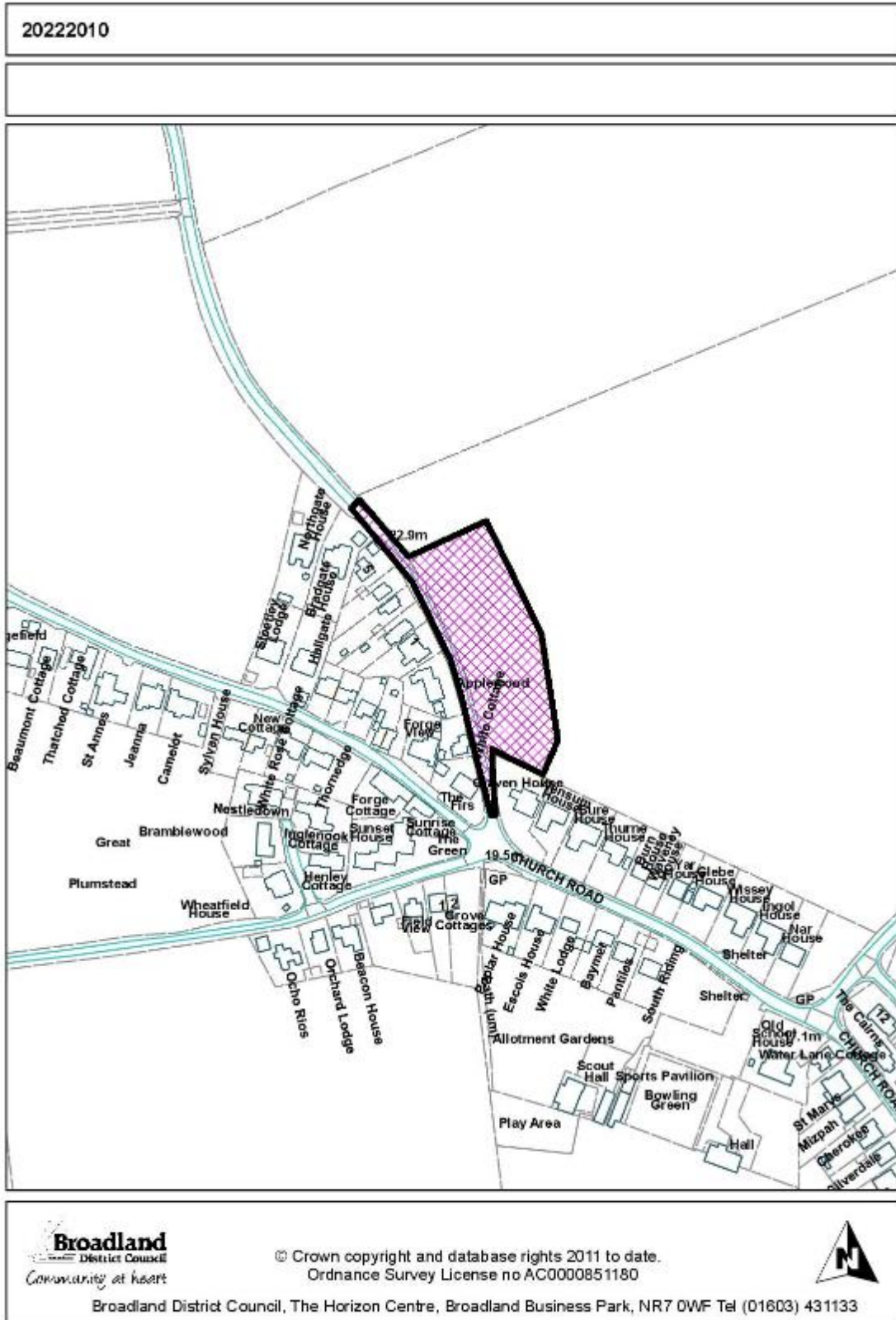


APPLICATIONS FOR PLANNING PERMISSION

Report of the Director of Place

Application 1

Other Applications



1. **Application No :** 20222010/F
Parish : GT & LT PLUMSTEAD (THORPE END)

Applicant's Name: John Ingram
 Site Address Land east of Hare Road Hare Road Great Plumstead
 Proposal Erection of seven single storey dwellings

Reason for reporting to committee

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

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

Recommendation summary:

Delegate authority to the Assistant Director of Planning to approve subject to conditions, nutrient credits being secured and a S106 securing open space.

1 Proposal and site context

- 1.1 The application relates to part of an agricultural field on the east side of Hare Road in Great Plumstead There is residential development on the opposite side of the Hare Road, is within the defined settlement limit.
- 1.2 There is also residential development to the North of Church Road which was granted permission under applications 20151517 and 20180309 at a time when the Council could not demonstrate a five year land supply.
- 1.3 The application is a full application for seven single storey dwellings, a footpath is also proposed along the East of Hare Road connecting to the existing path on Church Road. The application also proposed off site highway works extend the highways boundary into the garden of The Firs on the corner of Hare Road and Middle Road.
- 1.4 The application was originally for six dwellings with a gap between Glaven House to the South and proposed development where a pond was proposed. The scheme has been amended to move the site to the south and increase the number of dwellings to seven.
- 1.5 An application for 10 dwelling was refused on the site in 2020 application 20191938 due to the adverse impact on highway safety as a result of the poor visibility on the junction with Hare Road and Middle Road.

2. Relevant planning history

- | | | | |
|-----|----------|--|---------|
| 2.1 | 20191938 | Erection of 10 No Single Storey Dwellings including Access (Outline) | Refused |
|-----|----------|--|---------|

3 Planning Policies

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

NPPF 02 : Achieving sustainable development

NPPF 04 : Decision-making

NPPF 05 : Delivering a sufficient supply of homes

NPPF 09: Promoting sustainable transport

NPPF 10 : Supporting high quality communications

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 7.4 : Village Clusters

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

RL1 : Provision of formal recreational space

EN3 : Green Infrastructure

3.4 **Supplementary Planning Documents (SPD)**

Broadland Landscape Character Assessment

Recreation provision in Residential Development

Great & Little Plumstead Neighbourhood Plan

Policy 1 Separation of settlements

Policy 2 : Design

Policy 3 : Transport

Policy 4 : Transport

Policy 5 : Green Infrastructure

4. Consultations

4.1 Parish Council

Original proposal

Object

- Road in poor condition, flooding, narrow, vehicles unable to pass and poor visibility
- Cars should not be allowed to park on the road policy 2 and 4 of the NP.
- Junction with Church Road, Hare Road, Middle Road and Low Road has poor visibility
- The site is outside the development boundary There are no social, environmental or economic reasons for this development
- Not adding to village only adds issues in terms of traffic and poor infrastructure (policy 7 in NP)
- Broadland have a five year housing land supply
- Drainage already flooding on Hare Road
- Site was rejected under GNLP as grade I land
- Area poorly served by public transport
- Concerns about foul drainage capacity
- Site unreasonable in GNLP
- The pond shown is unreferenced in the application.

Amended proposal

Objects

- Reaffirms comments
- Trees and hedging are to be removed and no biodiversity net gain
- Pond has gone
- Concerns where the surface water from the drains would go
- Road is currently being investigated by highways as a result of severe flooding
- Already issues with buses and lorries not being able to pass
- Outside the development limit
- Is on prime agricultural land
- Junction improvements could help road width and the visibility splay but do not help the overall restrictive width of Hare Road at various points
- No update on tree or roosting surveys
- Routing of the sewage treatment plant across the road has not been shown
- Contrary to NP policies 1, 2, 4 and 5

4.2 District Councillor

Cllr James Harvey

To be determined by committee

- Increased flood risk from surface water running off the development and making the situation worse

- Increased traffic and accident risk
- Road is narrow and difficult to pass in places increase in traffic will increase risk of an accident.
- Increase use of high risk junction
- Significant improvements would be needed to mitigate safety risks
- Loss of hedgerows and mature trees
- Replanting cannot replace mature vegetation which provide nature corridors.
- Loss of high quality agricultural land needs to be preserved for future food production

4.3 NCC Highways

Original proposal

- Having considered the planning history no in principle objection
- In order to establish visibility from accesses and whether trees and hedge are on highway land
- Clarification on existing roadside hedge and tree retention

Additional information provided on visibility splays

- Concerns that visibility splays on the plan cannot be achieved

Amended proposal

- Concerns some of viability splay is within third party ownership
- Visibility splays cannot be achieved within highways land it is demonstrated that the site is visibility is within the applicant control it would be acceptable
- Turning area needs to be improved on plots five and six.

Updated red line to show visibility splay

Support with conditions

- previous concerns have been addressed

4.4 CPRE Object

- Conflicts with development plan
- Conflict with policy GC2
- Site is not allocated for housing
- Contrary to policy JCS policy 1 and 17 and does not met criteria for building outside of the settlement
- Was considered under GNLP and was not considered reasonable for allocation.

4.5 Environmental Quality (Protection)

Support with conditions on air source heat pumps

4.6 Other Representations

Nine letters of objection

- Doctors surgery is over subscribed
- Schools are full
- Concern regarding Hare Road junction
- Extra traffic
- Can speed bumps be added to Hare Road
- Road is too narrow and would be further hindered by parked cars
- Water currently runs off into my drive from the road further drives would make this worse
- Can lighting be included
- Flooding on Hare Road
- Loss of trees and hedgerows
- Bat and wildlife population displaced
- Great Plumstead has already exceed its allocation of housing
- Grade I arable land, food security risk
- Vehicles struggle to pass
- Poor broadband speeds
- Site should be considered for affordable housing along with application 20151517/20180309
- Development is outside the red line which would bring it over affordable threshold
- Solar panels on elevation should be amended.
- Wood burning stores should not be supported for air quality and health reasons

Amended layout

Sixteen letters of objection received

- Concerned it will make flooding worse
- Public transport inadequate
- Traffic conflict with oil deliveries
- Flooding further up Hare Road
- Loss of hedge
- Little additional planting
- Concerns about nutrient solution
- No paved route from one side to another
- Concern flow of surface water would be directed to Church Road properties
- Loss of privacy
- Change in level between the site and property on church Road
- Would sufficient parking still be available for The Firs
- Concern plans do not reflect change in level to Church Road

5 Assessment

Key considerations

- Principle
- Connectivity
- Design

- Highway safety/ off site highway improvements
- Residential amenity
- Affordable housing
- Landscape impact/ trees
- Loss of agricultural land
- 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 Great Plumstead is part of the village clutters identified in policy 7.4 in the GNLP, this site however, was not allocated.
- 5.4 This allocated growth within these settlements. It also states that additional sites may be provided within settlement boundaries or affordable led development with an element of market or self-build dwellings for viability.
- 5.5 Cumulatively windfall development should not have a negative impact of the character and scale of the settlements.
- 5.6 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).
- 5.7 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.
- 5.8 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.

5.9 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.*

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

Economic role

5.11 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.”

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

Social Role

5.13 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

5.14 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 opposite to the settlement limit and has good access to services and facilities via foot or by cycle.

5.15 There is pedestrian footpath some of which is also a cycle path which connects the site with Little Plumstead where the primary school and community café/ shop are located. There is also a playing field, village hall and church is close proximity to the site. The site is also on a bus route with the nearest stop being on Church Road.

5.16 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

- 5.17 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. area.
- 5.18 Policy 1 in the NP requires new development to respect and retain the integrity of Great Plumstead, Little Plumstead and Thorpe End Garden Village as distinct settlements, protecting their character as individual villages and policy. Policy 2 of the NP requires development to achieve high quality design and should demonstrate how they will integrate into and enhance the existing villages and communities; be of an appropriate scale and density to the wider Parish context; respect and be sensitive to the local character and natural assets of the surrounding area, taking every opportunity through design and materials to reinforce a strong sense of place through individuality and local distinctiveness; provide a mix of housing types to meet local needs to include one and two bedroom dwellings.
- 5.19 Thorpe End, Great and Little Plumstead are all district settlements the development of this site does not erode the gap between the settlements and there is already development to the north of Church Road so it is not considered that the proposed development would result in an unacceptable expansion.
- 5.20 There are a mix of dwelling types and styles along Hare Road. The application proposes a variation of designs using brick and cladding which reflect the character of the settlement.
- 5.21 The proposed development is for 7 three bedroom dwellings, policy 2 of the NP does encourage a mix of dwelling including 1 and 2 bedroom units. Given the scale of the scheme the provision of all 3 bed units is not unacceptable.
- 5.22 It is consider that in terms of the character and of the settlement as a whole as well as the immediate area the proposed development would achieve a good standard of design which would not adversely affect the character and appearance of the area and therefore accords with policy 2 of the GNLP, Policy GC4 of the DM DPD and policies 1 and 2 of the NP and would result in a neutral impact in the planning balance.

Highway safety

- 5.23 Policy TS3 of the DM DPD permits development which would not result in a significant adverse impact on highway safety.
- 5.24 The junction with Hare Road, Church Road, Middle Road and Low Road currently suffers from very poor visibility and the junction has resulted in accidents in the past. Application 20191938 was previously refused on highway safety grounds due to the inadequate visibility at this junction.
- 5.25 This application proposed improvements to the junction by increasing the highway boundary into the garden of The Firs. This will involve in the removal and re-planting the boundary hedge this will significantly improve visibility at the junction which will not only make the proposed development safe but also improve the safety of the junction for existing users. This would result in a significant social benefit in the planning balance.
- 5.26 The Highway Officer is now satisfied with the visibility from the proposed individual accesses.

- 5.27 Concerns have also been raised about the width of Hare Road to take additional traffic, proposed footpath will be provided in the verge and will not result in a reduction of road width. The Highway Officer has raised no concern regarding the adequacy on Hare Road, which is considered adequate enough to accommodate the additional traffic from

7 dwellings. The Highway Officer has specifically requested details of construction worker parking which will prevent construction vehicles parking on the road. It is considered that the proposal complies with policy TS3 of the DM DPD.

- 5.28 In terms of the parking policy TS4 in the DM DPD requires adequate parking to be provided on site and policy 2 in the NP requires 2 spaces for 3 bed dwelling to be provided. It is considered that the adequate car parking is proposed and therefore complies with policy TS4 of the DM DPD and policy 2 of the NP.
- 5.29 In terms of the planning balance the improvements to the junction would result in a significant social benefit.

Residential amenity

- 5.30 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.
- 5.31 Concern has been raised about the relationship between the dwelling the most southerly dwelling (Plot 1) and Glaven House which is at a lower level. Plot 1 is single storey a 1.8 metre fence would be erected long the boundary with Glaven House given the distance from the boundary the single storey nature of the dwelling and the hipped roof and orientation would mean that the dwelling would not be overly dominant, result in over shading or result in significantly loss of privacy. The dwelling would result, in some loss of view, but there is no right to a view in planning terms.
- 5.32 The proposed dwellings are set back from the road and are single storey so would not result in any significant loss of amenity in terms of the existing dwellings on the opposite side of Hare Road.
- 5.33 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.

Recreational space

- 5.34 Open space and green infrastructure will be secured as a financial contribution by S106 agreement as required by policy RL1 and EN of the DM DPD, which will provide a small social benefit.

Affordable Housing

- 5.35 The site is 0.49 hectares which falls just below the 0.5 hectare affordable housing threshold in policy 5 of the GNLP. The original Church Road site did include affordable housing. The sites are separate and although in the same field, it is not considered that the site has been artificially subdivided to avoid affordable housing. This can be considered neutral in the planning balance.

- 5.36 Overall the development would result in social benefits from the provision of 7 new dwellings in an accessible location and significant improvements to the visibility of the existing junction.

Environmental Role

- 5.37 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 and trees

- 5.38 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. The site is part of the site is part of the E4: Rackheath and Salhouse wood estate. There is currently a row of poplar trees and one oak tree along with road with hedging beneath. The application does propose to remove this Lombardy poplars and the hedging. The oak trees is to be retained. An arboricultural report has been submitted with the application which identifies that the trees and hedging to be removed are poor quality and subject to decay and are category C trees which the BS standard classifies as trees which should not restrict development. It is proposed to provide replacement planting within the gardens and native species hedge along the North and east boundaries. The detail of which would be agreed as part of a landscaping condition. Tree protection for the retained oak tree has been conditioned.
- 5.39 Part of boundary hedge around The Fir's would also be removed and replanted behind the new highway boundary. This would have a temporary visual impact but as outlined above would result in a considerable highway safety benefit.
- 5.40 The loss of the trees and hedge is unfortunate and along with the encroachment into the open countryside would result in an element of environmental harm in the planning balance. However, the proposed dwellings would be seen within the context of the existing settlement within the wider landscape which would be softened by the proposed planting. The Church Road development has already resulted in development on the north side of Church Road. As a result the landscape harm is not considered significant and the development would not conflict with policy 3 in the GNLP and EN2 of the DM DPD.
- 5.41 The proposal does however result in an element of harm in the planning balance in terms of the encroachment into the countryside and loss of the trees.

Agricultural land use

- 5.42 The site is identified as being grade I agricultural land which is very good quality and is considered to be Best and Most Versatile agricultural land (BMV), this information has been taken from high level Natural England data and not a site specific survey.
- 5.43 The NPPF states in paragraph 180

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

- 5.44 In addition paragraph 181 states “Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁶²

⁶² Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.

- 5.45 Without specific evidence it is assumption that the site is made up of BMV land, this does represent a element of harm in the planning balance In terms of losing 0.49 hectares of high quality agricultural land but given the small size of the site, this arm is considered to be limited.

Heritage

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

Flooding and drainage

- 5.47 The site is within fluvial flood zone 1 (low risk) and is not at risk of surface water flooding.
- 5.48 The Environment Agency surface water flooding maps identify small surface water flooding on Church Road but not on Hare Road. However, evidence of surface water flooding along Hare Road has been provided as part of the representation process.
- 5.49 The surface water drainage strategy has not been subject to detailed design at this stage, but is intended that the linear drainage channel will be provided along the boundary of the property to direct any run off into the on-site drainage system, which is intended to be soakaways. Currently water runs unattenuated off the field.
- 5.50 The application also proposes a new footpath along the road frontage, this will include new drainage along the highway this is an opportunity to improve the current situation.
- 5.51 Detailed design for surface water drainage 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. With the improved drainage which will be provided as part of the application the impact is considered to be neutral in planning balance.

Ecology

- 5.52 The main part of the site is an agricultural field with little ecological value. The ecological value is within the trees and hedging along the road side frontage and the hedge within

the garden of The Firs. The propose development seeks to remove these but some replacement planting will be provided as part of the scheme including new hedging set back from the Highway at The Firs and in the east and north boundaries of the development and native species trees.

- 5.53 No ecological assessment has been submitted with the application but the Council's Ecologist has confirmed that the poplar trees which are in very poor condition are unlikely to be suitable as bat roosts. The oak tree is proposed to be retained. Precautionary mitigation will be required in terms of the timing of the removal of the hedge and trees outside the bird nesting season, details of ecological enhancements including new bird boxes have been conditioned. As a result, it is considered that the proposal would accord with policy 3 of GNLP and policy EN1 of the DM DPD which seeks to mitigate and enhance biodiversity of a site. Given the amount of tree and hedge removal there is an element of environmental harm in the planning balance.

Nutrient Neutrality

- 5.54 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.
- 5.55 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.
- 5.56 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.
- 5.57 The applicant is intending to purchase of credits from Norfolk Environmental Credits (NEC) which is a viable mitigation proposal made up of a portfolio of mitigation schemes. The mitigation offered by NEC if taken up and available for this scheme would be supported by a Shadow Strategic Appropriate Assessment and Technical report which accord with Natural England Principles. Alternatively any other mitigation offered would need to satisfactorily demonstrate technically and via an HRA that it meets the requirements of the LPA as Competent Authority.
- 5.58 The applicant is intending to buy credits to sufficiently mitigate the nutrients generated by the development and accordingly the Council as competent authority at that point could 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).
- 5.59 The development could proceed when mitigation is demonstrated (subject to the purchase of credits imposition of conditions/obligations to secure the mitigation and Natural England not raising an objection to their consultation). This would result in a neutral impact in the planning balance.

- 5.60 The applicant did consider the upgrading of an existing treatment plant in the vicinity of the site, but this is no longer being considered as a form of mitigation.

Recreational impacts

- 5.61 The site is within the Broads, 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 agreement the development will comply with the Habitats Regulations. This would result in a neutral impact in the planning balance.

Contaminated land

- 5.62 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.
- 5.63 The proposed development would result in an element of environmental harm from the encroachment into the open countryside, loss of trees and ecological value in the site and well as a loss of a small area of high quality BMV agricultural land.

Other matters

- 5.64 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.
- 5.65 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.
- 5.66 This application is liable for Community Infrastructure Levy (CIL) as it is for new dwellings.

Conclusion

- 5.67 The tilted balance in paragraph 11 of the NPPF will only be engaged when nutrient mitigation has been secured, the conclusion and planning balance in this report has been made on the basis that a nutrient solution will be secured. As a result, an assessment has been made as to whether any adverse impacts would significantly and demonstrably outweigh the benefits the proposed development.

5.68 In terms of the harm there is a small amount of social harm. There is also a small amount of environmental harm as a result of the developing a green field site and an encroachment in the open countryside, loss of the trees and hedging and of an small area of BMV agricultural land, 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 providing seven new dwellings in sustainable location and significant social benefit of providing a improving the junction Hare Road with Middle Road which will provide a wider social benefits of making a dangerous highway junction safer.

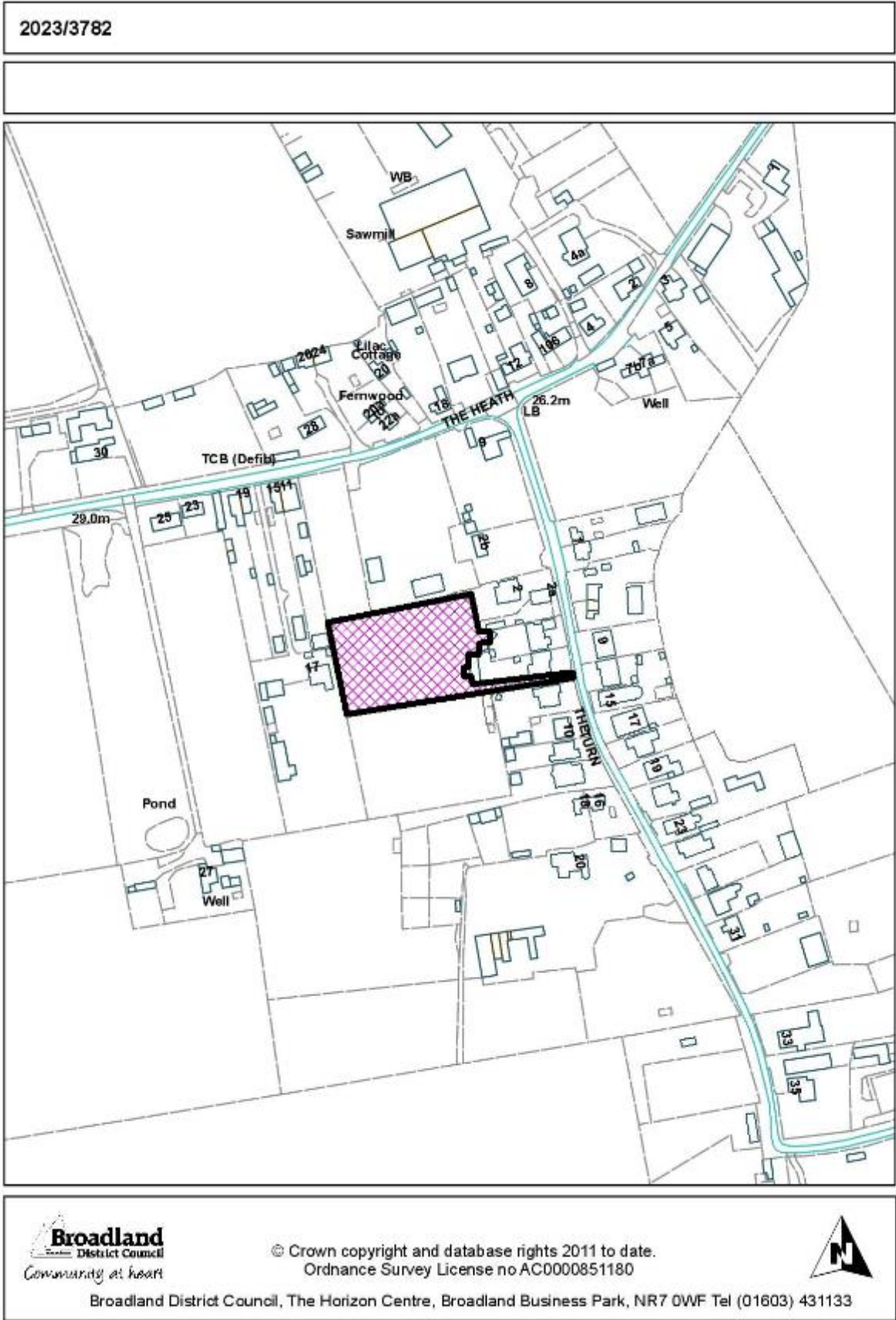
5.69 A larger site was rejected by the GNLP process at an early stage on the grounds of highway safety, which has now been resolved and connection to the primary school. With the proposed footpath, a safe pedestrian route to school will be provided.

Recommendation : Delegate authority to the Assistant Director of Planning to approve subject to conditions, sufficient mitigation to mitigate the Habitats regulations impacts on Protected Sites (Nutrient Neutrality) and an acceptable Habitats Regulations Assessment to satisfy the competent Authority of the mitigation; a S106 securing open space, GIRAMS and anything as may be necessary for Nutrient Neutrality.

1. Time Limit - Full Permission
2. In accordance with submitted drawings
3. Materials
4. Provision of parking and turning
5. Vehicular crossing
6. Visibility Splays
7. Gates etc
8. Access gradient
9. Construction parking (PC)
10. Highway Boundary
11. Off-site highway works details
12. Off-site highway works
13. New Water Efficiency
14. Air Source Heat Pumps
15. Unknown Contamination
16. Surface Water Drainage Strategy
17. Tree Protection
18. Ecology
19. Landscape Scheme
20. Boundary treatments
21. Foul water to mains sewer
22. No occupation until nutrient mitigation in place.

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Application 2



2. Application No : 2023/3782/F
Parish : HEVINGHAM

Applicant's Name: Mr David Knights
Site Address Sun View 6 The Turn Hevingham Norfolk NR10 5QP
Proposal Change of use of land from agriculture to land used for training in plant operators

Reason for reporting to committee

The proposal has potential to generate employment but the recommendation is for refusal.

Recommendation summary:

Refuse

1 Proposal and site context

- 1.1 The application site is a large field area located to the rear of a domestic bungalow outside the settlement limit for Hevingham. The field borders some dwellinghouses from The Heath, The Turn and JLG Farm Services. The Turn is a narrow single track lane with no through access and no footpath for pedestrians.
- 1.2 Sun View has a gravelled front garden area and access to a driveway to the side of the bungalow which provides access for their own domestic vehicles and also leads to the field beyond, providing access for plant machinery. The two storey neighbouring dwellinghouse is approximately 1 metre from the edge of the driveway, and has side windows.
- 1.3 The neighbouring property grows flowers, fruit and vegetables on a private basis to the south of the site; a local dog boarding business is located to the west and a business which buys and sells machinery, including agricultural machinery, is located to the north. Residential properties are located to the east and west boundaries.
- 1.4 Structures on the field are already in situ and used for the purposes of training plant operatives. The structures include a portacabin used as a classroom and office, and a scaffolding tower for practicing skills in the use of telehandlers.
- 1.5 The application proposes to change the use of the land to the rear for the training of plant operators using 3 and 6 ton forward tipping dumpers, telehandlers and 3 ton excavators which are modern up to date pieces of equipment hired for the days of training only, and not proposed to be kept on site.
- 1.6 The site has been used for 28 days of the year without planning permission, but the applicant wishes to expand the business. The number of training days would be approx. 40 to 50 days in any one year but the applicants have asked for 75 days as a precautionary overestimate. Hours of operation are proposed to start between 08:00 and 08:30 and would finish 16:00 Monday to Friday only. There would be no more than 4 trainees at any one time.
- 1.7 Delivery of training plant has been from 7:30am when required on site, but the applicant concedes the plant could be dropped off the night before.

1.8 It should be noted that The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Class B permits the temporary use of land for any purpose for not more than 28 days in total in any calendar year so long as it meets certain criteria.

2. Relevant planning history

2.1 None relevant

3 Planning Policies

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

NPPF 02 : Achieving sustainable development
 NPPF 06 : Building a strong, competitive economy
 NPPF 09: Promoting sustainable transport
 NPPF 11 : Making effective use of land
 NPPF 12 : Achieving well-designed and beautiful places

3.2 **Greater Norwich Local Plan (GNLP)**

Policy 1 : The Growth Strategy
 Policy 6 : The Economy (including Retail)
 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
 GC4 : Design
 EN1 : Biodiversity and Habitats
 EN2 : Landscape
 EN4 : Pollution
 TS3 : Highway Safety
 TS4 : Parking Guidelines

4. Consultations

4.1 Hevingham Parish Council

Object on the following grounds

- Access to the application site is not suitable
- Noise nuisance
- Environmental impact
- Out of keeping with the area.

4.2 District Councillor – Cllr Ward

No comments received.

4.3 NCC Highways

Recommend refusal for the following reasons:

Comments on original submission

- The Turn is a narrow road with limited visibility at its junction with Church Lane, accordingly the Highway Authority have previously expressed reservations about further development served from this road that can be expected to materially increase its vehicular use. The commercial operation described in the application is not suitable for this location as the intensification of The Turn will be detrimental to highway safety.
- This is a location which is remote and realistically inaccessible to everyday services by means other than the car and therefore transport sustainability concerns exist regarding the acceptability of a commercial development at this location. As such, I would request further details relating to the type of plant on site, the number of students and the frequency of courses to enable me to make a full appraisal of the proposal, at which time I would be able to formally respond.

Comments following amended information

- The Turn U57005 is a narrow no-through road with no formal turning area available, it has a varied carriageway width, being around 3m in the vicinity of the site access, as such the road is considered substandard to cater for any commercial business and an increase in HGV traffic.
- The site access is unmade and is further restricted by a frontage wall and neighbouring boundary features. There are no formal pedestrian facilities resulting in all road users sharing the restricted road space.
- The applicant has stated 'We accept The Turn is not ideal for HGV traffic'. Given its restricted width, the Turn does not allow for vehicle to be delivered to the site with the delivery vehicle to enter, turn and leave in a forward gear. Such an arrangement would be a prerequisite requirement for new commercial uses.
- Delivery directly on to the highway along The Turn is not acceptable, as this requires permitting the reversing of low loaders either from or to C280 The Heath on a habitual twice monthly basis.
- The alternative option is for the plant to be delivered and unloaded onto The Heath and the plant driven to the site. Given its width, the Heath is also not considered suitable, as there is no safe location to do this that would not cause an obstruction and danger to highway users, and which would require the regular tracking of plant back and forth to the site.
- In light of the above, I have no option but to object to the above application. It is our professional opinion that the site does not have suitable access or option for the delivery of machinery from a single-track road, The Turn. The bimonthly deliveries and collections by low loaders of plant on a habitual basis could not be supported in the interest of highway safety.

4.4 Environmental Quality (Protection)

Objects on the following grounds

- Environmental Quality considers the proposed activity could result in a significant impact on the amenity of the occupants of the residential properties close to the site, such that it could justifiably be considered to be a statutory nuisance. Further information provided by the applicant did not change that point of view.

4.5 Other Representations

15 letters of objection received, summarised as follows:

- Lorries to deliver plant cause a highway obstruction to residents,
- Could prevent emergency services during delivery times,
- Diesel engine plant causes noise, vibration and fumes which impact air quality,
- Impacts people working from home,
- Doesn't keep to stated hours, and sometimes includes weekends,
- Highway issues and damage to road,
- Out of character - area not suitable for commercial use,
- Will result in an expansion of use,
- Ground becoming poor in quality due to training activity,
- Impact on trees,
- Training tower may cause overlooking,
- Site office may need planning,
- Could cause a flood risk,
- Will devalue properties nearby, and
- Affects peoples mental health and wellbeing.

5 Assessment

5.1 Key considerations

- Principle of development
- Impact on the character and appearance of the area
- Residential dwelling
- Highway safety

Principle of development

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

5.3 The site is located outside the settlement limit that has been defined for Hevingham. Policy GC2 of the DM DPD requires new development to be accommodated within the settlement limits defined on the policies map but goes on to state that outside the settlement limits development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the development plan.

Policy GC1 states that *'Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*

- i. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- ii. Specific policies in that Framework indicate that development should be restricted.'*

- 5.4 The site has not been allocated for development by the Site Allocations DPD. However, the objectives of the GNLP for the District includes the role of smaller scale employment sites elsewhere in the urban area, market towns and villages to help deliver good access to jobs for all. Training opportunities are considered supportive of employment areas by providing the skills required locally.
- 5.5 Although the GNLP anticipates that smaller scale employment sites will help to deliver good access to jobs for all, Policy 6 of the GNLP will only allow sites beyond existing settlements and in locations not well served by public transport where the development is well designed and sensitive to its surroundings, and which does not have an unacceptable impact on local roads. Any opportunities should also be exploited to make the location more sustainable.
- 5.6 Paragraph 85 of the NPPF states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. The land is not currently developed as it is still agricultural land and is not considered to be well related to the settlement in terms of connectivity.
- 5.7 Information submitted with the application indicates that the development will not only maintain the two existing staff who would operate the site for a maximum of 75 days in the year but would also include an additional part time worker. This development will also support employment in the area through the training courses that it provides which would improve the employability of attendees. This weighs in favour of the proposals.
- 5.8 The principle of an employment site in this location is therefore only acceptable subject to an assessment of the scheme against other material considerations and whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole. This is considered in more detail below.

Access and highway impacts

- 5.9 Policy TS3 does not permit development where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network. The DMDPD considers that new development should maintain highway safety, or the operation of the network, and should demonstrate a safe access to the highway and that the local

highway network will continue to function for the future. This is compliant with paragraph 111 of the NPPF which states 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 5.10 The application site has available car parking spaces for the trainees to park off road. However, due to the width of The Turn, a HGV lorry transporting plant equipment would not realistically be able to turn into the site access, so there is no safe facility to off load plant equipment on site.
- 5.11 Objectors have highlighted the narrowness of The Turn, and concerns regarding the unsuitability of the delivery arrangements. The applicant has stated they are happy to offload the plant machinery in The Heath and drive them to the site if this would be more acceptable to prevent the blocking of The Turn.
- 5.12 The Highway Authority have been consulted on the proposals, and following additional information received from the applicant on the scale of the operation, they have formally objected to the proposals on the grounds that The Turn is inadequate to serve the needs of the proposed development due to the width of the road, the lack of turning area anywhere down the road and substandard construction with no passing provision for vehicles. The site is also not considered to be capable of parking and manoeuvring the delivery vehicle on and off the premises and is therefore not able to offload the appropriate plant into the grounds without obstructing the highway. Furthermore, it is considered that The Heath is not a safer alternative to offload plan machinery as suggested by the applicant, due to its narrow width and as it has no suitable point where offloading machinery would not cause an obstruction and danger to other highway users.
- 5.13 As such, due to the constraints of The Heath and The Turn including the road condition and width, the proposed use cannot satisfactorily operate safely without providing all parking needs on site, which includes the use of a HGV low loader to deliver plant machinery and to include the loading and offloading of the machinery within the grounds of the site, and for the low loader to leave in a forward gear.
- 5.14 On this basis Officers consider that the site cannot provide these basic requirements to allow for the delivery of training vehicles due to the physical constraints of the site and surrounding highway network. The proposal is therefore considered to conflict with Policy TS3 due to its harm to Highway Safety and the free flow of traffic, and subsequently Policy GC1 and GC2 of the DMDPD which does not permit development which results in any significant adverse impacts.

Impact on the character and appearance of the area

- 5.15 Chapter 12 of the NPPF states that places should fundamentally be of a high quality within the planning and development process to create better places in which to live and work and helps make development acceptable to communities. Developments are required to add to the overall quality of the area, to be visually attractive, sympathetic to local character, including the surrounding built environment. This is reflected in Policy EN2 of the DMDPD which seeks to ensure that development proposals reflect the distinctive character, qualities and sensitivities of the area, and to safeguard against light pollution.
- 5.16 Policy 3 of the GNLP expects development to respect the landscape character, to retain important views and features, to have regard to landscape character assessments and

landscape settings. This is consistent with the aims of the NPPF to conserve and enhance the natural environment including respecting landscape character settings, strategic gaps and green spaces.

- 5.17 The site is set back from the road and surrounded by rear gardens and businesses. Neighbouring properties have views into the site, however there are no wider public viewpoints into the site.
- 5.18 In terms of the impact on the character and appearance of the area, the site is relatively well screened by mature trees and intervening features, and therefore is not considered to adversely impact on the character of the surrounding area from wider viewpoints.
- 5.19 Regarding the scaffolding tower, whilst visible from neighbouring properties, this is not considered to be intrusive enough to substantiate a reason for refusal given its position on the site and the nature of the structure. In terms of the portacabin, this is positioned to the rear of an existing brick building and is considered acceptable in terms of its visual impact.
- 5.20 Overall, whilst it is acknowledged that the use does impact on views from neighbouring properties, and the occupants can see the tower on the land including vehicle tracks, the portacabin and associated machinery, Officers do not consider that there are significant adverse visual effects as a result of the proposals to warrant refusal on these grounds.
- 5.21 No external lighting is being proposed as the hours proposed are not extensive. It would be possible to impose planning conditions that prevents external lighting to be erected at the site if required. With this in mind, the application would comply with Policies 3 of the GNLP and Policy EN2 of the DM DPD and Chapter 12 of the NPPF.

Residential Amenity

- 5.22 The NPPF, at paragraph 135 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy GC4 seeks to protect existing residential amenity and to meet the reasonable amenity needs of all potential future occupiers.
- 5.23 Public objections have centred around the delivery of, and use of the plant equipment by trainees, issues relating to noise, vibrations and air pollution and the blocking up of The Turn during delivery and collection of the equipment onto the site which can be as early as 07:30. Training occurs between 08:00 or 08:30 to 16:30, although it is noted the day begins with classroom training which includes health and safety statutory advice before any equipment handling training is provided.
- 5.24 The proposal involves heavy plant vehicles manoeuvring within the site over the course of a day. Officers consider that the activities will have a significant adverse impact on the amenity of the closest neighbours surrounding the site. Furthermore, no mitigation has been proposed and no noise assessment has been submitted by the applicant.
- 5.25 The Council's Environmental Quality Team have been consulted on the proposals and having reviewed the application documentation, have commented that 'the proposed activity could result in a significant impact on the amenity of the occupants of the residential properties close to the site, such that it could justifiably be considered to be a statutory nuisance'.

- 5.26 The applicant has sought to provide further information to demonstrate that the plant machinery will conform to current environmental regulations and would be approximately 70db, as well as details of the size of vehicles to be used. Notwithstanding this, the Environmental Quality Team have maintained its objection.
- 5.27 On this basis, the proposal is considered to conflict with Policy GC4 (iv) of the DM DPD due to the impact associated with noise and disturbance from operating machinery on neighbouring dwellings. The application is therefore also in conflict with Policy GC1 and GC2 as the noise would be considered to result in a significant adverse impact on the amenity of the occupants of the residential properties close to the site.

Other Issues

Surface water

- 5.28 Paragraph 167 of the NPPF requires Local Planning Authorities to ensure development does not increase flood risk elsewhere. The site is within Flood Zone 1 so is in an area of a low probability of flooding. The proposal does not introduce elements that would increase surface water flooding, so no additional drainage is required. As such the proposals are considered acceptable in this regard.

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 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).

Other Issues

- 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 outlined above are of greater importance.
- 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 dwellings are created as part of the proposal.

Conclusion

- 5.33 It is evident that the countryside location of the proposed development requires compliance with Policy GC1 of the DM DPD and that there are two ways to achieve this as highlighted in the assessment above. In the case of this proposal, the scheme fails to meet either as it neither complies with any relevant policy (GC2) nor does it demonstrate overriding benefits in terms of economic, social and environment dimensions of the NPPF, when having regard to the benefits provided by the scheme but noting the numerous areas of harm.
- 5.34 In this case, the benefits of the scheme in providing one further part time employment opportunity on the site as well other wider employment opportunities associated with the training of plant operators, do not outweigh the adverse impacts of the scheme or provide a clear and convincing reason to justify granting planning permission for this development.
- 5.35 The rural location and the type of use proposed will result in significant harm to highway safety and will have an adverse impact on the residential amenity of neighbouring dwellings, contrary to Policies GC1, GC2, GC4, TS3 and TS4 of the DM DPD, Policy 5 and Policy 6 of the GNLP and paragraph 89 of the NPPF. It is therefore recommended that planning permission be refused.
- 6.0 Recommendation: Refusal

Reasons for Refusal

1. It is considered that the development would result in noise and disturbance due to the movement of plant machinery which would have a significant adverse impact on the amenity of the occupants of the residential properties close to the site. This would be to such a degree that it would outweigh the benefits of the training facilities generated by the development. Therefore, the development does not comply with policy GC2 and GC4 (iv) of the Local Plan and paragraph 135 of the NPPF.
2. The unclassified road (57005) serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width, lack of passing provision and substandard construction. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety, contrary to Development Plan Policy TS3 of the Local Plan. Furthermore, the development would not accord with paragraph 111 of the NPPF as there would be an unacceptable impact on highway safety.
3. The access is unsatisfactory to serve the proposed development by reason of its inadequate width and the proposal would therefore lead to the parking of delivery vehicles on the highway to the detriment of highway safety. The proposal would therefore be contrary to Development Plan Policies TS3 and TS4 of the Local Plan. Furthermore, the development would not accord with paragraph 111 of the NPPF as there would be an unacceptable impact on highway safety.
4. The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities for delivery vehicles to the standard required by the Local Planning Authority. The proposal, if permitted, would therefore be likely to lead to an undesirable increase in on-street parking to the detriment of highway safety. The

proposal would therefore be contrary to Development Plan Policy TS3 and TS4 of the Local Plan. Furthermore, the development would not accord with paragraph 111 of the NPPF as there would be an unacceptable impact on highway safety.

5. The proposal does not incorporate adequate facilities for the servicing of the premises and would therefore result in the manoeuvring of vehicles on the adjoining highway to the detriment of highway safety. Contrary to Development Plan Policy TS3 and TS4 of the Local Plan. Furthermore, the development would not accord with paragraph 111 of the NPPF as there would be an unacceptable impact on highway safety.
6. The site is located outside of any defined settlement limit and is classified as being within the 'countryside'. The application does not accord with any other specific development management policy within the Local Plan which allows for development in the countryside nor do the limited benefits of the scheme in terms of the economic, social and environment dimensions of the NPPF outweigh the identified harm in relation to highway safety and residential amenity. As such the proposal fails to comply with either Policy GC2 or GC1 of the DM DPD, Policy 6 of the GNLP and Paragraph 85 of the NPPF.

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