



Brettingham House, 98 Pottergate, Norwich NR2 1EQ  
T 01603 631 319 F 01603 628 464 E info@lanproservices.co.uk

Date: 11<sup>th</sup> March 2020

Our ref: 1493

Greater Norwich Local Plan  
Sent via email to: GNLP@norfolk.gov.uk

Dear Sirs

**Greater Norwich Local Plan Regulation 18 Draft Plan ref: GNLP2080 Dawsons Lane, Blofield Heath**

This representation is made on behalf of the landowners of the above site to the current Regulation 18 consultation. The site has been considered by the Greater Norwich Local Plan (GNLP) as “unreasonable”.

**Background**

In October 2018 the GNLP published an Addendum to their Housing and Economic Land Availability Land Assessment (HELAA). The purpose of this Housing and Economic Land Availability Assessment (HELAA) addendum is to update the December 2017 HELAA which was originally published as part of the Regulation 18 Greater Norwich Local Plan (GNLP) consultation that took place between January and March 2018.

As part of this process, the site (GNLP2080) was submitted and assessed under the traffic light system. For the purposes of the HELAA capacity assessment this site was considered to be ‘suitable.’ The site is made up of 2.65 ha of greenfield land located off Dawson’s Lane and Laundry Lane, just north of Blofield Corner Road, and adjacent to the settlement boundary

As can be seen from the traffic light assessment the site is split between amber and green with no red. This site suitability concludes the proposed access via Dawson’s Lane would need upgrading through the development process, as currently it is a narrow track with an unmade surface. It is noted that in general, in Blofield Heath the road network is constrained and there is a lack of footpath provision. Land in this area is often of a high agricultural quality as well. As to the site itself, the constraints appear possible to mitigate, and it is concluded ‘suitable’ for the land availability assessment.

Since this time, the site (GNLP2080) has considered to be an “unreasonable site for residential” as part of the new allocations of the Village Cluster, as proposed under the Greater Norwich Local Plan.

Reasons to be considered unreasonable:

- No continuous footway to Hemblington Primary School;
- There is a better located site to meet the capacity of the cluster; and
- The proposed access to the site is currently narrow with an unmade surface which need upgrading to be acceptable.

It is apparent from the above that the site is not considered suitable on the ground of highways and there being a more suitable site to meet the capacity of the cluster. In the first instance it should be

noted that these issues were also highlighted at the 2018 HELAA stage but the site was still concluded to be 'suitable', noting that 'the constraints appear possible to mitigate'.

In response to this Lanpro has assessed the site and has shown it to be entirely appropriate for residential development. There are no overriding constraints precluding development coming forward at the site.

The most significant factor in determining that this site is appropriate for development is the outline planning permission for 8 dwellings which was allowed at appeal (ref: APP/K2610/W/18/3205832) in February 2019 and then through a subsequent full planning approval on the site for 12 dwellings in November 2019 (ref: 20190844). A copy of both permissions is enclosed with this submission. The construction of the 12 units has begun on site.

Both of the above approvals were based on a smaller site area as site GNLP2080 but through that approval a number of technical matters raised by the GNLP have already been resolved.

## Assessment

- **Footway to Hemblington Primary School**

Through the planning approvals, a new section of footpath was required and has now been constructed from Dawsons Lane along Blofield Corner Road eastwards to meet with the existing footway at Skedge Way. This links into the existing footway network, which is continuous along Blofield Corner Road, northwards along Woodbastwick Road and east along Mill Road to the school. Therefore, a continuous footway link is already currently being provided from the site to the school. No additional off-site works would be required.

- **There is a better located site**

There is no information provided as to why 'preferred' site GNLP1048 is better located but the sustainability and suitability of the location of site GNLP 2080 has been clearly assessed and justified by a Planning Inspector and Broadland District Council through the two planning approvals.

The Joint Core Strategy identifies Blofield Heath as a service village which clearly demonstrates that the Council considers it to have a good level of services/facilities. The Inspector concluded in paragraph 29 of this decision that *"I agree with the Council in this regard that the development would be in a relatively sustainable location in transport terms; hence its Service Village status and capacity for small-scale housing growth."* The location of this site to these services has been considered twice through the granting of planning permission to be acceptable.

Also, as noted above the new footway link along Blofield Corner Road now provides a continuous footway link to the village centre.

It seems far more appropriate and sustainable to develop a site that already has development starting on it and has been assessed thoroughly through the planning process than.



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- **Proposed access**

Currently Dawsons Lane is an unmade track but through the appeal and full planning application it is proposed to make Dawsons Lane an adopted road from its junction with Blofield Corner Road up to the site access and through the current approved scheme of 12 units. This has been proposed and approved by Norfolk County Council Highways. Again, as with the footway link, this improvement has commenced and near completion, therefore no additional off-site improvement works will be required.

### **Summary**

Taking the above into consideration site GNLP 2080 is considered to be suitable for residential development, given that it has been found to be acceptable at appeal and through a subsequent planning application for additional units. All of the reasons that have been given for it not to be considered as a 'preferred' site have been dealt with through the applications and the improvements work are already secured and will be in situ ahead of the GNLP process being completed.

Yours sincerely

**Jane Crichton MRTPI**  
**Senior Associate Planner**

**Enc**     Appeal decision APP/K2610/W/18/3205832 (Broadland ref: 20172032)  
           Planning approval 20190844



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## Appeal Decision

Site visit made on 4 December 2018

**by Jonathan Price BA(Hons) DMS DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6<sup>th</sup> February 2019**

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**Appeal Ref: APP/K2610/W/18/3205832**

**Land at Dawson's Lane, Blofield Heath, Norwich NR13 4SB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by PPAP Investments Limited against the decision of Broadland District Council.
  - The application Ref 20172032, dated 19 October 2017, was refused by notice dated 29 March 2018.
  - The development proposed comprises residential development of 8 no. dwellinghouses (all matters reserved).
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### Decision

1. The appeal is allowed and planning permission is granted for residential development of 8 no. dwellinghouses on land at Dawson's Lane, Blofield Heath, Norwich NR13 4SB in accordance with the terms of the application Ref 20172032, dated 19 October 2017, subject to the conditions set out in the attached Schedule.

### Preliminary Matters

2. The application was made in outline with all detailed matters reserved for later consideration and I have dealt with the appeal accordingly. The sketch development plan submitted (reference QA419 001 rev D) has been considered insofar as it is indicative of a possible site layout.
3. On 24 July 2018, since this appeal was made, Government published the revised National Planning Policy Framework (the Framework). Having granted the parties an opportunity to make further comment, my decision reflects this.
4. A planning obligation has been submitted in relation to the provision of affordable housing and contributions towards village recreational facilities and green infrastructure projects. It is a material consideration in this case and I deal with the matters provided for later in this Decision.

### Application for Costs

5. An application for costs was made by PPAP Investments Limited against Broadland District Council. That application is the subject of a separate decision.

### Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

## Policy Framework

7. The development plan comprises the Joint Core Strategy<sup>1</sup> (JCS), the Development Management<sup>2</sup> (DM) and Site Allocations<sup>3</sup> (SA) development plan documents and the Blofield Parish Neighbourhood Plan<sup>4</sup> (NP). The Framework is also an important material consideration and establishes the purpose of the planning system as contributing to the achievement of sustainable development. JCS Policy 1 sets out strategic aims to protect the environment and help secure the role of sustainable development as defined by the Framework. JCS Policy 21 and DM Policy GC1 both apply a presumption in favour of sustainable development. JCS Policy 2 promotes good design in development, including this having regard to landscape character and the setting of settlements. This is consistent with comparable aims set out in the Framework.
8. Blofield Heath is identified as a Service Village in JCS Policy 15 and falls within the Norwich Policy Area (NPA) where JCS Policy 9 provides a strategy for growth supported by smaller sites within Broadland District. As a Service Village it is deemed capable of accommodating small-scale growth within the range of 10 to 20 dwellings, subject to form and character considerations. This reflects the village services present, which include a shop/post office, primary school and community centre. The SA provides a policy map which defines a settlement limit around the built-up part of Blofield Heath indicating where development may take place when considered under the JCS and DM policies.
9. DM Policy GC2 accommodates new development within settlement limits but, outside of these, is only permissive of development that accords with a specific allocation and/or policy and which does not result in any significant adverse impact. DM Policy GC4 seeks a high standard of design avoiding significant detrimental impact in regard to the environment, character and appearance of an area. DM Policy EN2 addresses the protection of landscape character with reference to the Council's 2013 Landscape Character Assessment supplementary planning document (SPD).
10. NP Policy HOU1 addresses local housing needs, with NP Policy HOU4 seeking a high-quality design for new development in keeping with the rural character of Blofield Heath and NP Policy ENV2 requiring soft landscaping to its boundaries to retain a rural edge.
11. The appeal site lies adjacent to but outside the settlement boundary for Blofield Heath as currently defined in the SA. The land is not allocated for development in the development plan and neither is it the subject of any specific policy. Development for residential purposes as proposed would therefore conflict with DM policy GC2 in this regard.

## Reason

12. The appeal site comprises part of an arable field situated to the rear of housing fronting Blofield Corner Road. Access would be based on Dawson's Lane which

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<sup>1</sup> Greater Norwich Development Partnership – Joint Core Strategy for Broadland, Norwich and South Norfolk – adopted March 2011, amendments adopted January 2014.

<sup>2</sup> Broadland District Council – Development Management DPD adopted August 2015

<sup>3</sup> Broadland District Council – Site Allocations DPD adopted July 2016

<sup>4</sup> Blofield Parish Neighbourhood Plan – made July 2016.

is an unmade and unadopted road that runs perpendicularly from the main highway and serves sporadic development within the countryside beyond.

13. The rear boundary of the appeal site would be in line with the outward edge of the residential estate at Skedge Way, on the opposite side of Dawson's Lane, and the new housing would extend laterally a part way across the existing arable field. As such the proposal would continue a pattern of development in Blofield Heath which typically comprises small residential estates to the rear of the frontage housing. Therefore, this is not backland development that would be out of character with the prevailing form. Rather, the proposal would comprise a contiguous extension in keeping with the existing built shape of the settlement and in this respect would not cause material harm to the character and appearance of the village.
14. The appeal site is a relatively level arable field and in landscape terms is not the subject of any special protective designation and comprises a relatively contained area in terms of visual impact. The SPD identifies the appeal site as part of Blofield Tributary Farmland. However, this does not confer any special landscape value to the land in question. Any expansion of development onto farmland at the edge of a settlement would, it seems to me, be likely to result in some change to its rural character. However, any impact in this particular instance would be quite localised and, subject to suitable reserved matters detail in relation to scale, layout and landscaping, would have a very limited effect on landscape character generally.
15. For the above reasons I conclude that there would be some limited harm in terms of effect on character and appearance. In this regard, there would be conflict with JCS policies 1, 2 and 15, DM policies GC2, GC4 and EN2 and NP policies HOU4 and ENV2 which together and amongst other things seek to secure a design of development that protects the character and appearance of the village and its rural setting.

### **Other Matters**

16. Means of access is a reserved matter. The local highway authority (LHA) normally seeks to restrict to eight the number of dwellings served from an unadopted access. Dawson's Lane already serves at least four households but the LHA has not substantiated an objection provided the junction onto Blofield Corner Road is brought up to the required standard, that the footpath along the public highway is extended up to the site entrance and the first ten metre section of the access is widened to five metres. I note this might require the removal of hedging and possibly the relocation of street apparatus. However, subject to conditions securing these improvements, I am satisfied that adequate access to the site can be achieved with no material visual impact.
17. Dawson's Lane is not a public right of way and, even if remaining unlit, the level of vehicular traffic generated by this proposal would not give rise to such conflict with existing users as to substantiate a highway safety objection. On-site vehicle manoeuvring space, including for refuse and larger delivery vehicles, is a matter that would be addressed at the reserved matters stage as part of layout and access considerations. The rights to use and improve the private access, including necessary works to protect existing services such as water pipes, are civil issues rather than planning considerations. Access to the remainder of the arable field would be a matter for the landowner to consider and the potential land-locking of farmland is not a reason to find this proposal

unacceptable of itself on planning grounds. Dawson's Lane is not a public right of way, which limits the weight I can give to the development potentially adversely affecting its recreational use, such as by dog walkers and horse riders.

18. Although, on leaving the settlement, Blofield Corner Road narrows and contains some bends restricting forward visibility, it is of reasonable width in the other direction towards the village services and road connections thereon. On the basis of the evidence that is before me, I am content the surrounding road network has the capacity to safely accommodate the additional eight dwellings proposed.
19. There are no reasonable grounds for dismissing the appeal on the basis of flood risk or inadequate surface water drainage. The latter may be addressed by a condition securing agreement to and implementation of a satisfactory surface water drainage scheme. The ability to gain the necessary agreements or easements to implement this would be a civil matter. There are no grounds to find the proposal incapable of being provided adequate water supply or foul drainage arrangements. There is no substantiated evidence to support concerns that this development would result in any significant harm to biodiversity. Neither is there any firm case that the occupation of this number of dwellings would exceed the capacity of the local primary school and medical practice.
20. That the appeal site does not reflect established ownership and field boundaries would not be a reasonable planning consideration. Whilst I note concerns in relation to the devaluation of property prices, it is well established that this is not a material planning consideration. Approval of reserved matter details would enable the Council to ensure acceptable living conditions for neighbouring occupiers were secured with regard to issues such as privacy, outlook and noise. Whilst the wider Blofield parish might already have accommodated more than the residential development planned, due to housing land supply considerations, it cannot be accepted that an absolute ceiling has been reached at Blofield Heath such as to preclude the additional eight dwellings sought.

### **Planning Balance and Outcome**

21. I have found that there would be conflict with JCS policies 1, 2 and 15, DM policies GC2, GC4 and EN2 and NP policies HOU4 and ENV2 inasmuch as there would be some limited adverse visual impact. However, an assessment needs to be made as to whether those policies are out of date. I am mindful, in this regard, that for applications involving the provision of housing, footnote 7 to paragraph 11 of the Framework qualifies out-of-date to include situations where the local planning authority cannot demonstrate a five year supply of deliverable sites.
22. Paragraph 73 of the Framework requires that housing land supply be calculated against the housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The 2017 Greater Norwich Area Housing Land Supply Assessment, published in the Joint Core Strategy Annual Monitoring Report, shows that against the JCS requirements there is a 4.61-year supply in the combined NPA, a shortfall of 1,187 dwellings.

23. Very recently, on 10 January 2019, the JCS became five years old whereby the Framework would suggest looking beyond this for evidence of housing need. The Council places great weight on the evidence of the Central Norfolk Strategic Housing Market Assessment (SHMA), the most recent version of which was published in June 2017. This shows an 8.08-year housing land supply against the SHMA assessment of Objectively Assessed Need. However, the SHMA evidence has not been the subject of independent examination and is not based on the standard method of assessing local housing need as currently expected by the Framework and set out in the Planning Practice Guidance. Consequently, I consider that, for the purposes of this appeal, the relevant policies remain to be considered as not up-to-date. As such, the appeal falls to be determined within the context of the 'tilted' balance referred to in paragraph 11 of the Framework.
24. The policies in the NP form part of the development plan for the area. However, based on the criteria in paragraph 14 of the Framework, any conflict with the NP does not preclude the application of the 'tilted' balance in this case, not least because the NP does not contain policies and allocations to meet the identified housing requirement.
25. Application of the tilted balance in this instance means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
26. There would be local economic benefits through the construction and servicing of the eight dwellings, with additional household expenditure helping to support existing services in Blofield Heath.
27. The SHMA evidence does not diminish the modest social benefit the proposal would make towards housing supply, where the Framework continues to seek a significant boost. The submitted planning obligation, which secures a proportion of affordable housing on the site, with a one-third local letting policy, would also help address the requirements of NP Policy HOU1 in relation to meeting local social housing need and is a consideration that attracts significant weight.
28. Whilst the Council's statement refers to the large amount of land committed for housing, the level of completions in the NPA is currently falling below the JCS requirements. As recognised in Framework paragraph 68, small to medium sized sites such as that proposed can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.
29. As village services are limited, I recognise that future residents would be required to make a significant number of journeys to centres beyond to access jobs, secondary schools, supermarkets and to meet other regularly-required needs. However, the distances to these, and the option of using the bus service, would not render future occupiers entirely reliant on private car use. I agree with the Council in this regard that the development would be in a relatively sustainable location in transport terms; hence its Service Village status and capacity for small-scale housing growth.
30. So, to be weighed against the limited harm arising from visual impact, and the very modest loss of agricultural land, are the benefits that would accrue from



the proposal. In total, they are significant and would resonate with the economic, social and environmental dimensions of sustainable development. The combination of those benefits accords with the principal thrusts of the Framework for securing economic growth and boosting significantly the supply of housing, and are sound arguments carrying considerable weight in favour of the proposal.

31. In the overall planning balance, I am satisfied that the adverse impacts of the development, such as they are, would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken in the round. All in all, the proposal can be considered as comprising sustainable development and thus benefits from the presumption in favour of such as set out in the Framework. Therefore, I conclude that the appeal should succeed.
32. The Council suggests that allowing the appeal would create an undesirable precedent for further development in the countryside. However, it is well established that each planning proposal falls to be considered on its own merits. I have concluded in this case that, notwithstanding the conflict with relevant development plan policies, the proposal is supported by the Framework when considered as a whole. Moreover, the particular site characteristics indicate that only limited visual harm would arise. On that basis, this appeal decision would not set a precedent for development elsewhere that did not satisfy relevant planning policies and where material harm would arise.

### **Planning Obligation**

33. Consideration of the planning obligation is to be undertaken in the light of the advice at paragraph 56 of the Framework and the statutory requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations. Together, these require that planning obligations should only be accepted where they are necessary to make the development acceptable in planning terms; are directly related to the development and are fairly and reasonably related in scale and kind to it.
34. The obligations made in respect of affordable housing provision and financial contributions towards village recreational facilities and green infrastructure projects meet the relevant tests. Moreover, since the 33% affordable housing provision secured satisfies JCS Policy 4 for a site over 0.6 hectares, there is no reason to reduce this to 28% based on the SHMA (suggested as an alternative option in the Obligation).

### **Conditions**

35. I have considered the conditions recommended by the Council in the light of the advice in paragraph 55 of the Framework. This states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
36. The standard outline conditions are necessary, including the time limit imposed for the submission of reserved matters, where a three-year period is appropriate. A condition is also necessary to secure agreement and

implementation of a suitable surface water drainage scheme to prevent increased risk of flooding.

37. In the interests of highway safety and to ensure satisfactory access arrangements, a condition is necessary to secure junction improvements, the widening of the first 10 metres of Dawson's Lane and a new section of footway along Blofield Corner Road. A condition is necessary requiring inclusion of a fire hydrant to ensure adequate water infrastructure to enable the local fire service to tackle any property fire. The suggested condition requiring the submission of plans for the remaining access and the parking for the development is not needed since these details would comprise reserved matters in any event.

### **Conclusion**

38. Subject to these conditions and for the reasons set out above I conclude that the appeal should be allowed.

*Jonathan Price*

INSPECTOR

### **Schedule of Conditions**

- 1) Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Details of a surface water drainage scheme to serve the development and access shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following:
  - a) Calculations of the existing greenfield run-off rates for the proposed impermeable area and modelling to demonstrate that the surface water runoff will be restricted to the existing greenfield run-off rates in the equivalent rainfall events.
  - b) Modelling of the surface water drainage scheme to show that the attenuation features will contain the 1 in 100-year rainfall event including climate change.
  - c) Modelling of the conveyance system to demonstrate that there would be no above ground flooding in the 1 in 30-year rainfall event, and to detail the volumes of flooding in the 1 in 100-year climate change event, along with plans and drawings to show

where any flood volumes would flow and be stored to prevent flooding of buildings and offsite flows.

- d) Plans to depict the exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system.
- e) Details of who will maintain each element of the surface water system for the lifetime of the development and submission of a maintenance schedule.

The approved scheme shall be fully implemented prior to the occupation of any of the dwellings hereby permitted and thereafter maintained in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the local planning authority.

- 5) Prior to the first occupation of any of the dwellings hereby permitted the following highway measures shall be implemented in accordance with detailed specifications that have the prior written agreement of the local planning authority:
  - a) The upgrading and widening of the junction of Dawson's Lane with Blofield Corner Road to a minimum width of 5 metres, with kerb radii of 6 metres in accordance with the Norfolk County Council residential access construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway and including arrangements for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
  - b) A new section of 1.8m wide footway linking Dawson's Lane to the existing footway on Blofield Corner Road to the east.
- 6) Prior to the first occupation of any of the dwellings hereby permitted an operational fire hydrant shall be provided as part of the development in accordance with details that have the prior written agreement of the local planning authority. The fire hydrant shall thereafter be retained as agreed.

--- End of Conditions ---



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**Application Number**  
20190844

Lanpro Services  
Attention: Mrs Jane Crichton  
Brettingham House  
98 Pottergate  
Norwich  
NR2 1EQ  
United Kingdom

**Date Of Decision :** 27 November 2019  
**Development :** Residential Development of 12 no. Dwellings  
**Location :** Land at Dawsons Lane, Blofield, NR13 4SB  
**Applicant :** Mr Peter Rose  
**Application Type:** Full Planning

### **Town & Country Planning Act 1990**

The Council in pursuance of powers under this Act **GRANTS PLANNING PERMISSION** for the development referred to above in accordance with the details on the application form and subject to the following **conditions**:-

- 1 The development hereby permitted must be begun before the expiry of THREE YEARS from the date of this decision.

Reason for the condition:

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the application form, plans and drawings and other documents and details received as listed below :

Reason for the condition:

For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans, as required by the Spatial Vision and Spatial Planning Objectives of the Joint Core Strategy and the Broadland Development Management DPD 2015.

- 3 Prior to the first occupation of any of the dwellings the surface water drainage strategy shown on drawing 171542\_RLC\_00\_XX\_DR\_C500\_P08 submitted on 26th November 2019, 171542\_RLC\_00\_00\_DR\_C1001\_P2 and 171542\_RLC\_00\_00\_DR\_1000P2 submitted on 22nd November 2019 and Dwg No Sheet 01 of 02 H3C Headwall Cranked Grating and Dwg No Sheet 02 of 02 Headwall Lifting Diagram Received 3rd December 2019 shall be completed and fully operational and retained thereafter. The system shall be

managed and maintained in accordance with the SuDS Management and Maintenance Plan RLC Ref. 171542 Rev03 submitted on 22nd November 2019 for the lifetime of the development.

It should be noted that it is the applicants/developers/owners responsibility to ensure adequate drainage of the site so as not to adversely affect surrounding land, property or highway.

Reason for the condition:

To minimise the possibilities of flooding in accordance with Policy CSU5 of the Broadland Development Management DPD 2015.

- 4 No works shall commence on the site other than the off site highway works until such time as detailed plans of the roads/footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.

Reason for the condition:

In accordance with Policy TS3 of the Broadland Development Management DPD 2015.

- 5 Prior to first occupation of the final dwelling all works shall be carried out on roads/footways, foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.

Reason for the condition:

To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway in accordance with Policy TS3 of the Broadland Development Management DPD 2015.

- 6 Before any dwelling is first occupied the roads/footways shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with details, which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason for the condition:

To ensure satisfactory development of the site in accordance with Policy TS3 of the Broadland Development Management DPD 2015.

- 7 Prior to the first occupation of the development hereby permitted the off-site highway improvement works shown on drawing 171542 RLC-00-00-DR-C-110-C2 submitted on 18th December 2019 shall be completed to the written satisfaction of the Local Planning Authority.

Reason for the condition:

To ensure that the highway network is adequate to cater for the development proposed in accordance with Policy TS3 of the Broadland Development Management DPD 2015.

- 8 The development shall be carried out in full accordance with the Green Leaf Arborticultural Method Statement revised November 2019 and submitted on 6th December 2019. Any site investigation work required within the Root Protection Zones of any trees needs to be first submitted and agreed in writing with the Local Planning Authority, this would need to be carried out by hand digging and under the supervision of a qualified arboriculturalist. All approved tree protection measures shall be installed prior to the commencement of development work to implement this planning permission.

The approved tree protection measures are to be maintained in good condition and adhered to throughout the construction period. Unless otherwise agreed in writing by the Local Planning Authority, no construction-related activities (for example: storage and/or siting of: vehicles, fuel, materials, site huts or other buildings or ancillary equipment; raising of lowering of ground levels; installation of underground services, drains; lighting of fires etc.) may be undertaken within the identified Construction Exclusion Zones and fenced areas.

In the event that any tree(s) become damaged during construction, the Local Planning Authority shall be notified, and remedial action agreed and implemented. In the event that any tree(s) dies or is removed without the prior approval of the Local Planning Authority, it shall be replaced within the first available planting season, in accordance with details to be agreed with the Local Planning Authority.

Reason for the condition:

To ensure existing trees are protected during site works in the interests of the visual amenity of the area and the satisfactory appearance of the development in accordance with Policies GC4 and EN2 of the Broadland Development Management DPD 2015.

- 9 The development shall not progress above slab level until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- a) - planting plans;
- b) - written specifications (including cultivation and other operations associated with plant and grass establishment);
- c) - schedules of plants, including species, plant sizes at time of planting and proposed numbers/densities;
- d) - implementation programme.

Unless the Local Planning Authority gives written consent to any variation, if within a period of TEN years from the date of planting, any tree or plant (or any tree or plant planted in replacement for it), is removed, uprooted or is destroyed or dies, [or becomes in the opinion of the Local Planning Authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place.

Reason for the condition:

In the interests of the satisfactory appearance of the development in accordance with Policies GC4 and EN2 of the Broadland Development Management DPD 2015.

- 10 Development shall not progress above slab level until a scheme for generating a minimum of 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources has been submitted to and approved in writing by the local planning authority. None of the development shall be occupied until the approved scheme has been implemented and made operational and the approved scheme shall remain operation for the lifetime of the development.

Reason for the condition:

To secure at least 10% of the site's energy from decentralised and renewable or low carbon sources to accord with policy 3 of the adopted Joint Core Strategy.

- 11 The boundary treatment shown on the plans and particulars hereby approved shall be planted / constructed in the manner shown and completed before the dwellings are first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall be retained as such thereafter.

Reason for the condition:

In the interests of the satisfactory appearance of the development in accordance with Policy GC4 of the Broadland Development Management DPD 2015.

- 12 No fences, gates, walls or other means of enclosure as defined within Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order)(with or without modification) shall be carried out on the western boundary of plots 9 and 10 unless an appropriate planning application is first submitted to and approved by the local planning authority.

Reason for the condition:

In the interests of the satisfactory appearance of the development and in accordance with Policy GC4 of the Broadland Development Management DPD 2015.

- 13 Development shall not begin other than the off site highway works until a scheme has been submitted to and agreed by the Council for the provision of 1 no. fire hydrants (served by mains water supply on a minimum 90mm main). No dwelling shall be occupied until the hydrants serving the property or group of properties has been provided to the satisfaction of the Local Planning Authority.

Reason for condition

To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire. This is to be agreed in advance of the commencement of development in the interests of health and safety of the public and to avoid unnecessary costs to the developer.

- 14 The development shall be constructed in accordance with the Additional schedule of materials (the paving shall be laid to accordance with permeable paving specifications) submitted on 3rd December 2019, unless agreed in writing with the Local Planning Authority.

Reason for the condition:

To enable the local planning authority to control the colour, tone, texture and appearance of the materials used to ensure the satisfactory appearance of the development, as required by Policy GC4 of the Broadland Development Management DPD 2015.

### **Plans and Documents:-**

Dwg. 103\_19-6350\_P5 House Type G Elevations and floor Plans Received 28 May 2019

Dwg. 103\_19\_63\_\_60\_P4 House Type H & I Elevations and floor plan Received 14th November 2019

Dwg No 103\_19\_6300\_Rev P4 House Type A Elevations and Floor plans received 20 May 2019

Dwg No 103\_19\_6310\_Rev P4 House Type B Elevations and Floor Plans received 20 May 2019

Dwg No 103\_19\_6320\_Rev P5 House Type C Elevations and Floor Plans received 20 May 2019

Dwg No 103\_19\_6340\_Rev P5 House Type F Elevations and Floor Plans received 20 May 2019

Dwg No 103\_19\_6370\_Rev P1 Single Garage Elevations and Floor Plans received 20 May 2019

Dwg No 103\_19\_6380\_Rev P1 Large Single Garage Elevations and Floor Plans received 20 May 2019

Amended Dwg No 103\_19\_0150\_P7 Site Location Plan received 18 October 2019

Amended Dwg No 171542 RLC\_00\_00\_DR C\_111\_Rev P6 Section 38 Agreement Plan received 18 October 2019

Amended Dwg No 103\_19\_0102\_Rev P16 Site Plan received 18 October 2019

### **Informatives:-**

The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.

The applicant needs to be aware that there is liability for a Community Infrastructure Levy (CIL) with this development. A separate Liability Notice will be issued setting out the details of the levy due. If you have not received the CIL Liability Notice by the time you intend to commence development then it is imperative that you contact [CIL@broadland.gov.uk](mailto:CIL@broadland.gov.uk)

Further information about CIL can be found at

[www.broadland.gov.uk/housing\\_and\\_planning/4734.asp](http://www.broadland.gov.uk/housing_and_planning/4734.asp)

This permission is subject to a legal agreement under section 106 of the Town and Country Planning Act 1990 to provide affordable housing, contributions for off site open space and green infrastructure.

Please note that before any works of a building or engineering nature commence, it is the applicant's responsibility to obtain any necessary consent under Building Regulations. CNC Building Control, who provide the Building Control service for Broadland, can provide advice upon the Building Regulations. Their telephone number is 0808 168 5041 or [enquiries@cncbuildingcontrol.gov.uk](mailto:enquiries@cncbuildingcontrol.gov.uk) and their website is [www.cncbuildingcontrol.gov.uk](http://www.cncbuildingcontrol.gov.uk)

It is an OFFENCE to carry out any works within the Public Highway, which includes a



Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the applicant and the County Council. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the applicants own expense.

Signed

A handwritten signature in black ink that reads "Helen Melors". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Assistant Director – Planning  
Broadland District Council,  
Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU

## Information relating to appeals against the decision of the Local Planning Authority

If you are aggrieved by this decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Time periods to submit appeal

If the application relates to minor commercial development (as defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015) this should be submitted with **12 weeks** of the date of this notice.

If the decision relates to the same or substantially the same land and development as is already the subject of an enforcement notice, any appeal must be submitted within **28 days** of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the decision on your application, then you must do so within: **28 days** of the date of service of the enforcement notice, or within **6 months** of the date of this notice, whichever period expires earlier.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least **10 days** before submitting the appeal. Further details are on <https://www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal>

The Secretary of State can allow a longer period for giving notice of appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that permission for the proposed development could not have been given by the Council or could not have been given without the conditions imposed having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Appeals can be made online at <https://www.gov.uk/appeal-planning-decision> If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or tel no. 0303 444 5000

### Purchase Notices

If permission to develop land or carry out works is refused or granted subject to conditions, whether by the Council or by the Secretary of State for the Environment, the owners of the land may claim that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve on the Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of either Part VI of the Town and Country Planning Act 1990.