Third Wednesday Planning Committee

Members of the Third Wednesday Planning Committee:

<table>
<thead>
<tr>
<th>Conservatives</th>
<th>Liberal Democrats</th>
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<tr>
<td>Mr W Kemp</td>
<td>Mr T East</td>
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<tr>
<td>(Chairman)</td>
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<td>Mr J Mooney</td>
<td>Miss P Allen</td>
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<td>(Vice-Chairman)</td>
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<td>Mr T Blowfield</td>
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<td>Mrs M Dewsbury</td>
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<td>Mr C Gould</td>
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<td>Mr J Overton</td>
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<td>Mr B Riches</td>
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Group Meetings

Conservatives: Blomefield Room 12.45 pm to 1.30 pm

Date

Wednesday 15 February 2012

Time

1.30 pm

Place

Council Chamber
South Norfolk House
Swan Lane
Long Stratton Norwich
NR15 2XE

Contact

Caroline Heasley   tel (01508) 533685
South Norfolk District Council
Swan Lane
Long Stratton Norwich
NR15 2XE

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

Note: information that is publicly available may be shared at Group Meetings, but the outcome of applications or the ways in which Members may vote should not be discussed

Please note that the order of the agenda may change at the discretion of the Chairman, so it is advisable to arrive at the commencement of the meeting if you are intending to speak.

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

08/02/2012
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 5)

4. Minutes of the Third Wednesday Planning Committee held on 18 January 2012; 
   (attached – page 7)

5. Enforcement Report; 
   (report attached – page 19)

6. Planning Applications and Other Development Control Matters;

   To consider the applications as listed below: (report attached – page 22)

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Planning Ref No.</th>
<th>Parish</th>
<th>Site Address</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2011/1090/F</td>
<td>PULHAM ST MARY</td>
<td>Land to rear of Kings Head Inn, The Street</td>
<td>23</td>
</tr>
<tr>
<td>2</td>
<td>2011/1471/CU</td>
<td>WYMONDHAM</td>
<td>Unit 5, Bridge Industrial Estate, Silfield Road</td>
<td>65</td>
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<tr>
<td>3</td>
<td>2011/1596/CU</td>
<td>ARMINGHALL</td>
<td>Land to rear of Willow Barn, Arminghall Lane</td>
<td>74</td>
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<tr>
<td>4</td>
<td>2011/2061/F</td>
<td>DICKLEBURGH</td>
<td>Land near Hall Lane, Common Road</td>
<td>83</td>
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<tr>
<td>5</td>
<td>2011/2110/RVC</td>
<td>DISS</td>
<td>Heywood Sports and Racquet Club, 30 Walcot Road</td>
<td>88</td>
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<tr>
<td>6</td>
<td>2011/2115/F</td>
<td>WYMONDHAM</td>
<td>Land At London Road Wymondham</td>
<td>92</td>
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<tr>
<td>7</td>
<td>2012/0010/F</td>
<td>BUNWELL</td>
<td>Sub-division of the garden of The Laburnums, The Turnpike</td>
<td>108</td>
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<tr>
<td>8</td>
<td>2012/0018/CU</td>
<td>COSTESSEY</td>
<td>Roundwell Works, Dereham Road</td>
<td>112</td>
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7. Sites Sub-Committee;

   Please note that the Sub-Committee will only meet if a site visit is agreed by the Committee. If required, the site visit will take place on **Wednesday 14 March 2012** with membership to be confirmed.

8. Planning Appeals (for information) (attached – page 116)
### Details of Planning Accreditation

<table>
<thead>
<tr>
<th>Conservative Councillor</th>
<th>Accreditation Expiry Date</th>
<th>Liberal Democrat Councillor</th>
<th>Accreditation Expiry Date</th>
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<td>Y Bendle</td>
<td>25/10/12</td>
<td>P Allen</td>
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<td>D Bills</td>
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<td>V Bell</td>
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<td>A Pond</td>
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<tr>
<th>Independent Councillor</th>
<th>Accreditation Expiry Date</th>
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<td>K Weeks</td>
<td>4/07/12</td>
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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;
  - Member consideration/decision.

**GUIDELINES FOR DETERMINING THE NEED TO VISIT AN APPLICATION SITE**

The following suggested guidelines are put forward to assist Members in providing a context in which 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/relationships between site boundaries/existing buildings are difficult to envisage other than by site assessment;

(ii) The impacts of new proposals on neighbour amenity eg shadowing, loss of light, physical impact of structure etc, 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, eg 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.
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether the interest is a personal one only or one which is also prejudicial. The declaration should indicate the nature of the interest and the agenda item to which it relates. In the case of a personal interest, the member may speak and vote. If it is a prejudicial interest, a member has the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. A member can participate fully where the interest is shared with the majority of residents in that particular ward. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<table>
<thead>
<tr>
<th>Is (or should) the Interest be registered in the Register of Members' Interests?</th>
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<tbody>
<tr>
<td>If not, whose well being or financial position is affected to a greater extent than the majority of other people in the ward?</td>
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<tr>
<td>Your own</td>
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<tr>
<td>Any person or body who has employed or appointed your family member/close associate</td>
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<td>Any firm in which your family member/close associate is a partner or company of which they are directors</td>
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<tr>
<td>Any company in which your family member/close associate has shares with a face value more than £25,000</td>
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<tr>
<td>Any of the following in which you hold a position of general control or management: outside organisations, other public authorities, charities, pressure groups, political parties or trade unions</td>
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Does the interest:

(a) affect your financial position or the financial position of a person or body described above? **(If Yes the interest may be prejudicial)**

(b) relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described above? **(If Yes the interest may be prejudicial)**

(c) relate to scrutiny by the Overview and Scrutiny committee of a decision you were party to? **(If Yes the interest is prejudicial)**

(d) relate to the functions of the council in respect of housing (except your tenancy), statutory sick pay, an allowance, payment or indemnity given to members, any ceremonial honour given to members, or setting the council tax or a precept under the Local Government Finance Act 1992. **(If Yes the interest is NOT PREJUDICIAL)**

PREJUDICIAL INTEREST

If you answered Yes to (a) or (b) is the interest one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that that it is likely to prejudice your judgement of the public interest? **If Yes the interest is PREJUDICIAL**

If you answered Yes to (c) the interest is PREJUDICIAL

If prejudicial do you intend to attend the meeting to make representations, answer questions or give evidence?

FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF
DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

What matters are being discussed at the meeting?

Do any relate to my interests?
A. Does it affect my entries in the Register of Interests?
   OR
B. Does it affect the well being or financial position of me, my family or close associates; or my family’s or close associates’ employment, employers or businesses; companies in which they are a director or where they have a shareholding of more than £25,000 face value; business partnerships; or
C. Does it affect the well being or financial position of the following organisations in which I hold a position of general control or management:
   - other bodies to which I have been appointed or nominated by the council;
   - other public authorities;
   - charitable bodies;
   - bodies whose main purpose is to influence public opinion or policy

More than the majority of other people in the ward?
D. Is Overview and Scrutiny considering a decision I made? If so you have a prejudicial interest.

Disclose the existence & nature of your interest

Is the interest financial or relating to a regulatory issue e.g. planning permission?

You may have a prejudicial interest

The interest is prejudicial withdraw from the meeting by leaving the room (after making representations, answering questions or giving evidence). Do not try to improperly influence the decision

You have a personal interest in the matter

The interest is not prejudicial you can participate in the meeting and vote

Would a member of the public – if he or she knew all the facts – reasonably think that personal interest was so significant that my decision on the matter would be affected by it?
Enforcement Report

Report of The Development Control Services Manager

Enforcement Ref : 2010/8262
Parish : BRAMERTON
Site : Access Track to Church Farm
       Rockland Road
       Bramerton
       Norfolk
Development : Creation/Reinstatement of field access
Developer : Herbert Parker Ltd

1. Background

1.1 Planning permission was refused on 25 October 2011 under Planning Application reference 2010/1804/F for the 'Reinstatement of Field Access and Construction of Agricultural Access Track onto Rockland Road'.

1.2 The application was refused as insufficient information was received by the local planning authority to adequately assess the merits of the scheme. In particular the absence of information relating to 'Importance of the hedgerow' as required by The Hedgerow Regulations 1997 it was not possible to assess compliance with these regulations.

1.3 Since the refusal, works have taken place to the hedgerow to provide greater visibility and which did not require consent under the hedgerow regulations. In addition to this, information has been received to suggest that historically there has been an access in this location.

1.4 In view of the new information and the increased visibility the applicants agent was invited to re-submit an application to regularise the access. An application has not been forthcoming.

2. Planning Policies

2.1 South Norfolk Local Plan Policies
IMP8 – Safe and Free Flow Of Traffic
IMP2 – Landscaping

2.2 Joint Core Strategy Policies
Policy 2 – Promoting good design

3. Consultations

3.1 Parish Council : No comments received
3.2 Local Member : No comments received
3.3 NCC Highways : Support conditionally
   • The conditions suggested in the planning application consultation should apply. However, if local planning authority accepts an access existed in this position then the conditions suggested in highway letter dated 15 November 2010 would be desirable but it is unlikely they could be insisted upon.
3.4 Landscape Officer : Support conditionally
   - No objections to current level of works to hedgerow. If further works are required additional information about the necessary works would be required.

3.5 Local residents : No Comments Received

4. Assessment

4.1 Planning permission is required to reinstate the access. It is disappointing an application has not been forthcoming and in an ideal situation improved visibility splay would be desirable. However, it would appear historically there was a field access in this location. NCC Highways have given consideration to this and as a result acknowledged it would be difficult for them to insist upon requiring the conditions for improved visibility splay and construction specification where the access meets the highway.

4.2 The height of the hedge has been reduced adjacent to the access. These works do not contravene the Hedgerow Regulations and have improved visibility. No objections have been raised to these works by the Council’s Landscape Officer.

4.3 On balance although it would be desirable to achieve improved visibility for the access, given that there was previously an access in this location and the reduced hedge height has improved the visibility, the access is considered acceptable for the proposed occasional farm use.

4.4 In view of the above I do not consider it expedient to take enforcement action to cease the use of the access and therefore recommend that no further action be taken on this matter.

5. Recommendation

5.1 That subject to legal advice no further action be taken on the matter.
PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Development and Environment

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

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

Key to abbreviations used in Recommendations

S.P. Structure Plan
S.N.L.P South Norfolk Local Plan
P.D. Permitted Development – buildings and works which do not normally require planning permission. (The effect of the condition is to require planning permission for the buildings and works specified).
Other Applications

1. **Appl. No**: 2011/1090/F  
   **Parish**: PULHAM ST MARY

   **Applicants Name**: Mr Graham Scott  
   **Site Address**: Land to rear of Kings Head Inn, The Street, Pulham St Mary  
   **Proposal**: Proposed erection of 6 detached dwellings with garages and private driveway

   **Recommendation**: Refuse

   1. Contrary to PPS5, Policy HE.11 and English Heritage Guidance on Enabling development, including inadequate marketing exercise
   2. Insufficient level of information submitted relating to enabling development
   3. Outside development limits, contrary to policy ENV8
   4. Overdevelopment and cramped form of development, adverse impact on heritage asset and conservation area, contrary to policy 2 of the JCS and policies IMP15 and IMP18 of the SNLP
   5. Unacceptable design and layout – detailing, massing, access and form, contrary to policy 2 of the JCS and policies IMP15 and IMP18 of the SNLP
   6. Loss of residential amenity, contrary to policy IMP9 of the SNLP
   7. Inadequate visibility splay, contrary to policy IMP8 of the SNLP
   8. Access drive not adequate to serve development, contrary to policy IMP8 of the SNLP
   9. Insufficient details - Arboricultural Impact Assessment, contrary to policy 2 of JCS + policy IMP2 of SNLP

1. **Planning Policies**

1.1 National Policy  

   Although not policy, reference should also be made to English Heritage Guidance 2008: Enabling Development and Conservation of Significant Places

1.2 Joint Core Strategy  
   Policy 2: Promoting good design  
   Policy 3: Energy and water  
   Policy 4: Housing delivery  
   Policy 15: Service Villages  
   Policy 20: Implementation

1.3 South Norfolk Local Plan  
   ENV8: Development in the open countryside  
   ENV14: Habitat protection  
   IMP2: Landscaping  
   IMP8: Safe and free flow of traffic  
   IMP9: Residential amenity  
   IMP15: Setting of listed buildings  
   IMP18: Development in conservation areas  
   EMP7: The retention of rural employment and services
2. Most recent Planning History

2.1 2009/1371/LB General repairs as detailed in recommended
    schedule of works including removal of wall finishes
    necessary. Removal of redundant chimney stack. Approved

2.2 2007/0681/LB Proposed alterations and change of use to first and
    second floors of the existing public house to provide
    single dwelling Approved

2.3 2007/0680/F Proposed alterations and change of use to first and
    second floors of the existing public house to provide
    a single dwelling Refused

2.4 2007/0680/F Proposed alterations and change of use to first and
    second floors of the existing public house to provide
    single dwelling Refused

2.5 2006/2742/F & 2006/2748/LB Variation/removal of condition to conversion of stable
    block (a) and change of use to further dwelling (b)
    and alterations to existing pub including kitchen
    extension and disabled WC Refused

2.6 2006/1516/F & 2006/1517/LB Variation/removal of condition 3 of previous approval
    1998/1012. Plus change of use to provide 2no.
    additional dwellings Refused

2.7 1998/1012/F & 1998/1013/LB Conversion of unused stable to landlords flat
    (conditioned for landlords accommodation only) Approved

3. Consultations

3.1 Parish Council: Original comments

Refuse

- contrary to a number of South Norfolk Local Plan (SNLP)
  policies – IMP1, IMP8, IMP9, EMP7, ENV8, PPS7
- create dwellings with unacceptably low level of
  residential amenity by reason of overdevelopment, noise
  and general disturbance from activities at the licensed
  premises
- contrary to EMP7 – failed to demonstrate that steps have
  been taken by applicant to retain the site for employment
  use as public house in current form
- does not provide adequate on site car parking (including
  disabled provision) for users of public house to the
  proposed development which would lead to proliferation
  of parked vehicles on the highway, prejudicial to the safe
  and free flow of traffic
- access serving the development adjacent to public house
  and converted is considered to pose a safety hazard for
  pedestrians and vehicles using the public highway
- does not meet significant criteria of PPG15
- the local planning authority (LPA) must be highly aware
  that an enabling development is irreversible and must
  therefore only be used as a last resort, support re-
  opening of public house but not this proposal, contrary to
  SNLP policy
• furthermore the development would severely inhibit the future of the public house as would leave building with no garden, parking or room to expand and improve.

Comments on amended information
• amendments do not address any of objections raised by Council in August. Proposal remains contrary to SNLP policies
• amendment to letter of 10/8 re enabling development, proposal does not meet criteria of PPS5, policy HE11

A copy of the full responses are attached as Appendix 2

3.2 District Member : To be reported if appropriate

3.3 NCC Highways : Original comments:
Object – recommend refusal
• level of visibility that is available does not meet current standard and secondly the site entrance is of insufficient width for two vehicles to pass

Other issues:
Concern at limited size of car park; essential adequate parking is provided; public floor area of premises requested

Comments on amended information
The proposal has been amended in relation to the on site parking for the public house with ten specific spaces being shown. This is unlikely to be adequate for the public house if brought back into use as a thriving public house/restaurant.

The parking area as now shown is an improvement over the existing arrangement and as the floor area of the public house is not proposed to change; we may not be in a position to ask for additional spaces over and above the current arrangement. However, the residential development prevents the use of area as overflow parking.

The highway authority view in respect to the development as a whole has not changed and Recommend Refusal, as per previous reasons given in letter 16 August 2011.

3.4 Landscape Officer : Original comments
Object conditionally
• within conservation area which has implications for any existing trees
• need Arboricultural Implications Assessment

Comments on amended information
Refuse
• previous concerns not addressed – site within conservation area, which has implications for existing trees, proposed site layout indicates that there are existing trees on and around site, but no information is given of these. In order to fully assess, necessary to submit an Arboricultural Implications Assessment
3.5 Economic Development Manager:  
- Acceptable from an Economic point of view
- Provides financial ability for the applicant to carry out the refurbishment and re-opening of the public house, which will make a significant contribution to the life of the community

3.6 Property Consultant:  
- Appraisal limited in detail and lacking in supporting evidence and in my opinion is not adequate to uphold the case being made for a conservation deficit

3.7 Ecologist:  
- No objection
- mitigation proposed as enhancement but suggest native species to be used as part of any landscaping proposals; no hedgerow/scrub removal during nesting season; provision of at least 6 bird boxes around the site; stop work if protected species found

3.8 Environmental Services:  
- No adverse comments
- has concerns over close proximity to a public house – records back to 2004 show no nuisance complaints

3.9 Conservation Officer:  
- Refuse
- proposal does not satisfy requirements of enabling development stated in PPS5 policy HE11. Specifically it will have an adverse impact on the significance of the setting of the heritage development; the proposed enabling development is not necessary to resolve problems with the inherent needs of the heritage asset, which could be resolved by other means such as sale of the freehold and therefore there is an alternative source of funding that could support the heritage asset without the need for enabling development

A full copy of the response is attached as Appendix 3

3.10 Local Residents and businesses:  
- 26 letters of objection expressing the following concerns:
  - note applicant intends to put fence behind our hedge on east side, hedge is not the boundary but the concrete post, 1 metre further
  - concerns re agents letter – the amount of traffic from successful pub would be more than generated by proposed dwellings, this is an enabling development to re-open the public house therefore traffic proposed would be addition
  - marketing campaign flawed as price unrealistic, priced so no takers
  - if pub at realistic price everything would take care of itself
  - pub closed 2 weeks after refusal in 2007, stripped out interior, last 4 years allowed to deteriorate structurally, no repairs
  - bought in 1994, must have known need to do repairs, no evidence repairs have been carried out
  - the applicant cannot expect financial backing of society for him to renovate the pub
  - spent money on conversion of stable block (previous games room) to residential unit
• applicant invested in pub in Ipswich 2009, funds should have gone to this pub
• freehold should have been put up for sale
• back community purchase of pub – Pulham St Mary has already demonstrated its ability to carry out such a project
• support proposal to restore but this is not such a proposal
• consider still a viable business proposition even during current economic down turn
• canvassed large group of people about potentially investing and received positive response:
  Community Pub – viable option with enabling grants/local interest
  Select number of investors – several local investors indicated interested
  Serious single investor
  All above options to reasonable market terms and conditions of purchase price. None pursued due to unrealistic conditions attached to lease – only viable if pub sold
• feel calculated decision to ensure non sale so that current application can be achieved in return for raising funds to restore pub
• understand English Heritage Guidance relates to grade II* and I listed buildings
• question need for more housing
• basis of enabling development flawed – outside development limits
• exacerbate already stretched services
• treble amount of traffic
• overdevelopment – loss of privacy and direct overlooking to neighbours and private gardens
• pub was popular, cannot agree to non-smoking ban as a reason for closing
• believe petition submitted with application does not accurately reflect true opinion, Mr Scott approached people on way to vote with question ‘would you like the pub re-opened?’
• do not think lack of money is a reason that the pub has been allowed to deteriorate to the sorry state it is now in
• the idea that a genuine attempt to sell the business does not stand up to scrutiny
• find most upsetting the fact that Mr Scott actively (and it was by his intentional actions) allowed what had been a thriving village pub to decline, or that through his inactivity in carrying out routine maintenance he has allowed one of the oldest and most prominent buildings in the village to fall into such a sad state of disrepair
• convinced it will never re-open under Mr Scott’s stewardship
• if development is allowed to go ahead convinced that would be no chance of the pub ever being viable again and its permanent closure would be inevitable
• issues on access which seriously affect the validity – pub car park always small; treble use of access, not enough parking for houses (4 bed) plus for public house
• domestic use of cars would be more continuous use than public house car use
• additional vehicles (commercial) would use – post vans, deliveries etc
• egress is totally inadequate, no visibility splays
• impact on road junction of Station Road with Norwich Road
• contrary to number of SNLP policies – IMP1/IMP9 – create unacceptable low level of residential amenity – over development; general disturbance; access difficult
• IMP8 – inadequate site parking, safety hazard for pedestrians and vehicles using public footpath and highway; ENV8 – outside development limits, the enabling development criteria not met
• no evidence from street view that any attempt made to mitigate continued deterioration of the building
• to spoil village with a development which is not needed and to lose our conservation land seems a substantial loss against the low probability of granting a pub with a viable future
• attach response of 2007 application – same points still valid – garden and parking lost and severely impact the viability of the public house to function and make a profit
• petition - signatures should be checked, letter on front was no where to be seen on the day of petition, Mr Scott did not make it clear that intended to build houses to open pub again – many signatures dismayed to find out what his intention was
Mr Scott’s case the pub needed to down-size to survive is not correct – the opposite is true. In its original state, before Mr Scott closed it down, the pub had a particularly good setting and grounds which had potential to be a thriving business.

Mr Scott approached on several occasions to discuss the sale, as it stood, from a buyer who wished to renovate and expand it to create a vibrant village pub – Mr Scott did not respond and refused to enter into preliminary discussions.

the ‘marketing exercise’ for lease presented at ludicrous figure which would ensure no takers.

there are comments from a local pub agent and the comparison with a very similar pub to verify what would have been a realistic proposition.

disappointed with Economic Development Officer – it is disappointingly simplistic.

we see no reference to a proper financial statement indicating the proposed cost of re-opening the pub – has economic aspect been assessed?

given its state it is likely to be a sum which would equate to, if not exceed, any profit Mr Scott might make on his housing development.

enabling developments are effectively a public subsidy and must be scrutinised in the same way that an allocation of public funds.

the point of enabling development is to save significant listed buildings, and as such, it is the effect on the listed building, and the planned restoration of that listed building, that should be at the heart of this application.

it should not simply be to raise funds that might be used for restoration.

English Heritage state – ‘in far too many cases conservation deficit, and hence the need for subsidy through enabling development, would either not have arisen or would have been much smaller if the owner had taken timely action to prevent or limit deterioration’. Allowing a down pipe to pour water down the outside of the building for months on end is just one simple example of the failure to take timely action.

English Heritage guidance ‘Enabling Development and Conservation of Significant Places’ (2008), Appendix 2: should include the following information:

Conservation Management Plan – documents submitted do not cover this.

Maintenance and Management Plan – linked to conservation management plan. Also states ‘Conservation Management Plan will also provide the substance of the legal obligations on a Management and Maintenance Plan which can be, in appropriate circumstances, be introduced in the S106 agreement’.

An Options Appraisal – assessing alternatives for development and protection of the heritage asset and determining why the proposal is best for the listed building – no community benefit guaranteed/no legal enforcement. This is the latest in series of attempts to develop site with promise of restored listed building and a re-opened public house for the village. However no certainty that promise would ever be delivered and therefore question the validity of any community benefit to be gained.

Unrealistic marketing of asset – there was considerable interest, but asking price, combined with the ambitious annual lease costs, meant not viable, particularly with full repairing lease.

in right hands should be a thriving pub

the pub should be bought off the current owner by the Council and put back into the village as a proper village pub.

concerned Pennoyer centre will be used for parking and be inconvenienced. This would affect our income, particularly from private bookings which are critical to the viability of this charitable community venture.

access concerns – to and from development, increase traffic complications for users of the centre and given proximity of both access points to the crossroads, there could be increased danger for our users.

no reference to the Pennoyer Centre and visitors.

proposal will be blot on landscape, clearly visible from houses down Station Road.

when Maltings scheme proposed cleverly done by architects so that things would have not been for seen from the drawings, people in plots 1-5 look straight into my bedroom – would not like other residents to be unwittingly affected like we have been.
over 10 applications/listed building on this site in past few years, all rejected, the applicant has appealed and these decisions lost

while it is true that the village would benefit greatly by return of pub this should not come at any price

it is repugnant tactic to hold both the village and SNC to ransom by stating that unless this application is approved our public house cannot be returned

it would have been much less cavalier had the publican continued to operate the pub after the results of his planning attempts were known, rather than closing it down, destroying its interior and allowing the fabric to deteriorate to a point where the cost of restoration is the justification for this development

the village of Pulham St Mary cannot support any further housing developments without significant investment in its infrastructure

is there evidence pub has been maintained?

‘test marketing’ – carried out with very negative advertising, a copy of Diss Mercury

advice from licensed trade specialist – letter points to unrealistic nature of the terms of the lease

bowls club had long history of playing at Kings Head and were given notice to quit

layout is out of context with The Maltings complex to the west, proposals are a ‘finger’ or ribbon development jutting outside of the village development area and into conservation area

position and orientation of dwellings gives considerable loss of privacy to my property and garden area which adjoins the west of the site

access is narrow, room for one vehicle, no visibility as vehicles emerge from driveway

bus service is minimal

social context – physical impact and material impact on neighbouring properties

sustainable development – if applicant requires capital to develop the pub there is ample existing potential development land in the area in which he could invest to raise capital without building in the immediate rear area – PPS3 – refers to sustainable location

disbenefits of enabling development – would materially harm the landscape and setting; would not secure long term future of asset i.e. pub – no guarantee pub will survive as a business and money obtained will be invested in the building

the English Heritage (EH) Document ‘Enabling Development and the Conservation of Significant Places’ Appendix 4, page 70, details a bond to secure objective of enabling development, Appendix 5 of EH document outlines a management and maintenance plan

policy ENV8 iv) and v) not met – destroy sensitive area

policy IMP18 – effect on conservation area would be massive

scenically view approaching Harleston Road from south east would be destroyed

survey results of ecology re birds – carried out before nesting season; amphibian – reduce grassland habitat; bats – population appears to have fallen since Maltings development

number of doors/windows overlooking is 15 2nd storey and 2 ground floor windows, 4 ground floor doors

major development outside development limits

fire access – has risk assessment been carried out?

no more housing needed – a lot of properties for sale

schedule of works in 2008 – 3 yrs out of date

no one in right mind would buy pub lease for £225,000, £30,000 rent plus £497,000 rebuild costs plus furniture and fittings

Mr Scott said in 2007 running at a loss, no guarantee will make a profit and survive

Maltings development has not been forthcoming with S106 payments – how can this development be guaranteed?

original objection still stands, tactic of continually submitting amended plans is vexatious – concerned about costs – hugely time consuming, waste of effort for SNC planning officers, cost of paperwork and postage
• opinion has been given that application falls short of requirements for an application under Enabling Development, the applicant’s amendment to exchange pub garden and car park area on plans answers none of the fundamental problems

2 letters of support with following views:

• saddened by deteriorating appearance
• better to put up with development and get property restored
• condition restore before development works start
• may get planning permission in future, in any event
• will not effect the views of the centre of the village
• recently ‘The Maltings’ nearby has been developed and so it would be unreasonable to not allow this development which will be of a similar nature
• new houses with new residents will help to keep services running i.e. shops, buses, Pennoyers Centre
• help Mr Scott re-open the pub, a huge bonus for the villagers and visitors once again

1 letter of ‘no comment’

Letter expressing interest in pub:

• letter received from local resident who is interested in taking on public house, need to purchase in entirety, need outside space to diversify
• contacted UK Pub Sales – told no longer on market
• contacted owner direct, to discuss sale, who is 100% positive that as some stage he will develop land, unless I had 1 million I should walk away staggered at scale of development

4. Assessment

4.1 The application relates to land to rear of Kings Head Inn, The Street, Pulham St Mary and the proposal is for the erection of 6 detached dwellings with garages and private driveway. The access to the site is between the existing public house (PH) and its outbuilding (permitted use as a manager’s flat for the PH) and garage. To the east and west of the site are residential properties many of which are listed buildings. The access is close to the junction of Station Road and The Street with the newly converted Pennoyer Centre (also a listed building) to the north west on the site. To the rear of the site is open countryside and valley setting which is within the Conservation Area for Pulham St Mary. The site proposed for the new dwellings is outside the development boundary and up until September 2006 was part of the land was used by the village bowls club.

4.2 The PH is a Grade 11 listed timber frame building dating from the c17. It is situated in a prominent position in the centre of the village and within the Pulham St Mary Conservation Area. The building was used as a PH until it closed in December 2007 but has remained largely out of use since this time. Parts of the front and side walls are in quite poor condition requiring structural repairs to the timber frame, which has suffered badly due to the use of cement render.

4.3 The application has been submitted with a Planning Statement, incorporating Design and Access Statement; Ecological Survey and Eviroscreen Certificate. The applicant has made it clear his proposal is for ‘Enabling Development’ in accordance with English Heritage Guidance 2008, to secure the long term future and continued use of the Kings Head Public House. A copy of the applicants Planning Statement (without appendices, which can be viewed in full on the Council’s web site) is attached as Appendix 4. Amended plans were also submitted in response to a request for further information (the latter not submitted) but the amended plans show parking for 10 spaces, plus limited additional financial information.
The definition of Enabling Development (ED) is “development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not be otherwise achieved”.

It is also made clear that the benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other policies.

As can be seen from the History section above there have been a number of proposals refused on the site and subsequently dismissed on appeal. There has also been a number of informal discussions and guidance given to the applicant before submitting this formal planning application with myself and the Council’s Solicitor, Mr Shortman, including obtaining a valuation (paid for by the applicant) from the District Valuer. At the outset the applicant was advised of the officers concerns in bringing this site forward for Enabling Development, as we did not feel the proposal met the relevant criteria. However if a proposal was to be pursued then the EH guidance and Policy HE.11 of PPS5 should be followed. It was also advised that the site should be fully market tested before submitting any application including freehold sale. The applicant was only willing to pursue the lease option, but on a 125 year lease, as an option given in the EH Guidance.

However, paragraph 4.7 of the guidance makes it very clear that the need for marketing testing is to demonstrate real efforts are made without success, to continue the present use of find alternative uses for the place. Market testing should normally include the offer of unrestricted freehold of long leasehold (125 years or more) on the market at a realistic price reflecting the condition of the place, and so far as ownership accords with an appropriate curtilage. The offer of a shorter lease, or the imposition of restrictive covenants, would normally reduce the chances of finding a new use. However, the lease was not agreed or seen prior to the marketing exercise nor has it been submitted with the application.

For the District Valuer (DV) to make his recommendations a copy of a ‘Draft’ Lease agreement was also forwarded. TheDV made it clear that the terms of the proposed lease (which included a premium of £375,000, a works contribution of £500,000 and an annual rent) would be very excessive and onerous and quickly deter any potential tenant. The DV valued the premium at £245,000 for the 125 year lease, which included an allowance of £50,000 to put the property into working order and re-establish trade. As stated above a lease agreement was not agreed by the Council. A copy of the marketing papers did not include a copy of any lease, which the applicant has subsequently stated would have been negotiated. However, the particulars made it clear to any potential purchaser that “The Grade II Listed Kings Head comes to market with a requirement that a leasehold owner invests in the structurally unsound Kings Head, completing the considerable schedule of works. The pub must be refurbished, fitted out and re-opened. Should a leasehold purchaser not be found within 6 months then the freehold owner will fund the considerable works needed via an English Heritage Enabling Development Grant. A leaseholder would not be eligible for such a planning application.”

I do not agree with the applicant that a thorough marketing campaign has taken place, in accordance with EH advice. The applicant at the very out set made it clear he was not willing or going to advertise the freehold sale of the PH. The property was marketed for six months and only received 6 inquiries, no viewings and no requests for the lease. In my opinion this indicates that the marketing was not pitched correctly, which included the statement above, and is likely to have put potential purchasers off.

As a result of the consultation period there has been one direct interest coming forward to purchase the pub, at a realistic price, and also a suggestion by another resident who states that they have canvassed a large group of people about potentially investing and received positive response to the following suggestions: Community Pub – viable option with enabling grants/local interest; Select number of investors – several local investors indicated interested; and Serious single investor. The applicant was requested to follow these contacts up but has declined to do so. One of the interested parties has also contacted him direct. This in my opinion demonstrates that all avenues to find an alternative use without the need for enabling development have not been pursued.
4.11 Such interest to purchase the public house was also expressed in 2007 and came to light as part of the Appeal process at that time.

4.12 In light of the above I do not consider the property has been fully market tested.

4.13 For Enabling Development the proposal needs to be assessed in accordance with a number of polices, including as a starting point, national policy PPS5, and related guidance within English Heritage’s (EH) – Enabling Development and the Conservation of Significant Places (2008). Policy HE.11: Enabling Development states of PPS5 states:

Local authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan (having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004) or from national policies, taking into account whether:

- it will materially harm the significance of the heritage asset or its setting
- it will avoid detrimental fragmentation of management of the heritage asset
- it will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conversion
- it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid
- there is a source of funding that might support the heritage asset without the need for enabling development
- the level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design that minimises harm to other public interests

4.14 The Council’s Conservation Officer (full comments attached as Appendix 3) has raised a number of concerns with respect to the proposal and considers the proposal is contrary to the EH’s Guidance and policy HE.11 of PPS5. In particular it has not been demonstrated that the enabling development is the minimum necessary; the schedule of repairs appears not to have been prepared on the principle of minimum intervention and appears excessive; real efforts have not been made on the market testing; the conversation deficit has not been established. All these issues were requested to be clarified before submitting the application and since the application has been submitted (by way of meeting (which included the local member) and in writing but these key information has not been forthcoming.

4.15 The Council’s Property Consultant has also looked at the financial summary submitted and considers this to be limited in detail and lacking in supporting evidence and in their opinion is not adequate to uphold the case being made for a conservation deficit. Despite asking for more detailed information this has not been forthcoming.

4.16 It is acknowledged essential works are required to the fabric of this listed building and it is the opinion of the Conservation Officer that the immediate costs for the necessary works to repair the frame and re-render are likely to be less than those stated. The EH Guidance suggests the following documentation is submitted: Conservation Management Plan; Maintenance Management Plan and Options Appraisal. These documents have not been submitted. The Schedule of works date back to 2009 when listed building consent was given for these works. None of these works have been implemented. It should be noted that at this time officers made it quite clear to the applicant that they did not feel that all the works were necessary for the PH to be up and running again and questioned some of the figures associated with the repairs.

4.17 At the very least the schedule of works should have been re-worked to form part of the proposed ED to demonstrate they are only the minimum works needed for the enabling development (in basic terms how many dwellings in cost terms are needed to facilitate the proposed works). Six dwellings have been proposed, right from the outset even before an ED case was put forward.
4.18 Officers also feel the open setting of the building to the rear (location of development) is a considerable asset to the use of the property as a PH and its redevelopment could prejudice the future viability of the PH if someone else takes on the PH and wishes to explore ancillary uses to the business. One of the interested purchasers has made this very point.

4.19 Also it should be borne in mind that if the costs of repairs are agreed at £500,000 and a case for the viability of the PH cannot be made, after freehold market testing, then there may be a case that a change of use of the PH could be considered, rather than the enabling development.

4.20 Notwithstanding all the above issues and whether or not the proposal meets the Enabling Development test, the proposed development in itself is not considered acceptable, not just on the principles of the policy above, but on its own planning merits.

4.21 To re-cap if ED was considered acceptable, and the only concern was the policy issue of the site being located outside the development limits, then material consideration could be given to granting the permission contrary to policy as it would be concluded that such ED decisively outweighs the disbenefits of breaching other policies. However not only is the proposal contrary to the ED test and policy HE:11 of PPS5 but the proposal is also not acceptable on its planning merits as an appropriate form of development.

4.22 I share the views of the Conservation Officer and agree that the proposed development is not in keeping with the general character of the existing layout of buildings and would impact on wider views of the Conservation Area. This would be the case even if the site was in the development limit. It should be noted that if the site was allocated then 20% affordable housing would be expected on the site in accordance with policy 4 of the Joint Core Strategy (JCS). As previously stated the open setting of the building to the rear is a considerable asset to the PH and the development of this area could also potentially result in its use as PH being less desirable and not so economically viable in the future. This type of concern was also raised by the Planning Inspector in 2007.

4.23 The layout of the access drive is also far from ideal and results in a poor standard of development. There are a number of windows and doors to the managers flat that directly abut the driveway which will be attracting more traffic.

4.24 The proposed scheme of development is not sympathetic enough to the character and appearance of this part of the conservation area both in terms of the layout and design of buildings. Even if the principle was acceptable, any new buildings would need to reflect better the massing, form and detailing of existing buildings. The proposal is contrary to policy 2 and 4 of the JCS and policies IMP15 and IMP18 of the SNLP.

4.25 I am also concerned about the overall impact of this level of development on the immediate neighbours. Both adjoining residential properties who although have large gardens, are currently not overlooked by any development. The immediate neighbour to the west of the site will have the access drive running all long their boundary. Environmental Services although not raising an objection have made reference to the proximity of the new houses to the activities of the PH. For these reasons I consider the proposal is contrary to policy IMP9 of the SNLP.

4.26 The Highway Authority has raised an objection. They have two main highway safety concerns relating to the scheme. Firstly the level of visibility that is available from the site access does not meet the current recommended standard. The sightline provision that is available form the proposed site access onto Station Road fails to meet the recognised guidance set down by Central Government and applied locally. The additional traffic generated by the proposed development would therefore have an adverse impact upon the safe and free flow of traffic and efficient operation of the highway. These concerns have
also been raised by the Parish Council and a number of residents. Secondly the site entrance is of insufficient width for two vehicles to pass. The opening onto Station Road being of single vehicle width at 3.7 metres between walls and the drive is a similar width for the first 10 metres between the side wall of the public house and the adjacent converted outbuilding and garage. The outbuilding, which is a manager’s flat linked to the public house also has 3 doors and 4 potentially opening windows that face onto the drive. This access also serves the existing PH and car park, which it is hope will be a vibrant and busy use again.

4.27 The Council’s landscape officer has raised concerns about the lack of information submitted given the layout plan indicates that there are existing trees on and around the site. Given this site is located within the Conservation Area it is important the correct level of information is submitted, and in this case an Arboricultural Implications Assessment, is required to fully assess the impacts of the development and although requested has not been submitted.

4.28 Concerns have been raised with respect to Ecological issues the Council’s Ecologist did not raise any objections to the Ecology report. I am therefore satisfied the proposal accords with policy ENV14 of the SNLP.

4.29 The views that the owner has left the pub to deteriorate are noted and the ED Guidance makes it clear that any works allowed should not be for works of general maintenance. The guidance notes that in too many cases the conservation deficit and hence the need for subsidy through ED, would either not have arisen or would have been much smaller if the owner had taken timely action to prevent or limit deterioration.

4.31 A number of issues have been raised on the validity on the petition of support submitted with the application and whether people knew the full facts of the development. At this time the application was not submitted and in this instance how much weight should be given to this is difficult to say as only 2 letters of support have been submitted with the application. Having said that most of the objection letters also support the principle of re-opening the public house but not at the cost of permitting this application, for the reasons they have outlined.

4.32 As can be seen from the consultation section above a number of concerns have been raised by the Parish Council and local residents. Many of these concerns have been addressed in my report, above. However it should be noted that all issues have been taken into account when reaching my recommendation although they may not have been specifically referred to in my assessment.

5. **Reasons for Refusal**

5.1 The proposal is contrary to the requirements of Policy HE.11 of PPS5 and English Guidance on Enabling Development as the proposal has adverse impacts on the significance of the setting of the heritage asset; the proposed enabling development is not necessary to resolve problems with the inherent needs of the heritage asset which could be resolved by other means such as the sale of the freehold, of which there has been interest, and therefore there is the potential for an alternative source of funding that could support the heritage asset without the need for enabling development.

5.2 Notwithstanding the clear policy objection above the application was submitted with an insufficient level of information, in particular financial information to shown the minimum conservation deficit and thus the minimum level of development, Conservation Management Plan; Maintenance Management Plan and Options Appraisal.
5.3 The site to the rear of the Public House is located outside the development limits for Pulham St Mary and the principle of development is contrary to Policy ENV8 of the SNLP and there are no material considerations of significant weight to grant planning permission contrary to this policy.

5.4 The site is located within an important valley setting and located within the Conservation Area for Pulham St Mary. The proposed pattern of development is not in keeping with the general character of the existing layout of buildings, resulting in cramped and unsympathetic form of development and would adversely impact on wider views in the conservation area. The proposal is contrary to policy 2 the JCS and policies IMP15 and IMP18 of the SNLP.

5.5 The proposed layout, detailing, massing and form of development are not sympathetic enough to the character and appearance of this part of the conservation area in terms of layout and design of buildings. The layout of the access drive is poor in relation to existing buildings and demonstrates there is not significant room within the site to provide a satisfactory layout and access for the development. The proposal is contrary to policy 2 the JCS and policies IMP15 and IMP18 of the SNLP.

5.6 Both adjoining residential properties, although enjoying large gardens, are currently not overlooked by any development. The immediate neighbour to the west of the site will have the access drive running all along their boundary. Environmental Services although not raising an objection have made reference to the proximity of the new houses to the activities of the PH. For these reasons I consider the proposal will have an unacceptable impact on the residential amenities of existing and future residents, contrary to policy IMP9 of the SNLP.

5.7 Inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway. The proposal is contrary to Policy IMP8 of the SNLP.

5.8 The access drive serving the site from Station Road is considered as inadequate to serve the development proposed, by virtue of the narrow width and lack of any pedestrian facility. The proposal would therefore lead to vehicles stopping and waiting on Station Road, to the detriment and inconvenience to users of the adjoining public highway. The proposal is contrary to policy IMP8 of the SNLP.

5.9 The site is within the Conservation Area, which has implications for existing trees. The proposed site layout indicates that there are existing trees on and around the site but insufficient information has been submitted to assess any likely impacts and it is therefore considered necessary for an Arboricultural Implications Assessment to be provided. The proposal is therefore contrary to policy 2 of the JCS and policy IMP2 of the SNLP.

Contact Officer, Telephone Number Helen Mellors, 01508 533789
and E-mail: hmellors@s-norfolk.gov.uk
Ms H Mellors
South Norfolk District Council
Swan Lane
Long Stratton
Norfolk
NR15 2XE

Dear Ms Mellors

Planning application 2011/1090 Land to rear of the Kings Head Inn – Proposed erection of 6 detached dwellings with garages and private driveway.

I have been requested by my Councillors to request refusal of the above planning application as the proposal is contrary to the provisions of the adopted South Norfolk Local Plan, including in particular IMP 1 (Design), IMP 8 (Safety and free flow of traffic), IMP 9 (Residential amenity), EMP 7 (The retention of rural employment and services), ENV 8 (Development in the open countryside) and national policy Planning Policy Statement 7 (Sustainable development in Rural Areas).

The development would create properties with an unacceptably low level of residential amenity by reason of overdevelopment, noise and general disturbance from activities at the licensed premises within close proximity to the curtilage of the new dwellings and the passage of vehicles along the access serving the development which passes between the licensed premises and the residential conversion within the former garage. This is contrary to policies IMP 1 (Design), IMP 9 (Residential amenity) of the South Norfolk Local Plan.

The development as proposed is contrary to policy EMP 7 (The retention of rural employment and services) in the South Norfolk Local Plan 2003. The proposal as submitted fails to demonstrate that steps have been taken by the applicant to retain the site for employment use as a public house and facility for the village in its current form. The example provided by the applicant demonstrating marketing the property in its current use at a reasonable price level prior to the submission of the application, was challenged by a licensed trade specialist in an article in the Diss Express 15/07/10 copy attached.

The development as proposed does not provide an adequate on site car parking area (including disabled provision) for the users of the public house and visitors to the proposed development which could lead to the proliferation of parked vehicles on the highway which may be prejudicial to the safe and free flow of traffic nearby, contrary to policy IMP 8 (Safe and free flow of traffic) within the South Norfolk Local Plan 2006.

Use of the only access serving the development, which passes between the licensed premises and the residential conversion within the former garage is considered to pose a safety hazard for pedestrians and vehicles using the public highway contrary to policies IMP 1 (Design) and IMP 8 (Safe and free flow of traffic) within the South Norfolk Local Plan 2003.

The proposal is contrary to the provisions of the adopted South Norfolk Local Plan 2003 policy ENV 8 Development in the open countryside and national policy Planning Policy Statement 7: Sustainable development in Rural Areas. The site falls outside the defined development boundary, the development of six modern executive properties does not integrate sensitively into the setting, being within the curtilage of a listed property and the proposed dwellings are not required in connection with agriculture, forestry, organised recreation/tourist facilities or the expansion of existing institutions.
The application has been submitted on the condition of an enabling development order which could allow development that would secure the future of a significant place despite contravening other planning policy objectives, but it does not meet the very stringent criteria that are set out clearly in PPG15:

- **It will not materially harm the heritage values of the place or its setting**
  This development of modern executive homes will be totally out of keeping with the age and design of the Kings Head and surrounding properties and would therefore be a discordant and intrusive addition.

- **It avoids detrimental fragmentation of management of the place**
  Insufficient information has been provided with the application on the tenure of the individual properties within the development. Details provided with the application on the marketing of the licensed premises show the business being offered as leasehold, the only entrance to the proposed development crosses over the threshold of the license premises. If the individual properties were to be offered leasehold how will they be managed and by whom. It would seem that this would be fragmented management and therefore would contravene the criteria.

- **It will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose**
  Even if the Kings Head Inn was renovated and refurbished, in the current financial climate and because of the fact the premises has been closed for a considerable time and no longer has a customer base, it seems difficult to imagine a waterfront pledge can be given that the pub will re-open and remain open in perpetuity. In addition to secure a long term future of the pub there may a need to extend to provide better kitchens, dining space and DDA compliant toilets and access. There is also a need to provide more parking as there is no space in the village. This development prevents such work being possible unless the garden space is taken up – which will deprive the public house of amenities expected of a village pub.

- **It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid**
  The design & access statement says – the owner can’t fund the work. This doesn’t mean the pub isn’t viable, if it were offered at a reasonable price in relation to its current condition and without a prohibitive ground rent.

- **Sufficient subsidy is not available from any other source**
  Objections have been raised that the applicant has sufficient funds, as additional investments have been made in a property on the Maltings Development in Pulham St Mary and another Pub venture elsewhere. I have investigations been made to ensure the applicant is not able to obtain funding from some other than the enabling development.

- **It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests**
  The applicant, being the owner of the premises, has not undertaken basic maintenance for a number of years, as has been reported to the Council by parishioners on several occasions and he has stripped out much of the interior fabric of the building, increasing the cost of required restoration. It must be questioned if the place has been allowed to deteriorate with the intention to making an application through an enabling order. If this development was allowed, the immediate neighbours would experience an unacceptable loss of privacy as a result of neglect rather than an inevitable part of the life cycle of the premises.

- **The public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.**
  There is no benefit to the immediate neighbours and unless a secured long term future can be assured, which there is no evidence of in the application, there is no benefit for the village either. The economic developments response, states the application is acceptable from an economic development point of view. It provides the financial viability of the applicant to carry out the refurbishment and re-opening of the public house, which will make a significant contribution to the life of the community. The council request on what evidence did the officer make this decision and is this evidence available for the public to view?

If it is decided that a scheme of enabling development meets all these criteria, English Heritage believes that planning permission should only be granted if:
• The impact of the development is precisely defined at the outset.
• The benefits must be secured (section 106 agreement)
• The place concerned is repaired to an agreed standard as early as possible - ideally at the outset and certainly before completion or occupation.
• The LPA closely monitors all stages to ensure that all obligations are fulfilled.

The Council would ask that conditions are attached to ensure compliance with these requirements.

The LPA must be highly aware that an enabling development is irreversible and must therefore only be used as a last resort. In conclusion although Pulham St Mary Parish Council would support the reopening of the Kings Head Inn, it cannot approve of this application, because of contravention of the adopted South Norfolk Local Plan and non-compliance with the criteria of the enabling order. It also believes that this application would not lead to the reopening of the public house; it would indeed encourage it to be sold as a residential property at a later date. This development would severely inhibit the future of the Kings Head to ever function as a successful public house again as it would leave the building with no garden, parking or room to expand and improve.

Yours sincerely,

Mrs Lisa Aston
Clerk to Parish Council
Proposals are totally unrealistic

REFERENCE: the article on The Kings Head, Putnam St Mary. (Mercury, July 8th). I think the proposals put forward by Mr Scott are totally unrealistic.

He expects someone to take on a 10-year lease for a price of £220,000 at an annual rent of £30,000. In addition the new lease would be required to carry out remedial work to the listed structurally unsound property to the tune of £200,000 plus.

As licensed trade specialists we were approached by Mr Scott to market The Kings Head on the above terms for which he offered to pay a fee. We declined his offer and advised him that for a 10-year lease it would not be normal to have anything other than a peppercorn rent with no reviews. It would therefore be "virtual freedom" and when one considers that there are freehold public houses in Norfolk and Suffolk for sale at around £400,000 with certified turnover figures of £230,000-£250,000 pm. It is obviously not a realistic proposition. Why would anyone pay £50,000 pa rent for a business with no turnover, no

Furniture and fittings which is in such a dilapidated state?

ALAN CROWENT
Managing Director,
Britannia Business Sales
East Anglia Ltd
St Nicholas Street
Ipswich
Ms H Mellors  
South Norfolk District Council  
Swan Lane  
Long Stratton  
Norfolk  
NR15 2XE

Dear Ms Mellors

Amendments to planning application 2011/1090 Land to rear of the Kings Head Inn – Proposed erection of 6 detached dwellings with garages and private driveway.

Councillors have considered amendments to the above application but as these do not address any of the objections raised by the council in August 2011 they request the application is refused as the proposal remains contrary to the provisions of the adopted South Norfolk Local Plan, including in particular IMP1 (Design), IMP8 (Safety and free flow of traffic), IMP9 (Residential amenity), EMP7 (The retention of rural employment and services), ENV8 (Development in the open countryside) and national policy Planning Policy Statement 7 (Sustainable development in Rural Areas.)

Please Note as an amendment to the council's letter of 10th August 2011;  
The application has been submitted on the condition of an enabling development order which could allow development that would secure the future of a significant place despite contravening other planning policy objectives, but it does not meet the criteria set out clearly in PPS5, Policy HE11;

- **It will materially harm the significance of the heritage asset or its setting**  
  This development of modern executive homes will be totally out of keeping with the age and design of the Kings Head and surrounding properties and would therefore be a discordant and intrusive addition

- **It will avoid detrimental fragmentation of management of the heritage asset**  
  Insufficient information has been provided with the application on the tenure of the individual properties within the development. Details provided with the application on the marketing of the licensed premises show the business being offered as leasehold, the only entrance to the proposed development crosses over the threshold of the lease premises, if the individual properties were to be offered leasehold how will they be managed and by whom. It would seem that this would be fragmented management and therefore would contravene the criteria.

- **It will secure the long-term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation**  
  Even if the Kings Head Inn was renovated and refurbished, in the current financial climate and because of the fact the premises has been closed for a considerable time and no longer has a customer base, it seems difficult to imagine a waterfront pledge can be given that the pub will re open and remain open in perpetuity. In addition to secure a long term future of the pub there may be a need to extend to provide better kitchens, dining space and DDA compliant toilets and access. There is also a need to provide more parking as there is no space in the village. This development prevents such work being possible unless the garden space is taken up – which will deprive the public house of amenities expected of a village pub.
• It is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid
The design & access statement says – the owner can’t fund the work. This doesn’t mean the pub isn’t viable, if it were offered at a reasonable price in relation to its current condition and without a prohibitive ground rent.

• There is a source of funding that might support the heritage asset without the need for enabling development
Objections have been raised that the applicant has sufficient funds, as additional investments have been made in a property on the Maltings Development in Pulham St Mary and another Pub venture elsewhere. Have investigations been made to ensure the applicant is not able to obtain funding from some source other than the enabling development.

• The level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests
The applicant, being the owner of the premises, has not undertaken basic maintenance for a number of years, as has been reported to the Council by parishioners on several occasions and he has stripped out much of the interior fabric of the building, increasing the cost of required restoration. It must be questioned if the place has been allowed to deteriorate with the intention to making an application through an enabling order. If this development was allowed, the immediate neighbours would experience an unacceptable loss of privacy as a result of neglect rather than an inevitable part of the life cycle of the premises.

Pulham St Mary Parish Council would support the reopening of the Kings Head Inn, but it can-not approve of this application, because of contravention of the adopted South Norfolk Local Plan and non compliance with the criteria of the enabling order.

Yours sincerely

Mrs Lisa Aston
Clerk to Parish Council
### Conservation & Design Observations

<table>
<thead>
<tr>
<th>Ref No: 2011/1090</th>
<th>Site: Land to rear of Kings Head Inn, The Street, Pulham St Mary</th>
</tr>
</thead>
<tbody>
<tr>
<td>CO Name: PW</td>
<td></td>
</tr>
<tr>
<td>Proposal: Proposed erection of 6 detached dwellings with garages and private driveway</td>
<td></td>
</tr>
<tr>
<td>Listed Building</td>
<td>□</td>
</tr>
<tr>
<td>Affects Setting of LB</td>
<td>□</td>
</tr>
<tr>
<td>In Conservation Area</td>
<td>□</td>
</tr>
<tr>
<td>Site Visit:</td>
<td></td>
</tr>
</tbody>
</table>

#### General Comments:

Grade II listed building timber frame building dating from the c17. It is situated in a prominent position in the centre of the village and within the Pulham St Mary Conservation Area.

The building was used as a public house until it closed in December 2007 and has remained largely out of use since this time. Parts of the front and side walls are in quite poor condition requiring structural repairs to the timber frame, which has suffered badly due to the use of cement render.

Whilst the building is in need of a comprehensive programme of repair I consider that the proposed scheme does not meet the policy requirements in PPS 5 for enabling development and fails to comply for the following reasons:

**English Heritage guidance states clearly that the enabling development should be the minimum necessary to secure the future of the place.**

The schedule of repairs submitted with the application appears not to have been prepared on the principle of minimum intervention. Having previously inspected the property, works such as replacing the existing floor, complete re-roofing and some of the ground level works I consider are not absolutely necessary to bring the building back into use. Also, the total costs for repairing the frame and re-rendering I think does seem excessive at £183,000 and needs some further qualification.

At present the building does not appear to be in any significant danger although it would benefit from some key repairs to properly consolidate the structure before being brought back into use. The immediate costs for necessary works to repair the frame and re-render I think are likely to be less than those stated.

There is the need for market testing. Under existing EH guidance the applicant needs to demonstrate that real efforts have been made, without success, to continue the present
use or to find a compatible alternative use.

The property has not been fully tested on the open market in view of the restrictive
covenants stated in the sales marketing documentation for leasehold sale. Certainly, in its
current state the property is more likely to sell as freehold. A large group of local residents
have shown an interest in investing in the building as a community pub and a select
number of investors have also expressed an interest in developing the site. These options
need to be fully explored prior to the local authority giving serious consideration to any
proposal for enabling development.

It may well be the case that the total cost of a minimum programme of works to bring the
building into use does not exceed its value on completion and therefore there would be no
conservation deficit to be funded by enabling development. Proper market testing would
help to establish the building’s need for a subsidy.

Also, should the applicant be unsuccessful in marketing the property as a public house in
accordance with the EH guidance then the next step may be to consider use as a dwelling
before taking into consideration any proposal for enabling development but this would be
a ‘planning balance’ decision.

The open setting of the building to the rear is a considerable asset to the use of the
property as a public house and forms an important part of wider views behind properties
along the main street. The pattern of the proposed development is not in keeping with the
general character of the existing layout of buildings and would adversely impact on wider
views. Even if the site was within the development boundary the proposed development
pattern would I feel not be acceptable. This could also potentially result in its use as a
public house being less desirable and not so economically viable in the future. The overall
impact could result in the building having to be returned to a dwelling in which case much
of the community benefit from enabling development would be relatively short lived.

The proposed scheme of development is not sympathetic enough to the character and
appearance of this part of the conservation area both in terms of its layout and design of
buildings. The new buildings need to reflect better the massing, form and detailing of
existing buildings.

The proposed scheme does not satisfy requirements of enabling development stated in
PPS 5 policy HE 11. Specifically, it will have an adverse impact on the significance of the
setting of the heritage asset; the proposed enabling development is not necessary to
resolve problems with the inherent needs of the heritage asset, which could be resolved
by other means such as sale of the freehold and therefore there is an alternative source of
funding that could support the heritage asset without the need for enabling development.

In view of the above I therefore recommend the application be refused.

Further negotiations required: No

Recommendation: Refuse

Suggested reasons for refusal: contrary to Policy HE 11 of PPS 5
Officer Initials: PW
Date: 11/10/11
USE OF LAND FOR THE ERECTION OF SIX DETACHED DWELLINGS WITH GARAGES, CONSTRUCTION OF PRIVATE DRIVE AND ALL ANCILLARY WORKS (ENABLING DEVELOPMENT IN ACCORDANCE WITH ENGLISH HERITAGE GUIDANCE 2008) TO SECURE THE LONG TERM FUTURE AND CONTINUED USE OF THE KINGS HEAD PUBLIC HOUSE AT LAND TO THE REAR OF THE KINGS HEAD PUBLIC HOUSE PULHAM ST MARY DISS NORFOLK IP21 4RD

PLANNING STATEMENT
Incorporating a DESIGN AND ACCESS STATEMENT

June 2011
INTRODUCTION

1. This report has been produced in support of a planning application proposing the erection of six detached dwellings with garages, construction of private drive and all ancillary works at land to the rear of the Kings Head Public House, Pulham St Mary.

2. The proposed development is submitted as 'Enabling Development' which will assist with the expenditure necessary to secure the long term future of the Kings Head and its continued use as a public house.

3. The term 'Enabling Development' is not defined by statute. It is a term which has evolved through case law and was confirmed as a planning mechanism in 1988 by the Court of Appeal when it upheld a planning permission by Westminster City Council authorising office development which, although contrary to the development plan for the area, would provide funds to improve the Royal Opera House.

4. This application seeks to follow the same concept by obtaining planning permission for a development which will provide sufficient value to enable essential repairs and restoration of the Kings Head (listed building) together with other internal refurbishment necessary to secure the continued use of the building as a public house.

5. The report is divide into the following sections:

   I. Background and Relevant Planning History  Page 3
   II. Physical Context  Page 5
   III. Design Philosophy  Page 7
   IV. Social Context  Page 10
   V. Relevant Planning Policy  Page 11
   VI. Justification  Page 14
   VII. Other Considerations  Page 17
   VIII. Conclusions  Page 18
6. In preparing this report the following documents have been considered relevant and have been referred to:

   i. DCLG Circular 1/2006;
   ii. Planning Policy Statement 1 “Delivering Sustainable Development” (PPS1);
   iii. Planning Policy Statement 3 “Housing” (PPS3);
   iv. Planning Policy Statement 5 ‘Planning and the Historic Environment’ (PPS5);
   v. English Heritage publication ‘Enabling Development and the Conservation of Significant Places’;
   vi. South Norfolk Local Plan;

7. The applicant has been involved in extensive and protracted discussions with the local authority regarding Enabling Development. I have tried to obtain pre-application comments from the Council regarding the design and layout of this scheme but was advised that due to current workloads it would not be possible for planning officers to provide comments for many weeks.

8. The following is a list of the appendices referred to in this statement.

   1. Correspondence and Sales Particulars from UK Pub Sales;
   2. Survey and Report by Heather Longman and Bruce Longman BSc, (Eng.)
   3. Condition Report and Costed Schedule of Works by David Hornsby, Chartered Surveyor;
   4. Costing Schedule from Broadland Catering Equipment;
   5. Costing schedule from Don Andrews Garden Services;
   6. Valuation from Sequence Homes;
   7. Copy of Petition.
   8. Financial Summary (Confidential document);
BACKGROUND & RELEVANT PLANNING HISTORY

9. The applicant has owned the public house since December 1993 and traded from the premises until December 2007 when the public house closed. The public house had become loss making after the 2007 smoking ban. There was a need for major investment in the property. The owner wanted to sell part of the premises to raise funds for improvements, without compromising the long term trading potential of the pub.

10. The building is in very poor structural condition and requires significant investment to remedy existing structural problems and to refurbish the property to an extent that it may reopen and operate as a viable public house. The condition of the building and the works necessary to stabilise, repair and refurbish the building is detailed in reports by a Chartered Surveyor and Structural Engineer. Copies of the reports accompany the application. Since these reports were published, the condition of the building has continued to deteriorate, despite the applicant maintaining the property to a level during this 3½ year wait.

11. The building has been the subject of a number of previous applications for planning permission and listed building consent as illustrated overleaf. The applicant has previously made a number of planning applications to try and improve the viability of the public house by converting part of the large range of buildings into dwellings. In each case, the Council were happy to grant listed building consent for the physical alterations but were not prepared to grant planning permission for a change of use involving the existing public house.

12. As a result of the Council’s/Planning Inspectors refusal to allow underused/disused parts of the buildings to be sold off which could have assisted with the cost of repairs to the building, the applicant and all consulted parties agree that this current application for Enabling Development is the only viable means left for ensuring the future of the building as a public house.
13. Following the Council's/inspector's decision to refuse application 2007/1865. The applicant undertook a thorough marketing campaign of the premises, in accordance with the advice he had received from the planning officers and Council's solicitor. English Heritage guidance for test marketing was followed.

Table of previous planning applications.

<table>
<thead>
<tr>
<th>Ref:</th>
<th>Description of proposed development.</th>
<th>Decision</th>
<th>Date.</th>
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<tbody>
<tr>
<td>2009/1371</td>
<td>Repairs including removal of chimney (LBC)</td>
<td>Approved</td>
<td>23-12-09</td>
</tr>
<tr>
<td>2007/1865</td>
<td>Alterations to form public house and dwelling (PP)</td>
<td>Refused</td>
<td>22-08-07</td>
</tr>
<tr>
<td>2007/1577</td>
<td>Alterations to form public house and dwelling (LBC)</td>
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<td>18-07-07</td>
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<td>Change of 1st and 2nd floors to a dwelling (LBC)</td>
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<td>30-3-07</td>
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<td>Change of 1st and 2nd floors to a dwelling (PP)</td>
<td>Refused</td>
<td>30-3-07</td>
</tr>
<tr>
<td>2007/0563</td>
<td>Conversion of pub and outbuildings to pub and 2 dwellings (PP)</td>
<td>Appeal Dismissed</td>
<td>21-01-08</td>
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<tr>
<td>2006/2748</td>
<td>Amendments to 1998/1012 (PP)</td>
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<td>08-02-07</td>
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<tr>
<td>2006/2472</td>
<td>Removal of condition to allow change of use of outbuilding as dwelling (PP)</td>
<td>Appeal Dismissed</td>
<td>21-01-08</td>
</tr>
<tr>
<td>2006/1517</td>
<td>Amendments to 1998/1012 and conversion to provide 2 additional dwellings (LBC)</td>
<td>Approved</td>
<td>10-07-096</td>
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<tr>
<td>2006/1516</td>
<td>Removal of condition 3 of 1998/1012 and conversion to provide 2 additional dwellings (PP)</td>
<td>Refused</td>
<td>22-08-06</td>
</tr>
</tbody>
</table>

PP = Planning Permission  LBC=Listed Building Consent.

14. The test marketing was undertaken by UK Pub Sales who are specialists in the sale of licensed premises. The public house was marketed for a period of 6 months at a price which was agreed by the District Valuer. During this period the agents received a total of just 6 enquiries. In each case, the interested party was sent a brochure but none of the enquiries resulted in a viewing despite the asking price of the building being dropped by £20,000 after 3 months. None of the interested parties even asked to see a copy of the lease agreement.

15. After the 6 months test market the agents kept the property on their website and the sale board remained on the front of the premises. Despite this, there was no
further interest whatsoever. Copies of the sales particulars and correspondence from UK Pub Sales are enclosed at Appendix 1.

16. During July 2009 the applicant commissioned a structural engineer to produce a survey report to accompany an application for listed building consent for repairs to the building. The Council approved the application. A copy of that Survey Report is enclosed at Appendix 2.

17. The applicant had previously commissioned a full Survey and Costed Schedule of Works to identify in detail repairs needed and the costs involved in undertaking the works. A copy of the document is enclosed at Appendix 3. The Survey was done with the understanding that the King's head would remain in use as a public house.

18. This Enabling Development application is not just seeking to secure the future of the listed building, it is also seeking secure the continued use of the building as a public house. The application is accompanied by a schedule of costing for fitting out and refurbishing the interior of the building to enable it to reopen and recommence trading, after tenants inventory has been purchased by them. The schedule is enclosed at Appendix 4. An estimate for landscaping works is included at Appendix 5. Outside furniture etc would fall under Tenants expenditure and is not included.

19. Independent valuations of the application site were obtained. A copy of that valuation is enclosed at Appendix 6.

20. The applicant considers that the LPA’s approach in the determination of previous applications has been inconsistent. Similar properties in SNDC having been granted planning permissions and been allowed to invest in themselves. The applicant has explored various ways of providing development to maintain a viable public house but considers that this current application provides the only realistic opportunity to bring the public house back into use. A copy of a petition signed by the majority of parishioners, supports the proposal for backland development. This is included at
Appendix 7. The application is understood to have the full support of the district councillor and neighbouring parishes.

PHYSICAL CONTEXT

21. Pulham St Mary is a small rural village in South Norfolk situated approximately 9 miles to the east of Diss. The village has a population of less than 800. Like many rural villages, the main built up part of the village has evolved in a linear form of ribbon development alongside the road through the village. The public house is the hub of the village.

22. The kings Head public house is a building of Special Architectural or Historic Interest and is listed at Grade II. The listing description for the premises states:

   Early C17 timber-frame house, plastered. Steep pantile roof with gabled ends. Brick chimney stack off centre. Two storeys and attic. Two windows. Early C19 three, four and five-light casements. Two flat roofed dormers. Doorway off centre in front of stack, with reeded architrave and panelled door. Interior: stop chamfered ceiling beams. Wing on east end, C19 plastered timber frame with steep pantile roof with gabled end, one storey and attic, ground floor modern sashes, three flat roofed dormers.

23. The application site is situated within the Pulham St Mary Conservation area. To date, the Council has not produced a Conservation Area Appraisal for the village. In referring to the Conservation Area the local plan merely states:

   The village contains a variety of historic buildings making an important contribution to its character. This is complemented by the adjacent river and the river meadows to the south. This village and the river meadows are designated as a conservation area.

24. The area proposed for development consists of land which forms part of the existing planning unit of the public house. Up to September 2006 the land was used by the village bowls club. The King's Head bowls club formally handed their notice in and vacated the pub land. The position of the bowling green and the pavilion are still just
visible although the area has become overgrown. The site falls within the definition of previously developed land (brownfield).

25. The land to the east of the site is classified as agricultural and used for domestic purposes and paddocks in association with the property known as Glebe Cottage.

26. The land immediately to the west of the site forms part of the long rear garden of the adjacent cottage. Just beyond this garden area is a development which consists of a range of former malting buildings which have been converted to dwellings together with new build.

27. The land to the south of the site is open countryside consisting of water meadow sloping towards The Beck.

28. There are no physical constraints to developing the site. The site is situated within Flood Zone 1, where all forms of development are acceptable. There are no records of archaeological finds at or nearby the site. There is also no evidence or any records of protected species or habitat at or adjacent to the site.

DESIGN PHILOSOPHY

29. The design philosophy for the proposed development has been to produce a small scale scheme which will provide sufficient ‘value’ in a way which respects local characteristics and minimises its impact on the surroundings. The following paragraphs provide information required under Circular 1/06 relating to Design and Access Statements. English Heritage Guidance 2008 was adhered to in every respect.

Use

30. The application proposes residential development. This form of development is justified on the basis that it is the most efficient form of ‘Enabling Development’, has less potential impact on the area than other forms of non-residential development
and would create additional households which will contribute to the continued use of the listed building as a public house.

**Amount**

31. The amount of development has been influenced by two factors. Firstly, the need for the development to achieve the minimum amount of Enabling Development to fund the necessary works to the listed building and secondly to achieve a level and quality of development which is surpasses that of its neighbours. Traffic flow will not be increased.

**Scale**

32. The proposed dwellings are of a 'traditional cottage' scale with first floor accommodation provided within the roof-space. The proposed dwellings will have the following dimensions:

- Ridge height: varies between plots 7.2m – 7.7m;
- Eaves height: 4.2m
- Gable width: varies between 3.7m - 6.05m; and,
- Length: varies between 9m – 10m.

33. The scale of the proposed dwellings is consistent with the scale of existing dwellings and other buildings in the vicinity of the site.

**Layout**

34. The layout of the scheme has been influenced by the shape and topography of the site. The layout does not appear out of context with the area as the pattern of development reflects that of the converted malting complex situated to the west.

35. The position and orientation of the individual dwellings has been carefully considered to ensure that there is no loss of privacy to adjoining properties as a result of direct overlooking of private garden areas.
Appearance

36. The appearance of the proposed dwellings is clearly illustrated on the submitted drawings. The designs of the new dwellings have been influenced by the form and traditional materials used throughout the village. The appearance of the development has been sensitively conceived in order to ensure that it becomes easily absorbed within the local ‘townscape’. The development is sited far enough away from the public house so as not to compromise the setting of the listed building.

Landscaping

37. The submitted drawings illustrate the areas of the development which are intended to be landscaped. Precise details of landscaping are yet to be finalised. The applicant is happy for this detail to be the subject of a planning condition. It would not be appropriate to impose landscaping requirements on the private garden areas of the new dwellings. However, restriction on caravans on drives should be made by condition. The landscaping of those private spaces should be left to the individual preferences of future owners. The eastern and western boundaries of the site adjoin land which is domestic in character. The southern boundary of the site with the paddock beyond will be hedged with native species either side of the gate.

Access

38. Access to the new dwellings will be provided using the existing vehicular access to the rear of the pub. The access has been used continuously to provide access to the pub car park and beyond. The width of the access driveway meets highway standards for a private drive. Visibility at the entrance to the site has recently been improved by a realignment of the carriageway away from the building. It is considered that the amount of vehicular traffic generated by the development can easily be accommodated by the local road network without causing harm to highway safety. It is certain that the traffic generated by the proposed dwellings will be less than generated by the pub and the bowls club.
Access to services

39. The development will be sustainable in terms of access to local services. The village contains a shop, Post Office and garage and is also served by a regular bus service with links to Diss, Harleston and Norwich. The adjacent village of Pulham Market which has additional services including a doctor's surgery, playschool and primary school is within easy reach of the site. Future occupants of the development would not be wholly dependent on the private car for access to services.

SOCIAL CONTEXT

40. The presence of a vacant, derelict and boarded up building can have a significant and detrimental impact of the amenity of the occupants of dwellings adjoining the site and of those nearby. When the Enabling Development is permitted, the repair and restoration of the public house will improve the visual appearance of the property which in turn will enhance the amenity for neighbours and those using the pub and nearby shop/post office.

41. Following the Council's decisions on previous applications the applicant considers that this proposal for Enabling Development is the last viable option to provide the village with a trading public house. The petition included at Appendix 7 demonstrates the strong public support for the scheme. The petition clearly demonstrates that it is what the local community wants.

42. The other matter to consider in terms of social context is the physical impact of the development. In this case, the buildings have been carefully and sensitively designed and sited to ensure that they do not have a material adverse impact on the occupants of adjoining properties in terms of loss of daylight or direct overlooking of private garden areas.
RELEVANT PLANNING POLICY

44. In this case, the main relevant planning policy consideration when considering Enabling Development is Policy HE.11 of Planning Policy Statement 5 ‘Planning and the Historic Environment’ (PPS5). However, this proposal is also supported by other planning policies as detailed below.

Planning Policy Statement 1 Delivering Sustainable Development (PPS1)

45. PPS1 sets out the Governments overarching planning policies for the delivery of sustainable development through the planning system stating that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by: “ensuring high quality development through good and inclusive design, and the efficient use of resources; and, ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community”.

46. In this case, by securing the future of the public house the development will clearly help to support an existing community by providing a key service with employment opportunities all of which will contribute to the sustainability of the village.

Planning Policy Statement 3 Housing (PPS3)

47. PPS3 sets out the national planning policy framework for delivering the Government’s housing objectives stating the planning system should deliver:

- High quality housing that is well designed and built to a high standard;
- Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure; and,
- A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land.
48. In this case, the proposal accords with the broad objectives of PPS3. The development consists of a high quality scheme in a sustainable location by making an efficient and effective supply of land. The provision of additional housing will not just help to sustain the public house but will also help to support other local services.

Planning Policy Statement 5 'Planning and the Historic Environment' (PPS5)

49. PPS5 sets out the Governments policies for all types of development relating to the historic environment. Policy HE11.1 of PPS5 deals specifically with enabling development and states:

HE11.1 Local planning authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan (having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004) or from national policies, taking into account whether:
- it will materially harm the significance of the heritage asset or its setting;
- it will avoid detrimental fragmentation of management of the heritage asset;
- it will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation;
- it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid;
- there is a source of funding that might support the heritage asset without the need for enabling development; and,
- the level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests.

50. Annexe 2 of PPS5 defines enabling development as ‘Development that would be unacceptable in planning terms but for the fact that it would bring heritage benefits sufficient to justify it being carried out, and which could not otherwise be achieved’.

51. A detailed analysis of the proposal against the criteria of Policy HE11.1 continues on page 14. An onerous Unilateral draft S106 Agreement, agreed with the Council’s Solicitor, will secure the future of the pub. This is attached.
South Norfolk Local Plan

52. The area proposed for development lies outside of the ‘settlement boundary’ for Pulham St Mary as defined by Local Plan Inset map 43. This means that for planning purposes the site is considered as countryside. Policy ENV8 of the local plan concerns development in the countryside stating:

Policy ENV8: Permission for development in the open countryside, outside the Development Limits and Village Boundaries of existing settlements and areas identified for development in the Plan, will only be granted if it:

i) Is requisite for agriculture or forestry; or

ii) Is justified to sustain economic and social activity in rural communities, and demands a rural location; or

iii) Is for the suitable adaptation and re-use of an existing rural building. All such development must

iv) Respect the intrinsic beauty, the diversity of landscape, the wealth of natural resources, and the ecological, agricultural and recreational value of the countryside; and

v) Be sensitively integrated into its rural surroundings in terms of siting, scale and design, while avoiding creating ribbon development or an unduly fragmented pattern of development.

53. In this case, the proposal complies with Policy ENV8 as it meets criteria (ii) as the development is justified on the basis that it will help to sustain economic and social activity in a rural community. The site is a brownfield site. There is a considerable demand for the size and style of the proposed properties in this village location.

54. The application site is also within the Conservation Area for the village and consequently Policy IMP18 of the local plan applies, it states:

Policy IMP18: Planning permission will not be granted for development proposals in Conservation Areas, or proposals on sites outside Conservation Areas which would affect the character, appearance, setting or views into or out of the Conservation Area, unless the proposals will blend with the area in terms of:

i) Scale, height, form and massing; and

ii) The traditional pattern of frontages, including vertical and horizontal emphasis; and

iii) Design detailing; and

v) The contribution of spaces between buildings to the overall character or
appearance of the locality.

55. The proposals have been very carefully designed to comply with the requirements of policy IMP18. Being set back behind existing development, the proposals would not materially affect the character or appearance of the conservation area as a whole and neither would it affect any important views into or out of the conservation area. The scale, height, massing and detailing of the proposed buildings respects that of existing buildings in the area. Being situated in a backland location, it is not possible for the development to blend in with the existing pattern of frontages. However, this in itself should not be an overriding objection to the scheme and is more than compensated by the benefits of the application.

JUSTIFICATION

56. The applicant has already gone to considerable lengths to try and secure the long term future of the building and the viability of the public house. This is demonstrated by the extensive planning history previously described. Proactive rather than reactive was his preferred route.

57. The applicant has also marketed the premises without any serious interest whatsoever. The marketing exercise did not result in any viewings or requests to see the lease details. The applicant now considers that this application for Enabling Development represents the only realistic means of securing the future of the building and the public house.

58. Policy HE11.1 should be the starting point for the consideration of this application. This type of planning application very unusually should be determined on the basis of benefits against disbenefits to the community. The following paragraphs consider the proposals against the criteria of Policy HE11.1.

59. The proposed development would not materially harm the significance of the heritage asset or its setting. The enabling development does not involve any physical
alterations to the historic fabric of the listed building. It will fund alterations and repairs which the Council have already approved. Therefore in terms of the effect of the development on the 'heritage asset' considerations are limited to the potential effect on the setting of the public house and the character of the conservation area. The principal setting of the building is the front elevation. Whilst it is accepted that the rear of the public house benefits from the same listed status as the front, the rear of the building is less attractive and views of the rear of the building are not so important in terms of the significance of the listed building. The development would not adversely affect the character or appearance of the conservation area. Whilst it is accepted that the village is mainly linear in pattern, the conservation area, adjacent to the site, already contains development in depth and therefore the enabling development would not be alien in layout. As previously stated, the design and form of the proposed dwellings incorporates local vernacular characteristics to ensure that it integrates with the appearance of existing development in the village. The area to be developed does not occupy a prominent location in the conservation area and its development would have a neutral effect on the conservation area as a whole.

60. The development would not result in fragmentation of the management of the heritage asset.

61. The Enabling Development will secure the long term future of the listed building and its continued use for a purpose sympathetic to its conversion. The financial summary demonstrates that the finance raised by the enabling development approaches the cost of undertaking essential repairs and refurbishment. The best way of securing the upkeep of listed buildings is to ensure continued sustainable use. It is generally accepted that the best use for a listed building will be the use for which the building was originally designed or has been used for all of its life. Clearly, in this case, the best way of maintaining the building would be for it to reopen and continue operating as a public house. The figures illustrate that the Enabling Development would approach the sum needed to fund the works necessary to secure the continued use of the building for the purpose which is most sympathetic to its use.
No one can add to it. The applicant accepts that he cannot go back for more English Heritage Enabling Development. The scheme has been carefully considered in terms of quantity and quality.

62. The Enabling Development is required to resolve problems arising from the inherent needs of the listed building. The need for the Enabling Development has not arisen because of the circumstances of the present owner or the purchase price paid 19 years ago. The enabling works are necessary to undertake major works to stabilise and repair the existing structure of the listed building as detailed within the accompanying reports.

63. There are no other sources of funding that would support the listed building without the need for Enabling Development. The applicant has carried out extensive enquiries to all the appropriate bodies. However, there are no grants available.

64. The level of Enabling Development is the minimum necessary to secure the future conservation of the listed building and its continued use. This is clearly detailed in the accompanying documents and as illustrated below. The calculations overleaf are based on the methodology recommended by English Heritage.

65. As previously illustrated, the development is of a design and type that minimises harm to other public interests (such as visual amenity, residential amenity and highway safety). Whilst it is accepted that the proposed development is contrary to the development plan, because the site is outside of the 'settlement boundary' for the village, Policy HE.11.1 makes it clear that the benefits of Enabling Development may be considered as material considerations to justify departure from the development plan.

66. There has been a significant level of community interest in the future of the public house which is understandable given it is a key village facility and is the only remaining pub in Pulham St Mary. The applicant undertook honest public consultation by means of a survey of local residents to gauge their reaction to the
proposed Enabling Development. The survey was carried out outside the polling station during the last general election as this was seen by the applicant as the most efficient means of contacting the population of the village. There was massive support for the scheme. A copy of the survey is included at Appendix 7. The applicant communicates with the village via the parish magazine. He thanks the majority of the parish for their support. He marginalises the vociferous small minority groups which he believes previously misinterpreted his planning applications and his wish to keep the pub as a pub.

67. The calculations in the financial summary included at Appendix 8 allow for a modest developer profit. The advice from English Heritage (EH) states "It is naturally right and proper that a developer be allowed a fair and reasonable return on his investment, to reflect the risk involved in the development project". EH suggest a profit margin of between 10% and 20% would be reasonable but acknowledges that too great a profit could result in permission being granted for more units than is necessary, whilst if sufficient profit is not allowed, the development may fail.

OTHER CONSIDERATIONS

68. This is a case where the planning application is "make or break" for the future of the village pub. For these reasons, the applicant hopes that the Council will support the proposal and process the planning application promptly and without the need for a second amended application.

69. The social benefits of the proposal have already been discussed and one of those mentioned was the potential for new employment opportunities. When the pub reopens it will employ part time and full time staff. Members of the local community will be needed as paid bar staff, cooks and cleaners. These benefits are material planning considerations which weigh in favour of the development. Local suppliers of fresh produce to the business along with craft brewers and the local authority (business rates) will all be beneficiaries.
70. The reopening of the pub would also have a positive effect on the local economy by benefiting local tourism. The presence of a trading public house within the village would have a positive effect on demand for existing local self catering holiday homes. A good trading pub in any village can result in increased residential property prices.

71. The applicant's determination to keep the King's Head as a pub extends to him employing his very limited remaining funds in another closed pub business 30 miles away. The applicant purchased the leasehold, refurbished the closed vandalised pub and reopened it as a community pub in 2009 with only a fraction of the capital employed compared to his capital 'locked into' the King's Head which is closed and decaying. The new business has expanded and employs 5 staff and himself. It can only be reasonable and just that this hard working entrepreneurial applicant has the King's Head enabled.

CONCLUSIONS

72. The proposed development represents the only efficient and practical means to secure the long term future of the listed building and its continued use for a purpose sympathetic to its conversion.

73. The proposed Enabling Development satisfies the criteria of Policy HE.11 of national planning policy statement PPSS. In this case, Policy HE.11 is the most relevant of all national and local planning policies.

74. Although it is accepted that the proposals are contrary to the development plan because the application site is outside of the village settlement boundary, the planning gain which would accrue from the 'Enabling Development' and the compliance with Policy HE.11 constitutes a material consideration which justifies an exception to the development plan as provided for by Section 38(6) of the Planning and Compulsory Purchase Act 2004.
75. The proposed development is a high quality scheme which will cause no material harm to the setting of the listed building, the character of the conservation area or any other interest of acknowledged importance.

76. English Heritage Guidance states that enabling development applications should be determined on benefits versus disbenefits, rather than policy. This should clearly result in this application being approved. There are far more benefits to the community than disbenefits.

Phil Cobbold BA (Hons) PG Dip MRTPI

June 2011
2. **Appl. No** : 2011/1471/CU  
**Parish** : WYMONDHAM

Applicants Name : Compass Metal Recycling - Mr J Reynolds  
Site Address : Unit 5, Bridge Industrial Estate, Silfield Road, Wymondham, NR18 9AU  
Proposal : Retain use of site for importation of scrap metal, sorting, reclaiming, cutting and batching

Recommendation : Approve with conditions

1. Temporary planning permission – 2 years  
2. Scheme of working to be agreed to include details of plant, machinery and equipment to be used  
3. No materials other than inert waste  
4. No machinery to be operated, no processes carried out and no deliveries / despatches outside hours of 7:30 to 17:00 Mon to Fri, 7:30 to 13:00 Saturday  
5. Site bunding to be retained  
6. Control of reversing bleepers  
7. Measures to minimise dust nuisance  
8. No materials to be stacked or deposited to exceed 5m in height  
9. Details of hard surfacing  
10. Storage drums and containers to be in bunded area  
11. Oil storage tanks to be in bunded area  
12. Vehicles not to leave site in condition which would deposit mud on highway  
13. Vehicles carrying loose materials to be sheeted  
14. Weighbridge to be used in connection with approved use  
15. No external lighting  
16. Provision of parking and turning facilities

1. **Planning Policies**

1.1 Joint Core Strategy  
Policy 5 : The economy

1.2 Norfolk Waste Local Plan  
WAS 18 : Water Resources  
WAS 23 : Scrapyards

1.3 South Norfolk Local Plan  
EMP 2: Distribution, nature and scale of employment development  
EMP 6: Alterations and extensions to existing business premises  
IMP 8: Safe and free flow of traffic  
IMP 9: Residential amenity  
IMP 10: Noise

2. **Planning History**

2.1 2000/7031/C : Inert waste recycling and erection of building  
Approved

2.2 1999/7026/C : Erection of waste recycling building (Unit 1)  
Refused

2.3 1999/1796/C : Erection of waste recycling building (Unit 1)  
Withdrawn
2.4 1996/7024/C Waste transfer and recycling unit Approved
2.5 1996/7016/C Waste transfer and recycling unit Refused

3. Consultations

3.1 Town Council: Refuse
- Should adhere to 2002 planning permission. Conditions to protect amenities of neighbouring residential properties

Following submission of noise report
Refuse
- Maintain previous comments

3.2 District Member: To be reported if appropriate

3.3 NCC Highways: No objection subject to condition

3.4 Environment Agency: Confirm operations are exempt from environmental permit. No comments with regard to noise survey.

3.5 Network Rail (South East): No objection

3.6 Environmental Services (Protection): Initially requested additional details relating to site operations and associated noise generation
Following the noise survey – no objections

3.7 NCC Minerals & Waste Planning Officer: No objection in principle to retention of use
Refer to C/7/2000/7031 and refer to conditions 9, 10 and 11 which were attached in the interest of maintaining amenity. Should consider whether similar conditions are appropriate.

3.8 Local Residents: 2 letter of objection
- Noise from cutting up items, from movement of vehicles and crushing of materials
- Disturbance to neighbouring commercial units
- Impact on viability of letting neighbouring commercial units
- Increase in dirt and dust levels
- Impact on condition of access road
- Safety of access route and disturbance to neighbouring properties
- Capacity of Silfield Road and in particular the railway bridge to cope with HGV traffic and traffic from proposed supermarket and housing
- Unacceptable smells which are carried by the wind towards dwellings
- Number of vehicle movements, size of vehicles, opening hours, should be controlled

4. Assessment

4.1 The application is for the retention of the use of an existing commercial unit for the importation and processing of scrap metals.
4.2 The site is located within an existing commercial area and is within the Development Boundary for Wymondham. Policies in the Joint Core Strategy and South Norfolk Local Plan seek to ensure that proposals are of a nature and scale which are in keeping with the scale and function of the settlement concerned, have an adequate access and do not have a significant adverse affect the amenity of nearby residents.

4.3 The site was formerly part of a larger site which was operated by Woody’s and which had planning permission for the recycling of inert waste (C/7/2000/7031). That planning permission also included the provision of a substantial new building within which waste would be sorted and a number of conditions were imposed to control the methods of working (see appendix 2). In addition, that planning permission was granted subject to a Section 106 Agreement which related to the repair and maintenance of the access road and restricted vehicle movements to a maximum of 90 skip vehicles and 40, 6 or 8 wheeled vehicles per day.

4.4 This application sets out that the use which is currently being undertaken on the site, could have operated within the context of application C/7/2000/7031, however due to a different access and working methods it can not comply with some of the previously imposed conditions, notably 9, 10 and 11, as materials are loaded and unloaded outside the building together with the sorting and storage of materials.

4.5 While this application is for a new proposal, it is similar to the previously approved scheme and as such in considering this proposal it is reasonable to consider whether an application to vary conditions on the previous proposal for this part of the site would have been approved.

4.6 The operators permit for the site allows for an annual through put of 75,000 tonnes of inert waste with 1000 tonnes of storage. Non ferrous materials will be sorted and stored within the building while lower value materials will be stored externally. Materials will be taken away from the site by between 2 and 10 skip lorries per week.

4.7 The site is located at the western end of the Bridge Industrial Estate and is accessed by a shared road which passes along the boundary of dwellings which front onto Silfield Road. The access serves a number of other commercial units which generate staff and delivery vehicle movements which includes HGV traffic.

4.8 The site itself is bordered to the north, east and south by other commercial units and the site boundary is formed by bunded soil which restricts views into the external yard area.

4.9 In principle, I consider that, given the location of the premises, the character of neighbouring uses and the planning history of the site, its use for the importation and processing of scrap metals is appropriate.

4.10 Norfolk County Council and Wymondham Town Council have commented that the use should operate within the remit of the previously imposed conditions. While I note these comments, the application as submitted is to enable the applicant to utilise the external areas for the storage and sorting of scrap metals and I consider that the application should be considered on that basis.

4.11 While some processing of high value materials takes place within the building on site, due to the restricted size of the building and the reduced site area compared to that approved under reference C/7/2000/7031, it is not practical to restrict all operations to within the building. The external area is bunded which restricts views into the site and as such I consider that the main issues raised by external working relates to noise generation and the disturbance to nearby properties.
4.12 As part of the consideration of the application, a noise survey has been undertaken to assess the noise generated by the activities on the site and this has been reviewed by Environmental Services. This indicates that the noise generated by the plant and associated activities are predicted to be between 6dB and 9dB below the quietest background noise levels as measured at the closest properties.

4.13 The report notes that there are a number of other units closer to neighbouring properties which generate noise from vehicle movements and deliveries, including HGVs, in particular Jewson’s and Watling JCB. The report concludes that although the operations in the scrap metal yard may be considered intrinsically noisy, when the distance and significant shielding to the closest receptors is taken into account, the impact is negligible and significantly less than that generated by other businesses on the estate and consequently considers that complaints are unlikely. On the basis of these findings, Environmental Services have raised no objections to the application.

4.14 The previous application covered a larger area, the majority of which was to the south of the built form on the commercial estate and parts of the operational area were closer to the adjacent dwellings. It is likely that noise from activities on the site would have been more noticeable from these parts of the site due to the predominantly open character of this area. I consider that the use of the current application site differs in that it is a significant distance from dwellings and there are several intervening uses and buildings which reduce noise disturbance from this part of the site. I therefore consider that it is reasonable to allow outside working within this area, however, given the concerns which have been raised I consider that an initial temporary time limit should be considered to allow the situation to be reviewed.

4.15 There are a number of conditions attached to the previous permission which relate to working practices and I consider that these should be carried forward to this application.

4.16 Concerns have also been raised with regard to the vehicular access to the premises and the disturbance to nearby residents. As set out above, the previous planning permission which relates to part of this site did restrict traffic movements and required the maintenance of the access road. The use and site area proposed as part of this application is significantly less than that previously approved and I consider that it will not result in a level of disturbance greater than that previously approved. The Highway Authority has raised no objection to the proposal subject to the provision of parking facilities. Again, a temporary permission would allow the level of vehicular activity to be reviewed and to determine whether a revised S106 agreement is necessary.

5. Reasons for Approval

5.1 The proposal is acceptable in respect of the aims of the Joint Core Strategy and South Norfolk Local Plan 2003 and in particular is considered to be in accordance with Policy 5 of the Joint Core Strategy and Policies EMP2, EMP6, IMP8, IMP9, IMP10 of the South Norfolk Local Plan and Policies WAS18 and WAS 23 of the Norfolk Waste Local Plan as the use is within the Development Boundary for Wymondham and the use will not result in a significant loss of amenity for nearby residents or be detrimental to highway safety.

Contact Officer, Telephone Number Stuart Pontin, 01508 533796, and E-mail: spontin@s-norfolk.gov.uk
Schedule of Conditions & Reasons

Planning Ref. No. C/7/2000/7031

Location: Former Gravel Pit, Bridge Industrial Estate, Bridge Road, Wymondham.

Conditions:

1. The development hereby permitted shall commence not later than five years from the date of this permission.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no further buildings, plant or machinery, nor structures of the nature of plant or machinery other than that permitted under this planning permission, shall be erected on the site, except with permission granted on an application under Part III of the Town and Country Planning Act 1990.

3. No more than 100,000 tonnes of waste per annum shall be brought onto the site.

4. From the date of this permission the operators shall maintain records of their monthly inputs of materials and shall make them available to the County Planning Authority at any time upon request. All records shall be kept for at least 12 months.

5. No material other than waste falling within categories 1 (inert), 2a (semi-inert) as shown on the attached sheet and tyres shall be brought onto the site.

6. The development shall not take place except in accordance with the site layout shown on Plan C/7/2000/7031/A dated 27 August 2002.

7. Within two months of the date of this permission, or other such period to be agreed with the County Planning Authority, a scheme of working shall be submitted and agreed in writing with the County Planning Authority. No operation shall take place except in accordance with the agreed scheme. The scheme shall include details of:-

(a) the recycling building, including dimensions, elevations, construction, insulation, sound and vibration-proofing and dust suppression;
(b) all plant, machinery and equipment to be used both inside and outside the building;
(c) layout of areas for stockpiles, internal routing of vehicles, skip storage and parking;
(d) measures to control dust outside the building, including mobile bowers and sprinklers and catchment netting;
(e) treatment of internal batters; and
(f) all hard surfaced areas.

8. No machinery shall be operated, no processes shall be carried out and no deliveries taken or despatched from the site outside the following times:

08.00 - 18.00 Mondays to Fridays
08.00 - 13.00 Saturdays

nor at any time on Sundays, Bank or Public Holidays
9. There shall be no processing, sorting, transfer or recycling of any material except within the building.

10. With the exception of loading and unloading of materials from the stockpile area, there shall be no loading or unloading of vehicles save within the building.

11. With the exception of tyres which may be stored only in the area shown on the plan approved under Condition 7(c) above, there shall be no outside storage of unprocessed material.

12. Noise caused by operations shall be attenuated and in any event shall not exceed 63dB LAeq (1 hour) at the noise monitoring point shown on the attached Plan C/7/2000/7031/A dated 27 August 2002.

13. No plant or machinery shall be used on the site unless it is maintained in a condition whereby it is efficiently silenced.

14. Within three months of the date of this permission the applicant shall submit for the approval of the County Planning Authority details of the proposed arrangements for ensuring that the reversing bleepers do not emit a warning noise that would have an adverse impact on local amenity and shall implement and maintain the arrangements as approved.

15. Measures shall be taken to minimise dust nuisance and sand blow caused by the operations, including spraying of road surfaces, plant area and stockpiles as necessary.

16. No material shall be stacked or deposited to a height exceeding 5 metres above the floor of the former quarry.

17. The area of the site as detailed under Condition 7(f) shall be maintained with an impermeable surface which shall be drained to a sealed system and which shall be emptied when necessary and the contents disposed of in a manner approved by the County Planning Authority and which will not lead to pollution of surface or underground waters.

18. Any drums and small containers used for oil and other chemicals on the site shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaways and all oil or chemical storage tanks, ancillary handling facilities and equipment including pumps and valves shall be contained within an impervious bunded area of at least 110% of the total stored capacity.

19. Any oil storage tanks on the site shall be sited on impervious bases and surrounded by oil tight bund walls; the bunded areas shall be capable of containing 110% of the tank volume and shall enclose all fill and draw pipes.

20. Within three months of the date of this permission or other such period to be agreed in writing with the County Planning Authority a scheme of landscaping shall be submitted and agreed in writing by the County Planning Authority. The scheme shall include details of size, species and spacing of trees, hedges and shrubs, arrangements for their protection and maintenance, and details of fencing, the construction and maintenance of the soil bunds and treatment of internal batters. Such a scheme as may be agreed shall be completed within one year of the date of this permission.
21. Within one month of the date of this permission, repairs to the surfacing of Bridge Road (as shown coloured blue on the attached Plan C/7/2000/7031/B dated 27 August 2002) shall have been completed to the satisfaction of the County Planning Authority. These repairs shall bring the road into a condition such that it has an even surface free from any significant holes, cracks or sudden changes in level.

22. Measures shall be taken to ensure that vehicles leaving the operational area of the site (as shown edged green on the attached Plan C/7/2000/7031/A dated 27 August 2002) shall not be in a condition whereby they would deposit mud or other loose material on Bridge Road or the public highway.

23. No vehicles shall enter or leave the operational area of the site (as shown edged green on the attached Plan C/7/2000/7031/A dated 27 August 2002) unless they are sheeted or covered to prevent dust, debris or other extraneous material from being deposited or released.

24. Within one month of the date of this permission the existing surface water drains on Bridge Road shall have been cleared of any obstruction or blockage to the satisfaction of the County Planning Authority.

25. There shall be no use of the weighbridge permitted under the terms of this consent for any purpose other than in connection with the operations and development permitted under the terms of this consent and the operations permitted under the South Norfolk Council consent 07/99/0411 for the manufacture and sale of precast concrete products.

26. No external lighting shall be installed on the site unless it is maintained such that it will not cause glare beyond the site boundaries.

The reasons for the Council's decision to authorise the development subject to compliance with the conditions herein before specified are:

1. To accord with Section 91 of the Town and Country Planning Act 1990

2, 5, 8 – 16. To protect the amenity of the surrounding area in accordance with policy 20, 23, 24, 26 WAS.13 of the Adopted Waste Local Plan (2000)

3, 6, 7, 25. To ensure orderly working in the interests of the amenities of the surrounding area in accordance with policy WAS.13 of the Adopted Waste Local Plan (2000)

4. To enable the Minerals Planning Authority to monitor the operations on the site in accordance with policy WAS.37 Of the Adopted Waste Local Plan (2000)

17 – 19. To safeguard hydrological interests in accordance with policy WAS.18 of the Adopted Waste Local Plan (2000)

21. To protect the amenity of residential properties in accordance with policy WAS.13 of the Adopted Waste Local Plan (2000)

22. In the interests of highway safety in accordance with policy WAS.16 of the Adopted Waste Local Plan (2000)
3. **Appl. No**: 2011/1596/CU  
**Parish**: ARMINGHALL  
Applicants Name: Wilki Engineering - Mr William Willcock  
Site Address: Land to rear of Willow Barn, Arminghall Lane, Arminghall  
Proposal: Change of use of 3 acres of agricultural land to caravan storage facility including bunding and landscaping, new trackways within site and new access onto Arminghall Lane, includes diverting a public right of way.

Recommendation: Refuse

1. **Planning Policies**

1.1 National Planning Policy  
Planning Policy Statement 4: Planning for Economic Growth  
Planning Policy Statement 5: Planning for the Historic Environment  
Planning Policy Statement 9: Biodiversity and Geological Conservation

1.2 Joint Core Strategy  
Policy 1 Addressing climate change and protecting environmental assets  
Policy 5 The Economy

1.3 South Norfolk Local Plan  
ENV 8: Development in the open countryside  
EMP 3: Adaptation and re-use of rural buildings for employment purposes  
ENV 14: Habitat protection  
IMP 9: Residential amenity  
ENV 9: Nationally or locally important archaeological remains  
IMP 8: Safe and free flow of traffic  
IMP 25 Outside lighting

2. **Planning History**

2.1 No relevant history

3. **Consultations**

3.1 Parish Council: Refuse  
- Difficult to see how development can be justified little logical reason for this location other than being in applicant’s ownership  
- Applicant claims it would help maintain their existing business but there is no functional link between existing and proposed business  
- Would be better to locate on previously developed land with better transport links  
- Application forms says that it would not generate any additional employment, so difficult to see how it would benefit the local economy
Environmental and social cost would strongly outweigh any benefits, cost affect the whole community whereas benefits would be limited to applicant.

No maximum size of vehicles in fact suggest larger vehicles of 12 metres in length could be accommodated, scale of such a vehicles using local road network is inconceivable.

If approved would want maximum size of caravan conditioned, which should reflect local road network.

Would be impossible to control route people take to site. Vehicles going through Arminghall village would be of particular concern because road is narrow and without passing for large vehicles and is currently used as a rat run at peak times.

If passing places were proposed questionable if they could be achieved and they would further erode rural character of the lane.

Proposed bunding might screen caravans but would be an alien feature in landscape.

Loss amenity to residents properties increase in noise, light pollution

Concerned further change in future to touring caravan site if permission was given.

3.2 District Member : To be determined by committee
- ENV8

3.3 NCC Highways : Object
- Application indicates 70 caravans per acres about 200 caravans. Large storage facility in rural location
- Concerned about large scale of the proposal in relation to the surrounding highway network
- Seasonal nature of the use, the traffic movements from the site will vary considerably. The projected figures based on another site. Average week will result in 100 vehicles 64 of these being caravans with the Easter weekend a predicted 150 movements 108 of these being caravans.
- The section of Arminghall Lane to the west is mainly two way vehicular width and would be satisfactory for caravan movements.
- Arminghall Lane to east has a single carriage which would involve giving way. There is also a blind bend to the south of the church.
- CLG and DfT publication Manual for Street suggest a minimum of 5.5 metres is required.
- Viability with the junction of Arminghall Lane and the B1332 has poor visibility, limited to 70 metres rather than the recommended 215 metres for 60 speed limit.
- Will take longer for caravans to manoeuvre at the junction. There have already been three accidents listed on this junction in last five years and increased use by caravans will heighten risk for further accidents.
• The applicant has put forward a designated route from Barrett Road in Norwich, south wards along Long John Hill and Stoke Road turning left into Arminghall Lane. This route is generally two vehicle width although there is some concern about where it crosses the railway and at River Tas Bridge. The curvature of the road is such that it acts to narrow the surface for a significant distance and accordingly is not suitable for regular use by caravans.
• No Planning means to restrict the caravan owners to this route. Although it may be encouraged there is nothing to stop caravan uses going through Arminghall village.
• Plans for new access are insufficient but could be conditioned

3.4  NCC Historic Environment Service : Object

• Earth works and crop marks relating to medieval to post medieval settlement have previously been recorded at the site.
• Site has been ploughed but they are there is a chance that there may be archaeological remains present.
• Potential for significant heritage asset to be adversely affected.
• PPS5 required as heritage statement to include a detailed topographic survey of the site to determine whether any traces of archaeological earthwork survive
• Information on amount of ground disturbance required, where material of for bunding come from on or off site will. Information on proposed underground drainage and access road construction also required.

3.5  Ramblers Association : Object

• Diversion of foot path to a line between a tall boundary hedge and new bunding would detect from the enjoyment of the foot path which is currently open with grassy views backed with trees
• Proposal would confine the walker
• Support county council suggested minimum widths.
• From foot path point of view caravans would be better to the most western part of the site
• Length of vehicles would be difficult to manoeuvre of Arminghall Lane

3.6  Landscape Officer : Amended proposal

Object

• Deletion of the bunding is an improvement but still have concerns
• Sensitive location next to an ancient woodland and has foot paths along and across it. Sensitive site to develop proposal currently not of an appropriate design standard and insufficient justification has been given.
• No assessment is made on the impact of the proposed development on the ancient woodland; the proposal is likely to involve excavation in the vicinity of the wood.
• Minimum of 8 metre wide access appears to be excessive. No assessment has been made of the hedgerow as required by the Hedgerow Regulations.
• Planting scheme is simple, species are appropriate for a rural area, however, how they are proposed to be used may not give the best results.
Beech hedges tend to be used for more formal situations and it not preferable to have a single species.

Proposed wooded area lacks a diversity of tree sizes and forms which provides better screening.

In winter glimpses of the church can be seen, this would be lost with additional screening.

Grass and grazed land can be an important habitat.

Original proposal

Object

Strong reservations about the proposal particularly the bunding.

Limited information of this new feature so difficult to gauge, how it will sit in the existing landscape.

General terms this would be an alien feature in the natural landscape of South Norfolk landscape so unable to support.

3.7 Norfolk Wildlife Trust : No response

3.8 Public Right of Way Officer

The proposal includes the diversion of Bixley Public Footpath Number 3 we have no objection to this.

The diversion should be processed by the Local Planning Authority under Town and Country Planning Act 1990. Now recommend that the route is a minimum of the legal width of 2 metres. Proposed bunding should be of sufficient distance from the new route so to allow this width to remain available taking into account vegetation growth from bunding and existing adjacent hedge.

3.9 Local Residents : Amended proposal

Four letters of objection received from four households who have previously sent in letters. Additional comments made:

Changes do not overcome concerns

Beech hedge will not provide all year visual screening or reduce light or noise pollution

Remains neighbourly

A beech hedge to this extent is not found naturally and would be an alien feature

Eleven letters of objection from ten households and a 38 signatory petition

Development completely out of keeping with rural character of area

Large commercial enterprise is not appropriate in rural village

No amount of planting could conceal this semi-industrial use

Development will be visible from surrounding residential and rural areas.
- Contrary to policy EMP4 as it is not small scale and does not blend into the setting of the development.
- Located along our entire southern boundary of 100 metres.
- Bunding will completely close in property and result in low of view.
- Noise pollution from vehicular movements
- Potential light pollution
- Increased items of value which may attach criminal activity
- Loss of sunlight
- How will drainage be dealt with
- Loss of property value
- Unclear why development is proposed where the impact of the development is greatest on us.
- Un-neighbourly development
- Road network not suitable for the increase in caravan traffic
- Nothing to prevent people using route through village
- Deer and owls often seen in field, natural habitat for birds and animals
- Public right of way regularly used development would change the rural footpath irrevocably
- Described by Ramblers Association as unusual as cross-field paths are diminished in number.
- Development would be visible from Hall Back Lane and Boudicca Way.
- Footpath is unusual as it forms a route from a major city centre
- What benefits to village are there in terms of ascetics, employment prospects or added amenities
- No local or wider social need to be met by this development
- Concern could result in further non-agricultural developments in the future
- Development has no link with the existing Wilki Engineering
- More suitable site which would have better access to major routes and have less impact on well preserved rural area.
- Thin end of wedge to more building
- Concerned about the loss of land for food production
- To the eye this is nearer 5 acres than 3.
- No special circumstances or need.
- Landscape assessment carried out by qualified individual and commissioned by objector has been submitted
- Bunding not appropriate for permanent uses out of character and incongruous
- Rural approach to the village will be lost.
- Access minimum of 8 metres and allowing 59 metres visibility is of a commercial scale. Out of character with existing accesses.
- Impact of the culverting the ditch on trees and hedgerow verge not assessed
- No aborticultural report has been submitted
- Despite insufficient information on access significant adverse impact on character of Arminghall Lane
- Access road may affect trees in Arminghall Wood and design and construction of the road will need to take trees into consideration
- No ecological survey has been submitted two water bodies within 500 metres
4. **Assessment**

4.1 The application site relates to agricultural land to the side and rear of Willow Barn in and Church Farm House on Arminghall Lane. The site is bounded by Arminghall Wood which is a County Wildlife Site to the west and the Boudicca Way footpath to the south. Bixley Public Right of Way 3 goes through the site. The site is screened with a mix of trees and hedging. The site is outside a village boundary or development limit as defined by the South Norfolk Local Plan.

4.2 The application is to provide a storage facility for 200 caravans. It includes a new access onto Arminghall Lane and an access road across the site to the main caravan storage area which is proposed to the south of Church Farm House. It was proposed to construct 1.5 metres high bunding around the site and landscape this to screen the caravans however; the application has been amended to remove the bunding and now proposes to screen the caravans with planting. The proposal also includes the diversion of public right of Way Bixley No. 3 to the edge of the field.

4.3 Policy ENV8 in the South Norfolk Local Plan (SNLP) restrict development outside development limits or village boundaries unless:

- it is requisite for agriculture or forestry;
- is justified to sustain economic and social activity in rural communities and demands a rural location;
- is the suitable adaption and re-use of an existing rural building
- and must respect the landscape, natural resources, ecological, agricultural and recreational value of the countryside and be sensitive to rural surroundings in terms of sitting, scale and design.

4.4 Policy EMP4 in the SNLP only permits employment uses outside development limits or village boundaries:

- unless there are no suitable sites within development limits or village boundaries;
- is adjacent to an existing development limit or village boundary
- road access is sufficient standard to serve scale and nature of development furthermore the proposal should be for
  - small business, modern growth industry or would specifically address an local unemployment problem
  - Be small scale and designed to blend in with the setting of the settlement

Or exceptionally

- Is agriculturally related industry and close to farm that it relates
- Neighbourly so unsuitable for locations within an existing built up area
- Is reliant in large areas of open storage and would represent an in efficient use of serviced employment land.

4.5 Planning Policy Statement 4 supports economic development in rural areas however, strongly promotes strict control of development in the open countryside outside development limits and village boundaries.

4.6 Although the proposed use is land intensive and a suitable site of this size may not be available in a development limit or village boundary, no alternative sites such as brownfield land have been put forward as part of a justification. The main justification put forward to support the application is to help support the existing engineering business on site; however, apart from ownership the two businesses would be completely unrelated. The proposed use would generate a small amount of employment through administration and grounds maintenance; exact jobs numbers have not been confirmed.

4.7 The proposal has raised a number of concerns and issues which are assessed below.
4.8 The Highway Officer has objected to the application, his comments are summarised in paragraph 3.3 above. His main concerns are that the route to the east of the site though Arminghall Village and onto the B1332 is particularly unsuitable for vehicles towing caravans and could result in an increased risk of a traffic accidents if the number of towed vehicles was increased. The route to the west is more suitable although there could be issues at the railway bridge and River Tas Bridge where the road narrows. Although the applicant is proposing to encourage caravans to use the western route there is no Planning mechanism to control or enforce this route as a result there is potential for the development to give rise to situations detrimental to highway safety and be contrary to policies IMP8 and EMP4 in the SNLP.

4.9 The site forms part of an attractive landscape of the edge of Arminghall Village although the main caravan storage area is not particularly visible from Arminghall Lane; it is possible to see the site from Hall Back Lane, the Boudicca Way footpath and the public right of way which crosses the site. It will also be possible to see the site from nearby residential properties. Concerns have been raised regarding the proposed 1.5 metre high bunding which myself and the Landscape Officer considered would be an alien feature in the local landscape and would be particularly oppressive for users of the public right of way which is currently open in nature. This has been superseded with a proposal for planting. The use of planting is less alien than bunding however the Landscape Officer has questioned the appropriateness and effectiveness of the proposed landscaping which includes a beech hedge. The proposal may also result in the loss of views of the church from the public footpath. Myself and the Landscape Officer do not consider that it would effectively screen the site. The Public Right of Way Officer does not have an objection to the diversion of the public right of way subject to minimum widths being provided.

4.10 The new access of Arminghall Road in proposed which is a minimum of 8 metres wide, although an accurate detailed plan has not been submitted. This will result in a considerable amount of hedgerow being removed and also the need to culvert the ditch. No assessment of the hedgerow has been submitted which is required by the Hedgerow Regulations. Although it may be possible to achieve a more modest access in the location without having significant harm to the landscape I consider that the proposed access with visibility splays would cause harm to the landscape character along Arminghall Lane.

4.11 No ecological report has been submitted with the application, but the proposal does have the potential to impact on the biodiversity of the area. Although the land appears to be mowed regularly it has not been intensively farmed. Arminghall Wood is to the west of the site is a County Wildlife Site, which is connected to other parts of the site with hedgerows. There are also two ponds close to the site. The new access will also result in a large section of hedge being removed and culverting of the ditch. External lighting can also have a significant impact on nocturnal wildlife. Although new planting is proposed as part of the application in this instance I consider that an ecological report is required so the impact of the development on the ecology and biodiversity of the area can be fully assessed and mitigated against.

4.12 The proposed access road does go close to Arminghall Wood to the west of the site where there are a number of mature trees; no aborticultural information has been submitted on how these would be affected by the proposed access road including the access onto Arminghall Lane and what mitigation would be required to protect them.

4.13 Concerns have been raised regarding the potential loss of amenity of the proposed use; undoubtedly the proposal would result in increased noise disturbance with the manoeuvring of caravans and vehicles which would have a detrimental impact on the amenity of nearby residents contrary to policy IMP9 in the South Norfolk Local Plan. It is possible that external lighting could be adequately be controlled by condition.

4.14 The site is archaeologically important and the County Council’s Historic Environment Service considers that a full heritage statement including information as detailed in paragraph 3.4 is provided to ensure that the potential significant archaeological remains on the site are not adversely affected by the development. The requirement for this information is set out in Planning Policy Statement 5 Planning for the Historic Environment.
4.15 Although whenever possible we would wish to support an employment use, in this instance I consider that the potential adverse impact on the development in terms of highway safety, impact on local landscape and residential amenity do not outweigh the economic benefits of the proposal and be contrary to Planning Policy Statements 4, and policies ENV8, EMP4, IMP2, IMP9, IMP10 and IMP8 of the South Norfolk Local Plan. It may be possible to overcome or mitigate some of the concerns in terms of archaeology, ecology and trees if additional information is submitted.

5. Reasons for Refusal

5.1 The development does not accord with policies ENV8 and EMP4 in the South Norfolk Local Plan as it is located outside a development limit or village boundary and is not required for agriculture or forestry and is not required to sustain economic or social activities in rural communities. The location of the development has not been justified and no evidence has been provided of alternative sites.

5.2 The proposed planting will not adequately screen the caravans in the local landscape effective resulting in an adverse impact on the appearance on the local landscape. The proposed access onto Arminghall Lane which is proposed to be a minimum of 8 metres wide and would result in the loss of a large area of vegetation would have an adverse impact on the landscape character of Arminghall Lane. Furthermore, insufficient information has been submitted on the quality of the hedgerow to assess the proposal in accordance with the Hedgerow Regulations contrary to policy IMP2 and EMP4 in the South Norfolk Local Plan and Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011.

5.3 Arminghall Lane (C191) is considered to be inadequate to serve the development proposed, by reason of its poor alignment/ restricted width and restricted visibility at the junction of Arminghall Lane with B1332. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety contrary to policy IMP8 and EMP4 in the South Norfolk Local Plan.

5.4 The development is likely to give rise to increased noise and disturbance on the site which would be detrimental to the residential amenity of nearby residents contrary to policy IMP9 in the South Norfolk Local Plan.

5.5 Insufficient information has been received by the Local Planning Authority to adequately assess the merits of the scheme. In particular, in the absence of the information relating to how the proposal would affect an important archaeological site it not possible to ensure that any archaeological remains are protected. As required by policy ENV9 in the South Norfolk Local Plan and Planning Policy Statement 5 – Planning for the Historic Environment.

5.6 Insufficient information has been received by the Local Planning Authority to adequately assess the merits of the scheme. In particular, the absence of any ecological information it is not possible to assess the ecological impact of the development and any required mitigation as required by Policies ENV14 and ENV15 in the South Norfolk Local Plan 2003 and Planning Policy Statement 9: Biodiversity and Geological Conservation.

5.7 Insufficient information has been received by the Local Planning Authority to adequately assess the merits of the scheme. In particular, the absence of any aborticultural information it is not possible to assess the impact of the development on the surrounding mature trees and any required mitigation need to safeguard them as required by policy IMP2 in the South Norfolk Local Plan and Policy 2 in the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011.

Contact Officer, Telephone Number Helen Bowman, 01508 533833, and E-mail: hbowman@s-norfolk.gov.uk
Third Wednesday Planning Committee 15 February 2012

Scale 1:2500

Appendix 1

Application No: 2011/1596

The Bar

Drain

Bluebell Lodge

28 St Mary's Church Hallpiece

26

Moat

Track

Pond

Church Farm House

Willow Barn

Church Barn Farm

Arminghall

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South Norfolk Council, Long Stratton, Norwich, Norfolk, NR15 2XE Tel (01508) 533633 Fax (01508) 533625
4. **Appl. No**: 2011/2061/F  
**Parish**: DICKLEBURGH

Applicants Name: Miss Samantha Falquero  
Site Address: Land near Hall Lane, Common Road, Dickleburgh, Norfolk  
Proposal: Change of use of land for the keeping of horses, erection of stables and tack room and construction of hard standing/access drive. Retention of post and rail fence, entrance gate and access.

Recommendation: Approve with conditions

1. Full Planning Permission Time Limit  
2. In accordance with submitted amendments  
3. New Access construction  
4. Provision of Parking and Servicing Areas  
5. No generators without consent  
6. Full details of external lighting  
7. Removal of manure  
8. External staining to be agreed  
9. Details of proposed permeable surfacing material  
10. Retention trees and hedges  
11. Stables for personal use only  
12. Details of landscaping – native hedge on frontage

1. **Planning Policies**

1.1 Joint Core Strategy  
Policy 2: Promoting good design

1.2 South Norfolk Local Plan  
ENV 8: Development in the open countryside  
IMP 2: Landscaping  
IMP 8: Safe and free flow of traffic  
IMP 9: Residential amenity  
IMP 25: Outdoor lighting  
LEI 14: Keeping of horses for recreational purposes

2. **Planning History**

2.1 None

3. **Consultations**

3.1 Parish Council: Object  
- Excessive area of hard standing impacting drainage, use and character of the site  
- Hard standing for car and trailer parking unnecessary  
- Stabling sited in wrong location on site  
- Permanent stabling an inappropriate use of land, field shelter near site entrance suggested  
- Insufficient information re: location of muck heap, disposal and any impact on local drainage system  
- Paddock layout contrary to local field character  
- Close boarded fence inappropriate, hedging preferable  
- No information on electricity or water supply  
- Concern over permanent storage of trailers/cars on site  
- No information on horse numbers, amount of use of the site
Third Wednesday Planning Committee
15 February 2012

- Site contrary to British Horse Society recommendations for horse keeping re pasture management, boundary hedging, planting, access to water and field shelters

Additional comments on amended plans
- Reduced hard standing still excessive
- Provision of car and trailer parking unnecessary, concern that the area will be used for permanent storage of vehicles
- Permanent stabling an inappropriate use and out of keeping with the character of open fields
- Land not suitable for grazing horses
- No information provided on water, electricity provision and waste management on the site

3.2 District Member: To be determined by Committee

3.3 NCC Highways: Approve subject to conditions
- Vehicular access
- On site parking and turning

3.4 Environmental Services (Protection): Approve subject to conditions
- No generators without consent
- External lighting
- Removal of manure

3.5 Local Residents: Letters of objection from 10 properties and an adjacent charity landowner:-
- Fencing unsuitable for horses
- Concern proposals could lead to horses trespassing on adjacent land and damaging crops leading to compensation claims
- Fencing/gates more suitable for a residential use
- Entrance gates too large for use proposed
- Laurel hedging (now removed) poisonous to horses
- Area of site inadequate for intended use
- Relocated stable more prominent in site than original location and may cause traffic blind spot
- Mobile field shelter would be more appropriate than permanent stabling
- Movable fencing should be used instead of permanent
- Too large an area paved with hardcore
- Parking vehicles would detract from the rural nature of the plot and surroundings
- Site unsuitable for horses without power or water
- Fencing obscures view from property
- Overdevelopment of rural area
- Contrary to policies ENV 8 and ENV 10 of the South Norfolk Local Plan 2003
- Application aims to conceal intended use of the land for caravans

Additional comments from 2 properties on amended plans
- Close boarded fencing not amended and unsuitable for site
- Hard standing still too large
- Stables now in more obtrusive location to front of site, parking in this area will obliterate views even more
Third Wednesday Planning Committee
15 February 2012

4. Assessment

4.1 This proposal is for the change of use of a parcel of land on the northern side of Common Road, Dickleburgh from agriculture to horse keeping. The site is enclosed by native hedging to the western side with 2 metre close boarded fencing to the north and eastern boundaries of the site. The close boarded fencing does not form part of this application as it is classed as permitted development within the current planning regulations.

4.2 The application has been amended from the original submission to relocate the stable to the front of the site on the western boundary. This relocation reduces the scale of proposed hard standing and access driveway on the site considerably. This amendment was requested by Officers to reduce the encroachment of buildings into the field area and reduce significantly the overall area of surfacing on the site allowing more grazing space to be provided. The revised hard standing area now provided meets the standard required by the Highway Officer to allow on site turning of a vehicle and trailer enabling safe entry and exit from the site in a forward gear. As part of these amended plans the applicant has also removed the proposed post and rail fencing within the site dividing the space into paddocks and removed an existing laurel hedge to the front of the site which had been planted recently to screen the site. Electric fencing is proposed to divide the site for use.

4.3 The relevant policies in assessing this application are Policies ENV 8 and LEI14 of the South Norfolk Local Plan (SNLP) dealing with development in the countryside and the keeping of horses for recreational purposes. Policy ENV 8 seeks to protect the rural environment by restricting the forms of development that can take place there. However the policy acknowledges that some developments can be acceptable within the countryside where they are activities that respect the recreational value of the countryside and require a rural location for them to be undertaken. The keeping of horses for recreational purposes is covered specifically by policy LEI 14 which indicates that such uses are acceptable if there is no adverse effect on the character of the landscape, wildlife habitats, highway safety or residential amenity. The design, siting and materials used for animal shelters and boundaries are to be subject to careful attention in order to protect the amenity of the locality.

4.4 As amended this application is considered to conform to the above policies. The post and rail fence to the front of the site and the retained hedge on the western boundary are acceptable in the rural area. Additional native species hedging is also to be provided along the highway boundary via a suggested condition. The boundary fencing to the other two sides of the site was in place at the time of submission of the application and can be classed as permitted development. As such the style and type of enclosure provided is not a planning consideration. The proposed stables and tack room are constructed of wood and corrugated sheet in a standard pitched roof form with small front overhang and non-glazed ventilation openings. This is a standard design for stable buildings and is similar in form and site location to a number of other stable uses within South Norfolk including stables located at the junction of Harleston Road and Lakes Road, Dickleburgh approved under reference 2007/1166.

4.5 Eleven letters of objection have been received raising issues about the proposal. A number of these concerns relate to non-material considerations that are beyond the remit of the planning system including the suitability of the fencing and gates for enclosing horses, the size and suitability of the site for the use intended and the availability of power or water on the site for the animals. The assertion that in the future the site may be used for parking caravans or for purposes other than horse keeping should this application be approved cannot be used as a material consideration in the determination of this proposal.

- Stable block will cause blind spot exiting the site
- Site will expand beyond original criteria wherever the stables are located the site is still unsuitable for horses
4.6 A number of other issues raised have been addressed by the amended plans including the removal of fixed post and rail fencing dividing the site into paddocks and the reduction of the area of hardcore on the site (whilst still allowing sufficient turning for a vehicle and trailer). Of the remaining issues it is not considered that the application has a material effect on the residential amenity of properties within the area or that the development would obscure the view from a house over 200 metres away from the site. No alterations are being made to the historic hedge pattern in Dickleburgh by this application a condition is suggested requiring the planting of a native species hedge inside the post and rail fencing at the front of the site to screen the stable and hard standing area from the highway. Additionally in accordance with policy ENV 10 a condition is suggested for the retention of the hedge to the western boundary of the site to further assist in screening the development in the landscape. Given these comments I would therefore recommend approval of the proposal subject to conditions.

5. Reasons for Approval

5.1 The proposal is acceptable in respect of the aims of the Joint Core Strategy and South Norfolk Local Plan 2003 and in particular is considered to be in accordance with Policy 2 of the Joint Core Strategy and Policies ENV 8 and LEI 14 of the South Norfolk Local Plan.

The development is considered to accord with the above policies as the proposal is for a recreational activity which demands a rural location. The stable building has been located within the site to minimise the impact of the proposal in the rural environment and the development has a minimal impact on the amenity of surrounding area.

Contact Officer, Telephone Number Helen Cross, 01508 533780,
and E-mail: hcross@s-norfolk.gov.uk
5. **Appl. No**: 2011/2110/RVC  
**Parish**: DISS  

Applicants Name: Traditional English Properties Ltd  
Site Address: Heywood Sports and Racquet Club, 30 Walcot Road, Diss, IP22 4DB  
Proposal: Variation of Conditions 2 & 7 of permission 2010/0926/F - revised internal layout and use for proposed extension as bowling alley/cafe/cinema studio  
Recommendation: Approve with conditions

1. **Planning Policies**

1.1 Joint Core Strategy  
**Policy 5 The Economy**

1.2 South Norfolk Local Plan  
**IMP 8: Safe and free flow of traffic**  
**IMP 9: Residential amenity**  
**LEI 2: Village halls and small scale leisure facilities**  
**LEI 4: Indoor leisure facilities - sequential test**  
**LEI 5: Indoor leisure facilities - impact test**

2. **Planning History**

2.1 2010/0926 Alterations and extensions to Heywood and Sports Racquet Club Approved

2.2 2009/0578 Alterations and extensions to Heywood and Sports Racquet Club including new swimming pool, extended gymnasium, new changing rooms, new bar and lounge, fitness studio, first floor terrace/balcony and kitchen plus external landscaping Refused

2.3 2009/0383 Retention of signs Approved

2.4 2009/0386 Variation of condition number 3 on application 1998/1143 to extend times Refused

2.5 2008/1442 Variation of condition on permission 1978/0726 to allow change in opening times Withdrawn
2.6 2002/1560 Erection of 8 x8m floodlight columns  Approved

2.7 2002/0880 Extension to provide swimming pool, gym, bar and associated facilities  Approved

2.8 2001/0466 Erect extension to provide swimming pool and associated facilities  Approved

2.9 2000/0466 Alterations and extension  Approved

3. Consultations

3.1 Town Council : Approve:
- Provided adequate on-site parking to accommodate the use

3.2 District Members

Mr Keith Kiddie : Can be delegated

Mr G H Walden : To be determined by committee
- Due to parking and noise nuisance issues

Mr Tony Palmer : To be reported if appropriate

3.3 NCC Highways : Conditional support

3.4 Environmental Services (Protection) : Conditional support

3.5 Landscape Officer : No objections

3.6 Active Life & Play Officer : No comments received

3.7 Local Residents : 3 letters of objection
- Will attract more traffic than the original approved scheme
- Concern that there will be inadequate on-site parking facilities
- Increased traffic and noise at night

1 letter of no objections:
- Provided specific condition on consent as previously to prevent the area being used for functions

4. Assessment

4.1 This application seeks full planning permission to vary conditions 2 and 7 of the planning consent 2010/0926 for alterations and extensions including new swimming pool, extended gymnasium, new changing rooms, badminton court/fitness studio, first floor balcony, extended bar and reception area and kitchen at Heywood and Sports Racquet Club to revised the internal layout and use the proposed extension as bowling alley/cafe/cinema studio. Residential properties are located to the north and northwest, with the Diss High School complex to the west and south with playing fields to the east. The boundaries to the east and the north are hedged; metal fencing to the southern boundary; and hedging and brick wall to the west
4.2 Members may recall that the previous application raised significant concerns from local residents for the potential alternative uses of the extension in particular the first floor could be used for and the detrimental impact this could have on their amenities. Condition 7 was imposed to control the use, it stated:-

‘The extension hereby approved shall be used for a swimming pool and its associated facilities, fitness studio, badminton courts and associated sporting activities and for no other purpose (including any other purpose in Class D2 of the Town and Country Planning (Use Classes) Order 1987, as amended by the Use Class Amendment Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). No consent is granted or implied for any social function or party or similar non-sporting activities to take place in the extension, hereby approved.’

4.3 The applicant now wishes to provide a bowling alley with 6 bowling lanes at ground floor and café area and cinema/studio area (with 50 seats) at first floor instead of the approved swimming pool. There are no external changes proposed to the extension. It is considered that the main issues raised by the proposal are the impacts of the proposed changes on the amenities of the neighbours via noise and disturbance and issues relating to parking provision. Concerns have been raised by local residents as set out above.

4.4 In relation to noise disturbance, the Environmental health officer is aware that bowling alleys and their associated social activities are often noisy. However it is considered that due to the proposal being within a new extension to the existing building and the ability for a scheme for the provision of the control of noise to be provided and implemented that the application would not have a detrimental impact on the amenities of the neighbouring properties via noise nuisance.

4.5 In respect of parking, 84 parking spaces where shown on the approved plans under the 2010/0926 consent. The highway officer has advised that the new proposal would theoretically require a total of 90 spaces. The car parking guidelines are a maximum standard and in this instance is the requirement if all facilities are in use at the same time. The location of the site is considered to be in a sustainable location; it would appear that an agreement has been reach where the school park on the east side of the tennis courts during the day and there is an over flow car park indicated within the school grounds used by the club outside school hours (I have requested clarification of this from the agent, however from a planning point of view since the school is outside the red line the use of this their park could not be conditioned) taking the above into account the Highway officer does not consider that he can object to the short fall of 6 spaces on-site and recommends approval. In view of the highway officers recommendation I do not consider that the application could be refused on highway grounds.

5. Reasons for approval

5.1 The proposal is acceptable in respect of the aims of the South Norfolk Local Plan 2003 and in particular is considered to be in accordance with policy IMP8 Safe and free flow of traffic, IMP9 Residential amenity and LEI2 Village halls and small scale leisure facilities of that Plan.

5.2 The proposed development is considered to accord with the above policies IMP8, IMP9 and LEI2 as the proposal is for an extension to an existing leisure facility; there is sufficient parking facilities to serve the existing and the proposed extension, so would not give rise to a situation detrimental to highway safety and the proposed use would not give rise to a situation detrimental to the amenities of the nearby residential properties to a material degree.

Contact Officer, Telephone Number Claire Curtis, 01508 533788, and E-mail: ccurtis@s-norfolk.gov.uk
6. **Appl. No**: 2011/2115/F  
**Parish**: WYMONDHAM

<table>
<thead>
<tr>
<th>Applicants Name</th>
<th>Mr &amp; Mrs Robert Hawkins</th>
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<tbody>
<tr>
<td>Site Address</td>
<td>Land At London Road Wymondham Norfolk NR18</td>
</tr>
<tr>
<td>Proposal</td>
<td>New dwelling</td>
</tr>
</tbody>
</table>

**Recommendation**: Refuse

1. **Planning Policies**

1.1 **National Policy**
- PPS7 Sustainable development in rural areas
- PPS25 Development and flood risk

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 transport
- Policy 10 : Locations for major new or expanded communities

1.3 **South Norfolk Local Plan**
- ENV 8: Development in the open countryside
- ENV 13: Sites of regional and local nature conservation interest and geological/geomorphological value
- ENV 14: Habitat protection
- ENV 15: Species protection
- ENV 16: Local Nature Reserves
- HOU 4: Residential development within the defined Development Limits
- HOU 8: Agricultural and forestry dwellings
- HOU 9: Dwellings for other rural enterprises
- IMP 8: Safe and free flow of traffic
- IMP 9: Residential amenity

2. **Planning History**

2.1 2011/0316/LE Use of land as a builders store (having taken place for more than 10 years)  
Approved

2.2 2010/1762/LE Certificate of Lawfulness to confirm use of land as a builders yard  
Refused

2.3 2010/1127/F Retrospective application of engineering works and utility services boxes.  
Refused

2.4 2010/0879/F Proposed new dwelling and double garage and retaining area for builders store  
Refused

1. Insufficient justification for a dwelling which harms the character of the area. Contrary to Policies ENV8, IMP1 and PPS7
2. Insufficient information has been submitted to demonstrate that the site can be suitably developed and drained without adversely affecting the water environment.
2.6 WY\1714\ Erection of builders store shed. Approved – temporary to 31/3/1972
2.7 WY\1477\ Builder’s Yard. - outline Approved

3. Consultations

3.1 Town Council : Refuse
   • Outside development boundary contrary to Policies ENV8 and IMP1 and Planning Policy Statement 7

3.2 District Member : To be reported if appropriate

3.3 NCC Highways : No objection subject to condition
   On site turning for emergency vehicles

3.4 Environment Agency : No objection subject to conditions.
   Note the details in the Flood Risk Assessment.
   Reviewed the Site Investigation and Quantitative Risk Assessment. Site is in a relatively sensitive area for controlled waters. Submitted details indicate that soil and sediments on site are subject to low levels of contamination, however shallow ground waters within the sands and gravels may be subject to contamination. Therefore, piling should only be permitted if a methodology has been agreed by the EA. Consider use of soakaways to be inappropriate.
   Recommend that Natural England and Norfolk Wildlife Trust are consulted with regard to the ecology surveys.

3.5 Health & Safety Executive : No objection

3.6 Fisher German : To be reported

3.7 Waveney Valley Internal Drainage Board : To be reported

3.8 District Ecologist : Considered the submitted reports and considers that in combination they address the issues with regard to the proposed development. The details in the Mitigation Plan should be required by conditions. Specific enhancement details of the Ecological Enhancement Plan should be clarified.

3.9 Norfolk Wildlife Trust : To be reported

3.10 Environmental Services (Protection) : No objection subject to conditions
   • Concerns regarding capacity of public drainage system.
   • Have reviewed contaminated land survey and note its findings

3.11 Landscape Officer : To be reported

3.12 National Grid : To be reported
3.13 Public Right of Way : No objection
Access shares route of Footpath 11, but should not be affected by the proposal

3.14 Local Residents : 1 letter raising no objections
2 letters of support
• Would make the site more attractive
• Building seems environmentally friendly and sensitive to its surroundings
• Would make use of a presently derelict site and a far better option than a builders yard

4. Assessment

4.1 The application is submitted in full for the erection of a single dwelling and associated garage. The dwelling will be located in the north east corner of the site and is comprised of three linear wings which are orientated on a NE/SW axis. The central section of the dwelling will be 14m in length, with the east and west wings being 9m in length. The main section will be 8m in height and will be brick construction, with the east and west wings being lower and timber clad.

4.2 The Design and Access Statement (appendix 2) sets out that the design seeks to reflect a group of simple, barn like forms which are considered to be appropriate to the edge of town location with their robust character making reference to the sites industrial past. The three sections differ in scale and mass and are stated to provide an appropriate and lively silhouette, especially when viewed from the west.

4.3 The floor level of the building will be approximately that of the existing site near its northern edge and the site has been divided to form a landscaped area to the south which will be 750mm below the level of the dwelling. A landscaped bank will mark the transition between the curtilage of the dwelling and the landscaped area and has been positioned to follow the line of the rear of existing curtilages to properties on Station Road and the extent of the current builders store on the site.

4.4 The property is generally orientated towards the south and fenestration is positioned to exploit views and the potential for solar gain. Windows are generally grouped as large openings to reflect the theme of the buildings. The building is also intended to incorporate a number of energy efficiency measures to reduce environmental impacts.

4.5 The site is located beyond the Development Limit for Wymondham and is bordered to the north east by properties on Station Road. The land along the London Road frontage is elevated above the site and incorporates equipment associated with the gas pipeline. Land on the opposite side of London Road lies within a Conservation Area. To the west of the site is a County Wildlife Site, Tolls Meadow, which incorporates a public right of way, part of which runs along the access to the site. To the south of the site is the River Tiffey, beyond which the land rises towards the public car park on Cemetery Lane. From this location there are clear views into the site and there is also a public viewing platform with views towards Wymondham Abbey. There are also clear views into the site from the public footpath across Tolls Meadow.

4.6 Policies in the Development Plan seek to restrict new development to that which requires a rural location and which does not harm the character of the area, ecological interests, the amenity of neighbouring uses or highway safety. The site also lays partially within a flood plain.
4.7 The agent has responded to the previous reasons for refusal and in particular the policy context for the site. He states that some of the key principles of PPS7 are that good quality, carefully sited accessible development within existing towns and villages should be allowed where it benefits the local economy and / or community, maintains or enhances the local environment and does not conflict with other planning policies. Priority should be given to the re use of previously developed land in preference to the development of green field sites.

4.8 The supporting information considers that the development accords with these principles as the site can be considered to be brownfield with a current use as a builders store, which is not entirely appropriate for its location. The agent sets out that the site is highly accessible, being close to Wymondham Town Centre, public transport connections and amenities. The proposed use is therefore considered to be inherently sustainable in that it does not demand private car use.

4.9 The application also sets out that the use is more appropriate for this site than the current builders store use. The agent sets out that the current level of use is moderate but not ideal in relation to the nature reserve adjacent. The appearance of the materials stored on the site is variable and not controllable and there could be significant scope for intensification of the builders store use to the detriment of both Tolls Meadow and the amenity of existing residential neighbours. The agent considers that the approval of a dwelling on the site would resolve the future use of the site.

4.10 The site is located outside the currently defined settlement, and while it is adjacent to the current Development Boundary, I consider that it is located in a very sensitive area being within a flood zone and close to a County Wildlife Site which forms part of an important wildlife corridor, and in an area which is clearly visible from a number of public view points.

4.11 While I note the agents reference to the aims of Planning Policy Statement 7, I consider that the erection of a dwelling in this sensitive location requires substantial justification. At the time of considering the earlier application, the extent of any lawful use of the site had not been established. A Certificate of Lawfulness has now been issued which confirms the use of the northern section of the site as a builders store and it is against this use that the proposal for a dwelling is to be considered.

4.12 The level of activity which has been associated with the builders store is that of sporadically stored materials along the northern boundary and particularly the north eastern corner. While this storage is partially visible, particularly from the neighbouring properties and parts of Tolls Meadow, it is not unduly prominent in the wider landscape. While I accept that the builders store use could intensify, I consider that the visual impact of a dwelling on this site would be significantly greater, both in terms of the mass and presence of the building itself and from the associated domestic activity. I therefore consider that a dwelling on this site would erode the openness of the site and detract from the character of the area and that the benefits of removing the builders store use would not outweigh the harm caused by the proposed development.

4.13 The agent refers to a number of recent developments in the vicinity of the site and considers that the proposal will be seen in the context of these. The developments referred to are within the existing development boundary or allocations in the Local Plan and as such accord with policy.

4.14 The dwellings in the vicinity of the site on Station Road are predominantly Victorian and red brick with a mix of roofing materials. There are modern flats on the opposite side of London Road which incorporate render panels and some timber clad sections. The dwelling as proposed is for a substantial property which will present a series of ridgelines to views from London Road, Cemetery Lane and Avenue Road. While the building will be set below the surrounding land levels, it will be clearly visible and will appear as development to the rear of the existing built up frontages. I note the merits of agent’s design approach, however, given the above concerns, I do not consider that it is sufficiently outstanding to justify the proposal.
4.15 The proposal will involve the creation of a raised platform, with the dwelling being elevated above the existing site levels. Sections have not been submitted, but I consider that the change in levels will increase the prominence of the dwelling and change in levels will introduce an urban feature into the landscape which will detract from the character of the area.

4.16 The proposal will include windows in the gable elevation facing properties on Station Road. These will be approximately 25m from the rear elevation of these properties, however the dwelling itself will be close to the boundary. The design has sought to minimise the impact on the outlook of these properties by orientating the dwelling such that they look onto the gables and to reduce overlooking of the garden areas and the properties by the use of high level windows at first floor in the north east elevation. Notwithstanding this, the dwelling will clearly be visible from the neighbouring dwellings and will have a significantly greater impact on their outlook than the existing use.

4.17 Access to the site will be by the existing access point. Public footpath 11 runs along the first part of access and the rights of way officer has commented that this should not be reduced or restricted in any way. The proposal does not indicate any alterations to this right of way. The Highway Authority has commented that as the dwelling is more than 45 metres from the public highway, an on site turning area for emergency vehicles will need to be provided. From informal discussions, I understand that there is sufficient space to provide this facility within the application site.

4.18 The site falls partially within flood zone 2. The application has been accompanied by a Flood Risk Assessment which provides details of the existing site levels and the proposed raising of levels. The Agent has also submitted details in relation to the ground floor level of the dwelling and the drive which will be above the 1:1000 year flood level. A sequential assessment has been undertaken which indicates that although there are likely to be sites within flood zone 1 available within the Development Boundary of Wymondham, the development has been positioned on the site outside the flood zone and in the context of PPS25 and flood risk, as a “more vulnerable” land use is appropriate development in this location.

4.19 The EA has commented that the site is in a relatively sensitive area for controlled waters being situated over sand and gravel secondary aquifers, with principal chalk aquifer at depth. The contamination report submitted with the application indicate low levels of contamination, however the EA’s records indicate that shallow groundwater with the sands and gravels may be subject to contamination and therefore piling through the sands and gravels into the chalk should only be permitted if techniques to prevent creating preferential contamination pathways are used.

4.20 The EA has also commented that they consider that the use of soakaways is inappropriate due to near surface water level in the sand and gravel aquifer and given the possible shallow groundwater contamination. The application form sets out that a sustainable drainage system will be used and Design and Access Statement indicates that rain water harvesting will be used, although the flood risk assessment states that roof water may drain to soakaways. I consider that, given the sensitivity of the site and the potential for contamination, inadequate information has been submitted to address the concerns of the Environment Agency.

4.21 A Gas pipeline crosses the site, however Fisher German and the HSE have not objected to the proposal. The agent confirms that the position of the pipe has been established with the National Grid and the design of a protective slab for the pipeline where it crosses the driveway will be approved by the National Grid.
4.22 With regard to ecology issues, the site is within 2Km of 8 County Wildlife Sites and is adjacent to Tolls Meadow. An Ecological Report, a Reptile Survey Report, an Ecological Mitigation Plan and an Ecological Enhancement Plan have been submitted with the application. The District Ecologist of Norfolk Biodiversity Information Service has considered the reports and considers that in combination they address the issues with regards to the proposed development. He comments that the submitted Mitigation Plan is satisfactory and should this Authority be minded to approve the application, the implementation of the mitigation plan should be conditioned.

4.23 The Ecological Enhancement plan makes a number of recommendations and as it stands it could not reasonably be enforced. It is suggest that a commitment should be obtained from the applicant to provide specific enhancement and that this should then be implemented. As a minimum, it is recommended that the water vole buffer zone should be managed appropriately and a reptile hibernaculum should be constructed.

5. Reasons for Refusal

5.1 The site is located beyond the Development Limit for Wymondham and is close to a Conservation Area, County Wildlife Site, Tolls Meadow, and public right of way, part of which runs along the access to the site. There are clear public views of the site from land on Cemetery Lane and from the public. There is a strong presumption against new dwellings outside defined settlements, both in the Development Plan and in Planning Policy Statements. While the site has a lawful use as a builder’s store, this relates to an area along the northern boundary of the site and is not intrusive in the wider landscape. It is considered that insufficient justification for the dwelling has been shown to outweigh the harm to the openness and character of the area. The proposal is therefore contrary to Policies ENV8 and IMP1 of the South Norfolk Local Plan and Planning Policy Statement 7.

5.2 The site is in a relatively sensitive area for controlled waters being situated over sand and gravel secondary aquifers, with principal chalk aquifer at depth. The Environment Agency have commented that their records indicate that shallow groundwater with the sands and gravels may be subject to contamination and therefore piling through the sands and gravels into the chalk should only be permitted if techniques to prevent creating preferential contamination pathways are used. The EA has also commented that they consider that the use of soakaways is inappropriate due to near surface water level in the sand and gravel aquifer and given the possible shallow groundwater contamination. It is considered that, given the sensitivity of the site and the potential for contamination, inadequate information has been submitted to demonstrate that the site can be suitably developed and drained without adversely affecting the water environment.

Contact Officer, Telephone Number Stuart Pontin, 01508 533796, and E-mail: spontin@s-norfolk.gov.uk
Design & Access Statement

Redevelopment proposal for a new dwelling at London Road, Wymondham.

This Planning Application is made on behalf of Robert and Karen Hawkins of Back Lane, Wymondham.

0. Contents

1. Site
   1.1 Description & Context
   1.2 Planning History and Policy Context
   1.3 Consultations with neighbours
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   2.3 Site Layout and Massing
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3. Access
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4. Conclusion

1. Site

1.1 Description & Context
The Site is a 0.17Ha strip of land generally approx 20m-wide x 85m, running East-West and gently shelving down to its Southern edge. It is adjacent to Tolls Meadow Local Nature Reserve, from which it is mostly separated by the Applicants’ strip of Landscape land which is outlined in blue on the Site Plan and is approximately twice the size of the Site.

The Site is approximately 300m from Wymondham Market Place and is accessed off the B1172 London Road, just South-West of its junction with Station Road. Access is via a public way, approx 25m-long which also serves as footpath to Tolls Meadow and beyond. This access has been used for many years in relation to the Site. The Site is approximately 400m from Wymondham railway station.
The Site is used as a Builders Store. Previously it was used, at least in part, as part of the Wymondham Gas Works (see 1906 plan below). The land was decontaminated in recent years - see Site Investigation Report included with this Planning Application.
The land adjacent to the North is owned by British Gas and includes a Gas Pressure Reduction Station on the gas main which crosses the Site. A 100ft-wide (approx 33m) Easement Zone centred on the gas main prevents built development in that central part of the Site.

Also to the North are the gardens of houses fronting onto Station Road. The East end of the site also relates to residential gardens.

The South edge relates to the Applicants' Landscape land alongside the River Tiffey. This land was used for storage of Builders materials until Spring 2011, since when the Applicants have returned it to landscape in accordance with an Ecological Enhancement Plan prepared by Norfolk Wildlife Services.

The boundary between this Landscape and the Builders Store area was drawn to continue the line of the existing garden plots of the Station Road houses to the East. The line was projected towards the West to meet the north/south line of the historic lane which now forms the Site access way.

The extent of the Application Site has been limited to the area of the Builder's Store, which should provide an adequate site area for the proposed dwelling, its landscape/garden setting and access drive.

The Existing Site Plan drawing 1211/10 includes Site Analysis notes. Other key features noted on the Plan include the potential for views from the Site, overlooking of the Site from adjacent dwellings and Cemetery Lane Car Park. The site sits at a significantly lower level than adjacent dwellings fronting Station Road, which will facilitate development without overlooking or excessive shading of neighbouring property.

Other recent significant developments in the close vicinity include the Cemetery Lane Car Park, on the opposite bank of the Tiffey. There is also a proposal for a supermarket adjacent that car park. On the other side of the B1172 the Windmill doctors' surgery opened in summer 2009. That building sits in a Flood Risk Area, within the Tiffey valley.
1.2 Planning History and Policy Context
The Site has for many years been used for storage of building materials, by the Applicant and, previously, by his father's building company, Paul S Hawkins. Until early 2011, the Applicant's landscape land was also used for that purpose.

A Certificate of Lawful Use of the Site as a Builders Store was granted on 2011 (ref 2011/0315/LE). The Certificate relates to the same Site as this Planning Application.

A Planning Application (ref 2010/0679/F) for a new dwelling was refused on 14 January 2010. This Planning Application aims to address all of the reasons for that previous refusal.

Representations have been made for Allocation of the Site in the Local Development Framework. The Site is listed as no 0931, with the proposed use stated as "Employment or Housing". Those Representations have been re-stated in the latest round of consultations (Nov 2011), when the Site area was amended by omission of the Applicant’s Landscape land adjacent, to include just this Application Site.

The Site is adjacent to and just outside the current Wymondham Development Limit. Local Plan Policies ENV8 and IMP 1 and Planning Policy Statement (PPS7) were listed in relation to the refusal.

ENV 8 is concerned with development in open countryside. The response below to PPS 7 covers the similar issues, though some specific reference is also made to provisions of ENV8.

IMP 1 is concerned with Design of developments. Section 2 of this Statement covers this aspect.

PPS7 is concerned with sustainable development in Rural Areas.
It states that some key principles of the PPS include
(i) Good quality, carefully-sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community … maintains or enhances the local environment; and does not conflict with other planning policies.
(v) Priority should be given to the re-use of previously-developed ('brownfield') sites in preference to the development of greenfield sites.

This proposal is generally consistent with PPS 7 for the following reasons:

- This is a brownfield site. It is not agricultural land and its existing use is not entirely appropriate for its location. The site also has an industrial past.

- Site is highly accessible, being very close to Wymondham Town Centre, its public transport connections and amenities. The proposed use is therefore inherently sustainable in that it does not demand private car use.

- The Proposed use is more appropriate for this Site than the current Builders Store use. The current level of use is moderate but not ideal in relation to the nature reserve adjacent. The appearance of materials stored on the Site is variable and not controllable. There would be significant scope for intensification of the Builders Store use, to the detriment of both Tolls Meadow and to the amenity of existing residential neighbours.
The Applicants propose the new dwelling for the long-term use of their family. Approval would effectively resolve the future of the Site.

This Application gives an opportunity to relate the change of use of the Site to a specific, carefully-considered building design. Allocation of the Site under the LDF process would not be design-specific.

The Proposal building occupies only that part of the Site which is most suitable for development, at the East end. The proposal maintains the openness of most of the Site and enhances it by removal of some redundant sheds. The proposal will enable the majority of the Site and the Landscape land to serve, in ecological terms, as an annex to Tolls Meadow. This is the key justification for this proposal.

The design of the proposed dwelling is fundamentally informed by its relationship to Tolls Meadow and, consistent with policies iv and v of policy ENV8, will be sensitive to its setting generally.

"iv) Respect the intrinsic beauty, the diversity of landscape, the wealth of natural resources, and the ecological, agricultural and recreational value of the countryside; and
v) Be sensitively integrated into its rural surroundings in terms of siting, scale and design, while avoiding creating ribbon development or an unduly fragmented pattern of development"

1.3 Consultation with Neighbours
During September 2011 the proposal scheme was discussed with neighbours at Station Road, including those at nos. 8 and 10. They support the proposal and some have accordingly made representations in relation to the LDF process. Neighbours are concerned that there is scope for intensification of the current use of the site. It is recognised that the proposal would satisfactorily resolve the future of the site in a sustainable, low-impact way which would effectively enable the majority of the site to function as landscape.

1.4 Flood Risk
See Flood Risk Assessment included with this Planning Application.

2. Design

2.1 Proposed Use
The proposal is for a single family dwelling. The storage building included in the previous Application is no longer proposed.

2.2 Design Principles
The following principles have generally informed the proposal.

- The scheme will be sensitive to its location, close to Tolls Meadow.
- The scheme will be considered in relation to the existing dwellings adjacent.
- The building massing will arranged to provide an appropriate silhouette, especially when viewed from the West.
- The scheme will make some architectural response to the history of the site.
- The environmental impact of the scheme will be minimised.
- The landscape proposal will be key.

2.3 Site Layout and Massing
The dwelling is conceived as a group of simple, barn-like forms. These are appropriate for the edge-of-town location and their robust character refers to the Site's industrial past.

These "barns" are of different length, in parallel orientation. This form provides an appropriate, lively silhouette, especially viewed from the West. The longer central barn will generally cast shade onto the others, to visually reduce the mass of the whole.

The three barns' differing sizes also reflect their function. The Garage is essentially single-storey with largely "blank" elevations. The largest central form contains the main living area and bedrooms. The eastern barn is for the more private Sitting Room with smaller bedrooms over.

This configuration allows the eaves height to be minimised whilst allowing good daylight through gable ends and at glazed links between the barns. The stair is arranged to serve two barns within the low eaves heights.

The proposed ground floor level of the dwelling approximates to that of the existing Site near its northern edge. This is safe minimum, above of the river flood level. It is approximately 2.4m below the ground floor of no 8 Station Road.

The roof form and low eaves should enable good sunlight penetration, through to the north of the proposed dwelling.
Consideration was given to a fully single-storey arrangement but the more horizontal "bungalow" form was less successful in the context. The barn idiom implies a significant roof pitch which, over single-storey accommodation, can make for an overly dominant roof form. The proposed solution is largely single-storey (over 48% of the footprint) and the two-storey elements generate a degree of verticality, a more varied roof form. The eaves height has been limited to 4.5m which, due to the topography, is achievable without great impact on neighbouring property.

2.4 Architectural Design
The house is generally orientated towards the south and fenestration is deployed accordingly, to exploit views and potential for useful solar gain. Windows are generally arranged as large grouped panels, consistent with the barn idiom. Some of this glazing is deeply recessed from the general wall line, to give depth to the elevation and shading. This enables small recessed 1st floor balconies at the South-west gable, where there is no danger of overlooking.

Potential for overlooking of adjacent dwellings adjacent will be controlled by the separation distance, by the orientation of proposed windows and the relatively low floor levels. At the North-East gable, 1st Floor window cills will be no lower than 1.7m above floor.

The pitched roofs are generally blank, the temptation to add roof windows is resisted. The only exception is over the garage, where two Conservation windows will light the Store area.
2.5 Detailed Design & Materials
The building's massing will be accentuated by the external materials which are intrinsic to the design concept.
The central barn will be most prominent, being of light red stock brick (Flemish bond) with light red clay tile roof.
The black feathered-edge weatherboard and black clay tile roofs of the outer barns will help them to visually recede.

External detailing will be restrained, with minimal eaves treatment. Window frames are black or dark grey, timber or aluminium-clad timber.

2.6 Environmental Impact
The following features will reduce the environmental impact of the proposed dwelling:
- The external envelope will be highly insulated and air-sealed to a standard wall beyond the requirements of the Building Regulations. This is the key means by which the environmental impact of the building will be minimised in use.
- All materials for the building fabric will be selected with due regard to their environmental impact and their function within the building envelope.
- Fenestration is arranged to admit winter solar gain. Slated sun-screens will help to reduce summer gains. The simple window forms will facilitate later addition of external shading if necessary.
- Timber will be used extensively in the construction. Timber is the main environmental material provided it is from a sustainable source and, where possible, local.
- A whole-house ventilation system with heat recovery.
- The design includes the following renewable energy proposals:
  - Air-source heat pump for space heating.
  - Wood burning stoves for supplementary space heating.
  - Window and door frames will be timber or aluminium/timber composite.
  - Energy efficient lights and fittings will be used.
  - Rainwater harvesting
  - Permeable external pavings
  - Low water usage sanitaryware.
  - Raft foundations are proposed (see Site Investigation Report)
- The proposal is considered to have low potential impact on protected species.
- The site is readily accessible on foot or by bicycle from the Wymondham Town centre, the railway station and other public transport connections. See access Statement below.
2.7 Landscape
As stated above, the Applicant has recently improved his Landscape land adjacent, with the assistance of Norfolk Wildlife Services

The Landscape scheme for the proposal Site will be naturalistic, using native species generally (exclusively at the West end). Around the house there is scope for some more formal garden areas and perhaps a vegetable garden with fruit trees.

It is assumed that the landscape design would be the subject of a Planning Condition.

The proposal site is nominally 750mm above the adjacent Landscape area. A small landscaped bank will mark the transition and no new retaining wall or structure is proposed.

3. Access

3.1 Transport Links
As stated above, the proposal site is about 300m from Wymondham Town Centre and 400 from the railway station. The Town centre is on various bus routes, so the site is very well served by public transport.

3.2 Site Access
The Access off the B1172 London Rd is described above. The proposal includes new timber access gates to replace the existing metal gate and the gates are further into the site, to provide a more generous access which will also benefit the Tolls Meadow access. Within the site, the proposed gravel drive will include a turning area in front of the proposed garage and a circular “island” This island will enable tree and shrub planting “screen” in front of the Garage.

3.3 Fire Engine Access
The proposed access driveway is of adequate width for fire tender access and turning will be possible within the site.

3.4 Building Access & circulation
The main access into the dwelling will be “flush” as required by the Building Regulations. At least one other door to the garden will also be flush.
The open arrangement of the ground floor will facilitate circulation for all, including wheelchair users.
4. Conclusion

This proposal will remove an inappropriate use from a sensitive site, close to the centre of Wymondham and adjacent a nature reserve. By contrast, the proposed use is appropriate, non-intensive and sustainable. It is supported by residential neighbours.

The proposed house design has been carefully considered. It will make a positive contribution to its edge-of-town context. Its robust form obliquely refers to the Site’s industrial history.

Most significantly, the proposal will finally resolve the future of this brown field land. The proposed development on the least sensitive corner of the Applicant’s land at London Road will effectively enable and sustain the return of the remaining 80% of the land to managed landscape. This is the key justification for the proposal, one which will significantly enhance the setting of Tolls Meadow.
7.  

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<tr>
<td>Parish</td>
<td>BUNWELL</td>
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<tr>
<td>Applicants Name</td>
<td>Mrs Brenda Cullum</td>
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<tr>
<td>Site Address</td>
<td>Sub-division of the garden of The Laburnums, The Turnpike, Bunwell, NR16 1SR</td>
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<tr>
<td>Proposal</td>
<td>Sub-division of garden, erection of two bed bungalow and widening of driveway access</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Refuse</td>
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1. Planning Policies

1.1 Joint Core Strategy
Policy 2 : Promoting Good Design
Policy 3 : Energy and Water
Policy 4 : Housing Delivery
Policy 15 : Service Villages
Policy 17 : Smaller rural communities and the countryside

1.2 South Norfolk Local Plan
ENV 8: Development in the open countryside
IMP 8: Safe and free flow of traffic
IMP 9: Residential amenity

2. Planning History

2.1 2011/0800/F Sub-division of garden and erection of two bed bungalow, Refused

2.2 1993/1198/O Erection of single storey dwelling and garage, Refused

3. Consultations

3.1 Parish Council: Approve subject to:
- Outdoor lighting being controlled

3.2 District Member: To be determined by Committee
- To consider the personal circumstances of the applicants

3.3 NCC Highways: To be reported

3.4 Landscape Officer: Insufficient information submitted.
- Tree survey to assess conditions of existing trees (both on and off site) and identify their constraints required
3.5 Planning Policy : Site remote from Development Boundaries of neighbouring settlements

3.6 Local Residents : Two letters of support submitted with the application
- Property will use the existing access which is the best of all the properties in the area
- Access used by local postman to deliver to all neighbouring dwellings
- Will benefit local community.

4. Assessment

4.1 The application is a revised application for the erection of a two bed bungalow within the garden area of the existing dwelling and follows the refusal of 2011/0800. The application is supported by letters from the neighbouring properties and from the applicants and their agent which sets out that both the applicants are aging and have health issues and therefore require a bungalow. The erection of a bungalow would provide them with a better future and allow their daughter and her family to move into the existing dwelling to help with the applicants with their future needs.

4.2 The agent also submits additional information to address the previous reasons for refusal and sets out that the visibility splays would not cause any more danger or inconvenience to the area and the access will be improved by being made wider and with hedges and planting being relocated. In addition, details of local walks which pass the frontage of the property are included and comments regarding the trees on the site.

4.3 The Design and Access Statement (D&A) sets out that the property will be constructed in materials similar to neighbouring properties and will be of a scale and form similar to the neighbouring bungalows. The proposal will require the removal of a number of trees, but additional planting is proposed in the D&A. Access will be provided by widening the existing access point.

4.4 The application site is not within any Development Limit or Village Boundary as defined in the South Norfolk Local Plan and therefore falls to be considered against policy ENV 8 - development in the open countryside. This seeks to restrict new development to that which requires a rural location. No rural justification has been submitted with the application and as such, the erection of a dwelling in this location would be contrary to Local Plan policy.

4.5 The applicants have submitted additional information relating to their personal needs. While I understand that it would be beneficial for the applicants to live in a bungalow and to have a family member living near by, I do not consider that this is so unusual or exceptional a circumstance as to justify a departure from policies where there is a strong presumption against additional dwellings.

4.6 The Council is currently working on the Site Specific Policies and Allocations DPD (SSPA DPD) which seeks to implement the settlement hierarchy of the adopted Joint Core Strategy. The principle of a development boundary around the Service Villages of Bunwell and Tacolneston/Forncett End and the allocation of 10-20 new dwellings has been established. Neither the site itself, nor the small, isolated group of dwellings has been suggested as a potential development site during the consultation process. The process of public consultation on the sites suggested to the SSPA DPD will determine which sites should be allocated/included in the boundary, however the SSPA is not at a sufficiently advanced stage for it to given any significant weight in decision making. It cannot be said at the present time that this site is likely to be included in any future Development Limit.
4.7 The site is located within a sporadic row of properties, however these are divorced from the main neighbouring settlements and are in an unsustainable location. I therefore consider that the erection of a further dwelling in this position is inappropriate.

4.8 To the rear of the site is an area which is indicated to be within flood zones 2 and 3. In order to fully assess the application a Flood Risk Assessment should be undertaken to identify the increase risk of flooding as a result of the development and to assess the risk of flooding to the property itself. This assessment has not been undertaken. In addition, in considering site selection and the location of development within a site, a sequential assessment should be undertaken to identify development areas which are least at risk from flooding. Again, this has not been undertaken in connection with this proposal.

4.9 The proposal will be adjacent to the neighbouring bungalow and has been designed to minimise the impact on their outlook or amenity. I consider that a dwelling of the form proposed is unlikely to adversely affect the amenities of the neighbours.

4.10 The Highway Authority has objected to the proposal on the basis of inadequate visibility from the proposed access and due to the inadequate provision of off site facilities for pedestrians.

4.11 The Landscape Officer has commented that insufficient information has been submitted to assess the application and understand the constraints posed by the trees on and around the site. Environmental Services have previously commented regarding the range of surface water proposals set out in the application and I understand that mains drainage is not available at the site.

5. Reasons for Refusal

5.1 The application site is not within any Development Limit or Village Boundary as defined in the South Norfolk Local Plan and therefore falls to be considered against policy ENV 8 – development in the open countryside which seeks to restrict new development to that which requires a rural location. No rural justification has been submitted with the application and as such, the erection of a dwelling in this unsustainable location would be contrary to Policy ENV8 of the South Norfolk Local Plan.

5.2 Inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway contrary to Policy IMP8 of the South Norfolk Local Plan.

5.3 The proposed development does not adequately provide off site facilities for pedestrians or people with disabilities (those confined to a wheel chair or other mobility difficulties) to link with existing provision and / or local services. The proposal is therefore contrary to Policy TRA1 and IMP8 of the South Norfolk Local Plan.

5.4 Insufficient information has been submitted to adequately assess the arboricultural constraints associated with the proposed development. The development is therefore contrary to Policy 2 of the Joint Core Strategy.

5.5 The eastern section of the site is an area which is indicated to be within flood zones 2 and 3. A Flood Risk Assessment and sequential assessment have not been undertaken and as such insufficient information has been submitted to determine the increase risk of flooding as a result of the development or to assess the risk of flooding to the property itself. The proposal is therefore contrary to Planning Policy Statement 25.

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8.  **Appl. No**  : 2012/0018/CU  
**Parish**  : COSTESSEY

Applicants Name  : J Shewring Ltd  
Site Address  : Roundwell Works, Dereham Road, Costessey, NR5 0SQ  
Proposal  : Continue use for storage of vehicles and equipment in conjunction with business of gardening and landscaping as previously permitted by permission 2009/1273/CU

Recommendation  : Approve subject to conditions

1. Retention trees and hedges
2. No waste disposal on site including burning
3. Hours restriction – no use outside the hours of 7am to 6pm Monday to Saturday
4. Not to be used as depot or for service / maintenance of vehicles
5. No sorting of waste materials
6. Site surfacing to be agreed

1. **Planning Policies**

1.1 Joint Core Strategy  
Policy 5 : The Economy

1.2 South Norfolk Local Plan  
EMP 6 : Alterations and extensions to existing business premises  
IMP 8 : Safe and free flow of traffic  
IMP 9 : Residential amenity  
IMP 10 : Noise

2. **Planning History**

2.1 2009/1273/CU  
Change of use to storage of vehicles and equipment in conjunction with business of gardening and landscaping  
Approved.  
Temporary until 30/6/2011

2.2 1998/0569/CU  
Change of use of building for retail sale of office furniture  
Approved

3. **Consultations**

3.1 Parish Council  : Refuse  
- Original permission was retrospective and then allowed to lapse  
- Neighbours at 5, 6, 7 and 8 have all objected as enjoyment of their property has been seriously affected during the term of the temporary permission.  
- Numerous complaints that the conditions have not been complied with, and highly likely that any future conditions would not be complied with.

3.2 District Member  : To be determined by committee  
- Was originally a temporary permission which expired.  
- Still concerns expressed by neighbours about noise, nuisance and disturbance.

3.3 NCC Highways  : To be reported
3.4 Environmental Services (Protection) : No objection subject to previous conditions
   - Note 2009 temporary planning permission and associated conditions.
   - There is a history of complaints to Environmental Services regarding the application site. These were received in 2006, 2008 and 2009 and predominantly relate to smoke from fires and engine noise. [These relate to previous companies on the site]

3.5 Local Residents : 1 letter of support
   - No complaints about the business
   - Happy for it to continue
   3 letters of objection
   - Have complained to Environmental Services about the use of heavy diesel machinery at week ends and week day lunch times
   - Existing planning permission was temporary because of noise nuisance and disturbance to residential amenities of nearby neighbours
   - Gardening and landscaping are only two of the many services offered by the company. These should be included in the application.
   - Noise from loading and unloading of vehicles
   - Engines left to run with fumes drifting into gardens
   - Not a suitable site for such activities close to neighbours.

4. Assessment

4.1 The proposal relates to part of a site which is used by a range of businesses and is for the renewal of a previous application 2009/1273 which was granted on a temporary basis until 30/6/2011. The previous permission was granted for a year to enable the activities and operation of the site to be monitored.

4.2 The site is within the Development Limit and Policy EMP 6 does allow for alterations to existing business premises provided that the proposal is in keeping with its surroundings, existing landscaping is not adversely affected and necessary parking etc can be accommodated within the site. Policies IMP8 and IMP9 seeks to safeguard highway safety and residential amenity respectively.

4.3 The site is bordered to the north and west by existing dwellings with hedging forming the boundaries. The adjacent dwellings, particularly to the west are elevated above the site. Concerns have been raised about the suitability of the use, particularly in terms of disturbance from activities on the site, vehicle movements and the burning of waste.

4.4 In considering the previous application, Members were aware that the site was previously occupied by Coseco who obtained planning permission for a change of use of the site to the retail sale of office furniture. That permission included a number of restrictive conditions including the use being limited to the storage and sale of office furniture. From information previously supplied, the proposed use predominantly relates to storage and it was considered that subject to conditions, the use should result in no greater disturbance to neighbouring dwellings than that associated with the previous use.

4.5 The temporary permission included a number of conditions which related to the retention of boundary landscaping; no burning of waste; the hours of use for the movement of vehicles; limiting the use of the premises to the storage of vehicles, equipment and surplus materials; there being no storage of waste (other than materials remaining on the vehicles); the surfacing of the site and nature of vehicles and plant stored at the site.
4.6 Environmental Services have commented that complaints have been received in 2006, 2008 and 2009, however from checking their records these relate to previous uses on the site as a whole and not to the current applicants.

4.7 In October 2009 there were a number comments received from neighbours predominantly relating to disturbance from vehicles, however no further comments have been recorded. While comments have been received in respect of this application from three neighbours on St Walstan’s Close who object to the renewal of the application, support has been received from a property on Dereham Road which has an open boundary facing the site. I consider that, given the limited number of comments which have been received by Environmental Services since 2009, that the continued use of the site for the use, subject to the previous conditions is acceptable.

5. Reasons for Approval

5.1 The proposal is acceptable in respect of the aims of the Joint Core Strategy and South Norfolk Local Plan 2003 and in particular is considered to be in accordance with Policy 5 of the Joint Core Strategy and EMP6, IMP8, IMP9 and IMP10 of the South Norfolk Local Plan as the proposal is located within an established commercial area and subject to the proposed conditions will not have a significant adverse affect on the amenities of neighbouring uses or highway safety.

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