Planning Committee

Agenda

Members of the Planning Committee

Mr I N Moncur  (Chairman)  Miss S Lawn  (Vice Chairman)
Mr A D Adams   Mr R J Knowles
Mr P H Carrick  Mr A M Mallett
Mr G Everett    Mrs B H Rix
Mr I G Graham   Mr J M Ward
Mrs L H Hempsall

Substitutes

Conservative  Liberal Democrat
Mrs C H Bannock Mr D G Harrison*
Mr R R Foulger  Mr S Riley
Mr R F Grady    
Mr K G Leggett MBE  
Mrs T M Mancini-Boyle*
Mr G K Nurden  
Mr M D Snowing MBE  
Mrs K A Vincent  
Mr S A Vincent  
Mr D C Ward  
Mr D B Willmott  

*not met training requirement so ineligible to serve

Date
Wednesday 29 November 2017

Time
9.30am

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

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Reason at Committee: The application is contrary to the Development Plan, the officer recommendation is for approval and because it is a matter which the Head of Planning considers should be determined by the Committee as being in the public interest.

Summary of recommendation: To delegate authority to the Head of Planning to grant outline planning permission subject to conditions and subject to securing a Section 106 Agreement to covering affordable housing, open space and a travel plan.

1. THE PROPOSAL

1.1 The application seeks outline planning permission with all matters other than access reserved for the development of a retail supermarket of no more than 2500sq m, up to 155 dwellings, open space and vehicular access.

1.2 The proposed supermarket would be sited on a rectangular parcel of land to the south of the A47 Trunk Road and to the north of Yarmouth Road, Postwick. For the purposes of this report this site will be referred to as the ‘supermarket site’. A 4.8m wide access for deliveries and staff is proposed to the western end of the supermarket site and a 7.3m wide access to the customer car park is proposed to the eastern end of the site, both of which would be on to Yarmouth Road. An illustrative plan has been provided to demonstrate a potential layout of the supermarket site including the position of
the building; the provision of parking and the landscaping of the site but such matters are reserved for later consideration and are provided for information purposes only at this stage to demonstrate how the quantum of development could be accommodated within the site.

1.3 The proposed residential development and open space would be sited on a parcel of land to the south of Yarmouth Road and north of Berryfields within the parish of Brundall. For the purposes of this report this site will be referred to as the ‘residential site’. This site would be served by a Type 2 access on to Yarmouth Road and a Type 2 access on to Berryfields connected by a link road through the residential site. Also proposed is a Type 3 access on to Berryfields to serve the residential development and an access is proposed on to Yarmouth Road to serve the land reserved for formal open space. An illustrative masterplan has been provided to identify a potential layout for the 155 dwellings, and 1.12ha of formal open space and 1.53ha of informal open space. This plan shows the provision of residential development to the south and east of the site amongst 3 parcels of informal open space with the northwest reserved for formal open space.

1.4 In conjunction with the access arrangements, a package of off-site highway works are proposed including the provision of new footpaths to the north of Berryfields, new footpaths and cyclepaths to the north and south of Yarmouth Road extending to Cucumber Lane in the west and Manor Park, Blofield in the east and new crossing points and refuge islands to enhance connectivity.

1.5 The application is supported by the following documents:

- Amended illustrative Layout Plans
- Public Open Space Plan
- Development Enabling Report
- Amended Transport Assessment
- Amended Framework Travel Plan
- Habitat Regulation Assessment Addendum Report
- Amended Access and Offsite Highway Improvements Plan
- Amended Site Masterplan
- Location Plan
- Planning Statement
- Arboricultural Impact Assessment
- Archaeological Desk Based Assessment
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- Ecology Survey
- Design and Access Statement
- Site Investigation report
- Noise Assessment
- Flood risk Assessment
- Landscape and Visual Impact Assessment
- Amended Benefits Summary
- Renewable Energy Report
- Statement of Community Involvement

2 KEY CONSIDERATIONS

- Housing supply in the Norwich Policy Area.
- The allocation of the residential site for recreational open space.
- Brundall Parish Councils request for a Compulsory Purchase of part of the site and their ambitions for delivering recreational facilities in the Parish.
- Whether the proposal complies with the Development Plan and whether there are material considerations to justify a departure.
- The impact of the development on: highway safety and the satisfactory functioning of the local highway network and A47 Trunk Road; landscape and ecology; drainage and pollution; archaeology; residential amenity and town centre vitality.

3 CONSULTATIONS

3.1 Anglian Water:

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water ask that an informative be included within the decision notice should permission be granted.

The foul drainage from this development is in the catchment of Whitlingham Trowse Water Recycling Centre that will have available capacity for these flows.
Development will lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution. We will request a condition requiring compliance with the agreed strategy.

The proposed method of surface water drainage does not relate to Anglian Water operated assets and as such we are unable to provide comments on the suitability of the surface water management.

The planning application includes trade effluent and we would ask that an informative be included within your notice should permission be granted.

3.2 Broads Authority:

The proposed development is a considerable distance from the Broads Authority Area and the topography and existing settlement of Brundall will effectively screen views of these developments from the Broads. However all external lighting should be designed in such a manner that it doesn’t add to the cumulative adverse impacts experienced in the area in relation to night sky pollution which already has an adverse effect on the Broads landscape character.

3.3 Conservation Officer (Arboriculture and Landscape):

In summary the layout of the proposals could be amended to remove the majority of tree constraint issues, the extent of tree removals required to provide the visibility splays needs to be clarified. The residents of Berryfields would be most adversely affected by the proposed change of land use. If the application proceeds to a full application an amended A1A and a landscaping scheme will be required.

3.4 Landscape and Amenity Officer:

Clarify responsibility for maintenance of open space, details of boundaries required and detailed comments provided on layout.

3.5 Environmental Contracts Officer:

Referred developer to standard planning guidance notes documents for consideration at detailed design stage.

3.6 Environmental Health Officer (Pollution Control):

I would suggest a condition that requires the dwellings to be constructed in accordance with the noise mitigation measures as detailed in section 5 of the
submitted acoustic report dated 22/7/2016. This is essential to provide an acceptable level of amenity within the houses to the north and west of the site.

3.7 Highways England (Following amendments, additional information and ongoing discussion):

No objection subject to conditions regarding the need for a Travel Plan and the provision of a link road from Berryfields to Yarmouth Road as shown on the submitted drawings.

3.8 Highway Authority (in respect of the Transport Assessment and access arrangements):

The Development Team continue to have concerns as it represents large scale growth in an area that does not have safe, sustainable walking links to the catchment high school but it is recognised that it would be difficult to resist development on this point alone.

We are now satisfied that previous concerns regarding committed development, modelling of a through route and the validation exercise have been addressed.

We do however have concern with traffic generation reductions due to the proposed Travel Plan which is overly optimistic however in light of the fact that Highways England has now withdrawn their holding objection I can confirm that I no longer require further capacity assessments however further comments will be provided when the applicant submits information on the cumulative impact of both this and the Memorial Hall site.

It is welcomed that a Type 2 access road is now proposed linking Yarmouth Road with Berryfields which will provide relief on the A47 and offers greater network resilience. The previous concern regarding the visibility from the new accesses has now been addressed.

(in respect of off-site highway improvements):

Based on the amended drawing our previous concerns regarding the off-site highway improvements have now been addressed and that the scheme shown represents an indicative layout suitable for planning purposes. As previously advised, there are a few things that will need to be picked up within the required S278 design check and stage 2 safety audit should planning permission be granted.
3.9 Housing Enabler:

We would not support a tenure split of 50:50 (affordable rent tenure: intermediate tenure). For this low tenure ratio it is expected that the applicant will provide supporting viability evidence. The JCS requirement is 85:15 tenure split and if the developer is offering a good mix of property of types (to include bungalows) then we could consider a 60:40 tenure split.

We have discussed with the applicant purchasing / allocation priority to employees of Broom Boats. It is noted that the Affordable Housing Group Standard does include wording relating to local lettings of the affordable rent tenure units that would cover current residents but no allocation priority would be given to employees of Broom Boats. Similarly purchasers of affordable housing products need to demonstrate a local connection to Broadland district to be considered eligible. As employees of Broom Boats this would be considered working within the parish.

3.10 Lead Local Flood Authority:

Following the receipt of additional information we have no objection subject to conditions being attached to any consent.

3.11 Minerals and Waste policy:

No specific comments on this application

3.12 National Grid:

It appears from the masterplan that the supermarket will encroach on the easement for an intermediate pressure pipeline and for some part will be positioned over the pipeline. The national Grid therefore object to the application as it does not comply with current gas policy legislation regarding proximities to gas pipelines.

Comments following further information:

The location of the pipeline would need to be confirmed by trial homes to ensure no unacceptable encroachment. We request that this is conditioned. Landscaping that is permitted above the pipeline is also restricted and must have written approval from National Grid.

3.13 Natural England:

No objection subject to appropriate mitigation being secured. The application has the potential to affect the interest features of European designated sites ('Natura 2000' or 'N2K' sites) afforded protection under the Conservation of
Habitats and Species Regulations 2010 (the ‘Habitats Regulations’). The application has the potential to impact upon Broadland Special Protection Area (SPA) and the Broads Special Area of Conservation (SAC) which are European sites. These sites are listed as Broadland Ramsar site and also notified at a national level as Yare Broads and Marshes Site of Special Scientific Interest (SSSI) and Cantley Marshes SSSI which are afforded protection under the Wildlife and Countryside Act 1981 (as amended). The relevant notification features of the SSSIs broadly relate to the features associated with the N2K site.

As competent authority your authority should determine whether the proposal is likely to have a significant effect on N2K sites proceeding to the Appropriate Assessment (AA) stage where significant effect cannot be ruled out.

Natural England notes that the HRA has not been produced by your authority but by the applicant and as competent authority it is your responsibility to produce the project HRA. We provide advice on the assumption that your authority intends to adopt the project HRA to fulfil your duty. We concur with the view that the proposal can be screened out from further assessment because significant effects are unlikely to occur, either alone or in combination.

Other advice:

We would expect the LPA to assess and consider impacts on local sites, local landscape character and local or national biodiversity priority habitats and species.

Natural England has published standing advice on protected species which should be applied to this applications

3.14 NHS England:

No objection. Due to the scale of the proposed development and premises capacity in the area there is not an intention to seek primary Healthcare mitigation on this occasion.

3.15 Norfolk County Council Senior Green Infrastructure Officer:

The submitted ecology report is fit for purpose. The application site has low biodiversity value and impacts on ecology are predicted to be minor. If you are minded to approve the application you may wish to consider conditioning grass snake capture programme and a requirement to consider nesting birds. Some ecological enhancement is recommended which we would support and you may wish to condition.
I have reservations regarding the recreational impacts on the Natura 2000 (N2K) network from cumulative housing in the settlement. Consented and built development in Brundall now greatly exceeds the anticipated quantum of housing and will be delivered with minimal/no mitigation for recreational impacts on N2K sites. It will be down to Broadland as the competent authority under the Habitats Regulations to choose to adopt the applicants HRA as their formal record or to undertake your own.

3.16 Norfolk County Council Historic Environment Service:

The desk based assessment concludes that the proposed development has moderate potential for heritage assets of prehistoric and Anglo Saxon date to be present. If planning permission is granted we would therefore ask that this is subject to a programme of archaeological mitigatory work secured by condition.

3.17 Norfolk County Council Infrastructure and Economic Growth Planner:

Identifies the infrastructure to be funded through CIL is Education, Libraries and Green Infrastructure.

Education – There is spare capacity at primary and Early Education level but forecasts indicate that Brundall School and the Early Education sector are likely to exceed their capacity. Brundall School is on a restricted site and it is unlikely that much expansion could happen there. Taking into account committed development in the area we would need a further 100+ primary places which would put Brundall School under considerable pressure. Thorpe St Andrew School and Sixth Form is unable to accommodate the children generated from this proposed development. It is therefore expected that the funding for the additional school places required at Early Education, Primary, High School and Sixth form levels would be funded through CIL.

Library – Funding is required to increase capacity.

Fire – 3 fire hydrants would be required for the residential development and 1 hydrant for the supermarket.

Green Infrastructure – Green infrastructure should be included within the proposed site in accordance with local policy. Connections in to the local Green Infrastructure network including Public Rights of Way and ecological features should be considered and maintenance contribution may be required.

3.18 Norfolk County Council Trails Officer:

Development should integrate into the existing highway network, be that roads, footways or Public Rights of Way (PRoW). In this instance a link
should be provided between the development and Postwick Footpath 6 to integrate development and encourage use of this PRoW. Norfolk County Council Environment Team would also require a contribution, proportionate to the development, towards the improvement of the right of way in order to facilitate this increase in use.

We note that an attempt has been made to provide a link onto FP6 from the northern side of Yarmouth Road via a crossing from the new footway. However, we note that there looks to be the provision of a footway on the south of the Yarmouth Road to the eastern edge of their site to a layby, (annotated 'future of layby to be discussed with NCC'). We feel that it would be unlikely that walkers would cross the road twice in such a short distance and would be highly likely that they would try to walk along the southern verge instead.

We would therefore be looking for a connecting footway between the layby and FP6 on the south side of Yarmouth Road. The highway boundary would appear to be wide enough to accommodate such a footway.

3.19 Police Architectural Liaison Officer:

The mix enables a greater potential for homes to be occupied throughout the day and am pleased that Secure by Design (SBD) is referenced in the design and access statement and SBD recommendations concerning surveillance, defensible space and boundary treatments have been included.

3.20 Pollution Control Officer:

Following the submission of additional information and do not consider there to be a need to require any further assessment work.

3.21 Spatial Planning Manager:

The planning decision remains a matter of "balance" taking into account all the material considerations. There is a conflict with GC2 of the DM DPD and BRU2 of the SA DPD but there are significant considerations that would weigh against these policies.

Officer comment – Further details of the policy implications are included in the appraisal section of this report.

3.22 S106 Monitoring Officer (on amended plans received 08 August 2017):

The layout is the best so far as it provides lots of links out of the site. I would recommend a raised table or some such where the road cuts across the two sides of the site. This could reinforce the importance of the open space. The
location of the changing rooms/club house, car parking and flood lights needs careful consideration given there are flats overlooking the sports area.

3.23 Sport England:

Sport England support the application as it is considered to meet its objective of providing new facilities to meet demand in that the scheme has the potential to deliver a new sporting facility that will meet existing/future needs for a 3G pitch to serve the local area. As the application does not specifically relate to the provision of an artificial pitch the previously suggested conditions regarding the delivery of the 3G pitch would not be applicable. Clarification should be provided to demonstrate that the land in question could accommodate the facilities on the 1.2ha site and will be acceptable in terms of amenity/noise terms.

4 PUBLICITY

4.1 Site Notice: 28 September 2016

Expired: 19 October 2016

4.2 Press Advert: 13 September 2016

Expired: 4 October 2016

4.3 Neighbour Notification: 12 September 2017

Expired: 5 October 2017

565 neighbour consultation letters were sent to residents of adjacent roads including Maurecourt Drive; Cucumber Lane; Berryfields; Parker Close; Foster Close; Beverley Road; Medeswell Close; Lackford Close; Greenacre Close; St Laurence Avenue; Grovebury Close; Brigham Close; Gray Close; Varvel Close and Cooper Row

5 REPRESENTATIONS

5.1 Blofield Parish Council:

Outside the parish so no Neighbourhood Plan policies apply however with the proposed supermarket there ought to be a continuation of the footpath / cyclepath from Blofield Motor Company up to McDonalds. Crossing points on Yarmouth Road need to be provided. All efforts should be made to provide this as a cycle path. The site will not be sustainable development as it is not
within 20 minutes walking distance of local facilities. Speed limits on Yarmouth Road should be limited to 30 mph along with traffic calming measures and speed activated signs close to the McDonalds entrance and improved signage to the existing businesses. Traffic movements will significantly increase at a congested roundabout where a number of accidents have occurred in the past year. Cumulative highway impact must be considered which will increase queuing at the A47 roundabout. Concerns over capacity at local schools and doctors services to accommodate growth.

Further comments 21/06/2017

The new proposed footpath commences at Blofield Motor Company and stops at the supermarket – would still like to see it continue to McDonalds. All efforts should be explored to enable connected path / cyclepath to serve the development. Previous comments regarding the distance of site to services and speed limits apply. The Transport Assessment (TA) now includes a lot of the committed development and is predicting an increase in traffic movements at the A47 roundabout of 48% at Yarmouth Road and 19.3% at Cucumber Lane resulting in an average car length of 25 and 23 cars and the TA also states that Highways England upgrades to the A47/Yarmouth Road priority junction at Blofield could result in a redistribution of traffic away from the A47 roundabout. Also Highway Improvements resulting from Manor Farm are no longer required by Highways England but no alternative scheme is now proposed.

Further comments 08/08/2017:

The Traffic Assessment excludes Phase 2 of Saxon Fields and the proposal for land to east of the Memorial Hall so is not an accurate reflection of potential future traffic growth. Junction improvements are required at the east of Blofield with the A47 to provide alternative access to join the A47 given the potential queue lengths at the A47 roundabout.

5.2 Postwick Parish Council:

Serious concerns that Old Yarmouth Road would not be able to cope with this amount of traffic and would also send the overflow of traffic down Brundall Low road and also produce further pressure on the Cucumber Lane roundabout

5.3 Brundall Parish Council 27/10/2016:

Objects with the main reason being that it is contrary to the Local Plan namely the Brundall neighbourhood Plan and that this proposed site is allocated for recreation in the Site Allocations DPD 2016.
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There has been no consultation by the applicant with the Parish Council.

The supermarket will generate traffic from a catchment wider then Brundall and Blofield with implications for the local highway network.

Notwithstanding the open space the development would be high density by comparison with other developments in Brundall.

New housing should be located within walking distance of local shops and the primary school.

Management of the open space would have implications for the Parish Council.

The site lies in close proximity to the A47 and is likely to be affected by road noise so consideration will need to be given to noise mitigation measures and layout.

There are discrepancies on what is shown on in the Design and Access statement and masterplan.

Concerned that the development is not sustainable development due to distances from services and cost implications of managing open space.

A 2014 Parish survey identified 82% of respondents said that no more land should be made available for housing due to the impact on local services, the extra traffic generated, the village is large enough and impact on agriculture and the surrounding countryside.

The Transport Assessment does not accord with local data from the Brundall Parish Survey in 2014 where 37% of respondents suggested more traffic calming measures were needed in the area.

Further comments 26/01/2017:

The application is in conflict with the Neighbourhood Plan and Broadland Local Plan as it is allocated for recreation and we have been working on our own plans to purchase or acquire the land to develop for formal recreation. The Parish Council is also aware of a holding objection from Highways. We have had notification from Brundall School that it is at capacity and local residents complain of waiting 4 weeks for doctors’ appointments. Pre-school is at capacity. Question the safety of pedestrians accessing the supermarket site. We have had support from Norfolk FA who has indicated optimism for the suitability of the site for pitches.

We now have an intention to pursue a Compulsory Purchase the site.
Further comments 04/03/2017 (Response to Broom Boats offer of MUGA):

The Parish Council will not accept a MUGA or any other structure to be placed on consecrated land for future burials as the land will be required in the coming decades.

The offer of a MUGA on site is not sufficient compensation for the loss of the whole area of the recreational site allocation and does not meet our recreational aspirations and the financial aspect of the offer is inadequate. The location to the west of the site is too close to the proposed housing and would create a problem with no car parking and floodlighting would not be practical which would limit its use.

Further comments 27/06/2017 (response to Broom Boats letter of 25/05/17):

Norfolk FA do not support a Multi-Use Games Area (MUGA) pitch due to the surface not being suitable and not being 3G. The FA wants to specifically encourage development of artificial grass pitches that meet needs for as many formats of football as possible. The plans have no changing or toilet / welfare facilities which raise safeguarding issues for under 10s and a lack of such facilities will discourage informal use. A national sports company has stated that MUGAs do not work and our planned 3G pitch would have a greater variety of use, increase visitors to Brundall and support the local economy. Comments sub mitted by representatives of Blofield United and Acle Rangers identifying the need for football facilities and the community benefits this would bring.

The proposal by the Parish Council is not an attempt to seek financial benefit from an approved development but to seek the means of obtaining required open space provision where there is an acknowledged shortfall. The benefits promoted by the applicant are not unique to this scheme and would be required for most housing proposals.

On site recreation/open space provision is in accordance with policy. Off-site provision other than at Links Avenue is not possible. The developers in lieu contribution for off-site provision at Links Avenue does not compensate for the actual significant loss of allocated recreational open space.

The Parish Council have compromised significantly in suggesting that in the event of consent being granted they would be prepared to accept the provision of a MUGA which will require a site of not less than 1.65ha. This represents an area equivalent of only some 20% of the total statutory recreation allocation and is only acceptable due to the greater use flexibility of a MUGA compared with grass pitches.

Further comments 27/06/2017 (Response to Broom Boats Agents' DLA Piper letter date 18/05/2017 Re Suffolk Coastal v Hopkins Homes Ltd):
With the LPA not being in a position to show a 5 year housing land supply the NPPF carries significant weight.

Policy BRU2 is very specific and there to meet an identified shortfall in recreation provision.

The DLA Piper letter only mentions BRU2 and has overlooked the Neighbourhood Plan and policy 4 contained within which is more detailed and specific. The BRU2 policy which does relate to recreation only refers to open space and supports any recreation open space. This is not a housing policy and how this will be judged in a Planning Inquiry is not to be predicated.

If housing were granted the negative impact on our recreation plans (given the acute shortfall) would be far reaching and materially detrimental due to the other site in Brundall not being suitable.

Total identified shortfall of 23.5 acres (Brundall has access to 0.5 acres out of a requirement for 24 acres and can only be met by the two allocated sites.

The allocation and aim of the policy can be achieved as the Parish Council have funds and CPO process has commenced to provide adequate MUGA for all ages and uses.

Comments on amended plans received 08/08/2017 and 10/08/2017:

Object. The Parish Council require 1.65 ha of land to enable it to achieve the provision of a full size artificial grass football pitch and associated facilities. We cannot achieve this with the proposed 1.12ha (68% of the required land space) which is unacceptable.

5.4 Following the neighbourhood consultations 1 neutral comment and objections from 73 properties were received. A summary of the objections is as follows:

- Application will create a suburb of Norwich
- Land is allocated for recreational use
- Space should be retained between Brundall and Blofield
- Access on to the A47 roundabout is dangerous, busy and subject to delays which existing developments will make worse
- Retail unit will cater for more than local needs drawing traffic from the A47
- Retail unit will take trade from existing shops and businesses
- Development will exacerbate flooding
- Doctors, schools and nurseries are at capacity
- Properties will increase noise and disturbance for nearby residents and result in loss of light
- Proposal is overdevelopment
- Development is contrary to local plan (including neighbourhood plan)
- Plans include insufficient open space and insufficient recreational space
- Development in Brundall has exceeded JCS requirements
- There is not a need for the retail store
- Development would change the character of the village
- Landscape assessment is insufficient to demonstrate impact on historic church
- Brundall lacks recreational open space and facilities
- Loss of Grade 2 agricultural land
- Development will increase traffic through the village
- Sheltered housing should be included in the development
- Development will result in decline in wildlife and habitats
- Drains and sewage system won’t be able to cope with increased use.

5.5 Head Teacher of Brundall Primary School:

At present we have 6 places available at Reception/ Year 1, one place in Year 2 and one place in Year 5. Our year 3, 4 and 6 classes are full.

Although these numbers are based on this year’s structure, they do give some indication of the limited availability we have at present for pupils who might be moving into the area.

These numbers are reviewed each year based on the intake for our Reception class, and can change. Our maximum intake number for Reception is currently 45.

5.6 Manor Park, Blofield:

Object for the following reasons:
The Sequential Assessment submitted with the planning application is not sufficiently thorough, and is contrary to the National Planning Policy Framework (NPPF). There is little or no analysis supplied, and is therefore not an objective assessment.

The retail site is within Postwick Parish boundary. Postwick is not defined as a Key Service Centre. Retail services in this location are contrary to Policy 14 and Policy 19 of the Joint Core Strategy (JCS) in respect of protecting and enhancing Blofield and Brundall.

The retail site is not compliant with the advice and policies contained within the NPPF (2012), Broadland District Council (BDC) Development Management Policies DPD (2015) and BDC Site Allocation DPD (May 2016). The proposal fails in terms of Policy R1 since retail as a town centre use in this location would decrease the attractiveness and viability of two Key Service Centres in Brundall and Blofield.

5.7 Campaign to Protect Rural England:

Object for the following reasons:

The site is not identified for housing in the Site Allocations DPD.

Outside of Settlement Limit.

Brundall's Neighbourhood Plan allocated the land for recreational use.

Increased traffic

5.8 Brundall Memorial Hall Trustees:

Given that the existing "sports hall" and the "lounge" are regularly over booked, there is a risk that Brundall will lose some of its social cohesion.

In the view of the Trustees of the Memorial Hall, the most sensible solution will be to provide an annex housing an additional large room or hall, plus storage, kitchen and toilets.

The applicants are keen to assist in meeting the needs of the village for formal recreational provision and have offered to work with both Brundall PC and the Trustees of the Memorial Hall to help deliver the facilities being prioritised (as hall facilities extension or annex) in the short term.

The planning application refers to land that was only last year site allocated by Broadland for recreational use. If the application were to be approved, then
we suggest that it would be appropriate for Broadland to ask the developers for an ex-gratia payment specifically to enhance Brundall’s indoor all-weather recreational facilities. The sum of £250,000 would strengthen the Trustees position as they seek funds from other sources.

6 RELEVANT POLICY GUIDANCE

National Planning Policy Framework (NPPF):

6.1 This document sets out that the purpose of the planning system is to contribute towards achieving sustainable development. It also reinforces the position that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. As national policy, the NPPF is an important material consideration and should be read as a whole but paragraphs 6, 7, 8, 11, 13, 14, 19, 23, 24, 27, 28, 32, 47, 49, 69 and 73 are particularly relevant to the determination of this application.

National Planning Practice Guidance

6.2 This provides guidance adds further context to the NPPF and should be read in conjunction with it as a material consideration.

Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk 2011 (amendments adopted 2014):

6.3 Policy 1 – Addressing Climate Change and Protecting environmental Assets:

This policy sets down a number or standards that new development should achieve in its attempts to address climate change and promote sustainability, including giving careful consideration of the location of development and the impact it would have on the ecosystems of an area.

6.4 Policy 2 – Design:

Seeks to ensure that all development is designed to the highest possible standard, whilst creating a strong sense of place. It also states that developments will respect local distinctiveness.

6.5 Policy 3 – Energy and Water:

Amongst other things seeks to ensure that the highest levels of energy and water efficiencies are met through the planning submission and conditions if necessary.
6.6 Policy 4 – Housing Delivery:

States that proposals for housing will be required to contribute to the mix of housing required to provide balanced communities and meet the needs of the area, as set out in the most up to date study of housing need and/or Housing Market Assessment. Furthermore it sets out appropriate percentages for the delivery and tenure of affordable housing.

6.7 Policy 5 – The Economy:

Identifies that the economy will be developed in a sustainable way to support jobs and economic growth both in urban and rural locations.

6.8 Policy 6 – Access and Transportation:

States that the transportation system will be enhanced to develop the role of Norwich as a Regional transport Node and will improve access to rural areas.

6.9 Policy 7 – Supporting Communities

Requires development to maintain or enhance the quality of life and the wellbeing of communities and will promote equality and diversity, and protect and strengthen community cohesion.

6.10 Policy 8 – Culture Leisure and Entertainment

Development will be expected to provide for local cultural and leisure activities, including new or improved built facilities, provide for a range of activities including performance space, and/or access to green space including formal recreation, country parks and the wider countryside.

6.11 Policy 9 – Growth in the Norwich Policy Area:

The Norwich Policy Area (NPA) is the focus for major growth and development. Housing need will be addressed by the identification of new allocations to deliver a minimum of 21,000 dwellings distributed across a number of locations.

6.12 Policy 14 – Key Service Centres:

Identifies Brundall as a Key Service Centre capable of accommodating small scale housing growth (approximately 50 dwellings) to meet a range of local needs including affordable housing. Brundall has been identified in this policy as an area that may be considered for additional development, if necessary, to help deliver the ‘smaller sites in the NPA’ allowance.
6.13 Policy 19 – The Hierarchy of Centres:

The development of new retailing, services, offices and other town centre uses as defined by government guidance will be encouraged at a scale appropriate to the form and functions of a defined hierarchy of centres.

6.14 Policy 21 – Implementation of proposals in the Broadland part of the Norwich Policy Area:

When considering development proposals in their part of the Norwich Policy Area Broadland District Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.


6.15 Policy GC1 - Presumption in favour of sustainable development:

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

6.16 Policy GC2 - Location of new development:

New development will be accommodated within settlement limits defined on the proposals map. Outside of these 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.

6.17 Policy GC4 – Design:

Development will be expected to achieve a high standard of design and avoid any significant detrimental impact.

6.18 Policy EN1 - Biodiversity and Habitats:

Development proposals will be expected to protect and enhance the biodiversity of the district, avoid fragmentation of habitats and support the delivery of a co-ordinated green infrastructure network.

6.19 Policy EN2 – Landscape:

In order to protect the character of the area, this policy requires development proposal to have regard to the Landscape Character Assessment SPD.
6.20 Policy EN3 - Green Infrastructure:

Residential development consisting of five dwellings or more will be expected to provide at least 4 hectares of informal open space per 1,000 population and at least 0.16 hectares of allotments per 1,000 population.

Development will also be expected to make adequate arrangements for the management and maintenance of green infrastructure.

6.21 Policy EN4 – Pollution:

Development will be expected to include an assessment of the extent of potential pollution, and mitigation measures will be required where necessary.

6.22 Policy R1 – District, Commercial and Local Centres:

Within the defined district, commercial and local centres as shown on the policies map, town centre type uses which increase the attractiveness and vitality of the centre will be encouraged.

6.23 Policy RL1 - Provision of Formal Recreational Space:

Residential development consistent of five dwellings or more will be expected to make adequate provision and subsequent management arrangements for recreation.

6.24 Policy TS2 - Travel Plans and Transport Assessments:

In the case of major development a Transport Assessment and/or Travel Plan will be required.

6.25 Policy TS3 - Highway Safety:

Development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network.

6.26 Policy TS4 - Parking Guidelines:

Within new developments, appropriate parking and manoeuvring space should be provided to reflect the use and location as well as its accessibility by non-car modes.
Planning Committee

6.27 Policy CSU1 – Additional Community Facilities:

Proposals which improve the range of community facilities and local services available within the district will be encouraged where no significant adverse impact would arise. Such proposals may be permitted outside settlement limits where it has been adequately demonstrated that a clearly defined need exists.

6.28 Policy CSU5: Surface Water Drainage

Mitigation measures to deal with surface water arising from development proposals should be incorporated to minimise the risk of flooding on the development site without increasing flood risk elsewhere.


6.29 BRU2 – Land north of Berryfields, Brundall (Approx. 7.2ha) is allocated for recreational open space:

Guidelines for the development:

- It will need to comply with relevant policies in the Development Plan and the National Planning Policy Framework
- Vehicular access from Berryfields
- Footway provision on the northern side of Berryfields and a suitable crossing may be required.
- Adequate landscaping and green infrastructure should be provided with a particular emphasis on retaining existing trees and hedging where possible.
- A sustainable drainage system (SUDS) should be provided in the event that any development is proposed.
- A Flood Risk Assessment with pollution control measures will be required.
- Further investigation in respect of archaeology may be required.
- The open space will be for formal recreation uses, such as playing pitches.
Planning Committee

Brundall Neighbourhood Plan 2016 to 2026:

6.30 Policy 2 – Walking and Cycling Routes:

Seeks to provide Brundall with an improved and joined-up network of high quality footpaths and cycleways to help residents and visitors move around more easily and safely on foot or bicycle and reduce the reliance on the private car for local trips.

6.31 Policy 4 – Enhanced Recreation Provision:

Supports the provision of new and expanded recreation facilities in the village. This could include a formal outdoor sports pitch(es), a bmx track, multi-use games area, bowling green or flexible indoor spaces potentially incorporating a gymnasium.


6.32 Sets the guidance on how the requirements set out within Policies EN1, EN3 and RL1 will be applied.

Broadland Landscape Character Assessment Supplementary Planning Document (SPD):

6.33 Character area D4: Blofield Tributary Farmland

7 LOCATION AND DESCRIPTION OF SITE

7.1 The application site comprises an area of 8.67ha located to the north of Brundall. The site is divided into 2 distinct areas of 1.12ha and 7.55ha separated by Yarmouth Road which runs east to west.

7.2 The area of site to the north of Yarmouth Road is rectangular in shape and was last used for agriculture. It is largely flat and contains a variety of trees and hedgerows to its boundaries. To the north of this parcel of land is the A47 Trunk Road and to the south is Yarmouth Road. To the west is a fast food restaurant and drive through and to the east is land previously in agricultural use. An intermediate pressure National grid gas pipeline runs through part of the site.

7.3 The area of site to the south of Yarmouth Road is made up of three fields delineated and bounded by trees and hedgerows. The southern fields were previously used for agriculture whilst the northern filed is used for grazing horses. The site falls from north to south-east. To the north of the site is
Yarmouth Road and to the south is Berryfields, a residential estate from circa early 1980. To the east of the site is land in agricultural use and to the west the boundary is shared with residential dwellings and land owned by Brundall Parish Council which is used for informal recreation. Overhead power lines run through the site in an east-west direction.

8 PLANNING HISTORY

8.1 20170665 – Change of use of the land from agricultural to recreational. Undetermined.

8.2 20150667 - EIA Screening Opinion - Class B2 manufacturing facility with offices and associated car parking; residential development; residential care home; and class A1 convenience retail unit. Not EIA Development. 27 May 2017.


8.4 Request by Brundall Parish Council to Compulsory Purchase 1.65ha of the application site and the resolution by Cabinet on 20 June 2017 to approve the CPO in the event that negotiations to enable the satisfactory provision of recreational facilities are unable to reach an acceptable agreement and/or break down.

9 APPRAISAL

9.1 The planning application seeks outline consent with all matters reserved except access for the development of a retail supermarket of no more than 2500sq m, up to 155 dwellings, open space and vehicular access.

9.2 The main issues to be taken in to consideration in the determination of this application are whether the development complies with the development plan; if not whether there are material considerations sufficient to outweigh the presumption of determining the application in accordance with the development plan and whether there are significant impacts that would justify a refusal of planning permission, in particular whether the application adequately demonstrates that the proposed development will not result in detrimental impact on highway safety and the satisfactory functioning of the local highway network, town centre vitality, landscape and ecology, pollution, flood risk, amenity and archaeology.

9.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the area consists of the Joint Core Strategy for Broadland, Norwich and
South Norfolk 2011 (amendments adopted 2014) (JCS); the Broadland Site Allocations DPD 2016 (SA DPD); the Broadland Development Management DPD 2015 (DM DPD) and the Brundall Neighbourhood Plan 2016-2026 (Brundall NP) (in respect of the part of the application site that lies within the Parish of Brundall).

**Principle of Supermarket**

9.4 The proposed supermarket would be sited on a rectangular parcel of land 1.12ha in area to the north of Yarmouth Road and to the south of the A47 Trunk Road within the parish of Postwick. The supermarket site is located outside of a defined settlement limit and therefore within the countryside for the purposes of planning policy. Policy GC2 of the DM DPD states that outside of 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. In this respect policy CSU1 of the DM DPD has relevance as it seeks to improve the range of community facilities and local services within the district where no significant adverse impact would arise. This policy states that proposals for local services (which include local shops in the explanatory text) may be permitted outside settlement limits where it has been adequately demonstrated that a clearly defined need exists.

9.5 Whilst the supermarket is located in the Parish of Postwick, it is more closely related to the village of Brundall. Brundall is identified as a Key Service Centre in the JCS as defined in policy 14. Such centres are notable for their range of facilities enabling them to meet local needs as well as those of residents in surrounding areas. JCS policy 14, amongst other requirements, seeks to protect and enhance established retail and service areas and promote local employment opportunities. This reflects paragraph 28 of the NPPF which, inter alia, seeks to promote a strong rural economy through the retention and development of local services such as local shops. The explanatory text to policy 14 identifies that Brundall has a limited range of dispersed shops and services. These existing facilities include two small supermarkets on The Street (one being 440sq. m the other being approximately 650sq. m including a Post Office) that given their size would be used by local residents as a ‘top-up’ function. The closest large food store is Sainsbury’s at Pound Lane, Thorpe St Andrew this being approximately 8500sq. m (including café and Argos) and located approximately 3.5 miles from the application site.

9.6 The proposed food store does not have a named operator and the application is in outline only for a store of up to 2,500sq m in floor space. The applicant has identified that they have received interest from a number of different grocery operators and considers that there is a gap in grocery provision in the local area which the proposal would help address. Planning permission was granted for a similar sized supermarket on land north of Yarmouth Road, Blofield (approximately 500 metres to the east of the application site) under
reference 20140758 however this permission has now lapsed having not been implemented. The applicant also considers that the development would be more convenient for catchment residents who currently have to travel longer distances for their main food shop and as a result would have sustainability benefits by reducing the need for local residents to travel. The applicants also identify the level of recent growth in Brundall and Blofield, significantly in excess of that anticipated by the JCS, as further justification for a supermarket of the scale proposed to serve the growing population.

9.7 Officers are satisfied that the applicants have demonstrated that the supermarket would fulfil a need bearing in mind the lack of such a facility in the local area and the demand which will arise from expanding communities and that this aspect of the development is acceptable in principle being in accordance with policy CSU1. However, in order to fully comply with this policy it must be demonstrated that no significant adverse impact would result.

9.8 In this regard chapter 2 of the NPPF ("Ensuring the vitality of town centres") is relevant as there is a requirement for town centres to be protected and their vitality ensured. This is in turn reflected in policy 19 of the JCS which identifies a hierarchy of centres and Brundall would be considered a local centre in this context. Paragraph 24 of the NPPF requires local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. In accordance with the sequential approach, applications for main town centre uses should be located in town centres as a first preference, then in edge of centre locations. Only if suitable sites are not available should out-of-centre sites be considered. The site is considered to be in an out-of-centre location and a sequential assessment has been undertaken by the applicants and this concludes that there are no town centre or edge-of-centre locations available in Brundall to accommodate the development proposed. With regard to the sequential assessment submitted by the applicants officers accept that there are no sequentially preferable sites available in Brundall to accommodate the proposed local service.

9.9 Paragraph 24 of the NPPF advises that when considering edge of centre and out-of-centre sites, preference should be given to accessible sites that are well connected to the town centre. The site is approximately 750m from the local centre but immediately adjacent to the proposed housing development subject to this application which can provide high quality pedestrian and cycle routes through to existing dwellings and the town centre beyond. Furthermore the supermarket would be adjacent to an existing petrol filling station and fast food restaurant and provide good opportunities for combined trips with these services. The site is also well related to the expanding settlement of Blofield and shared use footpath and cyclepaths are proposed to be extended to the east of the site to the north side of Yarmouth Road to improve accessibility towards Blofield. On the basis that no sequentially preferable sites are available in Brundall and the site is considered to be well connected and
accessible it is considered to represent an acceptable out-of-centre location for a retail store of the scale proposed to meet local needs.

9.10 On this basis officers consider that the proposed retail unit is acceptable in principle. A condition should be imposed to limit the floorspace to no more than 2500sq m as above this limit a retail impact assessment must be undertaken.

**Principle of residential development and open space**

9.11 The application, as amended, seeks outline consent for 155 dwellings. This has been revised down from 192 dwellings during the course of the application. Also proposed is 1.12ha of land for formal recreation to be offered to Brundall Parish Council for adoption and 1.53ha of land for informal open space.

9.12 The residential site is located outside of a settlement limit and Policy BRU2 of the SA DPD allocates the land for recreation uses. This policy states that the open space will be primarily for formal recreation uses such as playing pitches and provides guidelines for the development in terms of accessibility, landscaping, drainage and archaeology. Policy BRU2 was included in the SA DPD to help address a shortfall in provision in the village which is highlighted in the explanatory text to policy 14 of the JCS where it states that Brundall has limited provision of recreational facilities that needs to be rectified. On the basis that the site is outside of a settlement limit and allocated for recreational use it is considered that the proposed residential development is in conflict with policies GC2 of the DM DPD and BRU2 of the SA DPD. However, Brundall Parish Council is seeking to progress a Compulsory Purchase Order on just part (1.65ha) of the recreational allocation in order to achieve a more intense recreational use than envisaged under the allocation. The Parish Council is not actively planning the purchase of the remainder of the recreational allocation and, therefore, the achievement of recreational use on the remainder is unlikely and, consequently, the weight that can be given to Policy BRU2 is reduced. The application proposes that the recreational requirements under DM DPD policy RL1 are met through "commuted payments" therefore the 1.12ha of land for formal recreation is provided in excess of the policy requirements. Policy 4 of the Brundall NP seeks to support enhanced provision of recreation facilities in the village, however it does not provide specific detail on this rather instead supporting the position that there is a strong community ambition for enhanced provision. The application enables the delivery of recreational provision and therefore accords with this policy.

9.13 Nevertheless, the application is contrary to the development plan because of the conflicts with GC2 and BRU2 and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 it should be refused planning permission unless material considerations indicate otherwise. The NPPF is a material planning consideration and paragraph 47 emphasises the need to
significantly boost the supply of housing through the need to identify and update annually a supply of specifically deliverable sites sufficient to provide five years' worth of housing. The most recent annual monitoring report (2015-2016) published January 2017 identifies that there is a 4.70 year supply in the Norwich Policy Area (NPA) which includes Brundall.

9.14 Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. It follows that, for the purposes of paragraph 49, the development plan, so far as it relates to the supply of housing, is not considered up-to-date. However, there is a broader consequence in the context of the NPPF, as paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or

- specific policies in this Framework indicate development should be restricted (with examples provided in footnote 9).

This presumption in favour of sustainable development in paragraph 14 is known as the 'tilted balance'.

9.15 However, it must be emphasised that despite paragraph 14 being triggered and the tilted balance being applied, Policy BRU2 and all other policies in the development plan relevant to this application must not be ignored or 'disapplied'. The NPPF is not part of the development plan, nor does it displace the section 38(6) duty to determine the application in accordance with the development plan unless material considerations indicate otherwise. However, as national policy, the NPPF is a material consideration to which considerable weight should be accorded. The weight to attach to relevant development plan policies (whether these are housing supply policies or restrictive 'counterpart' policies) thus falls to be considered when applying paragraph 14 of the NPPF as an 'other material consideration' in the section 38(6) balance. This is confirmed in the Supreme Court judgement (see endnote 1) which confirms that the effect of not having a 5 year supply is to require consideration of whether other planning priorities should carry less weight.

9.16 The purpose of BRU2 was to assist in the provision of formal recreational provision in Brundall to help address a shortfall in provision. The fundamental question to be considered is therefore the extent to which the proposal might prejudice this underlying purpose. Proposed with the application is 1.12ha of open space for formal recreation. This is significantly below the 7.2ha of land allocated under BRU2 and therefore in quantitative terms this is considered to result in conflict with the development plan. However, analysis by officers
identifies that 1.12ha would be sufficient to provide enough space for a full size 3G artificial football pitch (0.74ha) and space for parking and a clubhouse / changing facilities (0.38ha). Artificial 3G pitches can be used more intensively than grass pitches and in the event that floodlighting is provided such a facility could be used for mid-week evening training. These factors are considered to reduce the degree of conflict with Policy BRU2. Also material, as identified above, is that the proposal would secure delivery of the formal recreational space which it proposes, whereas actual delivery of the uses envisaged by the allocation would otherwise be subject to substantive uncertainty.

9.17 In addition, the request has been made to Broadland District Council by Brundall Parish Council to commence a Compulsory Purchase Order (CPO) of 1.65ha of the application site accepting that this is enough for their purposes as it would enable them to deliver a full size 3G artificial football pitch and associated facilities. Whilst the application proposes 1.12 ha of land for formal recreation, the Parish Council owns 0.87 ha of land directly to the west of the proposed formal recreation open space and this could be used in combination with the proposed 1.12 ha to enable the provision of the 1.65 ha that the Parish consider would fulfil their needs. The Parish Council has however stated it does not intend to do this with their land being consecrated and reserved for an extension to an existing cemetery instead. Members’ attention is also drawn to the undetermined application which has been made by Brundall Parish Council to change the use of the application site to recreation submitted under application no: 20170665; however it is not considered that this application has an impact on the acceptability of the current application and will be determined on its own merits.

9.18 Given the potential impact on formal recreation, Sport England has been consulted on the application and it has identified a general need for additional 3G pitches to meet football needs in the area with existing pitches meeting 74.6% of demand. On this basis Sport England support the application as it is considered to meet its objective of providing new facilities to meet demand. They do however identify that consideration would need to be given to the layout of the site to ensure that the land in question could accommodate the facilities required such as car parking and changing facilities and that floodlighting and evening use would be acceptable in respect of amenity and noise. It should be emphasised here that the application does not propose to deliver a 3G artificial pitch, and instead proposes simply to make 1.12 ha of land available to the Parish Council in addition to a financial contribution for formal recreation to meet policy requirements which could be used by the Parish Council, in addition to money that they hold from other developments in the village, towards the cost of the facilities.

9.19 Bearing in mind the emphasis in the NPPF of boosting the supply of housing, officers consider that the delivery of up to 155 dwellings which would contribute towards the housing supply in the NPA would be a significant benefit. The site is well located relative to the existing settlement boundary.
and reasonably well related to local services. The residential development is therefore considered to be sustainable in accessibility terms. It is accepted that the development would fetter the ability to deliver the quantum of open space allocated under BRU2 however Brundall Parish Council has stated that its ambition is to achieve a full size artificial football pitch and seek 1.65ha. The proposal would provide a mechanism to deliver 1.12ha of open space which officers consider would be sufficient to provide a full size 3G artificial football pitch with parking and changing facilities (although this is not accepted by the Parish Council). Such a facility could be used more intensively than grass pitches reducing the impact of this quantitative shortfall as envisaged in BRU2. Furthermore, Brundall Parish Council own land adjacent to the proposed recreational open space and could extend into this if they wished although their ambition is to use this for a cemetery extension. Taking account of these factors and the positive impact the development would have on housing supply, it is considered that the conflict with GC2 and BRU2 is outweighed by the significant benefit of the provision of housing, and in the context of the tilted balance does not represent significant and demonstrable harm. The provision of recreation is also in accordance with Brundall NP policy 4 (enhanced recreation provision) and policy 2 (walking and cycling routes). Given also the conclusion above that the proposed retail unit is acceptable in principle, Officers are therefore satisfied that the principle of the development is acceptable.

Highways

9.20 All matters are reserved other than access and detailed plans have therefore been provided to show proposed junction arrangements to the adopted highway and other off-site highway improvements. An illustrative masterplan has also been submitted to indicate how these access arrangements relate to a potential layout. For the supermarket site it is proposed to provide two points of access from Yarmouth Road and for the residential site it is proposed to provide a type 2 access to both Yarmouth Road and Berryfields connected by a link road and a type 3 access on to Berryfields. This link road was incorporated as an amendment to the application at the request of the Highway Authority to reduce congestion at the A47 roundabout by providing an alternative route. Also proposed is a new access on to Yarmouth Road to serve the proposed recreational open space.

9.21 In addition to these points of access it is also proposed to provide a series of off-site highway improvements which include the construction of new footpaths and cycle paths to the north of Yarmouth Road, new footpaths to the south of Yarmouth Road and to the north of Berryfields to provide connection to the existing network of footways in the area and crossing facilities in the form of an uncontrolled crossing with refuge island to Yarmouth Road which would be secured through condition.

9.22 In support of the application is an amended Transport Assessment (TA) to review all transport related issues associated with the proposed development.
and a Framework Travel Plan providing a package of measures to promote and encourage sustainable travel pattern.

9.23 The TA has undertaken a review of accident data in the vicinity of the site where a total of 18 accidents have been recorded in the study area during a 5 year period (2011-2016) of which 16 were recorded at or in the vicinity of the A47 roundabout and 2 recorded on the A47 to the west of the roundabout. Of these accidents one was fatal and occurred on the A47 roundabout adjacent to the site. The fatality occurred as a result of a single vehicle with an elderly driver losing control on approach to the roundabout in dry and fine daylight hours, mounting the roundabout and colliding with a tree. One accident was serious and the remaining 16 classified as slight. The serious accident occurred in fine and dry daylight hours as a result of a vehicle turning right from the roundabout from the left hand approach lane into the path of an oncoming motorcyclist. The TA concludes that the accidents can all be attributed to some form of driver and/or pedestrian error or environmental conditions with no common site specific pattern, cluster or causation. On this basis the TA summarises that there are no factors that can be attributed to the design, layout or construction of the highway and development traffic can safely be accommodated on the local highway network without exacerbating any residual highway safety issues.

9.24 The TA identifies the level of amenities in the village of Brundall and considers there to be a reasonable range with a primary school, food shopping, pubs, takeaways, a library, village hall, doctor and dentist. Employment opportunities are however identified as being limited. These amenities are within 2km of the site and the TA concludes that walking is therefore a viable option for residents of the proposed development. The TA also reviews cycling accessibility and public transport accessibility (busses and trains).

9.25 To assess the impact of the development a traffic survey has been undertaken to understand baseline flows. This identifies that the peak hours are 07:30-08:30 and 16:30-17:30. In assessing the impact of the development, committed developments in the area have been considered. Committed developments are those sites which are allocated for development or have a resolution to grant planning permission or have been granted permission. These committed developments include 150 dwellings on land west of Cucumber Lane, Brundall; 175 dwellings on land north of Yarmouth Road, Blofield; 75 dwellings on land south of Yarmouth Road and north of Lingwood Road, Blofield; 64 dwellings on land to the north of Wyngates, Blofield; 44 dwellings on former cricket ground on Strumpshaw Road, Brundall; 30 dwellings on land to the south of Yarmouth Road, Blofield. The list of committed sites has omitted a further 62 dwellings in the area which have extant planning permission and officers have requested that the applicant undertakes an assessment of these. Members will be updated in the supplementary schedule of any changes that this additional work has on the acceptability of the proposal.
9.26 Department for Transport Circular 02/2013 explains how Highways England will engage with the planning system and states that only committed development, in addition to the impact of the proposed development, should be taken into account in assessing development impact. In this respect Highways England has not required an assessment of the cumulative impact of undetermined applications in the area (which would include the impact of application 20171386 where up to 170 dwellings are proposed on land to East of the Memorial Hall). However officers have requested that this work is undertaken by the applicant to provide a comprehensive picture of highway impacts resulting from the proposed and other undetermined applications in Brundall. Whilst this information has not yet been provided by the applicant, it is not considered to affect the acceptability of this development and is requested for information purposes only. In the event that Members resolve to grant planning permission, it would be considered to be ‘committed’ and other developments in the area would have to have regard to it in assessing cumulative impact.

9.27 Taking account of the development proposed the TA estimates that the development would result in 393 trips in the AM peak and 472 in the PM peak. However the TA advises that a large proportion of these trips account for retail trips associated with the supermarket that are not new trips but already are already on the local highway network. New trips would therefore account for an average of 30% of total trips in the AM and PM peak with the remainder reflecting a redistribution of existing trips.

9.28 To assess the impact of this increase in trips resulting from the development the capacity of junctions in the vicinity of the site has been assessed. The TA concludes on this matter the development would be expected to result in queues on the Yarmouth Road and Cucumber Lane approaches to the A47 roundabout occurring over a longer period but not result in a material increase in queue length and the TA concludes that these queues would dissipate and the junctions are forecast to continue to operate below theoretical capacity by the 2022 design year provided that a link road is provided through the development. To reduce the impact of the development on the highway network a Travel Plan is proposed to seek to influence residents travel choices and reduce reliance on the car. It is anticipated in the TA that this would result in a modal shift of 12% for the residential development and 5% for the supermarket which would result in positive impacts on the number of vehicular movements on the highway network. Accordingly it is proposed that the Travel Plan and associated monitoring is secured through a section 106 agreement.

9.29 The application has been subject to very detailed consideration by the Highway Authority who are responsible for the local highway network and by Highways England who are responsible for the A47 Trunk Road. Whilst both organisations have had holding objections to the development these have subsequently been overcome through the submission of amendments to the access arrangements and off site highway improvements, revisions to the
Transport Assessment and the inclusion of a link road between Berryfields and Yarmouth Road to help redistribute traffic. They therefore raise no objection subject to conditions. Further comments may be provided by the Highway Authority and Highways England upon the applicant's submission of the additional information referred to in paragraph 9.25 of this report.

9.30 Notwithstanding the objections raised by local residents and the Parish Councils on the highway implications of the development, it is considered that the application would have an acceptable impact on the functioning of the local highway network and would not result in conditions detrimental to highway safety in accordance with TS3 of the DM DPD. Furthermore, the highway impact would not be 'severe' in accordance with paragraph 32 of the NPPF. Officers are therefore satisfied that the development is acceptable in highway terms.

Landscape

9.31 The site was last used for agriculture and horse grazing and is bounded by and contains a series of mature hedgerows and tree lines. The western section of the supermarket site is relatively flat with only a slight fall from west to east which increases across the eastern section of the site. The residential site varies from 21.1m above ordnance datum (AOD) at its western boundary to 7.09m AOD in the south east corner. Overall there is a gentle fall from the north to the south along the western boundary and a more pronounced fall from north to the south-eastern corner along the eastern side of the site. Given the undeveloped nature of the site and the former agricultural use it is inevitable that the development would impact on the character and appearance of the area. Policies GC4 and EN2 of the DM DPD are particularly relevant in this regard where there is a requirement to pay adequate regard to and protect the character and appearance of the area.

9.32 The Broadland Landscape Character Assessment classifies the site as within the character area D4: Bloe Field Tributary Farmland. A Visual Impact Assessment has been submitted with the application. This identifies that the main public views of the site would be from Yarmouth Road, the A47 and Berryfields. However, the assessment identifies the views as being of no more than local importance and the impact on visual amenity would be moderate adverse effect. The assessment also identifies that the development would have a visual impact from nearby public footpaths, the closest being Postwick Footpath 6 and Postwick Footpath 1 where a minor adverse impact is anticipated and negligible adverse effect from other public footpaths identified in the area. The assessment also identifies that the development would have an impact from dwellings at Berryfields to the south of the residential site where there is identified to be a minor/moderate adverse impact on visual amenity. The indicative layout proposes the creation of a landscaped corridor running approximately east to west to provide views from the development towards the Church of Saint Andrew and Saint Peter in Bloefield.
9.33 Regard must also be given to the need to protect and enhance gaps between settlements, this being specifically identified in Policy EN2. The application site is located in a gap between Brundall and Blofield which will be reduced following the approval of major residential and commercial development at Manor Park, Yarmouth Road, Blofield. The proposed development would have the effect of further eroding this gap and the Spatial Planning Manager advises that the remaining gap would be not be received as a 'credible gap', resulting in conflict with EN2. The remaining gap would be approximately 350m with agricultural land, Witton Run, a copse of trees and a 9 hole golf course intervening features between the built up areas.

9.34 Also of importance in landscape terms is the presence of mature trees and hedgerows which define field boundaries through the site and to the site boundaries. The application is supported by an Arboricultural Impact Assessment including tree survey, assessment of tree constraints and tree protection plan. This report identifies 74 individual trees and 23 groups. Six trees have been classified as Category A, 18 trees and 5 groups classified as category B and 48 trees and 18 groups classified as category C. Two trees have been categorised as a U category because they are in poor condition and unlikely to provide a landscape contribution for more than 10 years. The indicative masterplan for the development shows how the most important trees could be retained. It is important to remember however that layout and landscaping are matters reserved for later consideration. The Arboriculture and Landscape Officer has responded that the development proposals could be amended to remove the majority of tree constraint issues which the indicative layout produces but the extent of tree removals to form the visibility spaces at the proposed accesses needs to be clarified. This has been undertaken by the applicant and any further comments from the Arboriculture and Landscape Officer will be provided in the supplementary schedule. Whilst there will be a need for the removal of landscaping features to provide the visibility splays and junctions such measures are necessary to secure safe access and egress. A revised AIA and landscaping scheme will need to be submitted at reserved matters stage to reflect a precise layout and this can be conditioned.

9.35 Therefore, whilst it is considered that tree constraints have been adequately addressed and can be considered further at reserved matters, the introduction of dwellings and associated infrastructure such as roads and footpaths will have a visual impact on the landscape, will alter the character and appearance of the area and erode an existing gap between Brundall and Blofield. This would result in a degree of conflict with GC4 and EN2. However, given the relatively modest nature of the visual impact and the retention of a settlement gap (albeit a reduced gap) officers consider that the landscape impact would not be sufficiently harmful to justify refusal.

9.36 The Broads Authority has been consulted on the application who, in its response, highlight the considerable distance from the Broads Authority area and the topography and existing settlement of Brundall will effectively screen
views of the development from the Broads who consequently raise no objection. The Broads Authority does however request that all external lighting to be designed to prevent additional night sky pollution. Such detailed matters could be considered at reserved matters stage.

Open Space

9.37 Discussion earlier in this appraisal has considered the provision of an area of formal open space to mitigate the impact of the development on the BRU2 allocation. Also relevant to this application are Policies EN1, EN3 and RL1. Policy EN3 requires residential development of this scale to provide at least 4ha of informal open space per 1,000 population and at least 0.16ha of allotments per 1,000 population with adequate arrangements for the management and maintenance of green infrastructure. Policy RL1 requires residential development of this scale to provide 1.68ha of formal recreation per 1,000 population and 0.34ha per 1,000 population also with adequate provision for maintenance. The Recreational Provision in Residential Development SPD identifies in table 4 that for a development of more than 150 dwellings it would be expected that informal open space and children's play space would be provided on-site whilst allotments and formal recreation would be provided off-site.

9.38 The requirements of EN3 are necessary to help meet the recreational needs of residents promoting the health and wellbeing of communities and to mitigate the potential impacts of visitor pressure upon sensitive internationally designated sites (Natura 2000 (or N2K) sites). To mitigate this impact the informal open space must be adequate to provide a viable alternative to visiting Natura 2000 sites or contribute to the provision of a viable alternative as part of a wider green infrastructure network. In response to this requirement the applicants have provided an indicative masterplan and public open space plan which demonstrates the provision of 1.53ha of informal open space. The Spatial Planning Manager has advised that the informal open spaces identified in the application should meet the policy requirements of EN3 based on the amended plans provided. Furthermore, Natural England raises no objection to the development subject to the provision of suitable mitigation in accordance with development plan policies on the basis that this will be sufficient to mitigate potential impact on N2K sites. Officers are satisfied that the site and development is capable of providing satisfactory mitigation in these respects, although the precise amount and layout of informal open space would be determined at reserved matters stage when the number of residents would be known (with the application being in outline and the proposed masterplan being indicative only). It is therefore considered that subject to the requirements being secured through a Section 106 Agreement and further consideration given to the layout of the development at reserved matters the requirements of EN3 have been fulfilled. The proposal's impact on Natura 2000 Sites is considered further below at paragraph 9.48.
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9.39 The requirements of RL1 of the DM DPD stem from a need to improve the quality and accessibility of formal recreational space to promote healthy communities. In response to this requirement the applicant has proposed to provide a commuted sum for the provision of off-site formal recreational facilities which would include children's play space and sports pitches (the precise amount to be determined by the housing mix at reserved matters) all secured through a section 106 agreement. This ensures compliance with RL1. The provision of 1.12ha of land for formal recreational open space as previously referred to in this report is provided above and beyond this policy requirement and mitigates the conflict with BRU2. The financial contribution secured to meet RL1 could be used to help finance the 3G artificial football pitch on the 1.12ha of land.

9.40 Taking account of the above, subject to securing appropriate contributions and provisions in a Section 106 Agreement it is considered that the proposal would provide adequate levels of open space to promote healthy communities and mitigate impact of N2K sites in compliance with EN1, EN3 and RL1. Further consideration would need to be given at reserved matters stage to ensure that the layout of open space is acceptable to deliver a high quality, accessible and functional open space.

Local Infrastructure

9.41 The ability of the local infrastructure to absorb and cope with the impact of the development has been subject to comments from local residents and Brundall and Blofield Parish Councils. This issue is particularly relevant given the extent of growth in these parishes above and beyond the levels allocated in the JCS. Policy 7 of the JCS seeks to ensure that all new development will maintain or enhance the quality of life and the wellbeing of communities. Local residents have made representations that the local schools are at capacity and unable to expand and that there are delays in getting appointments to see a GP at the local doctors' surgery. Much concern has also been expressed at the level of traffic through the village and at the A47 roundabout and the impact of the development on the highway network.

9.42 The impact of the development on the highway network has been addressed in preceding paragraphs where it is concluded by officers that the development would be acceptable in these terms. Regard however must also be given to the impact on schools, doctors and other local services as a result of this development.

9.43 The Infrastructure and Economic Growth Officer at Norfolk County Council has identified that there is spare capacity at Primary School and Early Education level, however with committed housing growth in the area, Brundall School and Early Education are likely to exceed their capacity with a need for a further 100+ primary places being required. It is also identified by them that Brundall School is on a restricted site and it is unlikely that much expansion to improve capacity could be achieved and the Head Teacher of Brundall
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Primary school has made representations stating the limited availability of places at present and a concern for the negative impact further increases in population will have on the school. Thorpe St Andrew School & Sixth form is also unable to accommodate the children generated from this proposed development. However, the Infrastructure and Economic Growth Officer raises no objection expecting that the funding for additional school places would be secured in part through CIL.

9.44 NHS England has been consulted and has responded with no objections commenting that due to the scale of the proposed development and premises capacity in the area there is not an intention to seek primary healthcare mitigation on this occasion. Brundall Medical Practice has not commented on the application.

9.45 Anglian Water has confirmed that Whitlingham Trowse Water Recycling Centre will have available capacity for the foul water flows resulting from the development but a condition is necessary to secure foul water strategy for approval to ensure that the foul sewerage network is suitable to cater for the development.

9.46 It is therefore considered that local services have adequate capacity or contributions can be made to mitigate the impact of development. The application is therefore considered to comply with policy 7 of the JCS.

Ecology, drainage, pollution, archaeology and affordable housing:

9.47 Policy EN1 of the DM DPD states that development proposals will be expected to protect and enhance the biodiversity of the district, avoid fragmentation of habitats and support the delivery of co-ordinated green infrastructure. The application is supported by a biodiversity and European protected species survey and the Senior Green Infrastructure Officer at Norfolk County Council and Natural England have been consulted on the application.

9.48 The site is considered to have low biodiversity value and the impacts on ecology are predicted to be minor. The ecological report recommends the need for a grass snake capture programme and mitigation for nesting birds which can be secured by condition. Ecological enhancement should also be secured and this can be controlled by condition and considered more fully at reserved matters stage.

9.49 A Habitat Regulations Assessment (HRA) has been undertaken and considered by officers and by Natural England who raise no objections subject to mitigation to ensure no adverse impact on designated sites as a result of additional visitor pressure from the development. This proposed mitigation would be the provision of informal open space within the site secured and a financial contribution towards off-site green infrastructure (to be
secured by section 106 agreement) and the incorporation of sustainable urban drainage and controls to prevent water run-off into watercourses during construction (to be secured by condition). As officers consider that the proposed mitigation would be effective and could be secured if permission is granted it is considered that the proposed development would not have a significant effect on Natura 2000 Sites, it would have an acceptable impact on ecology and would comply with EN1 of the DM DPD.

9.50 The applicant has submitted a Flood Risk Assessment (FRA) which included outline design plans incorporating Sustainable Drainage Systems (SuDS). Further consideration would be required at detailed design stage of the location and maintenance requirements to ensure that the SuDS features can perform over the lifetime of the development. The Lead Local Flood Authority has no objection to the application subject to conditions requiring the submission of a surface water drainage scheme to accord with the submitted FRA.

9.51 No comments have been received from the Environment Agency and the Pollution Control Officer has raised no objections based on the results of a desk study, risk assessment and site investigation submitted with the application.

9.52 Policy EN4 of the DM DPD requires development proposals to avoid any significant impact from pollution on amenity. To assess the impact of noise on the proposed development an acoustic assessment has been submitted with the application. Noise sources in the area include the A47, the petrol filling station and fast food-restaurant (including extraction systems) and Yarmouth Road. Plant installed to the proposed supermarket also has the ability to generate noise. These noise sources have the potential to impact on the amenity of residents. To ensure an acceptable impact a mitigation scheme which incorporates the use of noise barriers, consideration of layout and orientation of buildings and improvements to the sound insulation of the buildings are proposed to be incorporated. The Environmental Health Officer has commented that they have no objection to the development but require the noise mitigation identified in section 5 of the acoustic assessment to be implemented. However, on the basis that the application is in outline officers consider it more appropriate to condition a noise impact assessment to be submitted concurrently with the submission of reserved matters as the submitted acoustic assessment, whilst demonstrating that adequate mitigation can be achieved for the number of dwellings proposed reflects only an indicative layout. A further condition should be imposed to require any details of plant and machinery associated with the supermarket to be submitted for approval. Subject to these conditions it is considered that the application would have an acceptable impact on amenity and comply with policy EN4 of the DM DPD.

9.53 In terms of archaeology, a desk based assessment and geophysical survey have been carried out which conclude the site has moderate potential for
heritage assets of prehistoric and Angle-Saxon date to be present and that anomalies of archaeological origins potentially exist. On the basis that the development would have the potential to adversely affect these features and a programme of archaeological mitigatory work secured through condition is necessary.

9.54 Policy 4 of the JCS requires schemes of more than 16 dwellings to provide 33% affordable housing. On a scheme of 155 dwellings this would equate to 51 dwellings which the application proposes to deliver. The Housing Enabler has agreed to a tenure split of 60:40 (affordable rent tenure: intermediate tenure) and provided a mix based on district housing needs to the applicant. However, the applicants propose a tenure split of 51/49 and this is not considered acceptable by Housing Enabler. The officer recommendation is therefore subject to a 60/40 split being agreed and secured through a section 106 agreement. The applicants have also requested that purchasing/ allocation of affordable housing should be given to employees of Broom Boats (who are joint applicants) however this is not considered acceptable by the Housing Enabler and officers would not seek to include this in the Section 106 Agreement.

Residential amenity:

9.55 Policy GC4 requires consideration of the impact of development on residential amenity. The location of the food store would result in very limited residential amenity impact except for an increase in vehicular movements in the vicinity of the site however whilst these might result in busier roads and longer queuing times with a degree of nuisance it is not considered that the impact on amenity would be significant. The proposed residential development has the potential to impact upon the amenities of existing residents on Berryfields and dwellings to the west of the site due to an increase in vehicular movements in the area but also through the introduction of dwellings and consequences in terms of overlooking and overshadowing. However, given the degree of separation to the south of Berryfields and the outline nature of the application, such matters are not considered to be unacceptable in principle but further consideration can be given to the precise relationship between proposed and existing dwellings at reserved matters. On this basis the outline application is considered to comply with GC4.

Other considerations:

9.56 The joint applicant is Broom Boats Ltd who operate a boat building firm at Brundall marina which employs 92 staff, many of whom it is stated live in the local community. The applicants have identified that significant investment is required to support the growth and efficiency strategy of the business. The application has been submitted as a mechanism to help deliver this investment as Broom Boats have identified that profits from the development would be reinvested into the company to support its growth. This, the applicants argue, would result in positive economic benefits for the village by
securing existing employment, by enabling investment into trainees and apprenticeships, providing a more efficient production process, boosting tourism and enhancing public access to the Broads. Whilst these potential outcomes are noted and may result in benefits for the local area, the proposed development would not cause any detriment in these respects it is thus not considered that this investment is necessary to make the development acceptable in planning terms. Noting that this is one of the statutory tests which must be met if a section 106 obligation securing benefits is to be a reason for granting planning permission officers therefore attach negligible weight to these benefits as a material consideration.

Planning Balance and Conclusions

9.57 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

9.58 The application is contrary to the development plan in that it proposes residential development outside of the defined settlement limit and on land allocated for formal recreation in conflict with GC2 of the DM DPD and BRU2 of the SA DPD. Planning permission should therefore be refused unless material considerations indicate otherwise.

9.59 The NPPF is a material consideration and paragraph 47 aims to boost significantly the supply of housing. It also states at paragraph 14 that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (“the tilted balance”). The local planning authority is unable to evidence a 5 year supply of land for housing in the NPA and the Council’s policies concerning the supply of housing are considered to be out-of-date. Paragraph 14 is therefore triggered and the presumption in favour of sustainable development and the tilted balance applies. Whilst these do not displace the section 38(6) duty, the NPPF is national planning policy. It is thus appropriate to also assess the proposal in the light of paragraph 14 presumption and tilted balance, given that the NPPF’s policies are “material considerations” to which it is appropriate to accord considerable weight.

9.60 The residential development is adjacent to the existing settlement boundary. Brundall is a Key Service Centre that contains a variety of local services including a primary school, doctors, dentist, local shops, restaurants and fast food takeaways, a library, church and village hall. The residential development would be within walking and cycling distance of these facilities but residents would likely be reliant on motor vehicles for access to secondary education, comparison shopping and sources of employment however the village is served by regular bus and rail services. Furthermore, the proposed supermarket would be within a reasonable distance of residential dwellings.
with good pedestrian and cycle links and would reduce the need for residents to travel further afield for comparable facilities. Taking account of this it is considered that Brundall represents a sustainable location for the scale of residential development proposed.

9.61 The NPPF advises that there are 3 dimensions to sustainable development: economic, social and environmental. In economic terms the supermarket would result in job creation and local spending and the development as a whole would result in the creation of construction jobs. Furthermore, the development would generate income from Council Tax, Business Rates, New Homes Bonus, CIL payments and section 106 contributions. These are considered to be positive economic benefits.

9.62 In social terms the development would result in the creation of 155 new dwellings and whilst the mix is reserved for later approval this is likely to increase the range of house types within the parish. Given the emphasis in the NPPF to significantly boost the supply of housing the delivery of 155 dwellings is considered to be a significant benefit which weighs in favour of the development. Furthermore the development would result in 33% affordable housing to meet district housing needs. The development would also provide informal open space and a commuted sum towards formal recreational provision with benefits for the health and wellbeing of the community. This is considered to be a social benefit of the proposal. It is acknowledged that the development would fetter the ability to deliver the quantum of formal recreational open space allocated under BRU2 which is a social dis-benefit, but Brundall Parish Council are now seeking to acquire only part of the area, and the proposed 1.12ha of land allocated for such a use would be sufficient to accommodate a full size 3G artificial football pitch which the village currently lacks and Sport England are supportive of. This weighs in favour of the development.

9.63 In environmental terms it is accepted that the development would alter the character and appearance of the area but the impact is not considered to be significant. Important landscape features such as trees and hedgerows can be retained and a suitable landscaping scheme to provide mitigation for the loss of any such features can be secured at reserved matters stage. Furthermore, whilst the development would result in the loss of grade 2 agricultural land, the amount is not considered to be significant.

9.64 Taking account of the above it is considered that the development can be considered sustainable with reference to Policy GC1 of the DM DPD and the NPPF. Officers are satisfied that the development is sustainable for the purposes of the NPPF, and with regard to the tilted balance in paragraph 14, it is considered that the development would not result in adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against NPPF policies. These conclusions are material to the planning balance to be made under section 38(6). In any case, the substantial housing and other benefits of the proposal and their conformity with the development
plan are important material considerations to be set against the proposal's conflicts with development plan policies. Taking into account all the matters assessed in the report, officers conclude overall that whilst there would be some conflict with development plan policies, this is outweighed by other material considerations. Officers therefore consider that the development is acceptable and it is recommended that outline planning permission should be granted.

RECOMMENDATION: Delegate Authority to the Head Of Planning to APPROVE subject to the following conditions and securing a Section 106 Agreement with the following Heads of Terms:

Heads of Terms:

- 33% Affordable Housing (tenure split 60 affordable rent tenure: 40 intermediate tenure)
- Open Space to comply with EN3 and RL1 of the DM DPD and delivery of 1.12ha of land for formal recreation
- Travel Plan and associated monitoring

Conditions:

(1) Application for approval of ALL "reserved matters" must be made to the Local Planning Authority not later than the expiration of 18 MONTHS beginning with the date of this decision.

The development hereby permitted must be begun in accordance with the "reserved matters" as approved not later than the expiration of 12 MONTHS from either, the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such reserved matter to be approved.

(2) Application for the approval of the "reserved matters" shall include plans and descriptions of the:

- details of the layout;
- scale of each building proposed;
- the appearance of all buildings including the precise details of the type and colour of the materials to be used in their construction;
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- the landscaping of the site.

Approval of these "reserved matters" must be obtained from the local planning authority in writing before any development is commenced and the development shall be carried out in accordance with the details as approved.

(3) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below:

Location Plan

Dwg No. 1264/HWY/041 rev J Access Proposals and Offsite Highway Improvements

Amended Arboricultural Impact Assessment dated November 2017

(4) The details required by condition 2 shall not include provision for an A1 retail supermarket in excess of 2,500sq. m (gross floorspace).

(5) The plans and particulars submitted in accordance with condition 2 above shall include:

(a) a plan showing the location of, and allocating a reference number to every tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread and Root Protection Area of each tree to be retained. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area (para. 4.6.1 of BS5837 2012 Trees in relation to design, demolition and construction - Recommendations) or general landscape factors) must be shown.

(b) the details of each tree as required at para 4.4.2.5 of BS5837: 2012 in a separate schedule.

(c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruned or subject to other remedial or preventative work.

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within 5m of the Root Protection Area (para. 4.6.1 of BS5837: 2012) of any retained tree including those on neighbouring ground.
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(e) details of the specification and position of all appropriate tree protection measures for the protection of every retained tree from damage before and for the entire duration of the course of the development.

(f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.

In this condition, 'retained tree' means an existing tree which is to be retained in accordance with paragraph (a) and (b) above.

(6) Details of energy efficient design and the construction of on-site equipment to secure at least 10% of the development's energy from decentralised and renewable or low-carbon sources shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The details as approved shall be completed prior to the first occupation of any of the dwellings hereby permitted and thereafter shall be maintained.

(7) Prior to its first use in the development, details of any external plant and machinery associated with the supermarket shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

(8) Concurrently with the submission of reserved matters for the residential site required by condition 2, an updated acoustic report to demonstrate that the noise levels identified in the submitted Environmental Noise Assessment (Report No 15-0088-0 R01) can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

(9) No development on the residential site shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

(10) No works shall commence on the residential site until such time as detailed plans of the roads, footways, cycleways, 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.

(11) No works shall be carried out on roads, footways, cycleways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority.
(12) Before any dwelling is first occupied the roads, footways and cycleways shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.

(13) Prior to the first occupation of the residential development hereby permitted a visibility splay (measuring 4.5 x 120 metres to each side of the access where it meets the highway (Yarmouth Road)) shall be provided in full accordance with the details indicated on the approved plan (Drawing no. 1264/HWY/041 rev J). The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

(14) Prior to the first occupation of the residential development hereby permitted a visibility splay (measuring 2.4 x 50 metres to each side of the access where it meets the highway (Berryfields)) shall be provided for both accesses in full accordance with the details indicated on the approved plan (Drawing no. 1264/HWY/041 rev J). The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

(15) The residential development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

(16) No works shall commence on the residential site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority. For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning facilities.

(17) Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works as shown indicatively on Drawing no. 1264/HWY/041 rev J have been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall be in the form of a shared use cycleway / footway along the north side of Yarmouth Road (linking to Blofield), footway on the south side of Yarmouth Road (linking to the network on Cucumber Lane); a new pedestrian refuge crossing of Yarmouth Road, a new section of footway along the frontage of the garage / fast-food restaurant (with suitable crossing) and a new frontage footway on Berryfields. Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in this condition shall be completed to the written satisfaction of the Local Planning Authority.
(18) No works shall commence until the Traffic Regulation Order for a 40 mph speed limit on Yarmouth Road has been promoted by the Highway Authority.

(19) Prior to the commencement of the development hereby permitted an Interim Travel Plan shall be submitted, approved and signed off by the Local Planning Authority, such a Travel Plan shall accord with Norfolk County Council document 'Guidance Notes for the Submission of a Travel Plan'.

No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan. During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority.

(20) Prior to the commencement of the supermarket development hereby permitted full details (in the form of scaled plans and/or written specifications) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:

(i) Roads and footway
(ii) Pedestrian Access arrangements
(iii) Parking provision in accordance with adopted standard
(iv) Loading areas
(v) Turning areas

(21) The gradient of the supermarket vehicular accesses shall not exceed 1:12 for the first 10 metres into the site as measured from the near channel edge of the adjacent carriageway.

(22) Prior to commencement of the supermarket use hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 10 metres from the near channel edge of the adjacent carriageway.

(23) Before the supermarket development is brought into use, signs in compliance with the Traffic Signs Regulations and General Directions 2002 (or any Order/Act revoking, amending or re-enacting those Regulations) shall be provided and thereafter retained at the means of delivery & staff entrance in
accordance with a scheme to be submitted to and approved by the Local Planning Authority.

(24) Prior to the first occupation of the supermarket development hereby permitted a visibility splay (measuring 4.5 x 120 metres to each side of the main access where it meets the highway (Yarmouth Road)) shall be provided in full accordance with the details indicated on the approved plan (Drawing no. 1264/HWY/041 rev J). The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

(25) Development on the supermarket site shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

(26) No works shall commence on the supermarket site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority. For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning facilities.

(27) The details of layout for the residential site required by condition 2 shall include provision for a Type 2 link road through the development between Yarmouth Road and Berryfields.

(28) No development shall take place until a Written Scheme of Investigation for a programme of archaeological works has been submitted to and approved by the local planning authority in writing. The scheme shall include:

- An assessment of the significance and research questions
- The programme and methodology of site investigation and recording
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
(29) No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the local planning authority.

(30) The supermarket hereby permitted shall not be occupied until it has incorporated the provision of one fire hydrant. The residential development hereby permitted shall not be occupied until it has incorporated the provision of 3 fire hydrants.

(31) Concurrently with the submission of reserved matters required by condition 2, in accordance with the submitted Flood Risk Assessment “ASD Consultants Flood Risk and Drainage Strategy REF: 1264/NMT/FRA/07-16 dated July 2016” and drawing ASD Engineering Drg No. 1264/DRA/001, detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

i) Detailed infiltration testing in accordance with BRE Digest 365 at the depth and location of the proposed infiltration/attenuation basins, as depicted in the Drainage Strategy.

Surface water runoff rates from the site will be attenuated to the corresponding Greenfield rate in the 1 in 1 and 1 in 100 year event based on QBAR Greenfield rates of 0.453 l/s for the Retail site and 2.92 l/s for the residential site as confirmed in the ASD letter ASD Engineering Letter (Reference 1264/261016/001) dated 26th October 2016.

Should the “Long Term Storage” (Difference between the predicted development runoff volume and the estimated Greenfield runoff volume for the 100 year event) not be disposed via infiltration then a runoff rate of 2 l/s/ per hectare shall be applicable in all events up until the 1 in 100year plus climate change event.

ii) Provision of surface water infiltration and/or attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change, flood event.

iii) Detailed designs, modelling calculations and plans of the drainage conveyance network in the:
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- 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.

- 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

iv) The design of any attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period. This will include surface water which may enter the sites from elsewhere.

v) Finished ground floor levels of properties are a minimum if 300mm above expected flood levels of all sources of flooding.

vi) Details of how all surface water management features to be designed in accordance with the SuDS Manual (CIRCA C 697, 2007), or the updated The SuDS Manual (CIRCA C 753, 2015), including appropriate treatment stages for water quality prior to discharge.

vii) A maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development.

(32) Prior to the first occupation of the supermarket details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

(33) Prior to the commencement of development, a programme for the capture of grass snakes shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

(34) Any vegetation clearance associated with the development shall be undertaken outside the bird nesting season (late March through to early September).

(35) Concurrently with the submission of reserved matters required by condition 2, details of ecological enhancements in accordance with paragraph 9.2 of the
submitted Biodiversity and European Protected Species Survey shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved detail.

Reasons:

(1) The time limit condition is imposed in compliance with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) The application is submitted in Outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

(3) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.

(4) To reflect the scope of the application in accordance with the specified approved plans and documents.

(5) To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interest of amenity in accordance with Policies GC4, EN2 and EN3 of the Development Management DPD 2015.

(6) Energy efficiency TO BE COMPLETED

(7) To safeguard the amenities of the residential properties in accordance with the criteria specified in Policies GC4 and EN4 of the Development Management DPD 2015.

(8) To safeguard the amenities of the residential properties in accordance with the criteria specified in Policies GC4 and EN4 of the Development Management DPD 2015.

(9) To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with policy GC4 of the DM DPD

(10) To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with policy GC4 of the DM DPD.
(11) 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 GC4 of the DM DPD.

(12) To ensure satisfactory development of the site in accordance with policy GC4 of the DM DPD.

(13) In the interests of highway safety in accordance with policy TS3 of the DM DPD.

(14) In the interests of highway safety in accordance with policy TS3 of the DM DPD.

(15) To ensure adequate off-street parking during construction in the interests of highway safety in accordance with policy TS3 of the DM DPD.

(16) To prevent extraneous material being deposited on the highway in the interests of highway safety in accordance with policy TS3 of the DM DPD.

(17) To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with GC4 and TS3 of the DM DPD.

(18) In the interests of highway safety in accordance with policy TS3 of the DM DPD.

(19) To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with policy TS2 of the DM DPD.

(20) To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with policy GC4 of the DM DPD.

(21) In the interests of the safety of persons using the access and users of the highway in accordance with TS3 of the DM DPD.

(22) To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened in accordance with TS3 of the DM DPD.

(23) In the interests of highway safety and traffic movement in accordance with TS3 of the DM DPD.

(24) In the interests of highway safety in accordance with TS3 of the DM DPD.
(25) To ensure adequate off-street parking during construction in the interests of highway safety in accordance with TS3 of the DM DPD.

(26) To prevent extraneous material being deposited on the highway in the interests of highway safety in accordance with TS3 of the DM DPD.

(27) To ensure the A47 trunk road continues as a strategic route through Norfolk and local traffic uses the local road network to ensure the trunk road avoids congestion at the Cucumber Lane roundabout in accordance with policy GC4 and TS3 of the DM DPD.

(28) To enable the archaeological value of the site to be properly recorded before development commences in accordance with Policy EN2 of the DM DPD.

(29) To prevent environmental and amenity problems arising from flooding in accordance with GC4 of the DM DPD.

(30) To ensure adequate provision of fire hydrants in accordance with policy BC4 of the DM DPD.

(31) To prevent the risk of flooding on site or elsewhere by ensuring the satisfactory management of local sources of flooding in accordance with policy GC4 and CSU5 of the DM DPD.

(32) To ensure the proper development of the site without prejudice to the amenities of the area, and in accordance with Policy GC4 of the Development Management DPD 2015.

(33) To ensure the satisfactory development of the site in accordance with Policy EN1 of the Development Management DPD 2015.

(34) To ensure the satisfactory development of the site in accordance with Policy EN1 of the Development Management DPD 2015.

(35) To ensure the satisfactory development of the site in accordance with Policy EN1 of the Development Management DPD 2015.

Informatives:

(1) 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.

(2) Street lighting is a concurrent power of the County, District and Parish Councils. However, it is the County Council after consultation with the Local Lighting Authority (District or Parish Council) who decides whether street lighting is required on proposed public highways. Norfolk County Council will challenge any automatic assumption that street lighting needs to be provided on part or all of the new development.

(3) The applicant is advised that to discharge condition SHC 00 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

(4) This development involves a Travel Plan to be implemented within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Town and Country Planning Act 1990 or 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. Please contact (insert appropriate contact details).

Committed Sum for Travel Plans

The Highways Authority levies a charge to cover the on-going costs of reviewing and monitoring a Travel Plan annually. The Highways Authority also requires a Bond to ensure that the Travel Plan targets are met. Both the Bond and the monitoring charge are secured by a Section 106 Legal Agreement. This is in addition to the sum payable for Planning Obligations covering infrastructure, services and amenities requirements.

For residential development, Norfolk County Council offers a fully inclusive package covering the writing, implementation, on-going management and annual monitoring of a Travel Plan for 5 years post completion of the development. Up to date costs can be obtained by contacting (insert
appropriate contact details). Developers are expected to enter into a Section 106 Agreement to secure the necessary funding before planning permission is granted.

(5) The details of layout for the supermarket site required by condition 2 shall include details of the location of the National Grid Intermediate pressure pipeline relative to the position of any proposed building. This should be determined by trial hole to confirm exact location no ensure no encroachment issues.

(6) The Construction of the supermarket shall be carried out in accordance with the requirements of T/SP/SSW/22 ‘Working in the vicinity of Gas Pipelines’.

(7) Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under section 185 of the Water Industry Act 1991. Or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

(8) An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian water recommends that petrol / oil interceptors be fitted in all car parking facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under Section 111 of the water Industry Act 1991.

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1 Clarification on the interpretation and meaning of paragraph 49 of the NPPF as well as the legal status of the NPPF and its relationship with the statutory development plan has recently been provided in a Supreme Court judgement given on 10 May 2017 following a case between Suffolk Coastal District Council v Hopkins Homes. This judgement is a material consideration in the determination of this application. Previously there had been differing interpretations of paragraph 49 of the NPPF and what constitutes a “relevant policy for the supply of housing”.

One interpretation of paragraph 49 can be described as ‘narrow’ which limits its application to those development plan policies that deal only with the numbers and distribution of new housing and
excludes any other policies of the development plan dealing generally with the restriction of new development. Under such an interpretation policy BRU2 of the SA DPD would not be considered a housing supply policy and would therefore not be regarded as out-of-date in the absence of a 5 year supply of land for housing. A ‘wider’ definition of paragraph 49 includes what are referred to as ‘counterpart’ policies whose effect is to restrain the supply by restricting development in certain parts of the authority’s area. Under this wider interpretation, policy BRU2 would be considered out-of-date on the basis that a recreational allocation restricts the location (and therefore the supply) of new housing.

Whilst the Supreme Court judgement adopted the narrow interpretation, it concluded that this was not the real issue and that the important question is not how to define individual policies, but whether the result is a five-year supply in accordance with the objectives set by paragraph 47. In the absence of a 5 year supply the judgement concluded that it matters not whether the failure is because of inadequacies of the policies specifically concerned with housing provision or because of the over-restrictive nature of other non-housing policies. The shortfall is enough to trigger the operation of paragraph 14. Given that within the NPA there is a 4.7 year supply officers consider that paragraph 14 is triggered and the tilted balance applies. Furthermore, officers do not consider that there are specific policies in the framework that indicate development should be restricted. Officers therefore consider that the application should be assessed in the context of paragraph 14’s presumption in favour of sustainable development and its policy and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.