

Broadland Planning Committee

Agenda

Members of the Broadland Planning Committee

Cllr John Ward (Chairman)
Cllr Tony Adams
Cllr Stuart Beadle
Cllr Nigel Brennan
Cllr John Fisher
Cllr Roger Foulger

Cllr Karen Vincent (Vice-Chair)
Cllr Lana Hempsall
Cllr Caroline Karimi-Ghovanlou
Cllr Kenneth Leggett MBE
Cllr Steve Riley

Date & Time:

Wednesday, 19 April 2023 at 9.30 am

Place:

Council Chamber - Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, NR7 0DU

Contact:

Dawn Matthews, tel 01603430404
Email: committee.bdc@southnorfolkandbroadland.gov.uk
Website: www.southnorfolkandbroadland.gov.uk

Public Attendance:

If a member of the public would like to attend to speak on an agenda item, please email your request to committee.bdc@southnorfolkandbroadland.gov.uk, no later than 5.00pm Friday, 14 April 2023.

AGENDA

1. **Declarations of interest** (Pages 3 - 4)
To receive declarations of interest from Members (guidance attached)
2. **Apologies for absence**
3. **Minutes** (Pages 5 - 6)
To confirm the minutes from the meeting of the Planning Committee held on 22 March 2023, and consider any matters arising.
4. **Applications for planning permission to be considered by the Committee in the order shown on the below schedule** (Pages 7 - 29)

Item No.	Planning Ref No.	Parish	Site Address	Page No
1	20212125	Stratton Strawless	Mansom Plantation, Shortthorn Road, Stratton Strawless, NR10 5NU	8
2	2023/0462	Sprowston	Technology House, Roundtree Way, Sprowston, Norwich, NR7 8SH	23

5. **Planning Appeals (for information)** (Page 30)

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.

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.

Does the interest directly:

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

If the answer is "yes" to any of the above, it is likely to be pecuniary.

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.

Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

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.

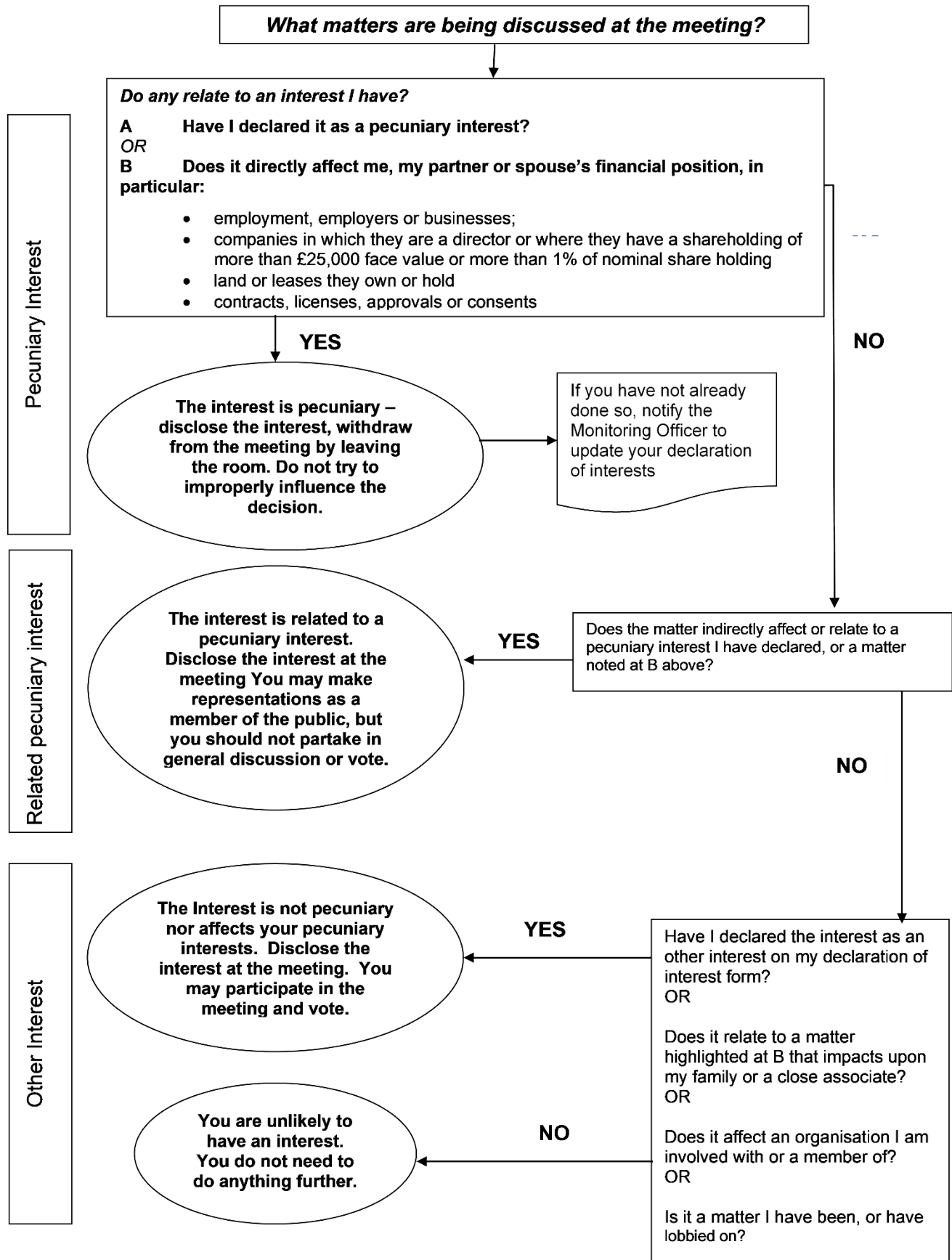
Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.

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.

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





BROADLAND PLANNING COMMITTEE

Minutes of a meeting of the Broadland Planning Committee of Broadland District Council, held on Wednesday, 22 March 2023 at 9.30 am.

Committee Members Present: Councillors: J Ward (Chair), K Vincent (Vice-Chair), T Adams, S Beadle, N Brennan, J Fisher, R Foulger, C Karimi-Ghovanlou and K Leggett

Apologies for Absence: Councillors: L Hemsall and S Riley

Substitute: Councillor: S Holland (In place of S Riley)

Officers in Attendance: H Mellors (Assistant Director of Planning), H Bowman (Principal Planning Officer), A Parnell (Senior Planning Officer) and D Matthews (Democratic Services Officer)

Also in Attendance: J Copplestone

49. DECLARATIONS OF INTEREST

Application	Parish	Councillor	Declaration
20212207	Horstead with Stanninghall	Cllr Copplestone	The applicant was a member of the parish council which was in her district councillor ward.
20230306/H	Acle	All members present	The applicant was a district councillor and as such was known to all members present

50. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L Hemsall and S Riley.

51. MINUTES

The minutes of the meeting held on 21 December 2022 were confirmed as a correct record and signed by the Chairman.

52. MATTERS ARISING

No matters were raised.

53. APPLICATIONS FOR PLANNING PERMISSION TO BE CONSIDERED BY THE COMMITTEE IN THE ORDER SHOWN ON THE BELOW SCHEDULE

The Committee considered the reports circulated with the agenda, which were presented by the officers. The Committee had received updates to the report which had been added to the published agenda.

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

Application	Parish	Speakers
20212207	HORSTEAD WITH STANNINGHALL	Campbell Jones - Horstead Parish Council Daniel Austen-Fainman – agent for the applicant Alan Browne – applicant Cllr J Copplestone – local member

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

3 - 4

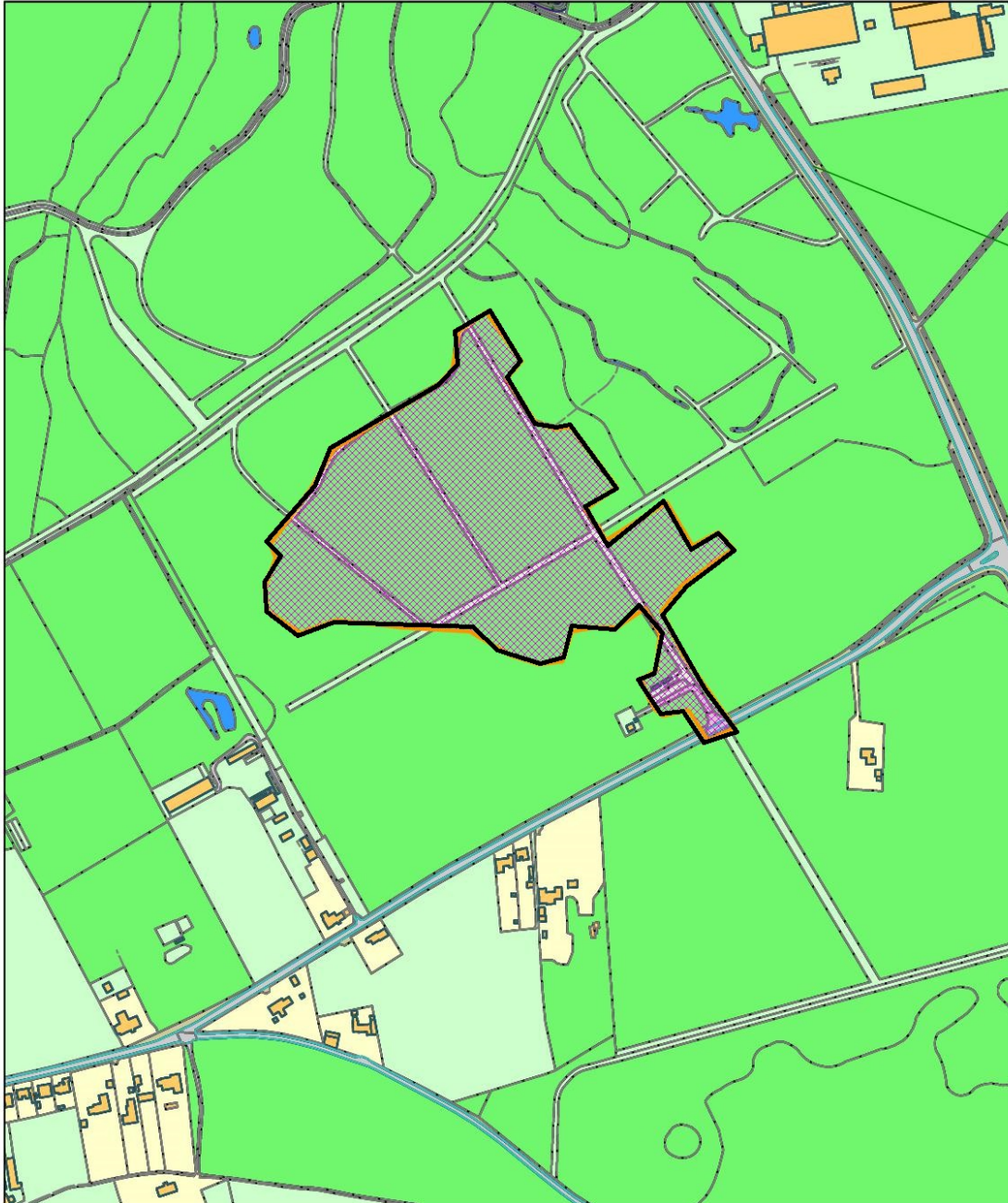
54. PLANNING APPEALS (FOR INFORMATION)

The Committee noted the appeals lodged and decisions received.

(The meeting concluded at 10.55 am)

Chairman

20212125



1. **Application No:** **20212125**
 Parish: **STRATTON STRAWLESS**

Applicant's Name: Induct EA Limited
Site Address: Mansom Plantation, Shortthorn Road, Stratton Strawless,
 NR10 5NU
Proposal: Permanent Change of Use of Land to Construction/Plant
 Training Area (retrospective)

Reason for reporting to Committee

The application is reported to Committee as it is being recommended for approval contrary to development plan policies.

Recommendation summary:

To delegate authority to the Assistant Director of Planning to Approve the application subject to conditions and the satisfactory completion of a Section 106 Agreement.

1 Proposal and site context

- 1.1 The application seeks retrospective planning permission to change of use of a parcel of land to a construction / plant training area.
- 1.2 The site is part of a large coniferous plantation known as Mansom Plantation and is located to the north of Shortthorn Road and the west of Cromer Road. It is located outside of the any defined settlement boundary and so in planning policy terms, is in the countryside. There is an existing access off Shortthorn Road over a hardcore track which leads to a gravelled parking area. Near to the parking area there are toilet facilities and two portable cabin buildings used for delivering the theoretical training. The area used for construction and plant training is set back approximately 200 metres from the vehicular access off Shortthorn Road.
- 1.3 The applicant, Induct EA Limited, is a training provider specialising in the construction and commercial industries, offering plant and machinery training and testing, health & safety training and testing, and NVQ assessing. The applicant currently employs 7 full time staff and one part time staff member.
- 1.4 The business proposes to continue to operate as it currently is which is Monday to Fridays between 09:00 and 17:00, on Saturdays between 09:00 and 13:00 and at no time on Sundays or Bank Holidays. There are normally up to 4 candidates being trained on the site at any one time and the machines primarily used are diggers and dumpers.

- 1.5 In 2006 planning permission was granted on the wider site for a holiday lodge park comprising 98 holiday lodges and amenity buildings under application 20041641. Details required by pre-commencement conditions were submitted and approved and the Local Planning Authority have previously confirmed that the permission has been implemented within the 5 year time period. This is therefore an extant permission, although no lodges or other facilities have been constructed on the site.
- 1.6 In July 2021 permission was granted to use part of the site as a construction / plant training area for a temporary 6 month period until 9 January 2022. The current application was originally submitted in January 2022 seeking a further temporary permission to allow the business to continue on the site. Government guidance states that it will rarely be justifiable to grant a second temporary permission and during the course of the application and following discussions with the Local Planning Authority, the application was changed to seek a permanent approval and the red line of the application site has been reduced in size.
- 1.7 The applicants' long term plan is still to implement the holiday lodge permission. Therefore, if this application was to be approved then it would be subject to the satisfactory completion of a S106 agreement for non-implementation. This would mean that the construction / plant training business would need to cease if the holiday lodge permission was to be further implemented. The agreement would mean that only one of the permissions could be relied upon at any one time and there would not be the option of continuously reverting between the two.

2 Relevant planning history

- 2.1 911726 - Lodge Park Including Cabin and Associated Facilities (Outline). Outline Refusal – 18 February 1992. Allowed on Appeal (in part) - 20 May 1992.
- 2.2 950791 - Variation of Condition 2 of planning permission 911726 - To Extend Approval Of Reserved Matters By A Further Three Years. Full Approval – 2 October 1995.
- 2.3 981215 - Forest Lodges and Associated Facilities (Reserved Matters). Reserved Matters Approval – 28 July 1999.
- 2.4 20041641 - Holiday Lodge Park Comprising 98 Holiday Lodges, Amenity Building Comprising Swimming Pool, Restaurant, Reception Area and Office Accommodation, Sales Office/Shop, Security Lodge, 2 Tennis Courts And Pavilion, Children's Play Areas, Landscaping, New Vehicular And Pedestrian Access, Car Parking And Associated Works. Full Approval 5 December 2006.

- 2.5 20160904 - Variation of Condition 15 on Planning Permission 20041641 (Holiday Occupancy). Full Approval – 30 November 2016.
- 2.6 20190448 - Temporary Use of Land as Construction/Plant Training Area. Temporary Approval – 9 July 2021.

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 09 : Promoting sustainable transport
 - NPPF 11 : Making effective use of land
 - NPPF 12 : Achieving well-designed places
 - NPPF 14 : Meeting the challenge of climate change, flooding and coastal change
 - NPPF 15 : Conserving and enhancing the natural environment
- 3.2 Joint Core Strategy (JCS) 2014
 - Policy 1 : Addressing climate change and protecting environmental assets
 - Policy 2 : Promoting good design
 - Policy 5 : The economy
 - Policy 6 : Access and transportation
 - Policy 17 : Smaller 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 EN4 : Pollution
 - Policy TS3 : Highway safety
 - Policy TS4 : Parking guidelines
 - Policy CSU5 : Surface water drainage

4 Consultations

- 4.1 Stratton Strawless Parish Council:

The Parish Council strongly objects to this application. Induct's reasoning that they have been impacted by the Covid outbreak doesn't stand as there were no Covid restrictions in place at the time of their last Temporary Use Order (July 2021) and the 3 years that they were on site before that are immaterial

as they were on site without planning permission. There is a real concern from the village residents that any temporary application will become a permanent one. It is the hope of the Council and residents that the Temporary Use Order not be granted and Induct are asked to remove themselves from that site.

Further comments following re-consultation on amended plans:

Stratton Strawless Parish Council strongly objects to the application above for the permanent change of use to the Mansom Plantation for construction and plant training area. The Parish Council and local residents have been trying to address the issue of the Induct site since they began illegally operating on the Mansom Plantation without planning permission a number of years ago, and each time the goal posts have been moved.

Our original objections still stand: that this is an unsuitable site for this type of activity. It will have a detrimental impact on local wildlife and ecology, increase traffic on an already busy road and cause a disturbance to local residents. We would like to point out that at one point an assessment by Broadland District Council also deemed the site unsuitable for this activity, yet they have continued to operate there without permission.

We are also deeply concerned that this change of use could be seen to set a precedent for the future, allowing for more woodland and habitats to be lost to industrialisation. The council don't feel at any point we have been listened to or that our concerns have been taken into account with regards to this application.

4.2 Hevingham Parish Council:

No objections.

4.3 District Councillor:

No comments received.

4.4 Conservation & Tree Officer:

No objection in principle but asked for a plan to show the demarcation between the areas to be worked in and the root protection areas (RPAs) of groups of trees and surrounding trees. The plan should show position of posts that will ideally be positioned as permanent markers to ensure that the demarcation / buffer area is retained.

Further comments following re-consultation on amended plans:

No objections.

4.5 Environmental Quality Team:

No objections.

4.6 Ecologist & Biodiversity Officer:

In 2004, Great Crested Newts (GCN) were recorded onsite in one pond and one to the north on Forestry Commission land, and reptile surveys revealed the presence of a populations of slow-worm and grass snake in the western quarter of the plantation but unfortunately the maps showing the location of the refugia and GCN ponds are missing (see here for details of the ecological surveys from 20041641). The presence of adders cannot be ruled out. We can assume that they are still likely to be in the area/site.

The majority of the site is subject to regular disturbance with machinery however as discussed, the eastern area (including that identified as area 2 in the AIA) of the site has been undisturbed for some time allowing vegetation to colonise (see pages 6, 7 and 15 of the AIA). This will provide suitable terrestrial habitat for amphibians (including great crested newts) and reptiles. The photos were taken in 2021 so habitat will also have developed in the intervening period.

GCNs are designated and protected as European Protected Species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017.

It is recommended that the red line be revised in agreement with an ecologist to avoid habitats suitable for use by amphibians and reptiles. If this is not possible ecological surveys will need to be undertaken to support the application as use of this area could result in an offence under the Conservation of Habitats and Species Regulations 2017, and the Wildlife and Countryside Act.

The edge of the site also has a number of notable/veteran trees (as identified in the original woodland survey submitted in support of 20041641).

It is recommended that 20 bat boxes are installed within the blue line boundary, and along the eastern edge of the red line site boundary, on suitable native trees, to be informed by an ecologist. The Kent Bat Box and Schwegler 2F Bat Boxes would be suitable (there are some supply issues for Schwegler boxes). In addition, we would encourage consideration to be given to the creation of a new pond.

Further comments following re-consultation on amended plans:

No objections.

4.7 Forestry Commission:

No comments received.

4.8 Highway Authority:

No objections. Should your Authority be minded to approve the application I would be grateful for the inclusion of the following condition on any consent notice issued (**Officer Note:** Condition relating to visibility splays proposed to be imposed as suggested by Highway Authority).

4.9 Other representations

Four objections received raising the following summarised items:

- Previous permission was for 6 months and should have ceased on 9 January 2022, applicant has been using the site for almost 4 years
- A condition on the previous permission states 'The approved use is not considered to be a suitable permanent activity in this location'
- Should the Council permit a further extension it should be for no more than 6 months and any future applications not be permitted
- Heavy, noisy construction machinery trundling around and digging is hardly conducive with country life
- Impact on neighbour amenity – very quiet area - construction workers and beeper alarms can be heard. No information on type and size of machinery or hours of operation
- Harm caused to character of the woodland area – the area is a beautiful natural area. It is blatant industrialisation of the countryside. It should be on an industrial site. Portacabin offices and parked cars can be clearly seen from the road
- Harm caused to site and wildlife and ecology – inconceivable that the land isn't being damaged by construction traffic regularly digging and driving there
- Existing permission for holiday lodges has a 25 year landscape and protection plan to protect existing trees and habitat
- We question that ground will be safe and stable enough to put holiday cabins on after construction training use
- Access and agrees to the site is of great concern – cars speed on this straight section of road

- This is the thin edge of the wedge - fears of what will be proposed in the future

5 Assessment

Key Considerations

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

- The principle of the development
- The impact on the trees and character and appearance of the area
- The impact on residential amenity
- The impact on highway safety
- The impact on biodiversity and ecology

The principle of the development

- 5.2 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This point is reinforced by the NPPF, which itself is a material consideration.
- 5.3 In accordance with both the Council's adopted development plan and the NPPF, in cases where there are no overriding material considerations to the contrary, development proposals that accord with the development plan should be approved without delay.
- 5.4 The main issues to be taken into consideration in the determination of this application are an assessment of the proposal against the policies of the development plan and whether there are material considerations which warrant granting it planning permission outside of a defined settlement limit. Also key is the impact on the trees and character of the area, residential amenity, highway safety and ecology and biodiversity.
- 5.5 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. The site is outside of any defined settlement limit and is not allocated for any purpose. In addition, the proposals do not accord with a specific policy in the development plan that allows for development outside of the settlement limit and as such the proposals are contrary to Policy GC2 of the DMDPD and Policy 17 of the JCS.

- 5.6 However, 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 training on this site involves one to two full-time workers 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.
- 5.7 In addition, the planning history of the site is a material consideration. Full planning permission was previously granted in 2006 (20041641) for a holiday lodge park comprising 98 holiday lodges, amenity building, restaurant, reception area and office accommodation, sales office / shop, 2 tennis courts and other associated works across the wider site. As previously set out, the Council has previously accepted that there has been a commencement of this development and that this is an extant permission. Therefore commercial / tourism development has already been accepted on the site. The construction / plant training activities have been operating on the site since around August 2018, originally without consent and later with a temporary approval.
- 5.8 The remainder of this report seeks to assess the impacts of the development and whether there are material considerations sufficient to outweigh the, above mentioned, conflict with Policy.

The impact on the trees and character and appearance of the area

- 5.9 Shortthorn Road, is characterised by open spaces between development and a relatively dispersed nature with the development that is present of a variety of styles and uses including, residential, commercial and industrial development. The application site is located within dense woodland and the site where the main training activities take place is set back some 200 metres into the site and not clearly visible from Shortthorn Road or any other public vantage point. There are two cabins and a toilet facility closer to the access and concerns have been raised that these and the car park area are visible and are out of character with the surrounding area. However, the cabins are modest in size, and given the scale of the operation there are only ever a small amount of cars on site at any one time. The site is well screened by the trees and this area is still partially screened by the trees to the front of the site. In addition, any views into the site from the access are predominantly glimpsed views from cars passing the site given that there is no footpath along Shortthorn Road.

- 5.10 With regards to the impact on the trees, tree removals were previously made as part of the holiday lodge permission on the site. The current application is only for a continuation of the current training activities and there are no tree removals or pruning work required and no construction works proposed as part of this application. An Arboricultural Impact Assessment (AIA) has been submitted which suggests that groups of trees close to the training areas should be marked out using fence posts linked with rope or wire and a condition is to be imposed to secure this. The AIA states that the operations are currently undertaken within the areas already cleared and that there is sufficient space for this to continue without the requirement to remove or impact upon any of the retained trees. The report concludes that there are no significant arboricultural implications associated with the continued use of this area for construction training and the Council's own Conservation and Tree Officer has raised no objection to the application.
- 5.11 As well as imposing a planning condition requiring that post and wire markers are installed to ensure that works are kept away from the root protection areas of the nearby trees, a condition is also proposed to ensure that trees within the surrounding woodland within the applicant's ownership are not felled without the prior written consent from the Local Planning Authority. This is to ensure that the screening of the site that is currently in place remains as such.
- 5.12 Overall, it is considered that the construction / plant training proposals do not have an unacceptable impact on the character of the countryside due to the sites location and the fact that the dense trees provide screening from outside the application site. The application is therefore considered to accord with Policies 1 and 2 of the JCS and Policies GC4 and EN2 of the DM DPD.

The impact on residential amenity

- 5.13 There are a handful of residential properties nearby on Shortthorn Road, although the closest of these is over 200 metres from where the construction activities take place. Concerns have been raised by occupiers of four nearby properties regarding the impact on residential amenity, particularly with regards to noise pollution.
- 5.14 The Supporting Planning Statement sets out that the operating hours of the training business are 09:00 until 17:00 Monday to Friday, 09:00 until 13:00 on a Saturday and at no time on Sundays. These are considered to be reasonable, and a planning condition is to be imposed to reflect this.

- 5.15 A condition is also proposed to limit the number of trainees on site at any one time to no more than 5. It is considered that this will help to ensure that the scale of the training business does not increase from the existing operation and is controlled in the future.
- 5.16 A specific concern raised by neighbouring residents was with regard to the noise made by the reversing beepers on the training vehicles. Whilst some form of reversing alarm is required on the vehicles for health and safety reasons, a condition is proposed to be added which requires these to be of the broadband reversing alarm specification only which will help to reduce the noise from that which currently exists. The Council's Environmental Health team has raised no objection to such a condition being imposed.
- 5.17 Overall, the site is well screened from neighbouring residents by the dense woodland and the use of the plant machinery has relatively low noise levels. The Council's Environmental Health team has raised no objection to the application and with the above suggested conditions in place, I am content that the training use will not result in any significant detrimental impact upon neighbour amenity. The application is therefore considered to comply with Policies EN4 and GC4 (iv) of the DM DPD with regards to noise pollution and impact on the amenity of existing properties.

The impact on highway safety

- 5.18 The vehicular access into the site is in the same position as approved for the holiday park. Norfolk County Council in its role as Highway Authority has raised no objection to the application subject to the inclusion of a condition relating to visibility splays at the access.
- 5.19 Given that the construction training use will result in significantly less vehicular movements than the permitted holiday lodge park and that a condition is proposed to be included limiting the number of trainees on site it is considered that the proposals are of a relatively small scale and will not result in any detrimental impact upon highway safety. In addition, there is sufficient room for parking on site for workers and trainees and the application therefore accords with Policies TS3 and TS4 of the DM DPD.

The impact on biodiversity and ecology

- 5.20 Concerns have been raised by Stratton Strawless Parish Council and some local residents with regards to the impact of the construction training on the wildlife and ecology on and within close proximity to the site.

- 5.21 The Council's Ecologist and Biodiversity Officer has commented on the application and noted that in 2004 great crested newts were recorded on the wider site and reptile surveys revealed the presence of a population of slow-worm and grass snake in the western quarter of the plantation and made the assumption that they are still likely to be in the area/site. She stated that although the majority of the site is subject to regular disturbance from machinery, the eastern area of the site has been undisturbed for some time allowing vegetation to colonise and providing suitable terrestrial habitat for amphibians (including great crested newts) and reptiles.
- 5.22 The Ecologist and Biodiversity Officer recommended that the Site Location Plan was revised to remove the lesser used eastern area of the site from the plans in order to avoid habitats suitable for use by amphibians and reptiles to avoid impacts. She also recommended that 20 bat boxes are installed within the wider site, also owned by the applicant. During the course of the application the Location Plan was revised and the agent has suggested that 10 bat boxes are proposed which can be secured by condition. It was considered that 10 bat boxes were sufficient given that the site size has now been reduced. With the site now reduced in size and with the number of bat boxes proposed, the Ecologist and Biodiversity Officer has raised no objections to the application.
- 5.23 Overall, given that the site has already been cleared and used for training purpose in recent years, that the area of the site has been reduced and biodiversity enhancements are to be secured, the application is considered to accord with the aims of Policy EN1 of the DM DPD.

Other issues

- 5.24 Given that the 20041641 permission for the holiday lodge park is extant and could still be implemented, if this application is to be approved, it would be subject to a "non-implementation" section 106 agreement. This would remove the possibility of the two permissions being implemented simultaneously as this would not be considered acceptable for various planning reasons. Essentially, if at a later date the holiday lodge park permission was to be implemented further then at such a time the construction training business would need to cease operation and be removed from the site.
- 5.25 The site is located within Environment Agency's flood zone 1 and so is within an area at low risk of fluvial and / or groundwater flooding. The site is also not within any surface water flooding areas and given that no additional development is proposed on the site, the application is considered to be acceptable in line with Policy CSU5 of the DM DPD.

- 5.26 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 within the catchment area of one or more of these sites as identified by Natural England. However, 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).
- 5.27 The application is not liable for GIRAMS as it does not create overnight accommodation and therefore would not have a significant recreational impact on protected sites with regards the Conservation of Species Habitats Regulations 2017 (as amended).
- 5.28 This application is not liable for Community Infrastructure Levy (CIL).
- 5.29 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.

Planning balance and conclusion

- 5.30 Returning to the issue of whether there are material considerations sufficient to outweigh the conflict with policy it is first considered appropriate to summarise the harms that the scheme will have.
- 5.31 The main harm is the fact that the site is located outside of the defined settlement limit and the proposals do not accord with a specific policy in the development plan that allows for development outside of the settlement limit.

The application is therefore contrary to Policy GC2 of the DMDPD and Policy 17 of the JCS and will result in policy harm in allowing unplanned development in what should be a genuinely plan led system.

- 5.32 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.33 The application will help to support an existing business and provide jobs in a rural location as in line with the aims of Policy 5 of the JCS. The applicant already employs 7 full time staff and 1 part time member of staff and there are normally one or two members of staff working at this site on a daily basis. The compliance with Policy 5 is considered to be a material consideration.
- 5.34 In this case the planning history of the site is also considered to be a significant material consideration. There is already an extant permission on the site for a holiday lodge park that, if fully developed, would result in a larger part of the site being developed with a scheme that is of a greater scale and intensification of the use of the site than the current proposals.
- 5.35 The proposals are not considered to result in the erosion of part of the countryside given the extant permission across a wider area and the proposals are only utilising this already cleared land.
- 5.36 It is considered that the provision of this type of training has positive outcomes for those undertaking training as they develop the skills needed to enter the construction industry which will assist with the growth of the sector.
- 5.37 It is also considered that the training of individuals to operate excavators and dumpers would not be appropriate within a residential area or open countryside due to the impacts on residential amenity and the visual harm that this could create. It is therefore considered that given the fall-back position that can be implemented on the site, the site is already cleared, how well the site is screened, and the distance from neighbouring residential properties that the application site is appropriate for this use. In addition, and as in line with the assessment above, the activities would not have an adverse impact on the character and appearance of the area, residential amenity, highway safety or the ecology and biodiversity on the site.

5.38 Overall, it is considered that, given both the employment benefits and compliance with Policy 5 of the JCS and the planning history on the site, there is merit in granting planning permission for the construction / plant training on the site despite the conflict with policy as identified above. The application is therefore considered to be acceptable and therefore recommended for approval.

Recommendation: To delegate authority to the Assistant Director of Planning to Approve the application subject to the satisfactory completion of a non-implementation Section 106 Agreement and the below conditions:

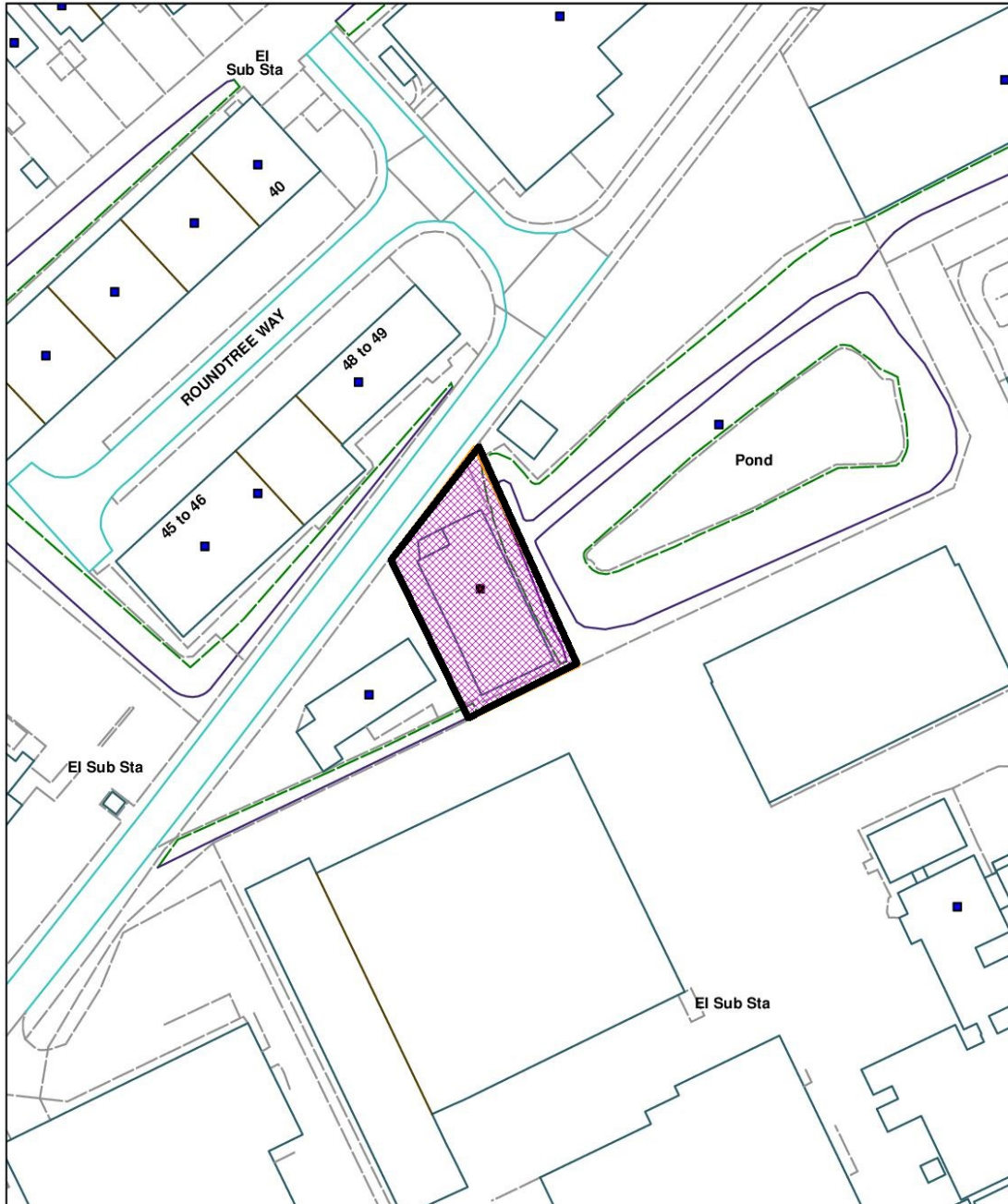
1. In accordance with approved plans and documents
2. Construction and plant training use only
3. Operating hours
4. Limit on number of trainees on site
5. Reversing alarms shall be of the Broadband reversing alarm specification only
6. External lighting
7. In accordance with AIA and tree protection measures
8. Restriction on removal of trees within wider woodland (within blue line)
9. Installation of bat boxes

Contact Officer: Christopher Rickman
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Application 2

2023/0462 Technology House

Not Set



- 2. Application No : 2023/0462/CU**
Parish : SPROWSTON

Applicant's Name: Mr Nigel Spurling
Site Address: Technology House Roundtree Way Sprowston Norfolk
NR7 8SH
Proposal: Change of use to rage room (use class E.d)

Reason for reporting to committee

The proposal is contrary to policy E1 of the Broadland Development Management DPD

Recommendation summary :

To delegate authority to the Assistant Director Planning to Approve with Conditions subject to no material issues being raised during the re-consultation which expires 20th April.

1 Proposal and site context

- 1.1 The application relates to an existing storage and distribution unit on Rowntree Road in Sprowston which is within a strategic employment site as defined by policy E1 in the DM DPD.
- 1.2 It is proposed to change of use to "Rage Rooms". This is where patrons can break and/or smash a variety of objects to relieve stress. The proposal was previously considered a D2 assembly and leisure use, however, following the alterations to the use class order in 2020 and 2021, the use is now defined under use class E.d. "For indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public".
- 1.3 It is proposed to create three "Rage Rooms" within the building, which can be booked for 1 hour slots. There would be sufficient space in the building to create more in the future.
- 1.4 No external alterations are proposed and it is proposed to use the existing parking area, which has 12 spaces.

2. Relevant planning history

- | | | | |
|-----|----------|---|----------|
| 2.1 | 20071479 | Part use of warehouse to allow furniture retail sales, photography and office Ancillary to internet sales | 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 07 : Ensuring the vitality of town centres
NPPF 12 : Achieving well-designed places

3.2 Joint Core Strategy (JCS)

Policy 2 : Promoting good design
Policy 5 : The Economy

3.3 Broadland Development Management Detailed Policies Document (DMDPD)

Policy GC2 : Location of new development
Policy GC4 : Design
Policy E1 : Existing strategic employment sites
Policy E2 : Retention of employment sites
Policy TS3 : Highway Safety
Policy TS4 : Parking guidelines

3.4 Sprowston Neighbourhood Plan

Policy 2 : Promoting good and appropriate design
Policy 6 : Local employment opportunities will be supported by

4 Consultations

4.1 Town Council

- No objection subject to the retention of 12 existing parking spaces, considerate disposal of waste and provision toilet facilities.
- Concern with regard to the changing profile of the industrial estate and loss of employment area.

4.2 District Councillors

Cllr J Leggett To be reported if appropriate

Cllr I Moncur To be reported if appropriate

Cllr J Ward To be reported if appropriate

4.3 NCC Highways

- Red line plan needs to be include access and car parking
- Further comments will be provided on receipt

4.4 Other Representations

No other representations received.

5 Assessment

Key considerations

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

- Principle of the development
- Highways & Parking
- Design
- Amenity

Principle

5.2 The principle of the change of use is considered under policy E1 of the Broadland Development Management DMDPD. The policy states that employment sites of strategic importance will be reserved for employment uses. It is clarified within the supporting text of the DMDPD that the employment uses it seeks to reserve in these areas are for light industrial/ office (B1) now defined as (Eg.), general industrial (B2) and storage and distribution (B8) uses.

5.3 The proposal seeks an assembly and leisure type use which was previously defined under use class D2 of the use class order before its updates in 2020 and 2021. The use can now be considered as an E.d use which is:

“Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink)”.

- 5.4 In addition, policy E2 of the DM DPD seeks to retain employment sites within settlement limits unless the proposed new use will not result in any detrimental impact and:
- (i) it has been demonstrated that continued employment use is not viable; or
 - (ii) there is a significant community gain that outweighs the employment benefits.
- 5.5 The supporting text to this policy states that in order to demonstrate that continued employment use is not viable, it will normally be expected for the site to be marketed at a realistic price for 12 months by a reputable estate agent, without any definite offers having been received. Full details of the marketing exercise and any offers received should be submitted in support of any application for alternative use.
- 5.6 The unit has been vacant since October 2022, but has been marketed for rent since last August and to date has not been let, so although a full period of 12 months marketing has not been completed it has been market for a reasonable period of time. In respect of criterion (ii) of Policy E2, it is considered that a “Rage Room” will not provide a significant community gain that outweighs the employment benefits. Consequently, the application is contrary to Policy E2.
- 5.7 The balance therefore in planning terms is the potential harms of such a use within an existing employment area against the potential benefit of a different use which will employ 4 people.
- 5.8 The business is currently located at premises at the bottom of Grapes Hill in the city and due to their success they are looking for new premises to expand. They need sufficient internal space as well there being external space for deliveries and skips for waste.
- 5.9 Notwithstanding the development plan, policy E1 is seeking to reserve this area for B1, B2 and B8 uses.. Whilst this would represent the loss of potential B1, B2 or B8 uses, the site is currently vacant with no current commercial use. The building has previously been granted temporary “non employment” uses in the past. There are other units on the strategic employment site which are in “non employment” uses, but the estate would remain predominately in employment use, as a result on balance the use is considered to be acceptable. As such it is not considered that the use a “Rage Rooms” will undermine the development plan to a significant degree.

- 5.10 To ensure future development is appropriate for the site and the surrounding strategic employment site, it is considered necessary to impose a planning condition that restricts the use of the premises to this 'Ed' use and subject to the use lapsing and/or being vacated the use of the unit would revert back to a B8 use.

Design

- 5.11 In terms of design the proposal does not seek any external alterations to the building and seeks only to retain the existing car parking. Therefore, the unit in terms of its fabric will remain unaltered and would not harm the character and the appearance of the wider area.
- 5.12 It is noted that the applicant may wish to have advertisement or signage to the building. This would need to be done via a separate application for advert consent, however, no details of this have been provided at this stage and the application is for the change of use only.

Highways and parking

- 5.13 The site is within the settlement limit and is accessible by foot or cycle to a wide population and there is a bus route along Mousehold Lane. At the time of writing, comments from the Authority are still outstanding however, given the sustainable location of the site in the settlement limit and the fact that the development is unlikely to generate a significant amount of traffic over the existing use, as well as there being 12 car parking spaces on the site, it is considered unlikely that the development would result in a situation detrimental to highway safety and polices TS 3 and T4 of the DM DPD which seek to ensure highway safety and adequate car parking provision. The recommendation for approval is therefore subject to no objection being raised by the Highway Authority.

Amenity

- 5.14 It is intended to sound proof the individual "Rage Rooms". However, given the commercial nature of the area it is unlikely that the proposed development would result in a significant loss of amenity to surrounding uses. Furthermore it is not considered necessary to condition opening hours.

Other Issues

- 5.15 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 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).

- 5.16 In terms of the Town Council comments, appropriate waste disposal is covered under other separate legislation, so it is not considered reasonable or necessary to condition this. Adequate toilet provision also exists in the building.
- 5.17 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.
- 5.18 This application is liable for Community Infrastructure Levy (CIL) as it has not been in lawful use for at least 6 months in the last 36 months.
- 5.19 This application is not liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS) as no overnight accommodation is being provided.
- 5.20 The consultation period does not expire until 20th April 2023. The recommendation is therefore subject to no significant issues being raised until the consultation period expires.

6. Conclusion

- 6.1 Whilst the proposal is a departure from the development plan, the loss of this unit from potential B1, B2 or B8 use does not significantly undermine the development plan or the strategic employment site. Nor is it considered the development would harm the character of the area, amenity or highway safety and as a result is recommended for approval.

Recommendation Delegate authority to the Assistant Director of Planning to approve with conditions subject to no significant issues being raised withing the consultation period with expiries 20th April 2023.

1. Time limit
2. Accordance with Plans
3. Specific Ed use only (reverting B8 if use lapses)
4. Provision of car and cycle parking

Contact Officer Andrew Parnell

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Planning Appeals

Appeals received from 10 March 2023 to 4 April 2023

Ref	Parish / Site	Appellant	Proposal	Decision Maker	Final Decision
20220963	Brundall 52 Highfield Avenue Brundall NR13 5NT	Dr Jan-Robert Tanner	T1 Oak Tree - Fell and re-plant.	Delegated	Approval in part, refusal in part

Planning Appeals

Appeals decisions from 10 March 2023 to 4 April 2023

Ref	Parish / Site	Appellant	Proposal	Decision Maker	Final Decision	Appeal Decision
20210606	Wroxham 11 Skinners Lane, Wroxham, NR12 8SJ	Mr Jim Papworth	Erection of a single dwelling	Delegated	Refusal	Appeal dismissed
20210337	Hainford Land at Newton Road, Hainford, NR10 3LZ	Mr J Moyle	Construction of one new residential dwelling with detached garage.	Delegated	Refusal	Appeal dismissed
20210420	Salhouse 82B Lower Street, Salhouse, NR13 6AD	Mr Ray Stowers	Change of use from shop/cafe (A1/A3) to dwelling (C3)	Delegated	Refusal	Appeal dismissed