

Planning Committee Agenda

Members of the Planning Committee:

Cllr J M Ward (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 K Leggett
Cllr S M Prutton
Cllr S Riley

Date & Time:

Wednesday 2 November 2022
9:30 am

Place:

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

Contact:

Dawn Matthews tel (01603) 430404
Email: committee.bdc@southnorfolkandbroadland.gov.uk
Website: www.southnorfolkandbroadland.gov.uk

PUBLIC ATTENDANCE:

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

You may register to speak by emailing us at
committee.bdc@southnorfolkandbroadland.gov.uk no later than 5pm on Friday 28 October
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.

AGENDA

- 1. To receive declarations of interest from members;**
(guidance and flow chart attached – page 3)
- 2. To report apologies for absence and to identify substitute members;**
- 3. To confirm the minutes of the meeting held on 5 October 2022;**
(minutes attached – page 5)
- 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 9)
- 6. Planning Appeals (for information);**
(table attached – page 65)

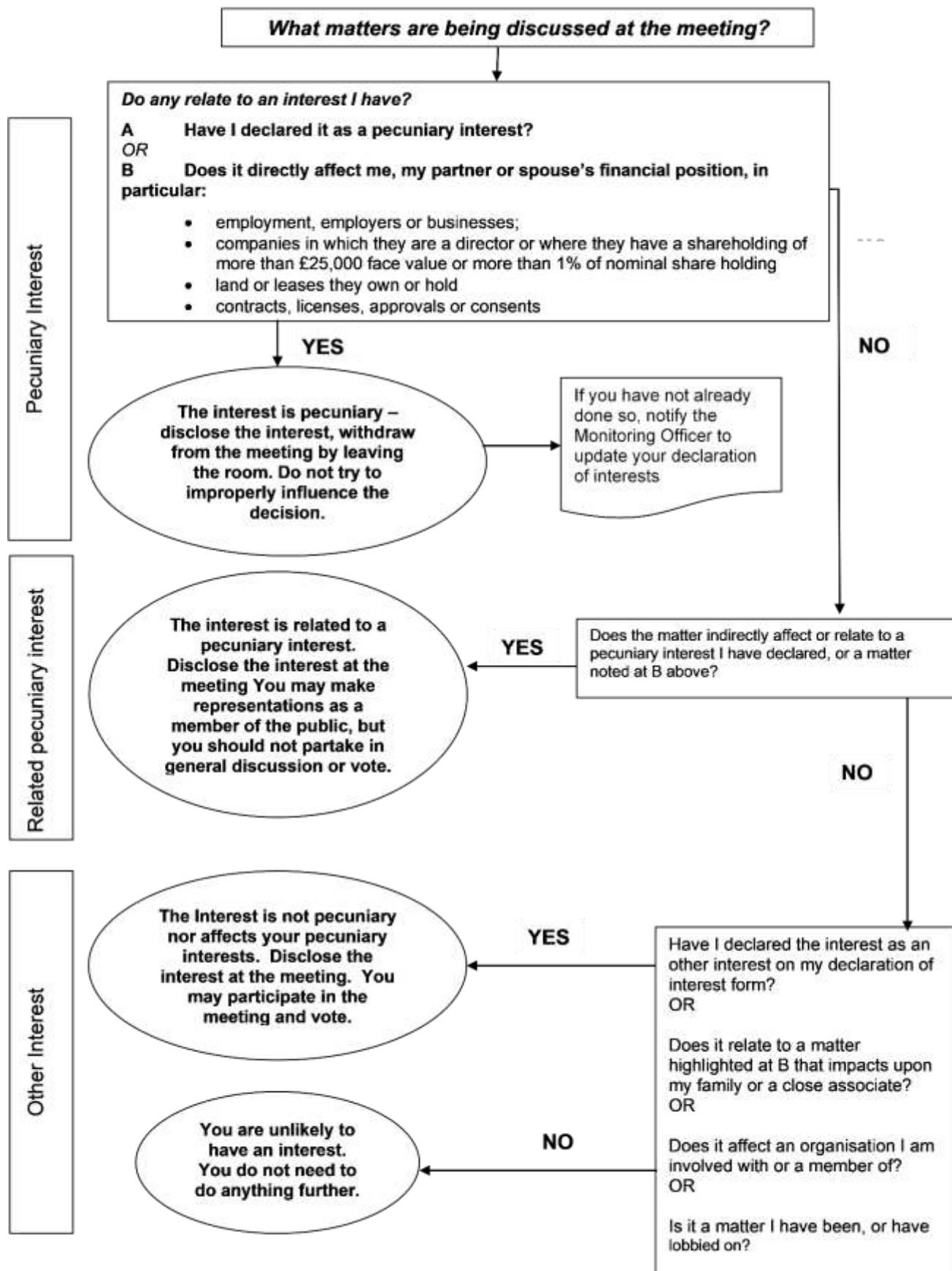
DECLARATIONS OF INTEREST AT MEETINGS

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"> 1. affect yours, or your spouse / partner's financial position? 2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner? 3. Relate to a contract you, or your spouse / partner have with the Council 4. Affect land you or your spouse / partner own 5. Affect a company that you or your partner own, or have a shareholding in <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>

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

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of Broadland District Council, held on 5 October 2022 at 2.00 pm at the Council Offices.

Committee Members Present: Councillors: J Ward (Chairman), S Beadle, N Brennan, J Fisher, S Holland (for S Riley), C Karimi-Ghovanlou, K Leggett, G Nurden (for A Adams), S Prutton

Other Members Present : Cllr G Peck

Officers in Attendance: The Development Manager (TL), the Area Planning Manager (GB), the Principal Planning Officer (PK) and the Democratic Services Officer (DM)

Others in attendance: David Wilson – Norfolk Highways and Alex Grimmer Broadland Environmental Management Officer (for Weston Longville application)

26 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A Adams, R Foulger, S Riley and K Vincent.

27 MINUTES

The minutes of the meeting held on 7 September 2022 were confirmed as a correct record and signed by the Chairman.

28 MATTERS ARISING

No matters were raised.

29 PLANNING APPLICATIONS

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

In relation to application no 20220034 at Weston Longville, all members of the committee listed above had visited the site earlier in the day. By way of update to the published papers, a further representation had been received from the Highways Authority that day confirming that, whilst it would like to see a footpath provided, it could not defend any appeal against this provision.

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

Application	Parish	Speakers
20220034	Weston Longville,	Ruth Goodhall – parish council – objecting David Harrod – objecting Mark Howey – objecting Kate Symonds – objecting Jon Jennings – supporting Olly Jones – supporting Adrian James – supporting Cllr P Bulman – local member – objecting Cllr J Copplestone – (written statement support)
20221273	Drayton	Helen Sibley – supporting

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.

30 PLANNING APPEALS

The Committee noted the appeals lodged.

(The meeting concluded at 3:50pm)

Chairman

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

1	Appl. No	:	20220043
	Parish	:	WESTON LONGVILLE
	Applicant's Name	:	Mr A Goymour, Norfolk Dinosaur Park Ltd
	Site Address	:	Morton Lane, Weston Longville, NR9 5JW
	Proposal	:	Hybrid application - Part full and part outline for the change of use of a former Deer Park to provide an extension to the Roarr Dinosaur Attraction comprising three phases of development, including a volcano feature, rides, food and beverage facilities, toilet block, entrance feature, extension to overflow carpark, ecological enhancement and landscaping
	Decision	:	Members voted (8 - 0 (1 abstention)) to authorise the Assistant Director of Place to approve subject to ecological matters being resolved and subject to conditions:

Full permission

- 1 Time limit – full permission
- 2 In accordance with submitted drawings
- 3 On-site parking for construction workers
- 4 Construction traffic management plan and access route with details of wheel cleaning facilities
- 5 Compliance with construction traffic management plan and access route
- 6 Details of layout and demarcation of parking to be submitted for approval
- 7 Tree protection details to be submitted
- 8 Programme of archaeological mitigatory work
- 9 Electronic ticketing
- 10 Details of lighting to be submitted
- 11 Hours of operation
- 12 Adhere to Noise Management Plan
- 13 Submission of construction management plan
- 14 Landscaping scheme
- 15 Surface water drainage
- 16 Foul water to package treatment plant
- 17 Any appropriate conditions relating to ecology or as recommended by Natural England

Outline permission

- 1 Time limit – outline planning permission
- 2 Submission of reserved matters
- 3 In accordance with submitted drawings
- 4 On-site parking for construction workers
- 5 Construction traffic management plan and access route with details of wheel cleaning facilities

- 6 Compliance with construction traffic management plan and access route
- 7 Submission of updated ecological surveys
- 8 Programme of archaeological mitigatory work
- 9 Electronic ticketing
- 10 Details of lighting to be submitted
- 11 Hours of operation
- 12 Adhere to Noise Management Plan
- 13 Landscaping scheme
- 14 Surface water drainage
- 15 Foul water to package treatment plant
- 16 Any appropriate conditions relating to ecology or as recommended by Natural England

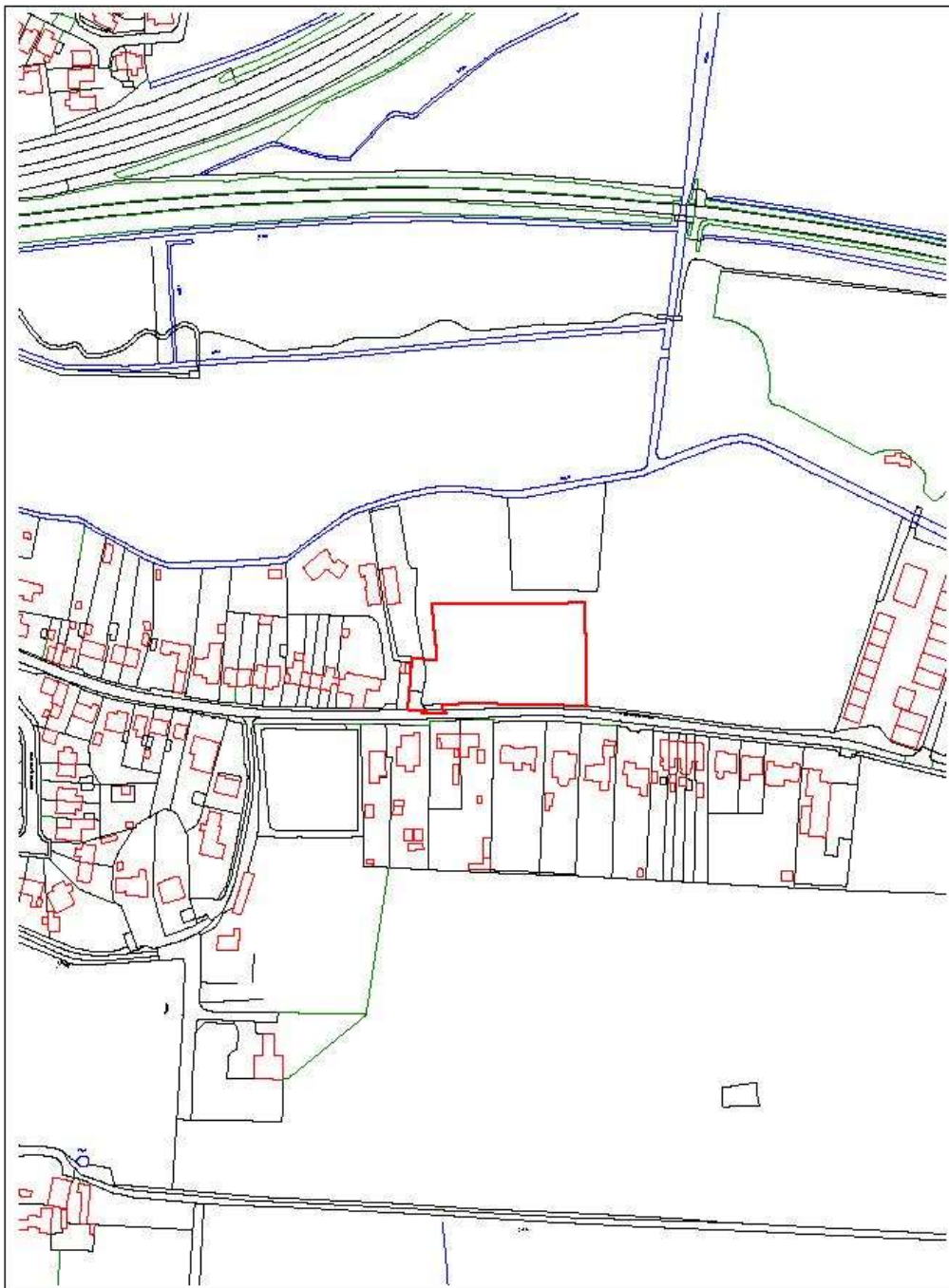
2	Appl. No	:	20221273
	Parish	:	DRAYTON
	Applicant's Name	:	Broadland District Council
	Site Address	:	Drayton Drewary, Reepham Road, Drayton, NR8 6QS
	Proposal	:	Create car park, form earth bund and installation of a height barrier.
	Decision	:	Members voted (unanimously) for approval

Approved subject to Conditions

- 1. Time limit (TL01)
- 2. In accordance with submitted details (AD01)
- 3. Provision of parking (HC21)

	Application No	Location	Officer Recommendation	Page No
1	20212094	Land north of Damgate Lane, Acle	APPROVE subject to conditions	11
2	20221213	Land at Brandiston Road, Cawston	REFUSAL	28
3	20220923	75 The Green, Freethorpe, NR13 3NY	APPROVE subject to conditions	39
4	20211071	Land north of Bintree Road, Foulsham	APPROVE subject to conditions	47
5	20212306	Firbank, Green Lane, Horsford, NR10 3ED	APPROVE subject to conditions	55

Application 1



 Broadland District Council <i>Community at heart</i>	Application No: 20212094	Scale: 1:2500	N ↑
	Land North off Damgate Lane, Acle	Date: 21-Oct-22	
	Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011. Ordnance Survey Licence number 100022319.		

- 1 Application No: 20212094**
Parish: ACLE

Applicant's Name: L Newman, M & J Copsey
Site Address: Land north of Damgate Lane, Acle
Proposal: 4 no self-build dwellings (Outline)

Reason for reporting to committee

The site is located outside of the defined settlement limit and the recommendation to approve is contrary to the provisions of the Council's development plan.

Recommendation summary:

Authorise the Assistant Director (Planning) to approve subject to conditions and a Unilateral Undertaking (UU) to secure the dwellings for self-build purposes and Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS) payment.

1 Proposal and site context

- 1.1 This application seeks outline planning permission for the erection of 4 dwellings which have been promoted as self-build dwellings.
- 1.2 The application has been submitted as some matters reserved with access being approved subject to this application. The reserved matters application would follow where details of design, appearance, layout, landscaping, scale, amongst other considerations, would be submitted.
- 1.3 The site lies outside of the defined settlement limit defined for Acle, however the site is immediately adjacent to the settlement limit.
- 1.4 The site is located on the edge of the settlement where Acle is classed as a Service Village as outlined within the Joint Core Strategy.
- 1.5 To the east of the site is Damgate Lane Industrial Estate and Damgate Lane Sewage Treatment Works (STW).

2 Relevant planning history

- 2.1 811040 : Dwelling – Approved 15/06/1981
- 2.2 812617 : Bungalow with garage – Approved 11/02/1982

3 Planning Policies

3.1 National Planning Policy Framework (NPPF)

NPPF 02 : Achieving sustainable development

NPPF 04 : Decision-making

NPPF 05 : Delivering a sufficient supply of homes

NPPF 06 : Building a strong, competitive economy

NPPF 11 : Making effective use of land

NPPF 12 : Achieving well-designed places

NPPF 14 : Meeting the challenge of climate change, flooding and coastal change

NPPF 15 : Conserving and enhancing the natural environment

3.2 Joint Core Strategy (JCS)

Policy 1 : Addressing climate change and protecting environmental assets

Policy 2 : Promoting good design

Policy 3: Energy and water

Policy 4 : Housing delivery

Policy 5 : The Economy

Policy 6 : Access and Transportation

Policy 14: Key Service Centres

3.3 Development Management Development Plan Document (DM DPD) 2015

Policy GC1 : Presumption in favour of sustainable development

Policy GC2 : Location of new development

Policy GC4 : Design

Policy EN1 : Biodiversity and habitats

Policy EN2 : Landscape

Policy TS3 : Highway safety

Policy TS4 : Parking guidelines

Policy CSU5 : Surface water drainage

3.4 Acle Neighbourhood Plan (2015)

Policy 10: Future housing integration

Policy 11: Residential car parking

3.5 Supplementary Planning Documents (SPD)

Landscape Character Assessment

Parking Standards SPD

4 Consultations

4.1 Acle Parish Council:

Acle Parish Council has no objections to the plans in principle. The councillors are however concerned about the proposed removal of some of the front hedge, which borders the road. The hedge is old and believed to be of significance.

4.2 District Councillor:

No comments received.

4.3 Norfolk County Council Highways Authority:

The Highway Authority have no objection to this proposal subject to local off-site highway works to provide a footway link to the site.

Should your Authority be minded to approve the application I would suggest that these works (as detailed in Condition 33A & 33B below) will require including on submitted plans and then further consultation.

Should your Authority be minded to approve the application the following conditions and informative note should be appended to any consent notice issued:-

- SHC 05 Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan in accordance with the highway specification (Dwg. No. TRAD 1) attached. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

- SHC 17 Prior to the first occupation/use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with the principles of the NPPF.

- SHC 21 Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, levelled and surfaced in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

- SHC33A Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the highway improvement works (footway link of minimum 1.2m width from development site westwards to existing footway facilities on Damgate) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

- SHC33B Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed.

Comments on additional footpath details:

Ideally access would be on nearside of road to tie in with existing footway, an alternative would be that footway is on opposite side which could be fallback position if nearside footway proves impracticable.

I cannot definitively say that either option is practical without full engineering details being submitted from the agent which would be required should the application be approved and to discharge Conditions.

4.4 Environmental Quality Team:

No objections to this planning application and request advisories are applied to any granted permission. These include site drainage, dust control and smoke control.

4.5 Community Planning Officer:

The Self-Build and Custom Housebuilding Act 2015 places a requirement on Local Authorities to maintain a register detailing the demand for self-build plots in their district. There is no requirement for the Council to provide plots, but there is a requirement to provide sufficient planning permissions that could be for self / custom build within a 3 year period of each base year to cover the numbers on the register in that base year.

Broadland District Council monitors planning permissions that could be available for self-build plots. This is based on single dwelling permissions that could reasonably be expected to be made available for self-build, and as such meeting the definition in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The register is split into two parts based on meeting a number of criteria. The main difference being that you must meet a local connection test in order to be included on Part 1. For Part 2, the Council does not have to meet certain requirements under the Act (section 2A(6)) mentioned above relating to the number of planning permissions given for serviced plots.

There is a 3 year period within which to give sufficient relevant permissions for the numbers on the self-build register, so, Base Period 1 ended on 30 October 2016, which means there was until 30 October 2019 to meet the numbers entered on the register for that period. Base Period 2 finished on 30 October 2017, which means there was until 30 October 2020 to meet that requirement and so on. Based on the monitoring that has been conducted to date, the permissions that have been granted in the year following each base period has, so far, provided sufficient numbers of potential self-build plots to meet the numbers on the register for those periods. Any permissions that are granted during the current base period cannot be used to meet the demand on the register for the same time period and instead will be counted towards evidencing demand for the previous base period.

The Self Build monitoring was completed in November 2021 to meet the demand for Base Period 5 (31 October 2019 – 30 October 2020) and to do this we used permissions given between 31 October 2020 and 30 October 2021. The number of entries on Part 1 of the register for Base Period 5 was 3. The number of permissions given for single dwellings as at 30 October 2021 shows that we have given permissions for 41 applications that could be suitable for self-build, therefore meeting the demand for base period 5. Permissions that can be counted as meeting demand for Base Period 6 (31 October 2020 – 30 October 2021), which had 5 entries, will be allocated from permissions given during 31 October 2021 – 30 October 2022 and this monitoring will be completed after 30 October 2022.

It is important to note that entry on the register does not provide that specific individual with an advantage in achieving planning permission for a self-build property if they were to apply, nor does it provide a service to match entrants with serviced plots of land. The purpose of the register is to evidence demand for self-build plots across the whole district.

4.6 CPRE Norfolk:

Objection.

- The site for the proposed dwellings lies within land designated as open countryside, as defined by policy 17 of the Joint Core Strategy (JCS), Smaller rural communities and the countryside (JCS, 2014.) The proposal would not further the objectives of the JCS and therefore should not be granted permission. As the JCS notes, “much of the area is agricultural land forming an attractive backdrop to the existing settlements and the Broads” (6.66.) With the boundary of the Broads just to the north of the application site, it is a concern that the current attractive backdrop would be eroded if this development went ahead. JCS Policy 14, Key Service Centres, is not relevant to this application given the application site is outside the settlement boundary for Acle.
- The proposal is contrary to policy GC2 of the Broadland Development Management DPD (August 2015), as the proposed development does not entirely accord with a specific allocation and/or policy of the development plan.
- The emerging local plan, the GNLP, also does not allocate this site for housing.
- The application site sits in what is currently a small buffer of open countryside between Damgate Lane and the boundary of the Broads just to the north. JCS Policy 18, The Broads, states that “in areas of close proximity to the Broads Authority area particular regard will be applied to maintaining and enhancing the economy, environment, tranquility, setting, visual amenity, recreational value and navigational use of the Broads.” This proposal would harm the environment, tranquility, setting and visual amenity of the area of Broads Authority area close to the application site, through the imposition of alien structures into what is currently open countryside.
- Broadland along with Greater Norwich can demonstrate a five-year land supply. This shows that this application should be refused permission, particularly when taking into account paragraphs 11, 12 and 74 of the NPPF regarding sustainable development and the importance of a planned approach where a Local Planning Authority can demonstrate at least a 5-year housing land supply (with a 5% buffer.) Moreover, the addition of four houses would do only a minimal amount to help meet housing requirement targets, and would do nothing to address the real housing need for affordable housing.

For these reasons we ask that this application is refused permission.

4.7 Water Management Alliance:

The site is within the Internal Drainage District (IDD) of the Broads (2006) Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. A copy of the Board's Byelaws can be accessed on our website (https://www.wlma.org.uk/uploads/BIDB_Byelaws.pdf), along with maps of the IDD (https://www.wlma.org.uk/uploads/84-BIDB_drainindex.pdf). These maps also show which watercourses have been designated as 'Adopted Watercourses' by the Board. The adoption of a watercourse is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD and as such will normally receive maintenance from the IDB.

In order to avoid conflict between the planning process and the Board's regulatory regime and consenting process please be aware of the following:

- I note that the applicant has not identified or provided a drainage strategy for the site within their application. If a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy (https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf)
- I note that the applicant has not indicated how treated foul water from their site will be disposed of. If the applicant wishes to discharge foul water to a watercourse this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).
- I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary. However, this should be confirmed by the applicant. If the proposals do involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such I strongly prior to determination of the planning application.

4.8 Anglian Water:

The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/> Please note that if diverting or crossing over any of our assets permission will be required.

Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-ourassets/>

4.9 Norfolk County Council Lead Local Flood Authority:

Having reviewed the application as submitted, it appears that this development would be classed as minor development (see section A4.3 in the Annex of our current guidance).

<https://www.norfolk.gov.uk/-/media/norfolk/downloads/rubbish-recycling-planning/flood-and-water-management/guidance-on-norfolk-county-councils-lead-local-flood-authority-role-as-statutory-consultee-to-planning.pdf>

If there is an incident of flooding that has been investigated by Norfolk County Council in the vicinity of the site, further information on key findings and recommendations are publicly available on our website (<https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/flood-investigations>).

The Local Planning Authority would be responsible for assessing the suitability for any surface water drainage proposal for minor development in line with National Planning Policy Framework (NPPF).

4.10 Other Representations

One letter of objection was received regarding the application which raised the following concerns:

- Outside the settlement limit
- Does not conform to policy
- GNLP indicates that the site is unsuitable for development.
- Highways concerns
- Pedestrian safety

5 Assessment

Key Considerations

Principle

- 5.1 Planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in determining planning decisions.
- 5.2 It is evident that that the site is located outside of any settlement limit and therefore Policy GC2 makes provision for new development where it does not result in any significant adverse impact and where it accords with a specific allocation and/or policy of the development plan.
- 5.3 It should be noted however that the Council currently has less than a 5 years of deliverable sites and in confirming such the second part of paragraph 11 is engaged, which states:
- “where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted.”*
- 5.4 On the basis of the above the following assessment seeks to establish the benefits of the scheme and any harm that would be caused in the context of sustainable development as set out in the NPPF, and in particular, with reference to the three dimensions (economic role, social role and environmental role) and under each of these three headings the relevant Broadland Local Plan Policies will be referred to.
- 5.5 In respect of the current housing land supply position referred to above, it is anticipated that this will be a “short lived” position brought about by the entirely unforeseen circumstances relating to Natural England’s recent advice on nutrient neutrality.
- 5.6 In respect of Nutrient Neutrality, the Council is a member of the Duty to Co-Operate Board for Norfolk, which is coordinating the response to the Nutrient Neutrality issue in the County. To help with the resolution of this matter, the Norfolk authorities have engaged Counsel to provide advice on the legal implications and restrictions resulting from Nutrient Neutrality. The Greater Norwich authorities (which cover the area over which land supply is calculated) have also engaged Royal Haskoning to prepare a Nutrient Management and Mitigation Strategy. Royal Haskoning have been engaged based on their extensive experience of nutrient neutrality issues elsewhere in

the country and on the basis that they are able to progress this mitigation strategy at pace. This will enable solutions to be implemented at the earliest opportunity.

- 5.7 The Council is also working proactively with developers across the Greater Norwich area to understand the impact of the Nutrient Neutrality guidance on the delivery of development sites and identify opportunities for where sites are able to progress.
- 5.8 Notwithstanding the significant work that is going on, and the strong likelihood of a mitigation solution being installed in a substantially quicker timeframe than has been achieved elsewhere, at the time of writing the Council recognises that there remains a significant degree of uncertainty about the progress of a number of permitted and allocated development sites. Therefore, the Council proposes that, taking a precautionary approach, the application is determined, as set out above, on the basis that there is not a demonstrable five-year supply of deliverable housing sites.

Economic role

- 5.9 The NPPF confirms the economic role as:

“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure.”

The scheme would result in some short term economic benefits as part of any construction work and in the longer term by local spending from the future occupants. It is therefore considered that the scheme would bring forward a level of economic benefit.

Social Role

- 5.10 The NPPF confirms the social role as

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

Impact on the character and appearance of the area and visual impact

- 5.11 Policy GC4 of the DM DPD states that, amongst other things, proposals should pay adequate regard to the character and appearance of the area and to reinforcing local distinctiveness through the careful consideration of the treatment of space throughout the development.

- 5.12 Policy EN2 of the DM DPD seeks to protect the character of the area and have regard to the Landscape Character Assessment SPD. The site forms part of the C2 Freethorpe Plateau Farmland Landscape defined by the Landscape Character Assessment SPD which lists predominantly open, rural character as one of its inherent landscape sensitivities.
- 5.13 Policy 1 of the JCS amongst other things, seeks to protect the environmental assets of the area. In paragraph 5.4 of the Policy, it discusses safeguarding assets including more general assets such as the countryside and rural character.
- 5.14 This part of Acle contains a range of dwelling types and sizes and it generally has a linear arrangement with properties fronting onto Damgate Lane. The existing site is a relatively rectangular parcel of agricultural land on the northern side of Damgate Lane with a robust mature hedge along its frontage.
- 5.15 The existing site provides a landscape break and visual separation between the built-up western end of the northern side of Damgate Lane and the industrial estate to the east and at the end of Damgate Lane.
- 5.16 It is therefore inevitable that adding four properties in the section of field identified as the application site will change this character. In determining the degree of harm, it is necessary to have regard to the fact that the substantial hedge along the site frontage is to be substantially retained (some will need to be removed/realigned to secure adequate visibility from the existing access which is to be used to access the site). This means that views of the four dwellings will be heavily screened from view with only views from the south-west of the site likely. It is reasonable in planning terms to require the retention of the hedge and this can be secured via planning condition and any subsequent reserved matters application can ensure that any dwelling and associated driveway is adequately distanced from the hedge so as to not compromise its health. It is also apparent that the scheme will still retain the majority of the existing field, and whilst all applications should be assessed on their individual merits at the time of consideration, it should be noted that the remainder of the site is within flood zone 2 where development would not be permitted due to risks of flooding.
- 5.17 It is also apparent that there is existing linear built form immediately to the west of the site which this scheme would continue. Furthermore, there is continuous built form along the southern side of Damgate Lane and a commercial site further east on the northern side of Damgate Lane. All in all, it is not a scenario where this development expands the settlement out beyond the wider extremities of built form in this part of Acle.
- 5.18 At this stage, no details have been provided as to the final layout of the development and so the resulting impact on the character and appearance of the area would need to be considered further at a reserved matters application stage.

- 5.19 In summary, whilst building properties on this site will inevitably have some adverse impact the factors identified above, namely the screening, retention of the majority of the field and the existence of other properties immediately to the west, south and further afield to the east mean that it is not so significant so as to trigger conflict with policy 1 of the JCS, policies GC4 or EN2 of the DM DPD or Policy 10 of the Acle Neighbourhood Plan.

Impact on residential amenity

- 5.20 Policy GC4 of the DM DPD of the Development Management Policies document also requires the impact on neighbouring properties to be taken into account.
- 5.21 The site is located within close proximity to other residential dwellings on Damgate Lane with dwellings located directly opposite, south of the site, and adjacent to one part of the site to the west. The site is separated from the nearest dwellings to the west by an access which serves Borderland Farm.
- 5.22 The dwellings themselves would be located northeast of any existing residential dwellings and it is considered that dwellings in this location, given their orientation, would have minimal impact in relation to overlooking or overshadowing.
- 5.23 The details of the proposed dwelling remain unknown at this stage, however, any proposed dwellings secured at reserved matters stage would have a good degree of separation between them and any existing neighbouring properties given the layout and orientation of existing dwellings. With this in mind, it is considered that the application doesn't result in any detrimental impact upon the amenity of any neighbouring resident and would comply with Policies GC4 and EN4 of the DM DPD and cause no significant harm to the residential amenity of neighbouring properties.

Impact on highway safety

- 5.24 Norfolk County Council were consulted in their capacity as the Highways Authority (HA) and overall raised no objections to the proposal subject to a number of conditions highlights within paragraph 4.3 of this report above.
- 5.25 An indicative site plan submitted with the application, along with details within the application form, show that there is sufficient space on the site for parking and manoeuvring along with sufficient off-road parking. Details of the specific layout will be required to be submitted at the reserved matters application stage.
- 5.26 The HA suggested a condition for a new footway link which will enable the site to link up to existing footways along Damgate Lane which in turn facilitates access to services and facilities in Acle.

- 5.27 There is ongoing discussion surrounding the footway link of a minimum 1.2m width from the development site westwards to existing footway facilities on Damgate Lane. In the event that this cannot be delivered on the preferred northern side of Damgate Lane, it could be delivered to the south of Damgate Lane. This will be determined at reserved matters stage when more detailed drawings can be submitted. Notwithstanding this degree of uncertainty, officers are satisfied that an adequate solution can be secured in some form and the suggested condition by the HA reflects this insofar as it requires the footway link and the details of this to be submitted and approved by the Local Planning Authority in consultation with the Highways Authority.
- 5.28 With regard to connectivity, it should be noted that Acle is defined as a Service Village within the JCS with a good level of services and facilities, including a primary school, a high school and sixth form, retail convenience store, medical practice, veterinary practice, village hall, church, recreation centre, a public house and a number of take-away food establishments which are located approximately a mile from the site. In addition, a regular bus service operates on average every 15 minutes to Norwich City Centre and Great Yarmouth with the bus service operating a regular service six days a week with a reduced but frequent bus service on Sundays. The nearest bus stop is approximately 0.5 miles from the site. Acle train station is approximately 0.5 miles from the site with regular trains running from Acle to Norwich City Centre and Great Yarmouth and subject to providing the aforementioned footpath link the site would be able to access a wide range of services by means other than the private car.
- 5.29 Overall, it is considered that the application could comply with Policies TS3 and TS4 of the DM DPD and Policies 10 and 11 of the Acle Neighbourhood Plan and would cause no significant harm to highway safety.
- 5.30 In summary, the site has the ability, at reserved matters stage, to secure a sufficiently high quality design in a location with adequate connectivity to a range of facilities by means beyond the private vehicle and as such is therefore considered to fulfil the social role.

Environmental Role

- 5.31 The NPPF confirms the environmental role as

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

The site is located within Environment Agency’s flood zone 1, with a small section of rear garden to be located in flood zone 2, and is therefore said to be in an area with a low probability of flooding. The Environment Agency’s mapping also doesn’t show any areas of surface water flooding on the site.

No firm details have been provided at this stage as to how surface water drainage will be disposed of, although this could be conditioned and assessed in more detail at a reserved matters stage once the layout has been finalised. Overall, it is considered that the application would comply with the broad aims of Policy CSU5 of the DM DPD.

- 5.32 As indicated above, the majority of the existing hedge along the frontage is to be retained, with an element of replanting required where removal is required to facilitate adequate visibility from the site access. This can be secured by a suitably worded planning condition. No other vegetation is required to be removed to facilitate the development.
- 5.33 There are no ecology related concerns associated with the proposal.
- 5.34 In terms of heritage assets, there are no listed buildings, or non-designated heritage assets that would be adversely affected by the proposal.
- 5.35 In summary, the development would not compromise the natural, built or historic environment and would fulfil the environmental role.

Other issues

- 5.36 By way of background, this site was part of a larger one put forward for the Greater Norwich Local Plan (GNLP) Call for Sites for 12 dwellings and this was not supported at that stage. This particular scheme is for a lesser number of dwellings, has no Highway Authority objection and sits mainly within flood zone 1 with minimal risks of flooding and thereby is significantly different to that not taken forward as part of the GNLP.
- 5.37 Paragraph 69 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. The Council has taken a proactive approach to this through the allocation of a range small and medium sized sites and through defining Development Boundaries for over 80 settlements to facilitate suitable windfall development. Point (c) of NPPF para 69 states that local planning authorities should 'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'. Although this is a material consideration in the determination of the application, it can only be afforded limited weight, given the previous supply of housing on small sites within the district.
- 5.38 Under paragraph 62 of the National Planning Policy Framework (2012) requires councils to plan for people wishing to build their own homes. This can be a material planning consideration for this application as self-build has been identified as the method of delivering the site. Whilst an indication of self-build has been given by the applicant it should also be noted that at this stage it cannot be certain that the method of delivering this site will be self-build unless a legal agreement is involved. In the instance of this application this can be considered a material planning consideration as detailed above.

- 5.39 Local authorities have a responsibility for keeping a self-build and custom housebuilding register. The Housing and Planning Act 2016 (The Act) sets out that local planning authorities must give suitable development permission in respect of enough serviced plots of land to meet the demand for self and custom housebuilding in the authority's area arising in each base period. The level of demand is established by reference to the number of entries added to an authority's register during a base period.
- 5.40 At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.
- 5.41 The application sets out that the dwellings are proposed to be self-build dwellings which is a material consideration in the determination. Paragraph 62 of the NPPF guides local planning authorities to cater for those people who wish to commission or build their own homes as set out in the Self Build and Custom Housebuilding Act 2015. Based on the monitoring that has been conducted to date, the Council is able to demonstrate that it is meeting its housing supply commitment, and is providing sufficient numbers of potential self-build plots to meet the numbers on the register within the district.

Nutrient Neutrality

- 5.42 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The proposal will result in additional overnight accommodation, however it is located outside the catchment areas of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site, and does not involve foul or surface water drainage into those catchment areas. The site will be served by the Damgate Lane Sewage Treatment works which discharges into a section of River Bure which is located outside of the catchment areas. As such, it is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

Conclusion

- 5.43 Having due regard to the above assessment made in the context of not having a demonstrable 5 year housing land supply, it is considered that the benefits of providing additional housing, are not significantly and demonstrably outweighed by the negative landscape impact of the scheme identified above, and as such, when considered as a whole, the scheme does represent a sustainable development.
- 5.44 For the reasons set out above the scheme is considered to represent a sustainable development in the context of the NPPF and is therefore recommended for approval.
- 5.45 A reduced and shortened time limit is suggested to ensure the site is delivered in an expedited manner. This is in line with others including a recent appeal decision (APP/L2630/W/22/3296988) where the Inspector saw this as necessary to ensure the site can be delivered in an expedited manner due to the Council's position on the five year housing land supply.



Recommendation: Authorise the Assistant Director (Planning) to Approve with conditions and unilateral undertaking relating to self-build and GIRAMS contribution

1. Outline time limit (1-year)
2. In accordance with submitted documents
3. Reserved matters to be submitted
4. Details of foul drainage
5. Details of surface water drainage
6. Vehicular access
7. Visibility splays
8. Provision of on-site car parking
9. Provision of footway link
10. Off-site highway improvement
11. Retention of hedgerow along Damgate Lane

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Application 2



 <p>Broadland District Council <i>Community at heart</i></p>	<p>Application No: 20221213 Land at Brandiston Road, Cawston</p>	<p>Scale: 1:1405 Date: 21-Oct-22</p>	<p>N </p>
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- 2. Application No: 20221213**
Parish: CAWSTON

Applicant's Name: Eggleton, Eggleton & Berry
Site Address: Land at Brandiston Road, Cawston
Proposal: Five three bedroomed single storey dwellings, comprising three self-build and 2 build-to-rent

Reason for reporting to committee

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

Recommendation summary:

Refuse

1 Proposal and site context

- 1.1 The site is a plot on the southern edge of Cawston consisting of part of an agricultural field. There are residential dwellings to the north and east of the site. To the south of the site and on the opposite side of Brandiston Road is open countryside.
- 1.2 This application is for five single storey dwellings. Of the five dwellings, three of the dwellings are proposed to be offered as self-build plots and the other two are to be offered as built-to-rent plots. It is intended that they will be made available for the first six months of marketing to local people, defined as living in the parish. It is also proposed that all the dwellings will be discounted by 20% from the market rent / self-build market value. The application is an outline application with all matters reserved.

2 Relevant planning history

- 2.1 No relevant planning history

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)
NPPF 02: Achieving sustainable development
NPPF 04: Decision-making
NPPF 05: Delivering a sufficient supply of homes
NPPF 12: Achieving well-designed places
NPPF 14: Meeting the challenge of climate change, flooding and coastal change

NPPF 15: Conserving and enhancing the natural environment
NPPF 16: Conserving and enhancing the historic environment

- 3.2 Joint Core Strategy (JCS)
 - Policy 1: Addressing climate change and protecting environmental assets
 - Policy 2: Promoting good design
 - Policy 3: Energy and Water
 - Policy 4: Housing delivery
 - Policy 6: Access and Transportation
 - Policy 15: Service 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 EN1: Biodiversity and habitats
 - Policy EN2: Landscape
 - Policy TS3: Highway safety
 - Policy TS4: Parking guidelines
 - Policy CSU5: Surface water drainage
- 3.4 Supplementary Planning Documents
 - Landscape Character Assessment
 - Parking Standards SPD

Statutory duties relating to the setting of Listed Buildings:

S16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission or listed building consent for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4 Consultations

4.1 Cawston Parish Council:

Object

Contrary to planning policy being outside the parish development line, not a sustainable development and placing pedestrians in increased danger from traffic.

There is no footpath connecting the development to the village, so future residents would need to use their vehicles to access village amenities, services and work.

The Parish Council has previously received complaints about hazards arising from the speed of traffic and narrowness of Brandiston Road.

If permission is granted then legal agreements are needed in regard to the trod and wood / pond area so that they are guaranteed to be kept in place and maintained.

4.2 District Councillor:

Cllr G Peck

To Committee if recommended for refusal

These five single storey buildings, three self build and two build to let, will allow young local people to get a foot on the housing ladder. The applicant is happy to meet any planning conditions that may be applied to guarantee affordable status.

There is an environmental offset from the woodland they are planting.

4.3 CPRE:

Object

- Site lies within land designated as open countryside with nothing in the application documentation to suggest that the new dwellings would meet one of the exceptions within policy for such a location
- Contrary to GC2 as does not entirely accord with a specific allocation and / or policy of the development plan
- The site is an unsustainable one for housing, especially as it would be almost entirely car dependent and without safe access to a primary school as Brandiston Road does not have a footway and there are no proposals to create one
- Broadland along with Great Norwich can demonstrate a five year land supply

4.4 Highway Authority:

Object

No hesitation in recommending this application should be refused as it will be detrimental to highway safety and contrary to transport sustainability

4.5 Other representations

7 letters of support

- The fact that it will offer village residents the opportunity to purchase a plot at a reduced rate and two rental properties will also be offered at a reduced rate is to be recommended
- Will benefit people already connected to the village
- Lack of available property for village residents is an often-mentioned topic
- Support from former residents living outside of the village who would like to return to the village
- Plots will offer ample gardens and good spacing between properties
- Only just outside settlement limit
- Road is already used by pedestrians and cyclists so not that dangerous
- Will five more dwellings really turn the road into a constant stream of traffic?
- Applicant is proposing improvements to the road
- Land in between site and residents of William Bush Close
- Small wood to be planted will encourage more wildlife

4 letters of objection

- Changes from previous withdrawn application are minor
- Plot in question falls outside the settlement limit for Cawston
- GNLP establishes that 40 new homes are considered appropriate for the Cawston cluster with an allocation already made so there is therefore no justification for extending the village further south down Brandiston Road
- Brandiston Road wholly unsuitable for additional dwellings
- Single lane along its entire length
- Currently enjoyed by local residents as an amenity for walking which would become less attractive with more traffic
- Short bit of new footpath by site frontage is meaningless
- Nothing to say about how older and disable people are going to access the site
- Brandiston Road junction with Norwich Road dangerous due to lack of visibility
- New dwellings would be out of character with well established properties
- Would be denser than current housing stock
- Would not ease transition to countryside, it would build over it
- No clear indication that bungalows are needed
- Recent approval for bungalows on another site in the village is now being changed to two storey houses
- Loss of light and views
- Light pollution from five new houses
- No significant improvement to biodiversity on the site as the site is currently open countryside full of fauna and flora

- They can plant a small woodland anyway without building houses
- How will woodland and pond be maintained?
- Surveys for Ecological Impact Assessment were carried out at sub-optimal times
- With potential food shortages due to unusually hot summer and the war in Ukraine our farming community should be encouraged to grow food rather than build houses
- Falls within catchment area for River Wensum; proposal contains no assessment or mitigation to make the development nutrient neutral

5 Assessment

5.1 **Key considerations**

- Principle of the development
- Visual Impact
- Access and Parking, including the connectivity of the site to services
- Impact on Neighbouring Properties
- Flood Risk and Drainage
- Ecology

Principle of the development

5.2 Planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in determining planning decisions.

5.3 The site falls adjacent to but outside of the settlement limit for Cawston. In such locations policy GC2 makes provision for new development where it does not result in any significant adverse impact and where it accords with a specific allocation and / or policy of the development plan.

5.4 It should be noted that the Council currently has less than 5 years of deliverable sites having regard to the temporary impact of Nutrient Neutrality and in noting this regard is given to paragraph 11 of the NPPF which states that:

where there are no relevant development plans policies, or the policies which are most important determining the application are out-of-date, granting permission unless:

- The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (see footnote 7); or*

- ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 5.5 Footnote 7 states that *“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change”*
- 5.6 In this instance it is evident that the proposal is affected by policies in the NPPF which relate to a habitat site in particular paragraphs 174, 176, 180, 181 and 182.
- 5.7 With this in mind the "tilted balance" from paragraph 11 is not engaged and the Local Plan policies are not considered "out of date". On this basis the scheme is assessed against the relevant policies contained within the Local Plan, planning guidance and having regard to any other material considerations.
- 5.8 It is also noted that the plots are to be made available at a discount and that two of the dwellings will be for build-to-rent purposes. Whilst this form of tenure could be considered affordable housing complying with the definition within the NPPF if secured in perpetuity at discounted rent it is less than 50% of the dwellings on the site and as such the proposal is not considered as an exception site for affordable housing. There is no specific policy within the development plan that would allow for a housing development such as this that is not entirely or mainly affordable housing outside of a settlement limit and as such the proposal does not comply with a specific policy of the development plan in relation to housing delivery.

Visual Impact

- 5.9 The site will extend the developed area south along the eastern side of Brandiston Road. However the impact of this is reduced by the presence of development on the eastern boundary of the site which reduces the sense of this parcel of land as forming part of the open landscape to the south and on the western side of Brandiston Road. The development will extend no further south than the developed area on the eastern boundary of the site and therefore it is not considered that development of the site would be intrusive into the wider landscape.
- 5.10 It should also be noted that this approach to Cawston contains views of the church tower and therefore the development could be considered to be within its setting. However the views of the church are across land to the west of Brandiston Road. Given this, and the fact that the church is already seen in

the context of residential development, it is not considered that the proposal will have any adverse impact on the setting of the church. As such, the development does not conflict with the Council's duties under S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Access and Parking

- 5.11 The precise point of access would be agreed at the reserved matters stage but the indicative plan shows the vehicular access to the site from Brandiston Road.
- 5.12 Norfolk County Council's Highways Officer have raised a number of concerns about the application. Firstly they note that Brandiston Road is of insufficient width (below 4.8 metres as set out in Manual for Streets) which is required for two cars to pass each other in safety throughout its entire length. Between the C278 to the north and Church Road (C264) to the south. Brandiston Road has no formal vehicular passing facilities and has no pedestrian footways or refuge.
- 5.13 In addition to the above concerns, the junction of Brandiston Road and Norwich Road has severely restricted visibility to the south-east due to the arrangement of this junction and the existence of a dwelling immediately on the intersection of the two roads. Given the site's location it would be expected that a significant proportion of vehicular movements to and from the proposed development site would use this junction.
- 5.14 In regard to connectivity to the settlement, whilst the site is relatively close to the facilities within Cawston, which include a school and village shop, access to these would involve walking in the live carriageway of Brandiston Road given the absence of any pedestrian facilities as noted above. The applicant is proposing a trod across the site's frontage but this does not provide any continuous connectivity and does not allow for a safe route to school. As such it is not accepted that the site provides good accessibility to services within the site for modes of transport other than the private car and thus occupants of the dwellings are likely to be highly dependent on the private car for accessing services contrary to section 9 of the NPPF and Policies 1 and 6 of the Joint Core Strategy.
- 5.15 As such the Highways Officer objects to the proposed development as detrimental to highway safety and contrary to transport sustainability and accessibility objectives as set out local and national planning guidance, including policy TS3 of the Development Management DPD.

Impact on Neighbouring Properties

- 5.16 As noted the site immediately adjoins residential dwellings to the north and the east. These include single storey properties to the north which are separated from the site by an access drive. Given this and the size of the site

it is considered that the dwellings can be accommodated on the site without having an adverse impact on the dwellings to the north. In regard to the dwellings to the west, the immediately adjoining dwelling is a single storey dwelling in a large plot but with two storey dwellings to the rear of that. Adequate separation distances with all these properties should be achievable.

- 5.17 As such it is not considered that the development would result in any unacceptable impact on neighbouring properties.

Flood Risk and Drainage

- 5.18 The site is in Flood Risk Zone 1 and therefore not at risk from fluvial flooding. There is a low risk from surface water flooding on part of the site however the site is of sufficient size for this not to preclude the proposed level of development. Surface water drainage is proposed to be through a sustainable drainage system which is considered acceptable.

Ecology

- 5.19 An Ecological Impact Assessment has been submitted. This concluded that no significant adverse effects are likely on protected species from the development, there is not likely to be an effect on any statutorily protected sites the nearest of which are some distance away, and that no further surveys are required. It proposed mitigation measures and potential enhancements such as the installation of bat and bird boxes which could be conditioned as part of any approval. Such a condition would ensure compliance with Policy EN1 of the DM DPD.
- 5.20 It is also noted that the applicant is proposing woodland to the south of the site along with a pond which will provide additional habitat. Some of the woodland has already been planted and therefore is in situ but nonetheless the planting of further trees would be welcomed to provide further habitat, amenity and in terms of national and local policy in terms of tackling climate change. However the amount of additional woodland proposed is limited and therefore is not of sufficient benefit to justify a departure from planning policy and or to outweigh the harm to highway safety.

Other Issues

- 5.21 The NPPF requires Council's to plan for people wishing to build their own homes. This can be a material planning consideration for this application as self-build has been identified as the method of delivering the site. The applicant has proposed that three of the dwellings proposed are to be self-build. However the Council consider that they are providing sufficient self-build plots which has been reflected in a number of appeal decisions. As such, as with the woodland to be planted, it is not considered that this of sufficient benefit to justify a departure from planning policy and also to outweigh the harm to highway safety.

- 5.22 The NPPF also sets out that small and medium sized sites can made an important contribution to meeting the housing requirement of an area. The Council has taken a proactive approach to this through the allocation of a range small and medium sized sites and through defining Development Boundaries for over 80 settlements to facilitate suitable windfall development. Point (c) of NPPF para 69 states that local planning authorities should '*support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes*'. This is a material planning consideration. However, this site is not considered suitable for the reasons already set out and therefore is considered contrary to paragraph 69, which is not overriding in this instance. The Council is already delivering a number of windfall sites/small sites to align with paragraph 68 and therefore the need for additional small sites is not considered overriding in terms determining this application and would not outweigh the harm previously identified.
- 5.23 On 16 March 2022, the Chief Planner at the Department for Levelling Up, Housing & Communities wrote to Chief Planning Officers regarding nutrient pollution, which is having an adverse effect on some rivers and waterbodies in the catchments of Habitats Sites. The application site is within the catchment area for the River Wensum and Broads Special Area of Conservation and insufficient information has been submitted to enable the Local Planning Authority to undertake a Habitat Regulation Assessment to assess the impact of the proposal on protected sites under Regulation 63 of the Habitat Regulations. It is recognised that the applicant has not been able to address this but in view of the in-principle concerns that this application raises and that are considered elsewhere in this report, it would be unreasonable for the Council to require the applicant to go to the unnecessary expense of addressing this matter as the development will still not be acceptable.
- 5.24 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.
- 5.25 This application is liable for Community Infrastructure Levy (CIL) and is also liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS). The level of CIL would be calculated at the reserved matters stage in the event planning permission was granted.

Conclusion

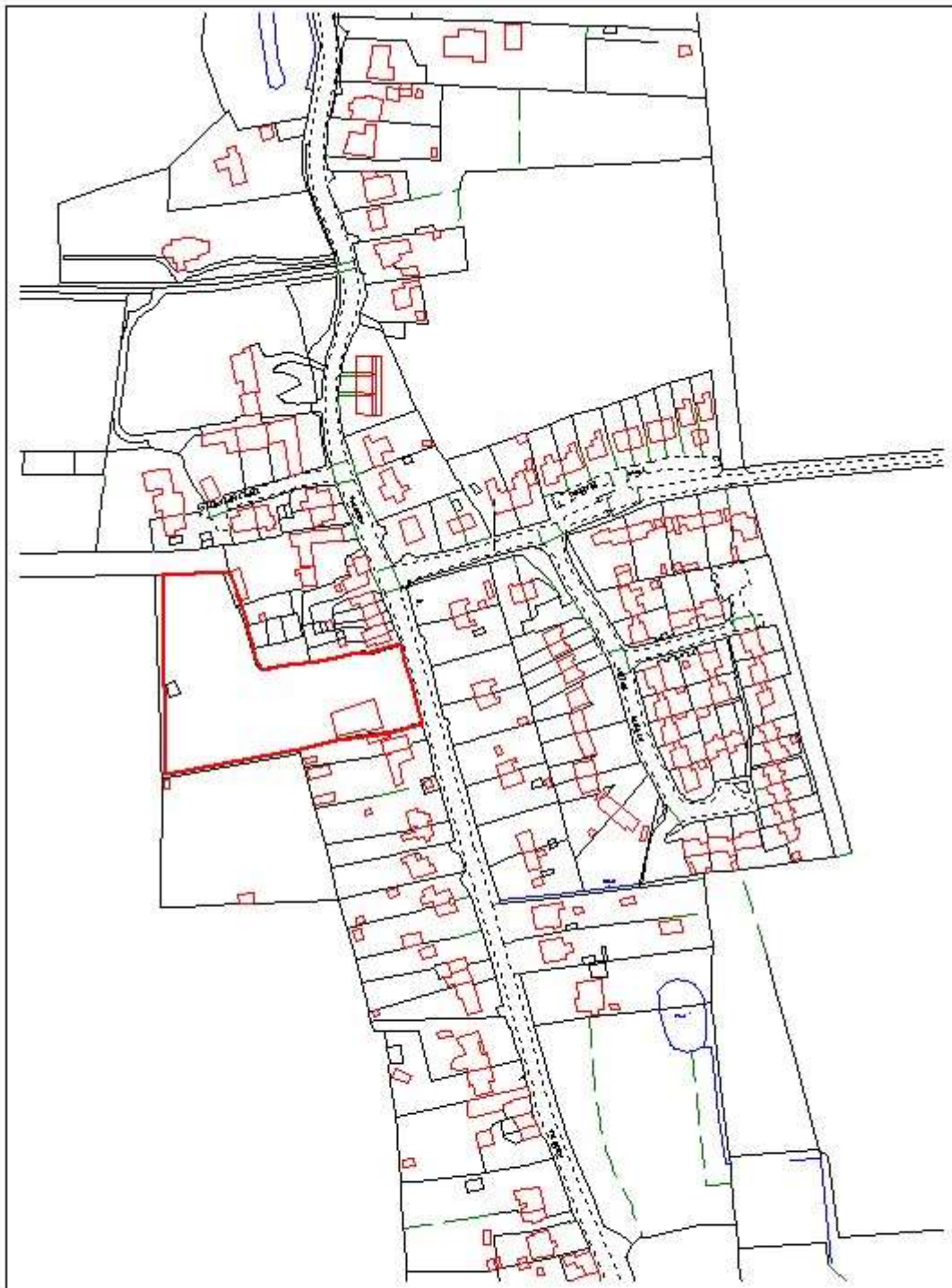
- 5.26 It is evident that the proposal fails to comply with Policies GC2 and TS3 of the Development Management DPD 2015 along with Policies 1 and 6 of the Joint Core Strategy as identified in the above assessment and as such the application is recommended for refusal.

Recommendation: Refuse

1. The proposal is contrary to Policy GC2 of the Development Management DPD 2015 as the site falls outside of the settlement limit for Cawston and Policy GC2 does not permit new development outside of the 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.
2. In accordance with submitted drawings Brandiston Road serving the site is considered to be inadequate to serve the development proposed, by reason of its poor alignment, restricted width, lack of passing provision and restricted visibility at adjacent road junctions. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety contrary to Policy 6 of the Joint Core Strategy and policy TS3 of the Development Management DPD 2015.
3. Due to the absence of any pedestrian facilities along Brandiston Road, the proposal is not well located to encourage walking, cycling, use of public transport and to reduce the reliance on the private car as represented in national and local policy as set out in section 9 of the National Planning Policy Framework and Policy 6 of the Joint Core Strategy, nor do they adequately provide access for people with disabilities.
4. Insufficient information has been provided to demonstrate that the proposal would not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads. The proposal is therefore considered contrary to The Conservation of Habitats and Species Regulations (2017).

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Application 3



Application No: 20220923
75 The Green, Freethorpe, NR13 3NY

Scale:
1:2500
Date:
21-Oct-22



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3. Application No: 20220923
Parish: FREETHORPE

Applicant's Name: Paul Robinson Partnership
Site Address: 75 The Green, Freethorpe, NR13 3NY
Proposal: Deed of Variation of the Section 106 Agreement from 20200261 to remove the need to provide affordable housing

Reason for reporting to committee

There are exceptional circumstances which warrant consideration of the proposal by committee.

Recommendation summary:

Approve the variation of the S106 to reduce affordable housing from 5 affordable units to 3 and include a review mechanism within the S106.

1 Proposal and site context

- 1.1 The application seeks the variation of the S106 agreement related to planning application 20200261. Application 20200261 granted outline planning permission for the redevelopment of a vacant commercial site to provide 19 dwellings as well as the retention of an existing office building and provision of a new access road. The site is situated to the west of The Green, within the defined settlement limits for Freethorpe.
- 1.2 The original 20200261 planning application included 5 affordable housing units which provided 28% affordable housing on site. This was a policy compliant scheme.
- 1.3 As part of the applicant's submission they have submitted a viability assessment which has reviewed the viability and recommended that the scheme is not viable with any affordable housing. The Council has instructed an independent viability consultant CP Viability to review the findings of the applicant's viability assessment. All of the viability assessments, including the Council's independent viability assessment can be viewed on the Council's website.
- 1.4 This application does not seek to make any amendments to house sizes or design.
- 1.5 A reserved matters application is currently being considered under application 20220619 but no decision has been made on that application at the time of writing this report.

2 Relevant planning history

- 2.1 20030026 Alterations and Extension to Create Additional Officer Accommodation. Full Approval – 4th March 2003
- 2.2 20160632 Redevelopment of Vacant Commercial site to provide 19 No Dwellings, Retention of Existing Office Building & Provision of New Access Road (Outline). Outline Approval – 13th April 2017
- 2.3 20202089 Application for additional information on Environmental Impact Assessment for 20160632. Approved - 11th November 2020
- 2.4 20200261 Redevelopment of Vacant Commercial Site to Provide 19 Dwellings, Retention of Existing Office Building and Provision of New Access Road (Outline). Outline Approval – 17th May 2021

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)
NPPF 02 : Achieving sustainable development
NPPF 04 : Decision-making
NPPF 05 : Delivering a sufficient supply of homes
- 3.2 Joint Core Strategy (JCS)
Policy 4 : Housing delivery
- 3.3 Development Management Development Plan Document (DM DPD) 2015
- No policies considered to be specifically relevant to this application

4 Consultations

4.1 Freethorpe Parish Council:

The Parish Council was unanimous in objecting to this application.

- The Parish Council objects to the removal of affordable housing from this scheme. The Parish Council has supported development in the parish because it has regarded the affordable housing element as crucial for the life of the parish.
- The Parish Council believes that misleading data was used to justify the viability calculations, such as the inclusion of house prices in Great Yarmouth, which are significantly lower than those in Freethorpe, and the

exclusion of local data, such as the new houses in Observer Close. The feasibility study has over-complicated the situation, given that the land was bought at auction with outline planning permission in place. Some of the land type classifications appear to be irrelevant to the situation.

- The Parish Council believes that if the affordable houses were to be removed from this development it would set a damaging precedent that every developer would follow to maximise profits.
- The Parish Council considers that the affordable homes in this development should be maintained at 5 out of the 19 houses.
- The Parish Council wishes to highlight that the associated planning application 20220619 has not been approved and that the Parish Council also had to object to that application on grounds of insufficient detail and concerns regarding Highways, environmental issues, the impact of changes to window sizes and placement, and apparent inaccuracies in the plan regarding site boundaries. The calculations regarding affordable housing seem premature given the further work that is clearly necessary on the detail of the design.

4.2 District Councillor:

No comments received.

4.3 Other Representations

Comments have been received from 1 neighbouring resident stating the following:

The plans on here look exactly the same as the original ones submitted, even without the housing association houses, 19 properties on this site will still be crammed in and the overlooking issues are still not being taken into account. I believe the road also needs to be wider so less houses in total may make this possible.

5 Assessment

Key Considerations

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

The Principle

- 5.2 A Section 106 planning obligation may be changed (Deed of Modification) or discharged in two ways:
- Within five years of the date of the completion of the obligation, at any time, by agreement between the local planning authority and the person or persons against whom the obligation is enforceable.
 - After five years beginning with the date the obligation was legally completed (or a later date specified in the obligation itself).
- 5.3 The Section 106 for application 20200261 was signed on 14 May 2021. As the agreement is less than five years old, it may only be varied by agreement with the Local Planning Authority. The applicant has sought to vary the application due the viability of the scheme.
- 5.4 Policy 4 of the Joint Core Strategy relates to affordable housing. This sets out that the proportion of affordable housing sought may be reduced and the balance of tenures amended where it can be demonstrated that site characteristics, including infrastructure provision, together with the requirement for affordable housing would render the site unviable in prevailing market conditions.
- 5.5 Having regard to both the Town and Country Planning Act and the adopted JCS, the principle of viewing the affordable housing obligation can therefore be seen as acceptable at this stage as by agreement with the Council.

Viability

- 5.6 A viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return. The National Planning Practice Guidance sets out the principles for how viability assessment should be undertaken, including the use of standardised inputs, and also acceptable levels of developer returns. This is the level of return a developer will need to bring the site forward.
- 5.7 As part of the application, the applicants have submitted a viability assessment which has reviewed the viability and recommended that the scheme is not viable with any affordable housing.

- 5.8 The Council instructed an independent viability consultant CP Viability to review the findings of the applicant's viability assessment. The Council's viability appraisal for the site has shown that the level of developer return with 5 affordable housing units would be below the level required to bring the site forward. The appraisal shows that the viability pressure on the scheme has increased since the S106 agreement was originally signed in 2021, which CP Viability have anticipated as being due to the recent sharp increase in build cost inflation. CP Viability have stated that the appraisal testing also shows the scheme is only viable with a maximum of 3 affordable housing units.
- 5.9 Having regard to the findings from CP Viability, a negotiated position has been sought on affordable housing. The negotiated position would see 3 affordable housing units retained within the site and the other 2 units becoming market dwellings. 2 of the affordable housing units would be for affordable rent and the other would be shared ownership. No changes to the house design or size would be proposed. The Council's viability consultant has considered that this would be an acceptable approach.
- 5.10 Having regard to the viability appraisal and the ongoing uncertainty in the housing market including in relation to build costs, the negotiated position of 3 affordable housing units is considered to conform to the requirements of JCS Policy 4. It is recommended that a review mechanism is included within the S106, which would allow a re-examination of the scheme should the market conditions improve.

Other Issues

- 5.11 The Parish Council have made comment to say that they believe misleading data was used to justify the viability calculations. As set out above, an independent assessment has been undertaken by CP Viability to consider whether the applicant's position is reasonable or not. This independent review has been undertaken by a qualified RICS Chartered Surveyor who has gathered their own evidence for the purposes of their analysis. The evidence used to inform the review was deemed to be appropriate based on the assessor's professional expertise and experience.
- 5.12 The Parish Council questioned the inclusion of house prices in Great Yarmouth and the exclusion of local data, such as the new houses in Observer Close. It is confirmed that the CP Viability review did not use sales data from Great Yarmouth, with evidence taken from Reedham, Wickhampton and Freethorpe itself whilst their viability review did refer to Observer Close.

- 5.13 The Parish Council have also commented that the viability assessment has over-complicated the situation, given that the land was bought at auction with outline planning permission in place. However whether the land was sold at auction or not is not a material consideration to a viability review.
- 5.14 Nutrient neutrality - This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. The development proposed does not involve the creation of additional overnight accommodation beyond that which has already been permitted at outline stage. Notwithstanding this, the site is outside of the catchment area for the sites as identified by Natural England and information has been submitted with the reserved matters application (20220619) to demonstrate that the final discharge point for the foul drainage from the site is also outside of the catchment area. As such it is not likely to lead to a significant effect as it would not involve a net increase in population in the catchment. This application has been screened, using a precautionary approach, as is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).
- 5.15 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.
- 5.16 The development on the site is liable for Community Infrastructure Levy (CIL). This particular application will only affect the CIL payable in that a reduction in the affordable housing on the site will increase the amount of CIL that is liable.
- 5.17 This application is not liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS).

Conclusion

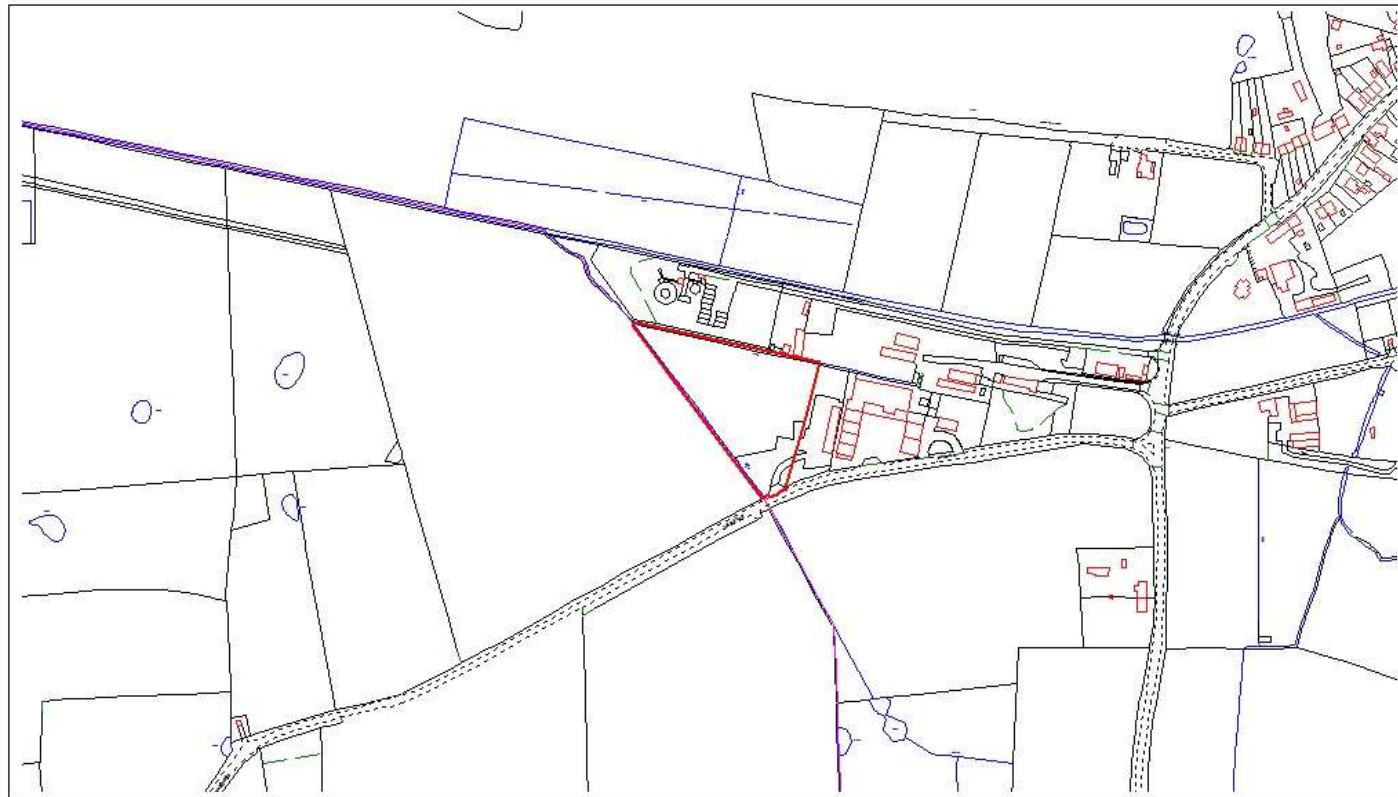
- 5.18 The viability information submitted by the applicant and independently reviewed by the Council's consultants show that the provision of 5 affordable housing units on the scheme is not considered to be deliverable. The negotiated position of providing 3 affordable housing units on the site is considered to be an acceptable level of affordable housing having regard to the deliverability of the scheme.
- 5.19 In addition to the affordable housing units, the scheme will still provide the open space and green infrastructure requirements also secured through the previous S106 agreement and the other requirements that were conditioned under application 20200261. This includes the upgrading of two existing bus stops south of the site. Furthermore, the scheme also remains liable for CIL. As such it is recommended that the S106 should be varied, as set out above.

Recommendation: Approve the variation of S106 to reduce affordable housing from 5 affordable units to 3 and include a review mechanism within the S106.

Contact Officer: Christopher Rickman
Telephone Number: 01603 430 548
E-mail: christopher.rickman@southnorfolkandbroadland.gov.uk

Planning Committee

Application 4



Application No: 20211071
Land north of Bintree Road, Foulsham

Scale:
1:2500
Date:
20-Oct-22



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4. **Application No:** **20211071**
 Parish: **FOULSHAM**

Applicant's Name: Mr M Olby, East Anglia Construction Training Ltd
Site Address: Land north of Bintree Road, Foulsham
Proposal: Change of use of land to create plant training area with associated parking and three portable offices

Reason for reporting to committee

The recommendation for approval is contrary to the provisions of the development plan.

Recommendation summary:

To Authorise the Assistant Director (Planning) to approve subject to no adverse comments being received from the Highway Authority.

1 Proposal and site context

- 1.1 The application site is to the southwest of the main village of Foulsham on the northern side of Bintree Road. There is an existing access into the site from Bintree Road via an approximately 2m high metal gates. Within the site, there is a modular grey building atop a concrete base and a small area of open storage where concrete blocks have been kept. Although not part of the application site, within the same parcel of land there is an open sided former cattle shed to the east.
- 1.2 Neighbouring uses comprise a small industrial estate to the east, an Anglian Water waste water treatment works to the north and agricultural land to the west and south. The industrial estate is within the settlement limit and while adjacent to it, the application site is in the countryside in planning policy terms. A bungalow is located to the east of the industrial estate.
- 1.3 The application proposes to change the use of the application site to provide a training area for plant associated with the construction industry. The excavation/training area will be in the mid and northern sections of the site while the parking area and office, training rooms and welfare facilities will be located in the southern/front section of the site. There is no intention to bring materials into the site for excavation. Proposed hours of operation are 08:00 to 17:00 Monday to Friday and 08:30 to 13:00 on Saturdays.

2 Relevant planning history

- 2.1 20140617: Change of use of agricultural building to workshop, garage and office space. Approved.

- 2.2 20170728: Variation of condition 2 of planning permission 20140617 – to raise height of front eaves by one metre. Approved.

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)
NPPF 02: Achieving sustainable development
NPPF 04: Decision-making
NPPF 06: Building a strong, competitive economy
NPPF 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 15: Service 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 EN1: Biodiversity and habitats
Policy EN2: Landscape
Policy TS3: Highway safety
Policy TS4: Parking guidelines
Policy CSU5: Surface water drainage

4 Consultations

4.1 Foulsham Parish Council:

Varying comments from parish councillors including one councillor not objecting and one objecting based on concerns with heavy plant activity in close proximity to open drainage ditches and streams in the area with regard to contamination from fuels and oils etc.

4.2 District Councillor:

To be reported if appropriate.

4.3 Environmental Quality Officer:

Do not wish to object to this planning application. However, I have concerns about the potential for noise from plant machinery and vehicles on nearby sensitive receptors. I would recommend a condition to attach requiring a noise assessment and remediation if necessary.

4.4 Ecologist & Biodiversity Officer

Subject to securing the ecological mitigation and enhancements and lighting conditions in accordance with Policy EN1, there are no objections on ecological grounds.

4.5 Highway Authority:

Holding objection as concerned with there being insufficient parking being provided, the site compound surface not being specified, it needing to be demonstrated that an HGV can enter and exit the site in a straightforward manoeuvre, that the access will need upgrading and it being unclear as to how the former cattle shed will be accessed.

4.6 Norfolk County Council Minerals & Waste

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

4.7 Norfolk Rivers Drainage Board

Advisory comments provided on alterations to watercourses should they be proposed and queries over foul and surface water drainage arrangements.

4.8 Anglian Water

No comments.

4.9 Other representations

One objection received:

We live next door to the units where this is being proposed. We are not happy about this going ahead at all being so close to the proposed works. We have very little noise from the units next door and am sure that this will be a noise disturbance and most probably feel like we have a permanent building site next door. This will also impact on traffic on Bintree Road and be out of character for the village.

5 Assessment

5.1 **Key considerations**

- Principle of the development
- Impact on the character and appearance of the area
- Impact on amenity
- Ecology
- Highway safety

Principle of the development

- 5.2 The site is outside the settlement limit that has been defined for Foulsham. Policy GC2 of the DM DPD seeks to locate new development within defined settlement limits but outside of these limits, it permits development where it accords with a specific allocation and/or policy of the development plan and does not result in any significant adverse impact. Although the site has not been allocated for development by the Site Allocations DPD, Policy 5 of the JCS seeks to support jobs and economic growth both in urban and rural locations in a sustainable way. Given its strategic nature, Policy 5 is wide ranging although of relevance to employment in rural areas, amongst other things it seeks to promote appropriate new businesses which provide local employment opportunities. Information submitted with the application indicates that the development will create one part-time and two full-time job opportunities but as well as that, this development will support employment in the area through the training courses that it provides and improving the employability of attendees.
- 5.3 In addition to the policy framework sketched out above, the planning history of the site and the land to the east incorporating the former cattle shed is also considered to be material. In 2014, planning permission was granted to change the use of the cattle shed to provide a workshop, garage and office space for a construction company. This was varied in 2017 to raise the eaves height of the building by 1m. The application site for those applications was not extensive as that which is being proposed by the current application and it does not appear that either of these permissions has been implemented.

Nevertheless, the use of a not insignificant area of the site has previously been accepted for commercial purposes by the Council is a material consideration that weighs in its favour.

- 5.4 In general terms, it is considered that the principle of development is acceptable subject to consideration being given to other relevant planning matters.

Impact on the character and appearance of the area

- 5.5 From the east and north, the site is well screened by existing development, roadside vegetation and field hedges/trees. I was unable to detect and views of the site from south. However, when approaching the site from Foulsham Road to the west (which eventually becomes Bintree Road), views are more open between gaps in trees along the road and the western boundary of the site also being more open along its mid to rear section. The parking and office/training/welfare buildings will be positioned in the front section of the site and will not be significantly visible but the training area is more likely to be visible from the west and particularly so when training activity is taking place. The applicant has confirmed that the maximum depth of digging will be 800mm and that all trenches will be backfilled within two hours of being excavated. No external lighting is being proposed either. It would be possible to impose planning conditions that prevents external lighting to be erected at the site and for piles of spoil to be limited in height. I also consider that it is necessary to impose a condition that requires details of planting along the western boundary to be submitted for approval in order to soften and filter views of the site and minimise potential adverse impacts on the appearance of the area from that direction. With these conditions, the application would comply with Policies 1 and 2 of the JCS and Policies GC4 and EN2 of the DM DPD.

Impact on amenity

- 5.6 Activities in and around the parking area and office/training/welfare buildings will have minimal impact on neighbouring properties. Instead, it is activities associated with the use of the plant that are more likely to be noticeable and whether these will lead to a level of disturbance that would be significantly harmful. As referred to in the introductory section above, proposed hours of operation are 08:00 to 17:00 Monday to Friday and 08:30 to 13:00 on Saturdays and there will be no more than six trainees on site at any one time.
- 5.7 The boundary of the nearest residential property is approximately 85m to the east of the application site while the centre of the plant training area is approximately 145m away. Located between the site and that neighbour are the former cattle shed and the buildings at the adjacent industrial estate.
- 5.8 As part of the training, there is class based element to it meaning that activities in the training area are unlikely to be constant but that being said, I do not doubt that activities at the site will be perceptible on some occasions.

However, in view of the barrier effect provided by industrial estate and the buildings therein running along almost all of the eastern boundary, the distance between the site and the residential property and that hours of operation can be stipulated via a planning condition, in this case I am not persuaded that it is reasonable or necessary to require a noise assessment to be carried out. Instead, and with the above factors in mind, my view is that any disturbance arising from activities at the site will not be significantly detrimental enough to warrant refusal of the application and the application complies with Policy GC4 of the DM DPD insofar as it relates to residential amenity.

Ecology

- 5.9 An Ecological Impact Assessment was supported in support of the application. This assessed the site to be of low botanical and ecological importance. It proposed to plant a new species rich hedge long the eastern and western boundaries and to create grass margin around the site. The relocation of a rubble pile to provide a hibernacula was recommended along the installation of two bat boxes and three bird boxes. Subject to the use of a planning condition to secure these measures, the Council's Ecologist and Biodiversity Officer did not object to the application. Such a condition would ensure compliance with Policy EN1 of the DM DPD.

The impact on highway safety

- 5.10 While not objecting in principle to the application, as Members will read in section 4.5 above, the Highway Authority has issued a holding objection on the basis of requiring the submission of further information to allow it to consider the application fully. At the time of writing, this information is awaited from the agent and the Highway Authority will be reconsulted on this when it is received. This outstanding element of the application is reflected in my recommendation.

Other Issues

- 5.11 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. This site is located within the catchment area of one or more of these sites as identified by Natural England and as such the impact of the development must be assessed. The development proposed does not involve the creation of additional overnight accommodation and as such it is not likely to lead to a significant effect as it would not involve a net increase in population in the catchment and is not considered a high water use

development. This application has been screened, using a precautionary approach, as is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

- 5.12 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.
- 5.13 This application is not liable for Community Infrastructure Levy as floor space will not exceed 52 sqm.

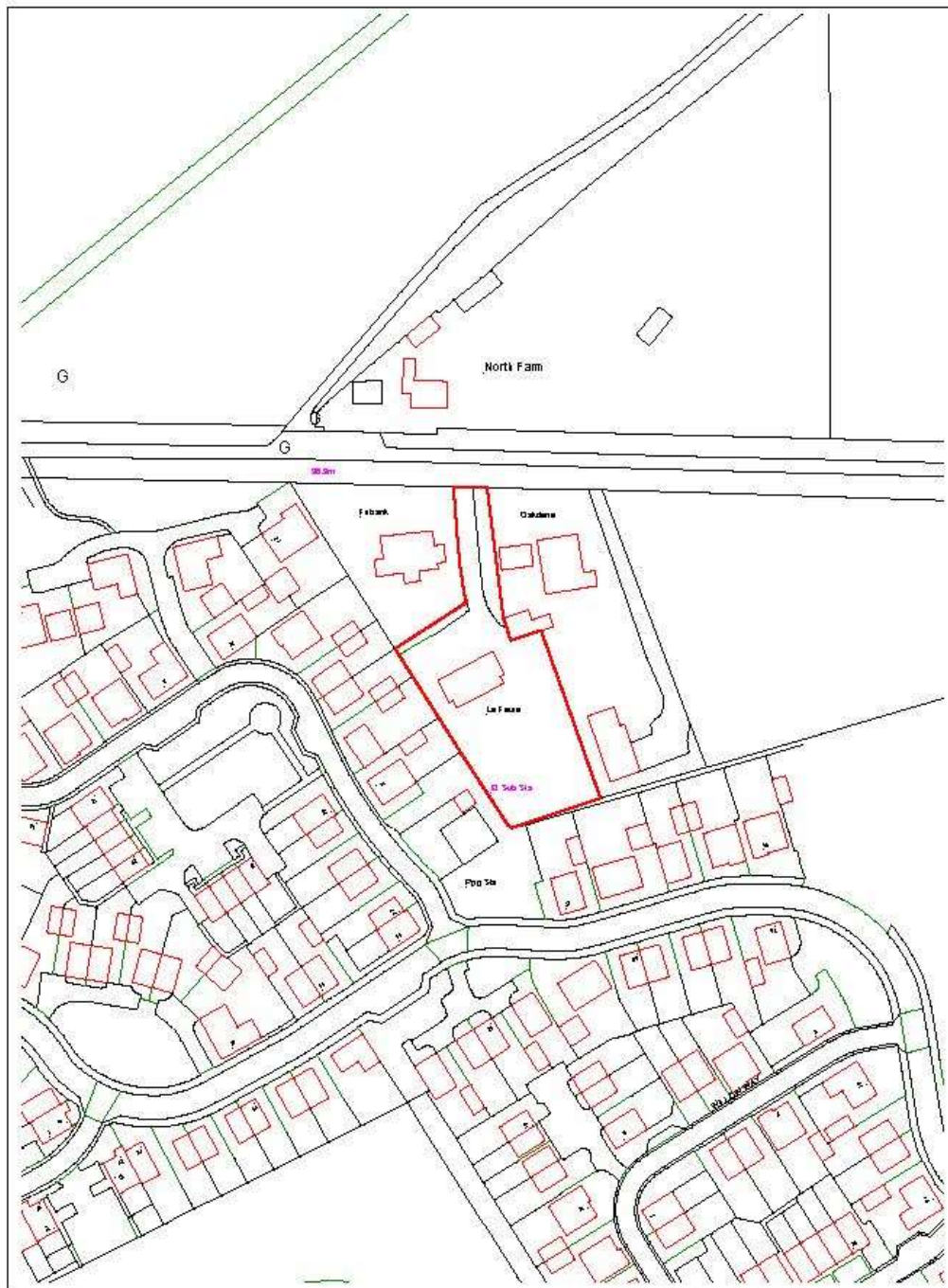
Conclusion

- 5.14 In having regard to those matters raised, subject to no adverse comments being received by the Highway Authority following the submission of further information by the agent, the application is considered to represent an acceptable form of development in this location and subject to the conditions listed below, will have acceptable impacts on the character and appearance of the area and residential amenity. It is therefore recommended for approval.

- Recommendation: To authorise the Assistant Director (Planning) to approve subject to no adverse comments being received from the Highway Authority and the following conditions:
1. Time limit – full permission
 2. In accordance with submitted drawings
 3. Confirmation of ecological mitigation and enhancement measures to be submitted for approval
 4. No external lighting to be installed unless details first submitted for approval and is for purposes of site security and safety
 5. Piles of spoil to not exceed 1m in height above ground level
 6. Hours of operation
 7. Any reasonable conditions recommended by the Highway Authority

Contact Officer Glen Beaumont
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Application 5



 <p>Broadland District Council <i>Community at heart</i></p>	Application No: 20212306 Firbank, Green Lane, Horsford, NR10 3ED	Scale: 1:1250 Date: 21-Oct-22	N 
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5. Application No: 20212306
Parish: HORSFORD

Applicant's Name: Mr G Watts and Ms S Simpson
Site Address: Firbank, Green Lane, Horsford, NR10 3ED
Proposal: Outline planning application with all matters reserved for the part demolition of the existing workshop block and erection of up to 1no. new home and associated works

Reason for reporting to committee

The application has been called-in for the reasons set out in section 4.2. The application is contrary to policies of the development plan and the officer's recommendation is for Approval.

Recommendation summary:

Authorise the Assistant Director (Planning) to grant outline planning permission subject to conditions and a Unilateral Agreement, and subject to satisfactorily addressing the requirements under the Habitats Regulations regarding nutrient neutrality.

1 Proposal and site context

- 1.1 The application is seeking outline planning permission for the erection of a single dwelling within the curtilage of Firbank a detached bungalow with road frontage onto Green Lane, Horsford. The number of proposed dwellings has been reduced from three as originally submitted, to one during the course of the application.
- 1.2 The site is located on the southern side of Green Lane to the rear of Firbank and has a separate access leading to the plot at the rear. The plot contains a large outbuilding/workshop part of which will be demolished to facilitate development of the site. There is an existing separate access onto Green Lane that would be used to serve the new dwelling.
- 1.3 Firbank is located to the north, Oakdene and an associated residential annexe is located to the east and a housing estate wraps around the western and southern boundaries of the site.
- 1.4 There are small trees within the site, larger trees on the southern and western boundaries and planting along the eastern boundary of the site.
- 1.5 The application site is located outside the defined settlement boundary for Horsford.

2 Relevant planning history

- 2.1 An appeal has been recently allowed for a development of six dwellings on land to the east of the application site under planning reference 20191728.

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)
NPPF 02 : Achieving sustainable development
NPPF 05 : Delivering a sufficient supply of homes
NPPF 09 : Promoting sustainable transport
NPPF 12 : Achieving well-designed places
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 15 : Service 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 EN2 : Landscape
Policy TS3 : Highway safety
- 3.4 Horsford Neighbourhood Plan
Policy HBE2 : Connectivity
Policy HBE3 : High quality design
Policy TRA1 : Walkable and bikeable community
Policy ENV5 : Trees and site boundaries

4 Consultations

4.1 Parish Council

No objection in principle but concerned about overdevelopment of the site and impact on neighbours. Poor access for emergency vehicles. Would prefer a smaller development.

Comments on revised proposal:

The reduction from three to one dwelling would lessen concerns raised on the original planning application.

4.2 District Councillor

Concerns relating to neighbour impact, loss of trees, noise and disturbance during construction, overdevelopment, loss of light to neighbour.

Call-in due to overdevelopment of the site, concerns about emergency access and loss of trees. Development outside the settlement boundary.

Comments on revised proposal:

None received.

4.3 Highway Authority

No objections subject to the imposition of conditions to ensure that the access, driveway and parking are constructed to highway standards and offsite highway improvements are carried out to provide passing bays and a footpath link.

Comments on revised proposal:

Note the application is for a single dwelling only, however original comments and required highway conditions, including off-site works, are still applicable.

4.4 Other Representations

Comments received from four neighbouring properties. Comments summarised as follows:

- Outside the settlement boundary
- Overdevelopment
- Loss of light
- Loss of privacy
- Noise and disturbance
- Loss of trees and habitat
- Concerns about shared water supply
- Concerns about access during construction
- Change to the character of the area
- Highway and pedestrian safety issues

Comments on revised proposal:

Comments received from one neighbour summarised as follows:

- Concern that the layout of the proposed driveway would cause noise and disturbance and fume to cattery and rabbits.
- Additional planting should be provided on the boundary for privacy and noise reduction
- Use of grey or green roofing would be less obtrusive

5 Assessment

5.1 **Key Considerations**

- Principle of the development
- Highway impact
- Neighbour impact
- Character and appearance of the area
- Nutrient neutrality

The main issues to be taken into consideration in the determination of this application are an assessment of the application against the policies of the development plan, the principle of development, the impact upon the character and appearance of the area, residential amenity, highway safety and potential impact on habitat sites.

Principle of Development

- 5.2 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This point is reinforced by the NPPF, which itself is a material consideration.
- 5.3 In accordance with both the Council's adopted development plan and the NPPF, in cases where there are no overriding material considerations to the contrary, development proposals that accord with the development plan should be approved without delay.
- 5.4 Critical to the determination of the application is whether or not the principle of development is acceptable. It is evident that the site is located outside of any settlement limit and therefore Policy GC2 of the DM DPD makes provision for new development where it does not result in any significant adverse impact will be permitted where it accords with specific allocation and/or policy of the development plan.
- 5.5 It should be noted that the Council currently has less than 5 years of deliverable sites having regard to the temporary impact of Nutrient Neutrality and in noting this, regard is given to paragraph 11 of the NPPF which states that:

‘where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.’

- 5.6 In this instance it is evident that the proposal is affected by policies in the NPPF which relate to a National Park (Broads Authority) and the River Wensum, in particular policies 180, 181 and 182. With this in mind the “tilted balance” from paragraph 11 is not engaged and the Local Plan policies are not considered “out of date”. On this basis the scheme is assessed against the relevant policies contained within the Local Plan, planning guidance and having regard to any other material considerations.
- 5.7 Policy GC1 of the Development Management DPD (2015) (DM DPD) sets out that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy GC2 of the DM DPD states that the settlement hierarchy seeks to focus residential development in settlements which are well-linked and well-related to existing development, services, facilities and employment opportunities. Policy 1 of the Joint Core Strategy (JCS), amongst other things, seeks to minimise the need to travel, whilst Policy 6 of the JCS seeks to concentrate development close to essential services and facilities to encourage walking and cycling as primary means of travel with public transport for wider access. Policies HBE2 and TRA1 of the Horsford Neighbourhood Plan require new development to have good connectivity to other parts of Horsford.

- 5.8 In addition, Paragraph 79 of the NPPF states that *‘to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby’*.
- 5.9 Horsford is defined as a Service Village under Policy 15 of the JSC and as such considered to have a good level of services and facilities. Due to the sites peripheral location relative to the village centre it is unlikely that future occupants would walk into Horsford for day-to-day needs or use public transport for wider needs, thereby increasing reliance on the private car, contrary to national and local policies on delivering sustainable development.
- 5.10 Notwithstanding that the site is located outside of any defined settlement limits, a recent planning appeal for land to the east of the application site has determined that the location is not an unsustainable location due to the accessibility of services and facilities and public transport in Horsford, in line with paragraph 79 of the NPPF.
- 5.11 It is recognised that on the edges of more sustainable settlements in the settlement hierarchy that schemes could accord with Paragraph 79. In addition and in this particular case, where the application site is entirely surrounded by existing residential development and taking account of the recent appeal decision, it is considered that it would be difficult to justify refusal of this proposal due to location alone.

Highway Impact

- 5.12 Policy TS3 of the DMDPD 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. Policy HBE2 of the Horsford NP requires all development to have good connectivity to other parts of Horsford.
- 5.13 The Parish Council and neighbours have raised concerns regarding highway safety and accessibility of the site however, the Highway Authority has raised no highway safety issues with the proposal subject to construction of the access, driveway and on-site parking and turning to highway standards. They also require off-site highway improvement works to provide pedestrian connection from the site to existing footpaths and provision of passing bays to overcome concerns about the narrowness of Green Lane and ability for vehicles to safely pass each other, prior to occupation of the development. These requirements were part of the proposals for the appeal site and the

Highway Authority has advised that this application would be subject to the same solution and would need to be agreed by the applicant and form part of the planning conditions. With the appropriate highway measures agreed the proposal would be able comply with the aims of Policy TS3 of the DMDPD.

Neighbour Impact

- 5.14 Policy GC4 of the DMDPD and Policy HBE3 of the Horsford NP state that proposals should pay adequate regard to considering the impact upon the amenity of existing properties.
- 5.15 Neighbours have raised concerns about overlooking, loss of privacy, noise and disturbance and overshadowing. Through the course of the application the scheme has been reduced from three dwellings to a single dwelling. As this application is only submitted in outline form, no specific details of the design has been submitted. An indicative layout plan does however show the position of the dwelling in a central location on the plot, well away from the boundaries with neighbours. More importantly this demonstrates how a new dwelling can be accommodated on the plot without the need for removal of any boundary trees or planting and how it can be positioned where it would have no significant adverse impact on the light or outlook for neighbouring residents. A condition limiting the development to single storey only is recommended to ensure continued privacy for neighbouring occupants.
- 5.16 Concerns regarding noise and disturbance caused by vehicles using the driveway and turning area are acknowledged. There is an existing driveway already, which although not currently in use did access garaging and workshops to the rear. With existing boundary treatment retained it is not considered that use of the driveway by a single property would cause significant noise and disturbance to neighbours. A condition requiring details of all boundary treatment is recommended.
- 5.17 For these reasons it is considered that development on the plot of a single dwellings could be in accordance with Policy GC4 of the DMDPD and Policy HBE3 of the Horsford NP.

Character and Appearance

- 5.18 Policy 2 of the JCS, Policies EN2 and GC4 of the DMDPD and Policy ENV5 of the Horsford NP require new development to consider the environment, character and appearance of an area.

- 5.19 The plot is located to the rear of Firbank and would be of similar scale to this property. The neighbouring property to the east already has a fairly large annexe in the rear garden. A development of a single dwelling in this backland location is considered in keeping with the existing cluster of buildings and general character of this part of Green Lane. Higher density development is located to the south and west.
- 5.20 Some smaller trees will be removed from the central area of the plot to facilitate the development. Larger trees around the boundary will be able to be retained and in doing so maintain the character of the site and its surroundings. When viewed from Green Lane the appearance of the site will not be significantly altered. There is an existing access into the site and while this would need to be upgraded, there will be no requirement to remove any roadside planting. There are existing outbuildings on the site, most of which will be removed. A new dwelling would be viewed against a backdrop of trees and the existing housing beyond. Subject to existing boundary trees and planting being retained the proposal is considered to meet the aims of the above policies.

Nutrient Neutrality and GIRAMS

- 5.21 With regard to nutrient neutrality, following advice received from Natural England on 16 March 2022, it will be necessary to undertake a Habitat Regulation Assessment (HRA) before the application can be determined. Natural England has recently reviewed its advice on the impact of nutrients on Habitats Sites which are already in unfavourable condition due to nitrates and phosphates. Within Norfolk, the catchment area for the Broads and the River Wensum have been identified as areas that are already in an unfavourable condition and as such it will be necessary to undertake a HRA for applications in these areas. This advice covers all types of overnight accommodation including, new homes, student accommodation, care homes, tourism attractions and tourist accommodation and permitted development (which gives rise to new overnight accommodation) and other types of development such as large-scale commercial. Mitigation through “nutrient neutrality” offers a potential solution. Nutrient neutrality is an approach which enables the Council to assess and quantify mitigation requirements of new developments. It allows new developments to be approved where there will be no net increase in nutrient loading within the catchments of the affected Habitats Site.
- 5.22 The application does not include any supporting information and assessment that has demonstrated nutrient neutrality with regard to its nitrate and phosphate impact on The Broads SAC will not occur. As such, the proposal

does not currently meet the requirements of the Conservation of Species and Habitats Regulations 2017 (as amended), the aims of Policy 1 of the Joint Core Strategy and Policy EN1 of the Broadland Development Management DPD and paragraphs 180, 181 and 182 of the NPPF

- 5.23 It is requested that delegated authority is given to Officers to grant planning permission subject to a unilateral undertaking for the payment of the GIRAMS tariff at £185.93 per unit of relevant development and subject to full consideration by Officers of the issue of nutrient pollution and its impacts on the integrity of Special Areas of Conservation.
- 5.24 The applicant has already provided a unilateral undertaking for the payment of GIRAMS. It is requested that delegated authority is also given to Officers to refuse planning permission if - after full consideration by Officers – they are of the opinion that due to nutrient pollution, the integrity of Special Areas of Conservation is not satisfactorily secured.

Other Issues

- 5.25 Paragraph 69 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. The Council has taken a proactive approach to this through the allocation of a range of small and medium sized sites and through defining Development Boundaries for over 80 settlements to facilitate suitable windfall development. Point (c) of NPPF para 69 states that local planning authorities should 'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'. Although this is a material consideration in the determination of the application, it can only be afforded limited weight, given the previous supply of housing on small sites within the district.
- 5.26 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.
- 5.27 This application is liable for Community Infrastructure Levy (CIL).
- 5.28 This application is Liable for GIRAMS.

Conclusion

- 5.29 The proposal is considered acceptable for the reasons set out above, subject to the requirement to address nutrient neutrality and is recommended for approval.

Recommendation: To authorise the Assistant Director Planning to grant outline planning permission subject to satisfactorily addressing the requirements under the Habitats Regulations regarding nutrient neutrality and subject to the following conditions:

1. Time Limit – Outline Permission
2. Standard outline condition requiring approval of reserved matters
3. Landscaping scheme
4. Tree protection
5. Single storey only
6. New access
7. Visibility splay
8. Provision of parking and turning
9. Highway improvement details
10. Highway improvement implementation
11. Surface Water
12. Foul drainage
13. New water efficiency
14. Contaminated land during construction

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Planning Committee

Planning Appeals: **26 September 2022 to 24 October 2022**

Appeal decisions received: None

Ref	Site	Proposal	Decision maker	Officer recommendation	Appeal decision
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Appeals Lodged -

Ref	Site	Proposal	Decision Maker	Officer Recommendation
20210707	227 Wroxham Road, Sprowston,NR7 8AQ	Retention of a pigeon loft in rear garden	Delegated	Full Refusal

PLANNING COMMITTEE

2 November 2022

Final Papers

	Page No
Supplementary Schedule	67

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

DEMOCRATIC SERVICES

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SUPPLEMENTARY SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Plan No	Application No	Location	Update	Page Nos
1	20212094	Land north of Damgate Lane, Acle	No updates.	10
2	20221213	Land at Brandiston Road, Cawston	No updates.	27
3	20220923	75 The Green, Freethorpe, NR13 3NY	<p>Affordable housing is being provided as part of the application. Where affordable rental dwellings are being proposed, up to a third of these (or other such percentage agreed with the Council) will be let on their first occupation in accordance with the Council's local lettings policy, which is set out within the Council's Housing Allocation Policy. In the first instance, this would apply to people living in the parish or with a local connection to it. This was secured via the section 106 agreement for the original 20200261 application and, if approved, will be secured through the deed of variation.</p> <p>With this application three affordable dwellings are now being proposed with two of these being for affordable rental dwellings. One of the affordable rental units is to be provided to meet the local lettings policy on the first let.</p>	38
4	20211071	Land north of Bintree Road, Foulsham	No updates.	46
5	20212306	Firbank, Green Lane, Horsford	<p><u>Updated Conclusion</u></p> <p>As set out in the Committee Report, the site is located outside the defined settlement limit of Horsford and therefore on this basis contrary to Policy GC2 of the DMDPD. Whilst it is acknowledged that the Council, by virtue of the impacts of Nutrient Neutrality is unable to currently demonstrate a deliverable five-year supply of housing, given that Horsford is within the catchment area affected by</p>	54

			<p>Nutrient Neutrality, the proposal would not provide additional housing to meet that housing shortage in the short term to help with the under delivery.</p> <p>However, Policy GC2 of the DM DPD makes provision to permit new development outside the settlement limit where it does not result in any significant adverse impact and where it accords with other policies of the development plan.</p> <p>In light of the site being outside the settlement limits, material weight has been given in this particular instance, in the determination of the application to the Appeal allowed for six dwellings on land to the east of the application site (equally outside the development boundary) under planning reference 20191728, which concluded that the site was in a sustainable location with access to services and facilities and public transport in Horsford. The Inspector considered that the proposed development would in effect 'round off' development on this side of Green Lane, between the existing built form, including dwellings under construction and the highway and whilst there would inevitably be an element of change in terms of there being built form where previously there was none, taking account of the above, there would be no adverse harm on the character and appearance of the area as regards the countryside, when the proposed dwellings and infrastructure are taken into account. The Inspector concluded that <i>the proposal would not have an unacceptable effect on the character and appearance of the countryside and surrounding area. It would accord with the provisions of Policy GC4 of the DMDPD, Policy 2 of the JSC and Policy HBE3 of the HNP. Among other things, these policies require high quality development that creates a strong sense of place and has adequate regard to the character and appearance of the area.</i></p> <p>Equally, the application site is located within the built form, surrounded by existing and consented development. It is also noted that the Planning Inspector for the recent appeal at North Farm, Green Lane, Horsford planning reference 20220048, which is diagonally opposite the application site, commented that <i>the</i></p>	
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			<p><i>recent residential developments to the south of the appeal site, including at 'Land East of Oakdene', which was under construction at the time of my site visit, have created a more suburban character to the opposing side of Green Lane. Therefore it is considered that in light of the sites context that the proposed development would not create any harm to the landscape or the character of the surrounding area. In view of the above the proposed development is considered to accord with Policy 2 of the JCS, Policies GC4 and ENV2 of the DMDPD and Policies HBE3 and ENV5 of the Horsford Neighbourhood Plan.</i></p> <p>The proposal does not give rise to any detrimental impact in respect of residential amenities and highway safety in accordance with policies GC4 and TS3 of the DMDPD.</p> <p>At this point in time, as set out in the report, the application does not include any supporting information and assessment that has demonstrated nutrient neutrality with regard to its nitrate and phosphate impact on The Broads SAC will not occur. It is therefore recommended that authorisation for approval is given subject to satisfactorily addressing the requirements under the Habitats Regulations regarding nutrient neutrality and to the completion of a Unilateral Agreement for the payment of the GIRAMS tariff.</p> <p>Comments received from neighbour: Raised concerns about maintaining access during the construction of the development and installation of services, obstruction caused by delivery lorries and workers. Also concerned about noise and disturbance during construction works. Which have been circulated to the Members.</p>	
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