First Wednesday Planning Committee

Members of the First Wednesday Planning Committee:

<table>
<thead>
<tr>
<th>Conservatives</th>
<th>Liberal Democrats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr W Kemp</td>
<td>Mrs V Bell</td>
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<tr>
<td>(Chairman)</td>
<td>Dr M Gray</td>
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<tr>
<td>Mr D Blake</td>
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<td>(Vice-Chairman)</td>
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<td>Mr L Dale</td>
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<td>Mr L Hornby</td>
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<td>Dr C Kemp</td>
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<td>Dr N Legg</td>
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<td>Mrs L Neal</td>
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<td>Mr B Spratt</td>
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<td>Mrs J Wilby</td>
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Group Meetings

Conservatives: Blomefield Room 12.45 pm to 1.30 pm

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

Date
Wednesday 7 March 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

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

29/02/2012
A G E N D A

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 6)

4. Minutes of the First Wednesday Planning Committees held on Wednesday 1 February 2012;
   (attached – page 9)

5. Enforcement Report
   (attached – page 23)

6. Planning Applications and Other Development Control Matters;
   To consider the applications as listed below: (report attached – page 25)

<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>2011/1916/F</td>
<td>LONG STRATTON</td>
<td>Land north of Fairfield Close, Long Stratton</td>
<td>26</td>
</tr>
<tr>
<td>2</td>
<td>BA/2012/0005/F</td>
<td>DITCHINGHAM</td>
<td>The Maltings, Pimhow Street, Ditchingham</td>
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</tr>
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<td>3</td>
<td>2012/0070/CU</td>
<td>ASHWELLTHORPE</td>
<td>Land to rear of 94 The Street, Ashwellthorpe</td>
<td>44</td>
</tr>
<tr>
<td>4</td>
<td>2011/1636/H</td>
<td>SHOTESHAM</td>
<td>2 Upgate Cottages, Brooke Road, Shotesham</td>
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</tr>
<tr>
<td>5</td>
<td>2011/1736/F</td>
<td>WYMONDHAM</td>
<td>Green Dragon Public House, 6 Church Street, Wymondham</td>
<td>51</td>
</tr>
<tr>
<td>6</td>
<td>2011/1737/LB</td>
<td>WYMONDHAM</td>
<td>Green Dragon Public House, 6 Church Street, Wymondham</td>
<td>51</td>
</tr>
<tr>
<td>7</td>
<td>2011/1971/A</td>
<td>COSTESSEY</td>
<td>Norfolk Showground, Long Lane, Bawburgh</td>
<td>57</td>
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<td>8</td>
<td>2011/2044/O</td>
<td>EASTON</td>
<td>Building Services (Easton), Bawburgh Road, Easton</td>
<td>61</td>
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<td>9</td>
<td>2011/2046/F</td>
<td>BURSTON</td>
<td>Ivy Cottage, Mill Green, Burston</td>
<td>66</td>
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<td>10</td>
<td>2012/0030/H</td>
<td>HETHERSETT</td>
<td>1 Grove Road, Hethersett</td>
<td>70</td>
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<td>Planning Ref No.</td>
<td>Parish</td>
<td>Site Address</td>
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<tr>
<td>11</td>
<td>2012/0066/F</td>
<td>DISS</td>
<td>Land to rear of 54 Denmark Street, Diss</td>
<td>73</td>
</tr>
<tr>
<td>12</td>
<td>2012/0067/LB</td>
<td>DISS</td>
<td>Land to rear of 54 Denmark Street, Diss</td>
<td>73</td>
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<tr>
<td>13</td>
<td>2012/0090/F</td>
<td>COSTESSEY</td>
<td>West End Cue Club, 20 West End, Costessey</td>
<td>78</td>
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<tr>
<td>14</td>
<td>2012/0110/H</td>
<td>GREAT MOULTON</td>
<td>4 Farrow Close, Great Moulton</td>
<td>82</td>
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<tr>
<td>15</td>
<td>2012/0111/F</td>
<td>BEDINGHAM</td>
<td>Land south of Brambles, School Road, Bedingham</td>
<td>85</td>
</tr>
</tbody>
</table>

7. Sites Sub-Committee;

Please note that the Sub-Committee will only meet if a site visit is agreed by the Committee. If required, the site visit will take place on **Wednesday 28 March 2012** with membership to be confirmed.

8. Planning Appeals (for information) (attached – page 92)
## 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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<tbody>
<tr>
<td>Y Bendle</td>
<td>25/10/12</td>
<td>P Allen</td>
<td>26/10/12</td>
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<td>D Bills</td>
<td>09/11/12</td>
<td>V Bell</td>
<td>4/07/12</td>
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<tr>
<td>D Blake</td>
<td>09/11/12</td>
<td>T East</td>
<td>20/09/12</td>
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<tr>
<td>T Blowfield</td>
<td>26/10/12</td>
<td>J Hardinge</td>
<td>25/10/12</td>
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<td>L Dale</td>
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<td>M Gray</td>
<td>26/10/12</td>
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<td>09/11/12</td>
<td>T Lewis</td>
<td>25/10/12</td>
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<td>G Watt</td>
<td>22/09/12</td>
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<td>F Ellis</td>
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<td>C Foulger</td>
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<td>J Fuller</td>
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<td>D Goldson</td>
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<td>C Gould</td>
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<td>J Herbert</td>
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<td>L Hornby</td>
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<td>K Kiddie</td>
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<td>N Legg</td>
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<td>J Mooney</td>
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<td>L Neal</td>
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<td>J Overton</td>
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<td>T Palmer</td>
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<td>A Pond</td>
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<td>J Savage</td>
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<td>R Savage</td>
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<td>B Spratt</td>
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<td>S Thomson</td>
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<td>K Tilcock</td>
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<td>G Walden</td>
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<td>L Webster</td>
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<td>G Wheatley</td>
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<td>J Wilby</td>
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<thead>
<tr>
<th>Independent Councillor</th>
<th>Accreditation Expiry Date</th>
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</thead>
<tbody>
<tr>
<td>K Weeks</td>
<td>4/07/12</td>
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</tbody>
</table>
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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</thead>
<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>
</tr>
<tr>
<td>Your own</td>
</tr>
<tr>
<td>Any person or body who has employed or appointed your family member/close associate</td>
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<tr>
<td>Any firm in which your family member/close associate is a partner or company of which they are directors</td>
</tr>
<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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</table>

**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?

YES

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

NO

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

This matter relates to

- housing (except your tenancy)
- statutory sick pay from the council
- an allowance, payment or indemnity given to members
- any ceremonial honour given to members
- setting the council tax or a precept

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?

YES

NO

You have a personal interest in the matter

NO

You may have a prejudicial interest

YES

NO
ENFORCEMENT REPORT

Costessey: Queen’s Hills – Injunctions Proceedings Update 1

Solicitor to the Council

Reporting a response by developers to issue injunction proceedings and requesting members’ further instructions

<table>
<thead>
<tr>
<th>Cabinet member(s):</th>
<th>Ward(s) affected:</th>
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</thead>
<tbody>
<tr>
<td>Keith Kiddie; John Fuller</td>
<td>Old Costessey</td>
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<tr>
<th>Contact Officer, telephone number, and e-mail:</th>
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<tbody>
<tr>
<td>Stuart Shortman 01508 533671 <a href="mailto:sshortman@s-norfolk.gov.uk">sshortman@s-norfolk.gov.uk</a></td>
<td></td>
</tr>
</tbody>
</table>

1. Background

1.1. At its meeting on 21 December 2011, Third Wednesday Planning Committee authorised injunction proceedings to remedy and/or restrain breaches of Section 106 planning obligations and planning conditions at Queen’s Hills, Costessey. Attached as Appendix 1 is my previous report agreed by Members at their meeting of the 21 December 2011.

2. Current Position and Issues

2.1. Draft proceedings were prepared in December 2011 and, following exchange of pre-action correspondence, proceedings were lodged in the High Court and served. There is a first court hearing by way of application for interim injunction on 12 March 2012.

2.2. Following serving of proceedings, and in the spirit of keeping open lines of communication, a meeting was held between Council officers and the main developers and their solicitors at South Norfolk House on 27 February 2012. There was a full and frank discussion which has resulted in proposals from the developers through their solicitors which have been set out in writing in a note which they have prepared at Appendix 2.
3. **Proposal and Reasons**

3.1. Essentially, these proposals report that the developers are now ready to accept the transfer from the administrators of Cofton Limited of essential land assets for the development. They propose that, as part of that, the developers and the Council belatedly enter into the previously proposed deed of variation by which (among other commitments to be delivered), the developers would have paid monies over for the Parish Council itself to build the community hall (supplemented by further monies from the parish council’s own coffers) in return for the remission of any further affordable housing units. (There is a current breach of the affordable housing planning obligations in so far as six affordable units have not been provided which have fallen due and, if building continues, a further twenty affordable units will have been required to have been provided.)

4. **Acknowledgement of developers’ proposals**

4.1. On behalf of the Council I acknowledged the developers’ proposals as follows:-

“Thank you very much for attending the meeting on 27 February with your Clients' various Directors.

Thank you for setting out your Clients’ proposals which are helpful. We are considering these in detail and will report them to Committee.

As you are aware, the Council's present position concerning the affordable housing was approved by Planning Committee and any variation along the lines proposed would require their sanction.

There is inevitably going to be continued concern by the Council and the public that nothing physically has changed on site since the going into administration of Cofton Ltd, the lead developers, who hold the infrastructure and communal facilities land, - except that more houses are being built without any more facilities than the School and without finishing of roads to adoption standard and adoption. Even, assuming the community hall is built by the Parish Council with the moneys which your Clients propose to hand over and the bus gate has been designed and approved by the County Council, - it is still going to take time to construct these facilities and meanwhile the building of more houses is going to compound the situation. I am particularly concerned to note that building of houses has actually accelerated following intimation and service of the injunction application.

The Council would accept that delivery of the central infrastructure land assets for the estate into the hands of the house developer defendants is progress, but we would still be far from the situation where all outstanding breaches (particularly continued housebuilding without corresponding facilities being in place) have been resolved.

I do notice, - specifically that no undertakings are included with regard to completion of the sports pitches by May 2012 (existing extension of time and commitment). It would be helpful if you could formally add that in. Although already in place, it would be helpful for the Committee and the public to have these set out in one place.
If proposals can be agreed by the Committee, can you please ensure that everything is in place with the Variation executed and the moneys for the Community centre paid over by no later than Friday 9 March?"

4.2. Further assurances are contained in further letters from Wragge & Co on behalf of the developers dated 2 March and 6 March 2012 respectively, - see Appendices 3 and 4.

5. **Conclusion**

5.1. The instructions of the Committee are requested.
ENFORCEMENT REPORT

Costessey: Queen’s Hills

Solicitor to the Council

A Report requesting authorisation of an injunction to restrain further development of houses until breaches of Section 106 planning obligations/planning conditions are remedied

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Stuart Shortman 01508-533671</td>
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</table>

1. **Background**

1.1. The Queen’s Hills housing development at Costessey was granted outline planning permission for housing in 2004, (subject to a s106 planning agreement providing for developer contributions to education, community facilities together with affordable housing), a village centre comprising a parade of shops, a school, a community centre, playing fields and a country park. The permission was authorised by Planning Committee in 2003. The intervening period was taken up with negotiations to conclude the detailed terms of the s106 planning agreement.

1.2. As members will recall, in 2009 the lead developers, Cofton, went into administration. They had earlier sub-sold parts of the land for development by various national house builders who had then sought and obtained reserved matters approval for their own developments within the estate. Obviously, they were, and are, bound by the obligations in the s106 agreement, which run with the land.

1.3. This remains the position notwithstanding that as between the developers the private arrangement behind the scenes appears to have been that Cofton was expected to ensure the central infrastructure and communal facilities were provided including sewers, roads, open spaces/play areas, playing fields and the community centre. We have been informed that funds were set aside and placed in stakeholder accounts to provide for expenditure on these central infrastructure...
and community facilities. This arrangement should largely have safeguarded these funds from the subsequent administration of Cofton (Messrs Deloitte now being the administrators for Cofton). However, whether this is so or not is a matter for the developers and does not in any way alter their binding obligations to comply with the s106 requirements. Shortly after Cofton went into administration, breaches of certain of the developer planning obligations began to occur. These are as follows:

Section 106

- recreation space (excluding play areas) was not provided as required, namely prior to completion of the 381st dwelling
- a community centre to the cost of £500,000 was not provided as required, namely prior to completion of the 381st dwelling
- country park was not provided as required, namely prior to completion of the 381st dwelling
- affordable housing has not been provided as required under a table in the s106 Schedule
- Bus shelters not provided as required (though these are part of the County Council, not District Council, part of the agreement)

In addition, in relation to the Conditions

- Bus/emergency access gate to/from Ringland Lane was not been provided as required

Initially, the housing developers, who all remained solvent themselves, regarded this as a matter primarily for Cofton and now its administrators, in accordance with private agreements previously entered into. However, the Council was, and is, entitled to require compliance with the planning obligations and conditions by the developers, and it was, and is, for them to resolve between themselves issues of reimbursement of costs. The obligations remain there and it is the failure to comply with them, over what is now a long period of time that has been of increasing concern to the Council as the developers have carried on building more and more houses without the required facilities.

1.4 The general public as purchasers and residents on the estate regarded the situation as unacceptable and have tended to blame both the developers who had sold off the completed house plots and the Council as the local planning authority for not forcing the developers collectively to comply with their obligations.

1.5 In addition to the matters set out above, the estate roads were left in an unsatisfactory state, not fully completed to proper adoption standard and consequently not taken over by adoption as public highways by Norfolk County Council as highways authority, in the absence of adoption agreement and bond. However, this is a separate matter and so far as that is concerned, the housing
developers were not able to transfer title in the roads to the County Council because title was held by Cofton and hence only Deloitte could transfer those as part of the administration of the company.

2 Current Position and Issues

2.1 Following meetings between the developers, the planning team, legal services and the Chief Executive and telephone conversations between the Chief Executive and Deloitte a certain amount of progress has been made. This includes:-

- Developer consortium expressed a willingness to enter into a deed of variation to provide land and pay the Parish Council £675,000 towards the provision of the community centre (Parish Council providing an additional £200,000 to enhance and complete the project themselves) on the basis of reduced affordable housing requirements. However, to the disappointment of officers this has not been progressed to fruition

- Planning permission granted for a community centre (though this design would require the additional level of funding).

- Detailed plans for play areas and country park have been approved.

- A programme of works for implementation of play areas, playing fields, country park has agreed.

- All play areas have been agreed to be completed by the end of November 2011 (slipped subsequently to end May 2012) – sports pitches to be completed by May 2012 – country park to be completed by the end of May 2012.

- Emergency access to Ringland Lane was opened up (but issues with caravan camping incursion have since led to this access being temporarily stopped).

- Payment made by developers to Norfolk County Council highways for detailed design of bus gate arrangement for bus link/emergency access road.

- Developer deal with Deloitte (administrators for Cofton) finalised, actual land transfer scheduled to take place by end of September 2011 – not taken place.

2.2 Nevertheless, the situation “on the ground”, in terms of central infrastructure and community facilities remains much as it was in 2009 when Cofton went into administration. The only significant change on the estate has been the completion and opening of the Primary School by the County Council (with the site and an education contribution having been provided by the Stakeholder, during the administration) together with the building and sale of a further 200 houses or so, bringing the total to 1,027 now built as at 11 October 2011 out of 1648 permitted under reserved matters approvals. Two further reserved matters
applications are undetermined for a further possible 257 houses. Those applications, having been deferred, will be reported back to Committee in due course after outstanding highways investigations have been completed.

2.3 The community centre required to have been built by the developers prior to the completion of the 381st dwelling has not been built.

2.4 In breach of planning condition the ‘bus gate’ to allow buses and emergency vehicles privileged access through the estate from and via the northern boundary via the estate roads has not been constructed nor even the design approved. This prevents a more efficient bus route from being introduced and has encouraged incursions by caravans at the periphery of the estate in addition to contributing to traffic jams on the estate.

2.5 The second tranche of affordable housing provision of 20 houses out of 60 such houses (34 in total have already been duly provided) has not been fully delivered. 6 are outstanding. It should have occurred when the trigger of the completion of 800 market dwellings was reached. As more and more houses continue to be built further affordable housing will be required but even the number currently required have not been provided and the house building has continued nonetheless.

2.6 No play areas nor the community playing fields nor the country park have yet been laid out nor, where appropriate, equipped. The non-provision of the play areas does not technically amount to a breach of planning obligation or planning condition due to the artificial non-completion of an individual phase or phases of the development which would have triggered the requirement for their provision, and the time for provision of the playing fields and country park has been informally extended to May 2012. Nevertheless their absence contributes to and compounds the sense of desolation and isolation on the estate – devoid of any recognisable community facilities. They had previously been the subject of developer promises to provide them, as a goodwill and confidence gesture for residents even ahead of strict requirement as long ago as autumn 2009, together with renewed subsequent assurances, but this came to nothing.

3 The Last Few Weeks

3.1 During the last few weeks planning officers, the legal service and the Chief Executive have intensified efforts on behalf of the Council to resolve outstanding problems of which they became aware from either the developers or their solicitor or from the administrators, Deloitte. It had been hoped that the offer of a concession concerning the outstanding affordable housing provision in return for, among other things, a payment to enable the parish council itself to construct the community centre (now enjoying the benefit of a specific planning permission) would serve as a useful incentive and a kick start, even although such a concession was not necessarily justifiable entirely on its own merits. As members will recall, several estimate or target dates for the entering into of the proposed deed of variation have come and gone.

3.2 It is not possible to be sure precisely where obstacles to progress lie. At all events, it must be said that this is ultimately a responsibility for the housing
developers who enjoy the benefits of the planning permission and approvals, but must submit to the planning obligations and conditions – all of which run with the land.

4 Future Action by the Council – possible injunction application

4.1 At their meeting on 7 December 2011, First Wednesday Planning Committee members resolved, among other things, to call for a report to be made on the possibility of seeking and obtaining an injunction against the housing developers to restrain further development of houses until breaches of Section 106 planning obligations/planning conditions are remedied.

4.2 Most of the breaches on the estate are of planning obligations in the Section 106 planning agreement rather than of planning condition. As such they cannot be defined as breaches of control and neither enforcement notice, stop notice, nor breach of condition notice is possible and (unless direct action is taken) the method of enforcement under s106 (5) of the Town & Country Planning Act 1990 is by way of planning injunction.

4.3 Section 106 (5) provides that,

“A restriction or requirement imposed under a planning obligation is enforceable by injunction”.

4.4 In addition, Section 222 Local Government Act 1972 provides as follows:

“Power of local authorities to prosecute or defend legal proceedings

222. - (1) Where a local authority consider it expedient for the promotion or protection of the interests of the inhabitants of their area – (a) they may prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name, and (b) they may, in their own name, make representations in the interests of the inhabitants at any public inquiry held by or on behalf of any Minister or public body under any enactment.

(2) In this section “local authority” includes the Common Council [and the London Fire and Emergency Planning Authority].”

5 Proposals and Reasons

That an injunction be sought as the appropriate means to bring about compliance with the outstanding planning obligations.

6 Other Options

(a) Defer seeking an injunction for a specific period in the hope of resolution by negotiation.

(b) Exercise direct action powers to comply with planning obligations – the local planning authority at the Council’s expense taking the steps to carry out the operational works required and to charge the land for the costs incurred – Section 106(6) Town and Country Planning Act 1990 as Amended. This is
unaffordable and impractical for the Council during present times of financial stringency.

7 Relevant Corporate Priorities

7.1 Enhancing our quality of life and the environment we live in.

7.2 Supporting communities to realise their potential.

8 Implications and Risks

8.1 Financial – The consideration of and the seeking of an injunction and representation of the Council at a likely contested hearing in the High Court will incur expense. Initially estimated to be under £10,000 but in the event of a contested hearing possibly rising to £20,000-£30,000.

8.2 Legal – An injunction is a discretionary remedy which can always be refused at the discretion of the judge hearing the case, although the discretion must be exercised judicially. The Council will need to show that it has tried to avoid having to seek an injunction, and that it has considered the public interest in deciding to make the application. See s.222(1) set out above for the precise statutory test to be applied by the Council.

8.3 Environmental – An injunction just to prevent further houses being built until there has been compliance with the outstanding obligations may act as a spur to compliance, but, on the other hand, there is a risk that it could entrench matters in their present state of breach until such time as economic recovery drives forward the performance of the planning obligations in order to resume housing development on the estate. This could take several years and could possibly result in ‘blighting’ to second hand homes sales as well as preventing the building and sale of new ones. It would, however, at least, preserve the value contained within the undeveloped 600 units of housing having planning approval so as, in due course to secure and drive compliance with the unfulfilled planning obligations and conditions. If these units of housing are allowed to be continued to be built that value and the leverage which it represents is dissipated and may in due course disappear altogether. If no action is taken, breaches of planning obligation may simply continue indefinitely with further houses continuing to be built whose residents will themselves not have access to adequate community facilities in common with the existing residents, and the facilities/affordable homes required may never be provided.

8.4 The risk of developers still not remedying the breaches of the relevant obligations in the event of an injunction being granted preventing further houses from being built until then (and instead just stopping building for the time being) may be able to be minimised by the court also being asked to grant an injunction requiring compliance with the outstanding obligations.

8.5 Equalities – Current residents lack basic community facilities.

8.6 Crime Reduction – Provision of community facilities should improve community cohesion and thereby reduce crime.
9 Conclusion

As per paragraph 8 above.

10 Recommendation

That the Committee should resolve:-

The Local Planning Authority considers it expedient for the promotion or protection of the interests of the inhabitants of the Council’s area that an injunction be obtained in the High Court against relevant house developers requiring breaches of s106 Town and Country Planning Act 1990 planning obligations, and planning conditions, relating to the housing development at Queen’s Hills, Costessey, Norfolk to be remedied and/or restraining further development of houses at Queen’s Hills, Costessey, Norfolk until after such breaches have been remedied and the planning obligations and conditions have been complied with.
Costessey (note for SNC’s committee meeting on 07.03.12)

As of 27.02.12 (and as confirmed in our meeting with Stuart Shortman, Andy Jarvis and Helen Mellors the same afternoon), following a board meeting of Serviced Land No.1 GP Limited (necessitated by the issue of the injunction proceedings by the Council), the last of the eight parties required to enter into the various documents necessary for (a) the release of the funds held by Cofton’s previous solicitors in relation to this site and (b) the transfer of the land owned by Cofton to the developers is now in a position to proceed. Prior to this, and because of the need for Serviced Land to be a party to these arrangements, we have been unable to fix a date for completion.

The developers are now ready, willing and able to proceed as follows:

- we, Wragge & Co, hold signed documents for our five developer clients and RMC Logistics Eastern Limited (one of the original landowners and party to some of the arrangements with Cofton);
- Serviced Land’s solicitors hold their signed documents; and
- Cofton’s administrators’ solicitors hold their signed documents.

All parties are holding the documents ready to complete but only on the basis of the deed of variation to the section 106 agreement dated 07.07.04 agreed with the Council, which as the Council is aware, includes a number of provisions of benefit to both the Council and the community at Queens Hill and not in the original s106 agreement (e.g. for play areas, an improved community centre, adequate maintenance payments for the upkeep of the public open space and the transfer of control of the Country Park).

As soon as the Council is ready, we will be able to start the process for completion (with the transfer of monies) and complete all aspects simultaneously in the one day. This can be achieved either by a series of ‘releases’ between solicitors of the documents they hold (to avoid the situation where one aspect of the transaction is completed and then another crucial part cannot be) or by a conference call between solicitors.

In order to reach this point, it should be pointed out that the developers have taken on all of the obligations and liabilities on behalf of Serviced Land, which due to its financial situation is unable to take an active part in the arrangements at this time. Further, should Serviced Land’s financial position worsen, the developers may be faced with another set of administrators to negotiate terms with, in order to unlock the situation at this site.

We set out below the works programme which the developers, on acquiring the land from Cofton’s administrators, intend to follow:

- **Construction and hand over of play areas together with the commuted sums for future maintenance** - to commence March 2012 and be completed by 31st May 2012 in accordance with the S106 deed of variation
- **Payment of £675,000 to the Parish Council on completing the S106 deed of variation and the transfer of the community centre land**
- **Completion of the works to the Country Park and safe access for the local community by end March 2012 with the handover to the Council immediately thereafter.**
- **Construction of bus gates within two months of receipt of acceptable detailed designs from Norfolk County Council**
- Remedial works to the estate roads to bring them up to adoptable standard, such works already identified in the Highway Civils Repairs and Safety Signage Report published February 2012 by Gleeds and to be commenced in April 2012 in accordance with a sensible and achievable programme.
- Remedial works as required to the foul and surface water drainage infrastructure
- Adoption of the roads and drainage by close working relationship with Norfolk County Council and Anglian Water commencing with the main access road and following in sequence thereafter and in accordance with the recommendations of the report referred to above.

Wragge & Co LLP
2015016/QDM/JMN1/CZM2
28 February 2012
2 March 2012

Dear Sir

Development at Queen’s Hills, Costessey ("the Site")

We refer to the writer’s e-mail to you dated 28 February 2012, containing a note for the members’ meeting to be held on Wednesday 7 March.

Our clients have asked us to emphasise that they have spent a significant amount of time and money investigating the roads and sewers constructed by Cofton, to ensure that any remedial works required can commence as soon as possible once Variation to the s106 Agreement has been completed. A plan of works to the roads is already in place and those can be commenced within six weeks of the Variation being completed.

The first lengths of roads and sewers covered by those works will be Sir Alfred Munnings Road and the circulatory ring comprising Poethlyn Drive, Kestrel Avenue and Fairway. It is expected that those works will take approximately twelve weeks to complete.

Once the Variation to the s106 Agreement has been completed, the developers can also immediately progress the adoption agreements with Anglian Water and Norfolk County Council, so that those assets can be adopted as quickly as possible following completion of the various works.

We understand that landscaping works to the play areas have already commenced and that, once the variation to the s106 Agreement has been completed, it is expected that the first play area (East) should be open for use and adoption by the Council within six weeks. Works to the western play area will follow thereafter.

We should be glad if this letter were placed before the members at the meeting on 7 March, together with the note previously sent to you. If you require any further information in the meantime, please contact the writer of this letter on the telephone number below.

Yours faithfully,

[Signature]

Enquiries please contact: Ian Brook
+44 (0)121 629 1879
ian_brook@wragge.com

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Dear Sirs

Development at Queen's Hills, Costessey ("the Site")

We refer to the email of your Stuart Shortman dated 2 March 2012.

We note the comments in that email regarding the continuing development on the Site. While our clients have not “accelerated” their build programme following service of the injunction application, they have continued to develop the Site in accordance with the existing programme. As our clients made it clear at the meeting between the parties on 27 February, they have done so to avoid making around 300 local workers redundant, in the hope that the current issues between the parties can be resolved shortly.

Our clients confirm that, upon the land transfer from Cofton's administrators (which will take place simultaneously with the proposed variation), they will be in a position to comply with their obligations relating to the Recreational Space as set out in Part 3 of the Schedule to the Section 106 Agreement.

As stated at the recent meeting, the proposed variation (and the various other documents relating to the arrangements with Cofton's administrators) have been executed by the appropriate developer parties and the monies for the community centre can be paid over to the Council simultaneously with the completion of that variation. We assume that the Parish Council have now executed their part of the variation (but please confirm) and that the Council will be able to execute its part (subject to the planning committee's consent) on Thursday/Friday this week. On that basis, our clients are in a position to complete the variation this Friday, 9 March.

We await hearing from you further, but should you have any queries or require any further information in the meantime, please contact the writer of this letter on the telephone number below.

Yours faithfully

Enquiries please contact: Ian Brook
+44 (0)124 629 1879
ian_brook@wragge.com
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

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Key to abbreviations used in Recommendations

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<td>S.P.</td>
<td>Structure Plan</td>
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<td>S.N.L.P</td>
<td>South Norfolk Local Plan</td>
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<tr>
<td>P.D.</td>
<td>Permitted Development – buildings and works which do not normally require planning permission. (The effect of the condition is to require planning permission for the buildings and works specified).</td>
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Enforcement Report

Report of The Development Control Services Manager

Enforcement Ref : 2011/8207
Parish : BARNHAM BROOM
Site : 64 Norwich Road, Barnham Broom, Norwich, NR9 4BU
Development : Renting Out Annexe as Separate Independent Dwelling/Change of Use of Part of Dwelling For Business Use
Developer : Mr Keith Evans

1. Background

1.1 It was brought to the Council attention that a rear extension to 64 Norwich Road was being let as an independent dwelling.

1.2 The extension was approved in 1978 as a games room and from details from the applicant it is understood to have been converted to an annexe by his father in 2006.

1.3 The owner of the property has recently submitted a planning application for the use of the extension as an independent dwelling and this has been refused under Delegated Procedures due to the poor relationship between the accommodation and No 64.

2. Planning Policies

2.1 Joint Core Strategy
Policy 2: Promoting Good Design

2.2 South Norfolk Local Plan
HOU 6: Development within the defined Development Limits of specified large villages
IMP 8: Safe and free flow of traffic
IMP 9: Residential amenity
IMP 10: Noise

3. Assessment

3.1 The unit is currently occupied independently to the main house and during the consideration of the recent planning application (2011/202) a neighbour indicated that it has been used independently as dwelling for 10 years. However, from information from the owner this does not appear to have been the case and from other council records it does not appear to have been used as an independent unit until November 2010.

3.2 The unit is located immediately to the rear of 64 Norwich Road and has a shared vehicular access on the frontage. The pedestrian access passes to the side of No 64 and 62 and concerns have been raised regarding the loss of privacy from people accessing the unit. The accommodation incorporates doors and windows which face east and look directly onto the garden area and onto the rear conservatory of No 64 resulting in a poor relationship between the two properties in terms of privacy and disturbance.

3.3 I consider that the continued use as a separate dwelling is not acceptable and results in a poor relationship between properties. From details submitted to date it would appear that while it may have been used as annexe accommodation ancillary to the main house its use as a separate dwelling is not lawful.

4. Recommendation

4.1 Authorise Enforcement Action to cease the occupation of the accommodation independent to the residential use of 64 Norwich Road, Barnham Broom.
Major applications or applications raising issues of significant precedent

1. Appl. No : 2011/1916/F
Parish : LONG STRATTON

Applicants Name : Saffron Housing Trust
Site Address : Land north of Fairfield Close, Long Stratton, Norfolk
Proposal : Erection of 11 affordable housing units - (4 x 1 bedroom flats, 2 x 2 bedroom flats, 2 x 2 bedroom houses and 3 x 3 bedroom houses) and associated works

Recommendation : Approve

- 1 3 year time limit for implementation
- 2 Materials
- 3 Tree retention and protection
- 4 Landscaping
- 5 Restricted construction delivery hours 9am – 2:30pm
- 6 Contamination during construction
- 7 Details of roads, footways and drainage prior to commencement
- 8 Development in accordance with approved highway details
- 9 Roads and footways to binder course prior to occupation
- 10 On site parking for construction workers to be agreed prior to commencement
- 11 Construction Traffic Management Plan (CTMP) and access route to be agreed prior to commencement
- 12 All construction traffic to comply with approved CTMP
- 13 Details of wheel cleaning facilities to be approved prior to commencement
- 14 Construction in accordance with approved wheel cleaning facilities

Subject to a S106 Legal Agreement confirming the type, tenure and mix of affordable housing, including its affordability in perpetuity, and a financial contribution towards the proposed Long Stratton bypass (unless a financial appraisal concludes that this contribution would render the scheme unviable).

1. Planning Policies

1.1 Joint Core Strategy
Policy 2 – Promoting good design
Policy 3 – Energy and water
Policy 17 – Smaller rural communities and the open countryside

1.2 South Norfolk Local Plan
IMP 9: Residential amenity
IMP 8: Safe and free flow of traffic
IMP15: Setting of Listed buildings

2. Planning History

2.1 None.

3. Consultations

3.1 Parish Council : Approve
3.2 District Members

Mr Andrew Pond: To planning committee
- Public opinion
- Suitability of site
- Highway concerns
- Local objections

Mr Terry Blowfield: To be reported if appropriate.

3.3 NCC Highways: No objection, subject to minor amendments to detailed design of the access off Fairfield Close. Comments on amended plans to be updated at planning committee.

3.4 Environment Agency: None received.

3.5 Planning & Housing Policy: Support.

3.6 Police Architectural Liaison Officer: Support.

3.7 Environmental Services (Protection): No objection subject to the imposition of conditions regarding unexpected contamination.

3.8 SNC: Design Architect: Supports the scheme, which scores 16.5 out of 20 (a Gold Standard) when assessed against the Building for Life criteria.

3.9 Landscape Officer: To be reported.

3.10 Local Residents: 12 individual letters of objection received
- Impact of additional cars and traffic will create a dangerous road. Alternative access should be provided
- Affordable houses should not be located in the middle of private houses
- Existing roads unsuited to additional traffic disturbance and inconvenience from construction traffic
- Design not in-keeping with existing properties within Fairfield Close
- Development will de-value existing properties
- The site is Greenfield
- Development will add to congestion on the A140
- Loss of visual amenity
- Located a significant distance from schools, shops & the GP surgery
- Boundary definition to listed building will be lost
- Insufficient parking
- Development will change character of Fairfield Close
- Site should be closer to the village.
4. **Assessment**

4.1 The site is located at the northern edge of Long Stratton and to the east of the A140, outside but adjacent to the development boundary between the the listed building known as ‘The Old Parsonage’ and the end of the cul-de-sac ‘Fairfield Close’. The 0.5 hectare site comprises rough scrubland surrounded by a thick belt of mature well established trees to the northwest, southwest and southeast boundaries. Previously part of the garden of ‘The Old Parsonage’, the site has been vacant for many years. The surrounding development forms part of the ‘Churchfields’ estate, and comprises 2 –storey residential development of standard appearance and construction, and has an adopted road ending in a hammerhead adjacent the site.

4.2 The application proposes 11 affordable homes to meet local need comprising 1 and 2 bed flats and a range of 2 & 3-bed family houses. Access to the development would be from Fairfield Close.

4.3 The proposal would result in dwellings being located outside the development boundary, contrary to policy ENV8 of the South Norfolk Local Plan. However, where affordable housing is proposed to meet a specific local need, JCS Policy 17 allows a departure from the general presumption against new development in the open countryside, particularly where sites are adjacent to villages and are in sustainable locations.

4.4 Recent national policy guidance set out in PPS3 (Housing) revised June 2010, gives further justification for providing for affordable housing in rural communities. Par. 30 from PPS3 states that *the aim should be to deliver high quality housing that contributes towards the creation and maintenance of sustainable rural communities in market towns and villages*. Par. 38 expands on this, stating that *Local Planning Authorities should (in planning for sustainable development)...take into account...the need to provide affordable housing in rural areas, not only in market towns and local service centres, but also in villages in order to enhance and maintain their sustainability. This should include, particularly in small rural settlements, considering the relationship between settlements so as to ensure that growth is distributed in a way that supports informal social support networks...*

4.5 JCS Policy 14 allocates Long Stratton as a ‘key service centre’, and is therefore considered to have a range of facilities meeting local and wider needs, along with good transport connections. Taking this into account, I consider Long Stratton to be a sustainable location for development.

4.6 JCS Policy 17 requires local housing need to be demonstrated to the satisfaction of the Council. The Housing Strategy Manager has confirmed that the scheme can provide 11 much needed new affordable homes for the village of Long Stratton, comprised of a pleasing and comprehensive property type and tenure mix (1 and 2-bedroomed flats and a range of family houses) all of which will be able to meet the affordable housing needs of local single households, couples and families. Furthermore, each home will be protected in perpetuity to ensure it is made available first and foremost to households who have a local connection to Long Stratton and who are in need of affordable housing, and also that the homes remain affordable in perpetuity.

4.7 I acknowledge several residents’ views that this type of development should be provided on an allocated site through the LDF process, however this site is available now, is deliverable in the short term, is in a sustainable location, and will go some way in meeting a current local housing need ahead of the site allocation process. Although outside the development boundary, I have concluded that for the above reasons, the application accords with JCS Policy 17 and is therefore acceptable in principle.
4.8 The remaining issues to be considered are:
- Design, layout & impact on the character of the area;
- Highway Impact, and;
- Impact on residential amenity.

Design, layout & impact on the character of the area

4.9 The overall design approach to this scheme has arisen through the need to preserve the existing mature trees at the edge of the site, and to minimise any overlooking impacts to the neighbouring development. The desire to create a highly sustainable and energy efficient development has led to a more contemporary approach to design both in terms of appearance and construction. Saffron’s aspiration is that the homes will achieve Code for Sustainable Homes Level 4 (out of 6).

4.10 Both the root protection zones and the shadow zones of the trees have been taken into account, resulting in a scheme that also allows for public access to them, a benefit to the community. In the main, dwellings have been angled to face towards the tree belt giving a very open feel to what is in itself a fairly high density development (having a developable area of 0.25 hectares). The scale of the development (2-storey) is considered to be in-keeping with the surrounding development, including the listed building to the north of the site. The character and setting of this listed building has been taken account of in the design of the development, both in terms of scale and in the use of white render to some of the properties, complimenting the use of white brick and render in the listed building.

4.11 The scheme has been assessed against the Building for Life criteria, as required by JCS Policy 2, and has scored 16.5 out of 20 achieving a ‘Gold Standard’. More specifically, the scheme contains forms of buildings and compositions of elevations that are well ordered and attractive, creating a bespoke development with its own character. It is acknowledged that the adjoining development to the south is more traditional in appearance, however I feel that taking into account the context of the site, being surrounded on three sides by mature trees, the development can be accommodated without significant detrimental impact on the character of the area and the setting of the listed building to the north.

4.12 In light of the above, I have concluded that the scheme accords with JCS Policies 2 & 3 and saved local plan policy IMP15.

Highway Impact

4.13 I note that many local residents have raised concerns in respect of the impact of additional cars and traffic movements from the proposed development. I appreciate that the roads within the existing estate do appear narrow, however Field Acre Way and Fairfield Close have a 4.8m wide carriageway plus footpaths, and beyond the junction with Churchfields Road currently serve 88 dwellings. NCC: Highways advise that their adopted guidance states that a road of this standard can serve 100 dwellings via a single point of access, and therefore an objection to the development on highway grounds can not be substantiated.

4.14 It is the view of NCC: Highways and myself that the volume of traffic generated by a development of 11 dwellings would not result in a material increase in traffic from this estate on to the A140. Each dwelling will have 2 parking spaces, which is considered adequate for 1, 2 & 3-bed properties.

4.15 The impact of construction traffic is also an important point raised by residents, and I have discussed this issue with the applicant. They have suggested that construction delivery times could be restricted to outside commuter school drop-off and pick up times e.g. 9am – 2:30pm, a time when the roads are not busy. The works traffic flow will also be managed on a daily basis as part of the ‘Considered Constructors Scheme’. With the agreement of the applicants I propose that restricted delivery times can be secured by condition, along with the requirement for the submission and agreement of a Construction Traffic Management Plan and wheel washing facilities.
4.16 In light of the above I have concluded that the proposal accords with saved policy IMP8 of the South Norfolk Local Plan.

Impact on residential amenity

4.17 The presence of the mature trees to the southern boundaries of the site help to minimise the impact on the existing residential amenity of the neighbouring properties to such a degree, that for a good proportion of the year the dwellings will barely be visible. The impact of the development is further limited by the fact that no neighbouring dwellings fronts directly onto the site, with the nearest dwelling’s side elevation being no.12 Fairfield Close, approx 22 metres away from proposed plot 6. No existing properties will be directly overlooked, and due to the generous separation distances between dwellings, the intervening landscaping and the scale and design of the built form, the development will not be dominant or overbearing. The issue of property de-valuation raised by several residents is not a planning matter.

4.18 Taking the above into account I have concluded that the application accords with saved policy IMP9 of the South Norfolk Local Plan.

5. Reasons for Approval

5.1 The proposal represents a well designed and sustainable development that meets a local housing need. The design, layout and scale of the buildings are appropriate for their context, and will not have a detrimental impact on the setting of the listed building to the north of the site, nor the character and appearance of the area in general. Furthermore, the scheme is acceptable in terms of highway impact and will not adversely impact the amenities of neighbouring residents. The scheme therefore accords with Policy 2 of the Joint Core Strategy - March 2011, and saved policies IMP8, IMP9 and IMP15 of the South Norfolk Local Plan 2003.

Contact Officer, Telephone Number Gary Hancox, 01508 533841, and E-mail: ghancox@s-norfolk.gov.uk
Comments of Committee Requested on Application within Adjoining Authority

2. Appl. No : BA/2012/0005/FUL
Parish : DITCHINGHAM

Applicants Name : Mr Andrew McMurtie (P J Livesey Country Homes (Eastern) Ltd)
Site Address : The Maltings, Pirnhow Street, Ditchingham, NR35 2RU
Proposal : 92 houses and 13 residential apartments with 216 car parking spaces. All buildings and ancillary structures on the North side of Alma Beck to be demolished with the original silk mill building to be retained and converted

Recommendation : That members resolve to support the application subject to the inclusion of an affordable housing 'claw back' provision in any S106 legal agreement, should the future financial viability of the scheme permit.

1. Planning History

1.1 2001/1384 Conversion of former maltings building to provide 54 Approved residential units and 64 sheltered housing apartments

2. Consultations

2.1 Parish Council : Support.

2.2 District Member : Strongly support the proposal. Although it is disappointing that the scheme can not include affordable housing, it is accepted that the commercial arguments put forward indicate that this is not possible. It is noted that locally, the overwhelming views expressed by residents have been very supportive of the proposed scheme.

2.3 SNC: Environmental Services : To be reported.

2.4 SNC: Design Architect : To be reported.

2.5 SNC: Housing Strategy & Enabling Team : Remain supportive of the proposals, although from our perspective we hope that S106 contributions include attributed funding to enable some on-site affordable housing delivery.

3. Background & Assessment

3.1 The derelict former maltings buildings at Ditchingham have for many years formed an imposing feature on the landscape adjoining the Yarmouth Road and Ditchingham Dam. Many attempts over the years have been made to secure the redevelopment of the site, but for various reasons, the site has been left untouched and allowed to fall into a very dilapidated state. A site location plan is attached as appendix 1.

3.2 A new owner of the site is now looking to secure a planning permission for residential development, and an application for its redevelopment has been submitted to the Broads Authority, who is the local planning authority for land within the Broads. A layout plan and example elevations are attached as appendix 2.
3.3 Although the site is predominantly within the Broads Authority executive Area, there is a small strip of land adjacent to the A143 which is situated within executive area of South Norfolk District Council. Although no residential development is proposed within this area, it will contain a small amount of parking and landscaping.

3.4 The Broads Authority asked South Norfolk Council if we would be prepared to delegate the processing and determination of any planning application that is submitted for the development of this site to the Broads Authority, taking into account the fact that the majority of the site is within the Broads Authority’s area, and that land within South Norfolk’s area is only to be used for parking and landscaping. The Development Control Manager agreed to the delegation of planning powers in this instance, on the basis that the Council will still be able to comment on any planning application and be involved in negotiation of the S106 legal agreement.

3.5 As South Norfolk Council is only a consultee in respect of this application, I have limited my assessment to the key issues that I feel the Broads Authority need to take into account during its determination. These issues are:

- The principle of the development
- Design & layout
- Noise, contamination & air quality
- Affordable housing provision

**Principle of development**

3.6 Further to its adopted Core Strategy, the Broads Authority has produced a draft Development Plan Document policy, which allocates the site for either of the following development:

a) housing development which secures the refurbishment of the silk mill building, and includes landscaping, open space for residents, and interpretation of the history of the site; or

b) renewed use for industrial purposes of the existing built upon part of the site only.

3.7 It is pleasing to see that the proposed development accords with part (a) of this draft policy. Although a development of 105 units seems large for such a rural location, it has to be remembered that a previous planning approval in 2003 permitted 118 dwellings on approx. two-thirds of the site. The scale and amount of the previous/current buildings on this site leads me to believe that the site can accommodate the significant development proposed. Along with the majority of local residents, the Parish Council, and the local member, I agree that the redevelopment of the site for housing of the type and scale proposed should be supported.

**Design, layout & highway impact**

3.8 The applicants state that the overall strategy is to create a well mixed, safe and accessible development that will enhance the character and the visual quality of the area. The repair and restoration of two of the original malthouse buildings will maintain a heritage link to the past history of the site and its association to the village.

3.9 The design, scale and massing of the scheme reflects the original malthouse buildings, as well as providing two-storey cottage style dwellings at the west end of the site, reflecting the style of the older dwellings in Ditchingham Dam. The proposed housing mix reflects the need for small ‘starter homes’ as well as larger family homes.
In terms of sustainability, the applicants have submitted an energy statement and a sustainability appraisal that explains how the dwellings will achieve Code Level 3 for Sustainable Homes, which accords with the policy requirements of the Broads Authority. I am satisfied that the proposals adequately achieve the stated aims of the scheme.

Importantly, the existing vehicle entrances from Ditchingham Dam and from Pirnhout Street will be widened to provide for improved visibility and pedestrian safety. The proposals also accommodate all resident’s and visitor parking within the site, and provide for two car parking spaces per dwelling. This approach accords with that of the Joint Core Strategy and the South Norfolk Local Plan in requiring a high quality development that maintains safe and free flowing traffic on the highway network.

Noise, contamination and air quality

SNC: Environmental Service officers have undertaken a noise screening assessment and concluded that changes in road traffic noise as a result of the development will not be significant. Double glazed windows to the north elevations of the proposed dwellings and the retention of trees and the provision of fencing along the boundary of the site with Yarmouth Road would also help to minimise the potential for noise issues for future occupiers.

An air quality screening assessment is also currently being undertaken by officers of Environmental Services, and initial indications are that existing air quality conditions are unlikely to form a constraint to the future development of the site.

Affordable housing provision

The applicants have submitted an affordable housing statement and proposed S106 legal agreement heads of terms to the Broads Authority. This is attached as appendix 3 to this report. Disappointingly, the financial appraisal of the viability of the site concludes that the development will not support significant financial contributions towards the provision of on-site affordable housing. However, limited monies available are being offered towards the provision of community facilities, including those provided by the Parish Council village hall, and the Pavilion Sports & Social Club.

It is acknowledged that the design of the scheme allows for lower cost housing, however I would recommend to members that any S106 agreement entered into for the this scheme should include a ‘claw back’ provision, that allows for the on-site provision of, or a financial contribution towards affordable housing within Ditchingham, and/or the wider District. This provision can be administered through a financial review of the scheme at specific points during the construction and occupation of the development.

Officer Recommendation

That members resolve to support the application subject to the inclusion of an affordable housing ‘claw back’ provision in any S106 legal agreement, should the future financial viability of the scheme permit.

Contact Officer, Telephone Number and E-mail: Gary Hancox, 01508 533841, ghancox@s-norfolk.gov.uk
THE FORMER MALTINGS SITE,
PIRNHOW STREET, DITCHINGHAM, NORFOLK

PROPOSAL TO CREATE 92 HOUSES
13 RESIDENTIAL APARTMENTS
216 CAR PARKING SPACE

Total 105 dwelling units

AFFORDABLE HOUSING STATEMENT

and draft S106 Heads of Terms

on behalf of
P J LIVESEY COUNTRY HOMES (EASTERN) LTD

December 2011
Ditchingham Maltings

Affordable Housing Statement and S106 draft Heads of Terms

December 2011

Background
Country & Metropolitan Homes, as part of the Gladedale Group, achieved a full planning permission for the redevelopment of the maltings site in 2003 (ref: 07/01/1384). The applicants, PJ Livesey Country Homes (Eastern) Limited, have now exchanged contracts for the purchase of the property, subject to planning permission.

To ensure that the development provides a realistic and viable way of safeguarding the long term future of this prominent derelict site, the scheme proposals have been based on the need to provide a mix of units that will be saleable in this location, including new-build houses and apartments, together with houses and a small number of apartments within the few industrial buildings that are capable of refurbishment and conversion.

Since first appraising the property for the purposes of formulating a land value that would provide a basis for negotiation with the vendors, the applicants have taken advice from local estate agents and their advice has informed the scheme proposals throughout the design process. The applicants therefore believe they have provided the best mix of accommodation for the site, given the present severe market constraints.

Affordable Housing Providers
The applicants carried out early consultation work with the Registered Social Landlords (RSLs) recommended by South Norfolk Council. Saffron Housing Trust, Places for People, Orbit Housing and Hastoe Housing Group were all approached regarding the potential affordable housing provision at Ditchingham Maltings.

Whilst the HCA grant funding has recently been allocated to each RSL, they are only permitted to use this funding towards ‘windfall’ sites. Ditchingham Maltings therefore falls within their regular funding programmes, where available funding reaches approximately 50-60% of Open Market Value whether on a shared ownership or rented basis. For example, Saffron Housing were prepared to offer £70,000 for a new build two bedroom apartment. The OMV of this apartment would be approximately £130,000. Saffron’s offer equates to 54% of OMV.

Viability Appraisal
The complexity of Ditchingham Maltings, including severe dereliction, substantial abnormal costs and relatively low sales values results in a very sensitive viability. Throughout the design process the viability has been tested on a number of occasions as new and costly issues have been uncovered, such as the need for piled foundations.

With RSL purchase prices at 50-60% of OMV, the fragile viability of Ditchingham Maltings cannot provide affordable housing and at the same time remain commercially feasible. As a result, the applicants considered discounted market housing, however the viability cannot provide for this either.

In both cases the viability is not commercially feasible with 100% private housing. The provision of either affordable housing or discounted market housing only makes a ‘high risk’ situation worse. The fragility of the viability is such that the applicants will need to privately fund the site in the initial stages of redevelopment until a commercial funding partner can be satisfied.
Recognising the need for affordable housing in some form, the applicants have carefully designed the range of housing to minimise sale prices across the site. This has resulted in efficient one and two bedroom apartments, and two bedroom mews houses, all of which will be affordable to the general public. Where practical, the applicants will consider offering their own 'in-house' shared equity scheme or, if available, a partnership scheme such as HCA FirstBuy.

**Draft Heads of Terms for S.106 Legal Agreement**

The infrastructure, service and amenity requirements arising from new development are set out in Norfolk County Council's adopted Planning Obligations Standards. This statement incorporates Draft Heads of Terms (see appendix below) as the basis for a Section 106 legal agreement between the applicant and the Broads Authority.

It is the applicants' preference, after talking with local people, that the limited financial contributions that could be made available to support this development should be used to provide direct benefits to the existing community in Ditchingham.

Within the available financial contributions the applicant is willing to support affordable housing (commuted sum), local primary school and library provision, the British Legion (gift of inscribed bricks from WWII), the Maltings Pavilion Sports and Social Club (improvement to recreation facilities at Pinhow Street), and Ditchingham Parish Council (improvement to community facilities in the village hall).

The applicants accept that the Broads Authority and their advisers will enter into discussions with both Norfolk County Council and South Norfolk District Council to allocate the limited financial contributions available from the development.

As part of the development proposals, the applicants will be making substantial improvements to highway safety on Ditchingham Dam and Pinhow Street, creating a new access across the site to Alma Bridge, to encourage healthy lifestyle choices and access to the wider countryside, and introducing measures to significantly improve the biodiversity value of the site. The landscape proposals will include informal amenity areas, a play area and a bridleway route, where opportunities will be provided for wild plant foraging. The applicants proposals to create an estate management company, and to implement a habitat management plan, could be included in the draft S.106 agreement.

**Conclusions**

The submitted financial appraisal demonstrates that the viability on this site is marginal; the applicants have discussed the figures with the Broads Authority and their advisers to ensure that the estimates for preparatory work, site clearance, building construction and external works are acceptable.

The agreed appraisal has been used to demonstrate that the proposed development will not support any significant financial contributions towards the provision of on-site affordable housing, regrettable though this may be.

The applicants have already expended a considerable outlay on site investigations and specialist advisers' fees and is taking a very high risk, in an uncertain economic climate, by proceeding with the proposed redevelopment scheme. They will however be willing to make financial contributions, to be determined by the Broads Authority through the viability appraisal, towards the provision of community facilities in and around Ditchingham, subject to a S.106 legal agreement with the Broads Authority. Suggested draft Heads of Terms are appended to this statement (see below)
APPENDIX A Ditchingham Maltings Planning Application

Draft S106 Heads of Terms

Parties
- P J Livesey Country Homes (Eastern) Limited (Applicant)
- Gladedale (Anglia) Limited (Owner)
- Broads Authority (Planning Authority)
- Norfolk County Council (County Council)
- South Norfolk District Council (District Council)

Site
Ditchingham Maltings, Pimnhow Street, Bungay NR35 2RU.

Development
- 105 dwelling units, comprising 92 houses and 13 apartments, 216 car parking spaces, landscaping and highway works, and associated infrastructure.

Financial Contribution
Within the available financial contribution (to be agreed with Broads Authority) the Applicant is willing to support affordable housing (commuted sums), local primary school and library provision, the British Legion (gift of inscribed bricks from WWII), the Maltings Pavilion Sports and Social Club (improvement to recreation facilities at Pimnhow Street), and Ditchingham Parish Council (improvement to community facilities in the village hall).

The Applicants accept that the Broads Authority and their advisers will enter into discussions with both Norfolk County Council and South Norfolk District Council to allocate the financial contribution available from the development.

Environment
On or before occupation of the first dwelling the Applicant covenants to implement an estate management scheme for the public open space and biodiversity areas on the site to include the new play area, management of existing and new trees, hedges and vegetation, landscaped areas and a new access route to Alma Bridge. The management plan will incorporate a habitat management scheme for the protection of wildlife.

Highways
The Applicants will be making substantial improvements to highway safety on Ditchingham Dam and Pimnhow Street, including a new pedestrian footbridge by Ditchingham Dam, new pedestrian footpath along Pimnhow Street, and creating a new access through the development to Alma Bridge.

Fire Service
The Applicant will install two fire hydrants on the site at a cost of £1,604, the timing of which will be agreed with the Planning Authority.

Monitoring Charge
£600 payable on commencement.

Repayment
If within five years the Financial Contribution has not been spent then the Contribution will be returned to the Applicant together with any interest due.
Application on Land Owned by South Norfolk Council

3. **Appl. No**: 2012/0070/CU  
   **Parish**: ASWELLTHORPE

Applications Name: Mr David Naunton  
Site Address: Land to rear of 94 The Street, Ashwellthorpe, Norfolk, NR16 1AA  
Proposal: Change of use from amenity land to vehicular access

Recommendation: Approve with conditions

1. Full - Planning Permission Time Limit  
2. In accordance with submitted drawings  
3. New Access - Construction over verge

1. Planning Policies

1.1 Joint Core Strategy  
   Policy 2: Promoting good design

1.2 South Norfolk Local Plan  
   LEI 8: Loss of recreational or amenity land  
   IMP 8: Safe and free flow of traffic  
   IMP 9: Residential amenity  
   IMP 10: Noise

2. Planning History

2.1 2008/1664 Part demolition of shop and change of use to provide single 3 bedroom bungalow including stopping up of the existing lay-by for use as front garden. Refused

2.2 2002/2236 Change of use from amenity land to vehicular access Approved

2.3 1983/1247 Erection Of Extension. Approved

3 Consultations

3.1 Parish Council: None received

3.2 District Member: To be reported if appropriate

3.3 NCC Highways: No objection subject to conditions

3.4 Local Residents: 3 letters of objection
   - Will result in loss of part of amenity land and section of lay by
   - Lay by used by many residents and their visitors
   - Applicant has an existing pedestrian access serving his house from Knyvett Green
   - Address of applicant is off The Street, and access should be taken from there. There is existing lay by, parking and car port for the property off The Street.
4  Assessment

4.1 The application is for the provision of a vehicular access from Knyvett Green to serve No 94 The Street. In order to provide the access it will be necessary to change the use of part of an amenity area and alter the kerb line of the existing lay by.

4.2 The property is located within the Village Boundary for Ashwellthorpe and is bordered by residential properties. The access will cross a grassed amenity area and will result in the loss of approximately 2m of this area to provide the access. Policy LEI8 of the Local Plan seeks to safeguard such areas and sets out that permission will only be granted where it affects only a small part of the site and does not prejudice the sporting or other recreational facilities on the site.

4.3 Members will note that planning permission was granted for the provision of an access in this location under reference 2002/2236. The submitted details are as previously approved, and while the local plan has been adopted since the previous application, the policy was a material consideration in 2002. I consider that the amount of amenity area which will be lost as a result of the development does not adversely affect the character of the area and is not materially different to when it was previously approved.

4.4 Concerns have been raised that the proposal will resulting a loss of parking for properties on Knyvett Green and that the property already has a parking area, driveway and car port served off The Street. The proposal will necessitate the realignment of part of the lay by on Knyvett Green so that the access point is square to the road. This will resulting the loss of approximately 3m of the lay by, however the Highway Authority consider that due to the position of the access point, that this reduction will not significantly impact on the use of the layby. The layout is as previously approved.

4.5 The driveway will pass along the side of No 10 which incorporates 2 ground floor and a first floor side facing windows. There is a close board fence along the boundary and while there will be some disturbance from vehicles passing along the side boundary, given the planning history for the site I do not consider that it is sufficient to justify refusal of the application.

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 Policies LEI8, IMP8 and IMP9 of the South Norfolk Local Plan.

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

4 Appl. No : 2011/1636/H
Parish : SHOTESHAM

Applicants Name : Mr A Harmer
Site Address : 2 Upgate Cottages, Brooke Road, Shotesham
Proposal : Single storey pitched roof extension to the rear

Recommendation : Approve with conditions
1 Full Planning Permission Time Limit
2 In accordance with submitted amendments
3 Matching Materials
4 No additional windows
5 Roof light to be obscure glazed
6 Retention trees and hedges

1. Planning Policies

1.1 Joint Core Strategy
Policy 2: Promoting good design

1.2 South Norfolk Local Plan
IMP 2: Landscaping
IMP 9: Residential amenity
HOU 14: Extensions to dwellings in the open countryside

2. Planning History

2.1 2011/0654 Single storey extension to rear Refused
2.2 2007/1885 Change of use from storage and distribution to motor repair workshop Approved
2.3 2006/1178 Change of use from domestic garage to storage and distribution for car parts (mail order business) Approved
2.4 1998/1089 Erection of 2 storey rear extension and domestic garage Approved

3. Consultations

3.1 Parish Council : Comments on original plans
Approved - subject to receipt of revised plans with correctly scaled drawings for the proposal
Comments on latest amended plans
Approved – changes to the last official set of plans are relatively minor and positive. Request longer consultation period for revised plans in future

3.2 District Member : To be determined by Committee
• concerns regarding neighbour amenity
3.3 Local Residents: 3 letters of objection from one property
- Inaccuracy of the submitted drawings
- Timescale for response to corrected drawings
- Scale, bulk and proximity to boundary have an adverse impact on the residential amenity of the adjoining occupier and do not address the earlier reasons for refusal
- Incongruous design of extension
- The combination of the proposed addition and the existing two storey element will result in a loss of light and does not comply with the 45 degree rule which is considered to be planning good practice
- Contrary to policy IMP 9
- Design of extension not subordinate to the existing dwelling and contrary to policy HOU 14
- Concern that the hedge will not survive the development process
- No justification for the velux roof light
- Inadequate information regarding surface water drainage and electricity supply
- Loss of outlook
- Algae contamination on paving slabs will be a safety risk
- Excessive volume of buildings immediately adjacent to and in full view of objectors property

4. Assessment

4.1 This application seeks to add a single storey extension to the rear of a semi-detached cottage located in Brooke Road, Shotesham. The extension has a hipped lean to roof and is set in from the mutual site boundary which is marked by hedging. The dwelling has been extended in the past and has an existing two storey rear extension leading from the main ridge of the property on its north eastern side projecting 6.4m. The property is set in an open countryside location in an area with a limited number of residential properties.

4.2 In 2011 a single storey rear extension to the application site was refused under reference 2011/0654. This design featured a larger addition than currently proposed with a longer rearward projection matching that of the existing two storey rear extension. This design was covered by a lean to roof projecting rearward from the back of the existing house offering a long shallow sloped design. This application had the highest part of the proposed addition directly adjacent to the rear window of the adjoining property and the design was considered to be un-neighbourly in terms of scale and form. This proposal is for a single storey rear extension with a slightly smaller rearward projection. The extension is again set in from the boundary and the roof design has been amended to a lean-to form sloping downwards from the existing rear extension with the eaves running parallel to the mutual site boundary. The end of the extension has a hipped form to further reduce the overall height of the roof in proximity to the boundary.

4.3 As originally submitted the plans for this revised application were inadequate. The plans did not scale correctly and had discrepancies between comparable measurements. The plans have now been corrected and are acceptable. A second shorter consultation period was undertaken on the finalised plans to allow comments to be made relative to specific scaled drawings, although the overall design and form of the extension has remained unchanged.

4.4 Three letters of objection have been received from the adjacent property. A number of these objections relate to inadequacies in the submitted plans which have now been clarified, together with some non-material planning considerations such as the location of surface water drainage pipes, electricity supplies, the loss of outlook (including that within 45 degrees of the rear of the property) and the potential growth in algae at the adjoining property.
4.5 The remainder of the points raised by the objector concern the size and scale of the extension, its compliance with policy, justification of the design, issues relating to the retention of the hedge. In relation to these concerns the applicant is not required by the planning system to justify the design as part of a householder application. The extension is considered to be subordinate to the existing property as it is set down relative to the main ridge and is a single storey design attached to a two storey dwelling. As such it complies with policy HOU 14.

4.6 Regarding policy IMP 9 the proposal is considered to accord to this policy as the proposal does not overlook or have a material impact on the residential amenity of the adjoining occupier. In terms of overshadowing it is not considered that the extension would materially harm the adjacent property. The extension has a lean to roof sloping away from the boundary with a hipped design reducing the bulk of the roof considerably. The ground floor window of the adjacent property is within a dual aspect room which already experiences some shading from the existing two storey extension at the application site and it is considered that the additional extension would be set within the existing shade created by this addition and as such would not increase the amount of shading experienced to a material degree.

4.7 The application is therefore recommended for approval subject to conditions including those for the retention of the boundary hedging, the restriction of new openings and to control the proposed roof light.

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 Policy HOU14 of the South Norfolk Local Plan.

5.2 The development is considered to accord with the above policies as the dwelling has a lawful permanent residential use and the extension has been designed to be subordinate to the dwelling and to respect its landscape setting.

Contact Officer, Telephone Number Helen Cross, 01508 533780, and E-mail: hcross@s-norfolk.gov.uk
### Planning Policies

1. **National Planning Policy Statement 5 – Planning for the Historic environment**
2. **Joint Core Strategy**
   - Policy 1 Addressing climate change and protecting environmental assets
   - Policy 2 Promoting Good Design
   - Policy 5 The Economy
3. **South Norfolk Local Plan**
   - IMP 9: Residential amenity
   - IMP 10: Noise
   - IMP 13: Alteration of Listed Buildings
   - IMP 18: Development in Conservation Areas.

### Planning History

2.1 **2003/1190/LB External repairs and redecoration** Approved

### Consultations

3.1 **Town Council**
   - Approve
     - Subject to views of Conservation Officer

3.2 **District Member**
   - To be determined by Committee
     - Possible detriment to residential amenities,
     - Development in Conservation Area
3.3 English Heritage : Support the reinstatement of the first floor to function room which will increase the use and viability of this hugely important building. No objection to the regularisation of the covered decking area in the rear yard.

3.4 Conservation Officer : The internal alterations to the first floor will reinstate the original large room which will greatly improve the internal character of the building.

Subject to amended plans to ensure that the proposed shelters are below the existing boundary wall then these will sit comfortably in the rear garden with no adverse impact on the character of the listed building and wider conservation area.

3.5 Environmental Services : Comment regarding potential for disturbance from music activities in external area. Recommend conditions.

3.6 Local Residents : 2 letters of objection received on original scheme

- Accept inevitable nuisance a public house can create we believe the level of disturbance presently experienced is in danger of becoming entirely out of proportion to its situation in a largely residential conservation area within the precincts of Wymondham Abbey.
- Proposal for development within the grounds would facilitate the use of the area for the sale of alcohol and live music.
- Proposed garden shelter appears to extend above the existing boundary wall. How will this void between the roof of the shelter and the garden wall be treated?
- Existing noise levels last summer already distressing therefore suggest restricted use of garden shelters until 10.30pm, with complete cessation of use (including clearing of crockery and glasses) by 11pm.
- The decking acts as a sounding board for noise and substantially increases the proposed level of the roof above the wall, and further emphasises our anxieties regarding any change to the present licence.
- The garden shelters will further extend the comfortable use of the garden, the nuisance this will create and perhaps should lead to a revision of the current licensing hours.
- Currently there is light and smell pollution which is likely to be exacerbated by the creation of a function room.
- Accept that the function room will require emergency access but trust that the present route down the stairs to the garden will be used solely for this purpose.

1 letter of objection on amended proposal for the reduced height of the garden shelters,
- maintains objections relating to the disturbance from customers into the evening.

1 letter received removing objection if:
- the roof slopes away from the rear boundary wall,
- that the use of the fire escape is for emergency use only, and
- that there is no amplified music in the garden.
4. **Assessment**

4.1 The proposal is for the internal alterations to convert the B & B rooms at first floor back to a function room, alterations to an internal wall on the ground floor kitchen, retention of the decking at the rear of the beer garden and for the erection of two garden shelters, one of which is to cover the existing decking.

4.2 The property is a Grade II* listed building, within the conservation area and within the Development limits of Wymondham. The site is outside the Primary Shopping Area, but within the Central Business Area. It is joined on three sides by residential properties and part of an office building at 4a Church Street.

4.3 The proposal is assessed against the principles of Policy 5 of the Joint Core Strategy which seeks to promote the economy in both urban and rural areas. Policy 1 of the JCS and Policies IMP13 and IMP18 of the South Norfolk Local Plan seek to ensure that all development and alterations to listed buildings and within Conservation areas have regard to the special architectural character of the building, its setting and preserve or enhance the conservation areas. Policies IMP9 and IMP10 of the Local Plan seek to ensure that development has regard to the residential amenities and privacy of neighbouring properties.

4.4 Planning permission was granted in 1989 for the change of use of the first floor restaurant to 3 bedrooms with en-suit bathrooms and change an existing garage into a restaurant. The current application is to convert these bedrooms back into a function room which will allow the existing character of the room to be re-instated which includes a fireplace on the north west wall.

4.5 At ground floor level, the proposed alteration to an internal wall in the kitchen will allow the boiler and water tanks to be separated off from the main kitchen, and allow better circulation space for the kitchen/store room. The internal revisions proposed are supported by the Council’s Conservation Officer and English Heritage and I consider that these works respect the character and historic integrity of the building.

4.6 With regard to the potential of noise disturbance from the function room to the adjacent neighbours, there are no windows on the north east elevation closest to the neighbouring residential property (No 4 church Street) and with the exception of the fire escape there are no openings on the north west elevation. Part of the building adjacent to the function room (No4a Church Street) is a commercial premises, however, from discussion with the applicant the function room is likely to be let for training, meetings and functions of this nature during the day, with parties etc more likely to take place in evenings/weekends which will not conflict with the use of the adjacent office building. However, I do not feel it necessary to control this use by way of condition.

4.7 I note that from the platform of the fire escape it is possible to look over the boundary wall into No 4, however, if the use of this escape is restricted to that of emergency use only and for staff who will need to attend the fireplace and bar, then I consider that the potential of overlooking and loss of privacy to the neighbouring properties will be minimal and not result in an unacceptable loss of privacy.

4.8 I understand from the applicants that the fire escape was previously used by occupants of the B & B rooms and the intensification of use for this proposal will not be more than previously experienced. I consider that the proposal to convert the first floor back to a function room subject to the suggested condition to restrict the use of the fire escape is unlikely to result in any significant loss of residential amenities to the adjacent neighbouring properties, while improving the vitality and viability of the existing premises.
4.9 Comment has been made verbally regarding the light on the building above the fire escape and its impact on the bedroom window of No 4, however, I understand that this has to remain in this position and at this level of illumination to meet the requirements of fire regulations for the emergency exit.

4.10 The scheme also includes the retention of the decking which has been installed in the beer garden and runs the entire length of the rear boundary wall. A section of the decking is already covered by an existing 6 metre mono pitch roof. This is situated in the corner of the site and is against the rear wall and the boundary wall of No 4 Church Street, this portion of covering is to remain in situ. The height of the rear and side boundary wall measures approximately 2.8 metres.

4.11 The scheme for the garden shelters as originally submitted proposed a pitch roof over the remaining length of the decking, but did not cover the entire width. The height was proposed to be 3.3 metres and projected above the boundary walls. Concerns were raised regarding how the gap between the roof and the wall of the shelter would be treated to prevent noise, light pollution and rubbish from spilling over into the neighbours garden.

4.12 Discussions have since taken place with the applicants and the agent to reassess the covered areas in the rear garden. Amended plans have now been submitted which provide a flat roof section above the decking which does not project above the boundary wall. The width of the roof has also been extended to cover the whole of the decking to ensure that it does not become slippery from rain for safety reasons.

4.13 The roof will slope from the boundary wall to the front and the guttering will be concealed behind the front fascia therefore improving the visual appearance of the structure within the setting of the listed building. Further plans detailing the cross section of this and the details for the disposal of the surface water have been requested. No issues have been raised by any party regarding the second flat roof shelter which is to be used for storage and situated on the south west boundary of the site. I consider that the design of these elements is acceptable in terms of the setting of the Listed Building and character of the Conservation Area.

4.14 The main issue relating to the covering of the decking relates to the potential for the increased use of the existing garden and the potential increase in disturbance to the neighbouring properties, compared to how this differs from the lawful use of the same garden area at present.

4.15 The beer garden prior to the installation of the decking was covered in grass, and uneven paved areas, with a range of picnic tables around the site. The licensing hours of use of the beer garden were and remain the same as the main pub Monday to Wednesday 10.00am to 11.30pm, Thursday to Saturday 10.00am to 12.30am and Sunday Noon to 11.00pm. The serving of alcohol ceases 0.30 minutes prior to the opening hours. There is no planning restriction on the hours of use.

4.16 The concern raised by neighbours is that the provision of such a large covered area will provide the opportunity to increase the use of the garden, beyond the time of year when beer gardens are most popular and increase the time into the evening that the garden will be used. It is also considered possible that the area will be used for music events thus further increasing the disturbance to the residential properties.

4.17 It has been suggested from one of the neighbours as a compromise that the garden should be closed earlier to reduce the noise to the neighbouring properties. Indeed it is acknowledged that the covered area will provide the opportunity for customers to sit outside later into the year than otherwise would be considered seasonal use of the garden and will concentrate the use of the garden against the rear wall of the adjacent properties.
4.18 The covered areas will be enclosed at the rear adjacent to the boundary wall which will project any noise back into the beer garden; the design of the covered area will also ensure there is no significant light pollution into the neighbour’s properties. I consider that later in the year, neighbours are unlikely to be using their garden areas as intensively and windows are more likely to be closed and therefore, on balance I feel that the level of additional disturbance to the neighbouring properties resulting from the proposed scheme would not justify refusal. In this instance I do not consider that a condition to control the hours of use within the garden is necessary, when considered against the existing lawful use of the garden, and the existing licensing hours.

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 Policies 1, 2 and 5 of the Joint Core Strategy and Policies IMP9, IMP10, IMP13 and IMP18 of the South Norfolk Local Plan.

5.2 The development is considered to accord with Policy 1 of the Joint Core Strategy and Policy IMP13 of the South Norfolk Local Plan as it has been designed to ensure that it would preserve the special architectural or historic interest of the building and not considered to result in significant detrimental impacts on the adjacent neighbouring properties.

Contact Officer, Telephone Number Jacqui Jackson, 01508 533837, and E-mail: jjackson@s-norfolk.gov.uk
Appl. No : 2011/1971/A
Parish : COSTESSEY
Applicants Name : Norfolk Showground Ltd
Site Address : Norfolk Showground, Long Lane, Bawburgh, Norfolk, NR9 3LX
Proposal : Erection of 6 advertising flags and 2 aluminium signs
Recommendation : Approve with conditions

1. Planning Policies
1.1 Joint Core Strategy
   Policy 2: Design
1.2 South Norfolk Local Plan
   IMP 8: Safe and free flow of traffic
   IMP 19: Advertisements
   IMP 23: Control of advertisements in the open countryside

2. Planning History
2.1 2011/0885 Alterations, extensions and upgrading of Exhibition Facility · Approved
2.2 2009/1406 Permission to run car boot sales for 40 weeks of a calendar year · Approved
2.3 2009/0581 Permission to run car boot sales for 40 weeks of a calendar year · Withdrawn
2.4 2003/0642 Change of use from showground to farmers market · Approved
2.5 2000/1841 Hotel, car parking, access roads, service areas and landscaping · Approved
2.6 2000/0722 Erection of toilet block · Approved

3. Consultations
3.1 Parish Council : In relation to the original submission
   Object:
   • Distraction to drivers
   • Already too many signs by the roundabout
3.2 District Member : To be reported if appropriate
3.3 NCC Highways : In relation to the original submission
   Amended scheme recommended
   • No objection to advertising flags
   • Signs are an unacceptable distraction to drivers
   • Colour of the signs is the principle objection
In relation to the amended proposal
No objection

- Colour of signs not as depicted in diagrams
- Main entrance sign not as obtrusive as originally proposed
- Retain some concerns about the size of the sign adjacent to the roundabout

3.4 Local Residents : No comments received

4. Assessment

4.1 The Norfolk Showground is an established site located outside the Development Limits of Costessey. The site is in use throughout the year and hosts a number of high profile events which draw visitors from a wide area. The site lies closest to the residential area of Easton.

4.2 The application is assessed against the principles of Policy 2 of the Joint Core Strategy and saved Policies IMP8, IMP19 and IMP23 of the South Norfolk Local Plan. These policies seek to ensure the safe and free movement of traffic and ensure that advertisements are appropriate in both scale and design.

4.3 The application was initially submitted for an aluminium sign measuring 2.44 metres by 3.05 metres and 6 flags at the main entrance as well as a further sign at the roundabout also measuring 2.44 metres by 3.05 metres. The base of each of the aluminium signs would have measured 0.6 metres above ground level, resulting in an overall height of approximately 3 metres.

4.4 As a result of objections raised to the initial proposal by both the Highways Officer and the Parish Council the applicant has sought to address some of these concerns by submitting revised proposals. The amended proposal includes a reduction in the size of the sign to be positioned at the entrance to the site (alongside the flags) as well as the relocation of the proposed sign at the roundabout.

4.5 In addition, the applicant has confirmed that the purpose of the proposed signs is to replace and reduce the existing temporary signage clutter in this location. Both signs would host changeable panels which would be used to advertise forthcoming events at the site. There are no changes proposed to the flags at the entrance of the showground and the colour of the signs has not been altered.

4.6 Updated comments from the Parish Council following the amendments have not been received at the time of preparing this report. Any comments subsequently received will be presented verbally to the committee.

4.7 The boundary of the site is marked by a plain chainlink fence. The entrance to the site is currently unmarked by corporate advertising signs for the Showground, although there is a small brown directional sign located on the opposite side of the road and temporary advertisements are often displayed for specific events. The hotel and public house situated opposite the application site are marked by separate advertisements.

4.8 The proposed aluminium sign at the entrance to the site has been reduced in overall height to 2 metres from ground level and in width to 2.6 metres. The sign would continue to be angled towards oncoming drivers, a matter of concern raised by the Highways Officer in the initial objection to the proposal, although he has noted that the reduced size of the sign would mean that it is less obtrusive to drivers.
4.9 The applicant has sought to address concerns that were raised regarding the position of the roundabout sign by relocating it to the Dereham Road exit from the roundabout. The roundabout sign would replace the existing blue aluminium sign currently displayed in the same location. The sign would measure approximately 3 metres in width and would be installed so that it appears to be no more than 2.4 metres above the highest ground level. However, due to the steep drop from the road towards the land to the rear, the visible aspect of the aluminium poles supporting the sign would vary in length. At the time of preparing this committee report full details relating to the length of the supporting poles has not yet been submitted, however this information could be secured by a condition. Although an objection has not been raised to the amended proposals, the Highways Officer has advised that he still has some concerns about the size of this particular sign.

4.10 The Highways Officer had previously expressed concerns regarding the colour of the proposed signs however the colour proposed is the corporate colour for the Showground and the applicant does not wish to amend this detail. It has been confirmed by the applicant that the shade of red as shown on the original submission is not a true representation of the proposed colour, which is darker in tone, as visible on an existing sign within the Showground and as noted in the subsequent comments from the Highways Officer.

4.11 The Highways Officer has not raised any objections to the flags proposed for the entrance to the site.

4.12 The entrance to the Norfolk Showground is currently not clearly marked and I consider that the proposed signage at the entrance to the site is appropriate for the high profile of the Showground and would clearly indicate the site entrance to visitors. Furthermore, the aluminium signs proposed for the entrance to the site, as well as on land adjacent to the roundabout, would enable the Showground to clearly advertise forthcoming events in a manner that is appropriate for the site whilst reducing the number of existing temporary signs around the periphery of the Showground.

4.13 I consider that the proposed signs are commensurate in scale and appearance for the entrance to the Norfolk Showground site and would not lead to undue distraction for driver, as confirmed by the Highways Officer.

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 saved Policies IMP8, IMP19 and IMP23 of the South Norfolk Local Plan. The signs would mark the entrance to this important leisure site and would result in a reduction in the number of temporary signs currently displayed around the perimeter of the site. The signs are considered to be commensurate in scale and appearance to the activities that occur on the site. Neither the flags nor the aluminium signs would result in undue distraction to road users and as such the proposals accord with the principles of those policies set out above.

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8. **Appl. No**: 2011/2044/O  
**Parish**: EASTON

Applicants Name: Building Services (Easton) Ltd  
Site Address: Building Services (Easton), Bawburgh Road, Easton  
Proposal: Erection of 4 dwelling houses on former builders yard

Recommendation: Approve with conditions

1. **Outline Permission Time Limit**
2. Submission of reserved matters
3. In accordance with submitted drawings
4. Slab level to be agreed.
5. Boundary treatment to be agreed
6. Provision of Visibility Splays - Dimensioned in Condition
7. Provision of Parking and Servicing Areas - Where shown on plan
8. Tree protection
9. Water Efficiency
10. Contaminated land – scheme to be submitted
11. Implementation of remediation scheme
12. Contaminated land during construction
13. PD rights removed – first floor windows

1. **Planning Policies**

1.1 **Joint Core Strategy**
   - Policy 2: Promoting Good Design
   - Policy 3: Energy and water
   - Policy 4: Housing delivery

1.2 **South Norfolk Local Plan**
   - EMP 7: The retention of rural employment and services
   - ENV 19: Tree Preservation Orders
   - HOU 4: Residential development within the defined Development Limits
   - IMP 8: Safe and free flow of traffic
   - IMP 9: Residential amenity

2. **Planning History**

2.1 2001/0368/F Extension to store/workshop (Revised version of previous approval 07/00/0239/F) Approved

2.2 2000/0239/F Extension to store/workshop, demolition of existing buildings and formation of new car-parking Approved

2.3 1987/1019/F Demolition Of Old Timber Workshop And Stores And Rebuilding With New Garage/Store. Approved

2.4 1987/0463/F Erection Of Ladder And Scaffold Pole Rack/Store. Approved

2.5 1986/2138/F Erection Of Ladder Store. Refused

2.6 1979/1590/O Erection Of Six Dwellings. Approved

2.7 1978/3527/O Residential Development. Refused

2.8 FH\11353\F New builder's office. Approved
2.9 FH\1861\1\F Erection of Bungalow, and use of land for future Approved
development in connection with business as Builder and Decorator.

3. Consultations

3.1 Parish Council : Refuse
- Over development of site
- Concern regarding loss of privacy and security of neighbouring properties
- Should be limited to 2 bungalows, not chalets
- Concern about access for emergency vehicles, parking for visitors and site drainage
Following revised drawings
- Revisions do not address concerns raised

3.2 District Member : To be reported if appropriate

3.3 NCC Highways : No objection subject to conditions

3.4 Environmental Services (Protection) : Comment regarding surface water drainage and contaminated land

3.5 Landscape Officer : Initially requested arboricultural assessment.
Following submission of assessment :
- To be reported

3.6 Public Right of Way : No objection

3.7 Local Residents : In relation to initial submission
8 letters of objection
- Existing dwellings are single storey. Proposed dwellings will result in overlooking
- Loss of light to neighbouring properties
- Substantial wall should be built on boundary with Marlingford Way to protect privacy
- Side facing windows should be limited
- Security of existing dwellings
- Damage and overshadowing from future planting
- Damage to adjacent properties from clearance of site and during construction
- Disturbance from construction and future use greater than from existing use
- Position of soakaways
- Access road is too narrow for cars to pass
- Blind bend in access and insufficient land to provide visibility onto the main road
- Any lighting to match that on Bawburgh Road
- No spaces for visitors vehicles
- Site level higher than neighbours land. Concern about overlooking
Following revised drawings
2 letter of objection
- removing habitable windows from the rear elevations of the buildings and extending ground floor space does not change the fact that these proposed dwellings are out of character with others in the area and will invade the natural light of surrounding properties
- reiterate previous comments and request details of boundary treatments

4. Assessment

4.1 The application is submitted in outline with all matters reserved for future approval however the design and access statement sets out the scale parameters for the properties and the means of access shown is the existing site access. In addition indicative drawings have been submitted which show the potential layout of the properties and the form of the dwellings.

4.2 The site is within the Development limit for Easton and as such the principle of residential development is acceptable. Policies seek to ensure that the scale and form of development is in keeping with the locality and that the proposal does not have a significant adverse effect on the outlook or amenity of neighbouring uses and is served by a suitable access.

4.3 The site is currently used as a builders yard and Policy EMP 7 seeks to retain rural businesses unless the buildings/land housing the business or enterprise are unsuitable for employment uses or are in a poor condition; the employment uses have had/are having a detrimental effect on residential amenity and the environment; there is adequate access available and adequate capacity in the local highway network to accommodate the associated traffic generation; and the retention of the site for employment use has been fully explored without success.

4.4 The agent has set out that since the builders yard was established in 1953, housing development has been permitted on the perimeter of the site and now results in an environment which makes a commercial use difficult. The early morning working practices of builders results in noisy activities and further disturbance during the day. He considers that the removal of the business would enhance the amenities of the neighbouring dwellings. The access is currently used by staff vehicles and for deliveries and collections which includes use by HGVs. The current business is relocating and given the above constraints no interest has been shown in the premises continuing for an employment use.

4.5 The site is bordered by residential properties, with properties to the north and south being predominantly bungalows and dwellings to the west being predominantly chalet bungalows. Fox Burrow and The Roost are traditional scale cottages while Myway is a bungalow. Properties on the opposite side of Bawburgh Road are chalets and bungalows.

4.6 The submitted details indicate that the properties would be chalets which would be similar in scale and form to properties on Bawburgh Road and Marlingford Way. The form of the properties has been amended to remove rear facing habitable room windows to address concerns relating to overlooking.

4.7 The layout of the dwellings have been orientated such that plots 3 and 4 along the south of the site have a ridge line which follows the orientation of the properties to the east, west and south. These properties will be seen from Marlingford Way as well as from the footpath to the south and from Bawburgh Road, however I consider that their form and massing is in keeping with the locality.

4.8 The properties will be approximately 21 m to the west of Myway and 18m to the north of Eddington Way. Following the removal of rear facing habitable room, I consider that the properties in this position will not be dissimilar to others in the locality and will not dominate the outlook of the neighbours or result in a significant loss of privacy or overshadowing,
4.9 Plots 1 and 2 along the north of the site have been positioned such that their gable elevations face Fox Burrow and 93 Marlingford Way respectively. Plot 1 will be 34m from the rear elevation of Fox Burrow, while plot 2 will be 16m from No 93. While these will be visible in the outlook of these properties, I consider that due to their orientation they will not dominate these properties or result in significant overlooking or overshadowing.

4.10 The properties to the north are both bungalows and have a high degree of privacy at present. The indicative design has been amended to remove first floor rear facing windows and on this basis I consider that the proposal will not overlook these properties. The proposal will be approximately 30m to the south of these properties and while they will result in some overshadowing, given the separation I do not consider that this is sufficient to warrant refusal of the scheme.

4.11 Plot 1 is located adjacent to a tree which is covered by a Tree Preservation Order. The dwelling has been positioned to be outside the root protection area and an arboricultural report has been submitted. The views of the Landscape Officer will be reported at Committee.

4.12 The Parish Council and neighbours have commented that they consider the development of 4 properties to be over development of the site. The area is characterised by a mix of densities and the development as proposed represents a density of 20 dwellings per hectare. Members will note that planning permission has previously been granted for 6 dwellings on the site and I consider that the scale, form and layout as proposed is not out of keeping with the locality.

4.13 The site will use the existing access which passes between Llanberis and Fox Burrows. While this will result in some disturbance from vehicle movements, given the existing use of the site and the associated traffic movements I consider that the use for residential will enhance the amenities of neighbouring properties. The submitted details show details of the visibility splays to Bawburgh Road and the Highway Authority has raised no objection 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 Policies 2 and 4 of the Joint Core Strategy and Policies EMP7, HOU4, IMP8 and IMP9 of the South Norfolk Local Plan as the development is within an existing settlement and the scale, form and character of the development has been shown to be in keeping with the locality without having a significant adverse effect on the amenities of neighbouring properties or highway safety.

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9. **Appl. No** : 2011/2046/F  
**Parish** : BURSTON

Applicants Name : Mr & Mrs Gerrard  
Site Address : Ivy Cottage, Mill Green, Burston  
Proposal : Demolition of existing residential structure. Construction of new residential structure and detached double garage and access onto Mill Road. New application to previous approval 2011/0071/F.

Recommendation : Approve with conditions

1. Planning Permission Time Limit  
2. In accordance with submitted drawings  
3. Water Efficiency  
4. New Access - Construction over verge  
5. Access Gates - Configuration  
6. Provision of Parking and Turning Areas

1. Planning Policies

1.1 Joint Core Strategy  
Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting Good Design

1.2 South Norfolk Local Plan  
HOU 11: Replacement dwellings  
IMP 8: Safe and free flow of traffic  
IMP 9: Residential amenity

2. Planning History

2.1 2011/0071 Replacement Dwelling Approved

3. Consultations

3.1 Parish Council : Approve  
3.2 District Member : Can be delegated  
3.3 NCC Highways : Approve with conditions  
3.4 Conservation Officer : No objection to demolition but note that while the replacement dwelling picks up on some elements of the neighbouring properties, the previous scheme related better to the neighbouring properties and sat more comfortably within the street scene.

3.5 Historic Environment Services : Considers the demolition of the building to result in the loss of a heritage asset.  
If approved request condition  
• Photographic and drawn survey.

3.5 Local Residents : 1 letter of support  
• Individually designed property would compliment existing surroundings
4. Assessment

4.1 The proposal is for the demolition of the existing cottage and its replacement with a two storey detached dwelling with garage. The site is outside the main village centre on Mill Road. The property is not listed, and not in a Conservation Area. A previous scheme for the replacement of this dwelling was approved in 2011 (2011/0071).

4.2 The proposal is assessed against the principles of policy HOU11 which permits the replacement of dwellings in the open countryside provided that there will be no increase in the number of dwelling on site, that the position within the plot is less obtrusive and that the scale, bulk and massing, design and landscape impact on of the proposed dwelling respect the scale and character of the existing site and its surroundings and in all these respects represents an improvement on the existing dwelling.

4.3 A previous scheme for the replacement dwelling was approved and therefore the principle of the demolition of the existing dwelling has been accepted. However, due to a change in circumstances the plot has now been sold and a revised scheme submitted.

4.4 Members will note that in respect of this application, comments have been received from Historic Environment Services. They have commented that they consider the demolition of the building will result in the loss of a heritage asset, probably of the early 19th century. It is requested that if consent is granted a condition should be imposed to require a programme of archaeological work which comprises a photographic and drawn survey of the building.

4.5 South Norfolk’s Conservation Officer has visited the site and carried out a careful and through assessment when the previous scheme was first submitted and has made an updated assessment on this application to assess the historical importance that the building makes to the area. The existing property has already been significantly altered and extended over the years. The gable end walls have been constructed so they project forward of the front wall line and this together with the inappropriate choice of brick provides a poor appearance as one approaches the site from the north and south sides.

4.6 The building is in need of a substantial repair programme for residential use. Although the render finish, traditional windows and clay pantile roof on the front elevation provide some historic character, the side and rear elevations reflect little of the character of the original house and the building has a particularly poor appearance in views from the rear garden.

4.7 The Historic Environmental Services (HES) were not consulted on either the previous scheme or this scheme and no comments were received from the HES on the previously approved scheme. While noting the request for the recording of the building, the officer has not visited the site or noted the state of the building as already commented on by South Norfolk’s Conservation Officer. For this reason I do not consider that there is justification to impose the additional condition which is in this instance is not considered necessary, or reasonable to require the additional expense to the applicant.

4.8 It is noted above that the Conservation Officer considers that the previous scheme related better to the neighbouring properties and the street scene. However, this is not within a Conservation Area and the scheme is supported by all consultees, including the Parish Council and I do not consider that the scheme will result in any harm to the appearance of the surrounding area.
4.9 Although the design is very different to that of the previous scheme, I do not consider that it is totally out of character with the area and is of high quality in terms of being energy efficient and has been positioned within the plot to respect the neighbouring properties, allow garaging and off road parking and turning and overall an improvement to the street scene of the immediate area.

4.10 The design of the new dwelling has considered the impact of privacy and amenities to the adjacent neighbours. Although the property is set further back within the plot than the existing cottage, first floor windows are not proposed on the north elevation (towards Chilterns) and although two first floor windows are proposed in the south elevation, these serve en-suite facilities and are obscure glazed. The first floor windows in the rear elevation will overlook the end of the rear gardens of the neighbouring properties, but this is comparable to those windows in the existing property and that of the approved replacement dwelling. I consider that the overlooking issues have been adequately considered and addressed in the design of the dwelling.

4.11 The distance from the proposed dwelling to the north boundary is only 2.5 metres, however, the section of the dwelling closest to the boundary has purposely been designed to be single storey to reduce any impact on the neighbouring property. I consider that the design and scale of the dwelling and its siting within the plot respects the privacy and amenities of the adjacent properties and accords with the principles of policy HOU11 and IMP9 of the South Norfolk Local Plan 2003.

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 HOU11, IMP8 and IMP9 of the South Norfolk Local Plan.

5.2 The design, scale and the position within the plot of the replacement dwelling provides a modern dwelling while not increasing the number of properties on the plot. The design respects the privacy and amenities of the adjacent neighbouring properties, and does not have an adverse impact on the street scene. At present there is no off street parking provided with the existing cottage, adequate space is available on the plot to provide garaging, off street parking and turning which will improve road safety of the immediate for other residents in the immediate vicinity. The scheme as proposed accords with the principles of the above policies.

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10. **Appl. No**: 2012/0030/H  
**Parish**: HETHERSETT

Applicants Name : Mr Stuart Harvey  
Site Address : 1 Grove Road, Hethersett, Norfolk, NR9 3JP  
Proposal : Retrospective application for retention of double garage, not built in accordance with approved plans 2011/0780/H

Recommendation : Approve with no conditions

1. **Planning Policies**

1.1 South Norfolk Local Plan  
HOU 19: Extensions to existing dwellings  
IMP 9: Residential amenity

2. **Planning History**

2.1 2011/0780/H Remove existing garage and replace with new Approved  
2.2 2003/2059 Single storey rear extension Approved

3. **Consultations**

3.1 Parish Council : No views or comments  
3.2 District Member : To be determined by committee  
3.3 Local Residents : 2 letters of objection  
Lack of consultation on previous application  
Overbearing in appearance  
Out of place  
Visually intrusive  
Degrading and detrimental to neighbours property

4. **Assessment**

4.1 This is a retrospective application for a garage which was previously granted permission but has not been erected in accordance with the approved plans. The footprint of the garage has not been changed and the garage door height has been reduced from 2.3 metres to 2.1 metres, however the overall height of the building has been increased from 4 metres as approved to 4.3 metres.

4.2 The property is a semi detached house located on a corner plot with the garage being positioned at the rear of the garden accessed from Henstead Road. The new garage replaced an existing garage adjacent to an existing vehicular access with an adequate off road parking area to the front and therefore I do not consider that the new garage has any increased affect on highway safety or adversely impacts on the parking or access to the property.

4.3 Due to the design of the garage and its position set back from the highway I do not consider it has a significantly greater impact on the character of the street scene or surrounding area than the approved scheme.
4.4 The garage sits at a lower level to the application property and the neighbour to the south with a garden area and double garage between the position of the garage and the neighbours bungalow to the south. As the garage has been designed with the roof sloping away from the neighbour’s bungalow and due to the distance and the building being located to the north, I consider that there will not be any significant impact on the residential amenities of the occupiers of the bungalow.

4.5 The garage is set 1.4 metres in from the boundary, which is marked by a 1.75 metre high fence, to the adjoining property to the west which is to the rear of the garage and the garage is set into the ground with the height of the garage from ground level to ridge height at the rear being 3.53 metres and due to the distance and position of the building being at the end of the adjoining neighbours garden I consider there will not be a significant impact on the immediate neighbouring property to the west.

4.6 There have been three letters of objection from neighbouring residents regarding consultations which were undertaken with regard to the previous application for the garage. This matter is being dealt with as a separate issue to this application. There are also concerns with regard to the impact of the garage on the bungalow on Orchard Way.

4.7 I have visited the objector’s property and assessed the garage from their viewpoint. The garage is located to the east of the objector’s property and is approximately 17m from the rear of the bungalow itself. This comprises the rear garden of No 1 Orchard Way which is 7.5m deep, the garden of 3 Grove Road which is 8m at its narrowest and the garage itself being 1.4m from the boundary of 1 Grove Road. The eastern boundary of 1 Orchard Way is formed by a mature hedgerow.

4.8 A further letter has been received from the objectors stating that they would not continue to object to the proposal on the basis that the applicant plants some trees to the rear of the garage and that the building is painted a neutral colour.

4.9 I consider that due to the scale of the garage, it being positioned so that the gable end faces the objector’s property, the distance between the two buildings and the existing boundary treatment, the impact on the residential amenity is not significant enough to refuse the application.

5 Reasons for approval

5.1 The development is considered to accord with Policy HOU19 - Extension to existing dwelling of the South Norfolk Local Plan as the garage has been designed to ensure that the parking and access to the dwelling will be maintained, and that neither the character and appearance of the dwelling nor the amenities of nearby residents will be adversely affected to a material degree.

5.2 The garage has been designed and positioned to ensure that the existing residential amenity of the neighbouring residents is not adversely affected by overshadowing or the setting of the scheme and therefore is considered to accord with Policy IMP9 - Residential amenity of the South Norfolk Local Plan.

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11. **Appl. No**: 2012/0066/F  
**Parish**: DISS  
**Applicants Name**: Danny Ward Builders  
**Site Address**: Land to rear of 54 Denmark Street, Diss  
**Proposal**: Erection of 2 new bungalows and garages, demolition of existing single storey extension to No 54 (revised application)  
**Recommendation**: Approve with conditions

1. Full - Planning Permission Time Limit  
2. In accordance with submitted drawings  
3. External materials to be agreed  
4. Slab levels to be agreed  
5. No additional windows at first floor level  
6. No PD for fences, walls etc  
7. No alterations permitted to lose garages for the purpose of parking vehicles  
8. Boundary treatment to be agreed and to include fencing to northern boundary  
9. Implementation of landscaping scheme  
10. Retention trees and hedges  
11. Reporting of unexpected contamination  
12. New Access - Construction over verge  
13. Access Gates - Configuration  
14. Provision of Parking and Servicing Areas - Where shown on plan  
15. Upgrade and alterations to existing access  
16. Water Efficiency to be level 4  
17. Surface Water drainage to be agreed

12. **Appl. No**: 2012/0067/LB  
**Parish**: DISS  
**Applicants Name**: Danny Ward Builders  
**Site Address**: Land to rear of 54 Denmark Street, Diss  
**Proposal**: Demolition of existing single storey extension to No 54.  
**Recommendation**: Approve with conditions

1. Listed Building Time Limit  
2. In accordance with submitted drawings  
3. Gable repair and making good to be agreed

1. **Planning Policies**

1.1 **Joint Core Strategy**  
Policy 2: Promoting good design  
Policy 13: Main towns

1.2 **South Norfolk Local Plan**  
HOU 4: Residential development within the defined Development Limits of the Norwich Policy Area settlements, and at selected locations along strategic routes  
IMP 15: Setting of Listed Buildings  
IMP 18: Development in Conservation Areas  
IMP 8: Safe and free flow of traffic  
IMP 9: Residential amenity  
IMP 13: Alteration of Listed Buildings
2. Planning History

2.1 2011/1608 & 2011/1609 Erection of 2 new bungalows and Withdrawn garages, demolition of existing single storey extension to No 54.

3. Consultations

3.1 Town Council: Refuse
- Loss of extension which is very much part of the street scene
- Site access and visibility
- Ordinary design of proposed dwellings
- Overlooking and loss of privacy to numbers 53 & 54

3.2 District Members
   - Mr Keith Kiddie: Can be delegated
   - Mr G H Walden: To be determined by committee to assess the impact on adjoining properties. The listed building application can be delegated
   - Mr Tony Palmer: To be reported if appropriate

3.3 NCC Highways: Conditional support

3.4 Waveney Valley Internal Drainage Board: No comments received

3.5 Environmental Services (Protection): Conditional support

3.6 Landscape Officer: Conditional support

3.7 Local Residents: Letter of objections
- Over-development
- Noise disturbance
- Concern at impact on existing drains
- Street light will have to be re-positioned and no details submitted
- No mention of refuse bin siting
- Contrary to provisions of PPS3 excluding private residential gardens from development
- Impact of demolition of part of listed building
- Concern re possible use of right of way

1 letter of conditional support:
- 6 ft fencing to boundary to be erected before construction commences
- Existing hedge along boundary to be protected and retained
- Any new or existing hedging or trees that die shall be replaced
- New homes are prevented from using the access which leads from Denmark Street between 52 and 53.
4 Assessment

4.1 This proposal seeks full planning permission and listed building consent for the erection of 2 new bungalows and garages, demolition of existing single storey extension to No 54. The site forms part of the curtilage to 53 and 54 Denmark Street and will be accessed via a new drive situated adjacent to 54. To the north of the site are residential properties and to the south Diss Bowls Club and its associated car park. The properties to the west are listed buildings with the conservation area boundary running to the rear of these properties.

4.2 The site is within the development boundary for the Town of Diss and as such there is a principle in favour of residential development and the proposal is considered to accord with policy 13 of the Joint Core Strategy (JCS) and policy HOU4 of the South Norfolk Local Plan (SNLP). The proposed access and drive to the new dwellings and the new garage to serve 54 fall into the Diss conservation area. The proposal is not considered to impact on the key views in the conservation area and will not adversely affect the character of the conservation area.

4.3 This proposal has been the subject to a withdrawn application and pre-application discussions. The design approach and layout was discussed and considered appropriate, given the mixture of size and styles of development that surround the site. The amended scheme is acceptable, as the site is considered to be of sufficient size to satisfactorily accommodate the 2 dwellings and their associated curtilages, plus parking and turning. The scheme has been carefully designed to minimise the impact on neighbouring properties and with the imposition of the conditions as suggested, I do not consider that the proposal would give rise to a situation so detrimental to the amenities of the neighbours as to warrant refusal on this ground.

4.4 To provide a new access to the dwellings, the proposal also includes the removal of the extension to the side of no 54 a grade 11 listed building which has a decorative brick front and steeply pitched tiled roof. The extension has a mono pitch roof in part but with later flat roofed sections behind. This structure looks to be of 20th century date and does not add to the significance of the listed building. Its removal would open up the original gable and improve both the appearance of the listed building and the Conservation Area. The conservation officer therefore raises no objections to the removal of the extension or the proposed new dwellings.

4.5 Concerns have been raised by both the Town Council and local residents. In respect of the overdevelopment, access and visibility concerns, the highway officer has raised no objections and as stated above I consider the size of the site to be sufficient to accommodate the proposal. Whilst I appreciate the Town Council comments regarding the design it is considered the proposal is in keeping with the character of the area and it will not adversely affect key views in the conservation area. Equally the conservation officer does not object to the loss of the side extension. Conditions are proposed to provide for a 2m fence to the northern boundary together with planting, also requiring the retention of existing hedging and trees and their replacement. I fully appreciate the concerns raised but I do not consider the proposal could be refused on the grounds raised.
5. **Reasons for approval 2012/0066**

5.1 The proposal is acceptable in respect of the aims of the South Norfolk Local Plan 2003 and the Joint Core Strategy for Broadland, Norwich and South Norfolk adopted 2011, in particular is considered to be in accordance with policies IMP8 - Safe and free flow of traffic, IMP9 - Residential amenity, IMP13 Alteration of listed buildings, IMP15-Setting of listed buildings and HOU4-Residential development within the defined development limits of Norwich policy area settlements, and at selected locations along strategic routes of that Plan and Policy 2 - Promoting good design and Policy 13 - Main Towns of the Joint Core Strategy for Broadland, Norwich and South Norfolk.

5.2 The development accords with the above policies IMP8, IMP9, IMP13, IMP15, HOU4, Policy 2 and Policy13 as it is within the development boundary for the Town of Diss; the design is in keeping with the character of the surrounding area; it is acceptable in highway terms; the amenities of nearby residential amenities will not be affected to a material degree, and the proposal will not adversely affect the setting of the character and appearance of the principle listed buildings.

5.3 **Reason for approval 2012/0067**

5.4 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 IMP13 (Alterations to Listed Buildings) of that Plan.

5.4 The development is considered to accord with the above policy IMP13 as the proposal has been designed to ensure that it would preserve the special architectural and historic interest of the principle listed buildings and the removal of the extension will improve the appearance of the listed building.

Contact Officer, Telephone Number: Claire Curtis, 01508 533788, and E-mail: ccurtis@s-norfolk.gov.uk
13. **Appl. No**: 2012/0090/F  
**Parish**: COSTESSEY  

**Applicants Name**: Mr R & Mrs B Thomson  
**Site Address**: West End Cue Club, 20 West End, Costessey, Norfolk, NR8 5AG  
**Proposal**: Alterations including change of use to convert part of existing snooker club to form 3 retail units  

**Recommendation**: Approve with conditions

1. **Full - Planning Permission Time Limit**
2. **In accordance with submitted drawings**
3. **Limited Hours for Customers**
4. **Provision of Parking and Servicing Areas**

1. **Planning Policies**

1.1 **Joint Core Strategy**  
**Policy 2**: Promoting good design

1.2 **South Norfolk Local Plan**  
**IMP 1**: Design  
**IMP 8**: Safe and free flow of traffic  
**IMP 9**: Residential amenity  
**IMP 10**: Noise  
**SHO 8**: Local and rural shops and services

2. **Planning History**

2.1 **2011/0072/F** Alterations including change of use to convert part of existing snooker hall to form fast food takeaway (fish and chips). Alterations including change of use to convert existing swimming pool to additional snooker hall.  

**Approved**

2.2 **2007/1115/F** Proposed link extension to existing swimming pool and other alterations  

**Approved**

2.3 **2005/0407/CU** Proposed erection of extension link to and conversion of existing swimming pool enclosure to snooker club extension  

**Approved**

2.4 **2000/0936/CU** Construction of new vehicular access and change of use from private swimming pool to timeshare  

**Approved**

2.5 **1990/0283/O** Erection Of Four Flats And Two Semi-Detached Two Storey Dwellings.  

**Approved**

2.6 **1989/1158/F** Erection Of Two Industrial Units.  

**Refused**

2.7 **1989/0294/F** Erection Of Extension To Club Room.  

**Approved**

2.8 **1987/1640/F** Covered Swimming Pool For Domestic Use.  

**Approved**

2.9 **1985/1087/F** Chalet Bungalow.  

**Refused**  
**Appeal Dismissed**

2.10 **1984/2161/F** Extension To Snooker Club.  

**Approved**
First Wednesday Planning Committee  
7 March 2012

2.11 1984/1794/F Erection Of Dwelling.  
Refused
Appeal Dismissed

2.12 1984/0558/F Erection Of New Dwelling.  
Refused

2.13 1984/0078/F Extension To Snooker Club.  
Approved

2.14 1984/0070/F Extension To Snooker Club.  
Approved

2.15 1983/1028/F Variation Of Condition - Sunday Opening At 10.00 A.M.  
Approved

2.16 1982/3037/F Change Of Use From Engineering To Snooker Hall.  
Approved

3. Consultations

3.1 Parish Council : Refuse
- Considerable amount of traffic on West End and the site is opposite the school
- 3 extra retail units would exacerbate and intensify an already congested area where parents park
- West End is used as a rat run
- If approved the hedge should be cut back to improve visibility, and approach to access should be surfaced in tarmac

3.2 District Member : To be reported if appropriate

3.3 NCC Highways : No objection

3.4 Local Residents : 3 letters of objection from 1 household
- West End used as a rat run and congested
- Parking issues with parents. Potential for accident
- Hours of trading are too long. Potential for noise affecting local residents
- 1 letter raising no objections subject to previous conditions

4. Assessment

4.1 The proposal is for the change of use of part of the snooker hall to form 3 retail units. This will involve alterations to the internal layout of the building and the provision of three shop fronts.

4.2 The site is within the Development Limit and relates to existing commercial premises with an associated parking area. The site is bordered to the west by a close board fence with commercial buildings and a dwelling beyond. The northern boundary is open in character with views towards the river. The eastern boundary is formed by a conifer hedge, beyond which are dwellings and to the south, on the opposite side of West End are dwellings and school.

4.3 The proposal will involve alterations to the west elevation to provide access and a window to each unit. This elevation is currently predominantly blank, however I consider that the alterations will not adversely affect the character of the premises.

4.4 Policy SH08 encourages the provision of local shops and services within Development Limits on a scale appropriate to the needs of the locality. Other policies seek to safeguard the amenity of neighbouring uses and ensure that proposals have an adequate highway access.
4.5 The retail units will be located in the northern section of the existing snooker hall and will be 25 metres from No 16, approximately 45 metres from properties opposite the entrance on West End and 40 metres from No 28..

4.6 While the proposed use will result in additional activity at the snooker club, the proposed use is located away from neighbouring properties, with the main entrance being in the west elevation facing the adjacent commercial units. The car parking will be within the existing car park area and it is likely that the parking associated with the use will be at the northern end of the existing parking area close to the proposal.

4.7 The Highway Authority has raised no objection to the proposal. The site is within what may be regarded as the centre of the settlement with similar uses in the vicinity. I consider that the proposal is unlikely to intensify the current level of activity to an unacceptable level considering its location and surrounding uses.

4.8 Concerns have been expressed about the hours of use. The proposal is for the shop units to be open from 8:30 to 22:00 Monday to Saturday and 10:00 to 16:00 on Sundays. In considering the recent application for the takeaway, the hours of use were conditioned to Monday to Saturday 10:30 to 23:00, Sunday 11:00 to 22:30 which is in line with Policy SHO 11.

4.9 The planning permission for the existing use of the premises restricts the opening hours of the snooker club to 11:00 to 23:00 Monday to Saturday and 11:00 to 22:30 on Sundays. I consider that, given the position of the proposal and its relationship to the snooker club, the hours that the shop units are open to customers should be restricted to the same hours as the snooker club.

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 IMP1, IMP8, IMP9, IMP10, SHO8 of the South Norfolk Local Plan as the proposed use will not adversely affect the character of the building or have a significant adverse affect on the amenities of neighbouring properties or highway safety.

Contact Officer, Telephone Number Stuart Pontin, 01508 533796, and E-mail: spontin@s-norfolk.gov.uk
First Wednesday Planning Committee

7 March 2012

Scale 1:1250

Appendix 1

Application No: 2012/0090

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South Norfolk Council, Long Stratton, Norwich, Norfolk, NR15 2XE Tel (01508) 533633 Fax (01508) 533625
14. **Appl. No**: 2012/0110/H  
**Parish**: GREAT MOULTON  

Applicants Name: Mr Julian Scott  
Site Address: 4 Farrow Close, Great Moulton, Norfolk, NR15 2HR  
Proposal: Single storey front extension  
Recommendation: Approve with conditions  

1. **Planning Policies**  
1.1 Joint Core Strategy  
Policy 2: Promoting good design  
1.2 South Norfolk Local Plan  
IMP 9: Residential amenity  
HOU 19: Extensions to existing dwellings  

2. **Planning History**  
2.1 None  

3. **Consultations**  
3.1 Parish Council: Agree with neighbours  
- Beyond building line  
3.2 District Member: Can be delegated  
3.3 Local Residents: 4 Letters of objection  
- Loss of view  
- Block sunlight  
- Totally out of place  
- Be an intrusion in local street scene  
- Overshadowing  
- Narrowing of the entrance of the street will affect the privacy and amenity by constricting the open, safe areas within the close  
- Change the character and appearance of the frontage  
- Outside of building line  
- Unsuitable for front development – deeds state open plan front gardens  

4. **Assessment**  
4.1 This application seeks permission for a single storey front extension and has been assessed against policy HOU 19 – Extensions to existing dwellings and IMP 9 – Residential amenity.  
4.2 The property is a single storey semi-detached dwelling within a cul de sac. The street scene is a uniform one of single storey dwellings set back but visible from the highway. Dwellings number 6 and 8 are set slightly further back in their plots than the neighbouring properties. One example of a front porch is visible within the street scene. Some gardens are open plan but there are examples of natural boundaries and fencing on individual plots.
4.3 The erection of a front extension will introduce a new aspect to this street scene. It will alter the appearance of both the individual dwelling and the street scene but this has been designed sympathetically to the existing dwelling with a low pitched roof. The extension will project 1.8 metres but is not considered to have a negative impact on the street scene.

4.4 The design of the proposal has taken into consideration the privacy of both the applicant and the neighbouring dwellings and will not result in overlooking of nearby residents. The dwelling is north of the adjoining property and the proposal will not result in unacceptable overlooking.

4.5 Four letters of objection have been received in relation to this application the comments as listed above. The Parish Council have declined to confirm whether they wish the application to be approved or refused but have confirmed they agree with comments made regarding the building line.

4.6 While I acknowledge the concerns raised I do not consider that this proposal will result in a negative impact on the dwelling, the neighbours or the street scene. The approval of this application will introduce a fresh aspect which will alter the street scene to a minor degree however the street scene will still retain its open nature as the proposal is not close to the highway boundary. The use of matching materials will ensure the proposal enhances the appearance of the dwelling while the orientation ensures the privacy and amenities of the dwelling will be preserved.

4.7 Due to the above this application adheres to policy HOU19 and IMP 9 and as such I recommend this application for approval.

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 Policy HOU 19 and IMP 9 of the South Norfolk Local Plan.

5.2 The application is acceptable as the proposal will not affect the access and car parking arrangements to the dwelling. While the proposal will alter the appearance of the dwelling the proposal has been designed sympathetically to the existing and this will not result in an adverse impact on the character and appearance. This application will introduce a fresh aspect within the street scene. However, from the design and orientation of the proposal this new extension will not overlook habitable rooms or nearby dwellings or damage the privacy and amenities of nearby dwellings. Likewise as this proposal is north of the adjoining occupier this application will not result in overshadowing of habitable rooms of nearby dwellings.

5.3 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 HOU 19 and IMP 9 of the South Norfolk Local Plan.

Contact Officer, Telephone Number Chrissy Briggs, 01508 533832, and E-mail: cbriggs@s-norfolk.gov.uk
15. **Appl. No**: 2012/0111/F  
**Parish**: BEDINGHAM

Applicants Name: Mrs Judi Burrage  
Site Address: Land south of Brambles, School Road, Bedingham, Norfolk, NR35 2DB  
Proposal: Change of use of land to Care Farm and erection of timber building, store and polytunnel

Recommendation: Approve with conditions

1. Full - Planning Permission Time Limit  
2. In accordance with submitted amendments  
3. Use limited to 4 clients at a time on no more than 4 days a week.  
4. Upgrading of access  
5. Access gates to be set back  
6. Viability splay  
7. Access, car parking and turning area to be laid out  
8. Colour of stain to sheds to be agreed  
9. Works to be carried out in accordance with aborticultural report  
10. Works to be carried out between November and February unless an Ecological reported is submitted and mitigation is agreed.

1. **Planning Policies**

1.1 National Policy  
Planning Policy Statement 4: Planning for sustainable economic growth

1.2 Joint Core Strategy  
Policy 2 Promoting good design  
Policy 5 The Economy

1.3 South Norfolk Local Plan  
ENV 8: Development in the open countryside  
EMP 4: Employment development outside the Development Limits and Village Boundaries of identified towns and villages  
ENV 15: Species protection  
IMP 9: Residential amenity  
IMP 8: Safe and free flow of traffic

2. **Planning History**

2.1 No relevant history

3. **Consultations**

3.1 Parish Council: Refuse  
- Inappropriate portacabin and insufficient drainage  
- Given inappropriate nature of a portacabin would hope that planning would insist on some type of screening  
- Sympathetic with the area with mitigation for the existing eco-system  
- Generally in agreement with the principle of the plan, but do not feel the plan have been sufficiently well executed to fit in with village life  
- Siting a portacabin in this rural environment is considered to be wholly inappropriate  
- Provision for sufficient drainage has not been factored into the plan.
3.2 District Member : To be determined by committee
- Significant number of objections including from Parish, majority in favour being away from the site
- Contrary to policies ENV8 (5) EMP4 (vi) VII and viii and EMP5

3.3 NCC Highways : Conditional support
- Not ideal location for commercial venture likely to rely on visiting clients.
- However, proposal can be considered acceptable in highway terms as agricultural related and as long as traffic movements are restricted so Care Farm can only operates 3 days per week with a maximum of four clients a day.

3.4 Environmental Services (Protection) : No objection
- Advisory note on surface water drainage

3.5 Ecologist
- No records of Great Crested newts but location and setting indicate a suitable habitat.
- Proposal is relatively minor and will not result in any significant land manipulation therefore recommend a condition on timing of clearance and construction work, when the newts are hibernating end of October to end of February.
- If work is to undertaken outside these time great crested newt survey would be required.

3.6 Local Residents : 7 letters of objection (from 6 households)
- Field is heavy clay soil limited drainage prone to being water logged, soak away will not cope.
- Lack of drainage will affect the appearance of the field with its more intensive use.
- More of a health training centre than a farm
- Will adversely affect the local landscape
- Great crested newts in ponds around the site
- Proposed structures would be overly dominant and unsightly
- Increased traffic on road and damage to verges and entrances on narrow road
- No public transport in village, would need to collect clients from Woodton,
- Development should be located in a more accessible area.
- Comparison with Clinks Farm in Toft Monks much larger existing farm with extensive facilities which includes a range of activities.
- Concern if Brambles is open all year that to stimulate and occupy patients on a daily basis, which may lead to patients being detracted and wandering off.
- Concern if the applicant was the only person on site, whether patients would be adequately supervised.
- Concern about potential expansion of the business
- Loss of piece and tranquillity
- Is not farm diversification
• Income is from care element of business which re-enforces the non agricultural nature of the proposal
• No justification about how this will benefit the local community
• Increased use of School Road which is narrow
• No provision for pedestrian or cycling facilities
• Poor relationship of buildings and in appropriate poor quality of design buildings which would be unsightly
• Concern about new access which was previously a hole in the hedge
• Drawing not to scale
• Site not big enough to house proposal of this scale
• Concern about facilities and what could be done in bad weather.
• Animal welfare do not think site is big enough
• Concern about the amount of animal waste and its disposal
• Unsustainable as relies on use of private car
• Haphazard form of development
• Inappropriate development in countryside

6 letters of support
• Would provide a much needed facility
• Lack of provision for stimulating placements
• Would not be detrimental to local area.
• Great benefit to people with mental health issues of being able to access the countryside
• Countryside should be open to all.
• Will only be a small number of animals
• Gateway has been there for many years
• Believe that you can remove up to 50 metres of hedge without planning permission.
• Not aware that it was designated hedgerow.
• Unlikely people would try and escape.
• On such a small scale will not cause any disruption or discomfort

1 further letter of support but raises issues over traffic issues

4. **Assessment**

4.1 The application relates to a field to the south of Brambles bungalow which forms part of the small village of Bedingham. There are a number of properties to the north and Willow Farm on the opposite side of the road to the west. There is farmland to the east and south. The site is screened with existing hedges there are a number of ponds within the vicinity of the site.

4.2 This application is to use this field as a Care Farm. This will involve up to 4 patients recovering or recovered from some form of minor, mental health issues, or some form of physical problem i.e Parkinson’s, minor brain injury, minor stroke etc. coming to the farm three days a weeks for the therapeutic placements to help regain confidence or motivation and to learn new skills which will include helping to look after the animals and being involved with the growing of fruit and vegetables etc.
4.3 The application involves the improvements to the existing access and creation of a car parking area in the south west corner of the field. The application also included a portacabin to provide rest room facility and therapy room within this area. The portacabin however, has been removed from the application and replaced with a timber shed building. Another timber shed and polytunnel are also proposed on the north side of the field to be used for storage of machinery and equipment and to grow plants in. It is also intended that the field will be subdivided into paddocks for a small number of different animals including pigs, sheep, ponies and chickens. There may also be a small number of moveable field shelters and pig arches for the animals which do not require planning permission.

4.4 Policy ENV8 if the South Norfolk Local Plan restricts development outside any 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 or is the suitable adaption and re-use of an existing rural building. All such development should respect the landscape, ecology and recreational value of the countryside and be sensitively integrated into its rural surroundings in terms of siting, scale and design whilst avoid ribbon development or an unduly fragmented pattern of development.

4.5 Policy EMP4 is also relevant as it only permits employment uses outside development limits or village boundaries where:
- There are no alternative sites or premises within existing development limits or village boundaries
- The proposal is adjacent to an existing village boundary or development limit.
- Road access is sufficient standard to serve the scale and nature of the development without causing demonstrable harm to the safe and free flow of traffic.

And the proposal is:
- For a small business or modern growth industry or would specially address local employment problems and
- Small in scale and designed to blend with the setting of the settlement concerned.

Or exceptionally, if the proposal is:
- For agricultural related industry which must be located close to the farm which it relates;
- Neighbourly and therefore unsuitable for locations within the existing built up area or;
- Reliant on large areas of open storage, and would therefore represent an inefficient use of serviced employment land.

4.6 The agricultural nature of the proposed care placements means that they need to be located within the open countryside. I therefore, consider that a rural location can be justified in this instance.

4.7 In the past the field has not been particularly intensively used, however it is important to remember that the field could be more intensively used for agricultural purposes including the keeping of livestock without the need for planning permission and the need for a building to support this agricultural use could be justified.

4.8 In landscape terms the proposal would have some impact on the landscape because it does intensify the use of the land however, consideration does need to be given to the fact that the land could be more intensively used without consent. The proposed buildings and poly tunnel are small scale and would not be out of keeping with the rural area. The use of a timber shed instead of a portacabin is more in keeping with the rural character of the area. The site is also well screened in the wide landscape with mature hedges. I do not consider that the impact on the landscape is significant enough to warrant a refusal.

4.9 There are mature trees along the highway verge, an aborticultural report has been requested to ensure that the improvement to the access and the car parking area do not adversely affect the trees. Comments of the Landscape Officer will be updated verbally to members at the committee meeting.
4.10 School Road which the site is located on is a narrow unclassified road, which does not have the benefit of any pedestrian footways or formal passing places. The Highway Officer has commented that the site is not ideally located for a commercial venture which is likely to rely on visitor/clients arriving on the site by private car. However he does accept that the proposal is agricultural related and the number of identified vehicular movements is low with 4 clients a day for 3 days a week. He considers that the application is acceptable in highway terms subject to a number of conditions which include limiting the number of clients to 4 on 3 days a week. However, when looking at conditions they must be considered to be reasonable and having discussed the matter with the Highway Officer up to 4 days a week would be acceptable as a maximum. I have therefore proposed a condition which limits the number of clients to four on a maximum of four days a week.

4.11 Concern has been raised by local residents about the impact of the development on residential amenity; given the small scale nature of the development I do not consider that the amount of disturbance is likely to be so great to warrant refusal.

4.12 Although there are no official records we are aware that there have been Great Crested Newts within the ponds in the vicinity of the site and the conditions and the layout of ponds also indicate a suitable habitat for great crested newts. As the operational work on site is small scale the Ecologist is happy that no survey work is required if the works are carried out in the winter months between November and February when the newts are hibernating. If however, they are done at other times of the year then an ecological survey and report would be required. I have therefore, proposed a condition that the works can only be carried out in the winter months unless a satisfactory ecological report has been carried out and mitigation is agreed with the Council.

4.13 Concern has been raised about the drainage of the site, Environmental Services have raised no objection to the application and have only made advisory comments on surface water drainage. The amount of operational development is small scale so it would be difficult to substantiate a refusal on drainage grounds.

4.14 Some concern has been raised about whether the drawings are to scale, but I have checked these and they appear to be correct.

4.15 Whether clients would be adequately supervised has also been raised as an issue, this is not a planning matter as such and is a management issue for the business. The applicant has confirmed that volunteers would be used to help staff the business. Adequate parking is provided for an additional member of staff.

4.16 Concern has been raised about animal welfare however, only a small number of animals are proposed and there is no indication that animal welfare issues would a rise in any case there is other legislation in place to deal with these matters if required.

4.17 Concern has also been raised about the future expansion of the business, the proposed condition on the number of clients and days will limit the impact. Any future expansion not within these limits will need permission and would be assessed then.

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 – Promoting good design of the Joint Core Strategy and Policies ENV8 – Development in the open countryside, EMP4 – Employment Development outside the development limits and village boundaries of identified towns and villages, IMP9 – Residential amenity, IMP8 – Safe and free flow of traffic and ENV15 – Protection of species of the South Norfolk Local Plan.
5.2 The proposed change of use to a Care Farm would accord with the above policies, as it is a use, which requires a rural location and can be justified under policy ENV8 and subject to conditions limiting the size of the operation can occur on the site without resulting in significant loss of residential amenity to surrounding properties or detriment to highway safety.

5.3 The proposed buildings, polytunnels and parking area due to their scale and design would not adversely affect the local landscape to a significant degree.

5.4 Subject to the timing of the work or the requirement for survey work and mitigation the proposal would not result in any harm to any protected species.

5.5 The small scale nature of the development is unlikely to result in drainage issues which would affect the adjacent highway or surrounding land.

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