

APPLICATIONS FOR PLANNING PERMISSION

Report of the Director of Planning

Application 1

Major Applications



1. **Application No :** 2024/0296/F
Parish : AYLSHAM

Applicant's Name: Mr Adam Ruane
Site Address Land North Of B1145 Junction With A140 Banningham Road
Aylsham Norfolk
Proposal The construction of a new temporary junction bellmouth on the B1145 to access Mobilisation Area 8 to facilitate the delivery of the Norfolk Vanguard onshore cable route (EIA development).

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:

Authorise the Assistant Director of Planning to Approve with Conditions, subject to satisfactory clarification regarding the Oak trees.

1 Proposal and site context

- 1.1 Vattenfall Wind Power Ltd was granted consent in February 2022 for Norfolk Vanguard Offshore Windfarm by the Secretary of State. The location of the windfarm offshore array is off the coast of Norfolk within the North Sea, it makes landfall at Happisburgh in North Norfolk with buried cable route between landfall and the grid connection at Necton in Breckland. The cable route will run through three local Authorities North Norfolk, Broadland and Breckland District Councils. This element is not for consideration as the planning determination has already been made.
- 1.2 The proposal subject of this application is outside the area subject to a Development Consent Order (DCO) which grants consent for the Norfolk Vanguard Offshore Wind farm and therefore a separate planning permission is required.
- 1.3 This application seeks planning permission for the construction of a new temporary junction bellmouth on the B1145 to access Mobilisation Area 8 to facilitate the delivery of the Norfolk Vanguard onshore cable route. The mobilisation area includes offices, storage, laydown areas, ancillary areas and parking and access of A140 (AC66), these were agreed under the DCO. The AC66 access into the mobilisation area will be used by HGV's and construction vehicles via traffic management controls (such as traffic lights) for the duration of the cable works installation works. However, NCC Highways who are the authority responsible for agreeing the specific design and works to the highway, determined that this access was not suitable for regular daily Light Goods Vehicles (LGV) movements such as staff cars, due to potential slowing of free-flowing traffic on the A140 with no controls and associated safety concerns. The temporary access subject to this application has been discussed and agreed with NCC Highways as a solution to their concerns. The temporary access off the B1145 will be used by LGV's only and all other construction traffic will use AC66 off the A140.
- 1.4 For clarification the widening of the existing B1145/A140 junction is agreed with NCC Highways under a small highway works agreement and therefore does not form part of this application.

1.5 The proposed works will form part of the wider Norfolk Vanguard construction activities and will be undertaken in line with all requirements of the Vanguard DCO, the submitted documents also state that the works will be undertaken in consultation and agreement with the affected landowner. Further details have been provided in the submitted Design and Access Statement and accompanying drawings.

1.6 The bellmouth junction is likely to be required for a temporary period of five years.

2. Relevant planning history

2.1

<p>Planning Inspectorate Reference EN10079</p>	<p>Nationally Significant Infrastructure Application for an Order Granting Development Consent for the Norfolk Vanguard Offshore Wind Farm</p>	<p>Approved with requirements (conditions)</p>
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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 and beautiful 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 Greater Norwich Local Plan (GNLP)

- Policy 1 The Sustainable Growth Strategy
- Policy 2 Sustainable Communities
- Policy 3 Environmental Protection and Enhancement
- Policy 6 The Economy
- Policy 7.2 The Main Towns

3.3 Broadland Local Plan Development Management Policies (DM DPD)

- 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 Aylsham Neighbourhood Plan

No directly relevant policies relating to an access junction

3.5 Supplementary Planning Documents (SPD)

Landscape Character Assessment

4. Consultations

4.1 Aylsham Town Council

- The plans for this application were very complicated and confusing but the Town Council are aware that the changes are required to service the project.
- The Town Council would concur with Councillor Catchpoles comments on making sure any changes improve safety on the A140 and B1145 and not make the situation worse. We also note that Highways have stated a full safety audit has been undertaken.

4.2 District Councillors

Cllr Sue Catchpole:

The application to be determined by Planning Committee

- I have strong reservations about the provision of access into the field
- An impromptu access point is already being used by some vehicles, presumably connected with the wind farm project, as an entrance onto the muddy field. It is far too close to the A140 and is already causing an issue.
- I have reported in the past that the junction needs to be altered so that vehicles turning into the B1145 can clear the first 50m without waiting for an approaching vehicle to reach the junction. This is due to a raised curb limiting the width of the road. This work should be done in any case.
- Vehicles now turning off the B1145 onto the field, have a similar and additional affect ie causing vehicles turning onto the B1145 from the A140 to be held up and thus cause a major hazard. This will be the case even if the road is widened as the distance of the proposed entrance from the A140 is not adequate.

Cllr Abu Miah:

No comments received

Cllr Steve Riley:

No comments received

4.3 Ecologist & Biodiversity Officer (Ecology)

- No objections subject to compliance with approved management plans

4.4 Environment Agency

- No objection.

4.5 NCC Highways

No objections

- The works in question have all been safety audited and are also covered by a SHWA Section 278 legal agreement. In the circumstances I have no objection to this proposal, the 278 agreement itself setting out our requirements in relation to the construction specification and requirements

relating to removal of the access and re-instatement of the verge on completion of the project.

4.6 Historic Environment Service

- We have been in discussions with the applicants archaeological consultants and have agreed the scope of archaeological works required, which will be carried out alongside the final phase of archaeological works within the DCO Boundary.
- I am minded therefore that archaeological conditions are not required on application 2024/0296 as the requirement for archaeological investigations has already been agreed and will be alongside other archaeological works within the DCO Boundary.

4.7 Natural England

- Not able to provide specific advice on this application and therefore has no comment to make on its details.
- Defer to LPA to determine whether or not the proposal is consistent with National and Local environmental policies

4.8 Environmental Quality (Protection)

- No objections/comments provided the works are undertaken in accordance with the practices detailed within the agree Code of Construction Practice.

4.9 National Planning Casework Unit

No comments received

4.10 Landscape Architect

- Clarification and further information requested

4.11 Other Representations

None received.

5.1 Assessment

Key considerations

- Impact on the landscape
- Highway Safety
- Residential Amenity
- Ecology and flooding.

Principle of the Development

- 5.2 The principle of the Norfolk Vanguard onshore export cable has been established under the Development Consent Order (DCO). This proposal is for a temporary bell mouth junction to serve the mobilization area. Having regard to the role this minor and temporary development will play in supporting a Nationally Significant Infrastructure Project and renewable energy technologies, the principle of the development is considered acceptable. A condition can be attached to ensure that it is not permanent and that the site is returned to its former state when the use ceases.

Impact on the Landscape and Visual amenities

- 5.3 Policy GC4 promotes good quality design which is consistent with the NPPF's aim of achieving well designed places. Policy GC4 along with Policy EN2 also require proposals to pay adequate regard to the character and appearance of the area. Policy 3 of the GNLP amongst other things, seeks to protect the environmental assets of an area and safeguard the more general assets such as the countryside and rural character.
- 5.4 Policy EN2 equally seeks to protect the character of the area and have regard to the Landscape Character Assessment SPD. The site forms part of the D3 Coltishall Tributary Farmland Landscape defined by the Landscape Character Assessment SPD.
- 5.5 The proposal relates to a road junction being created for a temporary period and the site will be fully reinstated following the completion of all onshore works. It is currently an agricultural field with a hedgerow field margin to the north and roadside verge along the B1145 in the south. There will be two temporary 'Give Way' signs erected at the entrance point, set back from the road. The proposal will have an impact on the landscape however this will be temporary and therefore considered acceptable when balanced against the benefits of facilitating the DCO.
- 5.6 The proposal is considered to be acceptable in landscape terms, as the impact of the proposal is so significant to trigger conflict with Policy 3 of the GNLP or Policies GC4 or EN2 of the DM DPD.

Impact on Highway Safety

- 5.7 Policy TS3 does not permit development where it would result in any significant adverse impact on highway safety.
- 5.8 Norfolk County Council was consulted as the Highways Authority (HA) and raised no objections. The temporary bellmouth junction has been brought about following discussions with NCC Highways and the applicants for highway safety reasons. The works in question have been safety audited and are also covered by a Small Highway Works Agreement (SHWA) Section 278 legal agreement. In addition, the S278 agreement sets out the requirements in relation to the construction specification and requirements relating to removal of the access and re-instatement of the verge on completion of the project. This can also be ensured by use of a condition.
- 5.9 The concerns raised by the District Councillor are fully appreciated however as set out above in the report the proposed temporary access to the mobilisation area was requested by NCC Highways to address safety concerns associated with LGV use of AC66 off the A140. The widening of the existing B1145/A140 junction does not form part

of this application and has been agreed with NCC Highways. In light of the above and in the absence of an objection from NCC Highways, it is not considered that the application can be refused on highway safety grounds.

- 5.10 In view of the above it is considered that the works are acceptable and do not give rise to a situation detrimental to highway safety. The application is therefore in accordance with Policy TS3 of the Local Plan.

Impact on Residential Amenity

- 5.11 Policy GC4 requires proposals to pay adequate regard to the impact on the amenity of existing properties.
- 5.12 The site is not located adjacent to any residential dwellings however there are dwellings along the B1145 to the east, The Old Ski Barn and Ash Tree Farm. The proposal lies to the west of the dwellings, close to an existing road junction. Given the nature of the works, its proposed use and the distance from the nearest properties, it is considered that the development would not give rise to any adverse impact in terms of residential amenity. The application is therefore in accordance with Policy GC4 of the Local Plan.

Drainage and Flooding

- 5.13 Paragraph 173 of the NPPF requires Local Planning Authorities to ensure development does not increase flood risk elsewhere and this approach is supported by Policy CSU5 in the Local Plan.
- 5.14 The site is located within Environment Agency's flood zone 1 and is therefore in an area with a low probability of flooding.
- 5.15 The Environment Agency has raised no objections to the proposed bellmouth and the detailed junction design, which includes the drainage strategy, has been agreed with NCC Highways.
- 5.16 It is considered that the application would therefore comply with the aims of Policy CSU5 of the DM DPD.

Trees and Ecology

- 5.17 Policy 3 of the GNLP, Policy EN1 of the DM DPD and the NPPF require that development does cause significant damage or require the removal of the existing landscape features on the site. Policy EN1 requires consideration of biodiversity and habitats.
- 5.18 There is an existing hedge along the frontage, with an element of replanting required where its removal will be needed to facilitate adequate visibility from the site access. This will be secured by a planning condition. The Landscape Architect has requested clarification in respect of some Oak trees which may be affected by the proposed development. Subject to these being provided to his satisfaction, it is considered that the proposed works would be acceptable.
- 5.19 In terms of ecology and the natural environment, Natural England has not provided any comments in respect of this application and deferred to the Council's Ecologist. The Council's ecologist has assessed the proposed development and raised no objections

subject to the works being carried out in accordance with the approved DCO management plans.

- 5.20 Subject to satisfactory clarification regarding the potential impact on the Oak Trees, the proposal is considered to accord with Policy EN1 of the Local Plan, Policy 3 of the GNLP and the NPPF.

Heritage Assets

- 5.21 Policy 16 of the NPPF and Policies GC4 and EN2 of the Local Plan require the Local Planning Authority to assess the impact of any development on the significance of heritage assets.
- 5.22 The site is not adjacent to listed buildings or within a conservation area, also given that the works involve construction of an access it is considered to not have an impact on the setting of any nearby heritage assets.
- 5.23 Historic Environment Services have confirmed that they have agreed a scope for archaeological works required for this development which will be carried out alongside the final phase of archaeological works within the DCO boundary.
- 5.24 As such, it is considered that the proposal would accord with section 16 of the NPPF, Policies GC4 and EN2 of the Local Plan.

Other Matters

EIA

- 5.25 An Environmental Statement was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for this application. I am satisfied that adequate information has been submitted in the Environmental Statement to assess the environmental impact of the proposal, and appropriate consultation and publicity has been undertaken to comply with the above Regulations.

As part of my assessment I have considered and assessed the direct and indirect significant effects of the proposed development on the following factors:

- (a) population and human health;
- (b) biodiversity, with particular attention to species and habitats protected under EU Directive
- (c) land, soil, water, air and climate;
- (d) material assets, cultural heritage and the landscape; and
- (e) the interaction between the factors referred to in sub-paragraphs (a) to (d).

- 5.26 The operational effects of the proposed development have been considered where appropriate, and any significant effects arising from the vulnerability of the proposed development to major accidents or disasters that are relevant to that development.
- 5.27 This application for the temporary access, comprises a small additional area to accommodate a new temporary access junction bellmouth. The relevant plans and information have been included with this submission and an environmental assessment undertaken. The environmental assessment demonstrates that the findings of Norfolk Vanguard ES remain valid and therefore the construction of the bellmouth would not result in any new or increased impacts on environmental receptors within this area.

Furthermore, all works associated with the proposed development will be undertaken in strict accordance with the relevant environmental and construction management measures secured through Norfolk Vanguard DCO and relevant approved management plans.

- 5.28 No additional impacts on air quality, ecology and nature conservation, geology and ground conditions, the historic environment, hydrology or flood risk, landscape or visual resources, noise or vibration, traffic and transport, from construction activities or traffic are anticipated and as such, the findings of the Norfolk Vanguard ES remain valid.

Nutrient Neutrality

- 5.29 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 outside of the catchment area of the sites identified by Natural England. The development proposed is for an access junction and does not involve the creation of additional overnight accommodation. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).
- 5.30 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.
- 5.31 This application is not liable for Community Infrastructure Levy (CIL).
- 5.32 This application is not liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS) as no additional dwellings are being created as part of the proposal.

6 Conclusion

- 6.1 The principle of development in this location has already been established and the site is proposed to be developed in combination with the Norfolk Vanguard onshore export cable which was approved under the development consent order. It therefore complies with Policy GC2 of the Broadland DMDPD, the GNLP and the NPPF.
- 6.2 Subject to the conditions imposed, the proposal is not considered to result in an adverse impact on the landscape, amenity, highway safety, drainage, heritage assets or ecology in accordance with the requirements of GC4, EN1, EN2 and TS3 and CSU5, Policy 3 of GNLP and the NPPF.
- 6.3 The cumulative impact of the development alongside the Norfolk Vanguard onshore export cable has also been considered and an Environmental Statement submitted. The proposal is considered to be acceptable when having regard to the cumulative impact and the findings of the Norfolk Vanguard ES remain valid.

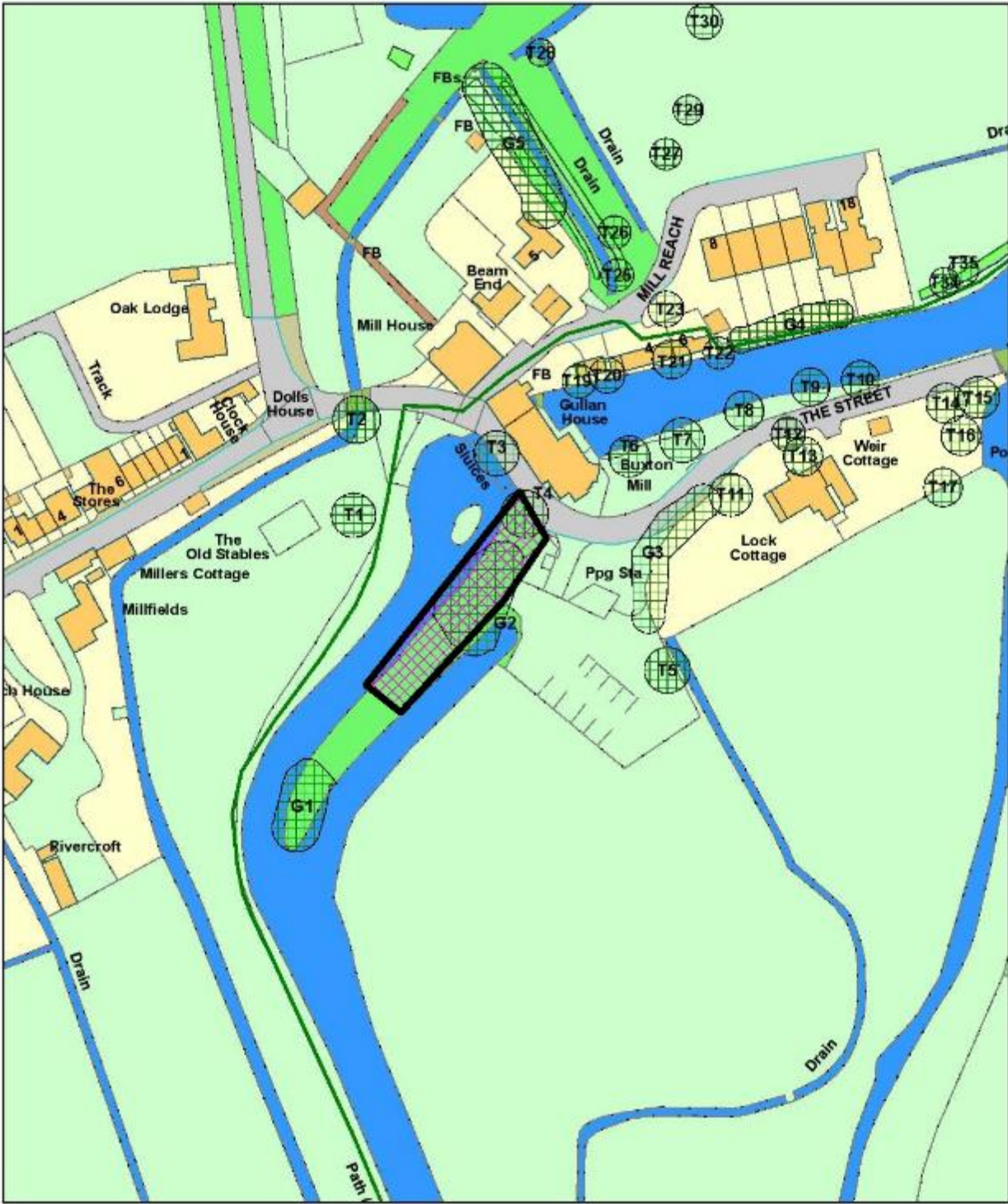
Recommendation Authorised the Assistant Director of Planning to Approve with Conditions, subject to satisfactory clarification regarding the Oak trees.

- 1 Temporary consent (which includes reinstatement works)
- 2 In accordance with submitted drawings, documents, management plans

Contact Officer Claire Curtis
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Other Applications

20220488



2. Application No : 20220488/F
Parish : BUXTON WITH LAMAS

Applicant's Name: Mr Mark Wilkinson
Site Address Land Nr Car Park Buxton Mill The Street Lamas NR10 5AF
Proposal Change of use for storage of plastic canoes - laying on their side on the ground. NO buildings/ Racking - NO construction of any type

Reason for reporting to committee

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

Recommendation summary:

Approval with Conditions

1 Proposal and site context

- 1.1 The site is located in the village of Buxton. It is on a promontory of land pointing in a south westerly direction opposite Buxton Mill and formed one side of the original Lock. It is between the Mill Car park and pumping station to the east and the Mill Pool to the west.
- 1.2 There is no vehicular access to the site and pedestrian access is an existing gate from the verge beside Mill Street.
- 1.3 The application is solely for a change of use for the storage of canoes for 'The Canoe Man' and for no operational works, there would be no buildings on the site and no hard standings or areas constructed for cars etc. The landowner (separate from the applicant) also stores some canoes for personal use on the site. There would be 12 for The Canoe Man and 3 for the landowner making a proposed total of 15.
- 1.4 The application is being considered with regard to the storage of canoes only following an enforcement investigation and legal advice sought by the Council in relation to other activities raised in the consultation process. For the avoidance of doubt therefore I can confirm that the acts of paddling a canoe on the river, entering/exiting the river in a canoe does not require planning permission in the scale and context of the issues raised within this application at this time. As such, this application and any subsequent decision does not provide any overriding judgement on these matters which are controlled by other relevant legislation outside of the planning system. The decision will relate to the use of land within the red line boundary only.

2. Relevant planning history

2.1 None

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 12 : Achieving well-designed and beautiful 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 Greater Norwich Local Plan

- Policy 2 : Sustainable Communities
- Policy 3 : Environmental Protection and Enhancement
- Policy 6: The Economy
- Policy 7.4: Village Clusters

3.3 Broadland Local Plan Development Management Policies

- GC1: Presumption in favour of sustainable development
- GC2: Location of new development
- EN1: Biodiversity and Habitats
- TS3: Highway Safety
- TS4: Parking guidelines

3.4 Buxton with Lamas Neighbourhood Plan (Draft – Not yet examined or adopted so given limited weight)

- BUX 4: Development and design
- BUX 5: Protecting residential amenity
- BUX 6: Protecting and enhancing landscape character
- BUX 8: Views to be protected
- BUX 11: Conserving and enhancing our heritage assets
- BUX 15: protecting and enhancing our valued water meadow landscape
- BUX 18: Protecting and enhancing the provision and quality of rural routes for non-motorised users in the parish
- BUX 21: Managing and mitigating adverse impacts of increased traffic movements on the parish environment

Statutory duties relating to Listed Buildings and the setting of Listed Buildings

- 3.5 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 Parish Council

Objects

- Highway concerns: There is limited visibility on the bridge that would be accentuated with people accessing the area.

Cllr. Karen Lawrence (former member)

- The site currently is used to store canoes and has done so over a number of years, three canoes are usually stored, owned by the landowners and their friends.
- The site is covered at the road end with trees and scrub.
- The entrance to the site is on a bend from highways land.
- In terms of the application, I note that the number of canoes being sort to for storage has not been specified. It is therefore not clear whether we are talking 5, 10, 15 or 20 or more. The number does have an implication on the scale of operations at this site. The duration of the storage period is also not clear. Is this for 12 months or 6 months or something in between.

If you are of a mind to approve this application, I have been requested but the parish council to seek a call in on the grounds of:

1. Limited access for vehicles on a blind bend, and the increase of traffic on the corner
2. Unsuitability of parking. As a number of vehicles using the river are parking on the highways triangle and are assumed to be clients. This cause blockage of the lock house driveway and the secondary car park for mill residents.

4.3 Environment Agency

No objection

- Informative to add - In accordance with The Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2016.
- Schedule 25, Part 1, these works may require a Flood Risk Activity Permit.
- The applicant should apply for a Flood Risk Activity Permit.

4.4 Water Management Alliance

- No comments to make.
- Having screened the application, whilst the site in question lies within the Internal Drainage District of the Norfolk Rivers Internal Drainage Board the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. You may however wish to consult the Environment Agency as the proposal appears to be in close proximity to a Main River.

4.5 NCC Highways

Original consultation:

- Request for further information on where canoes will be hired from; number of canoes to be stored and whether there will be car park provision on site.

Further consultation:

- The Highway Authority have strong concerns (and evidenced from local information) that a business is being operated from this site.

- The business (which appears to not have its own car parking facilities) involving vehicles stopping, parking, picking up and dropping off customers on a poorly aligned and narrow section of highway.
- We have also been informed that customers park remotely and then have to walk to, and possibly from, the site back to their vehicles on this and adjacent sections of highway without benefit of footways or adequate refuge.

4.6 Other Representations

23 individual objections have been received (some from the same addresses) from local residents. The issues raised are summarised as follows:

- The use began without planning permission, it should be a retrospective application.
- Extensive historical activities by canoe man and previous withdrawn applications.
- British Canoeing Association website recommends not navigating further than the Mill.
- The site is too large for this use.
- There is no launching slip way or safe means of entering water.
- There is no access and it has been improvised in the highway safety barrier
- It will affect road safety as the site is on a tight 'S' bend.
- Road network is narrow and poor.
- Speed limit is 30, not 20.
- The Street and Mill Street are busy country roads, serving a main bus route, school buses, farm vehicles, residents etc.
- There is no parking provided and the small area adjacent should not be used for this purpose. Vehicles keep blocking our access and this will make it worse.
- There are no facilities, toilets etc. already customers have urinated in our garden.
- The application form states that the applicant is applying to change the use of the land to a commercial operation.
- There are plenty of better locations for this use.
- The detrimental visual impact of plastic canoes stored here.
- The loss of privacy adjacent to the communal garden of the Mill residents which is adjacent.
- There will be an environmental impact encouraging this use on the river and increasing access to the river, damage to the river bank, litter.
- Impact on ecology, wildlife use this land, particularly an otter's holt.
- Upper reaches of the Bure is ecologically sensitive.
- It would result in traffic disturbance and noise.
- There will be noise and disturbance from people using the site to launch.
- It is an historical site and should be enjoyed by the many not the few.
- Impact on the Mill building and its setting.
- It does not bring any benefits to the village or the local economy – no employment, no money spent in local businesses.
- If he gets permission he will want to scale up his operation, where will it stop?
- This permission would increase portage of canoes and the volume of people walking along the highway.

5.1 **Key considerations**

- Design
- Visual impact and landscape impact
- Impact on Heritage
- Impact on Highways
- Ecology
- Flood Risk

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 Buxton with Lammas is identified under policy 7.4 (Village Clusters) of the GNLP settlement hierarchy although there are no specific policies in the plan that relate to this proposal. The site is located adjacent to the buildings associated with the Mill and outside the defined settlement limit for the built-up area of the village and within the open countryside.
- 5.5 Paragraph 88 of the NPPF promotes sustainable tourism initiatives subject to the proposal respecting the character of the area, while policy 89 of the NPPF acknowledges that it may sometimes be necessary for rural businesses to utilise sites outside of development boundaries. Policy 6 of the GNLP references tourist uses with a strong emphasis on sustainability.
- 5.6 As such the proposal is considered acceptable in principle (particularly through the NPPF) as a result of the provision of a facility supporting a rural business subject to assessment of key development management criteria, particularly those referenced in the NPPF paragraphs and GNLP.

Design and impact on the character of the area

- 5.7 GNLP Policy 2 and Policy GC4 of the Broadland DM DPD promote good design. The draft neighbourhood plan also includes a design policy with similar requirements.
- 5.8 The site is adjacent to the river and is an undeveloped piece of grass with no buildings. The application is for a change of use only, which means that it does not include any buildings or physical alteration. A timber fence has been erected which is permitted development and does not require planning permission. The site is well covered by surrounding trees and vegetation. As such the storage proposal is limited to canoes sat on the ground. The application site visibility is very limited from the road due to it being lower and behind vegetation. Furthermore, even when viewed from the public right of way on the far bank of the river (noting the significance placed on the setting of PROWs

in the draft neighbourhood plan); only glimpses of the canoes would be visible when trees are in full leaf, with only a slightly greater amount when they are not.

- 5.9 The number of canoes proposed is 18 and there are no elements of construction proposed. Canoes and other water-based recreation paraphernalia, while not necessarily bearing the appearance of the local vernacular or materials, are an inherent part of the riverbank character in many parts of the river network, especially given the popularity of water-based activities in and around The Broads and as such, the placement of a relatively small number of canoes on the application site is not necessarily considered an incongruous feature in this context.
- 5.10 It is of note when considering long-term impact on character that when canoes are removed there will be no evidence of the use present on the site due to the lack of physical construction.
- 5.11 The scale of the development, combined with the obscured views gained of the application site means that there are no impacts on design or the character of the area that are significant enough to warrant refusal of the application in this instance. The application, as amended, is therefore considered to comply with Policy GC4 of the DM DPD and Policy 2 of the GNLP.

Impact on the historic environment

- 5.12 The Mill is a Grade II listed building, a former watermill which was converted into residential units. Policy 16 of the NPPF, Policy 3 of the GNLP and Policy EN1 of the DM DPD requires Local Planning Authorities to assess the impact of any development on the significance of heritage assets and Sections 16 and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that local planning authorities must 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.
- 5.13 This land is separate from the Mill and is well screened. Given that there will be no physical alterations and the use will not be intense, it is not considered that the use of this piece of land will significantly detract from the historic importance of the Mill or its setting. Taking into consideration the significance of the listed building and its setting the proposal would not have a detrimental impact on the significance of the listed building or its setting due to the separation and limited extent of the changes. As such, it is considered that the proposal would accord with Policy 16 of the NPPF, Policy GC4 of the DM DPD and Sections 16 and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on neighbour amenity

- 5.14 DM Policy GC4 relates to the protection of the amenity of neighbouring uses. It is noted that there is an amenity policy in the draft neighbourhood plan also.
- 5.15 The River is used for recreation and this part of Buxton, in proximity to the Mill, is a picturesque focal point. There are residential properties opposite in the converted Mill building. These are separated from the site by a road and intervening vegetation and the storage of the canoes would have no significant impact on the amenity of any property. The actions of people visiting the area, including the site is their own social responsibility and not a matter for a planning application. It is understood from the considerations of the enforcement team running alongside this application that there is a wide range of issues

that are not solely limited to these associated with the application site. It is therefore important to separate the material planning considerations relating to this application specifically, from the wider recreational uses taking place in the river and surrounding area.

- 5.16 Concerns have been raised by residents at the Mill regarding overlooking. This is because the residents of the Mill have a private parking area and their own communal garden adjacent to the site. Whilst it is acknowledged that visitors to the site before they leave with the canoes, may be able to gain passing views into the garden, it would not be for a prolonged period and would not be a constant situation. Given some views are also possible through the gates from the public highway and verge, any addition would not be significant enough to warrant refusal of the planning application on amenity grounds.
- 5.17 In terms of loss of amenity due to noise and disturbance, it is noted that the use will mean that there may be some noise for short periods while canoes are loaded and unloaded. This is considered in the context of other recreational uses on the river and the presence of a highway between the application site and nearby dwellings. While the nature of the activity is such that these activities are unlikely to occur during unsociable hours, it is possible to place a condition on an approval to prevent such activities taking place overnight for the avoidance of doubt.
- 5.18 In view of the above, it is not considered that the proposal would give rise to a situation so detrimental to the amenities of neighbouring residential properties to warrant refusal on the grounds raised. The application is therefore considered to accord with Policy GC4 of the DM DPD.

Highway safety

- 5.19 DM Policy TS3 relates to highway safety and DM Policy TS4 relates to parking.
- 5.20 The application is for a change of use and does not include a vehicular access. The primary highway impact will be the drop off and pick up of the canoes. It is known that visitors are also present at times to access the river, however this is not at a level that requires planning permission. No formal parking is proposed at the site.
- 5.21 The highway verge has recently been clarified through communication with the local Highway Authority to provide further context to their response. There is sufficient space on highway verges for a limited number of vehicles to fully exit the highway to stop and this includes enough space for a vehicle towing a trailer containing canoes. This is the result of a historic road alignment which used to run further to the south of the existing route with more of a right angle turn towards the river crossing at the Mill. The road was realigned to its current position which includes a smoother curve, but the highway ownership remains which has resulted in the unusually large highway verge on the outside of the bend. As such, any vehicle pull off the metalled part of the road onto this verge is allowed to do so and will remain on highway land while doing so.
- 5.22 The highway past the site is limited to 30mph and narrows significantly as it rounds two tight bends to cross the river at the Mill. Vehicles are already travelling less than 30mph as a result of the single lane on the crossing and the need to let vehicles past. The site is on the outside of the bend so gives good visibility to traffic from both directions (when considering the slow speed) when stood at the site pedestrian access point.

- 5.23 Concerns had been raised by NCC Highway Authority regarding the operation of a business from the site, however, there was a misunderstanding in the comments (since clarified by the case officer) regarding the material considerations in this application. Notwithstanding this they have requested their comments to stand. These contain concerns relating to parking and pedestrian access, but no formal objection or recommendation of conditions in the event of an approval. In the absence of further guidance, and mindful of these concerns, I have included a condition limiting the use the site to storage and associated delivery/collection of canoes (which may be by the road or river) so that any visitor to the site is not on the site for any other purpose.
- 5.24 It has been noted that a pedestrian access has been made in the highway barrier, however this is a highway matter and not for consideration in this application. This is not currently used as the primary access to the site.
- 5.25 Given the nature of the proposal and the limits provided by potential conditions, despite there being no parking provision on the site and acknowledging the 'concern' but no formal objection from NCC Highway Authority, I do not consider the impact on highway safety or parking to be significant enough to refuse the application. This is particularly guided by the NPPF which explicitly states that planning proposals should only be refused on highway grounds if the impact is "severe". I do not consider that the scale of the use proposed here meets this very high threshold and the Local Highway Authority have not raised any evidence that would contradict this assessment. The application is therefore considered to comply with Policies TS3 and TS4 of the DM DPD.

Ecology and Trees

- 5.26 The site is adjacent to the river and within a Flood Zone. As such there is potential for impacts on protected species and habitats. However, as no physical works are required to the site any disturbance will be limited to the movement of people and canoes. Separate legislation provides detailed protection of protected species, and this application has the opportunity to implement conditions that improve on-site protection from its current levels.
- 5.27 With regard to the trees themselves, many of those on site are subject to Tree Preservation Orders (TPO) although no direct impact on them is proposed in the application. I therefore propose conditions to prevent any removal of trees without an application first being made to the Council and a condition limiting external lighting for the avoidance of doubt.
- 5.28 Mindful of the considerations above, it is not considered that the proposal would give raise to a situation so detrimental to the ecology of the immediate area to warrant refusal on the grounds raised. The application is therefore considered to accord with Policy EN1 of the DM DPD.

Flood Risk

- 5.29 The application site is in an area at risk of flooding, being next to the river. However, the proposal is a water compatible operation and the canoes are secured so in the event of a flood would likely remain on the site, but by their very nature would not suffer damage. In like with standing advice, it is recommended that the applicant creates a flood plan and subscribe to the Environment Agency flood risk alerts so that risk to people on site is minimised in the event of a flood.

- 5.30 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 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).
- 5.31 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 outlined above are of greater importance.
- 5.32 This application is not liable for Community Infrastructure Levy (CIL) – there is no new floorspace proposed.
- 5.33 This application is not liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS) as no additional dwellings are created as part of the proposal.
- 5.34 This proposal is not required to demonstrate Biodiversity Net Gain as it was submitted before the 2 April 2024.

Conclusion

- 5.35 It is appreciated that the application is unusual in its consideration given the limited scope of the proposal and lack of need for any construction and that this is exacerbated by a large number of local factors highlighted during the consultation period that are outside of the scope of this application and assessment. However, given the principle of rural business activities is set out in the NPPF (including outside of development limits) and the considerations within the assessment, it is concluded that the impacts of the proposal are limits enough to meet the overarching policy requirements in this case.
- 5.36 In practical terms this is because there will be no significant adverse impacts on the character and appearance of the area, heritage, residential amenity and highway safety. Overall, I therefore consider that the proposal accords with policy GC2 (along with relevant policies of the GNLPP) in relation to the principle of the use with acceptable impacts in relation to Policy GC4 (design and amenity), policy TS3 (Highway Safety), TS4 (Parking) and EN1 (ecology/trees). The proposal is therefore recommended for approval with the conditions listed below.

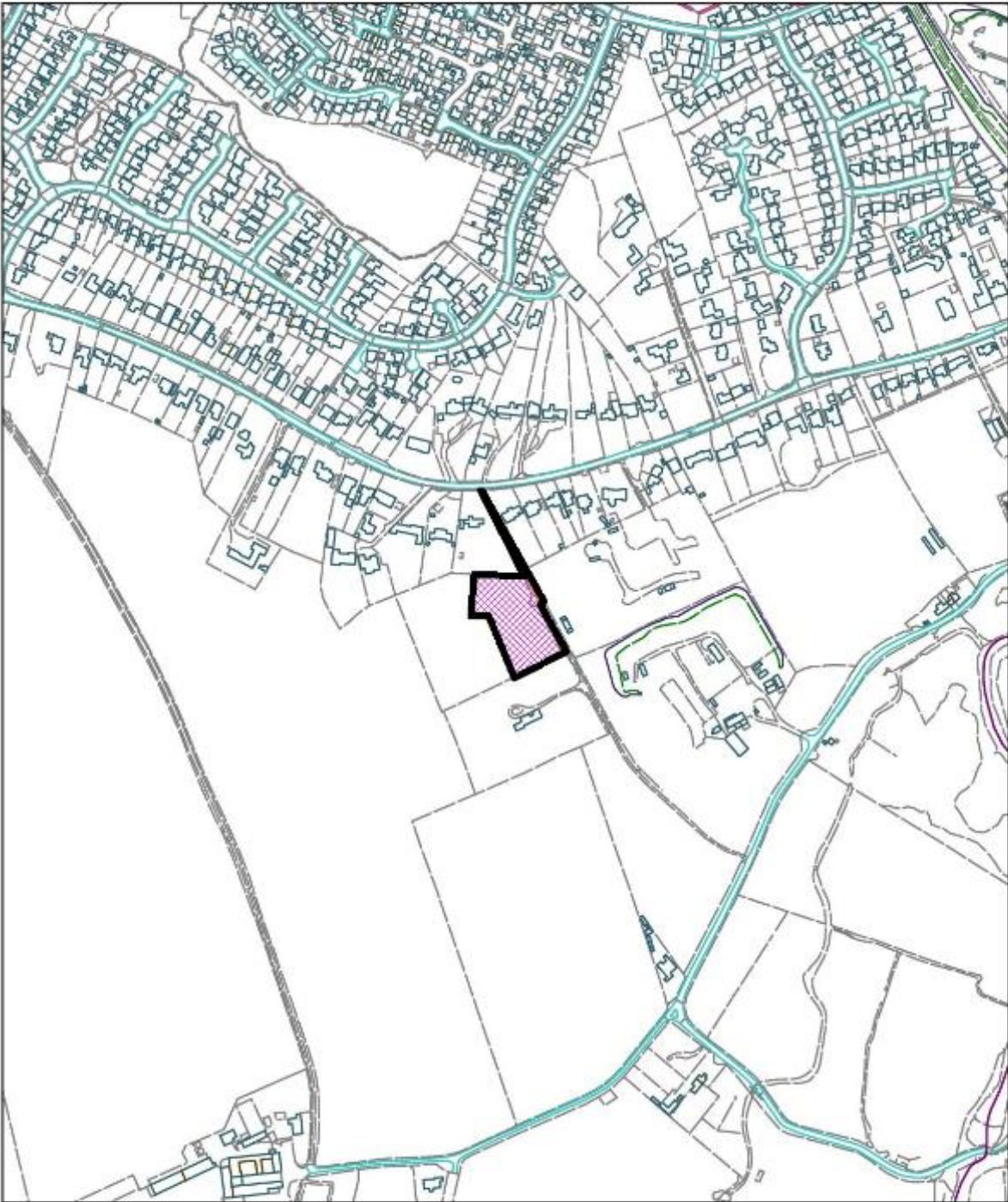
Recommendation: Approval with Conditions


- 1 Time Limit - Full Permission
- 2 In accordance with submitted drawings
- 3 Specific Use
- 4 Maximum Number of Canoes
- 5 Retention of Trees

Contact Officer Peter Kerrison
Telephone Number 01508 533793
E-mail peter.kerrison@southnorfolkandbroadland.gov.uk


20230148

1:5000



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District Council
Community at heart

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Broadland District Council, The Horizon Centre, Broadland Business Park, NR7 0WF Tel (01603) 431133

3. Application No : 20230148/F
Parish : TAVERHAM

Applicant's Name: Mrs L Minkler and Mr R Singh
 Site Address Land Between 73 - 91 Taverham Road Taverham NR8 6SF
 Proposal One self build eco-friendly dwelling, with garaging, landscaping and associated works.

Reason for reporting to committee

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

Recommendation summary:

Delegate authority to the Assistant Director of Planning to approve subject to conditions and a signed S106 for self-build and GIRAMS and no objection being received from Natural England or a result on the article 13 ownership notice.

1 Proposal and site context

- 1.1 The site relates to part of an agricultural field located between 91 Taverham Road to the North and 73 Taverham Road to the South. The Loke, which is a bridleway, runs to the east of the site and there is a woodland to the east of the public right of way. There is open farmland to the west of the site. The land rises from east to west whilst slightly sloping to the south. Taverham Road is characterised by large dwellings in spacious plots. The site is adjacent to, but outside the defined settlement limit.
- 1.2 It is proposed to build a contemporary self-build dwelling which is built into the ground and includes a green roof. There will be three levels of accommodation, one which is within the ground and associated garaging and swimming pool. The site has been reduced in size, which has resulted in a small amendment to the design to keep the works within the smaller site area.
- 1.3 A planning in principle application for one dwelling on the site (application number 20210116) was refused in 2021 because it was outside the settlement limit and resulted in harm to the character and appearance of the area.

2. Relevant planning history

2.1	20210116	Development of a self-build home, garage and garden and associated works	Refused
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3 Planning Policies

3.1 National Planning Policy Framework (NPPF)

- NPPF 02 : Achieving sustainable development
- NPPF 04 : Decision-making
- NPPF 05 : Delivering a sufficient supply of homes
- NPPF 09: Promoting sustainable transport
- NPPF 11 : Making effective use of land

NPPF 12 : Achieving well-designed and beautiful places

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

NPPF 15 : Conserving and enhancing the natural environment

3.2 Greater Norwich Local Plan

Policy 1 : The Growth Strategy

Policy 2 : Sustainable Communities

Policy 3 : Environmental Protection and Enhancement

Policy 5 : Homes

Policy 7.5 : Self Build and Customer Build Windfall Housing Development Outside Defined Settlement Boundaries

3.3 Broadland Local Plan Development Management Policies

GC1 : Presumption in favour of sustainable development

GC2 : Location of new development

GC4 : Design

EN1 : Biodiversity and Habitats

EN2 : Landscape

TS3 : Highway Safety

TS4 : Parking guidelines

CSU5 : Surface water drainage

3.4 Taverham Neighbourhood Plan

TAV1 : Location of new development

TAV2 : Housing mix

TAV3 : Well designed new development

TAV7: Parking

TAV8 : River Wensum Green Corridor

TAV10 : Protection of important public local views

3.5 **Supplementary Planning Documents (SPD)**

Broadland Landscape Character Assessment

4. Consultations

4.1 Parish Council

Original Proposal

No objection

- Agent spoke at the meeting
- There was some opposition to the application, with concerns regarding access on the bridleway and impact on local wildlife.
- The Council was advised that as this was a sustainable and innovative development and this should be considered positively even though this development was outside of the development boundary.
- Councillors were reminded that the highways department had not objected to the previous planning in principle and had not objected to this current

application.

- The applicant's agent advised that a construction management plan could be drawn up as a condition of permission.

Amended proposal

Object

- Cllr Clancy addressed the meeting, he felt that no planning policy would be in support of a development in this location and that this proposal would set a precedent for back land developments.
- Cllr Clancy said he had called in this application.
- A nearby resident had submitted an objection and addressed the meeting. He stated that the revised proposal had removed the private treatment plant for foul water and he was concerned how the foul drainage would now be achieved in view of the difference in vertical height from the main drain in Taverham Road.
- Resolved to object due to the proposal being outside the permitted development boundary.

4.2 District Councillor

Cllr S M Clancy

Object to be determined by committee if recommended for approval

- No objection to the new build properties in garden plots and refurbishments along Taverham Road,
- The development proposal is located on green field agricultural land, which the principal of development is not supported with the Taverham Parish Plan, nor the existing BDC Plan or emerging planning policy.
- Proposal is outside the existing or proposed development boundary of Taverham and is effectively backland development within a countryside location.
- The proposed highway access/egress is not a roadway and is a single carriage in nature and would not be suitable for HGV or construction traffic as there is a significant gradient on the main Taverham Road.
- Whilst I cannot comment on the specifics of nitrate neutrality guidance in relation to this particular development proposal, I would suggest its location would potentially not be a suitable location for any form of residential or commercial development.
- The Wensum Valley in this location has historically been (and continues to do so) be afforded planning policy protection from development, therefore the approval of any form of residential development in this location would potentially set an unacceptable precedent for further development in this location.

Cllr S K Kelly

To be reported if appropriate

4.3 Anglian Water Services Ltd

Original proposal

- No comment, as no connection to the Anglian water sewer.

Amended proposal

- No longer a major development and therefore not a statutory consultee.

4.4 NCC Highways

No objection

- Reiterate comments on 20210116.
- The site was part of a larger piece of land which had access via different point that now proposed.
- The intended access point is a narrow unsurfaced track designated a Public Bridleway (Taverham BR1) which links between Costessey Lane (C162) to the south and Taverham Road (C172) to the north.
- From site inspection evidence that the track is a well used route by pedestrians lawfully using the bridleway.
- The track is unsurfaced and of some 3m only in width (single track vehicular use), at the intended junction access with Taverham Road the track is poorly aligned falling back steeply away from the carriageway of the County road.
- There appears to be no intention or means to access the development site from Costessey Lane as the indications are that the track is even narrower and overgrown at this point.
- The track appears to serve one existing dwelling 73 Taverham Road the existence of this dwelling clearly being of historical origins in highway safety terms the additional traffic use of the track represents concern in regard to the shortcomings of its junction with Taverham Road and the narrowness of the track which means that a vehicle wishing to enter the track would either have to wait in the highway carriageway whilst pedestrians or horses/cyclists clear the track or cause conflict to these vulnerable users in the confines of the Bridleway.
- The extent of land under the applicant's control (blue) extends much further than the proposal site red line.
- On balance the Highway Authority do not consider the additional traffic generated by one dwelling to constitute grounds for objection to the proposal.
- Suggest consult Public Rights of Way Officer.

4.5 Public Rights of Ways

Object

- The access to the site will be via the Public Right of Way known as Taverham bridleway 1.
- This does not offer any means of public vehicular access and it is not maintainable at the public expense to a vehicular standard.
- An increase in vehicular use of this unmade track will result in a loss of amenity value for the Public Right of Way users, as well as causing additional

conflict between these users and vehicles resulting in an increase in danger and inconvenience to all highway users.

- The full legal extent of this bridleway must remain open and accessible for the duration of the development and subsequent occupation.

4.6 Countryside Protection Rural England CPRE

Object

- Outside settlement limit contrary to policy 17 in the JCS and GC2 of the DM DPD as not meet any exemptions
- Would encroach into the countryside gap between Taverham and Costessey
- Would harm nocturnal character through light pollution and green space which define the character of the area.
- Contrary to policy EN2 in the DM DPD
- Precedent for further development
- TNP seeks to divert development away from protected wildlife habitats

4.7 Environmental Quality (Protection)

Support with conditions

- relating to unknown contamination

Amended scheme

- Condition details of air source heat pumps

4.8 Housing Enabling & Strategy Manager

Original proposal

- As this site exceeds 0.5 Ha it would trigger an affordable housing requirement.

4.9 Senior Heritage & Design Officer

- The site lies to the south of Taverham on the edge of the settlement with the Wensum Valley floodplain to the south and west.
- Of note is that there is an existing property, 73 Taverham Road, directly to the south and a well tree'd area to the east, as well as the settlement development along Taverham Road to the north.
- Therefore, although there is a Bridleway to the east of the site and views through the field and it is outside the current settlement boundary,
- In urban design terms the development site does not 'break out' as such from the settlement form as it is already bounded on three sides by existing landscaping and development. It therefore has more the character of an infill plot.
- The existing settlement character of the area around the site is one of larger houses in quite large curtilages with quite varied form and materials, so a bespoke designed property of some size within a large curtilage would not look incongruous.

- The building design also incorporates sustainable design features in its construction.
- The Landscape Impact Assessment recognises the sensitivity of the location on the edge of the river valley.
- The building has been designed in a way that reduces its landscape impact with a broken form and massing and a partially sunken form with landscaping to soften impact and hedgerow to the west.
- The field will be left open but some parkland style tree planting may be considered beneficial being a rural edge development.
- The design measures will lessen the impact on existing properties to the north as well as the wider landscape.
- However, it does remain that views west from the Bridleway toward a more open area of open countryside associated with the river valley will be substantially changed due to development and domestication of agricultural land and this will result in a level of harm to be weighed into the planning balance.

4 Other Representations

Original proposal

Approximately 33 letters of objection raising the following concerns:

- In the countryside, outside the settlement limit, contrary to GNLP.
 - No change from 2021 application.
 - Incursion into Wensum Valley SSSI area.
 - Loss of enjoyment of bridleway and access to Wensum valley.
 - Loss of tranquillity.
 - Out of character, design is not sympathetic.
 - It is not infill development.
 - It is not 'truly outstanding and innovative' as required in the NPPF.
 - No need for a swimming pool, wastes water.
 - States it is an eco-dwelling, no details to show this.
 - Impact on the river valley.
 - Loss of agricultural land.
 - Impact on wildlife including bats and deer.
 - Unnecessary given land already earmarked for development.
 - No assessment on impact on trees, particularly the large oak at the entrance to the loke.
 - Impact on road safety and pedestrians.
 - Junction of Loke with Taverham Road is poor.
 - Vehicular conflict with users of the footpath.
 - The Loke is very narrow track not a road.
 - Precedent for further development.
 - Countryside around Taverham is being eroded.
 - It is not comparable to other approvals cited.
 - Has not demonstrated nutrient neutrality.
 - No archaeological investigations done.
-
- No bin collection point at the highway.
 - Pressure on local services.
 - Construction disturbance.

- Loss of view.
- Obstruction to track whilst laying services.
- No evidence of eco credentials of the dwelling.
- Not demonstrated nutrient neutrality.
- Council has five year land supply.
- Paragraph 79 would not apply as it is not isolated.
- Emergency service access would be restricted.
- The Loke is not suitable for construction traffic.
- Who will maintain the track?
- Important view from public right of way and should be protected.
- Hedge planting is contrary to the view policies in neighbourhood plan.
- Question the ownership of the Loke.

4 letters in support for the following reasons:

- Will be better construction than mainstream alternatives.
- Support Self build dwellings.
- New houses are desperately needed.
- The applicant is an essential worker and a local person, born and brought up in Norwich without the approval she may move and leave a vacancy at the dental practice.
- It is an infill plot.

Amended proposal

8 letters of objection:

- Re-affirming previous concerns.
- Changes make no different to previous comments.
- Question how access to the sewer will be achieved.
- Reducing the size of the site does not mitigate the harm.

5 Assessment

Key considerations

- Connectivity
- Design
- Highway safety/ Public Rights of Way
- Residential amenity
- Self-build
- Landscape impact
- Trees
- Drainage and flooding
- Ecology
- Impact on protected sites

Principle of the Development

- 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 applications.

5.2 The site is located outside of any settlement limit. Policy GC2 of the DM DPD 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 Policy 7.5 in the GNLP permits:

Small-scale residential development of up to 3 dwellings for self-build and custom build homes for people who meet the eligibility criteria for Part 1 of the relevant district's self-build register will be permitted:

1. *On sites that are within or adjacent to settlements with a defined settlement boundary; and*
2. *On sites within or adjacent to other settlements without a defined settlement boundary.*

To prevent incremental sprawl, for the operation of this policy such development will not be considered to have extended the defined settlement boundary, or where there is no boundary, the built form of the settlement.

For all development covered by this policy the scheme will need to respect the form and character of the settlement including:

- *Housing density is reflective of the density in the settlement and surrounding built-up area; and*
- The ratio of the building footprint to the plot area is consistent with existing properties nearby which characterise the settlement; and*
- *The proposal would result in no significant adverse impact on the landscape and natural environment; and*
- *The proposal accords with other relevant local plan policies.*

When considered cumulatively with other development, the scheme should not result in a level of development in any settlement that would be contrary to the Sustainable Growth Strategy outlined in policy 1.

5.4 Policy TAV1 in the Taverham Neighbourhood Plan (TNP) states “*Proposals for new residential development in the Plan area will be considered in the context of all relevant policies in this Plan, and how they contribute to the achievement of sustainable development*”.

5.5 In addition, in respect of the whether the Council can demonstrate 5 years of deliverable sites (a land supply), the GNLP has now been adopted by all GNLP authorities. The Inspectors' Report for the GNLP confirms a 5.77 YHLS. On this basis, for a period of 5 years from the date of adoption, the LPAs would not need to demonstrate a 5YHLS for planning applications received on or after 20 December 2023 (NPPF, Dec 2023, paragraph 76 and footnotes 40 and 79).

5.6 For planning applications received before 20th of December 2023 the LPAs will need to demonstrate a minimum of five years' housing land supply, or a minimum of four years' worth of housing if the provisions in paragraph 226 of the NPPF apply. Officers are

reviewing these provisions and are in the process of gathering the necessary information on sites to enable a land supply to be calculated.

5.7 Owing to the relatively temporary nature of Nutrient Neutrality the Council had been unable to demonstrate a 5 year supply. Notwithstanding the significant work that is going on; the government’s commitment to find a solution; and the strong likelihood of a mitigation solution being imminently installed, at the time of writing the Council recognises that there remains a degree of uncertainty about the progress of a number of permitted and allocated development sites. Therefore, taking a precautionary approach, the Council will determine this application on the basis that there is not a demonstrable five-year supply of deliverable housing sites.

5.8 As a result the tilted balance in paragraph 11(d) in the NPPF is engaged.

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 proposed⁷; 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.*

5.9 The assessment below sets out all the material planning considerations required to conclude on the principle.

Economic role

5.10 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.”

5.11 The development will provide a small economic benefit in terms of construction employment and spending on local services.

Social Role

5.12 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.”

Connectivity

- 5.13 Policy 2 in the GNLP and policy GC4 in the DM DPD promote development in sustainable locations where future occupiers can access services and facilities by foot, cycle and by public transport. The site is adjacent to the settlement limit and has good access to services and facilities via foot or by cycle. The site is also close to a bus route with the nearest stop being on Sylvan Road. As a result, it is considered the development has good connectivity to services and facilities and complies with policy 2 in the GNLP and policy GC4 of the DM DPD, which is a social benefit in the planning balance.

Design

- 5.14 Policy 2 in the GNLP, policy GC4 in the DM DPD require new development to achieve a good standard of design and respect the local distinctiveness of the area. Policy TAV3 in the TNP requires all new development to reflect Taverham's local distinctiveness and character, and seek to enhance its quality. All proposals for new development should respect the scale, materials and character of the existing and surrounding buildings of the relevant Character Area (as highlighted in the Character Appraisal), reinforcing local development patterns, the form, scale, massing and character of adjacent properties where this provides a positive contribution. The site is just outside the Taverham Road character area.
- 5.15 The proposed dwelling is a contemporary design, which will be built into the ground. The site lies to the south of Taverham on the edge of the settlement with the Wensum Valley floodplain to the south and west. There is an existing property, 73 Taverham Road, directly to the south and a wooded area to the east, as well as the settlement development along Taverham Road to the north. In urban design terms the development site does not 'break out' as such from the settlement form as it is already bounded on three sides by existing landscaping and development. It therefore has the character of an infill plot.
- 5.16 The existing settlement character of the area around the site is one of larger houses in quite big curtilages with varied form and materials, so the bespoke designed property within a large curtilage would not be considered incongruous. The building has been designed in a way that reduces its landscape impact with a broken form and massing and a partially sunken form with landscaping. The design measures will lessen the impact on existing properties to the north as well as the wider landscape.
- 5.17 The dwelling has been designed to respect the local landscape in a sensitive location as a result permitted development rights are proposed to be removed for extension, outbuilding, microgeneration equipment and walls and fences to ensure control is retained over future changes to the site.
- 5.18 The design of the dwelling is considered acceptable and would not adversely affect the character and appearance of the area. On this basis the proposal complies with policy 2 of the GNLP, the design elements of policy GC4 of the DM DPD and TAV3 of the TNP and would result in a neutral in the planning balance.

Highway safety

- 5.19 Policy TS3 of the DM DPD permits development which would not result in a significant adverse impact on highway safety.
- 5.20 The site is accessed off a narrow Loke which is located off Taverham Road. The Loke is a Public Right of Way Bridleway (Taverham BR1) which provides a link between

Taverham Road and Costessey Lane. There is no public right of way for vehicular traffic along it. However, the applicant has a right of access for vehicles along the track as does number 73. The track is narrow and becomes narrower past 73 where the path is not wider enough for vehicles. Local residents, the Highway Officer and Public Rights of Way Officer have all expressed concern about conflict between pedestrian/ horses and additional traffic generated by the new dwelling and how this would reduce the enjoyment of the Public Right of Way. The Public Right of Way Officer has objected to the application on this basis however the Highway Officer although raising concerns considers on balance that one dwelling would not result in a level of harm which he could object to.

- 5.21 The Highway Officer has also raised concern about the junction with Taverham Road but again due to the application only being for one dwelling and the limited amount of traffic generated, he could not substantiate an objection.
- 5.22 Concern has been raised regarding the suitability of the track for construction traffic, given the narrowness of the track and unmade surface. However, it is considered that it is not possible to substantiate a reason for refusal based on construction traffic for a temporary period. The track is not adopted so it will be the responsibility of the owner/ developer to make any repairs should this be necessary.
- 5.23 It is acknowledged that The Loke is narrow and there is some potential for conflict between vehicles and pedestrian/ horses however, as discussed above that harm would be limited due to the small number of additional vehicles and as a result it is considered that a reason for refusal could be substantiated on highway safety grounds or reduced enjoyment of the public right of way and as result the proposed development is considered to comply with policy TS3 of the DM DPD. Although it is acknowledged that it would result in a small element of harm in the planning balance.
- 5.24 The developer will have an obligation to keep the public right of way open for the duration of the construction period.
- 5.25 Sufficient parking and garaging is proposed on the site and as result it is considered that the proposal complies with policy TS4 of the DM DPD and TAV7 of the TNP.

Residential amenity

- 5.26 Policy GC4 of the DM DPD seeks to ensure that new dwellings achieve a good level of amenity as well as ensuring that they would not adversely affect the amenity of others. Due to its position sucken within the site and distances to boundaries, the development would not significantly adversely affect the amenity of surrounding properties in terms of dominance, loss of light, over shadowing and overlooking. The Environmental Quality Officer has requested details of any air source heat pumps. Any construction noise would be temporary in nature and a refusal could not be substantiated on that basis. As a result, it is considered that the proposed development accords with the amenity elements of policy GC4 of the DM DPD and would be neutral in the planning balance.

Self-build

- 5.27 Paragraph 63 of the NPPF requires Councils to plan for people wishing to build their own homes and the GNLP policy 7.5 specifically permits self-build dwellings. Policy TAV2 in the TNP supports self-build dwellings. The fact that this dwelling is proposed to be secured as self-build is a benefit which weighs in favour of the scheme. On a separate

note, the Council is currently meeting their delivery requirements in terms of the self-build regulations.

Environmental Role

5.28 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.”

Landscape impact

5.29 Policy 3 in the GNLP and policy EN2 in the DM DPD seek to conserve and enhance the local landscape having regard to the Landscape Character Assessment. Policy TAV8 and TAV10 in the TNP identifies River Wensum green corridor and important viewpoints. The site does not form part of either of these areas.

5.30 The site is accessed via The Loke which joins Taverham Road with Costessey Lane. The character of dwellings on Taverham Road is generally reasonably large dwellings in spacious plots. The application site is located in the eastern part of an agricultural field located between two residential properties 73 and 91 Taverham Road. The land rises from east to west, whilst slightly sloping to the south. The site is visually well contained with a row of mature tall conifer trees on its southern boundary, with a residential property to the south, residential development and gardens on its northern boundary and a small woodland area to the east. Hedging has been recently planted along the eastern boundary which bounds the public right of way and along the western boundary of the applicant's ownership. Beyond the application site's western boundary, the land continues to rise to a crest which is delineated by a post and rail fence. Beyond the fence line, the land levels out before dropping back down-south westwards towards the river valley.

5.31 The site is within the A1; Wensum River valley character area in the Broadland Landscape Character Appraisal. *“In this character area the Wensum meanders through a confined valley floodplain. It is enclosed to the south by wooded rolling slopes, and to the north by less dramatic, gentler arable slopes”*. A Visual Impact Appraisal has been submitted with the application which assesses the impact on the landscape. It concludes that the site is within the area identified as the Wensum River Valley Character Area, but it is distinctly separate from it and more in character with the developed and well-wooded suburban character of Taverham village.

5.32 The site is not visible from the River Valley, being obscured by topography, vegetation and existing residential development, neither is the valley visible from the public right of way adjacent to the site.

5.33 Mack's Lane to the West is bounded by mature hedging which restricts views across to the site. The limited views of the site through gateways can be mitigated by hedgerow planting which has already been planted.

5.34 The development will be visible to users of The Loke where it passes the site for a limited period and the built form will result in a significant change, hedging has already been

planted along the frontage with The Loke, which overtime will reduce the impact. The main dwelling is set back from The Loke and into the ground which reduces its impact. Given its context located between two existing dwellings, the impact on the character and appearance of The Loke is considered to be acceptable. Concern has been raised about loss of views of the river valley, but the topography of the site means that wider views of the river valley are not seen from that part of the bridleway, with views being restricted to the agricultural field.

- 5.35 There will be some disruption in the tranquillity of the public right of way in the short term during the construction period but in the long term, tranquillity of the route will not be significantly disturbed.
- 5.36 The site will encroach into an undeveloped field but it will infill an area between two existing dwellings, its impact will be relatively contained and will not adversely affect the wider river valley landscape or views of it and as a result is considered that the proposed development does not result in significant landscape harm so does not conflict with policy 3 of the GNLP and policy EN2 of the DM DPD. But would be the development of a greenfield sites so would result in a small element of environmental harm in the planning balance.
- 5.37 The previous application was refused on the encroachment into the countryside and adverse impact on the character and appearance of the area. However, the previous application provided no details of the proposed dwelling and submitted landscape visual Impact appraisal has provided a greater understanding of the landscape impact.

Trees

- 5.38 There are a line of tall conifer trees on the southern boundary of the site. There are two mature oak trees close to the junction between the Loke and Taverham Road. There are also trees on the southern boundaries of Taverham road, which are no longer in the site. The Loke is already in use and it is not proposed to change the surface, as a result there is no need for any specific mitigation. A mature tree has been recently removed. This was not as result of the development.
- 5.39 The proposed built form is of a sufficient distance from any trees for them not to be damaged. However, a tree protection condition has been included to ensure that the trees and are not damaged during the construction process. As a result, this would have a neutral impact on the planning balance.

Heritage

- 5.40 The development will not adversely affect any designated heritage assets and therefore accords with policy 3 of the GNLP.

Flooding and drainage

- 5.41 The site is within fluvial flood zone 1 (low risk) and is not at risk of surface water flooding.
- 5.42 In term of surface water drainage, it is proposed to be dealt with by using an infiltration pond. This is in line with the surface water drainage hierarchy. Detailed designs of this have been conditioned and as a result the proposal complies with policy CSU5 of the DM

DPD which seeks to ensure adequate drainage is provided. This would be neutral in planning balance.

Ecology

- 5.43 A Preliminary Ecological Assessment has been submitted with the application, the main ecological value coming from boundary treatments and proximity to the woodland. The report proposes some ecological mitigation and enhancements which can be conditioned. Two trees have been identified as having bat potential which are in close proximity of the site, but these along with any other trees in the immediate area are not proposed to be removed. There are no badger setts on the site when the survey was carried out, but there is suitable habitat within the site and the nomadic nature of badgers means that they can move onto a site. As a result, a pre-development badger survey has been conditioned along with other mitigation and enhancement measures in accordance with policy 3 of GNLP and policy EN1 of the DM DPD which seeks to mitigate and enhance biodiversity of a site. This is considered to have a neutral impact in the planning balance.

Nutrient Neutrality

- 5.44 The foul drainage discharge point for this site is located within the catchment of Broads SAC/ Broadland SPA and Ramsar sites. These Protected sites are currently in an unfavourable condition in relation to nitrate and phosphate pollution.
- 5.45 This application includes overnight accommodation which results in water quality effects which have a significant adverse effect on the integrity of the site either alone or in combination.
- 5.46 Developments that contribute water quality effects at habitats sites may not meet the no adverse effect on the site integrity test without mitigation. Mitigation through Nutrient Neutrality offers a potential solution. Where properly applied, Natural England considers that Nutrient Neutrality is an acceptable means of counterbalancing nutrient impacts from development to demonstrate no adverse effect on the integrity of habitats sites.
- 5.47 The applicant has secured mitigation through the purchase of credits from Norfolk Environmental Credits (NEC) which is a viable mitigation proposal made up of a portfolio of mitigation schemes. The mitigation is supported by a Shadow Strategic Appropriate Assessment and Technical report which accord with Natural England Principles.
- 5.48 The credits purchased sufficiently mitigate the nutrients generated by the development and accordingly the Council as competent authority can satisfactorily conclude that the proposed development will have no adverse effect on the integrity of the Protected sites acting alone or in combination with other development. This view has been reached by an objective scientific assessment of the implications of the project, consideration of the mitigation, adopting the Shadow Strategic Appropriate Assessment and the carrying out of a site-specific Habitats Regulations Appropriate Assessment in light of the assessment requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 5.49 The development can therefore proceed subject to the imposition of conditions/obligations to secure the mitigation and Natural England not raising an objection to their current consultation. This would result in a neutral impact in the planning balance.

Recreational impacts

5.50 The site is within the Broads, The Wash Valley Fens, East Coast and North Coast zones of interest and as a result the development is required to mitigate the potential for recreational activities to disrupt the protection objectives of Habitats Sites in and around Norfolk to demonstrate compliance with the Habitats Regulations and policy 3 in the GNLP. This mitigation is secured via a Green Infrastructure Recreation Avoidance Mitigation Strategy (GIRAMS) contribution which will be secured via a S106 agreement. Subject to signing the legal development will comply with the Habitats Regulations. This would result in a neutral impact in the planning balance.

Eco-credentials

5.51 It is intended that the proposed dwelling will have a number of eco-credentials, but these cannot be secured through the planning process and therefore neutral in the planning balance.

Contaminated land

5.52 As an agricultural field the site is not at any specific risk of contamination but a contamination during construction condition has imposed in the event of any being found. The development therefore complies with policy EN4 of the DM DPD. This impact would be neutral in the planning balance.

Bin collection

5.53 The refuse vehicles will not access the bridleway as a result, wheelie bins will need to be taken to Taverham Road for collection given that the development is only for one dwelling this considered acceptable.

Compliance with GNLP policy 7.5

5.54 In order to be permitted under policy 7.5 of the GNLP the proposed development has to meet a number of criteria.

5.55 The site is for less than 3 dwellings and the applicant is currently on Part 1 of the Council's self-build register and as a result meets that requirement, compliance with these criteria will be secured via a legal agreement.

5.56 The site is adjacent to the development boundary for Taverham and as discussed above respects the form and character of the settlement and reflect the density of the local area of large dwellings in big plots and the build footprint ratio is similar to others nearby. The proposal does not cause any significant impact on the landscape and natural environment as outlined above or result in any significant conflict with local plan policies and as result complies with policy DM7.5 of the GNLP.

Other matters

5.57 Paragraph 70 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 70 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.

- 5.58 Concern has been raised over the ownership of the Loke which forms part of the application site. Certificate B has now completed and noticed under article 13 has been served on the owners of The Loke they have 26th April to respond. The recommendation is subject to no material comments arising from the notice.
- 5.59 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 outlined above are of greater importance.
- 5.60 This application is liable for Community Infrastructure Levy (CIL) as it is a new dwelling.

Conclusion

- 5.61 As set out above the proposed development complies with policy 7.5 of the GNLP and as a result GC2 of the DM DPD. In addition, the tilted balance in paragraph 11 of the NPPF is engaged so consideration needs to be given as to whether any adverse impacts would significantly and demonstrably outweigh the benefits the proposed development.
- 5.62 In terms of the harm there is a small amount of social harm as result of the conflict between pedestrians /horses and vehicles on the public right of way, however given the small number of additional vehicles this harm is considered minimal. There is also a small amount of environmental harm as a result of the developing a green field site, but given the site is located between two dwellings and would not harm the wider river valley landscape, these harms are not considered to significantly and demonstrably outweigh the small economic benefits from construction jobs and spending on local services and the social benefit of the provision of a self-build dwelling in sustainable location.
- 5.63 The material planning considerations have substantially changed since the refusal of the previous application 2021. The GNLP has been adopted which has provision for self-build dwellings outside of settlement limits and the Council is no longer able to demonstrate a five year housing land supply which is required for applications submitted before 20th December 2023 and therefore the tilted balance has been engaged. This application is also for a specific design rather than the principle of a dwelling and a Landscape Visual Impact Appraisal has also been submitted to provide evidence of the visual and landscape impact. On this basis the proposals are recommended for approval.

Recommendation Delegate authority to the Assistant Director of Planning to approve subject to conditions and a signed legal for self-build and GIRAMS and no objection being received from Natural England or a result on the article 13 ownership notice.

- 1 Time Limit - Full Permission
- 2 In accordance with submitted drawings
- 3 Finish floor level to be agreed
- 4 External materials to be agreed
- 5 SHC21 Provision of parking, service
- 6 Tree protection
- 7 Landscaping scheme - minor applications
- 8 Boundary treatment to be agreed
- 9 Badger survey
- 10 Ecology Mitigation and enhancements
- 11 No PD for Classes ABCD&E
- 12 Domestic Microgeneration Equipment
- 13 No PD for fences, walls etc
- 14 Details of air source heat pumps
- 15 Contaminated land during construction
- 16 Foul drainage to main sewer
- 17 New Water efficiency
- 18 No occupation until nutrient mitigation is implemented

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2023/1758



**4. Application No : 2023/1758/F
Parish : ACLE**

Applicant's Name: Craig Nickerson-white
 Site Address Acle Academy South Walsham Road Acle Norfolk NR13 3ER
 Proposal Erection of new multi use sports court with fencing

Reason for reporting to committee

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

Recommendation summary:

Approval with Conditions

1 Proposal and site context

- 1.1 The application site is located within the grounds of Acle Academy and within the development boundary of Acle. The existing area of land, forms part of the playing fields for the school albeit set off to the side of the main sports pitches and separated by a footpath. There are residential properties to the east and south. The application site area is bounded by mature trees to the east and fencing to the south, with the north and west boundaries within the school site.
- 1.2 The proposal has been amended during the course of the application to move it further away from residential boundaries.
- 1.3 It is noted that the proposal is part of a long-term plan or development at the school which includes new facilities in the location of the existing tennis courts, however it is only the replacement courts submitted in this application and as such they have been considered on their own merits in the assessment.

2. Relevant planning history

None Relevant

3 Planning Policies

3.1 National Planning Policy Framework (NPPF)

- NPPF 02: Achieving sustainable development
- NPPF 04: Decision-making
- NPPF 08: Promoting healthy and safe communities
- NPPF 11: Making effective use of land
- NPPF 12: Achieving well-designed and beautiful places
- NPPF 14: Meeting the challenge of climate change, flooding and coastal change
- NPPF 15: Conserving and enhancing the natural environment

3.2 Greater Norwich Local Plan

Policy 2: Sustainable Communities

Policy 3: Environmental Protection and Enhancement

Policy 4: Strategic Infrastructure

3.3 Broadland Local Plan Development Management Policies

GC1: Presumption in favour of sustainable development

GC2: Location of new development

GC4: Design

TS3: Highway Safety

TS4: Parking guidelines

CSU1: Additional community facilities

CSU5: Surface water drainage

EN1: Biodiversity and Habitats

EN2: Landscape

3.4 Acle Neighbourhood Plan

Policy 3: Acle Academy

4. Consultations

4.1 Parish Council

Consultation 1

Acle Parish Council objects:

- The councillors fully support good sports provision for the young people but believe that the site is unsuitable.
- The site is very close to several neighbouring dwellings, especially those in Aldis Road.
- There are no details in the application about the operating times for the sports facilities, nor about any lighting, but even so, the noise from the facilities would be very disturbing for the neighbours, including the very likely event of balls going over the fence into neighbouring gardens.

Consultation 2

- Acle Parish Council had no objections to the plans now that the details of the higher fencing and netting have been included and agreed with the officer's recommendations that the hours of use be limited to school hours, and that there be no lighting for the courts, in order to reduce the impact on the neighbouring properties.

4.2 District Councillor

Cllr. Fran Wymark (standing in for Cllr. Lana Hempsall)

Consultation 1

If you are minded to approve this application I would ask that it is called in to committee.

- I know this site well and the location of the multi-use sports area will impact upon the amenity of local residents, particularly if there

are plans for use after school and into the evening.

- Additionally, I understand that there is a home for adults with sever learning difficulties who would be impacted.
- The site is very large and there are many other locations within the curtilage of the site which would have far less impact upon local residents and still provide the required facility for the school and local people.

Consultation 2

No comments received

4.3 Sport England

Consultation 1:

- No Objection

Consultation 2:

- No Objection

4.4 NCC Highways

Consultation 1

- No Objection

Consultation 2

- No Objection

4.5 Environmental Quality (Protection)

Consultation 1:

- Having reviewed the application documentation, we note that no information relating to the hours of use or whether the site will be illuminated has been provided. Therefore, we request that the above information is provided and until it is and has been reviewed, we object to the application.

Consultation 2:

- No Objection subject to conditions

4.6 NCC Education Department

No comments received

4.7 NCC - Children's Services

No comments received

4.8 Water Management Officer

No comments received

4.9 Tree Officer

Consultation 1:

- Verbal communication and concern regarding tree impacts

Consultation 2:

- Verbal confirmation that amended information is acceptable.

4.10 Other Representations

Consultation 1 – 1 objection

- The application says 'multi-use sports court' and mentions tennis and basketball - will the court also be used for other sports ie 5-a-side football? As a village, Acle has a very active tennis club based at the Recreation Centre (5 full-size courts), and I believe the High School still has 4 courts on the northwest side of the site.
- when will the court be used? Is it restricted to school hours in term time?
- will the site be floodlit?
- Concerns regarding visual appearance of the fencing and netting
- Concerns regarding noise impact (more acute if used outside of school times)
- Question whether further tennis courts are necessary.
- a better option would be a full-size all-weather football pitch (suitable for other sports too) on the west side of the site - where the old hockey pitch used to be, and alongside agricultural land.

Consultation 2 – 2 objections:

- Not all previous objection comments addressed.
- Concern remains regarding hours of use and whether it will just be weekdays or will include weekends.
- Concerns regarding the security of the site.
- The proposal is much too close to the boundary fence with my property [to the west of the site] and will adversely affect enjoyment of the house and garden.
- Acle Academy allow their playing fields to be used by external organisations as well as their own children and this already includes a regular cadet practice late on Wednesday evenings and other sports activities on Sunday mornings. Adding this level of disturbance on a regular basis so close to my property is unreasonable.
- there is insufficient screening for both noise and visual impact from the proposed development. I would like to request detailed noise assessment from my garden to assess the impact of referee whistles, balls bumping against the fencing for the pitch, general sports match noise and cheering etc. The fencing will also have an adverse visual impact on the property garden.
- I have concerns that the development will adversely impact on the tree screening currently in place and impact on the root protection areas of existing plants.
- Concern for relative who is unwell in relation to impacts on her health.

- The academy has a stipulation of land under the provisions of the GNLP which is shortly to be adopted and constructing this very noisy development so close to housing and vulnerable residents is entirely unnecessary and un-neighbourly.

5.1 Assessment

Key considerations

- Amenity of neighbouring residents
- Design and character of the area
- Trees and ecology
- Highways
- Playing fields/recreation

Principle of development

- 5.2 The proposal is for the creation of a new multi-use court area with fencing within the boundary of the existing school site. This replaces the existing courts which are located to the front of the school and forms part of a wider plan of school facility enhancement which will result in the loss of the existing courts to facilitate future building plans.
- 5.3 Policy CSU1 of the Broadland Local Plan supports the provision of new community facilities, which includes school development; policy 3 of the Acle neighbourhood plan supports the provision of enhanced facilities at Acle Academy and Policy 4 of the GNLP supports the development of new facilities within existing schools. The proposal is supported in principle by all referenced policies, both through the provision of new facilities and through the wider expansion and improvement plans that it enables through the relocation of the courts.
- 5.4 As such the proposal is acceptable in principle subject to assessment of relevant development management considerations.

Amenity

- 5.5 Policy GC4 of the Broadland Local Plan requires consideration of the amenity of neighbouring residents which can include impacts from overlooking, overshadowing and noise. Objections have been raised by several neighbouring properties with regard to potential increased noise generation from the courts.
- 5.6 The existing site is part of the school grounds and currently forms a more informal area that used to house long jump facilities which have been moved previously. As such it can be used for recreational and sport activities as part of its existing use within the wider school site.
- 5.7 The proposal will bring more formal use to the site and along with it the likelihood of greater intensity of use (which forms part of the concerns raised). This element carries less weight because while at present the use is at a low intensity, the school could utilise this area to a greater intensity for sport, recreation, outdoor teaching or other uses connected with the operation of the school site without any further planning permission.
- 5.8 The key difference that the proposed development will generate (which is also referenced in the neighbours' concerns) is the introduction of difference noise types from balls and

other hard equipment on the hard surfaces and fences. This element would result in a controllable difference from the site's existing disturbance potential, and it must be acknowledged in the assessment that this will likely increase noise perceived at the boundaries of this area. This was also highlighted by Environmental Services on the first consultation on the application, following which some amendments and clarifications were made to the proposal, including reducing the footprint of the fenced area to increase slightly the distance to the boundary and through clarifying the proposed hours and days of use.

- 5.9 The proposed hours have been limited to between 08:00 and 18:00 Monday to Friday with no use at weekends or bank holidays to reflect school hours. This has still drawn some concern from neighbours, with regard to the additional noise from the fencing and from potential use outside of term time, Environmental services, subject to conditions, no longer have an objection.
- 5.10 Upon consideration of the clarified proposals, it is again acknowledged that there will be an increase in noise level because of the type of use proposed. It is also acknowledged that there are some particularly sensitive considerations with regards to vulnerable neighbours. However, balancing this, it must also be acknowledged that the existing site is part of an existing and long-standing school site. The limitation to daytime working hours is reasonable in the context of a school because they are the core hours of requirement and while it limits the school's potential for use for extended after school or weekend clubs or public use; this is reasonable given the sensitive receptors. Likewise, while it will introduce additional noise for neighbours, the restrictions limit this to reasonable hours given the context of living next to an existing school. I have considered limiting the operating hours to school term time as suggested by one representation, however given the noise impact is considered acceptable during daytime working hours, there is no significant factor that would distinguish why this would be acceptable during term time but not outside of it. As such, I would consider it unreasonable to include a restriction of this sort by condition, especially as use outside of term time may in some ways offset the prevention of evening and weekend use in terms of the school recreation offering to the wider community. Overall, balancing the impacts and requirements of both parties, I consider the proposal, with the limitations suggested, to offer a reasonable and acceptable balance in this instance. Equally, Environmental Services have raised no objections subject to conditions.
- 5.11 Further to the above, concern was raised with regard to external lighting. None is proposed as part of this application and a condition is proposed to control this element in the future. As such there are no impacts in this regard in this instance.
- 5.12 Overall, I consider the proposal to accord with policy GC4 in this instance.

Design and character of the area

- 5.13 Policy GC4 of the Broadland Local Plan, Policy 2 of the GNLP and section 12 of the NPPF all require proposals to demonstrate good design. Objections have been raised with regard to the visual impact of the fencing and netting associated with the proposal.
- 5.14 The existing site is open with trees along one side. It is seen in the context of existing school buildings on one side, and residential dwellings on the other. The proposal is inherently functional in design through necessity of its proposed use, although not out of character in the context of the grounds of a school building where various recreational features, including hard standing and fences are common.

- 5.15 The functionality of the design can be offset by the colour pallet given the options available. A series of options are shown in the specification and a condition has been included to agree the final material specifications. The functionality can also be partially offset by the visual permeability of the above ground features, particularly the ball netting which, while tall, has a relatively light weight appearance.
- 5.16 Overall, the proposals are visible from within the site and from the immediate neighbours, however due to the nature of the proposal, character of the site and type of construction, it is not considered that design and impact on the character of the area would be so detrimental to warrant reason to refuse the application in this instance. As such it is considered that the proposal accords with the aims of Policy GC4 of the Broadland Local Plan, Policy 2 of the GNLP and section 12 of the NPPF.

Trees and Ecology

- 5.17 Policy EN2 of the Broadland Local Plan requires consideration of landscape impacts, including trees. Concerns have been raised by neighbours with regard to impacts on trees.
- 5.18 The application site is bounded by mature trees on the east side and these trees also form part of the buffer with nearby residential properties. Objections have been received regards to impacts on trees.
- 5.19 The original proposal resulted in an impact that was considered unacceptable; however, this has since been revised to reduce the area bounded by the fencing and hard standing which enabled the impact on trees to be lowered significantly. The majority of the trees are shown as retained and in particular all those forming the boundary with neighbouring properties are retained. The Arboricultural assessment proposes trees protection fencing which can be secured by condition to ensure no accidental damage is caused.
- 5.20 With regard to ecology and considerations relating to policy EN1 now the proposal no longer significantly impacts trees and it has been clarified that there is no external lighting, no significant adverse impacts are expected in this regard, especially given the active use of this site as part of the school grounds.
- 5.21 As such, the proposal accords with the requirements and aims of policy EN2 and EN1 of the Broadland Local Plan and Policy 3 of GNLP.

Sports pitch provision

- 5.22 Sports pitches and paying fields are protected and any proposal involving the loss of such features requires consultation with Sport England. The application site, while less formally laid out, for planning purposes still forms part of the school playing fields.
- 5.23 In this instance, Sport England have assessed the proposal and have not objected because of the use of the site for other sport provision, falls within one of the exemptions under which loss of pure paying field space is allowed. They have also reconfirmed this on the revised proposals. As such the proposal is acceptable in this regard.

Highways

- 5.24 Policy TS4 considers parking and policy TS3 considers highway Safety.

5.25 The proposal is located within the bounds of the existing school grounds and provides recreation function for existing education provision. As such there will be no significant highway safety or parking impact resulting from the proposal. The Local Highway Authority have been consulted and have no objection to the proposal.

5.26 As such the proposal accords with policy TS4 and TS3 of the Broadland Local Plan.

Other Issues

5.27 It is noted that there is suggestion to use land allocated in the GNLP for the school. However, this land is a requirement tied to a housing allocation and as such would come forward after an application is submitted on the land. This could be many years away (or not come forward at all) so while it is a potential future solution, it is not an option available at this time.

5.28 Concerns have been raised with regard to the security of the site and while secure by design principles and general site security can be a material planning consideration, in this instance the proposal is wholly within the overall school site boundary and therefore the security for the wider school site is outside of the scope of this application. There are no aspects of the proposal at hand that significantly impact the school's ability to secure their site.

5.29 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 outside of the catchment area of the sites identified by Natural England. 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).

5.30 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.

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

5.32 This application is not liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS) as no additional dwellings are created as part of the proposal.

5.33 This application is not liable for Biodiversity Net Gain as it was submitted prior to 02/04/2024.

Conclusion

5.34 The proposal is acceptable in principle through the provision of recreation facilities for an existing school. The proposal does not have significant adverse impacts in relation to residential amenity, design and character of the area, trees, highways, ecology, provision of sports pitches and ecology and as such the proposal accords with the requirements of Policies GC4, EN1, EN2, TS3, TS4 and CSU1 of the Broadland Local Plan, Policies 2, 3 and 4 of the Greater Norwich Local Plan, Policy 3 of the Acle Neighbourhood plan and relevant sections of the NPPF.

Recommendation**Approval with Conditions**

- 1 Time Limit - Full Permission
- 2 In accordance with submitted drawings
- 3 Materials to be agreed
- 4 Tree protection (implementation only)
- 5 Limited hours of use
- 6 External Lighting

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