Development
Management Committee

Members of the Development Management Committee:

Conservatives
Mrs Y Bendle
Mrs F Ellis
Mr C Gould
Dr C Kemp
Mr J Mooney
Mr G Minshull
Mrs L Neal
Mr B Stone
Mrs A Thomas
Mr V Thomson

Liberal Democrats
Dr M Gray

Please note that the membership of this Committee is subject to change, and will not be confirmed until after the Council’s AGM on 23 May 2016

Pool of Substitutes
Mr P Broome
Mr L Dale
Mr J Hornby
Dr N Legg
Mr B Riches
Mr G Wheatley
Mrs V Bell

Pre-Committee Members’ Question Time
9.00 am Blomefield Room

South Norfolk
COUNCIL

Agenda

Date
Wednesday 25 May 2016

Time
10.00 am

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

Contact
Sue Elliott tel (01508) 533943
South Norfolk House
Cygnet Court
Long Stratton, Norwich
NR15 2XE

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

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

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

If you have any special requirements in order to attend this meeting, please let us know in advance
Large print version can be made available

17/05/2016
Please familiarise yourself with this information if you are not in receipt of the agenda.

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

GENERAL INFORMATION ABOUT DEVELOPMENT MANAGEMENT

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

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

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

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

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

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

THEREFORE we will:

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

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

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

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

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

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

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

4. Minutes of the Meeting of the Development Management Committee held on 27 April 2016  
   (attached – page 9)

5. Planning Applications and Other Development Control Matters;
   (attached – page 16)
   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>2015/2927/O</td>
<td>COSTESSEY</td>
<td>Land North Of Farmland Road Costessey Norfolk</td>
<td>16</td>
</tr>
<tr>
<td>2</td>
<td>2016/0495/O</td>
<td>TASBURGH</td>
<td>Land South East Of Low Road Tasburgh Norfolk</td>
<td>42</td>
</tr>
<tr>
<td>3</td>
<td>2016/0776/F</td>
<td>TACOLNESTON</td>
<td>Land North Of 122 Norwich Road Tacolneston Norfolk</td>
<td>50</td>
</tr>
<tr>
<td>4</td>
<td>2016/0771/RVC</td>
<td>PORINGLAND</td>
<td>Land North Of Shotesham Road Poringland Norfolk</td>
<td>57</td>
</tr>
</tbody>
</table>

6. Sites Sub-Committee;

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

7. Enforcement Reports  
   (attached – page 62)

8. Planning Appeals (for information)  
   (attached – page 74)

9. Date of next scheduled meeting – Wednesday 22 June 2016
1. GUIDELINES FOR DETERMINING THE NEED TO VISIT AN APPLICATION SITE

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

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

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

2. PUBLIC SPEAKING: PLANNING APPLICATIONS

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

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

- Member consideration/decision.

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

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

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

3. FILMING AT COUNCIL MEETINGS: GUIDANCE

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

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

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

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

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

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

Key to abbreviations used in Recommendations

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

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

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

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

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

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

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

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

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

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

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

What matters are being discussed at the meeting?

Do any relate to an interest I have?

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

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

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

NO

Related pecuniary interest

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

Other Interest

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.
AGENDA ITEM: 4

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 27 April 2016 at 10.00 am.

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

Apologies: Councillors Y Bendle and C Gould

Substitute Members: Councillors P Broome and N Legg

Officers in Attendance: The Development Manager (H Mellors), the Planning Decisions and Enforcement Team Leader (C Trett) and the Senior Planning Officers (C Curtis, E Thomas)

(12 members of the public were in attendance)

263. 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>2014/1524/CU(Item 1)</td>
<td>MORNINGTHORPE AND FRITTON</td>
<td>Cllr A Thomas</td>
<td>Local Planning Code of Practice Lobbied by Objector</td>
</tr>
<tr>
<td>2015/2748/RVC(Item 2)</td>
<td>FLORDON</td>
<td>All (not Cllr M Gray)</td>
<td>Local Planning Code of Practice Lobbied by Local Member</td>
</tr>
<tr>
<td>2016/0519/F(Item 6)</td>
<td>WOODTON</td>
<td>Cllr A Thomas</td>
<td>Local Planning Code of Practice Lobbied by Applicant and Local Residents</td>
</tr>
<tr>
<td>2016/0682/F(Item 8)</td>
<td>CAISTOR ST EDMUND</td>
<td>Cllr F Ellis</td>
<td>Other Interest Member of the Venta Icenorum Joint Advisory Board</td>
</tr>
</tbody>
</table>


264. MINUTES

The minutes of the Development Management Committee meeting dated 30 March 2016 were confirmed as a correct record and signed by the Chairman.

265. 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>2015/2748/RVC (Item 2)</td>
<td>FLORDON</td>
<td>Mr J Lockhart – Flordon Parish Council&lt;br&gt;Mr R Bishop – Objector&lt;br&gt;Mr M Philpott – Agent for the Applicant&lt;br&gt;Mt T Turnov – Applicant</td>
</tr>
<tr>
<td>2016/0389/F (Item 4)</td>
<td>HETHERSETT</td>
<td>Ms S Clarke – Objector&lt;br&gt;Mrs L Culling – Applicant&lt;br&gt;Cllr L Dale – Local Member&lt;br&gt;Cllr D Bills – Local Member</td>
</tr>
<tr>
<td>2016/0519/F (Item 6)</td>
<td>WOODTON</td>
<td>Ms C Eade – On behalf of the Applicant</td>
</tr>
</tbody>
</table>

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

266. QUARTERLY ENFORCEMENT REPORTS

The Committee noted the planning appeals.

In response to a query from Cllr M Gray, the Development Manager updated members on the progress with enforcement proceedings at Beeches Farm, Norwich Road, Dickleburgh (2007/8036). Members noted that officers were continuing to work with the owner, in the hope of bringing the matter to a satisfactory conclusion.

267. PLANNING APPEALS

The Committee noted the planning appeals.

(The meeting closed at 12.20 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.

<table>
<thead>
<tr>
<th><strong>1</strong></th>
<th><strong>Appl. No</strong></th>
<th>:</th>
<th>2014/1524/CU</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parish</strong></td>
<td>:</td>
<td>MORNINGTHORPE AND FRITTON</td>
<td></td>
</tr>
<tr>
<td><strong>Applicants Name</strong></td>
<td>:</td>
<td>Mr David Carr</td>
<td></td>
</tr>
<tr>
<td><strong>Site Address</strong></td>
<td>:</td>
<td>The Grove Hempnall Road Fritton Norfolk NR15 2LN</td>
<td></td>
</tr>
<tr>
<td><strong>Proposal</strong></td>
<td>:</td>
<td>Retrospective application for Change of use to a mixed use for vehicle storage and depollution facility, motorsport preparation and associated sales, storage, repairs and web based parts supply business.</td>
<td></td>
</tr>
<tr>
<td><strong>Decision</strong></td>
<td>:</td>
<td>Members voted unanimously for <strong>Approval</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Approved with Conditions</strong></td>
<td>:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>In accord with submitted drawings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Specific Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Visibility splay to be provided</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Provision of parking, service areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Noise levels</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>No power tools outside building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>No generators, air handling plant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>No stacking of vehicles or materials</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>No waste disposal on site</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Limited Hours of Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Hedge planting to be provided</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Retention trees and hedges</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>No PD for fences, walls etc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>No external lighting without further consent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>No loudspeakers etc. outside building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Activates to be carried out within the building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>The area indicated on the plan to be used for staff car parking only</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>No general public visiting and retail sales direct from site</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>2</strong></th>
<th><strong>Appl. No</strong></th>
<th>:</th>
<th>2015/2748/RVC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parish</strong></td>
<td>:</td>
<td>FLORDON</td>
<td></td>
</tr>
<tr>
<td><strong>Applicants Name</strong></td>
<td>:</td>
<td>Mr Tim Tumov</td>
<td></td>
</tr>
<tr>
<td><strong>Site Address</strong></td>
<td>:</td>
<td>Tas Valley Mushrooms The Street Flordon Norfolk NR15 1RN</td>
<td></td>
</tr>
<tr>
<td><strong>Proposal</strong></td>
<td>:</td>
<td>Variation of conditions 2, 4 and 11 of planning consent 2013/1415/F (Condition 2 variation – enlarge the size of the previously approved staff building, larger boiler room building that originally approved and to build the deliveries/collection building, Condition 4 variation – closure of original site access and Condition 11 – hours of operation)</td>
<td></td>
</tr>
</tbody>
</table>
Development Management Committee

27 April 2016

Decision: Members voted 10 – 0 with 1 abstention for Approval

Approved with conditions

1. Temporary time limit for condition 11 (12 months)
2. Amended plans (as varied under this consent)
3. Phasing/ close existing access to commercial traffic (as varied under this consent)
4. Foul drainage to main sewer
5. Details of surface and wash-down water drainage
6. New access
7. Gates set back
8. Visibility splays
9. Any external lighting to be agreed
10. Hours of working (as varied under this consent)
11. Management Plan for drainage maintenance
12. No new plant equipment
13. Noise Management Plan
14. Improved signage to discourage HGV right turn exits.

Updates

Natural England
Additional comments: No objections

Local Member
Cllr Philip Hardy has requested for the deferral of the application

3  Appl. No : 2015/2826/F
Parish : SEETINGH

Applicants Name : Mr Jason Finch
Site Address : Land North of Harveys Lane Seething Norfolk
Proposal : New dwelling including separate carport, and a forge to be used for the owners farrier business

Decision : This application has been withdrawn by the applicant

4  Appl. No : 2016/0389/F
Parish : HETHERSETT

Applicants Name : Mr and Mrs A & L Culling
Site Address : Land to the Rear of 35 Lynch Green Hethersett Norfolk
Proposal : Proposed new dwelling

Decision : Members voted unanimously for Refusal

Refused

1. Scale of dwelling excessive for plot
2. Impact on residential amenities of existing dwelling from first floor windows and balconies.
Updates

Officer
E-mail from agent confirming the existing gap within the Beech hedge will be filled in and offers to allow the remainder of the hedge to increase to a height of approximately 3.5 metres to overcome the issues of loss of privacy to the garden of No 35 from the balconies of the new dwelling.

The Agent also wishes the Committee’s attention to be drawn to the remainder of the garden of No 35 and states "Also note that you state in the report that the rear garden of Bell House is ‘the only remaining garden of No 35.’ This is incorrect as Bell House currently has a considerable amount of south facing land to the front of the property. This has considerable existing screening and could be remodelled to give excellent south facing garden space by reducing the excessive amount of gravelled area given to car access. This together with considerable garden space around the North side allows Bell House to have amenity area to all sides."

To overcome the noise from vehicles using the new access the applicants have agreed to construct the drive in brick weave therefore reducing the noise to Bell House and the neighbouring property.

5 Appl. No : 2016/0495/O
Parish : TASBURGH
Applicants Name : Mr & Mrs Gerald and Sarah Barnes
Site Address : Land South East of Low Road Tasburgh Norfolk
Proposal : Outline permission (with all matters reserved) for six houses with parking and gardens
Decision : This item was deferred to a future meeting of the Development Management Committee

6 Appl. No : 2016/0519//F
Parish : WOODTON
Applicants Name : Mr & Mrs Leslie and Kim Eade
Site Address : Frogs Farm Springwood Lane Woodton Norfolk NR35 2NF
Proposal : Replacement of derelict farmhouse to provide a three bedroom detached dwelling
Decision : Members voted 9 – 2 for Refusal

Refused

1 Outside Development Boundary
2 Unsatisfactory design
3 Insufficient information about ecological impact

Updates

Environmental Quality Team
No objections subject to a Contaminated Land condition

Water Management Officer
No objections subject to a Surface water drainage and foul drainage conditions
7 Appl. No : 2016/0674/H  
Parish : TASBURGH

Applicants Name : Mr & Mrs N & C Fisher  
Site Address : 31 Valley Road Tasburgh Norfolk NR15 1NG  
Proposal : First floor extension and alterations  
Decision : Members voted unanimously for Approval

Approved with conditions
1 Full Planning permission time limit  
2 In accord with submitted drawings

Applications on land South Norfolk Council has an interest in

8 Appl. No : 2016/0682/F  
Parish : CAISTOR ST EDMUND

Applicants Name : Ms Caroline Davison  
Site Address : Venta Icenorum (Roman Town) Stoke Road Caistor St Edmund Norfolk  
Proposal : Riverbank restoration works  
Decision : Members voted unanimously to authorise the Director of Growth and Localism to Approve

Approved with conditions
1 Full Planning permission time limit  
2 In accord with submitted drawings  
3 Archaeological monitoring  
4 Ecological mitigation

Subject to outstanding issues being resolved, including water vole mitigation

Updates
Formal comments have not been received from the Environment Agency but following verbal discussion they are visiting site on Friday again to resolves some details and look at water vole mitigation.
Request that authority is given for officers to resolve outstanding issues including water vole mitigation.

Applications submitted by South Norfolk Council

9 Appl. No : 2016/0749/F  
Parish : LONG STRATTON

Applicants Name : South Norfolk Council  
Site Address : Leisure Centre Swan Lane Long Stratton Norfolk NR15 2UY  
Proposal : Creation of new external sports pitch with associated features including; 3G Artificial Grass Pitch (AGP), erection of perimeter ball-stop fencing, installation of hard standing areas around the AGP for pedestrians, maintenance and emergency access, installation of an artificial (flood) lighting system and installation of outdoor store for
Decision : Members voted unanimously for Approval

Approved with Conditions

1 Full Planning permission time limit
2 In accord with submitted drawings
3 Hours of Use
4 Ecology
5 Ecology bird and bat box
6 Lighting
7 Landscape scheme

Updates

Officer:
Time limit condition to be added to the report.
PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Growth and Localism

Major applications or applications raising issues of significant precedent

1  Appl. No : 2015/2927/O  Parish : COSTESSEY

Applicants Name : Mrs Katrina Kozersky
Site Address : Land North Of Farmland Road Costessey Norfolk
Proposal : Outline application with all matters reserved except for access for 83 dwellings (including 27 affordable dwellings) with areas of public open space, sustainable drainage systems and associated infrastructure.

Recommendation : Authorise the Director of Growth and Localism to Approve with Conditions

1  Reduced time limit to give three years for implementation
2  Reserved Matters
3  In accordance with plans
4  Biodiversity management plan
5  Green Infrastructure Management Plan
6  Highway – provision of access
7  Highway – details of roads to be submitted
8  Surface water drainage scheme to include water quality
9  Restriction of development in area of surface water overland flow route or scheme to mitigate impacts
10  Archaeological Scheme of Investigation
11  Fire hydrant
12  Reserved matters to include quantum and location of open space in line with the submitted masterplan
13  Housing mix
14  Contamination
15  Sustainable construction and water efficiency
16  Renewable energy

Subject to no objection and any conditions by the Environment Agency in respect of the public access strategy adjacent to the River Tud and subject to a S106 to cover: Affordable Housing, open space and play space provision and a management and maintenance strategy for the open space, contributions towards footpath improvement works to the county wildlife site, provision of footpaths in the woodland to the north.

1. Planning Policies

1.1 National Planning Policy Framework
NPPF 03 : Supporting a prosperous rural economy
NPPF 04 : Promoting sustainable transport
NPPF 07 : Requiring good design
NPPF 08 : Promoting healthy communities
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 3: Energy and water
Policy 4: Housing delivery
Policy 6: Access and Transportation
Policy 7: Supporting Communities
Policy 8: Culture, leisure and entertainment
Policy 9: Strategy for growth in the Norwich Policy Area
Policy 10: Locations for major new or expanded communities in the Norwich Policy Area

1.3 South Norfolk Local Plan
Development Management Policies
DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk
DM1.2: Requirement for infrastructure through planning obligations
DM1.3: The sustainable location of new development
DM1.4: Environmental Quality and local distinctiveness
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
DM3.14: Pollution, health and safety
DM3.15: Outdoor play facilities/recreational space
DM4.2: Sustainable drainage and water management
DM4.3: Facilities for the collection of recycling and waste
DM4.5: Landscape Character Areas and River Valleys
DM4.8: Protection of Trees and Hedgerows
DM4.9: Incorporating landscape into design
DM3.13: Amenity, noise, quality of life

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:
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.”
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. Consultations

2.1 Parish Council
Original comments: Recommend refusal
- Outside newly agreed settlement development boundary
- Site history
- 5 year land supply does not outweigh all other conditions as proved at appeal in Hethersett
- Within River Valley
- Preservation of strategic gap
- Water pollution
• Air pollution
• Wildlife and sensitive landscape
• Sustainability
• Surface water flooding
• Flood zone revision
• Topography and geography of access route
• Geology of surrounding area
• Infrastructure: Schools and traffic flows
• Infrastructure: Medical facilities
• Crime
• Precedent
• Deficiencies in plans
• Deficiencies in traffic predictions

Request site visit before DMC

Comments on additional footpath details:
• The proposed public access woodland is not within the red line of the application.
• There are errors on the application form.
• The offer of opening up the woodland to public access seems an attempt to attract diversion from valid objections
• The land is waterlogged and not suitable for building
• There is an Anglian water pipeline running through the site which has previously caused pollution
• Any works in the area of the river banks will affect the ability of the floodplain to accommodate flooding
• Evidence should be provided to demonstrate the SuDs infiltration is feasible and viable.
• Paths and use of the woodland to the north could have ecological impacts
• There are no detail as to how the proposed woodland area would be maintained or managed
• Safety concerns with access to this woodland and river area
• No parking is proposed for visitors of the woodland area
• No details of what the phasing of the new public area would be
• Development of this site would set a precedent for the other fields along the river valley

2.2 District Members
Cllrs Bell and Amis

Object on the following grounds:
• Wholly outside recently adopted development boundary
• Partly within River Tud valley
• Adjacent County Wildlife site which is owned by SNC
• Prone to flooding and adjacent to land deemed flood zones
• Demonstrable harm to landscape, wildlife and character of area
• Exceeds number of dwellings allocated in JCS

Further development is not required or supported

2.3 County Cllr East

Objects with the following comments (summarised)(Full copy of objection is appended in appendix 2 as requested)
• Sensitive valley of the River Tud
• Outside Development boundary only recently adopted
• Developer did not challenge the local plan process
• Against all SN local plan policies
• Create precedent
• Flooding
• Highway issues

Request a site visit by DMC members before application is determined

2.4 Anglian Water Services Ltd

No objection:
• Anglian water has assets within or close to site
• Water recycling centre has available capacity
• Sewerage system at present has available capacity for these flows
• Surface water does not relate to Anglian water operated assets

2.5 NCC Ecologist

No objection to development onsite provided:
• It is undertaken sensitively with regard to surrounding habitats
• Ecological connectivity between East Hills and the Tud valley must be maintained
• Condition a detailed Biodiversity Management Plan

Comments on public footpath strategy:
A Public Footpath Strategy has been supplied (SheilsFlynn, PA-01) showing proposed footpaths on both the CWS and the River Tud Valley. These are welcomed, as we hope that introducing the 2 circular walks north of the proposed development may relieve some pressure on the CWS introduced by the increase in housing and resulting use of this area. We note that the strategy is subject to future survey and design work and ask to be kept informed as to any changes. However in principle we support the footpath proposals and recommend that they are secured by appropriate means.

2.6 Environment Agency

Comments on protected species and water quality:
Confirm that subject to a condition requiring the SuDs strategy to include appropriate levels of water treatment, the impacts on the protected white-clawed crayfish and other BAP species of the River Tud would be acceptable.

Comments on impact of proposed footpath strategy in the blue line land proposed for public access (adjacent to the River Tud):
Comments awaited

2.7 NCC Green Infrastructure

It is anticipated that there will be increased recreational pressure on the CWS by the addition of the new residents from this proposed development. This has been recognised by the developer who has proposed a network of paths both in the CWS and also to the north of the site along the River Tud.

We welcome the proposed access/footpaths to the north of the site as it is considered that this could alleviate the impact of the development on the CWS. A S106 will be required to secure improvements to the footpaths in the CWS. The footpath and access (together with long term management and maintenance) into the current private land to the north of the site (land also in ownership of the applicant) would need to be delivered by the applicant and secured through condition or S106.

The impact on the CWS in this respect would be acceptable subject to a condition requiring a detailed scheme of the two areas and
footpath strategies which would need to be agreed along with management and maintenance through a Green Infrastructure Management Plan.

2.8 SNC Community Services – Environmental Quality Team
Comments awaited

2.9 NCC Highways
No objection:
Proposal cannot be reasonably resisted in line with National Planning Policy framework requirements – There is no adverse impact on highway safety or the surrounding highway network. The proposed site is in a sustainable location with good pedestrian connectivity to community facilities and services.

2.10 SNC Housing Enabling & Strategy Manager
No objection: offer the following comments (summarised):
The amount and mix of affordable housing proposed complies with Policy

2.11 SNC Water Management Officer
No comments to make. The LLFA as statutory consultee will provide comment.

2.12 NHS England
No comments received

2.13 NHSCCG
No comments received

2.14 Roundwell Medical Centre
No comments received

2.15 NCC Lead Local Flood Authority
No objections subject to conditions which include detailed infiltration testing, provision of surface water attenuation storage to accommodate the 1 in 100 year return period, detailed design and modelling of the drainage, finished floor levels to be 300mm above all expected levels of flooding, further details of exceedance surface water flow routes, and details of management and maintenance of the proposed drainage strategy.

2.16 Historic Environment Service
No objection, if permission is granted a programme of archaeological mitigation work is required by condition

2.17 Norfolk Wildlife Trust
If approved conditioned that all enhancements indicated including a woodland buffer to CWS and green corridor between CWS and River Tud are provided and that Surface water run-off is addressed in terms of water quality.

2.18 SNC Landscape Officer
- Removal of existing trees and/or hedgerows:
The proposal requires the removal of one Sycamore T1 in order to achieve the access from Farmland Avenue. This is a B category tree, and whilst it would be desirable for this to be retained, my judgement is that the tree’s loss is not reason enough to refuse the application. Other than this, only very minimal vegetation removal is anticipated. The proposed replanting as part of the scheme will offer greater mitigation than the loss.
• Impact on retained trees and/or hedgerows:
  An arboricultural Impact Assessment has been submitted to support the proposal. Whilst considering only an illustrative masterplan at this stage, it does not identify any major issues. I am satisfied that the minor issues highlighted can be addressed in due course by a detailed scheme.
• Visual Impact:
  I have reviewed the submitted LVIA and do not dispute its findings. From my own site observations it is clear that the indicative layout does respond to the landscape visual assessment, restricting the built area to the G1 Local Character Area and making strategic provision for planting that will – as it matures – reduce the visual effects further.
• Proposed landscape design:
  The concept for planting and open spaces has responded to the Landscape Architect’s landscape and visual assessment and the relatively informal approach is appropriate for the situation. The only issue I can see is that the indicated new footpaths and access to the Tud valley ‘corridor’ do not have any public rights of way to connect to. The aspiration to increase access may need further consideration in order to understand what is reasonably achievable.
• Conclusion:
  I have no objection to this proposal.

| 2.19  | Police Architectural Liaison Officer | Suggest measures are included at detailed design stage to ensure crime is designed out and provides details of the voluntary secure by design scheme available to developers. |
| 2.20  | SNC Senior Conservation and Design Officer | No objection- offer the following comments (summarised):
In principle, I have no objections to the density shown and outline consent being granted from the point of view of urban design and meeting building for life criteria at this stage of the process. At reserved matters stages careful consideration needs to be given to the allocation of some of the parking spaces and making sure they are easily accessible (close to dwellings), secure and do not dominate the streetscene. |
| 2.21  | SNC Active Life And Play Officer | To be reported if appropriate |
| 2.22  | NCC Planning Obligations Co-ordinator | • NCC Children’s Services comment in respect of Education:
There could be capacity issues for primary and secondary in considering the already committed and unplanned speculative development coming forward in the area. There is a statutory duty to provide school places and they would fulfil that duty and as such no objection is raised to this application on the grounds of education provision.
• Strong concerns are raised on the principles of allowing unplanned growth in the growth area and the impact on school capacity.
• Norfolk Fire Services:
  Require 1 hydrant per 50 dwellings and this is to be provided by the developer and secured through planning condition. |
| 2.23  | Norfolk Rivers IDB | The Site is on the boundary of the Norfolk Rivers Internal Drainage Board area (to the North of the proposed development). We are |
pleased to see that an infiltration solution for surface water can be accommodated at the site. Should this change however and a discharge is required to the North of the site, then land drainage consent would be required and a one off, surface water discharge contribution would be required to be paid.

2.24 CPRE

Object on the following grounds (summarised):
- The site is outside of the development boundary
- The site is within the River Tud valley
- If approval is granted wish to see a biodiversity management plan; archaeological scheme of investigation condition in line with other consultee requests.

2.25 Representations

237 letters of objection on the following grounds (summarised):
- One access will affect the quality of life for local residents
- Access from Farmland Road to Grove Avenue is very restrictive
- High accident risk with traffic entering and leaving site
- Road totally unsuitable
- Traffic danger to school children
- Farmland Road impossible to get up in icy weather, cars left on Grove Avenue
- Proposed footpath has to be used by farm machinery which means cars and motorbikes will be able to use it
- Check number of times farmland road has to be repaired
- Increase in traffic will impact on natural surroundings
- Traffic knock on effect to Dereham Road
- Concerns with regard ambulances and the location of the ambulance station being affected
- Traffic volumes grossly underestimated
- On a bus route two buses cannot pass
- The site is on the river valley which policy seeks to protect
- Tud valley is a beautiful area protect for future generations.
- Tud valley is an attractive break between Old and New Costessey
- Preservation of the strategic gap between Old and New Costessey
- Footpaths will devastate wildlife in the bog land
- Detrimental effect on wildlife
- Effect on water quality
- Obstruction of landscape
- CPRE - Highly damaging to local landscape, SN policies seek to protect rural river valleys
- House values drop
- Lose of natural views
- Loss of agricultural land
- Noise
- Crime
- Too much building already being carried out
- Local plan met with required number of houses
- Precedent for further development in Tud valley
- Outside development limits
- Impact on infrastructure – schools and GPs
- Policing issues
- Inadequate infrastructure
- Not included in the NDR
- Land proposed for housing is often flooded
- Natural flood plain
- Impact of surface water
• Little mention of sustainable materials, renewable energy, carbon emissions

Comments on additional plans (footpath strategy off site)
6 additional letters of objection on the following grounds:
• Footpaths are unwanted intrusion
• Ease of access and escape for those intent on criminal activities
• What are new ditches for?
• Riverside recreational park, who will maintain?
• No additional car parking spaces
• Dangerous as young children could walk into open ditches
• Amended plans have no changed view of Costessey residents
• Amended plans do not mitigate any of the previous concerns objections

2.26 Friends Of River Tud Valley

Object on the following grounds (summarised)
• Deficit in 5 year land supply should not be given precedence over the environmental and other objection
• Site is integral part of river Tud valley
• Outside development boundary
• Sufficient land already allocated
• Site greatly contributes to landscape character
• Valley provides a distinct separation
• Will set precedent
• Existing open use is important
• Encroach on rural character
• Effect ecology of valley and protected species
• Could result in untreated water draining into river
• Vehicular access is inadequate
• Unacceptable pressure on infrastructure

3 Assessment

The site and proposal

3.1 The application is an outline application with all matters reserved except for access.

3.2 The application is for 83 dwellings of which 27 would be affordable.

3.3 The site relates to an area of agricultural land of approx 6.71 Ha which lies to the north and west of existing residential development in Costessey, to the south of the river Tud and to the east of East Hills Wood County Wildlife site (owned by SNC) and further agricultural land.

3.4 The site is located at the end of Farmland Road which is one of many roads running in a north-south direction and sloping downwards towards the river valley.

3.5 The site generally slopes down from the Farmland Road boundary to the northern boundary where the river Tud lies beyond with a difference of approximately 8m from the highest and lowest point.

3.6 An indicative masterplan has been submitted with the application to show how the site might be developed with the proposed 83 dwellings and open space.

3.7 An area also in the ownership of the applicant of approx. 4.8Ha (a woodland area to the north of the site adjacent to the river Tud) which is currently in private ownership is proposed to be offered to be opened up as public space and public access and provision of
Development Management Committee  
25 May 2016

3.8 Access is proposed from Farmland Road.

3.9 The application is supported by the following documents:
- Planning Statement
- Design and Access Statement
- Landscape and Visual Impact Appraisal
- Arboricultural Assessment
- Statement of Community Consultation
- Flood Risk Assessment
- Foul water and utilities assessment
- Ecology Report
- Energy, water and construction Statement
- Transport Statement
- Viability Statement (Confidential)
- Public Access and Footpath Strategy

Principle of development and policy considerations

3.10 The proposal represents a departure from the Development Plan. Policy DM 1.3 restricts new development to allocated sites or sites within development boundaries. Whilst Costessey is designated as a location for major new or expanded communities in the Norwich Policy area as defined by policy 10 of the JCS, the site lies outside of the defined development boundary where policy DM1.3 restricts new residential development unless overriding benefits in terms of economic, social and environment dimensions are demonstrated as set out in Policy DM1.1.

3.11 The Council is currently unable to demonstrate a 5-year housing land supply within the Norwich Policy Area where this site is located. The current 5 year supply figure is 4.39 years of a 5 year supply for the Norwich Policy Area (based on the 2014-2015 AMR). Consequently the land supply policies within the Local Plan are out of date. Criteria (d) of Policy DM1.1 applies in line with paragraph 14 of the National Planning Policy Framework, which requires a presumption in favour of sustainable development and states that new development should be permitted unless the development would result in adverse impacts that significantly and demonstrably outweigh the benefits.

3.12 Sustainable development has three dimensions, economic, social and environmental. It goes on to stress that these are not to be undertaken in isolation, because they are mutually dependent.

3.13 The NPPF also sets out 13 themes for delivering sustainable development but considers its meaning of Sustainable Development to be taken as the NPPF as a whole. The following is an assessment of whether the scheme can be considered to represent sustainable development.

Economic Role

3.14 The NPPF highlights the economic role as "contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure."

3.15 The scheme would result in some short term economic benefits as part of any construction work and in the longer term by local spending from the future occupants.

3.16 It is therefore considered that the scheme would bring forward a level of economic benefit
3.17 The NPPF confirms the social role as “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”

3.18 The principle social benefit of the scheme is that it provides housing within a location where a 5-year housing land supply cannot be demonstrated. In addition and as noted above, the proposal includes the provision of affordable housing to the requirements of Policy 4 of the Joint Core Strategy. This is a significant benefit when weighing the benefits against the harm of a proposal such as this and therefore before any approval is issued the Council would need to be satisfied that it is viable to provide the affordable housing on the site as part of the scheme.

3.19 In this context a viability assessment was requested of the applicant. The Council’s property consultant has made an assessment of the viability report and confirms that the proposal is viable to deliver the affordable housing.

3.20 The site is in a sustainable location being in close proximity to schools, shops and services and well serviced by buses within the area and to Norwich and is accessible to employment locally and in Norwich and the surrounds.

3.21 Whilst this application is in outline form only (with only access for consideration) the site is considered of a suitable size to ensure that a high quality development can be achieved to enhance the built environment without detriment to existing residents.

3.22 It is therefore considered that the scheme would result in significant social benefits.

Environmental Role

3.23 The NPPF confirms the environmental role as "contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

3.24 The development would result in an infringement into open countryside. However it is acknowledged that it is likely that, to address a housing land shortfall, development within the open countryside may well be necessary.

3.25 The site lies in the escarpment of the valley of the River Tud. The majority of the site lies outside of, but directly adjacent to, the designated River Valley Landscape Character. It lies within the Easton Farmland Fringe character area. An area to the north-west corner of the site is located within the River Valley designation and this area is proposed as public open space.

3.26 As set out later in the report, it is acknowledged that the proposal would result in harm to the landscape however in the long term this would be medium to low. Visual impacts from East Hill County Wildlife Site (CWS) would remain medium high.

3.27 There would be significant environmental benefits by the use of green and woodland buffers to the adjacent county wildlife site, green corridor from the CWS to the river and the provision of open space and planting to provide strategic landscape planting for the site and landscape when viewed from the north.

3.28 The proposal to provide public access to the current private woodland to the north would provide environmental benefits by easing pressure on the CWS and would also be a significant public benefit for leisure.

3.29 There is some potential environmental harm through water quality on the ecology of the
It is acknowledged overall therefore that there is a level of environmental harm through landscape and visual impact.

The level of harm needs to be assessed as to whether it is of such significance that it outweighs the benefits detailed above.

Having regard to the lack of the 5 year land supply and the presumption in favour of sustainable development whereby harm has to be significant and demonstrable, whilst there would be harm to the landscape character and visual impact, this is not on balance considered to be significant or demonstrable to outweigh that presumption in favour.

The appeal decision for Chapel Lane Wymondham (application reference 2012/1434) reinforces the high bar required to be set for the significant and demonstrable harm test. In this case, the Secretary of State (SoS) advised in respect of the balancing exercise under paragraph 14, he “is mindful that addressing a housing shortfall will often involve building outside of the development limits of settlements” and that in the case of the Chapel Lane application that “the benefit of additional housing would not have been outweighed by the harm to the landscape had that been the only concern with the proposals” (para 19 of SoS decision letter dated 7th August 2014 for Chapel Lane 2012/1434).

Similarly the Inspector for the appeal decision for the residential development at Townhouse Road on the opposite site of the River Tud (application reference 2009/1996) which lies in the river valley designation found that notwithstanding the identified harm to the landscape this did not outweigh the benefits of housing delivery.

On balance and with consideration of the lack of a 5 year supply the development is therefore considered to be sustainable development.

Summary of sustainable development consideration

Having due regard to the above assessment made in the context of not having a demonstrable 5 year housing land supply, it is considered that the benefits of providing additional housing is sufficiently high that the concerns regarding encroachment into the countryside and landscape character are outweighed by the benefits and as such, when considered as a whole, the scheme represents a sustainable development.

Having established that the scheme represents a sustainable development in the context of the NPPF, it is necessary to have regard to paragraph 14 of the NPPF in respect of the presumption in favour of development for decision-taking. This states that: "where the development is absent, silent or relevant policies are out of date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted."

As set out above, it is accepted that the Council’s housing related policies are out of date by virtue of not being able to demonstrate an up to date 5 year housing land supply, and therefore the Council should only prevent granting planning permission if the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the NPPF when taken as a whole or specific policies of the NPPF indicate restricting the development.

In this instance, it is considered that the concerns set out in respect of the encroachment in
to the countryside and landscape impact do not represent harm that significantly and demonstrably outweighs the benefits of providing additional housing where there is a need to do so.

3.40 Furthermore, it is also considered that the scheme does not conflict with any specific policies within the NPPF whereby permission should be restricted which must be established in considering a proposal in the context of paragraph 14 of the NPPF.

3.41 It should be acknowledged that significant local objection has been raised not only by local residents and interested parties, but also local members, the Town Council and the County Councillor. Whilst all specific grounds of objection are acknowledged, the report has addressed the significant issues raised. The amount of local objection should not be underestimated and a level of harm is identified, however the government is clear that planning decisions must be taken in the round in respect of delivery of sustainable development with the NPPF taken as a whole as a material consideration. Therefore notwithstanding that the Local Plan Site Allocations and Development Management Plan policies are only recently adopted, in the absence of a 5 year supply of housing land, the NPPF is clear that any harm identified must be significant and demonstrable to outweigh the benefits of the proposal.

3.42 In requiring Local Planning Authorities to demonstrate a 5 year supply of housing land the NPPF also indicates that for sites to be considered deliverable in this context, they should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable (footnote 11 para 47)

3.43 In this context in addition to a direct response to the then available S106Ba process (process by which applicants can, post-decision apply to reduce or remove affordable housing contributions on the basis of viability alone)(note this temporary provision has not been extended beyond 30th April 2016), a viability assessment was requested of the applicant. The Council's property consultant has made an assessment of the viability report and confirms that the proposal is viable to deliver the affordable housing.

3.44 The application as set out above is considered viable and the applicants indicate that the site is available and deliverable now. As the principle of the development is based on delivering housing in the lack of a five year supply and as set out in the NPPF there should be a realistic prospect that housing will be delivered on the site within five years it is considered necessary and appropriate in this instance to reduce the standard time limits. Usual reserved matters time limits are 3 years for submission of reserved matters and 2 years for implementation. However to ensure there is realistic prospect of housing being delivered in 5 years, in the event the application is found acceptable, these are proposed to be reduced to 2 years for submission of reserved matters and one year for implementation. This would give time for some housing to be delivered on the site within the 5 year period.

Landscape impact

3.45 NPPF Para 61 requires development to address the connections between people and places and the integration of new development into the natural, built and historic environment.

3.46 Policy 2 of the JCS relates to design and includes requiring development to respect local distinctiveness including landscape character and the wider countryside. Policy 12 of the JCS sets out more detailed objectives for areas of growth in the NPA which cover the protection, maintenance and enhancement of green infrastructure and the protection of the landscape setting of the urban area.

3.47 Policy DM4.5 requires all development to respect, conserve and where possible enhance
the landscape character of its immediate and wider environment. It advises that development that would cause significant adverse impact on the distinct landscape characteristics of an area will be refused. Particular regard will be had to protecting the distinctive characteristics, special qualities and geographical extents of the identified Rural River Valleys and Valley Urban Fringe landscape character types.

3.48 The majority of the site falls within G1 Easton Fringe Farmland in the 2012 review of the ‘Local Landscape Designations’, which itself forms the basis of Policy DM 4.5 ‘Landscape Character and River Valleys’. This area covers the northern margins of the elevated farmland plateau to the west of Norwich.

3.49 A small part of the site to its north western end falls within the River Valley Character Area. The area of woodland also in the ownership of the applicant also falls in the River Valley landscape.

3.50 Bunkers Hill and East Hills CWS are both locally distinctive landscape features and which form an important backdrop to the site and the local Tud River valley.

3.51 Whilst the majority of the site is outside of the River Valley landscape designation, the site is part of an area which sits within the wider valley landscape, including being visible across the Tud Valley from Old Costessey.

3.52 In particular the review of the Local Landscape Designations noted the sensitivities and vulnerabilities of the Easton Fringe Farmland to:

- Balance of developed area to rural context. Because of the highly development character of much of this area, further intrusion of built features upon the rural landscape may have significant effects upon the perceived quality;
- The need to consider the views from the surrounding landscape, which is highly sensitive to any development on or near the prominent ridge top within this area; and
- The need to preserve good quality rural views from the ridge top to the surrounding countryside;

3.53 Policy DM4.5 is also concerned with the ‘wider environment’ and as such consideration of the impact of the site in the Tud Rural River Valley landscape is also required, where the Place-Making Guide SPD notes key considerations include the need to:

- Maintain the distinct and separate character of the settlements of Costessey and New Costessey; and
- Prevent incremental development down the valley sides into this character area.

3.54 There would inevitably be a change to the site itself in terms of landscape impact as a field would be replaced with built development and amenity space.

3.55 A landscape and visual impact appraisal has been submitted as part of the application.

3.56 Key components of the landscape that are likely to be affected by the development are considered to be:

- The isolated rural character of the small scale river corridor being protected by the very limited opportunities to access the valley floor
- The wooded character of the river valley sides – mature woodland blocks accentuate the sinuous valley landform
- The separation between Costessey and New Costessey
- Cross valley views from the ridge top and valley sides across the agricultural landscape

3.57 In respect of the impact on the valley floor, the landscape assessment submitted concludes that the this intimate landscape has the capacity to accommodate a development of this size on the outer fringe of the valley floor without losing the overall pastoral intimate character. The use of perimeter planting and an appropriate design would ensure that in
In respect of cross valley views, the location of the site on the lower slopes of the river valley is considered to have very limited effects on existing views across the River Tud Valley. There will be a perceived change in the overall scale of development and the proportion of river valley to built areas and this has a medium sensitivity. The use of structural planting in the development would result in a moderate adverse landscape effect in year 1 resulting to a minor adverse effect in year 15. However as the sensitivity of this landscape receptor is low, the overall significance of the landscape effect would be medium in the short term and low in the long term.

In respect of the woodland blocks helping define the river valley, the existing woodlands would not be affected and the application includes proposals for further woodland planting to extend this. As such in year 1 the significance of the landscape effect of this development would be low and in year 15 there would be a modest improvement.

In respect of the separation between Costessey and New Costessey, the proposed development would inevitably result in a reduction in the scale of the rural valley that separates the settlements. However the new housing would only be visible in a limited number of long views from a short section of Townhouse Road. The proposed structural planting around the edge of the development shown on the indicative masterplan would reduce the nature of the effects. The magnitude of the landscape effect would therefore be moderate adverse but given that the sensitivity is medium, the overall significance of the landscape effect would be medium.

In terms of visual effects, views of the site are relatively limited given the enclosing influence of local topography and patterns of existing vegetation. There are a few long occasional views from Town House Road although these are not predicted to experience any significant visual impacts in the long term. Of the 9 viewpoints assessed around the site, only one (that from East Hills CWS) would remain a medium-high visual impact in the long term due to the proximity of the site and high sensitivity of the receptors. The use of dense perimeter tree planting and green corridors and open space will lessen the impacts.

In summary in respect of landscape and visual impact effects, the submitted assessment, which the Council’s Landscape Officer raises no objection, acknowledges that there will be a change from rural to semi-urban on the landscape and will result in a low long term impact. To achieve this the amount of woodland and tree cover is proposed to be substantially increased to screen the development, the development area would need to be contained within the Easton Fringe Farmland character area, the boundary and perimeter planting would need to be reinforced to enclose development from key views and maintain strong separation with Costessey, a sensitive sitting of dwellings interspersed with woodland and tree planting to mitigate visual impact in local views.

It is also acknowledged that this particular field is fairly well contained in the landscape, whereas adjacent fields and those further east are more prominent in cross valley views, in the perceived separation between Costessey and New Costessey, would change the perception of the pastoral river valley floor and would certainly be more visible in the landscape.

It is acknowledged therefore that there would be some harm on the landscape character and visual impact from this development, however in the long term, subject to appropriate strategic woodland planting etc as set out above, the impacts would be relatively low.

These impacts need to be weighed against the benefits of the development in light of the absence of a 5 year supply of housing land. As set out earlier in the report, in this case the
impacts are required to be significant and adverse in order to outweigh the benefits. The
assessment earlier in the report balances this harm and benefit.

Access and highway considerations

3.66 Policy DM3.10 advises that new development should be designed to reduce the need to
travel and to take advantage of sustainable forms of travel. Policy DM3.11 advises that
development will not be permitted which would have a negative impact on the local
highway network. Para 32 of the NPPF also requires decision takers to take into account
that opportunities for sustainable transport modes have been taken up; safe and suitable
access to the site can be achieved for all people and; improvements can be undertaken
within the transport network that cost effectively limit the significant impacts of the
development.

3.67 The County Council Highway Authority has advised that the road and junction from which
the development is to be served (Farmland Road) are suitable for the proposed
development and comply with local and national policy. The gradient of Farmland Road is
very steep and has been raised by concerned local residents. The Highway Authority has
acknowledged that during very cold weather this road could become slippery, however this
is an existing residential road and the steepness in itself would not result in a serious or
frequent risk to road users.

3.68 In addition to the above the Highway Authority confirm that there are continuous footways
throughout the local highway network to all local services, including schools, shops and
public transport, which provide opportunities for sustainable means of transport in
accordance with the requirements of the NPPF.

3.69 The large number of houses that are already served by the local highway network has also
been raised as a concern locally. The Highway Authority advises that there are numerous
means of access / egress from this residential area to Dereham Road and that the
surrounding highway network is made up from roads that vary in width between
approximately 5.0m and 7.3m, are within a traffic calmed 20mph speed limit, have
appropriate levels of visibility at all junctions and continuous footways. They therefore
advise that as a consequence it would not be possible to demonstrate further residential
development would be detrimental to highway safety.

3.70 The NPPF requires that development can only be prevented or refused on transport
grounds where the residual cumulative impacts of development are severe. As a
consequence, it has to be demonstrated that these impacts would cause significant and
demonstrable harm. The Highway Authority has confirmed that the design of Farmland
Road is in accordance with the appropriate standard for this scale of development. As a
consequence it would not be possible to demonstrate a severe impact would occur, as
required by NPPF. Therefore, on balance, the local highway network is considered to be
able to safely cater for the additional traffic generated by the proposed development without
adversely impacting on other road users to a point where a refusal could not be
substantiated. The proposal is therefore considered to comply with DM 3.10, DM3.11 and
para 32 of the NPPF.

3.71 In terms of parking provision, policy DM3.12 advises planning permission will be granted
where appropriate parking provision is provided to serve the needs of the development (in
line with the Council’s parking standards) to ensure sufficient parking is provided to avoid
highway safety problems and to protect living and working conditions locally. The Council’s
parking standards equates to 1 car parking space for a 1 bed dwelling, 2 spaces for a 2 or
3 bed dwelling and 3 spaces for a 4 or more bed dwelling. Whilst this application is not
seeking to approve layout or scale of the development, the site area as supported by the
proposed indicative masterplan demonstrates that the site is large enough to accommodate
the development proposed and adequate amenity and parking areas to comply with the
Pollution

3.72 Concerns have been raised by local residents in respect of potential air pollution that would result from the additional vehicles that would use the site if developed for residential. Policy DM3.14 has regard to pollution and health and safety. Air quality issues tend to arise where there is significant standing traffic and in such instances air quality management areas are designated. There are currently no designated air quality management areas in the district. The proposal relates to 83 dwellings and this is not considered to be of such a scale nor would result in any significantly adverse standing traffic so as to cause any unacceptable impacts on air quality, any species or habitats or general amenity.

Affordable housing

3.73 JCS policy 4 requires 33% of all dwellings on schemes of 16 dwellings or more to be delivered as affordable dwellings.

3.74 The application proposes policy compliant 33% (27 dwellings) affordable housing with a tenure split of 85% affordable rent and 15% shared equity.

3.75 The Council's Housing Strategy Officer has confirmed this is acceptable. Furthermore the submitted viability report (confidential) demonstrates that the scheme is viable with the delivery of this policy compliant affordable housing.

3.76 Therefore subject to a S106 to secure the affordable housing, the proposal is considered to comply with JCS Policy 4.

Housing mix

3.77 Policy DM3.1 requires all housing proposals to help contribute to a range of dwelling type and bed spaces to meet the requirements as identified through the current Strategic Market Housing Assessment. This is to ensure that housing needs in the area are met and balanced communities are provided. A condition would be imposed on the outline to require the reserved matters to be submitted with an appropriate housing mix in accordance with this policy.

Open space

3.78 Policy DM3.15 requires new developments to provide adequate outdoor play facilities and recreational open space commensurate with the level of development proposed.

3.79 The current standards are set out in the recreation open space requirements for residential areas SPD (December 1994) and require on this number of dwellings an overall area of open space to be approx. 4980sqm (0.49Ha) (made up of approx. 1577.5 sqm of play space and 3402.5sqm of recreational open space).

3.80 The application suggests that the illustrative masterplan proposes in excess of 3Ha of open space which would be made up of play areas, outdoor sports space and new woodland. In addition the application indicates that subject to a detailed ecology survey, the whole of the river valley within the applicant's ownership (approx. 4.8Ha) would be made publicly accessible via a network of informal paths which link the river valley to East Hills (County Wildlife Site).

3.81 The quantum of open space proposed is therefore significantly in excess of the required 0.49Ha and would therefore accord with the policy requirement. The amount of open
The provision of open space and play equipment together with a scheme for the ongoing management and maintenance of the public open space would need to be secured through a S106 agreement.

3.82 Whilst layout is not for detailed consideration for this outline application, the quantum and positioning of open space is an important factor in considering the principle of the development within its landscape and ecological contexts.

3.83 Of importance is the amount of open space and its location adjacent to the county wildlife site, as a buffer to the landscape beyond and as a strategic landscape buffer to mitigate landscape and visual impact from views to the site. As such it is considered reasonable and necessary in this instance to require by condition that the reserved matters includes a planted/open space buffer to the county wildlife site and corridor to the river valley to the north and also strategic planted areas to the south-east corner of the site adjacent to existing residential properties to provide a wooded backdrop when viewed from the other side of the river valley.

3.84 Therefore subject to the imposition of conditions and a S106 it is considered that the proposal would accord with Policy DM3.15.

Density

3.85 The application proposes 83 dwellings on a site of 6.7Ha which would represent a gross density of approx. 12 dwellings per hectare. If excluding the approx. proposed 3Ha of open space the net density is approx. 25 dwellings per hectare. This would be an appropriate low density and the site has sufficient space to provide open space and landscape buffers to its edges which would respond to both its rural edge of settlement location and the context and low density of the surrounding area.

Residential amenity

3.86 Policy DM3.13 requires development to have regard to the impacts on residential amenity. This application is in outline form with only access for consideration, however with large areas of open space proposed and an approx. net density of 25 dph, it is considered that the site is of a sufficient size to ensure that a scheme can be delivered at the reserved matters stage that would ensure that the amenities of the existing residential properties would not be adversely affected.

Education

3.87 County Council Children’s Services have advised that there could be capacity issues at the primary and secondary schools in considering the already committed and unplanned speculative development coming forward in the area. They however advise that it is their statutory duty to provide school places and they would fulfil that duty and as such no objection is raised to this application on the grounds of education provision. However providing additional school places is problematic when unplanned development comes forward and providing a school place for all children at their local school would not be guaranteed. They raise strong concerns on the cumulative impact on school places from speculative development with the large number of new homes planned for this area, and the principle of allowing housing growth outside of the planned process and to this housing development in particular (noting that they will adopt a consistent position of concern for any new housing development in this growth area).

3.88 Given the absence of a 5 year supply of housing and the test of para 14 of the NPPF requiring significant and demonstrable harm to be demonstrated, this forms part of the planning balance.

3.89 The general cautionary comments from NCC Children’s Services on the principle of unplanned growth are noted, however the impacts of this particular development are noted
Overall therefore on the absence of a 5 year supply and that the impacts of this development on school capacity are marginal, it is not considered that a refusal on the basis of school capacity could be substantiated.

Ecology and green infrastructure

Policy 1 of the JCS requires the development to both have regard to and protect the biodiversity and ecological interests of the site and contribute to providing a multi-functional green infrastructure network.

The application is accompanied by a preliminary ecological appraisal which provides baseline ecological information about the site and identifies potential ecological constraints associated with the proposed development.

Overall it found that the site has limited potential for protected species as the majority of the site is recently farmed arable land. However the site borders the East Hills County Wildlife Site (CWS) on the south west corner, which is connected to the site via various trees and shrubs along part of the site boundary. In addition the River Tud is to the north of the site, forming part of the River Tud Valley.

The key potential on site ecology matters are bats, breeding birds, reptiles and hedgehogs. The impact on white-clawed Crayfish (a protected species) and other BAP Species in relation to the River Tud are addressed later in the report.

In respect of bats, the report concludes there is little potential for bat nests due to limited site trees that will be affected, but there is potential of trees along the boundaries being used for roosting and commuting.

In respect of breeding birds, there are no trees affected on site for nesting birds. Nesting birds on site boundaries and within vegetation can be protected through timing of works to avoid bird nesting season and or inspections. An Ecological Management Plan would need to be conditioned to control this.

In respect of reptiles, the report confirms there is little potential for reptiles on site, but some potential within the site boundaries.

A number of ecological enhancements are proposed within the submitted Ecological Report which include the provision of an open space area adjacent to the western boundary (CWS) with recommendations for the seeding and hedgerow planting; enhancements of existing and planting of new hedgerows; installation of bird boxes; installation of swift boxes in all new dwellings; installation of bat boxes; creation of wildlife rich habitats; and installation of hedgehog access points in fences.

The County Ecologist confirms that the mitigation and enhancement measures proposed are necessary to mitigate any impact on ecology and recommend that a detailed Biodiversity Management Plan be required by condition.

The County ecologist has confirmed that in broad principles there is no objection to the application. They confirm that whilst only shown indicatively on the masterplan, the proposed open spaces shown on this indicative masterplan (within and around the site boundary together with additional planting) would help ensure that the ecological connectivity between the East Hills CWS and the Tud Valley are maintained. In that regard they advise the above mentioned Biodiversity Management Plan should include details of
the timetable of works and the exact amount of green space (which is recommended should be in line with current plans) and how this would be planted and managed going forward.

3.101 Therefore in respect of ecology and biodiversity, subject to conditions as set out above, the proposal would accord with JCS policy 1.

3.102 In terms of green infrastructure, Norfolk County Council has confirmed that as the site is adjacent to the county wildlife site (East Hills) it is anticipated that there will be increased recreational pressure on the CWS by the addition of the new residents from this proposed development. This has been recognised by the developer who has proposed a network of paths both in the CWS and also to the north of the site along the River Tud.

3.103 NCC welcome the proposed access/footpaths to the north of the site as it is considered that this could alleviate the impact of the development on the CWS. They advise either a sum of money would need to be secured through S106 for the landowner (SNC) to improve the pathways in the county wildlife site, or commit to undertake the path improvement and access works in the CWS themselves. The footpath and access (together with long term management and maintenance) into the current private land to the north of the site (land also in ownership of the applicant) would need to be delivered by the applicant and secured through condition or S106.

3.104 NCC have confirmed the impact on the CWS in this respect would be acceptable subject to a condition requiring a detailed scheme of the two areas and footpath strategies which would need to be agreed along with management and maintenance through a Green Infrastructure Management Plan.

Archaeology

3.105 NPPF para 128 and policy DM4.10 have regard to the archaeology of the site and these policies apply throughout the district covering known and as yet undiscovered sites of archaeological interest. There are no designated or undesignated archaeological assets recorded within the site.

3.106 An archaeological desk based assessment has been submitted with the application which indicates that there is a moderate archaeological potential for the early to mid prehistoric periods, a low to moderate potential for the later prehistoric periods and a low potential for all other periods.

3.107 The Historic Environment Service has confirmed that the proposed development site is a large area of unknown archaeological potential and it is likely that the lack of heritage assets recorded on the site is the result of a lack of investigation rather than a genuine absence. A large number of artefacts have been recovered from the vicinity of the site in recent years. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) may be present at the site and that their significance will be affected by the proposed development. A condition requiring a programme of archaeological investigation work is therefore requested.

3.108 Therefore subject to an archaeological investigation condition, the proposal would accord with Para 128 of the NPPF and policy DM4.10.

Flood risk and drainage

3.109 JCS Policy 1 requires development to be located to minimise flood risk, mitigating any such risk through design and implementing sustainable drainage. Para 103 of the NPPF advises that Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in area at risk of flooding where informed by site
specific flood risk assessment…and give priority to the use of sustainable drainage systems.

3.110 The site lies adjacent (south) to the river Tud. The majority of the site lies within Flood Zone 1, land to the North which forms part of the site proposed as public access (in blue line land) lies within Flood Zone 2 and 3. The key issues for consideration in Flood zone 1 is surface water.

3.111 There is an overland surface water flooding flow path that crosses the site from south to north. This is associated with a natural topographic depression that flows through the site prior to discharging into the River Tud.

3.112 The application proposes to address surface water by a SuDs system. This would involve surface water attenuation in surface water features, the use of permeable paving and soakaways prior to infiltration to the ground.

3.113 The LLFA has advised that the proposed flood risk assessment and drainage strategy is sound and acceptable subject to the imposition of conditions which include detailed infiltration testing, provision of surface water attenuation storage to accommodate the 1 in 100 year return period, detailed design and modelling of the drainage, finished floor levels to be 300mm above all expected levels of flooding, further details of exceedance surface water flow routes, and details of management and maintenance of the proposed drainage strategy.

3.114 Concern has been raised by local residents as to whether the site is suitable for the infiltration proposed. The LLFA have advised that infiltration testing has been undertaken by the applicant in three locations across the site and note that the rates measured are favourable for infiltration. They also however advise that this testing (as set out in their suggested condition) should be supplemented with further infiltration testing in the location of specific drainage infrastructure during detailed design. They advise that indicative calculations have been provided for the soakaways, filter drains and permeable paving to demonstrate that at a high level the ground conditions are sufficient for the proposed drainage strategy. Again they advise that more detailed calculations will need to be submitted at the design stage following further infiltration testing in the location of the proposed infiltration features. Therefore subject to this detailed design, the LLFA are satisfied that the drainage strategy is acceptable.

3.115 The LLFA also note that there is an overland surface water flooding flow path that crosses the site from south to north that is at medium to low risk of surface water flooding (1 in 100 and 1 in 1000 years flood event). This is associated with a natural topographic depression that flows through the site prior to discharging into the River Tud. The LLFA raise no objection in relation to this subject to a condition to require that all properties to be placed outside of the path (the LLFA suggest that open space should be considered for this area) or sufficient information is provided to demonstrate how the overland flow route would be managed through the site without creating a risk to people and property.

3.116 The Environment Agency has been consulted on the proposed public access and footpath strategy within the blue line land adjacent to the river as this area lies within Flood Zone 2 and 3. Whilst this is an indicative strategy, it does propose footpaths and boardwalks etc within the area and adjacent to the river and so the flood risk impacts and impacts on the River Tud need consideration. At the time of writing the report comments from the EA in this respect are awaited.

3.117 Therefore subject to the imposition of conditions as set out by the LLFA and no objection being raised by the EA, it is considered that the proposal would accord with JCS Policy 1
3.118 The Internal Drainage Board has advised that as currently proposed the surface water drainage system to infiltration does not affect them. However should this change and a discharge be required to the north of the site, a land drainage consent would be required and a one-off surface water contribution would be required to the IDB. A note to advise the applicant on any consent would be required to address this.

3.119 In terms of foul drainage, Anglian Water has confirmed there is available capacity for this development in the sewerage system and in terms of waste water treatment, the Whittingham Trowse Water Recycling Centre has available capacity for the development.

3.120 Anglian Water also advise that there are Anglian Water assets that are within or in close proximity to the site and any future layout should take into account these assets or should be diverted at the expense of the developer. A note advising this and a satisfactory scheme or diversion at the reserved matters stage would need to be imposed on any consent granted.

Water quality

3.121 The matter of water quality entering into the River Tud has been raised by a number of concerned residents.

3.122 The Environment Agency has advised that the sensitivity of the River Tud is considered ‘High’ due to the habitat present that supports a number of protected/BAP species including (native) white-clawed crayfish, brown trout, bullhead, brook lamprey all of which are sensitive to changes in water quality. Furthermore the Tud possesses a similar assemblage of species and habitat to that of the River Wensum which is designated as a SSSI/SAC for having these features.

3.123 They indicate that to afford adequate protection to the River Tud, given the sensitivity of the Tud, in terms of the proposed SuDs, additional levels of treatment as prescribed in the SuDS manual for a river of ‘high’ sensitivity will be required (levels of treatment depend on for example if the water is to surface water or ground water etc). They advise that if the correct level of SuDs treatments are in place to prevent deterioration to the receiving waterbody, they can be confident that the interest features of the Tud are adequately safeguarded. They indicate that the impacts can be addressed by condition and that the condition requested by the LLFA which includes a requirement for the SuDs scheme to include appropriate treatment stages for water quality prior to discharge is sufficient.

3.124 Therefore subject to the imposition of a SuDs Condition to include water quality, it is not considered that there would be any adverse impact on the aquatic ecology of the River Tud as a result of the proposed development.

Contamination

3.125 Policy DM3.14 has regard to development and contamination. A contamination report has been submitted with the application which identifies no contamination is present at the site but recommends further investigation to identify contamination from unrecorded potentially contaminative activities and any unrecorded land uses which should include soil sampling and chemical analysis. Comments are awaited from the Environmental Protection Officer in respect of this matter, however it is considered that the impacts of any contamination can be addressed through the imposition of a condition.

Sustainable construction/renewable energy
3.126 Policy 1 and 3 of the JCS require the sustainable construction of the building, water conservation measures to be included in addition to requiring 10% of the predicted energy requirements to be delivered by on site decentralised and renewable or low carbon energy. Precise details and compliance with the policy would need be secured by condition.

Other matters

3.127 Norfolk Fire Services have indicated that the proposed development will require 1 hydrant per 50 dwellings for the residential development. A condition would need to be imposed to require a scheme to be agreed and for the developer to install these in agreement with the Norfolk Fire Service.

Crime and disorder

3.128 In relation to the Council’s duties under Section 17 of the Crime and Disorder Act 1998, the application raises no significant crime and disorder issues. A number of local residents have raised concern in relation to crime from new development, however it is considered that a suitable scheme could be agreed at the reserved matters stage to ‘design out crime’ as far as is practicably possible.

Environmental Impact Assessment (EIA)

3.129 An Environmental Impact Assessment screening has been undertaken as part of the application. The environmental, social and economic impacts have all been considered and are adequately addressed as detailed in the above report and the proposal was not considered to require an Environmental Statement and would not lead to any significant impacts other than those raised and adequately addressed in the report.

Appropriate Assessment

3.130 The proposal would not affect the integrity of any internationally protected sites (Special Protection Areas, Special Areas of Conservation) individually or in accumulation with other permitted development and extant consents in the surrounding area and therefore, in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, it is considered that the development would not have a significant impact on any protected habitats and accordingly no Appropriate Assessment of the development is required.

S106 and CIL

3.131 The application is liable for CIL although this would be calculated at the reserved matters stage when floor spaces would be known.

3.132 Should consent be granted a S106 would need to be entered into to cover the following: Affordable Housing, open space and play space provision and a management and maintenance strategy for the open space, contributions towards footpath improvement works to the county wildlife site, provision of footpaths in the woodland to the north.

3.133 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 Conclusion
4.1 When taking the policies of the NPPF as a whole the proposal is considered to represent a sustainable development.

4.2 Harm to the landscape is identified however this would be reduced in the long term through appropriate layout and use of strategic planting and so the overall long term impact would be low, to ensure the impacts are mitigated appropriate conditions for the quantum and location of open space and strategic planting would be a requirement. The closest receptor of East Hill CWS would have the biggest effect and would be modest/adverse.

4.3 In the absence of a 5 year supply of housing land in the Norwich Policy Area, policies for the supply of housing cannot be considered up to date and paragraphs 14 and 49 of the NPPF are invoked which require a presumption in favour of sustainable development unless the impacts of doing so would significantly and demonstrably outweigh the benefits.

4.4 It should be acknowledged that significant local objection has been raised not only by local residents and interested parties, but also local members, the Town Council and the County Councillor. Whilst all specific grounds of objection are acknowledged, the report has addressed the significant issues raised. The amount of local objection should not be underestimated and a level of harm is identified, however the government is clear that planning decisions must be taken in the round in respect of delivery of sustainable development with the NPPF taken as a whole as a material consideration. Therefore notwithstanding that the Local Plan Site Allocations and Development Management Plan policies are only recently adopted, in the absence of a 5 year supply of housing land, the NPPF is clear that any harm identified must be significant and demonstrable to outweigh the benefits of the proposal.

4.5 The harm identified to the landscape in this case is not considered to significantly and demonstrably outweigh the benefits that would be gained and there are therefore material considerations that override the conflict with the development plan.

4.6 Accordingly the application is on balance recommended for approval subject to the imposition of conditions and a section 106 agreement as set out in the report and no objection being raised by the EA in respect of the public access strategy on land adjacent to the River Tud.

Contact Officer, Telephone Number and E-mail: Tracy Lincoln 01508 533814 tlincoln@s-norfolk.gov.uk
Appendix 2

Tracy Lincoln

From: East, Tim <tim.east@norfolk.gov.uk>
Sent: 02 February 2016 11.21
To: Tracy Lincoln
Cc: Helen Mellors; Tim Horpole; Sandra Dinneen; Willeard, Andrew; McCabe, Tom
Subject: Land North of Farmland Road application 2015/2927

Dear Tracy,

Please accept this email as my formal objection as the County Councillor for Costessey, to the application - Land North of Farmland Road 2015/2927.

This application has been submitted to South Norfolk’s Planning Committee for determination. It’s not as though Costessey hasn’t had its fair share of massive housing developments over the last 10 years and all through a planned process, called the Joint Core Strategy! Not opportunistic, unanticipated and unplanned applications such as this one.

It is worth emphasising that this proposal at the bottom of Farmland Road is located in the sensitive valley of the River Tud and it is outside the development boundary. South Norfolk Council’s Local Plan has only recently been adopted as part of the Joint Core Strategy.

Interestingly, the applicants had the opportunity to challenge the local plan process by suggesting that SNC include this parcel of land, for about 83 homes, before the JCS was adopted, but they chose not to do so. Consequently, I hope they have missed the boat.

If this application is approved it would be against all the SN local plan policies which are drawn up to protect River Valleys, especially as this is the ‘green lung’ which separates New from Old Costessey. It would create a precedent for further development along this river valley to Longwater Lane bridge should this application be approved by SN’s Planning Committee, as all these parcels of land are in separate ownership.

Personally, I would never be prepared to support any development in the river valley of the Tud. This linear green area needs to be protected against development at all costs. This proposal really is the thin edge of the wedge. It follows on from the Townhouse Road permission and the consequent heartache that application engendered within the community. River Valleys are normally identified as being from one escarpment to another – in this case Grove Avenue to Townhouse Road. I am at a loss to understand the local plan designation for this Farmland Road application as being outside that definition and ‘only partly in a river valley’. Incredible!
With the more frequent flooding lately in Cumbria and in the Somerset Levels and with recent government assurances in the light of these catastrophes, that flood designations will be reassessed, re-evaluated and reconsidered, the flood zones in river valleys needs to be reviewed.

Zone designations were previously attributed to flood incidences occurring every 30, 50 and 100 years. The Town House Road consent on appeal was supposed to be a 30 year occurrence. Two weeks ago Town House Road was awash with water which straddled the entire road surface, twice in one week! So much for the reliability of the present designations.

The very steep nature of Farmland Road is another issue which needs evaluating on the ground. I think the Highway issue is insurmountable and could never support 83 homes being constructed in the river valley and at the same time be sustainable in the long term. Access to the wider highway network would be very limited.

For these and the many more environmental concerns, I recommend refusal of this outline application to establish the principle of development in the sensitive valley of the River Tud.

I also formally request a site visit by DMC members to take place before the application is determined to assess the topography, environment, landscape, countryside and scenery of the surrounding locations in a holistic context given the significance of public interest in this application.

Kr,
Tim

Cllr. Tim East, B.Ed, MA, JP
Lib/Dem County Councillor for Costessey,
tel: 01603 743241 fax: 01603 741977
e-mail: tim.east@norfolk.gov.uk and
jimancbarbara71@gmail.com
www.norfolk.gov.uk
Other Applications

2  Appl. No : 2016/0495/O
Parish : TASBURGH

Applicants Name : Mr & Mrs Gerald & Sarah Barnes
Site Address : Land South East Of Low Road Tasburgh Norfolk
Proposal : Outline permission (with all matters reserved) for six houses with parking and gardens.

Recommendation : Approval with Conditions

1. Outline Permission Time Limit
2. Standard outline requiring RM
3. In accord with submitted drawings
4. Slab level to be agreed
5. Archaeological monitoring
6. External materials to be agreed
7. Surface Water
8. Foul drainage to main sewer
9. New Water Efficiency
10. Reporting of unexpected contamination
11. Ecological mitigation
12. Implement boundary treatment
13. Highway conditions

Subject to a S106 to secure affordable housing

1. Planning Policies

1.1 National Planning Policy Framework
   NPPF 06 : Delivering a wide choice of high quality home
   NPPF 07 : Requiring good design
   NPPF 10 : Meeting the challenge of climate change, flooding and coastal change
   NPPF 11 : Conserving and enhancing the natural environment
   NPPF 12 : Conserving and enhancing the historic environment

1.2 Joint Core Strategy
   Policy 1 : Addressing climate change and protecting environmental assets
   Policy 2 : Promoting good design
   Policy 3 : Energy and water
   Policy 4 : Housing delivery
   Policy 15 : Service Villages
   Policy 17 : Small rural communities and the countryside

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
   DM3.11 : Road safety and the free flow of traffic
   DM3.13 : Amenity, noise, quality of life
   DM4.2 : Sustainable drainage and water management
   DM4.5 : Landscape Character Areas and River Valleys
   DM4.10 : Heritage Assets
1.4 Supplementary Planning Document
South Norfolk Place Making Guide

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

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

2. Planning History

2.1 No relevant planning history

3. Consultations

3.1 Parish Council
Refuse
- Site was previously rejected when considered as part of the Local Development Framework agreement remain valid
- A development of this nature would impact on the streetscene which is made up of individual properties with gaps along the road.
- The impact on the highways a concern, with a blind sweeping curve in the road and T junction almost immediately opposite.
- Set a precedent for further development

3.2 District Member
To be reported if appropriate

3.3 NCC Highways
Additional comments
- Existing flood on Low Road is a result of a blocked pipe the repair of which is currently being organised.
- Current pipe is not particular suitable for increased capacity from the development.

Object
- The site is located outside development boundary for Tasburgh
- Site is remote from Tasburgh Village, where there are local services and the catchment primary school exists
- Village primary school and village are located approximately 1.5 km from the site and nearest doctors is in Long Stratton
- No pedestrian footpath to link from the site to village hall where there is already a footpath.
- Walking along northern section of Grove Road is not attractive route for pedestrians and is somewhat hazardous owing to poor alignment and limited forward visibility around bends.
- If development were approved in this location it is likely residents would be reliant on use of private car to access local services and schooling contrary to NPPF and Norfolk’s 3rd Local Transport Plan.
- There is only a limited bus service to lower Tasburgh
- Six additional dwellings would create 36 vehicular trips per weekday according to TRICS.
- NPPF supports the need for safe and sustainable access for all people.
- Encourages the importance of being able to make every day journeys without the reliant on the private car

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• Consider site would be poorly located in terms of transport sustainability
• There appears to be a problem with surface water flooding at the junction with Flordon Road. This appears to be due to lack of capacity in the ditch system. This needs to be addressed as part of any consent if approval is granted

3.4 Historic Environment Service Support with conditions
• There have been a number of archaeological finds of the sites, potential for there to be archaeological remains from prehistoric to post medieval periods.
• It’s also close to the River Tas and historical maps show occupation from at least 16th century.
• As a result the site is of archaeological interest
• Condition required for trench excavation with potential for further excavation and monitoring

3.5 Norfolk Rivers IDB
• Site does not require a FRA, would like confirmation at detailed design stage how surface water drainage will be managed
• If surface connects into existing ditches and drains and water will fall into the Norfolk Rivers IDB district and will be liable for a surface water development contribution and land drainage consent
• Can approval from Norfolk Rivers IDB be added as a planning condition

3.6 NCC Ecologist Support subject to conditions
• Ecology report has been submitted with the application
• Report concludes that the proposed development is unlikely to have a significant impact on protected or notable species
• Portion of mixed species hedge will be lost and best practice measures are recommended

3.7 SNC Housing Enabling & Strategy Manager
• Policy 4 of JCS sets affordable housing percentage at 30% for sites 0.4 -0.6 hectares
• Requirement for 2 affordable homes
• Bearing in mind location, 2 houses for sale on shared equity terms of 75% of their market value are acceptable
• Providing them as semi-detached pair would be ensure they are more affordable
• Three bedroom house of about 86sq metres would also be acceptable.

3.8 SNC Water Management Officer Support with conditions
• Most sustainable method of surface water drainage disposal should be adopted
• Main sewer on Low Road and also on the location of rising main is through plot 6 need to check any wayleaves with Anglia Water
• Advisory comments on surface water drainage and land drainage consent
3.9 SNC Property Consultant

- Revised viability report methodology is sound
- Whilst I do not agree with all the aspects of the assumptions and inputs, do agree with the conclusion that based on the information available the six dwellings including two affordable units will provide a viable return for both the landowner and developer.

3.10 Representations

13 letters of objection from twelve households

- Site is outside the development limit
- Tasburgh identified as a service village in Joint Core Strategy and land was allocated in Upper Tasburgh for 10-20 dwellings
- Site was put forward as being part of the development boundary but rejected this should be respected
- How can these policies be out of date when they have only just been adopted
- Undermine right of existing residents and the local community
- Planning frameworks are necessary to protect the local countryside
- The development is unsustainable
- Important farm land
- Headland and hedgerow important wildlife haven
- Adversely affect the character of the listed building opposite
- Will not make a significant impact on the housing supply and there are thousands of homes planned
- Economically only benefit the applicants
- Limited employment benefits
- Lower Tasburgh is not well served by amenities
- Upper Tasburgh village hall, primary school and playing field, shop and post office have closed and not there is only a visiting post office
- No doctors, shops or significant amenities.
- Limited bus service goes to Lower Tasburgh a few times a day
- Detrimental to highway safety three way junction on a heavily traffic road, large volume of traffic and do not comply with speed limit.
- Visibility is not good
- Increased traffic will be dangerous for vehicles and pedestrians as there are no pavements
- No room for visit parking
- Water pools on the site and spills onto the road
- Significant remedial works would be required to deal with the drainage issues
- Development will make flooding situation worse
- Character of Low Road is a mixture of historic ribbon development interspersed with green field sites, farm land and nature reserve
- Proposed development is out of character with pattern of development in the local area and Tas Valley
- Density out of keeping with the area
- No community consultation
- Garages should be accommodated to the side so plots not wide enough
- Busses not suitable of travelling to work, if the service is cancelled need to walk from A140
- Children would have to travel to school by car
- Should be a condition that a public footpath and cycle path from Low Road to village Hall Playing fields and also from Bungay Road to Brands Lane also owned by the applicant where an existing permissive footpath has been closed.
• Question the location of the hedge and the impact on visibility should be set back in line with wall for Kyslestones
• Suggest development should be set back and provide a village green area on the frontage
• Set precedent for further development
• Loss of amenity from noise and disturbance, loss of privacy and overlooking.

4 Assessment

Background

4.1 This application was on the agenda for last committee but a decision was deferred because of an issue with the viability report relating to affordable housing. A revised viability report has now been submitted which the Council’s Property Consultant is happy now shows that there is both an adequate return for both the landowner and developer to provide two houses on shared equity terms at 75% of the market value. However the High Court ruling that quashed the Government’s national planning policy to exempt sites of ten or less dwellings (or less than 1000 square metres of floor space) from providing affordable housing has very recently been quashed by the court of appeal. At the time of writing this report the status of policy JCS 4, which sets out the Council’s affordable housing policy, is now unclear and legal advice is being sought on this matter and this position will be updated at committee.

4.2 The application site is between Kyslestones and Pilgrims Cottage on the south east side of Low Road in Tasburgh. The site is opposite the junction with Flordon Road and the Mill House opposite is a listed building. The land to the east forms part of the development boundary for Tasburgh.

4.3 The application is for outline permission for 6 dwellings with all matters reserved, an indicative layout and access have been provided, but do not form part of the application. Policy DM1.3 seeks to direct development to sustainable locations within development boundaries and allocated sites. The Joint Core Strategy sets out the growth strategy for the area including designating Tasburgh as a Service Village. The site is located in the Norwich Policy Area where the Council does not have a five year land supply, as such paragraph 49 in the NPPF makes it clear that in such circumstances the development plan policies cannot be considered up to date and housing applications should be considered in the context of the presumption in favour of sustainable development, even if the site specific allocations have only recently been adopted.

4.4 In terms of the presumption in favour of sustainable development under paragraph 49 of the NPPF, this confirms that sustainable development has three dimensions, economic, social and environmental. It goes on to stress that these are not to be undertaken in isolation, because they are mutually dependent. The NPPF also sets out 13 themes for delivering sustainable development but considers its meaning of Sustainable Development to be taken as the NPPF as a whole.

4.5 The following is an assessment of whether the scheme can be considered to represent sustainable development:

   Economic Role

4.6 The NPPF highlights the economic role as “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure.”
4.7 The proposed dwellings will make a contribution to the delivery of the five year land supply and will make a small contribution to the economy through employment during the construction period and subsequent spending from the occupiers.

Social Role

4.8 The NPPF confirms the social role as “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”

4.9 The Highway Officer has raised an objection to the application on transport sustainability ground and access to local services being dependent on the private car. It is however, important to note that the recently adopted development limit for Tasburgh is located directly to the north east of the site, making it difficult to say this site is not sustainable if the adjacent dwellings are within the development limit and therefore considered sustainable. There are a range of services including school, public house and village hall within the main village which are within reasonably easy reach. The proposed layout of the dwellings is only indicative, but shows that they could be accommodated and high quality development could be accommodated on the site, without causing any significant amenity issues.

Environmental Role

4.10 The NPPF confirms the environmental role as “contributing to protecting and enhancing our natural, built and historic environment: and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

4.11 The site is outside the development limit and will result in an encroachment on the open countryside but would not cause a significant harm to the character of the area which forms part of the river valley. The dwelling will be located in flood zone 1 (low risk) and there is not any significant harm to biodiversity.

4.12 On balance although the proposed development is located outside the development limit and there is no direct pedestrian link to local services, it would provide additional dwellings in a location where there is a shortage. Paragraph 14 in the NPPF makes it clear the “where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. In this instance there are no adverse impacts which would significantly and demonstrably outweigh the benefits and the development is considered to be sustainable development in terms of the NPPF.

4.13 Although the site is within flood zone 1 (low risk) there is an existing issue with flooding on the road adjacent to the site. The Highway Authority is aware of the issue and has confirmed it is because of a blocked culvert which they are in the process of organising the repair of; the flood is not caused by the application site. The Highway Authority has however suggested that the drainage pipe is of a poor quality and as a result would not be particularly suitable to take additional capacity.

4.14 As this is an outline application exact means of surface water drainage would be agreed by condition. The Water Management Officer has given advisory comments on the need to provide the most sustainable drainage in line with the hierarchy in the PPG. There is a main sewer in Low Road so foul drainage could be dealt with via mains sewer; there is also a rising main on the site which will need to be taken into account in the layout at reserved matters stage.
4.15 Concern has been raised regarding the impact on the additional traffic on the highway network and highway safety. Although objecting on sustainability grounds the Highway Officer has raised no objection on highway safety grounds. It is therefore considered that the development accords with policy DM3011 in the Development Management Policies.

4.16 The design of the proposed dwellings would be subject to a reserved matters application, but it is consider that the site is of sufficient size to accommodate the proposed dwellings without causing any significant amenity issues. There is a mix of dwelling styles and types along Low road and the proposed dwellings need not be out of character with the local area or cause significant harm to the Tas Valley landscape.

4.17 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.” It is considered a development could be designed so it would not significantly harm the setting of the listed buildings within the vicinity of the site in accordance with policy DM4.10 of the Development Management Policies.

4.18 The site is of archaeological importance, The Historic Environment Service have requested a programme of archaeological investigation, which has been conditioned.

4.19 A satisfactory ecological report has been submitted with the application and the NCC Ecologist considers that the proposed development would not result in any harm to protected or notable species.

4.20 The site is over 0.4 of a hectare and in accordance with policy 4 of the Joint Core Strategy there is a requirement for 30% affordable housing. It has been agreed that two houses will be provided on shared equity terms at 75% of market value. This provision will be secured by the means of a S106 agreement.

4.21 Paragraph 50 of the National Planning Policy Framework (2012) requires Councils to plan for people wishing to build their own homes. This can be a material planning consideration for this application as some of the properties could be suitable for delivery by self-build. In the instance of this application the other material planning considerations detailed above are of greater significance.

4.22 Concern has been raised over setting a precedent for further development but any future applications would be assessed on their own merits.

4.23 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance. This application is liable for Community Infrastructure Levy (CIL) although this would be calculated at Reserved Matters stage when floor space would be known.

5 Conclusion

5.1 In the absence of a five year land supply the proposed development has been assessed as to whether it is sustainable development in this context in accordance with paragraph 14 of the NPPF. It is not considered that there are any significant and demonstrable adverse effects that outweigh the benefits of the development. The exact, design, layout, appearance, access and drainage of the site will be dealt with at reserved matters stage.

Contact Officer, Telephone Number and E-mail: Helen Bowman 01508 533833 hbowman@s-norfolk.gov.uk
3  **Appl. No** : 2016/0776/F  
**Parish** : TACOLNESTON

Applicants Name : Mr & Mrs Manning  
Site Address : Land North Of 122 Norwich Road Tacolneston Norfolk  
Proposal : Proposed dwelling and detached garage.

**Recommendation** : Refusal

1. Principle of development is unacceptable.
2. The proposal would significantly and demonstrably harm the historic and architectural merit and setting of the area.
3. The proposal would harm public amenity.

1. **Planning Policies**

1.1 **National Planning Policy Framework**
   NPPF 07 : Requiring good design  
   NPPF 11 : Conserving and enhancing the natural environment  
   NPPF 12 : Conserving and enhancing the historic environment

1.2 **Joint Core Strategy**
   Policy 2 : Promoting good design  
   Policy 15 : Service 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  
   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  
   DM4.2 : Sustainable drainage and water management  
   DM4.8 : Protection of Trees and Hedgerows  
   DM4.9 : Incorporating landscape into design  
   DM4.10 : Heritage Assets

1.4 **Supplementary Planning Document**
   National Planning Practice Guidance  
   Self-build guidance  
   Annual Monitoring Report  
   South Norfolk Place Making Guide  
   Conservation Area Appraisal

1.5 **Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:**
   S66(1) Listed Buildings Act 1990 provides: “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
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 2014/1959 2 No proposed new dwellings and detached garage  Withdrawn

2.2 2016/0776 Proposed dwelling and detached garage. under consideration

2.3 1998/0463 Demolition of existing extension and erection of new extension including raising of roof on existing building  Approved

2.4 1998/0462 Demolition of existing extension and erection of new extension including raising of roof on existing building  Approved

3 Consultations

3.1 Parish Council Object on the following matters
- Outside the development boundary
- Conservation area constraints
- Impact on the listed building
- Drainage issues in the past
- Overlooking and overshadowing issues
- Highways impact
- Safety regarding the retaining wall

3.2 District Member To committee based on paragraph 55 of the NPPF.

3.3 NCC Highways Recommended condition regarding access/on-site car park and turning surfacing

3.4 SNC Conservation and Design Officer Objects to the proposal
- Outside the development boundary
- Harmful impact on the protection of the listed buildings and conservation setting

3.5 SNC consultant Arboricultural Officer To be reported if appropriate

3.6 Representations Five Objection representations have been received, which raise the following planning matters:
- Contrary to local and national policy
- Impact on the trees
- Impact on the conservation area
- Outside development boundary contrary to policy
- Negative contribution to the area
- Residential amenity
- Drainage issues
- Overdevelopment of the plot
4 Assessment

Principle of development

4.1 The principle of development is unacceptable and is contrary to the South Norfolk Local Plan policy DM1.3 (sustainable location of development). This is because the site in question is outside the defined settlement boundary. Assessment must be made of any other material considerations which may justify a departure from the Development Plan.

4.2 Policy DM1.3 is directly interlinked with policy DM1.1, planning legislation and paragraph 14 of the NPPF all of which seek to ensure new development is sustainable.

4.3 The key issues to this proposal are:
- Impact on the setting of the listed buildings, conservation area and conservation area trees
- Design
- Residential amenity
- Highways
- Is the proposal sustainable development?

Impact on the conservation area, listed buildings and conservation trees

4.4 The size of the proposed dwelling in comparison to its immediate historic and architectural setting (specifically in relation with the modest terrace properties along Norwich road and number 122 listed building), would be significant and prominent in scale and mass. This is considered to detract from the setting of the listed buildings and the conservation area.

4.5 The proposed dwelling would be positioned where the views of the mature trees would be lost as the backdrop to the setting of the listed buildings. The pattern, form and protection of the area would be affected by the proposal. Infilling the area will change the character creating a tighter grain and more urban feel in an area that is dominated by countryside. There is limited public amenity benefit the proposed dwelling would bring.

4.6 The submitted tree survey shows the existing mature trees on site would be constrained and restricted in growth due to the close proximity of the proposed dwelling with the natural branch spread of the trees. This would result in the proposed dwelling forcing regular pruning of the mature trees and possible felling if the trees were to impact on the proposed dwelling in the future. This would effectively jeopardise the mature trees future and setting to the area. In my opinion, the proposal is contrary to local plan policy DM4.8 and DM4.9.

4.7 The proposal would not meet the requirements of section 66 and 72 of the Planning (Listed Building & Conservation Areas) Act 1990. The proposal is considered to create significant harm where there is no public amenity benefit sufficient to outweigh it. The proposal is considered contrary to South Norfolk Local Plan policies DM1.3 and DM4.10.

Design

4.8 This application has been called-in to committee by the District Member to assess the proposal in the light of paragraph 55 of the NPPF and particularly whether this proposal enhances or maintains the vitality of the rural community.

4.9 Paragraph 55 of the NPPF promotes sustainable development where development enhances or maintains the vitality of rural communities but suggests isolated homes in the countryside should be avoided unless there are special circumstances. As set out in this report, there are no special circumstances in this case that would justify the development which conflicts with the Development Plan.
4.10 The design of the proposal makes some reference to the surrounding historic context, such as rendered finish and window details, but this is not considered exceptional, innovative or outstanding. I also acknowledge there may be some short-term economic benefits in the proposal such as the construction process and the spending of future occupiers which could benefit the vitality of the community. However, I do not consider this beneficial enough to outweigh the significant harm that would be caused to the historic and architectural merit and setting of the area. Therefore, I consider this proposal outside the development limit is not justified by paragraph 55 of the NPPF.

4.11 Paragraph 132 of the NPPF states heritage assets are irreplaceable and that any harm or loss should require clear justification. It also states specifically that substantial harm to a grade II listed building (which would be affected by the proposal) should be exceptional.

4.12 Furthermore, the NPPG Rural Housing guidance specifically refers to paragraph 55 of the NPPF, and requires robust evidence from any proposal that wishes to proceed against up-to-date sustainable development policy that is plan-led and specifically sites where constraints (such as listed building setting and conservation area settings) are fundamental to any decision. No robust evidence has been provided as part of this application. Moreover, as identified in paragraph 4.13 of this committee report the site is not identified as suitable. Therefore, fails the deliverable and developable tests in accordance with land supply paragraph 47 of the NPPF. As previously mentioned, the authority already has a significant exceeded land supply in the rural area, within which the site in question is located.

Residential amenity

4.13 Due to the proximity of the building and its orientation I do not consider it to significantly overshadow surrounding properties. However, I consider an unacceptable degree of overlooking will take place from the proposed new dwelling out towards the rear gardens of the modest terraced properties along Norwich Road (north/east) and south/west of the site towards the listed buildings 122 and 116. Specifically the windows proposed in the principal elevation, northern and southern elevations will look out into the private amenity spaces of surrounding residential gardens. This is also not helped by the orientation of the proposed dwelling on the plot of land.

4.14 The presence of the proposed building will create a much more enclosed area where the openness and spacious character will be significantly eroded, which would also be due to the significance of the proposed scale and mass of the new dwelling.

4.15 I consider the impacts the proposed development would create are overlooking and enclosure to be contrary to local policy DM3.13.

4.16 The third party objection representations have raised a number of issues which I have addressed within this report.

Highways

4.17 There have been no objections raised by the highways officer. However, a recommended condition has been made regarding access/on-site car park and turning surfacing. I am satisfied the proposed development would not harm highway safety.

Sustainable Development

Social

4.18 I see no significant social benefits that the proposal would provide. The rural area of South Norfolk already contains a very healthy housing land supply where 16.94 years supply can be demonstrated and evidenced in accordance with the South Norfolk Monitoring Report (2015). The harm identified above far outweighs any social benefits the development would bring.
Economic

4.19 The proposal is for a dwelling, in a location within the countryside outside of the defined settlement boundary. The only limited short-term benefit of this proposal would be it would help enhance the local economy through local spending from future occupants of the dwelling. In addition, the scheme would also provide some short term economic benefits from construction of the dwelling.

Environmental

4.20 Significant environmental harm has been identified in terms of the setting of listed buildings, impact on trees and the form and character of the area. This significant environmental harm far outweighs the limited economic and social benefits and so the proposal cannot be regarded as sustainable development.

Self-Build Proposal

4.21 The proposed development is for a self-build dwelling as seen in the proposal section of this report. However, this does not change the statutory status of the development plan as the starting point for decision-making.

4.22 South Norfolk has an up-to-date local plan in place that is fit for purpose and in line with legislation and the requirements and provisions of the NPPF, specifically paragraph 14. The proposed development would be contrary to the South Norfolk plan-led system.

4.23 Paragraph 50 of the National Planning Policy Framework (2012) requires Councils to plan for people wishing to build their own homes. This can be a material planning consideration for this application as self-build has been identified as the method of delivering the site. Whilst an indication of self-build has been given by the applicant it should also be noted that at this stage it cannot be certain that the method of delivering this site will be self-build. In the instance of this application the other material planning considerations detailed above are of greater significance than the potential benefits of one self-build property.

4.24 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.

4.25 This development is not liable for Community Infrastructure Levy (CIL) as the proposed development would be claiming self-build exemption.

Conclusion

5.1 In conclusion, the harm of this proposal outweighs any benefits for the reasons set out in this report. Fundamentally, the development is not sustainable and the conflict with local and national policy is not outweighed by any other material consideration.

Reasons for Refusal

5.2 This proposal would in principle be contrary to local policy DM1.1 (sustainable development), DM1.3 (sustainable location) and paragraph14 (sustainable development) of the NPPF as the proposed development is at odds with South Norfolk’s plan-led system. There is no justified or evidenced need for the proposed dwelling to override the plan-led system and there are no special circumstances to outweigh the harm of the proposal. The principle of development is unacceptable.
5.3 The proposal would create significant and demonstrable harm including:

1. Harm to the form and character of the area contrary to policy 2 of the JCS and policies DM4.8 and DM3.8 of the South Norfolk Local Plan.
2. Harm to the setting of listed buildings and the Conservation Area contrary to the Listed Buildings Act 1990 and to local plan policy DM4.10.
3. Harm to residential amenity by loss of privacy and enclosure contrary to Local Plan policy DM3.13

Contact Officer, Telephone Number and E-mail: Elizabeth Thomas 01508 533793 ethomas@s-norfolk.gov.uk
Development Management Committee

Applications Submitted by South Norfolk Council

4  Appl. No : 2016/0771/RVC
    Parish : PORINGLAND

Applicants Name : Mr Stuart Bizley
Site Address : Land North Of Shotesham Road Poringland Norfolk
Proposal : Variation of condition 2 of permission 2014/0393/D - various material changes

Recommendation : Approval with conditions

1 Conditions on previous permission
2 In accord with submitted drawings
3 Reporting of unexpected contamination
4 Ecological management plan
5 Provision of Bat and Bird boxes
6 Tree protection
7 No dig in root protection
8 Implement landscaping scheme
9 Retention trees and hedges
10 New Water Efficiency
11 Slab levels to accord
12 Restrict office use to B1 use only

1. Planning Policies

1.1 National Planning Policy Framework
   NPPF 03 : Supporting a prosperous rural economy
   NPPF 06 : Delivering a wide choice of high quality home
   NPPF 07 : Requiring good design
   NPPF 10 : Meeting the challenge of climate change, flooding and coastal change

1.2 Joint Core Strategy
   Policy 2 : Promoting good design
   Policy 3 : Energy and water
   Policy 4 : Housing delivery
   Policy 5 : The Economy

1.3 South Norfolk Local Plan
   Development Management Policies
   DM1.2 : Requirement for infrastructure through planning obligations
   DM1.3 : The sustainable location of new development
   DM1.4 : Environmental Quality and local distinctiveness
   DM3.1 : Meeting Housing requirements and needs
   DM3.2 : Meeting rural housing 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
   DM4.1 : Renewable Energy
   DM4.2 : Sustainable drainage and water management
   DM4.9 : Incorporating landscape into design
1.4 Supplementary Planning Document
South Norfolk Place Making Guide 2012

2. Planning History

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<td>2014/0498</td>
<td>Variation of conditions 2 and 3 of planning permission 2011/0661/F- (Construction of Spine Road (Carr Lane to Shotesham Road), surface water lagoon and associated works) - construction in accordance with submitted drawings and construction of drainage lagoon</td>
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<td>2.6</td>
<td>2014/0714</td>
<td>Discharge of conditions 9 and 10 of planning permission 2011/0476/O- detailed schemes for speed limits, foot/cycleway and works to Carr Lane</td>
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<td>2.7</td>
<td>2014/0991</td>
<td>Discharge of condition 12 of planning permission 2011/0476- Speed limit</td>
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<tr>
<td>2.8</td>
<td>2014/1107</td>
<td>Discharge of conditions 3, 4, 7, 8, 13, 15, 16 &amp; 17 of planning permission 2011/0476/O - Drainage, Highways, traffic management, wheel cleaning, foul and surface water, landscaping, tree protection and boundary treatment</td>
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<tr>
<td>2.9</td>
<td>2014/1772</td>
<td>Discharge of conditions 5, 7 &amp; 11 of planning permission 2014/0393/D - Provision of bat and bird boxes, root protection areas and existing ground/proposed floor levels &amp; boundary treatments</td>
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<td>2.10</td>
<td>2014/1856</td>
<td>Discharge of condition 3 of planning permission 2014/0319/D - Hard and soft landscaping details</td>
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<td>2.11</td>
<td>2014/1967</td>
<td>Non material amendment to planning permission 2014/0393/D - Reposition of the electricity substation, amendments to commercial units 3 &amp; 4 elevations with the</td>
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introduction of plant room extractor grilles and amendments to the residential facing bricks schedule.

2.12 2014/2011 Discharge of conditions 3, 4, 7, 8, 11, 13, 14, 15, 16 and 17 of Norfolk Homes and Badger Building phases of planning permission 2011/0476 Approved

2.13 2014/2150 Discharge of condition 11 of planning permission 2011/0476/O - Travel Plan Approved

2.14 2014/2470 Revision to plot no1 - Facing bricks and roof tiles. Approved

2.15 2014/2568 Non material amendment to planning permission 2014/0393/D - Revisions to plots 11 and 16, external finishes. Approved

2.16 2015/0631 Variation of Condition 2 following planning application 2014/0393/D - Material change to windows and doors for the residential units and external changes to the materials for the commercial units Approved

2.17 2015/0973 Display of advertisements to include main development board, entrance direction boards, show home external sign, visitors car parking, external sales office sign, flag poles Approved

2.18 2015/2893 Variation of Condition 9 of planning permission 2011/0476 - Amend condition to require off-site highway works to be completed prior to occupation of 100th dwelling instead of 50th dwelling or within nine months of the completion of the Anglian Water works. Approved

2.19 2016/0043 Variation of Condition 2 of permission 2014/0393/D - Revisions to plot house types, parking and materials Approved

3. Consultations

3.1 Parish Council No comments

3.2 District Member Can be delegated

3.3 NCC Highways No objections

3.4 Representations No comments received
Development Management Committee 25 May 2016

4 Assessment

4.1 This application is to variation of Condition 2 of the reserved matters submitted by South Norfolk Council for their part of the site given outline consent under 2011/0476, referred to as Area D, to change the facing bricks (by reducing the number of colours) and the colour of the paving blocks to access road.

4.2 The application site is located off Shotsham Road which takes it access off The Street (B1332). Carr Lane is located to the east and Bellamy Way to the west. Part of the site was previously developed with prefabricated dwellings and the remainder of the site being agricultural. Works have commenced on site and a number of the dwellings occupied.

4.3 This application seeks to change the approved materials only. Change colour of paving blocks from a buff finish to a charcoal finish Reduce the number of brick colours for the residential development.

4.4 The approved reserved matters application was for:
- 57 dwellings of which 14 are affordable dwelling
- 6 blocks of commercial units
- Children's play space and open space
- Landscaping

4.5 The main consideration is the impact of the change of the materials on the overall design concept and if they are acceptable.

4.6 The proposed changes will not adversely affect the amenities of the neighbouring residential properties or highway safety.

4.7 The changed to the material in respect of the number of colours of bricks to provide a uniform selection across the site and the change in the paving blocks to reduce the visual input of wear and tear, staining etc. is considered acceptable and will not adversely impact on the overall design concept for the residential development. The proposed residential units represent a high quality design in accordance with the NPPF and Policy 2 of JCS.

4.8 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.

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

5 Conclusion

5.1 The appearance, scale, landscaping and layout of the development are considered acceptable for its context and are of a high standard of design. The proposed variations will not adversely affect the character of the area and will not have an adverse impact on the amenities of the 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
Enforcement

Enforcement Reports

1  Enforcement Ref : 2004/0254
Parish : WORTWELL
Site Address : Station Farm, High Road, Wortwell, Norfolk, IP20 0EN
Development : Standing of a caravan
Developer : Mr F Bennett & Mr Paul King

1. Background

1.1 In 2008 an Enforcement Notice was served requiring the removal of a touring caravan situated on a field to the north of the A143 in Wortwell which was being used for residential occupation. The enforcement notice took effect on the 17th April 2008 with a compliance period of three years for the removal of the caravan from the land.

1.2 The occupier of the caravan Mr Paul King wrote to the council requesting that either the compliance period be extended or the notice be withdrawn. He stated that he had still not been able to find an alternative site and that this site allows him to live the lifestyle of his choice, is in close proximity to his elderly mother daughter and her children.

1.3 Due to an unmet need for caravan pitches in the district at the time committee resolved to extend the compliance period to September 2015. It was envisaged a provision through the local planning process would be found by this time.

1.4 In May 2011 a Planning Inspector, when deciding a Planning Appeal on another travellers site believed it reasonable to work on a basis of a three year completion period of the Development Plan Document and a further two years would be needed to allow for actual delivery of sites. At the appeal the Planning Inspector believed, on the balance of probability, that the need for alternative sites was likely to be met in four years, in the summer of 2015.

1.5 Mr King wrote again requesting either a further 3 year extension to the compliance period or withdrawal of the Enforcement Notice. He states that he has been in Wortwell for over ten years and wishes to carry on with his chosen lifestyle. This would enable him to continue to be near to his elderly mother in Norwich and daughter in Dickleburgh.

1.6 In considering Mr Kings request the Council now have to take in to consideration that the criteria for being regarded as a Gypsy or Traveller in planning terms changed in August 2015. Mr King was made aware of this and was asked whether he wished to be regarded as a Gypsy or Traveller. Mr King did not directly answer whether he wished to be considered a Gypsy or Traveller but from the information provided it appears that he does not meet the definition as set out within national planning policy. As such the matter should now be assessed on the basis of it being for a general residential caravan, rather than specifically for a gypsy or traveller.

2. Planning Policies

2.1 National Planning Policy Framework
NPPF 06: Delivering a wide choice of quality homes
NPPF 07: Requiring good design
NPPF 11: Conserving and enhancing the natural environment
2.2 Joint Core Strategy
Policy 1: Addressing climate change and protecting environmental assets
Policy 2: Promoting good design
Policy 4: Housing delivery
Policy 15: Service Villages

2.3 South Norfolk Local Plan 2003
Development Management Policies
DM1.3 Sustainable location of development
DM1.4 Environmental quality and local distinctiveness
DM3.9 Design Principles
DM3.12 Road safety and the free flow of traffic

3. Enforcement History

3.1 2004/0254 Untidy land (s.215) Notice issued - Complied

4. Consultations

4.1 Parish Council
- Mr King has been fortunate to live on the site for several years
- He is not a gypsy and traveller and is therefore in the same position as the rest of the settled population
- His situation must be viewed in the same way as any person who wanted to live in the open countryside ie in accordance with current planning policies

4.2 District Member
- My only comment is that he has been fortunate to live on the site for several years, but given that he does not meet the definition as a gypsy and traveller, he is in the same position as the rest of the settled population and his situation must be viewed in the same way as any of them would be judged in wanting to live in the open countryside, i.e. this should be assessed according to our current planning policies.

5. Assessment

5.1 A copy of the original and subsequent Enforcement Reports are attached as Appendix 1, for members information.

5.2 Policy 15 of the Joint Core Strategy (JCS) identifies Wortwell as a Service Village in which land will be allocated for small-scale housing growth in the period 1 April 2008 to 31 March 2026, within the range of 10-20 dwellings, subject to form, character and servicing constraints. The development boundary has been drawn to include the main built form of the settlement. The site located outside the development boundary for Wortwell and feels well removed from this settlement by the severing effect of the A143.

5.3 The NPPF states: ‘The purpose of the planning system is to contribute to the achievement of sustainable development.’ It mentions three dimensions of sustainable development: social, economic and environmental. The development has been assessed against these principles below.

Economic Role

5.4 The NPPF highlights the economic role as “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure.”
5.5 The site is not located in a location that has been identified as being suitable for development of this nature. The caravan has been in situ for some time and therefore there are no economic benefits from any further construction works although in the longer term local spending by the occupant would create benefits to the local economy and contributing to the vitality of local services. There is therefore a minimal level of economic benefit.

Social role

5.6 The NPPF confirms the social role as “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”

5.7 The caravan provides accommodation, but the site does not relate well to any existing built-up area and therefore has limited social value due to its isolated location.

Environmental role

5.8 The NPPF confirms the environmental role as “contributing to protecting and enhancing our natural, built and historic environment: and, as part of this, helping to improve bio-diversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

5.9 As mentioned above, the site is located within an agricultural landscape and is in close proximity to the River Waveney. A core planning principle of the NPPF is to recognise intrinsic character and beauty of the countryside, which is reflected in Policy DM1.4 of the Development Management Policies document. Planning practice guidance clarifies that conservation and enhancement of the landscape, not only designated landscapes, contributes to upholding this principle. Whilst the site itself is not prominent from most public vantage points the caravan does impact on the rural character of the local landscape and therefore conflicts with Policy 2 of the Joint Core Strategy (JCS) and policy DM1.4.

5.10 Another core principle of the NPPF is to actively manage patterns of growth to make the fullest of public transport, walking and cycling. Similarly, the transport strategy in JCS Policy 6 is aimed at promoting healthy travel choices and minimising the need to use a private car.

5.11 A range of services and transport connections are available within the settlement of Wortwell. However, to walk to them the occupant of the caravan would have no option but to walk along narrow sections of unlit carriageway and as a consequence it is likely the occupant of the caravan would be reliant to a large extent on the private car for accessing services. It should be noted though that the use of the site for one residential caravan would not generate significant movements and therefore given the relative proximity of Wortwell it would be difficult to show significant harm on this issue alone.

5.12 No significant harm has been identified from the development in relation to heritage assets, flood risk or ecological impacts.

5.13 The impact of a residential caravan in this location on the rural character of the area outweighs its modest economic and social benefits. The development therefore fails to meet the definition of sustainable development, as defined within the NPPF.

5.14 In view that the occupant has been in situ for several years and will need time to find alternative accommodation I consider that a reasonable amount of time should be given for the residential use to cease and the residential caravan to be removed.
6 Recommendation

6.1 That enforcement action be authorised to cease the residential use of the land and secure the removal of the caravan with a compliance period of one year.

Contact Officer, Telephone Number and E-mail: Andy Baines, 01508 533840, abaines@s-norfolk.gov.uk
Appendix 2

Third Wednesday Planning Committee

Enforcement

Enforcement Report

Report of The Development Control Services Manager

1. Enforcement Ref - 2004/0254
   Parish - WORTWELL
   Site - Station Farm, High Road, Wortwell
   Development - Standing of a caravan
   Developer - Mr F Bennett

1. Background

1.1 In 2008 an Enforcement was served requiring the removal of a towing caravan situated on a field to the north of the A143 in Wortwell which was being for residential occupation and the removal of the non agricultural items stored on the land. The Enforcement Notice took effect on the 17th April 2008 with a compliance period of three years for the removal of the caravan from the land and a compliance period of two months for the removal of the non-agricultural stored items.

1.2 The caravan is still in situ and whilst some of the non-agricultural stored items have been removed from the land there are still some items being stored, including a vehicle.

1.3 The occupier of the caravan Mr Paul King has written to the Council formally requesting that either the period for compliance be extended for a further three years or the Enforcement Notice be withdrawn. Mr King has stated that he has been unable to find alternative accommodation due to heavy work commitments over the past 45 months but he is now in a better position to look for an alternative site. He has stated that the current location suits him very well as he is 30 minutes drive of his elderly mother, his daughter’s children live in Diss and other daughter stays in Denton.

2. Planning Policies

2.1 HOU23 – Site for gypsies and travelling show people

   IMP8 – Safe and free flow of traffic

3. Human Rights Assessment

3.1 A further Human Rights Assessment has been carried out but has raised no new issues.
4. Consultations

4.1 Parish Council  The caravan should be removed from the site by the 17th April 2011. The caravan has been there for many years and there have been a number of complaints about activities on the site.

4.2 Local Member  Has been informed caravan no longer occupied regularly and there have been a number of fires on the site. Cannot see any case to extend the compliance period or withdraw the notice.

5. Assessment

5.1 A copy of the original Enforcement Report is attached as Appendix 1, for members information. It should be noted that South Norfolk Local Plan Policy (SNLP) HOU23 was not saved. However, the advice in Central Government Circular 01/2006 still stands.

5.2 As members will be fully aware it has not been possible, despite our best efforts, to identify alternative sites through the Local Development Framework process. Since the withdrawal of the Gypsy and Traveller Development Policy Document (DPD) it has been resolved that the Council will seek to identify sites through the Site Specific DPD. However, this will not be in place until mid 2012 and I consequently have to acknowledge that there are currently remains a shortage of site for Gypsy and Travellers throughout the district.

5.3 I appreciate the views of the Parish Council and Local Member that other activities have taken place on site, for example, fires. These activities have been reported to the relevant authority but I do not consider them relevant to the request to extend the compliance period. Whilst the comments of the local member on the occupation of the caravan are noted, it does not have to be occupied every day for it to be a home.

5.4 I am mindful that even if the compliance period is further extended there may be similar requests in the future. However the justification for the original lengthy compliance period was that there were no alternative sites for residents of this site to move to and this remains the case. If the travellers are evicted as required by the Enforcement Notice it will not solve the problem but simply move it to another site, which may or may not be outside of Wortwell village.

5. Recommendation

5.1 That in view of the ongoing lack of alternative sites the compliance period is extended for a further period of three years.
Enforcement Report

Report Of Head of Planning Services

Enforcement Ref - 2004/0254
Parish - WORTWELL
Site - Land adjacent of A143
Development - Standing of residential caravan
Developer - Mr F Bennett

1. Introduction

1.1 A small residential caravan has been situated on a large field immediately to the north of the A143 at Wortwell. The caravan was previously positioned where it was visible from the A143 but has recently been moved further back into the field where the slope of the land and some screening hides it from public view. - see plan attached as Appendix 1. Access to the site is gained from an existing field gate with an unmade track leading to the caravan. With the exception of some gas bottles the area immediately around the caravan is generally tidy but a growing stack of metal machine parts is being formed by the access. Photographs of the caravan and the pile of parts are attached as Appendix 2.

1.2 Despite a number of visits by the Enforcement Officer we have not been able to establish contact with the occupier of the caravan. The owner of the land however has informed us that it is a single New Age Traveller who was previously at Seething. The owner has been requested to inform us whether he is prepared to take any action to remove the caravan, but has not responded.

2. Planning Policy

2.1 Policy HOU 23: Sites for gypsies and travelling show people

Proposals for gypsies and winter quarters for travelling show people will be permitted as an exception to normal policies restricting development to within defined development boundaries provided that:

1. There would be minimal adverse impact on the amenities of nearby residents
2. There would be minimal adverse impact on the visual amenities of the area particularly on the Areas of High Landscape Quality
3. They are well related to the primary road network
4. They are convenient for schools and other community facilities
5. There would be no significant adverse impact on areas of acknowledged nature conservation

2.2 Policy IMP 8: Safe and free flow of traffic

Planning permission will not be granted for development that would endanger highway safety or prejudice the free flow of traffic on the highway network.
3. Human Rights Legislation

3.1 The Human Rights Act 1998 incorporates into UK law the Provisions of the European Convention on Human Rights. In particular it governs decision making by local authorities. The following articles of the convention are particularly relevant:

Article 8 – Everyone has the right to respect for their private and family life, their home and correspondence.

There shall be no interference by a public authority with the exercise of his right except such as is in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

Article 14 – The enjoyment of the rights and freedoms set forth in the convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status.

3.2 However positive discrimination in favour of vulnerable groups such as gypsies has been specifically held to be lawful. The national and local planning policies relating to gypsies and travellers are an example of the exercise of such positive discrimination.

Article 1 of Protocol no. 1 provides

Every national or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and the general principles of international law.

The proceeding provisions shall not, however, in any way impair the right of the State to enforce such laws as are deemed necessary to control the use of the property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

3.3 It has been held that planning legislation, including the imposition and enforcement of planning and land use restrictions, constitutes “control of use” for the purposes of Article 1 of Protocol no. 1. Planning regulations may have the effect of reducing the value of land significantly, but in as far as the land may be used for an alternative purpose and is not rendered worthless, the measures will constitute a control of use rather than a deprivation within the meaning of Article 1 of Protocol no. 1.

3.4 It is quite clear, and is detailed in paragraph 70 of circular 01/2006 that the provisions of the European Convention on Human Rights should be considered as an integral part of the local planning authority’s decision making – including the approach to the question of what are material planning considerations in planning cases.

4. Consultations

4.1 No direct consultations have taken place on the standing of the caravan. The Parish Council have however informed us that they consider enforcement action should be taken to avoid the site growing unofficially into an acceptable traveller’s base.
6. Assessment

5.1 As with any planning application or when considering whether it would be expedient to pursue enforcement action it is necessary to consider the development against the policies of the South Norfolk Local Plan. As it is understood that the occupier of the caravan is a new age traveller Policy HOU 23 the most relevant policy. This allows for the standing of residential caravans for gypsies and travellers outside of the development boundaries subject to the criteria of the policy being met.

5.2 In this case there are no residential neighbours and there are no residential amenity issues. The caravan is situated in an attractive rural area on the valley side. It is not readily visible at present but was previously and if moved could be intrusive in the future. As it is immediately next to the A143 it is clearly well related to the primary road network. However access is via a field gate directly onto a busy, fast stretch of the A143. The Highway Authority would not support an application for the permanent standing of the caravan in these circumstances.

5.3 The site is approximately 980 metres from the core of the village, which does have some facilities. What represents convenient to facilities has not been officially defined but has been accepted as being within walking distance of 460 metres. In this case however pedestrians would also have to cross the A143, which would be dangerous and I consider that the site could not be readily classed as being convenient to facilities.

5.4 The field is unused and left as rough grass which will be home to a number of species of wildlife. However given the small scale nature of the development and the fact that no hardstandings have been formed I do not consider that the standing of the caravan has had an unacceptable impact on wildlife.

5.5 The Government have published Circular 01/2006, which is now a major material consideration in determining planning applications for gypsy/traveller sites or in taking enforcement action against unauthorised encampments. Consequently notwithstanding that the application does not comply with the adopted policy in the Local Plan in all areas, Members must consider whether these objections are still sustainable in the light of the advice in Circular 01/2006.

5.6 Paragraph 44 of Circular 01/2006 requires local authorities to demonstrate that when determining applications or making decisions in respect of unauthorised encampments they have considered whether there is a need for the site to meet the accommodation needs of gypsies and travellers.

5.7 It is acknowledged that recent counts of unauthorised encampments have identified that there is a shortage of authorised sites. In the last 12 months the Council is aware of 13 sites that have been used for unauthorised encampments. There are a further three locations currently owned and occupied by gypsy and traveller families where planning permission has been refused. The stay on these encampments ranges from 24 hours to continuous occupation. For longer stay encampments there have been 10 sites regularly used by encampments of up to 8 caravans, equating to approximately 23 families in total and there is clear under-provision of such sites in the district. In such circumstances the Circular does allow for the granting of a temporary permission, without setting a precedent to cover the interim period in would take to produce a Local Development Document that would address the accommodation needs of gypsies and travellers.

5.8 With regard to its distance from facilities, Circular 01/2006 accepts that it will be appropriate for sites to be located in the countryside stating at paragraph 54 that “rural
settings, where not subject to special constraints are acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. In light of this and the lack of suitable alternative sites I do not consider an objection on the grounds of its distance from services is likely to be supported on appeal.

5.9 However the Highway Authority object to the use of the access as its use could result in conditions that are detrimental to highway safety. In my opinion the Circular does not overcome this objection and the site is unsuitable for residential purposes on either a permanent or temporary basis.

5.10 I am however conscious that there are no alternative sites available at present if the occupier is removed from the land and they are likely to simply occupy another alternative site. Whilst I consider that Enforcement Action should be pursued Members may agree that a lengthy compliance period should be granted to allow suitable alternative sites to be identified through the LDF process. Such an approach would be consistent with the recent decision of the East Area Planning Committee who expressed the view that a minimum compliance period of three years be allowed at a site in Scole.

6. Recommendation

6.1 That -

1. enforcement action be authorised to secure the removal of the unauthorised caravan and the pile of electrical parts.

2. subject to there being only one caravan on site a compliance period of 3 years be allowed for the removal of the caravan.

3. the compliance period for the removal of the pile of electrical parts be 2 months.
### Planning Appeals - Appeals received from 19 April 2016 to 16 May 2016

<table>
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<th>Ref</th>
<th>Parish / Site</th>
<th>Appellant</th>
<th>Proposal</th>
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<tr>
<td>2015/1145</td>
<td>Brockdish Agricultural Building At Hilltop Farm Hall Road Brockdish Norfolk</td>
<td>Mr D Piper</td>
<td>Application for prior determination notification of a proposed change of use of agricultural building to residential dwelling (QA)</td>
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<td>2015/1485</td>
<td>Wymondham Land Rear Of 14 Norwich Common Wymondham Norfolk</td>
<td>Mr S Field</td>
<td>Proposed 1No. new chalet bungalow</td>
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<td>2015/2616</td>
<td>Carleton Rode Meadowley 10 Bunwell Street Carleton Rode Norfolk NR16 1NA</td>
<td>Mr &amp; Mrs R Hudson</td>
<td>Conversion of outbuilding to form annex to dwelling</td>
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<td>2016/0135</td>
<td>Costessey Sub-division Of Garden At 33 Grove Avenue Costessey Norfolk</td>
<td>Mrs Jenny Brown</td>
<td>New dwelling and garage/workshop.</td>
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### Planning Appeals - Appeals decisions from 19 April 2016 to 16 May 2016

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<th>Proposal</th>
<th>Decision Maker</th>
<th>Final Decision</th>
<th>Appeal Decision</th>
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<tr>
<td>2015/1609</td>
<td>Costessey 9 Hill Road Costessey Norfolk NR5 0NW</td>
<td>Mr Charles Edwards</td>
<td>Outline application for two affordable bungalows</td>
<td>Delegated</td>
<td>Refusal</td>
<td>Appeal dismissed</td>
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<td>2015/1832</td>
<td>Costessey Land North Of Renwar House Taverham Lane Costessey Norfolk</td>
<td>Mr Dean Bailey</td>
<td>Outline application for a 4 bedroom residential dwelling with double garage.</td>
<td>Delegated</td>
<td>Refusal</td>
<td>Appeal dismissed</td>
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<tr>
<td>2015/2142</td>
<td>Costessey Sub-division Of Garden At 33 Grove Avenue Costessey Norfolk</td>
<td>Mrs Jenny Brown</td>
<td>Proposed new dwelling and garage/workshop</td>
<td>Delegated</td>
<td>Refusal</td>
<td>Appeal part allowed for garage/workshop, part dismissed for new dwelling</td>
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