildings. Large parkland estates centred on grand houses comprise a characteristic feature of the area accommodating gardens, parkland and plantations on their grounds.
- 5.41 The full extent of the site covers approximately 38.42 hectares and is located on the eastern side of B1149, on the west side of The Street and adjacent to the former Oulton Airfield situated to the north of the site. The site is currently in arable agricultural use and enclosed with hedgerows and mature trees to the boundaries. A small pocket of woodland and scrub bounds the site from the west. The site does not have any Public Rights of Way (PRoW) or bridleways crossing it and is not within any protected areas or site designations in relation to protected or sensitive landscapes. There are no scheduled monuments or listed buildings on the site.
- 5.42 With regard to the existing solar farm this is situated 130m to the north of the application site and separated from it by mature hedge and tree boundary and

the Oulton Airfield. This development covers an area of 16.1 hectares and consists of 2no phases of which Phase 1 is currently complete. The development under consideration is relatively small size and effectively screened by mature hedgerows and trees and is not currently visible from any parts of the Oulton Street solar farm. There is little or no inter-visibility between the sites. The existing solar farm is not visible from any of the viewpoints relative to the proposed site. The revised scheme includes additional landscaping and the areas that will remain undeveloped create further distance between the two developments. As a result, the potential landscape and visual cumulative effects in this respect are considered to be acceptable.

- 5.43 Landscape mitigation is focused on creating effective screening using indigenous hedge planting around the site boundary. The existing hedge boundary is currently at an approximate height of 2-3m and is dense for most of its length along The Street. The south east boundary along the B1149 has some gaps in the hedgerow. The existing hedgerows will be retained and enhanced with new native species planting at places where the density of the existing hedgerows have started to decline. The hedges will be allowed to grow in order to conceal the development. There are containers proposed that will be at a maximum height of 3.5m and to ensure these structures are not seen above the height of the boundary hedge it is recommended that the hedge is maintained at a minimum height of 3.5m.
- 5.44 Notwithstanding the above, the offshore wind cabling projects will require parts of the verge to be trimmed back to facilitate passing bays for the safe movement of associated construction traffic. Although there is no intention to remove any hedges for this purpose, there will be a requirement to reduce the height of the hedge at the bend in the road to aid forward visibility for traffic. As a result, the hedge that currently forms screening along the south-eastern boundary of the application site may be compromised in one place resulting in a less effective visual screen between the road and the solar farm.
- 5.45 A new 'exit only' access is proposed for the solar farm and this will require a section of hedgerow to be removed, allowing views into the site from The Street at this point. The applicant has agreed to the Landscape Architects recommendation for additional planting within the hedge line at these points to improve screening. New planting could take time to establish and there may be an interim period where the solar panels will be more visible at some points along The Street. However, the gaps in the existing hedgerow will be relatively small and views into the site from the road will only create passing glimpses when directly next to the gaps.
- 5.46 Due to the gently undulating landform and the effective screening of mature hedgerows, trees and patches of woodland, the assessment has established that the views of the site are visually very contained within close proximity of

the site boundaries. The development will affect the agricultural and arable field character of the site and its immediate surroundings, as well as the views out from the edge of area towards the Bure Valley. However, as the views from where the development will be perceived are short and condensed the impact of the landscape effects is not expected to be significant and can be effectively mitigated, with the reinforcement of boundary hedgerows to a height which will effectively screen the development.

- 5.47 In summary, the site has been assessed to establish where the key viewpoints were into and out of the site to identify where potential mitigation planting would be needed. This has established that the site is well contained within the landscape and has a good level of screening from trees and hedges from most viewpoints with just a few points where gaps need to be filled in and reinforced. The revised proposal creates a further separation from the existing solar farm development and includes additional planting compared to the previous scheme to address the previous refusal reason.
- 5.48 As well as the case officer considering the landscape and visual impacts of the proposal, the Council's qualified Landscape Architect has assessed the proposal too. It is evident that they are satisfied that the LVIA is accurate and robust in its assessment of the scheme and with the mitigation identified the scheme would not have an adverse impact on the countryside.
- 5.49 In reaching this judgement it is necessary to have regard to the specific contents of the relevant policies namely EN2 of the DMDPD which seeks to protect visually sensitive skylines, important views, conservation areas, and green spaces that make a significant contribution towards defining the character of the area, and enhance where appropriate, Policy GC5 of the DMDPD which requires the impacts of development to be acceptable or capable of being made acceptable (mitigation) and Policy GC2 which requires development to not have significant adverse impacts where it complies with a policy elsewhere in the plan that is specifically designed to permit development in the countryside, which in this case is Policy GC5.
- 5.50 In summary, it is clear that the revised scheme, including the enhanced mitigation from that previously identified, does not result in a level of harm that would be deemed to conflict with any of the 3 aforementioned policies.
- 5.51 With regard to the fourth reason in the refusal notice, no detailed commentary is provided on this insofar as it only highlights the relevant policies and ministerial statement which underpins the first three reasons of concern.

Other issues

- 5.52 As well as addressing the issues raised in the refusal notice, the revised scheme continues to need to meet all other planning related requirements, the following section of the report deals with these:

Heritage

- 5.53 The site does not contain any listed buildings or Scheduled Monuments. The closest heritage assets are Heydon and Salle Conservation Area which is located on the western side of the B1149 (Bluestone Plantation is located within it). Cawston Conservation Area is located approximately 2km from the site, while Aylsham, Blickling and Reepham Conservation Areas fall within 5km from the site. A number of Grade I, Grade II and Grade II\* listed buildings are present in the area, mostly within the aforementioned conservation areas. Beerhouse Farmhouse Grade II listed building is situated 520m south of site, while Heydon Hall registered Park and Gardens Grade II\* is situated 1000m to the west. There are no Scheduled Monuments within a 5km radius from the site.
- 5.54 Accordingly having regard to Policy 2 of the JCS, Policies GC4 and EN2 of the DMDPD, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 199 of the NPPF there would be no harm to, or loss of, the significance of a designated heritage asset.
- 5.55 Policy EN2 on landscape also deals with heritage assets including conservation areas, Scheduled Ancient Monuments and Historic Parks and Gardens. The Historic Environment Report submitted with this planning application concludes there is some limited potential for the survival of remains dating to the early prehistoric, Iron Age and Roman periods within the study site. It is possible that buried remains relating to medieval or post-medieval agriculture could survive, such as ploughing or field boundaries, but these would be of negligible significance. Notwithstanding the findings of the Historic Environment Report, if the application is approved the Historic Environment Officer has requested a condition for a written scheme of investigation to be submitted, agreed and investigations are completed prior to commencement of the development.

Biodiversity

- 5.56 The NPPF has a strong emphasis on development that provide net biodiversity gains. Policy ENV1 of the DMDPD relates to biodiversity and habitats and requires development to protect and enhance the biodiversity of the district, avoid fragmentation of habitats and support the delivery of a co-ordinated green infrastructure network throughout the district. If any harmful



impacts do occur it should be adequately demonstrated that the development cannot be located where it would cause less or no harm and that adequate mitigation is incorporated and that the benefits of the development clearly outweigh the impacts.

- 5.57 A number of statutory designated sites are within relative proximity to the site. The closest statutory designated sites are Cawston and Marsham Heaths (SSSI), Buxton Heath (SSSI) and Booton Common (SSSI) fall within 5 km radius from the site. The closest non-statutory designated site is Heydon Park, which lies 1.5km to the west. Ancient replanted woodlands of Newhall Wood is situated 2 km to the west and Leaslands 1 km to the north east of the site.
- 5.58 An Ecological Assessment of the land proposed for the solar farm has been carried out. Habitats have been assessed on the proposed site and immediate surroundings, and the area has been appraised for any Protected Species potential.
- 5.59 The Ecological Assessment reports that proposal site is currently three arable fields with a species poor semi-improved grassland field beyond the north-west boundary of the site. There is mixed woodland plantation on the northern boundary of the site, and an area of mixed woodland southwest of the site. The Ecological Assessment concludes that there is no realistic potential for the development to affect designated nature conservation sites, either during the development phase or once operational.
- 5.60 It is not expected that hedgerows or trees will be removed as part of the development, apart from a section along The Street to allow for the new access. Several trees on site were noted as having potential for roosting bats and if they are to be affected by the development, mitigation or further surveys will be required. The hedges and trees on site also provide suitable habitat for nesting birds, and any removal of woody vegetation should be carried out outside of the main bird nesting season.
- 5.61 An outlier badger sett was found in the mixed woodland bordering the site, and mitigation is recommended in the form of an exclusion zone around the woodland and mitigation to prevent harm to badgers during the construction phase. Habitat enhancements for badgers are also advised.
- 5.62 There is suitable habitat on site for small terrestrial animals, including hedgehog, brown hare, and toads. Recommendations are made within the Ecology Assessment for appropriate mitigation measures and timing of works to reduce impacts.
- 5.63 Disturbance to nocturnal species such as bats or badgers is likely if there is insensitive night-lighting of the site. This can be avoided using a sensitive lighting approach.

- 5.64 Enhancements have been proposed to increase biodiversity value on site including the provision of wildlife habitats, bird and bat boxes, and the filling in of hedgerow gaps with native plant species. Future habitat management of the site would need to be guided by an Ecological Management Plan, which when followed, has the potential to provide a net benefit to biodiversity in the medium to long term as well as deliver multi-functional ecosystem services for agriculture and the wider area.
- 5.65 Additionally, the landscape mitigation proposal contains details to enrich the existing habitat and enhance the environment with native species of hedge plants and wildflowers. Further habitat will be achieved by seeding of shade tolerant wildflower meadow to the full extent of the site underneath the solar panels. The selection of native plant species for the landscape aims to provide a habitat rich environment through nectar, pollen and fruiting with hedgerow and canopy habitat to provide shelter resources throughout the year. The hedges are of strategic importance providing screening and a buffer at the same time as retaining the characteristic hedgerow pattern. The wildflowers will contribute to the environmental value of the site.
- 5.66 The County Ecologist has concurred with the findings of the Ecology Assessment and has no objections to the development as proposed subject to conditions to control lighting, a requirement for submission of a Biodiversity Method Statement and Ecology Enhancement and Management Plan as set out in section 4.11 above if the application is approved. The application is considered to meet the aims of Policy EN1 of the DMDPD.

#### Traffic

- 5.67 Policy TS3 on highway safety requires all development to ensure that there will not be a significant adverse impact upon the safe functioning of the highway network. A Transport Impact Assessment has been prepared and supplements the planning applications.
- 5.68 The main traffic generation will be during the construction period which will be relatively short. The Traffic Impact Assessment contains some details in relation to construction management and a traffic routing plan and it is recommended that this is a condition of planning permission to ensure that routing and traffic generation details are agreed as part of the formal application. Once operational, traffic movements would be minimal with only maintenance access required.
- 5.69 Once completed the applicant advises that movement within the site will be by quad bike or small, farm utility vehicle. The Electricity Board will visit the site from time to time to check the apparatus. No on-site staff will be required to operate the solar farm and no staff offices or maintenance buildings are

needed within or near to the site. Some permanent equipment for monitoring the site will be held in one of the transformer enclosures and/or grid connection cabinet. Whilst this would typically be accessed remotely, it would be available for occasional physical access during routine visits.

- 5.70 A significant concern that has been raised by Oulton Parish Council about safety of the access and the amount of traffic associated with the construction of the solar farm and in particular the cumulative impact that this proposal and the offshore windfarm cable route work will have for the roads in this area.
- 5.71 The area is affected by the cabling routes of several offshore windfarm projects comprising of Vattenfall, Norfolk Boreas, Norfolk Vanguard, Orsted and Hornsea Three which have submitted and consented Development Consent Orders. In addition to this a pre-submission project has been submitted for the Equinor Sheringham and Dudgeon Extensions offshore windfarm.
- 5.72 In relation to whether any construction periods may be undertaken at the same time as this application, the applicant has advised that construction would take place within 6 -9 months after approval and the development would take around 10-12 weeks to complete. Taking into account that off-shore wind projects have a far more complicated process of discharging requirements, planning procurement etc. it is highly unlikely that this development will still be in its construction phase at the same time as either of the off-shore wind farms are starting their on-shore construction. Therefore, it is considered that the solar farm would be fully constructed and operational before work is started on the cabling routes for the offshore windfarms projects.
- 5.73 Notwithstanding the above, the Highway Authority has acknowledged that the delay experienced in obtaining consent for this proposal could result in a potential conflict with the wind farm proposals which seek the same access route. A condition to ensure that in circumstances where the development of any of these projects commences revised traffic mitigation measures will need to be agreed.
- 5.74 It is considered that, overall, the development will not cause disruption to the safe and free flow of traffic during operation as raised as concerns by Oulton Parish Council. The application is considered to be in accordance with Policy TS3 of the DMDPD and the Highway Authority has not raised any objections to the proposal subject to appropriate conditions in relation to the construction of the site access, access visibility and construction traffic management as set out above.

### Drainage and Flooding

- 5.75 A Flood Risk Assessment has been prepared in support of the applications. The site is situated mainly within Flood Zone 1 but does have two small areas at risk from surface water flooding. The ground conditions allow natural drainage and in terms of surface water solar panel arrays are not considered to prevent direct infiltration into the ground and will allow rainwater to drain freely into the ground. The panels will be located on posts which will be above the depth of any flooding and will therefore be unaffected. There will be no increase in impermeable area which will mean that the proposals will not increase flood risk on or off site.
- 5.76 Policy CSU5 on surface water drainage requires that proposed developments should not flood on the site or elsewhere. Taking the conclusions in the FRA, the development meets the requirements of the policy.

### Noise

- 5.77 Cawston Parish Council has raised concerns about the level of noise that will be associated with the proposed development. Paragraph 174 (e) of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability'. Paragraph 185 goes on to state 'planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life. Furthermore, paragraph 187 states that 'planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities and the applicant should be required to provide suitable mitigation before the development has been completed.
- 5.78 Planning Practice Guidance (PPG) provides further guidance with regard to the assessment of noise within the context of Planning Policy. The overall aim of this guidance is to identify whether the overall effect of noise for the given situation. However, the NPPF and PPG do not present absolute noise level criteria. The applicant has carried out a Noise Assessment in relation to the proposed development using appropriate guidance including 'BS 8233 – Guidance on Sound Insulation and Noise Reduction for Buildings' (2014) and

‘BS 4142: 2014 Methods for Rating and Assessing Industrial and Commercial Sound’.

- 5.79 The noise levels generated by construction activities and experienced by nearby sensitive receptors (NSRs), such as residential properties, depend upon a number of variables, which are the noise generated by plant or equipment used on site, such as piling, the periods of operation of the plant on the site, the distance between the noise source and the receptor, the attenuation due to ground absorption, air absorption and barrier effects and the existing noise environment and noise levels at the time of the works.
- 5.80 It is understood that any piling scheduled on this project will take approximately 15 days, so any potential impacts would be temporary in nature. Based upon the BS 5228 ABC assessment method construction noise levels at the façade of the nearby sensitive receptors without mitigation measures in place, construction noise levels may result in some temporary, short-term adverse effects at the worst affected sensitive receptors close to the works during the noisier operations. In practice, construction noise levels and resulting impacts are likely to vary during the different construction phases of the development depending upon the location of work sites, activities and plant in operation and proximity to sensitive receptors. Given the nature of the area and the scale of works, it is not expected that significant effects would occur for prolonged and continuous periods of time. However, to ensure the potential construction impacts are minimised, a condition for a Construction Environmental Management Plan (CEMP) prior to construction would be recommended if the application were to be approved.
- 5.81 In relation to operational noise and level of effect at nearby properties, the applicant advises that sound from the development will generally be low level and constant, with no rapid change in the level or character of noise. Plant would not have identifiable on/off conditions, with many items operating at gradually varying loads relative to both the intensity of light upon the solar panels and the air temperature. The Noise Assessment models the invertors running throughout the night for completeness but the inverters will either not be in operation or will be at a significantly reduced capacity during hours of darkness. The noise assessment has assumed a worst-case approach, and full operation of the inverters has been included. A representative daytime background noise level has been derived from an average dB LA90 07:00 – 22:00. A representative background during hours have darkness have been taken from an average between 04:00 – 05:00 to represent worst-case summer months.
- 5.82 The assessment concluded that noise levels from the solar farm are predicted to be at least 6 dB below background noise levels at the closest sensitive receptors during the daytime. During the night-time (hours of darkness), noise levels are predicted to exceed background noise levels by up to 9 dB. The

background noise levels during the daytime indicate that the proposals would not be audible from the properties during the daytime. Despite predicted noise levels exceeding the background noise level during hours of darkness, a specific noise level of up to 40dBA is not considered to result in a significant adverse impact, as internal noise levels in bedrooms would be within WHO and BS 8233 guidance criteria to prevent sleep disturbance.

- 5.83 Internal noise levels, at nearby sensitive receptors from all sources of potential noise associated with the proposed development have been assessed both with windows open, where a reduction from a partially open window of 10 dB has been used, and with windows closed where an assumption of single glazing with a sound reduction of 30 dB has been used. The assessment concluded that internal noise levels from all potential noise sources, during both daytime and night-time periods are predicted to be within the WHO and BS 8233 noise intrusion criteria at all sensitive receptor locations.
- 5.84 In summary, the noise assessment considers the potential noise generation from the construction phase and operational phase, including plant associated with the proposed development, with respect to existing noise levels in the area. Noise limits associated with the construction of the proposed development have been identified, with additional best practice measures provided within a CEMP which would reduce the effects associated with construction noise at the closest sensitive receptors. Daytime and night-time noise levels have been assessed using the assessment methodology contained in British Standard 4142:2014+A1:2019 Method for rating and assessing industrial and commercial sound and BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings – Code of practice'. The assessment identifies that the rating levels from the proposed operations are below the measured daytime background noise levels at the closest sensitive receptors, which indicates a low impact when assessed in accordance with BS 4142:2014+A1:2019. Given the low night-time background levels, absolute levels have been considered. Operational noise levels during the daytime and night-time periods are predicted to be below the WHO and BS8233 guideline noise intrusion criteria at all nearby sensitive receptors. Overall, and when assessed on a worst-case basis, noise from the proposed solar farm is predicted to have a low impact and noise levels fall within the Lowest Observed Adverse Effect Level (LOAEL).
- 5.85 The construction work will result in employment opportunity but due to the short-term nature of the contracts limited weight can be given to them in making this decision.
- 5.86 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.

- 5.87 These applications are not liable for Community Infrastructure Levy (CIL) as no new floor space is being created.

## **6 Conclusion**

- 6.1 The proposals have been prepared to seek to address the concerns of the Council expressed in the previous refusal. The revised scheme is informed by technical assessments, submitted alongside these planning applications that demonstrate how the development is designed in a sensitive manner which respects the site location and surrounding character.
- 6.2 Policy GC5 of the Broadland DMDPD directly support renewable energy projects which generate electricity from renewable sources and contribute to a reduction in carbon emissions which help to meet the Government's legally binding targets in the Climate Change Act 2008 and is also supported by the NPPF which seeks to support the transition to a low carbon future, contribute to radical reductions in greenhouse gas emissions and support renewable and low carbon energy and associated infrastructure. The proposed development has the capacity to produce approximately 30MW of energy which is a significant benefit weighing in favour of the development. The energy generated by the proposed development will contribute to supporting growth in the region, and the carbon emissions saved as a result of generating electricity from a renewable source, would help to tackle climate change and minimise resource use.
- 6.3 The proposed development has been designed to minimise the impact on the landscape and with the proposed mitigation the main harm is limited to drivers using the B1149 and The Street where glimpses of the development will be viewed through the access points into the site, but it is not considered users experience would be significantly adversely affected and therefore the development would be in accordance with Policies EN2 and GC2 of the DMDPD.
- 6.4 The proposed development will provide gains in biodiversity by supplementing the existing vegetation and hedgerows surrounding and within the application site with a range of native species. In addition, the temporary use of the land as a solar farm will provide opportunities for improved grassland species, it is proposed that wildflower mix will be planted in-between the solar panels which will contribute to enhancing biodiversity, as required by Policy EN1.
- 6.5 Highway and noise impacts would be largely limited to the construction phase and the long-term impacts would be minimal. The proposed development

does not raise any significant flooding or heritage impacts that cannot be mitigated by condition.

- 6.6 Whilst the development would temporarily lead to a loss of 25.5 hectares of agricultural land including 12.75 hectares of grade 3a BMV land, this could still be utilised for grazing and the proposed development is not permanent.
- 6.7 In concluding, the revised scheme has been amended to respond to the previous refusal reasons and is now considered to comply with all relevant planning policies, including the NPPF, and the relevant ministerial statement on the matter and in considering all relevant material considerations there are not considered to be any that would justify departing from determining the application in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004 ('The 2004 Act') and for this reason the applications are both recommended for approval subject to conditions.

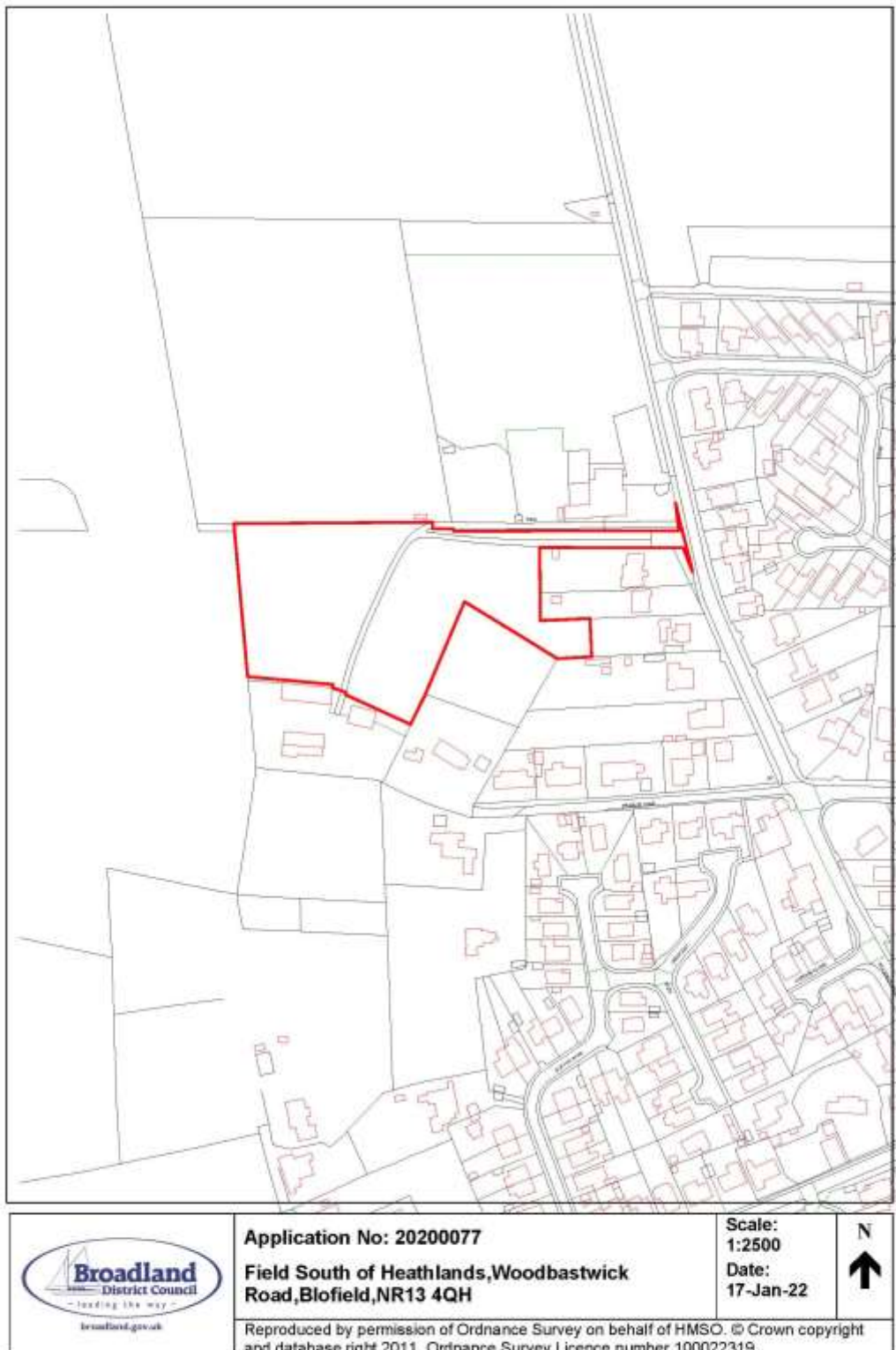
Recommendation:	Temporary Approval of both applications with each subject to the following conditions
	<ol style="list-style-type: none"> <li>1. Temporary Permission 40 years (TMT01)</li> <li>2. In accordance with submitted drawings (AD01)</li> <li>3. Decommissioning (NS)</li> <li>4. Hard and soft landscaping (L05)</li> <li>5. Tree and hedgerow protection (L08)</li> <li>6. Retention of hedges and boundary trees (L16)</li> <li>7. New access (HC05 amended)</li> <li>8. Existing access closure (HC08)</li> <li>9. Visibility splay, approved plan (HC17)</li> <li>10. Access one way system (HC18)</li> <li>11. Provision of construction traffic parking (HC21)</li> <li>12. Construction traffic management (HC24B variation)</li> <li>13. Revised traffic management plan (NS)</li> <li>14. Ecology – Lighting hours of use (NS)</li> <li>15. Biodiversity Method Statement (NS)</li> <li>16. Ecological Enhancement /Management Plan (NS)</li> <li>17. Noise Assessment (AM03)</li> <li>18. Implementation of noise remediation (AM04)</li> <li>19. Construction Management Plan (AM05)</li> <li>20. Archaeological work to be agreed (H01)</li> <li>21. CCTV (NS)</li> </ol>



	<p>22. Contaminated land (AM14)</p> <p>Informatives:</p> <p>Highways Inf 2 Works within the public highway</p> <p>Ecology Inf Hedgerow Regulations</p> <p>Ecology Inf Protected species (Bats and Badgers) further assessment</p>

Contact Officer, Julie Fox  
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Application 2



**2. Application Nos: 20200077**  
**Parish: BLOFIELD**

Applicant's Name: Jenkinson Properties LTD  
Site Address: Field South of Heathlands, Woodbastwick Road, Blofield,  
NR13 4QH  
Proposal: Erection of 4 No Dwellings & Associated Works  
(Reserved Matters Appearance, Scale, Layout &  
landscaping) including surface water drainage. Discharge  
of Condition 7 Phasing of application 20161588

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

**1 Proposal and site context**

- a. The application site is a field to the south of Heathland Community Centre. The site is bounded by hedges There are some agricultural buildings to the south of the site which it is intended will remain and are excluded from the site
- b. This is a reserved matters application for siting layout, appearance and landscaping, following the approval of the outline application including access for four dwellings application 20161588.
- c. This application provides the detailed design of four single storey dwellings and details of the surface water drainage system, which it is intended to drain into the adjacent ditch system. It is proposed to make use of the existing access between Heathlands Community Centre and a dwelling -Treetops. Treetops access also uses this access.

d. A number of consultations have been carried out as part of this planning application process. The changes at each consultation process have been outlined below:

- Original consultation
- First surface water drainage strategy includes details of surface water drainage and moving the driveway over
- Second surface water strategy reduces the discharge rate to 0.8 l/s
- Third Drainage strategy amends the drainage drawings to reflect the drive moving over.
- Fourth surface water drainage strategy amends layout and surface water strategy to include passing bay and bin storage and amends surface water strategy to reflect these changes.
- Landownership issues
- Fifth surface water drainage strategy updates calculations to reflect use of filter drains rather than swales and updates access drawing to reflect this.

## 2 Relevant planning history

- |     |          |  |
|-----|----------|--|
| 2.1 | 20161588 | Erection of 4 No Dwellings and Associated Works (outline) Approved   |
| 2.2 | 20151213 | Variation of Conditions 3, 13 and 14 (means of access) of Planning Permission 20131655 - Demolition of Existing Buildings & Erection of 24 No Dwellings & Associated Works (Outline) Refused and dismissed at appeal |
| 2.3 | 20131810 | Installation of 150kW Ground Mounted Solar Photovoltaic Panels to Generate Renewable Energy Approved   |
| 2.4 | 20131655 | Demolition of Existing Buildings & Erection of 24 No. Dwellings & Associated Works (Outline) (Resubmission) Approved   |
| 2.5 | 20130292 | Demolition of Existing Buildings and Erection of 24 No. New Dwellings and Associated Works (Outline) Refused   |

- 3 Planning Policies
  - 3.1 National Planning Policy Framework (NPPF)
    - NPPF 02 : Achieving sustainable development
    - NPPF 04 : Decision-making
    - NPPF 05 : Delivering a sufficient supply of homes
    - 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
  - 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 15 : Service Villages
  - 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 EN4: Pollution
    - Policy TS3: Highway safety
    - Policy TS4: Parking guidelines
    - Policy CSU4: Provision of waste collection and services within major developments
    - Policy CSU5: Surface water drainage
  - 3.4 Blofield Neighbourhood Plan
    - Policy HOU1: Local housing Needs
    - Policy HOU2: Supported housing
    - Policy HOU4: Rural image, heights and massing
    - Policy HOU5: Parking for new development
    - Policy ENV2: Soft site boundaries and trees
    - Policy ENV3: Drainage
    - Policy ENV4: Agricultural land
  - 3.5 Supplementary Planning Documents (SPD)
    - Landscape Character Assessment

## 4 Consultations

### 4.1 Parish Council

#### Original Proposal

- Previous comments by the Parish Council still stand around the access
- Having two accesses in very close proximity to each other, to create a third conflict with policies SHCR 9, 10 and 11
- School is encouraging parents to park in Heathlands and cross a busy road
- Vehicles regularly speed along Woodbastwick Road
- Disappointed that there is no attempt to improve the safety along this section of road.
- Swale adjacent to the shared drive, This is for surface water runoff from the main Woodbastwick Road gully adjacent to the access at Heathlands
- New swale will deprive pedestrian access to services, as they would need to walk the length of the drive
- Vision splay to the north cannot be achieved without third party land. Email from Highways confined the width of Woodbastwick Road at this point is 10 metres. Visibility cannot be achieved using this dimension
- The gates of Tree tops should be set back 5 metres from the road according to policy G3.8 of the NCC Highways Safe sustainable development.

#### Second surface water strategy

- Previous objection still applies

#### Fourth surface water strategy

- Maintain previous comments
- Also note previously requested speed reduction measures along Woodbastwick Road.
- Disappoint no attempt to improve road safety along the road.
- Recent accident involving a child working with school, police and county council to seek further speed reduction measures.

#### Land ownership issues

- Dispute on ownership which underpins the strategy
- Dawson's Way development failed system
- Bennetts site draining into the ditch system
- All terminate in an area of high risk of flooding

- Foresee proposal is passed it will increase risk of surface water flooding elsewhere.
- Road safety the roads exits off Woodbastwick Road vehicles move at excessive speed and recent traffic accident involving a child.
- If proposal passed would want to measures introduced to reduce speeds and facilitate pedestrian crossing from parents parking at Heathland at walking to the school

#### 4.2 Local Member

Cllr Justine Thomas

To be determined by committee

- Concerns whether the drainage proposal meet planning legislation requirements

Cllr Nigel Brennan

No response

#### 4.3 NCC Highways

Original proposal

- The Highway Authority commented and required conditions have been provided with the previous application, this is a reserved matter application and does not alter the need for the conditions.
- Note that the private drive is arranged so potentially could cause issue should pedestrian and passing vehicles come into conflict
- Ideally the straight section should be widened to provide a shared over run or a minimum a passing bay of 5.5 metres should be provided
- Small works to highway condition will need a separate application and fee to the Highway Authority

First surface water drainage strategy

- Grass verge provided
- It appears the access width is sufficient for two cars to pass (4.8 meters) in the region of Woodbastwick Road, however narrowing of track may not allow cars to pass on the track itself.

Fourth surface water drainage strategy

- Note the addition of a passing bay, the road is wide enough for two vehicles to pass at the junction with Woodbastwick Road but given the length of drive a passing bay provides some additional benefit.

Landownership issues

- No further comment

4.4 Anglian Water

Original proposal

- Information submitted does not relate to foul or surface water drainage

4.5 First surface water drainage strategy

- Minor development surface water drainage to be dealt with by local planning authority

4.6 Sport England

Does not fall within our remit for consultation

4.7 Police Architectural Liaison Officer

Do not wish to make comments

4.8 Contract Officer

- As private drive, the refuse vehicle will not enter the drive and the bins will need to be brought down towards the road for collection.
- Four properties here, will need hardstand space for up to 8 bins – this could be as simple as 8 paving slabs
- Suggested location should be as close to Woodbastwick Road as possible without hindering visibility.
- I have highlighted an appropriate location for the bin collection point with a purple line. The collection point should be located to the North of the private access road as to be away from both the surrounding properties. The collection point should also be as close to Woodbastwick Road as possible without interfering with the vision splay here.
- As it is a collection point only, bins should be taken back to the properties between collection, as per all other households along the road



#### 4.9 Environmental Quality Officer

##### No Objection

Lead Local Flood Authority (LLFA) Consultancy advice on first surface water drainage proposal

- Applicant would need to provide evidence to demonstrate that the proposal for surface water management are sufficient to prevent an increase in flooding as result of the speed on the runoff through the development and appropriately integrates within the development layout any areas of surface water flooding
- Wish to see the following information
- Demonstrate that the surface water would not lead to flooding on site or increase flood risk elsewhere
- Appropriate assessment and mitigation of surface water flooding may affect the development
- SuDS to be provided in accordance with the guidance
- SuDS principles and hierarchies need to be followed, shallow infiltration, to a watercourse, to a surface water sewer, combined sewer/ deep infiltration
- Maintenance and management scheme
- Comply with NPPF by ensuring satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water for a range of rainfall events and SuDS features will operate for the lifetime of the development
- Comply with national standard in guidance and if not state reasons and implications for not doing so.
- It is proposed to discharge the runoff from the impermeable areas into the blind ditch so the applicant is unable to provide evidence of connection to the wider watercourse network nor that increased flow could be accommodated without increasing flood risk.
- Applicant proposed to discharge at a lower discharge rate than in a large storm event and the surface water flooding is some distance away and they are not proposing to make it worse.
- Although it is proposed to discharge at greenfield rate this would be by point drainage or as opposed to diffused discharge which is currently observed on the site
- In reality water from the site would not all run into the blind ditch and disperse after a storm but tends to sit in the ditch and on the surface of the site for a duration of time.
- Wish to see a betterment if this drainage for it to be acceptable.
- Reconsider the green field run off rate calculations to account for a proportion of the surface water ponding on the site and not reaching the ditch (i.e. use a slightly more permeable soil tyre index

- Management and maintenance plan for the proposed drainage system including the provision that the ditches will be maintained for the lifetime of the development

#### Second surface water drainage strategy

- Disagree with the applicants statement that the ditch they are connecting to is not blind
- We had concerns about development discharging into a network which was not connecting into the wider watercourse network
- However the discharge rate from the site is less than  $Q_{bar}$  0.8 l/s which demonstrates betterment overall over the existing drainage arrangement.
- Revised maintenance and management plan has been provided note downstream network is still the responsibility of the downstream owners
- Recommend approval on basis of a condition restriction discharge rate to 0.8 l/s

#### Fourth Surface water drainage strategy

- Drainage strategy suggests infiltration is not an option and has been demonstrated by testing.
- Impermeable surface water would discharge into the discharge at a rate of 0.8 l/s which would be 30% reduction of  $Q_{Bar}$  rate of 1.3 l/s
- Management and maintenance plan for the ditches within the applicant ownership have been provided
- The applicant has cleared vegetation to make the ditch clearer and although shallow is continuous. This remains unresolved.
- Would disagree that a watercourse has to be natural definitions in Land Drainage Act 1991 and Water Resource Act 1991.
- A downstream ditch does have to accept water from upstream land whether this land is developed or not
- In this instance the developer is providing betterment from the natural surface water runoff even though he is developing the land.
- A developer / landowner has a right to discharge into a continuous watercourse if he can provide evidence of connection to the wider network.
- It is the connection with the wider network which defines it as an ordinary watercourse.
- The applicant blue line boundary extend to the ditch so they have riparian rights over this and are able to discharge into it.
- If the developer has a right to discharge into the ditch advise that you take independent legal advice.

#### 4.10 Other Representations

##### Original proposal

##### Five letters of objection

- Proposed road is coming up against our boundary and will be detrimental to our access, visibility will be obscured
- We need to pull over the far side to be able to access our drive
- Vision is obscured by existing fence which has been erected
- Refuse vehicle will not access private road and waste collection bins will need to be moved to Woodbastwick Road
- Residents will have to pull wheelie bins large distances and waste collectors will need to collect multiple bins in a vulnerable position.
- Confused turning head to designed to type 3 but junction with Woodbastwick road is only Type 6 standard.
- Manual for street states private drives should only be for short distances, this can to be described as a short distance
- No information has been submitted on surface water drainage
- No provision to intercept the surface water so that it does not flow onto Woodbastwick Road
- Ditch system is incomplete
- The developer will require easements from ourselves to go into our ditch
- Ultimate destination of the surface water system is a blind ditch system which contradicts the NPPF.
- No connection with the Witton Run
- Loss of habitat for wildlife

##### First surface water drainage strategy

##### Ten letters of objections

- Remain concerned about the access, gate goes right up to the road
- If our entrance was constructed to front of the property rather than the side there would be no problem,
- Remain concerned about Highway safety
- Recent accident near site involving a child
- Additional traffic calming and crossing facilities would help
- Additional water being added to a failing ditch
- Incorrect asserts made in the drainage report
- There is no drainage ditch connection into the wider ditch connection the ditch is blind and there is no existing surface water discharge route within the site boundary
- Photographs of ditch within the report are outside the drainage ditch
- There is currently no connection into the ditch.

- Although riparian rights are claimed to connect into the ditch, the ditch is unconnected to the wider network even if there is permission to make this first connection.
- The current drainage route in this area is along the field plough line beyond the development site to the west where it accumulates in huge puddles at the corner of the field
- Current evidence on is the field corner are lower than the field plough line beyond the development site and not utilised for cropping.
- The applicant has no riparian rights to connect to the existing drainage further to the south and part of the system is inactive.
- The informal system on the field on the western boundary of the site is also outside the applicant's control which again does not connect into the ditch system moving water towards Dawson's Lane.
- To dig two new connections to move water from a site where there is no current surface water route would be a material change in surface water drainage.
- In any event the second connection would not be within the applicant's control to connect, as both parts of the system are in different third party hands.
- There is no evidence of any attenuation on the plans, without flow control there will be no attenuation
- Discharge will be greater than the greenfield rate
- The report states the site is at low flood risk which is not disputed it is where the surface water is being directed off site that is the issue.
- This is shown on flood risk maps, due to maintenance the flooding occurs on the east / west section of Dawson's Lane between no. 74 and 76.
- The downstream has regular flooding events and the terminal point of the blind ditch is to the east of Dawson's Lane
- There is no link to the Witton Run, water simply flows overland when the blind ditch overflows.
- BDC Planning Department have stated that agricultural ditches are not suitable for SuDS drainage systems as a result the Dawson's Lane application required new surface water system so the ownership and maintenance of the system could be assured over the lifetime of the development.
- The ditch network is not within the control of the applicant
- The site is unconnected in two places
- Perverse to permit this development to create a new ditch to join an existing ditch existing agricultural ditch not in the ownership of the applicant into a blind ditch known for flooding events, with no evidence of how to attenuate.
- Existing drainage strategy is purely for agricultural purposes and not in good state of repair. The first part of the ditch starting with land within Pintiles has not been used a surface water conveyance track in many decades.
- The ditch is only use to convey water away when the ditch system turns to the fields moving westwards towards Dawson's Lane.

- There are some blockages in the first part of the western part of the ditch network (tree roots and over grown vegetation) so the flow down through to Dawson's Lane is not smooth.
- Flows come through in a series of pulses to flood the east – west section of Dawson's Lane on a regular basis and result in the ditch over spilling and flooding
- A farm vehicle bridge and a culvert closer to Dawson's Lane on the western ditch also causes some disruption so water also spills on the fields before moving into ditch system controlled by 74 Blofield Corner Road.
- This section is regularly maintained as it is needed to direct discharge from our private sewage facility and to try and stop flooding of Dawson's Lane
- When this area floods our private water treatment facility is compromised
- Additional source of water from the new site linking the already stressed system increases risk to property downstream.
- As stated by Dawson's Lane committee report Bennett's site should not have discharged water into the blind ditch.
- To allow the discharge would be at odds with this view.
- Against advice in NPPF that new development should not increase flood risk for existing development
- Permitting additional water into an area which already floods would be negligent
- Photographic evidence of flooding has been provided
- 25<sup>th</sup> September 60 mm of rain in a 24 hour period, Dawson's Lane was in passible and blind ditch over flowed.
- 24 hours later the blind ditch was still full
- At same time the infiltration pond at Dawson's Lane was filled, any additional flows will increase this risk.
- As the blind ditch is in the same sand seam as the newly enlarged infiltration basin on Dawson's Lane currently under construction.
- Concerned increased flows into the blind ditch will adversely affect the infiltration in a the new basin
- Water in the infiltration basin will move to the lowest point the blind ditch
- The two site can to be seen as separate entities
- There will be repercussions and for the long term sustainability of the Dawson's Lane basin as further water drainage directly into the same area
- The development site is relatively large and flat so the cost of onsite surface water drainage should be borne by the applicant.
- The site has planning permission but not to deal with the surface water drainage
- NPPF clear surface water should not increase off site flooding, we are not saying don't build just contain the water on site.
- Economic consideration should not override the NPPF.
- Water has never flowed from the watercourse into neighbouring water courses.
- Easement would be required during September storm no water entered the ditch, where other ditches were running strongly and at pinch point over topping and flooding.

- Even in heavy rainfall no water entering into the ditch
- Negative visual impact on landscape
- Recent flooding occurred to the east of Skedge Way. NCC cleared their culvert and enforced clearance of immediate ditches
- NCC and Bennett's homes have been contacted about clearing ditches further but they are only interested about moving water of the highway and not what happens to it after that.
- A result of this water flow more rapidly to the ditch terminus and remains in the system for longer
- Small rain event 8.2 mm in 6 hours resulted in basins filling. And also has a negative impact on the water dispersing from the infiltration basin.

### Second and third surface water drainage strategies

#### 9 letters of objection

- Drainage consultant admits that the ditch is not continuous and has been neglected surely this would make it doubly blind
- No water came off the application site on 15<sup>th</sup> November 2020 storm when neighbouring system was running and flooded at the terminus
- Drawings confirm that there is no on site a new ditch to the south of the site between the existing farm buildings to connect to the isolated ditch bordering Pintiles
- There is no onward connection to the neglected agricultural blind ditch system
- They acknowledge that they have no control over the downstream ditch system
- Neighbouring properties have utilised soakaways over many years and there is sufficient space on the land to do so.
- Drainage report conflicts with layout plan
- Surface water will collect where speed table is located
- The road being moved further north will reduce visibility splay further
- The ditch system is not connected between different third party owners of separate ditches at this point.
- Contrary to LFFA guidance paragraph 12.3
- This site does not connect with the ditch so any discharge into the ditch will be an increase
- Increased discharge from the highways is not inferring with the Dawson's Lane basin
- The Dawson's Lane basin is connected to the same sand seam as the blind ditch which is not isolated as the Planning Officer had stated
- Further water into the ditch system, will further compromise the Dawson's Lane infiltration basin as it does not empty until blind ditch has emptied.
- The developer does not have control over the whole system which is why the complex drainage system was agreed for Dawson's' Lane development.

- The landowner owns the adjacent site would it not be possible for him to infiltrate there
- Cost would be reduced which negates the argument
- No discharge directly into the ditch as site is not next to ditch, no easement in place to accept the water
- Will rates increase if more development is proposed on the site
- Despite clearing out of ditches they are still not suitable
- Unauthorised clearance of my ditches
- Contest that there are riparian rights in to the ditch and any right to drain into it.
- Flooding on 24<sup>th</sup> December of Dawson's Lane and ditch terminus
- 69 Blofield Corner Road flood water entered the property

Fourth surface water drainage strategy

8 letters of objection

- More water into the ditch will increase over land flows and flooding of property
- Contrary to NPPF and Neighbourhood Plan
- It is not betterment as water has never drained there, will increase flooding elsewhere
- Failure to consider the cumulative impact
- Agricultural ditches are not suitable for the drainage
- Maintenance of the ditches cannot be enforced
- The applicant mistakenly believes that the flooding is caused by the boulders in the ditch and felt need to unblock a third party ditch. Boulders are to protect the road and act as filter to prevent leaves and debris entering the ditch
- The end of the ditch is 50 metre west of Dawson's Lane where it over top and also causes back up into the ditch
- More surface water is flowing through the system from the clearing of the highway drain and at a faster rate and is unfiltered.
- Ditch does not fall within the definition of a watercourse so does not have riparian right.
- Not agreed that water cannot be drained from the site
- No easement in place and no control over the system
- Access not safe we will not have visibility from our access
- Watercourse must be natural and not man made
- Ditch is main made so riparian rights cannot be automatically be gained.
- The owner of the lower land has to accept natural land drainage from adjacent land at a higher level, this does not apply where the adjacent land owner has carried out improvements and isn't natural
- Legal the applicant must not interfere with the natural run off flow either quality or quantity of water.

- Not substantial natural or sheet drainage from the site in 24 years
- 0.8 l/s would be 2.88 cubic metres an hour which will go toward a flood area
- How will water drain from the access, stuck behind the speed hump
- No control to maintain the ditches
- Disagrees with LLFA watercourse can be a ditch
- Not a watercourse so no riparian rights
- Behind the hedge so no riparian right or access to maintain the ditch
- As a manmade ditch on my land I have a right to infill it.
- System need to be maintainable
- Viability splay is not achievable

### Land ownership information

- Our access and boundary gates is going to be too close to the road
- Will have to pull across the road to be able to see what is coming
- Road may damage our drains
- People speed along Woodbastwick Road
- I have permission from the Environment Agency to discharge treated sewage into the ditch to the southern boundary on Jenkinson's land consent was granted by Jenkinson to do this.
- Environment permit should not have been granted as not a watercourse and not in Jenkinson's ownership
- Pipe has been concealed
- Ownership issues are a distraction
- Contest applicant's ownership claim of the ditch
- Riparian right do not apply as not a watercourse
- Concern about transparency of the system
- Agent states water cannot get to number 69, this is untrue as there overland flows with evidence.
- Substantial water is discharged from the Highway Blofield Corner Road into the ditch at The Loke
- Terminus to the ditch to the west of Dawson's Lane gets overwhelmed
- NPPF and Neighbourhood plan are relevant
- Infiltration basin at Dawson's Lane is linked to this ditch and there will be further flows from Bennett's site
- Terminus of the blind ditch is to West of Dawson's Lane not where the culvert goes under the lane.
- LLFA have made recommendations rather than given approval.
- Do not have a prescriptive right as farm building drain which are not part of the development site
- How would access be carried out if no right of maintenance
- Cost should not be a reason to comply with regulations



- Applicant and unidentified men will found digging in our ditch they mistaken they believed that they were opening up the blind ditch
- Blocks serve to purposes to protect the lane surface/ access and prevent the culvert getting blocked with debris.
- Un-attenuated flow from Highway drain and Anglian Water pumping station create rapid flows
- Statement of Truth is uncollaborated statement from the applicant and comments from the solicitor are inaccurate
- Water has never been piped from the development site which is not next to the ditch which will result in material change to the drainage, not a betterment or continuation of the status quo.
- Flooding occurs on Dawson's Lane below the blind ditch overtops. Evidence has been provided on a number of occasions.
- Whether applicant has a right to drain is a distraction to other issues
- Ditch is not a watercourse but series of agricultural drains which LLFA guidance states is not suitable.
- NPPF and Neighbourhood plan are relevant despite agents assertions
- Fails to consider other drainage systems going into the area
- There are gap in the connections of ditches, with water pooling in the field at the corner of 32 Blofield Corner Road
- Use of a ditch in separate ownership was discounted on Dawson's Lane application, no control over this ditch system
- LLFA advise, planning committee make the decisions it would be perverse to discharge further water into this system
- LLFA acknowledge system is continuous without checking on the ground and fail to acknowledge that the site has never drained into the system
- Fails to address the issue of draining from a low risk site to a high risk site
- No betterment water from site does not flow into this ditch
- Should use soakaways they were used on Treetops and Heath Farm when built

### Fifth Surface water drainage strategy

- Statements submitted by applicant are not proof of ownership
- On this basis alone drainage strategy should be rejected
- Why should be water be moved from an area that does not flood to one that does contrary to NPPF
- Two applications where it has been identified that it is not suitable to discharge water into this blind ditch Bennett's site and Dawson's Lane application made to divert water away from blind ditch
- No evidence that water from the development site have ever entered this blind ditch system
- Block in culvert adjacent to No. 74 and 76 filter flow and support the road.
- The culvert flows well and only floods when the blind ditch is full

- Lack of local knowledge is ignored by LLFA in decision making
- Solicitors letter submitted claiming ownership of the ditch

Hemblington Primary School Chair of Governors

Original comments

- The proposed access is adjacent to two existing ones, one residential and one for Heathlands
- Existing traffic issues on Mill Lane, we have attempted to ease this with Bike , Walk and Scoot too school scheme and to encourage parents to park in Heathlands rather than on Mill Lane
- Proposal increases the risk with increased traffic, another access and issues of multiple accesses and increase risk to safety

Second surface water drainage strategy

- Maintain highway objection

Heathlands Management Company

Original proposal

Two letters of objection

- The width of Woodbastwick Road is not shown in the drawing.
- Previous correspondence with Highways have stated the width of the road is 10 metres
- The applicants drawing is incorrect and demonstrates that the visibility splay cannot be achieved to the north
- Our consultants show maximum visibility that can be achieved to the north is 13.43 metres
- Access to treetops does not conform to NCC requirements in policy G3.8 of the safe sustainable Development guidance notes.
- Major disruption will be caused when owners of Treetops enter or leave their property.
- Traffic flow will be impeded which will cause a safety hazard
- Application 20141486 was refused and enforcement notice served as gates were not set back five metres
- Proliferation of accesses in 2013 NCC Highway Officer stated that the access is substandard due to presence of two nearby accesses
- Drawings shows overlap the dividing boundary line onto Heathlands access, would cause physical danger and interrupts the flow of the surface water off the road.
- Highway are not objecting to the application, but they did previously

- Nothing has changed since the previous highway comments in fact the road is busier

#### First surface water surface water drainage strategy

- Maintain objection
- Concerned that the asphalt at the entrance will be maintained not acceptable physically or aesthetically to any new development, will not meet NCC specification

#### Third surface water drainage strategy

- Filter drain has done nothing to improve the situation at the entrance

#### Fourth drainage strategy

- Fails to deal with water trapped by speed bump

#### Landownership

- Reiterate previous objections

#### Fifth drainage strategy

- Design for new assess is “contaminated”
- Impossible to alter the levels as it serves Treetop and the road which are fixed points which cannot be changed.
- Everything falls back to the site and water will be trapped by the speed table
- Doubt filter drain will cope and overspill be flood Treetops garden.
- There should be sufficient space to pull off the road in the interests of Highway safety
- Continue to dispute that the visibility cannot be achieved.

## 5 **Assessment**

### Key Considerations

- 5.1 The key consideration for this application, are surface water drainage, layout and design and landscaping.

### Principle

- 5.2 The principle of four dwellings on the site and the access connection between the site and the public highway have been agreed by the outline application.

This application is to consider the design, layout and appearance and landscaping of the development, the surface water drainage strategy and the phasing of the development.

#### Surface Water Drainage

- 5.3 The NPPF has been updated during the duration of this application so some of the paragraph numbers referred to in consultation responses are out of date.
- 5.4 Paragraph 159 in the NPPF previously paragraph 155 states “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 5.5 Paragraph 079 ID: 7-079-20150415 in the National Planning Policy Guidance NPPG states that sustainable drainage system should be provided unless demonstrated to be inappropriate
- 5.6 Paragraph 080 Reference ID: 7-080-20150323 of the NPPG states:  
Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer
- 5.7 This approach is supported by policy 1 in the JCS, policy CSU5 in the DM DPD and policy ENV3 in the BPNP, which also seek positive solution to existing drainage problems where practical.
- 5.8 Paragraph 160 of the NPPF formerly paragraph 156, refers to strategic plan making rather than decision making on planning applications. Consideration of cumulative impacts are however, considered as part of the decision making process to ensure that flood risk is not increased elsewhere.
- 5.9 The proposed surface water strategy for the site is as follows. Surface water from the private drive would drain into filter drains and swales located adjacent to the private drive. The private drive water along with the roof water from the dwellings would flow into underground attenuation tanks which will attenuate the discharge rate with a flow control device to 0.8 l/s into a pipe which crosses an area of land to the south of the site and into the ditch to the south. Driveways will be drained by permeable paving.

- 5.10 The ditch that is it proposed to discharge into is part of blind ditch network (is not part of the wider watercourse network) which terminates to the west of Dawson's Lane. The depth and quality of the ditch varies with some areas being very shallow. There is some disagreement with the applicant's drainage engineer on this however, from the case officer's experience from visiting the site on numerous occasions this is the case. This ditch is identified in the Environment Agency's flood risk maps as being at risk of surface water flooding.
- 5.11 Flooding does occur within Dawson's Lane and flood water has entered no. 69 Blofield Corner Road in October 2019 and December 2020.
- 5.12 Infiltration testing has occurred in a number of locations on site. These tests failed, demonstrating that the site was not suitable for infiltration drainage. As outlined above the NPPF gives preference to sustainable drainage and the surface water hierarchy should be followed as set out above. The use of some shallow infiltration in the form of filter drains, swales and permeable paving will ensure that some of the water is dealt with on site.
- 5.13 The developer is proposing to use the second method of discharge to deal with the greater volume of surface water which relates to roof area and the driveway to a surface water body. It is worth noting at this point that the he LLFA standing advice updated in 2021 Norfolk LLFA paragraph 11.10 makes it clear that deep infiltration (greater than 2m below ground level) or borehole soakaways are not infiltration systems that meet the requirements of the first level of the drainage hierarchy. We would only expect it to be used as a final option for the location of discharge of surface water on par with a sewer.
- 5.14 As highlighted above the ditch which it is proposed to discharge into is blind and does not connect into the wider water course network. The LLFA standing advice 2021 paragraph 11.8 "In Norfolk, there are many localised drainage soakaway ditches which are cut off from a wider watercourse network (e.g. are "blind"). These watercourses would not be a suitable location to accept the siting of a long-term positive surface water drainage connection".
- 5.15 The LLFA are not a statutory consultee for development of less than 10 dwellings so this instance BDC appointed the LLFA to provide consultancy advice on the proposed development. They raised concerns about the use of a blind ditch and discharge to the ditch would only be acceptable if it demonstrated a betterment on the existing situation.
- 5.16 The buildings on the land between the site and the ditch do drain directly into the ditch via a pipe. This discharge is un-attenuated.

- 5.17 Any rain which falls directly onto the field diffuse drains through the ground into the ditch over a period of time. There is no piped drainage, it is likely that some water would remain on the surface and the actual discharge rate would be lower. The drainage calculations give the following green field run off rates for the site. Qbar (average for year) 1.30 l/s, 1 in 1 year 1.10 l/s, 1 in 30 year 3.40 l/s, 1 in 100 year 4.8 l/s. The original drainage scheme proposed a discharge rate of 1.3 l/s which was amended to reduce the proposed discharge rate to 0.8 l/s which is in excess of a 30% reduction on the QBar rate (average yearly rate) and a significant reduction in the 1 in 100 year event.
- 5.18 It has been questioned in representations received whether the discharge rates would not result in a betterment as currently no water from the development site enters the ditch. The application sites does not extend to the ditch, with an area of the existing field where a number of agricultural building are located remaining outside the application site. Despite not all being within the application site the field would drain as one area. It has been demonstrated that the water does not infiltrate on the site. As a result, when the ground becomes saturated then water will remain on the surface and as the site very gently slopes southwards towards the ditch then water is likely to diffuse in that direction.
- 5.19 The applicant's right to discharge into the ditch has been questioned in representations received. Planning decisions run parallel to property rights with the former not over riding the latter. As a Local Planning Authority [LPA] the council will often seek to resolve issues relating to property rights as it is not particularly beneficial to grant planning permission where there is uncertainty as to whether the development can be carried out. Documentation has been submitted from both the applicant and third parties, however there is no clear position over who owns the ditch and whether there is a right discharge. This is not something the council as LPA is in a position to determine as, disputes such as this would need to be resolved through the land tribunal system or the courts. Not having property rights cannot be used as a reason to refuse a planning application. As result, we are making a recommendation on this application purely on the suitability of the proposed drainage strategy and in doing so are not making a determination on the right to drain.
- 5.20 The use of a Grampian condition which would prevent development occurring prior to the right to drain being determined has been considered, but is not considered appropriate in this case as the council as LPA does not have the jurisdiction to determine it. This would fail to meet the 6 tests for conditions in paragraph 56 of the NPPF which are; necessary, relevant to planning, relevant to development to be permitted, enforceable, precise and reasonable in all other respects.

- 5.21 A management and maintenance plan for the surface water drainage has been submitted, this covers the on site management and maintenance and also states the ditch in riparian ownership (which is disputed) would be maintained. This would be a maximum of the section of ditch which abuts the southern boundary. There would be no control over the maintenance of the rest of the ditch system by the Local Planning Authority or the LLFA as it is not an ordinary watercourse. This is not an ideal situation however, as the proposed surface water strategy is showing betterment, it would improve the existing situation and this is a significant material consideration.
- 5.22 Reference has been made to the Bennett's and Dawson's Lane developments. The Dawson's Lane development does not discharge into the blind ditch system. The Bennett's scheme which is currently under construction but does have permission to discharge into the blind ditch system. The highway drain covering parts of Blofield Corner Road also drains into the ditch un-attenuated. This development has been considered cumulatively with the other approved developments and as it demonstrates a betterment it will result in an improvement on the current situation and again this is a significant material consideration.
- 5.23 In concluding on the drainage issues the proposed drainage strategy demonstrates a reduction in current discharge rate from site which would result in a betterment which demonstrates that the risk of flooding would not be increased elsewhere in accordance with paragraph 159 of the NPPF. This approach is supported by the LLFA. The proposal in this regard is therefore compliant with policies CSU2 of the Broadland DM DPD and Policy ENV3 in the BLNP.

#### Highways

- 5.24 The access accessibility to the site for vehicles, cycles and pedestrians in terms of positioning and treatment of access and how this fits into the surrounding access network was agreed as part of the outline permission. In determining the outline planning application and in addition to NCC Highways raising no objection to the application, independent highway consultancy advice was sort by the council as LPA for the application, which also confirmed that a satisfactory means of highway access could be achieved within land in the applicant's ownership or the highway boundary. The access has therefore been agreed and is not for consideration as part of this application.
- 5.25 Concerns have also been raised about whether safe access can be achieved for Treetops which has an existing access off the access to the development. Treetops have existing gates on their boundary and a 1.8 metre fence along the boundary. The access is set back in excess of 12 metre from the junction with the highway and there is sufficient space for two cars to pass at this point, which will allow the vehicle user to stop and open the gates if the wish.

The requirements for set back of gates on the public highway which carry considerably more traffic is more than on a private drive with limited traffic. The application has been amended to move the development access drive away from the boundary with Treetops and improve the visibility from their access. The private drive will only serve four dwellings plus Treetops and the small agricultural buildings therefore the traffic movements will be limited and as a result the Highway Officer raises no objection to the application. A passing bay has also been provided along the access to facilitate vehicles passing.

- 5.26 Concerns has been raised about water draining from the access. It is proposed that this will be done via filter drain, final details will be agreed as part of conditions 11 and 12 of the outline permission which require a full specification of the private drive and access.
- 5.27 A Type 3 turning head has been provided to facilitate larger vehicles accessing the site. There is also provision for standing of wheelie bins at the entrance to the access.
- 5.28 Given the small number of dwellings and the width of the proposed road, which is 4.2 metres means there is sufficient space for vehicles and pedestrians etc. on what will be a lightly trafficked driveway.
- 5.29 There is sufficient parking within the site for the dwellings.
- 5.30 As a result it is considered that the development complies with policies TS2 and TS3 and neighbourhood plan policy HOU5 which seeks to ensure highway safety and sufficient car parking.

#### Design and landscaping

- 5.31 The proposed design of the single storey dwellings using a mix of brick, cladding and pantile roofs and being set in large plots will respect the character and appearance of other properties in the area. There is an existing mature hedge around the site and the development will be seen in the context of existing dwellings. The proposed landscaping is acceptable. Given the single storey nature and size of the plots, the dwellings raise no amenity issues and the proposed development therefore accords with policy 2 in the JCS, policy GC4 in the DM DPD and policies HOU4 and ENV2 in the BLNP

#### Phasing

- 5.32 The phasing plan has been amended so that all the road and drainage infrastructure will be completed first and then individual plots. This is acceptable.



Other Issues

- 5.33 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.
- 5.34 This application is liable for Community Infrastructure Levy (CIL) as new dwelling floor area is being created.

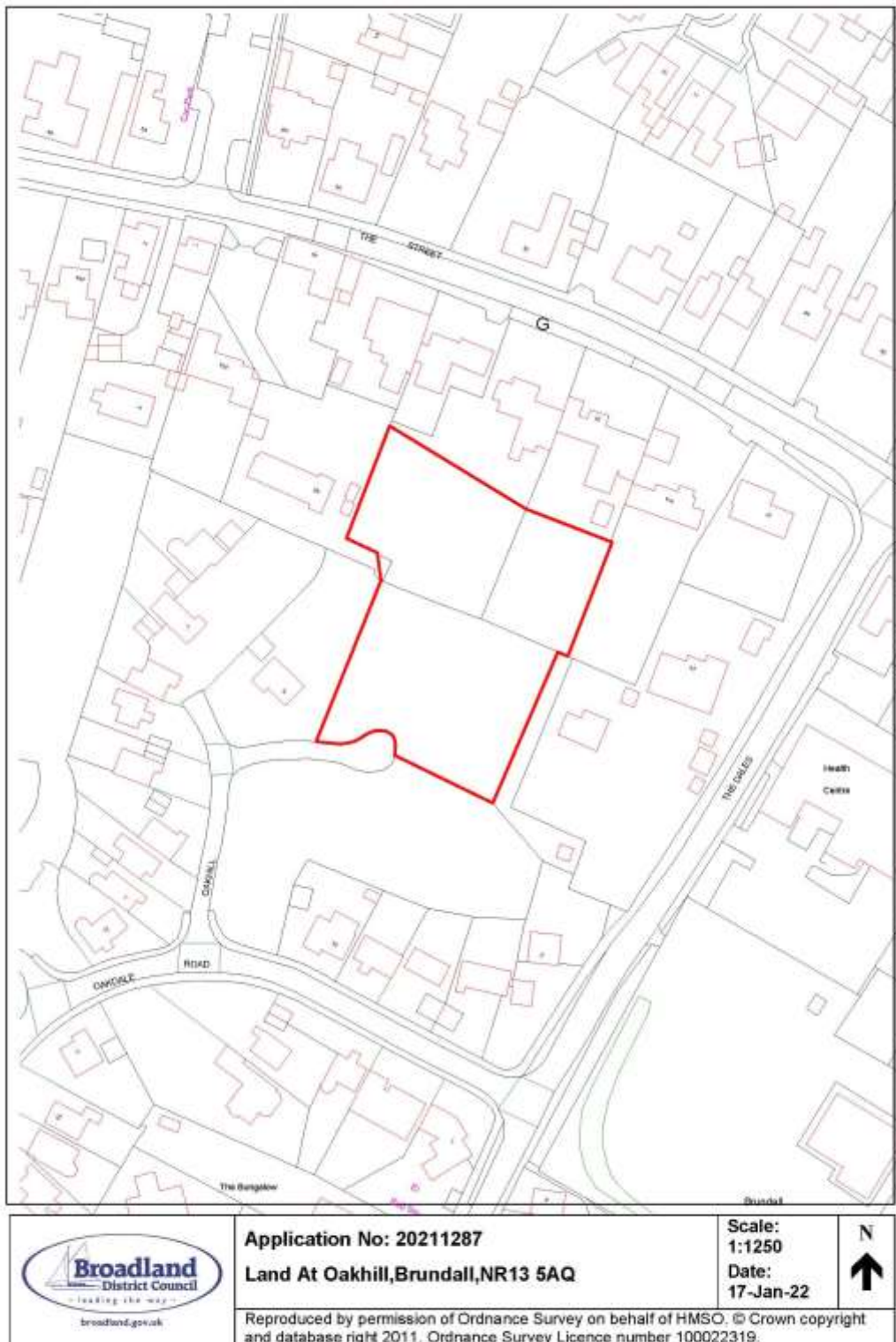
**Conclusion**

- 5.35 In conclusion the proposed layout and design of the proposed development is acceptable and would not significantly adversely affect character of the area, the local landscape or highway safety. The proposed surface water strategy is acceptable as it provides a betterment on the existing situation and would not increase flood risk elsewhere.

Recommendation:	Approve with conditions
	<ol style="list-style-type: none"><li>1. In accordance with drawings</li><li>2. Surface water Drainage operational prior to first occupation and managed and maintained in accordance with the management and maintenance plan.</li><li>3. Maintenance of landscaping</li></ol>

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Application 3



**3. Application No: 20211287**  
**Parish: BRUNDALL**

Applicant's Name: Mr Chris Williams  
Site Address: Land at Oakhill, Brundall, NR13 5AQ  
Proposal: Erection of 4 dwellings

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:

Approval with Conditions

**1 Proposal and site context**

- 1.1 The application seeks full planning permission for the erection of four detached dwellings on a vacant parcel of land within the settlement limits of Brundall.
- 1.2 The site is located within an established residential area amongst a variety of properties. To the south of the site is a parcel of land that has previously been granted planning permission for three dwellings under application 20201366. To the north of the site there are also residential properties access from The Street. The site slopes upwards from Oakhill towards The Street and includes a number of trees.
- 1.3 The site has previously had planning permission for 4 dwellings under 2 separate applications 20161394 and 20160842. Both of these applications have lapsed.

**2 Relevant planning history**

- 2.1 811813: Outline - Seventy Houses : Outline Approval – 29 September 1981
- 2.2 20091371: Application for Lawful Development Certificate - Two Houses and Garages (Existing Use): Full Approval – 15 December 2009
- 2.3 20160842: Sub-Division of Plot & Erection of 1 No Dwelling with New Access (Revised Proposal): Full Approval – 5 August 2016
- 2.4 20161394: Erection of 3 No. Detached Dwellings & Alterations to Access Drive (Outline): Outline Approval – 23 October 2017

2.5 20172095: Erection of Detached Dwelling (Outline): Outline Approval – 29 January 2018

2.6 20201366: Erection of 3 Dwellings: Full Approval

### 3 Planning Policies

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

NPPF 02 : Achieving sustainable development

NPPF 04 : Decision-making

NPPF 05 : Delivering a sufficient supply of homes

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

#### 3.2 Joint Core Strategy (JCS)

Policy 1 : Addressing climate change and protecting environmental assets

Policy 2 : Promoting good design

Policy 4 : Housing delivery

Policy 6 : Access and transportation

Policy 14 : Key service centres

#### 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 TS3 : Highway safety

Policy TS4 : Parking guidelines

Policy CSU5 : Surface water drainage

#### 3.4 Site Allocations Development Plan Document 2016

Brundall Neighbourhood Plan

### 4 Consultations

#### 4.1 Town / Parish Council

Object to the proposal in relation to:

Highway safety concerns – vehicle access to the site is too narrow with no footpaths.

### Overdevelopment

Environmental Damage – the developer has already destroyed much of the ecological habitat. The site is covered by a TPO.

### Comments on amended plans

Brundall Parish Council continues its objections to development of land off Oakhill (20211287) for the following reasons:

1. Plans do not provide lasting (via water flow and space) protection for protected Trees. There also needs to be plans and timing details for landscaping and management during the establishment of trees and hedgerow planting.
2. Plans do not show how and where species like hedgehogs will thrive and be protected on the site. Plans do not show location of bird and bat boxes.
3. Whilst Plot 3 is too high, those properties already built next to Oakdale Road residents appear to badly overshadow and block out light.
4. There is serious concern for the safety of pedestrians on Oakhill as they must walk on the road. Brundall Parish Council recommends a footpath needs to be provided.
5. There is a need to improve the road/access turnings on the new development - as larger vehicles are having difficulty negotiating entrance.
6. Roads on the new site need to be adopted.

## 4.2 District Councillors –

### Cllr Jan Davis

Given the objections by local residents and the parish council plus our own concerns as district councillors we would like to call in this planning application for determination by the Planning Committee on the following grounds:

1. Over-development - the size and number of properties on this site.
2. Biodiversity - this is a sensitive site with a number of biodiversity issues to consider including adequate protection for trees, birds, bats and hedgehogs. The developer does not appear to have complied with current conditions regarding the preservation of an endangered species, the hedgehog, officially classified as vulnerable to extinction on the IUCN Red List. It is imperative suitable habitats are preserved and protected. This proposed development will further inhibit the ability of this vulnerable mammal to survive.
3. Highways - there are concerns regarding highway safety, highway drainage, and adequacy of the current access road. This development will

increase the number of houses served by the access road from three to seven houses.

4. Adoption of the access road - it is not clear why NCC are unwilling or unable to adopt the new road and whether NCC have been challenged on their refusal to adopt

Cllr Eleanor Laming

The proposed development is on a greenfield site which will lead to the loss of potential habitat in addition to that already lost by 20201366.

The ecological report only results in a neutral impact if mitigation and enhancements measures are implemented and there is concern regarding the failure of the first development to meet these measures. Biodiversity is under serious threat due to habitat loss.

According to the proposal the houses will be fitted with solar panels. Energy efficient heating systems such as air source heat pumps should be included or failing that, hydrogen ready boilers to reduce carbon emissions, and all garages should have EV charging points fitted. JCS Policy 1 states: New development is required to be sensitive to climate change and to promote sustainability. Development should be well located and designed to use resources efficiently.

Concern has been raised regarding the failure of the developer to clean the road in the first phase, A traffic management plan is needed to address the concerns and also consider safety for residents.

Adequate drainage must be provided on site

#### 4.3 Environmental Quality

Recommend condition AM05 is included on any approval to ensure noise and vibration from construction and construction traffic is mitigated.

#### 4.4 Highways Authority

No objection subject to conditions

#### 4.5 Tree Officer

The AIA undertaken by Robert Thackray has highlighted that the current proposals would result in significant encroachment within the Root Protection Areas (RPA's) of some of the protected trees located at the site.

Encroachment of the RPA of 36% to 25% of T14 would not be acceptable and I would have to object strongly to the layout as it is shown.

Previous layouts have shown three dwellings and I would ask that the proposals are revised, reducing the number to a maximum of three and that the footpath and un-adopted road is moved outside the RPA of T14 and located between the RPA's of T3 & T14, which would be possible if plot 2 is removed and plot 1 re-positioned.

I also feel that the overshadowing to plots 3 & 4 may have been understated in the report as the Councils CADCORP aerial photographs show that those plots will encounter overshadowing when the trees are in full leaf, the fenestration will have to be carefully considered to ensure future residents have a decent quality of life and that the trees aren't under pressure from requests for inappropriate lopping from residents, wishing to reduce the overshadowing to their properties.

A number of smaller trees are shown as removed to facilitate development at the site, I would ask that replacement planting is required to replace these and should be included as part of the landscaping proposals.

Comments on amended plans

The updated information appears to be acceptable having regard to the planning history and previous agreed schemes.

#### 4.6 Other Representations

Five public representations on the development have raised the following concerns:

- Disturbance during the construction period
- Impact of the development on trees. The site includes veteran Oak trees. The reasons set out within the AIA in relation to encroachment on the trees should be sufficient to refuse the proposal.
- Impact upon ecology
- Oakhill is very narrow and there is no footway. Extra traffic the development will inevitably generate will increase the threat to road safety.
- Proposal is out of character
- The carbon footprint of this development and its construction will be huge
- The existing development is resulting in disturbance with no signage to contact the developers, blocking the road, no site manager, no health and safety information

Comments on amended plans

- Amendments show that plot 3 is to be even closer to the boundary line. Concern about noise and obstruction from the new property being built so close.
- Overdevelopment of the site and fails to secure adequate safety of the veteran oaks that are covered by TPO. Purchasers of the properties will want crown reductions on trees or worse
- The developer has failed to conform to his own ecological plan and I have no confidence that this will be better.
- Loss of habitat for wildlife. Ecological report indicates that the development will have a neutral impact but only if the mitigation and enhancement measures are implemented.
- Concern has been raised regarding the failure of the developer to clean the road in the first phase, A traffic management plan is needed to address the concerns and also consider safety for residents.
- Adequate drainage must be provided on site

5 Assessment

Key Considerations

5.1 The key considerations in the determination of this application are:

- Principle
- Design and Layout
- Impact upon trees
- Impact upon amenity
- Highways

Principle

- 5.2 Policy GC1 of the DM DPD states that the Council will take a positive approach that reflects the presumption in favour of sustainable development. Policy GC2 of the DM DPD seeks new development to be located within the settlement limits defined on the policies map.
- 5.3 The site is located within the defined settlement limits for Brundall and is within reasonable walking distance to various services and facilities within the village. It is therefore considered that this is a sustainable location and overall, the principle of the development is considered to be acceptable.



Design and Layout

- 5.4 The application proposes 4 detached dwellings, with a cul-de-sac layout broadly reflecting the approval under the two 2016 applications. Plots 1 and 2 are proposed to be two storey dwellings whilst plots 3 and 4 are proposed to be single storey. Alterations to the design of the dwellings have been received during the course of the proposal. These have been relatively minor, however in relation to plot 1 this has included the removal of the garage. This has been removed to allow the plot to move forward within the site and provide sufficient garden space for the dwelling. Layout changes have also occurred to plot 3, whilst the garages serving plots 3 and 4 have also been amended.
- 5.5 The design of the dwellings is considered to be acceptable and reflects the design of the dwellings located to the south of the site. The materials include both brick and timber cladding. This reflects the materials proposed on the site below, a condition however is proposed to secure the precise details of this. Boundary treatments are proposed to be close boarded fencing which is considered to be acceptable.
- 5.6 Concern has been raised in relation to the overdevelopment of the site. This specifically considered the size of the properties and their proximity to dwellings. Amendments were made to the property sizes and positions in this regard. It is considered that following the amendments to the layout and having regard to the previous approval this is acceptable. Overall, the design and layout of the proposal is considered to be acceptable and accord with the requirements of GC4 and JCS Policy 2.

Impact upon Residential Amenity

- 5.7 Policy GC4 requires development to demonstrate a good level of public amenity. Consideration has been given to the layout, having regard to both neighbouring residential properties and also the future residents of the site.
- 5.8 As set out above, the position of the dwellings is broadly reflective of the previously approved plans, with bungalows placed to the north of the site and the two storey dwellings located to the south. This reflects the changes in levels on the site and is considered to be an acceptable approach.
- 5.9 Specific concern has been set out within the public representations in regard to the position of plot 3 in relation to the adjacent dwellings. The dwellings for plots 3 and 4 are set further back within their plots, with their gardens wrapping around the properties. Having regard to the single storey nature of these two dwellings, there is considered to be a sufficient separation distance between the properties to prevent an overbearing impact.
- 5.10 The proposed dwellings are not considered to result in an adverse impact upon amenity of neighbouring dwellings. Notwithstanding this, it is considered appropriate to remove permitted development rights from the dwellings in

regard to extensions and alterations to the roofs of all the properties on the basis of plot size and position to neighbours. This will therefore require new additions to the dwelling to be subject to a planning application which will allow the Council to consider the impact of any application upon the amenity of neighbouring residents

- 5.11 As part of the representations a number of concerns have been raised in relation to disturbance during the construction period. These concerns are fully appreciated. The Environmental Quality team have commented on the proposal and have recommended a condition requiring a construction management plan in relation to noise and dust and it is proposed to include this on the scheme.

#### Highways

- 5.12 Access to the site is proposed to be from Oakhill. The properties are then proposed to be served via a private drive. Norfolk County Council in their role as highway Authority have reviewed the proposal and amendments to the layout have been required. This has included increasing the size of the turning head proposed on site, repositioning the parking, amendments to the fence heights to ensure they do not obscure visibility and amendments to the garage sizes. Following the amendments to the proposal, the Highways Authority have confirmed that they do not have any objection subject to a range of conditions.
- 5.13 Local residents have raised concern regarding parking from construction workers during the construction of the site. The Highways Authority have recommended a condition to secure details of parking for construction workers to take place on site. Subject to this being included it is considered the development is acceptable.
- 5.14 It is confirmed that this condition will be added to the decision notice as suggested by the Highway Authority. The development is also considered to provide sufficient parking and overall, the application is not considered to be detrimental to highway safety and is therefore considered to accord with Policies TS3 and TS4 of the DM DPD.

#### Trees

- 5.15 The application site includes a number of significant trees, which have been defined as both category b and c. The application is accompanied by an Arboricultural Impact Assessment which has been reviewed by the Councils Tree Officer. Following comments from the Councils Tree Officer amendments have been required to the layout of the site and in particular the position of the access road. The initial layout included a significant encroachment of the road into the root protection area of T14. The road has been realigned to significantly reduce the level of encroachment onto the RPA, however, does not remove it completely. The access road does

however now reflect the position of the access agreed under applications 20160842 and 20161394. The AIA proposes that this section of the access road should be a no-dig construction to reduce impact on the RPA. This is considered to be an acceptable approach having regard to the previously approved layouts. Conditions are proposed to secure the no dig driveway, tree protection scheme and an arboricultural method statement.

- 5.16 In addition consideration will need to be given to the position of any drainage feature within the site, to ensure that it does not encroach upon the root protection area. Bearing this in mind, it is proposed to include a condition requiring the details of the services runs for drainage to be secured.

#### Ecology

- 5.17 A number of the public representations have noted the impact that the development would have on ecology. An Ecological Impact Assessment has been submitted in support of this application. This has assessed the site and considered the impact that the proposal would have on protected species. The assessment sets out that the proposed development will have an overall neutral – minor positive impact upon ecological features subject to reasonable avoidance measures being undertaken, mitigation and enhancement. The assessment has identified that trees within the site have the potential to provide bat roosts. On this basis they have recommended that any lighting should ensure that it avoid direct illumination of retained trees and site boundary vegetation.
- 5.18 The proposal includes a number of recommendations in relation to opportunities for enhancement, however an enhancement plan has not been provided. It is considered that this could be secured via a conditions.

#### Drainage

- 5.19 Surface water drainage is proposed to be connected via a soakaway. The use of soakaways to deal with surface water is considered to be an appropriate approach, however details of location infiltration rates have not been provided. As such a condition is included to secure this information.
- 5.20 In relation to foul water, the application form proposes that this is to a septic tank. Septic tanks are not normally used for drainage under the sustainable drainage hierarchy and as such other solutions for foul water drainage should be investigation before the use of septic tanks. Further details are therefore required in this regard, however it is considered that this may be dealt with via condition.
- 5.21 As set out in relation to trees, the drainage details will need to have careful regard to trees within the site and in particular their root protection areas. Conditions are proposed to secure this detail.

Other Issues

- 5.22 Paragraph 69 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. The Council has taken a proactive approach to this through the allocation of a range of small and medium sized sites and through defining Development Boundaries for over 80 settlements to facilitate suitable windfall development. Point (c) of NPPF para 69 states that local planning authorities should 'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'. Although this is a material consideration in the determination of the application, it can only be afforded limited weight, given the previous supply of housing on small sites within the district.]
- 5.23 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.
- 5.24 This application is liable for Community Infrastructure Levy (CIL)

**Conclusion**

- 5.25 The principle of residential development in this location is considered to be acceptable by virtue of the site's position within the Brundall development boundary. The site layout has had regard to the previous planning approval on the site, whilst the design of the dwellings reflects the recent approvals for new dwellings to the south.
- 5.26 Overall the design, scale, layout and massing of the dwellings is considered to be acceptable. Subject to a number of conditions the proposal is considered to have an acceptable impact upon trees, ecology and amenity of neighbouring occupiers. The proposal is recommended for approval.

Recommendation:	Approval with Conditions
	<ol style="list-style-type: none"> <li>1. Time Limit</li> <li>2. Submitted drawings</li> <li>3. Materials</li> <li>4. Biodiversity mitigation strategy</li> <li>5. Biodiversity Enhancement Plan</li> <li>6. Lighting Strategy</li> <li>7. Tree Protection Scheme and Arboricultural Method Statement</li> <li>8. No Dig driveway details</li> <li>9. Service runs</li> <li>10. Surface water drainage</li> <li>11. Foul drainage</li> <li>12. SHC 04 - Site access road</li> <li>13. SHC 21 – Parking and turning</li> <li>14. SHC 23 – onsite parking for construction workers</li> <li>15. Construction management plan</li> <li>16. No PD for class A, B or C</li> </ol>

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Application 4





- 1.4 The proposed dwellings comprise a mix of 1, 2, 3 and 4 bedroomed, two-storey houses and 2-3 bedroom bungalows. A modest design palette of materials is proposed for the development, utilising two different red facing brick types, two subtle render colours, two pantile roof types and some feature flintwork elevations.
- 1.5 The main access to the site is in a relatively central point, directly off Rectory Road. Within the site it has two spurs, one to the north and one to the south providing private drives with dwellings grouped around each. It is then proposed to have four smaller access points from Rectory Road providing private drives for 7 dwellings which front onto Rectory Road. Parking is provided adjacent to each dwelling with all but two plots (17 & 18) having two driveway parking spaces. All of the market houses also have at least a single garage on the plot. The car parking levels provided meet the Norfolk County Council Parking standard requirements and the garages are of a size to be considered as an additional parking space.
- 1.6 Ten affordable housing units are proposed on site [representing 33% provision]; 6 proposed as affordable rental properties and 4 as shared equity. The 6 rentals comprise; 2 one-bed houses, 1 detached two-bed bungalow, 1 two-bed house and 2 three-bed houses. Up to a third of the rental units will be for local lettings. The shared equity units at 75% market value are made up of 2 two-bed houses and 2 detached 3-bed houses.
- 1.7 Approximately two thirds of the site is allocated for development within the Broadland Site Allocations DPD under COL1 and which is carried forward in the Greater Norwich Local Plan. This allocation is for residential development to accommodate approximately 25-30 homes. The remainder of the site, as well as further land to the east, falls within land which has been put forward and accepted as a preferred site (GNLP2019) for the Broadland Village Clusters Housing Allocation as part of the forthcoming Greater Norwich Local Plan (GNLP). The GNLP has yet to go through full examination and therefore, carries limited weight at this stage in the planning balance.
- 1.8 This application follows a previous approval on the site which granted outline planning permission for 30 dwellings solely on the part of the land that forms the, above mentioned, site allocation. This was under application reference 20170075, which has since lapsed.



2     Relevant planning history

- 2.1     961102 - 12 Semi-detached Houses With Associated External Works (Outline)  
        – Outline Refusal – 19 December 1996.
- 2.2     971210 - 9 Semi-detached Houses With Associated External Works (Outline)  
        – Outline Refusal – 15 January 1998.
- 2.3     20170075 - Proposal for 30 Dwellings, New Vehicular Access & Associated  
        Landscaping (Outline) – Outline Approval - 6 November 2017.

3     Planning Policies

- 3.1     National Planning Policy Framework (NPPF)
  - NPPF 02 : Achieving sustainable development
  - NPPF 04 : Decision-making
  - NPPF 05 : Delivering a sufficient supply of homes
  - 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 16 : Conserving and enhancing the historic environment
- 3.2     Joint Core Strategy (JCS) For Broadland, Norwich and South Norfolk 2014
  - Policy 1 : Addressing climate change and protecting environmental assets
  - Policy 2 : Promoting good design
  - Policy 3: Energy and water
  - Policy 4 : Housing delivery
  - Policy 6 : Access and Transportation
  - Policy 15 : Service Villages
- 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 TS4: Parking guidelines

Policy CSU4: Waste collection and recycling facilitates within major development

Policy CSU5: Surface water drainage

3.4 Site Allocations Development Plan Document 2016

COL1: Land at Rectory Road, Coltishall (approx. 1.0 Ha) is allocated for residential development. This will accommodate approximately 25 – 30 homes.

3.5 Greater Norwich Local Plan (GNLP) – Broadland Village Clusters (Awaiting full examination)

GNLP2019: Land at Rectory Road and south of the Bure Valley Railway, Coltishall. Allocated for residential development. The site is likely to accommodate approximately 20 homes.

3.6 Supplementary Planning Documents (SPD)

Recreational Provision in Residential Development SPD

Landscape Character Assessment

Parking Standards SPD

Affordable Housing SPD

3.7 Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:

Planning (Listed Buildings and Conservation Areas) Act 1990:

S72 Listed Buildings Act 1990 provides: “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

4 Consultations (Summarised)

4.1 Coltishall Parish Council:

Original comments:

Objects. Outside settlement boundary in the countryside, contrary to GC2 and does not accord with the allocation. It extends beyond the allocation COL1. Contradicts Policy 15 of the JCS. There is a 5 year land supply. Already have met requirement in Coltishall. Highway safety here and in the village, danger to pedestrians and are no cycle lanes. Negative impact on biodiversity, loss of hedgerows. Out of character on edge of the village. Not enough affordable

rented housing, badly located. No public consultation. No details of recreation requirements. Impact on primary school and medical practice. Will spoil the historic landscape and tourist attraction of the Bure Valley Railway and footpath. Impact on neighbour amenity. Impact on the Broads area. No on-site energy generation. Increased vehicle emissions. No viable alternative to the car.

Additional comments:

In addition to earlier objection; reiterate highway safety concerns, 100% of hedge now removed and all habitat, new hedges will not compensate for all this. The drawings are inaccurate.

Further comments following submission of amended plans:

Concerned that there is no proper road safety audit. If approved suggests a number of conditions to include; highway works, social housing secured, contribution to playground refurbishment, Bure Valley path connection, habitat loss mitigation, 30% renewable energy. If parking to be provided on Rectory Road prefer bays, where there are no bays the original width should be retained. Estate entrance splays should maintain the function of the pedestrian route and cyclist safety. Supports the provision of a cycle path to the southern section of Rectory Road and running to the new Bure Valley path. A no right turn should be considered at north end of Rectory Road.

4.2 Horstead with Stanninghall Parish Council:

Original comments:

Objects. Part of the site is outside the settlement limit. Too large for the village. Not in keeping with the village, greenfield site. Impact on primary school and medical practice.

Further comments following submission of amended plans:

Still objects. None of the previous issues raised have been addressed.

4.3 District Councillor Copplestone:

I would like to call this application into planning committee and list my objections as follows:

Part of the proposed site is outside the settlement boundary, and will change the village landscape in a negative way, the proposed housing does not fit with the local character of the area.

This is currently greenfield site and is adjacent the Bure Valley Railway and Path which is a significant tourism attraction and also an important part of our green infrastructure in Broadland.

The Transport Statement commissioned by the developer is not accurate, and does not reflect the future impact on road safety in the local area, in particular where increased levels of traffic from the proposed development are turning onto the B1150, at an already dangerous junction which is extremely hazardous for pedestrians and motorists alike.

As a member of the Community Speedwatch Team, I have frequently observed traffic heading into the village at speed from North Walsham direction, whilst children wait to cross the road on their 'safer route to school'. During the rush hour along with the Local Beat Manager PC, I have often witnessed a constant stream of traffic travelling significantly above the 30mph speed limit, whilst standing near the turning into Ling Way.

The proposed plans have an additional two access points onto Rectory Road, this route is again on the 'safer' route to school for local children, the additional accesses into the proposed site add further risk to pedestrian safety.

The proposed housing is unremarkable in design and 'poor' environmentally, both in terms of use of construction methods and energy efficiency of the new homes. I do not feel this development appropriate for the conservation village of Coltishall, which is widely considered to be the gateway to the Broads.

4.4 Amenity and Landscape Officer:

I do not have any comments with regards to the public open space and cannot identify any issue of concern.

4.5 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. Anglian Water would ask that the following text be included within your Notice should permission be granted. (**Officer Note:** informative to be attached as requested).

Foul Water Drainage

The foul drainage from this development is in the catchment of Belaugh Water Recycling Centre that will have available capacity for these flows. Foul Water Strategy should be required by condition and informatives to be attached.

Surface Water Drainage

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be

consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

4.6 Campaign to Protect Rural England (CPRE):

Objects. Outside settlement boundary in the countryside, contrary to Policy GC2 of DM DPD and Policy 1 of JCS and does not accord with the allocation. There is a 5 year land supply. Will lead to traffic problems particularly as there are now 3 accesses. Any benefits that the proposal could bring are outweighed by the harms.

4.7 Environmental Contracts Officer:

Original comments:

For all the private drive / road areas the current bin collection points need moving and a collection point needs to be provided immediately adjacent to the adoptable highway. A hard standing capable of holding 2 bins per property is needed. The vehicles and crew will not be able to access those areas and residents will need to bring bins down to the collection point. In practice this means communal collection points nearest the adoptable road for Plots 1-4 Plots 5-7 Plots 8 - 15 Plots 16 - 18 and plots 24 to 30. There looks to be plenty of space to make this achievable in the majority of cases, but plots 24 to 30 could be a challenge. Is it possible to confirm what size vehicle has been used in the swept path analysis and provide a plan where we can see the detail of the vehicle turning into the new proposed road and in the adoptable turning head. For the other plots it is not acceptable to have bin collection points blocking drives. They are all shown blocking car parking spaces.

Further comments following submission of amended plans:

Previous comments not addressed. Our vehicle will not drive on private drives. All bin collection locations for properties on private drives need to be adjacent to the nearest adopted highway. This means that the collection points for the following properties need to be relocated. With regards to the vehicle tracking plan, please can the developer re-track the same vehicle, with only the vehicle manoeuvres on the road that will be adopted by Norfolk County Council Highways?

Further comments following submission of latest amended plans:

This confirms that with the changes made to the collection point for plots 16, 17 and 18, Broadland will be able to provide this development with a waste collection service.

4.8 Environmental Quality Team:

No objections.

4.9 Heritage and Design Officer:

Original comments:

Affordable units are not well integrated but good that materials are the same. Detailed comments relating to design including; being an existing village location, ideally some properties would access directly onto the road. Preferable to have a looser feel for a more rural streetscene and a little more variation in building form to improve upon the character. Scope for more variation in the building type and replicate some of the forms in the village. It is not good urban design to have rear gardens backing onto the street, density should be spread more evenly throughout the site. The public open space provided is of limited value in terms of amenity. To improve secure by design issues, and to create a wider gap for additional planting to the north, preferable to have properties/buildings spaced further away from the Marriott's Way at the north side of the site, and have property to front north towards it.

Further comments following submission of amended plans:

Several amendments considered an improvement on urban design grounds. Further comments and details to be clarified relating to layout and house designs.

4.10 Housing Enabling Officer:

No objections. Following previous pre-app discussions with Housing Enabling, we note the applicants are proposing a policy compliant scheme of 33% affordable housing.

The applicants are proposing a good mix of affordable units to acceptable space standards. Up to a third of the affordable rented units will be for local lettings. This will give allocation priority to applicants living within Coltishall, working in the parish or with close family welfare connection to the parish.

4.11 Landscape Architect:

Original comments:

I do not consider that the increase in site area from that allocated by COL 1 will make any particular significant difference in terms of landscape character or visual effect.

I support the proposed connection to the Bure Valley walk (alongside the BVR line) and this should be pursued. COL 1 also suggests a new connection to the school, but this does not appear to have been included.

As part of the application site is already an allocation, the implications for the existing frontage hedge are inevitable. Keep as much hedge as possible and reinforced for biodiversity. The submitted landscape management plan is

acceptable in its prescriptions, but need to have a plan to set out clearly the management responsibilities across the site. The proposed boundary treatments to the west and south (generally close-board fencing) are not conducive to the rural setting here and I would encourage hedged boundaries instead, similarly, the northern boundary.

Further comments following submission of amended plans:

The arboricultural information has not been updated in light of changes to the site layout. I do not see details of proposed connection to the Bure Valley walk? COL 1 also suggests a new connection to the school, but this does not appear to have been included. Current scheme will make it harder to ensure a consistent approach to the frontage hedgerow than the previous. Features sub-divided across different ownerships are less likely to have uniform approach and may prove harder to maintain the concept.

What is function of the area to the northeast of the site, adjacent to plots 12 and 13? Pleased to see introduction of a softer boundary treatment here, but consider that the full eastern boundary should be hedged to provide connectivity to the hedgerows around the playing field. I also note that part of the southern boundary is also to be hedged; again it would be better for the rural character for this to be continuous.

The submitted landscape management plan is acceptable in its prescriptions, but we still need to have a plan to set out clearly the management responsibilities across the site.

The northern boundary needs to be as sensitive as possible to the setting of the BVR, a predominantly rural route. I consider there is still improvements that can be made. I note that the width has been reduced to address the Norfolk Constabulary's remarks, but the concern appears to be chiefly that of unwanted access, which appears to be made easier by the introduction of the green space between plots 11 and 12 with only a 1.2m post and rail fence to the grassed strip. It may be that the northern extent would be better planted as an impenetrable feature, with native shrubs to deter unwanted visitors.

4.12 Lead Local Flood Authority (LLFA):

Original comments:

Objection in the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy relating to:

- The applicant has not included the appropriate allowance for urban creep within the calculations.

- The applicant has stated in their FRA & Drainage Strategy that the finished floor levels will be 150mm above existing ground levels however, no evidence to demonstrate the finish floor levels will be 300mm above predicted surface water flooding levels has been provided.

Further comments following submission of amended plans:

No objection subject to condition requiring compliance with submitted details.

4.13 Norfolk Constabulary Police Architectural Liaison Officer:

Original comments:

Crime records over the past 2 years in the vicinity of this green site show incidences of burglary from dwellings, together with theft from gardens. Although little antisocial behaviour has been reported there are records of criminal damage to property within the grounds of the nearby school and this summer an incident of arson causing damage to fence panels and shed. As the development is a green field site there is capacity to incorporate measures that fall within the definition of Crime Prevention Through Environmental Design (CPTED) through Defensible Space, Natural Surveillance, Territoriality and the denial of Permeability.

Layout: The only concern is a green meadow corridor running parallel to the north boundary of the development. Potentially this allows unrestricted access up to the rear of 3 dwellings. Similar to the south. Security would be dependent on standard 1.8 fencing.

Car Parking: Vehicle parking has been provided in garages or within the dwelling boundary which is secure design and supported.

Further comments following submission of amended plans:

Note change of layout for units 24-28 which is supported. Relating to the buffer along the north boundary, should be partitioned off to prevent easy access to dwellings, post and wire fence reinforced with vegetation. Also space in north-east corner increases vulnerability, would be concerned if this was intended as public open space.

Further comments following submission of latest amended plans:

I believe my previous comments and concerns are still relevant. I observe that the layout and perimeter boundary treatments of the open space to the north of the site remain unchanged and this is a concern.

It appears that this strip of land adjacent the rear boundaries of 6 dwellings is easily accessible and the Landscape Plan shows it is intended to have 'rich meadow' landscaping which means movements over the space is unimpeded and will be relatively 'free and easy'.



Whilst acknowledging the benefits of amenity space, the placement of easily access & movement adjacent the rear of 6 x homes is not supported as a secure layout. Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime.

Furthermore, the small rectangular space, adjacent the units 12-16, will not benefit from any natural surveillance provided by residents within the development. This, together with its positioning to the rear of dwellings could prove vulnerable to unsocial behaviour and the potential for complaints to arise from possible misuse.

The intention/use of this corridor strip and patch of land is unclear. Anonymous spaces can lead to exploitation and opportunities for crime and antisocial behaviour and place an unnecessary burden on homeowners and authorities.

As a residential amenity space it is not located within the development to provide a level of natural surveillance and is not supported.

*The provision of inclusively designed public open amenity space, as an integral part of residential developments, should make a valuable contribution towards the quality of the development and the character of the neighbourhood. It should be carefully located to suit its intended purpose – not mere residual space unwanted by the developer. (Secured by Design Homes 2019 Section 9.3)*

If required for other developmental reasons such as a buffer zone, I would recommend that access is restricted and movement is not permitted to improve the security for the future inhabitants of No's 7, 11, 12, 13, 14 and 16.

It would be best that that it was closed off and/or planting be impenetrable to protect the rear boundary treatments of these homes. This should also include the access point from green space between No. 11 and 12 (post & rail) and adjacent the front of No. 7.

#### 4.14 Norfolk County Council Ecologist:

Objection – inadequate landscaping (ecological perspective) and Green Infrastructure contrary to COL1. No information has been provided in relation to Policy EN3. Close boarded fencing should be removed from northern boundary and replaced with post and rail fence and 10m wildlife buffer is recommended in accordance with ecological report and biodiversity net gain calculations. Further details required.

4.15 Norfolk County Council Highway Authority:

Original comments:

The 2017 consent required the applicant to implement road and footway widening across the site frontage, as well as design the site access such to discourage potential movements south along Rectory Road which would be contrary to the existing one-way order. The current application again seeks consent for 30 dwellings and includes within the proposals the previously conditioned road and footway widening. No objection in principle, some revisions required.

Further comments following submission of amended plans:

Have been in consultation with Parish Council who have raised a number of concerns. Further details and amended plans requested relating to layout and also measures to mitigate vehicle speeds and help re-enforce the local speed limit on North Walsham Road; a pedestrian refuge island, traffic management e.g. signing, village gateway. No objection to 20mph speed limit being implemented across the whole length of Rectory Road and Westbourne Road, chicane to support this, cycleway southwards to be investigated. Works can be delivered through a S78 agreement. The widening of Rectory Road is deemed necessary for highway safety and efficiency.

4.16 Norfolk County Council Obligations Officer:

To be delivered through CIL; S106 and/or condition;

Education - Although there is spare capacity in the Early Education sector there is insufficient capacity at Coltishall Primary School and at Broadland High Ormiston Academy. Therefore, Norfolk County Council would seek Education mitigation for 8 Primary school (4-11) places and 4 High school (11-16) places towards the provision or enhancement of educational facilities.

Fire - 1 fire hydrant (on a minimum 90-mm main) on-site delivered through a planning condition at the developer's expense.

Library - Mitigation will be required to develop the library service; 30 No. of houses x £75 per dwelling = £2250.

Green Infrastructure - Upper Common Coltishall County Wildlife Site lies a short walk to the south of the site and makes a popular walking location in Coltishall. Mitigation is required for the provision of GI within local County Wildlife Sites in the area of the development. It is expected that the funding would be sought through CIL.

4.17 Norfolk Wildlife Trust:

Original submission:

Objection. Whilst we understand that the principal of housing on this site has been established, we are concerned at the scale of the application and the lack of sufficient information in the ecology report. There are important habitats present on site and adjoining, with the adjacent railway cutting being potentially of County Wildlife Site quality. We believe that there is insufficient information in the ecology report to properly assess the potential impacts on priority habitat and protected species, and recommend that it is revised prior to any determination.

Further comments following submission of amended ecology report:

We are pleased to note that the ecology report has been updated, and whilst we support the additional measures proposed within it in principle, we would have expected to have seen these measures supported by updated site plans demonstrating where they would be delivered. We recommend that further information is supplied confirming these changes prior to any determination, in order to ensure the proposals comply with planning policy and measures set out in ecology report.

Further comments following submission of amended plans:

We are disappointed to note that the most recent revision to the application has resulted in the loss of the proposed 0.45ha of new wildflower planting to the east of the housing, which would have delivered a biodiversity net gain (as per the Defra metric) of 10%. The proposal now offers only a small area of infill in the site's north-western corner for this habitat creation, which will result in the proposal delivering a biodiversity net loss of 30% loss using the same metric. As per our previous comments, we strongly recommend that the proposal is revised to ensure that the previous net gains for biodiversity can still be delivered. We note the proposed increase in hedgerow planting, in particular of native species on land adjacent to Rectory Road, but seek clarification that the planting will be secured as part of the proposed landscape and ecology management plan, in order to ensure that they are retained and managed for their wildlife value for the duration of the development.

4.18 Other Representations

Representations have been received from 63 local households, with more than one from some addresses. The issues raised can be summarised as below:

Positive comments:

- Character of scheme significantly improved due to density lowered by increasing site area
- Particular attention has been paid to single storey housing on west side of Rectory Road

Concerns raised:

- Additional Traffic – already very dangerous and busy road, especially at school drop off times - speeding traffic - buses struggle to navigate down road – will become too congested – traffic will back up along Rectory Road – roundabout will be needed to allow some sort of traffic flow.
- Highway Safety – busy road, parked cars, surrounding roads also unsuitable - Rectory Road should be made one way with cycle contraflow - Rectory Road to the south needs to be widened and made 2-way – access is not suitable via Rectory Road – road network cannot cope as it is – Rectory Road and Westbourne Road are too narrow – one way system could lead people to turn right onto ‘The Hills’ which would be detrimental to ‘St James’ conservation area and endanger pedestrians – vehicular access is too wide and will increase speeds and make it difficult for pedestrians to cross – too many access points – road safety mitigation makes no allowance for those that run the one way system the wrong way.
- Bridge on one way system isn’t built to withstand constant streams of traffic – has bridge been tested for weight of lorries?
- How will construction vehicles access the site? – This will further damage Rectory Road.
- Pedestrian / cyclist / vehicle conflict – including school children – big risk to pedestrian safety – footpath will be broken up by entrances – lorries have to mount pavements
- Impact on parking – already problems in the area – insufficient parking on site - this will make parking in the area and centre worse
- Transport statement gives unrealistically low traffic movements such as 9 departures in AM peak from 30 dwellings
- Bus links are poor – not good public transport links
- Footpath / cycleway connection needed or at least improved with BVR
- Too many properties on the site – density is far too high – overcrowded.
- Style of properties don’t fit with village or reflect character of area or site allocation – attractive part of the Broads and near conservation area – do not reflect Coltishall – small rear gardens – won’t satisfy local needs - will dominate the landscape – concerns regarding design of dwellings and fenestration - insufficient landscaping on site – development goes against linear form of development elsewhere on Rectory Road
- Design and layout and position of access is poor
- 1.8m close boarded fencing and boundary walls are not sympathetic to surroundings

- Concerns surrounding open space – what will it be used for? Future development? – It's too small to be used for physical activity and recreational use – should be described as landscaping
- Development is within countryside – partly outside settlement boundary and allocation – sets precedent – conflicts with policy - green land – soon there will be none left.
- Dwellings not environmentally friendly – no solar, rain water collection, electric charging points etc. shown.
- Impact on neighbour amenity – overlooking issues - headlights shining into windows and light pollution – during construction period - noise, dust etc.
- Impact on conservation area and listed buildings in the area
- Little or no education or medical capacity – existing needs are barely met.
- Infrastructure and utility services don't have capacity for additional houses
- Development won't benefit community - should be adequate affordable housing for local people
- Not sustainable - site is barely within walking distance of centre – meaning more people driving – making traffic and parking worse - where will future occupiers work – will have to travel to Norwich
- Impact on the environment
- Removal of hedge adjacent to the road – will have big impact on wildlife – act of vandalism – is over 100 years old
- Impact on trees – Oak trees adjacent BVR will come under threat
- Impact on wildlife and biodiversity – demolishing a natural habitat – much wildlife seen on and near site – loss of wildflowers – Ecology report is inaccurate – states 1 access into frontage hedge but this is to be removed – how is 10% biodiversity net gain to be achieved?
- Loss of amenity land regularly used by walkers, runners etc.
- Impact on Bure Valley Railway – sustained construction would impact railway line and footpath
- Increase light pollution – intruding into a dark sky area
- Increase in pollution – from traffic
- Increase in noise and disturbance from those residing at site and extra traffic
- Surface water flooding concerns – flooding in general – Rectory Road suffers from bad drainage
- Impact on underground aquifer
- Drainage and sewers unable to support current properties in area – can sewage system take more?
- Poor water pressure in the area
- Is it acceptable to have bin collections in front gardens?
- Proposals conflict with various points set out in site allocation COL1.
- Obvious that a 2<sup>nd</sup> phase will follow – road could continue to land to the east

Objections have also been received from;

The governing body of Coltishall Primary School. This states there will be a negative impact on the safety of children travelling to and from the school. In addition the school is at, or very close to, full capacity and not all local children will be accommodated.

The trustees of Coltishall Village Hall and Recreation Ground Charity raised these issues; unsuitable location, would compromise the safety of residents walking on Rectory Road. Removing the hedge would spoil the area and destroy habitat. Does not cater for housing needs of village; elderly people requiring smaller, affordable housing. Insufficient parking.

## 5 **Assessment**

### 5.1 Key Considerations

- The principle of the development
- The impact on the character and appearance of the area
- The impact on highway safety
- The impact on residential amenity
- The impact on biodiversity and ecology
- The impact on flooding and drainage
- Affordable housing provision

The principle of the development

5.2 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This point is reinforced by the NPPF, which itself is a material consideration.

5.3 In accordance with both the Council's adopted development plan and the NPPF, in cases where there are no overriding material considerations to the contrary, development proposals that accord with the development plan should be approved without delay.

5.4 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 and whether there are material considerations which warrant granting it planning permission partly outside of a defined settlement limit. Also key is the design of the proposals and the impact on the character of the area, highway safety, residential amenity, ecology and biodiversity, flooding and drainage and affordable housing provision.

- 5.5 Coltishall is identified as a Service Village in Policy 15 of the JCS. This means that allocations will be made for small housing developments subject to form and character considerations. Policy GC1 of the DM DPD seeks for proposals to reflect the presumption in favour of sustainable development contained in the NPPF. Policy GC2 of the DM DPD seeks for new development to be accommodated within the defined settlement limits. Policy GC2 also states that 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.
- 5.6 Approximately two thirds of the site (1 hectare) is allocated for residential development as part of site allocation COL1. This part of the site is therefore considered to be within the defined settlement limits. The remainder of the site (0.5 hectares), to the east, falls outside of the site allocation and defined settlement limits for Coltishall. The proposals do not accord with a specific policy in the development plan that allows for development outside of the settlement limit. Furthermore, the Council is able to demonstrate a 5 year housing land supply for the purposes of paragraph 11d of the NPPF and therefore its development plan policies are up-to-date. As such, it is concluded that the proposals are contrary to Policy GC2 of the DM DPD.
- 5.7 Members should also be aware that, as set out in paragraph 1.7 of this report, the part of the site which is outside of the site allocation COL1, as well as further land to the east, falls within land which has been put forward and accepted as a preferred site (GNLP2019) for the Broadland Village Clusters Housing Allocation as part of the forthcoming Greater Norwich Local Plan (GNLP). The GNLP has yet to go through full examination and therefore, at this stage, carries little weight in the planning balance. It should be noted that the current application makes provision for access to the land to the east and therefore doesn't prejudice the ability to develop the remainder of the GNLP2019 site.
- 5.8 The remainder of the report seeks to assess the impacts of the development and whether there are material considerations sufficient to outweigh the, above mentioned, conflict with Policy.

The impact on the character and appearance of the area

- 5.9 Paragraphs 130 and 134 of the NPPF seek to ensure that development is sympathetic to local character that developments establish or maintain a strong sense of place and states that permission should be refused for poorly designed development that fails to take the opportunities available to improve

the character and quality of an area. Policy 2 of the JCS states that all development will be designed to the highest possible standards and that development proposals will respect local distinctiveness. Policy GC4 of the DM DPD requires proposals to, amongst other things, pay adequate regard to the environment, character and appearance of the area.

- 5.10 With regards to the layout, although the development extends beyond the site allocation and is bigger than approved under the previous 2017 application, there are still the same number of dwellings being proposed. It is considered that the density of development is much better than previously approved on the site with properties now benefiting from larger amounts of amenity space and the development benefiting from more landscaping opportunities, a better mix of dwellings and appearing less cramped and urbanised. Overall, it is considered that this results in a more suitable form of development for the area which is considered to be a material consideration to be given weight in the planning balance.
- 5.11 Rectory Road is relatively uniform in terms of repeated building forms but given the sites rural location it is considered that some variation to this is acceptable. The chalet style bungalows proposed along the front of the development are considered to be of an appropriate size and style to transition from the existing bungalows on the west side of the road to the larger properties further into the development. In terms of the design of the properties, the Heritage and Design Officer has stated that it is good to see the development is tenure blind in that there is no difference in design details or materials between private and affordable housing on the site. Several comments have been made by the Heritage and Design Officer, the Council's Landscape Architect and Norfolk Constabulary's 'Designing Out Crime' Officer during the course of the application with many being taken into account that can be considered improvements to the overall layout and design of the scheme.
- 5.12 There are a limited number of trees on the site, however these are confined to the boundaries and are to be retained. A number of concerns have been raised with regards to the loss of hedgerow along the front western boundary of the site, however given that this part of the site is allocated for development some loss of hedgerow here is inevitable. The loss of the hedgerow was needed to facilitate the proposals, not least the road and footpath widening proposals. In addition, the Council's Heritage and Design Officer commented that it would preferable for some of the properties proposed to front Rectory Road to have direct access onto the road in order to engage better with the street and, through providing a more active streetscene on both sides of the road, help reduce vehicle speeds. These suggestions have been taken on



board which adds to the need for further sections of the existing hedgerow to be removed. The loss of the hedgerow will be mitigated by the planting of a replacement hedgerow along the site frontage and further planting within the site that will help to minimise the impact of the development.

- 5.13 The site sits adjacent to the Bure Valley Railway and footpath which is to the north of the site. The existing trees along the northern boundary are all to be retained and a 4 metre planting buffer is proposed to the north of the site. Given this, along with the fact that the Bure Valley Railway and footpath are at a much lower height than the application site, and it is considered that the development will not cause any harm to the railway or adjacent footpath.
- 5.14 The site is located outside of, but within close proximity to the Coltishall Conservation area, which is approximately 400 metres at the nearest point, to the south and east of the site. Regard has therefore been given to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.15 The proposals are considered to have been sensitively designed so as to limit any impact on the surrounding area. It is acknowledged that some harm to the character and appearance of the area would inevitably result from the replacement of an open area by built form and that the development would have an urbanising impact on the character and appearance of the site and immediate landscape through the introduction of roads, dwellings, domestic paraphernalia, hardstanding and street furniture. However, two thirds of the site is land which has been allocated for housing and the Council's Landscape Architect has stated that he doesn't consider that the increase in site area from that allocated by COL1 will make any particular significant difference in terms of landscape character or visual effect. The frontage of the site has also be sympathetically designed to avoid detrimental impact on views into the Conservation Area.
- 5.16 Overall, it is considered that the application would not result in any significant harm to the general character and appearance of the area or the wider landscape, including any harm being caused to the setting of the Coltishall Conservation Area. The application is therefore considered to accord with Policies 1 and 2 of the JCS, Policies GC4 and EN2 of the DM DPD and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The impact on highway safety

- 5.17 The guidelines for development for the site allocation COL1 identify access to be from Rectory Road and also identify potential for pedestrian access to the Bure Valley Walk to the north and to the school across the playing field to the south.
- 5.18 In the vicinity of the site, Rectory Road is one-way heading northbound, therefore traffic entering the site will access from Rectory Road to the south. Vehicles leaving the site will be required to turn right heading north over the bridge to the B1150 North Walsham Road.
- 5.19 A new main access to the site is proposed in a relatively central position directly off Rectory Road. It is then proposed to have four smaller access points from Rectory Road providing private drives for 7 dwellings which front onto Rectory Road. A footway widening scheme is also proposed to ensure that existing and future residents have safe access to village services. Within the site, a Type 3 estate road runs from west to east with 4.8 metre wide private drives spurring off to the north, south and east. Parking is provided adjacent to each dwelling, with all but two plots (17 & 18) having two driveway parking spaces. All of the market houses also have at least a single garage on the plot and the parking levels proposed meet and in some cases exceed that set out in the Norfolk County Council Parking Standards. A Transport Assessment has been submitted with the application in line with the requirements of Policy TS2 of the DM DPD.
- 5.20 During the course of the application the Coltishall Parish Council, several local residents and the local Councillor have raised several concerns regarding the impact of the development on highway safety.
- 5.21 Norfolk County Council, in their role as Highway Authority, have raised no objection to the principle of the development, however they have suggested several off-site highway improvements works that should be explored. These include measures to mitigate vehicle speeds at the North Walsham / Ling Way / The Hill junction in the form of a pedestrian refuge island and additional traffic management measures. They also include the reduction in speed limit along the whole length of Rectory Road and Westbourne Road, alterations to the junction radii and estate road width at the access to the site and the widening of Rectory Road to allow vehicles heading north to pass should there be any on street parking. Furthermore, it was also suggested that the applicant explores the possibility of a new cycleway facility as the layout was not considered to allow cyclists to leave the site and travel south without

cycling the wrong way along Rectory Road or cycling on the footway. In addition, the Highway Authority also suggested various comments on the overall layout of the site and parking provision.

- 5.22 The site allocation COL1 does state that off-site improvements to the highway network may be required including contributions to footway / cycle links, speed restriction on Rectory Road, and public transport services.
- 5.23 During the course of the application, the applicants have submitted additional and amended plans and documents which now show measures to mitigate vehicle speeds at the North Walsham / Ling Way / The Hill junction in the form of a pedestrian refuge island and additional traffic management measures. A plan has been submitted which shows carriageway widening and new traffic calming build-outs along Rectory Road. It also shows a widened footway/cycleway to allow cyclists to travel south out of the site without needing to cycle the wrong way along Rectory Road. In addition, a plan has also been submitted which shows the extent of a speed reduction to 20mph proposed for the whole of Rectory Road and Westbourne Road.
- 5.24 The off-site highway improvement works would be secured through a condition as they can be delivered through a S278 Agreement. It is considered that the application now proposes significant off-site highway improvements, which the applicant has received a cost estimate to be in the region of £85,000. The works did not form part of the previous 20170075 application so this is over and above what has previously been accepted on the site. These works will provide a wider community benefit and this is considered to be a significant material consideration to be taken into consideration.
- 5.25 In addition, the plans also indicatively show a possible footpath link to Bure Valley Railway footpath. This needs further exploration and the final details of this can be included within the section 106 legal agreement. The COL1 site allocation makes reference to a possible additional pedestrian access to the school via the playing field. The site is not immediately adjacent to the playing field which would make such an access difficult, however the scheme delivers footway and cycleway improvements to the road frontage that links to existing footways leading to the school.
- 5.26 With the plans in their current form the Highway Authority have raised no objection to the application subject to conditions. It is considered that the proposals will not result in any detrimental impact upon highway safety, will provide sufficient on-site parking and therefore the application complies with Policies TS3 and TS4 of the DM DPD.

The impact on residential amenity

- 5.27 Policy GC4 of the DM DPD sets out that proposals should pay adequate regard to, amongst other things, meeting the reasonable amenity needs of all potential future occupiers and to consider the impact upon the amenity of existing properties.
- 5.28 There are no neighbouring properties within close proximity to the north or east of the site and given the degree of separation between the site and nearest properties to the south, the proposals are not considered to cause any harm to these properties. The application proposes single storey bungalows along the frontage of the site which are to be well set back from Rectory Road. It is considered that these properties will sit sympathetically with the existing bungalows to the west, on the opposite side of the road, and will not appear dominating or overbearing or result in any overlooking issues. The larger two storey properties will be further set back into the site and a good distance from any existing neighbouring properties. The development would impact on views from those residents who live on Rectory Road, however, the loss of a private view is not a material consideration.
- 5.29 The main access into the site has been positioned so that car headlights do not shine directly into the existing bungalows on the opposite side of the road. The application will result in an increase in traffic movements along Rectory Road, however this is not considered to be of a level that will cause any significant detrimental impact to the amenity of neighbouring residents. In addition the principle of 30 dwellings on the site has already been established by the site allocation and the current application will not result in levels of traffic, noise or disturbance over and above what could be created on the allocated site or the previous outline planning approval.
- 5.30 Overall, it is considered that future occupiers should not be adversely affected by noise pollution in accordance with EN4 of the DM DPD and that the proposals will not have any significant detrimental impact upon neighbour amenity in accordance with Policy GC4 of the DM DPD.

The impact on biodiversity and ecology

- 5.31 Policy EN1 of the DM DPD expects developments to protect and enhance the biodiversity of the district. There are no statutory designated nature conservation sites within a 2km search radius of the proposed development site and three non-statutory County Wildlife Sites. In support of the application is an Ecology Report which identifies that the poor semi-improved

grassland at the site is assessed as being of low ecological value. The report concludes that the development poses low risks of impacting most protected and valued species due to the unsuitability of the existing habitats and expected avoidance of the site by such species. For the small number of protected and valued species which could occur on or close to the site, the risks of negative impacts can all be satisfactorily addressed by adopting the advised mitigation measures.

- 5.32 It should be noted that since the County Ecologist's comments were received, a further revised Ecology Report, dated July 2021, has been submitted which just recommends that a buffer is provided to provide some protection between the development and the railway cutting. No further comments have been provided by the County Ecologist on this.
- 5.33 With regards to hedgerow enhancement, although the hedgerow at the front of the site is proposed to be removed, it is described within the Ecology Report as being species rich but 'defunct' and this is to be replaced with a new hedgerow along the sites frontage. Further hedgerow planting is also proposed along the sites southern boundary.
- 5.34 The Ecological Report at one point recommended a 10 metre buffer to the north of the site. When the plans were originally submitted for the application a landscape buffer of approximately 2.6 metres was proposed. During the course of the application, and since receiving the objection from the County Ecologist, this has been increased, by request, to a 4 metre buffer as well as the addition of an area of planting to the north east corner of the site. It is also worth noting that Norfolk Police Architectural Liaison Officer raised concerns regarding a 10 metre buffer to the north as it was considered to create a 'crime corridor'.
- 5.35 The Ecology Report states that there are opportunities for ecological enhancement of the developed site, to a degree which will represent a relative improvement to the baseline for several valued ecological receptors such as nesting birds. The report states that if the mitigation and enhancement measures outlined in the report are fully adopted, the proposal would be expected to have a positive impact for a number of valued ecological receptors, and the risk of negative impacts would be satisfactorily minimised for all other receptors. The mitigation measures and enhancements set out in the report are proposed to be conditioned should the application be approved.
- 5.36 In addition, an Addendum Ecology Report has been submitted which provides a comparison of the biodiversity net gain calculations between the current proposals and the previously approved 2017 application on the site. The

report concludes that the current scheme will provide an increase in both the amount of open space areas and hedgerows proposed on site in comparison with the previous approved application.

- 5.37 Overall, the proposals compare favourably to the previously approved scheme, whilst there are further opportunities for potential biodiversity enhancements including the provision of bird and bat boxes on site. Therefore, with the plans in the amended form, it is considered that the proposals will comply with Policy EN1 of the DM DPD.

The impact on flooding and drainage

- 5.38 The site is located within Environment Agency's flood zone 1 and is therefore considered to be within an area at low risk of fluvial and or groundwater flooding. The site is generally at a very low risk of surface water flooding, however there is an area which has a low to high risk of surface water flooding shown to the west of the site, close to Rectory Road. The Flood Risk Assessment and Drainage Strategy that has been submitted with the application states that the potential flooding shown is not on a flood flow path and appears to be principally as a result of localised field run-off being trapped on site where surface levels near to the road frontage are lower than the carriageway itself.
- 5.39 The Lead Local Flood Authority (LLFA) recommend that either the proposed properties are removed from the 'low' risk area or a modelling exercise is carried out to demonstrate the properties are not at risk of surface water flooding and the development does not increase the risk of flooding elsewhere. In light of the above, a hydraulic modelling exercise was undertaken to fully assess the surface water flood risk to the site. This has concluded that, once developed, for the 1% AEP +40% climate change storm event there is no surface water flood risk to the site and no off-site flow paths affect the development. The rainfall that creates the existing surface water flood risk is from rainfall that only falls within the development boundary. As a result, no mitigation measures are required with respect to the surface water flood risk and proposed finished floor levels should be set a minimum of 150mm above surrounding ground levels.

- 5.40 The FRA sets out that as far as could be established, there has been no history of flooding in the area of the site previously and confirms that ground conditions are suitable for infiltration of surface water run-off. A sustainable approach to surface water management is proposed using soakaways and permeable paving across the whole site. Foul drainage is proposed to connect to the public sewer in Westbourne Road. The LLFA have raised no objection to the application subject to a condition stating that the development must be carried out in strict accordance with the LLFA. Overall it is considered that the application will not result in any increased risk of flooding and complies Policy CSU5 of the DM DPD.

Affordable housing provision

- 5.41 Policy 4 of the JCS states that “a proportion of affordable housing, including an appropriate tenure mix, will be sought on all developments of 5 or more dwellings. The proportion of affordable housing, and mix of tenure sought will be based on the most up to date needs assessment for the plan area”. At the adoption of the JCS the affordable housing need was 33% for sites of the scale proposed. Since the JCS was published, the Central Norfolk Strategic Housing Market Assessment (SHMA) June 2017 has provided more recent evidence of need for affordable housing. The affordable housing need for Greater Norwich, as assessed by the SHMA, is 28%.
- 5.42 Notwithstanding this, the application is to provide for 10 affordable homes in total, comprising of 6 affordable rental dwellings and 4 shared equity dwellings. The scheme therefore provides for 33% affordable housing. On the basis that Policy 4 of the JCS requires affordable housing to be provided in accordance with the most up to date needs assessment for the area it is considered that the delivery of 33% affordable housing complies and actually exceeds the requirements set out within this policy.
- 5.43 The Council's Housing Enabling Officer has raised no objection to the application and has stated that the applicants are proposing a good mix of affordable units to acceptable space standards. Up to a third of the affordable rented units will be for local lettings and so will meet both local and districtwide need for applicants on the Council's Housing list. The affordable housing will be secured through the Section 106 legal agreement. Therefore the proposal for 33% affordable housing provision is given some weight in the planning balance.

Other issues

- 5.44 Policies EN3 and RL1 of the DM DPD require the provision of green infrastructure and formal recreational space (children's play, sports facilities and allotments) on developments of the scale proposed. The plans for formal and informal recreational provision needs to be off site for this development. This site is next door to a recreation ground with football pitches and within a few hundred yards is the main park that has play and sport provision in it. The Council is therefore comfortable that there is no on-site formal provision proposed. The green infrastructure and formal recreational provision will be secured through the Section 106 legal agreement.
- 5.45 An Appropriate Assessment in accordance with the Conservation and Habitat and Species Regulations has been carried out by the Council and concluded that the development will not adversely affect the integrity of any habitat sites as mitigation measures will be provided in accordance with Policy EN3 of the DMDPD. Regarding water quality and hydrology issues these can be mitigated by condition so again there is no likely impacts.
- 5.46 The Council's Environmental Contracts Officer originally raised some concerns regarding the position of the bin collection points within the development. During the course of the application the plans have been revised and, with the plans in their current form, the Contracts Officer has now raised no objection.
- 5.47 Policies 1 and 3 of the JCS require the sustainable construction of buildings and water conservation in addition to requiring 10% of the predicted energy requirements to be delivered by on site decentralised and renewable or low carbon energy. Precise details and compliance with the policy is proposed to be secured by condition.
- 5.48 The proposals will be liable to pay towards the Community Infrastructure Levy (CIL).
- 5.49 Norfolk County Council's Planning Obligations team have set out infrastructure to be funded as a result of the development however most of this will be funded through CIL. They have also noted that a fire hydrant will be required on site and the details of this will be secured by condition.



- 5.50 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.
- 5.51 The Local Planning Authority has taken a proactive and positive approach to decision taking in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

Planning balance

- 5.52 Returning to the issue of whether there are material considerations sufficient to outweigh the conflict with policy, it is first considered appropriate to summarise the harms that have been identified.
- 5.53 The main harm is the fact that approximately one third of the site is located outside of the defined settlement limit and the proposals do not accord with a specific policy in the development plan that allows for residential development outside of the settlement limit. The application is therefore contrary to Policy GC2 of the DMDPD and will result in policy harm in allowing un-planned development in what should be a genuinely plan led system. In addition, although the proposals are not considered to result in a significant harm to the general character and appearance of the area, there will be some harm of encroaching into open countryside.
- 5.54 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.
- 5.55 Although part of the site is outside the settlement limit and the site is allocated, the residential development of 30 market and affordable houses will still contribute towards housing targets and provide some benefit. However, given that a 5-year housing land supply can be demonstrated, the residential development proposed on the site is considered to be a benefit of little weight and this on its own is not considered to outweigh the harms identified above.
- 5.56 The site allocation COL1 sets out that the allocation will accommodate approximately 25-30 homes. This application follows a previous approval (20170075) on the site which granted outline planning permission for 30 dwellings solely on the part of the land that forms the, above mentioned, allocation. Although this previous approval has since lapsed the planning history on the site is a material consideration.

- 5.57 Although now on a larger site, the current application doesn't propose to increase the number of dwellings proposed on the site from the previously approved application or from that set out within the site allocation. Where the previous outline application had a density of 30 dwellings per hectare, the current proposals result in 20 dwellings per hectare. It is considered that the density of development is much better than previously approved on the site. The development now benefits from larger garden areas, more landscaping opportunities, a better mix of dwellings and the development appearing less cramped and urbanised. Overall, it is considered that this results in a more attractive and more suitable development for the area. The improved layout and density now being proposed across a larger site is therefore considered to be a significant material consideration to be given weight in the planning balance.
- 5.58 The application proposes to deliver 33% affordable housing which complies and actually exceeds the requirements set out within policy 4 of the JCS as informed by the SHMA. Therefore the proposal for 33% affordable housing provision is another material consideration to be given some weight in the planning balance.
- 5.59 The application also proposes various off-site highway improvements works including measures to mitigate vehicle speeds at the North Walsham / Ling Way / The Hill junction in the form of a pedestrian refuge island and additional traffic management measures. The application also now proposes a reduction in speed limit along the whole length of Rectory Road and Westbourne Road, alterations to the junction radii and estate road width at the access to the site, the widening of Rectory Road and a widened footway/cycleway along the frontage of the site to allow cyclists to leave the site and travel south without cycling the wrong way along Rectory Road or cycling on the footway.
- 5.60 Although the guidelines for the site allocation states that off-site highway improvements may be required, the proposals provide numerous improvements which will provide highway improvements to the wider area. It should also be noted that the off-site highway improvements now being proposed are above and beyond those that were agreed as part of the previously approved 20170075 application. These off-site highway works are also considered to be a further material consideration to be given weight in the planning balance.

- 5.61 From an economic perspective, there would be significant local economic benefits gained from the construction of the development and also from the additional household expenditure and Council revenue as well as monies from the Community Infrastructure Levy. In addition, the need to support the economy as part of the recovery from the COVID-19 pandemic is a material consideration. This weighs in favour of the proposal.
- 5.62 From a social perspective, the site is considered to be well related to existing services and facilities within Coltishall which future occupiers would help to support.
- 5.63 Overall, it is considered that the cumulative benefits highlighted in the sections above outweigh the policy harms identified.

### **Conclusion**

- 5.64 In conclusion, the proposed development will provide 30 dwellings on a site that is predominantly allocated for development and within the defined settlement limit. Although part of the site is outside the site allocation and settlement boundary the application will provide a much better density of development resulting in the development appearing less cramped and urbanised. The proposals will also provide 33% affordable housing and deliver several off-site highway improvements. The site is considered to be located in a sustainable location and will provide both economic and social benefits. It is also considered that the development will not result in demonstrable harm to the general character and appearance of the area, residential amenity, highway safety, ecology or flooding and drainage.
- 5.65 It is considered therefore that the benefits outweigh the harms of this scheme. On balance, the application is considered acceptable and is therefore recommended for approval subject to the satisfactory completion of the Section 106 agreement and the below conditions.

<p>Recommendation:</p>	<p>To delegate authority to the Director of Place to APPROVE the application subject to the satisfactory completion of a Section 106 Agreement relating to the following heads of terms and subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Policy compliant affordable housing (33% - 60% affordable rent:40% shared equity charge);</li> <li>2. Policy compliant Green Infrastructure and recreational open space provision, with potential footpath link to Bure Valley Walk</li> <li>3. The setting up of a management company for managing and maintaining on site amenity / biodiversity areas.</li> </ol> <p>Conditions:</p> <ol style="list-style-type: none"> <li>1. 3 year time limit</li> <li>2. Development shall be carried out in accordance with approved plans and documents</li> <li>3. Highways – Details of roads, footways, cycleways, street lighting, foul and surface water drainage to be submitted to and approved by LPA</li> <li>4. Highways – Roads, footways, cycleways, street lighting, foul and surface water drainage works to be carried out prior to first occupation</li> <li>5. Highways - Roads etc. to be constructed to binder course surfacing level prior to first occupation</li> <li>6. Highways – visibility splays to be provided</li> <li>7. Highways – Scheme for on-site parking for construction workers to be submitted to and approved by LPA</li> <li>8. Highways – Construction Traffic Management Plan to be submitted to and approved by LPA</li> <li>9. Highways – For construction period all construction traffic to comply with Construction Traffic Management Plan</li> <li>10. Highways – Off-site highway works details to be submitted to and approved by LPA</li> <li>11. Highways – Off-site highway works to be completed prior to first occupation</li> <li>12. Highways – No works shall commence until Traffic Regulation Order has been promoted by LHA</li> <li>13. Development must be carried out in accordance with Flood Risk Assessment</li> </ol>
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	<p>14. Landscaping</p> <p>15. Works to be carried out in accordance with Arboricultural Impact Assessment (AIA) Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP)</p> <p>16. Development must be carried out in accordance with mitigation and avoidance measures set out in section 7 of Ecology Report</p> <p>17. Landscape Ecology Management Plan (LEMP) to be submitted and approved</p> <p>18. Details of Biodiversity enhancement (including bat and bird boxes) to be submitted and approved</p> <p>19. Details of external lighting to be submitted and approved</p> <p>20. Archaeological Written Scheme of Investigation to be submitted and approved</p> <p>21. Details of 10% renewable and low-carbon energy supply to be submitted and approved</p> <p>22. Details of provision of fire hydrant to be submitted and approved</p> <p>23. Unexpected contamination</p>
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Application 5



**5      Application No:      20201611**  
**Parish:              LINGWOOD AND BURLINGHAM**

Applicant's Name: Torrington Properties Ltd  
Site Address:        Former Lingwood First School, Chapel Road, Lingwood,  
                              NR13 4PB  
Proposal:             Reserved matters application with full details of  
                              appearance, landscaping, layout and scale of  
                              development for 22 residential units together with  
                              associated highway works from outline application  
                              20190278

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:

Full approval, subject to conditions.

**1      Proposal and site context**

- 1.1**    The application seeks reserved matters approval for the residential development of 22 dwellings together with associated highway works at the former Lingwood First School site on Chapel Road in Lingwood.
- a.    This application follows application 20190278 which granted outline planning permission for residential development on the site including the demolition of the school and associated buildings. The outline application granted permission for the access with all other matters reserved. This was subject to a related S106 Legal Agreement securing affordable housing provision and contributions towards green infrastructure and open space.
  - b.    Therefore, this reserved matters application seeks approval for the layout, scale and appearance of the buildings and the landscaping on site. There were no restrictions imposed at the outline application stage which limited the number of dwellings that could be accommodated by the development.

- c. The 20190278 outline application included 3 compliance conditions that required specific information to be submitted to and approved by the Local Planning Authority as part of the reserved matters application. These relate to conditions 5 (Arboricultural information), 6 (Surface water drainage scheme) and 16 (energy efficiency) imposed at the outline application stage, these are included within the report for the sake of completeness.
- 1.2 The site, which is predominantly rectangular in shape, is located on the east side of Chapel Road and measures approximately 1.3 hectares in size. The former first school site is owned by Norfolk County Council and the now demolished school buildings, which were located in the western half of the site, were surplus to requirements following the closure of the school and the opening of a new school elsewhere in the village in 2014.
- 1.3 On much of the front (west) of the site there are still remnants of the hard-surfaced playground and parking areas. Dense trees and vegetation largely protected by a Tree Preservation Order (TPO) are present within the site along sections of the site boundaries, in particular towards the south east of the site.
- 1.4 Chapel Road is to the west of the site and the site is surrounded by residential properties to the north, east and south. Bordering the site to the north are a mix of bungalows and chalet bungalows parallel to the site boundary with rear gardens facing the site. The northern boundary consists of a mix of boundary fencing and hedgerows. The eastern boundary consists of bungalows and rear gardens orientated perpendicular to the site boundary. To the south there is a mix of bungalows and two storey houses parallel to the site boundary with rear gardens facing the site.
- 1.5 A vehicular access has been approved off Chapel Road to the west of the site in a relatively central position and a pedestrian access is proposed from the east of the site into Homelea Crescent.
- 1.6 The reserved matters application initially proposed 23 dwellings on the site however adjustments to the site layout relating to internal road layout and relationship with trees has reduced the total to 22.
- 1.7 The proposed dwellings are a mix of single storey bungalows, one and half storey chalet bungalows and two storey houses. Integral garages with bedrooms above form smaller side extensions to the chalet bungalows. Detached single storey garages are also provided to most plots. 6 dwelling types are proposed across the site with a mixed palette of materials proposed. These include multi-stock red and buff bricks, black lapboard and copper coloured metal cladding and charcoal plain tiles.



- 1.8 6 of the 22 dwellings are designated affordable housing units in accordance with the 28% affordable housing agreed as part of the Section 106 agreement. Four of these are proposed to be for affordable rent and 2 are for intermediate tenure (as shared ownership) properties.

2 Relevant planning history

- 2.1 20140979 - Redevelopment of Site for Residential Development and Retention of Existing Nursery Building for Community Use (Outline). Outline Approval – 22 April 2015.
- 2.2 20190278 - Residential Development Including Demolition of School and Associated Buildings. Outline Approval – 16 October 2019.
- 2.3 20201612 - Details reserved by conditions 4, 14, 15 and 17 following grant of planning permission 20190278. Still being considered.
- 2.4 20201615 - Details reserved by conditions 7 and 12 following grant of planning permission 20190278. Still being considered.
- 2.5 20201738 - Demolition of Lingwood First School Buildings. Required & Granted – 12 October 2020.
- 2.6 20201854 - Non material amendment following grant of planning permission 20190278 - Alterations to wording of condition 6 relating to surface water drainage. Agrees – 30 December 2021.
- 2.7 20210055 - Works to trees in G2, T1, T2, T3, T4 & T5 birch: Remove; T8 oak: Remove; T9 oak: Crown thin by no more than 20%; T10 oak: Remove; T11 field maple: Pollard to 2.5m; T12 spindle: Remove; T14 apple: Reduce branches growing to the south to main stem; T15 field maple: Pollard to 2.5m; T16 field maple: Crown lift to 5m; T17 oak: Remove. Approve – 19 January 2021.

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
NPPF 02 : Achieving sustainable development  
NPPF 04 : Decision-making  
NPPF 05 : Delivering a sufficient supply of homes  
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

- 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 6 : Access and Transportation
  - Policy 15 : Service Villages
- 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 TS4: Parking guidelines
  - Policy CSU4: Waste collection and recycling facilitates within major development
  - Policy CSU5: Surface water drainage
- 3.4 Site Allocations Development Plan Document 2016
  - Site not allocated but within the Settlement Limit
- 3.5 Supplementary Planning Documents (SPD)
  - Recreational Provision in Residential Development SPD
  - Landscape Character Assessment
  - Parking Standards SPD
  - Affordable Housing SPD
  - Broadland District Council Design Guide
- 4 Consultations (summarised)
  - 4.1 Lingwood and Burlingham Parish Council:
    - Original comments:  
Objection on the grounds that the two storey houses are too close to Briar Close causing overlooking. The height of 9.2m seems excessively high. The

trees planted on the boundary may cause future problems, blocking the light from the gardens of neighbouring properties.

Further comments following submission of amended plans:

Objection for same reasons as above.

Further comments following submission of latest amended plans:

Objection still stands on the grounds that the two storey houses are too tall to be that close to Briar Close properties, causing overlooking. The height of 8.37m still seems excessively high and not sympathetic to the surroundings. Bungalows or 1 ½ storey buildings would be more in keeping with the area. The trees planted on the boundary may cause future problems, blocking the light from the gardens of neighbouring properties. The new plan does not have the bus lay-by as originally agreed which would enable the bus stop near the Norwich Road junction to be moved to this safer place.

Originally, when the old school was declared redundant, we were led to believe only bungalows would be built on the vacant site. Later, the Supporting Statement for outline planning permission dated October 2018, suggests in favour of bungalows along the northern boundary.

It is worth noting that, when the old Village Hall site in Station Road, Lingwood, was developed (20141139, 20141178, 20141539), only bungalows were permitted on the western boundary so as not to interfere with the amenity value of adjacent bungalows in Homelea. Why has BDC now chosen to ignore this principle?

Outline Planning Permission for the Chapel Road site was granted on 15th October 2019, on condition that:- “Application for the approval of the “reserved matters” shall include plans and descriptions of ..... ii. scale of each building proposed.” Contrary to this requirement, the plans now published by BDC do not appear to indicate the height of any proposed buildings. How, then, can anyone judge the merits or drawbacks of the development in relation to the surrounding area?

The design of the development will have a significant impact upon properties in Briar Close. These are all bungalows of varying heights, some of which have lofts converted into dwelling spaces.

We understand the average ridge height for a bungalow in the UK is around 3.6m – 4.5m. In contrast, we understand the average ridge height for a two storey house in the UK is between 4.7m – 7.2m. Recently, it has been suggested this height of the tallest property on the site is 8.39 metres. These houses will have an adverse impact on the adjoining bungalows.

We are aware the design of some houses has been modified so windows no longer overlook the bungalows. This does not alter the fact that the houses will be twice the height, or more, of the bungalows which enjoy south-facing rear gardens. Any shadow cast into a garden where residents normally sit to enjoy the sun amounts to loss of amenity.

In the end, the building of houses, rather than bungalows, anywhere on this site is totally unnecessary. That is, of course, unless profit for the developer is more important to BDC than the democratic planning process which seeks to protect the amenity value of neighbouring properties and the character of an area, and considers the needs and wishes of the local community.

On behalf of other residents, it would seem a bungalow in Homelea Crescent may also be overshadowed by a house. Since we do not know the height of the proposed properties, it is impossible to judge whether residents of the adjoining bungalows in Alison Close will be affected by the proposed chalet bungalows. Residents of houses in High Way have recently lodged objections to the amended orientation of proposed houses which now overlook their properties.

4.2 District Councillor Ryman-Tubb:

Comments following submission of latest amended plans:

I would like to 'call-in' the application to be determined by the Planning Committee for the following reasons:

1. impact of amenity of neighbouring properties - overshadowing and overlooking
2. Design and appearance of the development is detrimental to the character of the area
3. The application has concerned a substantial number of residents, with residents and Parish Council objecting to the plans.

4.3 Anglian Water

We have reviewed the applicant's submitted surface water drainage information (Flood Risk Assessment/Drainage Strategy) and consider that the impacts on the public surface water sewerage network have not been adequately addressed at this stage and may result in an increased risk of flooding in the public surface water network.

Discharge of surface water drainage to a dedicated foul sewer is unacceptable, the development should seek to mimic the existing drainage arrangement via discharge to soakaway.

Further comments following submission of amended plans:

We are satisfied that soakaways are not a viable discharge option for this development. Therefore we can accept a restricted surface water discharge to the public foul water sewer, this will be subject to investigations to confirm the surface water drainage arrangement of the surrounding structures.

Further comments following submission of amended plans:

We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation) and surface water drainage information and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage.

We request that we are consulted on any forthcoming application to discharge Conditions 6, 7 and 8 of outline planning application 20190278, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage and surface water information.

4.4 Conservation Officer (Arboriculture & Landscape):

As the application stands, I would have to object, due to the number of protected trees which are shown removed and also the loss of the small semi-mature planting at the end of the site, the layout needs to be reconsidered and I would support the Heritage and Design Officer's suggestion, that the existing trees and landscaping should be incorporated in an area of open space for the future enjoyment of the residents, this could include the area of semi-mature trees and shrubs.

Further comments following submission of latest amended plans:

My remaining objection now relates only to the loss of the small copse, which currently provides wildlife habitat and visual amenity to the location and is located to the east of the site.

Following the site meetings and discussions we had with the applicant and their Arboricultural Consultant, the other tree related concerns I had, have been resolved.

4.5 County Ecologist:

There is the occasional discrepancy between the EMP (for the discharge of Condition 5 of 20201612 and The Landscape proposal– for example the Proposed Landscaping Plan notes the use of EM3 seed mix to be cut 1/2 a year between mid-July and mid-September whereas the Ecological Management Plan suggests EM1 or EM2 which will not be cut between April and September. Both documents should show the same details. EM2 and EM3 are more diverse than EM1 and preferred from an ecological perspective. Details of the composition, planting and initial management of the 'Type 1' native hedging (landscape plan) appear to be missing). The proposed bat box locations are broadly fit for purpose but I would strongly suggest they are either (a) installed under supervision of the ECoW or (b) the proposed landscaping plan is amended (within input from WFE) and ideally the locations of the bird and bat boxes should be shown on the elevation plans for clarity. It is recommended that the 'Hard landscape & Enclosures Plan' show the location of the proposed hedgehog haps (as shown in the EMP).

4.6 Environmental Contracts Officer:

I cannot currently confirm that a refuse collection can take place as there is no vehicle tracking / swept path analysis to demonstrate our largest 8 x 4 vehicle can access this development. Please can tracking on the relevant size vehicle be provided, along with waste collection points for all properties? The developer should note the vehicle and crew will not access private driveways so collection points should be immediately adjacent to the Highway. I am sure NCC Highways will pick this up but I am concerned that there are parking spaces immediately off the designated turning head for this development. This could encourage parking in the turning head itself and mean that a large RCV has nowhere to safely turn and has to undertake a long reversing manoeuvre to exit the road.

Further comments following submission of latest amended plans:

Please can you confirm that the Type 6 Mews Area (show for example in the Refuse Collection Strategy) will be built to an adoptable standard or adopted by NCC Highways?

4.7 Lead Local Flood Authority (LLFA):

The applicant has made a fundamental change to their drainage strategy which may affect the layout of the development. The change is to the discharge location which needs to be consented by the asset owner. As the discharge location has not been approved we cannot recommend that this application be approved at this time. After reviewing the submitted documents

we object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy relating to: 'The proposed discharge location has changed from infiltration to a connection to an Anglian Water foul sewer.'

Further comments following submission of amended plans:

Following our objection, the applicant agreed to undertake more ground investigation and soakage testing across the site in order to provide sufficient evidence to demonstrate that the SuDs hierarchy has been followed.

The applicant has now provided the following information to support the Reserved Matters application: Infiltration testing for: former Lingwood First School, Chapel Road, Lingwood, NR13 4PB (5437,sk/ltr01/jg,gf/22-04-21/v2 dated 22nd April 2021)

As part of any submission, we would expect the applicant to provide evidence to demonstrate that the proposals for surface water management are sufficient to prevent an increase in the risk of flooding as a result of increased speed of runoff through the development.

We have no objection subject to conditions being applied to the consent if this application is approved. We recognise that the Local Planning Authority is the determining authority, however, to assist, we suggest the following wording:

The development must be carried out in strict accordance with the application form, plans and documents detailed below:

The flood risk assessment / drainage strategy titled Residential development Chapel lane, Lingwood, Norwich, Norfolk, NR13 4NX, Torrington properties (Ingleton wood, job no: 111759 dated 31st July 2020), drawing number lingwd-iwd-xx-xxdr-c-sk03 rev: p1 (proposed drainage strategy 5th August 2020). The approved scheme will be implemented prior to the first occupation/use of the development.

4.8 Heritage and Design Officer:

The general cul-de-sac approach to the layout is necessary due to the constraints and elongated nature of the site. The most mature trees and best landscaping appears to be to the far right so this may be the best location for the public open space (POS), with active frontages overlooking it?, although the central space is also an acceptable/good position in terms of access. My comments mainly concern the treatment at the western end of the site and how the development relates to Chapel Road in terms of the use of the public spaces at that end and how the buildings relate to it in terms of providing active frontages. The house types are contemporary but given existing context

and the generally 'enclosed' nature of the site in terms of views, this design approach is generally considered acceptable.

The small POS to the south west, which is of limited amenity value but aesthetically pleasing – could be fronted towards to provide a more 'active' front elevation to address the Chapel Road/the POS rather than having the side elevation/parking spaces to the side.

The small POS to the north west of the side is of even lesser real amenity benefit – to the north and south of the site front curtilages extend to the street and boundaries are hedgerows/fences/walls etc. behind which are private gardens. So no real issue with this space being private space? The side of plot 1 is also two storey and has a long blank elevation to the space with very limited over-looking/surveillance of the space of one small window – presenting an inactive and bland elevation to the street scene. This should ideally be a 'handed' property or front towards the space with more active engagement and/or have it as a private garden.

If this is private garden it may free up some space on this side for an additional unit – or replace one larger unit with the semi?

Although the sub-station is remaining – access does not seem ideal – down the private drive and sharp turn – is there sufficient turning area for vehicles to access the sub-station? Ideally it would be accessed along a track to the right of the space (south) along the boundary. Or directly off the cul-de-sac drive at a right angle. Is there any possibility of changing orientation of access of the substation or is access fixed to the rear?

If the north west POS becomes a private garden, this section of public space would be better utilised to create a larger POS to the space – with the access to the substation?

Ideally plots 20 and 21 would also not back onto public space with gardens. Frontage is also quite tight looking west at rear wall – also I accept shrub planting is indicated - and a limited turning area – could 20 and 21 be back to back with units 22 and 23, with parking to the front/sides?

Further comments following submission of amended plans:

The proposal has not changed that significantly since my previous comments. I do consider that it is unfortunate that scheme does not better address the public space with more surveillance to the right hand side of the entrance. The space does not appear to serve that much of a purpose – being limited for recreation and also not any great interaction in terms of views over the space for the unit to the rear.



It is not ideal to have the rear of plots 19 and 20 backing onto public space – however there is good overlooking of the space and this area from the units to the north. Also, there is a good mix of house types.

No objections to the unit design.

4.9 Historic Environment Service:

No comments to make.

4.10 Housing Enabling Officer:

I note the applicants are proposing to deliver 28% Affordable Housing with a 67:33 tenure split for Rent: Intermediate housing - as per the Outline application (20190278).

Previously within the Outline Planning Application, Housing Enabling suggested a proposed Affordable Housing mix to include 1 and 2 bedroom bungalows (Level Access accommodation).

More recently it has been noted that there is a greater housing need for 3 bedroom (5 person) house types for rent. So would suggest either exchanging one of the shared ownership units or amending the proposed affordable rental units to give a more equal mix of units for rent:-

Affordable housing for rent – 4 units (67%)  
2 x 2 bedroom 4 person houses – 80m<sup>2</sup>  
2 x 3 bedroom 5 person houses – 96m<sup>2</sup>

Intermediate Tenure (assumed a Shared Ownership) – 2 units (33%)

We note that all the units meet Level 1 Space Standards and will therefore be acceptable to achieve maximal occupation in housing terms. As per the S106 agreement up to a third of the rental units will be for local lettings giving allocation priority to those with a local connection to Lingwood and Burlingham.

Further comments following submission of amended plans:

I note from the revised plans and D&A statement that the applicants are still proposing 28% affordable housing - with all units being to acceptable space standards.

However, can the applicants confirm that the proposed 3 bedroom bungalow (Plot 13) will be for affordable rent tenure and will be to wheelchair accessible standards. I note that there is a very small square shower in the ensuite of

bedroom 1. So, because of the narrow size of the room it would seem to be unlikely to be easily accessible to the majority of wheelchair users.

So instead of the bath shown in the main bathroom of House type 1 it seems sensible to provide a larger 'true' level access shower (rectangular 1000 x 1400mm) or preferably a wet room as standard. This will then ensure that any w/c user in the household can access a large enough shower facility. In addition for the property to be w/c accessible it should be delivered with widened doorways (min 900mm) throughout and level access front and rear of the property. This will ensure that the bungalow is suitable for any household with a wheelchair user (and will avoid the need for future DFG works).

Based on this I assume that the proposed units will be:-

Affordable rent x 4  
2 x 2 bedroom 4 person houses  
1 x 3 bedroom 5 person house  
1 x 3 bedroom 5 person bungalow

Intermediate Tenure (as shared ownership) x 2  
1 x 2 bedroom house  
1 x 3 bedroom house

If you can confirm that the bungalow will be fully w/c accessible (as outlined above) this would be extremely helpful - as at present the Type 1 floor plan does not indicate this requirement.

#### 4.11 Norfolk County Council as Highway Authority:

1. You'll be aware of our comments in response to 20201615, specifically relating to the requirements of condition 12 of the outline consent (20190278). Drawing LINGWD-IWD-SA-XX-DR-A-2003-P3 will need to be amended to address comments 1 & 3-6 from our response dated 2 October.

2. A new bus pull is shown, albeit our records do not identify a bus stop in this location. Notwithstanding this, as advised in response to application 20140979 it is not current Highway Authority policy to encourage bus lay-bys. The site should be served via a conventional junction (in this instance a dropped kerb crossing for a type 6 road) and the bus lay-by removed from the layout.

3. While the D&AS suggests a pedestrian link to the existing footway that runs north of 94, 96 & 98 Homelea Crescent will be provided, this is not identified on drawing LINGWD-IWD-SA-XX-DR-A-2003-P3. Our records identify only the section of path that runs directly north of Nos 94-98 is highway up to the site boundary. The new pedestrian footway should link directly with it. The

footway should be 2m wide and designed such that it is provided with natural surveillance for personal safety purposes.

4. Frontage development with access direct onto Chapel Street should be provided to enhance a sense of place and re-enforce the local speed limit e.g. investigate options to serve No1 direct from Chapel Street.

5. New residential estates are subject to 20mph zones. Consequently, the horizontal alignment of the estate road should be designed to contain vehicle speeds. In this instance the alignment is generally long and straight and will do little to contain vehicle speeds. Options will need to be considered to amend the layout/horizontal alignment of the estate road to achieve compliant vehicle speeds.

6. The road fronting plots 20 & 21 and serving the sub-station serves no public utility and would remain private. That said it should be provided with at least a size 5 (8m x 8m) turning head. A continuous kerb line on the south side of the type 6 road would be required across the junction of the private road.

7. Internal road junctions should have visibility splays of 2.4m x 33m. This would include junctions of shared private drives with the estate road e.g. the road serving plots 20 & 21. Even if it were accepted a reduced splay was acceptable from at the junction of the drive serving plots 20 & 21 (e.g. 2.4m x 25m) the current design is still inadequate to provide this and is likely to result in severely restricted visibility.

8. The side arm of a size 3 turning head on a type 6 road should be 5.8m wide.

9. Plot 1 appears to have parking to the rear and access to the front. Rear parking increases the potential for on-street parking and should be avoided.

In its current form the layout does not provide for an acceptable estate road design. On receipt of revised plans which address the above points we will offer further comment.

Further comments following submission of latest amended plans:

We have no objection. As per my email of 01 December we have no conditions to add. Those attached to the outline application (20190278) remain relevant.

#### 4.12 Other Representations:

Representations have been received from 15 local households, with more than one from some addresses. Of the 15 households making representations 1 was in support, 1 making comments and 13 objecting. The issues raised can be summarised as below:

Positive comments:

- No problems with a path coming through Homelea Crescent

Concerns raised:

- Impact on neighbour amenity – loss of privacy and overlooking concerns – Plots 10, 11, 22 & 23 should be bungalows – development will overshadow gardens to north – development will create additional noise and disturbance – tree planting will result in loss of light
- Impact on neighbouring trees and boundary hedges
- Impact on character of area – development is out of character with this rural location – site is mostly surrounded by single storey properties – 2 storey properties not appropriate on this site – not rural – more fitting for large development
- Tree planting proposed is unacceptable
- Concerns raised regarding boundary treatments – what is proposed for existing steel link wire fence on northern boundary?
- Impact on wildlife and biodiversity – loss of pond will cause harm – hedgehog highways should be included
- Green areas are a poor substitute

## 5 Assessment

### 5.1 Key Considerations

- The principle of the development
- The impact on the character and appearance of the area
- The impact on residential amenity
- The impact on highway safety
- The impact on the trees
- The impact on flooding and drainage
- The impact on biodiversity and ecology
- Affordable housing provision

The principle of the development

- 5.2 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This point is reinforced by the NPPF, which itself is a material consideration.
- 5.3 In accordance with both the Council's adopted development plan and the NPPF, in cases where there are no overriding material considerations to the contrary, development proposals that accord with the development plan should be approved without delay.
- 5.4 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 and the impact on the character of the area, residential amenity, highway safety, trees, ecology and biodiversity and flooding and drainage.
- 5.5 The site is within the defined settlement limits for Lingwood where Policy GC2 of the DM DPD seeks new development to be located. Policy 15 of the JCS identifies Lingwood as a service village which can accommodate some additional small-scale development, whilst the site is considered to be in a sustainable location in compliance with Policy GC1 of the DM DPD. Notwithstanding this, the principle of residential development has already been established on the site following the granting of outline application 20190278. The outline application also accepted the loss of a community facility on the site, in line with Policy CSU2 of the DM DPD, given that a replacement school had already opened elsewhere in the village.
- 5.6 With the principle established, the remainder of the report seeks to assess the acceptability of the Reserved Matters applied for.

The impact on the character and appearance of the area

- 5.7 Paragraphs 130 and 134 of the NPPF seek to ensure that development is sympathetic to local character, that developments establish or maintain a strong sense of place and states that permission should be refused for poorly designed development that fails to take the opportunities available to improve the character and quality of an area. Policy 2 of the JCS states that all development will be designed to the highest possible standards and that development proposals will respect local distinctiveness. Policy GC4 of the DM DPD requires proposals to, amongst other things, pay adequate regard to the environment, character and appearance of the area.

- 5.8 Concerns have been raised by a local Councillor and some local residents that the design and appearance of the development will be detrimental to the character of the area.
- 5.9 Regarding the density of the development, the number of dwellings proposed on the site has been reduced from 23 to 22 during the course of the application, primarily due to reducing the impact on the trees on the site. The density is considered appropriate at approximately 17 dwellings per hectare and, reflective of the surrounding area.
- 5.10 Whilst there are predominantly bungalows and chalet bungalows to the north and east of the site there are a mixtures of two storey properties and bungalows to both the south and west on the opposite side of Chapel Road, all of varied designs and utilising a range of materials. The variation in dwelling types in the immediate area means that there is not a particular style or type that the development proposed by this application has to conform to.
- 5.11 The focal point of the development is an area of soft landscaped public open space located toward the centre of the site, with properties located around the space, to provide a communal area. Smaller areas of open space are proposed to the front of the site to preserve the existing prominent trees and to provide a landscape buffer to the new development. Careful consideration has been given to the design of the development to ensure that in terms of scale it relates well to the surrounding area. The intention is that the proposed architectural style for the development draws upon the local Norfolk vernacular and utilises this with a contemporary styling.
- 5.12 The Council's Heritage and Design Officer made several recommendations to the design and layout of the scheme, many of which have been taken on board. One example of such amendment is that during the course of the application plots 19 and 20 have been re-orientated so that they don't now back on to the open space. The Council's Heritage and Design Officer has raised no objection to the application and stated that the general cul-de-sac approach to the layout is necessary due to the constraints and elongated nature of the site. He has also commented that, overall, there is a good mix of house types and that, given the existing context and the generally 'enclosed' nature of the site in terms of views, the contemporary design approach proposed is generally considered to be acceptable.
- 5.13 Overall, the site is relatively well contained and it is considered that the proposals will help make effective use of this unused brownfield site and the development will not cause any harm to the general character and

appearance of the area. The application is therefore considered to accord with Policy 2 of the JCS and Policies GC4 and EN2 of the DM DPD.

The impact on residential amenity

- 5.14 Policy GC4 of the DM DPD sets out that proposals should pay adequate regard to, amongst other things, meeting the reasonable amenity needs of all potential future occupiers and to consider the impact upon the amenity of existing properties.
- 5.15 Given that to the north of the site the existing neighbouring properties are a mix of bungalows and chalet bungalows, 9 of the 13 properties proposed to the north of the site are to also be bungalows or chalets. The 4 other properties to the north are two storey properties but these are located a greater distance from the existing properties to the north to lessen any impact. To the south east of the site the two storey properties proposed are to the north of existing two storey properties and chalet bungalows are proposed to the south west to respect the existing single storey properties further south.
- 5.16 Notwithstanding this, concerns have been raised by a local Councillor, the Parish Council and several local residents that the proposals will result in overlooking and will be overbearing and dominating for existing residents, especially with regards to the 4 two storey properties located to the north of the site (plots 6-9).
- 5.17 The gentle curvature of the access road enables the two storey dwellings to the north to be placed further away from the boundary and at varying angles in a bid to negate overlooking concerns. The Broadland District Council Design Guide states that, where a two storey property is concerned, a distance of 24 metres is expected between habitable windows of proposed and existing properties to prevent a loss of privacy. It does continue to state that these distances may be reduced in particular circumstances, for example where windows face each other at an angle sufficient to prevent loss of privacy. All four of the two storey dwellings to the north are located so that they comfortably exceed the 24 metres guide to prevent any significant unacceptable loss of privacy. The two storey properties to the south east are also situated as to exceed the 24 metre guide distance and in addition have a good amount of screening on the boundaries provided by the existing trees.
- 5.18 Also with regards to the overlooking concerns, the chalet bungalows were originally proposed to have dormer windows on the rear elevations, however, during the course of the application, the plans were amended, by request, to replace the dormer windows with roof lights to reduce any possible

overlooking issues. A condition is also proposed to be added to the decision notice which requires all of the rooflights to be sited a minimum of 1.7 metres above the floor level of the room in which they serve to prevent any clear view towards neighbouring properties. Furthermore a condition is also proposed to ensure that all bathroom and en-suite windows are obscure glazed and remain so in perpetuity.

- 5.19 With regards to the proposed properties being dominating and overbearing, it is acknowledged that the two storey properties to the north of the site (plots 6-9), in particular, will be higher than the existing properties to the north. However, although clearly visible, given the degree of separation between these properties, it is considered that they will not significantly dominate neighbouring properties or appear overbearing. In addition, new boundary treatments are proposed and new tree planting to the rear of the new properties will, in time, help to soften the appearance of the new dwellings.
- 5.20 Some concerns have been raised that the proposals will result in additional noise and disturbance to the area however, the principle of residential development on the site has already been established and there was a previous noise generating use on the site.
- 5.21 Overall, sufficient distances are provided between existing and proposed properties to ensure there is no adverse impact on existing properties. It is considered that the development will not result in any significant overlooking issues and the properties are not considered to be dominant or overbearing. The proposals are therefore not considered to result in a detrimental impact upon residential amenity of neighbours or future occupiers and the application is therefore considered to comply with Policy GC4 of the DM DPD in this regard.

The impact on highway safety

- 5.22 A vehicular access has been approved under the outline application which is off Chapel Road to the west of the site. The relatively central access point leads to a Type 3 access road which shortly changes to a Type 6 road to help contain vehicle speeds. The access road is positioned centrally through the site. The road gently meanders through the site before terminating with a turning head at the sites eastern end. The curved road layout also strategically acts as a safety traffic calming measure.



- 5.23 Each dwelling is provided with an individual driveway with two designated parking spaces to the front or side of each dwelling and in addition several of the dwellings benefit from having single garages. The car parking levels provided meet the Norfolk County Council Parking standard requirements.
- 5.24 As part of the proposals, off-site highways works are required in accordance with planning conditions imposed on the outline application. The extent of these works involves the removal of the existing former school bus pull-in and the removal of the school keep clear markings and associated signage. The construction of a new continuous pedestrian footway across the site frontage is also required to link with the existing footways to provide safe pedestrian passage in the village.
- 5.25 The plans have been revised several times to take into account comments made by Norfolk County Council, in their role as the Highway Authority. With the plans in their amended form the Highway Authority have raised no objection to the application. The highway conditions imposed on the outline application all still remain relevant. Overall, it is considered that the proposals will provide sufficient on-site parking and will not result in any detrimental impact upon highway safety. The application is therefore considered to accord with Policies TS3 and TS4 of the DM DPD.

The impact on the trees

- 5.26 There are several trees on the site, most of which are subject to a Tree Preservation Order (TPO) and therefore an Arboricultural Report has been submitted with the application. The majority of the trees on the site and around the boundary are considered to be in a good condition and therefore are retained as much as possible to enhance the development proposals. A number of trees require removal to facilitate the proposed residential development, including a small copse of trees towards the south east corner of the site. The Council's Conservation Officer (Arboriculture & Landscape) initially objected to the scheme due to the number of trees proposed to be removed.
- 5.27 Many of the trees on the boundaries of the site have been retained. During the course of the application the plans have been amended to reconfigure some of the plots and reduce the number of dwellings on the site from 23 to 22. This reduces the pressure on the nearby trees, increases the size of the open space and retains more trees in private ownership. With the plans in their amended form, the Conservation Officer is now content with the scheme overall, but still objects to the loss of the copse of trees to the south east.

- 5.28 Although it is regrettable that this copse of trees and shrubs is to be removed, the applicants have explored the retention of these trees. The impact of retaining the copse of trees would be the loss of a significant portion of the developable area and the loss of at least 5 more dwellings, which the applicants have said would render the scheme unviable. The retention of the copse would also create a further small open space area in the south eastern corner of the site which would feel rather disjointed from the remainder of the scheme. This could also cause concerns with regards to security, as this area backs on to gardens and would lack natural surveillance. The retention of the copse was therefore also not considered to be favourable from a design perspective.
- 5.29 The copse of trees is not part of the TPO that covers the site and was excluded from the Parameters Plan that was approved as part of the outline application. During the course of the application, consent has been granted by way of a separate application (20210055) for a thinning management scheme and to remove several trees towards the south east corner of the site. These works have since been carried out.
- 5.30 In addition, during the course of the application, comprehensive proposals for soft landscaping, including additional tree planting have been updated to reflect the new site layout. Overall, on balance, although the loss of several trees is regrettable it will be partly mitigated by the addition of a number of other trees on site and will allow for the development of the site whilst still maintaining the integrity of the tree belt and visual screening along the sites southern boundary. It is accepted that the loss of the tree copse will result in some harm to the character of the immediate area, although this is localised and is outweighed by the benefit of delivering housing and making effective use of previously developed land.

#### The impact on flooding and drainage

- 5.31 The site is located within Environment Agency's flood zone 1 and is therefore considered to be within an area at low risk of fluvial and / or groundwater flooding. The majority of the site is at low risk of surface water flooding but there is a small area to the south west that is at a high risk. A Flood Risk Assessment (FRA) has been submitted with the application that confirms that a hierarchical approach to the management and disposal of surface water has been considered for this development. It sets out that infiltration within the plot boundary is limited and the only area of infiltration is within a tree root protection zone. There is no existing watercourse within the vicinity of the proposed development to make a connection and there is no surface water

sewer in the vicinity of the proposed development. The only available connection point for the proposed development is into the existing Anglian Water Sewer located within Chapel Road at a controlled rate of discharge.

- 5.32 All surface water infrastructure for the proposals will be via a series of private pipes, and inspection chambers with private driveways offering additional storage with the use of tanked permeable paving, prior to discharging into the private networks via a perforated drainage pipe. The surface water then discharges into a conventional pipe and manhole arrangement that is to be adopted by Anglian water with sufficient upstream storage in the form of an off-line storage tank with sufficient storage to accommodate up to and including a 1 in 100 year storm event with an allowance for 40% climate change. The FRA concludes that the flood risk is adequately mitigated with no associated floor risk to the development or adjacent land.
- 5.33 The Lead Local Flood Authority initially objected to the application as insufficient evidence had been provided to show that the proposed surface water discharge to an Anglian Water sewer was the only option possible. During the course of the application further ground investigation and soakage testing was carried out to provide evidence to demonstrate that the SuDs hierarchy had been followed and with the plans in their amended form the LLFA have since confirmed that they have no objection to the application.
- 5.34 The dwelling owners will maintain all drainage within their property boundaries whilst all drainage in the highway and SUDS features, including the attenuation tank, will be adopted by Anglian Water. Anglian Water sewer records show there is an existing 150mm foul water sewer located in close proximity of the site laid within Chapel Lane. The foul water from the proposed development is to be discharged into this sewer via a S106 water application with Anglian Water. Anglian Water have raised no objection to either the surface water or foul drainage strategies. Overall, it is considered that the application will not result in any increased risk of flooding and complies with Policy CSU5 of the DM DPD.

The impact on biodiversity and ecology

- 5.35 An Ecology Report was submitted at the outline application stage at which time the County Ecologist raised no objection to the application, subject to a Construction Environmental Management Plan (CEMP) and an Ecology Management Plan (EMP) being submitted. These were conditioned and are currently being considered under a separate approval of details application (20201612). The CEMP identifies potential damaging construction activities and the mitigation and protection measures to be incorporated throughout construction process. The LEMP identifies some minor ecological impacts and advises on mitigation, ecological enhancements and external lighting.

Once approved, the works and development will need to be carried out in full accordance with the approved details.

- 5.36 An Appropriate Assessment was also carried out on the site at the outline application stage and concluded that the development will not adversely affect the integrity of any habitat sites. Overall, the proposals are considered to comply with the aims of Policy EN1 of the DM DPD.

Affordable housing provision

- 5.37 In accordance with the Section 106 legal agreement linked to the outline application, 28% of the units will comprise affordable housing. The tenure of the affordable units will, as per the Section 106 agreement comprise 67% rented housing and 33% intermediate housing. Based on the plans of a total of 22 units, 6 affordable units will be provided, 4 as affordable rent and 2 as intermediate tenure. The Council's Housing Enabling Officer has supported these proposals.

Other issues

- 5.38 Policies EN3 and RL1 of the DM DPD require the provision of green infrastructure and formal recreational space (children's play, sports facilities and allotments) on developments of the scale proposed. The green infrastructure and formal recreational provision has been secured through the Section 106 legal agreement linked to the outline application.
- 5.39 A management company will be established to oversee the maintenance of the non-private areas of the site including the trees and open spaces.
- 5.40 The Council's Environmental Contracts Officer originally raised some concerns regarding the position of the bin collection points within the development. During the course of the application the plans have been revised these issues are considered to have now been addressed.
- 5.41 The Design and Access Statement sets out that the development achieves a 19.4% reduction in energy demand compared to the Building Regulations minimum standard and proposes heating systems incorporating air source heat pumps that means that 37.8% of the energy in the home comes from the external air rather than through the grid. This demonstrates compliance with condition 16 of the outline application requiring 10% of the predicted energy requirements to be delivered by on site decentralised and renewable or low carbon energy.

- 5.42 It is also considered that arboricultural and surface water drainage information that has been submitted as part of this reserved matters application is sufficient in order to discharge conditions 5 and 6 of outline application 20190278.
- 5.43 The proposals will be liable to pay towards the Community Infrastructure Levy (CIL).
- 5.44 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.
- 5.45 Local Planning Authority has taken a proactive and positive approach to decision taking in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

### Conclusion

- 5.46 In conclusion, the proposals will result in the loss of a copse of trees on the site resulting in some harm to the character of the site and immediate area. However, the principle of the development of this brownfield site has already been established and it is considered that the development will not result in demonstrable harm to the general character and appearance of the area, residential amenity, highway safety, flooding and drainage or ecology. It is considered therefore that the benefits outweigh the harms of this scheme. On balance, the application is considered acceptable and is therefore recommended for approval subject to the below conditions.

Recommendation:	APPROVAL, subject to the following conditions:
	<ol style="list-style-type: none"> <li>1. Approval follows granting of outline application 20190278</li> <li>2. In accordance with approved plans and documents</li> <li>3. Removal of householder PD rights for extensions, alterations, outbuildings etc.</li> <li>4. Bathroom and en-suite windows to be obscure glazed</li> <li>5. All proposed rooflights to be a minimum of 1.7m above floor level of room that they serve</li> <li>6. Development to be carried out in accordance with Proposed Drainage Strategy</li> <li>7. Development to be carried out in accordance with Arboricultural Report</li> </ol>

	<ul style="list-style-type: none"><li>8. Energy efficiency details set out in Design &amp; Access Statement to be completed prior to first occupation of dwellings</li><li>9. Full details of pedestrian access into Homelea Crescent to be submitted to and approved by LPA</li><li>10. Unexpected contamination</li></ul>
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**Planning Appeals: 20 December 2021 to 17 January 2022**

Appeal decisions received:

None

Appeals lodged:

None

## PLANNING COMMITTEE

26 January 2022

### Final Papers

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<b>Supplementary Schedule</b>	<b>137</b>

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

#### DEMOCRATIC SERVICES

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## SUPPLEMENTARY SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Plan No	Application No	Location	Update
1	20211249 20211288	The Street, Cawston	<p><u>Officer Note:</u> The appeal decision referred in paragraph 5.27 is referenced in the Applicants submitted Technical Note – Docking Farm Solar – Landscaping and BMV Land Use.pdf available to view online at <a href="http://www.broadland.gov.uk/plans">www.broadland.gov.uk/plans</a> by inserting the application number.</p> <p><u>Landscaping:</u> To update para 4.5 (Landscape Architect comments) the Landscape Architect has commented further that the landscaping of the site could be improved further to mitigate the impact of the development. In particular the species and heights of the proposed enhancement and additional landscaping of the site. Officers consider this could reasonably be addressed through a condition for a detailed landscaping scheme to be submitted and agreed before development commences. Timing of the planting will also be a key factor in this consideration.</p> <p><u>Additional information from the applicant:</u> For clarity, the applicant has made clear that for the scheme to proceed and to be commercially viable both applications need to be approved. The applications are seeking consent for a single proposal. The reason for two applications is purely procedural – with 20211249 reflecting the previous red line boundary in order to allow our client to exercise their right to use the previous application fee. The additional submission covers the additional land now being included and attracts a planning application fee.</p>

			<p>Appeal case studies for comparison to the applications. key issues are summarised below:</p> <p><u>APP/Y1138/W/15/3004976 Dunsmore Farm, Exeter</u>  The main issues of an appeal in Devon were whether the benefits of renewable energy outweighed any harmful effects, particularly with regard to impact upon BMV agricultural land, character and appearance of the area and setting of heritage assets. This appeal was dismissed. However considerable weight was given to the benefits of the scheme and loss of BMV land, even though a large percentage was of grade 2 land, was not the reason for dismissal finding harm to the setting and character of heritage assets the overriding factor in this case.</p> <p><u>APP/X1925/V/15/3131943 – Three Horses Lane, Codicote, Hertfordshire</u>  The main issues for consideration in this case were harm to the green belt, effect on the landscape character and visual appearance of the area, agricultural land and soils, biodiversity, heritage assets, highway safety, residential amenity, drainage and flooding. It was agreed that significant weight should be given to the contribution the scheme would make to tackling climate change but that the development would be inappropriate development given the significant impact on the Green Belt and harm to the character and appearance of the area. Use of 38ha of BMV land was also used as a reason to dismiss the appeal.</p> <p><u>APP/R3325/W/16/3142550 – Milborne Port, Somerset</u>  The main consideration in this case was a balance between production of renewable energy and the effect on the character and appearance of the landscape. It also assessed BMV agricultural land which in this case was a 50/50 split between 3a BMV land and 3b land. The appeal was allowed on the basis that the proposal would not result in the irreversible loss of</p>
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			<p>BMV Land and the benefits of renewable energy would outweigh any harmful impacts, having particular regard to the effect on the character and appearance of the landscape.</p> <p><u>Officer Note:</u> The committee report indicates that both applications will be identically conditioned this is incorrect. Recommended conditions are set out below for each application. Application 20211288 will be dependent on the implementation of 20211249 and conditioned accordingly. Highway related conditions will only then be required for application 20211249 as the main site with access from The Street.</p> <p>Recommended conditions in relation to 20211249 -</p> <ol style="list-style-type: none"> <li>1. Temporary Permission 40 years (TMT01)</li> <li>2. In accordance with submitted drawings (AD01)</li> <li>3. Decommissioning (NS)</li> <li>4. Hard and soft landscaping (L05)</li> <li>5. Tree and hedgerow protection (L08)</li> <li>6. Retention of hedges and boundary trees (L16)</li> <li>7. New access (HC05 amended)</li> <li>8. Existing access closure (HC08)</li> <li>9. Visibility splay, approved plan (HC17)</li> <li>10. Access one way system (HC18)</li> <li>11. Provision of construction traffic parking (HC21)</li> <li>12. Construction traffic management (HC24B variation)</li> <li>13. Revised traffic management plan (NS)</li> <li>14. Ecology – Lighting hours of use (NS)</li> <li>15. Biodiversity Method Statement (NS)</li> <li>16. Ecological Enhancement /Management Plan (NS)</li> <li>17. Noise Assessment (AM03)</li> </ol>
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			<ul style="list-style-type: none"> <li>18. Implementation of noise remediation (AM04)</li> <li>19. Construction Management Plan (AM05)</li> <li>20. Archaeological work to be agreed (H01)</li> <li>21. CCTV (NS)</li> <li>22. Contaminated land (AM14)</li> </ul> <p>Recommended conditions in relation to 20211288 -</p> <ul style="list-style-type: none"> <li>1. Temporary Permission 40 years (TMT01)</li> <li>2. In accordance with submitted drawings (AD01)</li> <li>3. Decommissioning (NS)</li> <li>4. Hard and soft landscaping (L05)</li> <li>5. Tree and hedgerow protection (L08)</li> <li>6. Retention of hedges and boundary trees (L16)</li> <li>7. Ecology – Lighting hours of use (NS)</li> <li>8. Biodiversity Method Statement (NS)</li> <li>9. Ecological Enhancement /Management Plan (NS)</li> <li>10. Noise Assessment (AM03)</li> <li>11. Implementation of noise remediation (AM04)</li> <li>12. Construction Management Plan (AM05)</li> <li>13. Archaeological work to be agreed (H01)</li> <li>14. CCTV (NS)</li> <li>15. Contaminated land (AM14)</li> <li>16. No commencement of 20211288 until implementation of 20211249 (NS)</li> </ul>	
4	20201627	Land at Rectory Road, Coltishall	<p>Additional comments from Norfolk County Council as Highway Authority:</p> <p>'The amended plans now identify a scheme of pedestrian crossing and speed management improvements on B1150, the proposed 20mph speed</p>	

			<p>limit on Rectory Road &amp; Westbourne Road, a new length of shared use footway/cycleway, traffic calming provision across the site frontage, as well as the originally proposed road widening. Should permission be approved all these works will need to be subject to a detail technical approval process in the form of a S278 Agreement between the developer and the Highway Authority. In separate correspondence direct with the applicant's engineers, we have already raised some initial comments regarding the design of the works on B1150 (in particular the design of the Ling Way / B1150 junction and the need to adjust the alignment of the northern side of the junction) which will need to be incorporated into the final detailed design.'</p> <p>The following comments have also been received from the Historic Environment Service:</p> <p>'We have no specific comments on the amendments to the application. Archaeological evaluation by trial trenching took place on the site in August 2020. We are awaiting a revised version of the report on that work and should be able to advise if conditions for archaeological work are required or not once we have received it.'</p> <p><u>Officer Note:</u> If it is considered to be necessary for further archaeological work to be carried out then this could be added as a further condition.</p>	
5	20201611	Former Lingwood First School, Chapel Road, Lingwood	<p><u>Officer Note:</u> A number of additional drawings have been added to the website recently. These do not materially change the scheme layout/proposals at all but have been submitted as additional information illustrating the back to back distances and heights between existing and proposed dwellings as shown on the proposed site layout plan.</p>	

			<p>In response to these additional details comments have been received from a neighbouring resident at No.14 Briar Close, who is unable to attend the committee meeting, providing the following further comments:</p> <p>'I have just seen drawing LINWD-IWD-XX-XX-DR-A-2020 Revision 2 [boundary cross sections] and would comment at follows -</p> <ul style="list-style-type: none"> <li>• This boundary cross section drawing clearly shows the sheer bulk and size of the proposed two storey dwellings in relation to the dwellings on Briar Close and the adverse effects they will have on the residents.</li> <li>• There is also a statement on this drawing which I believe is incorrect and misleading e.g. Parameters are approved under planning application 20190278. That application was for outline planning only subject to the approval of reserved matters. The reserved matters include the scale and bulk of the proposals which is in part the reason for this new application 20201611. In other words the size and bulk of the proposed dwellings have not been approved for this development.</li> </ul> <p>Please take these comments forward to the committee such that a fair and unbiased appraisal of this development can be made.'</p>	
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