PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

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

1  Appl. No : 2015/2927/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.

Decision : Members voted 8 - 2 for Refusal (contrary to officer recommendation which was lost 6-5)

Refused

Reasons for Overturning Officer Recommendation

The proposal would result in a significant and demonstrable visual impact on the river valley and surrounding landscape by virtue of its encroachment towards the valley of the River Tud.

The development fails to represent a sustainable form of development as fails to comply with the environmental role by virtue of the identified harm to the landscape and visual impact of the proposal which is considered to significantly and demonstrably outweigh the benefits of the proposal.

Updates to officer report

Additional grounds of objection raised by local residents:
- British geological survey report received which states that the area has ground instability
- There has been subsidence from a number of local residents on Farmland Road due to leakage and waterflow from a burst waterpipe
- Query whether geology been properly considered for the access road?
- Query whether geology and ground conditions been properly considered for the proposed drainage strategy?
- Approving this scheme would contradict the High Court Judgement Mactaggart & Mickel Homes v SoS (Chard, Somerset) which concluded that the local plan should be given time to succeed and to refuse development that could have a prejudicial effect
- Concern that the proposed amenity area in the river area and proposed footpaths would increase flooding offsite.
- Request condition imposed to physically restrict access to the river woodland area outside of daylight hours due to increased risk of anti-social behaviour, crime and health and safety of users
- Opening up the river area for public access is not essential in the public interest and is just a tactic to get planning permission on an unsuitable site
- The site is in a groundwater protection Zone 3 which means three levels of treatment are required before infiltration discharge to groundwater. The EA has confirmed this. Currently the application suggests two levels of treatment to ground water.
- Horses and livestock are kept on adjacent land to the east of the site. Concern raised regarding impact of construction noise and disturbance from the proposed development and also that of noise from the development as built on the livestock/horses.

- Concern that the officer has not viewed the site from rear gardens/land on West Road and as such has not appreciated the relationship the site has with these properties/land.

- The NPPF is not supposed to be to the detriment of neighbouring property owners. Adjacent land will now potentially flood.

Officer comments in relation to land instability and subsidence:
The National Planning Practice Guidance has guidance on land stability. This requires local authorities to consider if the site is potentially affected by land or slope stability, whether it lies in a high risk area in a coalfield area, and then appropriate level of assessment for the site including preliminary assessment and desk top surveys to identify the risks.

The contamination report submitted with the application notes that there is a moderate potential for compressible ground on the site and low potential for ground dissolution and running sand. Offsite it was noted that there is a high potential for ground dissolution. The report submitted indicates that they are not aware of any dissolution feature events nearby and the risk to the site is considered to be low.

The site is not within a defined Development high Risk Area within a coalfield area. Conditions could be imposed if there was a need for further site investigation to assess ground stability or a scheme to mitigate known land stability. It is acknowledged that local residents have advised that there are properties in the road that have subsided and comments of residents of issues in the road opening up with holes are noted, however as far as the LPA is aware, this is not linked to a widespread issue of significant land instability. Based on the information available it would appear that this is localised and it is considered that the site is at a low risk of subsidence and planning conditions must be reasonable and proportionate. It is not considered that a planning condition requiring further investigation prior to the determination of the application is therefore proportionate or reasonable given the preliminary assessment submitted with the application. However, due to concerns raised and in acknowledgement of the low risks a precautionary condition is suggested to be imposed to require that in the event that during construction it is found that the land suffers from land instability, the developer should cease work until information and mitigation works are agreed to address land stability in relation to the site and any land it may affect.

It should also be noted that the Building Regulations sit alongside this process and this ensures that any development is structurally sound.

LLFA comments in relation to land instability and the impact this has on the ability to deliver a SuDS drainage strategy on the site:
No objection – a SuDS strategy can be designed to address and accommodate any issues of ground conditions. Offer the following comments:

The applicant has supplied the results of infiltration testing at three locations across the site in accordance with BRE365 (i.e. three tests in each location). The results demonstrate that the geology beneath the site is generally favourable for the use of infiltration. The application is currently at outline stage, and the drainage strategy promotes the use of rainwater harvesting, private property level soakaways, permeable paving, swales and infiltration basins.

Issues regarding the suitability of housing on a particular geology are for a suitably qualified structural engineer to consider during the design of housing in a particular location. The LLFA are also not aware of any widespread subsidence issues in this area as there are in some parts of Norwich City. We would not generally consider in detail the impact of a proposed surface water drainage system on the ground stability on the site due to potential solution features unless we are aware of particular issues in the area. We acknowledge that there are anecdotal records of localised subsidence within some of the highways in Costessey; however, these have not been attributed to such solution features that this development has the potential to increase the risk of occurrence.

We highlight that Section 25.2.3 of the CIRIA SuDS Manual (C753, 2015) states that, “the potential risk of adverse effects from infiltrating water will depend on the volume of water being discharged along with the depth and plan area of the infiltration system. The smaller the
area of the system in relation to the drained area, the greater the risk.” The features currently proposed that have the potential to cause the greatest impact where the geology is susceptible to solution features are the private dwelling soakaways.

Our recommended condition, as submitted, requires the applicant to undertake further infiltration testing on the site in the location of proposed surface water drainage infrastructure.

There is consequently the potential for the applicant to undertake a more detailed investigation of the potential for solution features as part of this ground investigation prior to detailed design. This could be required through a modification to the wording of our suggested condition. The SuDS Manual further states that, “A geotechnical investigation is likely to be required to ensure that the ground conditions are suitable and to check the likely performance of the infiltration component.”

We would highlight that the appropriate SuDS proposals are still suitable in areas of potential subsidence; however these need to be proportionate to the level of risk. For instance, permeable paving can and has been proposed in areas of known subsidence and close to properties. This is because permeable paving infiltration is shallow, infiltrates over a wide area and replicates runoff processes in a similar way as it would prior to development. We would hence encourage any developer to identify the risk of subsidence and propose suitable SuDS features considering the level of risk during detailed design. The applicant may therefore, during detailed design, need to exclude private soakaways from the surface water drainage strategy in favour of planar infiltration systems such as permeable paving, wide swales and shallow infiltration basins. This could be reflected in a condition if the LPA have serious concerns this issue has not been addressed.

We feel that the applicant has submitted sufficient information to demonstrate at a high level that the proposed drainage strategy is appropriate. We also consider that the suggested condition provides an adequate level of protection to ensure that the development will be safe from flooding over its lifetime, will not increase the risk of flooding elsewhere, and will not contribute towards adverse effects by unacceptable levels of water pollution in line with Paragraphs 103 and 109 of the National Planning Policy Framework (NPPF).

Officer comments on appeal decisions in relation to 5 year land supply
Chard:
This decision is made in relation to a very specific set of circumstances and is distinguishable from this application. Members have previously been made aware of this appeal decision. The South Somerset Local Plan identifies Chard as the location of a strategic, mixed-use growth location which is intended to deliver significant infrastructure, including two primary schools and a link road, plus regeneration of the area. In order to deliver the infrastructure the development is being phased and already extends beyond the Local Plan period (which runs to 2028) and implementation is likely to require the use of CPO powers. The Inspector in this appeal was concerned that (a) the appeal sites were proposing to use some of the allocated employment land for residential and (b) that the remaining land was additional to that already allocated and was on relatively unconstrained greenfield sites. The Inspector’s principle concern was that the housing market in Chard is not very strong and that the appeal sites would get developed before the allocated sites therefore pushing the allocated sites back even further, undermining the phasing, delivery of infrastructure and regeneration of the area. Consequently, time should be allowed to get those more difficult allocated sites off the ground. There is no evidence to suggest that permitting this site would undermine the delivery of other, recently adopted Local plan allocations.

Therefore in relation to the matter of policies for supply of housing being out of date in the absence of a 5 year supply, Officers would consider that the Chard High Court Judgement does not materially affect the balance the LPA makes generally on applications that relate to a 5 year supply, and is not sufficiently material to the planning balance made in this planning application.

Jaguar Road, Hethersett:
The Jaguar Road, Hethersett appeal has been referenced which members will be familiar, having refused this in February 2015. This was within the development boundary, however
given that it also lies in the Norwich Policy Area, consideration of the NPPF tests of the presumption in favour of sustainable development and tests of significant and demonstrable harm was also applied. Members should note that the Jaguar Road site is a designated area of Important Local Open Space under policy DM4.4 and the policy seeks to ensure that development protects the openness of the site. In this case the identified harm to the openness of the site and form and character of the area was considered to result in significant and demonstrable harm that outweighed the benefits.

Members should note that the application site now for consideration is not a designated site and so again is distinguishable from this appeal decision.

NCC Highways – have confirmed the conditions they would require to be imposed in the event that planning permission is granted. These would be imposed in addition to the conditions set out on the main report. These include the following (summarised)

- No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved
- No works shall be carried out on roads, footways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority
- Before any dwelling is first occupied the road(s) and footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved
- Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved
- Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway shall be submitted to and approved in writing with the Local Planning Authority in consultation with Norfolk County Council Highway Authority together with proposals to control and manage construction traffic using the ‘Construction Traffic Access Route’ and to ensure no other local roads are used by construction traffic.

For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the ‘Construction Traffic Access Route’

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<td>Parish</td>
<td>TASBURGH</td>
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<td></td>
<td>Applicants Name</td>
<td>Mr &amp; Mrs Gerald &amp; Sarah Barnes</td>
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<td>Site Address</td>
<td>Land South East Of Low Road Tasburgh Norfolk</td>
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<td>Proposal</td>
<td>Outline permission (with all matters reserved) for six houses with parking and gardens.</td>
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**Decision**: Members voted unanimously for **Approval**

Approved 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 details to be agreed
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.

Updates to officer report

Parish Council:
Council wish to re-establish discussions with regards to the footpath being reinstated across the field to the Village Hall.
Officer: The footpath does not form part of this application, so cannot be given any material weight in this decision.
Affordable housing: The proposed number of dwellings is below the threshold set in the NPPF to provide affordable housing. The applicant has confirmed that they still wish to provide the proposed affordable housing so this remains a material consideration.

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.

Decision : Members voted unanimously for Refusal

Refused

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.

Updates to officer report

Comments from the Arboriculturalist:
Removal of the two conifers and one apple will have little impact on the landscape and the replacement planting compensates for this. I consider that there is sufficient space between the proposed dwelling and retained trees although there may be future pressure for pruning / removal of trees due to issues such as shading, leaf litter etc. My main concern is the proximity of the proposed driveway to the retained Pear tree (T11). This is a large and old specimen as identified by A.T Coombes as being a BS5837:2012 category A tree (highest category). Although the no-dig driveway is acceptable I consider that the level of pruning required to achieve sufficient ground clearance will be detrimental to the appearance and health of the tree and as such is not acceptable. Alternative access should be sought avoiding the canopy of this tree.
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<td>: 2016/0771/RVC</td>
<td>: PORINGLAND</td>
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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

Decision : Members voted unanimously for **Approval**

**Approved 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