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                   Blomefield Room

Agenda

Date
Wednesday 17 August 2016

Time
10.00 am

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

Contact
Sue Elliott tel (01508) 533669
South Norfolk House
Cynget 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.
A G E N D A

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 8)

4. Minutes of the Meeting of the Development Management Committee held on 20 July 2016

(attached – page 10)

5. Planning Applications and Other Development Control Matters;

(attached – page 20)

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>2015/2207/RVC</td>
<td>BUNWELL</td>
<td>Frank Dale Foods Bunwell Street Bunwell Norfolk NR16 1SH</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>2016/0518/F</td>
<td>BUNWELL</td>
<td>Frank Dale Foods Bunwell Street Bunwell Norfolk NR16 1SH</td>
<td>28</td>
</tr>
<tr>
<td>3</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>33</td>
</tr>
<tr>
<td>4</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>33</td>
</tr>
<tr>
<td>5</td>
<td>2016/0160/CU</td>
<td>MORNINGTHORPE AND FRITTON</td>
<td>Morningthorpe Farm Ansons Lane Morningthorpe Norfolk NR15 2SA</td>
<td>53</td>
</tr>
<tr>
<td>6</td>
<td>2016/0902/H</td>
<td>EAST CARLETON</td>
<td>Colray Swardeston Lane East Carleton Norfolk NR14 8LF</td>
<td>67</td>
</tr>
<tr>
<td>7</td>
<td>2016/0981/RVC</td>
<td>BERGH APTON</td>
<td>Green Pastures Farm Shop Mill Road Bergh Apton Norfolk NR15 1BQ</td>
<td>70</td>
</tr>
<tr>
<td>8</td>
<td>2016/1202/S106A</td>
<td>SHOTESHAM</td>
<td>Glenview The Common Shotesham Norfolk NR15 1YD</td>
<td>78</td>
</tr>
<tr>
<td>9</td>
<td>2016/1558/RVC</td>
<td>GISSING</td>
<td>Crown Bungalow Lower Street Gissing Norfolk</td>
<td>91</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. Planning Appeals (for information)  

8. Date of next scheduled meeting – Wednesday 14 September 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

<table>
<thead>
<tr>
<th>Fire alarm</th>
<th>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</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile phones</td>
<td>Please switch off your mobile phone or put it into silent mode</td>
</tr>
<tr>
<td>Toilets</td>
<td>The toilets can be found on the right of the lobby as you enter the Council Chamber</td>
</tr>
<tr>
<td>Break</td>
<td>There will be a short comfort break after two hours if the meeting continues that long</td>
</tr>
<tr>
<td>Drinking water</td>
<td>A water dispenser is provided in the corner of the Council Chamber for your use</td>
</tr>
</tbody>
</table>

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

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

Key to abbreviations used in Recommendations

<table>
<thead>
<tr>
<th>CNDP</th>
<th>Cringleford Neighbourhood Development Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>J.C.S</td>
<td>Joint Core Strategy</td>
</tr>
<tr>
<td>LSAAP</td>
<td>Long Stratton Area Action Plan – Pre Submission</td>
</tr>
<tr>
<td>N.P.P.F</td>
<td>National Planning Policy Framework</td>
</tr>
<tr>
<td>P.D.</td>
<td>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)</td>
</tr>
<tr>
<td>S.N.L.P</td>
<td>South Norfolk Local Plan 2015</td>
</tr>
<tr>
<td></td>
<td>Site Specific Allocations and Policies Document</td>
</tr>
<tr>
<td></td>
<td>Development Management Policies Document</td>
</tr>
<tr>
<td>WAAP</td>
<td>Wymondham Area Action Plan</td>
</tr>
</tbody>
</table>

7
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.

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

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.

<table>
<thead>
<tr>
<th>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

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 20 July 2016 at 10.00 am.

Committee Members Present: Councillors: V Thomson (Chairman), P Broome, F Ellis, C Gould, M Gray, C Kemp, G Minshull, J Mooney, L Neal, B Stone and A Thomas.

(B Stone left after Item 4)

Officers in Attendance: The Director of Growth and Localism (T Horspole), the Planning Decisions Team Leader (C Trett), the Senior Planning Officers (C Curtis, T Lincoln and E Thomas), the Planning Officers (H Bowman and J Jackson), the NCC Highways Engineer (Andrew Willeard) and the Environmental Management Officer (A Old)

(13 members of the public were in attendance)

277. 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>2015/1041/F (Item 1)</td>
<td>TROWSE WITH NEWTON</td>
<td>ALL</td>
<td>Local Planning Code of Practice Lobbied by Objector</td>
</tr>
<tr>
<td>2015/2362/RVC (Item 2)</td>
<td>WYMONDHAM</td>
<td>ALL</td>
<td>Local Planning Code of Practice Lobbied by Objector</td>
</tr>
<tr>
<td></td>
<td></td>
<td>P Broome</td>
<td>Member removed himself from the meeting for the item and did not take part in the vote.</td>
</tr>
<tr>
<td>2016/0932/F (Item 5)</td>
<td>WINFARTHING</td>
<td>G Minshull</td>
<td>Other Interest Applicant known to member. Member removed himself from the room for this item.</td>
</tr>
<tr>
<td>2016/0943/F (Item 6)</td>
<td>WYMONDHAM</td>
<td>P Broome</td>
<td>Member removed himself from the meeting for the item and did not take part in the vote.</td>
</tr>
</tbody>
</table>
278. MINUTES

The minutes of the Development Management Committee meeting dated 22 June 2016 were confirmed as a correct record and signed by the Chairman.

279. 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>2015/1041/F</td>
<td>TROWSE WITH</td>
<td>Ms A Brown – Trowse Parish Council</td>
</tr>
<tr>
<td>(Item 1)</td>
<td>NEWTON</td>
<td>Ms N Wright – Agent for the Applicant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ms S Simpson – Agent for the Applicant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cllr T Lewis – Local Member</td>
</tr>
<tr>
<td>2015/2362/RVC</td>
<td>WYMONDHAM</td>
<td>Mr K Darkins – Objector</td>
</tr>
<tr>
<td>(Item 2)</td>
<td></td>
<td>Mr M Bullen - Applicant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mr G Watkins - Applicant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mr J Hornby – Local Member</td>
</tr>
<tr>
<td>2016/0841/A</td>
<td>WORTWELL</td>
<td>Mr D Gundry – Applicant</td>
</tr>
<tr>
<td>(Item 3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016/0911/RVC</td>
<td>DISS</td>
<td>Ms L Cunningham – Agent for Applicant</td>
</tr>
<tr>
<td>(Item 4)</td>
<td></td>
<td>Cllr T Palmer – Local Member</td>
</tr>
<tr>
<td>2016/0977/F</td>
<td>EARSHAM</td>
<td>Mr J Putman – Agent for Applicant</td>
</tr>
<tr>
<td>2016/0979/F</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Items 7 &amp; 8)</td>
<td></td>
<td></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.
280. ENFORCEMENT REPORTS

1. Members considered the report of the Director of Growth and Localism regarding the enforcement case at Wramplingham (ref: 2016/8035).

   It was **RESOLVED** that:

   No further action be taken in respect of this matter providing the building remains in use for agricultural purposes.

2. Members considered the report of the Director of Growth and Localism regarding the enforcement case at Easton (ref: 2016/8165).

   It was **RESOLVED** that:

   Appropriate enforcement action be taken to cease the use as an independent dwelling with a compliance period of a year.

281. ENFORCEMENT PROCEEDINGS – QUARTERLY REPORT

   Members noted the report of the Director of Growth and Localism.

282. PLANNING APPEALS

   The Committee noted the planning appeals.

   (The meeting closed at 1.00 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      :  2015/1041/F
Parish        :  TROWSE WITH NEWTON
Applicants Name :  Mr James Colman
Site Address   :  Sports Hall and Facilities, Crown Point Green, The Street, Trowse
Norfolk       :
Proposal      :  Essential maintenance and refurbishment of 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.
Decision      :  Members voted 8 – 2 with 1 abstention to authorise the Director of Growth and Localism to Approve

Approved with conditions

1  Time limit
2  In accordance with amended plans
3  Parking and turning to be provided as in approved plan
4  Implementation of landscaping scheme
5  No external lighting without prior consent

Update given at Committee Meeting

It had been agreed that the decision regarding the Section 106 Agreement to restrict use of access in respect of future residential development at the site be deferred to a future meeting of the Development Management Committee.

2  Appl. No      :  2015/2362/RVC
Parish        :  WYMONDHAM
Applicants Name :  Hope Community Church Wymondham
Site Address   :  Ayton House  Ayton Road Wymondham Norfolk NR18 0QJ
Proposal      :  Variation of condition 2 of permission 2015/1664/F - Further extended to the rear to facilitate a larger main Auditorium.
Decision:
Members voted 10 - 0 for Approval

Approved with conditions

1. Full Planning Permission time limit
2. In accord with amended drawings
3. External materials as submitted
4. Reporting of unexpected contamination
5. No generators, air handling plant
6. Provision of on-site parking
7. Boundary treatment to accord with agreed details
8. Limited Hours of use (09.00 to 23.00 on any day)
9. Sound insulation to be provided
10. Full details of external lighting
11. Tree protection
12. Planting scheme as agreed
13. D1 use only
14. Meeting rooms not to be used for music rehearsal, playback etc.
15. Boundary noise levels
16. Hours of use for play area (09.00 to 18.00hrs on any day)
17. Contaminated land - submit scheme
18. Implement of approved remediation
19. Kitchen extraction details to be submitted

3  Appl. No : 2016/0841/A
Parish : WORTWELL

Applicants Name : Mr Darren Gundry
Site Address : First Class Cars  High Road Wortwell  IP20 0EN
Proposal : Retention of 3 illumination signs advertising the company and contact number

Decision : Members voted unanimously for Approval

Approved with conditions

1 – 5 standard advert conditions
6. Source of illumination not to be visible from highway
7. Level of illumination
Development Management Committee 20 July 2016

4 Appl. No : 2016/0911/RVC
Parish : DISS

Applicants Name : Ms Leigh FC Cunningham
Site Address : Additional Car Parking Site Station Road Diss Norfolk
Proposal : Following Permission 2015/1385/F - (To use the Coal Yard for car parking purposes, with approximately 60 spaces, with access on and off Nelson Road and Station Road) removal of condition 11 (limiting access from Station Road) (The existing 2 gates will remain in place, with limited vehicular access to the car park). Discharge of conditions 3 (details of drainage and levels); 8 (off-site highway improvements); 10 (lighting details); 12 (landscaping)

Decision : Members voted unanimously for Approval

Details for conditions 3, 8, 10. – Approved
Removal of condition 11 - Approved
Removal of condition 12 – Approved with conditions.

1 Full Planning permission time limit
2 In accord with submitted drawings
3 Details of water drainage and levels
4 New Access Construction over verge
5 Access Gates - Configuration
6 Visibility splay, approved plan
7 Provision of parking, service
8 Highway Improvements - Offsite
9 Highway Improvements - Offsite
10 Full details of external lighting

Updates to officer report

Change Recommendation – Removal of condition 11 Approval

5 Appl. No : 2016/0932/F
Parish : WINFARTHING

Applicants Name : Mr & Mrs Jim & Doreen Colins
Site Address : Land South of The Shingles The Street Winfarthing Norfolk
Proposal : Erection Of New Dwelling - Renewal of previous permission 2013/1153/F

Decision : Members voted 9 - 0 for Approval

Approved with conditions

1 Full Planning permission time limit
2 In accord with submitted drawings
3 Boundary treatment
4 New Water Efficiency
5 Provision of parking, service
**6** Appl. No : 2016/0943/F  
Parish : WYMONDHAM

Applicants Name : Mr & Mrs Stevens  
Site Address : Land Adj To Downham Barn Downham Grove Wymondham Norfolk  
Proposal : New two storey dwelling with separate garage

Decision : Members voted 8 - 1 for **Approval**

Approved with conditions.

1 Full Planning permission time limit  
2 In accord with submitted drawings  
3 Materials in accordance with submitted details  
4 Archaeological investigation

**Updates to officer report**

**Archaeologist comments:**  
Recommended condition for programme of archaeological work

---

**7** Appl. No : 2016/0977/F  
Parish : EARSHAM

Applicants Name : Mr Alistair & Mrs Ella Black  
Site Address : Land West Of Kingsbridge Church Road Earsham Norfolk  
Proposal : Demolition of existing bungalow and erection of 2 no. one and half storey dwellings and garaging and relocated highway access (revised application)

Decision : Members voted 9 – 0 with 1 abstention for **Approval**

Approved with conditions.

1 Full Planning permission time limit  
2 In accord with submitted drawings  
3 External materials to be agreed  
4 Slab level to be agreed  
5 New Access Construction over verge  
6 Access Gates - Configuration  
7 Visibility splay dimension in condition  
8 Provision of parking, service  
9 Retention of frontage hedge  
10 Implementation of boundary treatment  
11 New Water Efficiency  
12 Surface Water  
13 Archaeological investigation  
14 Contamination during construction
Amended plan received showing visibility splay will require replanting of hedge. Permission for dwelling to rear already requires this land to be part of the visibility splay for that dwelling.

**Conservation and Design Officer:**
- Revised designs are an improvement with the built form, lower eaves and fenestration now following an asymmetrical design which is more consistent with the 17th or 18th century cottages in the area rather than the later 18th/19th century symmetrical facades.
- New porch design gives some definition to the entrance whilst not being overly prominent or too low key.
- Being cottages with low eaves the buildings can be closer together without appearing to urban.
- The design also provides an element of transition between the more symmetrical balanced houses to the west of the site and the proposed bungalow to the east.

---

**8**

**Appl. No:** 2016/0979/F  
**Parish:** EARSHAM  
**Applicants Name:** Mr Alistair & Mrs Ella Black  
**Site Address:** Land East Of Kingsbridge Church Road Earsham Norfolk  
**Proposal:** Erection of bungalow with detached double garage and new highway access (revised application)

**Decision:** Members voted 9 - 1 for **Approval**

Approved with conditions.

1. Full Planning permission time limit  
2. In accord with submitted drawings  
3. External materials to be agreed  
4. Slab level to be agreed  
5. New Access Construction over verge  
6. Access Gates - Configuration  
7. Provision of parking, service  
8. Retention of frontage hedge  
9. Implementation of boundary treatment  
10. New Water Efficiency  
11. Surface Water  
12. Archaeological investigation  
13. Contamination during construction

---

**Updates to officer report**

Amended plan received showing visibility splay will require replanting of hedge. Permission for dwelling to rear already requires this land to be part of the visibility splay for that dwelling.

**Conservation and Design Officer:**
- Revised designs are an improvement with the built form, lower eaves and fenestration now following an asymmetrical design which is more consistent with the 17th or 18th century cottages in the area rather than the later 18th/19th century symmetrical facades.
- New porch design gives some definition to the entrance whilst not being overly prominent or too low key.
- Being cottages with low eaves the buildings can be closer together without appearing to urban.
- The design also provides an element of transition between the more symmetrical balanced houses to the west of the site and the proposed bungalow to the east.
9  Appl. No   :  2016/1105/F  
Parish     :  LITTLE MELTON  

Applicants Name  :  Mr & Mrs Catchpole  
Site Address     :  Barn Adj To 97B School Lane Little Melton Norfolk  
Proposal        :  Proposal amended from “Change of use” to “Conversion” of barn to residential dwelling and ancillary works.  

Decision        :  Members voted 10 - 0 for Approval  

Approved with conditions.  

1  Full Planning permission time limit  
2  In accordance with amendments  
3  Demolish existing structures/lean too on site  
4  Provision of parking and turning area  
5  Reporting of unexpected contamination  
6  Foul drainage to sealed system  
7  External materials as submitted  
9  Window to be obscure glazed  
10 No PD for Classes ABCDE & G  
11 No PD for fences, walls  
12 No PD for Domestic Microgeneration Equipment  
13 Contaminated land report to be submitted  

Updates to officer report  

Officer:  
Additional condition – 13 contaminated land report to be submitted  

10  Appl. No   :  2016/1300/F  
Parish     :  HEMPNALL  

Applicants Name  :  Mr Michael Essinger  
Site Address     :  Land to North West of Silver Green, Silver Green Hempnall Norfolk  
Proposal        :  Erection of two detached single storey timber sheds (retrospective).  

Decision        :  Members voted 10 - 0 for Refusal  

Refused.  

Unjustified development outside the development limit and adversely affecting visual amenity of the area.  

Members also Resolved that enforcement action be taken to cease non- agricultural use of the land and remove the sheds – compliance period 3 months.  

Updates to officer report  

Applicant has confirmed that he does not intend to use the site for his business
11 Appl. No : 2016/1316/CU
Parish : WYMONDHAM
Applicants Name : Mr P Hawkins
Site Address : Land on the South Side of Cemetery Lane Wymondham Norfolk
Proposal : Change of use of land to storage of fencing/temporary building materials
Decision : Members voted 9 - 0 for Refusal
Refused.
1 Principle of development not justified outside development boundary in sensitive location.
2 Harm to character and appearance of the area.
3 Insufficient information to assess biodiversity impact.
Members also Resolved that enforcement action be taken to secure the removal of the building materials and cessation of the use.

Updates to officer report

Environmental Quality
- Significant potential to impact amenity of neighbours
- Hours of use blank – would want to restrict
- Potential for use to intensify
- Insufficient information to process

NCC Ecologist
- Insufficient information – Phase 1 Habitat Survey required as minimum

12 Appl. No : 2016/1357/F
Parish : COSTESSEY
Applicants Name : Mr Andy Whittingham
Site Address : The Copper Beech  Alex Moorhouse Way Costessey NR5 0JT
Proposal : Retention of 6 external timber seating booths and 1 timber smoking shelter
Decision : Members voted 10 - 0 for Approval
Approved with conditions.
1 In accord with submitted drawings

Updates to officer report

Costessey TC – Recommend refusal
- Inappropriate design
- Light pollution and distraction to drivers

NCC Highways – No highway objections
- Visibility remains acceptable
PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Growth and Localism

Major applications

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)

**Recommendation**: Approval 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

1. **Planning Policies**

1.1 National Planning Policy Framework  
   NPPF 01: Building a strong competitive economy  
   NPPF 03: Supporting a prosperous rural economy  
   NPPF 10: Meeting the challenge of climate change, flooding and coastal change

1.2 Joint Core Strategy  
   Policy 5: The Economy  
   Policy 15: Service Villages

1.3 South Norfolk Local Plan  
   Development Management Policies  
   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  
   DM3.12: Provision of vehicle parking  
   DM3.13: Amenity, noise, quality of life  
   DM3.14: Pollution, health and safety
2. Planning History

2.1 2016/0518 Front and rear extensions to existing factory, removal of portacabins/structures on site and other minor external alterations. Under consideration

2.2 2010/1175 Variation of condition 2 of planning permission 2006/2246 (Refurbish existing building to a food manufacturing use) to allow 24 hour operating Monday to Saturday and 6.00am to 6.00pm on a Sunday. Approved

2.3 2006/2246 Refurbish existing building to a food manufacturing use Approved

2.4 2001/0286 Use of premises by Ketts Products to continue and agricultural machinery sales, stores and service depot with retail sales of associated products Approved

2.5 1992/1137 Erection of extension Approved

3. Consultations

3.1 Parish Council No comments received

3.2 District Member To be reported if appropriate

3.3 NCC Highways No objections

3.4 SNC Community Services - Environmental Quality Team Original submission
   - Insufficient information submitted - noise report required
   Amended scheme
   - No objections subject to conditions

3.5 Other Representations Original submission
   4 letters of objection
   - Most lorries use Church Lane when they can go out to B1113 on Bunwell Street
   - Light pollution from exterior lighting
   - Noise pollution - lorries coming and going; loading and unloading; washing vehicles; staff vehicles; noise from the smoking shelter; loud conversation/laughter, crunching from football on gravel paths
   - Have the pollution 16 hrs per day, would be nice to have some quiet time
   - The activity at Frank Dales is already in breach of planning application
   - Extension into the weekends is excessive and will vastly affect our rural lifestyle
   - Any future expansion should involve a purpose built site on a business park or similar where the local residential community are not adversely affected

Additional information and report
   - No comments received
4.1 The application is to vary condition 2 of the planning application 2006/2246 which restricted the working hours of the premises. Temporary consent was granted in February 2013 for the extension of permitted opening hours to 24 hours Monday to Saturday and 6am to 4 pm Sundays, which expired on 31 May 2015.

4.2 The site is located outside the Development Boundary for Bunwell, however the site has been used for commercial purposes since 1977 and the current occupiers were granted planning permission for their use in 2006. The principle of the use is therefore acceptable and the issues for consideration in relation to this application relate to the implications of extending the working hours.

4.3 The 2010/1175 planning permission required the submission of a noise report within 6 months of the date of the decision; and within 56 days parking layout for the shift change and a revised position of the smoking shelter, however none of these conditions have been satisfied. However during the processing of this application, details have been requested and have been provided.

Residential amenity

4.4 Policy DM3.13 Residential amenity, directs that development should not be approved if it would have a significant adverse impact on nearby resident's amenities.

4.5 The 2010/1175 planning application was given a temporary consent as a trial period to enable the implications of the hour change on the amenities of the neighbouring residential properties to be fully assessed. The proposed variation in hours resulted in three shifts being present at 6am, 2pm and 10pm.

4.6 The car parking area is at the front of the building and is close to the neighbouring bungalow. Concerns were raised previously and under this application about the increase in disturbance resulting from vehicular activity and increase in staff on site at any one time. Although the details of the parking layout had not been submitted as required by condition 4, the area to the front of the site has now been laid out and demarcated so vehicles face the building or the frontage hedge and not the neighbouring property. Equally a plan has now been submitted showing the late/night shift parking to the southeast of the car park away from the neighbour’s boundary. The above minimises the disruption to the neighbour and together with the existing condition that there is no change in shifts between 22:00 and 06:00, I consider this addresses the concerns raised.

4.7 Under the previous application the applicant confirmed that there will be no requirement to change delivery times and that the increase in production will not result in a significant increase in delivery / collection vehicles, no change has been sought under this application. It should be noted that at present, other than a restriction on the hours of such activities there are no controls over the number of such vehicles and I therefore consider that provided that the company operate within the existing restriction (7am to 6pm Monday to Saturday) that the additional working hours will not result in a significant increase in disturbance from commercial vehicles. Whilst I fully appreciate the concerns raised by local residents, I do not consider that the application can be refused on these grounds.

4.8 A smoking shelter was erected along the western boundary without consent, accessed via a gravel path and the neighbours raised concerns regarding disturbance from its use under the previous application and noise from the shelter itself being raised under this application. Condition 5 required the smoking shelter to be moved to a position to be agreed, however these details were not submitted. The gravel path has been replaced by a concrete pathway, whilst the smoking shelter has not been moved away from the western boundary, the noise and disturbance has been significantly reduced by the change in path surfacing. The Environmental Quality officer also has raised no objections to the smoking shelter.
4.9 It has become clear during the determination of the application that the existing equipment/plant was causing issues in relation to noise disturbance and the Environmental Quality officer did not consider sufficient information had been submitted with the application and the requirements of condition 6 for the provision of a Noise report had not been met. Following a Noise survey carried out on site in late 2015, the business has taken several actions to reduce the noise emissions from the operation. A further Noise survey was carried out in May 2016 and showed an improvement in the noise emissions. The applicant also proposes to build housing around the existing plant/equipment which is recommended by the Noise report. The Environmental Quality officer now raises no objections subject to a number of conditions, such as noise levels and noise attenuation scheme etc. The Environmental Quality officer's comments are attached in full as Appendix 2.

4.10 Other concerns have been raised by adjacent residential properties regarding the detrimental impact the proposal would have on their amenities as set out above in paragraph 3.5. However, I do not consider the proposal would give rise to a situation so detrimental as to warrant refusal on the grounds raised.

Highway safety

4.11 Policy DM3.11 of the South Norfolk Local Plan states that planning permission will not be granted for development which would endanger highway safety or the satisfactory functioning of the highway network.

4.12 Concerns have been raised by local residents as set out above regarding lorries using Church Lane; however the Highways Authority has assessed the proposal and raises no objections to the development. In view of this I do not consider the application could be refused on the grounds raised. As such, it is considered that the scheme would accord with Polices DM3.11 and DM3.12.

Other matters

4.13 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.

4.14 This application is not liable for Community Infrastructure Levy (CIL) as no additional floor space is proposed in this application.

5 Conclusion

5.1 The principle of the use has already been accepted and approved. The proposal sustains an economic and social activity in a rural community and (with appropriate conditions applied) will not have a significantly detrimental impact on the residential amenities of neighbouring properties or highway safety. As such the proposed development accords with the NPPF, JCS and SNLP.

Contact Officer, Telephone Number Claire Curtis 01508 533788
and E-mail: ccurtis@s-norfolk.gov.uk
Internal Memorandum

To: Claire Curtis
   Growth & Localism

From: Emily Capps
   Community Services

Tel No: 01508 533722

My Ref: 16/20410/EPMM50

Your Ref: 2015/2207 and 2016/0518

Date: 28 July 2016

Planning Application: 2015/2207

Proposal: Amended plans / information: 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)

Planning Application: 2016/0518

Proposal: Front and rear extensions to existing factory, removal of portacabins/structures on site and other minor external alterations.

Location: Frank Dale Foods, Bunwell Street, Bunwell

I write on behalf of the Community Protection Team in reply to your consultation regarding the above planning applications. This memo addresses the two applications listed above, both the discharge of conditions and the application for extensions to the front and rear of the existing factory. Having reviewed the application documentation we would make the following observations:
• **Noise from the use of the car park.** Condition 4 to Planning Approval 2010/1175 was included to address the impact on residents of noise from the use of the car park. I have reviewed the information submitted by Frank Dale Foods to South Norfolk Council on the 22/01/2016 which provides details on the car park design. After considering this information and a visit to the site, I believe that work has been undertaken to reduce the impact of the use of the car park on neighbouring residents. The plan to park night shift workers cars in a location furthest away from the nearest residential properties is a practical solution to reduce the potential disturbance to neighbours. I am therefore happy to accept the information supplied to fulfil the requirements of Condition 4.

• **Noise from the smoking shelter.** Condition 5 to Planning Approval 2010/1175 was included to address the impact on residents of noise from the use of the smoking shelter. I have reviewed the information submitted by Frank Dale Foods to South Norfolk Council on the 22/01/2016 which provides details on the smoking shelter. After considering this information and a visit to the site, I believe that work has been undertaken to reduce the impact of using the smoking shelter on neighbouring residents. The replacing of the gravel path with a solid concrete path leading to the smoking shelter is a practical solution to reduce the potential disturbance to neighbours. I am therefore happy to accept the information supplied to fulfil the requirements of Condition 5.

**Noise from plant, machinery and associated operations.** Condition 6 to Planning Approval 2010/1175 was included to address the impact on residents of noise from plant, machinery and associated operations from 24 hour working. I have reviewed the original acoustic report supplied by Adrian James Acoustics on the 22nd December 2015 and following discussions with both representatives of Frank Dale Foods and Adrian James Acoustics welcome the additional detail and updated survey results contained within Technical Memorandum issued on the 22nd July 2016.

The results of the BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) survey as detailed in the technical memorandum indicate that a reduction of 8dB (A) would be required to ensure that the rating levels of noise associated with the extended hours of operation do not exceed the background noise levels for the site. I would welcome the staged approach to achieving this reduction as detailed in Section 6 of the technical memorandum.

Given that there is the potential for the noise environment of the site to change with the introduction of new plant and machinery as part of the extension, I would suggest the following conditions to ensure that the recommendations contained within the acoustic report and the subsequent technical memorandum are completed and the impact of the development of the new site is considered.

**Suggested Condition.**

**BS4142 limit on external noise levels produced by fixed external plant**

The rating level of sound emitted from [any fixed plant and/or machinery associated with the development] [industrial activities at the use hereby approved] shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest/any sound sensitive premises). All measurements shall be made in accordance
with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

**Suggested Condition**

**Noise attenuation scheme**

Within 3 months of the permission being granted the noise mitigation schemes detailed in the Adrian James Acoustics Ltd the Technical Memorandum dated the 22nd of July 2016 will be implemented and a verification report detailing the mitigation measures applied will be submitted and approved in writing by the local planning authority.

In terms of the extension application I also would also suggest the following conditions:

**Suggested Condition**

**ER/LG Full details of external lighting**

No external lighting shall be erected unless full details of its design, location, orientation and level of illuminance (in Lux) provided have first been submitted to and agreed in writing with the local planning authority. Such lighting shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation. The lighting shall thereafter be implemented in accordance with the approved details and shall be retained as such thereafter.

Reason for the condition
In the interests of the amenities of local residents and to minimise light pollution in accordance with Policies IMP9 and IMP25 of the South Norfolk Local Plan 2003.

**Miss Emily Capps**
**Senior Community Protection Officer**
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.

Recommendation: Approval 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. Stationary 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

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  
NPPF 10: Meeting the challenge of climate change, flooding and coastal change

1.2 Joint Core Strategy  
Policy 6: Access and Transportation  
Policy 2: Promoting good design  
Policy 5: The Economy  
Policy 15: Service Villages

1.3 South Norfolk Local Plan  
Development Management Policies  
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  
DM3.12: Provision of vehicle parking  
DM3.13: Amenity, noise, quality of life  
DM3.14: Pollution, health and safety
1.4 Supplementary Planning Document  
South Norfolk Place Making Guide 2012

2. Planning History

| 2.1 | 2015/2207 | 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) | under consideration |
| 2.2 | 2010/1175 | Variation of condition 2 of planning permission 2006/2246 (Refurbish existing building to a food manufacturing use) to allow 24 hour operating Monday to Saturday and 6.00am to 6.00pm on a Sunday. | Approved |
| 2.3 | 2006/2246 | Refurbish existing building to a food manufacturing use | Approved |
| 2.4 | 2001/0286 | Use of premises by Ketts Products to continue and agricultural machinery sales, stores and service depot with retail sales of associated products | Approved |
| 2.5 | 1992/1137 | Erection of extension | Approved |

3. Consultations

| 3.1 | Parish Council | No comments received |
| 3.2 | District Member | To be reported if appropriate. |
| 3.3 | NCC Public Rights Of Way | No objections |
| 3.4 | Historic Environment Service | No objections subject to conditions |
| 3.5 | SNC Community Services - Environmental Quality Team | Original submission  
- Insufficient information submitted - Noise report  
Amended scheme  
- No objections subject to conditions |
| 3.6 | Environment Agency | No comments received |
| 3.7 | SNC Conservation And Design | No objections to the revised design |
| 3.8 | Anglian Water Services Ltd | No comments received |
| 3.9 | NCC Highways | No objections subject to conditions |
| 3.10 | NCC Lead Local Flood Authority | Application falls below current threshold for providing comments |
3.11 SNC Water Management Officer

No objections subject to conditions

3.12 Other Representations

No comments received

4 Assessment

4.1 This application seeks full consent for the erection of front and rear extensions to existing Frank Dale Foods factory, the removal of portacabins/structures on site and other minor external alterations, at Bunwell Street, Bunwell. Residential properties are located to the west and northwest with open countryside to the northeast and southeast.

4.2 Frank Dale Foods is a manufacturer of premium party food supplying foodservice and retail sectors in the UK and some European markets. The business has transitioned from a family owned and run, to its current size with 50 full-time employees. To enable the business to continue to grow there is a need to extend the existing manufacturing facility to provide additional warehousing and storage and upgrading of the existing manufacturing part. The company is currently using temporary cold storage (six chilled/frozen containers) which is not acceptable to the UK retail trade and further growth will not be possible with the existing facility.

4.3 The main issues in this case are: the design; the impact on the character and appearance of the area; highway safety and residential amenity.

4.4 The National Planning Policy Framework (NPPF) Section 3: Supporting a prosperous rural economy supports growth and expansion of business and promotes development in the rural areas. The South Norfolk Local Plan (SNLP) and Joint Core Strategy (JCS) policies support employment subject to normal planning requirements. The site is located outside the Development Boundary for Bunwell, however the site is immediately adjacent the boundary and has been used for commercial purposes since 1977, with the current occupiers being granted planning permission for their use in 2006. The principle of the use is therefore acceptable and the proposal to provide extensions to an existing well established business accords with the NPPF, JCS and SNLP as it supports sustainable growth through the expansion of existing business and sustains an economic and social activity in a rural community.

Design, layout and impact on the character of the area

4.5 Both JCS Policy 2 and Section 7 of the NPPF require high quality design with importance being attached to the design of the built environment, with it seen as a key aspect of sustainable development. The proposal looks to extend and remodel the front elevation and a large extension to the rear, with a higher roof than the existing in order to accommodate racking necessary for increased production. The existing design is quite utilitarian in appearance with a dated and old fashioned look. Whilst there are no objections to the submitted design, it was considered that it could be improved. The design has been revised and the new proposed front entrance treatment now provides a much clearer focal point for visitors from the car park, and is therefore far more legible. With additional large glazed area it will feel more 'welcoming' and 'inviting' to customers visiting the building. The flat roof extension and floor to ceiling windows of the rest of the elevation create a more attractive and active front elevation, creating an easier transition between outside and inside space, and although simplified, will have a less utilitarian appearance than the previous scheme. Therefore it is considered that the development will not adversely affect the character and appearance of the existing building or the visual amenities of the surrounding area and the removal of containers and portacabins will be a positive enhancement. The scheme therefore satisfies Policy 2 of the JCS. The site is of sufficient size to accommodate the proposed extensions and its parking, turning and associate spaces.
Highway safety

4.6 Policy DM3.11 of the South Norfolk Local Plan states that planning permission will not be granted for development which would endanger highway safety or the satisfactory functioning of the highway network.

4.7 The front extension has reduced the number of spaces by two, however additional parking has been provided at the rear of the site. There is sufficient site area to provide an extended service yard to accommodate the turning circles required by lorries. The Highways Authority has assessed the proposal and raised no objections to the development. As such, it is considered that the scheme would accord with Policies DM3.11 and DM3.12.

Residential amenity

4.8 Policy DM3.13 Residential amenity directs that development should not be approved if it would have a significant adverse impact on nearby resident's amenities.

4.9 Issues regarding noise have been raised under the accompanying application for the 24hr working (2015/2207) and the Environmental Quality officer did not consider sufficient information had been submitted with this application to adequately demonstrate that the proposal would not give rise to a situation detrimental to the amenities of the neighbouring properties. A Noise report has now been submitted which deals with both the existing building; its operation and the proposed extensions. The proposed extension to the rear of the site will replace the existing containerised freezer units that are currently used on the site. The freezer units within the building will be served by external plant located on the southeast side of the build next to the existing items of plant. It is proposed to build housing around the existing and proposed plant. The Environmental Quality officer now raises no objections subject to a number of conditions, such as noise levels and noise attenuation scheme. As such, the scheme would accord with the requirements of Policy DM3.13.

Other matters

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 The principle of the use has already been accepted and approved. The appearance, scale, landscaping, and layout of the development are considered appropriate for its context. The development will not adversely affect the character of the area; it supports sustainable growth through the expansion of existing business; sustains an economic and social activity in a rural community and will not have a significantly detrimental impact on the residential amenities of neighbouring properties or highway safety. As such the proposed development accords with the NPPF, JCS and SNLP.

Contact Officer, Telephone Number and E-mail: Claire Curtis 01508 533788 ccurtis@s-norfolk.gov.uk
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  
**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**: 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  
**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
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 including a 1 ha site for new Primary School (revised application) Approved
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/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.

3.3 **SNC Landscape Architect**

Original scheme

- Does not support proposal
- Disappointed by proposal
- Lacks a sense of connectivity
- Many inconsistencies

Amended scheme

- Comments awaited and to be reported

3.4 **Historic Environment Service**

Original scheme

- No further archaeological work required
3.5 NCC Planning Obligations Co-ordinator

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.
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 Arminghall 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
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 para35 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 necessitate 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 upto 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 onto 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 upto 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.
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

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

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

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."

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.
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 upto 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.

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 grampian condition to enforce that 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 Trustess 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.
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.
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
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.
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
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 long standing 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
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
2. Revised scheme layout 16/12/2013

3. 7th April 2016
Other applications

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

Recommendation: Approval 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

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  
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  
DM2.10: Conversion and re-use of buildings in the Countryside for non-agricultural use  
DM3.8: Design Principles applying to all development  
DM3.11: Road safety and the free flow of traffic  
DM3.13: Amenity, noise, quality of life  
DM3.14: Pollution, health and safety  
DM4.5: Landscape Character Areas and River Valleys
2. **Planning History**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1 2016/0952</td>
<td>Demolition of existing outbuilding and provision of new cart lodge extension.</td>
<td>Approved</td>
</tr>
<tr>
<td>2.2 2013/2154</td>
<td>Demolition of redundant swine shed and holding pens and erection of replacement storage building for machinery, equipment and ancillary landscape maintenance tools.</td>
<td>Approved</td>
</tr>
<tr>
<td>2.3 2000/1597</td>
<td>Use of redundant agricultural buildings for storage of cardboard</td>
<td>Approved</td>
</tr>
<tr>
<td>2.4 1993/1382</td>
<td>Change of use from agricultural to contractors’ plant depot and maintenance yard</td>
<td>Refused</td>
</tr>
</tbody>
</table>

3. **Consultations**

<table>
<thead>
<tr>
<th>Area</th>
<th>Additional Information</th>
</tr>
</thead>
</table>
| Shelton and Hardwick Parish Council | Original proposal Refuse  
• Negative impact on quality of life of residents in Parish particularly Hardwick  
• A number of Parishioners have smelt this odour which can be very strong and very unpleasant  
• No planning permission for the development which involves HGVs  
• No mention of HGV using the site  
• It is understood that the HGV operate between Topcroft site at least weekly using Alburgh Road Shelton which has 7.5 t weight limit  
• Odour report only tested on one day, no mention of when testing was done, whether bitumen was being manufactured at the time and wind direction  
• If the manufacture of bitumen met all legal requirements including emissions and pollutants and removing risk from odour the Parish Council would be prepared to consider new application  

<table>
<thead>
<tr>
<th>Area</th>
<th>Additional Information</th>
</tr>
</thead>
</table>
| Morningthorpe and Fritton Parish Council | Amended proposal  
• Repeats previous comments with particular reference to not having an Environmental permit.  

<table>
<thead>
<tr>
<th>Area</th>
<th>Additional Information</th>
</tr>
</thead>
</table>
| Long Stratton Parish Council  | No comments received  

<table>
<thead>
<tr>
<th>Area</th>
<th>Additional Information</th>
</tr>
</thead>
</table>
| District Member               | To be determined by committee  
• To ensure the impact on neighbouring communities is fully considered  

54
3.3 NCC Highways

No Objection

- Application includes a transport assessment
- Raw material delivered in 20 tonne batches typically one HGV a week
- Processed output bagged in 25kg which are sent directly to the customers or one of the depots
- Location of Morningthorpe Farm well outside any development building and all movements will be by private vehicles.
- But the development is utilising an existing building and the specific use may not be one that could be undertaken within the usual industrial estate
- Current/ intended two HGV movements per week would be similar to that which could be generated by a working farm and not significant in nature to warrant a highway refusal
- I have taken note of comment regarding future increases in production.
- Highway network close to the site consists of narrow unclassified roads. For this reason we would be concerned about any significant expansion at this site.

3.4 SNC Community Services - Environmental Quality Team

Proposal comments

- Noise report undertaken in accordance with correct procedures and indicated that there is a low likelihood of adverse impact due to noise at the nearest property not in the applicant’s ownership.
- Odour report measures the level of odour, temperature and flow rate of the emission from the chimney. The level of odour was measured by taking a sample of the emission, which was then submitted to an odour panel consisting of five persons. The data is modelled to assess the impact on a number of residential properties which was done having regard to the Environment Agency’s Guidance H4 - Odour Management.
- The Environment Agency’s guidance H4 indicates the human nose reacts to odour exposure over a 1 to 5 second interval and thus the use of levels averaged over an hour may not prevent persons being exposed to short-term levels much higher than the average level over the hour.
- The Odour Dispersion Modelling Report indicates that increasing the stack height from its existing 7.5m to between 10.5 and 11.5m would give sufficient dispersion of the emission to reduce the peak odour to below 1.5 ouE/m³ at all off-site residential premises.
- Report refers to an Odour Management report which has not been submitted
- The Odour Dispersion Modelling Report refers to extraction system improvements having taken place but no details are included. However, I understand this has involved substantially increasing the efflux velocity of the extraction system to increase the dispersion and dilution of the emission from the extraction system.
- Site would require an Environmental Permit and the company has been advised of this.
- Permit would include conditions on emissions to the air ensuring air quality standards are met.
• Note health concerns particularly regarding polycyclic aromatic hydrocarbons (PAH’s). PAHs are widespread environmental pollutants that are a group of organic compounds, some of which can be harmful. They may be formed during industrial processes. Traffic has been found to be the main outdoor source of PAH’s.

• Advice from Public Health England is that it is very unlikely that the general population will be exposed to a level of PAHs high enough to cause adverse health effects. They have also pointed out that the human nose is sensitive to odours and can detect some chemicals at levels that surpass even some of the most sensitive instrumental analysis methods and at levels below what is significant to health.

• We have sought guidance on the potential health impact of bitumen from the following sources:
  • Health and Safety Executive Documentation for persons working with bitumen (who I assume would suffer the highest exposure) such as HSG33 Health and safety in roof work. These do not highlight a health risk from bitumen other than burns.
  • The Secretary of States statutory guidance on the permitting of roadstone coating processes published by Defra which does not highlight bitumen fumes as anything other than an odour issue.
  • The management of large local road stone coating processes who were not aware of a health risk from bitumen other than burns.
  • Health and safety data sheets published for bitumen produced by suppliers which do not highlight a health risk from bitumen other than burns.
  • Unable to object but request the following conditions on increasing height of chimney, mean stack velocity of extraction systems remains above levels in odour report, restrict hours of use & 8:30 to 19:00 Monday to Friday and 09:00 to 16:00 on Saturday and not at all on Sundays or public holidays, linking Morningthorpe Farm dwelling to ownership of business, no new installation of new or replacement plant or machinery.

Amended proposal
• Support the proposed increase in height of chimney.

(The officer’s original comments are attached as an appendix)

3.5 Historic Environment Service
No implications for the historic environment

3.6 Other Representations
3 letters of objection from same household
• Site is surrounded by farms which comply with DEFRA regulations this business shows no regard to DEFRA rules, or local government or planning law.
• DEFRA Guidance that businesses emitting hydro-carbons needs licence – as a result the business is unlawful
• Lack of clarity in the application refers to replacement building when in fact its change of use.
• Site is in production more than 90 days a year
• Fumes have intensified on production days since the dry storage facility was created and incorporated into productivity but has not been included as part of this application.
• Activity far in excess of documented in the application
• Pollution since the 2013/2154 building was erected has caused respiratory and sinus symptoms for both me and my wife.
• Bitumen vapour includes compounds like VOC’s and PAH’s in common with cigarette smoke
• Suffering health problems and risk associated with smoking including cancer
• Loss of amenity by deterioration of air quality for residents walkers and dog walkers
• Need a more honest application, licence and filters to reduce harmful pollution emissions to below controlled by current EU legislation and air quality
• Solvents are added to bitumen to make to increase its viscosity when they are released into the atmosphere they do not stay together and volatile particles are released into the atmosphere.
• Bitumen can cause mild to severe burns but the additives that it release cause more significant health affects
• One of the solvents comes from chemical family known as napha which includes naphthalene (coal tar) can be toxic and cause side effects some research has shown that prolonged high exposure may destroy red blood cells.
• Test in rats developed cancers from exposure
• Benzene can cause cancers and have side affects
• Toluene is a carcinogen has odour associated with paint, nail vanish and rubber adhesives can have side affects
• Bitumen have other compounds in addition to PAHs that have distinct smell including hydrogen and sulphide which also have side affects
• Odours can be masked or neutralised but unsafe to assume that masking or neutralising the component parts removes the compounds which affect human health. For example deodorant does not stop someone from sweating
• No evidence provided in the reports to prove that the odour reduction exercise represents the ongoing Roadtech Operations
• Public Health England has informed South Norfolk Council of the following:
  • PAHs are indeed included in the EU Air Quality standards without any monitoring it would not be able to undertake a meaningful risk assessment in order to assess whether the limits are in breach of standards
  • PAH monitoring equipment is readily available surprised PAH testing has not been carried out by South Norfolk.
• Shame there is no monitoring of the PAH levels as Public Health England appear willing to assess and interpret these
• Health and Safety Executive have given guidance in their publication EH40 updated in 2011 and DEFRA Guidance makes it clear that any business emitting hydro carbons has to record emissions levels
• If records why have they not been made available to the PHE
• HSE has published widely concerning the Cancer Risk following exposure to polycyclical aromatic hydrocarbons. Report 068 highlights the risk report concluded there is an increased risk from exposure to PAH
• Bitumen industry plays down risk as tobacco companies do in promotional material.
• Planning application currently fails to include around 50% of the plant and building currently deployed in the process.
• Fearless health hazard has been hidden
• Gaps in Environmental Quality Team email emits requirement to provide statutory disclosures on hydrocarbon emissions.

4 Assessment

4.1 The application relates to Morningthorpe Farm in Anson Lane. The site was used as a pig farm in the past but has not been in agricultural use for some time. You will note from the history that change of use was granted to use one of these buildings for cardboard manufacturer. This building was replaced by a building which was granted permission in 2013 (application number 2013/2154) which has a restricted use for the storage of machinery, equipment and landscape tools for use in connection with the dwelling Morningthorpe Farm and associated land as shown on the location plan. There is a farmhouse on the site in the same ownership. The nearest residential property is approximately 300 metres to the north.

4.2 This is a retrospective application to change the use of the building from agriculture to the manufacture of bitumen based road repair products. The existing building which is a mix of block, brick and timber cladding construction with cement fibre room houses a silo and boiler and there is an external storage tank. Materials and equipment are stored externally on the site. At present raw materials are also stored in one bay of the building given consent under planning permission 2013/2154. The applicant has been requested to include this as part of the application but is not prepared to do so. The justification for doing this is that they do not intend to use this building in the long term and all the storage will be external once the yard has been tidied up. The red line of the application has been amended to include the staff welfare facilities on the site.

4.3 The site is used in association with Roadtechs Europe Limited headquarters at Topcroft that provides products and services to the highway maintenance industry. The company works from three locations in the UK and exports its products globally. These products have been developed through research and development at the Topcroft site since 2002. The site at Topcroft site is at capacity.

4.4 The site is located outside any development limits defined by the Site Specific Allocations and the Long Stratton Area Action Plan.

Principle of development

4.5 Policy DM1.3 in the Development Management Policies restricts new development unless it is specifically allowable under one of the development management policies or the proposal has overriding economic, social and environmental benefits.

4.6 Policy DM2.10 in the Development Management Policies permits the conversion of the existing buildings to employment uses subject to a number of criteria:
  • The development would not result in the loss of a building suitable for continued agricultural use and would result in a new building being required.

4.6 No agricultural activity has occurred on the site for a considerable period of time so this would not the case.
  • The building is standing and has adequate external dimensions and there are no significant changes to the appearance of the building which would adversely affect the rural character of the building or setting.

4.7 The only external alterations to the building are the external flue which it is proposed to increase in height. The external space which is used for storage be well screened by existing vegetation.
  • The proposal is not a leisure or retail use so would not impact on the vitality or viability of nearby settlements.
4.8 As a result, in principle it is considered that the conversion of the building to employment use is acceptable.

Odour

4.9 There has been an issue with the odour being emitted by the process. Concern has been raised by a resident living approximately a mile to the north and from Shelton and Hardwick Parish Council on behalf of residents of Hardwick. Myself and The Community Protection Officer were able detect the smell in Hardwick. An air quality and odour report has now been submitted which includes modelling of data taken from the site and is based on average years weather based on three years of metrological data. This data was taken after the extraction system had been upgraded.

4.10 The report states that the odour would not cause unacceptable level of exposure to odour. The Community Protection Officer raised concern that this has been based on data which is averaged over an hour, which could mean that residents were exposed to short term levels at a much higher rate. The report indicates that increasing the stack height would reduce this peak odour to below the 1.5 ouE/m³ Environment Agency’s Guidance. The applicant has agreed to increase the height of the flue which the Community Protection Officer is satisfied will overcome this issue.

4.11 Prior to the report being carried out improvements to the system have been carried out which increase the efflux velocity of the extraction system which has increased the dispersion and dilution of the emission from the extraction system. This will have improved the odour dispersal and dilution from the site.

4.12 On this basis the Community Protection Officer raises no objection on the basis of odour and the proposal now accords with policy DM3.13 of the Development Management Policies. He has however, suggested conditions on velocity of the extraction system. Rather than a condition on requiring details of any new plant and machinery as suggested, a condition limiting the capacity of the equipment is considered more appropriate; this issue cannot be adequately controlled by the Environmental Permit.

Air Quality

4.13 The development does require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 an application for which has now been submitted to the Council, the permit would control the emissions to the air from the process and ensuring air quality standards are met.

4.14 Paragraph 122 of the NPPF makes it clear that local planning authorities should focus on whether the development itself is an acceptable use of land and the impact of the use, rather than the control if processes or emissions themselves where these are subject to approval under pollution control regimes. The development will be subject to an Environmental Permit which will ensure that any emissions are at an acceptable level.

Health

4.15 Concern has been raised about the health implications of the development and the objectors state they have suffered respiratory and sinus problems as well as being concerned the emissions may be carcinogenic. There is particular concern about polycyclic aromatic hydrocarbons (PAH’s).
4.16 Although not standard practice, the Community Protection Officer has contacted Public Health England regarding the development. They make it clear that the greatest exposure would be to operatives at the business and once emissions are released into the air then they are diluted and dispersed. As a result it is unlikely that the general population will be exposed to levels of PAHs high enough to cause health effects.

4.17 They also highlight the fact that Hydrogen Sulphide (H2S) and poly-aromatic hydrocarbons (PAHs) can be given off at varying quantities when bitumen is heated. H2S has a low odour threshold and can be detected at concentrations well below that which would cause health effects. In addition PAHs and H2S occur from a number of sources, including traffic emissions and industry. The emissions would be controlled by an Environmental Permit.

4.18 In addition the Community Protection Officer has also researched advice on health safety regarding use of bitumen and the main risk is from burns. Fumes are only mentioned as an odour issue.

4.19 Whilst health is a material planning consideration, given the scale of the development and the requirement for an Environmental Permit, which will control emissions, it is not considered that there is sufficient evidence that the development would cause significant harm to health to warrant refusal or further investigation.

Noise

4.20 A noise report has been submitted and the Community Protection Officer does not consider that the proposal would result in any significant loss of amenity from noise, subject to an hours of use condition. As a result the development complies with policy DM3.13 in the Development Management Policies.

4.21 The assessment of residential amenity has been made on the basis of dwellings not in the ownership of the applicant. Given the proximity of the existing farmhouse there is potential for this dwelling to be adversely affected by the development and consequently a condition is proposed that the farmhouse and bitumen production business must remain in the same ownership. The applicant is prepared to accept this.

Visual impact

4.22 The site is well screened from the road with existing landscaping and as a result it is not considered that the development significantly adversely affects the local landscape. Increasing the height of the flue would make it more visually prominent but within the context of the existing buildings it is not considered that this would cause significant harm to the visual amenity of the local area as required by policy 2 in the JCS. A condition is suggested restricting the height of external storage.

Highways

4.23 A transport assessment has been submitted with the application. Bulk raw materials and finished product is delivered to and from the site in HGVs. Production is currently 900 tonnes a year although there is potential for this to increase to 2000 tonnes. At present there is on average two HGV movement to and from the site in a week and this has the potential to increase to four.

4.24 The immediate highway network consists of narrow roads, but the development does utilise an existing building. The Highway Officer has considered the existing traffic movements as well as those that could occur and has given weight to what traffic could be generated from the farm use. On that basis he does not consider the highway impact to be sufficient to warrant refusal of the application on highway grounds. He has noted however, that he would be concerned about any significant expansion of facilities on the site.
The condition limiting the capacity of the bitumen equipment will also indirectly limit the HGV movements from the site.

4.25 The Parish Council has raised an issue about vehicles exceeding the weight limit through Shelton. It is my understanding that material and product would be delivered and dispatched direct from the site and not via the Topcroft site. The Topcroft site is within a weight limit which also forms part of the same weight limit in Shelton. As a result, any vehicles travelling between Topcroft and Morningthorpe would not be in breach of the weight limit.

Drainage

4.26 As the building and hard standing are already there, the drainage will remain as existing.

4.27 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.

4.28 This application is liable for Community Infrastructure Levy (CIL) because the floor area is in excess of 100 sqm and the building has not be in lawful use for 6 months in the last 36 months.

5 Conclusion

5.1 The development makes good use of a redundant agricultural building and, subject to conditions, would not significant adversely affect the amenity or health of nearby residents, air quality, highway safety or the landscape. The development consequently accords with relevant planning policies outlined in this report.

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

To: Helen Bowman  
Growth & Localism

From: Adrian Nicholas  
Community Services

Tel No: 01508 533722
My Ref: 16/10178/EPMM50
Your Ref: 2016/0160
Date: 23 June 2016

Planning Application: 2016/0160.

Proposal: Change of use of existing agricultural building for B2 industrial use in manufacture of bitumen based road repair products.

Location: Morningthorpe Farm, Ansons Lane, Morningthorpe.

I write with regarding the above planning application and in particular, the additional information submitted in the form of an Environmental noise report, Odour Monitoring Report and an Odour Dispersion Modelling Report.

The Environmental noise report was undertaken with regard to the noise impact of the bitumen based road repair products manufacturing plant at Morningthorpe Farm on the nearest residential premises which is Anson’s Lane Cottage about 350m to the north northeast. The assessment was undertaken with regard to British Standard 4142:2014 - "Methods for Rating and Assessing Industrial and Commercial Sound" as we would expect in such a case. The assessment indicated that there was a low likelihood of adverse impact due to noise at these premises.

The Odour Monitoring Report contains details of an exercise to measure the level of odour, temperature and flow rate of the emission from the chimney serving the bitumen...
based road repair products manufacturing plant at Morningthorpe Farm. The temperature and flow rate of the emission were measured directly. The level of odour was measured by taking a sample of the emission, which was then submitted to an odour panel consisting of five persons.

The Odour Dispersion Modelling Report contains details of an exercise to assess the impact of the odour from the chimney to the bitumen based road repair products manufacturing plant at Morningthorpe Farm by modelling the data derived from the Odour Monitoring Report at a number of residential premises. This was done having regard to the Environment Agency’s guidance H4 - Odour Management. The Environment Agency’s guidance H4 indicates that:

- 1.5 odour units should be used for most offensive odours based on the 98th percentile of hourly average concentrations of odour.
- 1 ouE/m³ is the point of detection.
- There may be much greater uncertainties associated with odour modelling than with the modelling of other pollutants for the following reasons:
  - The human nose responds to odour exposure over a 1 to 5 second interval. Average exposure levels may very well be below the detection threshold but still expose people to short-term concentrations, which are much higher.
  - Steady state Gaussian models (e.g. Aermod, ADMS) are general-purpose models which are well established and routinely applied for odour assessments, and represent a good mathematical approximation of odour plume behaviour when the odour source is located in relatively simple terrain; where the winds are relatively evenly distributed; and where the frequency of low wind speeds (< approx 1.5 m/s) is below 2% for each compass direction.
  - To represent conditions for an “average year” hourly meteorological data for a period of at least three, preferably five years should be used.

The Odour Dispersion Modelling Report indicates that odour levels will be below 1.5 C₉₈, 1 hour ouE/m³ at off-site residential premises, including at Anson’s Lane Cottage about 350m to the north northeast where the maximum level is stated to be 0.31 C₉₈, 1 hour ouE/m³.

As indicated above, The Environment Agency’s guidance H4 indicates the human nose reacts to odour exposure over a 1 to 5 second interval and thus the use of levels averaged over an hour may not prevent persons being exposed to short-term levels much higher than the average level over the hour. The Odour Dispersion Modelling Report indicates that increasing the stack height from its existing 7.5m to between 10.5 and 11.5m would give sufficient dispersion of the emission to reduce the peak odour to below 1.5 ouE/m³ at all off-site residential premises.

The Odour Dispersion Modelling Report refers to the continued implementation of a site-specific odour management plan based on BAT. No details are included other than odour monitoring will be required to assess its effectiveness.

The Odour Dispersion Modelling Report refers to extraction system improvements having taken place but no details are included. However, I understand this has involved substantially increasing the efflux velocity of the extraction system to increase the dispersion and dilution of the emission from the extraction system.
I would expect the operation to which the application relates to fall under the Local Authority Pollution Control regime being a regulated facility (i.e. a Roadstone coating process) for the purposes of the Environmental Permitting (England and Wales) Regulations 2010. Thus, I would expect this process to require a permit under the regime in order to operate and the company have been advised of this. Any permit issued would include conditions designed to limit the impact on the environment by minimising the emissions to air from the process and ensuring air quality standards are met. These should be based on the Government guidance on this regime, including the Secretary of States statutory specific guidance on the permitting of Roadstone coating processes, which in the case includes a Model Permit.

We note that there have been concerns expressed regarding health concerns regarding the bitumen fumes from the road repair products manufacturing process and in particular polycyclic aromatic hydrocarbons (PAH’s). PAH’s are widespread environmental pollutants that are a group of organic compounds, some of which can be harmful. They may be formed during processes such as incomplete combustion of organic materials such as coal and wood, or during forest fires. PAH’s are released during industrial activities such as aluminium, iron and steel production in plants and foundries, waste incineration, mining or oil refining. Emissions from traffic have been found to be the main outdoor source of PAH’s.

Advice from Public Health England is that it is very unlikely that the general population will be exposed to a level of PAH’s high enough to cause adverse health effects. They have also pointed out that the human nose is sensitive to odours and can detect some chemicals at levels that surpass even some of the most sensitive instrumental analysis methods and at levels below that which is significant to health. In addition, olfactory sensitivity (sense of smell) can vary wildly within the population.

We have sought guidance on the potential health impact of bitumen from the following sources:

- Health and Safety Executive Documentation for persons working with bitumen (who I assume would suffer the highest exposure) such as HSG33 Health and safety in roof work. These do not highlight a health risk from bitumen other than burns.
- The Secretary of States statutory guidance on the permitting of Roadstone coating processes published by Defra which does not highlight bitumen fumes as anything other than an odour issue.
- The management of large local road stone coating processes who were not aware of a health risk from bitumen other than burns.
- Health and safety data sheets published for bitumen produced by suppliers which do not highlight a health risk from bitumen other than burns.

It should also be noted that any permit issued for the process under the Environmental Permitting (England and Wales) Regulations 2010 would include conditions designed to limit the impact on the environment by the emissions to air from the process and ensuring air quality standards are met.

Having regard to the above, we do not consider that we can present sustainable grounds to object to this planning application. However, we would recommend that any approval of this application include the following conditions:
• A condition requiring that the height of the chimney serving the bitumen based road repair products manufacturing plant is increase to at least 10.5m above ground level.

• A condition requiring that the Mean Stack Velocity of the extraction system remains at or above the level identified in the document entitled "Report for the Odour Monitoring at Roadtechs Limited, Ansons Lane Site" produced by Synergy Environmental Solutions Limited and submitted as part of the planning application.

• **RU/RA Restricted activities on site**
  No machinery shall be operated, no processes shall be carried out and no deliveries taken at or dispatched from the site outside the hours of 7:30am and 7:00pm Monday to Friday and 09:00am and 04:00pm on Saturday. There shall be no machinery operated, no processes shall be carried out and no deliveries taken at or dispatched from the site on Sunday nor on any public holiday.

• A condition linking the occupation of Morningthorpe Farmhouse to the proposal.

• A condition prohibiting the installation of any new and / or replacement plant for the manufacture of bitumen based road repair products or other process involving bitumen without the written approval of the district planning authority.

Adrian Nicholas  
Community Protection Team
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.

**Recommendation**: Refusal

1. **Planning Policies**

1.1 National Planning Policy Framework  
NPPF 07: Requiring good design

1.2 Joint Core Strategy  
Policy 2: Promoting good design

1.3 South Norfolk Local Plan  
DM3.6: House extensions and replacement dwellings in the Countryside  
DM3.8: Design Principles applying to all development  
DM3.11: Road safety and the free flow of traffic  
DM3.13: Amenity, noise, quality of life

2. **Planning History**  
None

3. **Consultations**

3.1 Parish Council  
No comments received

3.2 District Member  
Cllr Legg  
- While the principle of development is acceptable, unresolved issues regarding proposed rear extension

3.3 Other Representations  
One letter of support

4. **Assessment**

4.1 The application site comprises a semi-detached two storey dwelling which is part of a group of properties along Swardeston Lane and outside of any development boundary. The property includes a brick built outbuilding on its northern side which forms the boundary wall on this side. This application proposes the conversion of this outbuilding to living accommodation and the construction on a two storey extension on the rear (western) elevation. An extension to the front roof slope and a front porch is also proposed.

4.2 Policies in the JCS, local plan and the requirements of the NPPF seek to ensure that proposals are for an appropriate use, are of good design and do not adversely affect the character of the existing dwelling or the street scene to a material degree, or have an adverse impact on the privacy and amenities of neighbouring properties.

4.3 The proposed two storey rear extension would be prominent in views from the east along Swardeston Lane but would not be seen in views from the west. It would be close to the boundary with the adjoining property which is currently enclosed by a high
hedge. The proposed extension would be to the north of the adjoining property and so it is acknowledged that loss of daylight would be limited. However, at the depth proposed of 4.19 metres, it is considered that this proposal would result in an overbearing impact and an enclosing effect on adjoining occupiers and so would be harmful to existing residential amenity. Following discussions with officers, the applicant submitted revised plans which set the extension 525mm back from the boundary, lowered the eaves height to match the existing and added a hip to the roof. While these amendments do slightly improve the relationship with the adjoining property and it is acknowledged that the adjoining occupiers have supported this proposal, they are not considered sufficient to address officers’ concerns regarding the impact on existing residential amenity. For this reason it is considered that this element of the proposal would conflict with policy DM3.13 of the South Norfolk Local Plan 2015.

4.4 There are no objections to the proposed conversion of the existing outbuilding along the northern boundary. Similarly, it is considered that the proposed extension to the front roof slope and proposed porch would have an acceptable impact on residential amenity and limited visual impact due to the orientation of the property and the high hedge along this part of the northern boundary.

4.5 Sufficient parking provision would remain within this site.

4.6 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.

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

5 Conclusion

5.1 The proposed conversion of the outbuilding, front roof extension and front porch are considered acceptable in terms of design and impact on residential amenity. However, the proposed two storey rear extension, because of its overall depth, would result in an overbearing impact and an enclosing effect on adjoining occupiers and so would be harmful to existing residential amenity. For this reason the proposal would conflict with policy DM3.13 of the South Norfolk Local Plan 2015.
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)

Recommendation: Approval with Conditions (but impose revised condition requiring TRO within 12 months)

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

1. **Planning Policies**

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

1.2 Joint Core Strategy  
Policy 5: The Economy  
Policy 15: Service Villages

1.3 South Norfolk Local Plan  
Development Management Policies  
DM1.3: The sustainable location of new development  
DM2.1: Employment and business development  
DM3.11: Road safety and the free flow of traffic  
DM3.12: Provision of vehicle parking  
DM3.13: Amenity, noise, quality of life

2. **Planning History**

2.1 2012/2149  
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  
Approved
2.2 2014/2279 Discharge of condition 3 of planning permission 2012/2149 - Materials Approved

2.3 2015/2208 Discharge of conditions 6 - External Lighting, 7 - Kitchen Extraction and 12 Generator/Compressor/Chilling Unit of application 2012/2149 Approved

2.4 1996/1232 Retention of chilled store room for farm shop Approved

3. Consultations

3.1 Parish Council

- The Parish Council accepts that there is a long established need for a speed limit at the Hellington Corner junction on the busy A146 road.
- But the Parish Council is not persuaded that it is proportionate for the entire and substantial cost of the speed limit to be the entire responsibility of the Green Pastures nursery, which is a small business which also offers a community post office service to local people.
- The Council is disappointed that the offer by Green Pastures to contribute a sum in proportion to the increase in traffic from its development on the junction was not responded to and regrets that costs which could have been applied toward the orders have instead been expended on this application and other consultants fees.
- Whilst supporting the principle of the speed limit, we conclude that the condition is excessively and disproportionately onerous to the small business and on this basis supports the removal of the condition.

3.2 District Member

This should go to committee if refusal is contemplated

- This is an economic development related application affecting a small family business in Bergh Apton. Whilst it is clear that there is a need for a speed limit on the A146, this is a busy road linking Loddon and Lowestoft to Norwich. It is disproportionate for the business to pay for the entire cost of the orders.
- It is disappointing that the Highway Authority has failed to negotiate a proportionate contribution in line with the marginal increase in traffic.
- We need to balance the need for general highway improvements against the specific burden on the small business.

3.3 NCC Highways

Refuse the removal of the Traffic Regulation Order condition

3.4 Other Representations

Petition with 15 signatures

- Surprised to note the comments that there has been no significant increase in traffic in and around the A146 and Mill Road junction
- There is increased traffic coming to green pastures but it is normally not during rush hours
- One of the reasons the Planning Inspector rejected a proposal to build a house between Millers Cottage and Bilcar was increased traffic and impact on highway safety
- The traffic increase is not just caused by the garden centre, there was an accident involving a school bus on Hellington Corner
- The implementation of traffic calming measures, signs and reduced speed limit are essential
3 letter of support

- Unfair and unreasonable for a small business of this size to foot this large bill
- Green Pastures is a huge asset to our community, giving local employment and all the hugely valuable services
- Should have happened years ago
- Fully support the reduction, number of accidents which pre-date the opening of Green Pastures restaurant
- Traffic increase not down to this restaurant
- Number of projects that have happened around the area which also have a bearing on the traffic

4 Assessment

4.1 This application seeks the removal of condition 10 of planning permission 2012/2149 requiring a Traffic Regulation Order (TRO).

4.2 The planning permission gave consent for the part demolition of existing garden and farm shop facilities; a 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, at Green Pastures plant centre and farm shop, Mill Road, Bergh Apton. The original internal floor area of the premises was 183 sq m and the consent increased this to 588 sq m, including a new restaurant with 60 covers. The site is located to the south of Mill Road close to Hellington Corner and the A146 strategic route.

4.3 Condition 10 of the 2012/2149 planning permission required the following:

- The development hereby permitted on the site shall not be brought into use until the Traffic Regulation Order for extending the 50 mph speed limit on the A146 has been promoted by the Highway Authority.

4.4 The development has been carried out and is in use. The requirements of the above condition have not been complied with and therefore the business is operating in breach of this condition.

4.5 The applicants have applied for the total removal of the condition and have supported their application with the following statement:

4.6 'The A146 is a strategic route managed by Norfolk County Council as Highway Authority and Green Pastures Farm Shop takes access via Mill Road, which in turn connects with the A146 via a simple T-junction. The online resource "Crashmap" shows no accidents having been recorded at this location for at least five years and the increases in traffic generation associated with planning permission 2012/2149 are negligible against the backdrop of strategic traffic on the A146. Condition 10 requires an extension of the existing 50mph speed limit westwards beyond the Mill Road/A146 T-junction. This would require a Traffic Regulation Order (TRO) subject to approval by the Highway Authority and statutory/public consultation and therefore, cannot be guaranteed to be successful. Should the TRO be successful, signing for the speed limit extension would also need to be installed. Estimated costs for the TRO process and associated signing are in the order of £2,500 and £2,000, respectively.'

4.7 NCC Highways have assessed the application and have stated that 'we remain of the view that the Traffic Regulation Order subject to this condition is necessary and that the applicant should fund it as a direct means of mitigation against their own impact. In addition, we believe the cost is in proportion to that impact. The likely costs for the processing of the Traffic Regulation Orders in addition to the actual works costs are in the region of £5000. This figure is a modest cost in relation to the development costs of an understood £250,000.' The Highway Officers comments are attached in full as Appendix 2.
4.8 The NPPF advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable.

4.9 In view of the above and following legal advice, I consider that there are two ways forward;

- A replacement condition is imposed (this requires rewording as the development has already been brought into use) giving a time scale of 12 months for compliance
- The condition is removed

4.10 The planning condition requiring the provision of the TRO for the 50 mph speed limit was considered by the Highway officer as fundamental in accepting the planning proposal, given the negative highway impact by more traffic using the substandard junction of Mill Road and the A146. Having given due regard to the NPPF’s requirements for the imposition of conditions and all the representations made in respect of the application, I consider that Condition 10 was necessary, reasonable and relevant to the development concerned.

4.11 It is not a matter for the Planning Authority to decide who pays for the TRO, but it must consider whether it is acceptable for the whole development to continue in use without the highway safety enhancement (speed limit) being introduced, as recommended by the Highway Authority. It would have been more appropriate for the applicant to have appealed against the original condition 10 rather than proceeding with the development without complying. This has created a more difficult situation to resolve, given the investment that has now been made in the site and the established business uses.

4.12 Given that the development is already in operation in breach of the original condition 10, and to give a reasonable time for the TRO to be secured and implemented, I consider that a new condition should be imposed instead of original condition 10. The new condition should require that, except for the farm shop and garden centre use, the uses introduced with the new development (post office; restaurant/café; and demonstration/teaching facility) should cease unless, within 12 months, a TRO has been secured and implemented to introduce a 50 mph speed limit on the specified section of the A146 Highway. (The precise wording of the condition will need to be agreed following legal advice).

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

5 Conclusion

5.1 This decision involves balancing the critical issue of highway safety against the unfortunate economic consequences of the developer’s disregard of the planning condition. Although it is clearly planning policy to support the local economy and employment, highway safety must obviously be given very substantial weight and the Highway Authority’s advice remains that the TRO is required to make the development acceptable. I consider that the imposition of a condition as outlined in paragraph 4.12 above (along with the other conditions summarised at the head of this report) is a reasonable compromise to allow the business to continue in the short term, but to give a 12 month period within which the TRO should be delivered or the additional traffic generating uses cease.

Contact Officer, Telephone Number Claire Curtis 01508 533788
and E-mail: ccurtis@s-norfolk.gov.uk
Dear Claire Curtis

Bergh Apton: 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)
Green Pastures Farm Shop Mill Road Bergh Apton Norfolk NR15 1BQ

With reference to the consultation received recently to the above development proposal,

As you will be aware this application has been the subject of discussion with NpLaw and these comments are a reflection of the legal advice given.

Background - The application 2012/2149 sought to partly demolish an existing garden and farm shop; construct a new build garden and farm shop retail premises (something like 3 times bigger than previous); a new post office; new restaurant with 60 covers; and a demonstration/teaching facility + extension to car park for the additional visitors. We were/satisfied that there was/is a material traffic impact and increased volume of traffic from the site on a daily basis, partly as a result of the increased and more attractive sales areas and notably the proposed 60 seat restaurant which is a new venture for the site.

Highway position - The neighbouring junction of Mill Road with the A146 strategic route does not have a formal right turn lane facility in order for vehicles turning right into Mill Road from the Norwich direction to wait clear of the moving traffic. Accordingly for a road of this type we would normally expect to recommend refusal to a development proposal of this nature where there is a clear and significant increase in turning movements at the junction with a strategic route. The cost of providing a right turn lane here would be in the region of £250,000 and is totally out of proportion to the scale and nature of the development.
The junction has previously been subject to several minor improvements to signing and lining. To provide further improvement would require substantial changes to the junction form and major improvements to the visibility splays to bring them up to modern standards appropriate to a 60mph speed limit. This would be out of context with the level of development which is why the next logical step is to introduce a speed limit that is more consistent with the existing highway environment.

The junction also suffers from poor visibility, notably in the southerly direction where visibility is limited to around 100 metres. This available sight distance of around 100 metres is lower than the standard recommended for a 40mph speed limit and is only 50 percent of the recommended guidance of 215 metres for a 60 mph route. There is no prospect of improving matters without third party land acquisition which again would also be out of scale and proportion to the development proposed. Again we would normally expect to say no to this development on the grounds of poor visibility.

However... In this instance there was an ability to reduce the traffic speed on the strategic route past the junction at a modest cost. It doesn’t solve all of the issues at the junction but we took a view that it balances the traffic impact. On the one hand there will be more traffic using the substandard junction (it will still remain substandard) but on the other hand matters will be improved by reducing traffic speed. On balance the situation should be no better or worse than previously existing prior to the development. Without the TRO then there will defiantly be a negative highway impact. The Planning condition requiring the provision of the Traffic order for the 50 mph speed limit was considered by Highways as fundamental in accepting the planning proposal given our previously stated concerns.

**Without the developer funded TRO –** It should also be noted that this matter relates to a 2012 planning application and our ability to fund TRO’s ourselves has changed vastly since that date. To give an indication, the traffic management programme which funded requests for reviews of speed limits and weight restrictions was reduced post 2010 from around £360,000 per year down to around £100,000. I am afraid that it has now been fully removed. Consequently at the current time we are no longer able to fund and progress this type of scheme. Our obligation is to maintain the highway network as existing rather than undertake/fund improvements – thus without the developer mitigating against their own impact then I’m afraid it’s unlikely we will be able to step in and fund it either. Accordingly without this condition this development proposal will have a lasting negative impact.

**Severity** – We remain of the view that the TRO subject to this condition is necessary and that the applicant should fund it as a direct means of mitigation against their own impact. In addition, we believe the cost is in proportion to that impact. The likely costs for the processing of the Traffic Regulation Orders in addition to the actual works costs are in the region of £5000. This figure is a modest cost in relation to the development costs of an understood £250,000.

I understand there is no Norfolk County Council scheme in the forward programme for the alterations to the speed limit at Bergh Apton. Had this been the case then I agree that a scenario may have arisen where a contribution from the applicant to a Council scheme may have been appropriate.

[www.norfolk.gov.uk](http://www.norfolk.gov.uk)
In order to try to assist Mr & Mrs Debbage I have previously raised this issue with the Project Engineer dealing with the Traffic Orders for the speed limit changes for Trowse to see if the Bergh Apton changes could be included within the same legal Order to potentially reduce the costs to the applicants. Unfortunately, owing to the lead in time for the orders this arrangement did not prove possible.

**Necessary** – We would point out that as LPA you were satisfied the condition was necessary when you imposed it and we can see no reason why this view should be now changed.

**Way forward** - It seems to us that following the legal advice, that the appropriate way forward is for the suggestion of granting approval to the current application but with the imposition of differing conditions which are more enforceable.

Yours sincerely

Adrian Jacklin

Highways Development Management Officer
for Executive Director for Community and Environmental Services
8. **Appl. No**: 2016/1202/S106A  
**Parish**: SHOTESHAM

Applicants Name: Mr & Mrs B J Carver  
Site Address: Glenview The Common Shotesham Norfolk NR15 1YD  
Proposal: Discharge of S106 obligation relating to land management

Recommendation: The Section 106 planning obligation is discharged

1. **Planning Policies**

1.1 National Planning Policy Framework  
NPPF 06: Delivering a wide choice of high quality home  
NPPF 10: Meeting the challenge of climate change, flooding and coastal change  
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 6: Access and Transportation  
Policy 3: Energy and water  
Policy 16: Other Villages

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  
DM3.8: Design Principles applying to all development  
DM3.10: Promotion of sustainable transport  
DM3.11: Road safety and the free flow of traffic  
DM3.6: House extensions and replacement dwellings in the countryside  
DM3.12: Provision of vehicle parking  
DM3.13: Amenity, noise, quality of life  
DM4.5: Landscape Character Areas and River Valleys

1.4 Supplementary Planning Document  
South Norfolk Place Making Guide 2012

2. **Planning History**

2.1 2014/1866  
Retrospective application for retention of satellite dish on outbuilding, as 2 already erected on main house  
Approved

2.2 2011/1138  
Rear extension  
Approved

2.3 1999/1794  
Demolition of existing bungalow and erection of new dwelling  
Approved
3. Consultations

3.1 Parish Council

- No confidence that any ad hoc conditions could be imposed with a real expectation that they would be honoured. The present, very clear, Section 106 agreement has been breached by the owners and not enforced by the Officers or members of South Norfolk District Council. The last statement [enforcement ref: 2014/8159] by the Council, in August 2015, did give some encouragement that they may be enforced in the future by stating that the owners are strongly reminded of their obligations under the S.106 Agreement.

- Very concerned that the highly valued landscape panorama that sweeps down either side of the beck from All Saints Church and along the Common to merge finally into the Tas Valley would be spoiled if the paddock area of Glenview was not constrained by the power of a Section S.106 Agreement.

- The present practice of cutting the grass when the owners feel appropriate is seen as the only easing of the Section 106 that is acceptable.

- The restrictions on buildings etc., trees, shrubs and flower beds should continue to ensure the paddock does not become an unwelcome ‘domestic’ intrusion into the highly valued landscape.

- The marsh area does still require the Section 106 as the dredging etc. still needs to go on as per the current agreement which has been accepted by the owners of Glenview. The suggested easing of its conditions re removing spoil and the annual grass and composting them in a carefully sited and constructed composting area is seen as an acceptable easing of one the more onerous conditions of the S.106. The site and construction should be agreed with officers before those restrictions are lifted. The non-removal of the dredged material and its placing close by is also acceptable.

- The Plant Survey: The survey was done in January when little or no activity takes place thus nothing could be recorded. If a ‘plant survey’ is important it should be repeated now the season is in full swing.

- The non-compliance with the conditions set in the current S.106 would have seen any possible plant life not having been encouraged thus little would be there now to be found some 16 years after the beginning of the agreement.

- We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impact of developments ‘. Would this be relevant for this application.

3.2 District Member To be reported if appropriate

3.3 Natural England No comments to make

3.4 Environment Agency No comments received

3.5 Tas Valley Society No comments received
3.6 Other Representations

2 Letters of objection

- Despite the restrictions on the land i.e. frequent grass cutting, non-native tree planting and building a large wooden building to which a satellite has been added, unlawful extension of boundaries within the Paddock Area and improper maintenance of Marsh Area. Several, if not all of these abuses have been reported and effectively condoned with no action being taken
- Would accept that in some respects the restrictions imposed by the deed could be considered somewhat onerous, the application places no apparent boundaries against additional deregulation in the future
- No effort to soften the impact of the building on view when you leave the village
- Understand the owner may wish to have an area round the house as 'garden' but this will potentially affect his neighbours
- Concern that a boundary between the garden and the field, only a native hedge would be appropriate
- Wish for assurances that the car parking area will not be extended onto the land that is clearly visible and this is not a first step to turning the land into a building plot
- Please ensure his neighbour is not hemmed in by buildings, vehicles and there is an appropriate size of garden for such a bungalow but it is not the whole field
- SSSI land needs protecting
- The current review of S106 concludes that there is no further requirement despite signed up to by all concerned parties 16 years ago
- Review has been sponsored by an agent of the applicant and cannot therefore be fairly considered to be independent
- Concerned that only brought to my attention by a site notice placed in a particularly precarious position, not easily accessible and potentially dangerous
- Any change of use of this land cannot seriously be considered to have no potential effect on my land and property
- Believe an independent review of the application is required, along with full interrogation of all the potential consequence of it being granted

4 Assessment

4.1 This is an application for the discharge of the Section 106 planning obligation dated 24th July 2000 and linked to the planning permission granted under reference 1999/1794 for the demolition of existing bungalow and erection of a new dwelling, at Glenview, The Common, Shotesham.

4.2 The application was for the replacement of a 1950's bungalow, with a new 'split level' style dwelling, the site lies within the open countryside to the west of the main road running through Shotesham Common in an elevated position above grazing land and flood plain to the west. The site was within an Area of High Landscape Quality (AHLQ) as designated in the Rural Area Local Plan, which has subsequently been superseded by South Norfolk local Plan 2003, which removed this designation and the South Norfolk Local Plan 2015. The area of land adjoining the application site to the west is important both in visual and contextually in terms of its relationship with the SSSI and Shotesham Common generally. The site lies within the A1 Tas Rural River Valley where the landscape is described in the South Norfolk Place Making Guide as being sparsely settled character with buildings of rural vernacular appearance clustered around fording points or linear development at upper or lower areas of the valley sides; some long views within the valley but restricted external views.
4.3 In respect of policy, if the application was to be submitted now for the replacement dwelling it would assessed in relation to DM 3.6 and DM 4.5, which look for all development to respect, conserve and where possible enhance the landscape character of its immediate and wider environment, and be compatible to the area’s character and appearance, and the landscape setting. Given that the proposal replaced an existing 1950’s bungalow; used the levels of the site to enable bedrooms and a garage below the existing ground levels and represented an improvement in design terms, I consider that the development would accord with policy.

4.4 The Section 106 planning obligation was imposed due to the Blue land being part of a site of high conservation value which may suffer from the consequences of development carried out on the Red lane (site of the existing and replacement dwelling) unless the Blue land is adequately managed and safeguard. Also for the purposes of conserving or enhancing the natural beauty or amenity of the Blue land, which is in the countryside and designated as of high landscape quality. A copy of the 106 is attached as Appendix 2.

4.5 Part I of the 106 prevents any development on the Blue land and Part II sets out a scheme of management for the Blue land, such as cutting and grazing the paddock area; existing fencing to retained or replaced by hedging; no tree, shrubs, wild flowers or garden flowers to be planted; clear boundaries to be maintained between the Red land and the paddock area. Marsh Area to be managed, maintained and grazed in a manner to accord with the Nature Conservation objectives of the adjoining Shotesham Common SSSI such as cleaning ditches and pond; directing the location of spoil from the pond and dredging from ditches; area to be gently grazed with cattle preferably but if not sheep but no more than 10; in absence of any grazing fen shall be mown.

4.6 Whilst I appreciate that the applicant entered into the agreement 16 years ago, as the 106 relates solely to nature conservation the applicant now considers it to be unfair and found the terms unnecessarily restrictive and impractical, hence has applied for the 106 to be discharged.

4.7 The NPPF advises that planning obligations should only be sought where they meet all of the following tests:
- Necessary to make the development acceptable in planning terms;
- Directly relate to the development; and
- Fairly and reasonably related in scale and kind to the development.

At the time of the application, advice regarding planning obligations was contained in Circular 05/05, which had similar tests.

4.8 Planning permission was granted for a replacement dwelling, therefore there was already residential use of the Red land with no restrictions on the remainder of the land owned by the applicant. Whilst the replacement dwelling was larger and split level, it was considered acceptable in its context and did not give rise to harm to the character of the area. Equally the application red line did not include the Blue land, therefore change of use to residential curtilage, erection of buildings/structure and engineering works would require a specific planning permission (all subsequent applications have also not included the Blue land). I therefore fail to see how the overly prescriptive maintenance requirements of the Blue land and restricting no ‘development’ was necessary to make the replacement dwelling acceptable; were directly related to the development or fairly and reasonably related in scale and kind to the development.

4.9 As this application seeks to remove a legal agreement, I have sought the advice of NPLaw before making my recommendation. Having given due regard to the NPPF’s requirements for the imposition of planning obligations and all the representations made in respect of the application, I consider that the planning obligation does not meet the tests set out in the NPPF and should therefore be discharged.
5 Conclusion

5.1 The Section 106 planning obligation does not meet the 3 tests as set out in paragraph 204 of the National Planning Policy Framework 2012, for the reasons set out above and therefore should be discharged.

Contact Officer, Telephone Number and E-mail: Claire Curtis 01508 533788 ccurtis@s-norfolk.gov.uk
This Deed is made the 24th day of July Two thousand
Between South Norfolk District Council of South Norfolk House,
Swan Lane, Long Stratton, Norfolk, NR15 2XE ("the Council") of the first part HSBC
Bank PLC (Co. Regn. No. 14259) of London Securities Processing Centre, 144
Leadenhall Street, London EC3V 4PP ("the Mortgagee") of the second part and Barry
John Carver and Pauline Anne Carver of "Appleacres", Church Hill,
Saxlingham Nethergate, Norfolk NR15 1TD ("the Applicants") of the third part

Whereas:

(1) The Council is the Local Planning Authority for the purposes of the Town and
Country Planning Act 1990 or any statutory modification or re-enactment thereof ("the
Act") for the area in which the land hereinafter described is situate.

(2) The Applicants are the owners in fee simple in possession of land known as
"Glenview", The Common, Shotesham, Norfolk shown for identification on the plan
attached hereto ("the Plan") edged red ("the Red Land") and also the adjoining land to
the west of the Red Land shown for identification on the Plan edged blue ("the Blue
Land") both subject to the legal charge hereinafter mentioned.

(3) The Applicants have by written application dated 22 December 1999 applied to
the Council for planning permission to develop the Red Land by the demolition of the
existing bungalow and the erection of a new dwelling which application is more
particularly described in the forms, plans and particulars deposited with the Council and
numbered 07/99/1794/F ("the Application")

(4) By a legal charge dated 22 November 1999 and made between the Applicants of
the one part and the Mortgagee of the other part the Red Land and the Blue Land were
charged by way of legal mortgage by the Applicants to the Mortgagee to secure payment
to the Mortgagee of the principal and other moneys therein mentioned.

(5) The Mortgagee has agreed to join in this Deed in manner hereinafter appearing.
(6) The Blue Land is part of a site of high conservation value which may suffer from the consequences of development carried out on the Red Land unless the Blue Land is adequately managed and safeguarded from the effects thereof as hereinafter provided.

(7) For the purpose of conserving or enhancing the natural beauty or amenity of the Blue Land which is in the countryside and designated as of high landscape quality within the Council's area the parties have agreed that the Blue Land shall be managed as hereinafter provided.

NOW THIS DEED WITNESSETH as follows:-

1. THIS Deed and the covenants hereinafter contained are made with and are enforceable by the Council pursuant to Section 106 of the Act (and to the extent to which the said covenants are capable of being entered into thereunder they shall constitute planning obligations for the purposes thereof) Sections 111 and 139 of the Local Government Act 1972 and any other powers thereby enabling.

2. IN consideration of the grant of planning permission by the Council in relation to the Application by way of a decision notice of even date herewith (a draft of which is annexed hereto) the Applicants HEREBY JOINTLY AND SEVERALLY COVENANT AND AGREE with the Council so as to bind both the Red Land and the Blue Land and any part thereof into whosoever hands the same may come that they will observe and perform the restrictions obligations and stipulations set out in the Schedule hereto PROVIDED THAT the said Barry John Carver and Pauline Anne Carver shall not be personally liable for any breach of this Agreement which first occurs after they shall have disposed of all of their title and interest in either the Red Land or the Blue Land.

3. THE Mortgagee consents to the Applicants entering into this Deed provided that no action shall be taken against the Mortgagee personally for any breach of this Deed arising prior to the Mortgagee becoming a Mortgagee in possession of either or both the Red Land or the Blue Land regardless of whether or not such pre-existing breach shall continue for any period during which the Mortgagee is a Mortgagee in possession but in all other respects the Red Land and the Blue Land shall remain subject to the restrictions obligations and stipulations set out in the said Schedule.
4. THE Applicants and the Mortgagee HEREBY ACKNOWLEDGE (as regards any development which may be carried out in pursuance of the Application) the existence of and the need to comply with the conditions set out in the decision notice hereinbefore referred to.

5. NOTHING in this Deed shall be construed as restricting the exercise by the Council or by any other competent authority of any powers exercisable by it or them under the Act or under any statute regulation or byelaws PROVIDED ALWAYS that this Deed shall remain in full force and effect notwithstanding the terms and conditions of any planning permission which may be or has been at any time issued by the Council or by any other appropriate person or authority pursuant to the provisions of the Act.

6. SUBJECT only to the provisions of Section 106A of the Act the terms and conditions of this Deed shall only be capable of being varied by a supplemental deed in writing or memorandum endorsed hereon executed by or on behalf of the parties hereto or their successors in title.

7. NO WAIVER (whether express or implied) by the Council of any breach or default by the Applicants or their successors in title in performing or observing any of the terms and conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the terms and conditions or from acting upon any subsequent breach or default in respect thereof by the Applicants or their successors in title.

8. THE Applicants HEREBY WARRANT that they have full power to enter into this Deed and that there is no person or body having any charge over or any interest in either the Red Land or the Blue Land other than those entering this Deed whose consent is necessary to make this Deed binding upon both the Red Land and the Blue Land and all estates and interests therein.
9. **THE Applicants and the Mortgagee HEREBY FURTHER AGREE** that any rights to claim compensation arising from any limitation or restriction on the planning use of the Red Land and the Blue Land under the terms of this Deed are hereby waived.

10. **THE** expressions "the Council" "the Applicants" and "the Mortgagee" shall include their respective successors in title and assigns, and words importing the masculine gender shall include the feminine.

**IN WITNESS WHEREOF** the Council and the Mortgagee have caused their respective Common Seals to be hereunto affixed and the Applicants have hereunto set their hands to this instrument as their Deed the day and year first before written.

**THE SCHEDULE**

**PART I**

(restrictions obligations and stipulations)

1. Not to carry out any development on the Blue Land but so that the use thereof shall at all times be restricted to that of a site of high conservation value which shall at all times be managed in accordance with the Scheme of Management contained in Part II of this Schedule.

2. For the purpose of Parts I and II of this Schedule "development" shall have the meaning assigned to it by Section 55 of the Act and any development shall be taken to have initiated on the earliest date on which any material operation as defined in Section 56 of the Act comprised in the development begins to be carried out.

**PART II**

(Scheme of Management for the Blue Land)

1. **Paddock Area** (hatched yellow on the plan)

   1.1. To be maintained by cutting and grazing as a field paddock
1.2 Existing fences to boundaries marked “E” on the Plan shall be retained or alternatively replaced with hedge comprising of native species of hazel hawthorn field maple blackthorn holly and field rose, planing to be carried out in the next planting season after construction of the dwelling in accordance with the Application

1.3 No tree shrubs wildflowers or garden flowers shall be planted within this area

1.4 Clear boundaries to be maintained between the Red Land and the Paddock Area

1.5 The area cross-hatched on the Plan may be fenced off from the remainder of the Paddock Area with a simple post and wire fence and may be left ungrazed notwithstanding that the remainder of the Paddock Area may from time to time be grazed. However in all other respects its appearance shall at all times match that of the remainder of the Paddock Area or be such as shall have been agreed with the Chief Planning Officer in writing

2. Marsh Area (edged Green on the plan)

This area shall be managed maintained and grazed in manner to accord with the Nature Conservation objectives of the adjoining Shotsham Common SSSI and in particular:-

2.1 The two ditches and the pond shall be gently cleaned out on a three year rotation, with the pond and then one ditch being cleaned out each year

2.2 The ditches should not be deepened and the banks should retain a gentle shelf

2.3 Spoil from the pond shall be disposed of away from the Red Land and the Blue Land
2.4 Dredgings from ditch marked “A” on the Plan shall be spread on the south side of the ditch and dredgings from ditch marked “B” on the Plan shall be spread on the north side of the ditch.

2.5 The pond outflow shall be fitted with a dropboard sluice to regulate water levels.

2.6 The area shall be gently grazed with cattle preferably but in their absence with sheep but no more than 10 animals on the Marsh Area at once.

2.7 In the absence of any grazing the fen shall be mown in early September with the cuttings being removed from the Red Land and the Blue Land.

THE COMMON SEAL of SOUTH NORFOLK DISTRICT COUNCIL
was hereunto affixed in the presence of:

Solicitor to the Council

IN WITNESS WHEREOF this document which is intended to take effect as a deed has been duly executed by a duly authorised Official of the Bank as Attorney of the Bank the day and year first above written.

SIGNED AND DELIVERED
by

Attorney of

HSBC Bank plc

in the presence of:

Witness: Leslie John Austin
Address: HSBC Bank plc
London SPC
144 Leadenhall Street
London EC3V 4PP

Occupation: Bank Official

1733-9 (099 - 001 - 1 x 9250)
SP 417 6
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

Recommendation: Refusal

1. **Planning Policies**

1.1 National Planning Policy Framework  
NPPF 01: Building a strong competitive economy  
NPPF 03: Supporting a prosperous rural economy  
NPPF 06: Delivering a wide choice of high quality home  
NPPF 12: Conserving and enhancing the historic environment

1.2 Joint Core Strategy  
Policy 1: Addressing climate change and protecting environmental assets  
Policy 17: Small rural communities and the countryside

1.3 South Norfolk Local Plan  
Development Management Policies  
DM3.11: Road safety and the free flow of traffic  
DM3.13: Amenity, noise, quality of life  
DM4.10: Heritage Assets

1.4 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 2016/0870 Remval of condition 6 of planning consent 2003/1418 (detached annexe) - to allow the sale of the annexe  
Refused

2.2 2015/2145 Removal of condition 6 of planning permission 2003/1418 to allow the sale of the annexe  
Refused

2.3 2015/1712 Removal of condition 6 of planning permission 2003/1418 to enable the annexe to be used as an independent residential unit  
Refused

2.4 2010/1865 Replacement of smoking shelter  
Approved

2.5 2003/1419 Erection of detached annexe  
Approved

2.6 2003/1418 Erection of detached annexe  
Approved
3. Consultations

3.1 Parish Council Approve

- Please see comments on previous applications
- The Council will continue to support the applicant’s efforts to restore viability and long term success of the pub
- The Council believes that pertinent factors have emerged that merit further review of the application by committee.

Parish Council's previous comments

- The Council can confirm that the current and imminent changes of the use of the adjacent area will eliminate the risk of future excessive noise
- The new Heart of Gissing car park with 50 spaces will ensure that the car park can return to private use
- Felt clearer information should have been made available as to how permission would guarantee the future viability of the business and therefore saving the public house as a key village facility.
- Have been further discussions with Parish Council the landlord and Heart of Gissing defining ways that the business can work together for the commercial success of the business,
- Business plan is in preparation with following commitments
  - Heart of Gissing will commission Crown Public House to provide bar services in the new community building
  - Parish Council will make use of the Crown Public Houses’ services and hospitality in developing its sponsorship scheme for the purchase of a village green.
  - The Crown Public House will include the provision of a micro-brewery products will be used for local fundraising.
  - The Council’s understanding is that some of the proceeds will be available for immediate investment
  - Current levels of trading will allow for sustained investment in the future
  - Council is aware that SNC continued concern over closure of village pubs
  - Believe that a practical and viable way to promote the business and the community is through promoting close cooperation

3.2 District Member To be determined by committee

- It is possible as a result of the annexe not being sold the pub may close which could result in the loss and much needed and frequently used community asset
- The village of Gissing has thriving community as seen by recent lottery grant funding for a new community centre.
- The success of the project has a holistic community offer and village life in general could be at risk if the pub were to be closed
- I believe noise risk maybe have been addressed by the closure of the Children’s play area to the rear of the pub and new car park as part of the community centre.
3.3 SNC Community Services - Environmental Quality Team

- Children’s play area is proposed to be removed
- We have experienced issues with other licences premises which have introduced new types of entertainment in order to increase business; this has given rise to disturbance where there has been no issue in the past. Given pressures facing licensing trade there is potential for this to happen in the future
- Changes to the Licensing Act 2003 have relaxed requirements relating to live and recorded music up to 11pm and thus this control has been lost.
- Land to the rear of the pub adjacent to the annexe is currently used by the applicant as private garden space. There is no restriction on the use of this area
- Could result be the amenity of the dwelling being adversely affected or environmental restrictions being placed on the dwelling which could affect its viability
- Noise associated with the operation of the premises may not be unreasonable and therefore may not amount to a statutory nuisance, but may have an impact on the occupiers of the annexe building.
- If the land in the blue line to rear of public house and car parking area adjacent to the annexe could be restricted to use in association with the domestic use and not associated with the public house then we would have no sustainable reason for objection

3.4 NCC Highways

No objection

3.5 Other Representations

Sixteen letters of support

- Keen for Mr Greenacre to continue to run the pub
- Great amenity value and hub to village
- Future of pub should not be jeopardised
- Sale of annex will make pub more secure
- Sale of annexe would not detract from the quality of service in enjoyed at the pub
- Could affect holiday cottage business
- Property next door not complained of noise
- Mr Greenacre keeps a respectful pub and confident there would be no disturbance
- Closure of play area will ensure long term closure of this area
- Play area is not an attraction to the pub
- Over 20 years as landlord do not wish to lose him
- Property attached to the pub would be affected more
- Environmental Services raise no objection
- Can one buying the property would be aware of potential noise
- Precedent set for selling off managers house at Gissing Hall
- Larger villages who have lost pubs has result in curtailment of public activity and social cohesion
- Pub always been well managed
- Loss of jobs
- South Norfolk appears anti-business
- Family will be homeless

One letter from Heart of Gissing

- The Public House enhances the strength of the community
- Pubs gives employment to 3 people 1 full time, the children’s centre employs 12 people the new building will provide hiring space for practitioners (employment).
These three businesses bring visitors of all ages to the area and are interlinked and support each other
• Loss of pub would pose a real treat to our sustainability
• New business will be completed in February 2017.
• Part of the funding submission to the Lottery included explaining ways on involving the local economy. The pub was cited as one of the main way of working together locally. Contractor is using room is room for site room and refreshments
• Heart of Gissing, The church and Children’s Centre all work together
• Request that you acknowledge efforts to establish a centre for our village and help us take that forward
• Has addressed reasons for refusal closed children’s play area
• Car park for Children Centre will be available
• Have never had an issues with noise from the pub
• Precedent at Gissing Hall situation not dissimilar

4 Assessment

4.1 The application relates to a detached annexe which is within the grounds of Gissing Crown Public House. The annexe is detached from the public house which is a listed building. The annexe is accessed through the public house car park and the external garden for the public house is located directly east of the annexe, the area to the west in currently used as a private amenity area for the owners of the public house. The Gissing Heart Community facility is located to the south east. The listed church is located to the south. There is no development boundary for Gissing.

4.2 This application is to remove the annexe condition that requires the annexe to be occupied as ancillary accommodation and not sold or leased separately from the public house which would result in the annexe being an independent dwelling. Three applications for similar proposals have been recently refused application numbers 2015/1712, 2015/2145 and 2016/0870. Two under delegated powers and one by Development Management Committee. This application differs as it proposed to take in the area of public house garden/ play area into the curtilage of the dwelling.

4.3 The NPPF and policy DM3.13, seeks to ensure that noise sensitive uses such as residential are not located close to noise generating uses which may affect their amenity. The annexe is located close to the public house. Whilst the annexe is being occupied in association with the residential dwelling any disturbance associated with the public house is within the control of the occupiers. If the annexe is occupied independently from the public house then there is a risk that the dwelling would result in noise complaints which could result on a statuary nuisance being caused which may result in restrictions being placed on the public house which may affect its viability in the long term.

4.4 The applicant’s proposal to close the public house garden area and close off the rear car parking area as this will no longer be required for the Heart of Gissing in the near future, would reduce the facilities and amenities associated with the public house which reduces the versatility of the business, which is something the Council would not wish to encourage. The Council would also not be able prevent the use of the car park in the future. Although it is noted that the applicant intends to sell the property, so the family member can still remain resident, removing the condition would mean that this was not necessarily be the case in the future.

4.5 Although the personal circumstances of the applicant have been considered, no significant weight can be given to these in making the planning decision. The applicant has confirmed that the money from the sale of the annexe is required to pay existing Revenue and Customs bill; it is not possible to give weight to personal
financial circumstances of the applicant. In addition the Council have no means of securing that any proceeds from the sale of the annexe would be used to pay off the debt.

4.6 Although the concerns of the Parish Council, The Heart of Gissing and local residents about the potential closure of the public house are noted, in planning terms there is no proven reason why the public house could not operate successfully under different ownership.

4.7 The public house is a listed building and S66(1) Listed Buildings Act 1990 requires: “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.” No alterations are proposed to the annexe building which is already fenced off as a result is this not considered that the proposal would result in any significant harm to the setting of the listed building.

4.8 The Highway Officer has not raised an objection to the proposal.

4.9 The application for the removal of the occupancy condition associated with Gissing Hall relates to a different set of circumstances where the dwelling was more separated from the main hotel. As members are aware, each case needs to be assessed on its own individual merits.

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 not liable for Community Infrastructure Levy (CIL) as the annexe has been occupied for at least six months within the last thirty six months

5 Conclusion

5.1 The occupation of the annexe independently from the public house would result in an unacceptable level of amenity for an independent dwelling by reason of being located in close proximity of the building, car park associated with the public house and having no control over the noise and disturbance created. The closure of the garden area associated with the public house would reduce the versatility of the public house and potentially the long term viability of the business. Furthermore, this could result in environmental restrictions being placed on the public house which may adversely affect the viability of the public house contrary to paragraph 123 of the National Planning Policy Framework and policy DM3.13 of the South Norfolk Local Plan Development Management Policies Document 2015.

Contact Officer, Telephone Number Helen Bowman 01508 533833 and E-mail: hbowman@s-norfolk.gov.uk
### Planning Appeals
#### Appeals received from 8 July 2016 to 8 August 2016

<table>
<thead>
<tr>
<th>Ref</th>
<th>Parish / Site</th>
<th>Appellant</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015/2847</td>
<td>Dickleburgh and Rushall</td>
<td>Mrs Mary Roe</td>
<td>Single storey 1-2 Bedroom Dwelling</td>
</tr>
<tr>
<td></td>
<td>Land North of 7 Merlewood</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dixkleburgh Norfolk</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2015/2856</td>
<td>Bressingham</td>
<td>Mr Paul Rackham</td>
<td>Erection of industrial unit</td>
</tr>
<tr>
<td></td>
<td>Land North of Waveney House</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Low Road Bressingham</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Norfolk IP22 2AG</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016/0526</td>
<td>Alburgh</td>
<td>Mr Mark Thompson</td>
<td>Detached 4 bedroom house</td>
</tr>
<tr>
<td></td>
<td>Land East of Hope Cottage</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Station Road Alburgh Norfolk</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016/0691</td>
<td>Saxlingham Nethergate</td>
<td>Mrs Betty Benton</td>
<td>Demolish existing bungalow and replace with 2</td>
</tr>
<tr>
<td></td>
<td>The Nook Norwich Road</td>
<td></td>
<td>no bungalows</td>
</tr>
<tr>
<td></td>
<td>Saxlingham Nethergate</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Norfolk NR15 1TP</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Appeals decisions from 8 July 2016 to 8 August 2016

<table>
<thead>
<tr>
<th>Ref</th>
<th>Parish / Site</th>
<th>Appellant</th>
<th>Proposal</th>
<th>Decision Maker</th>
<th>Final Decision</th>
<th>Appeal Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015/1015</td>
<td>Morningthorpe And Fritton</td>
<td>Mr R Rafferty</td>
<td>Proposed demolition of existing poultry sheds and erection of 4 dwellings.</td>
<td>Delegated</td>
<td>Refusal</td>
<td>Appeal dismissed</td>
</tr>
<tr>
<td></td>
<td>Land North Of Hollies Farm Barns Brick Kiln Lane Morningthorpe Norfolk</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plan No</td>
<td>Location Details</td>
<td>Owner</td>
<td>Development Details</td>
<td>Committee</td>
<td>Decision</td>
<td>Appeal Outcome</td>
</tr>
<tr>
<td>---------</td>
<td>------------------</td>
<td>-------</td>
<td>---------------------</td>
<td>------------</td>
<td>----------</td>
<td>----------------</td>
</tr>
<tr>
<td>2015/1485</td>
<td>Wymondham Land rear of 14 Norwich Common Wymondham Norfolk</td>
<td>Mr S Field</td>
<td>Proposed 1 new chalet bungalow</td>
<td>Development Management Committee</td>
<td>Refusal</td>
<td>Appeal Dismissed</td>
</tr>
<tr>
<td>2015/1614</td>
<td>Hethersett Land West of Ketteringham Lane Hethersett Norfolk</td>
<td>Mr Mark Levers</td>
<td>Erection of a new 4 bedroom house meeting the criteria of paragraph 55 of the National Planning Policy Framework</td>
<td>Development Management Committee</td>
<td>Refusal</td>
<td>Appeal Dismissed</td>
</tr>
<tr>
<td>2015/2655</td>
<td>Wymondham Land South East Of 9 Spinks Lane Spinks Lane Wymondham Norfolk</td>
<td>Mr T Skitmore</td>
<td>Erection of new dwelling and garage</td>
<td>Development Management Committee</td>
<td>Refusal</td>
<td>Appeal Allowed</td>
</tr>
<tr>
<td>2015/2810</td>
<td>Hethersett Land West of Station Farm Station Lane Hethersett Norfolk NR9 3AY</td>
<td>Mr &amp; Mrs Janes</td>
<td>Proposed small directional sign on land next to A11</td>
<td>Delegated</td>
<td>Refusal</td>
<td>Appeal Allowed</td>
</tr>
</tbody>
</table>