Development
Management Committee

Members of the Development Management Committee:

Conservatives                   Liberal Democrats
Mr V Thomson                Dr M Gray
(Chairman)                   
Mrs L Neal                 
(Vice-Chairman)             
Mr P Broome               
Mrs F Ellis               
Mr C Gould                  
Dr C Kemp                    
Mr G Minshull              
Mr J Mooney                
Mr B Stone                  
Mrs A Thomas

Pool of Substitutes
Mrs Y Bendle             Mrs V Bell
Mr L Dale                
Mr C Foulger              
Mr J Hornby               
Dr N Legg                 
Mr G Wheatley              

Pre-Committee Members’ Question Time
9.00 am                   Cavell Room

Agenda

Date
Wednesday 14 September 2016

Time
10.00 am

Place
Council Chamber
South Norfolk House
Cygnet Court
Long Stratton, Norwich
NR15 2XE

Contact
Sue Elliott tel (01508) 533669
South Norfolk House
Cygnet Court
Long Stratton Norwich
NR15 2XE

Email: democracy@s-norfolk.gov.uk
Website: www.south-norfolk.gov.uk

PLEASE NOTE that any submissions (including photos, correspondence, documents and any other lobbying material) should be received by the Council by noon the day before this meeting. We cannot guarantee that any information received after this time will be brought to the Committee’s attention.

This meeting may be filmed, recorded or photographed by the public; however anyone who wishes to do so must inform the Chairman and ensure it is done in a non-disruptive and public manner. Please review the Council’s guidance on filming and recording meetings available in the meeting room.

If you have any special requirements in order to attend this meeting, please let us know in advance

Large print version can be made available
SOUTH NORFOLK COUNCIL – DEVELOPMENT MANAGEMENT COMMITTEE

Please familiarise yourself with this information if you are not in receipt of the agenda.

If the meeting room is busy, please use the upstairs public gallery until such time as your application is heard. You will need to be in the main meeting room if you wish to speak in regard to an application. Please be aware that the Committee can over-run, and if your application is later on the agenda it may be some time before your application is heard.

GENERAL INFORMATION ABOUT DEVELOPMENT MANAGEMENT

The Development Management process is primarily concerned with issues of land use and has been set up to protect the public and the environment from the unacceptable planning activities of private individuals and development companies.

The Council has a duty to prepare a Local Plan to provide a statutory framework for planning decisions. The Development Plan for South Norfolk currently consists of a suite of documents. The primary document which sets out the overarching planning strategy for the District and the local planning policies is the Joint Core Strategy for Broadland, Norwich and South Norfolk. The Strategy is broadly consistent with the National Planning Policy Framework (NPPF) and accompanying technical guidance and was adopted by South Norfolk Council in March 2011, with amendments adopted in 2014. It is the starting point in the determination of planning applications and as it has been endorsed by an independent Planning Inspector the policies within the plan can be given full weight when determining planning applications.

South Norfolk Council adopted its Local Plan in October 2015. This consists of the Site Specific Allocations and Policies Document, the Wymondham Area Action Plan, the Development Management Policies Document. These documents allocate specific areas of land for development, define settlement boundaries and provide criterion based policies giving a framework for assessing planning applications. The Cringleford Neighbourhood Development Plan was also ‘made’ in 2014 and full weight can now be given to policies within this plan when determining planning applications in Cringleford. The Long Stratton Area Action Plan is submitted for examination and so the weight to be afforded to emerging policies and allocations is assessed on a case-by-case basis. In accordance with legislation planning applications must be determined in accordance with the policies of the Development Plan, unless material considerations which are relevant to planning indicate otherwise.

The NPPF states that the purpose of the planning system is to achieve sustainable development. The core planning principles contained within the NPPF are summarised as:

- To be genuinely plan-led
- To drive and support sustainable economic development
- Seek high quality design
- Conserve and enhance the natural environment
- Encourage the effective use of land
- Conserve heritage assets

The factors to be used in determining applications will relate to the effect on the “public at large” and will not be those that refer to private interests. Personal circumstances of applicants “will rarely” be an influencing factor, and then only when the planning issues are finely balanced.

THEREFORE we will:

- Acknowledge the strength of our policies,
- Be consistent in the application of our policy, and
- If we need to adapt our policy, we will do it through the Local Plan process.

Decisions which are finely balanced and contradict policy will be recorded in detail to explain and justify the decision and the strength of the material planning reasons for doing so.
OCCASIONALLY, THERE ARE CONFLICTS WITH THE VIEWS OF THE PARISH OR TOWN COUNCIL. WHY IS THIS?

We ask local parish and town councils to recognise that their comments are taken into account. Where we disagree with those comments it will be because:

- Districts look to ‘wider’ policies, and national, regional and county planning strategy.
- Other consultation responses may have affected our recommendation.
- There is an honest difference of opinion.
AGENDA

1. To report apologies for absence and identify substitute voting members (if any);

2. To deal with any items of business the Chairman decides should be considered as matters of urgency pursuant to Section 100B (4) (b) of the Local Government Act, 1972; [Urgent business may only be taken if, “by reason of special circumstances” (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]

3. To receive Declarations of Interest from Members;
   (Please see flowchart and guidance attached, page 7)

4. Minutes of the Meeting of the Development Management Committee held on 17 August 2016 (attached – page 9)

5. Planning Applications and Other Development Control Matters;
   (attached – page 17)
   To consider the items as listed below:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Planning Ref No.</th>
<th>Parish</th>
<th>Site Address</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2016/0803/D</td>
<td>TROWSE WITH NEWTON</td>
<td>Land North of A146 and East of White Horse Lane, Trowse, Norfolk</td>
<td>17</td>
</tr>
<tr>
<td>2</td>
<td>2016/0805/F</td>
<td>TROWSE WITH NEWTON</td>
<td>Land North of A146 and East of White Horse Lane, Trowse, Norfolk</td>
<td>17</td>
</tr>
<tr>
<td>3</td>
<td>2014/0981</td>
<td>TROWSE WITH NEWTON</td>
<td>Land North of Devon Way and Hudson Avenue, Trowse, Norfolk</td>
<td>47</td>
</tr>
<tr>
<td>4</td>
<td>2011/0505, 2012/0371 and 2015/2168</td>
<td>WYMONDHAM</td>
<td>Land North of the A11, Park Farm, Silfield Road</td>
<td>51</td>
</tr>
<tr>
<td>5</td>
<td>2016/1447/F</td>
<td>BRESSINGHAM</td>
<td>Harvest House, Low Road, Bressingham IP22 2DB</td>
<td>63</td>
</tr>
<tr>
<td>6</td>
<td>2016/1737/RVC</td>
<td>ASLACTON</td>
<td>Waveney Pumps, Newport Drive, Station Road, Aslacton, Norfolk NR15 2DU</td>
<td>74</td>
</tr>
</tbody>
</table>

6. Sites Sub-Committee;
   Please note that the Sub-Committee will only meet if a site visit is agreed by the Committee with the date and membership to be confirmed.

7. Enforcement Reports (attached – page 86)

8. Planning Appeals (for information) (attached – page 91)

9. Date of next scheduled meeting – Wednesday 12 October 2016
1. GUIDELINES FOR DETERMINING THE NEED TO VISIT AN APPLICATION SITE

The following guidelines are to assist Members to assess whether a Site Panel visit is required. Site visits may be appropriate where:

(i) The particular details of a proposal are complex and/or the intended site layout or relationships between site boundaries/existing buildings are difficult to envisage other than by site assessment;
(ii) The impacts of new proposals on neighbour amenity e.g. shadowing, loss of light, physical impact of structure, visual amenity, adjacent land uses, wider landscape impacts can only be fully appreciated by site assessment/access to adjacent land uses/property;
(iii) The material planning considerations raised are finely balanced and Member assessment and judgement can only be concluded by assessing the issues directly on site;
(iv) It is expedient in the interests of local decision making to demonstrate that all aspects of a proposal have been considered on site.

Members should appreciate that site visits will not be appropriate in those cases where matters of fundamental planning policy are involved and there are no significant other material considerations to take into account. Equally, where an observer might feel that a site visit would be called for under any of the above criteria, members may decide it is unnecessary, e.g. because of their existing familiarity with the site or its environs or because, in their opinion, judgement can be adequately made on the basis of the written, visual and oral material before the Committee.

2. PUBLIC SPEAKING: PLANNING APPLICATIONS

Applications will normally be considered in the order in which they appear on the agenda. Each application will be presented in the following way:

- Initial presentation by planning officers followed by representations from:
  - The town or parish council - up to 5 minutes for member(s) or clerk;
  - Objector(s) - any number of speakers, up to 5 minutes in total;
  - The applicant, or agent or any supporters - any number of speakers up to 5 minutes in total;
  - Local member
- Member consideration/decision.

TIMING: In front of you there are two screens which tell you how much time you have used of your five minutes. After four minutes the circle on the screen turns amber and then it turns red after five minutes, at which point the Chairman will ask you to come to a conclusion.

MICROPHONES: In front of you there is a microphone which we ask you to use. Simply press the left or right button to turn the microphone on and off

WHAT CAN I SAY AT THE MEETING? Please try to be brief and to the point. Limit your views to the planning application and relevant planning issues, for example: Planning policy, (conflict with policies in the Local Plan/Structure Plan, government guidance and planning case law), including previous decisions of the Council, design, appearance and layout, possible loss of light or overshadowing, noise disturbance and smell nuisance, impact on residential and visual amenity, highway safety and traffic issues, impact on trees/conservation area/listed buildings/environmental or nature conservation issues.

3. FILMING AT COUNCIL MEETINGS: GUIDANCE

Members of the public and press are permitted to film or record meetings to which they are permitted access in a non-disruptive manner and only from areas designated for the public. No prior permission is required, however the Chairman at the beginning of the meeting will ask if anyone present wishes to record proceedings. We will ensure that reasonable facilities are made available to the public and press to assist filming or recording of meetings.

The use of digital and social media recording tools, for example Twitter, blogging or audio recording is allowed as long as it is carried out in a non-disruptive manner.
HEALTH AND SAFETY INFORMATION

| Fire alarm | If the fire alarm sounds please make your way to the nearest fire exit. Members of staff will be on hand to escort you to the evacuation point |
| Mobile phones | Please switch off your mobile phone or put it into silent mode |
| Toilets | The toilets can be found on the right of the lobby as you enter the Council Chamber |
| Break | There will be a short comfort break after two hours if the meeting continues that long |
| Drinking water | A water dispenser is provided in the corner of the Council Chamber for your use |

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Key to letters included within application reference number to identify application type – e.g. 07/96/3000/A – application for consent to display an advert

| A | Advert | G | Proposal by Government Department |
| A | Certificate of Alternative Development | H | Householder – Full application relating to residential property |
| AGF | Agricultural Determination – approval of details | HZ | Hazardous Substance |
| C | Application to be determined by County Council | LB | Listed Building |
| CA | Conservation Area | LE | Certificate of Lawful Existing development |
| CU | Change of Use | LP | Certificate of Lawful Proposed development |
| D | Reserved Matters (Detail following outline consent) | O | Outline (details reserved for later) |
| EA | Environmental Impact Assessment – Screening Opinion | RVC | Removal/Variation of Condition |
| ES | Environmental Impact Assessment – Scoping Opinion | SU | Proposal by Statutory Undertaker |
| F | Full (details included) | TPO | Tree Preservation Order application |

Key to abbreviations used in Recommendations

| CNDP | Cringleford Neighbourhood Development Plan |
| J.C.S | Joint Core Strategy |
| LSAAP | Long Stratton Area Action Plan – Pre Submission |
| N.P.P.F | National Planning Policy Framework |
| P.D. | Permitted Development – buildings and works which do not normally require planning permission. (The effect of the condition is to require planning permission for the buildings and works specified) |
| S.N.L.P | South Norfolk Local Plan 2015 |
| Site Specific Allocations and Policies Document |
| Development Management Policies Document |
| WAAP | Wymondham Area Action Plan |
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:
1. affect yours, or your spouse / partner’s financial position?
2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

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

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

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

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

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

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE
DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

What matters are being discussed at the meeting?

Do any relate to an interest I have?

A  Have I declared it as a pecuniary interest?

OR

B  Does it directly affect me, my partner or spouse’s financial position, in particular:
   • employment, employers or businesses;
   • companies in which they are a director or where they have a shareholding of more
     than £25,000 face value or more than 1% of nominal share holding
   • land or leases they own or hold
   • contracts, licenses, approvals or consents

YES

The interest is pecuniary – disclose the interest, withdraw from the meeting by leaving the room. Do not try to improperly influence the decision

If you have not already done so, notify the Monitoring Officer to update your declaration of interests

NO

The interest is related to a pecuniary interest. Disclose the interest at the meeting. You may make representations as a member of the public, but then withdraw from the

YES

Does the matter indirectly affects or relates to a pecuniary interest I have declared, or a matter noted at B above?

NO

The interest is not pecuniary nor affects your pecuniary interests. Disclose the interest at the meeting. You may participate in the meeting and vote

YES

Have I declared the interest as an other interest on my declaration of interest form? OR

Does it relate to a matter highlighted at B that impacts upon my family or a close associate? OR

Does it affect an organisation I am involved with or a member of? OR

Is it a matter I have been, or have lobbied on?

NO

You are unlikely to have an interest. You do not need to do anything further.
DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of a meeting of the Development Management Committee of South Norfolk District Council held at South Norfolk House, Long Stratton, on Wednesday 17 August 2016 at 10.00 am.

Committee Members Present: Councillors: V Thomson (Chairman), M Gray, C Kemp, L Neal (not present for application no. 6), B Stone and A Thomas.

Apologies: Councillors: P Broome, F Ellis, C Gould, G Minshull, and J Mooney.

Substitute Members: Councillors: Y Bendle for P Broome, N Legg for F Ellis, C Foulger for C Gould and J Hornby for J Mooney.

Officers in Attendance: The Development Manager (H Mellors), the Planning Decisions Team Leader (C Trett), the Planning Officer (H Bowman), the Community Protection Team Leader (A Nicholas) and the NCC Highways Development Management Officer (A Jacklin).

(17 members of the public were in attendance)

283. DECLARATIONS OF INTEREST

The following members declared interests in the matters listed below. Unless indicated otherwise, they remained in the meeting.

<table>
<thead>
<tr>
<th>Application</th>
<th>Parish</th>
<th>Councillor</th>
<th>Declaration</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016/0902/H</td>
<td>EAST CARLETON</td>
<td>N Legg</td>
<td>Local Planning Code of Practice Lobbied by Applicant</td>
</tr>
<tr>
<td>(Item 6)</td>
<td></td>
<td>A Thomas</td>
<td>Other Interest</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Applicant known to member</td>
</tr>
<tr>
<td></td>
<td></td>
<td>V Thomson</td>
<td></td>
</tr>
<tr>
<td>2016/0981/RVC</td>
<td>BERGH APTON</td>
<td>B Stone</td>
<td>Local Planning Code of Practice Lobbied by Applicant and Supporters</td>
</tr>
<tr>
<td>(Item 7)</td>
<td></td>
<td></td>
<td>Other Interest</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Applicant known to member</td>
</tr>
</tbody>
</table>
284. MINUTES

The minutes of the Development Management Committee meeting dated 20 July 2016 were confirmed as a correct record and signed by the Chairman.

285. PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

The Committee considered the report (circulated) of the Director of Growth and Localism, which was presented by the officers. The following speakers addressed the meeting with regard to the applications listed below.

<table>
<thead>
<tr>
<th>Application</th>
<th>Parish</th>
<th>Speaker</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016/0160/CU</td>
<td>MORNINGTHORPE AND FRITTON</td>
<td>Mr J Lainchbury – Agent for Applicant</td>
</tr>
<tr>
<td>(Item 5)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016/0902/H</td>
<td>EAST CARLETON</td>
<td>Mr S Peck – Applicant</td>
</tr>
<tr>
<td>(Item 6)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016/1202/S106A</td>
<td>SHOTESHAM</td>
<td>Mr K Munro – Objector</td>
</tr>
<tr>
<td>(Item 8)</td>
<td></td>
<td>Mr M Haslam – Agent for Applicant</td>
</tr>
<tr>
<td>2016/1558/RVC</td>
<td>GISSING</td>
<td>Mr D Eddington – Parish Council</td>
</tr>
<tr>
<td>(Item 9)</td>
<td></td>
<td>Ms L Melrose – On Behalf of Applicant</td>
</tr>
</tbody>
</table>

The Committee made the decisions indicated in the Appendix to these minutes, conditions of approval or reasons for refusal of planning permission as determined by the Committee being in summary form only and subject to the final determination of the Director of Growth and Localism.
286. **PLANNING APPEALS**

The Committee noted the planning appeals.

(The meeting closed at 1.15 pm)

____________________

Chairman
PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

NOTE:
Conditions of approval or reasons for refusal of planning permission as determined by the Committee are in summary form only and subject to the Director of Growth and Localism's final determination.

1   Appl. No : 2015/2207/RVC
Parish : BUNWELL

Applicants Name : Mr Steve Westall
Site Address : Frank Dale Foods Bunwell Street Bunwell Norfolk NR16 1SH
Proposal : Variation of condition 2 of application 2006/2246 - Extension of permitted opening hours to 24 hours Monday to Saturday and 6am to 4 pm Sundays (Continuation of temporary consent 2010/1175 which expired on 31st May 2015)

Decision : Members voted unanimously for Approval

Approved with conditions

1. Hours of production
2. No shift change after 22:00 or before 06:00 on any day
3. Parking layout details for shifts to accord with plan submitted
4. Extraction systems
5. Cooking equipment
6. No generators, air handling plant unless agreed
7. Delivery hours restriction
8. Stationary vehicles with refrigeration units not to use engine power
9. No disposal of waste by burning or incineration
10. No external storage
11. Loading and unloading hours restriction
12. Full details of external lighting
13. Foul and surface water drainage to accord with approved details
14. Limit on noise levels
15. Noise mitigation scheme to be implemented

2   Appl. No : 2016/0518/F
Parish : BUNWELL

Applicants Name : Mr Steve Westall
Site Address : Frank Dale Foods Bunwell Street Bunwell Norfolk NR16 1SH
Proposal : Front and rear extensions to existing factory, removal of portacabins/structures on site and other minor external alterations.
Decision : Members voted unanimously for Approval

Approved with conditions

1 Full Planning permission time limit
2 In accordance with amendments
3 External materials to be agreed
4 Surface Water to be agreed
5 Provision of parking, service
6 Visibility splay to be provided
7 Archaeological investigation
8 Hours of production
9 No shift change after 22:00 or before 06:00 on any day
10 Parking layout details for shifts to accord with plan submitted
11 No generators, air handling plant
12 Delivery hours restriction
13 Stationery vehicles with refrigeration units not to use engine power
14 No disposal of waste by burning
15 No external storage
16 Loading and unloading hours restriction
17 No external lighting unless agreed
18 Retention trees and hedges
19 Limit on noise levels
20 Noise mitigation scheme to be implemented

3 Appl. No : 2016/0803/D
Parish : TROWSE WITH NEWTON
Applicants Name : Mr Nicholls
Site Address : Land North Of A146 And East Of White Horse Lane Trowse Norfolk
Proposal : 2016/0803/D - Submission of Reserved Matters pursuant to outline planning permission ref 2013/0463/O - appearance, scale, landscaping and layout: 85 no. dwellings and associated works
Decision : This item was deferred to a future meeting of the Development Management Committee

4 Appl. No : 2016/0805/F
Parish : TROWSE WITH NEWTON
Applicants Name : Mr Nicholls
Site Address : Land North Of A146 And East Of White Horse Lane Trowse Norfolk
Proposal : 2016/0805/F - Erection of 13 affordable houses and associated works
Decision : This item was deferred to a future meeting of the Development Management Committee
5  Appl. No : 2016/0160/CU  
Parish : MORNINGTHORPE AND FRITTON  
Applicants Name : Roadtechs Retirement Scheme  
Site Address : Morningthorpe Farm Ansons Lane Morningthorpe Norfolk NR15 2SA  
Proposal : Change of use of existing agricultural building for B2 industrial use in manufacture of bitumen based road repair products  
Decision : Members voted unanimously for Approval

Approved with conditions

1. Full Planning permission time limit  
2. In accordance with amendments  
3. Specific Use  
4. Height of stack to be increased within 3 months  
5. Mean stack velocity of the extraction system to remain at or above current level  
6. Business and Morningthorpe Farmhouse to remain in the same ownership  
7. Hours of use  
8. Limit of capacity of bitumen production  
9. Within three months use of building granted under 2013/2154 shall cease  
10. Limit height of external storage (3m)  
11. Retention of trees and hedges  

Members also voted unanimously for Approval to authorise enforcement action to be taken, for conditions 4 and 9 above, if these conditions are not met within three months  

Updates to officer report

- Additional condition retention of trees and hedges (11 above)  
- Agent has confirmed there will be some limited movements between the Topcroft and Morningthorpe sites. This does not change the Highway Officers recommendation.  

6  Appl. No : 2016/0902/H  
Parish : EAST CARLETON  
Applicants Name : Mr Steve Peck  
Site Address : Colray Swardeston Lane East Carleton Norfolk NR14 8LF  
Proposal : Two storey rear extension, extension and alteration to front roof slope, conversion of garage to games room and front porch.  
Decision : Members voted 9 - 0 for Approval (contrary to officer recommendation which was lost 9 - 0)  

Approved with conditions (to be set by officer)
Due to the orientation of the building, it was not felt that there was sufficient impact on residential amenity to warrant refusal.

**Updates to officer report**
Further amended plan received returning to proposal similar to original submission but with lowered eaves.

7  **Appl. No** : 2016/0981/RVC  
    **Parish** : BERGH APTON  
  Applicants Name : Mr Mark Allen  
  Site Address : Green Pastures Farm Shop Mill Road Bergh Apton Norfolk NR15 1BQ  
  Proposal : Removal of condition 10 of planning permission 2012/2149 - Requirement for Traffic Regulation Order (Part demolition of existing garden and farm shop facilities. New build garden and farm shop retail facilities to include the addition of a post office counter within the farm shop, cafe facility, demonstration/teaching facility and extension to car parking area)  
  Decision : Members voted 9 – 0 with 1 abstention for **Approval**  
  Approved with conditions  
  1. In accord with submitted drawings  
  2. Materials  
  3. Specific use  
  4. Surface water and foul water  
  5. Full details of external lighting  
  6. Kitchen extraction equipment  
  7. Visibility splay  
  8. Parking and turning area  
  9. Retention trees and hedges  
  10. Cease uses unless TRO secured/implemented within 12 months  
  11. No generators, air handling plant  
  12. No external storage  
  Officers instructed to write to NCC Highways to express concern about traffic management along the A146.  

**Updates to officer report**
Written comments received from Local Member
8  Appl. No  :  2016/1202/S106A  
Parish   :  SHOTESHAM  
Applicants Name  :  Mrs Carver  
Site Address  :  Glenview The Common Shotesham Norfolk NR15 1YD  
Proposal  :  Discharge of S106 obligation relating to land management  
Decision  :  Members voted 9 - 0 for Approval that the Section 106 planning obligation be discharged  

Updates to officer report  
Further letter of objection from local resident received but no new issues raised  
Letter of support received from Local Member  

9  Appl. No  :  2016/1558/RVC  
Parish   :  GISSING  
Applicants Name  :  Mr K Greenacre  
Site Address  :  Crown Bungalow Lower Street Gissing Norfolk  
Proposal  :  Removal of condition 6 following planning permission 2003/1418 (detached annexe) - to allow the sale of the annexe  
Decision  :  Members voted 8 - 2 for Refusal  
Refused.  
1- Unacceptable level of amenity and potential to affect the viability of the public house  

Updates to officer report  
Additional letter of support received raising no new issues
Applications referred back to Committee

1. **Appl. No**: 2016/0803/D  
   **Parish**: TROWSE WITH NEWTON

   Applicants Name: Norfolk Homes  
   Site Address: Land North Of A146 And East Of White Horse Lane Trowse Norfolk  
   Proposal: Submission of Reserved Matters pursuant to outline planning permission ref 2013/0463/O - appearance, scale, landscaping and layout: 85 no. dwellings and associated works

   Recommendation: Approval with Conditions
   1 - in accordance with plans  
   2 - comply with ecology scheme as submitted  
   3 - water efficiency  
   4 - landscaping as submitted  
   5 - boundary treatments as in plan  
   6 - flintwork panel to be agreed  
   7 - SHC09  
   8 - SHC24  
   9 - SHC40  
   10 - Materials management plan to be agreed

2. **Appl. No**: 2016/0805/F  
   **Parish**: TROWSE WITH NEWTON

   Applicants Name: Norfolk Homes  
   Site Address: Land North Of A146 And East Of White Horse Lane Trowse Norfolk  
   Proposal: Erection of 13 affordable houses and associated works

   Recommendation: Approval with Conditions
   1 - Time limit  
   2 - In accordance with plans  
   3 - External materials to be agreed  
   4 - Highways  
   5 - Landscaping  
   6 - Water efficiency  
   7 - Surface water drainage scheme to be agreed  
   8 - Foul to mains  
   9 - Boundary treatments as submitted  
   10 - Materials management plan to be agreed  
   11 - Deed of variation in relation affordable housing

1. **Planning Policies and Planning History**

1.1 The planning policies and planning history are as previously presented in the committee report on the 17th August 2016 (Appendix 2).
2. Consultations

2.1 Given that the only further documentation we have received since the previous deferral is an indicative masterplan, and acknowledging that both the Parish Council and Ward Member have seen this document, no re-consultations have been necessary. All consultation responses to both applications are contained within the committee report attached as Appendix 2.

3. Assessment

3.1 The application was deferred to allow officers time to consider the contents of a letter of representations from the adjacent landowner received the evening before the Development Management Committee on the 17th August. A copy of this letter is attached as Appendix 3. This covered three issues and it is proposed to address each in turn:

Notification of revised documents

3.2 The neighbouring landowner questioned why they were not notified of the amended and additional information and suggested that this would prejudice the determination of the application. Having reviewed the re-consultations it was evident that they (Trustees of Arminghall Settlement) had not been notified, however, it should be stressed that in procedural terms the need to re-consult on amended and/or additional information is discretionary and as such all statutory requirements pertaining to consultation on these applications have been met. It is also important to highlight that notwithstanding the above, it is evident that the Trustee of Arminghall Settlement did in fact make representations on the amended plan/additional information in any event as reported in paragraph 3.18 of the committee report (attached as appendix 2). With this in mind it is clear that they were aware that the Council had received further information relating to the application, and on this basis, officers do not agree that they have been prejudiced in respect of having the opportunity to comment on the application.

Delivery of access from White Horse Lane

3.3 The importance of providing an access from White Horse Lane to the eastern boundary of the site is highlighted and concern raised that the Design and Access Statement (DAS) does not satisfy this requirement and also highlights the importance of consultation on this matter. It also observed that this issue has not been discussed with the Trustees of Arminghall Settlement.

3.4 It is evident that whilst the original plan was amended to ensure that an access road was provided to the eastern boundary of the site, the DAS was not amended to reflect this change. This point was made in the Trustees of Arminghall Settlement’s letter in relation to the amended information as referred to in paragraph 3.18. Consequently, Norfolk Homes revised their DAS to address this point and this was received on the 16th August and duly uploaded to the Council’s website on the same day. This point was also referred to in the committee update sheet (attached as appendix 4). With this in mind officers are satisfied that both the amended plan and the supporting document do provide an access to the site boundary which satisfies the requirements of condition 20 from the outline approval.

3.5 In terms of consultation, it is considered that this point is fully covered above in the previous section of this report (notification of revised documents).

3.6 In terms of Norfolk Homes discussing the suggested point of access to the eastern boundary with the Trustees of Arminghall Settlement, a meeting was held at the Council Offices on the 25th August and attended by a number of key stakeholders, namely Norfolk Homes representatives, Trustees of Arminghall Settlement representatives, Trowse Parish Council, Cllr Lewis, NCC and SNC officers to discuss a number of aspects of the site, and the neighbouring site, including access arrangements.

3.7 Following on from this meeting, Trowse Parish Council have confirmed that they have no further comments to make and the concerns raised in our recent letters have now been addressed.
3.8 It should also be noted that the Highway Authority have no objection to the proposed access arrangements as shown in the amended plan for the site, as set out in the committee update sheet attached as appendix 4.

School site

3.9 Concern at the location of the school site offered and highlight the comments put forward by Norfolk County Council as contained in paragraph 3.5 of the committee report attached as appendix 2.

3.10 Reference is also made to stakeholder meetings to discuss this subject. As reported in paragraph 4.33 of the committee report (appendix 2) the proposed siting of the school was agreed as being acceptable by NCC following an approach from Norfolk Homes prior to the submission of their applications.

3.11 As highlighted above a meeting has recently taken place between key stakeholders and NCC indicated that the school site as offered will allow them to provide a satisfactory new school arrangement on-site and also secure a suitably shaped 0.4ha parcel of land from the adjacent site (Trustees of Arminghall Settlement site) to adjoin the 1ha provided by Norfolk Homes.

3.12 In order to assist with highlighting this point, Norfolk Homes has provided an indicative masterplan to show how this could be provided in the future. The indicative masterplan provided also has the benefit of illustrating an arrangement that not only provides a 1.4ha school site in an acceptable arrangement, but also a layout which works satisfactorily with that proposed by Norfolk Homes.

3.13 Officers would wish to stress that this is merely an indicative masterplan to indicate one way in which the two sites could work together to achieve the stated aims of the TROW1 allocation and any final arrangement would be subject to a reserved matters application being submitted for the Trustees of Arminghall Settlement land and this may propose a different arrangement.

3.14 It should be stressed that the officer’s key objective in assessing any future application on the neighbouring site, will be to ensure that it works effectively with the Norfolk Homes site.

3.15 In summary, it is considered that the points raised in the late representation received from the representative of the Trustee of Arminghall Settlement have been addressed above and in the committee report attached as Appendix 2.

Other issues

3.16 It is evident that as 2016/0805 is a full application, rather than a reserved matters application as is the case with 2016/0803, this is not technically bound by the S106 attached to the outline approval 2013/0463. With this in mind it will be necessary to attach a condition to the permission to secure a deed of variation to the existing S106 legal agreement to ensure that this planning permission is tied to the existing legal agreement so as to deliver all of the units as affordable units.

4. Conclusion

4.1 As set out in the conclusion of the committee report attached as appendix 2, both applications satisfy the requirements of the relevant planning policies and would result in an acceptable scheme and both applications are therefore recommended for approval.

Contact Officer, Telephone Number Chris Raine 01508 533841 craine@s-norfolk.gov.uk and E-mail:
## Appendix 2

### 3. **Appl. No:** 2016/0803/D
**Parish:** TROUGH WITH NEWTON

**Applicants Name:** Mr Nicholls  
**Site Address:** Land North Of A146 And East Of White Horse Lane Trowse Norfolk

**Proposal:** 2016/0803/D - Submission of Reserved Matters pursuant to outline planning permission ref 2013/0463/O - appearance, scale, landscaping and layout: 85 no. dwellings and associated works

**Recommendation:** Approval with Conditions

1. Approved plans  
2. Scheme to be undertaken in accordance with ecological information  
3. Scheme to be undertaken in accordance with landscaping details  
4. Boundary treatments as submitted including railings  
5. Water efficiency measures to be incorporated  
6. Flint panel to be provided  
7. Materials management plan to be agreed

**NOTE** – The application includes sufficient information to meet the requirements of condition 15 of the outline consent in respect of archaeology

### 4. **Appl. No:** 2016/0805/F
**Parish:** TROUGH WITH NEWTON

**Applicants Name:** Mr Nicholls  
**Site Address:** Land North Of A146 And East Of White Horse Lane Trowse Norfolk

**Proposal:** 2016/0805/F - Erection of 13 affordable houses and associated works

**Recommendation:** Approval with Conditions

1. Time limit  
2. In accordance with plans  
3. External materials to be agreed  
4. Highways  
5. Landscaping  
6. Water efficiency  
7. Surface water drainage scheme to be agreed  
8. Foul to mains  
9. Boundary treatments as submitted  
10. Materials management plan to be agreed
Development Management Committee

1. Planning Policies

1.1 National Planning Policy Framework
NPPF 01: Building a strong competitive economy
NPPF 04: Promoting sustainable transport
NPPF 06: Delivering a wide choice of high quality home
NPPF 10: Meeting the challenge of climate change, flooding and coastal change
NPPF 12: Conserving and enhancing the historic environment
NPPF 13: Facilitating the sustainable use of minerals

1.2 Joint Core Strategy
Policy 1: Addressing climate change and protecting environmental assets
Policy 2: Promoting good design
Policy 3: Energy and water
Policy 4: Housing delivery
Policy 7: Supporting Communities
Policy 9: Strategy for growth in the Norwich Policy Area
Policy 12: The remainder of the Norwich Urban area, including the fringe parishes
Policy 20: Implementation

1.3 South Norfolk Local Plan
Development Management Policies
DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk
DM1.3: The sustainable location of new development
DM3.1: Meeting Housing requirements and needs
DM3.8: Design Principles applying to all development
DM3.10: Promotion of sustainable transport
DM3.11: Road safety and the free flow of traffic
DM3.12: Provision of vehicle parking
DM3.13: Amenity, noise, quality of life
DM3.14: Pollution, health and safety
DM3.15: Outdoor play facilities/recreational space
DM4.2: Sustainable drainage and water management
DM4.9: Incorporating landscape into design
DM4.10: Heritage Assets

Site Specific Allocations and Policies
TROW 1: Land on White Horse Lane and to the rear of Charolais Close & Devon Way

1.4 Supplementary Planning Document
South Norfolk Place Making Guide 2012

1.5 Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:

S72 Listed Buildings Act 1990 provides: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

2. Planning History

2.1 2013/0463 Proposed development of up to 99 dwellings
(Approved including a 1 ha site for new Primary School
(revised application)
Development Management Committee 14 September 2016

2.2  2013/2183  Screening Opinion for reduction in number of proposed dwellings from up to 150 to up to 99 plus the inclusion of a site not more than 1 hectare for the relocated primary school  EIA Not Required

2.3  2016/0804  Demolition and rebuilding of flint/brick wall under consideration

3.  Consultations

3.1  Town / Parish Council

Original scheme
Approve subject to conditions as follows:
- Visual landscape is good, provision of parking spaces and planting to stop ad-hoc parking
- Sympathetic to existing and good design but concerns regarding houses with white render and request all should be brick and flint
- High density of housing near (plots 83/84) 34/35/35/Half Acre White Horse Lane and this should be relocated by allotment site instead of near existing houses or elsewhere on the site.
- The speed limit needs to be changed to 20mph from the start of the development and provision made for enforcement, suggest different coloured tarmac and installation of a road width table and require financial assistance to implement same
- The school site to be developed as soon as possible and the land to be handed over on completion of the first house to ensure children are within the community
- Endorse the soft planting/grasscrete surface for the roundabout
- Requirement for a bus stop on White Horse Lane to serve the development
- Highways to adopt and maintain all the new roads within the development
- All bollards and pillars used must be clearly visible to drivers and have reflectors

Amended scheme
- See attached comments as appendix 2 raising concerns and seeking applications are deferred.

3.2  District Member

Original scheme
- Concerns regarding alleys and enclosed areas of open parking
- Affordable housing should be spread throughout the development
- All estate roads should be adopted
- Concerns regarding surface water drainage
- Road drainage
- Estate road to Arminghall Settlement stops short of boundary, this needs to be an adopted estate road of suitable proportions to allow traffic to both sites
- Arminghall settlement construction traffic via The Street and Hudson Avenue is unacceptable
- Impact on Whitehorse Lane
Amended scheme
- I welcome the plans showing the road through the site now extending to the boundary with the Arminghall Settlement site. However, I understand that this on its own does not secure the construction and offering of that road for adoption, nor availability for vehicle and pedestrian access to and from most of the houses to be built on the Arminghall Settlement site. If I am correct, application 2016/0803 should not be approved without this access being secured by legal agreement. It would be totally unacceptable if, for instance, children from any new Arminghall Settlement housing and from nearby existing housing had to get to the new school buildings via The Street and White Horse Lane, particularly if that resulted in more car journeys for what should be a short walk. In addition, there must be a firm and early date by which that access will be physically present, to give a time limit to any temporary requirement for access requirements via Hudson Avenue for the construction and subsequent use of any Arminghall Settlement houses in excess of the small number of houses for which Hudson Avenue access is foreseen in the longer term. Otherwise there is a risk that ‘temporary’ could become ‘indefinite’. 2016/0803 should not be approved until this is resolved. I also note that this estate road is now shown on the ‘village’ side of the site, resulting in the moving of the donated 1 ha for the school site closer to the Trowse Bypass. That should not be approved if it causes excessive problems or disbenefits for an Arminghall Settlement development (including the required 0.4 ha school land donation) and for Children’s Services. However, it is for the Settlement and the County to make their own responses.

Finally, I welcome the revised surface water drainage arrangements in White Horse Lane, which I understand take the new SW drainage further towards the village, so as to serve Lyndhurst, TreeTops, Nos 33, 34 and Half Acre which are adversely affected by the overloaded current NE drainage. This appears to resolve my previous comments.

<table>
<thead>
<tr>
<th>3.3 SNC Landscape Architect</th>
<th>Original scheme</th>
<th>Amended scheme</th>
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<tbody>
<tr>
<td></td>
<td>• Does not support proposal</td>
<td>• Comments awaited and to be reported</td>
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<tr>
<td></td>
<td>• Disappointed by proposal</td>
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<td></td>
<td>• Lacks a sense of connectivity</td>
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<td>• Many inconsistencies</td>
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| 3.4 Historic Environment Service | Original scheme | No further archaeological work required |
Original scheme
- No comments received

Amended scheme
- Children’s Services concerns are as below:

Regard should be given to the highway network of the whole site and how it may affect the school travel plan with consideration of the site layout with the full allocation in place. The original layout under the outline application showed the school situated with a looped road network which would allow school drop-off and minimising east-west movements through the site. The RM application indicates access to the school via White Horse Lane for the existing community but no indication of school drop-off points which ultimately will mean parents parking on the incoming highway causing congestion. For the future new community of the east site, access to the school would be via the adoptable standard road to the north east of the NH site which would cause an unnecessary long route through the NH site to the school and it would be reasonable to assume congestion with vehicles having to negotiate parked cars when travelling to the school then west out of the site. The likelihood of ‘rat running’ and parking on streets to drop off must be considered with parents trying to find the quickest and easiest way to the school and out of the site. Are the proposed carriageways fit for this purpose?

The revised position of the school site since the outline application 2013/0463. Our understanding from TROW1 is that the developer of the sites will be required to provide a masterplan to ensure cohesive development. This must mean the responsibility of the applicant to demonstrate due regard to the total parcel of land which will be given over to provide a new school. The revised position of the school site has no regard to how the additional 0.4ha from the east site for the school would work. With the 1ha school site now butting up against the A146 and the link road in its current position, allowing for the existing tree belt, the additional 0.4ha would end up triangular in shape and would be unlikely to allow a rational layout of the school.

One further concern is the adoptable link road between the two sites. NH have not said the road won’t be adopted but neither have they said it will be. If for any reason this road isn’t adopted, families from both the east site development and those families who chose to walk or cycle to school from the existing Hopkins Homes development could be forced to take a longer route to school through the village and up White Horse Lane which is likely to be done in a car rather than walking and cycling due to the distance involved. More journeys in cars are likely causing more traffic congestion.
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<tr>
<th>Number</th>
<th>Description</th>
<th>Details</th>
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| 3.6    | SNC Conservation and Design | Original scheme  
- There are areas where the scheme could be improved and a meeting to discuss these would be beneficial.  
Amended scheme  
- No objection. The scheme has been assessed against the Building for Life Standards and scores 10 greens and 2 ambers. |
| 3.7    | Norfolk Rivers IDB | Original scheme  
- Confirmation of how surface water will be managed  
Amended scheme  
- No comments received. |
| 3.8    | Anglian Water Services Ltd | No comments received |
| 3.9    | NCC Ecologist | Original scheme  
- Further information required  
Amended scheme  
- No objection, however, further clarification in respect of the times for implementation of the mitigation and enhancement measures are required if the requirements of the condition from the outline are to be addressed at this time. |
| 3.10   | SNC Community Services - Environmental Quality Team | To be reported if appropriate |
| 3.11   | NCC Highways | Original scheme  
- Amendments/additional information required  
- Adopted road should be provided to site boundary  
Amended plans  
- Comments awaited |
| 3.12   | SNC Housing Enabling & Strategy Manager | Original scheme  
- No objection in principle  
Amended scheme  
- Comments awaited |
| 3.13   | SNC Water Management Officer | - The current application does not incorporate the surface water drainage strategy  
- Outstanding condition  
- Details of surface water drainage system must be submitted at reserved matter stage |
| 3.14   | NCC Lead Local Flood Authority | No comments to make. |
3.15 SNC Water Management Officer

Original scheme
- Details of the surface water drainage scheme should be provided

Amended scheme
- No objection

3.16 Norfolk Police

Original scheme
- Outer boundaries and rear garden boundaries need 1.8 metre fencing
- Concerns with access gate adjacent allotments
- Gap in adjoining field should be closed
- Pathways should be reconsidered
- Remove informal square areas of paving
- Side roadways should be less meandering
- Does not recommend rear parking courts
- Do not recommend visitors bays adjacent POS
- Landscaping should include beneficial surveillance protection
- Security lighting to cover front and rear entrances
- Security lighting benefits all parking bays

Amended plans
- No comments received

3.17 Other Representations

Original scheme
10 letters of objection have been received expressing the following concerns:
- Noise pollution
- Light pollution
- High density of housing in wrong area of site
- Proximity of car parking spaces to existing residents
- Loss of parking spaces
- Increase in traffic
- School site too close to A146
- School site too small
- Ecological concerns
- Flooding concerns

Amended plans
- Comments awaited

3.18 Trustees of the Airminghall Settlement

Original scheme
- Object on the basis that that scheme does not adequately reflect condition 20 of the outline approval in providing a satisfactory road connection to the boundary of the site. The location of the connection should be amended to reflect that indicated historically by the developer. Concerns regarding the coherence of the scheme are reinforced by the views of the Council’s landscape officer. Carefully consideration should be given to the place-making guide and relevant Local Plan Policies.

Amended plans
- We welcome the change which indicates an adoptable standard road to the boundary of the site, however, the Design and Access Statement has should also be amended to remove the statement that the road will stop short of the boundary. The land offered for the
Development Management Committee

14 September 2016

The school will have an impact upon the potential operation of the future school on the basis that the land to be secured on the adjacent site will be triangular in shape and not facilitate a traditional layout on-site. The substandard type 2 road an gate on the northern boundary of the school site would lead to congestion during drop-off periods. Some of the road layout could lead to congestion, the removal of the aforementioned gate would not remove the concern as the route through to the other drop off area would be unacceptably long and through the Norfolk Homes scheme which would be disruptive to future residents.

- The scheme does not comply with TROW1 in providing a coherent layout across the allocation and para 35 of the NPPF in creating safe and secure layouts which minimise conflict between cyclists, pedestrians and traffic. The change to the arrangements originally indicated at outline stage necessitates the need for a new legal agreement to endure the long term delivery of the essential infrastructure.

4. Assessment

Site description and proposal

4.1 The application site consists of 3.77 ha of agricultural land located on the southern boundary of Trowse. The A146 Trowse Bypass abuts the site to the south and there are existing dwellings to the west of the site on White Horse Lane. To the north of the site there are existing allotments and to the east is an arable field forming the remainder of the allocation TROW1 (this also benefits from outline planning permission for up to 75 dwellings under 2014/0981). The land generally slopes down towards the north-western boundary with a difference in ground levels of approximately 10 metres. The boundaries to the site are well established and consist of a mix of hedgerows, a small number of trees, a short length of brick and flint wall along White Horse Lane (this is proposed to be re-built and is currently being considered under 2016/0804) and planting belts beyond the eastern and southern boundaries.

4.2 There are currently three applications being considered by the Council in respect of the above site. These are as follows:

4.3 The first application is 2016/0803 – Reserved matters application for 85 dwellings with associated garaging and parking via a reserved matters application, along with a 1ha school site. The proposal also includes areas of public open space. The development is to be accessed via two points on White Horse Lane as established via the outline approval and the scheme also makes provision for a vehicular access to abut the eastern boundary of the site to facilitate future access to the land beyond which is allocated under TROW1 and benefits from outline planning permission for up to 75 dwellings under 2014/0981. The provision of such an access having been secured as a requirement of condition 20 of outline planning permission 2013/0463.

4.4 The second application is 2016/0805 – Full application for 13 dwellings with associated parking and is accessed via two points, one directly onto White Horse Lane and one via the proposed scheme of 85 dwellings proposed under 2016/0803.

4.5 It should be noted that the two applications referred to above collectively provide one cohesive development together when viewed on plan and as such the assessment below is based upon treating the relevant planning issues together.
4.6 The 98 dwellings proposed are made up of the following mix of units

Affordable units - 32 units

- 8 x 1 bed apartments
- 3 x 2 bed apartments
- 1 x 1 bed bungalow
- 4 x 1 bed houses
- 16 x 2 bed houses

Open-market housing - 66 units

- 5 x 2 bed houses
- 31 x 3 bed houses
- 23 x 4 bed houses
- 6 x 5 bed houses
- 1 x 6 bed houses

4.7 The third application is 2016/0804 – Full application for the demolition and rebuilding of flint/brick wall on part of the site frontage onto White Horse Lane. It is proposed to determine this under delegated powers.

Key issues

4.8 Both application sites (2016/0803 and 2016/0805) lie within Local Plan allocation TROW1 which establishes the principle of residential development at the sites. The acceptable nature of development on the site is also reinforced through the outline consent that exists (2013/0463). In acknowledging that the site is suitable for residential development, the key issues in the consideration of the applications are as follows:

- ensuring the scheme has adequate regard for the character and appearance of the area
- highway safety
- neighbour amenity
- ensuring integration with adjacent site which forms part of allocation TROW1

4.10 In terms of the overall layout and house type designs, the allocation confirms that the development of the site will need to reflect the context of the Trowse Conservation Area. The scheme has been assessed by the Council's Senior Conservation and Design Officer, including undertaking a Building for Life assessment and they consider that:

"Care has been taken to draw upon existing historic character of the development that strongly derives from the Colman's estate housing, but also incorporates some earlier buildings, which are feature buildings. Because of the strong C19 estate character of the village, and the continuation of this character with the more recent development to the south of the village, it is an acceptable approach to adopt this here. Care has however been taken to have a certain amount of uniformity in materials and architectural character, which is a feature of the character of existing village housing."

4.11 It is considered that the scheme is successful in having due regard to its surroundings, it should also be noted that the original scheme has been revised to address some initial concerns surrounding the arrangement for the circular POS, through the repositioning of the parking to the perimeter of the POS and the concern about the "squares" within the scheme by proposing the use of different coloured surfacing to these areas. These changes have had a positive impact on the scheme.
4.12 The Council's Senior Conservation and Design Officer did also outline reservations that the group of affordable housing and associated parking court in the north-western corner of the development were quite enclosed with a lack of landscaping and amenity area. The developer has given consideration to this point, but the scheme has not been amended for the reasons set out in paras 4.31 and 4.32. This has contributed to one of the amber scores within the Building for Life Assessment being awarded. On balance, it is not considered that this could be reasonably used as a reason for refusal of the scheme.

4.13 Overall, it is evident that the amended scheme has scored 10 greens and 2 ambers in the Building for Life assessment. This is considered to represent a good score and highlights that the scheme is acceptable in design terms and has adequate regard for its context.

4.14 In terms of assessing the scheme in the context of S72 Listed Buildings Act 1990, it is considered that the scheme does preserve the character and appearance of the Conservation Area.

4.15 In highway safety terms, the accesses from White Horse Lane are consistent with the arrangement secured under the outline approval (2013/0463) and provide safe access into the development from White Horse Lane. It is also evident that this arrangement makes provision for satisfying the allocation requirement of providing the primary access from White Horse Lane.

4.16 The internal arrangements of the road network within the scheme appears acceptable, however, the final comments are awaited from the Highway Authority. This includes providing a suitable link to the eastern boundary of the site which in due course is envisaged to facilitate the primary access to the adjacent site which benefits from outline planning permission for up to 75 dwellings under 2014/0981.

4.17 In acknowledgement of concerns raised, the amended plan has confirmed the delivery of an adoptable standard road to be provided to the site boundary in order to comply with the requirements of condition 20 of the outline approval for the site 2013/0463.

4.18 Condition 20 states:
The reserved matters dealing with layout shall provide for a type 2 estate road to join with the edge of the east boundary of the site, at a point to be agreed. The scheme shall be implemented in accordance with the approved details.

Reason for condition
In the interests of the proper planning of the area and to safeguard the deliverability of the wider site to the east, as shown on Masterplan drawing MP 01.

4.19 Linked to this point there has been concern expressed that the link to the adjacent land may not come forward as a public highway, and thereby restrict the deliverability of the adjacent site, or put pressure on the Council to allow the adjacent site to be accessed via an alternative source such as Hudson Avenue.

4.20 It is clear that condition 20 of the outline approval for this site sought to ensure the delivery of a road suitable for use as the primary access to dwellings on the adjacent land (Trustees of Arminghall Settlement). It is anticipated that the Highway Authority is satisfied that the arrangement proposed in this scheme is now acceptable in this regard.

4.21 As highlighted above it is evident that this road would be provided to the boundary of the site.
4.22 In terms of the road becoming adopted in the future by the Highway Authority, the Council is not aware that the developer has confirmed that they will not request that the roads within the scheme will not be put forward for adoption in the future, and likewise the Council is not aware that there is any other evidence to suggest that link will not be available in the future. On this basis it would be unreasonable in planning terms to refuse the scheme on the basis that a link will not be made available to access the neighbouring site. Likewise, it is necessary to be aware that it is not the role of the planning system to resolve any commercial matters surrounding the ownership of land or access.

4.23 In terms of the LPA being under pressure to find an alternative route to the adjacent site via an alternative means (Hudson Avenue) if the proposed link is not made available, any such request would have to be made via a separate planning application to the Council and if the option put forward was deemed unacceptable in planning terms, then the Council would be entitled to refuse the application.

4.24 The suggested lack of discussion between the land owners of the two sites (Norfolk Homes and the Trustees of Arminghall Settlement) is not a planning matter for the Council to consider in the determination of this application, or a reason to not determine the application at this time.

4.25 I would also wish to stress that it is not reasonable in planning terms to require that the applicant now enters into any form of legal agreement or be the subject of a grant of a grant of access to the adjacent site must be provided to the adjacent landowner as part of a reserved matters application. The Council continue to believe that condition 20 was appropriate in planning terms to safeguard the ability to deliver the link from one site to the other.

4.26 Concern has been expressed at potential congestion occurring at school times as a consequence of the location of the school site and the layout of the road network. This concern has not been shared by the Highway Authority. It is evident that parking spaces are to be provided adjacent to the school site around the perimeter of the circular public open space, and the circular nature of the road layout makes provision for vehicles to return to White horse Lane effectively. Likewise, it is also necessary to acknowledge that the layout provides suitable footpath provision to encourage walking to school with the school site in close proximity to both this site and the neighbouring site and existing dwellings in the village. It should also be acknowledged that direct vehicular access is not anticipated to be provided from Hudson Way across to White Horse lane as this is not deemed to be acceptable, and therefore, residents of the existing Hopkins Homes scheme if choosing to perform school drop offs via car will not be able to do this via the Trustee of Arminghall Settlement site. It is however anticipated that pedestrian and cycling routes from the existing Hopkins Homes development across the Trustees of Arminghall Settlement will be able to use such a route in the future in an effort to maximise and encourage more sustainable modes of accessing facilities.

4.27 In terms of highway safety, and traffic matters, the scheme is considered to be acceptable having regard to the outline consent granted and the requirements of the Local Plan including the allocation TROW1.

4.28 With respect to residential amenity, the only immediate neighbours are 31 to 35 White Horse Lane and concerns have been raised about the impact of multiple traffic movements behind their rear fences given the proposed parking court arrangement in terms of noise and disturbance from vehicles and car lights illuminating the rear of the property.

4.29 The applicant was made aware of these concerns and has subsequently given the matter consideration.
Development Management Committee

4.30 In response they confirmed that they have investigated amending the scheme by moving the parking provision in front of the dwellings which would necessitate moving the dwellings backwards into their plots. However this would result in increased overlooking and overshadowing to the neighbours and remove the proposed landscape buffer which they consider would outweigh the advantage of reducing vehicle movements adjacent to the neighbours. On this basis they do not wish to amend the layout.

4.31 In assessing this issue, a landscape buffer between the proposed development and the adjacent neighbours would be provided, along with robust boundary treatments and the surfacing of the parking area in question is to be a resin bound gravel which should minimise noise and disturbance. On this basis it is considered that the scheme would not significantly compromise the amenities of the existing adjacent neighbours.

4.32 It is considered that the separation distances of the proposed dwellings between one another are acceptable in order to ensure adequate levels of outlook, light and privacy are provided to future residents.

Other issues

4.33 In terms of the delivery of a suitable school site, the developer put forward a 1ha site adjacent to the site boundary for consideration by the Council and Norfolk County Council (NCC) given their role as local education authority. It was confirmed by NCC that they had no objection to the land offered. The land offered meets the broad requirements of the S106 to secure a site insofar as it is 1ha in size, of a reasonable shape and abuts the site boundary with the adjacent site thus allowing land to be capable of being provided on the adjacent site in order to provide a single site of sufficient size. It should be noted that the land for the school from the adjacent site will be secured under the S106 legal agreement associated with the outline consent for that site.

4.34 The scheme provides a policy compliant (33%) level of affordable housing which is acceptable to the Council.

4.35 Following initial concerns raised by the Council’s Landscape Architect amended and additional information has been provided as part of the amended scheme in an effort to address the concerns. It is considered that the scheme is now acceptable in landscape terms.

4.36 An archaeological evaluation has been submitted as part of the scheme and Historic Environment Services has assessed this and confirmed that no further works are required in respect of archaeology thus satisfying the requirement of condition 15 from the outline approval.

4.37 In term of surface water drainage, it is evident that the outline consent includes a planning condition (condition 6) which allows for a surface water drainage strategy to be agreed with the Council prior to commencement, rather than as part of any reserved matters submission. Notwithstanding this, the applicant has undertaken work in respect of how it proposes to deal with surface water drainage at this time and the Council’s Water Management Officer has confirmed that they have no objections. The LLFA has also been consulted and has not expressed any concerns at the proposal.

4.38 In acknowledgement of the allocation TROW1 which acknowledges the potential for underlying mineral resources a condition for the agreement of a materials management plan to ascertain the quantities of those mineral resources available which could then in turn be reused in the construction of the scheme.
Development Management Committee

17 August 2016

4.39 It should be noted that the conditions within the outline approval for the site continue to be applicable and need to be met including in relation to matters such as agreeing a construction management plan, wheel washing facilities, unknown contamination being found etc.

4.40 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

4.41 2016/0805 is liable for Community Infrastructure Levy (CIL) however as the units are indicated to be Affordable units which would be exempt from payment.

5 Conclusion

5.1 The principle of development on the site is acceptable as established through Local Plan allocation TROW1. The submitted scheme, across the two applications (2016/0803 and 2016/0805), makes provision for the key components of the allocation, namely providing a new school site and access from White Horse Lane. The layout of the scheme also makes provision for the land to the east of the application site to be accessed via vehicular traffic consistent with condition 20 of the outline approval and the requirements of the local plan allocation. The scheme provides a good design in terms of layout and house types which has appropriate regard for the Trowse Conservation Area. The scheme satisfactorily safeguards neighbour amenity.

5.2 On this basis both applications are recommended for approval subject to conditions.

Contact Officer, Telephone Number and E-mail: Chris Raine 01508 533841 craine@s-norfolk.gov.uk
Appendix 2

TROWSE with NEWTON PARISH COUNCIL
The Manor Rooms, The Street, Trowse, Norwich NR14 8ST
E-mail: trowsepc@yahoo.co.uk Tel: 07899798853

8 August 2016

Mr C Raine
South Norfolk Council
Long Stratton

Dear Mr Raine

Re: Planning applications: 2016/0803, 0804 & 0805 –
Land North of A146 and East of White Horse Lane

Members wish to comment as follows:-

"The Parish Council were disappointed that our request for an extension was only granted until
15 July 2016 and that our request for the development committee hearing was declined.

We wrote an extensive letter to you (and others) on 1 July 2016 and have had no response to
the issues raised.

As a Parish council we request that all applications (2016/0803, 0804 & 0805 Land North of
A146 and East of White Horse Lane) should not be approved until the following concerns have
been addressed.

- We seek clarity about the provision, construction and adoption of the access road to the
Arminghall Trust development.

- We would like the terms of the access road secured by legal agreement and we would like to
know when the access will be physically present. This would therefore give clear indication of the
time limit to any temporary requirement for access requirements via Hudson Avenue for the
construction and subsequent use of any Arminghall Settlement houses in excess of the small
number of houses for which Hudson Avenue access is foreseen in the longer term. Otherwise
there is a risk that ‘temporary’ could become ‘indefinite’.

- We seek clarity re the placement of the school site and the adjoining 0.4 hectare from the
Arminghall Trust, we are concerned that the plans don’t match up and may lead to excessive
problems or disadvantage for an Arminghall Settlement development and for Children’s Services.
In our letter we spoke about a ‘dog-legged’ school site because of the new positioning of the
access road.

- We understand that the master-planning requirement of policy TROW1 does not apply, however
in view of the impact of these developments on a small community and the issues raised above,
we feel all parties would benefit if some informal master-planning approach were adopted.
Development Management Committee

Therefore, we ask again for an extension of time for the full Parish Council to consider all issues arising from the application and the discussions held at the Stakeholder meeting on 1 August 2016 and the forthcoming meeting with Norfolk Homes. We further request for a deferment of the plans being heard at the development committee.

If however, the plans are on the agenda for the development committee on 17 August 2016, we request that a copy of this letter and our previous letter (which we have attached again) are circulated to all members of the committee, preferably prior to the meeting.*

Yours sincerely

Gina Lopes
Clerk to Trowse with Newton Parish Council

Cc Tim Horspole, SNC
Helen Mellors, SNC
Cllr Trevor Lewis, SNC
TROWSE with NEWTON PARISH COUNCIL
The Manor Rooms, The Street, Trowse, Norwich NR14 8ST
E-mail: trowsep.c@yahoo.co.uk Tel: 07899798853

1 July 2016

Mr C Raine
Planning Dept
South Norfolk Council
LONG STRATTON

Dear Mr Raine

NORFOLK HOMES AND ARMINGHALL TRUST HOUSING/SCHOOL DEVELOPMENT PROPOSALS, TROWSE

Members of Trowse with Newton Parish Council wish to comment as follows:

“We write with the following concerns:
- the continued lack of communication between the two developers of the land off White Horse Lane;
- the position of the school site and possible objections thereto;
- the future of the valuable village allotments;
- the plans for development of a Multi Use Games Area (MUGA) whilst no redevelopment of the existing building.

As a Parish Council we have had longstanding concerns that the two separate developers have lacked communication with each other and we understand that although Local Plan policy TROW 1 requires a masterplan to be prepared for the 2 sites, as outline planning permission was granted for both sites before the adoption of that policy, this policy does not apply.

We also understand that as Norfolk Homes have got their application for approval of reserved matters in before Arminghall Trust then, if the application is approved, Arminghall Trust will have to design the development of their site to fit the Norfolk Homes scheme.

Whilst we appreciate this, our concerns are that the plans may look acceptable in isolation, there is the danger that the plans will not work together. An example of this is that with the current position of the access road through to the Arminghall Development and the current position of the school site, in preliminary drawings we have seen from Arminghall Trust, the access road would be through the 0.4 hectares they are required to gift for the school.

In the original ‘revised scheme layout’ (see drawing 2) and the ‘revised masterplan’ (see drawing 1) the school and access road were in a very different position. As a Parish Council we have also met with Norfolk County Council Education Officers who have expressed concern re the position of the school site. Whilst, we appreciate that no objection was made at the outline stage, the school position has markedly changed from outline to now (see drawings 2 and 3) hence their concern at this late stage.

The ongoing lack of communication may have a significant detrimental effect on the village, with an unacceptable ‘dog legged’ school site of gifted land from the two developers. Furthermore, if the access road is not agreed or there is a delay in building, the village will face large amounts of construction traffic and access for up to 45 houses for an undetermined amount of time using The Street and Hudson Avenue. That would be a wholly unacceptable outcome given the serious physical and residential amenity limitations of that route.

During the meeting with Education Officers there was also a suggestion that the current, well established allotments, a site of 1.5 hectares, could be used for the school site and that the Norfolk Homes plans...
Development Management Committee  

have already allowed an access to it. As a Parish Council we would strongly oppose development on the allotments site, a valuable village amenity. To clarify matters we only requested a vehicular access to the allotments to enable occasional removal of garden rubbish by skip lorry. This access would be controlled by a locked gate. If the Arminghall Trust pursue this plan, what would happen to the 1 hectare of gifted land by Norfolk Homes?

We have also seen plans for the redevelopment of the YMCA and development of a MUGA off Hudson Avenue. We are also led to believe that despite the title, the plans don’t actually include a redevelopment of the building until such time as a tenant is found. Until such time as a school site is agreed by all parties, we don’t think these plans should proceed in isolation.

In effect, despite your view that the master-planning requirement of policy TROW1 does not apply, and in view of the impact of these developments on a small community, all parties would benefit if some informal master-planning approach were adopted.

To summarise, the current situation of a lack of dialogue between the two developers and the County Education Department is unacceptable. It could prejudice proper planning of the area with a consequent significant detrimental effect on the Parish and its community.

For the above reasons we request, in the strongest possible terms, that all applications for approval of reserved matters be refused until such time that:

- A masterplan approach is implemented
- Open communication and joined up thinking is demonstrated
- Full consideration of all three plans is undertaken to fully understand the overarching impact on the Parish and its Community

Yours sincerely

Gina Lopes
Clerk to Trowse with Newton Parish Council

Cc Mr Tim Horspole (SNC)
Ms Helen Mellors (SNC)
Cllr Trevor Lewis (SNC)
Mr James Nicholls, Norfolk Homes
Mrs Fiona Sarson, Arminghall Trust

1. Revised masterplan 16/12/2013
Development Management Committee
South Norfolk Council
South Norfolk House
Cygnet Court
Long Stratton
Norwich
NR15 2XE

Sent by email only: CRaine@s-norfolk.gov.uk

Dear Sirs

2016/0803/D: Submission of Reserved Matters pursuant to outline planning permission reference 2013/0463/O - Appearance, scale, landscaping and layout: 85 dwellings and associated works
2016/0805/F - Erection of 13 affordable houses and associated works (the "Matters Applications")

We are instructed by the Trustees of the Arminghall Settlement in relation to the development of land off White Horse Lane in Trowse pursuant to the outline planning permission 2014/0981/O. Our client's site forms the eastern part of land allocated under Policy TROW 1 (our "Client's Site").

We understand that the Council's Development Management Committee (the "Committee") will tomorrow be considering the Matters Applications, submitted on behalf of Norfolk Homes (the "Applicant") for the development of the western part of the land allocated under Policy TROW1 (the "Applicant's Site").

Notification of Revised Documents

We note that the Council's report to Committee in relation to the Applications ("Officer’s Report") refers to revised submission documents submitted by the Applicant for consideration by the Council as part of the Applications. Our client has not been notified of or consulted on these revised documents and plans despite being a key stakeholder and an adjoining landowner. The Committee will be aware that in circumstances such as these it is not appropriate to proceed with any consideration or determination of the Applications without our client being notified of and consulted on the amended documents. We consider it imperative that the Council supplies these documents to our client so that our client has sufficient time to consider them and make appropriate representations before a decision is made by the Committee on the Applications. Failure to do so could bring into question the validity of any decision by the Committee on the Applications.

Delivery of Access from White Horse Lane
The above mentioned outline planning permissions and the adopted Policy TROW1 together require a masterplan and comprehensive development of both the Applicant’s Site and our Client’s Site. As part of the masterplan, Policy TROW1 requires the primary vehicular access to be from White Horse Lane (the “Access Road”). However, the original reports and drawings submitted by the Applicant and the letter from DLA Piper of 19 July 2016 (the “July 2016 Letter”) bring into question the intentions of the Applicant to deliver the Access Road as required. The version of the Applicant’s design and access statement on the Council’s website also clearly states that there will be no link road from White Horse Lane through to our Client’s Site. Please could the Council confirm whether a revised design and access statement has been submitted.

Condition 20 of the Applicant’s Outline Consent states as follows:

The reserved matters dealing with layout shall provide for a type 2 estate road to join with the edge of the east boundary of the site, at a point to be agreed. The scheme shall be implemented in accordance with the approved details.

Reason for condition: In the interests of the proper planning of the area and to safeguard the deliverability of the wider site to the east, as shown on Masterplan drawing MP 01

We draw the Committee’s attention in particular to the requirement for the Access Road to join the eastern boundary of the site “at a point to be agreed”. In light of the above concerns regarding the delivery of the Access Road and the importance of achieving a comprehensive development in accordance with policy, we consider it essential that our client is consulted as part of the agreement of the point at which the Access Road joins the boundary of our Client’s Site. We understand that no attempt has been made by the Applicant to discuss or agree this point with our client.

School Site

The school site put forward in the Reserved Matters Application (2016/0803/D) is not acceptable in its revised form. This is highlighted by the comments of the County Council’s Planning Obligations Co-ordinator, reported at page 37 of the Officer’s Report. The concerns stated are that the proposals give “no indication of school drop-off points” which ultimately will adversely affect the highway network in the rest of the village leaving no choice but for parents to have to resort to “parking on the incoming highway causing congestion”. Additionally, if the Access Road is not secured, parents dropping the children off on their way to work would have to take an unnecessarily long route through to the school.

It is an essential part of the plan-led system to allocate new services and infrastructure to support the planned growth in the village. Policy TROW1 makes a definite step to address the anticipated need for a new school likely to result from the additional housing to be brought forward by sites in the village. The Applicant’s Site delivers the majority of the overall school site for the future growth in the village of Trowse. The policy requirement for the Applicant’s Site and our Client’s Site to be master planned in a complimentary way should ensure that the delivery of the school across the two sites is achieved satisfactorily. The County Council’s fears regarding the piecemeal determination of a revised layout for only a part of the school site are outlined in the report. The County Council’s Planning Obligations Co-ordinator states (as reported in the second paragraph of page 37 of the report) that “The revised position of the school site has no regard to how the additional 0.4ha from the east site for the school would work. With the 1ha school site now abutting up against the A146 and the link road in its current position, allowing for the existing tree belt, the additional 0.4ha would end up triangular in shape and would
be unlikely to allow a rational layout of the school". This is clearly not an acceptable solution for the positioning of the school and should not be approved by the Committee.

Our client was led to believe that these matters would have been resolved in advance of this month's meeting of the Committee. In fact, our client attended a meeting with the District and County Councillors to discuss these outstanding matters on 1 August 2016. The Applicant although invited, did not attend. Our client hopes to meet with the Applicant next week to discuss these matters and would request that the decisions on the Applications are deferred until at least the issues in relation to the new school site and access are resolved with the County Council, and until our client has been given sufficient time to make representations in relation to the revised application documents.

Our client would regret being left with no option but to consider resolving the issues by way of a legal challenge to the approval of the Applications. However, proceeding without resolution of the above points and the concerns raised by the District Member and the County Council's Planning Obligations Co-ordinator in the Officer's Report risks a failure to follow correct process and risks prejudicing comprehensive development in accordance with Policy TROW1.

Yours faithfully
Mills & Reeve LLP

Mills & Reeve LLP
### Appendix 4

**Updates for DEVELOPMENT MANAGEMENT COMMITTEE**  
**August 17 2016**

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<td>2 2016/0518</td>
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| 3 2016/0803 | Representations have been forwarded to committee members from Trowse Parish Council, officers would wish to make the following observations in respect of this:  

As set out in paragraph 4.25 it is considered unreasonable to seek a further legal agreement in respect of the access road as part of the RM application. It is also evident that at this stage it has not been agreed that 45 homes can accessed via Hudson Avenue.  

The school site was put forward to NCC in accordance with the requirements of the S106 and they confirmed that there was no objection to the site offered (as reported in paragraph 4.33 of the cttie report) and this decision was made in the knowledge that a further 04ha of land was to be provided at a later date via the adjacent outline approval.  

As confirmed in the committee report it is considered that the scheme complies with the requirements of the outline approval and relevant policies and as such waiting until after the planned meeting to take place in the coming weeks is not necessary. The applicant has confirmed that they wish for the application to be heard at this meeting.  

SNC Landscape Architect comments:  
Following on from further observations by the Council’s Landscape Architect in respect of matters relating to hedge planting to the open space area at the front of the site, play equipment provision, boundary treatment arrangements and tree pit details. The applicant has provided further information to satisfy and clarify these issues. The Council’s Landscape Architect has confirmed that their response is adequate subject to the relevant suggested landscaping conditions.  

NCC Highway Authority  
No objection subject to conditions relating to access and egress from the site only by the arrangement set out in the approved plan (drawing No 1031/10 rev B), access, parking, turning etc to be laid out as approved, TRO for school clearway to be promoted.  

SNC Env Quality Team  
Conditions required in construction management in terms of noise and dust management, external lighting, agreement of noise reduction measures to
dwellings and a construction noise advisory note

SNC Housing Enabling and Strategy Manager
No objection to the affordable housing as proposed.

Agent has agreed to revise DAS para 11.4 in order to correspond with amended plan which shows adoptable standard highway to site boundary.

Correction of para 3.6 of the report – scheme was awarded 9 greens and 3 ambers via Building for Life.

| 4 2016/0805 | Those set out above for item 3 are applicable here given the relationship the applications have with one another | 33 |
• Additional condition retention of trees and hedges  
• Agent has confirmed there will be some limited movements between the Topcroft and Morningthorpe sites. This does not change the Highway Officers recommendation. | 53 |
| 6 2016/0902 | Further amended plan received returning to proposal similar to original submission but with lowered eaves. | 67 |
| 7 2016/0981 | No updates | 70 |
| 8 2016/1202 | Further letter of objection from local resident received but no new issues raised | 78 |
| 9 2016/1558 | Additional letter of support received raising no new issues | 91 |
3. **Appl. No**: 2014/0981  
**Parish**: TROWSE WITH NEWTON

Applicants Name: Trustees Of The Arminghall Settlement  
Site Address: Land South Of Devon Way And Hudson Avenue, Trowse  
Proposal: Outline planning permission for residential development, associated external works and amenity areas (with an area of land set aside for future primary school use).

Recommendation: Deed of variation to S106 Agreement to set out permanent and interim access arrangements for a future development

1. **Planning Policies (relevant to Deed of Variation)**

1.1 National Planning Policy Framework  
NPPF 04: Promoting sustainable transport

1.2 Joint Core Strategy  
Policy 6 : Access and Transportation

1.3 Development Management Policies  
DM3.11 Promotion of sustainable transport  
DM3.12 Road safety and the free flow of traffic  
DM3.13 Amenity, noise and quality of life

1.4 Site Specific Allocations and Policies  
Policy TROW1

2. **Planning History**

2.1 2014/0981 Outline planning permission for residential Approved development, associated external works and amenity areas (with an area of land set aside for future primary school use).

2.2 2015/1041 Essential maintenance and refurbishment of Approved sports hall and ancillary offices. Demolition of existing multi-use games area and construction of new multi-use games area, new access arrangements and external works.

3. **Assessment**

3.1 By way of background, the consideration of a request to include a deed of variation to an existing S106 legal agreement linked to outline planning permission for upto 75 dwellings in Trowse to include permanent and interim access arrangements for any future development at the site was deferred by the Development management Committee on the 17th August 2016. The deferral was to allow further discussions to take place between the land owner of the site covered by 2014/0981 for 75 dwellings, the adjacent landowner (Norfolk Homes) and other key stakeholders such as the Parish Council, Ward member etc in respect of seeking clarity/assurances/options regarding how both parcels of land could work together as a comprehensive site which forms a single allocation within the South Norfolk Local Plan under TROW1.

3.2 This meeting took place on the 25th August and officers consider that it was a largely positive meeting, with the Parish Council duly confirming that their concerns relating to the applications on the adjacent site (2016/0803 and 2016/0805 first two items on this agenda) have now been addressed.
3.3 In terms of the background to the request for the deed of variation, the Local Plan allocation TROW1 makes it clear that the main access to this application site should be via the adjacent site which in turn provides access to White Horse Lane. Indeed both the outline planning permission linked to this site, and that of the adjacent site, include complimentary planning conditions to ensure the delivery of access roads to the boundary of one another’s site in order to deliver the main access across both sites from White Horse Lane.

3.4 The applicant is eager to progress with the site, and in acknowledging the above requirements, is proposing a S106 legal agreement which seeks to establish some clarity in terms of how many properties can be accessed in perpetuity from Hudson Avenue; a number of houses that could be accessed from Hudson Avenue as an interim measure until the link is available from the adjacent site; and a trigger for when any future developer of this site will provide their link to the site boundary shared with the neighbouring site.

3.5 Firstly, the S106 agreement proposes that 15 dwellings could in perpetuity be accessed via Hudson Avenue, along with the continued use of the sports hall. It is considered that the level of vehicle movements that would arrive from 15 dwellings coupled with those from the Sports hall are not considered to be of a level that would be unacceptable in either highway safety terms (the Highway Authority has no objection to this suggested number on perpetuity) or neighbour amenity terms.

3.6 Secondly, the S106 proposes that up to 45 dwellings could be accessed via Hudson Avenue until such time as the link from the adjacent site is made publicly available. Upon this link being made available, the legal agreement requires that some form of works would be undertaken to ensure that no more than 15 dwellings could then be accessed via Hudson Avenue. These works would be agreed as part of any subsequent reserved matters for residential development. The agreement prescribes that such works would be undertaken upon the link to the adjacent site being provided. It should be noted that the applicant cannot deliver the link across the adjacent site as it is not under their control. For this reason it is unknown as to when this will delivered i.e. it is entirely dependent upon the speed of delivery of the adjacent site and when the road within the neighbouring document becomes a public highway i.e. when it becomes adopted. This means that the length of time that the “interim” arrangement of serving up to 45 dwellings via Hudson Avenue is unknown at this time. Whilst it was reaffirmed at the most the most recent stakeholders meeting by Norfolk Homes that they will deliver a road to adoptable standard to the site boundary this in itself does not assist in providing a definitive time for delivering a link.

3.7 Whilst it would have been preferable to have a more definite time period for such an interim option to exist, taking into account the fact that the adjacent site has a reserved matters scheme pending consideration with the Council and the need to commence works on the adjacent site within one year of when any reserved matters is approved, there is a strong prospect that the site will come forward in the near future, and will not sit dormant. Furthermore, this application site is still to submit a reserved matters application, which would then have to be approved before the building of houses could commence.

3.8 Taking these factors into account, as well as the interim maximum proposed (45 dwellings), it is considered that this interim arrangement is acceptable. The Highway Authority has not raised any objections at this time and the Council’s solicitor (NPLaw) has confirmed that the approach appears acceptable in legal terms.

3.9 Thirdly, in terms of the applicant’s proposed trigger for them/subsequent developer delivering the link within their site to the boundary with the neighbouring site, the proposed S106 legal agreement suggests that this is delivered within 12 months of
the later of either 12 months from commencement of development and the date on which the adjoining route from the neighbouring site is available. This appears to be a reasonable time to deliver it. At this time any residential development would also have to only serve 15 dwellings from Hudson Avenue. Again there is no objection from the Highway Authority or NPLaw to this element of the suggested agreement.

4 Conclusion and Recommendation

4.1 In summary, having regard to the above assessment, whilst there is uncertainty regarding the timeframe for the delivery of a link to the Trustees of Arminghall Settlement from the adjacent site under the control of Norfolk Homes, it is considered that there is a reasonable prospect that the link will be available within a reasonable time period having due regard to the fact that the Trustees of Arminghall Settlement site is unlikely to commence work at any time in the near future, unlike the Norfolk Homes site and therefore this request is considered acceptable. Likewise, the delivery of the link to the Norfolk Homes site within 12 months of the access from the adjacent site is considered a reasonable timeframe for delivery. The permanent serving of upto 15 dwellings via Hudson Avenue is considered to be acceptable in both highway safety and amenity terms. On this basis it is recommended that the suggested deed be agreed.

Contact Officer, Chris Raine 01508 533841 craine@s-norfolk.gov.uk
Telephone Number and E-mail:
Major Applications

   **Parish**: WYMONDHAM  
   **Applicants Name**: Pelham Holdings Ltd  
   **Site Address**: Land North of the A11, Park farm, Silfield Road  
   **Proposal**: Residential led development of 1230 dwellings and other infrastructure  
   **Recommendation**: Deed of variation to S106 Agreement (main agreement and bridge agreement) to be secured subject to further agreement of terms

1. **Planning Policies (relevant to Deed of Variation)**

1.1 National Planning Policy Framework  
   NPPF 01: Building a strong competitive economy  
   NPPF 02: Ensuring the viability of town centres  
   NPPF 03: Supporting a prosperous rural economy  
   NPPF 04: Promoting sustainable transport  
   NPPF 08: Promoting healthy communities

1.2 Joint Core Strategy  
   Policy 2: Promoting good design  
   Policy 5: The Economy  
   Policy 6: Access and Transportation  
   Policy 7: Supporting Communities  
   Policy 9: Strategy for growth in the Norwich Policy Area  
   Policy 10: Locations for major new or expanded communities in the Norwich Policy Area  
   Policy 14: Key Service Centres  
   Policy 20: Implementation

1.3 Development Management Policies  
   DM1.1 Sustainable Development  
   DM1.2 Infrastructure through planning obligations  
   DM1.3 Sustainable location of development  
   DM3.2 Meeting housing requirements and needs  
   DM3.11 Promotion of sustainable transport  
   DM3.12 Road safety and the free flow of traffic  
   DM3.16 Outdoor play facilities and recreational space  
   DM3.17 Improving the level of local community facilities

1.4 Site Specific Allocations and Policies  
   Wymondham Area Action Plan – Policy WYM3; WYM8; WYM10; WYM13

2. **Planning History**

2.1 **2011/0505**: Proposed development to include up to 500 Approved dwellings, Community facilities, site infrastructure including new access roads, public rights of way and drainage, green infrastructure including public open spaces and structural landscape planting.
2.2 2012/0371  Mixed use development of up to 730 dwellings, up to 128 bed care home / homes (in one or two buildings), up to 250 square metres of retail / commercial floor space, a new primary school together with all other associated temporary and permanent infrastructure and green infrastructure, including new access arrangements, sports pitches, allotments and community orchard. Approved

2.3 2015/2168  Reserved Matters for Phase 1 of development following planning consent 2012/0371 - Development of 153 Residential Dwellings, Access, Public Open Space and associated Infrastructure. Approved

3  Assessment

3.1  There are two S106 agreements that cover the South Wymondham development of 1230 dwellings (for Endurance and Pelham) which were approved as part of outline consents 2011/0505 and 2012/0371. These are the main agreement (agreement A) and the Bridge agreement (agreement B)

3.2  A number of amendments to the S106 for the South Wymondham development are now being sought. These are primarily related to amendments required for the Hopkins phase of development on the Endurance land (reserved matters approved 2015/2168) related to agreement A. Other amendments are also proposed which affect the whole of the Endurance consent (outline reference 2012/0371) on the main S106 agreement (agreement A) and also that affect both Endurance and Pelham (outline apps 2012/0371 and 2011/0505) related to the Bridge S106 (agreement B).

3.3  The package of amendments is set out below and I will take each one in turn. The proposed heads of terms for amendments for both the main agreement (agreement A) and the bridge agreement (agreement B) are attached as APPENDIX 2 AND 3.

3.4  It should be noted that consideration is being sought on the package as a whole and this is covered in the assessment below.

3.5  Heads of terms for the variations to the main agreement (agreement A) are:

- Hopkins to only be responsible for the following obligations of the S106. All other obligations are to remain the responsibility of the landowners:
  - Education Schedule 1 Part 1A B, para 1: which requires the payment of £30,000 on commencement of development
  - Education schedule 1 part 1bA, para 1,2,3: which requires compliance with land transfer provisions for the school
  - Amend definition of ‘education contribution’ to include the sixth form contribution.
  - Paragraph B1 of Part 1B of Schedule 1 of the Agreement – Delete requirement for primary school site to be transferred back to the developer in the event that the school is not complete within 10 years
  - Library contribution schedule 1 Part 2B, para 1a: which requires payment of 30% of the library contribution by the 30th unit (£13,140). Para 2 relating to interest on late payment will also apply
  - Recreation Space Schedule 1 Part 3B, para 1-8: which will deal with all the open space requirements for phase 1 (Hopkins)
- Affordable Housing Schedule Part 4 B2 – amend triggers for Hopkins phase

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</thead>
<tbody>
<tr>
<td><strong>Number of Market Housing Units excluding the Affordable Housing</strong></td>
<td><strong>Total Number of Affordable Housing Units</strong></td>
</tr>
<tr>
<td>70 within Phase 1</td>
<td>10 within Phase 1</td>
</tr>
<tr>
<td>110 within Phase 1</td>
<td>23 within Phase 1</td>
</tr>
</tbody>
</table>

- Community facilities contribution Schedule 1 Part 5A B (paras 1 and 2): which require payment of community facilities contribution every 50th unit. Phase 1 will be responsible for 153 units worth of contributions
- Amend definition in relation to Community facilities contribution Schedule 1 Part 5A B (para 3) to give the council more flexibility on where the payments can be spent
- Travel Plan contribution obligations Schedule 1 Part 6 Section D: Which required an election to be made in respect of the travel plan. This has already been complied with
- Travel Plan Contribution Obligations Schedule 1 Part 6E – correction required to wording (incorrectly refers to payments being in accordance with paragraph ‘C’ which should be [paragraph ‘f’])
- Travel Plan Contribution Obligations Schedule 1 Part 6F: which requires payments of both £25,000 and £50,000
- Highway works – Hopkins will not be liable for Schedule 1 Part 7B para 2 and 3 - Lizard Works or the Silfield Road cycle/footpath upgrades. The Land Owners and the Promoter will remain responsible.
- Green Infrastructure Contribution Schedule 1 Part 8B: Which requires payments of £50 for every unit, but for phase 1 only up to 153 units
- Ecological Management Plan Schedule 1 Part 9: which requires on going compliance with ecological management plan

3.6 Heads of terms for the Bridge agreement (agreement B):
- Variation to part 2 of schedule 1 – increase the threshold for signalling scheme from 149 to 299 dwellings
- On the date of the deed of variation the ‘signalisation sum’ being £544,000 (the budgeted sum for the signalling scheme by the landowners) to be deposited to NCC
- If the works are carried out by NCC and the cost of the works exceed the “Signalisation Sum” the Owners of Site A and the Owners and Promoter of Site B will be jointly and severally liable to meet the overrun cost.

**Amendments sought to the main agreement (agreement A)**

3.7 Hopkins Homes are seeking to restrict the obligations to which they will be liable within the S106. This is being proposed by the land promoter in order to enable the development of the Endurance site to be commenced and the landowners/promoters confirm, as is set out in the S106, that all other obligations in the main s106, however, would remain the responsibility of the site owners with payments being made once further phases are sold and developed.

3.8 In respect of Education, Hopkins seek to only be required to pay the initial £30,000 contribution and land transfer provisions for the primary school and as such be ring-fenced from any other education contribution as required by the Endurance consent. It is to be noted under the current S106 triggers, Hopkins scheme of 153 dwellings would not trigger by itself the first significant payment for education (33% of the education contribution payment required at occupation of 241 dwellings). Ring-fencing Hopkins from this obligation in this way means that there would be one fewer
developer to enforce against should the education payment for Endurance not be forthcoming and this could have implications for viability for later phases. The costs of the education contributions and any obligations however should be smoothed by change in land values reflected in the sales of subsequent development phases by the landowner/promoter. If this is the case then ring fencing Hopkins from the education obligation in the manner proposed would have limited risk and would not affect the viability of future phases. The landowners and promoters have confirmed that that all other obligations in the main s106 remain the responsibility of the site owners with payments being made once further phases are sold and developed. Members should note that NCC Children’s services maintain their concerns in respect of the risk that the infrastructure will not be delivered if viability of later phases is affected.

3.9 Corrections and amendments to the S106 education are proposed for the whole of the Endurance land in respect of education in correcting drafting errors in ensuring that the sixth form education contributions are correctly defined and so can be secured, and also that the primary school land is not transferred back to the developer after 10 years in the event that the school is not complete in that time. On the basis of these corrections to the S106 being secured and considering the proposal in the round of the package being offered and in consideration that the package will enable the site to come forward, this particular amendment to education is considered, on balance, to be acceptable.

3.10 In respect of library obligations, Hopkins will be liable for 30% of the library contribution by the 30th unit (£13,140). Para 2 relating to interest on late payment will also apply. This is considered acceptable.

3.11 In respect of recreation space, the relevant amount of recreation space etc to accord with the terms of the S106 for the Hopkins phase is to be secured. This is considered acceptable.

3.12 The timing of the delivery of the affordable housing within phase 1 (Hopkins) is to be amended. The Council’s Housing Enabling Officer has confirmed that this is acceptable, the correct amount of affordable housing is proposed and the timing of delivery brings the delivery of the affordable dwellings in line with the approved layout of the reserved matters consent.

3.13 In respect of community facilities contribution the relevant percentage of contribution is proposed for the number of dwellings in the Hopkins phase, which is acceptable. The Council is seeking an amendment in respect of the definition of the community facilities contribution relevant to the whole Endurance S106. The original obligation stemmed from Sport England’s identification of the increased demand that this development would place on existing community sports facilities (indoor facilities) within the Wymondham Area. They recommended therefore that contributions be sought towards qualitative and quantitative improvements to existing facilities in the Wymondham area. The current contribution is restricted to improvements to Wymondham Leisure Centre. The Council wishes to seek an amendment for the Endurance land in this respect to enable greater flexibility in meeting sporting needs in the area by enabling the contributions to be used on indoor sport facilities in Wymondham and the wider area, which would include Long Stratton Leisure Centre, and outdoor facilities in the Wymondham area (subject to clarification with Sport England of the justification for outdoor sport needs in the area since the outline decision was granted) rather than just the Wymondham Leisure Centre.

3.14 In respect of travel plan obligations, the relevant contributions are to be paid by Hopkins for NCC to deliver the travel plan. This is considered acceptable.
3.15 In respect of highway works, Hopkins wish to be released from the obligations relating to the provision of cycle and pedestrian links to Silfield Road and also upgrade works to the Lizard. The obligation for the delivery of these works would remain the responsibility of the site owners. The works to deliver the cycle link on to Silfield Road are well underway in design terms with NCC highways and the landowners and a S278 with NCC highways is in place. This amendment is therefore acceptable to NCC and the Council as the delivery of this cycle way is well underway and secured. The works to the lizard (will require upgrade to surfacing etc yet to be agreed), will not be significant in cost and are not geographically related to the Hopkins phase, as such NCC highways and the Council have no objection to this variation.

3.16 In respect of green infrastructure, the relevant green Infrastructure Contribution of £50 per unit is proposed to be paid for the Hopkins 153 dwellings in line with the S106 and is considered acceptable.

3.17 In respect of ecological management plan, Hopkins are bound to comply with the Ecological Management Plan. The responsibility for part b of the obligation which requires transfer of land as set out in the Ecological management plan to a company of the Town Council on occupation of 500 dwellings shall remain the responsibility of the landowner. This is considered to be acceptable.

Amendments sought to the bridge agreement (Agreement B)

3.18 Amendment is sought to increase the trigger point for the delivery of the signalling scheme under the railway bridge from the occupation of 149th dwelling to the occupation of the 299th dwelling. Following discussion between officers and the developers in order to make this amendment acceptable, also proposed in addition to the increase in trigger point is the depositing of the developers budgeted cost for the signalling scheme to Norfolk County Council now to enable them to carry out the works at their discretion (which could be earlier than the increased trigger point). As the detailed costing of the signalling scheme is not yet agreed, an obligation to cover any overrun in costs above the initial deposited amount is also proposed.

3.19 This would technically inflate the trigger point for the delivery of the signalling scheme, however this would also give NCC the money now to control the delivery of the works themselves.

3.20 In principle this aspect is now considered acceptable due to the financial assurance in the form of the initial sum of money being deposited with the county council to cover the works. This is still the subject of detailed discussions to agree the precise legal terms to secure this payment and any overrun which officers seek delegated authority to agree and to also seek agreement with NCC highways.

4 Conclusion and recommendation

4.1 This is a package of measures and so acceptability is taken on the package as a whole. Hopkins seek to be ring-fenced from a number of obligations on the wider Endurance S106. There are potential risks to the delivery of the education infrastructure as there would be one less developer to enforce in the event of non-payment of a later developer, however the amendments when taken as a package with the corrections to the education obligations and the enhancement to the community facilities obligation and when taking a strategic view of the amendments enabling the site to get under way, are considered acceptable.
4.2 The increase in trigger point for the delivery of the signalling scheme under the
railway bridge to occupation of 299 dwellings (from 149) for Endurance and Pelham
combined, is considered acceptable on the basis of the obligation for the payment of
the initial agreed sum to NCC now, and for the landowners to be liable to pay for any
overrun costs of the works. This is still the subject of detailed discussions to agree
the precise legal terms to secure this payment and any overrun which officers seek
delegated authority to agree and to also seek agreement with NCC highways.

4.3 Overall, when taken as a whole the proposed amendments to the S106 main
agreement and bridge agreement are considered acceptable and authority to secure
the S106 deed of variations subject to further detailed agreement of the precise terms
is therefore sought.

Contact Officer, Tracy Lincoln 01508 533814 tlincoln@s-norfolk.gov.uk
Telephone Number and
E-mail:
**HEADS OF TERMS**

*Land to the East & West of Rightup Lane, Wymondham (Site B)*

**Variation to the Main S106 Agreement**

*6th February 2014*

<table>
<thead>
<tr>
<th>Preamble</th>
</tr>
</thead>
<tbody>
<tr>
<td>A deed of variation and enhancement to the main s106 was prepared in 2015 (appended here to) in respect of the first phase. The document sought to confirm that Hopkins Homes, as the purchaser of phase 1, would be bound by a number of obligations and payments. Following granting of reserved matters for phase 1, the council, Endurance Estates and Hopkins Homes have agreed to clarify requirements. The original deed of variation set out that Hopkins would <strong>only</strong> be responsible for and be bound by the following elements:</td>
</tr>
</tbody>
</table>

1. Education Schedule 1 Part 1A B, para 1: which requires the payment of £30,000 on commencement of development

2. Education schedule 1 part 1bA, para 1,2,3: which requires compliance with land transfer provisions for the school (as further amended by section 2 below)

3. Library contribution schedule 1 Part 2B, para 1a: which requires payment of 30% of the library contribution by the 30th unit (£13,140). Para 2 relating to interest on late payment will also apply.

4. Recreation Space Schedule 1 Part 3B, para 1-8: which will deal with all the open space requirements for phase 1.

5. Affordable Housing Schedule Part 4 B2 (See section 4 below)

6. Community facilities contribution Schedule 1 Part 5A B (paras 1 and 2): which require payment of community facilities contribution every 50th unit. Phase 1 will be responsible for 153 units worth of contributions. Section 3 below provides the council with more flexibility on where the payments can be spent.

7. Travel Plan contribution obligations Schedule 1 Part 6 Section D: Which required an election to be made in respect of the travel plan. This has already been complied with. |
8. Travel Plan Contribution Obligations Schedule 1 Part 6E
Amendments were required to correct wording errors in the
original document.

9. Travel Plan Contribution Obligations Schedule 1 Part 6F: which requires payments of 25,000 and 50,000.

10. Highway works (see section 5 below)

11. Green Infrastructure Contribution Schedule 1 Part 8B:
Which requires payments of £50 for every unit, but for
phase 1 only up to 153 units.

12. Ecological Management Plan Schedule 1 Part 9:
which requires on going compliance with ecological
management plan.
Payments required under the clauses above (library, community, green infrastructure) will be made on completion of the sale to Hopkins Homes which will be in advance of the trigger in the original main s106.

**All other obligations in the main s106, however, would remain the responsibility of the site owners** with payments being made once further phases are sold and developed.

The Heads of Terms below amend the original deed of variation in respect of the items listed. All other items within the deed of variation remain unchanged.

### Introduction:

In addition to the elements above, NCC, SNC, The Land Owners and Promoter of Site B at South Wymondham have agreed to vary the Main Section 106 Agreement covering the following items:

A. Education

B. Community Facilities

C. Affordable Housing

D. Highway Requirements

### Education:

(a) The definition of "Education Contribution" is to include the "Sixth Form Contribution" as defined in addition to the "Primary Education Contribution" and the "Secondary Education Contribution" as also defined.

(b) Further the requirement in paragraph B1 of Part 1B of Schedule 1 of the Agreement that the Primary School Site be transferred back to the transferor shall be deleted and Paragraph 2B of Part 1B of Schedule 1 shall be amended to apply to any transfer by NCC of the Primary School Site or any parts thereof on which a primary school has not been constructed.
<table>
<thead>
<tr>
<th></th>
<th>Community Facilities:</th>
<th>The community facilities contribution in relation to Site B can be spent on indoor leisure facilities in Wymondham and the wider area.</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Affordable Housing:</td>
<td>The following table will relate to the Hopkins Homes scheme for 153 dwellings in total:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>**</td>
</tr>
<tr>
<td></td>
<td><strong>Number of Market Housing Units excluding the Affordable Housing</strong></td>
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<td></td>
<td>110 within Phase 1</td>
<td>23 within Phase 1</td>
</tr>
<tr>
<td>5</td>
<td>Highway Requirements:</td>
<td>Within Part 7 of Schedule 1 to the Section 106 Agreement, Hopkins Homes will not be under an obligation to carry out the Lizard Works or the Silfield Road cycle/footpath upgrades. The Land Owners and the Promoter will remain responsible.</td>
</tr>
<tr>
<td>1</td>
<td>Introduction:</td>
<td>The Owners respectively of Site A and Site B at South Wymondham (a development site of approximately 1,230 dwellings) have requested that Part 2 of Schedule 1 of the Bridge Section 106 Agreement is varied to enable the threshold in the number of houses that can be commenced on Site A and Site B to be increased from 149 dwellings to 299 dwellings prior to the construction of the signalisation works (a temporary highway measure prior to the construction of the railway line subway). The design of the signalisation works is version 6b. The Owners of the two Sites will, on the date of the Variation Agreement, deposit with NCC in their relevant proportions as referred to below the budgeted cost of the 6b signalisation works in order for NCC to be able to carry out these works at their discretion. Any overrun in these costs after taking into account any interest earned on the deposit will be met by the Owners of Site A and Site B in their relevant proportions although in this respect they will remain jointly and severally liable. Any saving in the cost of these works together with all interest on the deposit will be repaid to the Owners of Site A and Site B in the relevant proportions. If the works are not carried out, the deposited monies and all interest earned thereon will be re-paid to the Owners of Site A and Site B in the relevant proportions.</td>
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<tr>
<td>2</td>
<td>The Parties</td>
<td></td>
</tr>
</tbody>
</table>
| 2a | The Local Authorities: | Norfolk County Council  
South Norfolk Council |
| 2b | Site A: | Taylor Wimpey  
Bovis Homes |
| 2c | Site B: | The Land Owners  
Endurance Estates ("the Promoter") |
| 3 | Variation to Part 2 of Schedule 1: | The threshold increased from 149 to 299 dwellings. |
| 4 | Refunding of the 6b Signalisation Works: | On the date of this Deed of Variation, the Owners of Site A and Site B will deposit the “Signalisation Sum” with NCC which will be held on the following basis:  
1. The “Signalisation Sum” will be £544,000 being the sum that has been budgeted by the cost consultants acting for the Owners of Site A and the Owners and Promoter of Site B based on the preliminary design of the 6b signalisation works. The Owners of Site A will pay 40.6% of this sum (£220,965) and the Owners of Site B will pay the balance of 59.4% (£323,285).  
2. The money will be held on deposit by NCC in accordance with the following terms:  
2.1. The monies to be used by NCC solely for the purpose of constructing the 6b signalisation scheme. |
<p>| | |</p>
<table>
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<tbody>
<tr>
<td>2.2. The Owners of Site A and the Owners and Promoter of Site B can draw down the monies solely for the purpose of constructing the 6b signalisation scheme.</td>
<td></td>
</tr>
<tr>
<td>2.3. If the works are not carried out, the monies and all interest earned thereon will be returned to the Owners of Site A and the Owners of Site B in the following proportions: (a) 40.6% to Site A and (b) 59.4% to Site B.</td>
<td></td>
</tr>
<tr>
<td>2.4. If the works are carried out by NCC and the cost of the works is less than the deposited amount of £544,000, the savings and all interest on the deposit monies will be paid back to the Owners of Site A and the Owners of Site B in the following proportions: (a) 40.6% to Site A and (b) 59.4% to Site B.</td>
<td></td>
</tr>
<tr>
<td>2.5. If the works are carried out by NCC and the cost of the works exceed the &quot;Signalisation Sum&quot; the Owners of Site A and the Owners and Promoter of Site B will be jointly and severally liable to meet the overrun cost.</td>
<td></td>
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</tbody>
</table>
5. **Appl. No**: 2016/1447/F  
**Parish**: BRESSINGHAM

**Applicants Name**: Openfield  
**Site Address**: Harvest House  Low Road Bressingham IP22 2DB  
**Proposal**: Demolition of 5 buildings and construction of 17 storage silos, 10 intake silos, 1 dust box, 1 machinery building, 3 grain driers and 6 bulk out load hoppers. New permanent and temporary access for construction vehicles and upgrading of on-site roadways.

**Recommendation**: Approve subject to the imposition of conditions

1. Full planning permission time limit  
2. In accordance with submitted information  
3. Visibility splays to each side of access  
4. Access / on-site car and HGV parking, loading, unloading and turning areas  
5. Detailed scheme for the off-site highway improvement works  
6. On-site parking for construction workers  
7. Vehicular access from the adjoining highway limited  
8. Temporary construction access to be closed  
9. Materials to be agreed  
10. Surface water drainage scheme  
11. Foul drainage assessment  
12. Environmental conditions as required

---

1. **Planning Policies**

1.1 **National Planning Policy Framework**  
NPFF 01 : Building a strong competitive economy  
NPFF 04 : Promoting sustainable transport  
NPFF 07 : Requiring good design  
NPFF 11 : Conserving and enhancing the natural environment  
NPFF 12 : Conserving and enhancing the historic environment

1.2 **Joint Core Strategy**  
Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting good design  
Policy 5 : The Economy  
Policy 6 : Access and Transportation

1.3 **South Norfolk Local Plan**  
Development Management Policies  
DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
DM1.3 : The sustainable location of new development  
DM2.1 : Employment and business development  
DM2.7 : Agricultural and forestry development  
DM3.8 : Design Principles applying to all development  
DM3.10 : Promotion of sustainable transport  
DM3.11 : Road safety and the free flow of traffic  
DM3.12 : Provision of vehicle parking  
DM3.13 : Amenity, noise, quality of life  
DM3.14 : Pollution, health and safety  
DM4.2 : Sustainable drainage and water management  
DM4.5 : Landscape Character Areas and River Valleys  
DM4.9 : Incorporating landscape into design  
DM4.10 : Heritage Assets
1.4 Supplementary Planning Document
South Norfolk Place-Making Guide SPD

1.5 Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:
S66(1) Listed Buildings Act 1990 provides: “In considering whether to grant planning permission
for development which affects a listed building or its setting, the local planning authority, or, as the
case may be, the Secretary of State shall have special regard to the desirability of preserving the
building or its setting or any features of special architectural or historic interest which it
possesses.”

2. Planning History

2.1 2015/2364 Demolition of 2x buildings and construction of 7 Storage Silos, 3 Intake Silos, 1 Bunker
Storage Area, 1 Machinery Building, 2 Grain Driers and associated infrastructure, plant
and machinery
Withdrawn

2.2 1997/0930 Demolition of existing shed & erection of replacement using former steel framed
storage building
Approved

2.3 1996/0124 Siting of mobile offices & toilets to replace existing
Approved

2.4 1995/1461 Two grain silos
Approved

2.5 1994/1111 Erection of radio dish antenna mounted on w 12.5m high pole
Approved

2.6 1994/0530 Erection of 2no hopper grain silos and grain dryer (amendment to permission 07/88/0832/F)
Approved

2.7 1993/1022 Storage of 2000 tonnes of fertilizer
Approved

3. Consultations

3.1 Parish Council Recommends approval.

3.2 District Member Requests that the application is determined by Development Management Committee.

3.3 SNC Community Services - Environmental Quality Team Comments to be reported.

3.4 SNC Water Management Officer No objection.
• Suggests conditions for a detailed scheme for surface water scheme prior to commencement of development; and that foul water is disposed by a sealed system or private treatment plant, as indicated on the application details.

3.5 NCC Lead Local Flood Authority No objection.
• The application falls below our current threshold for providing detailed comment.
3.6 SNC Landscape Architect

- No significant existing trees will be lost. If the trees were to decline as a result of root disturbance/damage caused by construction, then this would provide an opportunity for renewal with species more suited to the landscape character.
- A LVIA (Landscape and Visual Impact Assessment) has been provided. Broadly I concur with the findings of the LVIA for most of the viewpoints analysed. However, as there is an element of judgement in the process, my own assessment is marginally different for some of the viewpoint locations; for some of those with residential receptors (especially from the valley) my own judgement would be Moderate/Major Moderate.
- My assessment, based on site observations and also using the montages is that the significance of visual effects for these is: Moderate (i & ii), Major (iii) and Major/Moderate (iv). Viewpoint iii considers the situation in the vicinity of ‘Wayside’ the dwelling on Halford Lane. In light of this it can be concluded that there is visual harm.
- Ideally planting should be further away to give the best visual effect for mitigation screening, but this is not possible in this case due to the limited ownership. The opportunity appears to exist for the new planting to be extended along the northern land-ownership boundary, possibly even the western one too.
- In summary, agree with much in the LVIA, with the majority of the visual effects being ‘moderate’ a note of caution should be sounded on the significance of effects for some of the residential receptors. Most notably, is the property ‘Wayside’ for which my own assessment of the situation is that the significance of visual effects will be ‘major’ and as such there is harm. The mitigation effect of the new planting proposed as part of this development will be unable to reduce this harm in the long term due to the height of the proposed silos.

3.7 Anglian Water Services Ltd

No comments received

3.8 SNC Conservation And Design

No objection.
- There are a number of heritage assets to the south of the site along Fen Street. Although the site will be visible due to its size and scale when moving along Fen Street, I do not consider that it will have a direct impact on the setting of the heritage assets, which can be considered to be relatively confined and immediate to the buildings.
- The design is appropriate for the context, but I would suggest conditioning materials and details to ensure a quality in the final design.

3.9 NCC Ecologist

No objection

3.10 NCC Highways

No objection.
- Subject to detail design, the proposals are considered as acceptable. Recommend conditions relating to providing visibility splays, access / on-site and HGV parking, off-site highways improvement works.

3.11 Health And Safety Executive

No objection.
- Do not advise on safety grounds, against the granting of planning permission in this case.
3.12 Other Representations

2 letters of objection received and 1 letter of support. Comments as summarised:

• Increase in vehicle movements on and off the site. At the moment heavy goods movement start at around 04.30am and continue all day. Increasing this by 170% would be a massive intrusion on my life and the business.
• If the site entrance could be moved 500 metres west of its current location then it would exit opposite an open field and not disturb the five neighbours that live so close.
• The 3 grain driers make a lot of noise and could be located to the rear of the site where they would be onto open field and not disturb anyone.
• Represents a major industrial development in a quiet rural location.
• Will cause a loss of visual amenity.
• 117 meters away from our home, Grade II Listed Building.
• New on site roads indicate an increase in traffic, which will create noise and disturbance, impacting negatively on all nearby residents.
• Demolition of existing buildings will release hazardous materials into the air (asbestos).
• If planning permission is given strict attention should be given to managing asbestos, appearance of new structures, lighting and the restricting the proximity of the access roads to residents at the east end of Wilney Green.
• Consider the development to be very positive for our business and the local community as it ensures that barley can be supplied from the local area rather than sourcing and transporting it from further afield.
• The proposals will contribute to the success of Tivetshall Maltings.

4 Assessment

Site description and proposals

4.1 The site relates to the Openfield Agriculture UK grain store located in the open countryside between Bressingham and South Lopham. The site has been used as a grain store since the 1970’s by different operators with Openfield Agriculture Ltd having acquired the site in 1999. To the south of the site is a utilitarian brick office building associated with the site and there are properties located directly to the south east and south west of the application site.

4.2 Agricultural fields surround the application site with the A1066 forming the southern boundary of the site, which the site has direct access on to. There are a number of Public Rights of Way in the vicinity of the site and the site is located in the Waveney Rural River Valley Landscape Character Area. There are a number of listed buildings within the surrounding area. The site gently slopes down towards the river valley in a southerly direction.

4.3 The site has a number of existing silos, large grain store sheds and significant areas of concrete hardstanding, including car and lorry parking areas. A tree belt comprising mainly conifers is along the western boundary of the site and there is some mixed vegetation along the eastern boundary.

4.4 The application seeks full planning permission for the demolition of 5 buildings and construction of 17 storage silos, 10 intake silos, 1 dust box, 1 machinery building, 3 grain driers and 6 bulk out load hoppers, and a new permanent and temporary access for construction vehicles and upgrading of on-site roadways.
4.5 The amount of development proposed is as follows:

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>NUMBER</th>
<th>FOOTPRINT</th>
<th>HEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Storage Silos</td>
<td>17</td>
<td>3308m²</td>
<td>26m</td>
</tr>
<tr>
<td>Intake silos</td>
<td>10</td>
<td>503m²</td>
<td>17m</td>
</tr>
<tr>
<td>Dust Box</td>
<td>1</td>
<td>112m²</td>
<td>8m</td>
</tr>
<tr>
<td>Machinery Building</td>
<td>1</td>
<td>178m²</td>
<td>24.5m</td>
</tr>
<tr>
<td>Grain Driers</td>
<td>3</td>
<td>152m²</td>
<td>16.5m</td>
</tr>
<tr>
<td>Overhead bulk out-loading hopper</td>
<td>2 x 3 bins</td>
<td>104m²</td>
<td>17.5m</td>
</tr>
<tr>
<td>Conveyor / elevator for crop handling</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

4.6 The applicant has advised that the upgrade to the facility is required following modernisation of the farming industry in recent years, as well as to ensure that the grain store complies with EU food standard regulations.

4.7 The new silos will be used to store grain. The proposed development will upgrade the existing outdated facility and the silos will enable grain to be stored more efficiently. The proposed development is in line with the existing built form of the grain store complex, and will not exceed the current site boundary.

4.8 In order to support the increase in traffic movements to the site, significant access improvements are proposed as well as a temporary access for use by construction vehicles.

4.9 Additional landscape planting is also proposed along the eastern boundary to the site. This consists of a 425m² native shrub belt planting with hedgerow trees. In addition, additional trees are proposed to the west of the site.

Principle of development

4.10 The relevant policy considerations relating to the site are those contained in the Joint Core Strategy (JCS) and the South Norfolk Local Plan 2015 as well as national policy guidance.

4.11 The JCS sets out the longer term vision and objectives for the area and outlines the strategic policies for shaping future development. JCS Policy 5 advises that the local economy will be developed in a sustainable way to support jobs and economic growth both in urban and rural locations. This includes the promotion of appropriate new and expanded businesses.

4.12 From an economic perspective, Openfield are one of Britain's most successful co-operatives working with over 5000 arable farmers throughout the UK. Collaboration across the farmer member base is essential to create the required scale and the necessary investment in infrastructure to meet the needs of the farmer members at harvest time and the continuity of supply of grains to processor customers throughout the year.

4.13 The proposed investment in the Bressingham facility is £10 million spread over two years with £8 million in the first phase in readiness for harvest 2017 and the remainder in readiness for harvest 2018. The proposed upgrade will add significant added value contracts with local customers and produce approximately 6 Full time equivalent new direct jobs (comprised of 3 full time employees and 6 part time employees) and many indirect jobs through the construction process, increased deliveries and maintenance of the site. The proposed upgrade will ensure that the grainstore remains profitable thus increasing the job security of the existing jobs (16 full time and 8 HGV drivers) the site provides. The proposed development will improve the efficiency of the site and make the grain store in
compliance with the EU food standard regulations, this will make the site more economically sustainable. The application also suggests that the proposed grain store will act as a catalyst for the local rural economy. Several maltsters within a ten mile radius of the site have expressed interest in sourcing grain from the site.

4.14 With regards to the adopted South Norfolk Local Plan 2015, Policy DM1.3 supports this approach and makes provision for development in the countryside outside of the defined development boundaries or settlements providing the proposals demonstrate overriding benefits in terms of its economic, social and environmental dimensions or where specific development management policies allow for development outside of development boundaries.

4.15 With the last point in mind, Policy DM2.1 of the Local Plan is applicable to Employment and Business Development, and in particular part 6 which states that:

(6) Proposals for the expansion of existing businesses located in the Countryside should not have a significant adverse impact on the local and natural environment and character of the Countryside and should protect the amenities of neighbouring occupiers.

4.16 In considering the scheme against Policy DM2.1, firstly, it is clear that the scheme would provide for new employment opportunities, significant inward investment and the adaptation and expansion of an existing business and as such the scheme will be supported unless significant adverse impact would occur, or other material considerations dictate otherwise.

As established in part 6 of Policy DM2.1 the key issues for consideration are:
- Landscape impact
- Impact upon the natural environment
- Amenities of neighbouring occupiers

Landscape impact (including the impact on heritage assets)

4.17 As well as part 6 of Policy DM2.1, policy DM4.5 requires that development proposals should respect, conserve and where possible, enhance the landscape character of its immediate and wider environment. It also states that development proposals that would cause significant adverse impact on the distinctive landscape characteristics of an area will be refused.

4.18 With regard to the overall visual impact, the Council’s Landscape Architect has assessed the proposals and broadly agrees with the findings of the Landscape and Visual Impact Assessment (LVIA) submitted with the application. However it is acknowledged that there is a degree of judgement in the process and the Landscape Architect’s own assessment concludes that some of the viewpoint locations with residential receptors (especially from the river valley) would have major/moderate adverse and major adverse impacts (viewpoints iii and iv). These impacts are notwithstanding the proposed mitigation measures proposed (planting).

4.19 It is considered that given the impacts of the development from the majority of directions would be moderate adverse, with more major adverse landscape impacts limited to only a couple of viewpoints, on balance, whilst clearly it must be acknowledged that harm to the landscape would be caused, in the context of part 6 of policy DM2.1 it would not be considered to be significant adverse impact.

4.20 In terms of Public Rights of Way (PROW), there is a number of PROW that traverse the surrounding land but do not enter the application site. As noted above the development will affect the wider landscape setting however I do not consider that it will directly affect any PROW to a significant degree. Whilst the visual impact from the PROWs will be altered, the form of development is typical of agricultural industrial development and is on an established site and as such it is not an inappropriate form of development to be viewed from these PROWs.
4.21 The Conservation and Design Officer has also undertaken a detailed appraisal of the proposal and its likely impact on the nearby designated heritage assets. It is noted that there are a number of listed buildings within the vicinity of the site, principally located to the south and east of the site. It is noted that many of the listed buildings have significant planting within their curtilage or adjacent to their boundaries which will soften the impact of the development. Furthermore, it is also noted that none of the listed buildings are larger properties set within ‘estate land’ in which longer landscape views would be an important characteristic. Rather they are generally detached farmhouses and cottages set within smaller curtilages and as such their character may viewed in their immediate setting instead of wide expansive views. The Conservation Officer concludes, and I concur, that the development is therefore acceptable from the point of view of its impact on the setting of the listed buildings.

4.22 In consideration of the Council's duties under S66(1) Listed Buildings Act 1990, the Council has given special attention to the desirability of preserving the buildings or their settings. The proposal would not adversely affect the special architectural or historic interest of the listed buildings or the character or appearance of the Conservation Area.

4.23 The Conservation and Design Officer also assessed the design merits of the scheme within their assessment, having regard to the requirement of planning policy to promote a high standard of design at all levels and for all forms of development with good design expected to address connections between people and places as well as the integration of new development into the natural, built and historic environments (NPPF, para 61) and at a local level the Council has set out its design aspirations in Policy DM3.8.

4.24 The new structures of substantial size and height and will feature prominently within the immediate site and wider landscape setting. However, notwithstanding this point the proposed silos and ancillary structures are well situated within the site being located between existing grain store sheds to the north and the existing (albeit smaller) silos to the south. Although the buildings will be large in scale and industrial in character, they are related to agricultural activity, and therefore not incongruous within a rural landscape context when seen within long distance landscape views. As such it is considered that the design and position of the silos and ancillary equipment within the site are appropriate for the context and accord with the principles of Policy DM3.8 and the South Norfolk Place Making Guide SPD, subject to an appropriately worded condition seeking details of materials to ensure design quality.

4.25 Having regard to the above policies, it is acknowledged that there already is an existing development on the site, albeit significantly smaller than the proposed development, and whilst on balance it is acknowledged that there will be landscape harm arising from the development, most notably at the property known as the Wayside, the proposals are related to existing agricultural activity, and therefore not incongruous within a rural landscape context when seen within wider landscape views. As such whilst visual harm is acknowledged, it is not considered that this is considered to represent a significant adverse impact in terms to the rural landscape.

Impact upon the natural environment

4.26 The County Ecologist has assessed the Ecological Assessment submitted to the support the application and has concluded that it is fit for purpose. The report indicates that there is little evidence of bats on the site and a licence would not be required.

4.27 The Ecologist has requested that the mitigation measures referred in the report are conditioned and I consider this to be a reasonable requirement to mitigate any disturbance to those bats that are present on the site.
4.28 Having regard to part 6 of Policy DM2.1 it is considered that the proposal, including the proposed mitigation, would avoid causing significant adverse impacts in terms of the natural environment.

Amenities of neighbouring occupiers

4.29 As well as part 6 of Policy DM2.1, Policy DM3.13 refers to residential amenity and policy DM3.14 is concerned with minimising and reducing emissions and other forms of pollution.

4.30 The Environmental Protection Team has reviewed the proposal and has suggested a number of conditions that would apply to both the construction and operational phases of development. These conditions would seek to minimise the disruption caused to those residents closest to the site, particularly during the construction phase. An ‘hours of operation’ condition during construction will also further protect these residents from the impact of development although due to the scale of development and the proximity of these dwellings to the site it is recognised that some disruption is likely to be experienced. A noise assessment has also been submitted and will be assessed by the local planning authority prior to development taking place on site.

4.31 As noted above it is likely that there will be some disruption during the construction stage of development to the local residents however this is considered to be to an acceptable level. The conditions proposed above seek to ensure that the proposed development on this site will not result in the introduction of an incompatible land use in terms of noise, odour, vibration etc however it is also recognised that the application site is an established business that has been in operation for many years on this site.

4.32 As also noted above, the proposed silos are of significant scale and will be clearly visible to those residents closest to the application site, most notably the occupiers of Waveney House to the south west of the application site and Wayside to the east. Due to the existing units on this established business site, as well as the relationship between these properties and the silos, it is not considered that the standard of amenity associated with these properties will be significantly affected by development in terms loss of daylight, overshadowing or overbearing impact.

4.33 There will be a significant increase in traffic associated with the development however the proposed off-site highway improvements along with the improved site access arrangements seeks to address this in highways terms as set out above. Whilst the increased vehicle movements will have an impact on the properties closest to the site, the increase in traffic movements will occur over a relatively short period of time in the year and as such will not result in significant disruption to these occupiers to a degree which is considered to be detrimental. It should also be noted that at present large vehicles already visit the site on a regular basis for delivery and collection purposes and that the proposed off-site highways improvements along with the suggested conditions restricting hours of hours of operation, will further reduce the impacts associated with vehicle movements to and from the site.

4.34 With regards to external lighting, it is recommended that a condition is added that requires any changes or additional external lighting on site to be considered in terms of impact on nearby residential amenity and also on bats to ensure that any impacts are minimised.

4.35 On balance, whilst local residents concerns are acknowledged and it is recognised that there will be some increased disturbance to those residents closest to the site as a result of the development, it is not considered that this will be to a degree that results in conflict with planning policy DM3.14 and DM3.13. The existing use of the site, including the scale of operations on the site, is also a consideration in assessing the impact of the development.
In summary the scheme is considered to comply with the requirements of Policy DM3.14 of the South Norfolk Local Plan that requires development to have regard to the impacts on residential amenity and DM3.13 that seeks to ensure that development proposals take into consideration the impact on the living and working conditions of existing and future occupiers surrounding the site, subject to appropriate conditions.

Having regard to part 6 of Policy DM2.1 it is considered that the proposal, including the proposed mitigation, would avoid causing significant adverse impacts in terms of the natural environment.

Overall, in the context of the requirements of Policy DM2.1, and in particular part 6, the scheme, whilst causing some visual harm to the landscape would not result in a significant adverse impact and therefore Policy DM2.1 has been fulfilled.

Other issues

Whilst no referred to in Policy DM2.1 it is evident that one of the key impacts of the scheme would be from traffic movements associated with the scheme.

The Development proposes an increase in the tonnages to be stored at the site from the present approx. 30,000 tonnes to 80,000 tonnes, with a corresponding increase in vehicle movements. According to the transport statement, vehicle movements during the months of June, July and August will increase to 122,143 and 161 movements per day respectively. From the previous submission the daily movements for those months for the current 30,000 tonnes is 50,56 and 81 movements.

The nature of these movements will be by HGV or tractors with trailers delivering grain. Some of these will be slow moving right-hand turns into the site across the A1066. Whilst it is accepted that the figures given are peak, it is necessary to consider the figures and nature of movements in highway safety terms.

This site at Bressingham is served directly from the A1066. This road has the designation as a Principal Route within the Norfolk Route Hierarchy. The route is also designated as a Corridor of Movement. In the vicinity of the application site the road is subject to the national speed limit for single carriageway roads of 60mph. Central ladder hatch markings are provided along this section of the A1066 to denote the hazards and to deter overtaking. There has been one serious personal injury accident that occurred outside of the site in 2013 where a vehicle turning right into the site was in collision with a motorcycle.

The proposal includes for a right turn lane facility to improve the A1066 and provide safe refuge for vehicles right turning into the site. This would remove the current access track, which has a single width pinch point, and allow vehicles to turn into the site without holding traffic up on the A1066. The proposal also includes for a temporary site entrance for construction traffic, which would be permanently closed after construction is completed in agreement with the Highway Authority.

The Highways Authority has carried out an assessment of the submitted information including the safety audit report and the highway scheme designer’s comments and considers that the proposals are acceptable, subject to the detailed design of off-site highway improvements and conditions relating to providing visibility splays, access / on-site and HGV parking loading, unloading and turning areas and provision of site parking for construction workers. As such it is considered that the scheme accords with Policy DM3.11 and 3.12 and is acceptable, subject to conditions.
4.46 With regards to surface water and foul drainage, a Flood Risk Assessment (FRA) has been produced by BSP Consulting to support the application. The FRA advises that the site is at low risk from flooding from all sources. The Environmental Team has carried out an assessment of the proposals and has no objections, subject to suitably worded conditions that require a detailed scheme for the disposal of surface water to be approved and a foul drainage assessment to determine the most appropriate treatment facility for the site. As such it is considered that the proposal is acceptable and accords with Policy 1 of the JCS and the principles of the NPPF, subject to the conditions noted above.

4.47 Whilst there is no planning policy requirement to specifically explore the possible existence of alternative sites for this particular type of use, it is evident from the applicant’s submission that Openfield have carefully reviewed opportunities for alternative sites. The alternative sites were identified as broadly greenfield sites or currently designated industrial development, which were not considered appropriate due to their location and initial service infrastructure costs. The Bressingham site is favoured by the applicant as it is currently in use and is owned by Openfield so there is no additional land acquisition cost. The opportunity to upgrade existing services and road infrastructure also delivers significant investment and cost savings over alternative sites. The overall economic benefit of redeveloping the Bressingham site is estimated to be in the order of £4 million lower cost (40%) compared to alternative sites.

Financial considerations

4.48 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

4.49 This application is liable for Community Infrastructure Levy (CIL)

5 Conclusion

5.1 Policy DM2.1 is directly applicable to this proposal to expand an existing commercial operation within the countryside, and in particular, part 6 of this policy. It has been concluded that, whilst some adverse landscape impact would occur as a result of this scheme, notwithstanding the proposed mitigation measures in terms of additional planting, the level of harm is not considered to represent a significant adverse impact as recognised within policy DM2.1. Likewise, it is considered that there would be no significant adverse impact in respect of the other areas recognised with part 6 of Policy DM2.1 (natural environment and neighbour amenity), nor would there be any significant adverse impact in respect of any other matter ie highway safety. Therefore, in balancing the above impacts, including a degree of negative impact, against the clear economic benefits of the scheme it is considered that the application is, on balance, acceptable. Therefore the application is recommended for approval subject to conditions.

Contact Officer, Telephone Number and E-mail: Chris Watts 01508 533765 cwatts@s-norfolk.gov.uk
Other Applications

6. **Appl. No**: 2016/1737/RVC  
**Parish**: ASLACTON

Applicants Name: Mr Dobson  
Site Address: Waveney Pumps Newport Drive Station Road Aslacton Norfolk NR15 2DU  
Proposal: Variation of condition 2 of planning permission 2015/1663  
(Demolition of existing industrial nissen hut and erection of seven new industrial units) - increase in size of units, change in position of doors and shutters on the units, change in positioning of car parking spaces.

Recommendation: Approval with conditions

1. Full Planning permission time limit  
2. In accordance with amendments  
3. B1 and B8 only  
4. External materials  
5. No power tools outside building  
6. Limited Hours of Use  
7. No generators, air handling plant  
8. No access to the site from east  
9. Eastern boundary treatment including bollards  
10. Provision of parking, service  
11. In filling of hedge  
12. Details of southern boundary treatment  
13. Tree protection  
14. Retention trees and hedges  
15. Fire Hydrant  
16. Demolition by hand and if bats found work to cease  
17. Reporting of unexpected contamination  
18. External Lighting

1. **Planning Policies**

1.1 National Planning Policy Framework  
NPPF 03 : Supporting a prosperous rural economy  
NPPF 07 : Requiring good design  
NPPF 01 : Building a strong competitive economy  
NPPF 11 : Conserving and enhancing the natural environment

1.2 Joint Core Strategy  
Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting good design  
Policy 5 : The Economy

1.3 South Norfolk Local Plan  
Development Management Policies  
DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
DM1.3 : The sustainable location of new development  
DM1.4 : Environmental Quality and local distinctiveness  
DM2.1 : Employment and business development  
DM3.8 : Design Principles applying to all development  
DM3.11 : Road safety and the free flow of traffic  
DM3.14 : Pollution, health and safety
DM4.2 : Sustainable drainage and water management
DM4.8 : Protection of Trees and Hedgerows
DM4.9 : Incorporating landscape into design

2. Planning History

2.1 2015/1663 Demolition of existing industrial nissen hut and erection of seven new industrial units. Approved

2.2 2015/1662 Erection of single storey extension to existing industrial workshop. Withdrawn

2.3 2012/1955 Proposed new access road to existing industrial site with retention of existing access for car and transit sized vehicles only Approved

3. Consultations

3.1 Parish Council Refuse
   - Object to previous application and these remain
   - Outside the development limit
   - To rear of residential properties will cause distance from noise, dust and light
   - Increase traffic on road, traffic has already increased as vehicles avoid hold up through Long Stratton
   - If approved trees and shrubs should be retained
   - Condition 6 and 7 relating to fixed bollards should be prioritised and bollards should be put in place before any works commence.

3.2 District Member To be determined by Committee
   - Need to consider the impact of the increased scale of the development on local residents and infrastructure.
   - I remain supportive of the development whilst the other conditions of approval specified in my response to application 2015/1663 remain observed.

3.3 NCC Highways No Highway Objection
   - Subject to the same conditions as for the previous consent 2015/1663.

3.4 SNC Landscape Architect
   - Original proposal
     - The revised layout is not acceptable as it will compromise retention of the boundary trees that are retained by the approved scheme
   - Amended proposal
     - No objection now units have been removed away from the trees.

3.5 NCC Public Rights Of Way
   - In respect to the variation no comment
   - Query position and type of fencing along Public Right of way as raised with previous application.
   - Width of 1.5 metres relates to an unbounded footpath.

3.6 The Ramblers No comments received
3.7 Other Representations

Two letters of objection

- Increased traffic already increased capacity at the Malting Station Road is being used a rat run for motorists avoiding Long Stratton
- What plans are in place to improve the road
- Vehicles need to pass each other without driving on private properties.
- Impact on trees - loss of screening and noise reduction,
- Increase in scale of building can only be detrimental

4 Assessment

4.1 The application site is on the edge of Aslacton, and currently contains a nissen hut. The site is accessed via a long drive which adjoins Plantation Road to the west. There is agricultural land to the north, south and west and existing industrial premises to the east. There are a number of residential properties within the vicinity of the site, including a number on Station Road to the East. The boundaries of the site are delineated by fencing and vegetation including mature trees. There is a Public Right of Way which, runs adjacent to the southern boundary of the site.

4.2 Planning permission was granted earlier in the year for seven industrial units, in two separate blocks. This application is to amend the existing planning permission to increase the length of both blocks by 2 metres, change the position of shutters and doors on the units and amend the car parking layout.

4.3 The principle of the industrial units has already been established on the site by the previous planning permission 2015/1663. The committee report for this application is attached as appendix 2.

4.4 The application originally proposed moving the block of five units towards the western boundary closer to the existing trees; which form an important visual screen for the development. The application has now been amended so they are in the position originally approved.

4.5 The site is well screened with vegetation and additional infill planting is also conditioned. It is not considered that the proposed increase in size of the units would adversely affect the visual amenity of the area. There is no objection to the proposed changes in the design.

4.6 Concern has been raised about the increase in traffic from the site. It not considered that the increase in floor area would result in a significant increase in traffic from what has already been approved. The amended layout provides less 25 rather than 26 car spaces, but this is still in excess of the Norfolk County Council Standard. The Highway Officer raises no objection subject to the conditions being re-imposed which include restricting access from the east.

4.7 A number of conditions have been imposed to protect the residential amenity of properties within the area including hours of use and restrictions on plant and machinery and external lighting. It is not considered the proposed increase in size of the units would significantly increase any impact on residential properties in accordance with policy DM3.13 of the Development Management Policies.

4.8 All conditions regarding the use, access, tree protection, landscaping, hours of use, plant and machinery and ecology are to be re-imposed on this permission.
4.9 There is still uncertainty about the boundary treatment on the southern boundary and the impact on the Public Right of Way. This still remains unresolved as a result (as with the previous application) the boundary treatment along the southern boundary has been conditioned.

4.10 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

4.11 This application is liable for Community Infrastructure Levy (CIL).

5 Conclusion

5.1 In conclusion the proposed changes including the increase the size of the units would not significant adversely affect the local landscape, highway safety, residential amenity or ecology.

Contact Officer, Telephone Number Helen Bowman 01508 533833
and E-mail: hbowman@s-norfolk.gov.uk
Appendix 2

6. Appl. No: 2015/1663/F
   Parish: ASLACTON

Applicants Name: Waveney (Holdings) Ltd
Site Address: Waveney Pumps Newport Drive Station Road Aslacton Norfolk NR15 2DU
Proposal: Demolition of existing industrial nissan hut and erection of seven new industrial units.

Recommendation: Approval with Conditions

1. Time limit
2. In accordance with plans
3. B1 and/or B8 only
4. External materials as in plans
5. Parking and turning laid out as in plans
6. No access to the site from the east
7. Fixed bollards provided as in plans
8. Infilling of hedging
9. Agreement of position and design of southern boundary treatment
10. Tree protection during construction
11. Hours of operation restriction
12. No generators, compressors, cooling fans etc to be installed
13. Demolition by hand and if bats found cease work

1. Planning Policies

1.1 National Planning Policy Framework
   NPPF 01: Building a strong competitive economy
   NPPF 03: Supporting a prosperous rural economy
   NPPF 07: Requiring good design

1.2 Joint Core Strategy
   Policy 5: The Economy

1.3 South Norfolk Local Plan
   Development Management Policies
   DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk
   DM1.3: The sustainable location of new development
   DM2.1: Employment and business development
   DM3.8: Design Principles applying to all development
   DM3.11: Road safety and the free flow of traffic
   DM3.12: Provision of vehicle parking
   DM3.13: Amenity, noise, quality of life
   DM3.14: Pollution, health and safety
   DM4.8: Protection of Trees and Hedgerows
   DM4.9: Incorporating landscape into design

2. Planning History

2.1 2015/1662: Erection of single storey extension to existing industrial workshop. Withdrawn

2.2 2012/1955: Proposed new access road to existing industrial site with retention of existing access for car and transit sized vehicles only. Approved
3. Consultations

3.1 Aslacton Parish Council

**Amended plans:**

**Object:**
- Outside the Development Boundary and an intrusion into open countryside.
- Contrary to LDF.
- Applicant should have been put it forward as an allocation rather than via application.
- This site has historically never been allocated for this purpose.
- Unsuitable as it has no direct access to a main road and will rely on a narrow country lane to access the A140.
- The road access from Plantation Road was for the specific use of Waveney Pumps which would seem to have been ignored by the Applicant as he is now proposing to split the site in two; it is clear that the Company never intended to use this road for deliveries by heavy lorries but have always intended to further develop the site. A misleading application that was approved by the Parish Council under a misapprehension; they believed that they were voting to improve life for residents in Station Road.
- There will only be one entry point in the case of fire which must be a strong consideration when looking at the proximity of dwellings and the fact that it is surrounded by arable land on three sides that is rotationally used for cereal growing.
- The Parish already has two industrial sites.
- Applicant has stated in support of the Application that he has 100 clients looking for commercial premises on his books. South Norfolk already has an abundance of vacant units available and there are more beyond South Norfolk.

If the Council is minded to grant this application, the Parish Council recommends that Newport Drive be closed as access for vehicular traffic to the entire site; that the site remains as one whole; that all requirements of the Highways Authority and the Fire Service be fulfilled before any building starts. The line of the footpath FP14 should be restored in accordance with the definitive map. It should be noted that the road planings on the access from Plantation Road are not particularly suitable for cyclists and a tarmac surface should be constructed if they are expected to use this access.

**Original scheme:**

**Object:**
- It is not part of the Local Development Framework
- There has been no demonstration of need for these units
- The site is in a residential area backing on to houses and would be an intrusion into open countryside
- The nissan hut, demolition for which permission if being sought, should have been removed when permission for the original brick building was granted; this was a condition of the permission.
- The access from Plantation Road was recommended for approval when the applicant claimed that the lorries that delivered to Waveney Pumps were too large to use Newport Drive and had to be off-loaded at the station site on to small vans. No lorries have been seen to use this access since it was
### Development Management Committee

**3 February 2016**

#### 3.2 District Member

To Committee, due to concerns over balance of interests between providing employment and impact on local communities.

#### 3.3 NCC Highways

Amended plans:
No objection subject to conditions regarding laying out of parking and turning as in plan and no vehicular access to the site via adjacent industrial premises.

**Original scheme:**
Vehicular access to only be via Plantation Rd. cycle parking should be provided.

#### 3.4 SNC Community Services - Environmental Quality Team

Comments on amended plan are the same as originally made

**no objection subject to conditions:**
- no power tools used outside,
- restriction on hours of operation,
- no generators, compressors, cooling fans etc to be installed

#### 3.5 SNC Water Management Officer

Comments on amended plan are the same as originally made

No objection subject to advisory note in respect of surface water drainage

#### 3.6 NCC Ecologist

Amended plan:
Having seen photographs of the outside of the nissen hut satisfied that no further survey work is required - however, precautionary approach is prudent and condition required that demolition is by hand and if that's found, cease work and contact the Local Planning Authority.

**Original scheme:**
Photos needed of nissen hut to establish potential impacts in respect of roosting for protected species

#### 3.7 NCC Public Rights Of Way

Amended plan:
Existing hedgerow to the site should have been infilled as appropriate as part of a previous approval on the site, this still needs to be undertaken. New fence adjacent to the public footpath will require prior agreement with them.

**Original scheme:**
Adjacent public footpath needs to be adequately protected and retained

#### 3.8 The Ramblers Association

No comments received

#### 3.9 Landscape Officer

Amended plans:
No objection in principle
Development Management Committee

3 February 2016

Issues to be resolved before supported:

- With regards to the arboricultural information, my suspicion is that the existing trees along the west boundary will have root protection areas that extend further into the site as the existing ditch will have prevented uniform root growth. It may be that the proposed building line needs to be adjusted accordingly. The existing vegetation makes a good visual filter, so it must be safeguarded.

- The arboricultural report does not consider the effect of any future growth of the trees, especially the G1 oaks; again, this might have a bearing on the siting of the units.

- There is an implication that there will be fencing installed along the drive, but no details. We need to confirm what is to happen - has the existing security fencing been approved? The effect of this on the footpath is not ideal, and there is a significant narrowing of the path adjacent to an oak tree.

- The access drive was agreed by 2012/1955; condition 7 of this planning permission requires that hedge planting be undertaken, but this has not been complied with.

- If this application is to progress, I would like to see additional planting along the west boundary to fill-in gaps, also for the proposed planting on the north boundary to be on the outside of the fencing, in order to give a more rural effect.

3.10 Representations

Amended plans:

5 objections received, a summary of the reasons is as follows:

Road safety concerns regarding the site access, the site is too close to existing residents and within the countryside, public footpaths have not been properly considered, industrialisation of the countryside, no ecological survey has been provided, increased noise levels, local road network is not suitable to accommodate industrial vehicles, not clear whether existing agricultural hardstanding adjacent to the access will remain as its use could restrict visibility via straw stacks etc being stored there, already sufficient industrial units available locally, a surplus would lead to them being empty and subsequently an eyesore and target for vandalism, lack of detail on intended use.

Original scheme:

9 objections received, a summary of the reasons is as follows:

Not planned for development, detrimental to neighbour amenity, including noise disturbance, already industrial premises available locally, road safety/traffic concerns, contrary to EMP4, previous refusal from 2000/0676 still applicable, pollution concerns, concern over future expansion, hazardous chemicals could be stored, Newport Drive is too narrow, out of character with rural area, no information on intended users.

1 letter of support has been received

1 observation has been received (neither object/nor support) requesting further planting to be added to supplement existing and no bonfires should be allowed.

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Development Management Committee

3 February 2016

4 Assessment

Site description and development details

4.1 The application site is situated on the edge of the village of Astlacton and presently contains a nissen hut. The site is accessible via a long drive which adjoins Plantation Road to the west. To the north, south and west of the site is open countryside and to the east is an existing industrial premises (also under the ownership of the applicant). The boundary of the site is delineated by fencing and vegetation including mature trees. It should also be noted that a public right of way runs adjacent to the southern boundary of the site.

4.2 The application seeks full planning permission for the erection of seven industrial units. The units are to be constructed using a steel frame with insulated cladding panels to the exterior. The layout is configured to have a terrace of 5 units along the western perimeter of the site and a pair of two units adjacent to the northern boundary of the site. The layout provides 26 parking spaces on-site with associated turning provision. The development makes provision for its vehicular access via a long access which adjoins the public carriageway to the west (Plantation Road). The development would allow for pedestrian and cyclist access from the east via the adjacent industrial premises only, given the fixed bollard arrangement proposed for the eastern boundary of the development. The proposed development would necessitate the demolition of the existing nissen hut on-site.

Assessment

4.3 Policy DM2.1 of the Local Plan is applicable to Employment and Business Development. Part 1 of this policy states that:

4.4 Development proposals which provide for or assist the creation of new employment opportunities, inward investment and/or provide for he adaptation and expansion of an existing business will be supported unless there is a significant adverse impact in terms of Policies DM1.1, 1.3 and other policies of the Local Plan.

4.5 The policy goes on to set out a number of parts specific to different circumstance, in this instance, given that the site is not an existing or allocated employment Area or within the development boundary for Astlacton Part 7 of the Policy DM2.1 is directly relevant. This states that:

4.6 Proposals for new sites in the countryside will be assessed against the policies of the Local Plan, with positive consideration given to proposals that:
A) Re-use redundant rural buildings and hard standings (see Policy DM2.10); and/or
B) Are located on sites well related to rural towns and villages and it is demonstrated that there are no sequentially preferable sites available; and/or
C) Create accessible jobs and business opportunities in the rural area.

4.7 In considering the schemes against the first part of Policy DM2.1, it is clear that the creation of 7 industrial units would provide for new employment opportunities in that they are suitably designed to be used by a multitude of end users. Having established this, such a scheme will be supported unless significant adverse impact would occur.

4.8 With this in mind it is considered appropriate to assess the impacts of the proposal, and this is as follows:

4.9 In terms of highway safety, it is evident that vehicular access into the site would be restricted to a single access onto Plantation Road. The Highway Authority has confirmed that the access proposed is acceptable. It should be noted that the application originally proposed a further vehicular access into the site via the adjacent industrial premises to the east. This resulted in an objection from the Highway Authority and the scheme was
subsequently amended to only cater for pedestrian and cycle access from the east. This will be controlled via a condition preventing vehicular access and by having a scheme of fixed bollards and fencing to the eastern boundary. This arrangement is acceptable to the Highway Authority.

4.10 In terms of visual impact, the site is relatively compact and the proposed layout results in a tightly grouped arrangement of units with parking adjacent. The units are functional in appearance, consistent with the proposed use and have modest eaves and ridge heights. The site in itself lies immediately adjacent to existing industrial premises and the site presently has buildings on it which would be demolished if the scheme were to be approved. The site sits some distance away from the Plantation Road and behind exist development on Station Road. Furthermore, the site is enclosed by mature vegetation and fencing. On balance, it is considered that the proposal would not have a significant adverse effect on the character and appearance of the locality, including the open countryside.

4.11 In terms of neighbour amenity, the units would be some distance away from the nearest properties on Station Road and those which lie further away on Plantation Road. The access to the site is also sufficiently distanced from the east property on Plantation Road so as to be unlikely to lead to significant adverse impact in terms of noise, smell, dust, vibration etc. The Council’s Community Protection Team has been consulted and they have confirmed that conditions restricting the use of power tools outside of the units, limited hours of operation and no generators/compressors, chiller units or cooling fans be installed unless approved by the Council. These are all considered to be reasonable to be the subject of conditions.

4.12 It is evident that the site benefits from a row of mature trees, and vegetation to the western boundary which acts an effective and attractive means of enclosure to the site. Whilst the application is supported by an arboricultural assessment and the building locations informed by this so as to safeguard these trees, the Council's Landscape Officer believes that the existence of a ditch adjacent to these trees may have resulted in a non-uniform root growth and as such suggested that the units be moved slightly further eastwards to ensure the trees are protected. It is anticipated that the agent will provide the necessary revised layout to this effect prior to committee and the assessment is made on this basis. In terms of site boundaries, it has been suggested that the new planting to the north-eastern perimeter of the site be outside of the existing fence line. However it is evident that the land beyond the fence is not within the control of the applicant and as such could not be delivered. On balance, it is considered that the retention of the existing fence is acceptable in visual terms. The proposed hedging inside the site along the north-eastern boundary would not provide any visual benefit to the site however, it would provide ecological benefits and as such is a worthwhile addition to the site.

4.13 The Council’s Landscape Officer has also made reference to the need to in-fill various sections of hedging on the site boundaries including along the access drive. It is considered that this can be reasonably delivered via condition requiring its implementation prior to first occupation.

4.14 There is a public right of way adjacent to the southern perimeter of the site, and both the Council's Landscape Officer and Norfolk County Council’s Public Rights of Way Officer have made reference to the need for it to be appropriately retained, and specifically that a 1.5m width is made available. With this in mind there was some uncertainty over the potential positioning of a security fence along the driveway and how this would impact upon the retention of the right of way. However, the agent has confirmed that this is not to be the case, and they will amend the plan to clarify the uncertainty in the current proposed site plan. There has also been reference made to whether the existing fence on the southern boundary of the site has consent and whether it retains a sufficiently wide right of way. Given this uncertainty, it is considered appropriate to attach a planning condition to any
subsequent approval requiring agreement of the exact position and fence details to the southern boundary regardless of that presently shown on the plan in order to ensure that the appropriate width of the right of way is retained.

Other issues

4.15 In terms of drainage matters, the Council’s Water Management Officer has confirmed that they have no concerns and the County Ecologist has no concerns regarding protected species.

4.16 In terms of the three criteria in part 7 of the Policy DM2.1 it is evident that a) is not directly relevant as the scheme does not involve re-use of buildings or hardstandings. The site is immediately adjacent to the village, adjacent to an existing employment premises and as such is considered to fulfil criterion b) and the site would have the potential to create accessible jobs in the rural area in that it is not overly remote in terms of accessibility, and therefore satisfies criterion c).

4.17 Concern has been expressed that there are already premises available locally that could cater for the need identified by the applicant. It is evident that there is no policy requirement for an applicant to demonstrate that there is a need for future premises, and as such it would be unreasonable to take this into account in the decision-making process or make it a reason for refusal. There has also been concern raised at the lack of detail in respect of the potential use of the units proposed. It has been indicated that they will be for B1 (light industrial, offices) and/or B8 (storage or distribution) and a condition will be added to define this.

4.18 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

This application is liable for Community Infrastructure Levy (CIL)

5 Conclusion

5.1 It is considered that the proposal complies with the relevant planning policies including Local Plan DM2.1 which is specifically relevant and the application is therefore recommended for approval.

Contact Officer, Telephone Number and E-mail: Chris Raine 01508 533841 craine@s-norfolk.gov.uk
Enforcement Reports

1. **Enforcement Ref** : 2016/8047  
   **Parish** : Ashwellthorpe And Fundenhall  
   **Site Address** : Belmont Smithy Corner, Wymondham Road, Ashwellthorpe, Norfolk, NR16 1EN  
   **Development** : Erection of Outbuilding & Change of Use of Land From Residential to Mixed Residential/Business Use  
   **Developer** : Mr T Cheesman

1. **Background**

1.1 It was brought to the Council’s attention that a number of landscaping works have been carried out in the curtilage of the dwelling known as The Firs that require planning permission as they constitute an engineering operation. The works consist of earth banking adjacent to the boundary with the B1113 Norwich Road and an enlarged pond with associated earthworks.

1.2 An application was submitted for retrospective planning permission for the works. No objection was raised to the pond and associated earthworks which are well contained within the site. However, the application was refused due to the impact of the bund adjacent to the highway. This report is to consider what action to take in the light of that refusal.

2. **Planning Policies**

2.1 National Planning Policy Framework  
   NPPF 07: Requiring good design

2.2 Joint Core Strategy  
   Policy 2: Promoting good design  
   Policy 17: Small rural communities and the countryside

2.3 South Norfolk Local Plan 2015  
   Development Management Policies  
   DM3.8: Design Principles applying to all development  
   DM4.8: Protection of trees and hedgerows  
   DM4.9: Incorporating landscape into design

3. **Relevant Planning History**

2016/1548 Retention of earth banking and enlarged pond with associated earthworks. Refused

4. **Consultations (on planning application 2016/1548)**

4.1 Parish Council No comments received

4.2 District Member No comments received

4.3 SNC Community Services - Environmental Quality Team No comments received

4.4 SNC Water Management Officer No comments

4.5 SNC Landscape Architect Scheme as submitted is contrary to Policies JCS2 and DM4.9
5 Assessment

5.1 The bund adjoining the boundary with the highway has been created by the unorthodox practice of depositing earth around the stems and trunks of existing vegetation. This practice would not normally be encouraged as it can cause damage to roots. At present, the existing vegetation limits the visual impact of the bund but if this vegetation were to decline or die then the bund would become very apparent when viewed from the public highway. Furthermore the current steep profile of the bund would make replanting difficult thereby constraining any possibility of future mitigation.

5.2 Policy DM4.9 requires that landscape schemes respect the character and distinctiveness of the local landscape and should ensure that any land remodelling respects the local topographic character in terms of height, slope, angle and character. The bund created conflicts with this element of the policy, and this is likely to become more apparent due to the issues with the impact on existing vegetation and constraints on new planting identified above.

5.3 A solution to the proposal would be to relocate the bund away from the existing boundary with a profile that is lower and less steep. This solution was suggested to the owner of the property during consideration of the planning application, but the owner declined to amend the scheme stating that in his view the existing trees are in decline anyway and that the profile of the bund does allow for new planting. This however is not the view of the Council's Landscape Architect.

5.4 It is therefore considered that the bund constructed is in a position and of a profile that is not acceptable and therefore authorisation is requested to take enforcement action to secure its removal.

6 Recommendation

6.1 Authorise enforcement action to remove the bund next to the boundary with the B1113 Norwich Road. No further action to be taken in regard to the enlarged pond and other associated earthworks.

Contact Officer, Telephone Number and E-mail: Tim Barker 01508 533848 tbarker@s-norfolk.gov.uk
2. **Enforcement Ref**: 2016/8136  
**Parish**: Hedenham  
**Site Address**: Farm Shop And Cafe, Norwich Road, Hedenham, Norfolk,  
**Development**: Breach of planning Condition 2 of Planning Approval 2012/2170  
**Developer**: Everydays a Picnic

1. **Background**

1.1 Planning permission was granted under reference 2012/2170 for the change of use of a barn from agricultural use to retail (farm shop & café) to include external works and car parking area. The application was subsequently implemented.

1.2 Concerns have been brought to the Council’s attention that picnic tables have been sited on the land to the north of the car parking area and it is being used as a picnic area associated with the farm shop/café. Planning permission is not required to use the area within the application red line as it is incidental to the permitted use, in this case a picnic area ancillary to the farm shop/café.

1.3 Having investigated the concerns raised however, it would appear that there is a discrepancy between the approved site plan and location plan. Ultimately it is the red line that delineates the application site, which in this case is shown on the location plan. Whilst most of the land to the north of the parking area falls within the red line a small piece of land between the application site and the nearest dwelling falls outside and therefore does not have permission to be used incidentally to the farm shop/café use. The piece of land measures approximately 35metres long and between 2 and 4metres in width.

2. **Planning Policies**

2.1 National Planning Policy Framework  
Policy 7 - Requiring good design  
Policy 3 – Supporting a prosperous economy

2.2 Joint Core Strategy  
Policy 2 – Promoting good design  
Policy 5 – The economy

2.3 Development Management Policies  
3.8 – Design Principles  
3.13 – Amenity, noise and quality of life  
2.1 – Employment and business development

3. **Relevant Planning History**

3.1 2012/2170 Change of use of barn from agricultural to retail (farm shop & cafe) to include external works and car parking area Approved

3.2 2014/1150 Discharge of condition 13 - wall extractor fan - of planning permission 2012/2107/F - Change of use of barn to retail farm shop and cafe Approved

3.3 2015/1104 Variation of Condition 4 - opening hours of planning permission 2012/2170/F - to extend cafe closing time to 18:00hrs Monday to Saturday Inclusive Approved
3.4 Retrospective application for the consent to display a fascia sign and vertical banner

Approved

4. Consultations

4.1 Local resident
- The picnic area has never been shown on any of the planning applications and should not be allowed
- The picnic area is not used occasionally but daily
- Fence is incorrectly located as it should segregate my boundary
- Developer has a history of breaches

5 Assessment

5.1 There are conflicting views on the intensity of the use with the owner of the nearest dwelling stating it is used daily and the occupiers of the café stating it is rarely used and will not be used at all in the winter. It could therefore be argued either way whether the occasional use of this piece of land in connection with the picnic area does in fact constitute a material change of use. However, in view of the concerns raised I consider the impact of the use on the visual amenity of the area and the residential amenity of the adjacent property to the north.

5.2 Whilst the piece of land is hard on the boundary with the neighbouring property it is a thin strip of land which brings the use between 2 & 4 metres closer to the neighbouring property. Being located next to the neighbours driveway and being some distance from the dwellinghouse and private garden area, I do not consider the use of this land as a small extension to the farm shop/café would give rise to a situation so detrimental to the amenities of the neighbouring property via noise and disturbance as to be unacceptable. The siting of the picnic tables does not adversely affect the character and appearance of the locality to an unacceptable degree. In view this I consider no further action be taken on the matter.

6 Recommendation

6.1 That no further action be taken on the matter.

Contact Officer, Telephone Number and E-mail:
Andy Baines, 01508 533840
abaines@s-norfolk.gov.uk
Not Set
### Planning Appeals

**Appeals received from 09/08/2016 to 05/09/2016**

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<tr>
<th>Ref</th>
<th>Parish / Site</th>
<th>Appellant</th>
<th>Proposal</th>
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<tbody>
<tr>
<td>2015/2737</td>
<td>Tharston And Hapton Land North Of Acorn Hollow Chequers Road Tharston</td>
<td>Mr Andrew Baldwin</td>
<td>Proposed new dwelling and double garage (revised application)</td>
</tr>
<tr>
<td>2015/2802</td>
<td>Claxton Durrants Barn Church Lane Claxton</td>
<td>Mr Kris &amp; Mrs Anna Gamble</td>
<td>Change of use and conversion of a timber frame agricultural barn to a single dwelling (revised application)</td>
</tr>
<tr>
<td>2016/0463</td>
<td>Surlingham Land South Of Bramerton Road Surlingham</td>
<td>Mr N Gooch</td>
<td>Outline application for 2 new dwellings including Access, Layout and Scale</td>
</tr>
<tr>
<td>2016/0775</td>
<td>Brooke 4 Brecon Road Brooke NR15 1HS</td>
<td>Mr Dennis Jeans</td>
<td>Alterations to existing bungalow, demolition of garage, partial sub division of garden and erection of chalet style bungalow and garage</td>
</tr>
<tr>
<td>2016/1101</td>
<td>Hethersett 8 Whitegates Close Hethersett NR9 3JG</td>
<td>Mr Keith Ruffell</td>
<td>Fell of Fir tree</td>
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### Appeals decisions from 09/08/2016 to 05/09/2016

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<th>Proposal</th>
<th>Decision Maker</th>
<th>Final Decision</th>
<th>Appeal Decision</th>
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<tr>
<td>2015/0075</td>
<td>Ketteringham Land North Of High Street Ketteringham</td>
<td>Mr Michael Austin</td>
<td>Use of land for equine and residential purposes, including a concrete pad for standing one residential caravan, erection of day room, and retention of existing gates.</td>
<td>Development Management Committee</td>
<td>Refusal</td>
<td>Appeal dismissed</td>
</tr>
<tr>
<td>2015/1141</td>
<td>Tharston And Hapton Wheelers Barn Hall Lane Tharston NR15 2YF</td>
<td>Mr Alan Pittaway</td>
<td>Continuing use of land for residential garden</td>
<td>Delegated</td>
<td>Refusal</td>
<td>Appeal dismissed</td>
</tr>
<tr>
<td>2015/1145</td>
<td>Brockdish Agricultural Building At Hilltop Farm Hall Road Brockdish</td>
<td>Mr D Piper</td>
<td>Application for prior determination notification of a proposed change of use of agricultural building to residential dwelling (QA)</td>
<td>Delegated</td>
<td>Approval of details - Refused</td>
<td>Appeal Allowed</td>
</tr>
<tr>
<td>2015/2838</td>
<td>Wreningham Rectory Cottage Church Road Wreningham NR16 1BA</td>
<td>Mr &amp; Mrs Moore</td>
<td>Proposed new front dormer and first floor front extension including a gable roof and side and rear ground floor extension</td>
<td>Delegated</td>
<td>Approval with Conditions</td>
<td>Appeal Allowed</td>
</tr>
</tbody>
</table>