Development Management Committee

Members of the Development Management Committee:

Conservatives
Mr V Thomson (Chairman)
Mrs L Neal (Vice-Chairman)
Mr B Duffin
Mrs F Ellis
Mr C Gould
Dr C Kemp
Mr G Minshull
Mr J Mooney
Mrs A Thomas

Liberal Democrats
Dr M Gray

Pool of Substitutes
Mr L Dale
Mr D Goldson
Mr J Hornby
Dr N Legg
Mr G Wheatley
Mrs V Bell

Agenda

Date
Wednesday 13 September 2017

Time
10.00 am

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

Contact
Sue Elliott tel (01508) 533869
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.

Please note that where you submit your views in writing to your District Councillor, this is described as “lobbying” and the District Councillor will be obliged to pass these on to the planning officer, where they will be published on the website.

Please arrive at the commencement of the meeting if you are intending to speak on items 1-3, and arrive at 1.00pm if you intend to speak on items 4-7.

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
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. The Long Stratton Area Action Plan was also adopted in 2016. 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 Mulbarton Neighbourhood Development Plan made in 2016, and full weight can now be given to policies within these plans when determining planning applications in the respective parishes. Some weight can also be given to the policies in the emerging Neighbourhood Development Plan for Easton. 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 8)

4. Minutes of the Meeting of the Development Management Committee held on 16 August 2017;
   (attached – page 10)

5. Planning Applications and Other Development Control Matters;
   (attached – page 18)

To consider the items as listed below:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Planning Ref No.</th>
<th>Parish</th>
<th>Site Address</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2016/0713/F</td>
<td>BRACON ASH &amp; HETHEL</td>
<td>Land To East of Norwich Road Bracon Ash Norfolk</td>
<td>18</td>
</tr>
<tr>
<td>2</td>
<td>2017/1600/F</td>
<td>WYMONDHAM</td>
<td>Warehouse at Barley Chalu Ayton Road Wymondham Norfolk NR18 0QH</td>
<td>66</td>
</tr>
<tr>
<td>3</td>
<td>2017/1321/O</td>
<td>WYMONDHAM</td>
<td>Land West of Queensland Station Road Spooner Row Norfolk</td>
<td>70</td>
</tr>
<tr>
<td>4</td>
<td>2017/1572/O</td>
<td>KETTERINGHAM</td>
<td>Land West Of Cherry Tree House High Street Ketteringham Norfolk</td>
<td>80</td>
</tr>
<tr>
<td>5</td>
<td>2017/1760/F</td>
<td>EAST CARLETON</td>
<td>Land South of Swardeston Lane East Carleton Norfolk</td>
<td>92</td>
</tr>
<tr>
<td>6</td>
<td>2017/1851/F</td>
<td>BRESSINGHAM AND FERSFIELD</td>
<td>Old Boyland Hall Farm Common Road Bressingham IP22 2HD</td>
<td>100</td>
</tr>
<tr>
<td>7</td>
<td>2017/1781/RN</td>
<td>SOUTH NORFOLK</td>
<td>Hornsea Project Three Offshore Wind Farm</td>
<td>108</td>
</tr>
</tbody>
</table>

6. Enforcement Report;
   (attached – page 115)

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Enforcement Ref</th>
<th>Parish</th>
<th>Site Address</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2017/8046</td>
<td>LODDON</td>
<td>Land West Of Express Plastics, Beccles Road, Loddon, Norfolk</td>
<td>115</td>
</tr>
</tbody>
</table>
7. **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.

8. **Planning Appeals (for information);**

(attached – page 118)

9. **Date of next scheduled meeting** – Wednesday 11 October 2017
1. GUIDELINES FOR DETERMINING THE NEED TO VISIT AN APPLICATION SITE

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

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

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

2. PUBLIC SPEAKING: PLANNING APPLICATIONS

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

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

Member consideration/decision.

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

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

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

3. FILMING AT COUNCIL MEETINGS: GUIDANCE

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

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

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

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

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

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

Key to abbreviations used in Recommendations

| 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 |
| 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.

<table>
<thead>
<tr>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the interest directly:</td>
</tr>
<tr>
<td>1. affect yours, or your spouse / partner’s financial position?</td>
</tr>
<tr>
<td>2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?</td>
</tr>
<tr>
<td>3. Relate to a contract you, or your spouse / partner have with the Council</td>
</tr>
<tr>
<td>4. Affect land you or your spouse / partner own</td>
</tr>
<tr>
<td>5. Affect a company that you or your partner own, or have a shareholding in</td>
</tr>
<tr>
<td>If the answer is “yes” to any of the above, it is likely to be pecuniary.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</td>
</tr>
<tr>
<td>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

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

What matters are being discussed at the meeting?

Do any relate to an interest I have?

A  Have I declared it as a pecuniary interest?

OR

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

YES

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

NO

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

Yes

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 room.

NO

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

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

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

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

Minutes of a meeting of the Development Management Committee of South Norfolk District Council held at South Norfolk House, Long Stratton, on Wednesday 16 August 2017 at 10.00 am.

Committee Members Present: Councillors: V Thomson (Chairman), B Duffin, F Ellis, M Gray, C Kemp, A Thomas and (for items 1, 3, 4 and 5 only) Y Bendle.


Substitute Members: Councillors: T Palmer for G Minshull and D Goldson for L Neal.

Officers in Attendance: The Development Manager (H Mellors), the Place-Shaping and Majors Team Leader (J Hobbs), the Senior Planning Officer (E Thomas), the Business Improvement Manager (S Pontin), and the Planning Officer (T Barker)

Also in Attendance: A Jacklin – NCC Highways
P Willett – Environment Agency
C Watling – Nplaw

The press and 39 members of the public were in attendance

347. 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>CDE/2006/0269 (ENF 1)</td>
<td>CARLETON RODE</td>
<td>ALL</td>
<td>Local Planning Code of Practice Lobbied by Objector</td>
</tr>
<tr>
<td>2017/0001/F (Item 2)</td>
<td>WICKLEWOOD</td>
<td>Y Bendle</td>
<td>Local Planning Code of Practice Member declared that she was pre-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>determined and left the room whilst this item was considered</td>
</tr>
<tr>
<td>2017/1271/F (Item 6)</td>
<td>WYMONDHAM</td>
<td>Y Bendle</td>
<td>Local Planning Code of Practice Cabinet Member – Cllr Bendle left</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>the room whilst this item was considered</td>
</tr>
</tbody>
</table>
348. MINUTES

The minutes of the Development Management Committee meeting dated 19 July 2017 were confirmed as a correct record and signed by the Chairman.

349. PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

The Committee considered the report (circulated) of the Director of Planning and Environment, 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>
</table>
| CDE/2006/0269   | CARLETON RODE      | Mr Tunmore - Developer  
| (ENF 1)         |                    | Mr B Chetwynd – Objector  
|                 |                    | Mr J Van Wonderen - Consultant                                        |
| 2017/0001/F     | WICKLEWOOD         | Mr D Eckles – Morley Parish Council  
| (Item 2)        |                    | Ms C Pharoah – Objector  
|                 |                    | Mr A Presslee – Agent for Applicant  
|                 |                    | Mr O Jones – Agent for Applicant  
|                 |                    | Cllr M Edney – Local Member                                             |
| 2017/1268/O     | TASBURGH           | Mr H Lampp – Agent for Applicant                                        |
| (Item 4)        |                    |                                                                        |
| 2017/1650/F     | DICKLEBURGH AND    | Cllr M Wilby – Local Member                                             |
| (Item 5)        | RUSHALL            |                                                                        |

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 Planning and Environment.

350. PLANNING APPEALS

The Committee noted the planning appeals.

(The meeting closed at 12.25pm)

___________________
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 Planning and Environment’s final determination.

Enforcement Reports

1 Appl. No : CDE/2006/0269
Parish : CARLETON RODE

Site Address : Land Adjacent, Fen Road, Carleton Rode, Norfolk, NR16 1RT
Development : Material change of use of land to recreational and sport fishing with integral works to create fishing ponds
Developer : Mr Tunmore

Decision : Members voted unanimously for Approval of the following, in relation to compliance with the requirements of the Enforcement notice:

(1) Undertake and submit an Environmental Assessment ... of the existing unauthorised development ... to include information relating to the hydrological and ecological impacts of the unauthorised development and of the works proposed to satisfy the requirements of 2(a) and 2(c) of the notice

- That the details submitted within the 2016 ES and further information submitted in 2017 meet Requirement 1 of the Enforcement Notice. They identify the hydrological and ecological impacts of the unauthorised works and assess the impacts of the works proposed to satisfy the requirements of 2(a) and 2(c) of the notice, and no further action is required in respect of this requirement, provided the outstanding requirements of the Enforcement Notice are satisfactorily completed.

2(a) submit a scheme of works for approval to reduce and maintain the total abstraction of groundwater from the site as a whole to less than 20 cu m / day

- That the scheme of works proposed to infill pond 1 complies with this requirement of the Enforcement Notice. A detailed planning stage and further ecology assessment and obtaining relevant licenses remains necessary to enable implementation of the scheme of works, and require approval. It is recommended that the approval of these technical details is delegated to the Director of Planning and Environment in consultation with the relevant technical consultees.
2 (b) submit a timetable for the implementation of the scheme

- That there is sufficient information in the 2016 ES and further information to reassure the Council that prompt implementation of the scheme of works is intended and can be delivered.

- That, in conjunction with the detailed requirements set out in relation to 2(a), approval of a detailed timetable for implementation is delegated to the Director of Planning and Environment in consultation with the relevant technical consultees, with an aim to secure implementation during the winter of 2017/2018 as set out in the Environmental Statement in order to minimise impacts associated with the implementation phase.

2 (c) submit a scheme of works to remedy the adverse ecological impacts as identified in the Environmental Assessment and a Management Plan to secure those measures for the future

- That the details submitted meet the requirements of 2(c) and the management plans referred to in the Environmental Statement are acceptable and accordingly approved.

2 (d) a description of the scope of monitoring reports and timetable for their submission to identify the outcome of the scheme with particular reference to groundwater abstraction, hydrological and ecological impacts

- That the details submitted meet the requirements of 2(d) and are acceptable and accordingly approved.

To note that Requirement 2 requires the implementation of the approved scheme of works, and Requirement 3 requires Mr Tunmore to submit the monitoring reports in accordance with the scope and timetable agreed, and the implementation of any further works or modification of the scheme identified as necessary in the light of the findings of the monitoring reports.

Updates to officer report

Verbal update – given at meeting of Committee:
Water Vole Survey –
Pond 1 is used for feeding within the reed dominated vegetation at the edge of the pond. Relatively few burrows were recorded along the banks of pond 1, however several were discovered around pond 2 and more along the banks of pond 4. Due to the different characteristics of the ponds, it is possible that water voles are using all four ponds concurrently.

It will be necessary to create alternative water vole habitat for translocated animals. The receptor site would need to be adequately established in order to be suitable to receive water voles. Restoration of suitable habitat could utilise existing water bodies and habitat manipulation such as bank profiles and adequate vegetated areas. Due to the size of pond 1 it is considered necessary to trap the water voles.

The project will require a mitigation licence, but it is considered in the long term, that the results of the proposed development will be the creation of fenland habitat, which along with the creation of additional water vole habitat will result in an overall benefit to biodiversity on the site.
Other Updates

5 e mails from Mr Chetwynd (copies circulated)

He has requested clarification relating to the impacts associated with the development, information regarding the northern catchment area, impact of the willow plantation, Hargate drainage scheme, bankside seepage and works to the River Tas.

He has also requested confirmation of the hydrological conceptualisation the Council are relying on.

He considers that the submitted Environmental Statement is not supported by the necessary evidence to support the stated opinions.

He also considers that a complete non technical summary has not been submitted

Officers response:

The details submitted in the Environmental Statement draw on a range of previously prepared reports and these are cross referenced in the submitted details and the appendices. These have been considered by a range of technical consultees who have confirmed that they consider that sufficient information has been submitted to assess the impacts of the development and meet the requirements of the Environmental Impact Assessment Regulations.

Officer:
Reference to delegation to officers in paragraphs 8.3, 8.4, means the Director of Planning and Environment.

Major Applications

2  Appl. No : 2017/0001/F
Parish : WICKLEWOOD

Applicants Name : Mr R Long
Site Address : Land North Of High Common Morley St Botolph Norfolk
Proposal : Full Application - proposed anaerobic digestion renewable energy unit, landscaping vehicular access and associated works

Decision : Members voted 8-0 for Refusal

Refused

1 Inadequate highway access
2 Impact on landscape
3 Harm to setting of heritage assets
4 Insufficient information to ensure there is no impact on ground water quality
Updates to officer report

Further landscaping information has also been submitted showing a cross section of the bund and in regard to the impact on trees adjoining the site.

Landscape Architect response:

The additional information and clarification provided by the landscape architect, but my concerns about the landscape and visual effects remain.

- The visualisations represent vegetation at 10 to 15 years’ growth, during which time the visual effects of the scheme will be major significance from some of the viewpoints.

- The details of the mound confirm the height as 2.6m measured from up the slope, but it will be marginally more when measured from outside the compound. It is correct that the feature, when viewed from a lower elevation (such as viewpoint 7, Low Road) as the feature will be perceived as being taller from this vantage point. It is clear that the mound will read as a man-made feature against the gently sloping landform of the vicinity.

- The absence of a full tree survey/assessment is not ideal, but I do not disagree with the judgement about the existing trees. The topographical plans confirm that the planting margin in the north-west corner of the site is limited, which does little to allay my reservations about the proposed landscape treatment, which may be limited in its effectiveness if space is not available in which the planting can fully develop.

Environmental Management Officer

Note Highway Officer questions assumptions about vehicle movements which therefore calls into question the findings of the noise assessment. Whilst road noise does not constitute a statutory nuisance the proposal is likely to have an adverse impact on residential amenity which is difficult to quantify given the information available.

Other Applications

<table>
<thead>
<tr>
<th>Appl. No</th>
<th>Parish</th>
<th>Applicants Name</th>
<th>Site Address</th>
<th>Proposal</th>
<th>Decision</th>
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<tbody>
<tr>
<td>2017/1187/O</td>
<td>HEDENHAM</td>
<td>Mr Alam B M Shah Alam</td>
<td>The Mermaid Balti House Norwich Road Hedenham NR35 2LB</td>
<td>Replacement of derelict barn in car park with new 2 storey building with holiday lets class C1</td>
<td>Members voted unanimously for Refusal</td>
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<td>3</td>
<td></td>
<td></td>
<td></td>
<td>Refused</td>
<td></td>
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<tr>
<td>1 Location of tourist accommodation contrary to policy DM2.12</td>
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<tr>
<td>2 Demolition of heritage asset resulting in substantial harm</td>
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<td>3 Insufficient information to assess impact on Conservation Area</td>
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<td>4 Insufficient information to assess impact on setting of listed building</td>
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<td>5 Insufficient ecology information</td>
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4  
**Appl. No**: 2017/1268/O  
**Parish**: TASBURGH  

- **Applicants Name**: Mr C Davison  
- **Site Address**: Land south of Saxlingham Lane, Tasburgh, Norfolk  
- **Proposal**: Single dwelling  

**Decision**: Members voted unanimously for Approval

Approved with conditions:

1. Time limit outline – (reduced as 5 year land supply)  
2. In accordance with submitted drawings  
3. Outline requiring reserved matters  
4. Materials  
5. Retention of existing boundary treatment  
6. Foul drainage  
7. Surface water drainage  
8. Contamination  
9. Visibility splays  
10. Gates set back  
11. Turning area  
12. Levels  
13. Phase 1 Habitat Assessment  
14. Clearing of the site time limit  
15. Water efficiency  

**Updates to officer report**

Committee Plan - the application site boundary has been increased to incorporate the whole site. The presentation slides will show this at committee.

1996 Enforcement Notice – to clarify the enforcement notice CDE.226/95 was complied with prior to the enforcement case closure date of 30th July 1997.

5  
**Appl. No**: 2017/1650/F  
**Parish**: DICKLEBURGH AND RUSHALL  

- **Applicants Name**: Mr & Mrs N Atkins  
- **Site Address**: Orchard Farm Norwich Road Dickleburgh Norfolk  
- **Proposal**: Erection of two new build dwellings to replace dwellings given the consent by application ref: 2016/1440 (Change of use of redundant agricultural buildings to form a pair of semi-detached dwelling houses with associated alterations)  

**Decision**: Members voted 6-2 (with 1 abstention) for Refusal

Refused

1. Contrary to policy DM1.3 as per the conclusion in the report  

**Updates to officer report**

Additional comments received:
Dickleburgh and Rushall Parish Council: No comments to make.

NCC Ecologist: Nearby pond does not have features to attract newts, but as no information submitted recommended a condition relating to newt mitigation if application were to be approved.
Applications submitted on Council owned land

6   Appl. No       :  2017/1271/F
       Parish       :  WYMONDHAM

Applicants Name :  Mr Barry Rooks
Site Address    :  Offices At  46-60 Ayton Road Wymondham NR18 0QH

Decision       :  Members voted 8-0 for Approval

Approved with conditions

1  Full Planning permission time limit
2  In accord with submitted drawings
## Major Applications referred back to Committee

1. **Appl. No**: 2016/0713/F  
   **Parish**: BRACON ASH & HETHEL  
   **Applicants Name**: Bracon Ash Developments Ltd  
   **Site Address**: Land To East of Norwich Road Bracon Ash Norfolk  
   **Proposal**: Erection of 52 dwellings, open space and associated works  

**Recommendation**: Approval with conditions  
1. Reduced Time Limit 2 years - 5 year land supply  
2. In accordance with amended drawings  
3. Details of future management and maintenance of streets  
4. Details of roads, footways  
5. Roads to be constructed to binder course before occupation  
6. Provision of visibility splays  
7. Provision of access, parking and turning areas  
8. Parking for construction workers  
9. Construction Traffic Management Plan  
10. Wheel cleaning facilities  
11. Off-site highway works (details and implementation)  
12. Traffic Regulation Order to amend speed limit  
13. Landscaping scheme including details of boundary treatments  
14. Landscaping management plan  
15. Tree protection details  
16. No-dig details for off-site highway improvements  
17. Revised Arboricultural Implications Assessment and Preliminary Method Statement  
18. External materials  
19. Surface water drainage details to be agreed  
20. Water efficiency  
21. Ecology mitigation measures  
22. Details of European Protected Species Licence for Great Crested Newts  
23. Obscure glazing to first floor rear elevation of plots A1 and A2  
24. Provision of fire hydrant  
25. Renewable energy provision  
26. Archaeological scheme of investigation  
27. Details of open space and playspace and management of to be provided  
28. Finished floor levels  
29. PD rights removed for boundaries  

Subject to securing affordable housing by way of condition or s106 agreement.
Introduction

This application was heard at the meeting of the Development Management Committee on Wednesday 26 April where members agreed to defer consideration of the site application to allow for members to visit the site and to obtain further clarification on the drainage scheme and in particular whether the applicant has a right to discharge into the pond on the adjoining Bracon Common.

The site visit took place on the morning of Thursday 11 May. Members met in the village hall car park and then walked along the footway along The Street through the village to the roundabout of with Cuckoofield Lane where they saw how the footways linked to Mulbarton. They then walked back to the village hall and then south to the site. They walked through the site where the adjoining listed buildings were pointed out, the extent of the allocation in the Local Plan and the site of the principle access to the site. They then walked into the field to the south to see the location of the proposed attenuation lagoon and the pond in which it is proposed to discharge. They then returned to the village hall and concluded the site visit.

Legal advice has been sought and provided regarding the case law brought to the attention of the Committee by the chairman of Bracon Ash and Hethel Parish Council. This has advised that the Palmer and Bowman case was essentially a neighbour dispute about drainage between two landowners, one of whose land was higher than the other. The case established that where drainage from higher to lower land occurs as a natural process, the higher landowner cannot rely on that to claim that an easement (i.e. a legal right) for this drainage has arisen - but neither do they need one:

“In my judgment, the……….. owners of the lower land had no cause of action to prevent the …………….. owners of the higher land allowing natural drainage of surface and percolating water from the higher to the lower land to take place. The……. owners of the higher land needed no easement over the lower land to justify such drainage. It was a product of the law of nature. The advantage of such natural drainage was an incident of ownership of the higher land”

The outcome of this is that if there is naturally occurring drainage from the site to the common land, that can continue and does not need an easement. However, anything additional to, or different from, the present naturally occurring drainage would require an easement.

The legal advice is therefore that we need to be satisfied that the run-off to the common land generated by the development would not exceed that generated by greenfield conditions, as an easement would then be needed. Also, if the proposed discharge is a new one, then that in itself would represent a change which would require an easement.

Consideration of whether the scheme is deliverable in light of this advice is contained within the assessment.

The original report is attached as Appendix 2.

1. Planning Policies

1.1 National Planning Policy Framework
   NPPF 01: Building a strong competitive economy
   NPPF 06: Delivering a wide choice of high quality home
   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
   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
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
DM3.13 : Amenity, noise, quality of life
DM3.14 : Pollution, Health and Safety
DM3.15 : Outdoor play facilities/recreational space
DM4.2 : Sustainable drainage and water management
DM4.3 : Facilities for the collection of recycling and waste
DM4.4 : Natural environmental assets – designated and locally important open space
DM4.5 : Landscape Character Areas and River Valleys
DM4.8 : Protection of Trees and Hedgerows
DM4.9 : Incorporating landscape into design
DM4.10 : Heritage Assets

1.4 Site Specific Allocations and Policies
BRA 1 : Land at Norwich Road, Bracon Ash

1.5 Supplementary Planning Document
South Norfolk Place Making Guide 2012

Statutory duties relating to Listed Buildings and setting of Listed Buildings:

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
Comments on latest amended plans

Continue to object to proposed development.

Additional comments provided stating that applicants have not demonstrated that they can connect to the wider watercourse network as there is no connection to the pond network on the common and never has been, permission for which would not be
forthcoming. Numerous photographs have been provided showing that flooding regularly occurs in the area therefore showing that the present watercourses are totally unsuitable for further water flow. Making this issue a condition would be a complete derogation of duty of care.

Comments on previous plans

Object

- Significant concerns raised
- Highways report details the very real dangers irrespective of the size of development and therefore consideration should be given to removing this site from the Local Plan
- Large development would have significant detrimental impact on the village and design of dwellings not in keeping with the existing village
- Hard to reconcile assessment by South Norfolk Council Conservation and Design Team with the facts
- Drainage has not been adequately addressed; a full Flood Risk Assessment is essential
- Drainage proposals would cause a significant risk to the presence of great crested newts
- Access and egress from highway is a serious concern
- Local GP and school are already under pressure from additional homes being built in Mulbarton
- Site extending beyond development boundary does not comply with DM1.3
- Application should be judged on its own merit and not approved due to the lack of a 5 year land supply.

3.2 District Members:

Cllr Legg

To Committee

- My previous comments still apply

Cllr Foulger

To Committee

- only cosmetic variations to original proposal which does not overcome the very strong highway concerns expressed by NCC Highways
- the proposal certainly does not overcome the strong environmental issues already expressed at the first application and the fact that the application will mean an increase in the number of dwellings in the village by over 56% a fact that would certainly not be accepted by any other planning authority, or elsewhere within the district.

Comments on previous plans

Cllr Legg

To Committee

- major application mainly outside new development boundary

Cllr Foulger

To Committee

- major application within a small rural village and must only be determined by the Development Committee
3.3 Anglian Water Services Ltd

Comments on latest amended plans
Same comments as made previously

Comments on previous plans
No objections
Wastewater treatment and foul sewerage network at present have available capacity
Surface water disposal does not relate to Anglian water operated assets, as such unable to provide comment

3.4 Historic England

Comments on latest amended plans
Nothing further to add to previous comments

Comments on previous plans
Raise concern that the development will have a harmful impact on the historic significance of the Grade II* listed Mergate Hall and its setting including the group of historic buildings nearby

3.5 Historic Environment Service

Comments on latest amended plans
Conditional support

Comments on previous plans
Conditional support
Following discussions with the archaeological consultant for this proposed development, we are happy that the impact of the proposed development on the significance of any archaeological heritage assets can be adequately managed through a programme of archaeological mitigation work secured by appropriate planning conditions

3.6 Mulbarton Doctors Surgery
No comments received

3.7 NHS Clinical Commissioning Group
No comments received

3.8 NHS England
No comments received

3.9 Norfolk And Waveney Local Medical Council
No comments received
3.10 NCC Ecologist

Comments on latest amended plans

Bracon Common has a significant Great Crested Newt population and therefore we would like to see measures ensuring that water quality in these ponds will not suffer as a reduction as a result of this development. Ideally we would want to see no run-off from the development to be directed into the pond at all.

All of our previous comments continue to apply.

Comments on previous plans

Conditional support

Conditions requiring a licence from Natural England to be obtained and submitted to the local planning authority prior to commencement of works and submission of an Ecological Management Plan

Note NWT comments and agree that run-off should not be directed into ponds at Bracon Common

3.11 Norfolk Wildlife Trust

Comments on latest amended plans

Comments still stand that there should be no run-off directed into ponds on Bracon Common

Comments on previous plans

Concern about impact of development on Great Crested Newts in Bracon Common – there should be no run-off directed into ponds on Bracon Common

Mitigation measures in Ecological Report should be made a condition of approval

3.12 NCC Highways

Comments on latest amended plans

Conditional support

Following changes to layout by providing “side friction” before traffic meets the narrow stretch of footways, the Highway Authority is of the view that the highway benefit of improvements to the existing footways is in equilibrium to the negative aspects such that the Highway Authority is prepared to withdraw its previous objection subject to imposing a number of conditions (conditions set out in the recommendation)

Comments on previous plans

Object

Development does not provide safe pedestrian links to local services by virtue of narrow or non-existent footways combined with excessive traffic speed due to lack of frontage development

Objected to original proposal due to the above and the principle of two accesses one of which could not achieve sufficient visibility
splays necessary to address recorded traffic speeds as well as various issues with the internal layout of the development

3.13 NCC Lead Local Flood Authority

Comments on latest amended plans

Conditional support

The applicant has revised their drainage strategy and now proposes infiltration as the primary method of discharge. Based on this further revision and change in approach we withdraw our objection subject to conditions being attached to any consent that would ensure the required level of detail is applied to the final drainage strategy before commencement.

Comments on previous plans

Object

• The FRA states that the site is outside the areas of surface water ponding. However, our mapping suggests that there is a risk of surface water ponding on the site, and that two properties may be placed in the at risk area
• Insufficient information is provided to determine the final size and of the attenuation basin. The applicant will need to undertake further work to determine this size, and so the details provided in the FRA should not be considered to be approved
• The drainage strategy relies on the pond being connected to the wider watercourse network. The FRA does not demonstrate conclusively that this connection is in place.

Subsequently to the above objection the applicant agreed to raise properties to 300mm about likely flood levels and provided some calculations to support suggested final flood levels which led the LLFA to withdraw their objection in relation to surface water ponding on the site

3.14 NCC Planning Obligations Co-Ordinator

Comments on latest amended plans

In addition to previous comments a condition is recommended to secure the informal pedestrian link to Mergate Lane south of the development

Comments on previous plans

CIL contributions will be required due to potential capacity issues at Mulbarton Infant School and Mulbarton Junior School, and for library provision

Fire hydrant required

Connections into the local Green Infrastructure network, including Public Rights of Way and ecological features, should be considered alongside the potential impacts of the development

3.15 SNC Conservation And Design Officer

Comments on latest amended plans

Amendments will change the character of the approach from Norwich Road through omitting the previously approved hedge, having a new footpath and accesses. It would be preferable to
Development as originally proposed was subject to a Building for Life Assessment which concluded that the development was sympathetic to the existing development of the village and its character will provide a sustainable community and neighbourhood extension to the existing settlement.

It is mutually accepted that the development would result in less than substantial harm to heritage assets and therefore paragraph 134 of the NPPF applies. There should be a desirability to preserve the setting of designated heritage assets, however if the public benefits are deemed to outweigh the harm then methods of mitigation may be necessary to minimise harm.

3.16 SNC Community Services - Environmental Quality Team

Comments on latest amended plans

No further comments received

Comments on previous plans

Conditional support

3.17 SNC Housing Enabling & Strategy Manager

Comments on latest amended plans

The amended drainage strategy has no direct impact on the affordable housing, so I still have no objection to this application, and my previous comments remain applicable

Comments on previous plans

Mix of 4 one bedroom houses, 2 one bedroom bungalows, 6 two bedroom houses, 2 three bedroom houses all for rent, and 1 two bedroom house and 2 three bedroom houses for shared equity is acceptable and meets the current housing need

3.18 SNC Landscape Architect

Comments on latest amended plans

The position of the surface water sewer and attenuation lagoon have been amended to avoid the root protection areas of the protected oak trees. However, the original Arboricultural Implications Assessment, Preliminary Method Statement and Tree Protection Plans are out of date and will need to be revised. This can be done by condition.

Whilst I understand the rationale behind making the development face more towards Norwich Road, it is disappointing to see that the majority of the previously-proposed hedgerow is omitted from the current plan and would like to see as much reinstated as possible to maximise the rural character

No additional comments to make regarding the off-site highway works, which appear to not require the removal of any hedgerows.
Continue to raise concerns on the position of public open space adjoining the road and about shading of plots 30 and 31.

Comments on previous plans

The proposed lagoon is currently illustrated in a generic form, but I would wish to see a more sympathetic design. Trees on southern boundary should be retained and not lost for drainage connection to lagoon. Comments also made on shading of plots 30 and 31, appropriateness of play area and public space next to road and future management of frontage planting.

3.19 SNC Water Management Officer

The Lead Local Flood Authority is the statutory consultee for major development and should provide the technical response to the above mentioned aspects of the application. Therefore we will not provide any comment at this time.

3.20 Other Representations

Bracon Ash Residents Group:

Comments on latest amended plans

Further report submitted on landscape impact
- Pre-application advice was that this was a sensitive gateway site to a village that has retained a rural character. A previous scheme of an estate-type development was considered to cause unacceptable harm to the form and character of the village.
- The revisions to the current scheme with its 'stark urban frontage' requested by NCC Highways, one main entrance and footpath along the frontage results in the same harm as that previous scheme.
- We are concerned that given that the scheme now creates an urban frontage to the development there has been no request to update the Landscape and Visual Impact Assessment.
- We are also concerned that there has been no review the heritage statement despite Home Farmhouse being added to the statutory list as a Grade II-listed heritage asset and a large attenuation lagoon being proposed to the south-west of the building.

Further report submitted regarding the impact on heritage assets
- details relationship of the various listed buildings in the vicinity of the site, including their historic common ownership therefore providing evidence of their group value.
- therefore this provides further evidence for Historic England’s view that the development would cause harm to the significance of Mergate Hall and therefore this application should be refused.
- amendments will further affect the setting as the new design has a hard urban frontage onto the B1113 and will therefore be further at odds with the agricultural, countryside setting of Mergate Hall.
- when is the tipping point when the harm to the countryside destroys the claims they are making for living in the ‘beautiful countryside’ of Norfolk?
- We conclude that the relationship of the five listed buildings, their shared setting and interaction of the people and their human activity as an agricultural community around the field where the proposed development scheme is sited, will suffer unacceptable
Comments on previous plans

Objection reports, including a Heritage Statement and transport assessments, submitted in response to previously submitted plans and additional information

- mounting concern amongst residents that lead comments are being made in isolation with no consideration of the impact of the scheme on the surrounding area or other connected planning issues
- the drainage and flooding issues have not been addressed by the Lead Local Flood Authority which is not acceptable, our concerns have been ignored by the developer
- needs to be clarified where there the developer has a legal right to discharge water into Bracon Ash Common
- ecological impact of discharging into ponds where great crested newts are present still not addressed
- off-site highway improvements propose narrowing the road to widen the footpath however this a marginal increase which will increase the risk to highway safety due to the narrower carriageway
- speed of traffic is still an issue despite the northern point of access being removed
- amendments to layout mean development has reverted to a one entrance cul-de-sac design which South Norfolk Council advised would be unacceptable
- heritage statement concludes that the development would have a high adverse impact on Thatch Cottage, minor adverse impact on Mergate Hall and Mergate Hall Cottages and a high adverse impact on Home Farm House
- contrary to adopted planning policies
- urban estate development would be widely out of context with the rural environment
- the introduction of a parallel access road further compounds how inappropriate this development is
- the site layout ignores Home Farm House as a sensitive receptor
- there are currently 82 houses in the main part of Bracon Ash, the 52 dwellings proposed represent a 63% increase
- Bracon Ash is a separate village from Mulbarton despite being linked together by planners
- development is not sustainable as not located within walking distance of local services in Mulbarton which is backed up by survey showing majority of local residents don’t walk to Mulbarton or catch public transport from Bracon Ash
- drainage scheme includes incorrect assumptions and calculations which would result in additional surface water being directed to the receiving in watercourses resulting in flooding in the surrounding area
- flooding regularly occurs on Hawkes Lane as it is (numerous photographs showing flooding have subsequently been submitted)
- safety concerns about narrowness of footpaths and the B1113 road itself with majority of footpaths less than 1 metre in width
- visibility splays on accesses are inadequate given average traffic speeds on the B1113
Development Management Committee 13 September 2017

- Traffic speeds will not be reduced due to lack of frontage development, however having frontage development is not an option and not in keeping with the character of the village.
- Ecological report states there are no great crested newts in the ponds at Bracon Common, however Norfolk Wildlife Trust have confirmed that the ponds are being used by great crested newts for breeding.
- Proposal seeks removal of mature oak tree for surface water services; this part of a group seven veteran oaks and should be retained.
- Alter and harm the landscape of Bracon Ash over far reaching views.

Letters from individual residents:

Comments on latest amended plans

49 letters of objection

- Concern over disruption to the roads whilst the new ‘drainage’ system is being built.
- Concern that sewer will pass through my land and obstruct my access.
- Amended drainage strategy will not address existing flooding problems, only add to it.
- Language in revised drainage proposals is impenetrable for the lay person.
- Latest ecology report has been justified on the basis of one study in Scotland and has just been bundled together in a hope of trying to justify run-off into County Wildlife Site protected ponds.
- The theory that frontage development will slow down motorists is nonsense as they are not slowed down by existing frontage development in the village.
- A large amount of time has been made considering the safety of the development, which led to the deletion of the second access. How can we now have four accesses when two were considered to be dangerous?
- New design with frontage onto B1113 would only highlight how out of character the development is.
- The hedges along the B1113 which have been removed were supposed to keep a country road feel. Now there are proposed stretches of 1.8m high wall – how can this be considered a country feel?
- SNDC are going back on their own advice in regard to preserving the rural feel of the area in an effort to get this passed.
- Implore the members of the council visit Bracon Ash to experience its unique look and feel.
- New footpath does not have a cycle lane, so the issue of road safety for cyclists has not been addressed.
- Width of roads and footways remain well below required standards.
- As owners of the ditches that connect the ponds to the wider watercourses, we would not allow surface water from the development site to enter our ditches because of the risk of pollution and flooding.
- Comments repeating previous concerns about scale of development and its impact on the character of the village, impact
on the setting of Home Farm House, impact on protected species, drainage, maintenance of public open spaces, inadequate parking, capacity of services and disruption to existing residents from building work.

- concerns with cumulative impacts with developments in Mulbarton
- Similar concerns to those raised previously

Comments on previous plans

174 letters of objection to the application as originally submitted; 122 letters of objection to previous amendments to the application

- Footway improvements remain inadequate
- Width of road is less than 6 metres in places which is inadequate
- Crossing point near garage is unsafe due to limited visibility
- Would have adverse impact on historic hedgerow along north side of B1113
- Bracon Ash is a very rural parish
- Proposal will remove identity of village
- Out of character with village
- Design of properties is not consistent with existing properties
- Disproportionate in a wide spread rural environment
- Development is segregated from the village
- Impact on visual amenity
- Does not demonstrate benefits in terms of economic, social or environmental
- Benefit to local economy will be short term
- Set a precedent
- No local need
- Impact on listed building
- Rural village and its historical assets will be drastically and permanently harmed
- Outside development limits
- Development plan outlined site for 20 houses
- Increase congestion on B1113
- Increase congestion at Harford Bridge junction
- Footpaths are not adequate
- Concerns for pedestrians and cyclists
- Highway safety close to a sharp bend
- Concerns of two new access onto busy road
- Existing access on opposite side of highway not shown
- Increase use of cars
- Public transport unavailable in the evenings
- Lack of parking in Mulbarton
- Object to footpath going through village hall carpark
- Inadequate parking on development
- Revised access arrangements still dangerous
- Scheme to improve footways not adequate as there will still be narrow sections of footway
- Improvement scheme for footways proposes pedestrian crossing point near the garage where visibility would be very limited
- Concerns over surface water disposal
- Concerns regarding connection to public sewer
- Water mains already weak
- No plans for increase in amenities i.e. Doctors, school places
- School over subscribed
- Limited employment in Bracon Ash and Hethel
- Insufficient infrastructure
- Population increase out of proportion with existing inhabitants
- Concerns regarding oak tree adjacent to village hall
- Adverse impact on natural surroundings and wildlife
- Pond 5 is a haven for wildlife
- Noise pollution
- Light pollution
- Visual pollution
- Vehicular pollution
- Impact on neighbouring properties
- Financial gain

18 letters received supporting the highway information submitted by Bracon Ash Residents Group

4 letter of support
- If village is to continue to thrive and retain amenities housing development is necessary
- New development required for village to remain a vibrant community with well-maintained amenities
- Well documented shortage of housing
- Never used to be standing water but ditches are no longer cleared out
- Footpath has been cut back to be adequate for prams

2 letters of No Comment

Richard Bacon MP

2 letters of objection received

This application is an entirely speculative application which seeks to take advantage of the lack of a 5-year land supply within the Norwich Policy Area in order to impose 32 additional dwellings to that set out in Policy BRA1.

This development would be out of proportion to the existing settlement and, if approved, would completely alter the shape and balance of the village.

I am concerned with traffic speeds along Norwich Road, particularly with the positioning of public open space so close to the road. The Greater Norwich Growth Board’s latest Annual Monitoring Report states that it is anticipated that local authorities will have sufficient sites identified in adopted local plans to exceed the minimum JCS requirements. It therefore follows that South Norfolk Council should have sufficient land in its Local Plan to exceed its requirements.

In any event, the Government has made it clear that a lack of a 5-year land supply is not good enough reason in itself to justify the granting of planning permission.

It is also worth noting that the an addendum to the sustainability appraisal of the South Norfolk Local Plan puts forward the deallocation of site BRA1 on the basis that there is enough local
allocation, particularly in Mulbarton, that it would not be necessary to have any site allocation in Bracon Ash. Although I would agree with South Norfolk Council’s eventual conclusion that the benefits of removing the allocation would be outweighed by the disadvantages, this comment nevertheless underlines that BRA1 is not critical in terms of housing delivery in the district.

Policy BRA1 specifies that waste water capacity must be confirmed prior to development taking place. The Council must ensure this. The application will inevitably impact upon the amenity and the setting of Home Farm House and will also impact on Margate Hall. A decision to grant planning consent to this application would therefore leave parishes within the Norwich Policy Area wondering whether the Local Plan policies have any value or meaning. The amended plans will achieve very little in the way of making this application more acceptable.

I cannot improve on the comments of the Highway Authority that significantly increasing the scale of the planned development simply exacerbates the shortcomings of this site.

I would be grateful if you could recommend to the Development Management Committee that they refuse to grant planning permission for the above application.

4 Assessment

Site description and proposal

4.1 The site comprises of a field to south of the village of Bracon Ash, with the B1113 Norwich Road forming its western boundary, the village hall on its northern boundary and existing residential development along Hawkes Lane along its eastern boundary. To the south is a further field that has been included within the red line for inclusion of a drainage lagoon. The two fields are divided by an access drive to a property known as Home Farm House.

4.2 The field is currently grassland and measures approximately 260 metres north to south, with a width that varies from 50 to 135 metres. There are sections of a hedgerow along the boundary with the B1113, whilst the boundary with the dwellings along Hawkes Lane consists of a mixture of hedging and fencing. There are a series of trees on the southern boundary which are now the subject of a Tree Preservation Order, however apart from these and a wire fence this boundary is relatively open.

The application

4.3 The application is a full planning application for 52 dwellings. Affordable housing is proposed to be included in accordance with the requirements of Policy 4 of the Joint Core Strategy which requires 33% of dwellings to be affordable. This equates to 17 affordable dwellings.

4.4 Following revisions to the scheme, it is proposed to serve the development primarily from one vehicular access on to Norwich Road to the south of the site with three driveway accesses serving dwellings along the middle section of the Norwich Road frontage. To the north of the site is an access for pedestrians only.

4.5 The main issue for consideration is the principle of development and impact on the form and character of the village and nearby heritage assets along with the accesses to the
site onto the B1113 and the adequacy of the footway links to Mulbarton through Bracon Ash, surface water drainage and ecological impact.

Principle of development

4.6 Part of the site is allocated for residential development under Policy BRA1 in the South Norfolk Local Plan. The policy allocates the land for approximately 20 dwellings and requires that the developer of the site provides safe access and visibility from / to the B1113 and that wastewater infrastructure capacity must be confirmed prior to development taking place.

4.7 The remainder of the site falls outside of the development boundary for Bracon Ash.

4.8 With this in mind, planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in determining planning decisions.

4.9 With regard to the Adopted South Norfolk Local Plan (SNLP), Policy DM1.3 states that planning permission for development outside of development boundaries will only be granted where one of two criterion are met.

4.10 These are either where specific Development Management Policies allow for development outside of development boundaries or where development otherwise demonstrates overriding benefits in terms of the economic, social and environmental dimensions as set out in Policy DM1.1.

4.11 At this point it is necessary to acknowledge that the Council is currently unable to demonstrate a 5-year housing land supply within the Norwich Policy Area where this site is located.

4.12 Planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in determining planning decisions.

4.13 It is evident that that the site is located outside of any development boundary and therefore Policy DM1.3 makes provision for development to be granted in such areas where one of two criterion are met including where there are overriding benefits in terms of economic, social and environmental dimensions as addressed in Policy DM1.1.

4.14 It should be noted that the Council currently has 4.7 years of deliverable sites in the Norwich Policy Area and therefore regard should be given to this. In particular, the judgment Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) confirms that the narrow interpretation should be used in establishing whether a policy relates to the supply of housing.

4.15 The narrow interpretation states:

“limited to policies dealing only with the numbers and distribution of new housing, and excluding any other policies of the development plan dealing generally with the disposition or restriction of new development in the authority's area”.

4.16 This means that whilst all of the South Norfolk Local Plan Development Management Policies are not out of date, it is necessary for the decision maker to have regard to the weight attributable to these in their decision making process in acknowledgement of the lack of an up to date 5 year housing land supply, including in relation to Policy DM1.3 as
set out in the judgement at para 59 which confirmed that a shortfall in housing land
supply triggers the second part of paragraph 14, which states:

"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; or - specific policies in this Framework indicate
development should be restricted."

4.17 On the basis of the above the following assessment seeks to establish the benefits of the
scheme and any harm that would be caused in the context of sustainable development
as set out in the NPPF, and in particular, with reference to the three dimensions
(economic role, social role and environmental role) and under each of these three
headings the relevant South Norfolk Local Plan Development Management Policies will
be referred to.

Economic role

4.18 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."

4.19 The construction of 52 dwellings would help enhance the viability of services within
Bracon Ash and Mulbarton through local spending from future occupants of the dwellings.

4.20 In addition to the above, the scheme would also provide some short term economic
benefits from the construction of the dwellings.

Social role

4.21 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."

4.22 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 and would deliver
affordable housing which meets the requirements of Policy 4 of the Joint Core Strategy.
This will help meet an identified need within the district for affordable housing and can be
secured either through a legal agreement or planning condition subject to what is
considered the most appropriate mechanism. Overall, a mix of housing is provided that
contains one, two and three bedroom affordable homes and three, four and five bedroom
open market housing. It therefore is considered that the development provides for a
range of dwelling types as required by Policy DM3.1 of the Local Plan.

4.23 Whilst acknowledging that the scheme would bring forward much needed housing, the
social role of the NPPF does require "accessible local services that reflect the
community's needs and support its health, social and cultural well-being".

4.24 Many of these facilities are within Mulbarton rather than Bracon Ash itself and as such it
is necessary to assess the suitability of the linkages to these facilities for future residents
by foot.

4.25 Many local residents have raised concerns about the suitability of the pedestrian links
from the site to Mulbarton, which is via footways along the B1113 and Cuckoo field Lane.
These were initially rejected by the Highway Authority who objected to the scheme of
improvements to the footways along the B1113 as originally proposed as a deficient solution, particularly in light of concerns over traffic speeds through the village. Consequently, negotiations between key stakeholders have taken place leading to revised proposed off-site pedestrian upgrades that it is accepted are the best available option for widening the footpaths through the village without the acquisition of third party land. The Highway Officer remained concerned that this in itself was not adequate without revisions to the design to slow traffic speeds. This has now been achieved by making revisions to the design so that the development has a more interactive frontage with the B1113 than originally proposed.

4.26 As a consequence, the Highway Authority has removed its objection to the proposal. The “side friction” that the revised frontage would provide would reduce the speed of traffic before it reaches the remaining narrow sections of footway which would be beneficial to existing residents and not just occupants of the new development. In addition, the existing footway will be widened (albeit not to full standard) and the offsite highway works between the site and the roundabout offer a wider safety benefit to the existing community.

4.27 Some comments have been made about the width of the road being in places less than 6 metres in width. This is an existing situation that is not altered by the proposed footway improvements and has not been identified by the Highway Authority as grounds for refusing this application.

4.28 Concerns have been raised about the safety of accessing the site from the B1113 which led to the deletion of one of the principle accesses to the site being at the northern end of the site close to the bend by the village hall. The principle access to the site is now to the south of the site in the middle of a straight section of the B1113 where there are no obstructions to providing adequate visibility splays. In addition, a series of smaller access points for dwellings fronting onto the road have been provided through the middle portion of the site frontage as part of the package of amendments to slow traffic speeds. Adequate visibility splays can also be provided for these accesses as well. A condition is proposed to ensure the adequate provision of visibility splays for all accesses to the site and as such the Highways Authority raises no objection to the development on these grounds.

4.29 Overall it is now considered that the development complies with Policies DM3.10, DM3.11 and DM3.12 of the Local Plan. These policies can be afforded full weight in the decision making process.

4.30 The application does include a right of way through the southern field to provide a pedestrian link to Mergate Lane. This would offers some benefit but is compromised as users of the path would have no right to cross the private access drive to Home Farm House and therefore would have to walk across the entrance to the driveway alongside the B1113. Overall, there is little benefit to be gained from this provision.

4.31 Concern about the capacity of local schools has been raised. Norfolk County Council Children's Services have commented that there is sufficient capacity at High School level, although they have raised concerns about potential capacity concerns at Mulbarton Community Infant school and Mulbarton Junior school. They have stated that they will review how and where places will be provided if this development comes forward. If necessary they would seek CIL funding for Primary (Infant and Junior) Education provision.

4.32 Whilst the comments of NCC Children's Services are noted, it must be acknowledged that they are not objecting to the proposal.
4.33 In terms of the social role, the provision of housing, including a policy compliant level of affordable housing is a significant benefit. In addition, there are some benefits to be achieved from the development providing lower traffic speeds through the village and improved footway provision.

Environmental role

4.34 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."

4.35 Development of the allocated site would result in the development of open countryside. However, when the boundary of the allocation of the site was established it was considered that this would minimise the infringement into the countryside as the southern boundary was approximately in line with the southern extent of development along the site boundary to the east and where there is residential development adjoining Norwich Road on the opposite side from the site, albeit where this development fronts Poorhouse Lane.

4.36 Development of the wider site would increase the encroachment into the countryside to a more noticeable degree. In seeking to establish the level of the harm this proposal would cause, it is evident that previous appeal decisions have reinforced the high bar set for what can be considered to be significant and demonstrable harm.

4.37 For example, in the case of Chapel Lane, Wymondham (planning application reference 2012/1434) 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).

4.38 Similarly, the Inspector for the appeal decision for Townhouse Road, Costessey (application reference 2009/1996) which proposed residential development within an area specifically protected in policy relating to river valley landscape found that notwithstanding the identified harm to the landscape this did not outweigh the benefits of housing delivery. In light of this it is not considered that the harm caused by the additional infringement into the open countryside above and beyond that of the allocated site can be considered sufficiently harmful to outweigh the benefit of additional housing.

4.39 Many comments have been raised about the scale of character of development in relation to the existing character of development within the village.

4.40 A Building for Life Assessment has been carried out by the Council’s Senior Conservation and Design Officer on the scheme as originally submitted. It noted that the existing settlement has developed with a mixture of housing types, although generally medium size family houses set within spacious landscapes, which are generally located on quiet lanes which lead off the main road. This has retained the rural character of the settlement that retains the rural character of the village.

4.41 The Building for Life Assessment goes on to conclude that the development will create a new rural ‘green lane’ which will provide a safe route for pedestrians, particularly now it has been amended as to not be a through route. There is a mix of house tenures and house types, although generally following the more traditional Norfolk vernacular rather than being overtly modern or contemporary. The positioning and arrangement of buildings has been carefully arranged to create a more irregular and haphazard grain
which is very much in keeping with how the existing settlement has gradually evolved without the regular development of a more urban settlement. Density lowers toward the south of the site to allow views of the landscape and a more spacious setting for the track leading to Home Farm House.

4.42 In relation to this point, the affordable units proposed on site are located in two locations, although the majority are to the north of the site. As these units are smaller in floorspace and garden area at request of registered providers, this scale of development is more suitable to the north of the site rather than the lower density development to the south of the site adjacent to the open countryside. The affordable dwellings are integrated into the wider development, with plots 9 to 14 forming part of the main streetscene with private market units. Therefore the location of affordable dwellings is considered to be well integrated into the development.

4.43 As noted above when discussing the highway issues, the scheme has been amended to provide a more interactive frontage with the B1113. Many comments have been made in response to the re-consultation on these amendments that these revisions are not an acceptable design solution due to the urbanising effect on the B1113 and that it conflicts with the original vision agreed with the Council at the pre-application design. Whilst there is no question that the relationship with the B1113 will be different as is necessary to achieve lower traffic speeds, there has not been a fundamental change to the layout of the scheme. The dwellings largely remain in the same position as previously and the internal layout remains true to the vision described above through the creation of a new lane to reflect the character of other lanes within the village. The changes to the interaction with the B1113 primarily come with the deletion of a proposed hedgerow along this entire frontage, the provision of a footway and the provision of vehicular accesses direct from the B1113 rather than from the roadway through the development as originally proposed.

4.44 The Senior Conservation and Design Officer also has some concerns about the current proposals do involve sections of 1.8m brick walls between the B1113 and the gardens of some of the properties along this frontage. The use of walls, or equally if close boarded fences were proposed, does lend more of an urban / suburban character to the entrance to the village. He recommends the ideal approach would be to have a post and rail fence with a hedge planted to the front. Hedging on these sections of the boundary, as opposed to a single hedgerow along the entire length of the boundary, should be achievable without diluting the principle of a more interactive frontage. Whilst this preference is noted, it is not considered that the effect is unacceptable in visual terms as has been demonstrated through visualisations provided with the application. Given the views of the highway authority that they are necessary to help reduce vehicle speeds it is not proposed that amendments to a hedge or post and rail fence are sought. It is proposed to remove permitted development rights to ensure the appropriate boundary treatment is retained in perpetuity.

4.45 Overall, it is considered that the proposal has been designed to be sympathetic to the existing development of the village and its character and will provide a sustainable community and neighbourhood extension to the existing settlement and as such would not cause unacceptable landscape harm to the village. The development is therefore considered to comply with Policy 2 of the Joint Core Strategy and Policy DM3.8 of the Local Plan.

4.46 A concern has been raised that providing a more interactive frontage onto the B1113 the impact of the development on the form and character of the area has changed fundamentally and that this should be reflected in a revised Landscape and Visual Appraisal from that originally submitted. However, it is our view that the fundamental character of the proposal has not changed as the scale of development, layout and position of the dwellings on the site boundaries remain largely as originally submitted.
The findings of these originally submitted documents therefore remain fundamentally unchanged on this issue.

The development also has the potential to affect the setting of heritage assets. There are a number of listed buildings in the vicinity of the site. Immediately adjoining the site are 65 and 67 Hawkes Lane which are known as The Thatch Cottage or Hollyhock Cottage and Old Peculiar. Immediately to the south-east of the site is Home Farm House which has been listed at Grade II since this application was submitted to the Council for consideration.

Beyond the southern (and not to be developed) field are a collection of listed buildings that include the Grade II* listed Mergate Hall. Mergate Farm is to the east of these buildings, whilst the Grade I listed Church of St Nicholas is around 350 metres to the north-west of the site. Sections 66(1) of the Listed Buildings Act 1990 require assessment of the affect upon all these listed buildings.

In the context of establishing the impact on heritage assets, all parties agree that any harm from the development is less than substantial and as such the relevant consideration in the NPPF are paragraphs 132 and 134 in this instance.

Para 132 states:

“*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

Para 134 states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

Furthermore, it has been agreed that only four of the above buildings can be considered within the ‘zone of visual influence’ to varying degrees by all parties are the Thatch House, Home Farmhouse, Mergate Hall Cottages and Mergate Hall.

With regard to Thatch Cottage, the Senior Conservation and Design Officer has commented that the cottage is no longer viewed in the relatively undeveloped rural location as it once was, due to the village hall and other twentieth century residential development that fall within the backdrop of any views across the site. This part of the site has already been allocated for 20 units and agreed upon for housing development in the Local Plan with the setting of the building considered at the time of allocation. On this basis the proposal is considered to have very limited harm to setting of the building.

With regard to Mergate Hall and Mergate Hall Cottages, Historic England and the consultant engaged by the Bracon Ash Residents Group have raised concerns about the setting of the Grade II* listed Mergate Hall, albeit by recognising that the harm is less than substantial. However, it is the view of the Senior Conservation and Design Officer that there would be no harm to the designated heritage asset and its setting. There is some distance between the field to be developed and Mergate Hall due to the field to the south where the drainage lagoon is proposed. Furthermore, there is thick landscaping on
the southern side of Mergate Lane which means that only very limited views of the Hall can be obtained from any part of the site and then only in the winter months and these glimpsed views are not significant to the building in terms of its listing and heritage values. Equally, there is very limited inter-visibility between the field and Mergate Hall Cottages or the Dower House, which stand in close proximity to Mergate Hall.

4.54 Home Farm House dates to the C17th and has, as mentioned above, only recently been listed. The development of the site will have a direct impact in terms of the key views of the approach along the driveway. It is not the view of the Senior Conservation and Design Officer that the development will result in a ‘total loss’ of the setting of the building, but does conclude that there would be a partial loss of the open countryside approach to the building and that this degree of harm will be the greatest impact of the development in terms of its impact on heritage assets. The impact of the development was considered when negotiating the layout of the development, with mitigation measures in terms of the siting of the dwellings with large gardens and the public open space at the southern end of the site at the entrance to the lane. It is not considered that the attenuation lagoon to the south-west of the building will have an impact on its setting.

4.55 Taking into account the above comments of the Senior Conservation and Design Officer, it is concluded that whilst the development would result in a level of harm it is not to a degree of such significance that it would outweigh the benefit of providing housing to address the identified shortfall in the housing land supply, in line with paragraph 134 of the NPPF and local plan policy DM4.10.

4.56 In consideration of the Council’s duties under the S66(1) of the Listed Buildings Act 1990 the Council has given special attention to the desirability of preserving listed buildings or their settings and any features of special architectural or historic interest which it possesses. It is considered for the reasons set out above that the proposal would not adversely affect the setting of the listed buildings other than a moderate degree of harm to Home Farm House and a low level of harm to the setting of Thatch House. The assessment above reflects consideration of this impact on the setting of this building.

4.57 With regard to the impact on residential amenity of existing dwellings, there are generally good separation distances between new dwellings and existing dwellings such as those along Hawkes Lane. Only to the north of the site are the dwellings relatively close to existing dwellings. However, where the dwellings are closest (plots A1 and A2 with the listed Nos 65 and 67 (Thatch Cottage), the dwellings are aligned as such that they do not directly face the existing dwellings. Furthermore, the first floor windows in the rear elevation are bathrooms and therefore can be obscure glazed to prevent overlooking of the rear garden space which could be secured by condition. Concerns have also been raised about the impact on Home Farm House, however these concerns are generally more about the setting of the building and are considered above in regard to consideration over the impact on heritage assets. The nearest dwellings are not in close proximity to Home Farm House itself. Whilst views out from the house to the north-west would be altered significantly these are not, in itself, grounds to refuse the application.

4.58 A concern has been raised by the Landscape Architect about the amenity of occupants of plots 30 and 31 from shading from the trees to the south, however it is not considered that the relationship here is so harmful by virtue of the distance of the proposed houses to the existing trees as to warrant refusal of the application.

4.59 Overall it is therefore considered that the development accords with Policy DM3.13. This policy can be afforded full weight in the decision making process.

4.60 Policy DM3.15 requires new developments to provide adequate outdoor play facilities and recreational open space commensurate with the level of development proposed.
Open space has been provided in three locations across the site, with an area at the southern end of the site which forms a gateway green to the development along the B1113, another portion relatively centrally within the site and at the northern end of the site by the village hall. It is to be maintained by a management company, which can be the subject of condition of any planning approval.

A number of comments have been made about the suitability of the location of the open space provision, particularly the provision at the northern end of the site as it adjoins Norwich Road. However the play space is not immediately adjacent to the road and whilst this position is not central within the site given the scale of the site it is not unacceptable in terms of distance to any of the dwellings. Furthermore its position is considered to have benefits in its close relationship to the village hall and in terms of the character of the development and therefore it is considered that the proposal accords with Policy DM3.15. This policy can be afforded full weight in the decision making process.

The site is within Flood Risk Zone 1 and therefore is not considered at risk of fluvial flooding. Surface water mapping does show that a small portion of the site is at low or medium risk of flooding. Concerns have also been raised about surface water flooding issues on surrounding land and the potential for development of this site to exacerbate these problems.

The scheme proposed within the Flood Risk Assessment (FRA) submitted with the application involves piping water from the site to a drainage lagoon on the field to the south of the land to be developed. Originally, it was proposed that the lagoon would hold surface water run-off before discharging into a pond on adjoining land which connects into surrounding watercourses.

As noted in the introduction, the deliverability of this has been challenged as it has been asserted that the applicant would need the consent of the owner or those responsible for maintaining Bracon Common in which the pond stands, and whose consent would not be forthcoming. Legal advice has been sought on this, and this advises that an easement or permission from the owner or those responsible for maintaining the land would be required if the flow of water entering the pond was to increase from the pre-development situation or if any works required for the discharge into the pond affected the pond itself.

The applicant has now revised the design of the lagoon so that it allows for infiltration within the site to be the primary method of discharge. This is achieved by amendments to include an energy dissipation forebay and a low flow channel into the lagoon as well as redesigning the lagoon into an infiltration basin. As a consequence, all events up to and including the 1:100 year critical rainfall event (plus climate change) will be accommodated within the infiltration basin. The basin will have an overflow for events in excess of the 1:100 (plus climate change) event and this is still proposed to discharge into the pond on Bracon Common. The Lead Local Flood Authority support this approach, although they do require as part of a condition of any permission further groundwater monitoring in developing the final design to ensure that a representative groundwater level is used.

Most of the surface water drainage of the site will therefore now be accommodated through infiltration of the site, but there will still be exceptional events where discharge into the pond and watercourses within Bracon Common. As noted above, an easement or permission will be required if the flow of water was to increase from the pre-development situation. However with provision of the infiltration lagoon the flow of water into the neighbouring pond will be less than the current, pre-development situation in all events and therefore will not require an easement or permission from the owner or those with responsibility of managing the adjoining land. The means of discharge into the pond has also been amended so that the location of the outfall headwall is within the land under the applicant’s ownership. They will achieve this by digging back from the bank so that the outlet is entirely within their land. As this will therefore not require any works
within the pond it also does not require any easement or permission from the owner or those with responsibility of managing the adjoining land.

4.68 We are therefore satisfied that in the exceptional event that water is discharged into the neighbouring pond that this can be achieved without need for an easement or permission and that the scheme is therefore deliverable. The Lead Local Flood Authority are satisfied that the scheme is an acceptable means of draining the site that will not result in an increased risk of flooding on adjoining land which accords with Policy DM4.2 and section 10 of the NPPF.

4.69 The Landscape Architect had raised concerns about how the drainage for the site is to connect with the lagoon. As initially proposed the link would have required one of the trees (now subject to a Tree Preservation Order) on the southern boundary to be removed which was not considered acceptable. This has now been amended so that the connection does not require the removal of a tree but details will still need to be provided through condition to ensure the construction of the connection does not adversely affect the health of any of these trees in accordance with Policy DM4.8 of the Local Plan.

4.70 In regard to the small areas of the site where there is a surface water risk, the FRA notes that this risk can be mitigated against by finished floor levels in properties within directly affected areas being set at a minimum of 300mm above the likely flood level. In addition, it recommends where possible that all external hard and soft landscaping areas should be designed to fall away from the dwellings. Whilst the preference of the Lead Local Flood Authority would be to relocate the properties affected, they do not object to this approach.

4.71 Concern has also been raised about the sewer system and its capacity to accommodate the development. As mentioned above, Policy BRA1 required that wastewater infrastructure capacity must be confirmed prior to development taking place. Anglian Water have been consulted on this application and have advised that the local Water Recycling Centre has capacity for this development as does the sewerage system.

4.72 Another significant environmental concern that has been raised is the impact on wildlife in the area. In particular, a concern was raised about the presence of great crested newts. These are known to be present in ponds on the adjoining Bracon Common, which is now designated as a County Wildlife Site. In addition to the direct impact from development of the site, concerns have been raised about the discharge of surface water from the site into the watercourses that feed these ponds. As noted above, there would only be exceptional events where there is any discharge of water into the ponds on Bracon Common. Nonetheless, measures will need to be incorporated into the design of the drainage system to ensure that the quality of any water that does enter the ponds does not adversely affect the quality of water within the ponds in accordance with Policy DM3.14 of the Local Plan. Norfolk County Council’s Ecologist has recommended conditions to be imposed on any consent that include the need to secure a licence from Natural England which will provide protection to the habitat, either through alterations to the drainage strategy or from the provision of pollution control measures.

4.73 The dwellings are to have a thermal performance that exceeds the 2010 building regulations using Fabric First principles. The applicant contends that due to this significantly reduced energy demand, the units would not benefit from introducing renewables to provide 10% of their energy demand. However the Joint Core Strategy Policy still required renewable energy to be provided on site, even if the demand is significantly reduced, and a condition is recommended as such.

4.74 In terms of the environmental role, the proposal would result in some harm to heritage assets and as such the proposal does not fully fulfil the requirements of this role.
Summary of sustainable development consideration

4.75 Having due regard to the above assessment made in the context of not being able to demonstrate a 5 year land supply, it is considered that the benefits of providing additional housing is sufficiently high that the concerns in regard to the additional intrusion into the open countryside (from development outside of the area allocated for development in the Local Plan) and the harm to the setting of the listed Home Farm House are outweighed by the benefits as it is not considered the harm is of a sufficient level to significantly and demonstrably outweigh the benefits as set out in paragraph 14 of the NPPF.

Other matters

4.76 Norfolk Fire Service have indicated that the proposed development will require one hydrant. A condition would need to be imposed to require a hydrant to be installed in agreement with Norfolk Fire Service.

4.77 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. If the development were to be approved then it would be liable for Community Infrastructure Levy (CIL).

5. Conclusion

5.1 The development proposes housing within an allocated site within Bracon Ash, but also encroaching into the open countryside outside development boundaries. However in the absence of a sufficient land supply within the Norwich Policy Area planning permission is directed to be granted under paragraph 14 of the NPPF unless any adverse impacts would significantly and demonstrably outweigh the benefits.

5.2 In this instance it is considered that the benefits of providing additional housing is sufficiently high that the concerns in regard to the additional intrusion into the open countryside and the harm to the setting of the listed Home Farm House are outweighed by the benefits of the additional housing, as it is not considered the harm is of a sufficient level to significantly and demonstrably outweigh the benefits.

5.3 The proposed development is therefore recommended for approval subject to the conditions listed in the above report.

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Appendix 2

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Growth and Localism

Major Applications

1. **Appl. No**: 2016/0713/F  
   **Parish**: BRACON ASH & HETHEL

   **Applicants Name**: Bracon Ash Developments Ltd  
   **Site Address**: Land To East Of Norwich Road Bracon Ash Norfolk  
   **Proposal**: Erection of 52 dwellings, open space and associated works (Full application)

   **Recommendation**: Approval with conditions
   1. Reduced Time Limit 2 years - 5 year land supply
   2. In accordance with amended drawings
   3. Details of future management and maintenance of streets
   4. Details of roads, footways, etc
   5. Roads to be constructed to binder course before occupation
   6. Provision of visibility splays
   7. Provision of access, parking and turning areas
   8. Parking for construction workers
   9. Construction Traffic Management Plan
   10. Wheel cleaning facilities
   11. Off-site highway works (details and implementation)
   12. Traffic Regulation Order to amend speed limit
   13. Landscaping scheme including details of boundary treatments
   14. Landscaping management plan
   15. Tree protection details
   16. No-dig details for off-site highway improvements
   17. External materials
   18. Surface water drainage details to be agreed
   19. Water efficiency
   20. Ecology mitigation measures
   21. Details of European Protected Species Licence for Great Crested Newts
   22. Obscure glazing to first floor rear elevation of plots A1 and A2
   23. Provision of fire hydrant
   24. Renewable energy provision
   25. Archaeological scheme of investigation
   26. Details of open space and playspace and management of to be provided

   Subject to securing affordable housing by way of condition or s106 agreement.

1. Planning Policies

1.1 National Planning Policy Framework
   NPPF 01: Building a strong competitive economy
   NPPF 06: Delivering a wide choice of high quality home
   NPPF 07: Requiring good design
   NPPF 08: Promoting healthy communities
   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 6: Access and Transportation
Policy 9: Strategy for growth in the Norwich Policy Area
Policy 15: Service Villages
Policy 17: Small rural communities and the countryside
Policy 20: Implementation

1.3 South Norfolk Local Plan
Development Management Policies
DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk
DM1.2: 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
DM3.13: Amenity, noise, quality of life
DM3.15: Outdoor play facilities/recreational space
DM4.2: Sustainable drainage and water management
DM4.3: Facilities for the collection of recycling and waste
DM4.4: Natural environmental assets – designated and locally important open space
DM4.5: Landscape Character Areas and River Valleys
DM4.6: Protection of Trees and Hedgerows
DM4.9: Incorporating landscape into design
DM4.10: Heritage Assets

1.4 Site Specific Allocations and Policies
BRA 1: Land at Norwich Road, Bracon Ash

1.5 Supplementary Planning Document
South Norfolk Place Making Guide 2012

Statutory duties relating to Listed Buildings and setting of Listed Buildings:

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

Comments on latest amended plans

Continue to object to proposed development
Additional comments provided stating that applicants have not demonstrated that they can connect to the wider watercourse network as there is no connection to the pond network on the common and never has been, permission for which would not be forthcoming. Numerous photographs have been provided showing that flooding regularly occurs in the area therefore showing that the present watercourses are totally unsuitable for further water flow. Making this issue a condition would be a complete derogation of duty of care.

Comments on previous plans

Object

- Significant concerns raised
- Highways report details the very real dangers irrespective of the size of development and therefore consideration should be given to removing this site from the Local Plan
- Large development would have significant detrimental impact on the village and design of dwellings not in keeping with the existing village
- Hard to reconcile assessment by South Norfolk Council Conservation and Design Team with the facts
- Drainage has not been adequately addressed; a full Flood Risk Assessment is essential
- Drainage proposals would cause a significant risk to the presence of great crested newts
- Access and egress from highway is a serious concern
- Local GP and school are already under pressure from additional homes being built in Mulbarton
- Site extending beyond development boundary does not comply with DM1.3
- Application should be judged on its own merit and not approved due to the lack of a 5 year land supply.

3.2 District Members: Comments on latest amended plans

Cllr Legg
To Committee
- My previous comments still apply

Cllr Foulger
To Committee
- only cosmetic variations to original proposal which does not overcome the very strong highway concerns expressed by NCC Highways
- the proposal certainly does not overcome the strong environmental issues already expressed at the first application and the fact that the application will mean an increase in the number of dwellings in the village by over 56% a fact that would certainly not be accepted by any other planning authority, or elsewhere within the district.

Comments on previous plans

Cllr Legg
To Committee
- major application mainly outside new development boundary
3.3 Anglian Water Services Ltd

Comments on latest amended plans

No further comments received

Comments on previous plans

No objections

Wastewater treatment and foul sewerage network at present have available capacity

Surface water disposal does not relate to Anglian water operated assets, as such unable to provide comment

3.4 Historic England

Comments on latest amended plans

Nothing further to add to previous comments

Comments on previous plans

Raise concern that the development will have a harmful impact on the historic significance of the Grade II* listed Merigate Hall and its setting including the group of historic buildings nearby

3.5 Historic Environment Service

Comments on latest amended plans

No further comments received

Comments on previous plans

Conditional support

Following discussions with the archaeological consultant for this proposed development, we are happy that the impact of the proposed development on the significance of any archaeological heritage assets can be adequately managed through a programme of archaeological mitigation work secured by appropriate planning conditions

3.6 Mulbarton Doctors Surgery

No comments received

3.7 NHS Clinical Commissioning Group

No comments received

3.8 NHS England

No comments received

3.9 Norfolk And Waveney Local Medical Council

No comments received
3.10 NCC Ecologist

Comments on latest amended plans

We have reviewed the new plans and fee that our previous comments continue to apply

Comments on previous plans

Conditional support

Conditions requiring a licence from Natural England to be obtained and submitted to the local planning authority prior to commencement of works and submission of an Ecological Management Plan

Note NWT comments and agree that run-off should not be directed into ponds at Bracon Common

3.11 Norfolk Wildlife Trust

Comments on latest amended plans

Comments still stand that there should be no run-off directed into ponds on Bracon Common

Comments on previous plans

Concern about impact of development on Great Crested Newts in Bracon Common – there should be no run-off directed into ponds on Bracon Common

Mitigation measures in Ecological Report should be made a condition of approval

3.12 NCC Highways

Comments on latest amended plans

Conditional support

Following changes to layout by providing “side friction” before traffic meets the narrow stretch of footways, the Highway Authority is of the view that the highway benefit of improvements to the existing footways is in equilibrium to the negative aspects such that the Highway Authority is prepared to withdraw its previous objection subject to imposing a number of conditions (conditions set out in the recommendation)

Comments on previous plans

Object

Development does not provide safe pedestrian links to local services by virtue of narrow or non-existent footways combined with excessive traffic speed due to lack of frontage development

Objected to original proposal due to the above and the principle of two accesses one of which could not achieve sufficient visibility splays necessary to address recorded traffic speeds as well as various issues with the internal layout of the development
Comments on latest amended plans

Final comments in response to additional information submitted in response to comments below to be reported to Committee.

Comments on previous plans

Object
- The FRA states that the site is outside the areas of surface water ponding. However, our mapping suggests that there is a risk of surface water ponding on the site, and that two properties may be placed in the at risk area.
- Insufficient information is provided to determine the final size and of the attenuation basin. The applicant will need to undertake further work to determine this size, and so the details provided in the FRA should not be considered to be approved.
- The drainage strategy relies on the pond being connected to the wider watercourse network. The FRA does not demonstrate conclusively that this connection is in place.

We would consider reviewing our objection on receipt of a revised FRA addressing the risk of surface water flooding, confirmation that there will be flexibility for the applicant to resize the basin as / if required, confirmation that the pond where the discharge connection is proposed is indeed connected to the wider watercourse network.

Comments on latest amended plans

No further comments received.

Comments on previous plans

CIL contributions will be required due to potential capacity issues at Mulbarton Infant School and Mulbarton Junior School, and for library provision.

Fire hydrant required.

Connections into the local Green Infrastructure network, including Public Rights of Way and ecological features, should be considered alongside the potential impacts of the development.

Comments on latest amended plans

Amendments will change the character of the approach from Norwich Road through omitting the previously approved hedge, having a new footpath and accesses. It would be preferable to have as much hedging as possible, and to avoid any walls or close boarded fences on this boundary.

Comments on previous plans

Development as originally proposed was subject to a Building for Life Assessment which concluded that the development was sympathetic to the existing development of the village and its character will provide a sustainable community and neighbourhood extension to the existing settlement.
It is mutually accepted that the development would result in less than substantial harm to heritage assets and therefore paragraph 134 of the NPPF applies. There should be a desirability to preserve the setting of designated heritage assets, however if the public benefits are deemed to outweigh the harm then methods of mitigation may be necessary to minimise harm.

3.16 SNC Community Services - Environmental Quality Team

Comments on latest amended plans
No further comments received

Comments on previous plans
Conditional support

3.17 SNC Housing Enabling & Strategy Manager

Comments on latest amended plans
As there is no impact on the internal layouts, I still have no objections to this application and my previous comments remain applicable

Comments on previous plans
Mix of 4 one bedroom houses, 2 one bedroom bungalows, 6 two bedroom houses, 2 three bedroom houses all for rent, and 1 two bedroom house and 2 three bedroom houses for shared equity is acceptable and meets the current housing need

3.18 SNC Landscape Officer

Comments on latest amended plans
Whilst I understand the rationale behind making the development face more towards Norwich Road, it is disappointing to see that the majority of the previously-proposed hedgerow is omitted from the current plan and would like to see as much reinstated as possible to maximise the rural character

No additional comments to make regarding the off-site highway works, which appear to not require the removal of any hedgerows.

Continue to raise concerns on the position of public open space adjoining the road, about shading of plots 30 and 31, design of drainage lagoon and particularly any possible impact on the trees now subject to a TPO on the southern boundary. If permission is granted, a number of conditions are suggested in regard to these issues.

Comments on previous plans
The proposed lagoon is currently illustrated in a generic form, but I would wish to see a more sympathetic design. Trees on southern boundary should be retained and not lost for drainage connection to lagoon. Comments also made on shading of plots 30 and 31, appropriateness of play area and public space next to road and future management of frontage planting.
The Lead Local Flood Authority is the statutory consultee for major development and should provide the technical response to the above mentioned aspects of the application. Therefore we will not provide any comment at this time.

**Bracon Ash Residents Group**

Comments on latest amended plans

Further report submitted regarding the impact on heritage assets
- details relationship of the various listed buildings in the vicinity of the site, including their historic common ownership therefore providing evidence of their group value
- therefore this provides further evidence for Historic England’s view that the development would cause harm to the significance of Mergate Hall and therefore this application should be refused
- amendments will further affect the setting as the new design has a hard urban frontage onto the B1113 and will therefore be further at odds with the agricultural, countryside setting of Mergate Hall
- when is the tipping point when the harm to the countryside destroys the claims they are making for living in the ‘beautiful countryside’ of Norfolk?
- We conclude that the relationship of the five listed buildings, their shared setting and interaction of the people and their human activity as an agricultural community around the field where the proposed development scheme is sited, will suffer unacceptable harm, rated from adverse to major under the terms of the NPPF, the JCS and the South Norfolk Local Plan 2015.

Comments on previous plans

Objection reports, including a Heritage Statement and transport assessments, submitted in response to previously submitted plans and additional information
- mounting concern amongst residents that lead comments are being made in isolation with no consideration of the impact of the scheme on the surrounding area or other connected planning issues
- the drainage and flooding issues have not been addressed by the Lead Local Flood Authority which is not acceptable, our concerns have been ignored by the developer
- needs to be clarified where there the developer has a legal right to discharge water into Bracon Ash Common
- ecological impact of discharging into ponds where great crested newts are present still not addressed
- off-site highway improvements propose narrowing the road to widen the footpath however this a marginal increase which will increase the risk to highway safety due to the narrower carriageway
- speed of traffic is still an issue despite the northern point of access being removed
- amendments to layout mean development has reverted to a one entrance cul-de-sac design which South Norfolk Council advised would be unacceptable
- heritage statement concludes that the development would have a high adverse impact on Thatch Cottage, minor adverse impact on Mergate Hall and Mergate Hall Cottages and a high adverse impact on Home Farm House
• contrary to adopted planning policies
• urban estate development would be widely out of context with the rural environment
• the introduction of a parallel access road further compounds how inappropriate this development is
• the site layout ignores Home Farm House as a sensitive receptor
• there are currently 82 houses in the main part of Bracon Ash, the 52 dwellings proposed represent a 63% increase
• Bracon Ash is a separate village from Mulbarton despite being linked together by planners
• development is not sustainable as not located within walking distance of local services in Mulbarton which is backed up by survey showing majority of local residents don’t walk to Mulbarton or catch public transport from Bracon Ash
• drainage scheme includes incorrect assumptions and calculations which would result in additional surface water being directed to the receiving in watercourses resulting in flooding in the surrounding area
• flooding regularly occurs on Hawkes Lane as it is (numerous photographs showing flooding have subsequently been submitted)
• safety concerns about narrowness of footpaths and the B1113 road itself with majority of footpaths less than 1 metre in width
• visibility splays on accesses are inadequate given average traffic speeds on the B1113
• traffic speeds will not be reduced due to lack of frontage development, however having frontage development is not an option and not in keeping with the character of the village
• ecological report states there are no great crested newts in the ponds at Bracon Common, however Norfolk Wildlife Trust have confirmed that the ponds are being used by great crested newts for breeding
• proposal seeks removal of mature oak tree for surface water services; this part of a group seven veteran oaks and should be retained
• alter and harm the landscape of Bracon Ash over far reaching views

**Letters from individual residents**

**Comments on latest amended plans**

31 letters of objection

• The theory that frontage development will slow down motorists is nonsense as they are not slowed down by existing frontage development in the village.
• A large amount of time has been made considering the safety of the development, which led to the deletion of the second access. How can we now have four accesses when two were considered to be dangerous?
• New design with frontage onto B1113 would only highlight how out of character the development is
• The hedges along the B1113 which have been removed were supposed to keep a country road feel. Now there are proposed stretches of 1.8m high wall – how can this be considered a country feel?
• SNDC are going back on their own advice in regard to preserving the rural feel of the area in an effort to get this passed
• Implore the members of the council visit Bracon Ash to experience its unique look and feel
• New footpath does not have a cycle lane, so the issue of road safety for cyclists has not been addressed
• Width of roads and footways remain well below required standards
• As owners of the ditches that connect the ponds to the wider watercourses, we would not allow surface water from the development site to enter our ditches because of the risk of pollution and flooding
• Comments repeating previous concerns about scale of development and its impact on the character of the village, impact on the setting of Home Farm House, impact on protected species, drainage, maintenance of public open spaces, inadequate parking, capacity of services and disruption to existing residents from building work.

Comments on previous plans

174 letters of objection to the application as originally submitted; 122 letters of objection to previous amendments to the application

• Footway improvements remain inadequate
• Width of road is less than 6 metres in places which is inadequate
• Crossing point near garage is unsafe due to limited visibility
• Would have adverse impact on historic hedgerow along north side of B1113

• Bracon Ash is a very rural parish
• Proposal will remove identity of village
• Out of character with village
• Design of properties is not consistent with existing properties
• Disproportionate in a wide spread rural environment
• Development is segregated from the village
• Impact on visual amenity
• Does not demonstrate benefits in terms of economic, social or environmental
• Benefit to local economy will be short term
• Set a precedent
• No local need
• Impact on listed building
• Rural village and its historical assets will be drastically and permanently harmed

• Outside development limits
• Development plan outlined site for 20 houses

• Increase congestion on B1113
• Increase congestion at Harford Bridge junction
• Footpaths are not adequate
• Concerns for pedestrians and cyclists
• Highway safety close to a sharp bend
• Concerns of two new access onto busy road
- Existing access on opposite side of highway not shown
- Increase use of cars
- Public transport unavailable in the evenings
- Lack of parking in Mulbarton
- Object to footpath going through village hall carpark
- Inadequate parking on development
- Revised access arrangements still dangerous
- Scheme to improve footways not adequate as there will still be narrow sections of footway

- Improvement scheme for footways proposes pedestrian crossing point near the garage where visibility would be very limited
- Concerns over surface water disposal
- Concerns regarding connection to public sewer
- Water mains already weak

- No plans for increase in amenities i.e. Doctors, school places
- School over subscribed
- Limited employment in Bracon Ash and Hethel
- Insufficient infrastructure
- Population increase out of proportion with existing inhabitants

- Concerns regarding oak tree adjacent to village hall
- Adverse impact on natural surroundings and wildlife
- Pond 5 is a haven for wildlife

- Noise pollution
- Light pollution
- Visual pollution
- Vehicular pollution

- Impact on neighbouring properties
- Financial gain

18 letters received supporting the highway information submitted by Bracon Ash Residents Group

4 letter of support
- If village is to continue to thrive and retain amenities housing development is necessary
- New development required for village to remain a vibrant community with well-maintained amenities
- Well documented shortage of housing
- Never used to be standing water but ditches are no longer cleared out
- Footpath has been cut back to be adequate for prams

2 letters of No Comment

Richard Bacon MP

2 letters of objection received

This application is an entirely speculative application which seeks to take advantage of the lack of a 5-year land supply within the Norwich Policy Area in order to impose 32 additional dwellings to that set out
This development would be out of proportion to the existing settlement and, if approved, would completely alter the shape and balance of the village.

I am concerned with traffic speeds along Norwich Road, particularly with the positioning of public open space so close to the road. The Greater Norwich Growth Board’s latest Annual Monitoring Report states that it is anticipated that local authorities will have sufficient sites identified in adopted local plans to exceed the minimum JCS requirements. It therefore follows that South Norfolk Council should have sufficient land in its Local Plan to exceed its requirements.

In any event, the Government has made it clear that a lack of a 5-year land supply is not good enough reason in itself to justify the granting of planning permission.

It is also worth noting that the addendum to the sustainability appraisal of the South Norfolk Local Plan puts forward the de-allocation of site BRA1 on the basis that there is enough local allocation, particularly in Mulbarton, that it would not be necessary to have any site allocation in Bracon Ash. Although I would agree with South Norfolk Council’s eventual conclusion that the benefits of removing the allocation would be outweighed by the disadvantages, this comment nevertheless underlines that BRA1 is not critical in terms of housing delivery in the district.

Policy BRA1 specifies that waste water capacity must be confirmed prior to development taking place. The Council must ensure this. The application will inevitably impact upon the amenity and the setting of Home Farm House and will also impact on Margate Hall. A decision to grant planning consent to this application would therefore leave parishes within the Norwich Policy Area wondering whether the Local Plan policies have any value or meaning.

The amended plans will achieve very little in the way of making this application more acceptable.

I cannot improve on the comments of the Highway Authority that significantly increasing the scale of the planned development simply exacerbates the shortcomings of this site.

I would be grateful if you could recommend to the Development Management Committee that they refuse to grant planning permission for the above application.

4 Assessment

Site description and proposal

4.1 The site comprises of a field to south of the village of Bracon Ash, with the B1113 Norwich Road forming its western boundary, the village hall on its northern boundary and existing residential development along Hawkes Lane along its eastern boundary. To the south is a further field that has been included within the red line for inclusion of a drainage lagoon. The two fields are divided by an access drive to a property known as Home Farm House.

4.2 The field is currently grassland and measures approximately 260 metres north to south, with a width that varies from 50 to 135 metres. There are sections of a hedgerow along the boundary with the B1113, whilst the boundary with the dwellings along Hawkes Lane consists of a mixture of hedging and fencing. There are a series of trees on the southern boundary which are now the subject of a Tree Preservation Order, however apart from these and a wire fence this boundary is relatively open.
4.3 The application is a full planning application for 52 dwellings. Affordable housing is proposed to be included in accordance with the requirements of Policy 4 of the Joint Core Strategy which requires 33% of dwellings to be affordable. This equates to 17 affordable dwellings.

4.4 Following revisions to the scheme, it is proposed to serve the development primarily from one vehicular access on to Norwich Road to the south of the site with three driveway accesses serving dwellings along the middle section of the Norwich Road frontage. To the north of the site is an access for pedestrians only.

4.5 The main issue for consideration is the principle of development and impact on the form and character of the village and nearby heritage assets along with the accesses to the site onto the B1113 and the adequacy of the footway links to Mulbarton through Bracon Ash, surface water drainage and ecological impact.

Principle of development

4.6 Part of the site is allocated for residential development under Policy BRA1 in the South Norfolk Local Plan. The policy allocates the land for approximately 20 dwellings and requires that the developer of the site provides safe access and visibility from / to the B1113 and that wastewater infrastructure capacity must be confirmed prior to development taking place.

4.7 The remainder of the site falls outside of the development boundary for Bracon Ash.

4.8 With this in mind, planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in determining planning decisions.

4.9 With regard to the Adopted South Norfolk Local Plan (SNLP), Policy DM1.3 states that planning permission for development outside of development boundaries will only be granted where one of two criterion are met.

4.10 These are either where specific Development Management Policies allow for development outside of development boundaries or where development otherwise demonstrates overriding benefits in terms of the economic, social and environmental dimensions as set out in Policy DM1.1.

4.11 At this point it is necessary to acknowledge that the Council is currently unable to demonstrate a 5-year housing land supply within the Norwich Policy Area where this site is located. Consequently those policies that limit housing within the Local Plan where related to the Norwich Policy Area are out-of-date in line with the requirements of paragraph of the NPPF. Policy DM1.3 is such a policy. Whilst out of date, this does not mean that the policy does not carry any weight in the decision –making process and it is necessary for the Council, as decision-maker, to establish the level of weight to be attributed to this policy. In this case, the Council consider given the test of 2 d) sets a more stringent test to justify a scheme than the NPPF ie it must provide a benefit to justify the scheme under DM1.3 whereas the NPPF only requires that there is not significant and demonstrable harm that outweighs the benefits, the policy should be afforded less than full weight in this case.

4.12 Paragraph 14 also confirms that:

*for decision-taking this means:
Approving development proposals that accord with the development plan without delay;
and
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; or

Specific policies in this Framework indicate development should be restricted.”

4.13 With this in mind, the following assessment will seek to establish whether the adverse
impacts of the scheme would significantly and demonstrably outweigh the benefits, when
assessed against the policies in this framework taken as a whole; or
Specific policies in this Framework indicate development should be restricted.”

4.14 In the context of assessing the proposal in the context of the NPPF, paragraph 49 confirms
that:

“Housing applications should be considered in the context of the presumption in favour of
sustainable development.”

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

4.16 The NPPF also sets out 13 themes for delivering sustainable development but considers it
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.

4.17 The assessment will also assess the merits of the scheme in the context of those local plan
policies which are not out of date, as well as having due regard to any material
considerations.

Economic role

4.18 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.”

4.19 The construction of 52 dwellings would help enhance the viability of services within Bracon
Ash and Mulbarton through local spending from future occupants of the dwellings.

4.20 In addition to the above, the scheme would also provide some short term economic
benefits from the construction of the dwellings.

Social role

4.21 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.”

4.22 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 and would deliver affordable housing
which meets the requirements of Policy 4 of the Joint Core Strategy. This will help meet an
identified need within the district for affordable housing and can be secured either through a legal agreement or planning condition subject to what is considered the most appropriate mechanism. Overall, a mix of housing is provided that contains one, two and three bedroom affordable homes and three, four and five bedroom open market housing. It therefore is considered that the development provides for a range of dwelling types as required by Policy DM3.1 of the Local Plan.

4.23 Whilst acknowledging that the scheme would bring forward much needed housing, the social role of the NPPF does require “accessible local services that reflect the community’s needs and support its health, social and cultural well-being”.

4.24 Many of these facilities are within Mulbarton rather than Bracon Ash itself and as such it is necessary to assess the suitability of the linkages to these facilities for future residents by foot.

4.25 Many local residents have raised concerns about the suitability of the pedestrian links from the site to Mulbarton, which is via footways along the B1113 and Cuckoofield Lane. These were initially rejected by the Highway Authority who objected to the scheme of improvements to the footways along the B1113 as originally proposed as a deficient solution, particularly in light of concerns over traffic speeds through the village. Consequently, negotiations between key stakeholders have taken place leading to revised proposed off-site pedestrian upgrades that it is accepted are the best available option for widening the footpaths through the village without the acquisition of third party land. The Highway Officer remained concerned that this in itself was not adequate without revisions to the design to slow traffic speeds. This has now been achieved by making revisions to the design so that the development has a more interactive frontage with the B1113 than originally proposed.

4.26 As a consequence, the Highway Authority has removed its objection to the proposal. The “side friction” that the revised frontage would provide would reduce the speed of traffic before it reaches the remaining narrow sections of footway which would be beneficial to existing residents and not just occupants of the new development. In addition, the existing footway will be widened (albeit not to full standard) and the offsite highway works between the site and the roundabout offer a wider safety benefit to the existing community.

4.27 Some comments have been made about the width of the road being in places less than 6 metres in width. This is an existing situation that is not altered by the proposed footway improvements and has not been identified by the Highway Authority as grounds for refusing this application.

4.28 Concerns have been raised about the safety of accessing the site from the B1113 which led to the deletion of one of the principle accesses to the site being at the northern end of the site close to the bend by the village hall. The principle access to the site is now to the south of the site in the middle of a straight section of the B1113 where there are no obstructions to providing adequate visibility splays. In addition, a series of smaller access points for dwellings fronting onto the road have been provided through the middle portion of the site frontage as part of the package of amendments to slow traffic speeds. Adequate visibility splays can also be provided for these accesses as well. A condition is proposed to ensure the adequate provision of visibility splays for all accesses to the site and as such the Highways Authority raises no objection to the development on these grounds.

4.29 Overall it is now considered that the development complies with Policies DM3.10, DM3.11 and DM3.12 of the Local Plan. These policies can be afforded full weight in the decision making process.
Development Management Committee

4.30 The application does include a right of way through the southern field to provide a pedestrian link to Mergate Lane. This would offer some benefit but is compromised as users of the path would have no right to cross the private access drive to Home Farm House and therefore would have to walk across the entrance to the driveway alongside the B1113. Overall, there is little benefit to be gained from this provision.

4.31 Concern about the capacity of local schools has been raised. Norfolk County Council Children’s Services have commented that there is sufficient capacity at High School level, although they have raised concerns about potential capacity concerns at Mulbarton Community Infant school and Mulbarton Junior school. They have stated that they will review how and where places will be provided if this development comes forward. If necessary they would seek CIL funding for Primary (Infant and Junior) Education provision.

4.32 Whilst the comments of NCC Children’s Services are noted, it must be acknowledged that they are not objecting to the proposal.

4.33 In terms of the social role, the provision of housing, including a policy compliant level of affordable housing is a significant benefit. In addition, there are some benefits to be achieved from the development providing lower traffic speeds through the village and improved footway provision.

Environmental role

4.34 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.”

4.35 Development of the allocated site would result in the development of open countryside. However, when the boundary of the allocation of the site was established it was considered that this would minimise the infringement into the countryside as the southern boundary was approximately in line with the southern extent of development along the site boundary to the east and where there is residential development adjoining Norwich Road on the opposite side from the site, albeit where this development fronts Poorhouse Lane.

4.36 Development of the wider site would increase the encroachment into the countryside to a more noticeable degree. In seeking to establish the level of the harm this proposal would cause, it is evident that previous appeal decisions have reinforced the high bar set for what can be considered to be significant and demonstrable harm.

4.37 For example, in the case of Chapel Lane, Wymondham (planning application reference 2012/1434) 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).

4.38 Similarly, the Inspector for the appeal decision for Townhouse Road, Costessey (application reference 2009/1996) which proposed residential development within an area specifically protected in policy relating to river valley landscape found that notwithstanding the identified harm to the landscape this did not outweigh the benefits of housing delivery. In light of this it is not considered that the harm caused by the additional infringement into the open countryside above and beyond that of the allocated site can be considered sufficiently harmful to outweigh the benefit of additional housing.
4.39 Many comments have been raised about the scale of character of development in relation to the existing character of development within the village.

4.40 A Building for Life Assessment has been carried out by the Council's Senior Conservation and Design Officer on the scheme as originally submitted. It noted that the existing settlement has developed with a mixture of housing types, although generally medium size family houses set within spacious landscapes, which are generally located on quiet lanes which lead off the main road. This has retained the rural character of the settlement that retains the rural character of the village.

4.41 The Building for Life Assessment goes on to conclude that the development will create a new rural ‘green lane’ which will provide a safe route for pedestrians, particularly now it has been amended as to not be a through route. There is a mix of house tenures and house types, although generally following the more traditional Norfolk vernacular rather than being overtly modern or contemporary. The positioning and arrangement of buildings has been carefully arranged to create a more irregular and haphazard grain which is very much in keeping with how the existing settlement has gradually evolved without the regular development of a more urban settlement. Density lowers toward the south of the site to allow views of the landscape and a more spacious setting for the track leading to Home Farm House.

4.42 In relation to this point, the affordable units proposed on site are located in two locations, although the majority are to the north of the site. As these units are smaller in floorspace and garden area at request of registered providers, this scale of development is more suitable to the north of the site rather than the lower density development to the south of the site adjacent to the open countryside. The affordable dwellings are integrated into the wider development, with plots 9 to 14 forming part of the main streetscene with private market units. Therefore the location of affordable dwellings is considered to be well integrated into the development.

4.43 As noted above when discussing the highway issues, the scheme has been amended to provide a more interactive frontage with the B1113. Many comments have been made in response to the re-consultation on these amendments that these revisions are not an acceptable design solution due to the urbanising effect on the B1113 and that it conflicts with the original vision agreed with the Council at the pre-application design. Whilst there is no question that the relationship with the B1113 will be different as is necessary to achieve lower traffic speeds, there has not been a fundamental change to the layout of the scheme. The dwellings largely remain in the same position as previously and the internal layout remains true to the vision described above through the creation of a new lane to reflect the character of other lanes within the village. The changes to the interaction with the B1113 primarily come with the deletion of a proposed hedgerow along this entire frontage, the provision of a footway and the provision of vehicular accesses direct from the B1113 rather than from the roadway through the development as originally proposed.

4.44 The Senior Conservation and Design Officer also has some concerns about the current proposals do involve sections of 1.8m brick walls between the B1113 and the gardens of some of the properties along this frontage. The use of walls, or equally if closed boarded fences were proposed, does lend more of an urban / suburban character to the entrance to the village. He recommends the ideal approach would be to have a post and rail fence with a hedge planted to the front. Hedging on these sections of the boundary, as opposed to a single hedgerow along the entire length of the boundary, should be achievable without diluting the principle of a more interactive frontage. The exact details of these boundaries can be dealt with by condition.
4.45 Overall, it is considered that the proposal has been designed to be sympathetic to the existing development of the village and its character and will provide a sustainable community and neighbourhood extension to the existing settlement and as such would not cause unacceptable landscape harm to the village. The development is therefore considered to comply with Policy 2 of the Joint Core Strategy and Policy DM3.8 of the Local Plan.

4.46 The development also has the potential to affect the setting of heritage assets. There are a number of listed buildings in the vicinity of the site. Immediately adjoining the site are 65 and 67 Hawkes Lane which are known as The Thatch Cottage or Hollyhock Cottage and Old Peculiar. Immediately to the south-east of the site is Home Farm House which has been listed at Grade II since this application was submitted to the Council for consideration.

4.47 Beyond the southern (and not to be developed) field are a collection of listed buildings that include the Grade II* listed Mergate Hall. Mergate Farm is to the east of these buildings, whilst the Grade I listed Church of St Nicholas is around 350 metres to the north-west of the site. Sections 66(1) of the Listed Buildings Act 1990 require assessment of the affect upon all these listed buildings.

4.48 In the context of establishing the impact on heritage assets, all parties agree that any harm from the development is less than substantial and as such the relevant consideration in the NPPF are paragraphs 132 and 134 in this instance.

4.49 Para 132 states:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”

4.50 Para 134 states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

4.51 Furthermore, it has been agreed that only four of the above buildings can be considered within the ‘zone of visual influence’ to varying degrees by all parties are the Thatch House, Home Farmhouse, Mergate Hall Cottages and Mergate Hall.

4.52 With regard to Thatch Cottage, the Senior Conservation and Design Officer has commented that the cottage is no longer viewed in the relatively undeveloped rural location as it once was, due to the village hall and other twentieth century residential development that fall within the backdrop of any views across the site. This part of the site has already been allocated for 20 units and agreed upon for housing development in the Local Plan with the setting of the building considered at the time of allocation. On this basis the proposal is considered to have very limited harm to setting of the building.
With regard to Mergate Hall and Mergate Hall Cottages, Historic England and the consultant engaged by the Bracon Ash Residents Group have raised concerns about the setting of the Grade II* listed Mergate Hall, albeit by recognising that the harm is less than substantial. However, it is the view of the Senior Conservation and Design Officer that there would be no harm to the designated heritage asset and its setting. There is some distance between the field to be developed and Mergate Hall due to the field to the south where the drainage lagoon is proposed. Furthermore, there is thick landscaping on the southern side of Mergate Lane which means that only very limited views of the Hall can be obtained from any part of the site and then only in the winter months and these glimpsed views are not significant to the building in terms of its listing and heritage values. Equally, there is very limited inter-visibility between the field and Mergate Hall Cottages or the Dower House which stand in close proximity to Mergate Hall.

Home Farm House dates to the C17th and has, as mentioned above, only recently been listed. The development of the site will have a direct impact in terms of the key views of the approach along the driveway. It is not the view of the Senior Conservation and Design Officer that the development will result in a ‘total loss’ of the setting of the building, but does conclude that there would be a partial loss of the open countryside approach to the building and that this degree of harm will be the greatest impact of the development in terms of its impact on heritage assets. The impact of the development was considered when negotiating the layout of the development, with mitigation measures in terms of the siting of the dwellings with large gardens and the public open space at the southern end of the site at the entrance to the lane.

Taking into account the above comments of the Senior Conservation and Design Officer, it is concluded that whilst the development would result in a level of harm it is not to a degree of such significance that it would outweigh the benefit of providing housing to address the identified shortfall in the housing land supply, in line with paragraph 134 of the NPPF and local plan policy DM4.10.

In consideration of the Council’s duties under the S66(1) of the Listed Buildings Act 1990 the Council has given special attention to the desirability of preserving listed buildings or their settings and any features of special architectural or historic interest which it possesses. It is considered for the reasons set out above that the proposal would not adversely affect the setting of the listed buildings other than a moderate degree of harm to Home Farm House and a low level of harm to the setting of Thatch House. The assessment above reflects consideration of this impact on the setting of this building.

With regard to the impact on residential amenity of existing dwellings, there are generally good separation distances between new dwellings and existing dwellings such as those along Hawkes Lane. Only to the north of the site are the dwellings relatively close to existing dwellings. However, where the dwellings are closest (plots A1 and A2 with the listed Nos 65 and 67 (Thatch Cottage), the dwellings are aligned as such that they do not directly face the existing dwellings. Furthermore, the first floor windows in the rear elevation are bathrooms and therefore can be obscure glazed to prevent overlooking of the rear garden space which could be secured by condition. Concerns have also been raised about the impact on Home Farm House, however these concerns are generally more about the setting of the building and are considered above in regard to consideration over the impact on heritage assets. The nearest dwellings are not in close proximity to Home Farm House itself. Whilst views out from the house to the north-west would be altered significantly these are not, in itself, grounds to refuse the application.

A concern has been raised by the Landscape Architect about the amenity of occupants of plots 30 and 31 from shading from the trees to the south, however it is not considered that the relationship here is so harmful by virtue of the distance of the proposed houses to the existing trees as to warrant refusal of the application.
4.59 Overall it is therefore considered that the development accords with Policy DM3.13. This policy can be afforded full weight in the decision making process.

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

4.61 Open space has been provided in three location across the site, with an area at the southern end of the site which forms a gateway green to the development along the B1113, another portion relatively centrally within the site and at the northern end of the site by the village hall. It is to be maintained by a management company, which can be the subject of condition of any planning approval.

4.62 A number of comments have been made about the suitability of the location of the open space provision, particularly the provision at the northern end of the site as it adjoins Norwich Road. However the play space is not immediately adjacent to the road and whilst this position is not central within the site given the scale of the site it is not unacceptable in terms of distance to any of the dwellings. Furthermore its position is considered to have benefits in its close relationship to the village hall and in terms of the character of the development and therefore it is considered that the proposal accords with Policy DM3.15. This policy can be afforded full weight in the decision making process.

4.63 Another significant environmental concern that has been raised is the impact on wildlife in the area. In particular, a concern was raised about the presence of great crested newts. These are known to be present in ponds on the adjoining Bracoon Common, which is now designated as a County Wildlife Site. In addition to the direct impact from development of the site, concerns have been raised about the discharge of surface water from the site into the watercourses that feed these ponds. Whilst there is intended to be no increase in the level of water entering these watercourses from the present greenfield run-off, the concern raised is that the water is more likely to be contaminated, particularly as it involves water from roadways. Norfolk County Council’s Ecologist has recommended conditions to be imposed on any consent that include the need to secure a licence from Natural England which will provide protection to the habitat, either through alterations to the drainage strategy or from the provision of pollution control measures.

4.64 The site is within Flood Risk Zone 1 and therefore is not considered at risk of fluvial flooding. Surface water mapping does show that a small portion of the site is at low or medium risk of flooding. Concerns have also been raised about surface water flooding issues on surrounding land and the potential for development of this site to exacerbate these problems.

4.65 The scheme proposed within the Flood Risk Assessment (FRA) submitted with the application involves piping water from the site to a drainage lagoon which will hold surface water run-off resulting in discharge into the surrounding watercourses would be no greater than the current greenfield run-off and therefore there would be no increase in the risk of flooding within the surrounding area. The Landscape Architect has raised concerns about how the drainage for the site is to connect with the lagoon. As initially proposed the link would have required one of the trees (now subject to a Tree Preservation Order) on the southern boundary to be removed which was not considered acceptable. This has now been amended so that the connection does not require the removal of a tree but details will still need to be provided through condition to ensure the construction of the connection does not adversely affect the health of any of these trees in accordance with Policy DM4.8 of the Local Plan.

4.66 In regard to the surface water risk within the site, the FRA notes that this risk can be mitigated against by finished floor levels in directly affected areas being set at a minimum of 300mm above surrounding ground levels and adjacent highways and private drives. In addition, it recommends where possible that all external hard and soft landscaping areas should be designed to fall away from the dwellings.
The Lead Local Flood Authority raised an objection relating to the placing of two of the dwellings in relation to the areas of surface water flooding, the size of the attenuation lagoon and requiring confirmation that the ponds are connected to the wider watercourse network. An addendum to the Flood Risk Assessment has been submitted which identifies mitigation measures as noted above in regard to the areas identified as at risk from surface water flooding, confirms flexibility as to the size of the attenuation lagoon which is considerable given the scale of land under the applicant’s control and is also required to ensure an acceptable landscape solution in accordance with Policy DM4.9 of the Local Plan, and confirms how the ponds connect to the wider watercourse. Final comments from the Lead Local Flood Authority were still to be provided at the time of writing the report but should be available prior to the meeting itself and will be reported to Committee.

Concern has also been raised about the sewer system and its capacity to accommodate the development. As mentioned above, Policy BRA1 required that wastewater infrastructure capacity must be confirmed prior to development taking place. Anglian Water have been consulted on this application and have advised that the local Water Recycling Centre has capacity for this development as does the sewerage system.

The dwellings are to have a thermal performance that exceeds the 2010 building regulations using Fabric First principles. The applicant contends that due to this significantly reduced energy demand, the units would not benefit from introducing renewables to provide 10% of their energy demand. However the Joint Core Strategy Policy still requires renewable energy to be provided on site, even if the demand is significantly reduced, and a condition is recommended as such.

In terms of the environmental role, the proposal would result in some harm to heritage assets and as such the proposal does not fully fulfil the requirements of this role.

**Summary of sustainable development consideration**

Having due regard to the above assessment made in the context of not being able to demonstrate a 5 year land supply, it is considered that the benefits of providing additional housing is sufficiently high that the concerns in regard to the additional intrusion into the open countryside (from development outside of the area allocated for development in the Local Plan) and the harm to the setting of the listed Home Farm House are outweighed by the benefits as it is not considered the harm is of a sufficient level to significantly and demonstrably outweigh the benefits as set out in paragraph 14 of the NPPF.

**Other matters**

Norfolk Fire Service have indicated that the proposed development will require one hydrant. A condition would need to be imposed to require a hydrant to be installed in agreement with Norfolk Fire Service.

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. If the development were to be approved then it would be liable for Community Infrastructure Levy (CIL).

**Conclusion**

The development proposes housing within an allocated site within Bracon Ash, but also encroaching into the open countryside outside development boundaries. However in the absence of a sufficient land supply within the Norwich Policy Area planning permission is directed to be granted under paragraph 14 of the NPPF unless any adverse impacts would significantly and demonstrably outweigh the benefits.
5.2 In this instance it is considered that the benefits of providing additional housing is sufficiently high that the concerns in regard to the additional intrusion into the open countryside and the harm to the setting of the listed Home Farm House are outweighed by the benefits of the additional housing, as it is not considered the harm is of a sufficient level to significantly and demonstrably outweigh the benefits.

5.3 The proposed development is therefore recommended for approval subject to the conditions listed in the above report.

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Major applications on land owned by South Norfolk Council

2. **Appl. No**: 2017/1600/F  
   **Parish**: WYMONDHAM

   - **Applicants Name**: Mr Robert Slade  
   - **Site Address**: Warehouse at Barley Chalu Ayton Road Wymondham Norfolk NR18 0QH  
   - **Proposal**: Change of use from Warehouse to General Industrial  

   **Recommendation**: Approval with Conditions
   - 1 Full Planning permission time limit  
   - 2 In accordance with approved plans  
   - 3 Building to be used by Barley Chalu only  
   - 4 Boundary Noise level to be adhered to

1. **Planning Policies**

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

1.2 **Joint Core Strategy**
   - Policy 1: Addressing climate change and protecting environmental assets  
   - Policy 3: Energy and water  
   - Policy 5: The Economy  
   - Policy 6: Access and Transportation  
   - Policy 10: Locations for major new or expanded communities in the Norwich Policy Area  
   - Policy 13: Main Towns

1.3 **South Norfolk Local Plan**
   - Development Management Policies  
   - DM1.3: The sustainable location of new development  
   - DM1.4: Environmental Quality and local distinctiveness  
   - DM2.1: Employment and business development  
   - DM3.11: Road safety and the free flow of traffic  
   - DM3.12: Provision of vehicle parking  
   - DM3.13: Amenity, noise, quality of life  
   - DM3.14: Pollution, health and safety

1.4 **Wymondham Area Action Plan**
   - No specific policies

2. **Recent Planning History**

2.1 **2017/1914**: Retrospective application for retention of canopy to south of existing unit under consideration  
2.2 **2013/0303**: Proposed Replacement of Reception with new Reception and extension to process area to the rear of Existing Building Approved  
2.3 **2007/2543**: Elevation of roof of factory building Approved  
2.4 **2001/1126**: Infill extension to factory between existing buildings Approved
2.5 2000/0283 Erection of steel frame lean-to Approved

3. Consultations

3.1 Town Council Approve

3.2 District Councillor To be reported if appropriate

3.3 SNC Water Management Officer No comments

3.4 SNC Community Services - Environmental Quality Team Verbally no objections subject to the submission of a noise assessment to enable a boundary noise level condition to be imposed

3.5 NCC Highways No objections

3.6 SNC Property Team No comments received

3.7 Other Representations None received

4 Assessment

4.1 This application seeks permission to change the use of an existing building/warehouse forming part of the Barley Chalu premises at Ayton Road, Wymondham. The site has been established for a significant number of years and forms one of the many industrial/commercial buildings on Ayton Road Industrial Estate. The building is located to the rear of the site, adjacent to the Norwich to Cambridge railway line and surrounded by other commercial buildings. There are residential properties located to the south on the other side of the railway line.

4.2 The proposal is to enable Barley Chalu to modernise part of their current treatment process and paint plant. It will allow for a more efficient and environmentally friendly process to replace the process currently taking place on the site. The new installation is the first step in replacing the chrome based pre-treatment process with a chrome-free pre-treatment process. The proposed equipment will fit into the existing building without any changes required to its external appearance and will enable the existing pre-treatment process in the main building to continue until the new facility is up and running.

4.3 The application has been referred to the Development Management Committee as the Council owns the ground lease of the site.

4.4 The main issues in this case are: the principle of the development; impact on highway safety and residential amenity.

Principle of development

4.5 The National Planning Policy Framework (NPPF) Section 3: Supporting a prosperous rural economy supports growth and expansion of business and promotes development in the rural areas. The South Norfolk Local Plan (SNLP) and Joint Core Strategy (JCS) policies support employment subject to normal planning requirements. The site is located within an employment area, the development boundary of Town of Wymondham and the site has been used for industrial/commercial purposes for a significant number of years. The principle of the use is therefore acceptable and the proposal, which supports and enables the modernisation of an existing well established business, accords with the NPPF, JCS
Highway safety

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

4.7 The site is accessed off Ayton Road with a parking area to the front of the premises and a free car park/lorry park immediately opposite the site, which is owned by the Council. Given the above and that the site is located in an area which is easily accessible by foot and cycle, it is considered that should the proposal generate additional employment there is parking available to accommodate this, equally the Highway Officer has raised no objections. As such, it is considered that the scheme would accord with Policies DM3.11 and DM3.12.

Residential amenity

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

4.9 The nearby neighbours are some distance from the existing site and separated by the railway line. The site does not have any restrictions on its hours of use through planning condition. Having visited the site and experienced the noise associated with the use, the Environmental Quality officer (whilst raising no objections in principle) raised the concern that should the business operate 24/7 then noise from the site could give rise to disturbance at unsocial hours. A noise assessment has been requested to enable a boundary noise restrictive condition to be placed on any planning permission. It is therefore considered that with the conditions proposed, the proposed use of the building, will not give rise to a situation so detrimental to the amenities of the neighbouring properties as to warrant refusal on amenity grounds. As such, the scheme would accord with the requirements of Policy DM3.13.

Other matters

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

4.11 This application is not liable for Community Infrastructure Levy (CIL) as no additional floorpsace is being created and the building has been in lawful use for at least 6 months within the last three years.

5 Conclusion

5.1 The principle of the use of the site has already been accepted and approved. The change of use will not adversely affect the character of the area; it supports sustainable growth through the modernisation of existing business; sustains an economic and social activity in a rural community and will not have a significantly detrimental impact on the residential amenities of neighbouring properties or highway safety. As such the proposed development as outlined above accords with the NPPF, JCS and SNLP.

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3. **Appl. No**: 2017/1321/O  
**Parish**: WYMONDHAM

- **Applicants Name**: Mr T Cullum  
- **Site Address**: Land West of Queensland Station Road Spooner Row Norfolk  
- **Proposal**: Outline permission for nine dwellings (including two affordable units)

**Recommendation**: Approval with conditions

1. Time limit outline – reduced as 5 year land supply  
2. In accordance with plans  
3. Contaminated land scheme to be submitted  
4. Implementation of approved remediation scheme  
5. Unexpected contamination  
6. Visibility splays to be provided  
7. Detailed plans for roads, footways, surface water to be agreed  
8. Detailed plans of parking and turning to be agreed  
9. Details of on-site parking for construction workers to be agreed  
10. Surface water details to be agreed  
11. Foul water drainage details to be agreed  
12. Ecology measures to be implemented  
13. Water efficiency measures

Subject to securing S106 for affordable housing provision

**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

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 9: Strategy for growth in the Norwich Policy Area  
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  
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  
DM3.13: Amenity, noise, quality of life
2. Planning History

2.1 None

3. Consultations

3.1 Town / Parish Council

3.2 District Councillor
Comments to be reported as appropriate

3.3 SNC Housing Enabling & Strategy Manager
No objection. I would prefer two sizes so that the site would also provide for a larger family. My preferred mix is:
- 1 two bedroom four person house for rent
- 1 three bedroom five person house for rent

3.4 SNC Conservation and Design
Spooner Row is a relatively late developed settlement predominantly from the C19 onward, with a significant amount of later 20th linear development. Consequently, it is characterised by linear development along straight roads within a relatively flat wider rural setting.

The development reflects the very linear character of the road to the front and other street development in the settlement, so fits in with the character of the neighbourhood, although it is noted that there are gaps in the existing settlement with views across open countryside, and development of this site will lose uninterrupted views from Station Road over open countryside that exists at present. Other sites have recently been permitted with similar development and it will be important to balance this with the existing gaps.

With regard to the type of buildings shown in the indicative layout some variation in building line and form, with extensions and projections, and gaps between buildings, will reduce the impact of bulk and create variety both in terms of looking at the streetscene and views from open countryside. However, the two end units I would suggest do not necessarily have to be orientated at quite such an angle. The south unit would I expect create issues of overlooking as the rear is orientated and faces directly towards the neighbour’s garden. The north unit has the unfortunate location of the garage to the front corner. With the road to the station being a principal road, and the side road being of relatively minor importance as a back road – the end unit could perhaps just be sited slightly forward in the building line with a handed form to give some reference/visual marker for the junction?

In terms of assessing the proposal from a building for life point and view and sustainability, the housing will be close to the school and playing fields and they can be accessed relatively easily from the site. It is also close to a train station, albeit one that has very limited
services, and bus stop, with limited buses. In the layout shown two
affordables have been included without appearing markedly
different.

3.5 NCC Ecologist
No objection subject to a condition

3.6 SNC Arboricultural Officer
No objection. I am satisfied that the quantity of hedgerow to be
removed will be adequately mitigated by the proposed planting of a
new hedge on the southern boundary.

In respect of the trees on the roadside to be retained and one on
the east boundary, one of which has been identified with bat
roosting potential, further detail is required showing their calculated
root protection areas and protection during development (in
accordance with BS:5837).

3.7 SNC Water Management Officer
No objection subject to conditions.

3.8 NCC Highways
No objection subject to conditions

3.9 SNC Community Services - Environmental Quality Team
No objection subject to a condition.

3.10 Environment Agency
Observations. Anglian Water should be contacted regarding
the available capacity in the sewer (although our maps
indicate there is capacity available). If the 9 new houses are
not being connected to the main sewer, the developer will
need to show why this is not feasible. Then the applicant may
require a permit, depending on the volume of discharge per
day

3.11 Anglian Water Services Ltd
Do not wish to comment as it is beneath their threshold for
commenting.

3.12 NCC Lead Local Flood Authority
Object to original submission.
Amended information submitted and their comments are awaited
and will be updated accordingly.

3.13 NHS Clinical Commissioning Group
No comments received

3.14 NCC Planning obligations
CIL contributions will be required to deal with the educational
requirement at the development.

Library: Mitigation is required via CIL to increase the capacity of
Hingham library.
Fire: No Fire Hydrants will be required.

Green Infrastructure:
Green Infrastructure within this proposal should respond to the Greater Norwich Green Infrastructure Strategy (2007) which informs the Joint Core Strategy, adopted January 2014. Development proposals are expected to fit with strategic visions for the area and respond to corridors as outlined in the Joint Core Strategy. Should this development intend to be the first phase of a larger development or vision, consideration will need to be given to how the local GI network will be impacted, adapted and enhanced in the future.

3.15 Other Representations

5 objections received. A summary of these are as follows:

- A recent planning application at Top Common (2017/0249) which is situated in close proximity to this proposal was recently refused permission, the same reasons apply here namely contrary to Local Plan Policy DM4.5, Section 11 of the NPPF;
- at odds with the wider rural open countryside character and visual appearance, which is defined by open cultivated agricultural fields;
- it does not represent a sustainable development;
- harmful impacts on the rural open countryside character;
- situated on greenfield land; the scheme is contrary to paragraph 14 of the NPPF and Policy DM1.3 and DM4.5 of the Development Management Policies document.
- Spooner Row has already far exceeded several-fold its Local Plan housing allocation of between 10-20 dwellings, without any provision for supporting infrastructure. This development would add to the existing predicament and problems.
- Highway safety concerns given it is opposite the village car park entrance, the local primary school and highway chicanes where traffic currently queues on a designated HGV route.
- Incorrect information submitted including, "extreme proximity to bus stops", and "bus stops are 90m from the site, providing bus services connecting direct to Wymondham and indirectly to Attleborough and Norwich.
- The village is subject to recognised flood risks and drainage problems
- Urbanisation of rural aspect, represent a harm edge to the village
- No adjacent footpath
- Outside development boundary
- Loss of agricultural land
- Local landowner exploitation
- Victorian school has heritage value
- Does not constitute sustainable development
- Primary School is full
- Views of residents must be listened to
- Further development will follow
- This risks joining Attleborough to Wymondham
- There are still more preferable places to infill within Spooner Row
- Overlooking of neighbour

- Drainage concerns
• Train service is limited to 2 journeys to Norwich and 1 return available daily
• No bus stops in the village

Spooner Row Primary School Object

Spooner Row is a dispersed settlement where development proposals should be considered very carefully: infilling could ruin the character of the village while estate development would overwhelm it. The protection of Spooner Row’s visual, and historic qualities is also supported by Policy in the emerging Local Plan, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Furthermore, there is no need for this kind of open market housing in the village. Spooner Row has more than five years’ supply of housing land to meet the requirements of its emerging Local Plan’s policy. Spooner Row already has enough large houses: the only identified need is for affordable housing for residents who work locally.
We also feel there has been a lack of consultation with the school, as we are a small school, currently oversubscribed, and therefore cannot accept any more pupils within our school. With this development and others planned for Spooner Row, we would require funding to expand.

4 Assessment

Site description and proposal

4.1 The application site is a rectangular shaped parcel of land which presently forms part of an existing agricultural field. To the north of the site is the Station Road carriageway with the boundary delineated by a hedgerow interspersed with trees. Beyond the carriageway is the Spooner Row Primary School and a residential dwelling which has historically benefitted from planning permission for residential development under 2012/1574 and which consequently is now included within the development limit. The eastern and western boundaries are also vegetated. To the east of the site are existing residential dwellings and to the west is Top Common carriageway beyond which is an area of open land. To the south is the remainder of the agricultural field.

4.2 The application seeks outline planning permission for 8 dwellings with a single point of vehicular access onto Station Road proposed to serve the development. All matters are reserved except for access, however an indicative layout has been provided which illustrates a uniform linear form of development.

4.3 The scheme has been reduced from 9 dwellings to 8 dwellings as a consequence of the results of the consultation process and negotiations.

Principle

4.4 Planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in determining planning decisions.
It is evident that the site is located outside of any development boundary and therefore Policy DM1.3 makes provision for development to be granted in such areas where one of two criteria are met including where there are overriding benefits in terms of economic, social and environmental dimensions as addressed in Policy DM1.1.

4.6 It should be noted that the Council currently has 4.7 years of deliverable sites in the Norwich Policy Area and therefore regard should be given to this. In particular, the judgment Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) confirms that the narrow interpretation should be used in establishing whether a policy relates to the supply of housing.

4.7 The narrow interpretation states:

"limited to policies dealing only with the numbers and distribution of new housing, and excluding any other policies of the development plan dealing generally with the disposition or restriction of new development in the authority’s area."

4.8 This means that whilst all of the South Norfolk Local Plan Development Management Policies are not out of date, it is necessary for the decision maker to have regard to the weight attributable to these in their decision making process in acknowledgement of the lack of an up to date 5 year housing land supply, including in relation to Policy DM1.3 as set out in the judgement at para 59 which confirmed that a shortfall in housing land supply triggers the second part of paragraph 14, which states:

"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; or - specific policies in this Framework indicate development should be restricted."

4.9 On the basis of the above the following assessment seeks to establish the benefits of the scheme and any harm that would be caused in the context of sustainable development as set out in the NPPF, and in particular, with reference to the three dimensions (economic role, social role and environmental role) and under each of these three headings the relevant South Norfolk Local Plan Development Management Policies will be referred to.

Economic role

4.10 The NPPF confirms 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."

4.11 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. It is therefore considered that the scheme would bring forward a level of economic benefit.

Social role

4.12 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."

4.13
Spooner Row is identified as a “Service Village” in the Joint Core Strategy. It is identified that these will be allocated for small scale housing growth. It also confirms that where the settlement is in the Norwich Policy Area, as is the case here, additional development will be considered if necessary to deliver smaller sites in the NPA. Given its status as a “Service Village” in the NPA and one which has a range of facilities including a primary school which lies immediately to the north of the application site, a public house, village hall and also has rail access to the Norwich to Ely line, and the site lies in close proximity to the development boundary with footpaths available from the application site to the school, public house and railway station, the site is not isolated to the extent that it could be considered an unsustainable location in planning terms.

4.14 "Access" is to be considered at outline stage and as such Local Plan Policies DM3.11 (Road safety) and DM3.12 (parking provision) are applicable. The Highway Authority have been consulted and they have confirmed that the proposed single point of access is acceptable subject to conditions. Whilst layout is not to be considered at this time it is evident from the indicative scheme that sufficient on-site parking levels could be provided. For these reasons the scheme is acceptable in highway safety terms and satisfies the requirements of Policies DM3.11 and DM3.12.

4.15 In terms of neighbour amenity, whilst layout would be considered at reserved matters stage, it is evident from the indicative layout plan that a scheme could be provided which has adequate regard for existing neighbouring properties including in terms of light, outlook and privacy. It is also evident that the indicative layout makes adequate provision for the amenities of any future residents through avoiding any overlooking, loss of light or privacy between all of the proposed dwellings. For these reasons the requirements of Policy DM3.13 are met.

4.16 Policy DM3.8 requires that development has a satisfactory relationship and integrates effectively with its surroundings. Whilst layout, scale and appearance are all to be considered at reserved matters stage, it is evident that a linear arrangement as proposed in the indicative layout would have appropriate regard for its surroundings. The use of a single point of vehicular access helps to minimise the impact upon the existing frontage development. The observations of the Senior Conservation and Design Officer in respect of the final design and layout can be agreed as part of any subsequent reserved matters application. For these reasons it is considered that the requirements of Policy DM3.8 are met.

4.17 Norfolk County Council has confirmed via their consultation response that the impacts on education (Spooner Row Primary School and Wymondham High Academy) and library provision (Hingham Library) would need to be funded through CIL.

4.18 The scale of the proposed development triggers the requirements for affordable housing expressed in Policy 4 of the Joint Core Strategy. The scheme would secure two units for affordable rent and the Council’s Housing Enabling and Strategy officer has confirmed that this is acceptable. They have confirmed that the would wish to see 1 x two bedroom unit and 1 x three bedroom unit provided in any final scheme, the final size of the units can be agreed at reserved matters stage. A S106 legal agreement will secure the provision of the affordable housing units.

4.19 It is considered that the social role is satisfied.

Environmental Role

4.20 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."

4.21 Policy DM4.5 requires development to respect, conserve and where possible enhance the landscape character of the locality. As noted above, whilst layout is reserved for consideration, a linear arrangement as indicated in the indicative scheme with limited loss of the existing hedgerow to the site frontage means that landscape character will be adequately respected. The proposed new hedgerow along the southern boundary of the site will also help to limit the impact on the countryside and add ecological value and mitigate the loss of the section of hedgerow to the front of the site which his required to facilitate the site access. For these reasons the requirements of Policy DM4.5 are met.

4.22 Policy DM4.8 seeks to protect trees and hedgerows, the Council's Arboriculturalist has assessed the scheme and confirmed that the quantity of hedgerow to be removed to facilitate the site access would be adequately mitigated by the proposed planting of a new hedge on the southern boundary.

4.23 With regard to existing trees, it has been requested that further details are provided showing the calculated root protection areas and how they will protection during development. It is considered that given that the final layout will be agreed at reserved matters stage these details can be provided in support of a scheme at that stage rather than as part of the outline application. It is evident that the site size and configuration when having regard to the level of development proposed and the position of the existing trees that a scheme for 8 dwellings could be provided without causing unacceptable harm to the trees. For this reason the requirements of Policy DM4.8 are met.

4.24 The Council's Environmental Quality Team have requested conditions in relation to contamination be attached to any subsequent permission. The Lead Local Flood Authority (LLFA) has raised a number of concerns which have necessitated further information be provided by the applicant. This has been submitted and is currently being considered by the LLFA their views will be updated to the Development Management Committee. On the basis that their concerns are addressed the requirements of Policy DM3.14 would be met.

4.25 The application is supported by an ecology report which has been assessed by the Council's ecologist who has confirmed that subject to a condition to implement the measures set out in the report they have no objections.

4.26 Conditions are also recommended to ensure an appropriate foul water connection is secured and the new dwellings would meet the required water efficiency standards of policy 3 of the JCS.

4.27 In summary, it is considered that the environmental role is satisfied.

Other issues

4.28 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.

4.29 This application is liable for Community Infrastructure Levy (CIL), which would be calculated at the reserved matters stage.
5. Conclusion

5.1 It is evident that the proposal complies with the requirements of all relevant JCS and DM policies identified above, including DM1.3 as it presents overriding benefits as identified in 2 d) of the policy when considering the benefits of 8 additional dwellings in the absence of a sufficient land supply against no identifiable harms in terms of local plan policy.

5.2 It is also considered that the proposal would satisfy the three roles identified above and it is clear that there would not be significant and demonstrable harm that outweighs the clear benefits of the scheme and as such the proposal is considered acceptable in the context of the second part of paragraph 14 of the NPPF.

5.3 For these reasons the application is recommended for approval subject to the concerns of the LLFA being addressed by the further information received.

Contact Officer, Telephone Number and E-mail: Chris Raine 01508 533841 craine@s-norfolk.gov.uk
4. **Appl. No**: 2017/1572/O  
**Parish**: KETTERINGHAM

**Applicants Name**: Mr & Mrs S D Barnes  
**Site Address**: Land West Of Cherry Tree House High Street Ketteringham Norfolk  
**Proposal**: Phased Outline Application for erection of 3 self build/custom built two storey dwellings and garages and access (with some matters reserved)

**Recommendation**: Approval with conditions  
1. Time limit outline – reduced as 5 year land supply  
2. In accordance with plans  
3. Vehicular access as in submitted plan  
4. Access road, parking provision and turning areas to be agreed  
5. On-site parking for construction workers to be agreed  
6. Visibility splay provision  
7. Western and southern boundaries to be retained  
8. Ecological mitigation measures to be agreed  
9. Surface water drainage details to be agreed  
10. Foul water drainage details to be agreed  
11. Water efficiency  
12. Tree protection measures  
13. Phasing plan – to enable individual self-built plots to separately come forward.

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 6 : Access and Transportation  
Policy 9 : Strategy for growth in the Norwich Policy Area  
Policy 16 : Other Villages

1.3 **South Norfolk Local Plan**  
Development Management Policies  
DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
DM1.3 : The sustainable location of new development  
DM1.4 : Environmental Quality and local distinctiveness  
DM3.1 : Meeting Housing requirements and needs  
DM3.8 : Design Principles applying to all development  
DM3.10 : Promotion of sustainable transport  
DM3.11 : Road safety and the free flow of traffic  
DM3.12 : Provision of vehicle parking  
DM3.13 : Amenity, noise, quality of life  
DM3.14 : Pollution, Health and Safety  
DM4.5 : Landscape Character Areas and River Valleys  
DM4.8 : Protection of Trees and Hedgerows
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 None for the application site, however, the planning history on the adjacent site to the west is referred to in the following assessment.

3. Consultations

3.1 Town / Parish Council

Object.

This land forms part of an important gap in the village. It is outside the development boundary and there are significant drainage issues. There is minimal impact on the on any 5 year land supply and the negative issues outweigh any benefits. Applications for an adjacent piece of land had the very same issues namely The South Norfolk local plan adopted in October 2015 shows Ketteringham as an "other village" and states".... will have a defined development boundary within which very limited infill development can occur without affecting the form and character of the village. However, settlements identified in this policy that are also within the Norwich Policy Area may be considered for additional development, if necessary, to help deliver the 'smaller sites in the NPA' allowance. No such suitable sites have been identified in Ketteringham."

The proposed development is outside of the development boundary which The South Norfolk local plan states: "has been drawn to include the main built form of the settlement. Due to the setting of the village in open countryside and limited service and facilities available, the boundary has been defined to allow only very limited infill development."

The planning inspector stated in an appeal against refusal of the adjacent site: "The character of Ketteringham High Street is that of a quiet rural village with a linear development of traditional dwellings of generally modest scale with shallow front gardens. The appeal site forms part of an important gap in development along the High Street opposite the Village Hall".

On appeal the planning inspector's opinion was consistent with Policy 16 of the Joint Core Strategy (JCS), which states: "The setting of the village within open countryside is made apparent by the significant breaks in the built-up area to the north of The Street around the War Memorial and between 'Cytringa' and 'Thatched Cottage' to the south of Low Road. These afford views over the surrounding countryside."

3.2 District Councillor

Should be determined by committee
3.3 NCC Highways

No objection in principle but make observations.

- The LHA does not object to the residential development of this site for three dwellings but considers the site to be poorly located in terms of transport sustainability.
- It is reasonable to assume that the residents of the proposed dwellings would need to access services such as shops, schooling and employment on a daily basis.
- The site is remote from the local services and transport connections that are available.
- The nearest local facilities being in Hethersett. The closest bus stops are on Norwich Road, which is a distance of about 1.8km distance from the site. Well beyond the recognised acceptable walking distance of 800m for people to walk to a bus stop within a rural area. Even if pedestrians attempted to reach local services and bus connections by foot they would have no option but to walk along sections of narrow unlit carriageway. The essential facilities within Hethersett are a further distance with both the Infants School, the Junior school and High school all being a walking distance of about 2.6km. The medical centre is approximately 3km distant.
- Given the site’s rural location and lack of alternative access methods it is likely that approval of the application would render the residents mainly reliant on the use of motorised vehicles. Contrary to the aims as suggested in the NPPF and also the Local Transport Plan for Norfolk, to make the fullest possible use of public transport, walking and cycling in order to provide a sustainable development.
- I note that the application is submitted in outline with access for consideration.

3.4 SNC Water Management Officer

No objection subject to conditions.

3.5 SNC Community Services - Environmental Quality Team

No comments received

3.6 SNC Arboricultural Officer

No objection.

3.7 NHS Clinical Commissioning Group

No comments received

3.8 SNC Conservation and Design Officer

No objection.

Setting of the Listed War Memorial: The location of the site is to the east of the listed building and does not directly abut its immediate ‘curtilage’ which can be considered to be the existing area marked by the existing hedgerow around the memorial. If the landscape officers are satisfied with the retention of the existing landscape character (trees/hedgerows etc) at the front of the site within the
existing streetscene which affects the approaches to the listed structure, and that a development of a suitable size and scale and character that will fit in with the general character of the area can be demonstrated as being accommodated and controlled through reserved matters, then the application will not have an impact on the setting of the listed building.

General design: An evaluation can be made as to whether this is an important gap site that should be preserved. In terms of neighbourhood character, the indicative plan demonstrates that it is possible that the frontage landscape can be largely retained, and that three dwellings of a suitable size and scale can be constructed to fit in with the grain and general character of the existing area. Therefore if the development of the gap is acceptable in principle in planning terms, a suitable designed scheme for three houses can be achieved at the reserved matters stage.

3.9 NCC Ecologist

No objection subject to conditions.

3.10 Other Representations

14 objections received a summary of which are as follows:

- Regard must be had for planning refusals and appeal dismissal on adjacent site
- Detrimental to the setting of the Grade II listed war memorial
- The site is outside development boundary and if LDF process is to have credibility it should be refused.
- Village suffers with drainage problems
- Problems with water pressure in the village
- Village has inadequate facilities and a range of facilities are some distance away
- Future residents would be dependent on the private car and therefore the development would not contribute to a low carbon environment resulting in social harm in terms of the NPPF
- Already problems with traffic through the village
- Use of Ketteringham Lane would be increased by planned upgrade to Thickthorn roundabout
- Poor local road network
- Highway safety concerns
- A recent development has had a negative effect on the village, and this could have a negative impact too
- Significant local objection to further development should be given due weight
- Village has significant historic importance with a number of listed buildings, any further development would have a devastating effect on the character and historic importance and setting of these buildings
- Loss of view and outlook to existing residents of High Street and Low Street
- The land in question was highlighted as forming a natural break/important gap in the village by a planning inspector
- Negative impact on the war memorial including its setting
- Flooding occurs locally
- Drainage concerns given ground conditions
- No mains drainage available
- Use of drainage mound is unacceptable in rural village in visual/landscape terms and it would be detrimental to users of the Tas Valley Footpath
• Outside development limit
• The site gets very limited natural sunlight
• The harm of the scheme outweighs any benefit in housing terms
• The scheme conflicts with many local and national policies
• Mindful of the NPPF, the scheme presents no economic benefits
• Development is entirely dependent on the use of the car.
• No public transport in the village
• Scheme is unsustainable as there are no social, economic or environmental benefits and there is a further negative moral and social impact on the listed monument
• Harmful effect on the countryside
• Previous applications on the site have been refused
• The impact on the village hall should be taken into account as it must for the war memorial
• Detrimental to the outlook of people using the village hall and may limit the number of people willing to use/rent the village hall for functions
• Trees would cause overshadowing and be overbearing to future occupants with pressure put on for their subsequent removal
• Any tree of hedge removal would cause increased noise from moving vehicles to the detriment of local residents
• Inadequate electricity supplies
• Inadequate water supply
• The proposal would have a negative impact on the rural landscape which would be detrimental to a local small holding business

Ketteringham Residents Group Object on the following grounds:

• Site location, the village has very limited facilities
• The application should be assessed against the NPPF
• Policy 16 of the JCS identifies Ketteringham as an "other village" with development boundaries to accommodate infill or small groups of dwellings subject to form and character
• No public transport in the village, insufficient footpath links to services in adjacent villages
• Local road network is inadequate
• The Council is not obliged to accept the views of the Highway Authority who consider it acceptable.
• Serious drainage problems in the locality, adjoining roads regularly flood,
• High ground water levels would impede drainage from proposed septic tank
• The site would not represent sustainable development in the context of the NPPF
• Drainage mounds not easy to design, this system seems overly complex for self build
• Noise and odours from any pump associated with the drainage mound could result in noise and odour impacts
• Removal of trees to facilitate the drainage mound would have a negative effect on the village
• Before permission is granted it is imperative percolation tests comply with Building Regulation Standard for drainage field disposal
• The site conflicts with Policy 16 of the JCS as the site lies outside of the defined development boundary
• It does not have a basic level of services/facilities and has poor links in terms of roads, footpaths.
• The benefits in housing land supply are outweighed by the harm caused
• The scheme fails all three roles of sustainable development as defined in the NPPF

Economic role
• A low level of benefit which is outweighed by the harm to the location

Social role
• Principal social benefit of the scheme is housing where there is no 5 year housing supply. Self build are unlikely to provide social benefit. The site is some distance from Hethersett and a range of facilities with a lack of acceptable connectivity

Environmental role
• Detrimental to wildlife and increased flooding. Close proximity to mature trees likely to have an overbearing impact and overshadow proposed dwellings resulting in a poor living environment. The development would harm the Tas Valley Way rural walk which is a rural environmental asset.
• Close to the listed war memorial
• Comparison with a refusal in Tasburgh 2017/1119 which had similar characteristics in terms of trees being overbearing.
• Put pressure of infrastructure in the village
• Adjacent site has had previous refusals and an appeal dismissal

Further concerns have been received from the Ketteringham Residents Group in relation to the suggested drainage mound system. Observations are as follows:
• Drainage mounds should be used as a last resort. It would amount to a negative social and environmental sustainability issue. The size of the footprint of the mound exceeds the size of the village hall. Concern over whether the mound will be capable of complying with Building Regulations, it would have a negative impact on the streetscene and not in keeping. Current drainage problems would not be alleviated by the proposal, it would have a negative impact on the use of the village hall. The site has been deemed unfit for development because of poor drainage historically.

2 letters of support

The Planning Inspector in 2016 identified that development of a single residential dwelling did not warrant development of land that forms part of the gap that this application is seeking to develop. There has been a failure of South Norfolk DC to make land available to meet the accommodation needs of the district. The land is close to the development boundary and is suitable for development - to meet existing needs.

There are proposals for between six and sixteen dwellings to be developed within the gap, and as an other village Ketteringham should be subject to some development. It is known that the Council's refusal of application 2017/0413 has been appealed to the Secretary of State.

Understood Anglian Water are to provide mains sewer in Ketteringham, an increase in the size of the village may aid the business case for this to happen
4 Assessment

Site description and proposal

4.1 The application site is a flat rectangular shaped parcel of land. The site frontage is to High Street which lies to the south of the site with a vegetated site frontage including filed maple, oak and ash. There is a row of Leyland cypress situated along the rear, northern boundary, interspersed with aspen and a scots pine in the north-east corner. To the north of the site are open fields. There is an Ash tree situated on the western side of the unmade track which lies to the west of the site beyond which is a parcel of land that was recently refused planning permission for 3 self-build bungalows under 2017/0413. To the east of the site is a neighbouring residential dwelling which forms a line of 8 detached and semi-detached dwellings.

4.2 The application seeks outline planning permission for 3 self-build/custom-build dwellings with garages. All matters are reserved except for access, which is proposed to be via a single point onto High Street. An indicative layout has been provided which illustrates a uniform linear form of development and indicates the use of/makes provision for a drainage mound as part of a surface water drainage strategy.

Principle

4.3 Planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in determining planning decisions.

4.4 The site is located outside of any development boundary and therefore Policy DM1.3 makes provision for development to be granted in such areas where one of two criterion are met including where there are overriding benefits in terms of economic, social and environmental dimensions as addressed in Policy DM1.1.

4.5 It should be noted that the Council currently has 4.7 years of deliverable sites in the Norwich Policy Area and therefore regard should be given to this. In particular, the judgment Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) confirms that the narrow interpretation should be used in establishing whether a policy relates to the supply of housing.

4.6 The narrow interpretation states:

"limited to policies dealing only with the numbers and distribution of new housing, and excluding any other policies of the development plan dealing generally with the disposition or restriction of new development in the authority's area."

4.7 This means that whilst all of the South Norfolk Local Plan Development Management Policies are not out of date, it is necessary for the decision maker to have regard to the weight attributable to these in their decision making process in acknowledgement of the lack of an up to date 5 year housing land supply, including in relation to Policy DM1.3 as set out in the judgement at para 59 which confirmed that a shortfall in housing land supply triggers the second part of paragraph 14, which states:

"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; or - specific policies in this Framework indicate development should be restricted."
On the basis of the above the following assessment seeks to establish the benefits of the scheme and any harm that would be caused in the context of sustainable development as set out in the NPPF, and in particular, with reference to the three dimensions (economic role, social role and environmental role) and under each of these three headings the relevant South Norfolk Local Plan Development Management Policies will be referred to.

**Economic role**

4.9 The NPPF confirms 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."

4.10 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. It is therefore considered that the scheme would bring forward a level of economic benefit.

**Social role**

4.11 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."

4.12 Ketteringham is identified as an "other village" in the Joint Core Strategy. It is identified that these have a defined development boundary within which very limited infill development can occur without affecting the form and character of the village. It also confirms that where the settlement is in the Norwich Policy Area, as is the case here, additional development will be considered if necessary to deliver smaller sites in the NPA.

4.13 Given that it is identified as an "other village" and in the NPA, and the site lies in close proximity to the development boundary, the site is not isolated to the extent that it could be considered an unsustainable location in planning terms even considering the concerns raised in representations over access to local services.

4.14 The social role also refers to meeting the needs of present and future generations, and paragraph 50 of the NPPF includes the requirement to 'deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Local Planning Authorities (LPAs) should plan for... the needs of different groups in the community such as people wishing to build their own homes'. Likewise, Policy DM 3.1 focuses on meeting housing requirements and needs, specifically referencing self-build sites within the preamble. With this in mind it is evident that the proposal is to provide self build/custom build plots which would be afforded some positive weight in the consideration of this application.

4.15 Access is to be considered at outline stage and as such Local Plan Policies DM3.11 (Road safety) and DM3.12 (parking provision) are applicable. The Highway Authority have been consulted and they have confirmed that the proposed single point of access is acceptable subject to conditions. Whilst layout is not to be considered at this time it is evident from the indicative scheme that sufficient on-site parking levels could be provided. An adverse impact on the local road network from this proposed development has been raised in letters of representation. However no concerns have been raised by
the highway authority on this basis. For these reasons the scheme is acceptable in
highway safety terms and satisfies the requirements of Policies DM3.111 and DM3.12,
and there are not considered grounds to refuse the application in terms of highway
safety.

4.16 In terms of neighbour amenity, whilst layout would be considered at reserved matters
stage, it is evident from the indicative layout plan that a scheme could be provided which
has adequate regard for existing neighbouring properties including in terms of light,
outlook and privacy. It is also evident that the indicative layout makes adequate provision
for the amenities of any future residents through avoiding any overlooking, loss of light or
privacy between all of the proposed dwellings. A concern has been raised over the lack
of natural sunlight to the site, but it is not considered that this would merit refusal of the
application as the site would receive adequate levels of daylight for the amenity of future
residents. For these reasons the requirements of Policy DM3.13 are met. A loss of view
has also been raised in representations, but under planning law there is no right to a view
and so cannot in itself be a reason for refusal.

4.17 Policy DM3.8 requires that development has a satisfactory relationship and integrates
effectively with its surroundings. Whilst layout, scale and appearance are all to be
considered at reserved matters stage, it is evident that a linear arrangement as proposed
in the indicative layout would have appropriate regard for its surroundings subject to a
suitable size and scale being secured at reserved matters stage. The use of a single
point of vehicular access helps to minimise the impact upon the existing vegetated
frontage development. It is evident that the Council's Senior Conservation and Design
Officer considers that a scheme can be achieved which fits in with the grain and general
character of the area. For these reasons it is considered that the requirements of Policy
DM3.8 are met.

4.18 It should be noted that on an adjacent site to the west, outline planning permission was
recently refused for 3 dwellings (our reference 2017/0413). One of the grounds of refusal
referred to the loss of a significant gap in the built frontage and that the scheme would
erode the open nature/character of the landscape setting of the village. In this instance it
is considered that this scheme doesn't lead to landscape harm unlike the neighbouring
proposed dwelling by virtue of the retention of the existing mature vegetation across the
site frontage.

4.19 It is considered that the social role is satisfied.

Environmental Role

4.20 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."

4.21 Policy DM4.5 requires development to respect, conserve and where possible enhance
the landscape character of the locality. Ketteringham is a small village which lies to the
south of the A11 and the Norwich-Ely railway line. The village has developed in a linear
form along The Street and Low Road. The site lies within the D1: Wymondham settled
plateau farmland where the landscape is described in the South Norfolk Place Making
Guide as being composed of 'large expanse of flat landform with little variation over long
distances with strong open horizons' with 'vernacular character partly eroded by modern
estate type development'. The character area includes more recent infrastructure and the
guide refers to the A11 as 'cutting across the plateau and introduces an element of noise
and movement into the landscape resulting in marginalised land in the corridor.' Outside
the more built up areas, the general grain and pattern comprises of widely dispersed
individual dwellings and farm buildings of mixed character set in an arable landscape context. The narrow lane, hedgerows and trees, together with agricultural activity, creates a very rural feel.

4.22 As noted above, whilst layout is reserved for consideration, a linear arrangement as indicated in the indicative scheme with limited loss of the existing hedgerow to the site frontage means that landscape character will be adequately respected. For these reasons the requirements of Policy DM4.5 are met.

4.23 Policy DM4.8 seeks to protect trees and hedgerows, the Council's Arboriculturalist has assessed the submitted Arboricultural Impact Assessment and confirmed that it is fit for purpose and as such there is no objection. The concern of removal of trees has been raised in a letter of representation, but there are no trees identified to be removed in the submitted Arboricultural Impact Assessment. For this reason the requirements of Policy DM4.8 are met.

4.24 Policy DM4.10 requires development to have due regard for any heritage assets and the Council is also required to be mindful of its duties under S66(1) Listed Buildings Act 1990, which requires local planning authorities to 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.

4.25 In light of the nearby Listed War Memorial, the Council's Senior Conservation and Design Officer has assessed the impact upon this and its setting. They consider that by virtue of the location of the site to the east of the listed war memorial and does not directly abut its immediate 'curtilage' which can be considered to be the existing area marked by the existing hedgerow around the memorial.

4.26 The officer has also observed that if the landscape officers are satisfied with the retention of the existing landscape character (trees/hedgerows etc) at the front of the site within the existing streetscene which affects the approaches to the listed structure, and that a development of a suitable size and scale and character that will fit in with the general character of the area can be demonstrated as being accommodated and controlled through reserved matters, then the application will not have an impact on the setting of the listed building. For these reasons it is considered that the requirements of Policy DM4.10 and the requirements of S66 are met.

4.27 It is evident that the Council's Arboriculturalist has no objection the scheme and there is no suggestion that the existing vegetated frontage would change as a consequence of the development. Furthermore, as set out above in paragraph above relating to DM4.5 it is considered that a negative landscape impact can be avoided.

4.28 On the basis of the above, I agree with the view of the Senior Conservation and Design officer that the application would have no impact upon the setting of the listed war memorial and therefore the requirements of Policy DM4.8 and the requirements of S66 are met.

4.29 The application is supported by an ecology report which has been assessed by the Council's ecologist who has confirmed that subject to a condition to implement the measures set out in the report they have no objections.

4.30 The application has been accompanied by a flood risk assessment, surface water drainage strategy and foul water drainage strategy which has been reviewed by the Council's Water Management Officer who has concluded that there are no objections in terms of wither surface water or foul water drainage subject to conditions requiring that the final proposals accord with the recommendations of the Flood Risk Assessment and Surface Water Drainage/SuDS Strategy and that final proposals accord with the recommendations of the Foul Drainage Strategy. Concern has been expressed at the
use of a drainage mound on the indicative plans and its suitability for the site. The final design of the surface water drainage system would be agreed formally via a discharge of condition which is a common approach and the Council has the ability to ensure that an appropriate arrangement is used in terms of adequately dealing with surface water and ensuring there are no adverse impacts from noise and smell (as raised in letters of representation). Compliance with Building Regulations requirements is independent from the planning process and the granting of any form of consent relating to planning does not overrise the need to comply with Building Regulations. It should also be noted that any surface water drainage scheme would not be required to address existing drainage/flooding problems that presently occur.

4.31 Again, as referred to above, the recently refused scheme on an adjacent site (our reference 2017/0413) also included a reason for refusal based upon the negative impact upon the setting of the Grade II listed war memorial. In this instance it is considered that this scheme does not have the same impact upon the war memorial as it does not share the same immediate proximity to it and there are intervening features between the site and the memorial i.e. boundary treatments and vegetation.

4.32 A condition is also recommended to require the proposed dwellings to meet water efficiency requirements under Policy 3 of the Joint Core Strategy.

4.33 In summary, it is considered that the environmental role is satisfied.

Other issues

4.34 In respect of self-build, this is a material consideration in the determination of the application and has been given due consideration, however it is not itself and overriding factor if the application was to be considered to otherwise represent unsustainable development.

4.35 In letters of representation have also raised problems with water pressure in the village. This however is not a matter that could justify refusal of this application.

4.36 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.

4.37 This application is liable for Community Infrastructure Levy (CIL), although it is noted that the development is likely to be self-build for which the developer could apply for an exemption from CIL for these dwellings.

5. Conclusion

5.1 It is evident that the proposal complies with the requirements of all relevant JCS and DM policies identified above, including DM1.3 as it presents overriding benefits as identified in 2 d) of the policy.

5.2 It is also considered that the proposal would satisfy the three roles identified above and it is clear that there would not be significant and demonstrable harm that outweighs the clear benefits of the scheme and as such the proposal is considered acceptable in the context of the second part of paragraph 14 of the NPPF.

5.3 For these reasons the application is recommended for approval.

Contact Officer, Telephone Number and E-mail: Chris Raine 01508 533841 craine@s-norfolk.gov.uk
5. **Appl. No**: 2017/1760/F  
**Parish**: EAST CARLETON

Applicants Name: Mr & Mrs Rhodes  
Site Address: Land South of Swardeston Lane East Carleton Norfolk  
Proposal: Erection of 1 dwelling with garage  
Recommendation: Refusal

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

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 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  
DM3.1: Meeting Housing requirements and needs  
DM3.8: Design Principles applying to all development  
DM3.10: Promotion of sustainable transport  
DM3.11: Road safety and the free flow of traffic  
DM3.12: Provision of vehicle parking  
DM3.13: Amenity, noise, quality of life  
DM4.4: Natural Environmental assets - designated and locally important open space  
DM4.5: Landscape Character Areas and River Valleys  
DM4.8: Protection of Trees and Hedgerows

2. **Planning History**

2.1 No recent history

3. **Consultations**

3.1 **Town / Parish Council**: To be reported

3.2 **District Councillors**: Cllr Legg  
To committee - Applicant has registered for and proposes to self-build. Need to determine priorities when considering these applications.
Cllr Foulger  After visiting this site and reviewing all documents on the council’s planning portal, I believe that this application has much to merit it and I therefore wish for the application to be presented to Committee.

3.3 SNC Water Management Officer  No adverse comments make.

3.4 NCC Highways  To be reported

3.5 SNC Community Services - Environmental Quality Team  To be reported

3.6 Other Representations  2 letters of support

No objection, expedite approval.

4  Assessment

4.1 The proposal is a full application for the construction of one detached dwelling, set within a plot which currently forms part of the paddock. The site is opposite 3 pairs of semi-detached two storey local authority/ex local authority properties. A pair of cottages are located to the west of the application one of which (Paddock Cottage) is within the ownership of the applicant. The application site is bordered on the south and north by established hedges. An additional paddock is located to the east of the application site also within the ownership of the applicant. A scattering of other properties are located to the north east. The site is outside the main village of East Carleton.

4.2 The site falls outside any Development Limits and therefore the proposal is considered against Policy 17 of the JCS.

Principle

4.3 Planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in determining planning decisions.

4.4 It is evident that the site is located outside of any development boundary and therefore Policy DM1.3 makes provision for development to be granted in such areas where one of two criterion are met including where there are overriding benefits in terms of economic, social and environmental dimensions as addressed in Policy DM1.1.

4.5 East Carleton is however within the Norwich Policy Area (NPA). It should be noted that the Council currently has 4.7 years of deliverable sites in the Norwich Policy Area and therefore regard should be given to this. In particular, the judgment Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) confirms that the narrow interpretation should be used in establishing whether a policy relates to the supply of housing.

4.6 The narrow interpretation states:

\textit{limited to policies dealing only with the numbers and distribution of new housing, and excluding any other policies of the development plan dealing generally with the disposition or restriction of new development in the authority’s area.}
4.7 This means that whilst all of the South Norfolk Local Plan Development Management Policies are not out of date, it is necessary for the decision maker to have regard to the weight attributable to these in their decision making process in acknowledgement of the lack of an up to date 5 year housing land supply, including in relation to Policy DM1.3 as set out in the judgement at para 59 which confirmed that a shortfall in housing land supply triggers the second part of paragraph 14, which states:

“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; or – specific policies in this Framework indicate development should be restricted.”

4.8 On the basis of the above the following assessment seeks to establish the benefits of the scheme and any harm that would be caused in the context of sustainable development as set out in the NPPF, and in particular, with reference to the three dimensions (economic role, social role and environmental role) and under each of these three headings the relevant South Norfolk Local Plan Development Management Policies will be referred to.

Economic role

4.9 The NPPF confirms 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.”

4.10 The proposal is not for the purposes of agriculture or forestry which is permitted in the open countryside by policy DM2.11 of the SNLP 2015. While there would be some benefit to the local economy during the construction of the dwelling and then from the future occupiers of the dwelling, this benefit is limited as the proposal is for the construction of one dwelling.

Social Role

4.11 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.”

Highways

4.12 Swardeston Land is a narrow single track road connecting the site to the neighbouring villages of Swardeston and East Carleton. Access to the site is via an existing entrance which also provides access to Paddock Cottage, and the paddocks. The agent has noted that: the site is well served by a number of Public Rights Of Way (PROW) which provide safe and walkable access to the main village and therefore considers that the site is sustainable in line with the NPPF and as such should be viewed favourably when considered against Policy DM1.1 of the Development. However, while I accept there are PROWs in the locality, these are across fields and consequently unsurfaced and unlit. Swardeston Lane does not benefit from a pavement and is also unlit, therefore in reality, all residents are likely to make any journeys by private car making the site unsustainable in terms of location.
4.13 In terms of public transport, the nearest bus service is from the neighbouring village of Swardeston, as the application site is some distance from the main village and without a safe pedestrian route, it is unlikely the new occupants would walk to the bus stop and would use the private car as the method of transport.

4.14 The access rises from Swardeston Lane into the site which already benefits from a solid surface. Visibility for vehicles accessing/egressing the site is slightly obscured to the west due to the neighbouring cottage and the associated land which is outside of the control of the applicant. However, at the time of the report, no comments have been made by the Highways Authority relating to the suitability of the existing access or any improvements required. These comments will be reported verbally to the Committee.

4.15 In terms of space within the site for parking and turning, given the size of the plot, the position of the proposed dwelling and the remaining available space, I am satisfied there is sufficient space to accommodate the necessary parking and turning area to accord with policies DM3.11 and DM3.12 of the SNLP 2015.

Residential amenities

4.16 While as already mentioned, the proposed dwelling is two storey, the first floor has minimal windows in the north west (front elevation closest to the adjacent cottages) to one roof light which serves the stairwell. The remainder of the roof lights which serve all four first floor bedrooms and the en-suite are located in the south east (rear) elevation which overlooks the remainder of the applicant’s paddock. Therefore the privacy to the adjacent neighbouring properties is protected by virtue of the design of the dwelling.

4.17 In relation to boundary treatment for privacy purposes, the existing hedge to the highway boundary of the site is to be retained, as is the hedge which forms the south west boundary. The paddocks are to be separated by a post and rail fence. The existing and proposed boundary treatments are acceptable, and retain the rural character of the site which proving privacy for the adjacent properties, and any future occupants of the new dwelling. The scheme as proposed accords with policy DM3.13 of the SNLP 2015.

Self-build

4.18 The NPPF sets out in principle support for the provision of self-build housing. Paragraph 50 includes the requirement to ‘deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities, Local Planning Authorities (LPAs) should plan for… the needs of different groups in the community such as people wishing to build their own homes’.

4.19 Paragraph 159 of the NPPF sets out the requirement to carry out the Strategic Housing Market Assessment, which includes indemnifying a need for people wishing to build their own home and there is also further advice in the Planning Practice Guidance.

4.20 Further support is given by the Self-build and Custom House Buildings Act 2015, the Self-build and Custom Housebuilding (Register) Regulations 2016 and Housing and Planning Act 2016 and the Self-build and Custom Housebuilding Regulation 2016.

4.21 The Acts and Regulations have given Local Authority’s a number of duties.

4.22 Firstly local authorities have a duty to have a self–build register. The Council established one as part of its Vanguard role for self-build and continues to operate it.
4.23 Secondly the Local Authority must have regard to the register when carrying out functions relating to:
   a) Planning
   b) Housing
   c) The disposal of any Local Authority Land
   d) Regeneration

4.24 In terms of the planning function as well as plan making the register is also a material consideration in decision making.

4.25 Section 10 of the Housing and Planning Act requires Local Authorities to give suitable development permission in respect of enough serviced plots of land (or plots which in the view of the LPA could be serviced within the lifetime of the permission) to meet the demand for self-build and custom housebuilding in the authority’s area arising from each base period. The first base period ended on 30th October 2016. To comply with these requirements the LPA needs to give sufficient planning permissions that could be suitable for self-build or custom build properties in relation to any base period in the 3 years beginning immediately after the end of that base period.

4.26 Given existing self-build exemptions for CIL and the Council’s current record on granting planning permissions which could be suitable for self-build or custom build properties, there is no reason not to expect that this requirement will be met from sites which are in accordance with the adopted Development Plan.

4.27 In terms of the Council’s five year housing land supply, this is defined in NPPF paragraph 47 for market and affordable housing. Self-build housing would be included in this requirement, but there is no specific requirement for a five year land supply for self-build housing.

4.28 The Regulations now make it clear that the demand for self–build housing is defined by the self-build register and there is no requirement to consider other sources of information.

4.29 These regulations are not intended to supersede the overarching principle and golden thread of the NPPF, which is the delivery of sustainable development.

4.30 The JCS Policy 4 states that proposals for housing will be required to contribute to the mix of housing required to provide balanced communities and meet the needs of an area. Although there is not an individual policy for self-build developments, this policy allows consideration to be given to the provision of any identified need. Furthermore, DM 3.1 focuses on meeting housing requirements and needs, specifically referencing self-build sites within the preamble. Para 159 of the NPPF goes on to instruct LPAs that their Strategic Housing Market Assessments (SHMA) should include the range of housing that local populations are likely to require, to include people wanting to build their own homes.

4.31 Therefore, although there is not an individual policy for self-build developments the Council’s policies allow consideration to be given to the provision of any identified need including self-build.

4.32 As required by paragraph 50 of the NPPF consideration has been given to the benefits of providing a self-build dwelling, but it is not considered to outweigh the harm identified above.

4.33 The scheme for one self-build dwelling in this location, has been designed to respect the character of its surroundings and the privacy of the neighbouring properties. However, the site is in an isolated location from the neighbouring villages which are not connected by pavements, or served by public transport.
Environmental Role

4.34 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.”

4.35 The site is located within the Yare Tributary Farmland with Parkland area to the south west of Norwich and is defined by the rural and urban reaches of the River Yare to the east and north and by the settled plateau farmland around Hethersett and Wymondham to the south. The general character of the locality is large expanses of open farmland associated with large farming estates within the settlements of Intwood to the north west and large parkland estate of East Carleton to the south west. Small clusters of dwellings are located along Swardeston Lane. Swardeston Lane is a single track road enclose by mature hedging on both sides.

4.36 The application site is enclosed by mature hedging, the proposed dwelling has been designed to ensure the overall scale is appropriate within the constraints of the site and character of its immediate setting. While the site is elevated from Swardeston Lane, the visual impact of the proposed dwelling will not result in such harm within the locality as to have an adverse impact on the rural character of the immediate and wider setting of the locality. The proposal there accords with policy DM4.5 of the SNLP 2015.

4.37 As already mentioned the site is enclosed by mature hedging which makes a positive contribution to the rural setting of the locality. If permitted, it would be reasonable to include a condition requiring all hedging to be retained, ensuring the character is retained, and also making a positive contribution to the ecology of the locality. The scheme could be conditioned to accord with policy DM4.8 of the SNLP 2015.

Design

4.38 The proposed two storey dwelling has been designed to reflect a building with a rural character, its position within the plot is sympathetic to the rural setting of the immediate landscape. The design of the dwelling, has orientated the main living aspect at ground level, and the first floor windows to the south east elevation (rear) overlooking the paddock to the rear of the site. Window in the north west (front) elevation are limited to en-suite, wc and kitchen, therefore reducing any impact on the amenities of the cottages to the south east of the site. The dwelling has been designed with an integral garage which is set at a slightly lower level therefore reducing the overall bulk of the proposal. The scale and design of the dwelling in this location is acceptable and does accord with policy DM3.8 of the SNLP 2015.

4.39 Having consideration to the overall character of the site and the proposal the scheme would not result in harm to the environment.

Other issues

4.40 The proposal is to be connected to the main sewer. Details for the disposal of surface water have not been provided, but the application form suggests a soakaway system will be used.

Conclusion

4.41 It is evident that the proposal fails to comply with policies DM1.3. As identified in the above assessment by virtue of isolated location of the application site from services and facilities, the lack of pavements and consequently pedestrian access to public transport, the site is
not in a sustainable location. This policy is considered to carry significant weight as the proposed development does not provide overriding benefits in terms of economic, social and environment dimensions as addressed in Policy DM1.1, despite the lack of a five-year housing land supply in the NPA. Furthermore, it is considered that the proposal would lead to significant and demonstrable harm that would not be outweighed by the benefit of providing one new dwelling in an area where there is not a demonstrable 5-year housing land supply and as such the proposal is not considered acceptable in the context of the second part of paragraph 14 of the NPPF.

4.42 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.

4.43 This application is liable for Community Infrastructure Levy (CIL) although exemption through self-build could be claimed by the developer.

5 Reasons for refusal

5.1 The site is located outside any development limit defined of the South Norfolk Local Plan Site Specific Allocation 2015 and does not comply with any of the South Norfolk Local Plan Development Management Policies 2015 or any other justification under the National Planning Policy Framework 2012. Given the minimal social benefits of providing one self-build dwelling, even in the absence of a sufficient land supply in the Norwich Policy Area, the harm by virtue of the poor location and its connectivity to services and facilities, the lack of access to public transport and likely reliance of use of private car, there are not considered to be overriding benefits to justify the development under Policy DM1.3 of the South Norfolk Local Plan 2015.

5.2 The proposed development does not represent a sustainable development, having regard to the three tests set out in the National Planning Policy Framework, by virtue of the poor location and its connectivity to services and facilities, and the lack of access to public transport and likely reliance of use of private car, the benefits of development in such a remote location that significantly and demonstrably outweigh the identified benefits which are modest for one additional dwelling even when acknowledging that a 5 year housing land supply cannot be demonstrated within the Norwich Policy Area. The proposal is therefore contrary to paragraph 14 of the National Planning Policy Framework 2012.

Contact Officer, Telephone Number and E-mail: Jacqui Jackson 01508 533837 jjackson@s-norfolk.gov.uk
Development Management Committee

6. **Appl. No**: 2017/1851/F
**Parish**: BRESSINGHAM AND FERSFIELD

- **Applicants Name**: Mr Nick Glendinning
- **Site Address**: Old Boyland Hall Farm, Common Road, Bressingham, IP22 2HD
- **Proposal**: Reconstruction of barn to form one dwelling, part reconstruction and part conversion of barn to form a second dwelling

**Recommendation**: Authorise the Director of Planning and Environment to Refuse
1. Barn A no overriding benefits in terms of DM1.3
2. Barn B contrary to DM2.10
3. Barn B no overriding benefits in terms of DM1.3

Subject to no new material issues being raised in remaining consultation period

Authorise enforcement action
For the removal of the new steel framework on the site of barn A.
For the removal of the new build works to barn B

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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 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 5: The Economy
   - 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
     - DM2.10: Conversion and re-use of buildings in the Countryside for non-agricultural use
     - DM3.8: Design Principles applying to all development
     - DM3.11: Road safety and the free flow of traffic
     - DM3.13: Amenity, noise, quality of life
     - DM3.14: Pollution, health and safety
     - DM4.2: 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
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 2017/1266  Erection of two foot bridges  under consideration

2.2 2017/1045  Discharge of conditions 3 - materials, 11 - surface water drainage and 12 - foul water and sewage disposal of permission  Withdrawn

2.3 2017/0429  Change of use of agricultural barns to two dwellings including change of use of land to residential curtilage and boundary treatments  Approved

2.4 2016/2891  Variation of Condition 2 of prior approval 2015/0757 - Alterations to elevations and floor layout.  Approved

2.5 2015/2503  Residential access  Approved

2.6 2015/0757  Application for determination of prior approval under Class Q (a) and (b) for the proposed conversion of agricultural buildings to 2 dwellings  Approved

3. Consultations

3.1 Parish Council  No comments received

3.2 District Councillor  To be reported if appropriate

3.3 NCC Highways  Support with conditions

3.4 Historic Environment Service  No comments received

3.5 NCC Ecologist  To be reported

3.6 SNC Water Management Officer  To be reported

3.7 SNC Community Services – Environmental Quality Team  Support with conditions
Assessment

4.1 The application relates to land to the south of Old Boyland Hall which is a listed building. There is an historic moat running to the east. There are modern agricultural buildings located further to the south.

4.2 Prior approval was given in 2015 application number 2015/0757 under Class Q of the Town and Country Planning (General Permitted Development) Order 2015 for the conversion of the existing barns to two dwellings. The proposal was amended as part of a S73 application (2016/2891). A separate permission for an access was granted under planning permission 2015/2503. Full planning permission (application number 2017/0429) to change the use of the barns, with some minor changes to the fenestration including some changes to the windows, steps and installation of flues and increase the curtilage from what was permitted under the Class Q application and incorporate the access approved under application 2015/0757 was granted earlier in the year.

4.3 Work was commenced on site, however on visiting the site the Council found that barn A which had a steel frame had been demolished and new steel frame was being erected. None of the original barn remains. The west wing of Barn B had also been demolished and replaced with a new block construction. These works go beyond what was granted prior approval and planning permission and this application seeks to remedy the breach in planning control.

4.4 The applicant made the decision to replace the steel frame and to rebuild Barn A on the advice from his builder that the existing metal frame was not sufficiently strong to meet Building Regulations, and to gain a ten-year structural warranty on the dwelling. The existing steel frame could have been underpinned, but this approach was not taken. No specific justification has been put forward for the demolition of part of barn B.

4.5 The applicant and his agent consider that they are not in breach of the existing planning permission but they have not put any legal argument forward to support their case.

4.6 The applicant has also said that the demolition of building A was sequential, however, when I visited the site, none of the original building was still in place and only half the frame had been constructed.

4.7 The applicant has also stated that they are intending to keep the original timbers in barn B, but a completed new roof has already been constructed.

4.8 Class Q of the GPDO, allows "partial demolition to the extent reasonably necessary to carry out building operations including the installation of replacement of new windows, doors, roofs and exterior walls" However the Planning Practice Guidance makes it clear “that only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development rights." The information put forward as part of application 2017/0429 stated that the building operations subject to the planning application are in the main identical to those granted planning permission under the recent prior approval other than including the access and increasing the size of the curtilage, it states the main changes were external steps and chimneys and minor changes to the fenestration and floor plan. It was not indicated at all that further building works would be required.
4.9 The delegated report for that application also made it clear that it was not considered that the proposal complies with policy DM2.10 of the Development Management policies and permission was only granted given considerable weight that there was a current class Q approval on the site.

4.10 In submitting an application there is a responsibility on the applicant to ensure that it is possible to carry out the proposed development. The requirement to carry out structural reports was relaxed when the NPPF was published and made no reference to the structure of the building. Officers are now requiring are now requiring structural reports again to avoid similar situations occurring.

Assessment of barn A

4.11 In terms of barn A as none of the original building remains on site, the proposal to rebuild it cannot be assessed as a conversion under policy DM2.10 of the Development Management policies and as a result it has to be assessed as a new build dwelling.

4.12 It is noted that the supporting text for policy DM2.10 states that “It is accepted that a building may require significant re-construction to achieve the necessary standards for the new use.” However, policy DM2.10 is clearly a conversion policy and that does not mean that the whole building can be demolished and replaced.

4.13 The site lies within the Rural Policy Area which in respect of the housing supply has a 39.6 year supply, as such the Council’s policies for the supply of housing can be considered up to date and applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

4.14 The site falls outside any development boundary where development will only be permitted under policy DM1.3 if there are specific Development Management policy that allow for it or there are overriding benefits. In this case, there are no other policies which would allow for it. The following assessment considers whether there are overriding benefits to justify the development.

4.15 The application site is located in a remote location, with the village of Shelfanger being located approximately 1.8 miles away and the main village of Bressingham 2 miles away. As a result, it is likely that any residents would be reliant on the private car to access services and facilities.

4.16 The site is within E2: Great Moulton Plateau Farmland character area defined by the South Norfolk Landscape Assessment 2001 updated in 2012. The South Norfolk Place Making Guide identifies one of the key design principles of this area ensuring that the setting of historic hall and moats are conserved. The proposed dwelling would result in an encroachment into the open countryside as the original building has now been demolished, but it would not result in any significant harm to the landscape character of the area as required by policy DM4.5 of the Development Management Policies.

4.17 There is no objection to the design of the proposed dwellings which has previously been approved.

4.18 S66 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.” In terms of the setting of the listed hall, the conversion would have resulted in an enhancement to the setting of the listed buildings by improving the appearance of the building, now that building is no longer there the benefit attributed to enhancing the setting has been removed. However, it is not considered they would harm the setting of the listed building.
4.19 It is considered that the proposed dwelling would have a good standard of amenity and not adversely affect the amenity of the adjacent properties to a significant degree, as required by policy DM3.13 of the Development Management Policies.

4.20 Permission for a new access was granted under application 2015/2503 and it forms part of this application. There is no objection to this new access and there is sufficient space to park and turn on the site, as a result it is considered that the proposed dwelling complies with policy DM3.11 of the Development Management policies.

4.21 Surface water and foul water drainage have already been agreed for the scheme and so could be appropriately conditioned as agreed.

4.22 The applicant has put forward the economic benefits of the scheme progressing, and although it is acknowledged that they may be economic benefits in term of construction jobs and the development would contribute economically to the existing shops in the village from additional spend from new residents. This benefit is very minor and not considered over riding.

4.23 As discussed above the local plan policies are considered up to date and the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development does not comply with any Development Management Policies and given the housing land supply of 39.6 years the social benefit of providing an additional dwelling is considered minimal. Therefore, there are not considered to be overriding benefits to the development which policy DM1.3 requires to enable this to be acceptable.

Barn B

4.24 As part of Barn B is still standing, it can be considered under policy DM2.10 of the Development Management Policies.

4.25 Policy DM2.10 of the Development Management Policies permits the conversion of existing buildings to dwellings subject to a number of criteria.

   a) The proposed development should not result in the loss of a farm building suitable for continued agricultural use and which, if its alternative use is permitted, would be likely to result in the construction of a replacement agricultural building;

   b) The building(s) to be re-used should be standing and of adequate external dimensions to accommodate the proposed use, without the need for the erection of major extensions and additional outbuildings and / or significant changes in materials and appearance that would have a serious adverse impact on the rural characteristics of the original building;

   c) The development (including associated use of external space and change of use of land) is sympathetic to the setting; and

   d) Any proposed commercial use (including leisure or retail sales content) should not have an adverse impact or give rise to the dispersal of activity on such a scale as to prejudice the vitality and viability of local rural towns and villages.

   The conversion of buildings in the Countryside for residential use (Class C3) will only be supported where all the above criteria are satisfied and there is compelling evidence submitted that the building(s):

   e) Cannot be practically or viably converted for Employment Uses; and
4.26 The building is no longer particularly suitable for continued agricultural use, so its conversion would not result in the need for a further agricultural building elsewhere. Taking into consideration of what is left of the building, it could still be possible to accommodate a small dwelling within the original structure and the conversion of the building would be sympathetic to its setting. No information has been put forward that the building could not practically or economically be converted to employment uses including holiday accommodation. Criteria f requires buildings to be converted to residential to be of historic or traditionally construction and worthy of protection. The remaining part of Barn B is fletton brick construction which has no historic value so does not meet the criteria of policy DM2.10 of the Development Management Policies. The delegated report for the planning application made it clear that the proposed development did not meet these criteria and permission was only being granted on basis that significant weight was given to the existence of a prior approval on the site. As a result, conversion of barn B is contrary to policy DM2.10 of the Development Management Policies. Given the existing planning permission and prior approval can no longer be implemented they can be given no weight in this decision.

4.27 There is no objection to the design of the proposed dwelling which has previously been approved.

4.28 S66 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.” In terms of the setting of the listed hall, the conversion would result in an enhancement to the setting of the listed buildings by improving the appearance of the building.

4.29 It is considered that the proposed dwelling would have a good standard of amenity and not adversely affect the amenity of the adjacent properties to a significant degree, as required by policy DM3.13 of the Development Management Policies.

4.30 As discussed above there is no objection the access or proposed surface or foul water drainage.

Ecology

4.31 Ecological impact is not one of the criteria which can be considered under Class Q application. However, was recommended that the ecology surveys were carried out prior to starting work on the site. The applicant failed to do this given the clearance of the site then any impact on protected species has already occurred.

4.32 The applicant has also put forward the case that if he was not able to complete the development then it is likely to result in the loss of the business and bankruptcy. It is considered the financial circumstances of the applicant can be given very little weight in assessing this application.

4.33 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.

4.34 This application would be liable for Community Infrastructure Levy (CIL) as it relates to new dwellings.
5 **Conclusion**

5.1 The proposed development is outside any development boundary where the Council has a housing land supply of 39.6 years and the reconstruction of barn A does not comply with any other Development Management Policies. Given the minimal social benefit of providing an additional dwelling in the light of a more than adequate housing land supply is not considered that the proposal would deliver overriding benefits as required by policy DM1.3 of the Development Management Policies.

5.2 In terms of Barn B what remains of the building is not of historic or traditional construction as required by policy DM2.10 and as result it not worthy of retention. No justification has been put forward as to why the building could not be practically or economically converted to holiday accommodation also required by policy DM2.10 of the Development Management Policies. No weight can be given to prior approval or planning permission on the site as they cannot longer to implemented.

5.3 It is recommended enforcement action is authorised to remove the new steel frame which has been erected to replacement Barn A and remove the extension build to Barn B.

### Reasons for refusal

5.4 Barn A is located outside any development limit defined of the South Norfolk Local Plan Site Specific Allocation 2015 and does not comply with any of the South Norfolk Local Plan Development Management Policies 2015 or any other justification under the National Planning Policy Framework 2012. Given the minimal social benefits of providing an additional dwelling in light of the existing significant housing land supply of 39.6 years it is not considered the proposal would deliver overriding benefits as required by policy DM1.3 of the South Norfolk Local Plan Development Management Policies Document to make the development acceptable.

5.5 What remains of Barn B is fletton brick construction and as a result is not a building of historic or traditional construction worthy or protection and it has not been demonstrated that the building could not be economically or practically converted to holiday accommodation and as result the proposed development is contrary to policy DM2.10 of the South Norfolk Local Plan Development Management Policies Document 2015.

5.6 Barn B is located outside any development limit defined of the South Norfolk Local Plan Site Specific Allocation 2015 and does not comply with any of the South Norfolk Local Plan Development Management Policies 2015 or any other justification under the National Planning Policy Framework 2012. Given the minimal social benefits of providing an additional dwelling in light of the existing significant housing land supply of 39.6 years it is not considered the proposal would deliver overriding benefits as required by policy DM1.3 of the South Norfolk Local Plan Development Management Policies Document to make the development acceptable.

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Response to Statutory Consultation

7. **Appl. No**: 2017/1781/RN  
   **Parish**: SOUTH NORFOLK

   **Applicants Name**: Dong Energy  
   **Site Address**: Hornsea Project Three Offshore Wind Farm  
   **Proposal**: Statutory consultation under Section 42 of the Planning Act 2008 and Regulation 11 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

   **Recommendation**: This report details the Council's proposed response to the Preliminary Environmental Information Report (PEIR) prepared by DONG Energy in support of its proposed offshore windfarm - Hornsea Project Three Offshore Wind Farm.

1. **Planning Policies**

   1.1 **National Planning Policy Framework**  
      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

   1.3 **South Norfolk Local Plan**  
      Development Management Policies  
      DM3.13 : Amenity, noise, quality of life  
      DM3.14 : Pollution, health and safety  
      DM4.8 : Protection of Trees and Hedgerows  
      DM4.9 : Incorporating landscape into design  
      DM4.10 : Heritage Assets

2. **Consultations**

   2.1 **District Councillors**  
      To be reported if appropriate

   2.2 **SNC Conservation and Design officer**  
      Set out in full within the report

   2.3 **SNC Community Services - Environmental Quality Team**  
      Set out in full within the report

   2.4 **SNC Landscape Architect**  
      Set out in full within the report

   2.5 **Other Representations**  
      None received
3 Assessment

Introduction

3.1 This project is for an offshore windfarm which would generate 2,400 MW of electricity, which as stated by Dong Energy would meet the daily energy needs of over 2 million homes. The location of Hornsea Project Three is within the North Sea to the east of Hull. The preferred identified grid connection for the generated electricity is Dunston in South Norfolk. There are two key components of the project within South Norfolk, the cable route and substation location at a site northwest of Mangreen Quarry between the B1113 and the A140 at Mangreen with the precise location still to be determined (Appendix 1 and 2). Given the scale of the development it is deemed to be a Nationally Significant Infrastructure Project (NSIP) and will be determined by the Secretary of State for Business, Energy and Industrial Strategy.

3.2 Dong Energy are currently at the stage in the consultation process called Preliminary Environmental Information Report (PEIR). The purpose of the PEIR consultation is to enable the local community to understand the environmental effects of the propose development. It does not however, necessarily include the final proposals of what will be submitted to the Planning Inspectorate for consideration, but instead how an assessment will be made of the likely environmental impacts. At this stage the Council is invited to make comments on the PEIR, made in support of the proposal. The PEIR is effectively a draft Environmental Impact Assessment (EIA).

3.3 Consultation runs from 27th July to 20th September. There will be a public consultation event being held by Dong energy on Monday 4th September in Swardeston Village Hall and the Members whose wards are affected by either the substation or cable route have been advised of this consultation.

3.4 There will be a subsequent consultation by Dong energy later in 2017 with more detailed proposals. After this Dong Energy, will submit an application to the Planning Inspectorate for their Development Consent Order.

3.5 In responding to the consultation, there are three key considerations:
   - Heritage Assets
   - Landscape
   - Noise and Pollution

3.6 Other matters such as highways, surface water, ecology and archaeology will be covered by other consultees and so the Council will not be commenting on these issues.

Heritage Assets

3.7 At present there is only very limited information on size, positioning and design of any installation for the HVDC. Potentially on the information provided there are concerns that the impact on the setting of the nearest assets of Mangreen Hall, Keswick Hall and Gowthorpe Hall could be considerable, not minor.

3.8 The PEIR assessment is different to a normal Heritage Impact Assessment (HIA) accompanying a planning application assessment in terms of setting, as it does not fully appreciate any potential impact on the relationship between a heritage asset and how it is experience in term of the setting making a contribution to its significance. As the new Historic England setting guidance states: “A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.” The table used to judge significance and analyse impact is rudimentary, being taken from the Design Manual for Roads and Bridges,
Volume II, Section 3, Part 2 (2007), whereas this can change significantly depending on the nature of the asset, irrespective of its listing category, and the way in which its setting may contribute to that significance.

3.9 The submitted document para states: “Hornsea Three would have no physical impact on the designated assets and any impact would be on their setting. There would be minor changes to the setting of the designated assets and the magnitude of impact is assessed as being ‘minor’ on assets of ‘medium’ and ‘high’ sensitivity. The effect of Hornsea Three on the designated assets is assessed as being ‘moderate adverse’, which is significant in EIA terms. Hornsea Three will continue to develop the indicative construction strategy and optimise the location of temporary construction compounds, which may further mitigate impacts. The residual effect, taking into consideration all proposed mitigation, will be assessed in the ES which accompanies the final DCO application”.

3.10 It is considered that it underplays the potential impact on Keswick Hall, as it is only Grade II, whereas it is a former country house of some status, by a national architect, with a designed landscape to it southeast and importantly directly faces the site with the landscape in between. Larger structures in the backdrop could have a significant adverse impact on these views and the relationship between the house and its designed garden. At the application stage the application requires a separate Heritage Impact Statement that looks into more detail with regard to the impact on the setting of these heritage assets and importantly fully analyses how the landscape setting contributes to the overall significance of those assets, which is not identified in detail in the report.

3.11 The undergrounding of cables will raise issues dealt with by other bodies. With regard to the above ground installation, it is the HVDC converter/HVAC Substation on heritage assets in very close proximity. Other assets, for example many of the conservation areas identified, are unlikely to be in the zones of visual influence, so should not be in a HIA.

3.12 The assessment with the PEIR places significance as the listing status. This does not relate to how setting might contribute to a building, as for example the landscape parkland to the southeast of Keswick Hall makes a significant contribution to it setting. Mangreen Hall still architectural terms faces north and although its parkland has degraded and been replaced with agricultural fields, any development to the north of the Hall (as indicated with the orange land) could result in less than substantial but still significance harm to the setting of the heritage asset through removing its rural setting and affecting the important northern aspect of the hall. There are views from the hall looking north and vice versa, looking back from the fields to the hall. Gowthorpe is an earlier moated manor with more of an agricultural setting potentially large structures in the distance could affect its rural isolation in views particularly as there are footpaths around the site and if they are considered structures/buildings that are alien in a rural context and detract from views to and from the heritage assets.

Landscape

3.13 Information has been provided setting out the approach to the full Landscape and Visual Impact Assessment (LVIA) that will be undertaken and the submitted methodology is generally in accordance with the industry guidelines (Guidelines for Landscape and Impact Assessment, Third Edition). As elements of the scheme are not yet detailed (notably including the proposed HVDC converter/HVAC substation at Mangreen) initial assessment is based on maximum parameters at this time, for example the height of structures, and as such only wireframes are presented at this time as a visual representation. Photomontages of the proposed scheme would be much more useful to demonstrate the visual effects. The details of mitigation such as planting will be expected to form part of the detailed submission and, in the absence of details to the contrary, it is suggested that these are developed in response to the scenarios anticipated by the wireframe illustrations.
3.14 Whilst we have been involved in discussions about viewpoints for the substation, it is noted that the only one directly associated with the A47 is from the Intwood Road overbridge. Whilst it is accepted that the sensitivity of drivers and passengers using the A47 will be less than, for example, pedestrians using the bridge, it is considered that additional viewpoints from the main A47 should be included in the full LVIA.

Noise and Pollution

3.15 *Noise and Vibration*

Noise from the construction phase has the potential to have an impact on the residents of the surrounding area. The PEIR outlines measures that will be taken to address this issue which are considered acceptable but the detail will need to be agreed at the appropriate time.

3.16 Noise from the infrastructure is Low Frequency Noise (particularly in the 50Hz third octave band) which tends to be associated with electrical equipment (e.g. transformers). The PEIR outlines measures that will be taken to address this issue which are considered acceptable but the detail will need to be agreed at the appropriate time.

3.17 *Air Quality*

Dust from the construction phase, particularly in dry windy weather. The PEIR outlines measures that will be taken to address this issue which are considered acceptable but the detail will need to be agreed at the appropriate time.

3.18 *Artificial Light*

It is expected that artificial lighting will be required during the construction phase. If this poorly located and/or angled it could have a negative impact on the amenity of residents. The onshore HVAC booster stations may require poorly located and/or angled it could have a negative impact on the amenity of residents. The Preliminary Environmental Information Report does not appear to address this issue.

3.19 *Private Drinking Water Supplies*

There are a number of private drinking supplies in the vicinity of the land in South Norfolk that will be impacted by this proposal. These represent the only source of drinking water for the premises they serve. The PEIR outlines measures that will be taken to address this issue which are considered acceptable but the detail will need to be agreed at the appropriate time.

3.20 *Electromagnetic fields (EMF)*

An EMF is produced whenever a piece of electrical or electronic equipment (i.e. TV, food mixer, computer mobile phone etc.) is used and thus will be generated by this proposal. The PEIR includes an assessment of EMF from the proposal which indicates that the public will not be exposed to unacceptable levels.

Other issues

3.21 The issue of power supply to the south of Norwich has been raised with Dong Energy. Dong Energy have been encouraged to work with National Grid and UK Power Networks to consider options to assist with the electricity needs in this area of the County. A direct feed from the cable route to this area of power supply issue is understood to not be feasible due to the ownership and regulatory arrangements of the cables coming onshore, which cannot connect to the local distribution network. This issue is continued to be raised by officers however to ensure any opportunities to progress this issue are taken.
4.0 Conclusion

4.1 This report seeks authority from Members to respond to the Preliminary Environmental Information Report (PEIR) with the above officer comments. In summary it is considered that further information is required to demonstrate how the proposed development for the substation in particular will be designed to consider landscape and heritage impacts, noise, dust, artificial light and private drinking water supply issues raised in the above report.

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Figure 3.3: Hornsea Three onshore cable corridor search area, as well as location for the onshore HVAC booster station and onshore HVDC converter HVAC substation.
1. **Enforcement Reports**

1. **Enforcement Ref**: 2017/8046  
   **Parish**: Loddon  
   **Site Address**: Land West Of Express Plastics, Beccles Road, Loddon, Norfolk  
   **Development**: Works to ditch, importation of earth/waste and use of land for the storage of building materials  
   **Developer**: Mr Reginald Holmes

1. **Background**

1.1 Concerns have been raised by local residents regarding the condition of the site and its impact on the local area. Until late last year the site was used as a site compound for the adjacent housing development.

1.2 The plant and the majority of the building materials and associated items were removed from the site by the contractor but some remained. The owner of the site has been asked to remove the remaining materials. Some have been removed and most of the rest have been moved to a less conspicuous position.

2. **Planning Policies**

2.1 **National Planning Policy Framework**  
   NPPF 12: Conserving and enhancing the historic environment

2.2 **Joint Core Strategy**  
   Policy 1: Addressing climate change and protecting environmental assets  
   Policy 2: Promoting good design

2.3 **South Norfolk Local Plan**  
   Development Management Policies  
   DM3.13 : Amenity, noise, quality of life  
   DM4.10 : Heritage Assets

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.”
3. **Relevant Planning History**

3.1 2013/0579  Proposed housing development on land west of Express plastics, Beccles Road, Loddon.  Refused

3.2 2013/1846  Variation of condition 2 & 3 of planning permission 2011/1174/F - Breach of Conditions (Construction of a 7 metre access strip for maintenance and drop kerbs longer than plans approved).  Approved

3.3 2016/2165  Outline application for the erection of 4 self-build dwellings with all matters bar access reserved.  Refused

4. **Appeal History**

4.1 14/2211393  Proposed housing development on land west of Express plastics, Beccles Road, Loddon.  Dismissed

4.2 17/3167511  Outline application for the erection of 4 self-build dwellings with all matters bar access reserved.  Dismissed

5. **Assessment**

5.1 The site is located outside the Loddon development boundary. The site frontage is with the conservation area whilst the rest of the site falls outside it.

5.2 The Council has powers under S.215 of the Town and Country Planning Act to serve a notice requiring the proper maintenance of land. To do so we need to be satisfied that the site has a material adverse impact on the visual amenity of the area. In view that some of the materials have been removed and some have been relocated to a less conspicuous position, I do not consider the site to be in such a condition to justify serving a notice.

5.3 The Council also has powers to serve a Material Change of Use Enforcement Notice. To do so we would need to establish a material breach of planning control. Given the limited amount of materials I do not consider the storage use is currently sufficient to constitute a breach of planning and therefore a notice could not be served.

5.4 Whilst further action it not proposed at this time, the site will be monitored and should the condition of the site deteriorate or the storage use intensify the matter can be re-investigated.

5.5 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.

6. **Recommendation**

6.1 That no further action be taken.

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and E-mail:  abaines@s-norfolk.gov.uk
### Planning Appeals
Appeals received from 8 August 2017 to 1 September 2017

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<td>Hethersett Land To East Of 88 Ketts Oak Hethersett Norfolk</td>
<td>Mr D Baine</td>
<td>Proposed dwelling</td>
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<td>Refusal</td>
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<td>2017/0079</td>
<td>Alburgh Land To The Front Of Friends Farm Barn The Street Alburgh Norfolk</td>
<td>Mr P Martin</td>
<td>Detached bungalow with new highway access.</td>
<td>Delegated</td>
<td>Refusal</td>
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<td>2017/0393</td>
<td>Mundham Ratshole Birch Way Mundham NR14 6EN</td>
<td>Mr Tim Hirst</td>
<td>Variation of Condition 4 of planning consent 2013/1558 (Use of the two storey conventional dwelling building and residential barn conversion building respectively such that either building is used as a single dwellinghouse and the other building is not used concurrently for a purpose limited other than either letting out for holiday accommodate or as annexe accommodation.) - To allow both dwellings to be occupied independently.</td>
<td>Delegated</td>
<td>Refusal</td>
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<td>Saxlingham Nethergate The Nook Norwich Road Saxlingham Nethergate NR15 1TP</td>
<td>Mrs Benton</td>
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Planning Appeals
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