Third Wednesday Planning Committee

Members of the Third Wednesday Planning Committee:

<table>
<thead>
<tr>
<th>Conservatives</th>
<th>Liberal Democrats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr W Kemp</td>
<td>Mr T East</td>
</tr>
<tr>
<td>(Chairman)</td>
<td></td>
</tr>
<tr>
<td>Mr J Mooney</td>
<td>Miss P Allen</td>
</tr>
<tr>
<td>(Vice-Chairman)</td>
<td></td>
</tr>
<tr>
<td>Mrs Y Bendle</td>
<td></td>
</tr>
<tr>
<td>Mr T Blowfield</td>
<td></td>
</tr>
<tr>
<td>Mrs M Dewsbury</td>
<td></td>
</tr>
<tr>
<td>Mrs F Ellis</td>
<td></td>
</tr>
<tr>
<td>Mr C Foulger</td>
<td></td>
</tr>
<tr>
<td>Mr C Gould</td>
<td></td>
</tr>
<tr>
<td>Mr B Riches</td>
<td></td>
</tr>
</tbody>
</table>

Group Meetings

<table>
<thead>
<tr>
<th>Conservatives:</th>
<th>Liberal Democrats:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blomefield Room</td>
<td></td>
</tr>
<tr>
<td>12.45 pm to 1.30 pm</td>
<td></td>
</tr>
</tbody>
</table>

Date
Wednesday 16 May 2012

Time
1.30 pm

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

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

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

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

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

If you have any special requirements in order to attend this meeting, please let us know in advance
Large print version can be made available

10/05/2012
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 he meeting is of the opinion that the item should be considered as a matter of urgency.]

3. To receive Declarations of Interest from Members;
   (Please see flowchart and guidance attached, page 5)

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

5. Planning Applications and Other Development Control Matters;

   To consider the applications as listed below:  (report attached – page 21)

<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>2011/0600/F</td>
<td>BAWBURGH</td>
<td>Hillside, Stocks Hill, Bawburgh</td>
<td>22</td>
</tr>
<tr>
<td>2</td>
<td>2011/0044/F</td>
<td>THARSTON</td>
<td>Land opposite Blyth Green Cottage, Stratton Road</td>
<td>35</td>
</tr>
<tr>
<td>3</td>
<td>2011/1284/O</td>
<td>FRAMINGHAM EARL</td>
<td>Land north-west of, Pigot Lane, Framingham Earl</td>
<td>72</td>
</tr>
<tr>
<td>4</td>
<td>2012/0563/C</td>
<td>ALDEBY</td>
<td>Oaklands Gravel Pit, Common Road, Aldeby</td>
<td>86</td>
</tr>
<tr>
<td>5</td>
<td>2012/0677/C</td>
<td>BERGH APTON</td>
<td>NCC Waste and Recycling centre, Welbeck Road</td>
<td>90</td>
</tr>
<tr>
<td>6</td>
<td>1987/1674</td>
<td>SAXLINGHAM NETHERGATE</td>
<td>Green Farm, Saxlingham Green</td>
<td>93</td>
</tr>
<tr>
<td>7</td>
<td>2012/0010/F</td>
<td>BUNWELL</td>
<td>Sub-division of the garden of The Laburnums, The Turnpike</td>
<td>96</td>
</tr>
<tr>
<td>8</td>
<td>2012/0071/RVC</td>
<td>TIVETSHALL ST MARY</td>
<td>Meteorological Mast Site, New Road</td>
<td>104</td>
</tr>
<tr>
<td>9</td>
<td>2012/0367/RVC</td>
<td>GISSING</td>
<td>Land at Malthouse Lane, Gissing</td>
<td>110</td>
</tr>
<tr>
<td>10</td>
<td>2012/0590/CU</td>
<td>SAXLINGHAM NETHERGATE</td>
<td>Hill House, The Green</td>
<td>121</td>
</tr>
<tr>
<td>11</td>
<td>2012/0656/A</td>
<td>DISS</td>
<td>Diss Garden Centre, Victoria Road</td>
<td>125</td>
</tr>
</tbody>
</table>

6. Sites Sub-Committee;

   Please note that the Sub-Committee will only meet if a site visit is agreed by the Committee. If required, the site visit will take place on Wednesday 13 June 2012 with membership to be confirmed.

7. Planning Appeals (for information)  (attached – page 129)
## 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>
</tr>
</thead>
<tbody>
<tr>
<td>Y Bendle</td>
<td>17/04/13</td>
<td>P Allen</td>
<td>18/04/13</td>
</tr>
<tr>
<td>D Bills</td>
<td>17/04/13</td>
<td>V Bell</td>
<td>17/04/13</td>
</tr>
<tr>
<td>D Blake</td>
<td>18/04/13</td>
<td>T East</td>
<td>17/04/13</td>
</tr>
<tr>
<td>T Blowfield</td>
<td>17/04/13</td>
<td>J Hardinge</td>
<td>25/10/12</td>
</tr>
<tr>
<td>L Dale</td>
<td>17/04/13</td>
<td>M Gray</td>
<td>17/04/13</td>
</tr>
<tr>
<td>M Dewsbury</td>
<td>17/04/13</td>
<td>T Lewis</td>
<td>17/04/13</td>
</tr>
<tr>
<td>M Edney</td>
<td>4/07/12</td>
<td>B McClenning</td>
<td>18/04/13</td>
</tr>
<tr>
<td>F Ellis</td>
<td>17/04/13</td>
<td>G Watt</td>
<td>17/04/13</td>
</tr>
<tr>
<td>C Foulger</td>
<td>17/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J Fuller</td>
<td>17/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>D Goldson</td>
<td>17/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C Gould</td>
<td>17/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J Herbert</td>
<td>20/09/12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>L Hornby</td>
<td>17/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C Kemp</td>
<td>17/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>W Kemp</td>
<td>02/05/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>K Kiddie</td>
<td>18/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N Legg</td>
<td>17/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J Mooney</td>
<td>12/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>L Neal</td>
<td>17/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J Overton</td>
<td>09/11/12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T Palmer</td>
<td>17/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A Pond</td>
<td>22/09/12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B Riches</td>
<td>17/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J Savage</td>
<td>17/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R Savage</td>
<td>17/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B Spratt</td>
<td>18/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S Thomson</td>
<td>18/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>K Tilcock</td>
<td>08/11/12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>G Walden</td>
<td>17/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N Ward</td>
<td>8/03/12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>L Webster</td>
<td>25/10/12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>G Wheatley</td>
<td>17/04/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J Wilby</td>
<td>08/11/12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M Wilby</td>
<td>17/04/13</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Independent Councillor</th>
<th>Accreditation Expiry Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>K Weeks</td>
<td>17/04/13</td>
</tr>
</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>
</tr>
</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>
</tr>
<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>
</tr>
<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>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Does the interest:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) affect your financial position or the financial position of a person or body described above?  (If Yes the interest may be prejudicial)</td>
</tr>
<tr>
<td>(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)</td>
</tr>
<tr>
<td>(c) relate to scrutiny by the Overview and Scrutiny committee of a decision you were party to?  (If Yes the interest is prejudicial)</td>
</tr>
<tr>
<td>(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)</td>
</tr>
</tbody>
</table>

**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

You may have a prejudicial interest

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?

NO

YES

You have a personal interest in the matter

NO

Personal Interest

Prejudicial Interest

YES

NO

YES

NO
### 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

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

**Key to abbreviations used in Recommendations**

- **S.P**: Structure Plan
- **S.N.L.P**: South Norfolk Local Plan
- **P.D**: Permitted Development – buildings and works which do not normally require planning permission. (The effect of the condition is to require planning permission for the buildings and works specified).
- **J.C.S**: Joint Core Strategy
- **N.P.P.F**: National Planning Policy Framework
### Application referred to Site Panel

1. **Appl. No** : 2011/0600/F  
   **Parish** : BAWBURGH

   Applicants Name : Mr & Mrs T and J Hubbard  
   Site Address : Hillside, Stocks Hill, Bawburgh NR9 3GG  
   Proposal : Sub-division of garden and change of use, including extension of outbuilding to dwelling and ancillary works.

Recommendation : Approve with conditions

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Full - Planning Permission Time Limit</td>
</tr>
<tr>
<td>2</td>
<td>In accordance with submitted amendments</td>
</tr>
<tr>
<td>3</td>
<td>External materials to be agreed</td>
</tr>
<tr>
<td>4</td>
<td>Details of external joinery</td>
</tr>
<tr>
<td>5</td>
<td>New brickwork to boundary wall to match existing including coursing, bond joints, pointing and mortar mix</td>
</tr>
<tr>
<td>6</td>
<td>Removal of permitted development (Classes ABCDE &amp; G)</td>
</tr>
<tr>
<td>7</td>
<td>Ecology Mitigation</td>
</tr>
<tr>
<td>8</td>
<td>New Access - Construction over verge</td>
</tr>
<tr>
<td>9</td>
<td>Access Gates - Configuration</td>
</tr>
<tr>
<td>10</td>
<td>Provision of Visibility Splays</td>
</tr>
<tr>
<td>11</td>
<td>Provision of Parking and Servicing Areas</td>
</tr>
<tr>
<td>12</td>
<td>Surface Water</td>
</tr>
<tr>
<td>13</td>
<td>In accordance with sound attenuation scheme</td>
</tr>
<tr>
<td>14</td>
<td>Boundary treatment to be agreed</td>
</tr>
<tr>
<td>15</td>
<td>Levels to be agreed</td>
</tr>
<tr>
<td>16</td>
<td>Details of retaining works</td>
</tr>
<tr>
<td>17</td>
<td>Water efficiency</td>
</tr>
</tbody>
</table>

### Introduction

This application and the following report were considered by the Third Wednesday Planning Committee on the 18th April when it was resolved to defer determination to enable the Site Panel to visit the site. The visit is scheduled for the 9th May which is after these Committee papers are prepared so any necessary update following the visit will be given orally at the Committee meeting.

### 1. Planning Policies

1.1 National Planning Policy Framework – which replaces:-  
   National Planning Policy Statement 5 (PPS5) : Planning for the Historic Environment  
   National Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation  
   Section 7 – Design  
   Section 11 – Conserving and enhancing the natural environment  
   Section 12 – Conserving and enhancing the historic environment

1.2 Joint Core Strategy  
   Policy 1 – Climate Change  
   Policy 2 – Promoting Good Design  
   Policy 3 - Water Efficiency  
   Policy 16 – Other Villages

1.3 South Norfolk Local Plan  
   HOU7 –Development within Defined Boundaries of Small Villages  
   HOU 10: Adaptation and re-use of existing rural buildings for residential purposes  
   ENV14: Habitat Protection
ENV15: Species Protection
IMP2 – Landscaping
IMP3 Protecting of important spaces
IMP4 – important Frontages
IMP6: Visual Impact of Parked Cars
IMP 8: Safe and free flow of traffic
IMP 9: Residential amenity
IMP 10: Noise
IMP15: Setting of listed buildings
IMP17: Alterations and extensions in Conservation Areas
IMP 18: Development in Conservation Areas.

2. Planning History

2.1 2009/0457/F Erection of two storey dwelling and garage Not Yet Determined
2.2 2004/0904/F Erection of one two storey dwelling Approved
2.3 2002/1128/F Erection of two single storey dwellings Refused
2.4 2000/1966/F Erection of 2 single storey dwellings Withdrawn
2.5 1999/0122/F Renewal of permission 94/0081/F – Erection of 2 storey dwelling and garage Approved
2.6 1994/0081/F Renewal of permission 89/0271/F Erection of 2 storey dwelling and garage Approved
2.7 1989/0271/F Erection of one 2 storey dwelling and garage as approved on 07/87/1580/F Approved
2.8 1987/0580/F Erection of new house and garage Approved

3. Consultations

3.1 Parish Council: In view of the complexity of the application the Parish Council decided it was unable to put a decision forward to the South Norfolk Planning Committee on this occasion
3.2 District Member: To be reported if appropriate
3.3 NCC Highways: The amended plan provides the requested improved visibility splay, and subject to other conditions relating to parking and turning and the construction of the access, the scheme is now considered acceptable.
3.4 Environmental Services: No objections are raised following the revised Acoustic Report
3.5 CNC Building Control: No objection to revised Acoustic Report
3.6 CPRE: Original comments withdrawn; Following further detailed consideration of the issues involved CPRE Norfolk Branch is not able to provide a definite opinion either for or against the proposal.
3.7 Norfolk County Council Historic Environment Officer: The scheme will have a detrimental effect on the significant historical assets of the area and the proposal will put at risk the Conservation Area.
3.8 South Norfolk Conservation Officer: The opening in the wall to create a new access and the rebuilding of the Coach House to create a new dwelling is not considered to have an adverse impact on the overall character of the Conservation Area. In addition, following the conclusion from English Heritage on the proposal, together with their findings that Forge Cottage, The Coach House and the wall are not of significant interest to add to the statutory list and remains of local interest only, the scheme is considered to be an acceptable proposal for the Conservation Area.

3.9 English Heritage: No objections raised. Site area significantly less than 1000 sq metres and would expect schemes of this scale to be considered by South Norfolk’s in house specialist and in accordance with National and Local Planning Policies. Any specific aspects of the scheme can be raised and if necessary English Heritage would discuss these direct with Mr Edleston.

3.10 Ecologist: No objection
- Bat roost is present in the adjacent property known as Hillside, no evidence of bats was found in any of the buildings affected by the proposal. The proposal is unlikely to adversely affect this maternity colony.
- Mitigation measures suggested and the inclusion of 4 bird boxes, 2 being open fronted.

3.11 Local Residents: 2 letters of no objection
76 Letters of objection
371 Signature petition

Reasons of objection:
Conservation Area Impact
- Application has not assessed the heritage assets of the site and surrounding area. Submitted details appears to be a series of subjective and often misleading opinions in favour of the development. Conclusion of minimal impact of the proposed development and enhancement of the Conservation Area is not supported by the evidence provided.
- Heritage analysis takes no account of the impact of the proposed development on the listed buildings in close proximity to the development.
- The existing wall is an important feature within the village and the conservation area, the breaking through the wall and the erection of a new dwelling and parking will ruin this ensemble.
- Wall of development should be part of the protected character of the conservation area
- The Conservation Area Character Appraisal 2001 clearly illustrates and marks “significant views” in and around the area of the proposed development, part of which would appear to include the wall of which a substantial section is to be demolished to create a new entrance for the new dwelling. It is difficult to see how this action accords with The Planning (Listed Building and Conservation Areas) Act 1990 Section 72, which requires special attention to be paid to preserving or enhancing the nature of a Conservation Area. The scale and scope of the proposed development will significantly and permanently alter the views on Church Street and on a prominent corner at the entrance to the village which the whole community enjoys.
- The existing structure is proposed to be substantially rebuilt i.e. the eastern gable and the roof will have to be taken down so the height of the building can be increased, therefore this warrants an application to be made for conservation area consent.
- The development and improvement of Church Street has been done over the years with strict adherence to the ethos of conservation of the village. The current proposal is not for domestic/family home improvement, but for commercial exploitation of a country garden.
- Many visitors to Bawburgh come not only to enjoy the riverside, but to stroll up Church Street on the way to visit the Church and historic St Walstan’s Well.
Design issues

- Design of new dwelling out of character with the conservation area and Forge Cottage. The overall height will be the same as Forge Cottage, but wider. Historically the barn attached to forge Cottage has been subservient and formed the historical relationship of the two buildings. The new dwelling will dominate the views of this corner of the Conservation Area.
- Forge Cottage will lose its detached importance and become a semi-detached dwelling, which it has not historically been.
- The erection of a car port attached to Forge Cottage does not as suggested “restore the architectural heritage and leave a reference to the historical layout for all to see” it will be clearly visible over the wall.
- The modern glazed bay area and contemporary style will appear completely out of keeping with the period buildings that surround it and those in the nearby locality. How does this add interest to the Conservation Area?
- Even with the use of sensitive materials, it will adversely affect the appearance of the adjoining flint cottage.
- Scale of development too large. No objection to an extension to existing dwelling.
- Noise from air source heat exchanger
- Loss of light and privacy to adjacent properties
- Layout of new dwelling is insensitive as the kitchen and bathroom are adjacent to quiet living area of the adjoining property.
- Proposed construction method of stud walls will not provide full noise insulation.
- Destroys the detached aspect of the adjacent property
- Gutters extend over neighbouring property
- New major retaining wall behind Forge Cottage. The soil behind Forge Cottage is not stable and therefore the wall and associated construction for the new dwelling may have unforeseen consequences for the transmission of water and structural stability of adjacent land and foundations.
- Shadowing diagrams relate to only one month ie March, not the usual 3 different months 21 March, 21 June and 21 December, so cannot be considered a thorough shadow and daylight assessment.
- No assessment been given to the effects of the garden and associated private amenity space of Forge Cottage. Due to the location of the proposal and the increase in height of the new fence the development will adversely affect the amount of daylight and sunlight enjoyed by the garden of Forge Cottage. A material consideration to the scheme.
- Party wall issues remain outstanding.

Access Issues

- Wall is an important feature in this location and the partial demolition to create a new access for 6 cars will be detrimental to the character of the area and highway safety.
- Increase in traffic movements to and from the new access will result in further traffic hazards in this location on a blind bend
- Church Street is a narrow historic street with occasional parking, which helps to slow traffic on the approach to the junction.
- Noise of shingle proposed for drive will cause disturbance to neighbours

Other issues

- Application promoted as a consequence to a previous application in 2009 for a new dwelling adjacent to the existing house. This scheme is being promoted by the applicant’s agents as a preferred option.
- In June 2010, PPS3 was amended to provide Local Planning Authorities greater powers to refuse so called “Garden Grabbing” ie back garden development
- Proposal is behind the building line and may set a precedent for other neglected sheds and barns for which planning has previously been refused.
- Contrary to policies of South Norfolk Local Plan
- Heritage Asset report submitted by the agent does not take account of the requirements of PPS5 which, together with other opposing expert opinions and the overwhelming negative response of local people needs to be given full consideration when deciding the proposal.
• Loss of value to adjoining property (Forge Cottage)
• No Ecology survey with application: Bats occupy the building and the development would have a detrimental impact on the bats
• Loss of trees on site
• Localism Bill and PPS5 (paragraph HE7.2) identify the importance of considering the views of local people. Given the number of objections raised and the petition provided to the Council, this is another materials consideration officers and members need to give due weight to when determining the application.

10 letters of Support
• Outline planning permission already granted for adjacent building plot. Building should be designed to be in keeping with the area. Accept that changes to the area will take time to get used to.
• Design although modern, existing materials will also be reused. Opening and rebuilding of the wall will screen much of the dwelling from view
• Care has been taken in the design of the proposed extension to the building.

4. Assessment

4.1 Members may recall that a previous application for the renewal of a planning application for the erection of a detached two storey dwelling and garage was submitted in 2009 (2009/0457). The 2009 application was presented to Planning Committee but was deferred for further discussion regarding design. Members should be aware that the 2009 application remains undetermined, however the current application is to be considered on its own merit and not as an alternative to the scheme proposed in the 2009 application.

4.2 The proposal is for the conversion / rebuild of an existing coach house within the curtilage of Hillside, currently used as a store/workshop and is attached to the rear elevation of an adjacent property known as Forge Cottage off Church Street. The scheme also includes the removal of a section of boundary wall on Church Street to facilitate a new access for the proposed dwelling and provides up to six parking spaces and turning space within the site.

4.3 The site is within the Development limits of Bawburgh and within the Conservation Area. The properties are not listed buildings. It should be noted that a number of separate reports have been submitted with this application which deal with specific aspects and these have been publicly available. These have not been reproduced as part of this report, but have been taken into account throughout the assessment and in consultation with other officers.

Policies

4.4 The main policies against which the proposal was assessed by consultees are listed above, including PPS5, Policy HE7 which sets out the principles for determination of applications relating to heritage assets, in particular HE7.1 relating to significance, HE7.2 on the consideration of impact and HE7.5 regarding the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment.

4.5 Policy HE9.1 notes a presumption in favour of the conservation of designated heritage assets with any harmful impact on significance being justified in accordance with Policy HE9.2 (substantial harm or total loss) or Policy HE9.4 (less than substantial harm).

4.6 These Planning Policy Statements have now been replaced by the National Planning Policy Framework, however Section 12 : Conserving and enhancing the historic environment (paragraphs 126 – 141) retain the above considerations.
4.7 Policies 2 & 3 of the Joint Core Strategy which seek to ensure that all new development is of a high standard and that measures are taken within the design to promote efficient use of renewable energy and water use. With regard to saved Policies of the South Norfolk Local Plan, HOU7 permits new dwellings within the Defined Boundaries of Small Villages if in keeping with the form and character of the village and its setting, while HOU10 permits the adaptation and re-use of existing rural buildings for residential purposes. Other important policies are IMP15, IMP17 and IMP18 all of which seek to ensure that development which affects Conservation area or listed buildings respects the historical character and context of the buildings and surrounding area. Policies IMP8, IMP9 and IMP10 seek to ensure that development have no significant adverse impact on the safe and free flow of traffic, or the residential amenities of neighbouring properties. The assessment of this application gives due weight to the saved policies in South Norfolk Local Plan 2003 referred to because those policies remain consistent with the published National Planning Policy Framework.

Conservation

4.8 One of the key assessments to be made regarding this proposal is its impact on the heritage assets and Conservation Area and this particular aspect has raised a significant number of objections from the local residents. Appendix 2 shows the extent of the Conservation Area and position of listed buildings in the vicinity of the site.

4.9 Although not a Statutory Consultee the Norfolk County Council Historic Buildings Officer became aware of the application and as a result of noting the absence of a Heritage Assessment State with the application provided a “report to fulfil this requirement”. With the exception of photographs and maps the following text is the direct quotes taken directly from the report from the Historic Buildings Officer. The full report can be viewed on the Council’s website.

4.10 Forge Cottage is on the South side of Church Road which rises away from the river valley, the property cuts into the hill slightly and the land is held back by a ha-ha which is in a state of collapse. Adjacent to Forge Cottage is the reading room belonging to the adjacent Methodist Chapel; the reading room now forms part of Forge Cottage. Attached to the back of Forge Cottage is a derelict Coach House, which forms the site of the application being considered.

4.11 The cottage is a good example of a simple 3-cell house with gable-end stacks a central straight stair and a symmetrical façade of three bays. The fabric is of knapped flint with brick dressings. The large flints are roughly knapped to reveal a smooth surface and area carefully laid in a random bond. The brick dressings are keyed and form the quoin as well as the opening reveals. The central doorway has a small porch with a roof of pan tiles and latticed sides in keeping, in keeping with the date of the cottage. The roof is of shallow pitch with a covering of pantiles. The fenestration is of 3-light mullion-and-transom windows mostly original apart from the glazing which would have been leaded. The ground floor windows are beneath fine deep segmental arches. On the west gable-end is a raised cement panel which looks as if it displayed an advertisement.

4.12 Attached to the north east corner of the cottage is a tall brick boundary wall which curves round towards Stock’s Hill. It is of tightly joined brickwork with occasional black headers and has a moulded brick coping. At present it is overgrown.

4.13 Forge Cottage is not officially designated yet it is clearly a heritage asset in its own right and especially as a key building in the Church Street Section of the Bawburgh Conservation Area. It furnishes the narrow part of the lane with the officially designated buildings opposite and is an important element in the group of attractive and historic buildings focussing on this section of the street. The boundary is also an important part of the Conservation Area as it borders the splayed opening to the street emphasising it and announcing the village street appearance of the buildings with Forge Cottage in the forefront.
4.14 The proposed development would put at risk the Conservation Area by removing a section of boundary wall and by revealing a rebuilt, greatly enlarged and heightened former coach house. Attention is drawn to the Government’s Planning Policy Statement 5, in particular policy HE6.1 where local planning authorities should require an applicant to provide a description of the heritage assets affected by the proposed development. The assessment reveals that Forge Cottage and the boundary wall adjoining it are significant heritage assets in a sensitive and valuable part of the Conservation Area. The proposed development would have a detrimental effect on the assets

- By demolishing part of the boundary wall
- By converting a derelict former coach house to residential which involves the rebuilding and enlargement which will make it prominent in the streetscape.
- By overshadowing and further enclosing Forge Cottage which is a significant heritage asset.

In relation to the lack of information provided with the application attention is drawn to policy HE6.3: Local Planning Authorities should not validate applications where the extent of the impact of the proposal on the significance of any heritage assets affected cannot adequately be understood from the application and supporting documents. It is hoped that this report helps to redress the lacuna and is of assistance to the local planning authority when it comes to make a decision.

4.15 South Norfolk’s Conservation Officer has also assessed the Conservation area, the listed buildings which are in close proximity to the site and how the proposal will impact on the overall character of the heritage assets of the area. The following text forms the Conservation Officer comments on the proposal:

4.16 The development site and Forge Cottage are located within the Bawburgh Conservation Area. Although not listed, both Forge Cottage, including the attached coach house to the rear and the brick boundary wall to Hillside are identified in the Conservation Area Appraisal dated January 2001 as being of townscape significance, i.e. they make a positive contribution to the character of the area. The appraisal also notes that Church Street is of mixed character with a number of listed buildings as well as more modern dwellings, with a predominance of pantile as the roofing material.

4.17 In July 2011, an application was submitted to English Heritage requesting that Forge Cottage, adjoining wall and attached outbuilding be assessed for adding to the statutory list of buildings of special architectural or historic interest. However, on 9 August English Heritage confirmed that they were not considered to be of sufficient interest to add to the statutory list. The structures therefore remain of local interest only in terms of their contribution to the character of the Conservation Area.

4.18 The proposal involves the conversion and in part rebuilding of the existing attached outbuilding, reconstruction of the mono-pitched structure to the east end of Forge Cottage and the formation of an opening in the existing boundary wall to create a new vehicular access. Key considerations will be the significance of the Conservation Area as a designated heritage asset along with the significance of the structures affected, being of local interest (non-designated heritage assets). The impact of the proposal on this significance will need to be assessed against policies in PPS5 : Planning for the Historic Environment and saved policies IMP17 : Alterations and extensions in Conservation Areas, IMP18 : Development in Conservation Areas and IMP15 : Setting of Listed Buildings of the South Norfolk Local Plan.

4.19 Following several discussions and negotiations, amended drawings have now been submitted to address the issues raised along with a report setting out the significance of the heritage assets affected and the impact of the works proposed. Neither the boundary wall nor the structures affected by this proposal are designated heritage assets in their own right, as confirmed by the response from English Heritage to the request for additions to the statutory list. However, it is acknowledged that they are of local interest and make a contribution to the character of the Conservation Area which is a designated heritage asset.
Policy HE7 of PPS5 sets out the principles for determination of applications relating to heritage assets, in particular HE7.1 relating to significance, HE7.2 on the consideration of impact and HE7.5 regarding the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment.

Policy HE9.1 notes a presumption in favour of the conservation of designated heritage assets with any harmful impact on significance being justified in accordance with Policy HE9.2 (substantial harm or total loss) or Policy HE9.4 (less than substantial harm).

This does not therefore mean that any change is unacceptable, but a critical assessment has to be made on the degree of harm (if any), on the character of the Conservation Area, balanced alongside any benefits of the development proposed as well as any harm caused to the setting of adjacent listed buildings, as follows:

**Impact of proposed works to building and lean-to**

4.21 The existing attached outbuilding to the rear of Forge Cottage is currently in a poor state of repair and the former lean-to adjacent to the eastern gable of the cottage has been dismantled, leaving the area in a particularly untidy state. The proposal involves reconstruction of the lean-to to create a car-port and following negotiation, its height has been reduced so that the view from the street will be similar to the former structure. Although it is proposed to increase the height of the ridge to the gable of the outbuilding, this is no greater than the height of the ridge to Forge Cottage and will not dominate the cottage when viewed from the street due to its increased distance away from the street. Although the design of the building has a more contemporary approach to some elements, such as the glazed facade to the dining area, this reinforces the existing mixed character of the street, particularly as the development uses traditional materials including pantiles, noted as being the predominant roofing material within the street. With these issues in mind and in particular the benefits that will be derived from a positive use of this building and the visual improvements that will be achieved in comparison with the existing situation, my conclusion is that it will enhance the character of the Conservation Area.

**Impact of new opening in boundary wall**

4.22 The existing boundary wall does form a strong degree of enclosure at the entrance to Church Street. However, the extent of removal of brickwork is restricted to the minimum required to form a vehicular access and the position of the opening has taken account of the existing brick buttresses as features on either side and a substantial part of the wall will remain in place. Furthermore, when viewed in perspective the sense of enclosure will remain and the design of the curved walls reduces the apparent width of the opening. Although this does involve the loss of some historic fabric and it could be argued that there is some minor harm as a result, taking the above issues into account, my view is that the proposals are acceptable on the basis that the creation of an access facilitates the positive re-use of the building which will enhance the character of the area.

**Impact on setting of adjacent listed buildings**

4.23 There are a number of listed buildings on the opposite side of Church Street. However, it is necessary to walk some distance away from the site before the proposed works can be seen in the context of the listed buildings. At this point the visual impact of the new opening and the alterations to the building will be minimal and accordingly, in my opinion will not adversely impact on the setting of the listed buildings. My conclusion is that the proposals are in accordance with policies in PPS5 and saved policies IMP15, 17 and 18 of the South Norfolk Local Plan and I would therefore recommend approval.
4.24 Having assessed the comments made by The County Historic Buildings Officer the assessment appears to focus on the character of Forge Cottage and the general street scene of Church Lane rather than how the proposal will impact on the heritage assets of the Conservation Area. I acknowledge that Forge Cottage is important within the street scene, this point is also acknowledged by the South Norfolk’s Conservation Officer, however I also note that the English Heritage consider that the building is of local importance and not of significant interest to be added to the statutory list. There are wider issues which need to be given weight in line with the requirements of policy in terms of the proposal and its impact on the Conservation Area, the setting of the listed buildings within the area situated immediately opposite the proposed access and to the west of the junction of Hockering Lane.

4.25 I have given full consideration to the visual contribution the existing Coach House and the boundary wall make to the overall character of the area. The loss of the Coach House as seen at the present time and how the proposed scheme will impact on the heritage assets of the locality in line with National Policy. On balance I feel that the scheme although making changes to the visual appearance of the Conservation Area, is sympathetic in terms of design and scale to the heritage assets of the area and will enhance the existing site from its current appearance. I therefore consider that the views of South Norfolk Council’s Conservation Officer are based on a more in depth assessment of the character of the area as a whole and in the wider context and his conclusions are based in line with the National Planning Policy Framework, the JCS and the saved policies of the South Norfolk Local Plan 2003.

Design

4.26 The attached outbuilding to the rear of Forge Cottage is currently in a poor state of repair and the former lean-to adjacent to the eastern gable of the cottage has been dismantled, leaving the area particularly untidy state.

4.27 The scheme is for the part conversion, part re-building of a derelict Coach House which is attached to the rear wall of Forge Cottage and for a section of the adjoining boundary wall to be removed to allow for a new vehicular access. The proposal will provide a single, one and a half storey dwelling with front facing dormer windows, a sunroom which projects into the rear garden and a glazed aspect to the front (east) elevation. In addition the scheme includes a free standing mono pitch roof car port on the east elevation of Forge Cottage. However, this will appear when viewed from the street to be attached to Forge Cottage. The existing garden of Hillside will be sub-divided which will involve extensive engineering works including a retaining wall due to the development cutting into a steep bank at the rear of the site.

4.28 The scale of the proposal includes an increase in the ridge height of the main dwelling when compared to that of the existing coach house, however the resulting ridge height is no greater than Forge Cottage and will not dominate the Forge Cottage or the immediate area when viewed from the street due to its increased distance away from the street.

4.29 The re-construction of the lean-to on the east elevation to create a car-port been reduced in height from 4.4 metres to 3.8 metres following negotiation. This amendment to the scheme is now considered to relate more sympathetically to that of the original structure and not have a significant impact on the overall character of the Conservation Area.

Residential Amenities

4.30 With regard to the residential amenities of the proposal and how this will impact on the neighbouring property consideration has been given to the scale of the proposed dwelling, the position of the rear facing velux windows and any necessary boundary screening.

4.31 There is an increase in the ridge height of the proposed dwelling to that of the existing coach house, however, the increase is approximately 0.5 of a metre in height moving the resulting ridge to the south and away from Forge Cottage. For this reason I do not consider that this increase will have an unacceptable impact on either privacy or loss of light to the existing dwelling, or the adjacent courtyard area.
4.32 The proposal when first submitted included six roof lights in the rear roof which adjoins Forge Cottage, two of which would have opened directly opposite an existing roof light serving the kitchen of Forge Cottage. These have been replaced with sun tubes allowing the same natural light levels for the new dwelling, but without the impact on the neighbouring property. I consider that by virtue of the design and orientation of the proposal relative to the neighbouring dwellings that there will not be significant overlooking of habitable rooms or amenity areas.

4.33 At present an existing hedge forms the boundary between the courtyard area of Forge Cottage and the elevated garden area of Hillside. The existing retaining wall has partly collapsed and the new scheme proposes to erect a new retaining wall to be built in front of the existing wall, on top of which will be erected a new fence to the same height as the existing hedge. I consider that this will continue to provide privacy to the adjacent neighbouring property and should be conditioned to be complete prior to the occupation of the property.

4.34 At the time of submission the scheme included amongst other sustainable methods of insulation and light, an Air Source Heat Pump. Consideration was given to the potential of noise impact on the neighbouring property and as no suitable alternative location for the Air Source heat Pump could be found this has now been deleted from the scheme.

4.35 The new access is proposed to be surfaced with shingle, this has raised concern with the neighbour with regard to the level of noise resulting from traffic movements to and from the site. On balance, I consider that the level of noise resulting from the gravelled drive would not result in a sufficient level of disturbance to require an alternative surface material. I would expect the first 2 metres from the carriageway edge to be of a solid surface to prevent gravel from being dragged onto the highway. No objections on this point have been raised by the Highways Officer.

Highway

4.36 It is acknowledged that a new access in this location causes concern on safety grounds for the local residents. However, following an amended plan to adjust the section of wall to be removed and improve the visibility splays in both directions, the revised scheme now meets the requirement of the County Highways Officer. Subject to the suggested conditions above which ensure that there is adequate turning space within the site and that the access point is constructed in the manner shown on the plans, the Highway Authority now considers the scheme acceptable.

Ecology

4.37 At the time the application was submitted no Ecology Survey was included. The Council received reports of bats being seen in the vicinity of the application site and as a result of this, the agent was requested to commission an Ecology Survey. As a result of this survey bats and any other protected species were assessed. The survey noted that a Soprano Pipistrelle maternity roost is present in the adjacent property (Hillside), but no evidence of bats was found in any of the outbuildings affected by the proposal. The proposal is therefore unlikely to adversely affect this maternity colony.

4.38 Mitigation measures are suggested, which relate to clearance work on site and provision of bird boxes. The report, mitigating measures and the enhancement opportunities are supported by the District Ecologist, and therefore comply with the requirements of policies ENV14, and ENV15 of the South Norfolk Local Plan 2003.

Landscaping

4.39 Concern has been raised by some of the local residents to the loss of trees on the site, and that no survey has been submitted. From my site visit I note that the only trees which have been removed are either fruit trees, or other smaller trees which do not make a significant contribution to the overall landscape of the site and do not need any form of consent to be removed.
4.40 With regard to the large area of wall to the front of the site which is currently covered in Whisteria, this is considered by many to be an asset within the locality. While I acknowledge that this does contribute to the area, it should be noted that no permission is required to either cut or remove this should the applicant so wish and although the loss of this shrub would be unfortunate, it cannot be controlled through the planning process.

Drainage

4.44 Drainage from the proposed site has been designed to include three soakaways to accommodate all the surface water from the site. These are to be positioned to the east of the new access. A slot / channel drain will be constructed around the patio to take all surface water and feed into the soakaway system. Full details of this will need to be submitted as part of the Building Regulation process. The foul drainage will connect to the main sewerage system.

Noise

4.45 Significant consultation has taken place on the acoustic levels which can be achieved to ensure that the new dwelling will have no unacceptable impact on the amenities of the adjacent property as the rear wall of Forge Cottage will adjoin the new dwelling. An acoustic report has been submitted which included the repair of cracks to the existing flank wall between the two properties, however, concerns raised by Environmental Services regarding the potential for the repairs not to meet the required standards lead to a revised Acoustic system being designed and a revised report submitted.

4.46 The revised scheme proposes a free standing wall in addition to the existing wall. The level of attenuation required by Building Regulation for a new build scheme is 45dB. Environmental Services comment that the new report, demonstrates that the proposed party wall can exceed the noise attenuation performance for new dwellings by a significant margin, to give protection to the amenities of the neighbours from noise generated within the new dwelling. Based on the comments from Building Control and Environmental Services, I consider the scheme now accords with the principles of policy IMP10 of the South Norfolk Local Plan 2003.

5. Reasons for Approval

5.1 The site forms an important part of the Conservation Area, however at the present time the poor state of the Coach House detracts from the overall appearance of the area. The scheme as submitted has been designed to take account of the character of the Conservation Area and the surrounding Listed Buildings and takes into account the impact the proposal will have on the adjoining property. The scheme is considered to accord with the principles of the National Planning Policy Framework and policies in the Joint Core Strategy and South Norfolk Local Plan and will enhance the character of the Conservation Area by re-building an existing derelict building.

5.2 The alterations to the existing boundary wall have been designed to ensure that there is adequate visibility for traffic to access and egress from the site and to ensure that there is adequate space within the site to allow vehicles to turn and leave the site in a forward gear. The scheme is acceptable in terms of the requirements of highway safety and accords with the principles of policy IMP8 of the South Norfolk Local Plan 2003.

5.3 The assessment of this application gives due weight to the saved policies in the South Norfolk Local Plan referred to above, because those policies remain consistent with the published National Planning Policy Framework.

Contact Officer, Telephone Number and E-mail: Jacqui Jackson, 01508 533837, jjackson@s-norfolk.gov.uk
Application Referred back to Committee

2. Appl. No : 2011/0044/F
Parish : THARSTON

Applicants Name : Luke & Ben Todd
Site Address : Land opposite Blyth Green Cottage, Stratton Road, Tharston
Proposal : Change of use of land for private site for 2 no. traveller residential pitches, including the siting of 2 no. mobile homes, erection of 2 no. day room buildings, erection of 2 no. stable buildings and siting of 2 no. touring caravans. (Re-submission of application 2010/0051/F) (amended proposal)

Recommendation : Approve with Conditions

1. Introduction

1.1 Members may recall that this application was considered by the Third Wednesday Planning Committee on 21 September 2011. Members of this committee resolved to approve the application (9-0) subject to the signing of a S106 agreement to protect visibility splays (over third party land) in perpetuity. At this time the applicant’s had reached an agreement with a trustee of the adjacent land (J A Alexander 1990 Settlement Trust) to remove the trees. However the actual signing of the S106 agreement has not been forthcoming as the other trustees have refused to be party to the original agreement and declined to enter into the S106 agreement. Without this agreement the long term maintenance of the vision splay cannot be legally controlled and monitored. A copy of the original report and minutes is attached as Appendix 2.

1.2 Informal discussions took place with the applicant and County Highways to see whether any other alternative access could be achieved which has resulted in the application being amended.
1.3 An amended scheme was submitted on the 24 February 2012 showing an amended site access. A revised Planning Statement was also submitted with this proposal and this is attached as Appendix 3. The applicant’s started to carry out works on site (hard standings) and were advised to stop works, which they did. However as result of these works it became apparent that the hard standings for the mobile homes which may be given consent were not as shown on the submitted plans. Further amended plans were submitted to reflect the locations of the mobile homes and associated buildings. Both these amended plans were consulted on and the comments received on these amendments are summarised on the consultation section of this report.

1.4 Since the original application was presented to committee, last year, the National Planning Policy Framework has been published together with the Communities and Local Government ‘Planning policy for traveller sites’. Both these publications are now material considerations that need to be taken into account.

1.5 This report and assessment will only cover the following issues and updates in relation to the amended scheme and this updated report should still be read in conjunction with the original report, attached as Appendix 2.

1.6 The issues this report will cover are as follows:

- Updated consultation responses in respect to the amended plans
- Policy updates
- Assessment of new access in respect of highway safety; visual impact and residential amenity
- Assessment of layout of site in respect of visual impact and residential amenity

2. Planning Policies

2.1 National Guidance and policy

National Planning Policy Framework
Presumption in favour of sustainable development
Planning Policy for traveller sites

2.2 Joint Core Strategy

Policy 1 – Protecting climate change and protecting environmental assets
Policy 4 – Housing delivery

2.3 South Norfolk Local Plan

ENV8 (part consistent): Development in the open countryside
ENV14: Habitat protection
ENV15: Species protection
IMP2: Landscaping
IMP8: Safe and free flow of traffic
IMP9: Residential amenity

2.4 Human Rights Legislation

See section 2 of original report (Appendix 2)

2.5 Most Recent Planning History

See section 2 of original report (Appendix 2)
3. Consultation responses on amended plans – please also refer to consultations made on original report (Section 4) (Appendix 2)

3.1 Parish Councils

Long Stratton : Original comments still stand (Refuse)
- access now proposed would be worse

Tharston and Hapton : Object
- the new siting of the access is significantly more dangerous than the original proposal
- concerns re surface water still remain

Wacton : Comments on first amendment:
Refuse
- would create a whole new set of hazards and risks on already dangerous road
- the cutting of hedge to 1000mm will make no difference to the visibility of the entrance
- on an environmental interest the old hedge should be preserved
- vehicles do unfortunately take these bends at speed and would not be able to stop if a vehicle had pulled out of the new proposed entrance
- plan submitted is misleading, bend is sharper than depicted on the drawing
- members of public in attendance also in agreement to refuse

Comments on second amendment:
- concerned about amount of ‘hard standing’ that appears to have been added to the proposal along with extra buildings
- concerns fro residents who live in close proximity of the site, in the original consideration – condition 5.15 states that the proposed site must be screened from the existing properties
- the increase in buildings and hard area along with the proposed new entrance and cutting of existing hedgerow will now be at detriment to the residents of Blyth Green Cottage
- hedge is a lovely natural hedge comprising of some substantial trees, the hedge also acts as a traffic claming measure as vehicles cannot see what is coming around the corner so most drivers exercise caution, if this hedge was removed the Parish Council would imagine more accidents would occur as the speed of vehicles would increase

3.2 District Members

Mr Andrew Pond : To be reported if appropriate
Mr Terry Blowfield : To be reported if appropriate

3.3 NCC Highways : No objections, conditional support

Note: In response to letter from local resident has commented that the cost of providing a footpath along the site frontage would not be reasonable or in proportion to the scale of the development proposed. Accordingly would not support the imposition of such a condition.
With regard to the provision of footway link between link between Wacton and Long Stratton – we have very limited funds for footway works. We prioritise by means of points scoring system and doubt whether a footway at this location would score sufficient points to attract the allocation of funds, but will forward the request.

3.4 Environment Agency : No further comments to make

3.5 Keith Mitchell - Housing Strategy Manager : No further comments received

3.6 Landscape Officer : Conditional support, will need to include submission of planting details for former entrance

- the proposed reduction of the height of the existing hedgerow is not contrary to the Hedgerows Regulations, and does not constitute removal of the hedge
- creation of new opening in the hedge is exempt also, but only if the former entrance is replanted with hedge

3.7 Planning Policy : Government now published planning policy for traveller sites, which superseded Circular 01/2006. In absence of any saved local plan policies for the determination of planning applications for Gypsy and Traveller sites this becomes the primary policy for the determination of any such application.
A full copy of their response is attached as Appendix 4.

3.8 Police Architect Liaison/ Crime Reduction Operational partnership Team : Do not wish to add anything to previous comments

3.9 Gypsy Liaison Officer : No comments received

3.10 Housing Standards Manager - Tony Cooke : No further comments to make

3.11 Local Residents : 7 further letters of objection received with following concerns:
- moving access closer to bend nearest Wacton would result in it being even more dangerously located than original access point
- Stratton Road is heavily used and carries fast moving traffic, any vehicles would find it extremely difficult to break in time for vehicles exiting and entering the site
- if allowed will only be a matter of time before we witness another fatal accident on Stratton Road
- more dangerous than initial access, close to bend and fast traffic will be difficult to brake in time and limited space
- cutting hedge will encourage drivers to drive at higher an inappropriate speeds
existing trees on these sharp bends do provide a break in the form of a canopy from the sun’s glare, so that it is possible to see on-coming cars clearer, if trees reduced in height this protection from the sun’s rays would be taken away

if hedge moved back why is not possible to have a footpath

initial objections still stand and have been voiced, still have concerns over safety and new entrance will not be safer

on assumption that approval is given would ask that the following is noted – hedgerow contains trees – none of these should be allowed to be disturbed

the access should be as shown and not encroach eastwards

request that during construction heavy machinery is not used after 6:00pm weekdays and not on Sundays

previously committee concluded that the development would not unduly impact on Blyth Green Cottage because – established hedgerow acting as screen and located sufficiently away form the road

reducing hedge to 1 metre along Stratton Road would remove all the screening (new hedge will take several years to create) and new impacts need to be considered

the location of entrance was not regarded as an impact issue only one of safety, new entrance will be far more intrusive than the original and as I have indicated, more dangerous given the western blind bend

work carried out and not in accordance with plans submitted

surprised begun work, now appears to be far more hard landscaping eg shingled parking areas – do they really need two areas for parking

the two pitches now look very self contained – is due to the idea that if one family were to move, then the vacant pitch can be sold as an entity in its own right?

may be different business requirements

still have concerns about day rooms – materials and layout – still like small self-contained bijou dwellings for people to live 24/7

have you been given reason as to why existing access to be fenced, hedging should be extended

no permission until land has been re-instated

several trees removed from the neighbours coppice is great haste before any legal authorisation, these were removed to improve visibility, which encourages greater vehicle speed

condition of any permission should be coppice is replanted appropriately

1 further letter of support

if planning permission granted and S106 no resolved and highways have no objection to new entrance then what is the problem, if the hedge is cut down and they can get the vision splay then there should be no problem or maybe leave entrance where it is
4. Assessment

4.1 As stated above this assessment should be read in conjunction with the previous report (Appendix 2, Section 5), for clarification, there is no change in the status of the applicant and drainage issues. This assessment only seeks to address the following issues, which I will take in turn:

- Policy updates
- Assessment of new access in respect of highway safety; visual impact and residential amenity
- Assessment of layout of site in respect of visual impact and residential amenity

Policy Updates

4.2 A copy of the Policy Officer comments is attached as Appendix 4. It should be noted if the S106 had not been completed before the publication of the new policy changes, then the decision would have needed to be referred back to committee in any event to consider these policy changes.

4.3 The Government has now published, ‘Planning policy for traveller sites’, which supersedes Circular 01/2006. In the absence of any saved local plan policies for the determination of planning application for Gypsy and Traveller sites this becomes the primary policy for the determination of any such application. The National Planning Policy Framework (NPPF) is also a material consideration which specifically makes reference to this new policy document. Consideration still needs to be given, as previously was the case, to Policy 4 of the Joint Core Strategy which sets out a general maximum for size of sites at 10 to 12 pitches and requires that sites are provided in locations with good access to services and in locations where local research demonstrates that they would meet the needs of Gypsy and Traveller communities. The above quoted South Norfolk Local Plan polices can also be taken into consideration as these policies remain consistent/part consistent with the published NPPF.

4.4 The new Government policy requires that local planning authorities identify and update a supply of sites sufficient to provide five years’ worth of sites set against locally set targets. The Council is awaiting the publication of an Accommodation Needs Assessment which will inform its targets to which the Council will need to demonstrate its five year supply of sites. In the absence of this, paragraph 25 of the policy states this should be material condition in any subsequent planning decision when considering applications for the grant of temporary planning permission. However, Paragraph 28 states that this only relates to applications for temporary planning permission for traveller sites made 12 months after this policy comes into force and therefore the absence of a five year supply is not a material consideration in the determination of this application.

4.5 Of key consideration is Policy H of the new national policy which deals with the determination of planning applications for traveller sites. Under this policy and main considerations, I consider the proposal can continue to be supported, in policy terms, for the following reasons:

- There is still an existing level of local provision and need for sites. As previously stated there is still an unmet need in the district from the Regional Spatial Strategy (RSS) and JCS targets. The RSS identified a need for 28 permanent pitches to be provided by 2011. 22 pitches have been provided and there still remains a shortfall of six pitches. Although a number of additional temporary consents have been granted there were only granted due to the failure to meet the identified need and therefore cannot be considered to meet the RSS target. It is anticipated the results of the needs assessment mentioned above will demonstrate a future need in South Norfolk.

- There is no alternative accommodation for the applicants.
• As previously assessed although the site is located outside of the development limit for Long Stratton/Tharston, the site is not the open countryside and the site is closely related to the village for residents of the site to access local facilities.

• The policy requires that a site is landscaped in such a way to positively enhance the environment and increase its openness, promotes opportunities for healthy lifestyles and does not enclose the site in types of boundary treatment that would give the impression that the site and its occupants are deliberately isolated from the rest of community – this will be assessed later in my report.

• Planning conditions were suggested to be imposed as part of the previous assessment to ensure the site was not used for commercial purposed and to restrict the number of caravans/pitches.

As a whole the policy also states that all applications should be determined in accordance with the presumption in favour of sustainable development as per the requirements of the NPPF. This site is clearly located within a sustainable location.

4.6 Assessment of new access in respect of highway safety; visual impact and residential amenity

4.7 The revised location of the new access is almost centrally within the frontage of the application site and situated to the west of Blyth Green Cottage, the nearest residential property opposite the site. To achieve the required visibility splay the existing frontage hedgerow will need to be reduced in height to 1 metre and maintained as such. Gates are proposed to be set in from the road and to create the crossover the ditch will be piped. The existing access will be closed off. In addition it is proposed to plant a new mixed species hedging to the north side of the vision splays.

Highway safety

4.8 The views of the Parish Council and local residents are noted who all consider the revised access position is worse in highways safety terms. However, County Highways have not raised any objections to the new access arrangements provided the vision splay is maintained free from any obstructions at a height of 1 metre. As such I do not consider a highway objection can be substantiated and the proposal accords with policy IMP9 of the SNLP.

Visual impact

4.9 Clearly the reduction in height of the hedge will open out the site but this is to be compensated with the planting of a new hedge which in time will give additional screening to the site. It should be noted, and as mentioned above, the new government policy requires that a site is landscaped in such a way to positively enhance the environment and increase its openness, promotes opportunities for healthy lifestyles and does not enclose the site in types of boundary treatment that would give the impression that the site and its occupants are deliberately isolated from the rest of community. I feel this part of the policy will be met with the proposed landscaping.

4.10 The Landscape Officer has conditionally supported the revised scheme and has confirmed the proposed lowering of the hedge does not contravene the Hedgerow legislation provided the old access is re-planted. I am suggesting a condition is attached to any permission to ensure this happens, but would raise no objection for a pedestrian gate being provided in this location, as this will be of benefit to the new residents walking into the village.
Residential amenity

4.11 I note the comments and concerns raised from local residents, including those received from Blyth Green Cottage, the nearest property. They have quite rightly pointed out that when considering the impacts of the development, previously, due consideration was given to the existing hedge and the screening and that the development was sufficiently located away from their property. I fully appreciate these concerns but as Members are aware each proposal needs to be considered on its own merits and although the occupants will see more of the site, I do not consider in residential amenity terms this visual impact nor the impact of the access and associated vehicular movements, for the two pitches, will cause such harm to warrant refusal of planning permission. I am therefore satisfied the proposal still meets the requirements of policy IMP9 of the SNLP, especially given the orientation (gable end onto the road) of this property. Members should also bear in my mind this proposal is no different to the potential impact of creating two dwellings on the site and there are many access arrangements, granted, like this throughout the District.

Assessment of layout of site in respect of visual impact and residential amenity

4.12 The revised layout does not result in any additional buildings on the site nor does it increase the size of the buildings. The main changes relate to the location of the stable buildings and layout of the building themselves which if anything are further set back into the site and thus further away from the nearest residential property. Wacton Parish Council are concerned about any increase in buildings, but this is not the case. The only increase is the amount of hard standing and the separation of the two pitches, which creates shingled/parking area for each pitch. In visual terms this impact is minimal and as previously stated I consider the scale of the development is acceptable and with the proposed conditions, including new planting, will respect the character of the area.

4.13 In residential amenity terms the proposed new layout will not cause any additional harm, the buildings and pitches are further away from the neighbours dwelling (approx 80 metres) and as previously assessed there will be no commercial activity from the site.

4.14 In conclusion I am satisfied the proposal meets the requirements of the new Government policy for travellers and the amended plans will not cause any significant additional harm to nearby residential properties. The proposed new access arrangements, with appropriate conditions, is also supported by County Highways who do not raise a highway safety objection. For the reasons outlined updated in this report together with the previous assessment (attached as Appendix 2, Section 5), the proposal can be supported with the conditions outlined above.

5. Reasons for approval

5.1 The applicants are Gypsies who wish to pursue a Gypsy lifestyle by occupying this rural site. There is inadequate supply of allocated sites available to meet the needs of Gypsies and Travellers in the District and this shortfall gives substantial weight to the proposal. The location of this site, in the absence of alternative sites, can be justified in light of Government Planning policy for traveller sites and the National Planning Policy Framework, and Policy 4 of the JCS. The site although outside the development limits for Long Stratton/Tharston, is situated close to the built up area of Long Stratton and close to many local to many local services and is therefore considered to meet the objectives of new policy with respect to sustainability.

5.2 The amended plan and revised access meets the standards of the Highway Authority and will not endanger highway safety and meets the policy requirements of policy IMP8 of the South Norfolk Local Plan 2003.

5.3 Given the scale of the development, boundary treatment and siting of development on the northern boundary the proposal will not materially harm the amenities of the adjacent residents in line policy IMP9 of the South Norfolk Local Plan 2003.
5.4 There have been no objections from the Environment Agency and the Councils Environmental Services have not indicated the proposed foul surface water drainage proposals will not work. A condition is attached to agree final details in accordance with policy 3 of the Joint Core Strategy for Broadland, Norwich and South Norfolk.

5.5 The Council's Ecologist has confirmed no ecological surveys are required given the low ecological value of the site. Although the hedge will be lowered on the frontage this is still to be retained and the additional hedge planting will ensure bio-diversity of the site is maintained and it is therefore considered the proposal will not cause any environmental harm and satisfies the requirements of policy ENV14 and 15 of the South Norfolk Local Plan 2003.

Contact Officer, Telephone Number and E-mail: Helen Mellors, 01508 533789, hmellors@s-norfolk.gov.uk
Third Wednesday Planning Committee 21 September 2011

Major Applications and Applications Raising Significant Issues

1. Appl. No : 2011/0044/F
   Parish : THARSTON
   Applicants Name : Luke & Ben Todd
   Site Address : Land opposite Blyth Green Cottage, Stratton Road, Tharston
   Proposal : Change of use of land for private site for 2 no. traveller residential pitches, including the siting of 2 no. mobile homes, erection of 2 no. day room buildings, erection of 2 no. stable buildings and siting of 2 no. touring caravans. (Re-submission of application 2010/0051/F)
   Recommendation : Approve with conditions

   1. Full time permission limit
   2. No more than 2 pitches
   3. Restrict occupation to Gypsies or Travellers as defined in paragraph 15 of ODPM Circular 01/2006
   4. No commercial activities to take place on site, including storage of materials
   5. Details of foul water, via private sewage treatment plant as indicated
   6. Details of surface water, including percolation tests
   7. Vehicular access to be laid out before occupation
   8. Access gates set back
   9. Visibility splay to be provided
   10. Personal use for stable buildings and keeping of horses
   11. Retention of trees/hedge
   12. Details of any external lighting
   13. Details of boundary enhancement

Subject to S106 agreement to protect visibility splays in perpetuity

1. Planning Policies
   1.1 National Guidance and Policy
       Circular 01/2006 – Planning for Gypsy and Traveller Caravan Sites
       PPS3 – Housing
       PPS7 – Sustainable development in rural areas
       Draft National Planning Policy Framework
   1.2 Joint Core Strategy
       Policy 1 – Addressing climate change and protecting environmental assets?
       Policy 4 – Housing Delivery
   1.3 South Norfolk Local Plan
       ENV8 – Development in the open countryside
       ENV14 – Habitat protection
       ENV15 – Species protection
       IMP2 – Landscaping
       IMP8 – Safe and free flow of traffic
       IMP9 – Residential amenity
2. **Human Rights Legislation**

2.1 The Human Rights Act 1998 incorporates into UK law the provisions of the European Convention on Human Rights. In particular it governs decision making by local authorities. The following articles of the convention are particularly relevant:

2.2 Article 8 – Everyone has the right to respect for their private and family life, their home and correspondence.

2.3 There shall be no interference by a public authority with the exercise of this right except such as is accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

2.4 Article 14 – The enjoyment of the rights and freedoms set forth in the convention shall be secured without discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status.

2.5 However positive discrimination in favour of vulnerable groups such as gypsies has been specifically held to be lawful. The national and former local planning policies relating to gypsies and travellers are an example of the exercise of such positive discrimination.

2.6 Article 1 of Protocol no. 1 provides:

2.7 Every national or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and general principles of international law.

2.8 The preceding provisions shall not, however, in any way impair the right of the state to enforce such laws as is deemed necessary to control the use of the property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

It has been held that planning legislation, including the imposition and enforcement of planning and land use restrictions, constitutes "control of use of land" for the purposes of Article 1 of Protocol no. 1. Planning regulations may have the effect of reducing the value of land significantly, but in so far as the land may be used for alternative purpose and is not rendered worthless, the measures will constitute control of use rather than a deprivation within the meaning of Article 1 of Protocol no. 1.

2.9 It is quite clear, and is detailed in paragraph 70 of circular 01/2006 that the provisions of the European Convention on Human Rights should be considered as an integral part of the local planning authority's decision making – including the approach to the question of what are material planning considerations in planning cases.

3. **Most Recent Planning History**

3.1 2010/0051 Change of use of land for private site for 2 no. traveller residential pitches, including siting of 2 no. mobile homes, erection of 2 no. day room buildings, erection of 2 no. stable buildings and siting of 4 no. touring caravans

3.2 2008/1949 Erection of 2 no. stable buildings

Withdrawn

Approved
4. Consultations

4.1 Parish Councils
Long Stratton

: Original comments
Refuse
- There is no change to the Parish Council response to original application. Permanent residential use outside the development boundary is inappropriate development on site
- concerns re access, water and sewage and the impact on nearby properties

Amended plans/information
No reason to alter views already given

Tharston and
Hapton

: Original comments
Refuse
- access as highlighted by Norfolk County Council highways contrary to saved policy IMP98
- outside development boundary
- concerns re: impact on neighbouring dwellings

Amended plans/information
- confirm their original opinion

Wacton

: Refuse
- site is prone to flooding and cannot see this has been addressed
- access on busy road, unnecessary additional hazard, even with recent removal of trees close to the entrance
- size of day room is of concern – query why it needs to be so large, could easily be turned into a bedsit/small bungalow

4.2 District Member
Mrs A Thomas

: To be determined by committee
- outside development boundary
- highway access needs to be fully discussed with Highway Officer present at committee

4.3 NCC Highways

: Original comments
Refuse
- have taken into account Hurlstone Partnership assessment but inadequate visibility splayls provided at junction

Amended plans/information
- No objection subject to formal legal agreement being entered into between the owners of the land required for the splayls, plus following conditions:
- Vehicular access as per approved plans
- Access/gates/splayls
- Provision of visibility splayls

Note applicant has reached agreement in principle with adjacent land owner to construct the visibility upon the neighbouring land
Highways have also subsequently confirmed that the hedge on the frontage in westerly direction does not need to be removed, as believe visibility can be achieved by means of minor trimming.

4.4 Environment Agency

Original comments

Foul drainage
- the proposed package plant will require Environmental permit
- Waste Management
- if any controlled waste will need a registered waste carrier
Surface Water
Application states 1.475 ha, but development itself only affects a portion of the site. It should be noted that for sites of 1 ha or more a surface water flood risk assessment should be submitted if operation development is over 1 ha.

Amended plans/information
No additional comments on amendments

4.5 Planning & Housing Policy

- No local policy for determination of Gypsy and Traveller sites
- national policy/guidance is within circular 01/2006
- the RSS and JCS set a target of 28 additional pitches to be provided in South Norfolk for 2006-2011 of which over 20 have been provided
- paragraphs 47-55 of circular should be followed
- site was considered as possible allocated site which considering the now withdrawn DPD, scored poorly on access and proximity to dwelling opposite, but was looking for a much larger site – 6-8 pitches

Updates since original comments made:
- Joint Core Strategy (JCS) now adopted, policy 4 relevant
- In terms of need identified for 2006-2011, 22 permanent pitches been provided, 5 pitches given temporary consent
- A new Gypsy and Traveller Accommodation Needs Survey is being carried out to establish target from 2011 within the JCS
- Government recently carried out a consultation on a draft PPS for Gypsies & Travellers which could have a number of implications for site provisions, including provision of 5 year land supply of sites. At this stage this draft PPS has limited weight.
- Government also recently published Draft National Planning Policy Framework which gets a presumption in favour of Sustainable Development. However, the framework has limited weight at this stage.

4.6 Police Architectural Liaison / Crime Reduction Officer

No issues on amended application, to change previous comments made on 2010/0051:
- natural surveillance from the residential pitches should be unobstructed to the road
- northern boundary is very close to residential pitches, resulting in lack of natural surveillance to the rear and consideration should be given to extra boundary treatment, which may include higher fencing perhaps combined with natural thorn hedging

I have no negative comments to make with regard to this application
Third Wednesday Planning Committee

4.7 Gypsy Liaison Officer
No comments received

4.8 Housing Standards Manager - Tony Cooke
No grounds for objecting to the application, suggest condition limiting to occupation to circular definition

4.9 Environmental Services (Protection)
Re-iterate comments made for 2010/0051, as follows:
Suggest the following conditions:
- External lighting
- Stables for personal use only
- Foul Drainage to sealed system of private treatment plant only
- Ensure adequate provision made for surface water

4.10 Ecologist
- Pond on site unlikely to support great crested newts. Field did not appear to contain any botanical interest. Satisfied no ecological surveys will be needed in this instance provided good practice guideline is followed during construction phase (attach note to planning permission)
- Note adjacent wood, if any adjacent trees removed, essential to check for roosting bats, prior to removal

4.11 Landscape Officer
No objections
- It appears no further removal of vegetation will be required to achieve visibility to NCC Highways' satisfaction.
- Subject to this being the case, then my conclusion is that, with regard to landscape issues, there are no grounds for objecting.
- Condition to retain trees/hedges

Note – adjacent trees now covered by Tree Preservation Order

4.12 Local Residents
1 letter of support
- cannot see any problems, good field with a nice hedge and a big entrance, close to schools and shops

1 letter of “general observation”
- went to car boot sale, police were there and if entrance dangerous, police would have said, came out with a trailer

59 letters of objection expressing the following views:
- unnecessary and inappropriate development, outside the area designated for development in local plan
- very dangerous access onto increasingly busy road, safety issues highways considered unsuitable access, fatal accident on road few months ago
- not convinced by letter from traffic consultants
- cannot see how result of traffic survey could provide meaningful data, full study should be undertaken
- Council’s ‘Gypsy and Traveller Development Plan Document Reg 27’ includes assessment of this site unsuitable – lowest scores on access and effect on amenities
- poor drainage
- number of buildings too great and excessive
- do not consider site will be properly regulated
- devalue property
Third Wednesday Planning Committee  21 September 2011

- DPD on Gypsy and Travellers withdrawn on basis of being unsound therefore no policy justification on basis of need
- the draft JCS Policy 4 does allow for 28 pitches up to 2011 and further 38 between 2012 and 2026 – para 5.32 says SNC has met
- concerned intensity of use will be difficult to control, no confidence in Council’s ability to control
- several previous applications failed, better sites
- what will happen when large vehicles need to collect/deliver to the site?
- ground frequently waterlogged
- what consideration given to noise, air, light pollution?
- in what way are they able to justify status of travellers?
- land could be better used – council housing/private housing which could benefit the community and the economy
- Flowerpot Lane experiencing increased traffic to industrial estate, to have touring caravans as well will cause traffic chaos
- noise pollution and disruption to neighbours
- will there be any rent or rates? And will rubbish be collected
- concerns re drainage and surface water
- fully orchestrated attempt at gaining planning permission for permanent residential development through a ‘backdoor’ approach
- applicants have legal residency do not need to be re-homed, the Council has no duty to provide a new home
- horses owned by applicants come onto our land, woken up in middle of night by passing cars and lorry drivers
- no works done on fences, concerns re care and attention to the problem
- feel very unsettled as a person not knowing who our neighbours are exactly allowing touring caravans onto the site – impossible to monitor
- worry about security of persons and property
- a permanent block with toilets and kitchen and touring caravans overlooking our home does not fit into this environment
- day rooms are bungalows without bedroom – what is purpose of mobile home?
- the reduction in numbers of touring caravans form 4 to 2 is irrelevant – how would this be monitored/enforced?
- estimate of traffic movement is irrelevant
- since first application attempt made to improve vision towards Long Stratton – not improved at all
- comments on Hurlstone Partnership submission in places factually incorrect – speed survey weak
- written to Bob Neill MP – previous guidelines abandoned, no current adopted plan
- site could accommodate 7 families, rather than 2 specified
- what restrictions will stop applicant using site for business, this would be a further increase in traffic
- site part of heavy ridge clay – where is outfall of drainage directed, soakaways will not work for this type of subsoil
- car boot sales stopped due to condition underfoot
- site only suitable for grazing
- disagree traffic is light, evidence road carries heavy traffic
- no confidence that site will be policed, could lead to over occupancy of site

-34-
Third Wednesday Planning Committee  21 September 2011

- reality for 2 permanent dwellings, concern day rooms will be enlarged
- photos of access taken in winter when less foliage
- why 2 day rooms – 1 would do – may become from of dwelling if constructed to a high standard
- this stretch of road leaves no margin for error and it would not be long before a severe accident
- neighbours views should have been sought and taken into consideration
- report commissioned by company 200 miles away – red herring
- what guarantees are there that landscaping business will not be operated from site?
- Hurlestone report makes several assertions beyond my comprehension, highlight a few:
  - e.g that traffic calms down and decelerates with approaching bend appears excellent theory but not evidence, cars overtake on this small stretch of road, speed survey only a snapshot, weather conditions make difference
  - comments not made on two hour study but by company 200 miles away on very limited observations, lived here for 5 years and able to observe traffic
  - whether car boots continue is irrelevant, they are limited in any event, residential use is random, unknown and unanticipated, and under these circumstances the danger is far greater
  - no evidence environmental assessment undertaken
  - no evidence currently on traveller site
  - no lighting/no pedestrian walkway
  - unclear solutions for pollution
  - hedge towards Wacton mooted to be removed – this hedge has been in place for a number of years
  - beg question why travellers who have means to purchase land with view to building permanent residential facilities, cannot simply be approved same rights/privileges which would be afforded to people of similar demographic in society as a whole – statement concerned with development of permanent residential dwelling which essentially is what is requested within this planning application, would not be allowed for other members of society.

5. Assessment

5.1 The application site relates to a field, with an extant permission for the erection of 2 stables and grazing of horses. The site is situated on Long Stratton Road in Tharston with an existing access in the south east corner of the site. The site is in close proximity to two residential properties, Blyth Green Cottage, directly opposite, and Blyth Green House, situated on the corner of Flowerpot Lane and Long Stratton Road. There is a wooded area adjacent to the east boundary, which has now been served with a Tree Preservation Order, with fields to north and west, beyond which to the north is Tharston Industrial Estate. Further to the north east and west are the built up areas of Long Stratton. Site boundaries are defined with mixed species hedging. Please refer to the site location plan at Appendix 1.

5.2 The application was submitted with a Design and Access Statement and Highway report, submitted by The Hurlestone Partnership. As part of the application process additional information has been submitted which includes updates form the Hurlestone Partnership and associated revised access plan, clarification on drainage and status of applicant.
5.3 The application is for a permanent traveller site and includes the following amount of development - Change of use of land for private site for 2 no. traveller residential pitches, including the siting of 2 no. mobile homes, erection of 2 no. day room buildings, erection of 2 no. stable buildings and siting of 2 no. touring caravans. This application follows a previously withdrawn application (2010/0051), with the main changes being the reduction in number of touring caravans from 4 to 2 and improved access arrangements.

5.4 As members will note this application has attracted a considerable amount of public comment. It raises a range of issues of which the primary issues are as follows:

Status of the applicant
Relevance of DPD, policy and guidance
Impact on highway and safety
Impact on residential amenity
Scale of development and impact on visual amenity/landscape
Drainage

I will take each of these topics in turn.

5.5 Status of applicant

Circular 1/2006 makes provision for permission to be granted for accommodation for Gypsies and Travellers outside development limits which restrict most other forms of development. This is similar to the approach for affordable housing and specific needs housing such as agricultural dwellings and accommodation required for other rural enterprises. The circular at paragraph 15 defines 'Gypsies and Travellers' as meaning:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependent's educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group or travelling show people or circus people travelling together as such."

5.6 The applicants are not well known by the Council and as such a Status justification was requested. The Gypsy Council has submitted this and confirms the applicant's status. Their father in fact has a permitted traveller site in Feldon which was granted consent following an appeal in 1997. The Council's Housing Standards Manager does not raise any objections to the application and is satisfied with the status of the applicants. I am therefore satisfied overall that the applicant qualifies to have his proposed development assessed in the light of policies and guidance applicable to Gypsies and Travellers.

5.7 Relevance of DPD, policy and guidance

The Council did commence work on a Gypsy and Traveller Development Plan Document (DPD) although this was abandoned following publication of the Proposed Submission Document in 2009. This document can therefore not carry any significant weight, but it has been pointed out by many residents that the current application site was considered and not shortlisted as it scored poorly in terms of access to the highway (specifically concerns over visibility) and the proximity to the dwelling opposite. However it should be noted the scoring mechanism used to assess the sites in the DPD selection process was specifically tailored for that purpose only, and that the proposed site allocation being searched for was for a larger site of 6-8 pitches as opposed to the 2 pitches proposed in this application. The site therefore needs to be assessed on its own merits for the level of development proposed. It is now intended to allocate the required Traveller sites as part of the overall process of identifying land for residential development in a single DPD. It is hoped that this may be adopted in 2013.

5.8 Policy 4 of the adopted Joint Core Strategy requires the provision of 28 permanent residential pitches for Travellers in South Norfolk 2006 and 2011, and an additional 28 pitches by 2026. Neither of those targets have been met and there is currently a clear shortage.
5.9 Although there is no longer any local policy for the determination of planning applications for Gypsy and Traveller sites, as there are no saved policies, national policy guidance is contained within Circular 01/2006. The Government has signalled its intention to replace Circular 01/2006 until this happens due weight should be given to the Circular in force. The Government has recently provided the Draft National Policy Framework, however, limited weight can be given to this document.

5.10 Furthermore the advice to give “substantial weight” to the absence of an adequate supply of Traveller sites has been reinforced by recent appeal decisions at Fornecett. This case was brought to the Members attention when considering an application at committee on the 6 July 2011 (Appeal references APP/L2630/A/102138729 (2010/0834) and APP/L2630/C/10/2138732 (Enf 2010/8027)). In this appeal decision the Inspector makes reference to Planning Policy Statement 3 (PPS3), rather than Circular 01/2006, and the presumption in favour of residential applications in the absence of a 5 year land supply, applying the same principle in the event of a shortage of traveller accommodation as in the case of conventional housing.

5.11 In the light of the recent appeal decision and interpretation of policy (PPS3), as well as Circular advice, the granting of permission outside the development limits, can be supported in policy terms, unless the development in question causes such harm as to outweigh the presumption in favour of such consent. The following paragraphs consider the main areas of potential harm.

5.12 Impact on highway and safety

As already stated the application as originally submitted included a highways report form the Hurlstone Partnership concerning the highways and transportation issues of the development. In response to this the Highway Authority raised an objection to the proposal and this initial response is attached as Appendix 2. It should be noted their objection only related, at this stage, to the lack of visibility plays at the junction of the access with the County Highway. No objections were raised with respect to the sustainability of the site taking into account Circular 01/2006 relating to the site being in an appropriate location with access to education, health and welfare provision. The Circular advises that “Local authorities should be realistic about the availability or likely availability, of alternatives to the car in accessing local services’ With regard to sustainability the Circular states that Local Authorities should first consider locations in or near to existing settlements with access to local services e.g. shops, doctors and schools.

5.13 Although the site is located outside of the development boundary for Long Stratton/Harston, the site is closely related to the village for residents of the site to access local facilities. The site is also situated in close proximity to the Harston Industrial Estate on Chequers Road for access to jobs and commercial services. The nearest public transport stops to the site are located close to the junction of Flowerpot Lane with Chequers Road. Other bus stops are available on Flowerpot Lane and Manor Road. I am therefore satisfied the site meets the objectives of Circular 01/2006 in highway location and sustainability terms.

5.14 In light of the highway objection on the access, further dialogue took place with the Hurlstone Partnership and the Highway Authority. The applicant revised his application to show improved visibility in an easterly direction. This is over third party land and the application was therefore amended accordingly with the submission of relevant certificates of ownerships. All consultees were re-notified. The applicants, with the owners agreement, also removed some of the frontage trees, to achieve the required visibility. This did not need consent at the time but the Landscape Officer was notified and as result has served a Tree Preservation Order on this adjacent tree belt. Any further works to the trees will require consent.

5.15 The proposals do not require the hedge in the westerly direction to be removed and this has been confirmed by the Highways Officer. It is important this hedge is retained in both visual amenity terms and to visually screen the site from the adjacent residential property.
5.16 The Highway Authority, with the revised highway arrangements, which has been reached with the agreement of the adjacent landowner, conditionally supports the application as acceptable in highways safety terms and as such I am satisfied the proposal accords with Policy IMP8 of the South Norfolk Local Plan. A copy of this consultation response is attached as Appendix 3. In view of the visibility splays being on third party a S106 legal agreement will need to be entered into to secure this arrangement in perpetuity. My recommendation is therefore subject to this being agreed before issuing any permission.

5.17 Impact on residential amenity

The site does have two immediate neighbouring properties, Blyth Green Cottage, opposite the site and Blyth Green House, on the junction with Long Stratton Road and Flowerpot Lane and is closest to the access point. Clearly additional traffic movements will be entering the site but I do not consider the level of disturbance this will create will be unacceptable and is not likely to have a material impact on the amenity of these residents. There is a mature hedge to the frontage and as stated above this is to be retained, this helps protect the visual impact of the development and also provides screening to Blyth Green Cottage. The actual development is located to the north boundary of the site with a grazing area, for horses, situated on the south boundary, resulting in a paddock depth of approximately 58 metres. As such the distance between Blyth Green Cottage and the closest mobile home is approximately 77 metres away. In visual terms this will not be dominant or create any overlooking and in my opinion will not have any material impact on the amenity of this dwelling nor Blyth Green House.

5.18 Concerns have been raised by the immediate neighbour with respect to horses previously escaping through the hedge fence across to their garden. However with appropriate post and rail fencing within the site boundary this should not happen. I am suggesting a condition is attached to any permission, together with a condition to retain the trees and hedges on the site. This approach is also supported by the Council’s Landscape Officer who does not raise any objections to the proposal.

5.19 I am therefore satisfied with appropriate conditions the proposal accords with SNLP policyIMP9 for the reasons above.

5.20 Scale of development and impact on visual amenities/landscape

Each plot is proposed to have 1 residential mobile home/caravan, parking for 1 touring caravan and a day room building. Two stable buildings are also proposed. The day room building measures approximately 8.5 metres long by 5 metres wide with an eaves level of 2.4 metres and ridge height of 4.1 metres, to give accommodation for a day room, bathroom and kitchen. The building will have a concrete pantile roof and stained timber cladding on a brick plinth. In design terms I have no objections to the proposal and consider the design appropriate for this rural location. The buildings will not be unduly visible in the wider landscape.

5.21 The applicant has confirmed they do run a landscape business but the site will not be used for the delivery or storage of materials associated with their day to day business. It has been confirmed that no trading will take place from the site and they will only park and store their 'transit' type vehicle and tools. This in itself would not require consent and to ensure this is adhered to a condition is proposed to be attached to any permission to ensure no commercial activities take place including the outside storage of any materials/tools.

5.22 Many residents have raised concerns about the scale of development with respect to the size and construction of the day room building which they consider tantamounts to a new dwelling. This clearly is not the case and any independent use of the building would require planning permission as would any increase in size of the building as there would be no permitted development rights.

-38-
5.23 Drainage

Concerns have been raised with respect to the site and potential for flooding and whether adequate foul drainage can be accommodated on the site. The applicant is proposing to install a sewage treatment plant and obtain the necessary discharge form the Environment Agency. The Environment Agency have not raised any objections to this approach nor has the Council's Environmental Services. Clearly it is important that they can achieve discharge to a running water course or dedicated on site soakaway and a 'grampian' style condition to ensure this is agreed before development commences is proposed to be attached to any permission.

5.24 With respect to surface water, soakaways are proposed and there again a condition is proposed requiring agreement of final details including the need for percolation tests. For sites greater than 1 hectare PPS25 advises that a flood risk assessment is submitted, even though the site is Flood Zone 1, the low risk zone. Although the site as a whole is greater than 1 hectare, the operational development of the site is less than this, as also highlighted by the Environment Agency, and as such I am satisfied a flood risk assessment is not required for the level of development proposed.

5.25 Other considerations

The Council’s Ecologist has visited the site and has noted the pond adjacent to the site and given its condition is unlikely to support any great crested newts. Also the field did not appear to contain anything of any botanical interest. As such she is satisfied that no ecological surveys will be needed, provided good practice is followed during the construction phase, which should be attached as a note to any permission. Given the scale of the proposal and nature of the site the proposal is unlikely to have any significant impacts on the ecology status of the site and will not cause any harm in environmental terms and satisfies the requirements of policies ENV14 and 15 of the SNLP.

5.26 The Police Architectural Liaison/Crime Reduction Officer has not raised any negative comments to the proposal and only suggests that as the northern boundary lacks natural surveillance to the rear and consideration should be given to extra boundary treatment with a higher fence combined natural thorn hedging. In view of the rural location a solid fence may not be appropriate and additional thornative hedging may be more appropriate. A condition is proposed to be attached to agree enhancing the boundary treatment, which I have already suggested for the front boundary to ensure sufficient protection to secure horses in the paddock.

5.27 The Council’s Landscape Office does not object to the proposal and is satisfied that no further trees will be lost to create the required visibility, which in any event are now protected on the adjacent land with a Tree Preservation Order. He has suggested a condition is attached to any permission to retain all other trees and hedges on the site.

5.28 Although not specifically commented on, other objections raised have been considered but they do not individually or cumulatively justify the application being refused.

6. Reasons for approval

6.1 The applicants are Gypsies who wish to pursue a Gypsy lifestyle by occupying this rural site. There is an inadequate supply of allocated sites available to meet the needs of Gypsies and Travellers in the District and this shortfall gives substantial weight to the proposal. The location of this site, in the absence of alternative sites, can be justified in light of Circular 01/2006 advise and PPS3. The site although outside the development limits for Long Stratton/Thorston, is situated close to the built up area of Long Stratton and close to many local services and is therefore considered to meet the objectives of Circular 01/2006 with respect to sustainability.
6.2 The amended plan to improve visibility to the existing access meets the standards of the Highway Authority and will not endanger highway safety and meets the policy requirements of policy IMP8 of the SNLP. A S108 will need to be signed to ensure visibility can be achieved in perpetuity as visibility encroaches onto third party land.

6.3 Given the scale of the development, boundary treatment and siting of development on the northern boundary the proposal will not materially harm the amenities of the adjacent residents in line with policy IMP9 of the SNLP.

6.4 There have been no objections from Environment Agency and the Council's Environmental Services to indicate the proposed foul and surface water drainage proposals will not work. A Grampian style condition is proposed to agree final details.

6.5 The Council's Ecologist has confirmed no ecological surveys are required given the low ecological value of the site. The retention of trees and hedges on the site will ensure biodiversity on the site is maintained. It is therefore considered the proposal will not cause any environmental harm and satisfies the requirements of policy ENV14 and 15 of the SNLP.

Contact Officer, Telephone Number and E-mail: Helen Mellors, 01508 533789, hmellors@s-norfolk.gov.uk
Dear Sirs

Form Of Notification By Norfolk County Council
Relating to an application for Development affecting a County Highway

With reference to the application relating to the following development.

Location: Land opposite Blyth Green Cottage, Stratton Road, Thorston
Proposal: Change of use of land to private site for 2 traveller residential pitches, including the siting of 2no mobile homes, erection of 2no day room buildings, erection of 2 stable buildings and siting of 2 no touring caravans. R-submission of application 2010/0051
Applicant: Luke & Ben Todd

IN RELATION TO HIGHWAYS ISSUES ONLY, NOTICE IS HEREBY GIVEN THAT NORFOLK COUNTY COUNCIL RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS.

The planning application includes a highways report from the Hurlestone Partnership concerning the highways and transportation issues of the possible development dated 26 June 2010. You will be aware that the Highway Authority responded to you regarding our findings on this report with my letter of 2 September 2010. A copy of that letter is included as an appendix to this correspondence. I will therefore provide additional comments here with updates as necessary.
Road Network

This site is served from the C500, which at this location is known as Stratton Road. The C500 leads through from the junction of Flowerpot Lane with the A140 through to Wacton Village. Within the Norfolk Route Hierarchy, Flowerpot Lane has the designation as a Heavy Goods Vehicle Access Route to serve the Chequers Road Industrial Estate. The majority of Flowerpot Lane is subject to a 20 mph speed limit, with the exception of the western end which is subject to a 30 mph restriction. Stratton Road has the designation as a Local Access Route and is subject to the 30 mph limit. At the location of the means of access to the site Stratton Road has a carriageway width of 5.6 metres.

The Highway Authority has not undertaken any traffic count or formal speed measurement in relation to this application.

An investigation of the available accident statistics for this section of the C500, indicates that there was a fatal accident that occurred approximately 300 metres to the west of the site, with a driver losing control in October 2010. There have also been four slight personal injury accidents within the last five years. One of these involved a vehicle losing control on the bend in close proximity to the site access in January 2009. A further accident involved a vehicle collision with a pedestrian approximately 250 metres to the west of the site in September 2006. Two additional accidents occurred at the junction of Flowerpot Lane with Chequers Road in September 2008 and May 2008 respectively. This section of the C500 therefore has an existing accident record.

Site uses

In order to secure planning consent for the two stables (Application 20081949) the applicant's agent previously claimed that the stables would only require 2–3 visits per week. The figures now suggested for the stables are 2 visits per day and is at variance with the data supplied in 2008. The provision of two stables on a piece of land does not in itself imply that any vehicular movements will take place, particularly as in this instance it is understood that the site had been used for many years for the grazing of horses. The stables to date have not been built.

We are aware that car boot sales may have taken place from this site for a short period some time ago, presumably under permitted development rights. Whilst this is noted, this has to be considered against the realistic likelihood of such an activity occurring again in the future. In the event that this is unlikely only limited weight should be given to the traffic generation that was involved. For the above reasons it is not considered that the previous uses or consents that have been granted for this site are comparable to the likely traffic generation of the proposal that forms this application.

The proposed development consists of principally two residential pitches each comprising of a mobile home, a day room building and space for a touring caravan. In addition two stable buildings are proposed. The Highway Authorities contention is that the increase in traffic generation of the site should the development take place is significant and that this needs to be taken into account. In addition, the impact of this traffic generation on the highway would be real owing to the limited visibility that is available from the site access.

Continued...
Site Access/Visibility splay.

We have commented on this matter in some detail in the letter of 10 September 2010. I do not therefore propose to re-copy this.

The existing means of access that serves the site is located at the eastern end of the frontage, very close to the bend in Stratton Road. The access is currently informally surfaced in gravel with an opening onto the highway of 14 metres. The highway Authorities position in this matter is simple. The access suffers from poor visibility and it is not possible to improve matters without moving the access.

Reference should however be made to Manual for Streets vol 2 which was published in October 2010. Rather than providing new information, the majority of this document reflects the principles of Manual for Streets 1. MFS 2 is all about taking the principles of the earlier document and applying them (subject to a local context) in a slightly broader manner than many Local authorities (not all and not Norfolk County Council) had chosen to adopt when MFS 1 was published in 2007. It does confirm that its visibility standards should be used where vehicle speeds are at or below 37 mph, but that additional vision is required where the HGV/Bus content of the traffic flow is above 5 percent. Above 37 mph, the standards of DMRB should still be used.

Whilst Messrs Hurtlestone states that their own survey has already established the traffic speeds, we have previously advised that the results are at variance with our expectations and were not taken from a location that we would have recommended. We have advised that we would accept speed data providing that an automatic traffic counter is in place at an agreed location for a reasonable duration and placed at a time period to avoid holiday periods.

As to which is the most appropriate visibility standard to adopt—either design Manual for Roads and Bridges or Manual for Streets that would need to be established from the results of an ATC survey. However, as far as the current access is concerned, this point is immaterial. Even if we were to accept the traffic speeds provided by Messrs Hurtlestone and used the minimum standards recommended in Manual for Streets, the applicant cannot achieve this minimum level of visibility. Messrs Hurtlestone records the 85th percentile speed towards the site from Long Stratton as being 26 mph. This requires a visibility splay of 35 metres with the minimum MFS standards which cannot be achieved.

Sustainability

The ODPM Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites (February 2006) identifies that proposed gypsy and traveller sites need to meet a number of criteria, including the site being in an appropriate location with access to education, health and welfare provision (Introduction: page 5). The Document goes on to state in regard to proposed sites in rural areas and the countryside (page 13) that 'Local Authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services.'
With regard to sustainability (page 15) the document states that Local Authorities should first consider locations in or near to existing settlements with access to local services e.g. shops, doctors and schools and with an assessment of the social, environmental and economic impacts assessed in accordance with the requirements of sustainability appraisal.

Although this site is located outside of the development boundary for Long Stratton/Thorston, the site is closely related to the village for residents of the site to access local facilities as required by document 01/2006. The site is also situated in close proximity to the Thorston Industrial Estate on Chequers Road for access to jobs and commercial services. The nearest public transport stops to the site are located close to the junction of Flowerpot Lane with Chequers Road. Other bus stops are available on Flowerpot Lane and Manor Road.

In sustainability terms it is therefore considered that the site meets the objectives of the ODPM Circular 01/2006.

Conclusion

The sightline provision from the junction of the private drive serving this site from the C500 Stratton Road, fails to meet the recognised guidance set down by Central Government and applied locally. It is therefore considered with the inadequate visibility splays that are available at this junction that should the development be permitted, this would cause danger and inconvenience to users of the adjoining highway, particularly pedestrians, cyclists and motor-cyclists that would be especially vulnerable to a vehicle edging out.

The accident history shows that this section of the C500 has an existing accident record and that should the development be permitted with the current access arrangement a heightened accident risk is probable.

It is therefore recommended that this application be refused for the following reason.

HDCR12 Inadequate visibility splays are provided at the junction of the access with the County Highway and this would cause danger and inconvenience to users of the adjoining public highway, contrary to saved Policy IMP8 of the South Norfolk Local Plan 2003.

Development Management Officer
for Director of Environment, Transport and Development

www.norfolk.gov.uk
Dear Mrs Mellors,

Tharston - Land opposite Blythe Green Cottage, Stratton road - change of use of land for private site for 2 number traveller residential pitches, including the siting of 2 number mobile homes, erection of 2 number day room buildings, erection of 2 number stable buildings and siting of 2 number touring caravans. (Re-submission of application 2010/0051/F)

Thank you for your letter of 7 March 2011.

I understand the applicant has now reached agreement in principle with the adjacent landowner to construct the visibility splays upon the neighbouring land. Whilst the land for the splays has been included within the road edging, no formal legal agreement has yet been reached.

I no longer have an objection to this application, subject to a formal legal agreement being entered into between the owners of the land required for the splay and the applicant. In addition, I also recommend the following conditions:-

**SHC 08** Prior to the first occupation of the development hereby permitted the vehicular access shall be laid out in the position shown on the approved plan. Additionally from the property boundary to the near channel edge of the carriageway the construction specification shall be in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

-146-
Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls / fences / hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the (outside) gateposts to the front boundary of the site.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened.

Prior to the first occupation of the development hereby permitted visibility splays measuring 90 x 2 metres shall be provided to the south-west and 54 x 2 metres to the north east of the access where they meet the highway. Such splays shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

No works shall commence on the site until a legal agreement protecting the visibility splays in perpetuity has been secured by the applicant.

Reason: In the interests of highway safety.

Yours sincerely,

[Signature]

Senior Engineer (Highways Development Management)
for Director of Environment, Transport and Development.
INTRODUCTION

This statement has been prepared to be read in conjunction with Drawing Number 09/936/001C. The statement and the drawing relate to Full Planning Application Reference 2011/0044/F submitted to and registered by South Norfolk Council on 13 January 2011. The statement also relates to the Design and Access Statement submitted with the application.

The revisions submitted is, following discussions with South Norfolk Council and Norfolk County Council Highways to amend the position of the main site access off Long Stratton Road.

PLANNING UPDATE

Following submission and consideration the above referred to application was heard at the Planning Committee meeting on 21 September 2011. At that meeting members voted to unanimously approve the application subject to a formal Section 106 Agreement being signed. It was noted at the meeting that the applicants had reached an agreement with the J A Alexander 1990 Settlement Trust who owned the woodland to the east of the application site. The agreement made was with a trustee, Mr Nigel Alexander, and a copy of the agreement made on 17 February 2011 is appended to this statement. The agreement made allowed the applicants to remove some trees to form and agreed highways vision splay which was then to be maintained in perpetuity. The work to form this vision splay has been undertaken.

Since the signing of the initial agreement the applicants sought to obtain appropriate agreement and signatures to the required Section 106 Agreement from the trustees. The other trustees have refused to be party to the original agreement and therefore have declined to enter into the Section 106 Agreement. Without this agreement South Norfolk Council have stated that they cannot, although drafted, issue their formal approval if the adjoining land, not in the applicants ownership, which would form the required vision splay is not included within the legal agreement. Without this agreement the provision and long term maintenance of the vision splay cannot be legally controlled and monitored.
At follow up meetings with Area Officer, Mrs Helen Mellors, and Norfolk County Council Highways Officer, Mr John Shaw, it was agreed that the applicants should pursue whether or not an alternative access could be agreed.

**ALTERNATIVE ACCESSES**

Following discussions it was determined that two possible solutions were, subject to agreement, possible.

The first of these involved forming an access from Chequers Road over an adjoining owners land. Discussions were held with a representative of the owners of the land in question and an offer was made to form a suitable vehicle access for both parties. Norfolk County Highways confirmed that as they owned a wide margin to the side of Chequers Road that had no objections in principle to the formation of vehicle access.

The owners of the adjoining land, after consideration, declined to agree to any proposals put to them.

The second solution is to form new access position on Long Stratton Road and discussions with both South Norfolk Council and Norfolk County Highways a suitable location for an access has been determined. This access can be formed by the applicants and has the significant advantage that no third party owner is involved.

It is this solution which is highlighted on Drawing Number 09/936/001C. It is understood that the revisions proposed will need to be made available for public and Parish Council consultation. Mrs Mellors has confirmed that any such proposal will need to be taken back to the Planning Committee for formal agreement.

**REVISED PROPOSAL**

The revised proposal is to form a new access to the site and as part of this work to stop up and close off the current access. The location of the new access together with the new access track is shown of the accompanying drawing.

The works will involve formation of a highways approved access together suitable vision splays in both westerly and easterly directions. Any gates will be set in from the road edge to avoid any possible obstruction to traffic flow along Long Stratton Road. Piping of the drainage ditch, at the new access position, will be undertaken.

Following discussions, and subject to final agreement with the Landscape Officer, it is proposed to reduce the existing hedgerow along the Long Stratton Road to be reduced and maintained at a height of 1000mm. It should be noted that any reduction in the height of the existing hedgerow will not contravene current legislation relating to the protection of such hedgerows.
In addition it is proposed to plant new mixed species hedging to the north side of the agreed vision splays. A post and rail fence will also be erected along north side of the new hedge line.

The formation of the required vision splays will provide not only safety vision for the applicants but also improved vision and safety to users of this stretch of the road. The existing hedgerow line, albeit reduced in height, will be retained and the provision of new hedging will, in time, provide screening and privacy.

The existing site access will, once the new access is formed, be stopped up and the gates removed and replaced with fencing. The applicants may look to form a gated pedestrian access in this location to minimise any risk to the applicants and their families walking to and from Long Stratton.

CONCLUSION

It is noted that the revisions proposed will have to be reconsulted and eventually taken to the Planning Committee for approval and it is hoped that a positive outcome will be achieved to this long running application.
Dated: 1/7/2/11

TO WHOM IT MAY CONCERN

Re: Land at Long Stratton Road Tharston Norfolk – TM18800 92200

I am one of the beneficiaries of the J. A. Alexander 1990 Settlement Trust, which owns the land adjoining the land owned by Ben and Luke Todd of Little Orchard The Street Hordon Norwich Norfolk NR15 1RL and I am the authorized representative of the Trust. I am aware that they are trying to obtain planning permission on their land but there are highway safety concerns due to the entrance to their field being close to a bend in the road. I have therefore reached an agreement with them that they may enter the Trust’s land in order to clear the area hatched black on the attached plan of trees and other vegetation and thereafter to seed the land with grass seed so as to provide a visibility splay from their field entrance along Flowerpot Lane. I have also agreed that the Trust will not plant or erect anything on the area hatched black in the future that would obstruct the use of this area as a visibility splay and that if necessary they and any subsequent owners may enter our land to keep this area cleared for this purpose. I confirm that the Trust is willing to enter into a formal legal Deed with Ben and Luke so as to make this agreement binding on the Trust and any subsequent owners of our land if required.

I also confirm that if the Trust ever decide to sell this land in the future it will give Ben and Luke Todd the first opportunity of buying it.

Yours sincerely,

Nigel Alexander

LS Todd
Tharston: Land opposite Blyth Green Cottage, Stratton Road
Change of use of land for private site for 2 no. traveller residential pitches, including
the siting of 2 no. mobile homes, erection of 2 no. day room buildings, erection of 2
no. stable buildings and siting of 4 no. touring caravans.

Subsequent to my previous memos relating to this application, the Government have
published Planning Policy for traveller sites, which supersedes Circular 01/2006. In the
absence of any saved Local Plan policies for the determination of planning of planning
applications for Gypsy and Traveller sites this becomes the primary policy for the
determination of any such application.

The policy requires that local planning authorities identify and update a supply of sites
sufficient to provide five years' worth of sites set against locally set targets. The Council is
awaiting publication of an Accommodation Needs Assessment which will inform its targets
to which the Council will need to demonstrate its five year supply of sites. In the absence
of this, Paragraph 25 of the Policy states that this should be a material consideration in
any subsequent planning decision when considering applications for the grant of
temporary planning permission. However, Paragraph 28 states that this only relates to
applications for temporary planning permission for traveller sites made 12 months after this
policy comes into force and therefore the absence of a five year supply is not a material
consideration in the determination of this application.

Policy H of the new national policy deals with the determination of planning applications for
traveller sites. I would note that the main considerations in the determination of this
application are the following:

- The existing level of local provision and need for sites. As noted in my previous
  memos there is an unmet need in the district from the Regional Spatial Strategy (RSS)

www.south-norfolk.gov.uk
and Joint Core Strategy (JCS) targets. The RSS identified a need of 26 permanent pitches to be provided by 2011. 22 pitches have been provided and therefore there remains a shortfall of six pitches. Although a number of additional temporary consents have been granted these were only granted due to the failure to meet the identified need and therefore cannot be considered to meet the RSS target. As mentioned above, an assessment has recently been carried out with the results to be published shortly which will demonstrate the future need in South Norfolk, however I fully anticipate that this will continue to show an unmet need.

- An assessment of the availability of alternative accommodation for the applicants and any other relevant personal circumstances
- The policy notes that sites in open countryside away from existing settlements or outside areas allocated in the development plan should be strictly limited and should not dominate the nearest settled community. The site does fall outside the development boundaries of Long Stratton and Thorston in the South Norfolk Local Plan, although limited weight should be given to this element of the policy as it is not an isolated site, close to a wide range of services and is clearly unlikely to dominate a settlement the size of Long Stratton
- Ensuring the site is landscaped in such a way to positively enhance the environment and increase its openness, promotes opportunities for healthy lifestyles and does not enclose the site in types of boundary treatment that would give the impression that the site and its occupants are deliberately isolated from the rest of the community
- Whether there is any need to use planning conditions to limit parts of sites which can be used for business operations or specifying the number of days the site can be occupied by more than the allowed number of caravans (to allow for visitors, etc)

The policy also states that all applications should be determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework.

Consideration should still be given to Policy 4 of the JCS which sets a general maximum for size of sites at 10 to 12 pitches and requires that sites are provided in locations with good access to services and in locations where local research demonstrates that they would meet the needs of Gypsy and Traveller communities.

Please see previous advice given below.

Tim Barker
19 April 2012

Previous advice:

There is no local policy for the determination of planning applications for Gypsy and Traveller sites as there are no saved Local Plan policies for Gypsies and Travellers. National policy for planning applications for Gypsy and Traveller sites is contained in Circular 01/2006. Although the Government have announced their intention to revoke this Circular, it currently remains in force and thus remains the main policy consideration. The Regional Spatial Strategy (RSS) and Joint Core Strategy of the LDF set a target of 28 additional pitches to be provided in South Norfolk in the period from 2008 to 2011, of which over 20 have now been provided.

The site falls outside of any development boundaries and therefore paragraphs 47 to 55 of the Circular, which covers sites in rural areas, should be considered. This allows for rural exception sites where there is a lack of affordable land to meet Gypsy and Traveller needs. Much of the remainder of this section focuses on Green Belt land and other land
protected by national designations which is not applicable to this site but paragraph 54
does refer to considerations of proximity to services and the impact on the nearest settled
community.

For your information, the site that is the subject of this application was one that was
considered as a possible allocated site when developing the now withdrawn DPD for
Gypsy and Traveller site provision. The site was not shortlisted as it scored poorly in
terms of access to the highway (specifically concerns over visibility) and the proximity to
the dwelling opposite the access. However, it should be noted that the scoring mechanism
used to assess sites in the DPD site selection process was specifically tailored for that
purpose only, and that the proposed site allocation being searched for was for a larger site
of 6-8 pitches as opposed to the 2 pitches proposed in this application.

Additional note:
Since the above comments were written, the Joint Core Strategy (JCS) has been adopted.
Policy 4 of the JCS sets a general maximum for size of sites at 10 to 12 pitches, requires
that sites are provided in locations with good access to services and in locations where
local research demonstrates that they would meet the needs of Gypsy and Traveller
communities. Furthermore, the Government have also produced a draft PPS for Gypsies
and Travellers which has been consulted on. However at this stage this has very little
weight and therefore Circular 01/2006 remains the main national planning consideration.

Tim Barker
23/8/2011

Since the above comments were made, the Joint Core Strategy (JCS) has been adopted.
JCS Policy 4 (Housing delivery) refers to provision of Gypsy and Traveller sites, stating
that sites generally should not have more than 10 to 12 pitches, be located which have
good access to services and in locations where local research demonstrates they would
meet the needs of the Gypsy and Traveller communities.

In terms of the need identified for 2006 to 2011, 22 permanent pitches have now been
provided. A further 5 pitches have been granted temporary consent, however it should be
noted that these were only granted temporary consent due to the failure to meet the
identified need.

A new Gypsy and Traveller Accommodation Needs Survey is being carried out to establish
a target for provision of sites from 2011 within the JCS. It is likely that some of the sites to
meet this target will be provided through the forthcoming Site Specifics DPD.

The Government have also recently carried out a consultation on a Draft PPS for Gypsies
and Travellers which could have a number of implications for site provision, including the
provision of a 5-year land supply of sites. At this stage the Draft PPS has only limited
weight however.

Also recently published for consultation by the Government is the Draft National Planning
Policy Framework which sets a presumption in favour of sustainable development. It also
states that development should be approved where the Local Plan is silent. Like the Draft
PPS for Gypsies and Travellers, the Framework also has limited weight at this stage.

Tim Barker
5 September 2011
Major applications or applications raising issues of significant precedent

3.  
Appl. No : 2011/1284/O  
Parish : FRAMINGHAM EARL  
Applicants Name : Hibbett & Key  
Site Address : Land north-west of, Pigot Lane, Framingham Earl  
Proposal : Outline application for residential development of 100 dwellings and associated works including new access onto Pigot Lane.

Recommendation : Approve

1. Outline permission time limit
2. Agreement of design brief pre-submission of reserved matters
3. Approval of reserved matters
4. Development limited to max 2-storey in height
5. Detailed surface water drainage scheme in accordance with the FRA to be submitted and agreed
6. Detailed foul water drainage scheme to be submitted and agreed. Implementation of any mitigation measures prior to occupation
7. Archaeology
8. Details or roads, footways and cycleways to be agreed
9. Roads, footways and cycleways to be constructed in accordance with the above
10. Off-site highway works
11. Traffic Regulation Order – pre commencement
12. Travel Plan to be agreed
13. Implementation of agreed travel plan prior to occupation
14. Materials to be agreed
15. Landscaping (inc details of management)
16. Tree protection – pre-commencement
17. Boundary treatments to be agreed
18. Wildlife management plan in accordance with the findings of the Ecological survey to be submitted and approved prior to commencement

Subject to a S106 legal agreement providing for developer contributions towards education (inc. a pro-rata contribution towards a MUGA at Poringland High School), libraries, travel plan, off-site highway works, and an affordable housing agreement confirming the type, tenure and mix of affordable housing, including its affordability in perpetuity.

1. Planning Policies

1.1 National Planning Policy Framework

Section 6 – Delivering a wide choice of high quality homes
Section 7 – Requiring good design
Section 10 – Meeting the challenge of climate change, flooding and coastal change
Section 11 – Conserving and enhancing the natural environment

1.2 Joint Core Strategy

Policy 1 – Addressing climate change and protecting environmental assets
Policy 2 – Promoting good design
Policy 3 – Energy and water
Policy 4 – Housing delivery
1.3 South Norfolk Local Plan

IMP 8: Safe and free flow of traffic
IMP 9: Residential amenity
ENV8: Development in the open countryside

2. Planning History

2.1 11-2-12 EIA Screening opinion issued – EIA not required.

3. Consultations

3.1 Framingham Earl Parish Council : Refuse

- Development is not necessary. It will fulfil the entire lower end of the estimated requirement for the next 15 years in a single development.
- Development is outside the current development boundary.
- Constitutes ribbon development along a rural lane.
- Roads and lanes in the area would not be able to cope with the increased traffic.
- Exacerbate flooding and drainage issues.
- Already more than sufficient sites suggested for housing development.

The Parish Council have also requested that professional bodies take account of the local vies and information in respect of flooding and drainage concerns.

3.2 District Member : Comments attached as appendix 3.

3.3 NCC Highways : No objection, subject to a S106 legal agreement requiring a Travel Plan bond, and suitable conditions requiring final details of off-site highway works to be agreed.

3.4 Environment Agency : No objection, subject to appropriate conditions.

3.5 SNC : Planning Policy : Offer the following comments:

- The site falls within the parish of Framingham Earl, but the application site is immediately adjacent to the built-up area of Poringland. In this case, JCS Policy 14 (Key Service Centres) therefore applies, and we will be seeking to allocate land for 100-200 dwellings, and employment land provision in Poringland / Framingham Earl.
- The site is within the buffer zone of a pumping station, and Anglian Water would need to advise if they have objections in this respect.

- The NPPF states a presumption in favour of sustainable development. To be sustainable, it emphasises the need for development to be located where it can make maximum use of walking and cycling for day-to-day needs. The application site is close to Framingham Earl High School and several other village services are within the 800m ‘walking distance’. Therefore, this site is sustainably located within the village. The NPPF also states a housing supply policy should not be considered up-to-date if a five year supply cannot be demonstrated. The GNDP AMR base date 1/4/11 shows 3.28 years supply in NPA.

- The site falls within Landscape Character Area D2, Settled Plateau Farmland. The most important landscape assets within this area are considered to be the presence of isolated churches and strong regional vernacular character, important views, drainage/boundary ditches, wide grass verges, a wooded character with mature hedgerow trees and the contribution towards a strategic break between settled areas. Any of these assets should be preserved or enhanced by development.

3.6 Anglian Water Services Ltd: To be reported.

3.7 Natural England: No objection.

3.8 SNC: Housing Strategy Manager: Support – application proposes 33% affordable housing, and it includes an 85% / 15% split between affordable rent and shared ownership. Supporting financial evidence has been submitted that demonstrates that this is an acceptable and viable mix of housing types that meets housing need.

3.9 Waveney Valley Internal Drainage Board: No objection.

3.10 NCC: Planning Obligations Co-Ordinator: Request financial contributions towards education (£583,320) and enhanced library provision (£6000), and green infrastructure (£5000). A pro-rata contribution towards the provision of a MUGA at Poringland High School is also requested.

3.11 Environmental Services (Protection) – Flood Defence Officer: Surface Water Drainage – No objection, subject to a condition requiring percolation testing to allow for further consideration of opportunities for infiltration devices as a means of surface water drainage and that the overall drainage strategy is agreed by the LPA.

Further maintenance and management of the drainage features to be agreed by the LPA.
Foul Drainage – No objection. It is understood that drainage is to be pumped to Pigot Lane and onto Poringland WwTW. Anglian Water have confirmed that there is treatment and volumetric capacity at Poringland WwTW.

3.12 SNC: Design Officer : A Building for Life Assessment will be carried out at the reserved matters stage, assessed against Policy 2 of the Joint Core Strategy. The submitted masterplan and design and access statement clearly shows that the development has the potential to achieve the required high quality design when assessed against the criteria of Building for Life.

3.13 NCC: Historic Environmental Services : No objection, subject to a condition requiring a scheme of archaeological works.

3.14 Landscape Officer : None received.

3.15 Norfolk CPRE : Object
   - Application is ‘jumping the gun’
   - Housing targets for the JCS are incompatible with the objectives of protecting and enhancing the rural environment in the Norwich Policy Area
   - The site encroaches into attractive rural countryside

3.16 Local Residents : The following petitions against the development received:

564 signatures (on behalf of local residents)
17 signatures (on behalf of local residents)
11 signatures (on behalf of residents of Pine Cottages)
8 signatures (raising specific flooding concerns)

A further 67 individual letters of objection received:
- Increase in traffic will cause problems for local residents
- Development would impact on the quiet way of life of the area
- Present infrastructure will not be able to cope
- Impact from additional pedestrians using Oaklands to get to the school (crime etc.)
- Existing drainage problems in the area
- Loss of a valuable wildlife resource containing many species of wildlife and fauna
- Visually damaging to an area of natural beauty
- Proposed footpath within site would cause amenity issues for existing residents (Oaklands)
- Proposal conflicts with current LDF plans for this site
- Traffic from the development would change the nature of Pigot Lane
- Site is full of wildlife and birdlife
- High risk area for flooding
- Development is out of scale
- Potential for light pollution
- Development will exacerbate the current traffic problems at the roundabout
- Loss of Greenfield land
- Pigot lane is a haven for natural pursuits, cycling, walking and horse riding – all will be affected.
4. **Assessment**

4.1 This outline application seeks consent for the erection of 100 dwellings on a 4.7 hectare piece of land at Pigot Lane, Framingham Earl. The proposals also include the provision of affordable housing (33%), open space, a flood attenuation pond, pedestrian links through to Oaklands, and a new vehicular access from Pigot Lane. Excluding the area of land set aside for the attenuation pond, the proposed density of development would be approx. 22 dwellings per hectare. A location plan of the site is attached as appendix 1, and a summary of the proposals is attached as appendix 2 to this report.

4.2 The site is located to the north west of Pigot Lane adjacent the existing single storey properties in Oaklands. A small bungalow and disused farm buildings are located within the site at its western edge, with the remainder of the site comprising a number of enclosed fields bounded by hedgerows. The fields do not appear to be in use for intensive agricultural production. The site is bounded to the north west by the playing fields serving Framingham High School, to the north east by further agricultural land, and to the south east by Pigot Lane beyond which is the land known as Forty Acre Plantation.

4.3 As the site is located outside the current development boundary in an area of open countryside (as defined by the South Norfolk Local Plan 2003), the application is clearly contrary to saved local plan policy ENV8. The proposal should therefore be refused unless there are material considerations that dictate otherwise. In my opinion, the following material considerations need to be considered:

- The provisions of the adopted Joint Core Strategy (JCS), which allocates Poringland/Framingham Earl for further development of 100 – 200 dwellings during the period 2011 to 2026.

- There is an acknowledged lack of a 5-year housing supply within the Norwich Policy Area. (There is currently 3.28 years supply in the NPA.) The recently published National Planning Policy Framework makes it clear that there is a presumption in favour of sustainable development, and that relevant policies in the local plan cannot be considered up-to-date where a 5-year supply of deliverable housing sites does not exist. The 5-year supply should also have an additional buffer of 5%, or 20% where there has been a record of persistent under-delivery of housing.

- The site is in a sustainable location, adjacent a Key Service Centre (as defined in Policy 14 of the JCS).

- The site appears to be deliverable (as defined by section 6 of the NPPF) in that it is available now and offers a reasonable prospect of being delivered within the next 5 years).

- Other relevant sections of the NPPF as set out in par. 1.1 above.

4.4 It will be noted from section 3.15 above that there has been a significant amount of objection to the proposal from local residents raising a number of issues. In my opinion, the critical issue that members need to address is the principle of the development having regard to:

- The provisions of the NPPF, the adopted JCS, and the requirement to achieve a 5-year land supply of housing.
- The suitability of the site having regard to its sustainability and the impact on the landscape and ecology.
- Drainage & flood risk
- Highway Impact
NPPF, JCS & the 5-year land supply of housing

4.5 The presumption in favour of sustainable development does not remove the need to assess the proposed development having first had regard to the development plan, however the relevant planning policies referred to need to be up-to-date. The GNDP has accepted that there is a 5-year land supply deficit with the Norwich Policy Area, and as Section 6 of the NPPF points out, where this is the case, the relevant development plan policies cannot be up-to-date. Whilst material considerations then need to be taken into account, the NPPF advises that development should be approved unless the ‘adverse impacts of doing so would significantly and demonstrably outweigh the benefits’.

4.6 In allocating Poringland (including Framingham Earl) as a key service centre, JCS Policy 14 acknowledges that the community has a dispersed provision of local shops and services, as well as a high school and a primary school. They also have key public transport services for journeys to work and leisure purposes. Due to the significant amount of housing commitments (as of 2008) not built, this community only has an allocation of between 100 – 200 dwellings, and the proposed development fits within this range.

4.7 It is noted that many residents feel that the site should not be considered ahead of specific sites having been allocated for development through the Local Development Framework process. However, taking the above into account I feel that the proposed development cannot be dismissed purely on the grounds of prematurity, and that the demonstrable lack of a 5-year housing supply carries significant weight in the consideration of the application.

Suitability of the Site

4.8 As already established, the communities of Poringland and Framingham Earl already have a good range of facilities, and apart from being located within easy walking distance of the high school and a convenience shop, other facilities are also close by, some within walking distance, but all accessible by public transport if required. The site is sustainable in these terms.

4.9 Many comments of local residents also reference the intrinsic beauty of the area, and in particular point out that Pigot Lane and the surrounding fields are often used by dog walkers and ramblers. It is noted that a permissive path runs to the east of the site, connecting the Forty Acre Plantation with Poringland Wood to the north of the site. Although the development of the site will be visible at various points along Pigot Lane, it is well contained within existing field boundaries and the mature trees contained within them. The visual impact of the development is restricted to the immediate vicinity of the site when leaving or approaching the village. Further down Pigot Lane, the tree-lined nature of the lane mean that the views of the site are much more restricted, and any views of the site from here would be insignificant. In conclusion, the visual impact of the development would be limited to within the immediate vicinity of the site, and would not significantly harm the rural character of Pigot Lane.

4.10 I have no doubt that the area including Pigot Lane, Forty-Acre Plantation, and the site itself, contains much flora and fauna. Section 11 of the NPPF requires development to minimise the impact on diversity, and to where possible enhance it, but it also acknowledges that a balanced view has to be taken. The proposed development allows for the retention and enhancement of the existing trees and boundaries in and around the site, which I consider to be the main feature of the site in terms of its landscape character and ecological value. The surface water lagoon represents a further opportunity for a wetland habitat enhancement. The presence of bats in the old buildings on the site is noted, and in line with the recommendations of the ecology report submitted with the application, a wildlife management plan to accommodate the requirements of protected species such as bats and grass snakes, can be required to be submitted.
4.11 Taking the above into account I have concluded that the development of the site in the scale proposed (i.e. restricted to a maximum of 2-storey in height) would not have a significant detrimental impact on the character and appearance of the area, and with a net gain in terms of tree planting and wetland habitat, would have a positive ecological impact. The application accords with Section 11 of the NPPF and Policy 1 of the JCS in this regard.

**Drainage & Flood Risk**

4.12 Alongside the impact on the character and appearance of Pigot Lane, it is issues of drainage and flood risk that have been raised the most by local residents and the Parish Council. The development of the site having regard to these issues represented a significant challenge for the developers, a fact further highlighted by the Environment Agency who initially objected to the application. However, lengthy discussions with the applicants drainage engineers, the EA, Anglian Water and the Council’s own Flood Defence Officer, has resulted in a revised drainage strategy that is acceptable to all technical consultees.

4.13 Key drainage points can be summarised as follows:

- On site surface water run-off will be attenuated to Greenfield rates, utilising improved existing land drains and ditches.
- Drainage from the upstream catchment area will be maintained through this existing ditch network and be separate from the proposed development drainage. This will result in a reduction in flood risk to the existing residents of Oaklands.
- Foul drainage will be pumped via a rising main through the site to Pigot Lane, and then on to the Poringland Sewage Treatment Works. (No on-site treatment works are now proposed.)

4.14 The above proposals have addressed the initial concerns of statutory consultees, and also go some way in addressing a number of local resident’s concerns in respect of existing flooding issues, and flooding downstream of the catchment area. The use of a pumped sewage system removes the original requirement for an on-site treatment works, and means that there will be no increased flood risk downstream of the site.

4.15 Taking the above into account, I consider that in respect of flood risk, the application is in accordance with the requirements of section 10 of the NPPF, having demonstrated that the site can be developed without increase flood risk elsewhere.

**Highway Impact**

4.16 Another issue that raised much concern with local residents, is the potential impact on the local highway network, both in respect of the increased traffic on Pigot Lane, and the capacity of the ‘fiveways’ roundabout. A transport statement was submitted (and later revised) by the applicants illustrating how appropriate access can be achieved for public transport, cyclists, pedestrians and vehicles. NCC: Highways have accepted that the traffic assessment demonstrates that the adjacent highway network has sufficient capacity to accommodate forecast traffic flows. A Travel Plan which sets out a series of objectives, actions and targets to actively promote the use of alternative modes of transport would help to provide for a small reduction in car trips, and a framework document has been submitted with the application. Again, this has been accepted by NCC: Highways.
4.17 Subject to the provision and implementation of a travel plan, the extension of the 30mph speed limit to the north eastern boundary of the site, and the provision of a 1.8 metre wide footway from the site to the junction of Long Road, the development would not give rise to any concerns in respect of highway safety or traffic impact and accords with saved local plan policy IMP8 and section 4 of the NPPF.

Design Approach

4.18 Both JCS Policy 2 and Section 7 of the NPPF require high quality design, and great importance is attached to the design of the built environment, with it being seen as a key aspect of sustainable development, indivisible from good planning and contributing positively to making places better for people. Although detailed aspects of the design are reserved for future submission, through the formulation of a masterplan for the site based on an appraisal of the context and constraints of the area, the applicants have been able to show that the development will provide for a good mix of homes with a spread of density that takes account of the existing development, the edge of village location, and the amenities afforded by local residents. Footpath links through to the existing Oaklands development can be accommodated and, although not popular locally, would enable safe access for pedestrians to the shop and school.

5. Conclusion

5.1 It is accepted that there is not a five year supply of sites within the GNDP area. The NPPF is clear and explicit that in such circumstances Local Planning Authorities should consider favourably sustainable development that would address that deficit. The lack of a five year supply and the requirements of the NPPF are a very strong material consideration in favour of this application.

5.2 I consider the site to be sustainable, having regard to its location, connectivity with adjoining development, proximity to local services and facilities, impact on the local transport network, ecology, drainage, and its impact on the landscape character and appearance of the area.

5.3 It is acknowledged that this proposal is contrary to current adopted planning policy, coming ahead of any site allocations being made, however the 5-year housing supply deficit, and the sustainability of the site, lead to me to conclude that the requirements of the NPPF and the presumption in favour of sustainable development outweigh other material considerations and that the proposed development, limited in scale to two-storey in height and in numbers to 100 dwellings, can be accepted as a departure from adopted planning policy.

6. Reasons for Approval

6.1 It is accepted that there is not a five year supply of sites within the GNDP area. The National Planning Policy Framework (NPPF) is clear and explicit that in such circumstances Local Planning Authorities should consider favourably sustainable development that would address that deficit. The lack of a five year supply and the requirements of the NPPF are a very strong material consideration in favour of this application.
6.2 The requirements of the NPPF and the presumption in favour of sustainable development outweigh other material considerations and that the proposed development, limited in scale to two-storey in height and in numbers to 100 dwellings, can be accepted as a departure from local saved plan policy ENV8, which is given due weight as it remains partly consistent with the published NPPF. In all other respects, and subject to appropriate conditions, the proposed development is in accordance with the Sections 6, 7, 10 & 11 of the NPPF, and relevant policies the Joint Core Strategy.

Contact Officer, Telephone Number  Gary Hancox, 01508 533841, and E-mail: ghancox@s-norfolk.gov.uk
1 Introduction

1.3 SUMMARY OF THE PROPOSALS

The masterplan proposals include the provision for 100 dwellings, associated access routes, open space and drainage systems.

Concept Masterplan

1: Shared surface roads provide frontage along Pigot Lane.
2: Access to dwellings by footpath over ditch.
3: Shared surface provides frontage across countryside.
4: Shared surface squares at key intervals.
5: Footpath link to Oaklands and Pigot Lane.
6: New area of public open space for new and existing residents.
7: Existing ditches, hedgerows and trees retained and enhanced.
8: Proposed drainage ditch running from South East to North West linking into existing on-site ditches.
9: Reinforced green edge along eastern boundary.
10: Proposed adopted foul pumping station or klargester package treatment system.
11: Proposed balancing pond for surface water network.
PROPOSED PIGOT LANE DEVELOPMENT.
FRAMINGHAM PIGOT.

CLR. JOHN OVERTON PORGINGLAND WITH THE FRAMINGHAM'S.

As local member I hope my comments will help to provide a balanced view regarding the proposed development.

We have seen many changes in the area over the last 35 years, I actually live in a cul-de-sac that used to be the local village allotments used by local people for many years, very controversial at the time I seem to recall but now long forgotten, like most new developments.

The call is for 5 million new homes to be built over the next twenty years in the u.k. and this may mean building on about 1% of the unprotected and sometimes not particularly attractive scrubland that surround our villages towns and city's.

The Norfolk Homes development which was heavily apposed at the time brought with it over 250,000.00 pounds contribution to the building of the new Community Centre, cycle paths, contribution to the local bus service, a contribution to the existing Primary School to provide updated facilities.

Supermarket, Library, Police Beat, a new state of the art Doctors surgery coming on stream, restaurants, Dentists, Chemist, all these facilities need people. Businessmen don't run investments in area's like ours on fresh air and will only make investments and commitments in vibrant villages.

27/03/2012
All these facilities need people, and new blood and should be made welcome to support not only these but also other local shops, pubs, organisations, churches, and well run schools, all the above you hope to find when you move into a thriving village.

More housing often means more children which may lead to improved school facilities. The 106 contribution from this proposed development is substantial and could lead to more teachers or even a 6th form at Framingham Earl High School which would be a massive benefit to our young people.

Given the position of Framingham earl and Poringland vis-a-vis Norwich it is inevitable that sooner or later we will have to take our share of further housing, hopefully the extra 200 allocated to this area would be then capped for a few years.

Those that may remember over 25 years ago a planning meeting was held at the High School, the then Senior Planning officer told the meeting that Poringland and Framingham had got away very lightly with the housing development that was being allocated at the time, but remarked that are time will come.

I feel that over the last 10/15 years we have controlled our new housing development in the area very well, and in return we have negotiated excellent village facilities.

This proposed development from a local developer with a personal interest in the local impact appears to be thoughtfully planned out with environmental issues taken into account, i.e. flood risk, wildlife, traffic, pedestrian access, tree's and ditches are to be kept and enhanced.

The site is of good design and very low density, the development will also include 33 new affordable homes, our young people need affordable homes in order to stay local, at present the market provides very few low priced property's in the village other than neglected homes that need considerable money spent on them to bring them up to a modern standard, thus putting them out of reach for many first time buyers or family's with young children. This alone can bring a good positive outcome for our young people in the area.

No one likes changes and I have seen many in the area over the last 35 years, without change you don't get the facilities we all enjoy i.e.

- PRESCRIPTIONS FROM OUR CHEMIST AND OTHER RELATED ITEMS.
- FISH & CHIPS.
- DENTAL TREATMENT.
- LIBRARY FACILITIES.
- HAIRDRESSERS, LADY'S AND GENTS.
- VETS.
- POLICE FACILITY.
- COMMUNITY CENTRE.
- SMALL BUSINESS, INSURANCE, TRAVEL, BUILDERS, PLUMBERS, ETC.
- UNDERTAKERS.
- RESIDENTIAL HOME.
- SHELTERED HOUSING.
- POST OFFICE FACILITIES, (KEPT DUE TO POPULATION)

27/03/2012
FW:

- CHINESE TAKEAWAY.
- RESTAURANTS.
- FAST FOOD TAKEAWAY.
- PUBLIC HOUSES.
- OUT OF TOWN OFFICE'S EMPLOYING SOME 150 PEOPLE PLUS.
- ONE OF THE COUNTY'S TOP RESTAURANTS AND BOUTIQUE HOTELS.

I am sure that all residents who have strong opinions for and against the proposed development enhance the excellent facilities provided in the area and will only improve with new blood.

Poringland and the Framingham's have become a thriving and lively community over the past 40 years because of change and enterprise of people who live here.

In my opinion as a resident that has lived here for over 30 years and my parents before me and as a local Councillor, and also been very active in some of the changes and facilities created in our area have provided a balanced view of the situation.

Having said that the application on the day will be decided by it's strengths and merits and by the input of the residents who have valid reasons under the JCS why the scheme should not go ahead, also, and also the planning committee on the day who will consider all aspects of the application which would include any adverse effect on the amenities of local residents or on the character and appearance of the area.
### Applications to be determined by Norfolk County Council

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Parish</td>
<td>: ALDEBY</td>
</tr>
</tbody>
</table>

Applicants Name: Waste Recycling Group Ltd  
Site Address: Oaklands Gravel Pit, Common Road, Aldeby, Norfolk, NR34 0BL  
Proposal: Variation of condition 1 attached to planning permission C/7/2007/7004 to allow extension of time to complete land filling and restoration obligations at the site until 8 July 2018  
Recommendation: South Norfolk Council raise no objection to the proposal

#### Planning History

<table>
<thead>
<tr>
<th>1. Planning History</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 2012/0653</td>
<td>Retrospective application for retention of the existing leachate compressor</td>
</tr>
<tr>
<td>1.2 2010/1936</td>
<td>Retrospective application for installation of Storage Cabin and covered oil storage area within permitted landfill gas utilisation compound</td>
</tr>
<tr>
<td>1.3 2008/2441</td>
<td>Relocation of site compound including office/welfare building, fuel store, weighbridge facility and associated parking area together with relocation of site entrance</td>
</tr>
<tr>
<td>1.4 2007/2729</td>
<td>Variation of Conditions 2 (site layout) and 9 (landscape scheme) of PP C/7/2004/7021 to amend the layout of the compound, install an additional engine and erect a single storey office building</td>
</tr>
<tr>
<td>1.5 2007/0686</td>
<td>Variation of condition 12 to alter the permitted working of the site and condition 2 to amend the final restoration scheme to allow an extension to the existing land filling and restoration activities</td>
</tr>
<tr>
<td>1.6 2006/1887</td>
<td>Installation of a weighbridge offices, mess room and office</td>
</tr>
<tr>
<td>1.7 2004/2695</td>
<td>Proposed construction of a gas utilisation compound to control and convert landfill gas into electricity</td>
</tr>
</tbody>
</table>
3. **Consultations**

3.1 As the application is being processed and determined by the County Council, the District Council (itself a consultee) does not have the benefit of all consultee responses.

3.2 The Local Member considers that given the number of objections from residents and the Parish Council it is appropriate to be dealt with by Committee especially given the District Council’s commercial relationship with site owners and operators.

3.3 The Environmental Services Team has confirmed that given existing control on the site from the Environment Agency’s Environmental permits an objection can not be sustained.

4. **Assessment**

4.1 The application relates to the landfill site at Aldeby planning permission was originally granted on 1996 for the restoration of the quarry through infilling of controlled waste (C/7/94/7029). In 2007 planning permission was granted to alter the permitted working of the application site and amend the final restoration scheme to allow for an extension of area for land filling and restoration(C/7/2007/7004). This application is to vary condition 1 of planning permission C7/2007/7004 to extend the period allowed land filling and restoration from 8th July 2012 to 8th July 2018.

4.2 I consider that the statement put forward by the applicant for the need to extend the time period for land filling and restoration because of difficult market conditions, landfill tax increases and overall reduction in the volume of waste being sent to landfill is an acceptable justification.

4.3 Environmental Services has raised no objection to the application, the site is controlled by the Environment Agency by way of an environmental permit which includes conditions to minimise the environmental impact of the site. In light of the existing controls they do not consider that a refusal could be warranted on environmental nuisance grounds. A copy of Environmental Services comments including a summary of complaints they have received regarding the site is attached as appendix 2.

4.4 I recommend that the County Council be advised that no objections are raised to the application.

Contact Officer, Telephone Number and E-mail: Helen Bowman, 01508 533833, hbowman@s-norfolk.gov.uk
5. **Appl. No**: 2012/0677/C
   **Parish**: BERGH APTON

Applicants Name: Norfolk County Council
Site Address: NCC Waste and Recycling centre, Welbeck Road, Bergh Apton, Norfolk, NR15 1AU
Proposal: Retention of existing Household Waste Recycling Centre (previous planning permission C/7/1999/7003) on a permanent basis. Construction of 2 infiltration basins and associated pipework and access chambers to improve surface water drainage system. Erection of post mounted CCTV cameras. Small scale sale of compost.

Recommendation: South Norfolk Council raise no objection to the proposal

1. **Planning History**

1.1 1999/7003 Renew permission for household waste recycling centre until 30th September 2012 Approved

1.2 1996/7011 Retail sale of 100% recycled soil conditioner (bagged) Approved

1.3 1993/7016 Relaxation of opening hours Approved

1.4 1992/7016 Household waste site Approved

2. **Consultations**

2.1 As the application is being processed and determined by the County Council, the District Council (itself a consultee) does not have the benefit of all consultee responses.

2.2 The Local Member has expressed no objection to the application. He has commented that it is universally considered to be a most valuable community facility, a fact that is bolstered by the excellent housekeeping arrangements and also the fact that any alternative is some miles away. The Bergh Apton facility sits within my ward. But I am aware that residents in Thurlton, Loddon, Chedgrave, Gillingham, Broome, Rockland and Poringland wards also use this facility. Should the County refuse a renewal, these residents comprising the majority of the Eastern River Valleys neighbourhood would be without a facility within easy distance. Therefore, as Local member, but also minded to consider the needs of the neighbourhood ask that this County Application be brought before the Planning Committee for their consideration and the results formally communicated to the County Council when the matter is determined.

2.3 The Environmental Services Team has confirmed they have no objections to the application, but would request the following conditions are included within any consent:
   - A condition requiring that no additional exterior lighting is provided to that included in this application without the written approval of the planning authority.
- A condition limiting the hours of opening to those specified in the application form unless otherwise agreed by the planning authority in writing.
- A condition requiring that those recommendations identified in the contamination assessment for the purpose of protecting employees, visitors and buildings/structures on site are implemented along with any subsequent measures identified as being required by these works, to the written approval of the planning authority unless otherwise agreed by the planning authority in writing.

3. Assessment

3.1 The site is located off Wellbeck Road, to the rear of a builder’s yard; it is well screened and not readily visible in the street scene. The site was developed as a waste recycling centre in 1992. It currently operates four days a week 09:00 to 16:00 winter and 09:00 to 18:00 summer. The site handles the collection and temporary storage of waste materials including green/garden waste, metals, paper, cardboard, textiles, brick rubble etc. Pre-packaged compost, made from the green garden waste is proposed to be also sold from the site.

3.2 The proposal is to retain a facility which has been on the site in one form or another for around 20 years, it is well screened and I do not wish to raise any objections to the proposal. I recommend that the County Council be advised that no objections are raised to the application.

Contact Officer, Telephone Number and E-mail: Claire Curtis, 01508 533788, ccurtis@s-norfolk.gov.uk
Application to vary existing S106 Agreement

Parish  : SAXLINGHAM NETHERGATE
Applicants Name : Mr & Mrs Whyte
Site Address : Green Farm, Saxlingham Green
Proposal : Variation to Section 106 Agreement to allow occupation of units for a period exceeding six weeks

1. Introduction

1.1 Planning permission was granted for the conversion of two stable buildings to holiday lets in 1987 (1987/1674). This permission included a legal agreement restricting occupation of the holiday lets to a maximum of six weeks. The applicant now seeks to relax or remove this to in effect allow normal residential accommodation of the units.

2. Planning Policy

2.1 National Planning Policy Framework
Core Planning Principles

2.2 Joint Core Strategy
Policy 5 – The Economy

2.3 South Norfolk Local Plan
IMP9 Residential Amenity

3. Consultations

3.1 Parish Council : Refuse
A six monthly let, that is renewable, would in practice be a permanent residential use that is contrary to policy

3.2 District Member : To be reported

3.3 Local Residents : No response received

4. Assessment

4.1 The legal agreement was required as it was considered at the time that occupation of the two units as independent dwellings would be unsatisfactory due to the layout of the units.

The application has stated that they no longer wish to let the units out as holiday lets given the large amount of work this creates. They are not seeking to sell the units but let them out for people who are looking for temporary accommodation. However, in planning terms these need to be considered as independent dwellings as these will function as the full time residence of the occupants, regardless of whether it is for six months or longer, or rented or privately owned.
4.3 It is not considered that occupation of the units as separate dwellings would conflict with occupation of the main dwelling as there is some distance between the main dwelling and the units with a communal driveway and sufficient parking space between the units and the main dwelling. However, the relationship between the two units is not conducive to independent occupation due to the proximity of the two units, the restricted amenity space and overlooking. As a consequence, it is not considered that the development would conflict with the aims of Policy IMP9, supported by the Core Principles of the NPPF, and it is recommended that the legal agreement remains in force.

5. Recommendation

That the legal agreement remains in force with its current provisions to prevent occupation of the two units as independent dwellings which would be contrary to Policy IMP9 of the South Norfolk Local Plan. The assessment of this proposed variation gives due weight to the saved policies of the South Norfolk Local Plan referred to above, because these policies remain consistent / part consistent with the published National Planning Policy Framework.

Contact Officer, Telephone Number and E-mail: Tim Barker, 01508 533801, tbarker@s-norfolk.gov.uk
Other Applications

7. Appliance No: 2012/0010/F
   Parish: BUNWELL
   Applicants Name: Mrs Brenda Cullum
   Site Address: Sub-division of the garden of The Laburnums, The Turnpike, Bunwell
   Proposal: Sub-division of garden, erection of two bed bungalow and widening of driveway access
   Recommendation: Refuse

   1. Insufficient justification for dwelling outside Village Boundaries Contrary to Policy ENV8
   2. Inadequate visibility splays Contrary to Policy IMP8
   3. Inadequate provision of off site facilities for pedestrians Contrary to Policy IMP8 and TRA1

Introduction

Members will recall that the attached report (Appendix 2) was considered by the Third Wednesday Planning Committee on 15 February 2012 where it was resolved to defer the consideration of the application in order that the applicant may address issues relating to flood risk and the Highway Authority's concerns.

Additional details and a revised design and layout of the site have now been submitted and re-consultations have been undertaken. Given the significant change in design and layout, the following report assesses the revised proposal and the comments which have been received in connection with the re-consultations. The consideration of the earlier proposal is set out in the appended report.

1. Planning Policies

1.1 National Planning Policy Framework
   Section 6: Delivering a wide choice of high quality homes
   Section 7: Requiring good design
   Section 10: Meeting the challenge of climate change, flooding and coastal change

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

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

2. Planning History

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

2.2 1993/1198/O Erection of single storey dwelling and garage Refused
3. **Consultations**

3.1 Parish Council : None received

3.2 District Member : To be reported if appropriate

3.3 NCC Highways : To be reported

3.4 Landscape Officer : To be reported

3.5 Planning Policy : Reiterate comments raised in respect of the earlier application

3.6 Local Residents : 1 letter of objection
  - No objection to the previous proposal which was aligned with neighbouring dwelling and had no side facing windows
  - New proposal will protrude forward of neighbour affecting light to lounge windows
  - Will affect windows to rear of neighbour and rear patio area
  - Fall in levels across the site will increase potential for overlooking
  - Potential impact from removal of trees

4. **Assessment**

4.1 The application is a revised application for the erection of a two bed bungalow within the garden area of the existing dwelling and follows the refusal of 2011/0800. The application is supported by a new Design and Access Statement and a Flood Risk Assessment.

4.2 The new Design and Access Statement sets out that both the applicants are aging and have health issues and therefore require a bungalow. The erection of a bungalow would provide them with a better future and allow their daughter and her family to move into the existing dwelling to help the applicants with their future needs. In addition, while the agent recognises that the proposal does not accord with planning policies, he considers that the dwelling is a natural infill property between existing dwellings and due to the above could be considered as an exception.

4.3 The revised submission is materially different to the scheme considered by the February Committee and seeks to provide a design which is more appropriate for the site and address the concerns raised with the previous proposal with regard to flooding, highways and arboricultural information.

4.4 The design as now submitted has sought to draw from features in the neighbouring properties and picks up on features associated with 1930s properties including small gabled front projections, a reduced mass of the roof form, softer tone materials and a detached garage. It is proposed to include gabled bay windows to create visual interest and reflect features from the neighbouring properties. The building now has a squarer plan form and has been positioned further forward in the site.

4.5 Since the consideration of the application at the February Planning Committee, the National Planning Policy Framework (NPPF) has been published. The NPPF sets out that housing development should be considered in the context of the presumption in favour of sustainable development and in rural areas. It states that proposals should be located where it will enhance or maintain the vitality of rural communities and that isolated homes in the countryside should be avoided unless there are special circumstances such as for the essential needs of a rural worker; or the re use of redundant buildings.
4.6 The application site is not within any Development Limit or Village Boundary as defined in the South Norfolk Local Plan and therefore falls to be considered against policy ENV 8 - development in the open countryside. This seeks to restrict new development to that which requires a rural location and with regard to the locational requirement for dwellings, is considered to be consistent with the NPPF and as such due weight can be given to the saved policies of the South Norfolk Local Plan. No rural justification has been submitted with the application and as such, the erection of a dwelling in this location would be contrary to Local Plan policy.

4.7 The Council is currently working on the Site Specific Policies and Allocations DPD (SSPA DPD) which seeks to implement the settlement hierarchy of the adopted Joint Core Strategy. The principle of a development boundary around the Service Villages of Bunwell and Tacolneston/Fornsett End and the allocation of 10-20 new dwellings has been established. Neither the site itself, nor the small, isolated group of dwellings has been suggested as a potential development site during the consultation process. The process of public consultation on the sites suggested to the SSPA DPD will determine which sites should be allocated/included in the boundary, however the SSPA is not at a sufficiently advanced stage for it to given any significant weight in decision making. It cannot be said at the present time that this site is likely to be included in any future Development Limit.

4.8 The site is located within a sporadic row of properties, however these are divorced from the main neighbouring settlements and are in an unsustainable location. The agent has set out that they consider the proposal to constitute infilling and while it will be seen in the context of existing dwellings, I consider that this forms a sporadic group and the erection of a further dwelling in this position would erode the openness of the area and is inappropriate.

4.9 The dwelling as now proposed has a hipped roof form with two gabled rear wings. The neighbouring dwelling does incorporate gabled projections on the frontage, but these are significantly larger than those proposed. The dwelling will stand 4m forward of Evergreen and following the removal of existing trees will be prominent in the streetscene. However, it will step forward and will be seen in the context of Laburnums which is closer to the road frontage. Given the mix of properties, if the principle of a dwelling and its impact on the rural character is considered appropriate, I do not consider that the style of property proposed would be inappropriate.

4.10 Concerns have been raised about the relationship with existing windows, the potential for overshadowing and overlooking. The proposed will be set forward of the neighbour and is to the south of Evergreens and as such there is potential for overshadowing resulting from the dwelling. However, given the separation between the buildings and the roof form, I do not consider that the degree of overshadowing is sufficient to justify refusal on this ground.

4.11 The dwelling will have a bathroom and study window in the side elevation facing the neighbour, with a kitchen window and utility door facing Laburnum. There is a change in levels across the site, but given the rooms that will be served and that it is a single storey dwelling I consider that it will not result in a significant degree of overlooking.

4.12 To the rear of the site is an area which is indicated to be within flood zones 2 and 3. Following the deferral of the application a Flood Risk Assessment has now been undertaken. The dwelling has been re positioned to be sited outside the indicated flood zones and the floor levels set to be above potential flood levels and therefore from a sequential perspective, the scheme addresses part of the concerns previously raised relating to the risk to the proposed property.

4.13 With regard to the potential impact on existing flooding, the proposal will incorporate a porous drive construction and the dwelling is to incorporate a rain harvesting system with an overflow to soakaway system which will help to reduce run off rates. With regard to foul drainage it is proposed that this will be to a package treatment plant.
4.14 The agent has set out that the proposal will result in the removal of 11 trees, however due to the constraints of the site, he considers that there is no practical alternative. The agent considers that the garden is currently overstocked with trees and many are nearing the end of their lives. No further comments have been received from the Landscape Officer.

4.15 The highway access arrangements are as previously proposed and while the agent notes that the Highway Authority has objected to the proposal on the basis of inadequate visibility from the proposed access and due to the inadequate provision of off site facilities for pedestrians, he considers that the widened access and improved visibility and surfacing makes the proposal acceptable. While I note that the proposal will improve the existing access arrangements it will also intensify vehicular activity in a location which has substandard visibility to the detriment of highway safety.

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

5. Reasons for Refusal

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

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

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

Contact Officer, Telephone Number and E-mail: Stuart Pontin, 01508 533796, spontin@s-norfolk.gov.uk
7. **Appl. No**: 2012/0010/F  
**Parish**: BUNWELL  
**Applicants Name**: Mrs Brenda Cullum  
**Site Address**: Sub-division of the garden of The Laburnums, The Turnpike, Bunwell, NR16 1SR  
**Proposal**: Sub-division of garden, erection of two bed bungalow and widening of driveway access  
**Recommendation**: Refuse  
1. Insufficient justification for dwelling outside Village Boundaries  
   Contrary to Policy ENV8  
2. Inadequate visibility splays  
   Contrary to Policy IMP8  
3. Inadequate provision of off site facilities for pedestrians  
   Contrary to Policy IMP8 and TRA1  
4. Insufficient information relating to constraints posed by existing trees  
5. Insufficient information relating to flood risk

1. **Planning Policies**

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

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

2. **Planning History**

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

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

3. **Consultations**

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

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

3.3 **NCC Highways**  
   - To be reported

3.4 **Landscape Officer**  
   - Insufficient information submitted.  
     - Tree survey to assess conditions of existing trees (both on and off site) and identify their constraints required
3.5 Planning Policy

Site remote from Development Boundaries of neighbouring settlements

3.6 Local Residents

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

4. Assessment

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

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

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

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

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

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

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

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

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

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

5. Reasons for Refusal

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

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

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

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

5.5 The eastern section of the site is an area which is indicated to be within flood zones 2 and 3. A Flood Risk Assessment and sequential assessment have not been undertaken and as such insufficient information has been submitted to determine the increase risk of flooding as a result of the development or to assess the risk of flooding to the property itself. The proposal is therefore contrary to Planning Policy Statement 25.
8. **Appl. No**: 2012/0071/RVC  
**Parish**: TIVETSHALL ST MARY  
Applicants Name: TCI Renewables  
Site Address: Meteorological Mast Site, New Road, Tivetshall St Mary  
Proposal: Variation of condition on appeal decision on planning application 2008/0447 to allow a further one year temporary period for expiry on 12 January 2013, for retention of 60m x 152mm meteorological mast of steel tubular construction, self contained requiring no foundations, external power or cabling to measure, record and log wind speed and direction

Recommendation: Approved with conditions

1. Mast to be removed on or before 12 January 2013

1. **Planning Policies**

1.1 National Planning Policy Framework  
Section 10: Meeting the challenge of climate change, flooding and coastal change

1.2 Joint Core Strategy  
Policy 1: Addressing climate change and protecting environmental assets

1.3 South Norfolk Local Plan  
ENV8: Development in the open countryside (Part Consistent)  
UTL 13: Renewable energy (Part Consistent)

2. **Planning History**

2.1 2008/0447 Erection of a 60m x 152mm meteorological mast of steel tubular construction, self contained requiring no foundations, external power or cabling to measure, record and log wind speed and direction  
Refused  
Appeal Allowed

2.2 2010/0861 Installation of 3no wind turbines and associated infrastructure (to include access tracks, crane hard standings, a temporary construction storage compound, switch house & cables).  
Not yet determined

3. **Consultations**

3.1 Tivetshall St Mary Parish Council: To be reported.

3.2 Burston and Shimpling Parish Council: Refuse  
- The Parish Council recommended the installation be refused in 2008 so it also considers this variation of condition should be refused

3.3 Gissing Parish Council: To be reported.

3.4 District Member  
Mr M Wilby: To be determined by Committee  
- Neighbours concerns

Mr K Weeks: Can be Delegated

3.5 NCC Highways: No objections
3.6 Environment Agency: No response received

3.7 Natural England: No comments
- Would expect the LPA to assess and consider the possible impacts resulting from this development

3.8 Historic Environment Service: No comments

3.9 Defence Infrastructure Organisation (DIO): No safeguarding objections

3.10 Ministry Of Defence: No response received

3.11 Waveney Valley Internal Drainage Board: No response received

3.12 Environmental Services (Protection): No objections

3.13 Norwich International Airport: No objections
- We note that the development lies below or beyond the volume of protected airspace that surrounds Norwich International Airport and that it does not lay within the bird circle shown on the aerodrome safeguarding map and therefore from a safeguarding viewpoint this development will not provide a significant collision risk to aircraft operating in the vicinity of Norwich International Airport
- It is noted that this is a likely precursor to wind turbine development which will be treated as an entirely separate proposal

3.14 Civil Aviation Authority: No objections
- Need to check any safeguarding maps to identify any aerodrome safeguarding issues and consult with Defence Infrastructure Organisation

3.15 English Heritage: No comments

3.16 Landscape Officer: No objections

3.17 Tivetshall Action Group: Object
- Delays incurred by Enertrag should not be a reason to extend the data recording period further
- If no data was recorded for a “significant period” during 2011 due to a technical fault then again this was their problem. There is no way in which this data “loss” can be rectified even by release of data. Is it coincidence that this data loss should occur during extended periods of low wind speed as verified by our own wind speeds?
- TCI confirm they have up to 2 years of data already available to them – so why the need for a further year in isolation?
- TCI request a reasonable time to remove the mast, however the mast erected in a matter of days
TCI state that there has been and will be no harm to the landscape or visual amenity, however the appeal inspector said that he considered a mast with a height of 60m, supported by a network of stays would be a very substantial structure within this open landscape and would be an alien feature that would not be a familiar structure in the agricultural landscape. The inspector went on to state that as the mast would be in place for no longer than three years, he did not consider that significant harm would be caused – would the inspector have had the same compromise view relative to a 4 year application?

3.18 Local Residents : 4 letters of support
- If further time is needed to measure to see if wind power is feasible then I think it should be allowed
- No-one had a say in the ugly pylons or the health risk that goes with them
- Other comments in support of wind turbines

55 letters of objection
- Monitoring, to assess the viability of the site in terms of wind availability, could quite reasonably have been completed within the initial period to which permission related and if the mast has not provided the required information by now it is unlikely to do so over a further year.
- The data should be presented in such a manner that can be analysed by an independent assessor
- Details of wind speed can be found in the archives of the nearest weather station
- If the proposers of this commercial venture were inefficient enough to miss readings why should we continue to suffer this disfigurement of our landscape?
- As wind speeds across inland Norfolk vary little and as TCI have another mast (equally alien) just over a mile away to the east how can it be they feel a need for 2?
- Further, if TCI / Enertrag need another twelve months to satisfy themselves that the proposed turbines are on the right site, how can they possibly ask for the period to be concluded in two months time? Surely they should require determination of the application for wind turbines until 2013
- Any extension of time will simply cause local residents to have their lives overshadowed by this constant reminder of the possibility of industrial wind turbines for another year
- Many individuals are heartily sick of this seemingly never ending business
- Irrespective of the underlying reason for the mast, it undermines the residential amenity for local people and erodes opportunities for them to enjoy the countryside in this area.
- Note should be given by the Planning Committee to the high amenity value placed on this particular site for reasons of national archaeological interest and recently established network of public rights of way
The Planning Inspector was very clear in granting the three year period that the mast would indeed be an “alien feature” but approved the erection for a specific period.

Would the Inspector have made the decision knowing it was going to be in situ for four years plus?

The mast has been an eye sore for the last three years and is very intrusive to users of Broad Way and Boudicca’s Way as well as is an area know as a historical asset of national importance because of the proven existence of a large Roman settlement.

It should be removed as soon as possible.

As for the need to avoid public holidays, the mast took two days to erect and will presumably take two days to take down.

The fact is the site is entirely unsuitable for wind turbines.

Other comments against wind turbines:

1 letter stating no comment.

4. Assessment

4.1 The mast that is the subject of this application was granted temporary consent for 3 years on appeal (2008/0447). This three year period expired in January this year. The applicant has now applied to retain the mast for one year, citing technical problems that resulted in a failure to gain data for much of 2011 and a delay by Enertrag in erecting the mast. The assessment of the original appeal was made taking into account policy UTL13 and relevant national Planning Policy Statements. Since then the National Planning Policy Framework (NPPF) has been published, however it is not considered that any aspect of the original decision is inconsistent with the provisions within the NPPF.

4.2 Many of the objectors question the need for an additional period, stating that the applicant’s failure to ensure they used the three year period to gain the necessary data is to their cost and should not lead to the mast being retained any longer than the temporary period allowed under the appeal decision. However, whilst it is regrettable that the applicant or their predecessors have failed to fully utilise the three year period, in determining this application the local planning authority should only consider whether the impact of the mast remaining on site for another year is sufficiently harmful to outweigh the benefits of sufficient data being collected for the investigation of renewable energy development on the site.

4.3 Whilst a considerable number of comments made relate to the visual impact of the mast, it should be noted that the Inspector did judge that the mast was acceptable as a temporary structure. In coming to this decision he gave consideration to the proximity to the nearby footpaths and bridleways, and to the nearby historical assets but considered that “bearing in mind the unexceptional nature of the landscape, the lightweight nature of the construction and the fact that the mast would be in place for no longer than three years, I do not consider that significant harm would be caused.” It is unlikely that one additional year would lead to an unacceptable visual impact that was not the case for the original three years. There is no suggestion that permanent consent is being sought.

4.4 It is therefore considered that the local planning authority could not justify refusing consent for an additional year, providing that the condition remains in replace requiring the mast to be removed and the land restored to its original condition by or before 12 January 2013.
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 1 (Addressing climate change and protecting environmental assets) of the Joint Core Strategy and Policy UTL13 (Renewable energy) of the South Norfolk Local Plan as the visual impact of the mast is mitigated by its isolated location well away from residential properties and public highways, and by the temporary nature of the proposal and the potential benefits of exploiting the renewable resource in the national interest. The assessment of this application gives due weight to the saved policies in the South Norfolk Local Plan referred to above, because these policies remain consistent / part consistent with the published National Planning Policy Framework.

Contact Officer, Telephone Number and E-mail: Tim Barker, 01508 533801, tbarker@s-norfolk.gov.uk
9. **Appl. No:** 2012/0367/RVC  
   **Parish:** GISSING

Applicants Name: Mr & Mrs Brad Smith  
Site Address: Land at Malthouse Lane, Gissing, Norfolk, IP22 5UT  
Proposal: Removal of condition 5 of planning permission 2011/0101/CU

Recommendation: Approve with

1. Full - Planning Permission Time Limit  
2. Conditions on previous permission must be met  
3. Specific Use – Office related to aquaponics business  
4. Office use to be restricted to ground floor only.  
5. Extended boundary to aquaponics development not authorised by this decision

1. **Planning Policies**

1.1 National Planning Policy Framework
   - Section 1: Building a strong competitive economy  
   - Section 3: Supporting a prosperous rural economy  
   - Section 4: Promoting sustainable transport  
   - Section 12: Conserving and enhancing the historic environment

1.2 Joint Core Strategy
   - Policy 1: Addressing climate change and protecting environmental assets  
   - Policy 5: The economy  
   - Policy 6: Access and transport

1.3 South Norfolk Local Plan  
   - EMP 3: Adaptation and re-use of rural buildings for employment purposes (Part Consistent)  
   - IMP 8: Safe and free flow of traffic  
   - IMP9: Residential amenity

2. **Planning History**

Holiday Units

2.1 2012/0368/CU Change of Use of Holiday Cottages to residential, new cartlodges and new access  
To be determined

2.2 2002/1174/F Variation of condition and Section 106 Agreement  
Approved

2.3 2000/1328/F Erection of pool house/gym recreation building for use by holiday let tenants  
Approved

2.4 2000/0475/F Revision to earlier planning permission Ref 07/99/0045/F - Alteration to design of relocated & extended barn to form holiday unit  
Approved

2.5 1999/0046/F Repairs & extension to house, Relocation of part of barn conversion & extension of former cottage to holiday units & rebuild unit to form stable & storage  
Approved
<table>
<thead>
<tr>
<th>Application No</th>
<th>Date</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.6 1999/0045/F</td>
<td>1999/0045/F</td>
<td>Repairs &amp; extension to house, relocation of part of barn, conversion &amp; extension of former cottage to holiday units &amp; rebuild unit to form stable &amp; storage</td>
<td>Approved</td>
</tr>
<tr>
<td>Malthouse Farm</td>
<td>2.7 2012/0338/H</td>
<td>Provision of garage</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>2.8 2005/2766/LB</td>
<td>Rebuild of 'Hovel' outbuilding to form a detached, residential annexe ancillary to dwelling</td>
<td>Refused Appeal</td>
</tr>
<tr>
<td></td>
<td>2.9 2005/2765/H</td>
<td>Rebuild of 'Hovel' outbuilding to form a detached, residential annexe ancillary to dwelling</td>
<td>Refused Appeal</td>
</tr>
<tr>
<td></td>
<td>2.10 2005/1185/LB</td>
<td>Provision of garage</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>2.11 2005/1184/H</td>
<td>Provision of garage</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>2.12 2004/0410/F</td>
<td>Residential annexe</td>
<td>Refused</td>
</tr>
<tr>
<td>Black Barn</td>
<td>2.13 2010/1327/F</td>
<td>Variation of condition 3 of permission 2001/0449/F - revision of window positions, removal of some roof lights and adjustments to layout to suit needs of owner</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>2.14 2010/0707/LB</td>
<td>Proposed alterations to scheme approved under ref: 2001/0450/LB</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>2.15 2008/0479/LB</td>
<td>To Erect a Timber and brick garage with Pantile roof and Fire escape windows to Black Barn.</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>2.16 2008/0472/H</td>
<td>Erection of New Garage and alterations to barn windows to allow for Fire escape.</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>2.17 2001/0450/LB</td>
<td>Conversion of barn to dwelling</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>2.18 2001/0449/F</td>
<td>Conversion of barn to dwelling and erection of double garage</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>2.19 2000/1302/LB</td>
<td>Retention of 2no small windows to east elevation of listed barn</td>
<td>Approved</td>
</tr>
<tr>
<td>Aquaponics</td>
<td>2.20 2012/0367/RVC</td>
<td>Removal of condition 5 of planning permission 2011/0101/CU</td>
<td>To be determined</td>
</tr>
<tr>
<td></td>
<td>2.21 2011/0101/CU</td>
<td>Change of use of stables to office accommodation</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>2.22 2010/1467/F</td>
<td>Proposed two polytunnels plus storage building</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>2.23 2007/1377/F</td>
<td>Alteration to approved Stables building all in association with the Black Barn.</td>
<td>Approved</td>
</tr>
</tbody>
</table>
2.24 2002/1173/CU  Change of use from study to small office and retention of hedge and temporary fence  Approved

3. **Consultations**

3.1 Parish Council : Refuse
- Will result in division of the land and separation from Malthouse Farm holding. Will result in fragmentation and over development of the site, irreversible destruction of the rural character and amenity value. There is commercial risk associated with the aquaponics business
- Information submitted with the application relating to the relationship with Sterling University is misleading. It is Aquaponics UK that have shown interest in purchasing and developing the site. They indicate on their web site that the office would be used for training and sales centre.
- Removal of the condition would be retrograde step and increase traffic movements

3.2 District Member : Can be delegated

3.3 NCC Highways : No objection
- Previously recommended condition for the offices to be used in connection with the approved businesses on site relating to aquaponics and holiday accommodation business in order to limit traffic generated to and from the site due to the unsustainable location and narrow unclassified roads which serve it.
- Provided the offices for part of the existing commercial uses, no objections are raised

3.4 Local Residents : 4 letters of objection
- Currently 3 proposals at the same site which should be considered together
- The site has seen incremental change resulting in more domestication and commercialisation of the site.
- Variation of condition is a further step towards residential accommodation
- The aquaponics business is not yet operational
- Office accommodation should have been included in the buildings for the aquaponics use
- Previous application restricted use due to highway concerns.
- C11/95 sets out the tests for conditions. The planning condition was imposed because planning permission would have been refused without it.
- The proposals to create separate entities for the aquaponics, dwellings and holiday units will intensify vehicular activity on narrow country lanes
- Further damage to local highway network
4. **Assessment**

4.1 The application has been submitted to vary a condition attached to a previous planning permission in order to allow it to be used in connection with the aquaponics business independently to Malthouse Farm. The condition currently states:

“The building shall be used for office and ancillary storage use only and for no other purpose (including any other purpose in Class B1 or A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended by the Use Class Amendment Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Furthermore, the building shall not be used for offices other than offices which are directly involved in the running of businesses operating in other parts of the property known as Malthouse Farm, Malthouse Lane, Gissing. The offices shall not be sold or let for independent commercial use.”

The report associated with the consideration of planning application 2011/0101/CU is attached at appendix 2.

4.2 The aquaponics development was granted planning permission (2010/1467/F) subject to 8 conditions, however, these do not require the business to be operated in association with Malthouse Farm. Planning permission was subsequently granted (2011/0101/CU) for the use of an existing stable building as offices, for the administration of a number of businesses operated by the applicants. At the time of considering the application, there were concerns about the potential for an increase in vehicular traffic to the site if it were to be used as an independent office and this resulted in the above condition.

4.3 The supporting information sets out that it is now proposed for the aquaponics development to be operated by an independent body (Stirling University) and in order to allow this body to use the building for offices ancillary to the operation of the aquaponics development, it is necessary to vary the condition as imposed.

4.4 The agent has submitted further details relating to the existing store building associated with the aquaponics use and the future use of the stable building. The store building houses a number of water tanks and creates a humid environment which is not suitable for office use. The proposed office use of the stable building is only planned for the ground floor and incorporates an office, kitchenette and rest room, with potential for storage in the roof space.

4.5 Clarification of future use is set out in an e-mail attached at appendix 3 and clarifies the intention for the office use to be linked to the aquaponics use and to be for ancillary office use, not as a training centre etc.

4.6 The site is in a countryside location and there are number of listed buildings to the north of the site. Policies in the NPPF, JCS and Local Plan seek to ensure that proposals are for an appropriate use, are of a good design and do not adversely affect the setting of listed buildings, the amenity of neighbouring uses or highway safety. Policies seek to encourage the re-use of existing buildings and are supportive of economic uses. Policy EMP3 of the South Norfolk Local Plan is broadly consistent with the NPPF, however the list of restrictions set out in the policy are more restrictive than the approach set out in the NPPF. The assessment of this application can therefore give due weight to the saved policies in the South Norfolk Local Plan referred to above, because those policies remain consistent with the published National Planning Policy Framework.
4.7 The suitability of the building for an office use has previously been established and the proposed variation of the condition will not affect the appearance of the building or the layout of the site. I consider that the issues relate to the implications of varying / removing the condition to allow the building to be used independently to Malthouse Farm and the impacts for highway safety and the amenities of neighbouring uses.

4.8 Circular 11/95 sets out the tests for conditions and neighbours have commented that in line with the requirements of the circular, the planning condition was imposed because planning permission would have been refused without it. It should be noted that while a planning condition has been imposed, it does not preclude the consideration of proposals to vary the condition, however, in considering such an application it is necessary to assess the reason for the condition and whether its variation would undermine the reason for the condition.

4.9 In the case of this application, the applicants are not seeking to allow the unrestricted use of the building as an office independent of the neighbouring developments, but are seeking to vary it to meet the restrictions initially requested by the Highway Authority. The proposal is to enable the operator of the aquaponics development to use the building for their administration and I consider that this close relationship to a development which can already operate independently to Malthouse Farm is not unreasonable and is unlikely to generate significantly more traffic than that already associated with the approved development.

4.10 I do however, consider that it is reasonable and necessary to prohibit its use as a separate unit, independent to the adjacent developments.

4.11 Concerns have been raised about the cumulative effect of the three proposals submitted by the applicants (2012/0338, 2012/0367, 2012/0368) on the character of the area and highway safety. Members will recall that 2012/0338 was recently approved by the Third Wednesday Planning Committee and was a renewal of a previously approved scheme. As noted above, I consider that the variation of the condition as proposed by 2012/0367 will not significantly change the character of the site or traffic generation. The traffic generation and implications of 2012/0368 will be considered with that application, however members will note that in relation to that proposal the Highway Authority have not raised an objection.

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, 5 and 6 of the Joint Core Strategy and Policies EMP3, IMP8 and IMP9 of the South Norfolk Local Plan as the proposal will not result in a significant intensification in use of the site which would be detrimental to the character of the site and its surroundings, the amenities or neighbours or highway safety.

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

7

Appl. No: 2011/0101/CU
Parish: GISSING

Applicants Name: Mr Brad Smith
Site Address: Malthouse Farm, Malthouse Lane, Gissing
Proposal: Change of use of stables to office accommodation

Recommendation: Approve with conditions
1. Full Planning Permission Time Limit
2. In accordance with submitted drawings
3. New Access in accordance with detailed plan
4. Provision of Parking and Servicing Areas
5. Specific Use limited to Malthouse Farm

1. Planning Policies
1.1 EMP 3: Adaptation and re-use of rural buildings for employment purposes
IMP 8: Safe and free flow of traffic
Planning Policy Statement 4 – Planning for Sustainable Economic Growth

2. Planning History
2.1 2010/1457/F Proposed two polytunnels plus storage building
Approved
2.2 2010/1327/F Variation of condition 3 of permission
2001/0449/F – Revision of window positions, removal of some roof lights and adjustments to layout to suit
needs of owner
Approved
2.3 2010/0707/LB Proposed alterations to scheme approved under reference
2001/0460/LB
Approved
2.4 2008/0479/LB To erect a timber and brick garage
with pantile roof and fire escape windows to Black Barn
Approved
2.5 2008/0472/H Erection of new garage and alterations to barn windows to allow
for Fire Escape
Approved
2.6 2007/1378/LB Proposed additional utility building
extension adjoining stables all in association with the Black Barn
Withdrawn
2.7 2007/1377/F Alterations to approved stables
buildings all in association with the Black barn
Approved
2.8 2007/0586/LB Addition of utility building extension
Withdrawn
2.9 2007/0585/H Addition of utility building extension
Withdrawn
2.10 2005/2786/LB Rebuild of ‘Hovel’ outbuilding to form
a detached, residential annexe
ancillary to dwelling
Refused
<table>
<thead>
<tr>
<th>Ref.</th>
<th>Title</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.11</td>
<td>2005/2785/H Rebuild of 'Hovel' outbuilding to form a detached, residential annexe ancillary to dwelling</td>
<td>Refused</td>
</tr>
<tr>
<td>2.12</td>
<td>2005/1185/LB Provision of garage</td>
<td>Approved</td>
</tr>
<tr>
<td>2.13</td>
<td>2005/1184/H Provision of garage</td>
<td>Approved</td>
</tr>
<tr>
<td>2.14</td>
<td>2004/0411/LB Residential Annexe</td>
<td>Refused</td>
</tr>
<tr>
<td>2.15</td>
<td>2004/0410/F Residential Annexe</td>
<td>Refused</td>
</tr>
<tr>
<td>2.16</td>
<td>2002/1174/F Variation of condition and Section 106 Agreement</td>
<td></td>
</tr>
<tr>
<td>2.17</td>
<td>2002/1173/CU Change of use from study to small office and retention of hedge and temporary fence</td>
<td>Approved</td>
</tr>
<tr>
<td>2.18</td>
<td>2001/0450/LB Conversion of barn to dwelling</td>
<td>Approved</td>
</tr>
<tr>
<td>2.19</td>
<td>2001/0449/F Conversion of barn to dwelling and erection of double garage</td>
<td>Approved</td>
</tr>
</tbody>
</table>

### 3. Consultations

#### 3.1 Parish Council
- Refuse
  - Insufficient justification for change of use
  - Insufficient information, number of staff, number and frequency of vehicles visiting the site and parking.
  - Stable building was empty at time of previous permission, had future plans been known at this time, the building could have provided the office/storage accommodation for the previous scheme.
  - Overdevelopment of Malthouse Farm site
  - Opinion of local people is that this is Piecemeal ribbon development in associated lane has led to degradation of both the natural and built environment.

#### 3.2 District Member
- Can be delegated
  - Reduce vehicle movements

#### 3.3 NCC Highways
- Support conditionally
  - Access in accordance with submitted plan
  - On site parking shall be available
  - Only for use in association with Malthouse Farm

#### 3.4 Local Residents
- 1 letter of objection
  - Stables would not have been erected if it had been known that they would not be used
  - Use of building for previously approved scheme would reduce visual impact of new development in rural area
  - Scale of development of the site, and the activity it will generate.
  - Single narrow road network
  - Granting of proposal would set a precedent
Third Wednesday Planning Committee 16 March 2011

4 Assessment

4.1 The proposal is for the conversion of an existing partially constructed/converted stable block and storage building for use as offices for the existing business of holiday lets which operates from the site, and is currently run from offices in Diss. The stables were granted permission in 2007, although they have not been completed or used. The existing buildings are situated close to Malthouse Lane, but an existing mature hedge provides some screening. A separate access point serves the stable building, and the recently approved aquaponics business which has, as yet, not commenced. A Public Footpath runs to the north west of the stable building.

4.2 Policy EMP3 of the South Norfolk Local Plan and National Planning Policy Statement 4 policy EC12 supports the principle of redundant rural buildings being converted for commercial use.

4.3 The proposal is assessed against two main points, the first being the soundness and suitability of the existing building for conversion to an alternative use to that of its original intended use. The second relates to the harm an alternative use would generate in this location.

4.4 Since the building was granted permission, and since its construction/conversion, the applicant’s personal circumstances have changed and horses are no longer kept on site. Therefore the applicant states that a stable building is no longer required. The building is sited to the south of the main dwelling which is a thatched Grade II listed building, and south of the recently residentially converted barn (known as Black Barn).

4.5 Policy EMP3 permits the principle of the conversion of redundant rural buildings for employment use where they are soundly constructed and can be re-used without extensive alteration. As it is of recent construction and of materials sympathetic to the setting of the adjacent listed building, it is sound in construction terms, and capable of conversion without extensive alterations.

4.6 The fourth criteria of this policy requires that the road access is of a sufficient standard to serve the scale and nature of development proposed without causing demonstrable harm to the safe and free flow of traffic.

4.7 Malthouse Lane is a narrow single track road, and the scale of the use proposed is low key in terms of visitors to the site. The applicant proposes that there will only be himself, his wife and possibly one other person occupying the premises, therefore reducing the level of traffic movements along Malthouse Lane. At present, they both travel to offices based in Diss to run the business. Any visitors to the offices proposed by this application will be to collect keys for the holiday lets which are sited to the rear of Malthouse Farm, therefore the visitors will already be using the access road to the site, and not generate additional traffic movements.

4.8 Although no objections have been received from the Highways Authority to the business on the scale proposed, objections would be raised if the building were to be used as an office which was not connected with Malthouse Farm, due to the narrow nature of the existing road network in the locality.

4.9 Based on the above detail I consider that the building is of sound construction, and capable of conversion for the use intended, and that the road access is sufficient standard for the scale of the use proposed. The scheme therefore accords with the principles of policy EMP3, and EC12 of PPS4.
Third Wednesday Planning Committee

5. **Reason for Approval**

5.1 The building is of sound structure and not in need of excessive alteration to accommodate the proposed office use. The building is already served by an existing access, and there is sufficient space on the site for the few visitors to the site. The scheme therefore accords with the principles of policies EMP3, and IMP8 of the South Norfolk Local Plan 2003, and national Planning Policy Statement 4 EC12.

Contact Officer, Telephone Number: Jacqui Jackson, 01508 533637,
and E-mail: jjackson@e-norfolk.gov.uk
Julie Burgess

From: Stuart Pontin
Sent: 24 April 2012 16:36
To: Planning Idox
Subject: FW: Gissing Manor Aquaponics Condition 2012/0367

From: Sarah Roberts [mailto:sarah@robertsmolloy.co.uk]
Sent: 24 April 2012 16:11
To: Stuart Pontin
Subject: Fw: Gissing Manor Aquaponics Condition 2012/0367

Dear Mr Pontin

I have received the following information from the applicants regarding possible future proposals for the fish business at Gissing Manor / Malthouse Farm in relation to removal of the Condition tying the business to a domestic property. Please let me know if further clarification is required

Regards

Sarah Roberts MA RIBA
Roberts Molloys Associates
www.robertsmolloy.co.uk
Tel: 01379 687705

The contact we have with Stirling University is Aquaponics UK Ltd who are based at Stirling University, they are our professional design consultants and have been overseeing the Aquaponics project.

The permission granted for the use of the poly tunnels and fish building meets our requirements.

The current Condition tying the office to a domestic dwelling is inappropriate if this small office building is to be used for the fish farm research and development business alone. It is more appropriate to attach the farm office to the farm buildings i.e. the poly tunnel and fish building to avoid any confusion. We currently have no specific plans to sell this business. If the business should require funding or investment, lenders or partners prefer to see clearly where the equity is, so we need to clarify the situation now rather than leave it ambiguous. We have no plans to sub-let the office, our need is only to provide adequate facilities for staff working on the farm.

It is not in our business plan to teach, as we are beginners ourselves, developing this farming technique in conjunction with the limited company based at Stirling University.

The use of the building as a 'training centre' is not proposed, other than the occasional possible visit by researchers for a tour, etc. The numbers for these visits would be in single figures and on a very rare frequency.

Yours sincerely

Cathy Smith

Westcoast Hydrotherapy Ltd
Tel: 01379 674 633
Registered in England and Wales No 6593186

From: Stuart Pontin
To: Sarah Roberts

24/04/2012
10. **Appl. No**: 2012/0590/CU  
**Parish**: SAXLINGHAM NETHERGATE  
Applicants Name: Mr Darren Swayne  
Site Address: Hill House, The Green, Saxlingham Nethergate, Norfolk, NR15 1TE  
Proposal: Mixed use of wedding venue and holiday let use  
Recommendation: Refuse

1. **Planning Policies**

1.1 National Planning Policy Framework  
Section 3: Supporting a prosperous rural economy

1.2 Joint Core Strategy  
Policy 5: The Economy

1.3 South Norfolk Local Plan  
IMP 8: Safe and free flow of traffic  
IMP 9: Residential amenity  
IMP 10: Noise

2. **Consultations**

2.1 Parish Council: Approve subject to the following conditions being imposed:  
- No of attendees limited to 25 in total, 15 residents and 10 guests  
- Noise levels to be limited at site boundary  
- Hours of operation music end by 11.30pm and guests to leave by 12 midnight  
- No of events limited to 12  
- Temporary permission for a year  
- No marquees or temp structures  
- Outside lighting subject to consent

2.2 District Member: To be determined by committee  
- Noise and traffic concerns by residents

2.3 NCC Highways: Refuse  
- Inadequate visibility splays

2.4 Environmental Services (Protection): To be reported

2.5 Conservation Officer: Additional information required

2.6 Local Residents: 11 letters of objections  
- Parking arrangements inadequate  
- Already noise and disturbance from holiday makers  
- Noise disturbance form music and guests
• How will numbers of people and hours be enforced
• Concern that this is the ‘initial’ proposal and there are plans to have larger/more frequent weddings
• Saxlingham is a small quiet village in a conservation area with few amenities
• Increase in traffic
• Concern the proposal would lead to a marquee
• Firework displays
• Fire protection and means of escape
• Helicopter entrances/exits
• Harm listed building and setting
• Additional signage
• Light pollution

4. Assessment

4.1 This application seeks planning permission for the change of use of Hill House to a mixed use of wedding venue and holiday let use. The house which is significant grade 2 listed building, is located in an attractive setting between Saxlingham Nethergate and Green. The house is partly screened by mature trees through which the main entrance drive meanders to serve the back of the house. The property is presently used as for short term lets as a single entity.

4.2 The proposal looks to provide a luxury wedding package, where the property is hired for a minimum of 2 nights and looks to host only one wedding a day. The premises currently sleeps 15 and it is proposed to limit the house guests to 15 and have an addition of 10 non-resident wedding guests, a maximum of 25 guests in total. All music would cease at 11.30pm and non-resident house guests will be required to leave by 12 midnight. The proposal does not indicate an increase in people employed on site but it will create associate business from caterers, florists for example.

4.3 The proposal indicates that no works would be needed either internally or externally; however the conservation officer has raised concerns at the possible impact of this proposal and how the owner would control the use and level of occupancy. It is his experience with wedding venues is that ancillary structures will be needed to provide accommodation/toilets/kitchen facilities, and the fire officer and building control normally require measures where buildings are occupied in the proposed manner. In view of the above he requires confirmation from the fire officer/building control that the measures described would be adequate, to enable assessment on the impact of the proposal on the listed building and its setting.

4.4 The National Planning Policy Framework (NPPF) – Section 3 Supporting a prosperous rural economy and Joint Core Strategy (JCS) policies support employment and leisure developments/business in rural areas subject to normal planning requirements. The SNLP polices referred to above can also be given due weight and consideration because those policies remain consistent with the published NPPF.
4.5 Given the site's location I consider the main planning issues are impacts on the amenities of neighbouring residential properties and the highway safety. The Old Stables (residential dwelling) is immediately adjacent to the application site and other residential properties are located on the opposite side of the road to the southeast. It is reasonable to expect noise from the venue and its grounds due to the proposal to offer music such as a DJ or some live entertainment; vehicle movements and activities associated with weddings. The property is presently residential which is let short term and therefore the noise and disturbance which will be generated by the proposed use would be significantly different. I consider that the proposal would result in local residents suffering disturbance from noise from the venue. The disturbance would have an unacceptable impact on the residential amenities of the local residents contrary to policies IMP9 and IMP10. I have considered possible conditions which could be imposed to try to protect the amenities of the neighbours and therefore enable the support of the proposal but I felt these would be so onerous that it would make the proposal unworkable.

4.6 The highway officer has recommended refusal due to the current level of visibility at the access being considered as substandard for the speed of traffic on the classified road and is not satisfactory for the development proposed.

4.7 The Council positively supports economic development and whilst I consider it is potentially possible to overcome the concerns of the conservation officer and the highway officer, due to the detrimental impact on the amenities of the neighbours, particularly the adjacent property I am unable to support the proposed change of use.

5. Reasons for Refusal

5.1 Inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway.

5.2 The proposed change of use would be detrimental to the residential amenities of adjacent properties by reason of noise and general disturbance from activities associate with the wedding venue.

5.3 The proposal is contrary to the provisions of the adopted South Norfolk Local Plan 2003 including, in particular, policies IMP9 Residential amenity, IMP8 Safe and free flow of traffic and IMP10 Noise.

Contact Officer, Telephone Number and E-mail: Claire Curtis, 01508 533788, ccurtis@s-norfolk.gov.uk
11. **Appl. No**: 2012/0656/A  
**Parish**: DISS  

**Applicants Name**: Mr Colin Edwards  
**Site Address**: Diss Garden Centre, Victoria Road, Diss, Norfolk, IP22 4JG  
**Proposal**: Replacement Garden Centre sign to entrance  

**Recommendation**: Refuse  

1. Contrary to SNLP policy IMP18, IMP19 and IMP21  
2. Size and level of illumination adverse impact on conservation area.

1. **Planning Policies**

1.1 National Planning Policy Framework  
Section 7: Requiring good design  

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

1.3 South Norfolk Local Plan  
IMP 19: Advertisements (Part Consistent)  
IMP 21: Illuminated advertisements (Part Consistent)  
IMP18: Development in Conservation Areas

2. **Planning History**

2.1 2010/0380 Non material amendment of 2007/2096 for roof to include profiled roof lights, inclusion of two windows and personnel door  
Approved  

2.2 2007/2454 Demolition of existing storage buildings  
Approved  

2007/2454 Change of use from domestic to office and storage (ground floor only). Proposed extensions, new storage building, greenhouses and disabled WC. Demolition of existing storage building  
Approved

3. **Consultations**

3.1 Town Council  
: To be reported

3.2 District Members

Mr Keith Kiddie  
: Can be delegated

Mr G H Walden  
: To be determined by committee  
- To consider the impact on neighbours and street scene

Mr Tony Palmer  
: Can be delegated unless recommended for refusal

3.3 NCC Highways  
: To be reported

3.4 Waveney Valley Internal Drainage Board  
: No response
3.5 Local Residents and Businesses: Eight letters of objection from seven properties

- Sign is not on garden centre land
- The proposed sign is too tall and too wide
- Should be no more than 3 metres high
- Sign should be in keeping with what is in its place at present
- Impact on Conservation Area.
- Will obstruct signs at 121 Computers
- The sign is too bright and the white and green light will distract road users
- Overpowering impact on street scene and neighbours.
- Any illumination should be restricted to trading hours only not 24/7 as at moment
- Unnecessary illumination of the night sky and urbanisation of Diss.
- Contrary to SNLP policy IMP8, IMP19, IMP21 and IMP18.
- Questioned need for signs given the existing signage
- Proliferation of signage on Victoria Road difficult to identify entrances why does Garden Centre need a fully internally illuminated sign with white glowing light?
- Higher, wider and brighter than any sign in Diss and sets a dangerous precedent.
- Would affect visibility when exiting the garden centre
- If totem was the other side of the driveway would not obstruct view of 1 21 Computer signs, and would not cause an obstruction

4. Assessment

4.1 The application relates to the Diss Garden Centre, the business is located to the rear of other premises on Victoria Road. The business has an access onto Victoria road which is its only road frontage. The proposed sign is located just outside the Conservation Area boundary.

4.2 It is proposed to erect 6 metres high by 2 metre wide internally illuminated totem sign to the east side of the garden centre access. It is proposed that the sign will have a white background with dark green lettering.

4.3 Policy IMP19 permits advertisements as long as they are well designed, in scale, appropriate to the building and its use and positioned so as to preserve or enhance the overall appearance of the building.

4.4 Policy IMP21 only permits illuminated advertisements within central business areas. On listed building and in conservation areas illuminated advertisements will only be granted where the general level of illumination in the area is such as to require an illuminated sign to satisfactorily identify the business and should only be illuminated with non-flashing external light source,. Outside the central business area illuminated signs will only be permitted on businesses dependent on evening trade.

4.5 The assessment of this application gives due weight to the saved policies, IMP19 and IMP21 in the South Norfolk Local Plan referred to above, because although those policies are only partially consistent with the published National Planning Policy Framework as the NPPF states that only advertisements that have an appreciable impact on a building or their surroundings should be subject to the local authority’s detailed assessment. However, in this case I consider that the impact of this advertisement is significant and does warrant detailed assessment.
Clearly signage is an important requirement of any business and this application has arisen as a result of planning committee approval of a 5 metres high by 2 metres wide fully illuminated totem sign on the adjacent business contrary to officer recommendation (application reference 2011/1164). The sign has yet to be erected but the owner of the garden centre is very concerned that his current sign will be obscured by the approved sign on the adjacent site, and Members were aware of this when approving this sign as an objection at the time was received.

In view of previous recommendation on a sign of this scale, I consider that an additional sign of this size and level of illumination would cause significant harm to the visual amenity of the adjacent conservation area and would be contrary to both policies IMP18 IMP19 and IMP21 of the SNLP. The sign is considered excessive for this type of business, which is not dependent on evening trade. Members do however need to give consideration to the approved sign on the adjacent site, when making a decision.

The sign is likely to cause some obstruction to the existing and proposed signage at 121 computers, as the approved totem sign at 121 Computers would also have on the existing garden centre sign, but Members did not see this an issue previously.

Whether the proposed sign is located within the boundary of the adjacent property is a civil rather than a planning matter.

Policy IMP8 in the South Norfolk Local Plan requires development not to endanger highway safety or prejudice the safe and free flow of traffic, due weight can be given to this saved policy as it is consistent with the National Planning Policy Framework. The comments of the Highway Officer have not been received at the time of writing the report but will be updated to members orally at committee.

The proposal is contrary to the provision of the adopted South Norfolk Local Plan 2003 including, in particular, policies IMP19 – Advertisements, IMP21 – Illuminated advertisements, IMP18 Development in Conservation Areas and IMP8 – Safe and free flow of traffic. The assessment of this application gives due weight to the saved policies IMP19 and IMP21 in the South Norfolk Local Plan, because those policies remain partially consistent with the published National Planning Policy Framework, however the significant impact of this advertisement does warrant detailed assessment. The assessment of this application gives due weight to the saved policy IMP18 in the South Norfolk Local Plan, because that policy remains consistent with the published National Planning Policy Framework.

The proposed internally illuminated totem sign due its size and level of illumination would adversely affect the character and appearance of the adjacent conservation area.

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

Appeals received from 25 April 2012 to 8 May 2012

<table>
<thead>
<tr>
<th>Ref</th>
<th>Parish/Site</th>
<th>Appellant</th>
<th>Proposals</th>
</tr>
</thead>
</table>
| 2012/0005 | SPOONER ROW  
Land east of Pightle and rear of Chestnut Cottage Guilers Lane | Mr E Peters & Mr R Evans | Continued use of land as residential curtilage without compliance with conditions attached to planning permission 2044/0963/CU |

Appeal decisions from 25 April 2012 to 8 May 2012

<table>
<thead>
<tr>
<th>Ref</th>
<th>Parish/Site</th>
<th>Appellant</th>
<th>Proposals</th>
<th>Decision Maker</th>
<th>Final Decision</th>
<th>Appeal Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>NONE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>