

# 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 23 March 2022  
9:30am

## Place:

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

## Contact:

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Email: [committee.bdc@southnorfolkandbroadland.gov.uk](mailto:committee.bdc@southnorfolkandbroadland.gov.uk)  
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## PUBLIC ATTENDANCE:

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

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[committee.bdc@southnorfolkandbroadland.gov.uk](mailto:committee.bdc@southnorfolkandbroadland.gov.uk) no later than 5pm on Friday 18 March  
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.bdc@southnorfolkandbroadland.gov.uk](mailto:committee.bdc@southnorfolkandbroadland.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.

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# 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 23 February 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 10)  
  
(The appendix included in the report has been provided by an external source and its accessibility cannot be guaranteed)
6. **Planning Appeals (for information);** (table attached – page 70)

## DECLARATIONS OF INTEREST AT MEETINGS

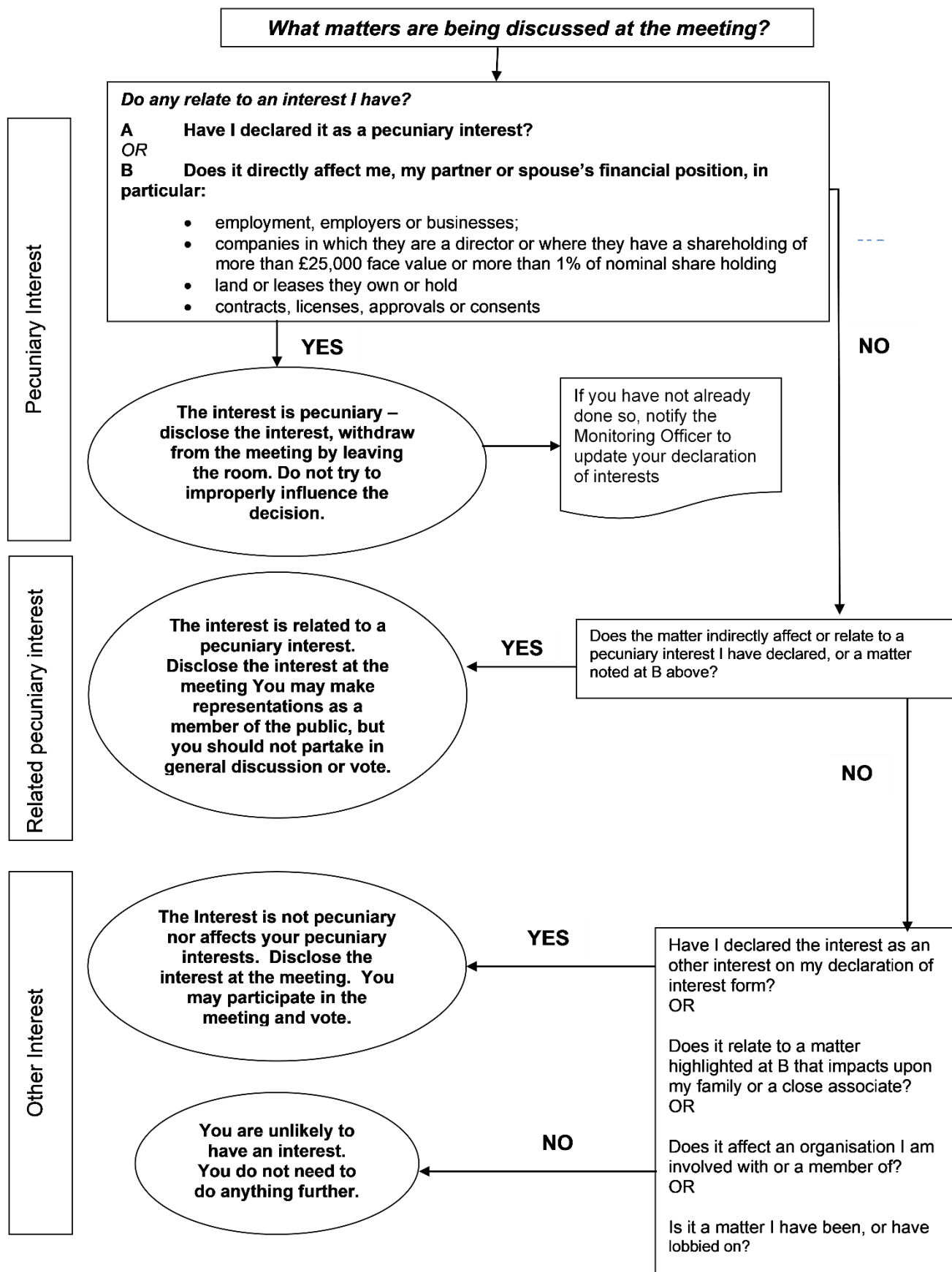
When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda 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 23 February 2022 at 9:30am at the Council Offices.**

<b>Committee Members Present:</b>	Councillors: I Moncur (Chairman), A Adams, S Beadle, N Brennan, R Foulger, C Karimi Ghovanlou, K Leggett (sub for J Fisher), S Prutton, S Riley, K Vincent and J Ward.
<b>Other members present:</b>	Councillor: G Peck
<b>Officers in Attendance:</b>	The Development Manager (T Lincoln), the Principal Planning Officer (T Barker) and the Democratic Services Officer (DM)

### 39 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
20211768	Foulsham	All members	Lobbied by the applicant
		Cllr Brennan	Commented that he had not read the lobbying material.

### 40 APOLOGIES FOR ABSENCE

An apology for absence was received from Cllr J Fisher.

### 41 MINUTES

The minutes of the meeting of the Planning Committee held on 26 January 2022 were confirmed as a correct record and signed by the Chairman.

### 42 MATTERS ARISING

No matters were raised.

#### 43 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. An error was corrected in the report at page 24 - reason for refusal no:1 should have read Foulsham and not Cawston.

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

Application	Parish	Speakers
20211768	Foulsham	Judith Miller – applicant Mark Thompson – agent for applicant Cllr Peck – local member
20212024	Aylsham	Michael Felmingham – applicant

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.

#### 44 PLANNING APPEALS

The Committee the appeal lodged.

(The meeting concluded at 10:38am)

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Chairman

1.	Appl. Nos	:	20211768
	Parish	:	FOULSHAM
	Applicant's Name	:	Mrs Judith Miller
	Site Address	:	The Hawthorns, Hindolveston Road, Foulsham
	Proposal	:	Three detached, three bedroomed dwellings with garages and gardens, a new highway access, ecological enhancements, and the retention of the existing woodland
	Decision	:	Members voted (6-4) for Refusal

1. Contrary to GC2 as outside settlement limit
2. Does not meet criteria of para 80 of NPPF
3. Visual Harm
4. Unsustainable location for new development

1. The proposal is contrary to Policy GC2 of the Development Management DPD 2015 as the site falls well outside of the settlement limit for Foulsham and Policy GC2 does not permit new development outside of settlement limits unless the proposal complies with a specific allocation and / or policy of the development plan. The proposal does not comply with a specific allocation and does not comply with any housing policies in the development plan.

3. The proposal would result in visual harm from the introduction of residential development into a rural location with isolated dwellings and loss of trees leading to an urbanisation of the landscape contrary to criteria (i) of policies GC4 and EN2 of the Development Management DPD 2015 and Policies 1 and 2 of the Joint Core Strategy.

4. The location of the site and its proximity to services and facilities would result in over-reliance on the private car, which will not minimise greenhouse gas emissions and is not located to use resources efficiently. The application is therefore contrary to Policies 1 and 6 of the Joint Core Strategy.

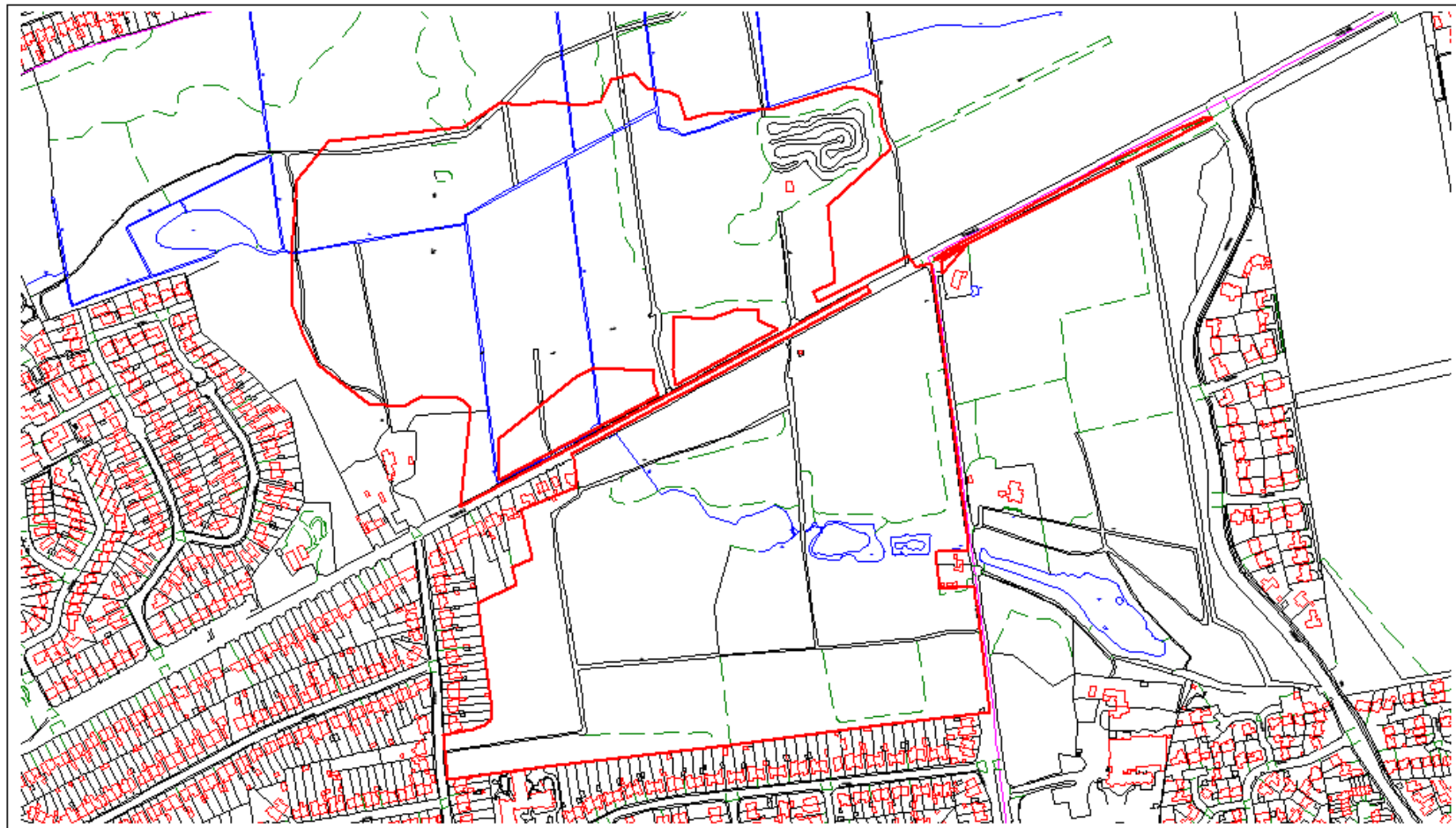
2. **Appl. No** : **20212024**  
**Parish** : **AYLSHAM**  
Applicant's Name : Michael & Julie Felmingham  
Site Address : The Grain Store, Banningham Road, Aylsham, NR11 6LS  
Proposal : Proposed demolition of existing barn, which has been granted class Q permission under reference 20191719, and the erection of a new dwelling with integrated garaging, workshops & pool  
Decision : Members voted (unanimously) for approval

APPROVED subject to conditions

- 1 Time limit
- 2 In accordance with submitted documents and plans
- 3 External materials and boundary treatments
- 4 Highways – visibility splays
- 5 Highways – on-site car parking to be laid prior to first occupation
- 6 Removal of Householder PD rights relating to extensions, alterations to the roof, external lighting, outbuildings, fences gates etc.

	Application No	Location	Officer Recommendation	Page No
1	20212075	Racecourse Plantation Plumstead Road East Thorpe St Andrew NR7 9LW	<b>APPROVE</b> subject to no objections and no conditions	12
2	20212258	Field opposite The Plough Inn Fengate Marsham NR10 5PT	<b>APPROVE</b> subject to conditions.	62

## Planning Committee



Application No: 20212075

Racecourse Plantation, Plumstead Road East, Thorpe St Andrew, NR7 9LW

Scale:  
1:5000

Date:  
14-Mar-22



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1.     **Application No:**     **20212075**  
       **Parish:**           **THORPE ST ANDREW**

Applicant's Name: Hill Residential & The Thorpe and Felthorpe Trust  
Site Address:       Racecourse Plantation, Plumstead Road East,  
                          Thorpe St Andrew, NR7 9LW  
Proposal:            Approval of matters reserved for layout, scale,  
                          appearance and landscaping following outline planning  
                          permission 20161896 for the erection of 239 new homes,  
                          and the approval of matters reserved for layout and  
                          landscaping of a new Community Woodland Park and  
                          associated infrastructure.

Reason for reporting to committee

At the request of the Assistant Director (Planning) as there are considered to be exceptional circumstances which warrant consideration of the proposal by committee given the site history and public interest.

Recommendation summary:

Delegate Authority to Assistant Director (Planning) to Approve subject to no objections from the Contracts Officer and subject to conditions.

1     Proposal and site context

- 1.1    The application seeks reserved matters approval for the layout, scale, appearance and landscaping of 239 dwellings and the layout and landscaping of a new community woodland park and associated infrastructure.
- 1.2    The application is made pursuant to planning permission 20161896 which granted permission on appeal for up to 300 dwellings and the creation of a community woodland park.
- 1.3    The site, and associated 'blue land' (which is not within the application site but will be part of the community woodland park) is comprised of 3 separate parcels – Racecourse Plantation to the north of Plumstead Road East and Belmore Plantation and Brown's Plantation to the south of Plumstead Road East separated by Pound Lane which runs north-south between the woodlands.



- 1.4 The residential development is to be located within 14.65 hectares of Racecourse Plantation with the remainder of Racecourse Plantation and the entirety of Belmore and Brown's Plantation (approximately 57 hectares) to be dedicated as the community woodland park to provide public access and ecological enhancements in accordance with a scheme to be approved pursuant to a section 106 obligation secured as part of the outline application.
  - 1.5 The entirety of the site is designated as a County Wildlife Site and is currently in use as a commercial forestry plantation with a license for tree felling from the Forestry Commission until August 2023.
  - 1.6 Much of the area of land designated for residential development under the outline application has now been cleared of trees under this license, with the exception of some areas of woodland towards the western end of the residential parcel which still need to be removed to facilitate the development. Also retained are those trees identified in the outline consent to be retained owing to their higher category status. These trees are proposed to be incorporated into the layout of the development.
  - 1.7 In addition to the commercial forestry, parts of the site have also previously been used for commercial recreational uses. Activities such as paintball, archery and dirt track racing have all occurred, but these uses have now ceased. The site is within private ownership and features no Public Rights of Way however there is limited boundary treatment to the site and as a result, members of the public access the plantations for informal recreational use and dog walking.
  - 1.8 Located within the Growth Triangle, Racecourse, Belmore and Brown's Plantations were not allocated for development and are part of the Green Infrastructure corridors identified under policy GT2 of the Growth Triangle AAP 2016.
- 2 Relevant planning history
- 2.1 20161896 - Erection of up to 300 new homes and the creation of a new Community Woodland Park. Allowed on Appeal.
  - 2.2 20220264 – Proposed amendments to conditions 3 and 16 of 20161896 to enable 10m radii kerb alignment. Agreed.

3 Planning Policies

3.1 National Planning Policy Framework (NPPF)

NPPF 02 : Achieving sustainable development  
NPPF 03 : Plan-making  
NPPF 04 : Decision-making  
NPPF 05 : Delivering a sufficient supply of homes  
NPPF 06 : Building a strong, competitive economy  
NPPF 08 : Promoting healthy and safe communities  
NPPF 09 : Promoting sustainable transport  
NPPF 11 : Making effective use of land  
NPPF 12 : Achieving well-designed places  
NPPF 14 : Meeting the challenge of climate change, flooding and coastal change  
NPPF 15 : Conserving and enhancing the natural environment

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 7 : Supporting Communities  
Policy 8 : Culture, leisure and entertainment  
Policy 9 : Strategy for growth in the Norwich Policy Area  
Policy 10 : Locations for major new or expanded communities in the Norwich Policy Area  
Policy 12 : The remainder of the Norwich Urban area, including the fringe parishes  
Policy 20 : Implementation

3.3 Development Management Development Plan Document (DM DPD) 2015

Policy GC1 : Presumption in favour of sustainable development  
Policy GC2 : Location of new development  
Policy GC4 : Design  
Policy EN1 : Biodiversity and habitats  
Policy EN2 : Landscape  
Policy EN3 : Green infrastructure  
Policy EN4 : Pollution  
Policy RL1 : Provision of formal recreational space  
Policy TS3 : Highway safety  
Policy CSU5 : Surface water drainage

3.4 Growth Triangle Area Action Plan 2016

Policy GT1 : Form of development

Policy GT2 : Green infrastructure

Policy GT3 : Transport

3.5 Supplementary Planning Documents (SPD) and other guidance

Recreational Provision in Residential Development SPD

Landscape Character Assessment

National Design Guide

4 Consultations

4.1 Sprowston Town Council:

Sprowston Town Council supports Thorpe St. Andrew Town Council's reservations with regard to planning application 20212075 and would also like to raise the following concerns:

1. It appears that some roadways and paths have been included as part of the allocation for public open space.
2. Play areas, particularly for younger children, should be overlooked by residential properties and not located in more remote areas surrounded by woodland.
3. Insufficient provision of allotment space given the size of the development, smaller gardens and popularity of this activity.
4. Inadequate depth of the woodland fringe in some areas.
5. Have bat routes been taken into account when designing the road layout and potential location of any lighting?

4.2 Thorpe St Andrew Town Council:

The Town Council in its capacity as consultee, accepts the decision of the Planning Inspector on appeal, and resolved to unanimously support the reserved matters application.

The Council would, however, like detail and greater consideration by BDC of the following:

- Infrastructure funding through the Community Infrastructure Levy;
- Drainage strategy; and
- Access and highway safety (including potential speed reduction).

We would also welcome inclusion and input on the community asset company (which will manage the community woodland park).

4.3 Contracts Officer:

Clarification regarding maintenance and adoption required. The Council's fleet will only access roads that are built to an adoptable standard and we will not access private drives to service bins. Collection points should be provided. Communal bin stores should also be collection points so require relocating. The refuse vehicle is shown tracked using private drives which is not acceptable. Dog and litter bins suggested for football pitch, communal spaces and the entrances to paths.

Comments on amended plans: Awaiting

4.4 Environmental Quality Team:

The contaminated land reports submitted with this application are missing volume 1 which is the main textual aspect of the assessment. I am taking that this is the same Phase 1 study as submitted with the outline application. The Phase 1 report highlights that whilst a low to moderate risk is possible for sensitive receptors, an investigation should take place especially in areas that have stagnant water for the potential for ground gas. The stockpiles of material were to be tested for suitability for use at the site. This investigation would also feed into the Materials Management Plan (MMP) which has also been conditioned for sustainability reasons. This investigation has yet to be carried out (or results and reports yet to be submitted). I note the geotechnical investigation has a number of monitoring points but no reference to contamination or ground gas monitoring.

I note that a Construction Environmental Management Plan (CEMP) and a lighting scheme is still to be submitted in line with conditions set in the appeal decision.

Comments on additional information:

I have reviewed the Geoenvironmental Tier 2 and whilst the preferred method of assessment would have been the quantitative assessment of data for the ground gas conditions, I can agree with the assumptions made of the lack of sources of ground gas. I am satisfied that contamination and ground gas have been assessed to an appropriate standard and no further investigation, assessment or remediation is required. The developer should assess the stockpiles to the required standard for waste acceptance and vigilance should be observed for any unexpected contamination during construction.

4.5 Green Infrastructure Officer:

Would like to see how the development links into existing walking/PROW and other Green Infrastructure in the area. For example Harrison Wood and the

woodland along the North Ridge in Thorpe St Andrew. I am aware that they are providing a lot of Green Infrastructure (GI) in the development through the Community Woodland Park but in order for the on-site GI to really be of a benefit to the residents and the wildlife, they need to show how the development will create further GI links from the development to other Green Infrastructure and open spaces in the area.

I would like to see all the open space linked up to other open spaces or the woodland fringe areas. This will create wildlife corridors across the site helping the wildlife move between locations. This may require additional tree planting, leaving areas of grassland long through the summer or planting hedges.

4.6 Historic Environment Service:

Although we have no comments to make with regard to this reserved matters application, we would like to point out that the first phase of the archaeological mitigation required by condition 6 has not yet taken place. We hope that the applicant will be in contact with us about this soon.

4.7 Highway Authority:

No objection. Specific points made in respect of layout, tracking, forward visibility, footways, footpath links, parking, estate road construction, turning heads. Required the residential access roads to be amended to a 10m junction radii which has subsequently been secured through non material amendment application 20220264.

Comments on amended plans: No objection to the granting of planning permission. The initial section of access road (including size 3 turning area) to plots A35-A44 (serving 10 dwellings), should be adopted although this would not require any further amendment to the layout.

4.8 Housing Enabler:

I note that the applicants are proposing 33% affordable housing (79 units) with an 85:15 tenure split as per the S106 agreement for 20161896.

Based on recent discussions with the applicants, the following Affordable Housing mix has been agreed - so as to meet both the local and districtwide need of applicants on the Council's Housing list:-

Affordable Housing for Rent x 67 (85%)

1 bed 2 person flat x 23 (all Ground Floor units will be w/c accessible)

2 bed 4 person flats x 17 (all Ground Floor units will be w/c accessible)

2 bed 4 person house x 6 (81m<sup>2</sup>) 3 bedroom 5 person house x 15 (94m<sup>2</sup>)  
4 bedroom 7 person house x 6 (115m<sup>2</sup>)

Intermediate Tenure (as shared ownership) x 12 (15%)  
5 x 2 bed flats and 1 x 2 bed house  
6 x 3 bedroom houses

We note all Ground Floor flats will be delivered as wheelchair accessible (Part M Cat 2 minimum) so as to require minimal adaptation for applicants in need of a level access or w/c accessible property.

All units will be to good space standards (minimum Level 1 Space Standards) so as to meet the Design and Access requirements of RP's operating within the district. Up to a third of the rented units will be for local lettings giving allocation priority to applicants with a local connection to Thorpe St Andrew.

4.9 Landscape Architect:

No objections following submission of amended plans.

4.10 Lead Local Flood Authority:

Object until consent has been obtained to discharge into a watercourse. The applicant must obtain Consent for any alteration to the ordinary watercourse network, along with lengths of watercourse that are proposed to be culverted. It is understood that an application for consent has been made to the LLFA, however, evidence that this has been granted must be demonstrated in order for this objection to be removed.

Comments following approval of consent to alter watercourse:

No objection subject to condition regarding detailed surface water strategy.

4.11 Norfolk Constabulary:

Whilst recognising that this is a reserved matters submission following the grant of outline planning permission, allowed at appeal under ref (2016/1896), Norfolk Constabulary have asked that NPS make the following comment, on their behalf, with regard to this proposal.

Central Government place great emphasis on the role of the Police. Furthermore, NPPF gives significant weight to promoting safe communities (in section 8 of the NPPF). This is highlighted by the provision of paragraph 92, which states Planning policies and decisions should aim to achieve healthy, inclusive and safe places which..... b) are safe and accessible, so that crime

and disorder, and the fear of crime, do not undermine the quality of life or community cohesion ....

Norfolk Constabulary have the responsibility for policing making Norfolk a safe place where people want to live, work, travel and invest. A key to providing safe and accessible sustainable communities where crime and disorder does not undermine community cohesion (and quality of life) is to ensure that the necessary police infra-structure is available in locations where major new development places significant additional pressures on Police resources.

North Norwich / South Broadland is one such location where such growth will take place and Norfolk Constabulary need a further site to cater for all this growth in the area. Norfolk Constabulary have highlighted that this application represents a proposal that will increase pressure on police resources. This development, alongside other development proposals in this area, will place additional strain on existing resources. Therefore, to address this, further investment will be required to enhance the capacity of the police linked to additional developments in the area. If this is not funded and delivered through the planning system, the consequence is that additional stress will be placed on already stretched existing police resources.

Whilst this is an application on a site with existing planning permission, it is considered that future major applications in the area must address the impact on policing in the context of NPPF advice with developer contributions required for key infra-structure needed by the police in South Broadland to deliver a safe, secure environment, to support their quality of life for residents and to limit the risk (and fear) of crime and disorder.

#### 4.12 Norfolk Wildlife Trust:

We disagree with the principle of housing development at this location, within the Racecourse Plantation County Wildlife Site, and objected to the outline application, but recognise that the site won outline permission at appeal. We seek in our comments to ensure that the best possible outcome for wildlife is achieved within the terms set out by the Planning Inspector in their appeal report.

Paragraph 67 of the appeal decision states that 'the Landscape and Ecological Management Plan which forms the basis of the development of the [community woodland park] and should be at the heart of the reserved matters details. These details are required to be submitted and approved in writing by the Local Planning Authority prior to commencement of development'.

The ecology update report submitted with this reserved matters application supports this point, noting that 'the full scope and details of impact avoidance and mitigation measures in relation to the residential scheme will be set out as

part of a Construction Environmental Management Plan (CEMP) with details of proposed ecological enhancements for this area to be incorporated within a Landscape and Ecological Management Plan (LEMP). The CEMP and LEMP will be the subject of a discharge of conditions application, following approval of the reserved matters application, and full details of such measures are not present here'.

Provision of a comprehensive and robust CEMP and LEMP are therefore critical to compliance with conditions 18 and 19 of the appeal decision. The conditions require the submission of the CEMP and LEMP, to be approved in writing by the planning authority prior to commencement of development. We therefore request to be consulted directly on the CEMP and LEMP when submitted to the Council.

4.13 Police Architectural Liaison Officer:

Comments provided in respect of the layout and orientation of buildings, amenity spaces (such as play areas and informal landscaped areas), dwelling boundaries, parking provision and cycle storage including recommendations for amendments to improve security and reduce the risk of anti-social behaviours across the development.

4.14 Senior Heritage and Design Officer:

The overall layout and housing arrangement can be considered to be compliant with National Design Guide and in terms of layout an improvement on the indicative masterplan, particularly with regard to the design of the internal part of the perimeter blocks which will be less 'tight' and less parking dominated.

Comments provided regarding the provision of access to public footpaths via private drives.

There is a good mix of house types and tenures through the development. Two areas of affordables are to the east and west. These will have a good access to wood and good access to recreational facilities provided. Architecturally they will be tenure blind with the use of the same materials and design details.

Plots A27-A34 look a little cramped and could be looked at to create a wider street and landscaping measures to discourage verge/front garden parking.

In terms of providing for a distinctive place, the simple contemporary architectural approach with good quality materials especially brick (three types) will give the development a cohesive and harmonious sense of place whilst also having some variety. Timber weatherboarding will add more



character and blend in with surrounding wooded landscape, and assist in reducing the impression of bulk, height and scale of the three storey apartment buildings. Render is used for key buildings and the central area is treated differently with a more urban character, with more spacious character to the surrounding area. This will assist in breaking down character with less of an estate feel, and assist in helping to make it easier to find your way around. Need to condition for brick types and other materials.

The surrounding woodland landscaping is key element to the overall character and mature trees are also being retained within the development. There are two key north south landscape corridors within the development as well as access around the development to existing landscaping. There are also pockets of existing landscaping within the scheme. There are however some additional opportunities for street planting.

The LAP and LEAPs and public spaces in general are well placed to be accessible to all with good secure surveillance. There are some cases where private gardens are backing onto public realm, but in these locations swales have been added to assist in creating some division and security measure. Parking is generally on plot or in frontage parking courts with good surveillance. There is some use of changes of street surface materials to help slow traffic and mark junctions, particularly at pedestrian crossing points but suggestions proposed.

A parking plan to show how parking spaces are allocated to plots should be provided.

Comments on amended plans:

No objections. Comment made about boundary treatment to rear of plots A38-A42.

4.15 S106 officer:

Based on the proposed housing mix, the policy requirements for provision of open space are as follows:

Play: 1987.3sqm  
Sports: 9,819.6sqm  
Allotments: 935.2sqm  
Green Infrastructure: 23,380sqm

The proposed on-site provision of 2x LAPs, 2x LEAPs and a NEAP offers a variety of play facilities and the total delivery of 3,011sqm play space exceeds policy requirements. The allotment requirement is met by the on-site provision

of 1,024sqm of allotments, and the proposed 56,000sqm of on-site informal open space also exceeds requirements.

The proposed on-site provision of 2x Junior Football Pitches contributes 2,838sqm of sports space. As per the s106, an off-site contribution will be sought in lieu of the shortfall against policy requirements. Calculated using the base 2015 All-in TPI index, the off-site contribution would be £233,593.80. This will be inflated to current indices at the point of payment, and will be applied towards the provision of sports facilities within the parishes of Thorpe St Andrew and Great & Little Plumstead.

4.16 Sport England:

The proposals include two mini-soccer pitches for the Under 7/8 age group, and also include car parking to serve these pitches. However, we will require a technical specification to be approved for these pitches.

4.17 Water Management Alliance:

The applicant intends to discharge surface water to a watercourse within the watershed catchment of the Board's IDD. We request that this discharge is facilitated in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. The reason for our recommendation is to promote sustainable development within the Board's Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 167 of the NPPF).

Other Representations

4.18 Neighbour representations:

- Loss of woodland
- Impact on existing infrastructure such as GP surgeries, schools, roads which are already at their capacity
- Concerns over drainage due to existing wet conditions
- Woodland would be preferred over football pitches
- Impact on wildlife and habitats including protected species
- Noise pollution
- Impact on mental health due to ecological impact
- Additional traffic on local roads which are now busier than ever
- Housing layout well designed
- Gas free homes are proposed with energy efficient measures

- Pleased to see 33% affordable housing but this must not be reduced at a later date
- Density too high for local character
- Woods provide a lung in the absorption of greenhouse gases which have increased
- The woods currently provide an important recreational resource, especially during the pandemic
- Site is a protected county wildlife site
- The scheme does not reflect COP26
- Remains of a WW2 bunker in the woods should not be lost
- Bus services insufficient
- An up to date Ecological Impact Assessment should be submitted
- Increase in traffic will result in more wildlife deaths
- Priority should be given to local residents for the housing
- Increase in air pollution
- The proposed planting or creation of a community woodland park will not replace what is to be lost
- Impact on climate change as a result of lost woodland and new housing
- Not in keeping with character and appearance of the area
- Increased use of woodland will result in overlooking
- Overshadowing
- Development is not sustainable
- Proposed tree loss in community woodland park to create woodland glade will result in overlooking
- The trees are a heritage asset which will be lost
- Brownfield sites should be built on first
- How will people safely cross Plumstead Road East
- Entry point f into Community Woodland should be removed as unnecessarily close to house impacting on privacy and security.
- Paths, sculptures and interpretation signs are out of character with the woodland
- At least 10% ecological net gain should be provided
- Regard needs to be given to how the management of the community woodland park will be financed to ensure that the scheme is viable and delivers its intended outcomes. The Community Woodland Park scheme should be considered in open forum.

## 5 Assessment

### **Key Considerations**

- 5.1 The application seeks reserved matters approval pursuant to an outline consent. Consequently the key considerations are considered to be as follows:

- Principle of development
- Consideration of the following reserved matters:
  - Layout;
  - Scale;
  - Appearance;
  - Landscaping including layout and landscaping of the community woodland park
- Other issues

### **Principle**

- 5.2 The application is made pursuant to planning application 20161896 which established the principle of a development of up to 300 dwellings and the establishment of a community woodland park. The application was allowed by the Planning Inspectorate on appeal following a decision by Broadland District Council to refuse the application. The appeal decision letter is provided as Appendix 1 to this report.
- 5.3 On this basis it is accepted that principle of development is established and as such the following assessment focusing on how it complies with the requirements of the outline approval and the specific planning issues associated with the detailed layout and design of the scheme.
- 5.4 In terms of some of the key conditions imposed on the outline approval, an assessment is as follows:
- 5.5 Condition 1 of the outline decision requires all reserved matters to be made within 3 years of the date of the decision. The application, which seeks permission for all outstanding reserved matters (these being layout, scale, appearance and landscaping including layout and landscaping of the community woodland park) have been made within the requisite time period.
- 5.6 Condition 2 clarifies what the outstanding reserved matters are (as listed in the preceding paragraph above) and that the application for the first reserved matters shall be accompanied by a phasing plan to indicate the timing and sequence of the development. In support of the application is an amended phasing plan which demonstrates the timing and sequence of the development which will be delivered across 9 phases over a 220 week construction period. The phasing plan is considered to be acceptable with regards to the requirements of condition 3 and should be listed as an 'approved plan' should committee be minded to approve the application.

- 5.7 Condition 3 of the outline decision confirms that the development must be carried out in accordance with approved plans (these being the red line location plan and access drawings). This condition has subsequently been amended under 20220264 to enable a minor material amendment to the approved vehicular accesses to provide for a 10m junction radii instead of a 6m radii. The proposed development accords with these previously approved plans, as amended by 20200264, and therefore complies with condition 3.
- 5.8 Condition 4 limits the number of dwellings that can be accommodated within the site to a maximum of 300. The application proposes a development of 239 dwellings and therefore complies with condition 4.
- 5.9 Condition 5 requires any application for reserved matters to be in accordance with the previously submitted illustrative masterplan and design and access statement as amended by the open space and recreation strategy. An assessment against these documents runs through the assessment which follows below however in summary my view is that the scheme as a whole is in compliance with these overarching documents and that the application complies with condition 5.
- 5.10 Condition 7 requires the submission of a desktop contamination study to be submitted as part of the first reserved matters application. In support of the application is a Tier 2 Geoenvironmental Assessment. The Environmental Quality Team are in agreement with the report and are satisfied that contamination and ground gas have been assessed to an appropriate standard and no further investigation, assessment or remediation is required. The developer should however assess the stockpiles to the required standard for waste acceptance and vigilance should be observed for any unexpected contamination during construction in accordance with part (E) of the condition.
- 5.11 Given the above, I am of the opinion that the principle of development is acceptable and that the proposed scheme complies with the parameters established by the outline application.
- 5.12 Many of the public representations have raised concerns over issues such as the impact on the local highway network and local infrastructure, the principle of housing in this location including the principle of tree removal and developing on a county wildlife site. However, these issues are all matters which have been examined through the outline application (including the public inquiry) and are matters of principle which have been established through the planning permission which was granted. Consequently, whilst I do acknowledge these concerns, the principle of the development has been established through the outline application and it would not be reasonable to request, for example, further transport assessments to be undertaken or contributions towards infrastructure improvements that have not already been

secured in the outline consent. As highlighted earlier in the assessment, the application must instead be determined against the conditions of the outline application and the associated reserved matters.

- 5.13 In terms of the specific design and layout put forward as part of the reserved matters application the key issues are as follows:

**Layout**

- 5.14 Turning first to the layout of the residential development, the site would be accessed by two priority bell mouth junctions onto Plumstead Road East in accordance with the access arrangements approved as matter of the outline application (which did not reserve access for later consideration) as amended by the subsequent non-material amendment to increase the junction radii to 10m.
- 5.15 These roads would provide access to a network of estate roads including a central loop off which would be a series of lower order shared surfaces and private drives. The roads would have widths of between 5.5m and 6m in accordance with the highway authority standards. The overall structure of the road network reflects that submitted in the indicative masterplan. A network of paths between 2m and 3m wide would permeate through and around the perimeter of the site providing high levels of permeability and integrating with the paths to be provided as part of the community woodland park.
- 5.16 Dwellings would be aligned to front onto the road and path network and surrounding woodland providing 'active' street scenes and open spaces with good levels of surveillance. Comments on the layout have been received from the Police Architectural Liaison Officer who raises no fundamental objection and, having regard to these comments, I consider that the scheme would represent a safe environment which has had regard to designing out crime whilst providing a highly permeable and attractive environment in accordance with policy GC4 of the DM DPD.
- 5.17 Two fingers of open space would run north-south through the residential development along corridors shown in the outline masterplan where trees of greater value have been retained. Furthermore, other pockets of open space are provided within the development and an extensive woodland fringe is provided creating a buffer to the community woodland park. These principles ensure a well-designed layout which has regard to the landscape in accordance with policies GC4 and EN2 of the DM DPD and policies 1 and 2 of the JCS.

- 5.18 In addition, the scheme proposes a variety of play spaces in accordance with the principles of the outline masterplan including 3 equipped areas of play one of which includes a ball court, 2 non-equipped areas of play and two under 8's football pitches. The proposed on-site open space and recreational strategy will provide a comprehensive play experience for a range of people and reflects the requirements of the outline application in quantitative and qualitative terms and in combination with off-site contributions towards formal recreation would exceed the requirements of policies EN3 and RL1 of the Development Management DPD.
- 5.19 The proposed layout meets the requirements of the highway authority with a road network suitable to cater for the level and type of traffic which will be using this development. Amended plans have been submitted to address initial comments and the highway authority therefore raise no objections. Parking is provided either on curtilage or within parking courts to serve apartments, in addition an area of public parking is proposed to serve the allotments and football pitches. Whilst this is slightly remote, the location of this was established in the indicative masterplan and the landscaping management of the site will ensure that surveillance remains possible.
- 5.20 Owing to the isolation of the residential development enclosed within an existing woodland there would be little in the way of impact on existing residents and the outline permission has a condition to control construction related impacts. The proposed layout would afford future residents a sufficient degree of residential amenity with a layout which provides for a range of housetypes, an acceptable level of overlooking and access to private gardens and/or high quality open space within the development. Consequently I am satisfied that the layout would be acceptable with regard to residential amenity impacts and would comply with GC4 of the DM DPD in this respect.
- 5.21 Policy CSU4 requires provision of waste collection facilities within major development. The applicant has provided refuse vehicle tracking information and shown bin storage and bin collection points on the proposed layout. Apartments are proposed to be served by communal collection points and dwellings would have either individual collection points or communal points adjacent to the highway. The Contracts Officer has raised some concerns regarding the proposed communal collection points and the suggestion that the refuse vehicle should access some private drives (with an indemnity against damage provided). Discussions are ongoing with the developer and Contracts Officer on this issue and I am confident that it will be resolved without significant changes to the scheme being required. However, my recommendation reflects that at the time of writing this issue is outstanding.

- 5.22 Overall, it is considered that the layout represents high quality design which complies with policies 1 and 2 of the JCS and GC4 of the DM DPD whilst creating a safe highway network in accordance with TS3 and sufficient parking in accordance with TS4. Secure by design principles have been adequately incorporated into the layout whilst meeting other planning objectives such as creating permeable environments in accordance with GC4 of the DM DPD. Important landscape features have been retained in accordance with principles established in the outline application in accordance with EN2 of the DM DPD. Consequently, subject to the refuse collection issue being resolved, I consider that the layout is acceptable being in accordance with the development plan and outline application.

### **Scale**

- 5.23 Other than the number of dwellings, the outline application did not limit the scale of development. The application proposes a predominantly 2 storey led development (with selective use of 2.5storey dwellings) with a range of detached, semi-detached and terraced dwellings with typical footprints associated with modern residential development. Of note however are 3 larger apartment buildings which would be up to 3 storey in height and of a greater mass than the other dwellings. However, whilst these buildings would be noticeably different in scale they would not be harmful and instead I consider that they would be focal points for the development and act as important way markers. The buildings are well designed and the Senior Heritage and Design Officer has commented that the use of timber weatherboarding will add more character and blend in with surrounding wooded landscape, and assist in reducing the impression of bulk, height and scale of the three storey apartment buildings. The scale of development would largely reflect the scale of development in the local area which is predominantly 2 storey.
- 5.24 Overall, I am satisfied that the scale of development will result in a well-designed development in accordance with policy 2 of the JCS and GC4 of the DM DPD and would not have landscape harm in accordance with policy EN2 of the DM PDP.

### **Appearance**

- 5.25 The proposed dwellings have a traditional approach such as the simple rectangular form, use of pitched roofs, narrow gables and traditional materials, but incorporate contemporary features to create a development which reflects local vernacular but avoids pastiche. This is an approach supported by the Council's Senior Heritage and Design Officer. The design and access statement referred to in condition 3 of the outline consent proposes a very traditional development in terms of form and appearance, and I consider that the proposed design principles comply with the underlying objectives of this



design and access statement whilst allowing for a well-designed development to come forward. Consequently, I am satisfied that the architectural approach reflects the scope of the outline application.

5.26 An intention to use 3 brick and tile choices and selective use of render and weatherboarding has been proposed based on the submitted Materials Plan however precise details of these should be conditioned to be submitted for approval prior to their first use to enable greater scrutiny over the precise choice and also provide the applicant with flexibility given the current issues around the supply of building materials.

5.27 Overall, I am satisfied that the development would have a very high standard of appearance in accordance with policy 2 of the JCS and GC4 of the DM DPD.

**Landscaping, including the layout and landscaping of the Community Woodland Park**

5.28 In support of the application are precise details of hard and soft landscaping for the proposed residential development and the proposed community woodland park layout and improvement plan which is being prepared to accompany the Community Woodland Park Scheme pursuant to the s106 agreement which accompanies the outline application. Both the residential landscaping and community woodland park layout have been amended through the course of the application.

5.29 In terms of the landscaping in the residential development, the outline permission secures the retention of the most significant trees within the site and these have been retained following the tree felling works. The retained trees have been incorporated into the layout in accordance with the principles of the outline application. Some further tree felling will be required to facilitate the development but this has already been agreed through the outline application and 2 further tree removals are required to provide access to the site. The Landscape Architect has met with the applicant's landscape consultants on a number of occasions and the proposed scheme has been amended to reflect these discussions. As amended, the Landscape Architect has no objections to the application.

5.30 With regard to the community woodland park, the precise details of how this will be delivered, managed and funded are to be secured through the discharge of an obligation in the section 106 agreement and officers, including ecological advisors, the green infrastructure officer and s106 officer are in advanced discussions with the landowner, their representatives and the developer about this. However, in order to satisfy the requirements of condition 2 of the outline permission details of the layout and landscaping of the community woodland park are to be provided as a reserved matter.

- 5.31 With this in mind, in support of the application a community woodland park layout plan has been provided. This has been amended to remove a path adjacent to a residential dwelling following representations that they made and to remove a path running parallel with Plumstead Road East to avoid duplication with the highway works to be delivered. The proposed plan, as amended, demonstrates the location of proposed surface and unsurfaced paths through the woodland, the location of woodland glades, tree thinning, heathland creation, ponds, means of enclosure, sculptures, signage, benches and other access features.
- 5.32 The proposed layout of the community woodland park reflects very closely that proposed as part of the outline application and will provide for ecological enhancements whilst delivering public access in a controlled manner. Concern has been expressed by residents that works to the woodland are not necessary and will have an adverse impact, however the developer is obligated to implement measures which would diversify and enhance its ecological value and to provide public access. Consequently, and with regard to the conclusions of the appeal decision, I consider that the proposal complies with policies 1, 2, 7 and 8 of the JCS and policies GC4, EN1 and EN2 of the DM DPD. The level of information is considered sufficient in respect of a reserved matters application and the precise details for the delivery and management (including long term funding) of the community woodland park will be secured through the discharge of the s106 obligation.

### **Other issues**

#### Surface water drainage:

- 5.33 In support of the application is a Drainage Strategy which demonstrates how surface water from the development will be managed to ensure that the development does not increase the risk of flooding on site or elsewhere. The site is currently served by a series of drainage ditches that receive run-off from upland areas to the north and west and falls towards Plumstead Road East where an existing culvert crosses Plumstead Road East and flows to a series of ponds in Belmore and Brown's Plantations.
- 5.34 Site investigations have demonstrated that infiltration is not feasible and it is proposed that surface water drainage will utilise the local ditch network. The LLFA have no objections to this strategy and their holding objection has been removed following the applicant securing consent to alter the existing ditch network. They request a condition regarding the need to submit a detailed Design Strategy however this is already covered by a condition on the outline permission.

- 5.35 Consequently, it is considered that the application complies with policy CSU5 of the DM DPD. The outline consent includes a condition for surface water drainage which the applicant will need to discharge separately from the current reserved matters application.

Affordable housing:

- 5.36 The section 106 agreement secures the delivery of 33% affordable housing with an 85:15 Affordable Rent:Shared Ownership tenure split. The application proposes 33% affordable housing (79 units) in accordance with the agreed tenure split. All ground floor flats will be delivered as wheelchair accessible (Part M Cat 2 minimum) so as to require minimal adaptation for applicants in need of a level access or w/c accessible property. All units will be to good space standards (minimum Level 1 Space Standards) so as to meet the requirements of Registered Providers' operating within the district. Up to a third of the rented units will be for local lettings giving allocation priority to applicants with a local connection to Thorpe St Andrew. The Housing Enabler officer raises no objection to the proposed affordable housing mix.
- 5.37 Furthermore, in relation to market mix, the application proposes a range of 2, 3, 4 and 5 bedroom dwellings which would provide a suitable range of house types to provide choice in the market. Consequently, I am satisfied that the housing mix would be acceptable with regard to policy 4 of the JCS.

Outline conditions:

- 5.38 The outline application bounds the developer to discharge conditions in respect of highways matters, archaeology, drainage, materials management, pollution control and construction management, landscape and ecology management, tree protection, energy efficient design and lighting. These applications will be considered in due course in accordance with the requirements of the outline application via separate discharge of condition applications noting the trigger points for their submission and agreement eg prior to commencement, prior to first occupation etc.

**Conclusion:**

- 5.39 The application is made pursuant to an outline application which establishes the principle of development. I consider that the proposed scheme complies with the principles established by the outline and is therefore acceptable in principle. Furthermore, in terms of the reserved matters being sought (layout, scale, appearance, landscaping and landscaping and layout of the community woodland park), I consider that the proposed scheme complies with the relevant policies of the development plan. Furthermore, I do not consider that there are considerations to warrant determining the application otherwise than

in accordance with the development plan. Accordingly, I recommend that reserved matters approval is granted.

5.40 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.

5.41 This application is Liable for CIL.

Recommendation:	Delegate Authority to the Assistant Director (Planning) to Approve subject to no objections from the Contracts Officer and subject to the following conditions:
	<ol style="list-style-type: none"><li>1. Plans and documents condition</li><li>2. External materials conditions</li><li>3. Informatives regarding the need to comply with the remaining conditions on the outline consent and obligations of the s106 agreement</li></ol>

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Appendix 1 – 20161896 Appeal Decision Letter

APPENDIX 1



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## Appeal Decision

Inquiry commenced on 22 May 2018

Site visit made on 31 May 2018

**by Frances Mahoney PGDipTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30 January 2019**

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**Appeal Ref: APP/K2610/W/17/3188235**

**Racecourse Plantations, Plumstead Road East, Norwich**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by SCC Norwich LLP and Thorpe & Felthorpe Trust against the decision of Broadland District Council.
  - The application Ref 20161896, dated 31 October 2016, was refused by notice dated 14 June 2017.
  - The development proposed is the erection of up to 300 new homes and the creation of a new Community Woodland Park.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 300 new homes and the creation of a new Community Woodland Park at Racecourse Plantations, Plumstead Road East, Norwich in accordance with the terms of the application, Ref 20161896, dated 31 October 2016, subject to the conditions set out in the schedule annexed hereto.

### Preliminary matters

2. The Inquiry sat from the 22-25 May, 30-31 May 2018 with an accompanied site visit on the 31 May 2018.
3. The description of development makes it clear that this proposal is for a residential development of up to 300 homes and the creation of a new Community Woodland Park (CWP). The CWP is proposed to comprise some 61 hectares spread across the plantations<sup>1</sup>, excluding the 9 hectares of proposed residential development at Racecourse Plantation<sup>2</sup>.
4. In this outline proposal all matters are reserved for future consideration save that of access. I have considered the proposed development as described.
5. The appellant company has collectively described the three commercial forestry plantations known individually as Racecourse, Belmore and Brown's<sup>3</sup>, as Racecourse Plantations. Locally these are known as Thorpe Woodlands. For

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<sup>1</sup> Belmore Plantation is within the red lined application site (dwg no 1602 PL01). Both the land outside of the 9 hectare residential development area of Racecourse Plantation and Brown's Plantation are within the blue line area, outside of the application site.

<sup>2</sup> The residential development is wholly within the red line application site (dwg no 1602 PL01).

<sup>3</sup> Racecourse Plantation is to the north of Plumstead Road East, whilst Belmore and Brown's Plantations are to the south.

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clarity I shall refer to them individually by name where relevant or collectively as Thorpe Woodlands.

6. There has been some confusion over whether Thorpe Woodlands constitutes an Ancient Woodland. Although the Woodland has a number of the ecological characteristics of Ancient Woodland, the 2012 detailed field survey work of Professor Oliver Rackham, along with Applied Ecology, which included historical mapping, proved this was not an Ancient Woodland<sup>4</sup>. Neither the Council nor the appellant company maintain such a position and I am satisfied on the basis of the evidence that such a status is not relevant in this instance.
7. Following the close of the Inquiry a revised National Planning Policy Framework (the Framework) July 2018 was issued and comments from the main parties were canvassed. Those received have been taken into account in the consideration of this appeal<sup>5</sup>. The references to the Framework in this report refer to the revised Framework.

### Background

8. Thorpe Woodlands is currently actively commercially managed for forestry, including clear felling, selective felling and coppicing programmed annually. The Felling Licence, issued by the Forestry Commission, grants permission to fell until 2023<sup>6</sup>. That notwithstanding Thorpe Woodlands were designated County Wildlife Sites (CWS) in 1997<sup>7</sup>.
9. Within the central eastern part of Racecourse Plantation are established paintball/archery businesses. Planning permission was granted in December 2005 and it was apparent at the site visit, where I observed delineating fencing and associated paraphernalia, including obstacles, targets as well as support buildings and car parking, that both uses persist<sup>8</sup>.

### Policy Background

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan comprises the Joint Core Strategy for Broadland, Norwich and South Norfolk (amendments adopted 2014) (JCS)<sup>9</sup>, the Broadland Development Management Development Plan Document 2015 (DMDPD)<sup>10</sup>, the Broadland Site Allocations Development Plan Document 2016 (SADPD)<sup>11</sup> and the Broadland Growth Triangle Area Action Plan (GTAAP)<sup>12</sup>.
11. The appeal site lies within the Old Catton, Sprowston, Rackheath and Thorpe St Andrew Growth Triangle which the JCS identifies as a location to deliver at least 7,000 of the 36,820 new homes which the strategic policies supporting the spatial vision of the JCS promote, identifying broad locations for delivery.

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<sup>4</sup> Ancient Woodland status had previously applied but this attribute was retracted following the findings of the Rackham Report.

<sup>5</sup> Inquiry Docs 39, 40.

<sup>6</sup> Inquiry Doc 34 - Forestry Licence 32176.

<sup>7</sup> Racecourse Plantation designation Ref 2041 & Belmore and Brown's Plantation Ref 2042.

<sup>8</sup> Council's CD 46.

<sup>9</sup> Council's CD 1.

<sup>10</sup> Council's CD 2.

<sup>11</sup> The SADPD does not cover allocations within the Growth Triangle. Therefore, the specific policies of the SADPD are not relevant in this instance Council's CD 3.

<sup>12</sup> Council's CDs 4.



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12. Whilst Thorpe Woodlands lies on the built edge of Norwich it is outside the settlement limit and is not specifically allocated for development.
13. It is an agreed position that the Council does not have a five year housing land supply (5YHLS). The Norwich Policy Area had a 4.7 years housing land supply as detailed in the Annual Monitoring Report 2015-2016<sup>13</sup>

### Main Issues

14. The proposed homes and supporting infrastructure would certainly change the character and appearance of this part of Racecourse Plantation. However, the promoted cases do not include an objection to the proposal on such grounds. Urbanising development is only a stone's throw from the development site and the Masterplan shows how the surrounding woodland would permeate through the proposed development, creating important visual and physical linkages between the built development and its ecologically sensitive setting. GTAAP allocations are also proposed on neighbouring sites. There is no suggestion that the proposal would have a significant adverse effect on the function of the area as a landscape setting to the future built edge of Norwich.
15. The appeal site lies wholly in flood zone 1 and is identified as being at very low risk of flooding from surface water. Surface water flows runoff would be attenuated using Sustainable Urban Drainage System secured by means of planning condition. The Flood Risk Assessment<sup>14</sup> provides surety in this regard.
16. Whilst concern has been raised by residents in respect of the impact of the proposed development on the local highway network I am conscious that Plumstead Road East links into the Northern Distributor Road (NDR), the strategic road system around the City. There is forecast to be a significant reduction in traffic on the local network as a result of the NDR. It is an agreed position of the parties that there is likely to be a net reduction in traffic on the network overall, with the appeal development, the NDR, and the Growth Triangle allocated sites in place<sup>15</sup>. I have no reason to question this agreed position. Therefore, I am satisfied that the impact of the proposal on the highway network is not a matter that requires further consideration<sup>16</sup>.
17. Concern has also been raised by residents in respect of the pressure the future residents of the proposed development may put on local services such as schools and health. I recognise this is a rational fear for residents, but no substantive evidence has been submitted to support such a matter. The Council has not promoted such an impact as part of their case and no request for financial contributions to such local services has been made. I, therefore, am satisfied that this is not a determinative issue in this case.
18. Neighbouring residents to the proposed residential development site expressed reservations in respect of noise and disturbance which may emanate from the new homes. Having viewed the relationship of the existing properties to the location of the new homes, I am satisfied that there is a significant distance between the two with intervening tree/shrub cover, both existing and with the potential for enhancement as part of any landscaping scheme. Disturbance

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<sup>13</sup> Statement of Common Ground (SofCG) paragraphs 54 and 55.

<sup>14</sup> CD 1.30 & 1.31.

<sup>15</sup> SofCG paras 36-37 – The terms of DMDPD Policy TS3 would not be compromised in that no significant adverse impact upon the satisfactory functioning or safety of the highway network would occur.

<sup>16</sup> The proposal also includes further highway works: a dedicated pedestrian and cycling routes along Plumstead Road; two new toucan crossings on Plumstead Road; upgrade to the Trod, a well-used but informal path.

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during the construction phase would be managed through the terms of an appropriate condition. Therefore, the living conditions of nearby residents is not a matter which requires further examination.

19. The appeal proposal seeks permission for a CWP across Racecourse and Belmore Plantations with Brown's being a woodland reserve with restricted access. The Council has made it clear that in respect of the recreational use of Belmore Plantation as part of the CWP there is no objection subject to conditions and S106, with any ecological impacts being mitigated by the more targeted management proposed<sup>17</sup>.
20. The appellant company has submitted a signed and completed S106 agreement<sup>18</sup> relating to the provision and quantum of Affordable Housing (AH), provision and maintenance of the open space and CWP.
21. The S106 promises to make provision of AH equating to 33% of the total number of dwellings proposed which would be in accordance with the terms of JCS Policy 4 and is justified in terms of policy as well as wider need within the Norwich Policy Area.
22. The open space element of the agreement is necessary and justified by reason of JCS Policy 7, DMDPD Policies EN1, EN3 and RL1. It is the CWP element of the S106 which is questioned and will be returned to later in this decision.
23. Therefore, the main issues in this case are:
  - whether the proposed residential development within Racecourse Plantation would impact on the well-being of bio-diversity and ecological connectivity in the locality;
  - whether the proposal would prejudice the green infrastructure strategy which underpins comprehensive planning for future urban expansion within the growth triangle and wider Greater Norwich context; and
  - in light of these issues whether the appeal proposal achieves sustainable development<sup>19</sup>.

### **Biodiversity and Green Infrastructure impacts**

24. As CWSs the value of the biodiversity of Thorpe Woodlands is of county importance<sup>20</sup>.
25. In considering the value of the CWS it is necessary to contemplate it in the round. The value of a CWS is not particularly size focused. It should be based on an ecological judgement. Essentially, the purpose of identification is to recognise its ecological value and to help conserve those features by affording it a degree of protection<sup>21</sup>.

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<sup>17</sup> Inquiry Doc 36 para 4.

<sup>18</sup> Inquiry Doc 38 & 32 (CIL compliance statement - Regulations 122 and 123 justification).

<sup>19</sup> The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs – Framework paragraph 7.

<sup>20</sup> I see no reason to re-evaluate whether Thorpe Woodlands should be designated or not as a CWS. A S78 appeal is not the vehicle by which such a matter should be considered. In this instance the Woodlands have been the subject of several surveys, the most recent in 2012, none of which have resulted in an ensuing re-appraisal of the designation.

<sup>21</sup> Framework paras 170 a), 171 & 174.



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26. Racecourse Plantation is a combination of coniferous plantation and broad-leaved semi-natural woodland, over dry, sandy, acidic soils. It includes distinctive compartments of uniform, even-aged conifers along with similar compartmentalised recent broad-leaved planting. It is what would be expected of a forest in commercial use. However, the coniferous planting does not constitute native species. The glades and rides along with the heathland are what you would expect to see in a woodland on such a dry, sandy soil.
27. Thorpe Woodland is covered by a Forestry Licence to clear and selective fell, coppice, thin out and restock. The object of the Forestry Licence<sup>22</sup> is to develop a diverse structure and wide range of hardwood and softwood species although re-stocking of commercial conifers is specifically identified in the license. This is not unexpected as commercial potential must be a prevailing objective in such circumstances.
28. The promoted ecological concern of the Council centres on the ecological impacts of the proposed built development within Racecourse Plantation. This wooded enclave, as already identified above, accommodates recreational business uses confined to the eastern part of the woodland. Paintballing/archery are not unusual activities within a woodland setting, providing recreational opportunities but with a loose harmony with ecology.
29. The ecological value of Thorpe Woodlands, in the main, lies in a combination of the flora and fauna it supports both in the immediacy of the Plantations and the wider linkages to green spaces beyond. Within the context of a mixed woodland, commercially used, some 246 species of flowering plants and ferns were identified in 2012, being a large number for the size of wood<sup>23</sup>. The Woods are florally diverse including, of particular note, the presence of Chaffweed<sup>24</sup> and Allseed<sup>25</sup>, both of which rarely occur in Norfolk and are near-threatened in Great Britain as a whole.
30. The CWS encompasses a mosaic of a broad habitat mix, including heath, wood pasture and woodland, having remained undeveloped for a long period of time<sup>26</sup>. I have no doubt that this is a contributing factor to the number of plant species present, as well as the two nationally near-threatened species of particular note. I also consider that forestry operations, spreading seeds by means of vehicular movements, as advocated by the Rackham Report, offers a further plausible explanation. It may indeed be a combination of the two hypotheses which has resulted in the diversity in the flora of the Woodland.
31. That notwithstanding both the mosaic of habitats and the variety in the identified ground layer flora<sup>27</sup>, in the context of a woodland which, amongst other things, includes glades, rides, ponds and diverse physical and age structure, along with dead wood both standing and fallen and the presence of seedlings, saplings and mature species, are both factors which particularly influence the value of the CWS. The broad habitat mix with semi-natural characteristics of the Woodland further contributes to the biodiversity value of the area.

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<sup>22</sup> Inquiry Doc 34.

<sup>23</sup> Professor Oliver Rackham – field survey.

<sup>24</sup> *Centunculus minimus*.

<sup>25</sup> *Radiola linodes*

<sup>26</sup> The Woodland being commercially forested has been the subject of re-planting both with coniferous and deciduous trees as well as impacted by the physical process of felling and coppicing of the trees. This too would affect both the habitats present as well as the flora.

<sup>27</sup> Including rare species.

32. The appeal proposes a fundamental shift of the management emphasis of Thorpe Woodlands from commercial forestry-led to ecologically driven. Areas of low ecological value coniferous woodland are proposed to be removed and/or thinned to create opportunities for heathland habitat creation. The aim of thinning is to increase light levels and thereby encourage natural regeneration/coppice growth of native hardwoods to develop a range of age classes and structure within the woodlands. The broad sheltered rides also offer heathland creation opportunities where more daylight is able to penetrate the Woodland. The thinning of coniferous trees would also refine the wider canopy allowing native species to thrive in a more spacious setting improving the coverage of native trees across the site. Such a management technique, whilst investing in the long-term development of the Wood, is not an erosion of the Woodland. It merely takes it in a different development direction with the emphasis on native species and ecological management. The creation of heathland and acid grassland within the woodland setting would promote the conservation and restoration, as well as enhancement, of these Priority Habitats<sup>28</sup>.
33. The proposed development site would take up some 9 hectares of woodland. The area for built development set out on the Masterplan<sup>29</sup> has been shaped through the results of a detailed Tree Constraints Plan/Arboricultural Impact Assessment<sup>30</sup>. This identifies that few trees of high/moderate value would be lost. From my observations the development area is considerably more open than other parts of Racecourse Plantation without the distinctive woodland canopy which characterises other parts of the Woodland. It includes non-native species which have been subject to storm damage and the regeneration of the Wood is less marked<sup>31</sup>. The trees of note are clustered into almost linear groups following the lines of the choked ditches. These have been accommodated within the Masterplan layout including managed informal green space, wildlife corridors, children's play space, informal recreational nodes and the provision of allotments and sports pitches<sup>32</sup>.
34. In considering the fauna of the Woodland, as part of the ecological surveys to inform the supporting case for the NDR, work identified a nationally important population of Barbastelle bats<sup>33</sup> in the vicinity of Thorpe Woodlands<sup>34</sup>. This survey work included radio-tracking of three Barbastelle bats<sup>35</sup>. The home range of two of the bats did not include Racecourse Plantation<sup>36</sup>. However, the identified home range and foraging area of Bat 1 included the far eastern limit of the proposed development site which is intended to be an open area of allotments, sports pitches and play areas. Most of the extent of the home range spreads out into the wooded area of Racecourse Plantation and beyond<sup>37</sup>,

<sup>28</sup> Framework Glossary.

<sup>29</sup> CD 1.44.

<sup>30</sup> CD 1.37 & 1.38.

<sup>31</sup> It appears as being the least sensitive within the context of a mixed woodland.

<sup>32</sup> Open Space/Recreation Strategy CD 1.43.

<sup>33</sup> *Barbastella barbastellus* – appear in Appendix II of the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitat) – requires that Barbastelles are strictly protected against deliberate killing, capture, damage/destruction of breeding and nesting sites, and disturbance, which is provided in UK law through the Wildlife and Countryside Act 1981 (as amended) & The Conservation of Habitats and Species Regulations 2017.

<sup>34</sup> Barbastelle bats are woodland bats.

<sup>35</sup> 2012 – Council's CD 41, Appendix S.

<sup>36</sup> Inquiry Doc 27 – Barbastelle Cumulative Data.

<sup>37</sup> Majority of the three bat ranges appeared to fall within open countryside to the east of site.



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- currently subject to commercial forestry, including the paintballing and archery businesses.
35. The 2015-2016 survey undertaken by Applied Ecology<sup>38</sup> included long-term automated bat detector surveys, bat trappings and walked transect all on a number of nights over an extended period<sup>39</sup>. The walked transect survey recorded seven individual call files of Barbastelle bats over the five survey sessions, which represents 0.2% of all recorded bat call files across Racecourse Plantation. Sixty-six registrations of Barbastelle call files from the long term automated detectors also make up only 0.2% of the total number of calls, and in considering this data I am aware that sixty-six registrations do not mean sixty-six Barbastelle bats. No Barbastelle bats were captured in the trapping survey; however, this does not mean there were none present, particularly in the context that these bats are rare and likely to be low in numbers<sup>40</sup>.
36. The conclusion of the 2015-2016 report was that the bat species assemblage of Racecourse Plantation is dominated by the UK's most common bat species<sup>41</sup> which forage within the wood with maternity roosts close by. No maternity roosts were identified for Barbastelles within the Plantation or within its range. A cluster of Barbastelle bat roosts is located in Rackheath Park to the north of Racecourse Plantation. Bats from this cluster feed in woodlands in the area including Racecourse Plantation.
37. From the totality of the survey data it is reasonable to surmise that Barbastelle bats are more prevalent in the wooded areas of Racecourse Plantation where the bats preferred habitat of deciduous trees prevails. Activity was concentrated in the eastern part of the Plantation, in the main, outside of the proposed development site with foraging extending out beyond the Woodland out into the wider countryside<sup>42</sup>.
38. The Norfolk Barbastelle Study Group highlight that Racecourse Plantation falls within the Core Sustenance Zone (CSZ)<sup>43</sup> for all the roosts identified in the NDR 2012 tracking surveys<sup>44</sup>. The CSZ for Barbastelles is a radius of 6 kilometres. Inquiry Document 28 illustrates this coverage area. It does include some open countryside but also includes a considerable part of the north-western built-up area of the City as well as a number of allocated sites set out in the GTAAP.
39. There is no doubt that Barbastelle bats use Racecourse Plantation for foraging. However, whilst I appreciate there was disagreement between the experts in relation to the accuracy and appropriateness of the particular survey work in relation to the type of nets used in the trapping, the locations chosen for the survey work and the weather conditions and timing there-of, I am conscious that in any event the findings of the 2015-2016 Technical Ecology Report<sup>45</sup> are broadly similar to the NDR results. Further, the field and trapping surveys were carried out by professional consultancies well experienced and qualified in

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<sup>38</sup> CD 1.5.

<sup>39</sup> CD 1.5 pages 20-21.

<sup>40</sup> Born out by the results of the automated bat detector surveys and walked transect where only 0.2% of call files were Barbastelle bats in either case.

<sup>41</sup> Common Pipistrelle, Soprano Pipistrelle and Brown Long-Eared bats.

<sup>42</sup> Barbastelles are habitual and so likely to visit the same locations to forage.

<sup>43</sup> CSZ refers to the area surrounding a communal bat roost within which habitat availability and quality will have a significant influence on the resilience and conservation status of the colony using the roost.

<sup>44</sup> White proof – appendix 8 page 51.

<sup>45</sup> CD 1.5.

- this type of work<sup>46</sup>. Inquiry Doc 27 usefully draws together the results of survey work in respect of Barbastelle bat activity from 2011 to 2018 from the various survey reports. The assembled pertinent survey results, in my view, supports the conclusion that the number of Barbastelle bats making use of Racecourse Plantation is low with an infrequency of visits and with no evidence of breeding<sup>47</sup>.
40. The extent of the CSZ indicates that the Barbastelles can co-exist alongside and over built development. The proximity of the roosts, foraging locations, as well as the CSZ to allocated sites for mixed use development (GT 7) and residential development (GT 8 & GT 6) set out in the GTAAP<sup>48</sup> adjoining Racecourse Plantation to the north, east and to the south-east, adds weight to this premise.
  41. GTAAP Policy GT 2 identifies that biodiversity and habitat connectivity will be achieved through the delivery of two primary and seven secondary green infrastructure (GI) corridors. A primary GI corridor links with a secondary GI corridor at a junction at Racecourse Plantation. The secondary GI corridor then divides and continues to the north over the GT 7 allocation<sup>49</sup> and to the east skirting the same future development site contained within a green landscape buffer running around its edge<sup>50</sup>. The role of Racecourse Plantation as a hub within the strategic GI network has been the subject of examination leading to the adoption of the GTAAP. In part, the Racecourse Plantation corridors are for the protection and enhancement of the population of Barbastelle bats which will have to accommodate significant change within their CSZ particularly as allocated sites are built out.
  42. The proposed open space/recreational strategy plan for the built development of Racecourse Plantation clearly shows the GI corridors maintained along with their linkages set within green landscaped thoroughfares outside of the built development site<sup>51</sup>. The allotments and sports pitches would be the closest edge of the appeal site to the GI corridors<sup>52</sup>. The eastern sector of the Plantation, which would remain largely undisturbed other than tree thinning as already mentioned and the creation of heathland along the rides, would still be available to the foraging bats as would the wooded areas of the northern section of the Plantation. Belmore and Brown's Plantations, between which the primary GI corridor passes would also still be maintained. Heathland plants persist in the Woodland and the proposal to enhance existing areas and re-introduce appropriate planting<sup>53</sup> and conditions would serve to further create a more diverse woodland environment where ecology comes to the fore as the overriding consideration rather than forestry profit.
  43. In addition to maintaining the GI corridors, the proposed nurturing of native species of trees following the thinning of the existing conifer trees would significantly enhance what could be future roosting sites for Barbastelles and increase the attractiveness of the woodland for feeding. In addition, the

<sup>46</sup> Applied Ecology Ltd and AEWC Ltd. The Council acknowledged that Daniel Whitby, Director of AEWC Ltd and founder of the Bat Conservation and Research Unit is an expert in the field of Barbastelle bats specifically.

<sup>47</sup> CD 1.5 paras 4.25 – 4.53.

<sup>48</sup> Council's CD 4.

<sup>49</sup> Part of the GT 7 allocated area lies within the CWS.

<sup>50</sup> GTAAP Proposed Allocations Plan CD 3.8.

<sup>51</sup> CD 1.43.

<sup>52</sup> Some 175 metres from the primary GI corridor/ride to the built development.

<sup>53</sup> The appropriate seed bank is known to exist. Less invasive (mechanical) methods of management would encourage re-establishment.



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- Landscape and Ecological Management Plan<sup>54</sup> would be able to identify and implement specific management initiatives to target the enhancement and introduction of plants and environmental conditions which would encourage insects appealing to the Barbastelle bat population.
44. Further initiatives such as pond restoration, the creation of open habitats and connected rides, as well as the restoration of the network of historic ditches, would all benefit other present species such as the great crested newt, other reptiles and wetland wildlife. The increase in native species of trees in conjunction with a more organic management of habitats would further benefit other present mammals such as Muntjac, Roe and transient Red deer. In this way the maintenance of the Primary and Secondary GI corridors along with integrated wildlife corridors, if taken through the neighbouring allocations, would further enhance biodiversity and habitat connectivity.
45. The proposed CWP would be 'more than better' management of an existing resource<sup>55</sup>. As already set out the CWP would secure public access to a Woodland which currently does not include a right of public access in the main. Its management currently has a different objective being commercially directed. The proposed CWP and its direction of management would:
- maximise opportunities for the creation of a well-managed network of wildlife habitats and would increase public access to the countryside;
  - safeguard the provision and management of formal and informal recreational open space including sports pitches, play areas and walking and cycling routes; and
  - protect, maintain, restore and enhance for the benefit of residents and visitors an environmental asset of the area; and
  - enable and support healthy lifestyles through the provision of safe and accessible green infrastructure, sports facilities, allotments and a layout that would encourage walking and cycling.
46. The SofCG sets out at paragraph 48 that as an agreed position so long as the CWP can be designed, delivered and managed in such a way that its ecological value, and role as part of the wider Green Infrastructure network, is protected, then it would be one of the most important and beneficial multi-functional green infrastructure hubs in the whole Growth Triangle.
47. DMDPD Policy EN3 sets out that development will be expected to make adequate arrangements for the management and maintenance of green infrastructure. The submitted and completed S106 agreement between the owners of the appeal site and the Council<sup>56</sup> deals with, amongst other things, the delivery and maintenance of the sports pitches, allotments, open space provision, children's play areas and green infrastructure in relation to the residential development site as a separate undertaking to that of the delivery and maintenance of the CWP. The scheme for the provision of on and off-site open space is not in question and, in the main, is a justified standardised approach<sup>57</sup>.

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<sup>54</sup> To be secured by condition.

<sup>55</sup> Inquiry Doc 36 para 34.

<sup>56</sup> Inquiry Doc 38.

<sup>57</sup> Inquiry Doc 32.

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48. The Community Woodland Park Maintenance Contribution is the contentious element in this case. It is proposed as an on-going financial contribution towards management, repair and maintenance of the CWP in perpetuity<sup>58</sup>. It is proposed ultimately that the individual owners of the market dwellings would provide the required, agreed financial contribution in line with a maintenance covenant. Prior to the sale of the individual dwellings the owners would remain responsible for any contributions or costs and as the Landscape and Ecological Management Plan must be submitted before development commences<sup>59</sup> it is logical that the owners would be responsible for the commissioning and negotiation in relation to the scheme itself.
49. In essence the Council is concerned that it would not be reasonable to place long term responsibility for the maintenance and on-going development of the CWP on the future residents of the new homes, particularly as the size of the CWP goes beyond what would normally be required for associated open space for a development of this nature and the CWP would benefit the wider public of the City. I cannot agree. The future residents of the houses would have immediate and ready access to a much-valued woodland. They would benefit from living within such a natural, woodland enclave. The development's setting would, no doubt, be part of the appeal for future purchasers. They would be fully aware of the requirements of the maintenance covenant before embarking on a purchase. This may or may not influence their decision in this regard. I do not consider such a situation unusual and in a society where the well-being of all is the ultimate objective, with the public purse under pressure, such a private-sector support for the wider public good should be encouraged.
50. There was some debate on the reasonable costs which could be levied on individual owners, the Council alluding to costings for maintaining Mousehold Heath as a destination city park. However, such a comparison did not strike me as appropriate and I found the evidence in relation to the delivery mechanism of Knights Wood more convincing and, albeit, it did not include the same level of woodland it presented the framework as to how a CWP of distinction and value could be achieved. The mechanism proposed for the delivery and long-term maintenance of what would be an important part of the green infrastructure network is appropriate and justified. In this way the terms of JCS Policy 1 and DMDPD Policy EN3, which both seek to secure adequate arrangements for the management and maintenance of green infrastructure, would be achieved.
51. Moving then to a wider stage, Norfolk is a county which does include a number of European sites, including The Broads and RAMSAR site/Broadland SPA. The potential for impact on the integrity of these European Sites from any increased recreational pressure as a result of the cumulative increase in housing was identified within the Habitat Regulation Assessment for the JCS. With that as a potential impact identified at the strategic level, a Revised Habitats Regulation Assessment of the North-East Norwich Growth Triangle Area Action Plan<sup>60</sup> was produced. The outcome, in general terms, was that within the Growth Triangle area already consented publicly available open space contained within the Growth Triangle area, would provide appropriate

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<sup>58</sup> Part of the CWP is outside of the red lined application site but within the blue land within the control of the owners. The terms of the S106 would secure the delivery and maintenance of this blue land as part of the larger CWP, including the development site and Belmore Plantation.

<sup>59</sup> A condition is required to secure the submission and delivery of this management plan.

<sup>60</sup> Council's CD 5.



mitigation for potential disturbance impacts on the Broadland International Sites. Therefore, on the basis of the proposed allocations within the GTAAP, there was sufficient confidence for negative impacts on site integrity of International Sites from the development in the Growth Triangle to be considered unlikely.

52. However, I am conscious that the 300 homes proposed on the appeal site appear not to have been factored into the Habitat Regulation Assessments undertaken to inform the examination of Development Plan documents. Therefore, in adopting a precautionary approach I cannot immediately rule out a likely significant effect of the proposal on International Sites, that being pressure from future residents of the houses increasing recreational pressure on these sites of sensitivity, undermining integrity<sup>61</sup>.
53. I have considered the presented evidence<sup>62</sup> and place particular weight on the proposed CWP. This is currently in private ownership which amounts to some 61 hectares of woodland space<sup>63</sup>. There is no or limited authorised right of public access to Thorpe Woodlands, but it is clear from the well-trodden paths and anecdotal evidence both in writing and orally that local residents value the generally unimpeded access they currently enjoy. Such access is tolerated by the owners and up until now has not been subject to censure. However, I am conscious that public access could be restricted. The appeal proposal is accompanied by a signed and completed Deed of Planning Obligation under S106 of the Town and Country Planning Act 1990 between the Council and the owners of the land, which includes a promise to permit public access where specified to provide informal recreation and open space where the development to be permitted<sup>64</sup>. Thorpe Woodlands was identified in the Revised Habitats Regulation Assessment of the North-East Norwich Growth Triangle Area Action Plan<sup>65</sup> as a further opportunity for the provision of additional accessible green (recreation) space within the Growth Triangle.
54. The Council's position is that the CWP is not required to support the City of Norwich's growth to the north-east but would be desirable<sup>66</sup>. However, it is clear to me that based on the evidence before me the proposed CWP would certainly mitigate the effect of the proposed development on International Sites by means of the provision of a significant area of woodland, including allotments, sports pitches and play space, readily accessible to both future and existing residents with secured rights of access and management in perpetuity.
55. Whilst I appreciate that the amount of woodland/recreational space goes beyond what would normally be required to mitigate the effects of such a proposal<sup>67</sup>, it would certainly add to that already provided and consented recreational space within the Growth Triangle. The recreational provision should also be considered in terms of its qualitative value which I consider to be necessary to create an important and multi-functional green infrastructure hub in this important area of growth for the City. The fact the Council had

<sup>61</sup> Neither party raised *People against Wind v Coillte Teoranta* as being a ruling which would affect the determination of this appeal – Inquiry Doc 13 para 23. Similarly, Natural England raised no concerns in this regard.

<sup>62</sup> I consider I have enough evidence to undertake such an assessment.

<sup>63</sup> Does not include the 9 hectares proposed for housing.

<sup>64</sup> Inquiry Doc 38.

<sup>65</sup> CD 5 para 7.3 bullet 5.

<sup>66</sup> Based on the comment within CD 5 para 7.3 bullet 5.

<sup>67</sup> In terms of Council standards.

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identified it as an opportunity for provision and the already regular usage by existing residents, albeit with unsecured access, leads me to the assessment that the proposed 300 homes present no adverse effects on the integrity of European Sites in the circumstances that the proposed CWP is successfully delivered.

56. For the reasons set out above the development proposals as a whole would protect and enhance the biodiversity of the District, avoiding fragmentation of habitats, providing a multifunctional green resource, including the provision of open space, formal recreational space and wildlife resources and links between them and supporting the delivery of a co-ordinated green infrastructure network throughout the District<sup>68</sup>. It would provide sufficient and appropriate green space infrastructure to minimise visitor pressure on European sites. As a result, the appeal proposals, including the CWP, would not compromise the terms of JCS Policy 1, GTAAP policy GT 2, and DMDPD Policies EN1, EN3, RL1, minimising the impact on the well-being of biodiversity and ecological connectivity in the locality, and on the green infrastructure strategy which underpins comprehensive planning for future urban expansion within the Growth Triangle and wider Greater Norwich context<sup>69</sup>.

### **Any other impacts**

57. Consequently, in light of the above conclusion in terms of biodiversity and ecology, the Council's main focus of objection to the proposal, I must consider if there are any other reasons why planning permission should be withheld.
58. DMDPD Policy GC2 sets out that new development will be accommodated within settlement limits. Outside of these limits development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the Development Plan. Fundamentally, this seeks to focus residential development in settlements which are well-linked and well-related to existing development, services, facilities and employment opportunities. Albeit that the appeal site lies outside of the settlement boundary it is just on the edge of Norwich and within the Growth Triangle. There is no suggestion its location is not well related to identified locational criteria<sup>70</sup>. However, it is not an allocation. So, it then falls to consider whether it accords with policy of the Development Plan.
59. DMDPD Policy GC1 identifies that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development taken from the Framework. Proposals that accord with the policies in the DMDPD should be approved without delay, unless material considerations indicate otherwise.
60. Policy GC1 then goes on, much as Framework paragraph 11 does, to introduce the tilted balance<sup>71</sup>. At the heart of this is the requirement to consider whether

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<sup>68</sup> Including the delivery of Primary and Secondary Green Infrastructure Corridors.

<sup>69</sup> In reaching this view I have had regard to the comments of the local groups including the Norfolk Wildlife Trust.

<sup>70</sup> CD 1.4 penultimate page 4<sup>TH</sup> paragraph down.

<sup>71</sup> Framework paragraph 177 identifies that the presumption in favour of sustainable development (paragraph 11) does not apply where development requiring appropriate assessment because of its potential impacts on a habitats site is being planned or determined. I am aware that the Technical consultation on updates to national planning policy and guidance dated October 2018 proposes an amendment to Framework paragraph 177 which essentially adds the qualification to the current wording that the presumption in favour of sustainable



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relevant policies are out of date, in circumstances where there are relevant policies applicable to the proposal, as in this case. If so then planning permission should be granted unless material considerations indicate otherwise.

61. There is no dispute that the Council cannot demonstrate a 5YHLS. JCS Policies 4, 9 and 10 set out the number and distribution of housing in the Norwich Policy Area and the number of houses to be provided within the Growth Triangle. These numbers are accepted as being out of date and with the Revised Framework comes the standard method for calculating local housing need. In the formulation of the emerging Greater Norwich Local Plan the standard method of calculation is to be used. The emerging Plan will be the appropriate vehicle for the examination of a co-ordinated and evidenced approach in the context of the Revised Framework and the National Planning Practice Guidance. In the mean-time the Council has relied upon the Central Norfolk Strategic Housing Market Assessment (SHMA)<sup>72</sup> as a determinative piece of evidence in assessing the weight to be given to the relevant housing policies. In the circumstances of the current period of flux and change and, taking into account, the allocations within the GTAAP which are coming forward with planning permissions, the use of the SHMA as a jumping off point seems a reasonable place to start.
62. However, in this instance, it does not prove necessary to make such a balancing exercise having found no adverse impacts in respect of the proposed residential development or the CWP. It is reasonable to conclude that there are no material considerations which indicate in any other direction than to approve the proposal without delay, the policies of the Development Plan as a whole not being compromised.
63. Had it proved necessary to apply the tilted balance within DMDPD Policy GC1, I am satisfied that the benefits of the proposed scheme, as identified above, would have prevailed, taking into account the lack of offence to the Development Plan as a whole.

### Conclusion

64. So, with that in mind, to summarise in respect of the proposed residential development within Racecourse Plantation, there would be no adverse impacts on the well-being of bio-diversity and ecological connectivity in the locality, nor would the development prejudice the GI strategy which underpins comprehensive planning for future urban expansion within the Growth Triangle and wider Greater Norwich context.
65. Further, the appeal proposal would be in accordance with the policies of the Development Plan when considered as a whole. It constitutes Sustainable

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development would apply where there will be no adverse effect from the project on the integrity of the habitats site. That notwithstanding, the promoted change has yet to be finalised and so the terms of the current Framework paragraph 11 still stands. However, DMDPD Policy GC1 includes a Development Plan policy requirement that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. I am conscious of the statutory requirement of Section 38(6) of the Planning and Compulsory Purchase Act 2004. I find that whilst the Framework is an important material consideration as Government's planning policy for England the statutory duty upon the decision-maker to determine proposals in accordance with the development plan, taking a pragmatic approach, in the current circumstances I intend to apply the policy requirements of the Development Plan.

<sup>72</sup> Council's CD 22.

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Development which is about change for the better. Consequently, the appeal is allowed.

### Conditions

66. An agreed schedule of conditions was produced following discussion at the Inquiry. I have amended and amalgamated a number of conditions for clarity, elimination of duplication, and taking into account guidance in this regard.
67. Only conditions which are formally required to be discharged prior to works commencing on site have been promoted as pre-commencement conditions. These have been agreed by the appellant company as a party to the agreed schedule of conditions. These are imposed as they involve details to be approved for the arrangements of the work on site (Phasing Plan, Construction Management Plan, Construction Environmental Management Plan, Contamination Investigation), groundworks and infrastructure approval (highway layout and works, archaeology, landscaping, tree protection, drainage, lighting strategy) and the Landscape and Ecological Management Plan which forms the basis of the development of the CWP and should be at the heart of the reserved matters details. These details are required to be submitted and approved in writing by the Local Planning Authority prior to commencement of development.
68. Standard conditions are required on the approval of the reserved matters and on the commencement of development. Further conditions are required to ensure that the submission of reserved matters and later details comply with the considerations/parameters taken into account in the approval of the outline permission. Confirmation of the approved plans is needed to define the site and is reasonable and necessary for the avoidance of doubt and in the interests of proper planning.
69. In the interests of preserving and enhancing the character of the locality details of the facing and roofing materials of the new homes are required to be agreed.
70. For clarity and the avoidance of doubt a condition limiting the number of dwellings to no more than 300 should be imposed.
71. To properly inform the design process related to the reserved matters the parameters set out in the Illustrative Masterplan and the Design and Access Statement, with particular regard to the Open Space and Recreation Strategy Plan, should be followed.
72. The permitted scheme would result in the order of 300 new homes being built. The management of the phasing of the construction of these buildings would be of importance to secure the required services for the individual dwellings such as roads, lighting, play provision and landscaping in the right place and at the right time. An appropriate condition has been imposed to secure agreement on the phasing involved.
73. The locality has been identified as having some possible archaeological interest. Therefore, a condition requiring a programme of investigation is justified.
74. It is reasonable that investigations should be carried out in relation to possible contamination of the woodland.

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75. Conditions relating to the provision of strategic foul water drainage and Sustainable Urban Drainage System is deemed necessary to ensure adequate arrangements are in place, particularly in relation to flooding and in the interests of environmental impact.
76. In the interests of sustainability, a condition relating to the provision of a Materials Management Plan relating to in site minerals/materials may be available for use as part of the proposed development.
77. Details of the highway improvement works, roads, footways and cycleways are required to ensure the standard of construction, provision to secure access upon occupation and future management and maintenance of streets prior to adoption. The provision and maintenance of visibility splays either side of the main access points is secured by condition. All these matters are in the interests of highway safety, management and residential amenity.
78. The condition relating to the Construction Management Plan is required in order to protect the amenities of nearby residents and general amenity.
79. A condition relating to the submission of an amended Framework Travel Plan and its subsequent implementation is necessary to provide sustainable transport objectives giving people a real choice about how they travel.
80. The management/protection and long-term well-being of the natural elements of the ecology of the development site and the CWP is important to safeguard for the reasons of amenity and biodiversity. Various conditions are imposed to this end.
81. In the interests of landscape character, visual and residential amenity and for the avoidance of doubt a detailed hard and soft landscape scheme should be imposed. Such details will form part of the reserved matters details to be submitted to the Council for consideration.
82. The woodland location of the residential development requires that a scheme for the protection of retained trees should be submitted, approved and implemented to safeguard the well-being of the woodland setting.
83. A condition relating to the securing of at least 10% of the development's energy from decentralised and renewable or low-carbon sources as an attempt to tackle climate change in accordance with planning policy is justified in the interests of the long-term well-being of the planet.
84. In relation to lighting limitations on external lighting in the public realm, these are necessary to minimise visual impacts on this edge of settlement site as well as the management/protection and long-term well-being of the natural elements of the ecology of the development site for the reasons of biodiversity and amenity.

*Frances Mahoney*

Inspector

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### **Annexe 1**

#### **Schedule of Conditions**

1. Application for approval of ALL "reserved matters" must be made to the Local Planning Authority not later than the expiration of THREE years beginning with the date of this decision. The development hereby permitted must be begun in accordance with the "reserved matters" as approved not later than the expiration of TWO years from either, the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such reserved matter to be approved.
2. Application for the approval of the "reserved matters" shall include plans and descriptions of the:
  - details of the layout;
  - scale of each building proposed;
  - the appearance of all buildings including the precise details of the type and colour of the external materials to be used in their construction;
  - the landscaping of the site; and
  - the layout and landscaping of the Community Woodland Park within the site.

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

A phasing plan to indicate the timing and sequence in which the development is to be constructed, including the relationship of dwellings to the delivery of infrastructure, shall be submitted for approval with the first reserved matters application. The development shall be carried out in accordance with the approved details.

3. The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below:
  - Dwg No 1602\_PL01 Red Line Location Plan
  - Dwg No 03/115 Combined Vehicular Access Proposal (insofar as it relates to the site access)
  - Dwg No 03/112 Rev A Eastern Access proposal and Pound Lane Crossover (insofar as it relates to the site access)
  - Dwg No 03/111 Rev A Western Access Proposal (insofar as it relates to the site access)
  - Dwg 03/104 Rev L Access Proposal Overview (insofar as it relates to the site access)

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4. The details required by condition no 1 shall include provision for no more than 300 dwellings.
5. Any application for Reserved Matters shall be in accordance with the principles established in Drawing No 16836 TLP02 Rev A 'Illustrative Masterplan' and the Design and Access Statement (as amended by Dwg No 16836 TLP 01 Rev A Open Space and Recreation Strategy).
6. No development shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and
  - The programme and methodology of site investigation and recording;
  - The programme for post investigation assessment
  - Provision to be made for analysis of the site investigation and recording
  - Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - Provision to be made for archive deposition of the analysis and records of the site investigation
  - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

No development shall take place other than in accordance with the approved Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

7. As part of the first reserved matters submitted pursuant to condition no 1 a desktop contamination study:
  - (A) must be submitted to and approved in writing by the Local Planning Authority in line with current good practice guidance. The report must include a conceptual site model and risk assessment to determine whether there is a potentially significant risk of contamination that requires further assessment. Based on the findings of the desktop contamination study a site investigation and detailed risk assessment must be submitted to and approved by the Local Planning Authority to assess the nature and extent of any contamination on the site, whether or not it originated on the site. The report must include:
    - 1) A survey of the extent, scale and nature of contamination
    - 2) An assessment of the potential risks to possible receptors identified in the desk study report. The report must also include a revised and updated conceptual site model and risk assessment. There must be an appraisal of the remedial options, and details of the preferred remedial option(s). This must be conducted in accordance with currently accepted good practice guidance.

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(B) Based on the findings of the site investigation a detailed remediation method statement must be submitted to and approved by the Local Planning Authority. Remediation must bring the site to a condition suitable for the intended use. The method statement must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990. Remediation work cannot commence until written approval of the proposed scheme is received from the Local Planning Authority.

(C) Following the completion of the remedial measures identified in the approved remediation method statement a verification report (also called a validation report) that scientifically and technically demonstrates the effectiveness and success of the remediation scheme must be produced and submitted to and approved by the Local Planning Authority. Where remediation has not been successful further work will be required.

(D) In the event that previously unidentified contamination is found during the development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken as per Part (A) above, and where remediation is necessary a remediation method statement and post remedial validation testing must be produced and approved in accordance with parts (B) and (C) above.

(E) The development shall be carried out in accordance with the approved details.

8. Prior to commencement of development, in accordance with the submitted Create Consulting Engineers Flood Risk Assessment (Ref JJ/CS/P13-434/15) and Addendum (Ref GS/CS/P12-434/17 Rev A and Hydrological Context drawing 434 02/001), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- If soakage devices are proposed detailed infiltration testing in accordance with BRE Digest 365 shall be undertaken at the depths and locations of the devices.
- Surface water runoff rates will be attenuated to existing Greenfield runoff rates as set out in Table 1 of the FRA Addendum (Ref GS/CS/P12-434/17 Rev B).
- Provision of surface water conveyance for the 58.10ha. Catchment and attenuation storage for the proposed 10 ha. Residential development, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change, flood event. Additional calculations should be provided to show how the attenuation requirements can be achieved using multiple ponds connected by those watercourses which are being used for surface water conveyance.



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- Detailed designs, modelling calculations and plans of the drainage conveyance network for the 10 ha. Residential development in the:
    - 1) 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
    - 2) 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
  - The design of the attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period. This will include surface water which may enter the site from elsewhere.
  - Finished ground floor levels of properties are a minimum of 300mm above all sources of flooding (including watercourses, SuDS features and within any proposed drainage scheme).
  - Details of how all surface water management features will be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment for water quality prior to discharge.
  - A maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development. This will also include the ordinary watercourse and any structures such as culverts within the development boundary including the culvert under Pound Lane.
9. Prior to the commencement of development a foul water strategy shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.
10. Prior to the commencement of development, a Materials Management Plan – Minerals (MMP-M) shall be submitted to and approved in writing by the Local Planning Authority. The MMP-M will be informed by the Minerals Safeguarding Assessment (February 2017), carried out by Stephen M Daw Ltd. The MMP-M will consider the extent to which in site materials which could be extracted during the proposed development would meet specifications of use on-site through testing and assessment. The MMP-M should quantify the amount of material which could be reused on site; and for material extracted which cannot be used on-site its movements, as far as possible by return run, to an aggregate processing plant. The development hereby permitted shall be carried out in accordance with the approved MMP-M.
- The developer shall keep a record of the amounts of material obtained from on-site resources which are used on site and the amount of material returned to an aggregate processing plant, through the MMP-M. The

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

11. Prior to the commencement of development of each phase, details of the proposed arrangements for future management and maintenance of the proposed streets within the development, including (if necessary) details of a Private Management and Maintenance Company, shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.
12. Prior to the commencement of development of each phase, detailed plans of the roads, footways and cycleways shall be submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
13. Before any dwelling in each phase is first occupied the road(s), footway(s) and cycleway(s) for that phase shall be constructed to binder course surfacing level from the dwelling to the highway.
14. Prior to commencement of the development hereby permitted a visibility splay (measuring 4.5 x 120 metres to each side of the access where it meets the highway) shall be provided to both access points in full accordance with the details indicated on the approved plan (Drawing no. 03/104 rev L). The splay shall always thereafter be maintained free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
15. A phase specific Construction Management Plan (CMP), shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development of each phase. The CMP as approved by the Council shall be fully complied with at all times. The CMP shall address the following matters:
  - Access arrangements for construction vehicles.
  - Measures to control the tracking of mud off-site from vehicles.
  - Measures to control dust from the demolition and construction works approved.
  - Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
  - Adequate provision for the delivery and storage of materials.
  - Adequate provision for contractor parking.
  - A lorry routing schedule.
  - The hours of construction operation including any piling activity.

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- Management and timing of deliveries.
- Contact details of the main contractor as well as for a nominated person responsible for dealing with any complaints about construction activity.
- Membership details for the Considerate Constructor Scheme.
- Mitigation measures for dust management and control of traffic and plant emissions during the construction of the dwelling based on section 5 of the submitted Air Quality Assessment.
- Pollution prevention measures to protect the water environment.
- Lighting within the site.

16. Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the highway improvement works as shown indicatively on Drawing No. 03/104 rev L, 03/111 rev A, 03/112 rev A, 03/115 have been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall be in the form of a shared use cycleway / footway along the south side of Plumstead Road East (from its junction with South Hill Road north-eastwards to Dussindale Drive); two new toucan crossings of Plumstead Road East, a new section of shared use footway / cycleway along the north side of Plumstead Road East (linking the site to both new toucan crossings) southwards to the existing section of shared use and new bus stops along the site frontage. Prior to the first occupation of any dwelling hereby permitted the off-site highway improvement works referred to in this condition shall be completed to the written satisfaction of the Local Planning Authority.

17. Prior to the first use or occupation of the development hereby approved, and notwithstanding the details submitted, an amended Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The amended Framework Travel Plan shall include details of the mechanism for funding and ongoing enforcement of the Framework Travel Plan. The approved Framework Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

18. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to commencement of development. The content of the LEMP shall include the following:

- Description and evaluation of features to be managed;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;

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- Appropriate management options for achieving aims and objectives including for protected and notable species identified within the Technical Ecological Report (2016), including but not limited to Barbastelle, Allseed and Chaffweed;
- Prescriptions for management actions;
- Preparation of a work schedule (including triggers for work and an annual work plan capable of being rolled forward over a 10 year period);
- Details of the body or organization responsible for implementation of the plan;
- Ongoing monitoring, management, maintenance and remedial measures to be carried out in perpetuity;
- A time table for implementation; and
- Timeframe for reviewing the plan.

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

19. Prior to commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of 'biodiversity protection zones';
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- The location and timing of sensitive works (such as locating the development and its working areas and access routes away from areas of high ecological interest, or timing works to avoid sensitive periods) to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;

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- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- Use of protective fences, exclusion barriers and warning signs.

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

20. Prior to the commencement of development of each phase, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The Reserved Matters submission shall include the following details (either within plans and sections or through a Landscape Strategy document). These details shall include:

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

Soft landscaping works shall include:

- trees to be retained;
- plans identifying all proposed planting in public areas and private areas visible from the public realm;
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme and timetable.

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The scheme shall be implemented in accordance with the approved programme and timetable. If within a period of FIVE years from the date of planting, any tree or plant or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, or becomes in the opinion of the Local Planning Authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place.

21. No works or development shall take place until a scheme for the protection of the retained trees to comply with the relevant sections of BS5837:2012 - Trees in relation to design, demolition and construction - Recommendations (section 5.5 the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:

(a) A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 4.6.1) of every retained tree on the residential site and every retained tree whose root protection area adjoins or enters the residential site as shown on 3583/01/D16-1820 Draft Tree Protection Plan v5 October 2016 in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.

(b) The details of each retained tree as required at para. 4.4.2.5 in a separate schedule.

(c) A schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Tree Work -Recommendations.

(d) The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 6.2).

(e) The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 para 6.2.2 and Figure 2), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

(f) The details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6.2).

(g) The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 7.7).

(h) The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 4.6.1) of any retained tree, including those on neighbouring or nearby ground.

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(i) The details of any special engineering required to accommodate the protection of retained trees (Annex A General advice for other interested parties), (e.g. in connection with foundations, bridging, water features, surfacing)

(j) The details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees.

(k) The details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction.

The agreed works/scheme shall be carried out as approved.

22. Prior to the commencement of development of each phase, details of energy efficient design and the construction of on-site equipment to secure at least 10% of the development's energy from decentralised and renewable or low-carbon sources shall be submitted to and approved by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details.

23. Prior to the commencement of development of each phase, full details of a lighting scheme affecting the public realm, designed in line with the Institute of Lighting Professionals Guidelines for the Reduction of Intrusive Light Environmental Zone E1, shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved prior to the first occupation of each phase of the development and maintained in perpetuity.

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### APPEARANCES

#### FOR THE LOCAL PLANNING AUTHORITY:

Harriet Townsend Of Counsel	Instructed by Jane Linley NP Law
She called	
Dr David White	Ecologist and Senior Green Infrastructure Officer Norfolk County Council
Paul Harris	Principal Planning Officer
Charles Judson	Senior Planning Officer

#### FOR THE APPELLANT:

Christopher Katkowski QC assisted by Anjoli Foster Of Counsel	Instructed by DLBP Ltd
They called	
Timothy Goodwin	Director, Ecology Solutions Ltd
Andrew Williams	Director, Define
Dominic Lawson	Chairman, DLBP Ltd

#### INTERESTED PARTIES

Dr Thomas Foreman	Thorpe St Andrew Town Council – Town Clerk
Jason Beckett	Friends of Thorpe Woods
Paul Osbourne	Friends of Thorpe Woods
John Fisher	Ward member Thorpe St Andrew North West Ward Broadland District Council and member for Woodside of Norfolk County Council
Tim Catmull	Local Resident

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### INQUIRY DOCUMENTS

- Doc 1 County Wildlife Site Criteria
- Doc 2 Note to Inspector re Clarification of the Local Planning Authority's Approach to Housing Land Supply
- Doc 3 Paintball Site Location Plan (Broadland District Council Application ref 20030185)
- Doc 4 Extract from MAGIC and Norfolk Green Infrastructure Management Project
- Doc 5 Norfolk Wildlife Trust Review of County Wildlife Site Designation at Racecourse Plantation 2011
- Doc 6 People over Wind and Peter Sweetman v Coillte Teoranta
- Doc 7 Planning Inspectorate Note 05/2018 Consideration of Avoidance and Reduction Measures in Habitats Regulations Assessment: People over Wind, Peter Sweetman v Coillte Teoranta.
- Doc 8 Letter from Natural England 13 June 2013
- Doc 9 Appendix 1 of Rebuttal Proof of Mr Dominic Lawson
- Doc 10 Norfolk Biodiversity Action Plan Lowland Heathland and Dry Acid Grassland
- Doc 11 Mousehold Heath (Define)
- Doc 12 Other Woodlands (Define)
- Doc 13 Opening Statement for the Local Planning Authority
- Doc 14 Opening Statement for the Appellant
- Doc 15 AEWC Ltd Racecourse Plantations Bat Trapping Survey and Summary 8 - 10 June 2016
- Doc 16 Statement by Mr Jason Beckett (Friends of Thorpe Woodlands)
- Doc 17 Statement by Cllr John Fisher (Broadland District Council)
- Doc 18 Bat Surveys for Professional Ecologists – Good Practice Guidelines 3rd Edition
- Doc 19 BS 42020:2013 Biodiversity. Code of Practice for Planning and Development
- Doc 20 Table of Barbastelle Bat Data with Plan of the Norwich Distributor Road
- Doc 21 Statement by Mr Paul Osborne (Friends of Thorpe Woodlands)
- Doc 22 Statement by Dr Thomas Foreman (Thorpe St Andrew Town Council)  
DLBP Ltd List of Inquiry Documents Racecourse Plantations  
APP/K2610/W/17/3188235 5 June 2018
- Doc 23 Statement by Mr Tim Catmull
- Doc 24 Agreed Plans List
- Doc 25 Consultation Response of David Scully, Tunbridge Wells Council
- Doc 26 Draft Greater Norwich Local Plan Local Development Scheme
- Doc 27 Agreed Barbastelle Cumulative Data Plan
- Doc 28 6km Radii from Barbastelle Roosts Plan
- Doc 29 Broadland District Council Planning Committee Report for GT7 Allocation  
App Ref 20170104
- Doc 30 Town and Village Green Register of Declarations and Deposits
- Doc 31 Statement by Cllr Nigel Shaw (Broadland District Council)
- Doc 32 Local Planning Authority's Community Infrastructure Levy Compliance Statement (Affordable Housing and Open Space)
- Doc 33 Appellant's Community Infrastructure Levy Compliance Statement (Community Woodland Park)
- Doc 34 Forestry Licence
- Doc 35 Draft Section 106 Legal Agreement
- Doc 36 Closing Submissions for the Local Planning Authority

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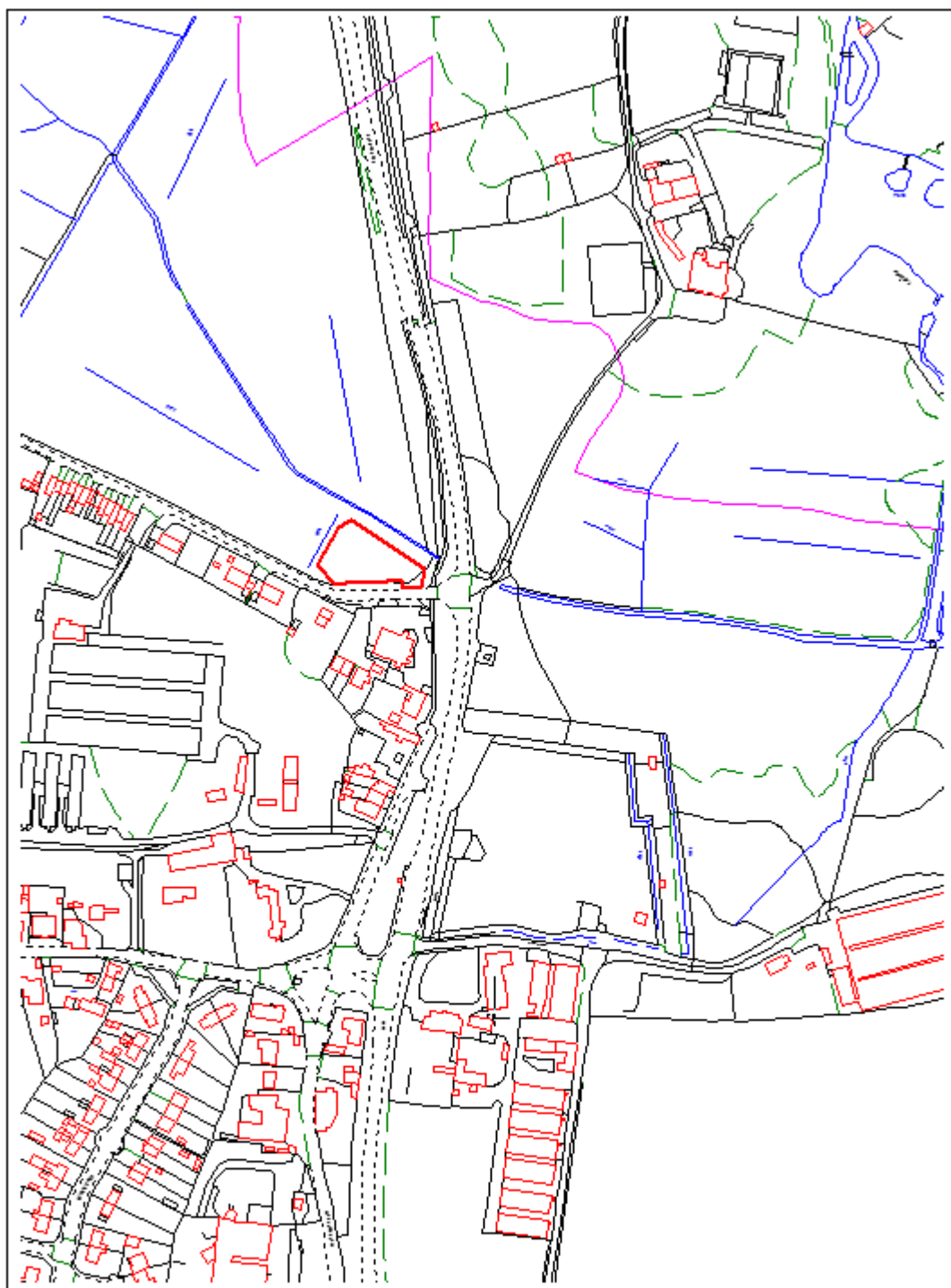
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Doc 37 Closing Submissions for the appellant  
Doc 38 Signed and completed S106 Agreement  
Doc 39 Comments of the Council on the Revised National Planning Policy  
Framework  
Doc 40 Comments of the appellant on the Revised National Planning Policy  
Framework



Application 2



Application No: 20212235  
Field opposite The Plough Inn, Fengate,  
Marshall. NR10 5PT

Scale:  
1:2869  
Date:  
14-Mar-22



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**2. Application No: 20212258**  
**Parish: MARSHAM**

Applicant's Name: Mr Bradley Whitlam  
Site Address: Field opposite The Plough Inn, Fengate,  
Marsham, NR10 5PT  
Proposal: Changes from a small piece of agricultural land to an  
overflow carpark using hard core with a stock fence  
around it

Reason for reporting to committee

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

Recommendation summary

The recommendation is for full approval with conditions.

**1 Proposal and site context**

- 1.1 The proposed site is agricultural land opposite The Plough Inn within the open countryside. It is rented from the local farmer who previously used the site for cow grazing. The retrospective application is to change the use of part of the field into an overflow car park for The Plough Inn opposite. The remainder of the field is still available for agricultural use. The reason for the application is to alleviate problems that were being caused by on-street parking by customers on the relatively small lane, Fengate, which has been a cause of complaint to the Parish Council, Broadland District Council and Police during busy periods and raised safety concerns.
- 1.2 The additional parking pressure has resulted from a combination of previous development and recent restrictions arising from COVID. In 2010, an application was submitted to erect a pair of semi-detached houses (20100227) on the original site of the car park for The Plough Inn. This was following the approved outline application (20081497), and which lead to a re-ordering of car park application (20081498) which resulted in the construction of new parking on the previous beer garden. The business has since changed hands and as a consequence of the COVID pandemic there has been a need to expand the outdoor seating area due to hospitality restrictions, further reducing the parking facilities. This has led to the need to the construct the car park which is the subject of this application.

2     Relevant planning history

- |     |          |   |                  |
|-----|----------|---|------------------|
| 2.1 | 20081497 | Residential Development (Outline)                                       | Outline Approval |
| 2.2 | 20081498 | Re-ordering of car park   | Full Approval    |
| 2.3 | 20100227 | Erection of a pair of Semi-Detached Houses, New Access and Parking Area | Full Approval    |

3     Planning Policies

3.1   National Planning Policy Framework (NPPF)

NPPF 02: Achieving sustainable development  
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

3.2   Joint Core Strategy (JCS)

Policy 1: Addressing climate change and protecting environmental assets  
Policy 2: Promoting good design  
Policy 5: The Economy  
Policy 6: Access and Transportation  
Policy 16: Other Villages  
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 E3: Tourist Accommodation  
Policy TS3: Highway Safety  
Policy TS4: Parking guidelines  
Policy TS6: Public safety zones  
Policy CSU1: Additional community facilities  
Policy CSU5: Surface water drainage

3.4 Supplementary Planning Documents (SPD)

Landscape Character Assessment – Marsham and Hainford.  
Parking Standards SPD

4 Consultations

4.1 Parish Council:

The Parish Council have provided comment and have requested that this application be reviewed by full planning committee as they strongly object.

The Parish Council wish to express dissatisfaction with the way this application has been managed, and the application of planning policy. The site is outside the development area of the village. It is within an ancient water meadow area and Greenfield site. The Council strongly object to this application on the grounds of it being within very close vicinity of this ancient and protected water meadow and request that the site be restored to the original unique greenfield site with water meadow.

4.2 District Councillor – David Harrison:

I will be calling this application in.

I can assure you that a stream exists, it is called the Mermaid and flows from a spring off Spa Lane in Aylsham. In the past it was a source of healing water, hence the name. The Mermaid flows across grassland producing water meadows in a unique and beautiful site.

4.3 NCC Highways:

- Concerns with restricted visibility onto Fengate (U57004) and proximity to junction of Fengate and the A140 and the requirement of crossing the road to access The Plough Inn.
- With suitable management, the existing car park remains reasonably large, despite previous developments.
- Despite the above, subject to conditions SHC 05 (Built in accordance with Highways Specification (TRAD 5) and then retained as approved) and SHC 21 (laid out in accordance with approved plans), other Highway objections would be difficult to sustain.

4.4 BDC Business Development Manager:

I am aware that the previous owners of the public house sold off some of the land for housing. The current owner was not responsible for that and has had to respond to the changing business trading conditions since Covid started in ways to best operate his business and keep a public house trading in Marsham.

Those trading conditions have meant that wherever possible hospitality businesses have looked to increase their space and facilities for outside dining and drinking. The proprietors of The Plough Inn have responded to that need by relocating the car park so that the previous area used for car parking could serve as outdoor dining space. As a local business, employing people in the local community and looking to trade as best they could, from an Economic Development perspective we would wish to support the application.

4.5 Other Representations:

Objections:

- 2 Old Norwich Road – Feels this application is an example of planning creep – concerned that this is beginning of development on the North side of Fengate.
- 27 Fengate – Built on a water meadow where owls are regularly seen, eye sore, sense of driving through a pub car park when driving into Marsham, safety concerns, concerns of car park needing signage in the future, further impacting the setting.

In Support:

- Meadowview (Resident since 1972) – Believes the development to involve only a small part of the meadow and not an eyesore. Has experienced the previous dangerous traffic problem and blocking of the narrow lane that has escalated since new management, and believes development improves the mobility of the area

5 Assessment

**Key Considerations**

- 5.1 The key considerations for this application are visual impact on the surrounding open countryside, design resulting from the change of use, the need to support a local business, highway and pedestrian safety, provision of parking, and surface water drainage.

## **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. Sustainable development as indicated by the NPPF includes economic, social and environmental dimensions. Policy GC2 of the DM DPD seeks new development to be located within the settlement limits defined on the policies map. Development outside of these limits is to be permitted where it accords with a specific policy of the development plan. Policy CSU1 states that proposal which improve the range of community facilities (including local services such as shops or pubs) within the district will be encouraged where no significant adverse impacts arise. Such proposals may be permitted outside of settlement limits where it has been adequately demonstrated that a clearly defined need exists.
- 5.3 The proposed site is situated outside of the settlement limits of Marsham and within the open countryside. The car park is a reasonably small development that directly supports The Plough Inn (a local service) and its future occupiers and addresses highway safety concerns during particular busy periods. Despite the possible impact on the surrounding open countryside, I believe the economic and social benefits of the development as discussed in this report judges the proposal to be sustainable development. It is therefore considered to be acceptable in principle.

## **Design and Impact on Surrounding Countryside**

- 5.4 The car park impacts the surrounding countryside. This consists primarily of gently rising sloping arable cultivation land as stated in the Broadland District Council Landscape Character Assessment SPD with regards to Marsham and Hainford. The assessment also states there is often an abrupt transition between the housing developments and surrounding agricultural land. The landscape is generally unified across the area – recognisable fields defined by hedgerows. The open grassland creates interest and diversity in an otherwise arable landscape.
- 5.5 By virtue of the nature of the development, the fields and skyline beyond the site remain easily visible, and therefore the visual impact is limited. The car park has limited impact on the ancient waterway (which is of particular local interest) and remains in its original place.
- 5.6 It is also important to consider the context of the precise location. The Plough Inn is located off a busy A-road (A140), and thus the sight of car parking in close proximity to this road and the business in question seems reasonable.

- 5.7 The design and use of materials including post and rail fencing and porous hard core are considered acceptable and common in rural settings. I believe the proposal makes better efficient use of land and resources, as the original agricultural purpose still exists alongside the new parking facility. The proposal also makes the business more viable for future occupiers. Therefore, considering the above, on balance I believe the proposal accords with Policy GC4.

### **Highways**

- 5.8 The Parking Standards SPD states that development should encourage the reduction of private car use and adoption of sustainable transport choices, however, it also states that local plans should reflect the expected car ownership in different locations. Policy TS4 of the local plan states that within new developments, appropriate parking and manoeuvring space should be provided to reflect the use and location as well as its accessibility by non-car modes. This is also reflected in Paragraph 39 of the NPPF and Policy 9 of the JCS. The proposal reflects the use of the area in terms of accessing the local pub without obstructing the road, and therefore provides necessary parking when considering the rural nature of the area. Therefore, I believe the proposal conforms to Policy TS4.
- 5.9 The Parking Standards SPD also states in paragraph 3.13 that in areas where a particular view may be of some importance, informal parking should be provided where it is safe to stop. Therefore, if the parking is not restricted to customers and guests of The Plough Inn, the site could provide this informal parking to appreciate the view in question.
- 5.10 The Highways Authority has assessed the site and raised some concerns. This includes the restricted visibility onto Fengate (U57004), the close proximity of the junction onto the A140 and the requirement for pedestrians to cross Fengate to access the Public House. That being said, subject to conditions relating to the construction of the access and parking area and ensure it is retained as such, any Highways objections would be difficult to sustain.
- 5.11 Policy TS3 of the DM DPD states that development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network.
- 5.12 Notwithstanding the issues the Highway Authority raise, the development addresses existing safety concerns. The proposal requires the crossing of Fengate in order to access the Public House, which poses a small level of risk. However, the risk was also apparent when customers previously parked along Fengate due to the lack of parking, and thus exited their vehicle directly onto the road. This also could result in the risk of blocking essential services,

also potentially impacting on public safety. I also recognise the risk of turning onto Fengate due to the limited visibility and close proximity to the A140 junction. However, cars should be slowing due to either approaching the junction from Fengate, or to turn into the junction from the A140. However previously there would be a risk of vehicles turning and being met by parked cars on Fengate. Furthermore, the access point was previously used by associated farmers, and although less frequently used, already posed the risk associated with pulling out onto Fengate. A similar access point is also being used currently to access the main parking area. Overall, I believe any risks associated with the proposal are outweighed by the removal of the hazards from on-street parking.

### **The Economy, Local Businesses and Tourism**

- 5.13 Policy 5 of the JCS states that the local economy will be developed in a sustainable way to support jobs and economic growth both in urban and rural locations. This policy includes promoting the development of appropriate new and expanded businesses, which provide either tourism or local employment opportunities. The Plough Inn provides both local employment opportunities and helps facilitate tourism via offering accommodation. Therefore, if the application were to be refused and enforcement action taken to remove the parking area, there would likely to be an adverse impact on the public house that also helps facilitate tourism.
- 5.14 The Business Development Manager of South Norfolk and Broadland was also consulted, and they gave attention to the struggle of hospitality businesses from the COVID pandemic and the relating restrictions, leading to the need to expand outdoor facilities.

### **Surface drainage**

- 5.15 The site lies within a low risk of surface flooding. The plans use porous material, and with the conditions proposed by Highways, I believe this material application satisfies Policy CSU5.

### **Other Issues**

- 5.16 Comments have been raised regarding the previous applications associated with the site. The site was previously divided to erect two dwellings, which resulted in the reduction in size of the parking facilities and beer garden. However, considering the economic environment of the time period, this development was considered sustainable, and the demand for parking at The Plough Inn may have been considerably lower. The Public House has also since changed hands, which may have led to a different business plan attracting more car based custom and therefore more demand for car parking.



5.17 Environmental concern has been raised surrounding this application. There has not been an Ecology Impact Assessment on this site. Considering the nature and size of the development, it is considered that this development poses limited impact on the surrounding biodiversity.

5.18 This application is not liable for Community Infrastructure Levy (CIL)

### Conclusion

5.19 In conclusion, the primary concern arising from the development is the impact on the greenfield site and the surrounding area and open countryside, including the ancient waterway, as well as some highway and pedestrian concerns. However, on balance, I believe the proposal offers a practical solution to the current parking and public safety issue stemming from the thriving local business which provides a local service. The approval of this application will directly support this business, and thus the ability to provide a local service, as well as ability to support the wider rural economy.

5.20 From assessment of the proposal, I believe the proposal is reasonably justified through Policies GC2, GC4, E3 and CSU1 of the Local Plan, Policy 5 of the Joint Core Strategy and more broadly, Points 02, 06 and 11 of the NPPF. In doing so, the proposal satisfies Policy GC1 and therefore justifies development outside of the settlement boundaries.

Recommendation:	Approval with Conditions
	<ol style="list-style-type: none"> <li>1. Submitted Drawings</li> <li>2. Use restriction</li> <li>3. Access to be built in accordance with Highways Specification and retained as approved</li> <li>4. Parking area retained in accordance with approved plans</li> </ol>

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## Planning Committee

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### Planning Appeals: 14 February 2022 to 11 March 2022

#### Appeal decisions received:

Ref	Site	Proposal	Decision maker	Officer recommendation	Appeal decision
20200984	127 Reepham Road, Hellesdon,NR6 5LY	Change of use to bed & breakfast (use class C1), rear extensions and extensions to roof to facilitate rooms in roof	Delegated	Full Refusal	Dismissed
20201799	Land adj New House, Kerdiston Road, Reepham,NR10 4RY	Outline application with all matters reserved other than access for the erection 1 no. dwelling including repositioning of access	Delegated	Outline Refusal	Dismissed
20201809	Plot of Land between Beech Hill and Burgate Hill House,Newton Road,Hainford,NR10 3LT	Detached dwelling (outline)	Delegated	Outline Refusal	Dismissed

## Planning Committee

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### Appeals lodged:

Ref	Site	Proposal	Decision maker	Officer recommendation
20210224	Keston,8 & Orenda,10 Paxworth Road,South Walsham,NR13 6DY	Raising of roof ridge height to create upstairs accommodation including dormer windows in both number 8 and 10 Paxworth Road	Delegated	Full Refusal
20210337	Land At Newton Road,Hainford,NR10 3LZ	Construction of one new residential dwelling with detached garage.	Delegated	Full Refusal
20210420	82B Lower Street,Salhouse,NR13 6AD	Change of use from shop/cafe (A1/A3) to dwelling (C3)	Delegated	Full Refusal
2021316	54 Freeland Close,Taverham,NR8 6XR	Single storey side extension	Delegated	Full Refusal