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
Mrs V Bell
Mr D Goldson
Mr J Hornby
Dr N Legg
Mr G Wheatley

Pre-Committee Members’ Question Time
9.00 am Blomefield Room

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.

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

Agenda

Date
Wednesday 19 July 2017

Time
10.00 am

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

Contact
Sue Elliott tel (01508) 533869
Email: democracy@s-norfolk.gov.uk
Website: www.south-norfolk.gov.uk

Please be advised that Items 1 and 2 (at Costessey) and Item 4 (at Tasburgh) will NOT now be considered at this meeting.
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. In accordance with legislation planning applications must be determined in accordance with the policies of the Development Plan, unless material considerations which are relevant to planning indicate otherwise.

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

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

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

THEREFORE we will:

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

Decisions which are finely balanced and contradict policy will be recorded in detail to explain and justify the decision and the strength of the material planning reasons for doing so.
Occasionally, there are conflicts with the views of the parish or town council. Why is this?

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

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

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

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

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

4. Minutes of the Meeting of the Development Management Committee held on 21 June 2017;
   (attached – page 9)

5. Planning Applications and Other Development Control Matters;
   (attached – page 19)
   
   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>DEFERRED</td>
<td>2016/2430</td>
<td>COSTESSEY</td>
<td>Land North Of Farmland Road Costessey</td>
<td>19</td>
</tr>
<tr>
<td>DEFERRED</td>
<td>2017/0420/F</td>
<td>COSTESSEY</td>
<td>Land North of Farmland Road Costessey</td>
<td>83</td>
</tr>
<tr>
<td>3</td>
<td>2017/0219/F</td>
<td>GELDESTON</td>
<td>Land North West Of Kells Way Geldeston</td>
<td>97</td>
</tr>
<tr>
<td>WITHDRAWN</td>
<td>2017/1119/O</td>
<td>TASBURGH</td>
<td>Land to The East and West of Hall Farm</td>
<td>114</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Bungay Road Tasburgh</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2017/1212/S106A</td>
<td>SEETING</td>
<td>Fairhead And Son Wheelers Lane Seething</td>
<td>124</td>
</tr>
</tbody>
</table>

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

7. Quarterly Enforcement Report;
   (attached – page 129)

8. Planning Appeals (for information);
   (attached – page 132)

9. Date of next scheduled meeting – Wednesday 16 August 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

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Advert</td>
<td>G</td>
</tr>
<tr>
<td>AD</td>
<td>Certificate of Alternative Development</td>
<td>H</td>
</tr>
<tr>
<td>AGF</td>
<td>Agricultural Determination – approval of details</td>
<td>HZ</td>
</tr>
<tr>
<td>C</td>
<td>Application to be determined by County Council</td>
<td>LB</td>
</tr>
<tr>
<td>CA</td>
<td>Conservation Area</td>
<td>LE</td>
</tr>
<tr>
<td>CU</td>
<td>Change of Use</td>
<td>LP</td>
</tr>
<tr>
<td>D</td>
<td>Reserved Matters (Detail following outline consent)</td>
<td>O</td>
</tr>
<tr>
<td>EA</td>
<td>Environmental Impact Assessment – Screening Opinion</td>
<td>RVC</td>
</tr>
<tr>
<td>ES</td>
<td>Environmental Impact Assessment – Scoping Opinion</td>
<td>SU</td>
</tr>
<tr>
<td>F</td>
<td>Full (details included)</td>
<td>TPO</td>
</tr>
</tbody>
</table>

Key to abbreviations used in Recommendations

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

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

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

Does the interest directly:

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

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

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

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

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

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

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

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

What matters are being discussed at the meeting?

Do any relate to an interest I have?

A Have I declared it as a pecuniary interest?

OR

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

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

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

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.

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

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

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?

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?

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 21 June 2017 at 10.00 am.

Committee Members Present: Councillors: V Thomson (Chairman), B Duffin, F Ellis, C Kemp, G Minshull and J Mooney


Substitute Members: Councillors: D Goldson for Y Bendle
L Dale (for items 1-3) for C Gould
V Bell for M Gray
G Wheatley (for items 1-7) for L Neal
and
N Legg for A Thomas

Officers in Attendance: The Director of Growth and Localism (T Horspole), the Planning Decisions Team Leader (C Trett), the Place-Shaping and Majors Team Leader (J Hobbs), the Senior Planning Officers (T Lincoln and C Curtis), the Planning Officer (H Bowman), the Senior Conservation and Design Officer (C Bennett) and the Landscape Architect (R Taylor)

Also in Attendance: L Poole (NCC Highways)

56 members of the public were in attendance

336. DECLARATIONS OF INTEREST

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

<table>
<thead>
<tr>
<th>Application</th>
<th>Parish</th>
<th>Councillor</th>
<th>Declaration</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016/0764/O</td>
<td>KESWICK AND INTWOOD</td>
<td>ALL</td>
<td>Local Planning Code of Practice Lobbied by Objector</td>
</tr>
<tr>
<td></td>
<td></td>
<td>C Kemp and G Wheatley</td>
<td>Local Planning Code of Practice Lobbied by MP</td>
</tr>
<tr>
<td>(Item 1)</td>
<td></td>
<td></td>
<td>Other Interest</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Attended parish meetings where</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>application discussed, but did not</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>take part in discussions</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Reference</th>
<th>Location</th>
<th>Applicant</th>
<th>Other Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017/0413/O</td>
<td>KETTERINGHAM</td>
<td>ALL</td>
<td>Local Planning Code of Practice Lobbied by Objector</td>
</tr>
<tr>
<td>(Item 3)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2017/0848/F</td>
<td>MUNDHAM</td>
<td>ALL</td>
<td>Local Planning Code of Practice Lobbied by Applicant</td>
</tr>
<tr>
<td>(Item 5)</td>
<td></td>
<td>B Duffin</td>
<td>Other interest</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Applicant known to member</td>
</tr>
<tr>
<td>2017/0999/F</td>
<td>BUNWELL</td>
<td>ALL</td>
<td>Local Planning Code of Practice Lobbied by Supporter</td>
</tr>
<tr>
<td>(Item 6)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2017/1012/RVC</td>
<td>SAXLINGHAM</td>
<td>F Ellis</td>
<td>Other Interest</td>
</tr>
<tr>
<td>(Item 7)</td>
<td>NETHERGATE</td>
<td></td>
<td>Attended parish meetings where application discussed, but did not take part in discussion</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016/1968/A</td>
<td>LONG STRATTON</td>
<td>ALL</td>
<td>Other Interest</td>
</tr>
<tr>
<td>(Item 9)</td>
<td></td>
<td></td>
<td>Applicant is South Norfolk Council</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2017/0881/RVC</td>
<td>PORINGLAND</td>
<td>ALL</td>
<td>Other Interest</td>
</tr>
<tr>
<td>(Item 10)</td>
<td></td>
<td></td>
<td>Applicant is South Norfolk Council</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

337. MINUTES

The minutes of the Development Management Committee meeting dated 24 May 2017 were confirmed as a correct record and signed by the Chairman.

338. PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

The Committee considered the report (circulated) of the Director of Growth and Localism, which was presented by the officers. The following speakers addressed the meeting with regard to the applications listed below.
The Committee made the decisions indicated in the Appendix to these minutes, conditions of approval or reasons for refusal of planning permission as determined by the Committee being in summary form only and subject to the final determination of the Director of Growth and Localism.

### 339. ENFORCEMENT REPORTS

Members considered the report of the Director of Growth and Localism regarding the enforcement case at Diss (ref 2016/8299).

It was RESOLVED that no enforcement action be taken but that written notice should be given that no further alterations should take place unless written consent is obtained. It was also RESOLVED that an entry be made in the Land Charges Register to note that the upvc window is unauthorised although no enforcement action will be taken.

### 340. PLANNING APPEALS

The Committee noted the planning appeals.

(The meeting closed at 3.43 pm)

Chairman
PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

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

Major Applications

1 Appl. No : 2016/0764/O
Parish : KESWICK AND INTWOOD

Applicants Name : MAHB Capital
Site Address : Land West Of Ipswich Road Keswick Norfolk
Proposal : Outline Application for Proposed employment development consisting of B1, B2 and B8 uses, associated access and landscaping; and proposed link road between the A140 and the B1113 with some matters reserved

Decision : Members voted 8-3 for Refusal (contrary to officer recommendation which was lost 4-7)

Refused

Reason for Overturning Officer Recommendation
The harm identified to the landscape protection zone and openness of the site are not outweighed by the benefits of the proposal

Updates to officer report

(Clarification was made by the Chairman that references in the update sheet should read 2016/0764 and not 2017/0764).

Letter from Richard Bacon MP supporting the application received with the following comments (summarised):

- Major businesses looking to relocate to greater Norwich require modern, digitally connected buildings of high quality and bespoke design, of which there is a shortage in the south of Norwich.
- This is a desirable development potentially providing 1,000 jobs once fully developed and occupied.
- The proposal will occupy the KES2 site allocation where the Council accepts the principle of such a development.
- I welcome the improvements that will be made to the road network including the A140/B1113 link road.
- Concur with the Council that it is necessary on this occasion for a larger site than allocated to ensure that the site is viable and the infrastructure required by KES2 is delivered.
- Supports approval of the application.

Officers, on reflection, would like to update and clarify para 4.140 in respect of the balance and weight given to policy DM4.6. Notwithstanding the harm that would have resulted from the extent of the site as allocated, the impacts of the application as proposed result in harm in respect of landscape visual impact. That harm and the resultant conflict with policy DM4.6 should be afforded full weight. That harm and conflict however is balanced against the strategic aims of the Development Plan and site allocation policy for economic growth and jobs and the delivery of a new highway junction, which are social and economic benefits and material considerations that are considered to significantly and demonstrably outweigh the identified conflict with policy DM4.6 of the Development Plan.
Officers also seek to clarify that in relation to the highway works proposed, the level of highway works proposed are to mitigate the highway impacts of the proposed development. Whilst they cannot be considered improvements to the highway therefore in their own right, they both mitigate the impacts of the development and address the existing issues of congestion currently experienced at the junction as required by site allocation KES2.

Officers seek to clarify para 4.25 – 4.27 of the report. Part b of policy DM1.3 specifically applies to the part of the site as allocated. Notwithstanding that, given the proposal is greater than the allocation in site area and use classes, the assessment of whether the scale of the proposal is proportionate includes consideration of the extended site. Parts c and d of the policy specifically apply to proposals in the countryside i.e. that part of the site which is not allocated, and the report also concludes that the proposal accords with part c and is therefore acceptable.

The Parish Council have written to all members of the DMC to re-confirm their objections. A full copy can be found on the Council’s website.

Officers update in respect of para 4.93 of the report and policy DM3.13 in regards to residential amenity, specifically: overlooking; loss pf privacy; overshadowing; and overbearing impacts. It is considered that given the proposed arrangement of B1 to the north of the site (which would be conditioned) and the separation distance of this and dwellings to the north of the site (both existing and as consented) created by the proposed attenuation pond to the north, the proposed development would not result in any significant adverse impact on the amenities of those dwellings. Taking this into account it is therefore considered that a suitable scheme can be designed at reserved matters stage to ensure that residential amenity is not significantly and adversely affected.

Other Applications

2  Appl. No : 2017/0182/F  
Parish : WYMONDHAM

Applicants Name : Morven Homes  
Site Address : Friarscroft Garage 2 Friarscroft Lane Wymondham NR18 0AT  
Proposal : Demolition of commercial building. Erection of 6No 2 storey dwellings  

Decision : Members voted 10-1 for Approval  

Approved with conditions

1  Full Planning permission time limit  
2  In accordance with amendments  
3  External materials to be agreed  
4  Specific details to be agreed  
5  Window details to be agreed  
6  Provision of parking, service  
7  No PD for Classes ABCDE & G  
8  Domestic Microgeneration Equipment  
9  No PD for fences, walls  
10  Landscaping scheme to be submitted  
11  Surface Water  
12  New Water Efficiency  
13  Contaminated land - submit scheme  
14  Implement of approved remediation  
15  Reporting of unexpected contamination  
16  Tree protection  
17  Levels
Updates to officer report

Further neighbour objection
- Overlooking from a domestic dwelling
- Loss of commercial use in Conservation Area
- Design not in keeping
- Traffic and Parking concerns

3  Appl. No : 2017/0413/O
Parish : KETTERINGHAM
Applicants Name : Mr Michael Austin
Site Address : Land To The East Of 5 High Street Ketteringham Norfolk
Proposal : Development of three self-build bungalows (phased development)

Decision : Members voted 8-2 (with 1 abstention) for Refusal

Refused

1. The War Memorial at the front of the site is listed, as a designated heritage asset. The open, undeveloped nature of the site provides a quiet rural setting for the Memorial, detached from the developed area of the village. The proposed development would erode this setting to the detriment of the character and function of the Memorial for quiet contemplation. Consequently the proposed development does not accord with Section 12 of the National Planning Policy Framework.

2. The village of Ketteringham is a small village which has developed in a linear form along The Street and Low Road. The site itself forms part of a significant gap in the built up frontage, which contributes to the open nature and rural characteristics of this area. The general grain and pattern of the landscape in the area, comprises widely dispersed individual dwellings and farm buildings of mixed character set in an arable landscape context. The proposed dwellings would erode the open nature/character of the landscape setting of the village and would also be demonstrably harmful to the defining characteristics of this part of South Norfolk. The proposal is therefore contrary to Policy 2 of the Joint Core Strategy and DM4.5 of the South Norfolk Local Plan Development Management Policies Document.

3. Despite the lack of a 5 year housing land supply, the identified harms set out above, outweigh the benefits of development, approval would therefore conflict with Paragraph 8 and 14 of the NPPF.
Updates to officer report

A lobbying letter sent to all Members
1 letter of objection raising the following

- The current documents from the applicant are misleading, in particular to layout as the plan has unit 3 outside the ownership of the applicant and incorrect scaling and detail across the plans.
- I raise this as the layout and scale are one of the most important aspects in regards to this application. Site lines from the road and when standing at the memorial are wholly incorrect and in fact you would be looking into site if standing at the memorial.
- Such errors at this stage of the application do not allow the committee members to make an informed decision as they are very misleading. I ask that due weight is given to my highlighting of these errors at the DMC by way of verbal update.

4 Appl. No : 2017/0770/F
Parish : REDENHALL WITH HARLESTON

Applicants Name : Mr John Calladine
Site Address : 50 Redenhall Road Harleston IP20 9HE
Proposal : Part demolition of existing commercial premises with residential first floor flat. Conversion to three residential dwellings.

Decision : Members voted 10-0 for Approval

Approved with conditions
1 Full Planning permission time limit
2 In accord with submitted drawings
3. Obscure glazing
4 External materials to be agreed
5 Contaminated land - submit scheme
6 Implement of approved remediation
7 Reporting of unexpected contamination
8 No PD for Classes ABCDE & G
9 Provision of parking, service
10 New Water Efficiency
11 Landscaping

5 Appl. No : 2017/0848/F
Parish : MUNDHAM

Applicants Name : Mr & Mrs Phillip Jeans
Site Address : Mundham House Thwaite Road Mundham NR14 6FD
Proposal : Revised House and Landscape proposals in place of consented NPPF Para 55 Dwelling (Reference 2013/1362)

Decision : Members voted 10-0 for Approval (contrary to officer recommendation which was lost 0-10)

Approved with conditions*

*The Committee authorised officers to determine conditions

Reason for Overturning Officer Recommendation
Although the use of stone may not be a defining characteristic of the local area, the exceptional quality of the design and concept itself would justify a departure from normal policy.
Updates to officer report
Officer to read out the local member’s comments to committee
Following representation from the applicant’s agent, Members are requested to reach a resolution on the application as presented, with stone facing.
If they resolve to refuse the application as recommended, then, to provide the applicant with a potential alternative decision without a fresh application, it is recommended that the Director is authorised to approve the application subject to receipt of amended plans to show external red brick with stone dressings. Such approval would be subject to appropriate re-consultations not raising objection. The applicant may choose not to submit such amendment, in which case a refusal notice would be issued.

6 Appl. No : 2017/0999/F
Parish : BUNWELL
Applicants Name : Mr Craig Douglas
Site Address : Tollgate Barn Tollgate Farm Barns The Turnpike Bunwell Norfolk
Proposal : Change of use of land to domestic curtilage and erection of shed
Decision : Members voted 10-1 for Refusal
Refused

1 Unacceptable harm to the character and appearance of the undeveloped rural character countryside, contrary policy DM2.8

Updates to officer report
Delete the request for Enforcement Action, pending a request for an application for the change of use of the land to residential without the proposed building.

7 Appl. No : 2017/1012/RVC
Parish : SAXLINGHAM NETHERGATE
Applicants Name : Mr Adam Beckett
Site Address : White Cottage The Street Saxlingham Nethergate Norfolk NR15 1AJ
Proposal : Variation of Conditon 11 (Glazed Window) of Application 2015/1517 - Proposed demolition of cottage and rebuilding to match existing
Decision : Members voted 6-3 (with 1 abstention) for Refusal (contrary to officer recommendation which was lost 4-6)
Refused

Reason for Overturning Officer Recommendation
Would result in an acceptable level of overlooking to neighbouring properties.
Update to officer report

Officer: The applicant has confirmed that their use of the term ‘minibuses’ is intended to mean their vehicles with up to 35 seats. In the officer’s opinion, this is larger than the normal use of the term ‘minibus’. If Members are minded to approve the application, then the application should be deferred to enable re-consultation so that interested parties are aware of this clarification.

Two additional letters from the same household

- May not be able to attend committee due to work commitments
- Since previous letter the access lane has been covered with loose gravel
- This has covered and filled pot holes
- But has increased noise of traffic travelling along the lane
- Increased the amount of dust that is now generated by vehicles.
- Business has outgrown site
- More suitable options are available and should
- Adversely affect enjoyment of our home

Additional update – paragraph 4.5 first bullet point should read ‘no movement of buses or repair and maintenance of vehicles except between 06:00 and 23:59 hours Monday to Saturday and not at all on a Sunday or public holiday’.

Applications where South Norfolk Council wholly owns the Company (Big Sky Developments)

9  Appl. No  : 2016/1968/A
Parish   : LONG STRATTON
Applicants Name : Mr S Burrell
Site Address : Maple Park Cygnet Court Long Stratton Norfolk
Proposal : Part retrospective application for non-illuminated signs. Retention of advertisements for main development boards, entrance direction boards, sales unit and sales information signs, visitor car parking signs, 2 x blue display flags and hoarding boards. Erection of 3 x display flags.

Decision : Members voted 9-0 for Approval

Approved with conditions

1 - 5 Standard advertisement conditions
6 In accord with submitted drawings
Applicants Name: Mr Stuart Bizley
Site Address: Land North of Shotesham Road Poringland Norfolk
Proposal: Variation of condition 2 following 2016/0043 - Change of finish material to the access road from block paving to asphalt

Decision: Members voted 9-0 to authorise the Director of Growth and Localism to Approve

Approved with conditions

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

Subject to comments from Highways being sought and any issues raised resolved.
Major Applications

1  
Appl. No : 2016/2430  
Parish : COSTESSEY  

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

Recommendation : Approval with conditions
1. Standard time limit for 5 year supply applications
2. Reserved Matters to be approved
3. In accordance with plans
4. Biodiversity management plan
5. Green Infrastructure Management Plan
6. Highway – provision of access
7. Highway – details of roads to be submitted
8. Surface water drainage scheme to include water quality
9. Restriction of development in area of surface water overland flow route or scheme to mitigate impacts
10. Archaeological Scheme of Investigation
11. Fire hydrant to be provided
12. Reserved matters to include quantum and location of open space in line with the submitted masterplan
13. Housing mix
14. Contamination
15. Sustainable construction and water efficiency
16. Renewable energy
17. No residential buildings outside of Flood Zone 1 including allowance for Climate Change

Subject to completion of a S106 to cover: Affordable Housing, open space and play space provision and a management and maintenance strategy for the open space and contributions towards footpath improvement works to the county wildlife site.

1. Planning Policies

1.1 National Planning Policy Framework
NPPF 03 : Supporting a prosperous rural economy
NPPF 04 : Promoting sustainable transport
NPPF 07 : Requiring good design
NPPF 08 : Promoting healthy communities
NPPF 10 : Meeting the challenge of climate change, flooding and coastal change
NPPF 11 : Conserving and enhancing the natural environment
1.2 Joint Core Strategy
Policy 1 : Addressing climate change and protecting environmental assets
Policy 2 : Promoting good design
Policy 3: Energy and water
Policy 4 : Housing delivery
Policy 6 : Access and Transportation
Policy 7 : Supporting Communities
Policy 8 : Culture, leisure and entertainment
Policy 9 : Strategy for growth in the Norwich Policy Area
Policy 10 : Locations for major new or expanded communities in the Norwich Policy Area
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
DM3.13 : 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
DM4.5 : 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 Supplementary Planning Document
South Norfolk Place Making Guide 2012

1.5 Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:
S66(1) Listed Buildings Act 1990 provides: “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
S72 Listed Buildings Act 1990 provides: “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

2. Planning History
2.1 2015/2927 Outline application with all matters reserved except for access for 83 dwellings (including 27 affordable dwellings) with areas of public open space, sustainable drainage systems and associated infrastructure. Refused
2.2 2017/0420  Provision of two circular recreational walks, including boardwalks and associated landscaping and biodiversity enhancements (Linked with application 2016/2430)

3. Consultations

3.1 Parish Council

Comments on original plans: Recommend refusal (summarised):
- Outside newly agreed settlement development boundary
- Site history
- 5 year land supply does not outweigh all other conditions as proved at appeal in Hethersett
- Precedent
- Land is unsuitable – flood plain/ naturally boggy
- River Valley – the landscape designation does not follow the natural contours of the river valley – the application should be assessed on its impact on the valley
- Landscape impact – does not address previous refusal – same harm remains
- Preservation of gap between Old and New Costessey – consider this is a strategic gap and is contrary to policy DM4.7 covering strategic gaps
- Air pollution
- Wildlife and sensitive landscape – adjacent county wildlife site
- Surface water, flooding
- Drainage/water quality – concern what level of water framework treatment levels are required; geology of site means SUDs won’t be feasible; SUDS will make the scheme unviable and won’t therefore be delivered
- Water pollution – impact on protected white clawed crayfish
- Geology of surrounding area - subsidence
- There is an existing water/sewage pipeline crossing the site
- Topography and geography of access route
- Infrastructure: roads- substandard construction of Farmland Road; steep gradient of road; school traffic would be exacerbated; add to existing on street parking; amenity land would be a ‘destination’ adding to parking issues
- Misleading traffic predictions in the Transport Assessment
- Infrastructure: schools – no capacity
- Infrastructure: Medical facilities struggling
- Perceived increase in crime as a result of new development
- Precedent
- River walk area should not be blue line land should be red line land
- Management and safety of open spaces: lack of information on how river area to be managed, financed etc; safety issues of this area being used
- Viability: SUDS, additional recreation land should be included in the viability assessment
- No information on phasing of river recreation land delivery in relation to housing
- Not sustainable development and there cannot therefore be a presumption in favour of development
- There is demonstrable harm to the environment, local habitats, water quality, the river valet and landscape character
Request site visit before DMC given specific topography of the landscape and access to the site together with the sensitive nature of the river valley.

Comments on amended plans (revised FRA and ecology strategy): Recommend refusal (summarised):
- Very little change to the FRA with only a few technical figures being altered. Doesn’t address the high surface water flooding down the steep hill across the site.
- Drainage features appear to have been located where Anglian Water pipes are currently located.
- All previous objections maintained.

Comments of amended plans (Amended details relate to updated landscape drawing: LVIA, Flood Risk Assessment, updated Transport Statement & updated Ecology Reports, Management & Maintenance Note of open spaces) summarised:
- All previous objections maintained.
- Asbestos and possibly other contaminants have been found in the rubble deposited at the field edge to raise the soil level as a barrier to prevent flooding so that the field could be farmed. This brings into question whether the proposed site is viable for development given the possible costs of safe / lawful removal of contaminants. Requests that a viability study be undertaken before the decision is made.

3.2 District Members Cllrs Bell and Amis and Blundell

Request the application be determined by Committee
- Fully endorse the submission of Costessey Town Council and Friends of the Tud Valley.
- The new application does not address the issues for the previous refusal and will continue the destruction of this beautiful river valley which has already begun with the commencement of development on the Townhouse Road side of the valley.
- The site is outside the recently approved development plan and has been put forward under the call for sites.
- The suitability of the site should be assessed through the GNLP as there are more suitable sites that should come forward.
- Request that all members walk to the bottom of Farmland Road and up again.

3.3 District Member Cllr Pond

Request the application be determined by committee due to being outside development boundary and the level of objection.

3.4 County Cllr East

Objects to both 2016/2430 residential application and linked application 2017/0420 comments (summarised):
- There is other suitable land available – no need to develop on this heavily congested part of Costessey.
- This application is tinkering and does not address previous concerns raised.
- Impact on River Tud and its valley and the green landscape in the green gap between old and new Costessey.
- This is not sustainable development.
- Access to the site is exceptionally problematic.
- The application has questionable economic viability.
• Given geography, geology, topography and morphology of the site concern with appropriate foul, surface water (contaminants) and drainage issues.
• Negative impact on the ecology and environment of the River Tud valley
• Education – no capacity
• Inadequate infrastructure in Costessey to cope with more housing

Full comments are appended as requested (Appendix 3)

3.5 Anglian Water Services Ltd

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

3.6 NCC Ecologist

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

In addition there is no objection to the proposed river recreation walk area subject to further detailed design and a biodiversity management plan

3.7 Environment Agency

Comments on original FRA (summarised):
Holding objection on flood risk grounds – residential is sequentially sited however appropriate climate change allowances have not been considered and there is inadequate detail of the raised walkways within the floodplain and whether compensatory storage might be required.

Conditions also requested for the protection of the water environment and offer advice regarding ecology, water course access requirements for the Environment maintain access to the main watercourse; ground raising would impact on flood risk and the priority habitat; water framework directive assessment may be required if there are plans to laterally disconnect the river for the floodplain through the construction of a raised bank; comment that The number of SuDS treatments required are not yet known and the appropriateness of infiltration given the geology and location of trial pits requires further information. Should the geology not be appropriate, or ground water levels too high to provide additional storage capacity, run-off would make its way to the environmentally sensitive Rivers Tud and forward to the Wensum. A Water Framework Directive assessment will be required and will need to asses the potential water quality and ecological impacts to the River Tud should infiltration lagoons fail; SuDS need to be designed with the ground conditions and protection of the secondary aquifer in mind; watercourse access to the EA is required.
Comments on amended FRA (summarised):
Remove holding objection on basis of amended FRA
- All proposed development has been sequentially sited within Flood Zone 1.
- Minimum finished floor levels are to be set at 9.06m AOD
- When the revised climate change allowances are considered and taking into account the upper end allowance of 65%, a small area of land on the northern site boundary is below the 8.94m AOD contour (0.1% AEP 65% climate change) and therefore in future Flood Zone 2.
- The remainder of the site is all above the 8.94m AOD contour and therefore remains in Flood Zone 1 for the lifetime of the development.
- There will be no raising of ground levels within the floodplain. Therefore compensatory storage would not be required. We advise that this is a condition of any planning permission given.

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

3.8 SNC Community Services – Environmental Quality Team
No objection subject to conditions – 1. Requirement for a contamination investigation and risk assessment including remediation as necessary is submitted and approved prior to the commencement of development; 2. Implementation of approved remediation schedule; 3. Contaminated land during construction; 4. Construction Management Plan

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

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

3.11 SNC Water Management Officer
Comments on amended FRA:
LLFA and EA will comment as statutory consultees on surface water and flood risk respectively

3.12 NHS England
No comments received

3.13 NHSCCG
No comments received

3.14 Roundwell Medical Centre
No comments received
3.15 NCC Lead Local Flood Authority  
No objections subject to conditions which include detailed infiltration testing, geotechnical assessment of the potential for solution features in the location of the proposed infiltration drainage elements; provision of surface water attenuation storage to accommodate the 1 in 100 year return period, detailed design and modelling of the drainage conveyance network, finished floor levels to be 300mm above all expected levels of flooding, further details of exceedance surface water flow routes, details of how will be designed to accord with the SuDS manual including appropriate treatment stages for water quality prior to discharge and details of management and maintenance of the proposed drainage strategy.

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

3.17 Norfolk Wildlife Trust  
Concerns raised (summarised):
The risks of ecological impacts on receiving watercourses need to be assessed in case run-off to water courses was to occur. This should be in the context of a clear assessment of the efficacy of the proposed SUDS. Geology should be considered in the LPAs assessment of run off

3.18 SNC Landscape Officer  
Comments on original plans (summarised):
The submitted scheme is broadly similar to the previously-refused application (2015/2927).

Removal of existing trees and/or hedgerows:
The proposal requires the removal of one Sycamore T1 in order to achieve the access from Farmland Avenue. This is a B category tree, and whilst it would be desirable for this to be retained, my judgement is that the tree’s loss is not reason enough to refuse the application. Other than this, only very minimal vegetation removal is anticipated. The proposed replanting as part of the scheme will offer suitable mitigation for the loss along with enhancement.

Impact on retained trees and/or hedgerows:
No objection in relation to Impact on retained trees and/or hedgerows which can be addressed by a detailed scheme.

Visual Impact:
This new application is supported by the same LVIA (Landscape and Visual Impact Assessment) provided for 2015/2927. Whilst the main body of the LVIA remains the same (including the previous masterplan) additional work has been undertaken to provide visualizations from five of the viewpoints (2, 4, 6, 7 & 9). These visualizations relate to the current site masterplan. The LVIA has been produced in accordance with industry guidelines.
Do not dispute LVIA findings.

Clear that the indicative layout does respond to the visual assessment, restricting the built area to the G1 Easton Fringe Farmland Local Character Area and making strategic provision for planting that will – as it matures – reduce the visual effects further. The new visualizations provided serve to confirm this conclusion.

Impact on Landscape Character:

The effect on landscape character is considered by the LVIA. Whilst the site is currently a field in agricultural use, it abuts existing residential areas and as such I do not consider that the proposal is detrimental to the overall character of landscape character G1, especially in light of the demonstrated limited long-term visual effect.

Proposed landscape design:

The landscape treatment now forms part of this outline application. The concept for planting and open spaces has responded to the Landscape Architect’s landscape and visual assessment and the proposals are appropriate for the situation.

An issue previously raised for 2015/2927 was that the indicated new footpaths and access to the Tud valley ‘corridor’ did not have any right of way to connect to. A solution to this is now offered by the concurrent application for the provision of two circular recreational walks (2017/0420) which is acceptable to me.

We need to be absolutely clear as to what is being agreed at this stage with regards to the landscape proposals. To this end, I suggest that the Access and Ecology Strategy be adapted to be an overarching drawing with the key revised and expanded to make a clear and explicit distinction between the existing and proposed features.

In terms of addressing the reasons for refusal:

The new visualisations demonstrate that the visual effects of the proposal are largely mitigated by the proposed planting and that after 15 years the most significant visual effect of this development alone will be from the lower end of Farmland Road, where the assessed significance is ‘Moderate – Adverse’.

A greater visual impact is anticipated from the top end of Farmland Road, where a cumulative assessment of both this proposal and the development currently under construction at Townhouse Road results in a ‘Major-Moderate Adverse’ effect that is not diminished after 15 years. The significance of this effect is judged to be medium to high, however an assessment of the application site alone from this point provides a lesser ‘Minor-Adverse’ result after 15 years, which is a low significance. From this, it is clear that the proposed residential development in itself will not result in high visual significance of effects once the associated planting has established (as modelled at 15 years from planting).
It is clear that existing off-site vegetation is an important factor in determining the visual effect of the proposed development – as is often the case with developments of this nature and scale. Whilst measures exist whereby the future of such features can often be controlled (e.g. TPOs) not all landscape features can necessarily be safeguarded. The concurrent application for the land that abuts this site offers an opportunity to guarantee retention, enhancement and management of the riparian landscape here, which in itself represents an improvement to the situation that resulted in the previous application being refused.

Conclusion:

My judgement is that the landscape and visual effects are such that it cannot be demonstrated that there will be significant and demonstrable harm in either visual or landscape terms for the layout and scheme as presented by the illustrative masterplan, and as such I do not object to the application.

If the application is approved, we will need conditions to require full details of the landscaping, tree protection, management plans etc., and I am happy to help draft these. To secure the benefits of the scheme proposed by 2017/0420 it would also be useful to link the approvals (by way of a s106) to make this development conditional on the delivery of the scheme as proposed. However, with regards to landscape and visual effects, my judgement is that the acceptability of the proposed residential development is not dependent on 2017/0420 as - regardless of whether or not the access and management scheme is undertaken - I do not consider that there would be a significant and demonstrable harm from 2016/2430 alone.

Comments on updated Landscape Strategy drawing:

I confirm that the revised drawing, now titled Landscape Strategy and with reference 350-PA-01 G, is acceptable and addresses the suggestion made in my comments of 19 April specifically for 2016/2430.

3.19 Police Architectural Liaison Officer

Suggest measures are included at detailed design stage to ensure crime is designed out and provides details of the voluntary secure by design scheme available to developers.

3.20 SNC Senior Conservation and Design Officer

No objection, the application is almost identical to the previous application – previous comments (summarised):
In principle, I have no objections to the density shown and outline consent being granted from the point of view of urban design and meeting building for life criteria at this stage of the process.
At reserved matters stages careful consideration needs to be given to the allocation of some of the parking spaces and making sure they are easily accessible (close to dwellings), secure and do not dominate the streetscene.

3.21 SNC Play and Amenities Officer

No objection with the following comments (summarised):
New footpaths required in the County Wildlife Site to mitigate direct impact of the development. A circular walk is envisaged and a precise detailed scheme will need to be agreed. Estimated cost of works is £42,000 plus vat which the applicant has confirmed is to be included in the S106.
NCC Children’s Services comment in respect of Education:

- There could be capacity issues for primary and secondary in considering the already committed and unplanned speculative development coming forward in the area. There is a statutory duty to provide school places and they would fulfil that duty and as such no objection is raised to this application on the grounds of education provision. It is expected that the funding for additional places if necessary would be through CIL as this is covered on the District Council’s Regulation 123 list.

- Strong concerns are raised on the principles of allowing unplanned growth in the growth area and the impact on school capacity.

Norfolk Fire Services:

- Require 1 hydrant per 50 dwellings and this is to be provided by the developer and secured through planning condition.

Library:

- New dwellings add pressure and mitigation would be required – CIL

Green Infrastructure:

- Connections into the local Green Infrastructure (GI) network, including Public Rights of Way and ecological features, should be considered alongside the potential impacts of development. Direct mitigation and GI provision should therefore be included within the site proposal. Mitigation for new and existing GI features identified as strategic shall be funded by the Community Infrastructure Levy (CIL) through the Greater Norwich Investment Programme. These requirements for consideration and implementation, for both on and off-site GI provision, will help the local GI network to facilitate the development without receiving negative impact and equally, allow the development to integrate and enhance the existing network.

- 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

- Discussions have been ongoing with South Norfolk Council with regards to; access from the site to, and improvements to the adjacent East Hills County Wildlife Site; Proposed walks to the north; and Potential new public right of way to create circular walking route.
• Should the provision of a new public right of way come forward the County Council would require a scheme to be conditioned in order for the route to be dedicated. The condition could be structured as follows, subject to detail;

• It is understood that South Norfolk Council will be requesting the required infrastructure contributions for East Hills County Wildlife site and any new public open space / recreational areas.

• As such the County Council will not be requesting contribution for green infrastructure from this development

3.23 Norfolk Rivers IDB

The Site is on the boundary of the Norfolk Rivers Internal Drainage Board area (to the North of the proposed development). We are pleased to see that an infiltration solution for surface water can be accommodated at the site. Should this change however and a discharge is required to the North of the site, then land drainage consent would be required and a one off surface water discharge contribution would be required to be paid.

3.24 Richard Bacon MP

Concerns raised (summarised):
• Adverse impact on road infrastructure
• Drainage issues
• Water framework directive - more detail required to ensure compliance
• Concerns of cumulative impact of unplanned development on education
• The residential is not in accordance with the development plan
• Concerns of the Town Council and residents should receive the most serious consideration by officers and members

In favour of plan led development – look to South Norfolk Council to ensure that it is staunch in its resistance to speculative development where the harm of such development plainly outweighs its benefits.

3.25 Clive Lewis MP

Concerns raised (summarised):
Constituents have raised concerns of impact on the natural environment and wildlife and the desecration of one of the most beautiful areas of Norfolk. Issues raised are:
• Poor drainage which may lead to pollution of the River Tud
• Impact of the development on the landscape
• Surface water and flood risk
• Insufficient road infrastructure
• Impact on wildlife
• Impact on existing infrastructure

3.26 SNC Viability Consultant

No objection. I am satisfied that the applicant has made the case that a policy compliant affordable housing scheme can be delivered on this site as well as the necessary infrastructure set out in the viability report and other obligations (including the approx. £42,000 plus vat for the county wildlife site works) whilst also providing the landowner a viable return.

ITEM DEFERRED
3.27 Representations

242 letters of objection on the following grounds which cover all comments on the application as originally submitted and as amended (summarised):

- All objections made on 2015/2927 (previous application) remain – application is largely unaltered
- The amendments are minor ‘tinkering’ and do not address the impact on the landscape
- Access: Inadequate access – restrictive in width; very steep; issues in icy/wet weather; poorly constructed and so inadequate to serve additional development; 500% increase in traffic on Farmland Road likely; One access will affect the quality of life for local residents
- Highway safety: school children in area; high accident risk with traffic entering and leaving site
- Adverse highway impact: traffic, congestion and capacity on surrounding road network; highway safety issues; congestion causes harm to natural surroundings and amenity; will add pressure to on-street parking, impact on highway would be severe; question whether NCC Highways have it wrong when hundreds of objectors are concerned with the highway impact; transport assessment underestimated traffic volumes and flawed
- Ambulation station would be impacted
- Landscape impact: harm to river valley; harm to landscape character; natural green gap between Old and New Costessey; question the definition of a river valley and why the site is not in the ‘River Valley Landscape’ designation; suggested reduction in scale of some houses would not address the visual impact; viewpoints should be done from residential gardens; visualisations are in summer not in winter; development on the site in the 60’s and 70’s was refused for harming the valley; Set precedent for more development in the River Valley
- Trees: Concern of impact on trees adjacent to but off site
- Heritage: There is a historic significance to the Tud valley and it should be preserved; Council has a duty of care to enhance the character and appearance of conservation areas
- Ecology: Footpaths in river area; site should instead be a wild flower meadow; Impact on adjacent county wildlife site; Bunkers Hill would be isolated ecologically; effect on water quality and protected species by inadequate SuDs
- Loss of agricultural land
- Loss of green lung in Costessey – already lost Queens Hills area and Lodge Farm
- No need for development – already sufficient development in Costessey
- Local Plan - Local Plan has allocated sufficient housing; The unsuitable and speculative application undermines the Local Plan; Outside development limit
- The shortfall in the 5 year supply is irrelevant – there are plenty of suitable and sustainable sites that have already been strategically identified which are large enough to build sufficient new homes and other important infrastructure and can be properly connected to road networks
- Not sustainable development; The NPPF requires delivering sustainable outcomes which means taking full account of the environmental as well as economic and social dimensions

ITEM DEFERRED
Development Management Committee 19 July 2017

- Impact on/inadequate infrastructure: GP; schools; NCC
- Childrens services have grave concerns capacity planning and school places with unplanned development
- Flood risk and drainage issues: on natural flood plain; the FRA has incorrect data and so poses flood risk and harm to biodiversity; the FRA is flawed - the location of the bore holes for infiltration testing is not in the area of proposed infiltration features; concerned that SUDS have not been fully costed and included in the viability and so may render the scheme unviable or lead to inferior drainage; the size of the drainage features required has not been calculated and so may mean a change to the masterplan is required; concern that drainage at Townhouse Road development across the valley resulted in direct outflow to the river and comparisons are drawn to this proposal; developing on the site would affect its ability to drain land from the surrounding area
- Little mention of sustainable materials, renewable energy, carbon emissions
- Concern that Richard Bacon MP's specific concerns have not been specifically responded to by officers; Richard Bacon MP considers the Council should be ‘staunch in its resistance to speculative development where the harm of such development plainly outweighs its benefits’
- There continues to be errors and omissions in many reports supplied by the applicant
- Hundreds of Costessey residents, Costessey TC, Costessey Society, Friend of Tud Valley, Cllrs East and Bell strongly object to the application which is speculative, unsuitable and unsustainable.
- Viability: objectors don’t have access to the details; concern that drainage, management and maintenance of the river recreation area and contamination have been adequately considered in the viability; the viability report does not consider the possibility of extensive re-profiling of the land and any additional specialist foundations that may be required due to ground instability and flood risk; management of the river walk area is not viable to include in a management company
- Management and maintenance of river area – concern of funding/long term maintenance
- Subsidence has been experienced in the area since the last application was refused
- Impact on neighbouring uses: Harm to animals grazed on land adjacent to the site; will interfere with the use, enjoyment or rights over myself and my neighbours homes; considered to jeopardise one residents plan to build a house in the land behind their house as would be overlooked by the new development; there is no provision for bridleways for horses on the surrounding land
- Residential amenity: overshadowing of existing properties; overlooking of existing properties; overbearing nature of proposal on existing properties; odour during construction; proposed footpaths in site – concern would be used by unauthorised vehicles; noise; Loss of views – by new buildings and inappropriately planted trees
- Impact on house values
Development Management Committee  19 July 2017

- Construction issues: Concern with storage of hazardous materials adjacent to residential properties; odour during construction; light pollution during construction; noise
- Public health and safety, nuisance and amenity: as existing suffer from rats and mice from the fields – new dwellings will add to this with litter; Existing issues of horseflies around open water will worsen; safety concerns for use of river area; perception that crime and anti social behaviour will increase; effect on air pollution; health concerns for future residents living in a damp river valley; contamination has not been fully assessed and has been downplayed and is a threat to the environment, biodiversity and the watercourse
- Should be built on brownfield land

4  Assessment

The site and proposal

4.1 The application is a resubmission of an application previously refused on the site under reference 2015/2927.  It is an outline application with access and landscaping for formal consideration.  All other matters are reserved. A full copy of the previous report to committee for 2015/2927 can be found in Appendix 2.

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

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

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

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

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

4.7 Landscape proposals are submitted for formal consideration.

4.8 An area also in the ownership of the applicant of approx. 4.8Ha (a woodland area to the north of the site adjacent to the river Tud) which is currently in private ownership is proposed to be offered to be opened up as public space and a new network of footpaths proposed. The laying out of and use of that area is the subject of a separate but linked planning application 2017/0420 which is also for consideration by Committee on this agenda.

4.9 Access is proposed from Farmland Road.
4.10 The application has been submitted in response to the previous refusal on the site. The previous application was refused for the following reasons:

1. The proposal would, by virtue of the encroachment of the development in the valley of the River Tud, result in an unacceptable visual impact on the landscape of the River Valley and Easton Fringe Farmland character areas which amounts to significant and demonstrable harm to the landscape and local character and distinctiveness of the area and therefore fails to comply with policy DM4.5 and 1.4 part d) i) of the South Norfolk Local Plan 2015, policy 2 of the JCS and Para 61 of the NPPF.

2. It is considered that whilst the scheme fulfils the economic and social roles of sustainable development as set out in the NPPF, the scheme does not fulfil the environmental role by virtue of the adverse visual impact on the landscape which would significantly and demonstrably outweigh the benefits of housing, affordable housing and open space. Therefore, on balance the scheme is not considered to represent a sustainable development as defined in the National Planning Policy Framework (2012) when considered as a whole.

4.11 The following are the material changes to this resubmission:

- Landscape has now been included as a matter for formal consideration (it was a matter reserved in application 2015/2927).
- Additional LVIA work has been undertaken and submitted, specifically in the form of visual modelling from five agreed viewpoints.
- The masterplan has been amended with further landscape details.
- Whilst the same quantum of open/landscape space is proposed on site, this is amended to decrease the amount of densely planted areas from 1.71Ha to 1.65Ha and an increase in the public open space from 1.59Ha to 1.61Ha.

4.12 The application has also been amended since submission in response to additional information/amendments required by statutory consultees.

4.13 The amendments relate to an updated FRA to address initial objections from the Environment Agency, most significantly in respect of updating to include allowance for the new climate change allowances, submission of management and maintenance notes for open space; and updated Ecology and Landscape Strategy drawing.

4.14 The application is supported by the following documents:

- Planning Statement
- Design and Access Statement
- Landscape and Visual Impact Assessment
- 3D model visualisations
- Arboricultural Assessment
- Archaeological desk based assessment
- Statement of Community Consultation
- Flood Risk Assessment as amended
- Foul water and utilities assessment
- Ecology Report
- Energy, water and construction Statement
- Transport Statement
- Viability Statement (Confidential)
- Public Access and Footpath Strategy
- Contamination assessment
- Parameter plans for building height; land use; and density
- Illustrative masterplan
4.15 The key issue for consideration is the landscape impact and the planning balance required by para 14 of the NPPF in the absence of a 5 year supply of housing since this was the refusal reason on the previous application.

Principle

4.16 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) 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.

4.17 It should be noted that the Council currently has 4.7 years of deliverable sites in the Norwich Policy Area and therefore it is important to note that the Supreme Court decision in Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) and Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) in 2017 has confirmed (at para 59) that a shortfall in housing land supply triggers the “tilted balance” contained in the second part of paragraph 14 of the NPPF. This states:

“where the development plan is absent, silent or relevant policies are out-of-date, (planning Authorities should be) 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.”

4.18 However, it should also be noted that para 14 states that proposals which accord with the development plan should be approved without delay.

4.19 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 the relevant development plan policies and with reference to the three dimensions of sustainable development (economic role, social role and environmental role). These three headings form a convenient basis for structuring the assessment of the proposal against development plan policies given the wide range of matters to be considered and the need to also consider the tilted balance required by Paragraph 14 of the NPPF.

4.20 The aforementioned Supreme Court judgment also confirms, contrary to some previous decisions in the lower courts, that in respect of Para 49 of the NPPF, a narrow interpretation should be used in establishing whether a policy relates to the supply of housing. In other words, para 49 relates only to policies dealing with the numbers and distribution of new housing rather than all policies which could affect the supply of housing in some way.

4.21 The narrow interpretation was described in para 48 of the Suffolk Coastal Judgment as:

“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”.

4.22 This means that all of the South Norfolk Local Plan Development Management Policies are not out of date.

4.23 The Council accepts that Joint Core Strategy policies and the Council’s site allocation policies that specifically allocate site locations and numbers for Costessey are out of date due to the lack of a five-year supply.
However, “out of date” does not mean that a policy is necessarily to be disregarded or given no weight, as paragraphs 49 and 14 do not displace the S38(6) statutory approach. However, they do operate as a material consideration, and it is thus necessary for the decision maker to consider whether reduced weight should be attributable to policies in their decision making where paragraphs 49 and 14 are engaged in acknowledgement of the lack of an up to date 5 year housing land supply and the policies of the NPPF.

The “tilted balance” is engaged due to both the JCS and Site Specific Allocation Policy document being out of date but also as set out above in relation to the Supreme Court Judgment, the absence of a 5-year supply of housing land in the Norwich Policy Area.

It is considered that Policy DM1.3 of the Development Management Policies is not a policy for the supply of housing as it makes no specific provision for the numbers and distribution of housing. 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. Whilst Policy DM 1.3 is not rendered out of date by paragraph 49, it is nevertheless appropriate to assess its requirement for “overriding” benefits in the “tilted balance” which paragraph 14 applies.

More significantly, Policy DM 1.1, requires decision makers to follow the same approach as paragraph 14 (at (d)) in circumstances where relevant policies are out of date, and the supporting text highlights the need to undertake a balanced assessment on the basis that proposals which are “in some way harmful but necessary in the circumstances” should be approved (i.e. to make up a housing land supply shortfall) whereas only those proposals which are entirely unacceptable should be refused. Policy DM1.1 is an overarching general policy, it thus follows that where the approach at DM 1.1(d) is engaged (as here), it should be followed in substitution for the more demanding requirements of Policy DM 1.3. However, for the avoidance of doubt Officers will consider whether the proposal demonstrates overriding benefits to light of the requirements of Policy DM1.3 in addition to the lower test advocated by DM 1.1 of significant and demonstrable harm.

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.”

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 should also be noted that the development would be the subject of Community Infrastructure Levy.

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

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.”
Access and highway considerations

4.33 The access proposals and the submitted Transport Assessment are unchanged from the previous submitted application.

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

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

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

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

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

4.39 Concerns have been raised by residents in respect of potential damage to the road during construction. The Highway Authority have requested a number of conditions be imposed to make the development acceptable including that requiring any damage to the highway as a result of the construction vehicles to be repaired at the cost of the developer.
In terms of parking provision, policy DM3.12 advises planning permission will be granted where appropriate parking provision is provided to serve the needs of the development (in line with the Council’s parking standards) to ensure sufficient parking is provided to avoid highway safety problems and to protect living and working conditions locally. The Council’s parking standards equates to 1 car parking space for a 1 bed dwelling, 2 spaces for a 2 or 3 bed dwelling and 3 spaces for a 4 or more bed dwelling. Whilst this application is not seeking to approve layout or scale of the development, the site area as supported by the proposed indicative masterplan demonstrates that the site is large enough to accommodate the development proposed and adequate amenity and parking areas to comply with the Council’s Parking standards.

Affordable housing

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

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

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

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

Housing mix

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

Density

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

Open space

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

The current standards are set out in the recreation open space requirements for residential areas (Supplementary Planning Document SPD) (December 1994) and require on this number of dwellings an overall area of open space to be approx. 4980sqm (0.49Ha) (made up of approx. 1577.5 sqm of play space and 3402.5sqm of recreational open space).
The application proposes in excess of 3Ha of open space which would be made up of play areas, outdoor sports space and new woodland. In addition, as also set out in the Ecology section of the report, footpaths are proposed into the adjacent county wildlife site and a contribution to ensure their delivery (a current estimate of £42,000) is agreed by the applicant to be secured by S106.

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

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

Of importance is the amount of open space and its location adjacent to the county wildlife site, as a buffer to the landscape beyond and as a strategic landscape buffer to mitigate landscape and visual impact from views to the site. On the previous application, given this was an important matter to establish the principle, a condition was suggested to require the reserved matters to follow these principles substantially. The current application now for consideration has included landscaping as a matter for consideration and this enables more certainty and therefore weight to be given to the delivery of the structural and strategic landscaping proposed which includes a planted/open space buffer to the county wildlife site and corridor to the river valley to the north and also strategic planted areas to the south-east corner of the site adjacent to existing residential properties to provide a wooded backdrop when viewed from the other side of the river valley.

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

Residential amenity

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

Education

Norfolk County Council Children’s Services have advised that there could be capacity issues at the primary and secondary schools in considering the already committed and unplanned speculative development coming forward in the area. They however advise that it is their statutory duty to provide school places and they would fulfil that duty and as such no objection is raised to this application on the grounds of education provision. However, providing additional school places is problematic when un-planned development comes forward and providing a school place for all children at their local (closest) school would not be guaranteed. They raise strong concerns on the cumulative impact on school places from speculative development with the large number of new homes planned for this area, and the principle of allowing housing growth outside of the Local Plan process (i.e. on unallocated sites) and to this housing development in particular (noting that they will adopt a consistent position of concern for any new housing development in this growth area). They do also note that a bid for CIL funds would be made for the required education improvements.
4.56 Given the absence of a 5 year supply of housing and the test of para 14 of the NPPF requiring that the harms of a development must significantly and demonstrably outweigh the benefits to be demonstrated, this forms part of the planning balance.

Crime and disorder

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

Summary of social role

4.58 The principal social benefit of the scheme is that it provides housing within a location where a 5-year housing land supply cannot be demonstrated. In addition, and as noted above, the proposal includes the provision of affordable housing to the requirements of Policy 4 of the Joint Core Strategy. This is a significant benefit when weighing the benefits against the harms of a proposal such as this.

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

4.60 The site is in a sustainable location being in close proximity to schools, shops and services and well serviced by buses within the area and to Norwich and is accessible to employment locally and in Norwich and the surrounds. Open space and recreation space in significant excess of the policy requirements would be delivered on site which are necessary in respect of the landscape context of the proposal and which are also a significant public benefit.

4.61 There would be a level of harm given concerns of school capacity, however the impacts of this particular development are noted to be minor (having a likely pupil output in the low 20s) and NCC Children’s Services indicates that capacity can be addressed. Therefore, whilst the general cautionary comments from NCC Children’s Services on the principle of unplanned growth are noted, the direct impacts of this development are not therefore considered to be significantly harmful.

4.62 The local highway network is considered to be able to safely cater for the additional traffic generated by the proposed development without adversely impacting on other road users to a point where a refusal could not be substantiated.

4.63 It is therefore considered that the scheme would result in significant social benefits and only some limited social harm in terms of potential capacity at schools.

Environmental Role

4.64 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.”
Landscape impact

4.65 It should be noted that the application has been re-submitted following a previous refusal of an application on grounds of landscape and visual impact.

4.66 Landscaping has, in this re-submission, been included as a matter for formal determination and the additional LVIA work has been submitted in the form of visualisations from five viewpoints (2, 4, 6, 7 & 9).

4.67 To ensure the landscape proposals are explicit on the submitted documents, the Access and Ecology Strategy originally submitted has been adapted to be an overarching drawing with the key revised and expanded to make a clear and explicit distinction between the existing and proposed features (now titled landscape strategy).

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

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

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

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

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

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

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

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

- Balance of developed area to rural context. Because of the highly development character of much of this area, further intrusion of built features upon the rural landscape may have significant effects upon the perceived quality;
- The need to consider the views from the surrounding landscape, which is highly sensitive to any development on or near the prominent ridge top within this area; and
- The need to preserve good quality rural views from the ridge top to the surrounding countryside;
Policy DM4.5 is also concerned with the ‘wider environment’ and as such consideration of the impact of the site in the Tud Rural River Valley landscape is also required, where the Place-Making Guide SPD notes key considerations include the need to:

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

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

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

In respect of visual impact, it is considered that the indicative layout does respond to the visual assessment, restricting built area to the G1 Easton Fringe Farmland Local Character Area and making strategic provision for planting that will, as it matures, reduce the visual effects further. In Officer’s opinion, the new visualisations provided serve to confirm this conclusion.

In respect of the impact on Landscape Character, the effect on landscape character is considered by the LVIA. Whilst the site is currently a field in agricultural use, it abuts existing residential areas and as such the Council’s Landscape Architect does not consider that the proposal is detrimental to the overall character of landscape character G1, especially in light of the demonstrated limited long-term visual effect.

In terms of landscape design, the landscape treatment now forms part of this outline application. It is considered that the concept for planting and open spaces has responded to the Landscape Architect’s landscape and visual assessment and the proposals are appropriate for the situation.

Two reasons were cited on the refusal for 2015/2927:

1. The proposal would, by virtue of the encroachment of the development in the valley of the River Tud, result in an unacceptable visual impact on the landscape of the River Valley and Easton Fringe Farmland character areas which amounts to significant and demonstrable harm to the landscape and local character and distinctiveness of the area and therefore fails to comply with policy DM4.5 and 1.4 part d)i) of the South Norfolk Local Plan 2015, policy 2 of the JCS and Para 61 of the NPPF.

2. It is considered that whilst the scheme fulfils the economic and social roles of sustainable development as set out in the NPPF, the scheme does not fulfil the environmental role by virtue of the adverse visual impact on the landscape which would significantly and demonstrably outweigh the benefits of housing, affordable housing and open space. Therefore on balance the scheme is not considered to represent a sustainable development as defined in the National Planning Policy Framework (2012) when considered as a whole.
4.82 It is considered that the new visualisations demonstrate that the visual effects of the proposal are largely mitigated by the proposed planting and that after 15 years the most significant visual effect of this development alone will be from the lower end of Farmland Road, where the assessed significance is 'Moderate – Adverse'. It should be noted that a greater visual impact is anticipated from the top end of Farmland Road, where a cumulative assessment of both this proposal and the development currently under construction at Townhouse Road results in a ‘Major-Moderate Adverse’ effect that is not diminished after 15 years. The significance of this effect is judged to be medium to high, however an assessment of the application site alone from this point provides a lesser 'Minor-Adverse' result after 15 years, which is a low significance. From this, it is clear that the proposed residential development in itself will not result in high visual significance of effects once the associated planting has established (as modelled at 15 years from planting).

4.83 It is clear that existing off-site vegetation is an important factor in determining the visual effect of the proposed development – as is often the case with developments of this nature and scale. Whilst measures exist whereby the future of such features can often be controlled (e.g. Tree Preservation Orders) not all landscape features can necessarily be safeguarded. The concurrent application for the land that abuts this site offers an opportunity to guarantee retention, enhancement and management of the riparian landscape here. However it is considered that the the acceptability of the proposed residential development is not dependent on 2017/0420 - regardless of whether or not the access and management scheme is undertaken – it is not considered that there would be a significant and demonstrable harm from 2016/2430 alone.

4.84 The Council’s Landscape Architect confirms, in his judgement, that the landscape and visual effects are such that it cannot be demonstrated that there will be significant and demonstrable harm in either visual or landscape terms for the layout and scheme as presented by the illustrative masterplan, and as such does not object to the application.

4.85 If the application is approved conditions are requested to require full details of the landscaping, tree protection, management plans etc. It is considered that the inclusion of landscape as a matter for formal consideration and the additional LVIA work carried out provides for more weight to be given to the conclusions that the proposal would not result in significant adverse impacts. The landscape led approach to the development by structuring development with the strategic landscaping to support the landscape context of the site can now be secured and relied upon as landscape is for formal consideration in this application.

4.86 In conclusion in respect of landscape impact, whilst there would be a level of harm, this is not at a level that fails the policy test which requires significant adverse harm. The harm needs to be weighed against the benefits of the development in light of the absence of a 5 year supply of housing land.

Flood risk and drainage

4.87 The proposed drainage strategy remains unaltered in terms of principles to the previous scheme however an updated Flood Risk Assessment (FRA) has been submitted following a holding objection from the Environment Agency which amongst other matters principally required new climate changes allowances to be accommodated within the assessment and drainage strategy.
JCS Policy 1 requires development to be located to minimise flood risk, mitigating any such risk through design and implementing sustainable drainage. Para 103 of the NPPF advises that Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in area at risk of flooding where informed by site specific flood risk assessment and give priority to the use of sustainable drainage systems. Policy DM4.2 requires sustainable drainage measures to be fully integrated within the development to manage any surface water arising from the development proposals and to minimise the risk of flooding on the site and surrounding area. It advises that development must not cause any deterioration in water quality and measures to treat surface water runoff are to be included in the design of the drainage system.

The site lies adjacent (south) to the river Tud. The majority of the site lies within Flood Zone 1 (lowest risk). When Climate change is allowed for a small section of the land within the red line would be in future flood Zone 2.

Land to the north which forms part of the site proposed as public access (in blue line land) lies within Flood Zone 2 and 3.

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

The key issues for consideration are flood risk and surface water drainage.

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

In respect of flood risk, based on the FRA as amended, the Environment Agency confirms no objection to the application noting that all proposed development has sequentially been sited within Flood Zone 1 (lowest risk); minimum finished floor levels are to be set at 9.06m AOD; when the revised climate change allowances are considered and taking into account the upper end allowance of 65%, a small area of land on the northern site boundary is below the 8.94m AOD contour (0.1% AEP 65% climate change) and therefore in future Flood Zone 2; The remainder of the site is all above the 8.94m AOD contour and therefore remains in Flood Zone 1 for the lifetime of the development; and there will be no raising of ground levels within the floodplain. They therefore confirm in respect of flood risk, the application is acceptable and no compensatory storage is required as there is no ground raising in the river recreation area. Therefore, subject to condition to comply with the FRA, no residential development outside of Flood Zone 1 (including adjusted flood zones after climate change allowance has been accounted for) and no ground raising in the river recreation area, the proposal is acceptable in respect of flood risk, according with JCS Policy 1.

On the basis of the housing development being wholly in Flood Zone 1 with no new dwellings being located in the future flood zone 2, which can be secured by condition, the proposal would pass the sequential test required by the Environment Agency.
In respect of surface water drainage, the Lead Local Flood Authority has advised that the proposed Flood Risk Assessment and drainage strategy is sound and acceptable subject to the imposition of conditions which include detailed infiltration testing, geotechnical assessment of the potential for solution features in the location of the proposed infiltration drainage elements; provision of surface water attenuation storage to accommodate the 1 in 100 year return period, detailed design and modelling of the drainage conveyance network, finished floor levels to be 300mm above all expected levels of flooding, further details of exceedance surface water flow routes, details of how will be designed to accord with the SuDS Manual including appropriate treatment stages for water quality prior to discharge and details of management and maintenance of the proposed drainage strategy.

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

Therefore subject to the imposition of conditions as set out by the LLFA, it is considered that the proposal would accord with JCS Policy 1, para 103 of the NPPF and its associated technical guidance and Policy DM4.2.

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

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

4.104 The overarching aims of the WFD are to achieve an overall ‘good’ status, taking into account both ecological and chemical status and so encompasses matters of water quality and quantity.

4.105 Duties under the WFD are set out in The Water Environment (Water Framework Directive) Regulations 2003, which requires each public body in exercising its functions so far as they affect a river basin to have regard to any relevant river basin management plan or any supplementary plan prepared under these regulations (Regulation 17). Furthermore Regulation 19 requires public bodies to provide ‘such information in its possession’ and ‘such assistance as the Environment Agency may reasonably seek’ in connection with its WFD functions.

4.106 The NPPF sets out the need to comply with European Union (EU) obligations and statutory requirements (paragraph 2) and to make decisions based on up to date information about the natural environment including River Basin Management Plans (para 165).

4.107 NPPF paragraphs in relation to ecology, biodiversity and flood risk are also relevant to the aims of the WFD and are taken into account by the local planning authority in exercising its planning functions.

4.108 The River Basin Management Plans (RBMP) are produced by the Environment Agency (EA). The relevant RBMP for this area is the Anglian River Basin District RBMP. The EA is the lead competent authority for the WFD in England. It is the lead organisation for producing, implementing and monitoring the RBMP.

4.109 Policy DM4.2 sets out the Council’s planning policy in relation to sustainable drainage and water management. This includes the need for Sustainable Drainage Systems (SuDS) to be integrated into a development unless it can be demonstrated that SuDS are unsuitable and includes the requirement to ensure that there is no deterioration in water quality. The use of SuDS which have regard to water quantity and quality supports the aims of the WFD.

4.110 The Environment Agency has advised that the sensitivity of the River Tud is considered ‘High’ due to the habitat present that supports a number of protected/BAP species including (native) white-clawed crayfish, brown trout, bullhead, brook lamprey all of which are sensitive to changes in water quality. Furthermore the Tud, whilst not a SSSI/SAC possesses a similar assemblage of species and habitat to that of the River Wensum which is designated as a SSSI/SAC for having these features.

4.111 They indicate that to afford adequate protection to the River Tud, given the sensitivity of the Tud, in terms of the proposed SuDS, additional levels of treatment as prescribed in the SuDS manual for a river of ‘high’ sensitivity will be required (levels of treatment depend on for example if the water is to surface water or ground water etc). They advise that if the correct level of SuDS treatments are in place to prevent deterioration to the receiving waterbody, they can be confident that the interest features of the Tud are adequately safeguarded. They indicate that the impacts can be addressed by condition and that the condition requested by the LLFA which includes a requirement for the SuDS scheme to include appropriate treatment stages for water quality prior to discharge is sufficient.
Local residents raise concern that infiltration will not be possible at the detailed design stage and this will affect the ability to deliver appropriate treatment levels to ensure a water framework directive compliant scheme. The LLFA has confirmed in detail that the applicant has submitted sufficient information to demonstrate at a high level that the proposed drainage strategy is appropriate, considering that the suggested condition provides an adequate level of protection to ensure that the development will be safe from flooding over its lifetime, will not increase the risk of flooding elsewhere, and will not contribute towards adverse effects by unacceptable levels of water pollution. It is also evident from the Environment Agency’s comments that there are a number of ways to deliver the required levels of treatment within the drainage strategy to comply with the WFD. The detailed scheme would need to be the subject of approval by discharge of condition of the Environment Agency and the LLFA.

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

Sustainable construction/renewable energy

Policy 1 and 3 of the JCS require the sustainable construction of the building, water conservation measures to be included in addition to requiring 10% of the predicted energy requirements to be delivered by on site decentralised and renewable or low carbon energy. An Energy Report is submitted with the application which demonstrates how this would be delivered and proposes PV or solar thermal panels to address the 10% renewable energy requirement. Precise details and compliance with the policy would need be secured by condition.

Archaeology

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

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

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

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

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

Contamination

4.120 Contamination

Policy DM3.14 has regard to development and contamination. A contamination report has been submitted with the application which identifies no contamination is present at the site but recommends further investigation to identify contamination from unrecorded potentially contaminative activities and any unrecorded land uses which should include soil sampling and chemical analysis.

4.121 Concern has been raised by local residents in respect of potential contamination and that these risks have not been assessed, having general contamination, health and ecological implications.

4.122 The Council's Environmental Protection Officer has confirmed no objection subject to a condition requiring a contamination and risk assessment and remediation as necessary. Therefore subject to the imposition of conditions, the proposal would accord with policy DM3.14.

Ecology and green infrastructure

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

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

4.125 The inclusion of landscaping as a matter for consideration on this resubmission provides the certainty of the landscaping proposed which relates to the provision of open spaces, landscaping/buffers etc required to successfully integrate and connect the development into its context in respect of the County Wildlife Site (CWS) and the river.

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

4.127 The key potential on site ecology matters are bats, breeding birds, reptiles and hedgehogs. The impact on white-clawed crayfish (a protected species) and other BAP species in relation to the River Tud are addressed in the water quality section of the report.

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

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

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

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

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

4.133 The County ecologist has confirmed that in broad principle, there is no objection to the application. The proposed open spaces shown on the indicative masterplan (within and around the site boundary) together with additional planting, are now supported by proposed landscaping proposals which establish the broad principles in terms of spatial arrangement, quantum and type of the open space/structural landscaping area. This will help ensure that the ecological connectivity between the East Hills CWS and the Tud Valley are maintained. In that regard they advise the above mentioned Biodiversity Management Plan should include details of the timetable of works and the exact amount of green space (which is recommended should be in line with current plans) and how this would be planted and managed going forward.

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

4.135 In terms of green infrastructure, as the site is adjacent to the county wildlife site (East Hills) it is anticipated that there will be increased recreational pressure on the CWS by the addition of the new residents from this proposed development. This has been recognised by the developer who has proposed a network of paths both in the CWS and also to the north of the site along the River Tud (as per application 2017/0420).

4.136 In respect of the proposed new footpaths within the East Hills CWS, an overarching scheme (subject to detail) has been agreed for a circular walk within the site, for which a S106 will secure the funding from the applicant for the landowner (SNC) to deliver (in the region of £42,000 plus vat). Precise terms of the legal agreement in respect of funds and timing of delivery would need to be agreed should committee resolve to approve the application.

4.137 In terms of the related application 2017/0420 for the river recreation area, whilst it is acknowledged that this would spread the pressure on the County Wildlife Site and provide options of longer walking routes, it is considered that, given the proposed residential provides significant areas of public open space and that the proposed formalised and improved routes are proposed within the CWS which themselves help mitigate development pressure on the CWS, that on balance the recreation land proposals of 2017/0420 are not necessary to make the residential development acceptable.

4.138 It should be noted that the green infrastructure corridor from the CWS to the river would still be delivered in respect of ecological connectivity by the delivery of the open spaces and structural planting on the application site regardless whether there is public access to the river area.
4.139 Therefore, whilst the river recreation area proposed by 2017/0420 is a positive proposal to be encouraged in respect of green infrastructure and landscape feature retention, as it is not necessary to mitigate the impacts of the residential development, and therefore the acceptability of the residential scheme does not take into account or give any weight to that additional recreation land, it cannot be linked to the delivery of the residential scheme by S106.

Summary of environmental role

4.140 The development would result in an infringement into the open countryside. However it is acknowledged that it is likely that, to address a housing land shortfall, development within the open countryside may well be necessary and it is evident that Policy DM1.3 makes provision through reference to DM1.1 for approval of development outside of the development limit for proposals that are in someway harmful but necessary in the circumstances.

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

4.142 As set out above, it is acknowledged that the proposal would result in harm to the landscape however in the long term this would be medium to low. Visual impacts from East Hill County Wildlife Site (CWS) would remain medium high. The level of impact is not considered to be significant adverse and as such is not at a level to conflict with the landscape policy. Whilst a level of harm is therefore recognised, in the context of the test of para 14 of the NPPF this harm is not considered to be significant and demonstrable.

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

4.144 Potential environmental harm through water quality and quantity from the site on the ecology of the River Tud and flooding however can be mitigated through the imposition of conditions.

4.145 It is acknowledged overall therefore that there is a level of environmental harm through landscape and visual impact. However it should be noted Officers consider that the additional LVIA assessment and inclusion of landscaping as a matter for consideration enable more weight to be given to the LVIA conclusions in the consideration of the landscape policy and in the planning balance compared to the previous application. Officers considered that the proposal does not fail policy DM4.5 as would not cause significant adverse impact.

4.146 The level of harm needs to be assessed as to whether it is of such significance that it outweighs the benefits detailed above having regard to the second point of Para 14 of the NPPF.

4.147 Having regard to the lack of the 5 year land supply and the presumption in favour of sustainable development whereby harm has to be significant and demonstrable, whilst there would be harm to the landscape character and visual impact, this is not on balance considered to be significant and demonstrable.
The appeal decision for Chapel Lane Wymondham (application reference 2012/1434) reinforces the high bar required to be set for the significant and demonstrable harm test. In this case, the Secretary of State (SoS) advised in respect of the balancing exercise under paragraph 14, he "is mindful that addressing a housing shortfall will often involve building outside of the development limits of settlements" and that in the case of the Chapel Lane application that "the benefit of additional housing would not have been outweighed by the harm to the landscape had that been the only concern with the proposals" (para 19 of SoS decision letter dated 7th August 2014 for Chapel Lane 2012/1434).

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

It is therefore considered that the scheme would result in both some harm and provide benefits in the environmental role.

Other issues

Viability

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

In this context a viability assessment was requested of the applicant. The Council’s property consultant has made an assessment of the viability report and confirms that the proposal is viable including those works necessary to make the development acceptable including the required drainage works or contribution towards footpaths in the County Wildlife Site would not be cost prohibitive or make the scheme unviable to deliver.

Whilst not necessary to make the development acceptable and not therefore relied upon in the acceptability of the residential proposal, should the related river recreation area of 2017/0420 come forward the applicant has confirmed in terms of costs this would not render the residential scheme unviable. The overarching maintenance schedule submitted for this area also confirms that it is not cost prohibitive to include the management and maintenance of this area with the same management and maintenance requirements of the residential site.

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

To summarise, in conclusion in respect of the levels of harm and benefits, there would be some social harm (education), some landscape harm, but significant environmental benefits (open space) and social benefits (additional housing and affordable housing).

These need to be considered against the development plan and material considerations as set out in the conclusion.
Other matters

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

Environmental Impact Assessment (EIA)

4.158 An Environmental Impact Assessment screening has been undertaken as part of the application. The environmental, social and economic impacts have all been considered and are adequately addressed as detailed in the above report and the proposal was not considered to require an Environmental Statement as it would not be likely to have significant effects on the environment singularly as an application or cumulatively.

Appropriate Assessment

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

S106 and CIL

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

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

4.162 The capacity of GP surgeries has been raised in letters of objection. No specific request has been received from either Roundwell Medical Centre or NHS England raising concerns to this regard however. Given there is no policy basis for seeking contributions or provision in the CIL Regulation 1, 2, 3 list, it would not be possible to secure any contribution in any case.

4.163 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.

Conclusion

5.1 Applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. However, the NPPF is an important consideration in the Council’s assessment, particularly given the lack of a 5 year housing land supply, and the Council must take into account the national policy at Para 14 which advises that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the NPPF when taken as a whole. There is a further exception where specific NPPF policies indicate that development should be restricted, but officers do not consider that this exception is engaged in the circumstances of the proposal. Paragraph 14 also states that proposals which accord with the development plan should be approved without delay.
It should be acknowledged that significant local objection has been raised not only by local residents and interested parties, but also local MP’s, local members, the Town Council and the County Councillor. Whilst all specific grounds of objection are acknowledged, the report has addressed the significant issues raised. The amount of local objection should not be underestimated and a level of harm is identified, however the NPPF is clear that planning decisions must be taken in the round in respect of delivery of sustainable development with the NPPF taken as a whole as a material consideration. Therefore, notwithstanding that the Local Plan Site Allocations and Development Management Plan policies are only recently adopted, in the absence of a 5 year supply of housing land, the NPPF is clear that permission should only be refused where any harm identified significantly and demonstrably outweighs the benefits of the proposal.

In this instance, it is considered that the key harms identified are landscape and visual impact and school capacity however this identified harm does not significantly and demonstrably outweigh the clear benefits of providing housing in the Norwich Policy Area.

Whilst this was Officers opinion previously, Members came to a different conclusion in respect of the landscape impact and the planning balance.

To note in this resubmitted scheme the inclusion of landscape as a formal matter for consideration and the additional 3D visualisations of a number of viewpoints has given more certainty to the conclusion that the landscape impacts are not significant adverse and also more certainty that the detailed design at reserved matters will follow these principles since the permission would now establish the landscaping scheme. This level of certainty is over and above that which could have been afforded in the previous application and is material to this decision. Officers therefore consider that greater certainty and therefore weight can be given to the LVIA and its assessment that the landscape impacts would not be significant adverse. It is Officers opinion therefore that these material changes further tilt the para 14 balance in favour of the application given that the harm does not significantly and demonstrably outweigh the benefits.

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

In this instance given the significant benefits of 83 dwellings to respond to the housing supply shortfall in the Norwich Policy Area and limited harm identified, it is considered that the benefits are overriding in the context of policy DM1.3.

However this requirement for overriding benefits can, in the absence of a 5 year supply, be considered to be supplanted by the overarching provisions of Policy DM1.1, which requires the same approach as NPPF paragraph 14 where relevant policies are out of date. It is also therefore evident that taking the modified approach to assessing benefits required by Policy DM 1.1 it is considered that the benefits are overriding in the context of policy DM1.3.

The proposal is therefore considered to comply with Policies DM 1.3 and DM1.1, and having regard to all matters considered above officers consider that the proposal would be in overall accordance with the development plan.

Moreover, given the analysis of the proposal in the context of the three dimensions of sustainable development, it is clear that there is not a level of harm that significantly and demonstrably outweighs the clear benefits of the scheme when assessed against the policies of the NPPF when taken as a whole. Indeed, as officers consider that the proposal accords with the development plan, the NPPF advocates that permission should be granted. The proposal conforms with the policies of the NPPF and this reinforces the conclusion reached in relation to development plan policies.
The application for the reasons outlined in this report is therefore recommended for approval subject to the imposition of conditions and the prior completion of a S106 agreement.

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

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Growth and Localism

Major applications or applications raising issues of significant precedent

<table>
<thead>
<tr>
<th></th>
<th>Appl. No</th>
<th>Parish</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2015/2927/O</td>
<td>COSTESSEY</td>
</tr>
</tbody>
</table>

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

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

1. Reduced time limit to one year for implementation
2. Reserved Matters
3. In accordance with plans
4. Biodiversity management plan
5. Green infrastructure management plan
6. Highway – provision of access
7. Public hydrant
8. Reserved matters to include quantum and location of open space in line with the submitted masterplan
9. Chief Archaeologist Scheme of Investigation
10. Housing mix
11. Contamination
12. Sustainable construction and water efficiency
13. Renewable energy

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

1. Planning Policies

1.1 National Planning Policy Framework
NPPF 03: Supporting a prosperous rural economy
NPPF 04: Promoting sustainable transport
NPPF 07: Requiring good design
NPPF 08: Promoting healthy communities
NPPF 10: Meeting the challenge of climate change, flooding and coastal change
NPPF 11: Conserving and enhancing the natural environment
1.2 Joint Core Strategy  
Policy 1: Addressing climate change and protecting environmental assets  
Policy 2: Promoting good design  
Policy 3: Energy and water  
Policy 4: Housing delivery  
Policy 6: Access and Transportation  
Policy 7: Supporting Communities  
Policy 8: Culture, leisure and entertainment  
Policy 9: Strategy for growth in the Norwich Policy Area  
Policy 10: Locations for major new or expanded communities in the Norwich Policy Area

1.3 South Norfolk Local Plan  
Development Management Policies  
DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
DM1.2: Requirement for infrastructure through planning obligations  
DM1.3: The sustainable location of new development  
DM1.4: Environmental Quality and local distinctiveness  
DM3.1: Meeting Housing requirements and need  
DM3.8: Design Principles applying to all development  
DM3.10: Promotion of sustainable transport  
DM3.11: Road safety and the free flow of traffic  
DM3.12: Provision of vehicle parking  
DM3.14: Pollution, health and safety  
DM3.15: Outdoor play facilities, recreational space  
DM4.2: Sustainable drainage and water management  
DM4.3: Facilities for the collection of recycling and waste  
DM4.5: Landscape Character Areas and River Valleys  
DM4.8: Protection of trees and hedgerows  
DM4.9: Incorporating landscape into design  
DM3.13: Amenity noise, quality of life

1.4 Supplementary Planning Document  
South Norfolk Place Making Guide 2012

1.5 Listed Buildings relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:  
S6(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."

S7(1) Listed Buildings Act 1990 provides: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

2. Consultations

2.1 Parish Council  
Original comments: Recommend refusal  
- Outside newly agreed settlement development boundary  
- Site history  
- 5 year land supply does not outweigh all other conditions as proved at appeal in Hethersett  
- Within River Valley  
- Preservation of strategic gap  
- Water pollution
ITEM DEFERRED

2.3 County Cllr East

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

Further development is not required or supported

Objects with the following comments (summarised)(Full copy of objection is appended in appendix 2 as requested)
- Sensitive valley of the River Tud
- Outside Development boundary only recently adopted
- Developer did not challenge the local plan process
- Against all SN local plan policies
2.4 Anglian Water Services Ltd

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

2.5 NCC Ecologist

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

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

2.6 Environment Agency

Comments on protected species and water quality:
- Confirm that subject to a condition requiring the SuDs strategy to include appropriate levels of treatment, the domestic impacts of the proposed development may relieve some pressure on the CWS introduced by the increase in housing and resulting use of this area.
- It is anticipated that there will be increased recreational pressure on the CWS by the addition of the new residents from this proposed development. This has been recognised by the developer who has proposed a network of paths both in the CWS and also to the north of the site along the River Tud.
- We welcome the proposed access/footpaths to the north of the site as it is considered that this could alleviate the impact of the development on the CWS. A S106 will be required to secure improvements to these footpaths in the CWS. The footpath and access (together with long term management and maintenance) into the current private land to the north of the site (land also in ownership of the applicant) would need to be delivered by the applicant and secured through condition or S106.
- The impact on the CWS in this respect would be acceptable subject to a condition requiring a detailed scheme of the two areas and

7. NCC Green Infrastructure

Comments awaited
2.8 SNC Community Services – Environmental Quality Team

Comments awaited

2.9 NCC Highways

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

2.10 SNC Housing Enabling & Strategy Manager

No objection: offer the following comments (summarised):
The amount and mix of affordable housing proposed complies with Policy

2.11 SNC Water Management Officer

No comments to make. The LHA as statutory consultee will provide comment.

2.12 NHS England

No comments received.

2.13 NHSCCG

No comments received

2.14 Roundwell Medical Centre

No comments received

2.15 NCC Lead Local Flood Authority

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

2.16 Historic Environment Service

No objections if permission is granted a programme of archaeological mitigation work is required by condition

2.17 Norfolk Wildlife Trust

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

2.18 SNC Landscape Officer

- Removal of existing trees and/or hedgerows:
The proposal requires the removal of one Sycamore T1 in order to achieve the access from Farmland Avenue. This is a B category tree, and whilst it would be desirable for this to be retained, my judgement is that the tree’s loss is not reason enough to refuse the application. Other than this, only very minimal vegetation removal is anticipated. The proposed replanting as part of the scheme will offer greater mitigation than the loss.
ITEM DEFERRED

2.19 Police Architectural Liaison Officer

Suggest measures are included at detailed design stage to ensure crime is designed out and provides details of the voluntary secure by design scheme available to developers.

2.20 SNC Senior Conservation and Design Officer

No objection- offer the following comments (summarised):

In principle, I have no objections to the density shown and outline consent being granted from the point of view of urban design and meeting building for life criteria at this stage of the process.

At reserved matters stages careful consideration needs to be given to the allocation of some of the parking spaces and making sure they are easily accessible (close to dwellings), secure and do not dominate the streetscene.

2.21 NCC Active Life And Planning Co-ordinator

To be reported if appropriate

2.22 NCC Planning Obligations

- NCC Children’s Services comment in respect of Education:
  There could be capacity issues for primary and secondary in considering the already committed and unplanned speculative development coming forward in the area. There is a statutory duty to provide school places and they would fulfil that duty and as such no objection is raised to this application on the grounds of education provision.

- Strong concerns are raised on the principles of allowing unplanned growth in the growth area and the impact on school capacity.

- Norfolk Fire Services:
  Require 1 hydrant per 50 dwellings and this is to be provided by the developer and secured through planning condition.
2.23 Norfolk Rivers IDB
The Site is on the boundary of the Norfolk Rivers Internal Drainage Board area (to the North of the proposed development). We are pleased to see that an infiltration solution for surface water can be accommodated at the site. Should this change however and a discharge is required to the North of the site, then land drainage consent would be required and a one off, surface water discharge contribution would be required to be paid.

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

2.25 Representations
237 letters of objection on the following grounds (summarised):
- One access will affect the quality of life of local residents
- Access from Farmland Road to Great Avenue is very restrictive
- High accident risk with traffic entering and leaving site
- Road totally unsuitable
- Traffic danger to school children
- Farmland Road impassable to get up in icy weather, cars left on Grove Avenue
- Proposed LAP of vehicles to be used by farm machinery which means cars and motorbikes unable to use it
- Check number of times farmland road has to be repaired
- Increase in traffic will impact on natural surroundings
- Traffic knock on effect to Dereham Road
- Concerns with regard ambulances and the location of the ambulance station being affected
- Traffic volumes grossly underestimated
- One bus route two buses cannot pass
- Site is on the river valley which policy seeks to protect
- Tud valley is a beautiful area protect for future generations.
- Tud valley is an attractive break between Old and New Costessey
- Preservation of the strategic gap between Old and New Costessey
- Footpaths will devastate wildlife in the bog land
- Detrimental effect on wildlife
- Noise
- Crime
- Too much building already being carried out
- Local plan met with required number of houses
- Precedent for further development in Tud valley
- Outside development limits
- Impact on infrastructure – schools and GPs
- Policing issues
- Inadequate infrastructure
- Not included in the NDR
- Land proposed for housing is often flooded
- Natural flood plain
2.26 Friends Of River Tud Valley

Object on the following grounds (to summarise)

- Deficit in 5 year land supply should not be given precedence over the environmental and aesthetic concerns
- Site is integral part of river Tud valley
- Site is of landscape character
- Valley provide a distinct separation
- Will set precedent
- Existing open space is important
- Enrichment of rural character
- Loss of habitat of valley and protected species
- Possible pollution of water draining into river
- Pedestrian access is inadequate
- Unacceptable pressure on infrastructure

3. Assessment

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

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

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

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

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

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

3.7 An area also in the ownership of the applicant of approx. 4.8Ha (a woodland area to the north of the site adjacent to the river Tud) which is currently in private ownership is

ITEM DEFERRED
3.8 Access is proposed from Farmland Road.

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

Principle of development and policy considerations

3.10 The proposal represents a departure from the Development Plan. Policy DM 1.3 restricts new development to allocated sites or sites within development boundaries. Whilst Costessey is designated as a location for many new or expanded communities in the Norwich Policy area as defined by Policy 10 of the JCS, the site lies outside of the defined development boundary where policy DM 1.3 restricts new residential development unless overriding benefits in terms of economic, social and environment dimensions are demonstrated as set out in Policy DM 1.4.

3.11 The Council is currently unable to demonstrate a 5-year housing land supply within the Norwich Policy Area where this site is located. The current 5 year supply figure is 4.39 years of a 5 year supply for the Norwich Policy Area (based on the 2014-2015 AMR). Consequently the land supply policies within the Local Plan are out-of-date. Criteria (d) of Policy DM 1.3 applies in line with paragraph 14 of the National Planning Policy Framework, which requires a presumption in favour of sustainable development and states that new development should be permitted unless the development would result in adverse impacts that significantly and demonstrably outweigh the benefits.

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

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

Economic Role

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

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

3.16 It is therefore considered that the scheme would bring forward a level of economic benefit
Development Management Committee  
25 May 2016  

Social Role

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

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

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

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

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

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

Environmental Role

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

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

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

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

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

3.28 The proposal to provide public access to the current private woodland to the north would provide environmental benefits by easing pressure on the CWS and would also be a significant public benefit for leisure.
3.29 There is some potential environmental harm through water quality on the ecology of the River Tud and flooding however these would be addressed through the imposition of conditions.

3.30 It is acknowledged overall therefore that there is a level of environmental harm through landscape and visual impact.

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

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

3.33 The appeal decision for Chapel Lane Wymondham (application reference 2012/1434) reinforces the high bar required to be set for the significant and demonstrable harm test. In this case, the Secretary of State (SoS) advised in respect of the balancing exercise under paragraph 14, he “is mindful that addressing a lossing shortfall will often involve building outside the development limits of settlement” 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).

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

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

Summary of sustainable development consideration

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

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

3.38 As set out above, it is accepted that the Council’s housing related policies are out of date by virtue of not being able to demonstrate an up to date 5 year housing land supply, and therefore the Council should only prevent granting planning permission if the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the NPPF when taken as a whole or specific policies of the NPPF indicate restricting the development.
3.39 In this instance, it is considered that the concerns set out in respect of the encroachment in to the countryside and landscape impact do not represent harm that significantly and demonstrably outweighs the benefits of providing additional housing where there is a need to do so.

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

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

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

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

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

Landscape impact

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

3.46 Policy 12 of the JCS relates to design and includes requiring development to respect local distinctiveness including landscape character and the wider countryside. Policy 12 of the JCS sets out more detailed objectives for areas of growth in the NPA which cover the protection, maintenance and enhancement of green infrastructure and the protection of the landscape setting of the urban area.
3.47 Policy DM4.5 requires all development to respect, conserve and where possible enhance the landscape character of its immediate and wider environment. It advises that development that would cause significant adverse impact on the distinct landscape characteristics of an area will be refused. Particular regard will be had to protecting the distinctive characteristics, special qualities and geographical extents of the identified Rural River Valleys and Valley Urban Fringe landscape character types.

3.48 The majority of the site falls within G1 Easton Fringe Farmland in the 2012 version of the ‘Local Landscape Designations’, which itself forms the basis of Policy DM4.5’s ‘Landscape Character and River Valleys’. This area covers the northern margins of the elevated farmland plateau to the west of Norwich.

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

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

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

3.52 In particular the review of the Local Landscape Designations noted the sensitivities and vulnerabilities of the Easton Fringe area and to:  
  - Balance of developed area to rural context. Because of the highly development character of much of this area, further intrusion of built features upon the rural landscape may have significant effects upon the perceived quality;  
  - The need to consider the views from the surrounding landscape, which is highly sensitive to any developments on the prominent ridge top within this area; and  
  - The need to preserve good quality rural views from the ridge top to the surrounding countryside;

3.53 Policy DM4.5 is also concerned with the ‘wider environment’ and as such consideration of the impact the site in the Tud Rural River Valley landscape is also required, where the Place-Making Guide SPD notes key considerations include the need to:  
  - Maintain the distinct and separate character of the settlements of Costessey and New Costessey and  
  - Prevent incremental development down the valley sides into this character area.

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

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

3.56 Key components of the landscape that are likely to be affected by the development are considered to be:  
  - The isolated rural character of the small scale river corridor being protected by the very limited opportunities to access the valley floor  
  - The wooded character of the river valley sides – mature woodland blocks accentuate the sinuous valley landform  
  - The separation between Costessey and New Costessey  
  - Cross valley views from the ridge top and valley sides across the agricultural landscape

3.57 In respect of the impact on the valley floor, the landscape assessment submitted concludes that the this intimate landscape has the capacity to accommodate a development of this...
size on the outer fringe of the valley floor without losing the overall pastoral intimate character. The use of perimeter planting and an appropriate design would ensure that in year 1 the significance of the landscape effect would be medium but in the long term would be low.

3.58 In respect of cross valley views, the location of the site on the lower slopes of the river valley is considered to have very limited effects on existing views across the River Tud Valley. There will be a perceived change in the overall scale of development and further landscaping of the proportion of river valley to built areas and this has a medium sensitivity. The use of structural planting in the development would result in a moderate adverse landscape effect in year 1 resulting to a minor adverse effect in year 15. However, the sensitivity of this landscape receptor is low, the overall significance of the landscape effect would be medium in the short term and low in the long term.

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

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

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

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

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

3.64 It is acknowledged therefore that there would be some harm on the landscape character and visual impact from this development, however in the long term, subject to appropriate strategic woodland planting etc as set out above, the impacts would be relatively low.
3.65 These impacts need to be weighed against the benefits of the development in light of the absence of a 5 year supply of housing land. As set out earlier in the report, in this case the impacts are required to be significant and adverse in order to outweigh the benefits. The assessment earlier in the report balances this harm and benefit.

Access and highway considerations

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

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

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

3.69 The large number of houses that are already served by the local highway network has also been raised as a concern locally. The Highway Authority advises that there are numerous means of access to the area from the residential area to Dereham Road and that the surrounding highway network is made up from roads that vary in width between approximately 5.6m and 7.3m, are within a traffic calmed 20mph speed limit, have appropriate levels of visibility at all junctions and continuous footways. They therefore advise that as a consequence it would not be possible to demonstrate further residential development would be detrimental to highway safety.

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

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

Pollution

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

Affordable housing

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

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

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

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

Housing mix

3.77 Policy DM3.15 requires all housing proposals to help contribute to a range of dwelling type and bed spaces to meet the requirements as identified through the current Strategic Market Housing Assessment. This is to ensure that housing needs in the area are met and balanced communities are provided. A condition would be imposed on the outline to require the reserved matters to be submitted with an appropriate housing mix in accordance with this policy.

Open space

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

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

3.80 The application suggests that the illustrative masterplan proposes in excess of 3Ha of open space which would be made up of play areas, outdoor sports space and new woodland. In addition the application indicates that subject to a detailed ecology survey, the whole of the river valley within the applicant’s ownership (approx. 4.8Ha) would be made publicly accessible via a network of informal paths which link the river valley to East Hills (County Wildlife Site).
ITEM DEFERRED
3.89 The general cautionary comments from NCC Children’s Services on the principle of unplanned growth are noted, however the impacts of this particular development are noted to be minor (having a likely pupil output in the low 20s) and NCC indicate capacity can be addressed. The direct impacts of this development are not therefore considered to be significant and demonstrable to outweigh the benefits of the proposal.

3.90 Overall therefore on the absence of a 5 year supply and that the impacts of this development on school capacity are marginal, it is not considered that a reduction on the basis of school capacity could be substantiated.

Ecology and green infrastructure

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

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

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

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

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

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

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

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

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

3.100 The County ecologist has confirmed that in broad principles there is no objection to the application. They confirm that whilst only shown indicatively on the masterplan, the proposed open spaces shown on this indicative masterplan (within and around the site boundary together with additional planting) would help ensure that the ecological
that Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in area at risk of flooding where informed by site specific flood risk assessment...and give priority to the use of sustainable drainage systems.

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

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

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

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

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

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

3.116 The Environment Agency has been consulted on the proposed public access and footpath strategy within the blue line land adjacent to the river as this area lies within Flood Zone 2 and 3. Whilst this is an indicative strategy, it does propose footpaths and boardwalks etc within the area and adjacent to the river and so the flood risk impacts and impacts on the River Tud need consideration. At the time of writing the report comments from the EA in this respect are awaited.
that Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in area at risk of flooding where informed by site specific flood risk assessment...and give priority to the use of sustainable drainage systems.

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

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

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

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

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

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

3.116 The Environment Agency has been consulted on the proposed public access and footpath strategy within the blue line land adjacent to the river as this area lies within Flood Zone 2 and 3. Whilst this is an indicative strategy, it does propose footpaths and boardwalks etc within the area and adjacent to the river and so the flood risk impacts and impacts on the River Tud need consideration. At the time of writing the report comments from the EA in this respect are awaited.
ITEM DEFERRED
3.126 Policy 1 and 3 of the JCS require the sustainable construction of the building, water conservation measures to be included in addition to requiring 10% of the predicted energy requirements to be delivered by on site decentralised and renewable or low carbon energy. Precise details and compliance with the policy would need be secured by condition.

Other matters

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

Crime and disorder

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

Environmental Impact Assessment (EIA)

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

Appropriate Assessment

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

SAS and CIL

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

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

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

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

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

4.3 In the absence of a 5 year supply of housing land in the Norwich Policy Area, policies for the supply of housing cannot be considered up to date and paragraphs 71 and 49 of the NPPF are invoked which require a presumption in favour of sustainable development unless the impacts of doing so would significantly and demonstrably outweigh the benefits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Kr,
Tim
Cllr. Tim Easton, B.Ed., MA
Lib/Dem Group, Councillor for Costessey,
tel: 01603 743747, Fax: 01603 741977
email: tim.easton@norfolk.gov.uk and
jim.hawkins@norfolk.gov.uk
www.norfolk.gov.uk

To view email disclaimer click here: https://www.norfolk.gov.uk/email/disclaimer
I wish to formally object to the latest Farmland Road application 2016/2017/2430 and amendment including linked 2017/0420.

I especially wish to object on the following grounds as County Councillor for Costessey:

- Given the high acreage of highly suitable development land available on the west of the Dereham Road I see absolutely no case for any further development on the east side of Dereham Road and particularly not in the already heavily congested area of this part of Costessey.
- The new submission is simply tinkering around the edges of addressing the full set of objections considered by the DMC when it refused the last application. This tinkering does not address in any competent way the core objections listed in the submissions made by FRT, FRAG and CTC, in both the original application and this slightly amended version.
- For me, the primary critical objection is the impact on the River Tud and its valley, and the green landscape in the strategic gap (green lung) between the settlements of New and Old Costessey. If this application is successful, there is consequent precedence for further development of the adjacent 3 fields, and other greenfield sites in Costessey in the immediate future. (Some landowners have already applied and submitted land for development in the river valley to be considered by SN LPA. This is contained in the Local Plan Review up to 2036 published on Friday 4th November and includes 2017/1184 Land South of Townhouse Road, presently outside the development boundary – See attachment above).
- Costessey does not need any further residential development of this scale, particularly given the acreage of development land now made available by Lodge Farm 2. and other land being submitted and considered for the revised Local Plan.
- This application is clearly not ‘sustainable’ under any definition given to the word in planning terms and in the NPPF, irrespective of any very questionable economic viability and sustainable arguments the developers may put forward for the site.
- In my view this site is exceptionally problematic as set down in the objections above and with particular reference to the ‘steepness’ and inappropriateness of Farmland Road as the only access to and from the proposed site. The NCC’s highways officer’s interpretation of it not being ‘severe’ as defined in the NPPF is clearly open to question in my opinion.
I believe the application has very questionable economic viability for whoever might eventually try to build on the land. THR was ‘shovel ready’ after the appeal decision and yet not one house had been completed four years after consent was given.

The operational standards of construction, in particular relating to the ground works infrastructure, foul water, surface water (contaminants) and drainage are also problematical given the difficulties THR has experienced subsequent to consent. The plans for these set down in the application are grossly inadequate, given the topography, geology, geography and morphology. The DMC needs to reflect on the already failed systems set down in the consents for Queens Hills and Town House Road developments, particularly that of the failure of submitted surface water drainage systems. There is already evidence these failures are polluting the River Tud Valley environs.

Given that there will be very little, if any, effective control, monitoring or supervision by SNC and NCC Highways once consent is given on such developments, I genuinely fear for the negative future impact on the ecology and environment of the River Tud Valley.

Educational provision in Costessey is at capacity. The cumulative impact and pressure on school places with unplanned, speculative and opportunistic developments such as this, exacerbates the situation. With the large numbers of planned new homes elsewhere in Costessey, a precedent would be set for further speculative and opportunistic housing applications in the area until the 5 year land supply is reached. This could result in not enough school places being available for local children in the Costessey area.

Costessey is saturated with homes and the infrastructure cannot cope with any more. Local schools are at capacity, and local health care provision is overburdened with Costessey’s mushrooming population, not to mention the pressure on the local highway network.

I recommend refusal of this application 2016/017/2430 linked with 2017/0420 and would wish to avail myself of public speaking rights as the County Councillor for Costessey, on 21st July, 2017 when this application is to be determined.

Kr,
Tim

Cllr. Tim East, B.Ed., MA, JP
Lib/Dem County Councillor for Costessey, tel: 01603 742244, fax: 01603 741977 email: tim.east@norfolk.gov.uk and timandbarbara71@gmail.com
www.norfolk.gov.uk

---

To see our email disclaimer click here http://www.norfolk.gov.uk/emaildisclaimer

ITEM DEFERRED
Appl. No : 2017/0420/F  
Parish : COSTESSEY

Applicants Name : Mrs Katrina Kozersky  
Site Address : Land North of Farmland Road Costessey Norfolk  
Proposal : Provision of two circular recreational walks, including boardwalks and associated landscaping and biodiversity enhancements  
(Linked with application 2016/2430)

Recommendation : Approval with conditions  
1. Standard time limit  
2. Detailed design scheme to be agreed  
3. Biodiversity Management Plan  
4. No raising of ground levels within the floodplain  
5. Management and maintenance scheme to be agreed  
6. Contamination report to be submitted and approved

1. Planning Policies

1.1 National Planning Policy Framework  
NPPF 08 : Promoting healthy communities  
NPPF 10 : Meeting the challenge of climate change, flooding and coastal change  
NPPF 11 : Conserving and enhancing the natural environment

1.2 Joint Core Strategy  
Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting good design  
Policy 7 : Supporting Communities  
Policy 9 : Strategy for growth in the Norwich Policy Area  
Policy 10 : Locations for major new or expanded communities in the Norwich Policy Area  
Policy 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  
DM3.8 : 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  
DM3.15 : Outdoor play facilities/recreational space  
DM4.2 : Sustainable drainage and water management  
DM4.5 : Landscape Character Areas and River Valleys  
DM4.8 : Protection of Trees and Hedgerows

1.4 Supplementary Planning Document  
South Norfolk Place Making Guide 2012

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

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

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

2. Planning History

2.1 2015/2927 Outline application with all matters reserved except for access for 83 dwellings (including 27 affordable dwellings) with areas of public open space, sustainable drainage systems and associated infrastructure. Refused.

2.2 2016/2430 Outline application with access and landscaping (all other matters reserved) for 83 dwellings (including 27 affordable dwellings) with areas of public open space, sustainable drainage systems and associated infrastructure. Under consideration.

3. Consultations

3.1 Town / Parish Council

Object on the following grounds (summarised):

- The application has no substance on its own and is a sweetener to make the residential seem more attractive
- Without the housing application there would be no access to this site
- No car parking is provided
- There is no reason to open up this area to the public unless the housing application is successful
- There have been limited changes to the ecology report
- The site is in a high flood risk zone which could cause danger to the public
- The FRA submitted for this application is encompassed in the FRA for the residential scheme and impacts of this proposal are glossed over
- Human access to the site is likely to alter the environment irrevocably
- Lack of management and maintenance details submitted
- The protected species box on the application form is not ticked and the site is adjacent to the Tud which hosts protected species

ITEM DEFERRED
Further comments:

- It has been brought to the Town Council’s attention that asbestos and possibly other contaminants have been found in the rubble deposited at the field edge to raise the soil level as a barrier to prevent flooding so that the field could be farmed. This brings into question whether the proposed walks are viable given the possible costs of safe / lawful removal of contaminants. The Town Council requests that a Viability study be undertaken before the decision is made – contamination and viability should not be dealt with by conditions.
- Management costs per property for maintaining the amenity land will be cost prohibitive. The Town Council has received many complaints about management companies as SNC have washed their hands of amenity assets, residents will be saddled with major additional costs for their management.
- The walks will be a destination but no parking is provided.

3.2 District Members

To be reported if appropriate

3.3 Cllr Tim East (County Councillor)

Objects to both 2016/2430 residential application and this linked application 2017/0420 comments (summarised) (full comments are found in Appendix 2):

- There is other suitable land available – no need to develop on this heavily congested part of Costessey
- This application is tinkering and does not address previous concerns raised
- Impact on River Tud and its valley and the green landscape in the green gap between old and new Costessey
- This is not sustainable development
- Access to the site is exceptionally problematic
- The application has questionable economic viability
- Given geography, geology, topography and morphology of the site concern with appropriate foul, surface water (contaminants) and drainage issues.
- Negative impact on the ecology and environment of the River Tud valley
- Education – no capacity
- Inadequate infrastructure in Costessey to cope with more housing

3.4 Norfolk Wildlife Trust

Support the views expressed by NCC Ecologist in her letter of 27th March 2017. It is clear that the area where boardwalks will be established are currently inaccessible to the public and as such there is the potential for disturbance to wildlife both during creation and use. As a result it is critical that mitigation measures are included and that management of the area into the future ensures that impacts on wildlife continue to be minimised. The Biodiversity Management Plan and condition proposed by the Council’s Ecologist seem sensible and we wish to register our support for that approach

3.5 Anglian Water Services Ltd

No comments to make

3.6 SNC Conservation and Design

No comments to make, although the proposal would be of benefit in the building for life assessment for 2016/2430 residential scheme
3.7 Environment Agency  No objection with the following comments (summarised):

The FRA was amended to address concerns raised on application 2016/2430. On the basis of the amended FRA, no objection.

Comments:
- All proposed development has sequentially been sited within Flood Zone 1
- There will be no raising of ground levels within the floodplain. Therefore compensatory storage would not be required. We advise that this is a condition of any planning permission given

In respect of Water Framework Directive, no objection – adequate treatment levels are required from the residential scheme to protect ground and surface waters

3.8 SNC Water Management Officer  No objection with the following comments:

The LLFA and EA are the statutory consultees however wish to make the following observations:
- Information submitted in the FRA does not specifically address the recreation site
- Note that the Council would take the site on as an asset – management would need to be via other means i.e. management company or other group
- Note there is no parking provision for the proposal

3.9 SNC Landscape Architect  No objection with the following comments:

The majority of this site is within the River Valley designation (in South Norfolk Policy terms), so DM4.5 applies. It is clear that, regardless of the link between this application and the proposed residential development (2016/2430), this area of land would benefit from some restoration and management. What is being proposed will not conflict with the identified character of the Tud River Valley and the access solutions proposed are sympathetic to the setting. In light of this, I have no objection to this application.

If approved, conditions will be required to agree the exact locations of the pathways and boardwalks, and also to establish a full management plan for the site.

3.10 NCC Lead Local Flood Authority  No comments to make

3.11 NCC Highways  No objection

3.12 NCC Ecologist  No objection subject to a condition requiring a biodiversity management plan and following comments (summarised):

- There is potential for the site to be used by protected species including bats, water vole, otters and reptiles, however the impacts can be minimised with appropriate mitigation. More detail will be required through condition.
- The largest impact of this development will be the introduction of the general public into the site which is currently inaccessible. As such, whilst the construction of the walkways is important, the ongoing management of the site will need to be detailed to ensure that potential impacts are minimised.

ITEM DEFERRED
Development Management Committee 19 July 2017

- A detailed Biodiversity Management Plan (BMP) is required by condition. This should include the recommendations made in the submitted ecology report, and also (but not exclusively) details of the timetable of works, a construction method statement, measures to limit the impact of dogs on nesting birds (sections of the footpath where they must be kept on leads for example) and how the site will be managed going forward. Exact details of the enhancements must also be included which should include all measures recommended in the ecological appraisal.

3.13 Police Architectural Liaison Officer Comments (summarised):
- Isolated walkways should be constructed to be wide and as straight as possible and be devoid of hiding places for criminal or anti-social behaviour
- Users should have good visibility along the route(s) to encourage use and prevent an increased fear of crime
- Measures should be included to prevent unauthorised motor vehicle use
- Vehicular parking for the recreation area should be considered – on street parking by visitors could cause obstruction and emergency services may benefit for the use of a parking space

3.14 Richard Bacon MP Letter received in relation to 2016/2430 raising concerns (summarised):
- Adverse impact on road infrastructure
- Drainage issues
- Water framework directive – more detail required to ensure compliance
- Concerns of cumulative impact of unplanned development on education
- The residential is not in accordance with the development plan
- Concerns of the Town Council and residents should receive the most serious consideration by officers and members
- In favour of plan led development – look to South Norfolk Council to ensure that it is staunch in its resistance to speculative development where the harm of such development plainly outweighs its benefits

3.15 Other representations 1 letter of support
63 letters of objection on the following grounds (summarised):
- Adverse impact on the environment
- Adverse impact on ecology – introduction of human activity to the area
- Dogs in a sensitive area
- Cost of future maintenance of walkways and the land on the public purse – concern there is no detailed management and maintenance plan setting out who will do this in perpetuity
- Alterations to drainage could have an adverse affect on water quality in the Tud and protected species
- The proposal would attract more traffic by users driving to the area to walk on the site
- Lack of parking for this proposed facility would add to existing traffic issues of the area
- The development is not suitable for the Tud valley as a whole
- The site is more likely to flood if the banks are lowered
A full traffic survey needs to be carried out
The negative effects the proposed development would have on the area should not be underestimated
The application form does not tick protected species – the site is an Ark site for white clawed crayfish
The proposal would harm the Ark site designation which has been designated to isolate the river from contamination with non-native crayfish – people entering the site could bring in non-native species on their boots and equipment
This is solely an attempt to make an unwanted, unsuitable and ill-advised development (residential scheme) somehow more palatable by implementing ‘biodiversity enhancements’ around drainage lagoons for an unsuitable and environmentally damaging drainage system
Local residents have not requested these paths and there is no demand for such
There are no public toilets, parking, access for emergency vehicles to support such a proposal
The ecology of the woods is thriving and would be harmed by the proposal – if the site was left alone there would be no need for the proposed ecology enhancement measures
This is an important piece of agricultural land
There should be no more development in Costessey until the road system is improved
Object as this is linked to the residential application 2016/2430 – any mitigation provided by this proposal would not be sufficient to overcome major concerns with the original application
Access to the site via a steep hill is not appropriate
Concerns as to what boundary treatments are being proposed for the properties bordering the site
Concern of increased crime and anti-social behaviour, potential vandalism and litter
Current medical and educational facilities cannot cope with more housing which this application supports
Loss of security and privacy to properties adjacent to the site
Concern as to how boundaries would be secured and marked
Question whether the proposal is financially independent of the housing proposal – is there a viability report for this proposal?
Health and safety concerns of use of this area
What will the phasing of this and the residential be?
There has been a lack of community engagement by the applicant
Would set an undesirable precedent in the area
Adverse noise impact on surrounding residential properties
The banks opposite are private property and this proposal would encourage people to gain access to these
Concern that introducing public near to organic farmed land
Potential contamination on the site

4 Assessment
The site and proposal

4.1 The area comprises wet semi-natural broadleaved woodland and swamp, with scattered trees, areas of scrub and an area of neutral semi-improved grassland. The River Tud is located along the northern boundary and the site is located within the River Tud floodplain.
The application site relates to the blue line land identified as part of application 2016/2430.

This application is seeking consent for the footpaths and change of use of the land to sit alongside the outline planning application for residential development.

Two circular walks are proposed to provide recreational routes through the river valley. The proposed footpaths follow the landscape masterplan, submitted under 2016/2430 and would link the river valley to East Hills along the western green corridor of the adjoining proposed residential development to the south.

Following comments from the Environment Agency, the proposed footpaths were amended on submission of this application to ensure they would be provided at existing grade level (i.e. no ground raising and therefore no loss of flood storage) with sections provided as a deck/boardwalk across low/wet ground and across the open reeds.

The application is accompanied by a Flood Risk Assessment and Biodiversity Survey and Report; together with a high level management and maintenance note.

The key issues for consideration are how the site links with application 2016/2430 and delivery; ecology; flood risk; and management and maintenance.

The recreation area proposed in the river area by this application is submitted on the basis of delivering additional recreation space and green infrastructure networks in support of residential application 2016/2430.

As set out in the report for application 2016/2430, this additional recreation land is not necessary to make the impacts of the housing scheme acceptable in planning terms and is therefore afforded no weight in the planning balance in determining that residential application. It is none the less a positive scheme and is intended by the applicant, in respect of delivery to be intrinsically linked to the housing scheme, both physically (as is demonstrated through the landscaping and access strategy where footpaths and linkages are proposed from the residential to the river area) and in terms of delivery mechanism (the intention of the management and maintenance to be delivered by a management company funded through an annual charge on new residents of the proposed development).

Given the linkages in respect of a delivery of the river recreation area to the residential scheme and otherwise there would be no right of way to link the site to an existing public right of way or highway, it is not envisaged that the river recreation land would come forward without the housing.

Funding, management and maintenance etc. is currently indicated to be intended by the management and maintenance company for the residential recreation areas, however this could be by other means.

As a standalone piece of recreation land the public access of the land is not a planning requirement but rather, if public access is to be provided, the key issue for the planning authority is how the scheme and public access is to be delivered and managed in respect the ecology and flood risk of the site. This can be secured by planning condition.

The principle of the water compatible recreational proposal is acceptable in the river valley and as additional recreation land offered for the housing development.
Ecology

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

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

4.16 The site is host to priority habitats in the form of wet woodland and reedbeds and in response to this and other ecology/biodiversity (there is potential for the site to be used by protected species including bats, water vole, otters and reptiles), mitigation is proposed including:

- The circular walks will be designed to minimise the number of trees within the woodland to be removed.
- The circular walks will be designed to run around the perimeter of the reedbed where possible and a boardwalk will be constructed along routes that cross the reedbed.
- In respect of nesting birds, clearance of vegetation will take place outside of the bird nesting period.
- In respect of reptiles, clearance of vegetation will take place outside of the reptile active period.

4.17 Furthermore enhancements proposed include:

- Retention within the woodland of any trees that are felled to make way for the proposed footpaths, for the benefit of saproxylic invertebrates.
- Enhancement of both drainage lagoons within the residential development site via the planting of native aquatic and marginal plug plants, and blocks of native scrub planting at the perimeter, in addition to sowing the area around the lagoons with Emorsgate EP1 Pond Edge Mixture (or equivalent). This will enhance the value of these features to amphibians, as well as providing habitat for invertebrates, which in turn will provide a foraging resource for bats and birds.
- Installation of 5 x Schwegler 2FN and 5 x Schwegler 2F bat boxes within trees in the wet woodland at a height of 3-6m, oriented in a range of directions.

4.18 The Council’s Ecologist acknowledges that the largest impact of this development will be the introduction of the general public into the site which is currently inaccessible. As such, whilst the details of the construction of the walkways is important, the ongoing management of the site will need to be detailed to ensure that potential impacts are minimised. Any potential impact on protected species can be controlled through mitigation.

4.19 There is therefore a balance between the benefits of opening the site for public access for recreation and the ecological impacts. The County Ecologist considers that subject to a detailed design scheme for the proposed area and a biodiversity management plan including proposed enhancements, that the proposal would not result in any adverse impact on biodiversity and ecology. The proposal is therefore considered to comply with JCS Policy 1. The proposal would be a positive enhancement in respect of access to green infrastructure and would if approved alongside the residential scheme result in significant enhancements to the green infrastructure networks linking the county wildlife site to the river corridor.
Flood risk and drainage matters

4.20 JCS Policy 1 requires development to be located to minimise flood risk, mitigating any such risk through design and implementing sustainable drainage. Para 103 of the NPPF advises that Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in area at risk of flooding where informed by site specific flood risk assessment…and give priority to the use of sustainable drainage systems. Policy DM4.2 requires sustainable drainage measures to be fully integrated within the development to manage any surface water arising from the development proposals and to minimise the risk of flooding on the site and surrounding area. It advises that development must not cause any deterioration in water quality and measures to treat surface water runoff are to be included in the design of the drainage system.

4.21 A Flood Risk Assessment has been submitted with the application which outlines that the River Tud floodplain area is principally in Flood Zone 3b. Water compatible uses such as recreation use is acceptable in principle in Flood Zone 3b.

4.22 Following comments received from the Environment Agency, the proposed footpaths within the area were amended to remove any ground raising. The majority of the footpaths are to be constructed at existing grade, consisting of hoggin/gravel. In addition, there will be some localised sections of raised boardwalks where the land is known to be low lying and also for the routes that cross the reedbed.

4.23 In respect of flood risk the Environment Agency has confirmed based on the amended plans, and requiring no ground raising, which would need to be secured by condition, there is no objection to the proposed application. There would therefore be no net loss of floodplain storage and the proposal would not impair water flows and increase flood risk elsewhere.

4.24 The recreational walk land is in Flood Zone 3 and forms the functional floodplain (3b) and as such has the potential to flood and in extreme events this could affect the boardwalks and clearly has an impact on the long term management and maintenance of the area. The areas management and maintenance would need to be agreed through a planning condition/S106 and this would need to include matters such as regular maintenance of the area (vegetation and new pathways), any maintenance repair required as a result of flooding/water damage; who would manage and maintain and the funding arrangements for this. Management would need to include measures to safeguard users of the site in the event of flooding. Much of the detail of this would be agreed by condition, this could include operational measures of the site, use of signage to guide users on how and when to use; physical prevent of access on to the site in extreme flood events (i.e. locking of gates) etc. Subject to an appropriate management and maintenance strategy it is considered that the proposals would be acceptable in the flood risk area.

Management and maintenance

4.25 Given the applicants intended delivery linkage of the land with the residential scheme, in terms of management and maintenance, a high level management and maintenance note setting out the likely high level costs has been submitted, which it is intended the land would be managed by a management and maintenance company funded by an annual charge on residents of the new development. The confidential viability report also includes allowance for the recreation area to be delivered.
4.26 The National Planning Practice Guidance (NPPG) is clear that decision taking on individual applications does not normally require consideration of viability, advising only where deliverability of the development may be compromised by the scale of the planning obligations and other costs would a viability assessment be necessary. Therefore whilst it is not a requirement to require viability of the recreation land alone coming forward, these details were requested to ensure that the residential scheme is viable to deliver with all of its obligations in respect of affordable housing and the other infrastructure being offered i.e. in this case the additional recreation land.

4.27 Also requested of the applicant was high level costings for management and maintenance of the area to demonstrate if this could be accommodated within the usual annual charge on the new residents by way of a management company to ensure it would not be cost prohibitive.

4.28 The Council’s Viability Consultant has confirmed that the residential scheme is viable to deliver including the necessary infrastructure and obligations. The delivery of this area would not therefore render the residential scheme unviable.

4.29 The submitted management and maintenance costs demonstrate that at a high level they would not be cost prohibitive to include as a requirement of the management company funded by future residents.

Other matters

4.30 Concern has been raised by residents in respect of parking and highway impact of the proposed recreation area. The Highway Authority raise no objection in highway terms and it is not considered necessary to require specific parking for the proposed recreation area given its proximity to the existing settlement and scale and nature of the proposal.

4.31 A contamination assessment has been submitted with application 2016/2430 where it is suggested that there is a structure in the north west corner of the site where contamination is unknown and so further investigation would be required. This is supported by comments of residents where there is anecdotal evidence material in the form of a bank has been deposited in the north-west corner of the site which could be contaminated and this could relate to land forming part of the recreation land. It is therefore suggested that the same contamination condition required for the residential application 2016/2430 be imposed on this recreation land application to ensure that contamination is fully assessed and remediated where necessary.

4.32 A condition is required to agree appropriate boundary treatment, where necessary, particularly where the recreation land adjoins existing land to the east/north-east which are residential properties/land associated with residential properties and paddocks etc.

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 is not liable for Community Infrastructure Levy (CIL) as no floorspace is created.
4.35 Environmental Impact Assessment (EIA)

An Environmental Impact Assessment screening has been undertaken as part of the application. The environmental, social and economic impacts have all been considered and are adequately addressed as detailed in the above report and the proposal was not considered to require an Environmental Statement as it would not be likely to have significant effects on the environment either individually or cumulatively.

5 Conclusion

5.1 It is evident that the application provides an opportunity to secure recreational access to the river area.

5.2 This represents a significant public benefit in terms of recreation space and enhancing green infrastructure networks.

5.3 It is also evident that there is a tension between creating access to the public to the area and the ecology and biodiversity of the area. Subject to appropriate detailed design of the footpaths and boardwalks together with mitigation and enhancement, suggested to be secured by condition, it is considered that the impacts in respect of ecology would be acceptable.

5.4 The site lies in Flood Zone 3 and is at high risk of flooding. The proposed design approach and condition ensuring no ground raising thereby affecting flood storage would ensure that there is no increased risk of flooding elsewhere and no objection from the Environment Agency.

5.5 Precise detail of the proposals, how public access is to be managed and the site maintained need to be agreed by condition to ensure impacts on ecology and flood risk are acceptable.

5.6 Subject to conditions as set out in the report the application is recommended for approval.

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

ITEM DEFERRED
ITEM DEFERRED
Dear Tracy,

I wish to formally object to the latest Farmland Road application 2016/2017/2430 and amendment including linked 2017/0420.

I especially wish to object on the following grounds as County Councillor for Costessey:

- Given the high acreage of highly suitable development land available on the west of the Dereham Road I see absolutely no case for any further development on the east side of Dereham Road and particularly not in the already heavily congested area of this part of Costessey.
- The new submission is simply tinkering around the edges of addressing the full set of objections considered by the DMC when it refused the last application. This tinkering does not address in any competent way the core objections listed in the submissions made by FRT, FRAG and CTC, in both the original application and this slightly amended version.
- For me, the primary critical objection is the impact on the River Tud and its valley, and the green landscape in the strategic gap (green lung) between the settlements of New and Old Costessey. If this application is successful, there is consequent precedence for further development of the adjacent 3 fields, and other greenfield sites in Costessey in the immediate future. Some land owners have already applied and submitted land for development in the river valley to be considered by SN LPA. This is contained in the Local Plan Review up to 2036 published on Friday 4th November and includes 2017/1184 Land South of Townhouse Road, presently outside the development boundary – See attachment above.
- Costessey does not need any further residential development of this scale, particularly given the acreage of development land now made available by Lodge Farm 2. and other land being submitted and considered for the revised Local Plan
- This application is clearly not ‘sustainable’ under any definition given to the word in planning terms and in the NPPF, irrespective of any very questionable economic viability and sustainable arguments the developers may put forward for the site.
- In my view this site is exceptionally problematic as set down in the objections above and with particular reference to the ‘steepness’ and inappropriateness of Farmland Road as the only access to and from the proposed site. The NCC’s highways officer’s interpretation of it not being ‘severe’ as defined in the NPPF is clearly open to question in my opinion.
- I believe the application has very questionable economic viability for whoever might eventually try to build on the land. THR was ‘shovel ready’ after the appeal decision and yet not one house had been completed four years after consent was given.
- The operational standards of construction, in particular relating to the ground works infrastructure, foul water, surface water (contaminants) and drainage are also

APPENDIX 2

Tracy Lincoln
Development Management Committee 19 July 2017

- problematical given the difficulties THR has experienced subsequent to consent. The plans for these set down in the application are grossly inadequate, given the topography, geology, geography and morphology. The DMC needs to reflect on the already failed systems set down in the consents for Queens Hills and Town House Road developments, particularly that of the failure of submitted surface water drainage systems. There is already evidence these failures are polluting the River Tud Valley environs.

- Given that there will be very little, if any, effective control, monitoring or supervision by SNC and NCC Highways once consent is given on such developments, I genuinely fear for the negative future impact on the ecology and environment of the River Tud Valley.

- Educational provision in Costessey is at capacity. The cumulative impact and pressure on school places with unplanned, speculative and opportunistic developments such as this, exacerbates the situation. With the large numbers of planned new homes elsewhere in Costessey, a precedent would be set for further speculative and opportunistic housing applications in the area until the 5 year land supply is reached. This would result in not enough school places being available for local children in the Costessey area.

- Costessey is saturated with homes and the infrastructure cannot cope with any more. Local schools are at capacity, and local health care provision is overburdened with Costessey's mushrooming population, not to mention the pressure on the local highway network.

I recommend refusal of this application 2016/2017/2430 linked with 2017/0420 and would wish to avail myself of public speaking rights as the County Councillor for Costessey, on 21st July, 2017 when this application is to be determined.

Kr,
Tim

Cllr. Tim East, B.Ed, MA, JP
Lib/Dem County Councillor for Costessey, tel: 01603 743241 fax: 01603 741977 email:
tim.east@norfolk.gov.uk and timandbarbara71@gmail.com
www.norfolk.gov.uk

---

To see our email disclaimer click here http://www.norfolk.gov.uk/emaildisclaimer
Major Applications referred back to Committee

3  **Appl. No**: 2017/0219/F  
**Parish**: GELDESTON

Applicants Name: Mr Julian Wells  
Site Address: Land North West Of Kells Way Geldeston Norfolk  
Proposal: Erection of 13 residential units (Class C3) with associated landscaping, drainage and highways works

Recommendation: Approval with Conditions  
1. Full Planning permission time limit  
2. In accordance with amendments  
3. Surface water drainage  
4. Ecological mitigation and enhancements  
5. Highway conditions  
6. External materials to be agreed  
7. Slab level to be agreed  
8. Boundary treatment to be agreed  
9. Landscaping scheme to be submitted  
10. New Water Efficiency  
11. Renewable energy  
12. Contaminated land scheme to be submitted  
13. Implementation of approved remediation scheme  
14. Contaminated land during construction

Subject to completion of S106 Agreement so secure affordable housing.

1. **Planning Policies**

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

1.2 Joint Core Strategy  
Policy 1: Addressing climate change and protecting environmental assets  
Policy 2: Promoting good design  
Policy 4: Housing delivery  
Policy 15: Service Villages

1.3 South Norfolk Local Plan  
Development Management Policies  
DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
DM1.3: The sustainable location of new development  
DM3.1: Meeting Housing requirements and needs  
DM3.8: Design Principles applying to all development  
DM3.11: Road safety and the free flow of traffic  
DM3.12: Provision of vehicle parking  
DM3.13: Amenity, noise, quality of life  
DM4.2: Sustainable drainage and water management  
DM4.3: Facilities for the collection of recycling and waste  
DM4.8: Protection of Trees and Hedgerows  
DM4.9: Incorporating landscape into design  
DM4.10: Heritage Assets
1.4 Site Specific Allocations and Policies
GEL 1 : Land west of The Kells

1.5 Supplementary Planning Document
South Norfolk Place Making Guide 2012

Statutory duties relating to Conservation Areas:

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

2. Planning History

2.1 No planning history

3. Consultations

3.1 Parish Council Comments on amended plans
No further comments received

Comments on previous plans

Object
- combined with the 2017/0224 there will be an additional 17 houses, likely to add a further 34 vehicles
- need to consider the 5-10 year development of this part of the village as the plan shows access to the second part of the development
- Geldeston Hill is a narrow pinch point with a lot of on-street parking as a number of properties do not have their own parking space
- these developments mean reduced parking and greater traffic
- access to the development should be from Yarmouth Road
- GEL1 states an allocation of approximately 10 houses, the current application is for 13 houses which is at odds with the policy and too dense.
- concerns about the foul drainage system on Kells Way
- the mains supply is not large enough and they state that offsite reinforcement will be required. This amounts to 250 metres of new 180mm water main so there will be disruption during these works
- concerns about increased run-off of water. Flood alleviation measures must be added to ensure good soakaway capacity in an area of flood risk

3.2 District Councillor Comments on amended plans

To Committee
- Given concerns raised over last application

Comments on original plans

To Committee
- Highway concerns
3.3 Anglian Water Services Ltd

Comments on amended plans

- No further comments received

Comments on previous plans

- development site is within 15 metres of a sewage pumping station. Dwellings located within 15 metres of the pumping station would place them at risk of nuisance and therefore this should be taken into account in the site layout
- wastewater treatment plant and foul sewerage network have capacity

3.4 NCC Ecologist

Comments on amended plans

- Previous comments still apply

Comments on previous plans

Conditional support
- satisfied that potential impact on protected species and nearby SSSI, SPA and SACs are low
- condition to require mitigation, enhancements and reptile surveys to be carried out

3.5 NCC Highways

Comments on amended plans

- No further comments received

Comments on previous plans

- Revised plans required
- 20mph zone should cover existing Kell's Way along with new state road
- need to consider how access road connects with Kell's Way, suggest turning access road into shared surface road with dropped kerb crossing at entrance
- improve pedestrian crossing facilities to The Street for accessing local services
- should be no agricultural access to field to north
- improve remainder of public footpath outside of site
- amendments to visibility splays
- layby for Anglian Water service vehicles is too small
- if there is to be access to Rose Cottage this needs to be shown on the plan

3.6 NCC Lead Local Flood Authority

Comments on amended plans

- Conditional support

Comments on previous plans

- Conditional support
3.7 NCC Public Rights Of Way

Comments on amended plans

- As part of the public highway is to be subsumed by adopted public highway under a Section 38 Agreement the proposal is now acceptable. A diversion order is not required.

Comments on previous plans

- part of public right of way will require diversion or extinguishment
- remainder of public right of way should be upgraded to the west of the site

3.8 NHS England

No response received

3.9 NHSCCG

No response received

3.10 Police Architectural Liaison Officer

Comments on amended plans

- No further comments received

Comments on previous plans

- No comments

3.11 SNC Senior Conservation and Design Officer

Comments on amended plans

- No further comments

Comments on previous plans

- Generally supports scheme but clarification over whether trees can be retained

3.12 SNC Community Services - Environmental Quality Team

Comments on amended plans

Conditional support

3.13 SNC Housing Enabling & Strategy Manager

Comments on amended plans

No objection

- Additional highway works are likely to be necessary with the cost of this work ‘impacting on the potential delivery of these proposals’. Consequently the applicants propose changing one affordable dwelling to open market sale
- Although this would result in one less affordable home, I recognise that each development has site-specific costs. Consequently, provided financial evidence about the cost of additional work required justified the change of tenure, I would have no objection to the amended application
Comments on previous plans

- No objection
- subject to approval of planning application 2017/0224 to compensate for the shortfall of affordable housing in this application

3.14 SNC Landscape Architect

Comments on amended plans

- No further comments to make

Comments on previous plans

- Insufficient information regarding the existing trees
- concerned that potentially significant trees are to be removed to facilitate the access
- submitted tree survey does not clarify why all five of the trees have to be removed when the available information implies that at least one has the potential to be retained
- it would be more in keeping with the rural setting if the garden boundaries along the south had hedging facing the footpath
- moving the field access in response to other comments needs to consider that existing hedgerows are not lost as a consequence
- the hedged boundary on the north is the minimum that we could expect to address the requirement in GEL1. It will be critical to establish a management regime for this planting

3.15 Waveney Lower Yare & Lotingland IDB

No comments received

3.16 Other Representations

Comments on amended plans

4 letters of objection
- More concerns raised about access by Kell’s Way and Geldeston Hill
- Highways Officer requires new access to be 5.5 metres so how can Kells Hill be of adequate width?
- Whilst is more concern being paid to hedge along Yarmouth Road than people living in the village?
- Loss of faith in people making decisions on this application
- Has anyone considered the old peoples home very close to this new development?

Comments on previous plans

11 letters of objection
- proposal is for more houses than originally proposed
- road won’t support the volume of traffic to build these houses
- increase in amount of traffic passing my house
- not much space to park so lots of cars park on Kells Way
- the road up the hill is very narrow even without cars parking on it
- access should be moved to the Old Yarmouth Road
- water and sewage system would be overloaded
- south-east corner of field prone to flooding
- would hate to see our peaceful village become overcrowded
• development will swallow up West End into a built-up area and destroy its character and setting
• incomplete ecological survey
• swales could provide ecological benefit but poorly located and maintenance needs to be addressed
• hedgerow along northern boundary inadequate
• no public open space provided
• layout should be reconfigured to reflect village form
• greater containment of development required

1 letter suggesting traffic calming measures to address traffic issues along Kells Way

1 letter noting that there should be an access shown to Rose Cottage

4 Assessment

4.1 Members may recall this application was considered by committee on 29 March 2017. The proposal is a full application for 13 dwellings accessed from Kell’s Way with the existing access track to be upgraded to an access road. Members resolved to approve the application subject to resolution of satisfactory highway access arrangements and affordable housing provision. A copy of the report to that meeting is attached as Appendix 2.

4.2 Issues to be resolved included the means of accessing the remainder of the field for agricultural purposes. The retention of trees at the site access also required further consideration, which is also detailed in this report.

4.3 Aside from the issues relating to access, affordable housing and landscaping below, all other material considerations are as reported in the original report (Appendix 2).

Site description and assessment

4.4 The site comprises the southern part of an existing field. The land rises from the south-eastern boundary of the site to the north-west away from the valley of the Waveney valley. It is accessed from a private track off Kell’s Way and separates the main part of the village of Geldeston from a small detached area of settlement known as West End to the north-west.

4.5 As noted above, this is currently accessed from Kell’s Way and the applicant proposed that this would be continue to be the case by providing a field access within the development. However, Norfolk County Council’s Highways Officer stated that access should be from Yarmouth Road as it would be inappropriate for agricultural vehicles to access the field through a residential development.

4.6 It has since been established that a field access onto Yarmouth Road would necessitate the removal of a substantial portion of the hedgerow along the field boundary with Yarmouth Road. Given that an alternative option for access exists by the field access originally proposed in the application it is considered that this would not be an acceptable solution. This is particularly in light of the fact that accessing the field by the means proposed in the application reflects the current situation and also taking into consideration that the size of the remainder of the field means that it is likely to result in only a small number of movements of agricultural vehicles.
4.7 Nonetheless, Norfolk County Council’s Highways Officer has stated that if this to be acceptable the width of the access road through the development must be widened to be able to accommodate agricultural vehicles which will require the relocation of an electricity pole. In addition, the applicant is required to provide a 2 metre wide footway along the southern boundary which is more extensive than originally envisaged.

4.8 As a consequence of the resulting additional costs the applicant has stated that it is no longer viable to construct the development with the mix of affordable housing originally proposed and considered by members at the meeting of the Development Management Committee in March. Instead they are now proposing that a dwelling that was to be provided for shared equity should now be available as an open market unit. They are not proposing that the design or specification of the dwelling will change in any way.

4.9 The Council’s Property Consultant who considered the viability information submitted with the original application is considering the application as to whether he agrees the additional costs justify the reduced affordable housing provision. Policy 4 allows for the proportion of affordable housing sought and the balance of tenures amended where it can be demonstrated that site characteristics, including infrastructure provision, together with the requirement for affordable housing would render the site unviable. As such, providing the Property Consultant confirms the additional costs do affect the viability of the scheme as claimed, it is considered that the development remains acceptable in policy terms. Their comments will be reported to committee through updates to this report.

4.10 The alterations to the access will have no material impact on the Conservation Area from the issues already considered in regard to the loss of trees adjacent to where the access road meets Kell’s Way. Members may recall that delegated authority was resolved by members to allow resolution of the access arrangements in relation to the retention on trees at the site access. The ability to retain the trees has been explored further but is now accepted that it is not feasible to retain the trees regardless of whether the access road is the original width or that now proposed. Given this, it is considered preferable in landscape terms to pursue the option of the field access being through the development and therefore retaining the hedgerow along Yarmouth Road given that the trees will need to be removed to allow development of the allocation in any event.

4.11 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.

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

5 Conclusion

5.1 The principle of residential development, with the access and scale indicated within the application is acceptable given that the site is an allocation within the Local Plan. Whilst the level of affordable housing provided is less than set out in Policy 4 of the Joint Core Strategy it is accepted that the development cannot be made viable with affordable housing provided at this level. All other matters are considered acceptable as set out in the original report (Appendix 2). Subject to the conditions listed above and a section 106 agreement to secure the affordable housing that is still to be provided the scheme is considered to represent a sustainable form of development.
APPENDIX 2

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Growth and Localism

Major Applications

1. **App. No**: 2017/0219/F  
   **Parish**: GELDESTON

   **Applicants Name**: Mr Julian Wells  
   **Site Address**: Land North West Of Kells Way Geldeston Norfolk

   **Proposal**: Erection of 13 residential units (Class C3) with associated landscaping, drainage and highways works

   **Recommendation**: Authorise Director of Growth and Localism to approve.

   1. Full Planning permission time limit
   2. In accordance with amended plans
   3. Surface water drainage to be agreed
   4. Ecological mitigation and enhancements to be agreed
   5. Highway conditions
   6. External materials to be agreed
   7. Slab level to be agreed
   8. Boundary treatment to be agreed
   9. Landscaping scheme to be agreed
   10. New water efficiency
   11. Renewable energy provision

   Subject to resolution of satisfactory highways access arrangements and affordable housing provision and subject to S106 agreement to secure affordable housing

1. **Planning Policies**

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

1.2 **Joint Core Strategy**
   - Policy 1: Addressing climate change and protecting environmental assets
   - Policy 2: Promoting good design
   - Policy 4: Housing delivery
   - Policy 15: Service Villages

1.3 **South Norfolk Local Plan**
   Development Management Policies
   - DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk
   - DM1.3: The sustainable location of new development
   - DM3.1: Meeting Housing requirements and needs
   - DM3.8: Design Principles applying to all development
   - DM3.11: Road safety and the free flow of traffic
   - DM3.12: Provision of vehicle parking
   - DM3.13: Amenity, noise, quality of life
DM4.2: Sustainable drainage and water management
DM4.3: Facilities for the collection of recycling and waste
DM4.8: Protection of Trees and Hedgerows
DM4.9: Incorporating landscape into design
DM4.10: Heritage Assets

1.4 Site Specific Allocations and Policies
GEL 1: Land west of The Kells

1.5 Supplementary Planning Document
South Norfolk Place Making Guide 2012

Statutory duties relating to Conservation Areas:

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

2. Planning History
2.1 No planning history

3. Consultations

3.1 Parish Council
Object
- combined with the 2017/0224 there will be an additional 17 houses, likely to add a further 34 vehicles
- need to consider the 5-10 year development of this part of the village as the plan shows access to the second part of the development
- Geldeston Hill is a narrow pinch point with a lot of on-street parking as a number of properties do not have their own parking space
- these developments mean reduced parking and greater traffic
- access to the development should be from Yarmouth Road
- GEL1 states an allocation of approximately 10 houses, the current application is for 13 houses which is at odds with the policy and too dense.
- concerns about the foul drainage system on Kells Way
- the mains supply is not large enough and they state that offsite reinforcement will be required. This amounts to 250 metres of new 180mm water main so there will be disruption during these works
- concerns about increased run-off of water. Flood alleviation measures must be added to ensure good soakaway capacity in an area of flood risk

3.2 District Member
To Committee
- Highway concerns

3.3 Waveney Lower Yare & Lotingland IDB
No comments received

3.4 SNC Landscape Architect
Insufficient information regarding the existing trees
- concerned that potentially significant trees are to be removed to facilitate the access
• submitted tree survey does not clarify why all five of the trees have to be removed when the available information implies that at least one has the potential to be retained
• it would be more in keeping with the rural setting if the garden boundaries along the south had hedging facing the footpath
• moving the field access in response to other comments needs to consider that existing hedgerows are not lost as a consequence
• the hedged boundary on the north is the minimum that we could expect to address the requirement in GEL1. It will be critical to establish a management regime for this planting

3.5  NCC Highways

Revised plans required
• 20mph zone should cover existing Kell's Way along with new state road
• need to consider how access road connects with Kell’s Way, suggest turning access road into shared surface road with dropped kerb crossing at entrance
• improve pedestrian crossing facilities to The Street for accessing local services
• should be no agricultural access to field to north
• improve remainder of public footpath outside of site
• amendments to visibility splays
• layby for Anglian Water service vehicles is too small
• if there is to be access to Rose Cottage this needs to be shown on the plan

3.6  NCC Public Rights Of Way

• part of public right of way will require diversion or extinguishment
• remainder of public right of way should be upgraded to the west of the site

3.7  Anglian Water Services Ltd

development site is within 15 metres of a sewage pumping station.
• Dwellings located within 15 metres of the pumping station would place them at risk of nuisance and therefore this should be taken into account in the site layout
• wastewater treatment plant and foul sewerage network have capacity

3.8  SNC Conservation And Design

Generally supports scheme but clarification over whether trees can be retained

3.9  NCC Ecologist

Conditional support
• satisfied that potential impact on protected species and nearby SSSI, SPA and SACs are low
• condition to require mitigation, enhancements and reptile surveys to be carried out

3.10  SNC Housing Enabling & Strategy Manager

No objection
• subject to approval of planning application 2017/0224 to compensate for the shortfall of affordable housing in this application

3.11  NHS England

No comments received

3.12  NHSCCG

No comments received
3.13 NCC Lead Local Flood Authority

Conditional support

3.14 Other Representations

- 6 letters of objection
  - proposal is for more houses than originally proposed
  - road won't support the volume of traffic to build these houses
  - increase in amount of traffic passing my house
  - not much space to park so lots of cars park on Kells Way
  - the road up the hill is very narrow even without cars parking on it
  - access should be moved to the Old Yarmouth Road
  - water and sewage system would be overloaded
  - south-east corner of field prone to flooding
  - would hate to see our peaceful village become overcrowded
  - development will swallow up West End into a built-up area and destroy its character and setting
  - incomplete ecological survey
  - swales could provide ecological benefit but poorly located and maintenance needs to be addressed
  - hedgerow along northern boundary inadequate
  - no public open space provided
  - layout should be reconfigured to reflect village form
  - greater containment of development required

- 1 letter suggesting traffic calming measures to address traffic issues along Kells Way
- 1 letter noting that there should be an access shown to Rose Cottage

4 Assessment

4.1 Site description and proposal

The site comprises the southern part of an existing field. The land rises from the south-eastern boundary of the site to the north-west away from the valley floor of the Waveney valley. It is accessed from a private track off Kell’s Way and separates the main part of the village of Geldeston to the south-east from a small detached area of settlement known as West End to the north-west.

4.2 The proposal is a full panning application for 13 dwellings. It is to be accessed from Kell’s Way with the existing access track upgraded to an access road. Of the 13 dwellings, three are proposed as affordable dwellings.

4.3 In addition, the new access road has been designed to enable access to a site within the built-up area of Geldeston on which there is a separate proposal by Saffron Housing Trust for four dwellings. This proposal is the subject of planning application 2017/0224 and is dependent on this application establishing an access to the site. This application would need to be approved before 1st April 2017 to secure grant funding. At the Ward Member’s request both these applications are being brought before Members for consideration. Whilst there are still some key issues to be addressed for the 13 dwellings proposed under 2017/0219, Officers are conscious of the grant deadline for 2017/0224 and so are seeking delegated authority to resolve final matters relating to highways and affordable housing.

4.4 The main issues are the principle of development, the detailed design of the scheme and how it relates to adjoining development, the impact on the wider landscape, the potential loss of trees adjoining the access from Kell’s Way, the impact on the amenities of existing properties and the suitability of the access to serve the level of development proposed.
4.5 Policy 15 of the Joint Core Strategy identifies Geldeston as a service village in which allocations of 10 to 20 dwellings have been provided for the period between 2008 and 2026.

4.6 Policy GEL1 allocates the site for approximately 10 dwellings. In addition, the policy contains the following requirements:

- Access from Kell’s Way
- Local highways improvements and the provision of a safe access
- A landscaping belt along the northern boundary to preserve the rural aspect from Yarmouth Road to the north
- Wastewater infrastructure capacity must be confirmed prior to development taking place
- Norfolk Minerals and Waste Core Strategy Policy CS16 applies, as this site is underlain by safeguarded mineral resources

The application comprises of 13 dwellings which is above the approximately 10 dwellings allocated in the Local Plan. However in considering whether this resultant effect on the total number of dwellings other material considerations must also be taken into account.

4.7 Part 1 of Policy DM1.3 states that new development should be located so that it positively contributes to the principle of sustainable development. The policy seeks development to be on allocated sites and of a scale proportionate to the level of growth planned in that location, and the role and function of the settlement within which it is located. The scheme meets the requirement of this policy.

4.8 In regard to the requirements of Policy GEL1, the access is from Kell’s Way and landscaping proposed on the northern boundary as required. These issues, and local wastewater capacity, are covered in the sections of the report below. In regard to the additional dwellings above the approximately 10 dwellings set out in the policy it is considered that this additional level of development is relatively minor and the site is clearly large enough to accommodate it without overdeveloping the site. Paragraph 58 of the NPPF should also be considered, which requires that planning decisions should aim to ensure that development optimises the potential of the site to accommodate development. Density is relatively low and in keeping with the surrounding area. As such it is not considered that there is an objection in principle to a development of 13 dwellings on this site.

4.10 Given the contents of paragraph 49 of the NPPF it is necessary to determine whether the scheme represents sustainable development having regard to the content of the NPPF.

4.11 Sustainable development has three dimensions: economic, social and environmental. The NPPF goes on to stress in paragraph 8 that these are not to be undertaken in isolation as they are mutually dependent. The NPPF also sets out 13 themes for delivering sustainable development but considers its meaning of sustainable development has to be taken as the NPPF as a whole.

4.12 The assessment is undertaken having regard to the three roles expressed within the NPPF, and which have been reiterated in Policies DM1.1 and DM1.3 of the South Norfolk Local Plan. The assessment of each role also draws upon the relevant Local Plan policy where relevant.
Economic role

4.13 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."

4.14 The construction of 13 dwellings, and the further four that would be enabled on the adjoining site, in a service village would help enhance the economic vitality of the village through local spending from future occupants of the dwellings.

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

Social role

4.16 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 country's needs and support its health, social and cultural well-being."

4.17 Given the site is allocated it is evident that this site is clearly part of the Council's strategy for meeting housing need within the district and as such would contribute to the stated social aim of the NPPF to provide the supply of housing to meet present and future need.

4.18 The social role highlights the need for housing to have appropriate access to a range of local services. Geldeston is identified as a service village with a range of local services, including a village hall and two public houses. In addition, public transport is provided through a bus service linking the village to Beccles and Bungay. All can easily be reached on foot from the site.

4.19 The proposal includes the provision of affordable housing. On the site itself, three dwellings are proposed which is below the requirement of Policy 4 of the JCS which requires four affordable dwellings for a development of this scale. As noted above, this application is linked to an application by Saffron Housing Trust for four chalet bungalows to be sold on shared ownership terms on an adjacent site. As access to that site is provided through this development, this application can be seen as enabling the delivery of four further affordable homes. Financial evidence provided demonstrates to the satisfaction of the Council's Property Consultant that due to the costs associated with access rights to each site that the affordable housing requirement proposed in this application is justified. The Council's Housing Strategy and Enabling Officer raises no objection and officers consider development of this allocated site will bring forward a site for affordable dwellings that could not otherwise be developed which provides further social benefits. Further discussions are being undertaken on the affordable housing provision and an update will be provided to committee.

4.20 In regard to the general mix of housing, in addition to the affordable dwellings the development proposes a mix of three bedroom and four bedroom dwellings for the open market. It is considered that this mix of size of dwellings meets the requirements of Policy DM3.1.

Environmental role

4.21 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."
4.22 The development has been subject to a Building for Life Assessment which concludes that the scheme is appropriate for the site, taking into account the traditional and more modern development of significance close to the site, but also having a distinctive character of its own. Although effectively creating a cul-de-sac, overlooked footpaths retain connection to the neighbouring housing estate. Concern is raised about the loss of trees at the access to the site, which is considered further later in the report. Overall, the Building for Life gives the development nine green ratings (for facilities and services, access to public transport, meeting local housing requirements, working with the site and its context, creating well defined streets and spaces, car parking, public and private spaces, external storage and amenity space) and three amber ratings (for connections, ease of finding your way around and streets for all). It is therefore considered that the layout and design of the development accords with Policy 2 of the Joint Core Strategy and Policy DM3.8 of the Local Plan.

4.23 The site is adjacent to a conservation area. Section 72 of the Listed Buildings Act 1990 requires assessment of the effect of development upon the Conservation Area. Consideration of the impact on this heritage asset also needs to be considered against Policy 1 of the Joint Core Strategy and Policy DM4.10 of the Local Plan.

4.24 The scheme has been designed to relate to the Tayler and Green housing which is recognised in the Building for Life Assessment as noted above. As such it is considered that the development would not result in harm to the setting of the conservation area and is therefore considered to comply with Policy DM4.10. Equally in consideration of the Council's duties under the Act it is considered for the reasons set out above that the proposal would not adversely affect the Conservation Area.

4.25 The application proposes the removal of a number of trees along the access from Kell’s Way as part of the widening of the access required into the site. The Council's Landscape Architect has commented that these trees are potentially significant (and protected by the fact that they are within the Conservation Area) and therefore should be retained where possible under Policy DM4.8. The Landscape Architect has also commented that the submitted Tree Survey does not adequately address why they all need to be removed. Further justification is being sought to address this issue and if possible to retain as many of the trees as possible. Any further progress on this matter will be reported to members at the meeting.

4.26 In regard to other issues regarding the landscaping of the site, the Landscape Architect has also commented in regard to the boundary treatment on the southern and northern boundary. At the time of writing this report these matters are being negotiated with the applicant and an update will be given to committee on this matter and compliance with Policy DM4.9.

4.27 In regard to the impact on the amenities of existing neighbours, the main concern is the relationship of Plots 1, 2 and 3 with existing properties on Kell’s Way. The proposed properties are two storey and therefore introduce overlooking onto existing properties from where there is currently no development. However, there are reasonable separation distances, particularly given the presence of the existing access track which divides the curtilages of the two sets of properties. At the other end of the development, Plot 11 also adjoins an existing dwelling but given the size of both the new plot and the existing curtilage of the existing property as well as the position and orientation of the proposed dwelling in this plot it is not considered that there will be any adverse impact in this instance. Overall, it is considered that the proposed development will comply with Policy DM3.13.
The application is supported by a Drainage Strategy to account for the local flood risk issues and surface water drainage at this location. The Lead Local Flood Authority have commented that they welcome that Sustainable Drainage Systems have been proposed at this location and advise that they have no objection to the proposal subject to a condition being imposed on any planning permission requiring the detailed design of the drainage system to be agreed. Anglian Water has also confirmed there is capacity in regard to foul water disposal to accommodate the proposed development. It is therefore considered that the proposal complies with Policy DM4.2.

In regard to the ecological impact of the development, an Ecological Survey has been submitted that conducted a desk survey and site visit. The site is within the Natural England Impact Risk Zones for the Broadland RAMSAR, Broadland Special Area of Conservation (SPA), The Broads Special Area of Conservation (SAC) and Geldeston Meadows SSSI. The report concludes that the proposed development is unlikely to pose a risk to these areas. Norfolk County Council's Ecologist has advised that they agree with this view given the number of dwellings and that the site is bordered by development to some degree to the east and the west. The Ecologist is also satisfied that the potential impact on protected species is low and that any impact can be mitigated. A condition is therefore recommended requiring implementation of the mitigation and enhancements identified in the report and the carrying out of reptile surveys.

Access and highway safety

A number of comments have been raised by local residents, the Parish Council and the local District Member querying the suitability of accessing the site through Kell's Way, mainly due to concerns relating to existing on-street parking on this road. An alternative has been suggested of accessing the site from Yarmouth Road to the north. This would require a roadway to be constructed across the remainder of the field to the north between Yarmouth Road and the site.

Policy GEL1 is quite explicit that access to the site should be via Kell's Way. An alternative means of accessing the site would therefore need to be justified. It is accepted that the access from Kell's Way is now to serve more dwellings than originally envisaged, both within this application site and on the adjoining land. However, it is not considered good planning in terms of integrating the new development to the village to have it accessed separately from Yarmouth Road and the Highway Authority have also advised that it is their preference for the development to be accessed via existing estate roads rather than from a rural road with higher traffic speeds. As they do not consider there to be any highway safety implications from using the Kell's Way access it is therefore not considered to be appropriate to pursue an alternative means of access.

The Highway Authority have however raised a number of issues that they would like to see resolved prior to permission being granted, including the road type to be used within the development, pedestrian improvements at the junction of Kell's Way and The Street, improvements to the public right of way beyond the site boundary and small amendments to the layout itself. These are being pursued and it is recommended that delegated powers are granted to secure them in order to ensure the development complies with Policies DM3.11 and DM3.12.

In regard to the public right of way, the presence and alignment of the estate road will require a small section to be diverted and / or extinguished. The Public Rights of Way Officer has provided some comments on the best way to progress this matter.

Paragraph 75 of the NPPF seeks to protect and enhance public rights of way. Any application affecting public rights of way needs to consider whether diverted route meets these objectives. Guidance is also given in Circular 1/09 – Rights of Way Circular.
4.35 The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order. It is not considered that the amended route would significantly disadvantage the public right of way, and no property would be directly affected due to the location of the footpath amendment. The amendment to the route of the public right of way is therefore considered to be acceptable under paragraph 75 of the NPPF.

4.36 A Section 257 order under the Town and Country Planning Act 1990 (as amended) would need to be made to formally amend the public right of way.

Other issues

4.37 Anglian Water have commented that no dwelling should be within 15 metres of the pumping station on the southern boundary of the site. The nearest dwelling to the pumping station is Plot 1 which is over 15 metres thereby complying with the guidance set out in their comments.

4.38 One respondent commented that the development should include the provision of open space. However, at 13 dwellings the proposed development is below the threshold for requiring public open space or children’s playspace. Whilst the combined development with the adjoin Saffron site of 17 dwellings would take it over this threshold the fact that the sites are in different ownership and being brought forward by different developers means that they cannot be seen as one development and therefore no public open space is required.

4.39 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.

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

5 Conclusion

5.1 The principle of residential development, with the access and scale indicated within the application is acceptable given that the site is an allocation within the Local Plan and for the reasons outlined in this report accords with the policies identified. Subject to the views of the Highways Authority and confirmation of the affordable housing provision, and in accordance with the conditions listed above and a section 106 agreement to secure the affordable housing proposed the scheme is considered to represent a sustainable form of development as detailed in the above report.

Contact Officer, Telephone Number and E-mail: Tim Barker 01508 533848 tbarker@s-norfolk.gov.uk
Other Applications

4 Appl. No : 2017/1119/O
Parish : TASBURGH
Applicants Name : Mrs Eileen Coxford
Site Address : Land to The East and West of Hall Farm Bungay Road Tasburgh Norfolk
Proposal : Outline proposal for 3 - 4 bedroom dwelling with primary access from Bungay road and for 2 - 3 bedroom dwelling with access from Hall Farm drive.
Recommendation : Refusal
1 – Contrary to policy DM1.3
2 – Not sustainable development
3 – Harm to character of the area
4 - Residential amenity noise and disturbance
5 – Impact on trees and residential amenity
6 – Insufficient of information on impact of access
7 – Insufficient ecology information

1. Planning Policies

1.1 National Planning Policy Framework
NPPF 06 : Delivering a wide choice of high quality homes
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 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
DM3.11 : Road safety and the free flow of traffic
DM3.12 : Amenity, noise, quality of life
DM4.2 : Sustainable drainage and water management
DM4.5 : Landscape Character Areas and River Valleys
DM4.8 : Protection of Trees and Hedgerows
DM4.10 : Heritage Assets

1.4 Supplementary Planning Document
South Norfolk Place Making Guide 2012

ITEM WITHDRAWN
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
- With further reports still to be undertaken we are not in a position to approve or disapprove the application.
- Will review once these reports have been received.
- Concerns were raised regarding the safety aspects with regard to the access to property onto 60mph road.

3.2 District Councillor
- To be determined by committee if recommended for refusal.
- This site is within the Norwich Policy Area.
- Two homes with gardens would be available within Tasburgh.
- No neighbouring properties or other facilities would be affected.

3.3 SNC Water Management Officer
- Support with conditions.
- No foul drainage information has been submitted.
- No foul sewer near the site.
- The method of non-mains disposal should be the most appropriate to minimise the risk to the water environment. Surface water drainage proposed to be soakaways or SUDS recommend that it is conditioned.

3.4 SNC Community Services - Environmental Quality Team
- No comment

3.5 NCC Highways
- Note one dwelling to have direct access from Bungay Road and one having access from Hall Farmhouse Drive, which is at the main entrance to the farm.
- No highway safety objection to dwelling access off Hall farm Drive.
- The means of access that is proposed to serve the other dwelling is via a field gateway which is narrow for the use by vehicles.
- The access is not conspicuous to passing motorists.
- Visibility is slightly compromised by vegetation on either side of the entrance.
- Entrance would need to be widened and visibility improved, then the dwelling could be acceptable in highway safety grounds.
- The site is well outside any development boundaries and is remote from local services and transport connections.

ITEM WITHDRAWN
Site poorly located in terms of transport sustainability
Not the opportunity to access public transport, safe walking and cycling routes.
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.
NPPF supports access to sustainable transport and the importance of being able to make every day journeys without the reliance on a motor car.
Nearest bus stops are located in village of Tasburgh. The nearest stop being just over a kilometre from the site.
This distance is above the recommended 800 m for access to public transport stop in rural areas. There is no bus service on Bungay Road.
No footways in the vicinity to gain access to other part of the village on foot.
Would be forced to walk on the road, which is obvious safety hazard. Particular concern for vulnerable user with children, pushchairs or wheelchairs
The hazards of walking within this part of Bungay Road are compounded by speed of traffic and changes in alignment of the carriageway.
The site is located within a rural area with limited local service provision
As such given the rural location and lack of immediate methods any residents are likely to use of motorised vehicles.
Conflict with NPPF and Local Transport Plan.

3.6 NCC Ecologist
- No Ecological information has been submitted
- It appears to be very close less than 100 metres from the County Wildlife Site, Pecks Plantation.
- It also appears to be a large number of trees and possibly hedges on site which potential for protected species and other important ecology which could be impacted by this proposal
- Request Phase 1 Habitat Assessment

3.7 Norfolk Wildlife Trust
Support NCC Ecologist that Ecological assessment is necessary

3.8 Arboricultural Officer
- It appears that there are numerous mature trees on the proposed site and an Arboricultural Impact Assessment should be undertaken to demonstrate how the works will be undertaken to minimise impact to the trees

3.9 Other Representations
None received

4 Assessment

4.1 The application is an outline application for two dwellings with all matters reserved within the garden of Hall Farmhouse on Bungay Road (B1135) Tasburgh. An indicative layout has been provided and the supporting information suggests plot named 2 on the drawing would be a one and half storey dwelling and plot named 3 would be single storey.
4.2 The farmhouse was separated from the farm buildings some considerable time ago and sits within a large garden. The existing dwelling on the site is a red brick with pantile roof. The farm buildings are located to the east and south of the site. The site is located outside any development boundary defined by the South Norfolk Site Specific Allocations, but is within the Norwich Policy Area.

4.3 The main settlement of Tasburgh which is a service village is located some distance to the East and North of the site. The site lies within B1: Tributary Farmland where the landscape is described in the South Norfolk Place Making Guide as a small number of large villages including Long Stratton, with smaller hamlets and scattered farmsteads dispersed across the wider landscape frequently clustered with small areas of woodland.

Principle of development

4.4 The site falls outside of any development boundaries. Policy DM1.3 states that permission for development outside of development boundaries will only be granted where specific Development Management Policies allow for development outside of development boundaries or, as set out in Policy DM1.1, where development otherwise demonstrates overriding benefits in terms of economic, social and environmental dimensions.

4.5 The Council is currently unable to demonstrate a 5-year housing land supply within the Norwich Policy Area where this site is located (with a 4.7 year supply being identified at March 2016). This is a significant material consideration and paragraph 14 of the National Planning Policy Framework applies and states that sustainable development should be permitted unless the development would result in adverse impacts that significantly and demonstrably outweigh the benefits.

4.6 It is a matter of judgement for the decision maker whether this material consideration outweighs policy DM1.3. In making this planning balance judgement it is relevant to consider whether the development outside the Development Boundary (in conflict with DM1.3) would cause harm that would significantly and demonstrably outweigh the benefits of the development. The following sections assess the potential impact of the development before concluding whether the development is sustainable or if any harm outweighs the benefits.

Location of the development

4.7 One of the key principles of the NPPF and Local Transport Plan is to manage growth to make the fullest possible use of public transport, walking and cycling and limit the dependency on the private car to undertake day to day activities.

4.8 The site is located some distance approximately 1km by road to the main settlement of Tasburgh, where there is a village hall, public house and school. The nearest shop and other services are located in Long Stratton. There is not a bus route along Bungay Road and the nearest bus stop is approximately a 1 km away in Tasburgh. There are no designated pedestrian routes so access to services by foot would involve walking along part of Bungay Road which due to its alignment and speed of traffic is hazardous and undesirable. As a result any potential residents of the development are likely to be dependent on the private car to access facilities and services which would result in social harm in terms of the NPPF.

Landscape impact

4.9 One of the core planning principles of the NPPF includes recognising the intrinsic character and beauty of the countryside. Policy DM4.5 requires all development to respect, conserve and where possible enhance the landscape character of its immediate and wider environment.
4.10 The site lies within B1: Tributary Farmland landscape defined by the 2001 South Norfolk Landscape Assessment. This landscape is described in the South Norfolk Place Making Guide as being characterised by a small number of large villages including Long Stratton, with smaller hamlets and scattered farmsteads dispersed across the wider landscape frequently clustered with small areas of woodland. The Place Making Guide sets out key design principles for the area which include “ensuring that the existing small scale and dispersed settlement pattern is respected and settlements do not become merged as a result of infill and edge development”.

4.11 The site is located in the open countryside, the immediate character of the area is detached dwellings in large plots, which are dispersed and there is a very loose knit feel to the pattern of residential development. The farm buildings adjacent to the site have a much tighter feel and are located in close proximity to each other. The farm development has a very distinctly different character to the pattern of residential development in the area. The solar farm is located to the south, but is not seen in the context of the site. The site is adjacent to a significant woodland. The site itself is currently well screened with mature trees and hedgerows.

4.12 The erection of two dwellings within the garden of Hall Farmhouse would result in a denser pattern of development, which would erode the dispersed and loose knit pattern of residential development within the area and eroding its rural character contrary to policy DM4.5 of the Development Management Policies.

Highways

4.13 Details of access are reserved for later approval, but the application indicates that one dwelling would be accessed using the existing driveway to Hall Farmhouse and the other one would use the existing field access onto the Bungay Road.

4.14 The Highway Officer raises no objection to the principle of a shared access with Hall Farmhouse which goes onto the main farm access before going onto the B1135. Although in principle he has no objection to using the field access, it is currently narrow and the visibility is restricted to some extent by existing vegetation. The site rises from the road so it is likely that some levelling works would be required to achieve a satisfactory access. It appears that the necessary works would also involve removal of trees to ensure adequate visibility. At present, there is insufficient information to demonstrate that a satisfactory access in highway safety terms could be provided without causing unacceptable harm to the appearance and rural character of the frontage.

Trees

4.16 There are a number of mature trees and hedging which bound the site and there is also a large mature oak tree located to the south east of the existing dwelling and a number of smaller trees. No arboricultural information has been submitted with the application.

4.17 The layout has been reserved for later approval and the submitted plan is only indicative. However, the trees are likely to be a significant constraint on the layout of development and without an arboricultural report it is not possible to fully assess the impact of the proposed development on the trees. Although the layout plan is only indicative, one of the proposed dwellings is located in close proximity to the mature oak tree on the site and both dwellings are proposed to be located close to existing boundary trees which could have implications for the root protection areas but also result in the trees causing shading and having an over-bearing impact on the proposed dwellings which would be detrimental to their residential amenity and result in pressure for tree removal. As a result, the proposed development is contrary to policy DM4.8 of the Development Management Policies which seeks to protect trees and hedges and policy DM3.13 which seeks to protect residential amenity of existing and proposed occupiers.
Layout, levels and residential amenity

4.18 In addition to concern about the proximity to trees, the dwelling marked as number 3 on the indicative layout is proposed to be in close proximity of the farm access which runs to the east and south of the plot. This access is frequently used by large farm vehicles and locating a new dwelling in close proximity to it is likely to result an in unacceptable level of disturbance to the future occupiers of the dwelling contrary to policy DM3.13 of the Development Management Policies, which seeks to ensure that proposed dwellings achieve a good standard of amenity.

4.19 It is considered the proposed dwellings could be achieved without causing any significant, over shadowing, loss light or overlooking to the existing property and these elements could be dealt with at reserved matters stage.

Heritage assets

4.20 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 feature of special architectural or historic interest which it possesses. Tasburgh Hall is located to the north east on the opposite side of the road. The Hall however, is set well back from the road and it is not considered that the proposal would harm its setting as required by policy DM4.10 of the Development Management Policies.

Ecology

4.21 The site is currently over-grown and there are a number of mature trees on the site. Peck’s Planation which is a County Wildlife Site is located to the south west and well connected to the site with existing vegetation. As a result, there is potential that the proposed development could affect protected species or other ecology.

4.22 The presence or absence of protected species, and the extent to which they could be affected by a proposed development, should be established before planning permission is granted, since otherwise all material considerations might not have been considered in making the decision (Circular 06/2005). No ecological report has been submitted with the application. Consequently, there is insufficient information to assess what impact the development may have on protected species or their habitat and permission could not be properly granted without making this assessment.

Drainage

4.23 No details of foul water drainage have been provided, there is no main foul sewer near the site. The method of non-mains disposal should be the most appropriate to minimise the risk to the water environment. This can be conditioned.

4.2 The application proposes that surface water drainage would be dealt with via either soakaway or SUDS the Water Management Officer recommends that further details are conditioned.

Other issues

4.25 The proposed dwellings could be self-build and full consideration has been given to this. 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'.

ITEM WITHDRAWN
4.26 As required by paragraph 50 of the NPPF consideration has been given to the benefits of providing self-build dwellings, but it is not considered to be an overriding benefit in this case.

4.27 The application can be considered to be previously developed land (brownfield land). In line with the NPPF, I have considered the benefits of the efficient use of land, but consider that in this case, this does not outweigh the other material considerations.

4.28 Sustainable development has three dimensions, economic, social and environmental. These are not to be undertaken in isolation, because they are mutually dependent.

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

Economic Role

4.30 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."

4.31 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 low level of economic benefit.

Social Role

4.32 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."

4.33 The principle social benefit of the scheme is that it provides housing within an area where a 5-year housing land supply cannot be demonstrated. The dwellings could be self – build which can also provide a social benefit. However, the site is some distance outside the nearest village of Tasburgh, the site is not very well related or connected to day-to-day services and facilities, there is no designated pedestrian route to the village where the nearest public transport is and the need to negotiate the B1135 would make accessing services and facilities by foot hazardous and undesirable. Therefore, any future occupier is likely to rely on private vehicle transport for everyday needs and both environmental and social harm would result from the development in this location.

4.34 The proximity of one of the dwellings to the existing farm track, is also likely to result in noise disturbance to the proposed occupier resulting in a poor quality living environment and social harm.

4.35 The proximity of the proposed dwellings to existing trees on the site is likely to result in the trees having an overbearing impact and overshadow the proposed dwellings resulting in poor living environment and social harm.

4.36 It has not been demonstrated that a safe access could be achieved onto the B1135, without causing environmental harm.
Environmental Role

4.37 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."

4.38 The proposed development would result in environmental harm by eroding the dispersed and loose knit pattern of residential properties within the area, resulting in environmental harm. In addition, no arboricultural information has been submitted but dwellings and the access onto the B1135 in the proposed positions are likely to impact on the existing trees on the site and cause environmental harm in the absence of ecological information, there is potential harm to the ecology of the area.

Conclusion on sustainable development

4.39 Applications must be determined in accordance with the development plan, unless materials considerations indicate otherwise. The NPPF is a material consideration and para 14 a key consideration. Policy DM1.3 is not considered to be a policy for the supply of housing, but given the insufficient land supply must be afforded less weight. The proposed development is not considered to be acceptable under any other DM policies or demonstrate overriding benefits. The proposal, therefore, is not considered to meet the requirements of DM1.3. It is, however, necessary to consider the balance identified in DM1.1, which follows the requirements of para 14 of the NPPF.

4.40 Having due regard to the above assessment made in the context of not having a demonstrable 5 year housing land supply, it is considered that the harm to the character of the area, the poor quality living environment from noise and disturbance and overshadowing and over bearing impact from the trees, detrimental impact on the trees and uncertainty over ecology is sufficiently high and outweighs any modest benefit of two dwellings in the countryside where a 5 year land supply cannot be demonstrated. When considered as a whole, the scheme represents an unsustainable development as defined by the NPPF.

4.41 This application is liable for Community Infrastructure Levy (CIL) as it is for new dwellings.

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.

5 Conclusion/reasons for refusal

5.1 The site is located outside of the development boundary and the scheme is not acceptable under any other specific development management policy within the Local Plan which allows for residential development outside of a development boundary, nor does it demonstrate overriding benefits in terms of economic, social and environmental dimensions and therefore fails to comply with the relevant criterion of policy DM1.3 of the South Norfolk Local Plan Development Management Policies.

5.2 The proposed development does not represent sustainable development, having regard to the three tests set out in the NPPF by virtue of the harm to the character of the area; poor quality living environment resulting from noise and disturbance and overshadowing and over bearing impact from the trees; detrimental impact on the trees; and uncertainty over ecology. These harms significantly and demonstrably outweigh the modest benefit of two potentially self build dwellings where a 5 year housing land supply cannot be
5.3 The proposal would result in the erosion of the dispersed and loose knit character of residential development within the area contrary to policy DM4.5 in the of the South Norfolk Local Plan Development Management Policy Document.

5.4 The proposed dwelling numbered 3 on the plan would be in close proximity to the farm track which runs along the southern boundary of the site which would result in an unacceptable level of disturbance to the potential occupiers of the plot contrary to paragraph 123 in the National Planning Policy Framework and policy DM3.13 of the South Norfolk Local Plan Development Management Policy Document.

5.5 Insufficient information has been submitted to establish the impact of the proposed development on existing trees on the site. Notwithstanding this, the dwellings are likely to have implications for root protection zones of the trees and in addition, the existing trees are likely to have an over-bearing impact and cause overshadowing to the proposed dwellings, resulting in a poor quality living environment contrary to policies DM4.8 and DM3.13 of the South Norfolk Local Plan Development Management Policies. This in turn would give rise to pressure to remove trees to the likely detriment of the ecology and appearance of the area.

5.6 Insufficient information has been provided to demonstrate how a safe access onto the B1135 could be formed without unacceptable impact on existing trees and the character and appearance of the development contrary to policy DM3.8 of the South Norfolk Local Plan Development Management Policies.

5.7 Insufficient information has been submitted to establish the presence or absence of protected species on the site and the extent to which they could be affected by a proposed development contrary to the advice in Circular 06/2005.

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

ITEM WITHDRAWN
Removal of Section 106 Agreement

5

Appl. No : 2017/1212/S106A
Parish : SEETHING

Applicants Name : Otley Properties Limited And Robin Wesley Key
Site Address : Fairhead And Son Wheelers Lane Seething Norfolk NR15 1EJ
Proposal : Discharge of S106 obligation relating to affordable housing contribution

Recommendation : The Section 106 planning obligation is discharged

1. Planning Policies

1.1 National Planning Policy Framework
NPPF 06 : Delivering a wide choice of high quality home
NPPF 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 5 : The Economy

1.3 South Norfolk Local Plan
Development Management Policies
DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk
DM1.3 : The sustainable location of new development
DM1.4 : Environmental Quality and local distinctiveness
DM3.8 : Design Principles applying to all development
DM3.10 : Promotion of sustainable transport
DM3.11 : Road safety and the free flow of traffic
DM3.13 : Amenity, noise, quality of life
DM3.14 : Pollution, health and safety
DM4.2 : Sustainable drainage and water management
DM4.4 : Natural Environmental assets - designated and locally important open space
DM4.5 : Landscape Character Areas and River Valleys

1.4 Supplementary Planning Document
South Norfolk Place Making Guide 2012

2. Recent Planning History

2.1 2013/1193  Demolition of existing industrial units and erection of 3 detached houses and associated works.  Approved

2.2 2014/2609  Discharge of conditions 7, 8, 9, 10, 19 & 23 following planning permission 2013/1193/F - materials, landscape plan, landscape management plan, investigation and risk assessment, boundary treatment, construction plan, .  Approved
<table>
<thead>
<tr>
<th></th>
<th>Application No.</th>
<th>Details</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.3</td>
<td>2015/0625</td>
<td>Discharge of conditions 4 &amp; 5 following planning permission 2013/1193/F - 4 - surface water drainage - 5 - foul drainage.</td>
<td>Approved</td>
</tr>
<tr>
<td>2.4</td>
<td>2015/2067</td>
<td>Discharge of condition 10 - contamination investigation and risk assessment of planning application 2013/1193.</td>
<td>Approved</td>
</tr>
<tr>
<td>2.5</td>
<td>2015/2609</td>
<td>Discharge of condition 11 of planning permission 2013/1193 - Pertinent Remediation Report</td>
<td>Approved</td>
</tr>
<tr>
<td>2.6</td>
<td>2016/2656</td>
<td>Discharge condition 17 - levels of permission 2013/1193 (Demolition of existing industrial units and erection of 3 detached houses and associated works.)</td>
<td>Approved</td>
</tr>
<tr>
<td>2.7</td>
<td>2016/2882</td>
<td>Proposed 3 no. new dwellings and garages</td>
<td>Approved</td>
</tr>
<tr>
<td>2.8</td>
<td>2017/0749</td>
<td>Variation of condition 2 of planning permission 2016/2882/F - Alteration to external elevations for plot 1 and plot 3</td>
<td>Approved</td>
</tr>
<tr>
<td>2.9</td>
<td>2017/0758</td>
<td>Discharge of conditions 3, 4, 5, 6, 8, 9, 12, and 23 of planning permission 2016/2882/F - (3) - Materials (4) - External joinery (5) - Investigation and risk assessment (6) - Contamination (8) - Surface water drainage (9) Foul water (12) levels, (23) - tree protection plan</td>
<td>Approved</td>
</tr>
</tbody>
</table>

3. Consultations

3.1 Parish Council | No objections to the discharge of the obligation
3.2 District Councillor | To be reported if appropriate
3.3 Other Representations | No comments received

4. Assessment

4.1 This is an application for the discharge of the Section 106 planning obligation dated 7th February 2014 attached to the planning permission 2013/1193 for the demolition of existing industrial units and the erection of 3 detached houses constructed to Passive House standards, at the former Seething Motors site, Wheelers Lane, Seething. The S106 required a contribution for the provision of an off-site Affordable Dwelling.

4.2 The application site is situated to the south of Wheelers Lane and is located outside the development boundary for the village. In the past part of the site has been used for car sales, car repairs, car breaking and restoration of vehicles. There were a number of dilapidated buildings on the site, including some of the old farm buildings associated with its former use. The planning permission proposed to remove the existing buildings and the erection of 3 detached dwellings. This consent has been implemented in so far as the pre-commencement conditions have been discharged and works commenced on site.
4.3 Under the requirements of Policy 4 of the JCS, due to the site area of 0.995 hectares the requirement of one affordable home is triggered and ideally this would be a 2-bedroom house for rent. The applicant put forward a viability assessment and it has been agreed by the Housing Strategy Manager that given the context of the site, its location, the highway stipulation that no more than 3 dwellings would be supported and the history of the site that it would be unreasonable to seek an on-site provision as the policy requires. In this case and given the exceptional circumstances the Housing Strategy Manager was prepared to accept a commuted sum for the provision of a 2-bedroomed house off-site. This was secured by way of a S106 agreement.

4.4 The site was placed on the open market following the grant of permission and purchased by Otley Properties Limited on the 25th October 2016. During the intervening years, the Government Policy has changed in respect of Affordable Housing requirements and finally in May 2016 the Planning Policy Guidance was updated stipulating that affordable housing contributions "should not be sought from developments of ten units or less, and which have a maximum combined gross floor space of no more than 1,000 square metres". As Members are aware this therefore superseded the requirement of JCS Policy 4.

4.5 Otley Properties Limited submitted a new planning application 2016/2882, which changed the design of the dwellings and due to the total floor space of all dwellings plus garages equating to 959 sqm, this application did not trigger the requirement for an Affordable Housing contribution but did require a CIL contribution.

4.6 Because of the change in Government Policy as set out above, Otley Properties Ltd consider that it is now unreasonable for the Council to require an off-site contribution for Affordable Housing, hence they have applied for the S106 to be discharged.

4.7 The NPPF advises that planning obligations should only be sought where they meet all of the following tests:

   • Necessary to make the development acceptable in planning terms;
   • Directly relate to the development; and
   • Fairly and reasonably related in scale and kind to the development.

4.8 In terms of the S106 being necessary to make the development acceptable, the site was a previously developed site; the scale, bulk, massing and design was of good quality and respected the character of the site and its surroundings; the amenities of the neighbours were not adversely affected to a material degree and it did not give rise to a situation detrimental to highway safety or ecology. In view of the above, I consider that the development would still be acceptable without the provision of an Affordable Dwelling contribution. With regards to directly relevant to the development, the S106 would still meet this test. Finally, fairly and reasonably related in scale and kind to the development, the proposal was for 3 dwellings and triggered the need for one Affordable Dwelling due to the site area. Given the change in Government Policy, to require the provision of one Affordable dwelling would not now meet this test.

4.9 Having due regard to the NPPF’s requirements for the imposition of planning obligations and the updated Planning Policy Guidance, I consider that the planning obligation does not meet all the tests set out in the NPPF and should therefore be discharged.

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.
5 Conclusion

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

Contact Officer, Telephone Number and E-mail: Claire Curtis 01508 533788 ccurtis@s-norfolk.gov.uk
This report schedules progress on outstanding enforcement cases

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>ALLEGED BREACH</th>
<th>DATE OF COMMITTEE AUTHORITY</th>
<th>ACTION TAKEN</th>
</tr>
</thead>
<tbody>
<tr>
<td>WORTWELL Station Farm High Road 2004/0254</td>
<td>Standing and occupation of a residential caravan</td>
<td>20.06.2006</td>
<td>Enforcement Notice served Not complied with Direct action to be taken to ensure compliance with Notice</td>
</tr>
<tr>
<td>DICKLEBURGH Beeches Farm Norwich Road 2007/8036</td>
<td>Material change of use - Breach of a condition - Operational development</td>
<td>24.04.2007</td>
<td>Enforcement Notices served and initially complied with. Ongoing negotiation to secure future of the listed building</td>
</tr>
<tr>
<td>HEMPNALL Pevensey House The Street 2009/8010</td>
<td>Unauthorised works to a listed building Erection of lean to structure</td>
<td>12.04.2010 12.04.2010</td>
<td>Listed Building Enforcement Notice served and Enforcement Notice served Further applications for new scheme to be submitted by 15/07/17</td>
</tr>
<tr>
<td>CARLETON RODE Land adj. to Fen Road 2006/0269</td>
<td>Change of use of land</td>
<td>21.07.2010</td>
<td>Enforcement Notice served Compliance date 29.12.2011 Environment Statement submitted and proposed scheme of works for compliance with enforcement notice being considered</td>
</tr>
<tr>
<td>CARLETON RODE Fenlakes Fishery 2009/8199</td>
<td>Standing and Occupation of Residential Caravan</td>
<td>04.03.2015</td>
<td>Enforcement Notice served Compliance date within 3 months of first occupation of the permitted dwelling house</td>
</tr>
<tr>
<td>LOCATION</td>
<td>ALLEGED BREACH</td>
<td>DATE OF COMMITTEE AUTHORITY</td>
<td>ACTION TAKEN</td>
</tr>
<tr>
<td>--------------------------</td>
<td>----------------------------------------------------</td>
<td>----------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| CROWNTHORPE              | Formation of Access                                | 16.11.2011                 | Enforcement Notice served  
Owner previously unable to comply due to personal circumstances but further action to comply agreed within next planting season |
| Land adjacent to         |                                                   |                            |                                                                                                                                              |
| The Drift Crownthorpe Rd |                                                   |                            |                                                                                                                                              |
| 2011/8025                |                                                   |                            |                                                                                                                                              |
| WYMONDHAM                | Standing of residential mobile home                | 22.07.2015                 | Enforcement Notice served  
Compliance date 4 months after the mobile home is no longer occupied by specified occupier                                           |
| Copper Beeches           |                                                   |                            |                                                                                                                                              |
| Crownthorpe Road         |                                                   |                            |                                                                                                                                              |
| 2015/8005                |                                                   |                            |                                                                                                                                              |
| GREAT MOULTON            | Change of use of land for travellers site          | 16.09.2015                 | Enforcement Notice upheld  
on appeal with changes but overridden by  
Temporary planning permission granted  
until 09.03.2021                                                             |
| Hope Valley Low Common   |                                                   |                            |                                                                                                                                              |
| Road                     |                                                   |                            |                                                                                                                                              |
| 2015/8139                |                                                   |                            |                                                                                                                                              |
| KETTERINGHAM             | Change of use of land for travellers site          | 14.10.2015                 | Enforcement Notice served  
Prosecution successful and compliance achieved  
NFA                                                                            |
| Land North of High Street|                                                   |                            |                                                                                                                                              |
| 2014/8301                |                                                   |                            |                                                                                                                                              |
| EASTON                   | Change of use of dwelling  
To create a second  
independent dwelling | 20.07.2016                 | Enforcement Notice served  
Compliance date 19.09.17                                                         |
| The Old Post Office      |                                                   |                            |                                                                                                                                              |
| 8 Marlingford Road       |                                                   |                            |                                                                                                                                              |
| 2016/8165                |                                                   |                            |                                                                                                                                              |
| HEMPNALL                 | Change of use of land for the storage of items not | 20.07.2016                 | Enforcement Notices served x 2  
One Notice complied with and Planning permission granted  
in respect of the other Notice  
NFA                                                                                   |
<p>| Land to the North West of|                                                   |                            |                                                                                                                                              |
| Silver Green             |                                                   |                            |                                                                                                                                              |
| 2016/8068                |                                                   |                            |                                                                                                                                              |</p>
<table>
<thead>
<tr>
<th>LOCATION</th>
<th>ALLEGED BREACH</th>
<th>DATE OF COMMITTEE AUTHORITY</th>
<th>ACTION TAKEN</th>
</tr>
</thead>
<tbody>
<tr>
<td>DENTON</td>
<td>Change of use of land for the keeping of dogs</td>
<td>07.12.2016</td>
<td>Enforcement Notice served Compliance date 11/10/2017</td>
</tr>
<tr>
<td>Rainbows End</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Norwich Road</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016/8183</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LONG STRATTON</td>
<td>Change of use of land for the storage of vehicles and parts</td>
<td>07.12.2016</td>
<td>Enforcement Notice served Complied with NFA</td>
</tr>
<tr>
<td>The Red House</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Norwich Road</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2015/8319</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Enforcement Statistics

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No of complaints</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enforcement</td>
<td>18</td>
<td>44</td>
<td>14</td>
<td>30</td>
<td>16</td>
<td>43</td>
<td>40</td>
<td>23</td>
<td>18</td>
<td>12</td>
<td>17</td>
<td>4</td>
<td>3</td>
<td>12</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Notices Issued</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Breach of</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Condition</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Notices Issued</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 215</td>
<td>3</td>
<td>5</td>
<td>3</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>5</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Notices Issued</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary stop</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>5</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>notices issued</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF-PROC</td>
<td>05.07.2017</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Planning Appeals
Appeals received from 14 June 2017 to 10 July 2017

<table>
<thead>
<tr>
<th>Ref</th>
<th>Parish / Site</th>
<th>Appellant</th>
<th>Proposal</th>
<th>Decision Maker</th>
<th>Final Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016/2542</td>
<td>Wicklewood Land To The Rear Of 29 Church Lane Wicklewood Norfolk</td>
<td>Mr &amp; Mrs B Mann</td>
<td>Demolition of existing outbuildings and erection of single storey dwelling and garage</td>
<td>Delegated</td>
<td>Refusal</td>
</tr>
</tbody>
</table>

### Planning Appeals
Appeals decisions from 14 June 2017 to 10 July 2017

<table>
<thead>
<tr>
<th>Ref</th>
<th>Parish / Site</th>
<th>Appellant</th>
<th>Proposal</th>
<th>Decision Maker</th>
<th>Final Decision</th>
<th>Appeal Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016/1571</td>
<td>Bawburgh Folly House Harts Lane Bawburgh Norfolk NR9 3LS</td>
<td>Mrs E Lewis-Williams</td>
<td>Demolition of existing outbuilding and new build subservient Annex</td>
<td>Delegated</td>
<td>Refusal</td>
<td>Appeal Allowed</td>
</tr>
<tr>
<td>2016/2134</td>
<td>Ketteringham Land To The East Of 5 High Street Ketteringham Norfolk</td>
<td>Mr Michael Austin</td>
<td>Development of three bungalows (Phased development)</td>
<td>Development Management Committee</td>
<td>Refusal</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>2016/2876</td>
<td>Bergh Apton 4 Sunnyside Bergh Apton Norfolk NR15 1DD</td>
<td>Ms Susan Hill</td>
<td>Fell Holly Tree</td>
<td>Delegated</td>
<td>Refusal</td>
<td>Appeal Allowed</td>
</tr>
</tbody>
</table>