Development Management Committee

Members of the Development Management Committee:

<table>
<thead>
<tr>
<th>Conservatives</th>
<th>Liberal Democrats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr J Mooney (Chairman)</td>
<td>Mr T East</td>
</tr>
<tr>
<td>Mr D Blake (Vice-Chairman)</td>
<td>Dr M Gray</td>
</tr>
<tr>
<td>Mr C Foulger (Vice Chairman)</td>
<td></td>
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<tr>
<td>Mr M Edney</td>
<td></td>
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<tr>
<td>Mrs F Ellis</td>
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<tr>
<td>Mr C Gould</td>
<td></td>
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<tr>
<td>Mr L Hornby</td>
<td></td>
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<tr>
<td>Dr C Kemp</td>
<td></td>
</tr>
<tr>
<td>Mrs L Neal</td>
<td></td>
</tr>
</tbody>
</table>

Pool of Substitutes

Leslie Dale
Nigel Legg
Brian Riches

Please note that planning application
**Item Nos 1 - 3 will be heard from 1pm**

Planning application
**Item Nos 4 - 13 will be heard from 3pm onwards**

Pre-Committee Members’ Question Time

12.00pm – 12.30pm Blomefield Room

Date
Wednesday 24 April 2013

Time
1.00 pm

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

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

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

Please note that the order of the agenda may change at the discretion of the Chairman, so it is advisable to arrive at the commencement of the meeting if you are intending to speak on items 1 to 3, and arrive at 3.00 pm if you intend to speak on items 4 to 13.

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

16/04/2013
The Development Management process is primarily concerned with issues of land use and has been set up to protect the public and the environment from the unacceptable planning activities of private individuals and development companies.

The Council has a duty to prepare Local Development Documents (DPDs) to provide a statutory framework for planning decisions. The Development Plan for South Norfolk currently consists of a suite of documents. The primary document which sets out the overarching planning strategy for the District and the local planning policies is the Joint Core Strategy for Broadland, Norwich and South Norfolk. The Strategy is broadly consistent with the National Planning Policy Framework (NPPF) and accompanying technical guidance and was adopted by South Norfolk Council in March 2011. It is the starting point in the determination of planning applications and as it has been endorsed by an independent Planning Inspector the policies within the plan can be given full weight when determining planning applications. South Norfolk Council is also in the process of preparing its Site Specific Policies and Proposals DPD, Area Action Plans and Development Management DPD. These documents will allocate specific areas of land for development, define settlement boundaries and provide criterion based policies giving a framework for assessing planning applications.

In accordance with legislation planning applications must be determined in accordance with the policies of the Development Plan, unless material considerations which are relevant to planning indicate otherwise.

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

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

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

THEREFORE we will:

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

Decisions which are finely balanced, and which contradict policy will be recorded in detail, to explain and justify the decision, and the strength of the material planning reasons for doing so.

LOCAL COUNCILS

OCCASIONALLY, THERE ARE CONFLICTS WITH THE VIEWS OF THE PARISH OR TOWN COUNCIL. WHY IS THIS?

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

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

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

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

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

4. Minutes of the meeting of the Development Management Committee held on 27 March 2013;
   (attached – page 9)

5. Planning Applications and Other Development Control Matters;
   (attached – page 32)

   To consider the applications as listed below:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Planning Ref No.</th>
<th>Parish</th>
<th>Site Address</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2012/1777/F</td>
<td>DICKLEBURGH AND RUSHALL</td>
<td>Land Rear Of Mount Pleasant Norwich Road Dickleburgh</td>
<td>33</td>
</tr>
<tr>
<td>2</td>
<td>2012/2034/F</td>
<td>STOKE HOLY CROSS</td>
<td>Land East Of Hillcrest Long Lane Stoke Holy Cross</td>
<td>43</td>
</tr>
<tr>
<td>3</td>
<td>2012/2202/O</td>
<td>WYMONDHAM</td>
<td>Land West Of 49 Norwich Common Wymondham</td>
<td>54</td>
</tr>
<tr>
<td>4</td>
<td>2012/1020/F</td>
<td>GELDESTON</td>
<td>Greenbank Cottage And Land Adjoining 18 The Street Geldeston</td>
<td>60</td>
</tr>
<tr>
<td>5</td>
<td>2012/1746/CU</td>
<td>SHELFANGER</td>
<td>Land Opposite K &amp; C Mouldings Wash Lane Shelfanger</td>
<td>64</td>
</tr>
<tr>
<td>6</td>
<td>2012/2322/F</td>
<td>NEEDHAM</td>
<td>Land West Of 1 Brook Lane Needham</td>
<td>68</td>
</tr>
<tr>
<td>7</td>
<td>2013/0098/H</td>
<td>HEYWOOD</td>
<td>The Guest House Woolsey Bridge Farm Barns Burston Road Heywood</td>
<td>71</td>
</tr>
<tr>
<td>8</td>
<td>2013/0174/F</td>
<td>WYMONDHAM</td>
<td>Sub-division Of The Garden Of 24 Back Lane Wymondham</td>
<td>76</td>
</tr>
<tr>
<td>9</td>
<td>2013/0236/F</td>
<td>SHELFANGER</td>
<td>Havencroft Winfarthing Road Shelfanger</td>
<td>81</td>
</tr>
<tr>
<td>10</td>
<td>2013/0323/H</td>
<td>WYMONDHAM</td>
<td>29 Pople Street Wymondham</td>
<td>86</td>
</tr>
<tr>
<td>11</td>
<td>2013/0429/CU</td>
<td>BAWBURGH</td>
<td>Butchers Shop And Bungalow Harts Lane Bawburgh</td>
<td>89</td>
</tr>
<tr>
<td>12</td>
<td>2012/2309/F</td>
<td>WYMONDHAM</td>
<td>Land At Windmill Public House Norwich Road Wymondham</td>
<td>92</td>
</tr>
<tr>
<td>13</td>
<td>2013/0393/F</td>
<td>DISS</td>
<td>Land For Footpath Station Road Diss</td>
<td>99</td>
</tr>
</tbody>
</table>
6. **Sites Sub-Committee;**

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

7. **Enforcement Reports**  
   (attached – page 102)

8. **Planning Appeals (for information)**  
   (attached – page 153)

9. **Date of next scheduled meeting** – Wednesday 22 May 2013
1. GUIDELINES FOR DETERMINING THE NEED TO VISIT AN APPLICATION SITE

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

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

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

2. PUBLIC SPEAKING: PLANNING APPLICATIONS

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

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

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

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

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

Please note: In accordance with the Council’s constitution no one may make photographs, film, video or other electronic recordings of the meeting without the Chairman’s consent
HEALTH AND SAFETY INFORMATION

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

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

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

<table>
<thead>
<tr>
<th>A</th>
<th>Advert</th>
<th>G</th>
<th>Proposal by Government Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>AD</td>
<td>Certificate of Alternative Development</td>
<td>HZ</td>
<td>Hazardous Substance</td>
</tr>
<tr>
<td>CA</td>
<td>Conservation Area</td>
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<td>Outline (details reserved for later)</td>
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<td>Removal/Variation of Condition</td>
</tr>
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<td>C</td>
<td>Application to be determined by County Council</td>
<td>SU</td>
<td>Proposal by Statutory Undertaker</td>
</tr>
</tbody>
</table>

Key to abbreviations used in Recommendations

<table>
<thead>
<tr>
<th>S.P</th>
<th>Structure Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>S.N.L.P</td>
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<td>P.D</td>
<td>Permitted Development – buildings and works which do not normally require planning permission. (The effect of the condition is to require planning permission for the buildings and works specified).</td>
</tr>
<tr>
<td>J.C.S</td>
<td>Joint Core Strategy</td>
</tr>
<tr>
<td>N.P.P.F</td>
<td>National Planning Policy Framework</td>
</tr>
</tbody>
</table>
**DECLARATIONS OF INTEREST AT MEETINGS**

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

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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<tbody>
<tr>
<td>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</td>
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<tr>
<td>Does the interest directly:</td>
<td></td>
</tr>
<tr>
<td>1. affect yours, or your spouse / partner’s financial position?</td>
<td></td>
</tr>
<tr>
<td>2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?</td>
<td></td>
</tr>
<tr>
<td>3. Relate to a contract you, or your spouse / partner have with the Council</td>
<td></td>
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<tr>
<td>4. Affect land you or your spouse / partner own</td>
<td></td>
</tr>
<tr>
<td>5. Affect a company that you or your partner own, or have a shareholding in</td>
<td></td>
</tr>
<tr>
<td>If the answer is “yes” to any of the above, it is likely to be pecuniary.</td>
<td></td>
</tr>
<tr>
<td>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</td>
<td></td>
</tr>
<tr>
<td>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</td>
<td></td>
</tr>
<tr>
<td>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</td>
<td></td>
</tr>
<tr>
<td>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</td>
<td></td>
</tr>
<tr>
<td>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</td>
<td></td>
</tr>
</tbody>
</table>

FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE
What matters are being discussed at the meeting?

Do any relate to an interest I have?

A Have I declared it as a pecuniary interest?

OR

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

YES

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

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

NO

The interest is related to a pecuniary interest. Disclose the interest at the meeting. You may make representations as a member of the public, but then withdraw from the room

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

YES

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

Have I declared the interest as an other interest on my declaration of interest form? OR

Does it relate to a matter highlighted at B that impacts upon my family or a close associate? OR

NO

Does it affect an organisation I am involved with or a member of? OR

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

Is it a matter I have been, or have lobbied on?
## Planning Applications and Other Development Control Matters

**Report of Director of Growth and Localism**

Key to letters included within application reference to identify application type – e.g. 2013/0001/A – Application for consent to display and advert:

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**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 or works specified).
- **J.C.S** Joint Core Strategy
- **N.P.P.F** National Planning Policy Framework
## Applications referred back to Committee

1. **Appl. No**: 2012/1777/F  
   **Parish**: DICKLEBURGH AND RUSHALL

   - **Applicants Name**: Mr A Pym  
   - **Site Address**: Land Rear Of Mount Pleasant Norwich Road Dickleburgh Norfolk  
   - **Proposal**: Development of 15 affordable residential units with associated landscaping, parking and highways works

   **Recommendation**: Approval with Conditions

   1. Full Planning permission time limit
   2. In accordance with the approved details
   3. External materials to be agreed
   4. Slab levels to be agreed
   5. Boundary treatment to be agreed
   6. Tree planting (full applications)
   7. Retention trees and hedges
   8. Landscaping scheme to be submitted
   9. Maintenance of amenity areas
   10. Ecology mitigation
   11. Standard Estate Road
   12. In accordance with highway drawings
   13. Works prior to occupation
   14. Visibility splay
   15. Surface Water Run Off
   16. Foul Water Drainage

   Subject to a section 106 to secure all of the dwellings as affordable and the public open space.

### Introduction

The application was presented to Development Management Committee on 27 March 2013. Members resolved to defer the application until further information could be provided regarding the planning history of the site and for officers to investigate issues raised by members of the public and Dickleburgh Parish Council regarding foul drainage.

The site history included in the report has been updated below to include applications on land to the north of the application site which were determined in the period 2001-2003. The housing elements were for outline approvals and for market value housing. None of the applications gained approval. It should be noted that they were determined in accordance with the relevant policies of the time and that these have all been superseded. Therefore the applications and their outcomes have little relevance to the application under consideration and it is advised that they should be given no weight in this determination.

Further consultation has been undertaken with Anglian Water and the Council’s Environmental Protection - Flood Defence Officer. The Flood Defence Officer has advised that there have been reports of the foul sewer network surcharging immediately downstream of the proposed development and into garden grounds of properties on Norwich Road. Therefore they would maintain serious concerns about any additional connection to the network without mitigation works to alleviate the existing problems. The Flood Protection Officer further advised that our data would suggest that insufficient account has been taken with regard to surface water ingress that may be a major contributor to surcharging of the foul sewer downstream.
Anglian Water has advised that the foul sewage discharge is the result of blockages in the system and equipment failures at the plant, they have maintained that there is capacity to accommodate the proposed development.

The EA have not objected to the scheme subject to a condition ensuring that surface water run off associated with the development site would not cause flooding issues and that people and land will be kept safe from flooding.

The Flood Defence Officers comments raise issues of an existing foul drainage issue which may be attributable to surface water run off infiltrating the foul sewage system rather than blockages, as stated by Anglian Water. The satisfactory discharge of the EA condition would ensure that this site would not contribute to any surface water infiltrating the foul sewage system.

If there is an existing problem with the management and maintenance of the Anglian Water foul sewage system in Dickleburgh this application is not the means by which to resolve that, especially in consideration of their advice that there is capacity to accommodate the development. Given the advice received by both Anglian Water and the Environment Agency the existing issue associated with foul sewage discharge is not one which would be suitable as a reason for refusal of the application.

1. Planning Policies

1.1 National Planning Policy Framework
   NPPF 03: Supporting a prosperous rural economy
   NPPF 06: Delivering a wide choice of high quality home
   NPPF 07: Requiring good design
   NPPF 10: Meeting the challenge of climate change, flooding and coastal change
   NPPF 11: Conserving and enhancing the natural environment
   NPPF 12: Conserving and enhancing the historic environment

1.2 Joint Core Strategy
   Policy 1: Addressing climate change and protecting environmental assets
   Policy 2: Promoting good design
   Policy 3: Energy and water
   Policy 4: Housing delivery
   Policy 15: Service Villages

1.3 South Norfolk Local Plan
   ENV 8: Development in the open countryside (Part Consistent)
   ENV 10: Historic hedgerow pattern - Dickleburgh
   ENV 14: Habitat protection
   ENV 15: Species protection
   IMP 2: Landscaping
   IMP 8: Safe and free flow traffic
   IMP 9: Residential amenity
   IMP 15: Setting of Listed Buildings
   IMP 18: Development in Conservation Areas

1.4 Supplementary Planning Document
   South Norfolk Place Making Guide SPD

2. Planning History

2.1 2002/1086 – Change of use from agricultural to village green
     Land at The Street Dickleburgh
     Refused by Council and appeal dismissed.
### 2.2 2002/1085 – Land at The Street
Dickleburgh
Diss

- Erection of 13 dwelling and construction of new access including demolition of one dwelling
- Refused by Council and appeal dismissed.

### 2.3 2001/0492 – Land at The Street
Dickleburgh
Diss

- Change of use from agricultural land to village green
- Refused

### 2.4 2001/0491 – Land at The Street
Dickleburgh
Diss

- Erection of 13no houses and construction of new access including demolition of one dwelling
- Refused

### 3. Consultations

#### 3.1 Dickleburgh Parish Council

Objections raised. The application should be refused for the following reasons:
- The development exceeds the requirement stated in the Councils Planning and Housing Policy
- The development fails to provide safe and convenient access to community facilities
- The PC supports the preferred option sites
- The PC has been in discussions with Saffron and SNC Officers regarding the preferred sites and meeting the requirements of the Councils Planning and Housing Policy Team
- Traffic issues accessing the site
- There is no pedestrian access provided across Norwich Road and Rectory Road
- The PC and Anglia Water is fully aware of the problems relating to excess rainfall and infringement into cordon sanitaire in this area
- The sensitivity of the conservation area and the Church.

#### 3.2 District Member Wilby

The application should be determined by planning committee due to neighbour concerns.

#### 3.3 Conservation and Design Officer

No objections.

#### 3.4 Public Right Of Way

No objections subject to the PROW being re-routed within the estate and being adopted.

#### 3.5 NCC Highways

No objections.

#### 3.6 Housing Strategy Manager

No objections.

#### 3.7 Landscape Officer

No objections subject to detailed landscape plan being conditioned.

#### 3.8 Environmental Services (Protection)

See introduction. Concerns raised.
3.9 Historic Environment Service
No objections

3.10 Environment Agency
No objections. Conditions recommended.

3.11 Ecologist
No objections

3.12 Anglian Water Services Ltd
It is still the case that there is adequate foul water capacity available in the foul water sewer in Norwich Road to accept foul flows from this development of 15 dwellings.

The site will generate a peak flow of less than 0.5 litres of foul flow per second. Given that the receiving foul sewer has a theoretical pipe full capacity of some 14 litres per second, the developed site will have a negligible impact.

To answer your further question, there have been no reported incidents of flooding in Norwich Road that can be attributed to the incapacity of the public sewerage system.

Section 94 of the Water industry Act imposes a legal obligation on Anglian Water to cleanse and maintain the sewerage infrastructure, on this basis we will continue to monitor the situation in Dickleburgh and take appropriate action should the need arise.

3.13 Representations
There have been 24 letters of objection submitted, they raise the following issues:
- Dickleburgh has already provided affordable housing
- Negative impacts on views across the farmland and public footpaths
- The vehicular access point is situated in an area where traffic speeds up
- The applicant has no regard for the opinion of the people of Dickleburgh
- The development will have negative impact on property values especially as the development is for affordable housing
- Increased traffic volume
- Increased hazards when crossing the road to access services
- Existing drainage/flooding issues will be increased with new development.
- A site at Rectory Road is more suitable
- The development has been designed to crate a larger estate.
- The development will have a negative impact on the conservation area and listed buildings
- The development will have a negative impact on the PROW
- The development will infringe the cordon sanitare
- Services, including the sewage system, are at capacity
- Negative impacts on wildlife
- Negative impacts on residential amenity from traffic entering and leaving the site
- Loss of residential amenity
- The provision of play space is in the wrong location
- The construction traffic should enter and leave from the north.
- Affordable housing in the surrounding area is empty
4 Assessment

Site Context

4.1 The application site is agricultural land located to the west of The Street/Norwich Road and the development limits of Dickleburgh, however it still falls within the conservation area of Dickleburgh.

4.2 To the immediate north and west of the site are open agricultural fields with mature hedging and trees around the fields boundaries, the A140 is beyond the fields on the western side.

4.3 Along the north eastern and eastern boundary of the site are residential properties of differing styles and scales. These properties face onto The Street/Norwich Road. The properties to the north east of the site are single storey 1960’/70’s build and those along the eastern boundary and abutting the site are varied in age and styles, they are generally two storey and have off street parking provision and garden areas to the rear. The variation of styles and age of properties is also reflected on the opposite side of the road.

4.4 Within the adjacent buildings on the eastern boundary are Mount Pleasant, Rose Cottage and Milestone Cottage which are all Grade II listed, there are several other properties similarly listed on the opposite side of the road. To the south of the site is the Kings Head public house which is Grade II listed and the Church of All Saints which is Grade I listed and associated school building adjacent which is Grade II listed.

4.5 The site has a public right of way (PROW) which dissects the site through the middle from the southern boundary to the northern boundary. There is a field access between two residential properties on the eastern boundary onto the roadside.

4.6 Dickleburgh has the a post office, church, public houses(s), bus stops, a village hall, playing fields and a school within its locality.

Proposal

4.7 The full planning application seeks approval for the construction of 15 dwellings with associated parking, landscaping, fencing and highway works. The dwellings would all be for affordable housing.

4.8 The development proposes a mixture of single and two storey properties with all of them either semi detached or terraced. The housing mix would provide for the following property types:
   - 4x 1 bedroom houses
   - 5 x 2 bedroom houses
   - 3 x 3 bedroom houses
   - 1 x 4 bedroom house
   - 2 x 2 bedroom flats

4.9 The materials proposed are a mix of red brick and cladding panels with grey concrete roof tiles. The application also details provision of landscaping throughout the site and an area of open space for play/recreational purposes.

4.10 Each dwelling is provided with at least two car parking spaces and a visitor space is also incorporated. The site proposes to create a new vehicular and pedestrian access on the eastern boundary on to Norwich Road/The Street. The access point would be provided between two properties on the eastern boundary and would require for the removal of an area of hedgerow.
4.11 The application further proposes that the existing PROW would be retained but would require some diversion works and its physical form on the section which runs across the site would be altered to reflect the build standards of the development proposal.

4.12 The main issues for consideration are the principle of the development outside of the development boundary and the impacts this would have on the landscape, built and natural environment, highways and PROW and the character and integrity of the conservation area and listed buildings in the locality.

**Principle of Development**

4.13 The application site is located outside of the development boundary as defined by the South Norfolk Local Plan, therefore the application should be refused unless there are other development plan policies and/or material considerations which would dictate otherwise.

4.14 JCS Policy 4 states that affordable housing can be considered on sites which would otherwise not be released for housing provided there is a demonstrable local need. The application has been referred to the Council’s Housing Strategy Team who have advised of their support of the application on the basis that there is a shortage of affordable properties in the locality to meet the registered needs.

4.15 The NPPF directs that sites should be both sustainable and deliverable to be considered for approval. The application site is within walking distance of the village services and the applicant has advised that two social housing providers have taken options to purchase the site with a view to immediate development.

4.16 By virtue of the identified local need for affordable housing, the sustainable location of the site and its deliverability the principle of development is considered to be acceptable.

**Design and Landscape**

4.17 NPPF Section 7 and JCS Policy 2 (promoting good design) seek to ensure that development proposals respect local distinctiveness, including landscape setting and character, townscape and use of sustainable materials. Additionally design guidance is also provided through the South Norfolk Place Making Guide SPD.

4.18 The site layout responds positively to the existing residential development to the east by continuing the incremental growth of the settlement from the urban edge into a more agricultural character. The edges of the development are generally well screened by trees and vegetation that follow the alignment of existing field boundaries. A buffer zone of land and tree planting is proposed to the east between the site and the adjacent properties, which helps minimises overlooking from and to the Grade II Listed Mount Pleasant.

4.19 The layout of the development is structured around a simple primary street which forms a cul de sac at the end of the street. The variations in character of streets and distinction between public and private spaces across the site help to encourage low vehicle speeds and streets that function as social spaces.

4.20 The layout has been informed by the retention of most existing landscape features, including hedgerows and mature trees that form part of the proposed landscape design. Buildings have been positioned so that they benefit from and compliment the topography of the site with view across surrounding fields. Vistas to and from All Saints Church have also been carefully considered and the layout reflects this by the formation of a ‘square’ at the south end of the site with dwellings facing a central court and public open space.
Development Management Committee
24 April 2013

4.21 The dwellings proposed have been considered by the Council's Design Officer who has advised that they score highly within the Building for Life criteria.

4.22 Saved Policy ENV10 aims to protect the historic hedgerow pattern of Dickleburgh and this application proposes to remove a section of hedging on The Street/Norwich Road frontage to allow for a vehicular access to be obtained. It is proposed to plant new hedging around the entrance which would allow for the visibility splay to be maintained.

4.23 The hedging to be removed has been assessed by the applicant and is not considered to be a hedge of historic value in relation to the original hedgerow pattern of Dickleburgh, this assessment and conclusion as not be disputed by the HES.

4.24 The current hedgerow is not considered to add any value to the conservation area and its removal with a hedgerow which is less over bearing on the roadside and surrounding buildings could be considered to be an enhancement of the conservation area.

4.25 Through the considered design which takes account of the existing surrounding development, topography of the site and existing vegetation the development is considered to comply with NPPF Section 7, JCS Policy 2, Saved Policy IMP2 and Saved Policy ENV10.

Heritage assets

4.26 Saved Policy IMP15 (setting of listed buildings) seeks to protect listed buildings and their setting, which is consistent with paragraph 132 of the NPPF which seeks to preserve heritage assets.

4.27 The application site does not contain any listed buildings, however as detailed previously in the report there are several listed buildings in the close vicinity.

4.28 It is considered that by maintaining key vistas and through the low density layout the integrity of the surrounding listed buildings would be maintained and that the materials proposed are not in conflict with those used within any of the listed buildings or wider conservation area.

4.29 The design of the development is considered to add further qualities to the character of the conservation area through the establishment of strong design principles and furthermore the development flows with the topography of the site and is not over dominant on the wider landscape or streetscene.

4.30 An archaeological report has been submitted with the application and the use of a condition regarding the monitoring of the site for archaeological finds during construction is considered to be sufficient to meet with the requirements of Saved Policy ENV9 (nationally and locally important archaeological remains).

Highways and PROW

4.31 The application has been considered by the Highway Authority and no objections have been forthcoming. The development proposal is therefore considered to comply with the requirements of Saved Policies IMP8 and TRA 19.

4.32 The PROW Officer has raised concerns that the rural nature of the path way will be eroded through the development. However, provided that the development results in a pathway which will be adopted by the Highway Authority the PROW Officer has no objections to the development. The Highway Authority have advised that the section of the PROW which would be within the site would be adopted.
4.33 It is acknowledged that the PROW will change in character but this alteration is only to a small section of a larger rural network and this alteration is not considered to be sufficient to warrant a refusal of the application.

Ecology

4.34 The site is considered to have low ecological value. The application has not been objected to by the Ecology Officer and it is considered that the recommendations of the ecological report should be conditioned to achieve the aims and objectives of Saved Policies ENV 14 and ENV 15. The recommendations include the planting of native trees and hedging to form wildlife corridors through the site.

Drainage

4.35 The application has been supplemented with a flood risk assessment which has been examined by the Environment Agency (EA). The EA have not objected to the application. Further details of the drainage issues associated with this site are examined above in the introduction to this report. The application through the discharge of appropriate conditions is considered to comply with NPPF 10: Meeting the challenge of climate change, flooding and coastal change and JCS Policy 3: Energy and water.

Conclusion

4.36 The development would provide for a local housing need in a sustainable location on land which is not of high quality agricultural or ecological value. Furthermore the implementation of the recommendations for the ecology report would enhance the green infrastructure of the locality.

4.37 The removal of hedgerow to form the access is regrettable however the hedgerow is not considered to add value to the conservation area or to be of heritage significance in its own right. The hedgerow will be replaced with new planting which will be more in keeping with the character of the area.

4.38 The PROW will be diverted across the site which will allow for the current access arrangements to be sustained and that section of the PROW will be adopted by the Highway Authority which will ensure that its surfacing is kept to a high standard.

4.39 The development has been designed in a manner to not be overbearing on the conservation area and to respect the listed buildings in the locality. This has been achieved through the use of landscaping, separation areas, retaining key views and the scale of the proposed dwellings.

4.40 The development is not considered to have negative impacts on highway safety or residential amenity and the use of appropriate conditions can ensure that the development does not increase the risk of flooding in the area.

4.41 Through the imposition and discharge of appropriate conditions the development will not have any surface water run off infiltrating the local sewage system.

5 Reasons For Approval

5.1 The principle of the development is considered acceptable outside the development boundary by virtue of the application being for an entirely affordable housing scheme in accordance with the requirements of JCS Policy 4.
5.2 Through consideration of the design, use of materials, scale and siting of buildings the development is considered to respect the established principles of the surrounding listed buildings and conservation area and therefore in compliance with NPPF Section 7, JCS Policy 2 and Saved Policies IMP15 and ENV10.

5.3 The vehicular and pedestrian access arrangements have been proposed to the satisfaction of the Highway Authority in accordance with Saved Policy IMP8.

5.4 The proposed landscaping will aid to integrate the development into its rural surroundings and enhance the green infrastructure of the locality in accordance with Saved Policies IMP2, ENV14 and ENV15.

5.5 The introduction of an improved surface water management system through the development will reduce the risk of flooding of surrounding properties from foul sewage in accordance with the aims and objectives of NPPF 10: Meeting the challenge of climate change, flooding and coastal change and JCS Policy 3: Energy and water.

Contact Officer, Telephone Number Ian Reilly 01508 533674
and E-mail: ireilly@s-norfolk.gov.uk
Major applications or applications raising issues of significant precedent

2. Appl. No : 2012/2034/F
Parish : STOKE HOLY CROSS

Applicants Name : John Paterson (Dilham) Ltd
Site Address : Land East Of Hillcrest Long Lane Stoke Holy Cross Norfolk
Proposal : New access to land adjacent to Long Lane, provision of 50 houses, road and car park

Recommendation : Approval with conditions

1. Standard 3 year time limit for implementation
2. In accordance with amended plans
3. Materials
4. Highway details
5. Works in accordance with Highway details
6. Roads to binder course before occupation
7. Garages to have a minimum dimensions of 7 x 3 metres
8. Off-site highway improvement details
9. Off-site highway works completed prior to occupation
10. TRO to extend speed limit
11. Surface water drainage scheme
12. Foul water drainage scheme
13. Archaeology (written scheme of investigation)
14. Landscaping (to include bird boxes)
15. Landscaping management
16. PD removal for conversion of garages
17. Contaminated land during construction

Subject to a S106 legal agreement providing for developer contributions towards libraries and a footpath/cycle track to Upper Stoke and the senior school, the management and maintenance arrangements of the car park facility, and an affordable housing agreement confirming the type and tenure and mix of affordable housing including its affordability in perpetuity.

1. Planning Policies

1.1 National Planning Policy Framework
NPPF 01: Building a strong competitive economy
NPPF 03: Supporting a prosperous rural economy
NPPF 04: Promoting sustainable transport
NPPF 06: Delivering a wide choice of high quality home
NPPF 07: Requiring good design
NPPF 08: Promoting healthy communities
NPPF 11: Conserving and enhancing the natural environment
NPPF 12: Conserving and enhancing the historic environment

1.2 Joint Core Strategy
Policy 1: Addressing climate change and protecting environmental assets
Policy 2: Promoting good design
Policy 3: Energy and water
Policy 4: Housing delivery
Policy 5: The Economy
Policy 6: Access and Transportation
Policy 7: Supporting Communities
Policy 9: Strategy for growth in the Norwich Policy Area
Policy 15: Service Villages
Policy 20: Implementation
1.3 South Norfolk Local Plan
ENV 8: Development in the open countryside (Part Consistent)
ENV 14: Habitat protection
ENV 15: Species protection
IMP 8: Safe and free flow traffic
IMP 9: Residential amenity
HOU 4: Residential development within the defined Development Limits of the Norwich Policy Area settlements, and at selected locations along strategic routes
IMP 2: Landscaping
IMP 25: Outdoor lighting

1.4 Supplementary Planning Document
South Norfolk Place Making Guide 2012

2. Planning History

2.1 2012/0383 T1 Oak - stage one of pollard; reduce branches by 4-5 metres. Approved

3. Consultations

3.1 Parish Council Refuse
- reservations about the suitability of the site as an allocation
- significantly outside the extent of the preferred allocation with no justification
- Development of the site would breach the 'natural development boundary' to this important approach to the village. The development of this area will permanently change the character of this part of the Tas valley
- The Parish Council has received pre-application presentations from two other more suitable sites and it is wrong that this site should be considered ahead of them
- the application should be help in abeyance until applications for the other two alternative sites have been submitted
- Increase in traffic from the development will have a detrimental impact on Long lane, particularly given the proximity to the school and the general increase in traffic from recent permitted developments in Poringland
- Impact on local services that are already under strain
- The use and viability of the proposed car park is questionable. How will it be managed and maintained, and how will it be used exclusively for the school?
- If the application is to be recommended for approval, then the applicant should be required to provide for additional community facilities

3.2 District Member To committee - application is contrary to proposed site allocation for parish, but has merits.

3.3 NCC Highways No objection to amended plans, subject to appropriate conditions.

3.4 Environment Agency No objection, subject to appropriate conditions.

3.5 Environmental Services (Protection) To be reported.
3.6 **Housing Strategy Manager**

Supports the revised proposal.

3.7 **Ecologist**

There are no protected species issues for this site. Additional planting should include native species. Enhancements should include the provision of at least 6 bird boxes.

3.8 **Anglian Water Services Ltd**

No objection, subject to appropriate conditions in respect of a drainage strategy downstream of the site.

3.9 **NCC- Planning Obligations**

For a development of this size, no contributions will be sought towards education provision. Contributions towards enhance library provision will be required.

3.10 **SNC Landscape Officer**

Comments on amended plans awaited.

3.11 **Norfolk Historic Environment Service**

No objection subject to appropriate conditions requiring a programme of archaeological work.

3.12 **Police Architectural Liaison Officer**

Makes general advice about security for parked vehicles and boundary treatments.

3.13 **Planning Policy**

The application has been amended to allow access to the remainder of the proposed allocation in the emerging Site Specific Allocations and Policies DPD and therefore the proposed scheme no longer compromises the delivery of this proposed allocation.

Whilst the proposed development still involves additional land to the east of the proposed allocation, little weight can be given to the boundary shown in the preferred options at this stage. Consideration needs to be given to the NPPF and in particular the requirement to provide a five-year supply of housing land. As noted within the supporting information we are not able to demonstrate such a supply in the Norwich Policy Area (NPA) in which Stoke Holy Cross falls. There is therefore a strong presumption in the granting of permission for applications for residential development unless there are very strong material considerations as to why permission should not be granted.

3.14 **Representations**

6 letters of objection received

- application is for development outside development boundary
- additional impact on traffic on Long lane
- overcrowded school
- will spoil character of the village
- existing infrastructure will not be able to cope
- site is in area of high landscape value
- current issues with surface water drainage
- application is premature
- overdevelopment of site and village in general
- proposed car park facility not in the most desirable location
- besides a local bus service Stoke Holy Cross has no local services
- site layout does not create a cohesive development
- intrusion into the wider landscape
4. Assessment

4.1 The application site is located at the eastern edge of the village, adjacent the property Hillcrest, and bounded to the north by Long Lane, and south and east by open countryside. The site area is approx. 2.8 hectares. The site falls within a landscape character area known as the ‘Poringland Settled Plateau Farmland’, (as defined within the South Norfolk Place Making Guide), and comprises a generally flat landscape but one that rises steadily to a central dome area. This high point is centred approximately between Upper Stoke and Poringland. A site location plan is attached as appendix 1.

4.2 The site does not fall in an area at risk from flooding, and is currently in agricultural use. The site is well screened by existing hedges and trees, and only glimpses of it are afforded as you travel up and down Long Lane. The site is outside the development boundary for the village. The surrounding development to the west comprises a mixture of single and two storey dwellings of differing styles and character, although the ex-local authority housing to the north of Long Lane are a predominant feature of this end of the village.

4.3 This full application proposes 50 new dwellings and associated works, including access and open space. A small car park is also proposed that will help relieve the pressures for on-street parking on Long Lane during school drop-off and pick-up times. The application includes 33% affordable housing in accordance with policy and a housing mix and tenure that reflect the needs of the community.

4.4 Access to the site will be off Long Lane, with an estate road that allows for further access to the adjoining preferred site allocation to the south west, should this be developed in the future. A site layout and example street scenes are attached as appendix 2 to this report.

4.5 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 taken into account in this case:

- The provisions of the adopted Joint Core Strategy (JCS), which allocates Stoke Holy Cross for further small scale housing development during the period 2011 to 2026.

- There is an acknowledged lack of a 5-year housing supply within the Norwich Policy Area (currently 68.3% 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 also includes an additional buffer of 5%.

- Having regard to part of the site being a preferred allocation for development of up to 75 dwellings (the site being considered a sustainable location for development.

- 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 significant levels of housing being delivered within the next 5 years).

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

4.6 It will be noted above that there has been a significant amount of objection to the proposal from local residents raising a number of issues. The Parish Council also objects to the development of the site, suggesting that there is a better alternative, however I have to consider the application before me and the merits of the case. Taking these comments into account, the main issues that members need to consider are:
The provisions of the NPPF, the adopted JCS, the identification of approx 50% of the site as a preferred allocation for residential development, and the requirement to achieve a 5-year land supply of housing.

- Design and layout and the impact on the character and appearance of the area
- Drainage & flood risk
- Impact on residential amenity
- Highway Impact

NPPF, JCS & the 5-year land supply of housing

4.7 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'.

4.8 In terms of sustainability, the site is well located in relation to the local primary school and there is a regular bus service to Norwich. It is acknowledged that the village has recently lost its post office and shop, although I understand that there is opportunity for the shop to reopen. JCS Policy 15 does state that developments in excess of 20 dwellings, especially within the Norwich Policy Area, can be allowed where it can be demonstrated to improve local service provision (or help to maintain services under threat). In this case the development may bring an increased need to allow for the shop to re-open.

4.9 It is noted that some 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 it is clear that in location terms this site represents sustainable development and that a demonstrable lack of a 5-year housing supply carries significant weight in the consideration of this application.

4.10 Although carrying limited weight, consideration must also be given to the fact that part of the site is a preferred allocation for development, and that it is also located adjacent the wider preferred allocation for development. The proposed development shows an access to the edge of this neighbouring site, and does not prejudice its future delivery. It is also worth noting that the applicants are now in discussions with the neighbouring landowner to ensure a joined-up approach to any future development.

Landscape Impact

4.11 The site is located at the edge of the village where the land gently rises towards Upper Stoke. The land to the north of Long Lane is fairly open and flat in character, whereas the land to the south of the road (where the site is located) is actually fairly well screened from views by mature hedging and trees. I have also assessed the impact of the development of the site when viewed from Brickle Road to the south east, and I am satisfied that no direct views of the site will be afforded due to the nature of the intervening landscape (containing dispersed trees and hedging). Although the site extends beyond the boundary of the preferred site allocation, it is still contained within the natural boundary of the agricultural field, and is generally contained within boundaries of mature hedgerows and trees. I have therefore concluded that there will be no harmful impact on the character of the wider landscape.
Design and layout and the impact on the character and appearance of the area

4.12 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 seen as a key aspect of sustainable development. The design and access statement submitted with the application explains how the scheme has been influenced by a contextual and character appraisal of the site and the surrounding area.

4.13 The scheme achieves a distinct character by arranging the majority of houses in clusters around private roads off the main drive. There is no repetition of the layout which helps the site to feel ‘less formal’ as well as balancing the need to achieve a coordinated approach and rhythm to house types that unifies the site.

4.14 The intended appearance of the development combines traditional building forms, detailing and materials based on the local vernacular. A limited palate of materials is proposed that helps to give the individual buildings a strong character while maintaining continuity across the site. Overall, the design of the house types responds well to the site context and also to their siting and orientation within the development.

4.15 The amended scheme has been assessed by the Council’s Design Officer who comments that the scheme successfully shows how the proposals will combine the existing site assets into one coherent development that joins up with the proposed and existing and proposed land uses in Stoke Holy Cross. The scheme accords with the requirements of the South Norfolk Place Making Guide. The application therefore accords with JCS Policy 2 and section 7 of the NPPF.

Drainage and flood risk

4.16 In respect of foul drainage, Anglian Water has confirmed that there is capacity in the local treatment works to accommodate foul flows from the development. A foul drainage strategy has been agreed with developers that identifies a suitable point of connection, and details of this can be agreed by condition.

4.17 The applicants have submitted a Flood Risk Assessment that indicates that the site is not capable of accommodating infiltration drainage. It is there intended to drain the site to existing watercourses, and to maintain the existing Greenfield run-off rates through the use of surface water attenuation and storage. The rate of surface water discharge from the site will be limited to a maximum rate of 7.6 l/sec for all storms up to and including the 1 in 100 year event (including an allowance for climate change).

4.18 I note a local resident’s comment that the site floods after heavy rainfall, however this is almost certainly due to the boulder clay that the site sits on. The applicants are aware of these soil conditions, and have taken these into account in suggesting the use of a positive surface water attenuation scheme for the site.

4.19 The Environment Agency has been consulted and raises no objection to the scheme, which is considered to accord with the relevant sections of the NPPF.

Impact on residential amenity

4.20 The site is bounded by existing development only to the west, this being a detached dwelling on a large plot. A substantial hedgerow separates the residential curtilage of this property from the development site, and adequate separation distances (dwelling to dwelling) have been provided within the layout of the scheme. I am satisfied that there will be no direct overlooking of neighbouring properties.
Presently, there are issues with traffic congestion on Long Lane during school pick-up and drop-off times, mainly due to cars being parked on the road during this period. The developers are proposing a 30 space car park with a footpath link to Long Lane that will be available for parents to use, thus reducing some of the pressures to park on the road. This will be managed by the landowner for a period of 3 years, during which time its impact will be monitored. Parents will then be able to access the school via a footpath link. It is acknowledged that parents can not be forced to use this car park, but with the cooperation of the school, my view is that it can only help to reduce the general disturbance to the amenities of existing residents on Long Lane and users of the highway in general.

Whilst it is acknowledged that the development of this site will give rise to an increase in general levels of disturbance in the local area, largely from a relatively small increase in traffic movements and residential activity, this impact would not be so severe as to warrant a refusal of the application, which accords with saved local plan policy IMP9.

Highway impact

I acknowledge that many residents have raised concerns in respect of highway impact, especially in respect of additional traffic movements, however NCC: highways raise no objection to the principle of development or the proposed access arrangement from Long Lane. It has also been accepted that the access and estate road will also have capacity for further development of the preferred site allocation to the west. Although any development of this site will be considered on its own merits at the appropriate time, I am satisfied that the development of the application site in the form shown will not prejudice the delivery of the wider preferred allocation.

I have therefore concluded that the scheme accords with the requirements of saved local plan policy IMP8.

It is accepted that there is not a five year supply of sites within the Norwich Policy 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 5-year housing supply carries significant weight in the consideration of the application.

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 50 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 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
3. **Appl. No**: 2012/2202/O  
**Parish**: WYMONDHAM  

Applicants Name: Mr T Davidge  
Site Address: Land West Of 49 Norwich Common Wymondham NR18 0SW  
Proposal: Proposed residential development of 11 new dwellings  

Recommendation: Approval with Conditions  

1. Outline Permission Time Limit  
2. Standard outline requiring Reserved Matters  
3. Boundary Treatment  
4. slab level to be agreed  
5. Retention trees and hedges  
6. Landscaping scheme to be submitted  
7. Tree protection  
8. Surface water Drainage  
9. Foul Drainage  
10. Standard Estate Road  
11. Standard Estate Road Part 2  
12. Footpath/Cycleway connections  
13. Visibility Splay  
14. Footpath - site frontage  
15. Materials to be agreed  
16. Ecology Mitigation  

Subject to a Section 106 legal agreement to secure the affordable housing provision.  

1. **Planning Policies**  

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

1.2 Joint Core Strategy  
Policy 1: Addressing climate change and protecting environmental assets  
Policy 2: Promoting good design  
Policy 3: Energy and water  
Policy 4: Housing delivery  
Policy 10: Locations for major new or expanded communities in the Norwich Policy Area  

1.3 South Norfolk Local Plan  
ENV 8: Development in the open countryside (Part Consistent)  
ENV 14: Habitat protection  
ENV 15: Species protection  
IMP 2: Landscaping  
IMP 8: Safe and free flow traffic  
IMP 9: Residential amenity  

1.4 Supplementary Planning Document
2. Planning History

2.1 2012/1372 Proposed new residential development consisting of 10 no detached dwellings with double garages/cart lodges Refused – insufficient information

3. Appeal History

3.1 None relevant

4. Consultations

4.1 Wymondham Town Council Recommend approval.

4.2 District Member To be reported if appropriate

4.3 Anglian Water Services Ltd No objections

4.4 NCC Highways No objections

4.5 Environmental Protection No objections

4.6 Housing Strategy Manager No objections

4.7 Landscape Officer No objections.

4.8 Representations One letter of objection has been received from the occupier of 49 Norwich Common. The letter raises the following issues:

- The raised roof profile for the bungalows will exclude air and light to the adjacent dwelling.
- The ditch on the eastern boundary is in the ownership of 49 Norwich Common.
- Details of fence height and type of trees, and their projected growth height, on the eastern boundary would also be required to ensure privacy and light are maintained

5. Assessment

Site context

5.1 The application site is located to the north east of Wymondham on northern side of the B1172 (Norwich Common).

5.2 To the immediate west and north west of the application site is ongoing residential development to create 650 dwellings. There are existing houses positioned along the B1172 in small groupings or stand alone developments which address the roadside. These clusters and stand alone properties are separated by open fields which contain a mix of mature and semi mature hedging and other vegetation on the boundaries.

5.3 The application site is bordered by an access drive on its western boundary which is to serve the northern farm. The eastern boundary abuts the residential curtilage of a two storey detached dwelling. The southern roadside boundary contains a low level post and rail fence and field gate. The northern side of the application site is adjacent agricultural
fields which will be developed to accommodate the relocation of Wymondham Rugby Club. The application site is relatively flat and a portion of the site has been used for the training of dogs.

5.4 The site contains mature trees and hedging and the Landscape Officer has recently placed a TPO on five trees on site. The TPO covers a group of four in the centre of the site and one to the southern boundary.

5.5 The site also contains an open sided agricultural barn structure.

Proposal

5.6 The application seeks outline approval for the development of the site for residential purposes. The indicative layout details the erection of 11 dwellings on 0.9 ha of land, with the layout making provision for three bungalows which would form the affordable housing provision.

5.7 The application proposes to agree only the access arrangements with all other matters reserved. The access is proposed to be taken onto Norwich Road (B1172) through the existing access point which is central to the southern boundary.

5.8 The indicative site plans propose that the site can be developed with the TPO trees all retained and the majority of the hedging in the centre of the site also retained.

5.9 The main issues for consideration are the principle of the development, its impact on protected natural features and the residential amenity of the adjoining dwelling to the east.

Principle of Development

5.10 The application site is located outside of the development boundary as defined by the South Norfolk Local Plan; therefore the application should be refused unless there are other development plan policies and/or material considerations which would dictate otherwise.

5.11 Policies 9, 10 and 13 of the Joint Core Strategy (JCS) set clear targets for growth in the Norwich Policy Area, which includes Wymondham. It is expected that Wymondham will provide at least 2200 new dwellings in the period up to 2026. Given the scale of the growth required, the Council published the first stage of its Area Action Plan (AAP) for the town early in 2012. This document is not expected to be adopted until sometime in 2013 and therefore no specific sites have yet been allocated.

5.12 The NPPF directs that there will be a presumption in favour of sustainable development, and that relevant policies for the supply of housing land cannot be considered up to date where a 5 year land supply of deliverable sites does not exist. Currently there is not a 5 year land supply for housing in the NPA.

5.13 The application site is considered to be a sustainable location as it is within walking and cycling distance of several key services and facilities and the proposal would not prejudice the supply of land for other purposes.

5.14 NPPF Section 6 also directs that for development to be considered within the aspect of the 5 year land supply issue it must be deliverable and viable. It is considered that there are no known constraints associated with the site in relation to its physical development and that the entire site is in one ownership.

5.15 By virtue of the growth projections for Wymondham, the sustainable location of the site and the deliverability of the proposed development the principle is acceptable.
Design and Landscape

5.16 NPPF Section 7 and JCS Policy 2 (promoting good design) seek to ensure that development proposals respect local distinctiveness, including landscape setting and character, townscape and use of sustainable materials. Additionally design guidance is also provided through the South Norfolk Place Making Guide SPD.

5.17 The application is accompanied with an indicative site layout which details that four bungalows would be positioned on the southern boundary to address the street frontage and that the remaining dwellings would be two storeys and positioned to the rear in a cul-de-sac formation.

5.18 The positioning of the smaller dwellings to the front of the site will ensure that the road and footpath are not over dominated by new development and they will also be subservient to the new western dwellings and that to the east. The dwellings shown on the indicative plan are considered to be in keeping with the established design principles of the locality in relation to scale and footprint.

5.19 The layout plan demonstrates that the development could be provided for whilst also retaining the TPO trees and the trees and hedges on the boundaries. Sections of the hedging through the middle of the site would need to be opened to provide for driveways, this is not objected to by the Landscape Officer. The hedging through the middle of the site is not continuous and the proposed driveways may be able to be positioned within existing openings when detailed designs are considered. The site is also large enough to provide for further hedge planting on the southern boundary.

5.20 The development through its use of bungalows addressing the roadside and the retention of the important natural features on site is considered to be in accordance with the objectives of NPPF Section 7, JCS Policy 2 and Saved Policy IMP2.

Highways

5.21 Saved Policy TRA19 of the SNLP states that planning permission will not be granted for development unless provision is made for parking, loading and turning areas in accordance with the County Council's adopted car parking standards. Should approval be forthcoming, these standards will form one of the main factors in the design of the overall layout at reserved matters. The indicative plan demonstrates that this policy requirement could be met.

5.22 Saved Policy IMP8 of the SNLP states that planning permission will not be granted for development which would endanger highway safety or prejudice the free flow of traffic on the highway network.

5.23 The application proposes to create a single vehicular access to serve the 11 dwellings from the mid point on the southern boundary this would utilise the existing access point and would require for the creation of visibility splays and the provision of a pathway along the frontage of the site to link with the existing. Subject to these requirements and specified construction standards the Highway Authority has not objected to the proposed development.

Affordable housing

5.24 JCS Policy 4 dictates that sites which provide for 16+ dwellings or are greater than 0.6ha would have to provide for 33% affordable housing within their yield. The applicants have proposed three bungalows which are only 27% of the dwelling yield. The development of 11 dwellings at a 33% affordable housing provision rate would require 3.63 affordable homes, which would be rounded up to 4.
5.25 The application details that there would be three bungalows dwellings for rent. Bungalows are more costly to build and there is a shortage of affordable rented bungalows built to current design standards. The Housing Strategy Team has commented that for the aforementioned reasons they have no objections to the proposal and that this should be secured through a Section 106 agreement.

Residential amenity

5.26 Saved Policy IMP9 - Residential amenity directs that development should not be approved if it would have a significant adverse impact on nearby residents through overlooking and/or overshadowing of habitable rooms, damage to the setting of existing buildings or damaging impacts on the privacy or amenity of nearby dwellings.

5.27 The dwelling situated on the eastern boundary is the only one which is close enough to the application site for impacts associated with residential amenity to be of concern. The indicative layout has demonstrated that the development can be accommodated for without impacting negatively on the adjacent dwelling or its garden ground in relation to overlooking, overshadowing or over bearing structures. The application is only in outline form and the reserved matters application will address these issues in more detail. The application complies with Saved Policy IMP9.

Drainage

5.28 The application site is not within a high risk flooding area and Anglian Water has advised that there is capacity for the development in the local system. Should approval be forthcoming there will be conditions attached to ensure that the site has suitable drainage and sewage connections, these will have to take account the issue of the current ownership of the existing drains as raised by the neighbour.

6. Reasons for approval

6.1 The proposal would provide for a sustainable residential development which could be delivered within five years. It is accepted that there is not a five year supply of sites within the Norwich Policy 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 land supply and the requirements of the NPPF are a very strong material consideration in favour of the application. The requirements of the NPPF and the presumption in favour of sustainable development outweigh other material considerations and the application can be accepted as a departure from Saved Policy ENV8.

6.2 The application has demonstrated that the site can be developed with regard to the existing design principles of the locality and with the retention of the important natural landscape features, therefore the application is considered to comply with the aims and objectives of NPPF Section 7 JCS Policy 2 and Saved Policy IMP2.

6.3 The local highway network can accommodate the increased level of traffic which would result from the development and the proposed access is considered acceptable therefore the application is considered to accord with SNLP Saved Policy IMP8.

6.4 The indicative layout has demonstrated that the development can be accommodated for without impacting negatively on the adjacent dwelling or its garden ground in relation to residential amenity and therefore the application complies with Saved Policy IMP9.

Contact Officer, Telephone Number Ian Reilly 01508 533674 and E-mail: ireilly@s-norfolk.gov.uk
Other Applications

4. **Appl. No:** 2012/1020/F  
   **Parish:** GELDESTON

- **Applicants Name:** Sir Philip Dowson  
- **Site Address:** Greenbank Cottage And Land Adjoining 18 The Street Geldeston  
   Norfolk NR34 0LN  
- **Proposal:** Erection of 1 new dwelling (Sunnybank Cottage)

**Recommendation:** Approval with Conditions

1. Full Planning permission time limit
2. In accordance with amendments
3. External materials to be agreed
4. No PD for Classes ABCDE & G
5. Implement boundary treatment
6. New Water Efficiency
7. Planting scheme to be submitted
8. Tree protection
9. No-dig drive
10. Levels
11. Surface Water
12. Provision of parking, service
13. Lighting details to be agreed
14. Stabilisation works to be agreed
15. No PD for gates, walls, fences

1. **Planning Policies**

   1.1 National Planning Policy Framework  
      - NPPF 06: Delivering a wide choice of high quality home  
      - NPPF 07: Requiring good design  
      - NPPF 12: Conserving and enhancing the historic environment

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

   1.3 South Norfolk Local Plan  
      - IMP 9: Residential amenity  
      - IMP 8: Safe and free flow traffic  
      - IMP 18: Development in Conservation Areas.

   1.4 Supplementary Planning Document  
      - South Norfolk Place Making Guide 2012

2. **Consultations**

   2.1 Parish Council  
      - Amended scheme: Refuse
      - The revisions do not overcome the previous concerns

      Original scheme: Refuse
      - Will spoil the character of this unique place dramatically
      - Impact on the line of sight line from the road regarding the parking and garage design is unacceptable
- The back wall height proposed on the dwelling will give a very urban sight line and block the view into the Dell
- Palling fencing is an unacceptable design
- Impact of cowelled lighting as the village does not have street lighting
- Impact on ecology
- Concerns over surface water drainage
- Impact on parking on the road

2.2 District member To be reported if appropriate
2.3 Landscape Officer Conditional support
2.4 Conservation Officer Conditional support
2.5 Lower Waveney IDB No comments received
2.6 NCC Highways Conditional support
2.7 Environmental Services Conditional support
2.8 Representations 2 letter of objections

- The site was a private allotment/vegetable garden
- Village does not have street lights and enjoys low levels of light pollution. Against any form of lighting
- Concerned that there are no ecological surveys
- Impact of surface water runoff
- Existing parking problems on the road at the top
- Concern at the alterations to the cottage and the loss of privacy-
- Therefore agreement required for the following:
  - The larger ground floor window will be bricked up
  - All remaining windows will be double glazed and fitted with 'frosted' glass
  - Any opening windows will be hinged from the top and have reasonable restricted outward opening

3 Assessment
3.1 This application seeks full planning permission for the erection of a new single storey dwelling to the south of The Street, Geldeston. Two storey dwellings are located to the east, west and south of the site.

3.2 The site is within the development boundary for Geldeston and as such there is a principle in favour of residential development and the proposal is considered to accord with Policy 15(JCS). The site is also within the conservation area for the village.

3.3 The proposal was subject to pre-application advice and the design approach is contemporary. The design has used the existing site’s level changes by setting the dwelling into the bank adjacent to the road and lower than the road. The character of this part of the village is largely defined by traditional red brick buildings positioned around a large area of greenery, which is below the height of the main street. The proposal is well designed and will maintain the views from the road across the mono-pitched roof.
3.4 The original submitted scheme included the modernisation and extension of Greenbank Cottage, however this has been removed due to the impact on the Sweet Chestnut tree. One of the neighbours has objected due to privacy issues and has stipulated that the larger ground floor window will be bricked up; all remaining windows will be double glazed and fitted with 'frosted' glass; any opening windows will be hinged from the top and have reasonable restricted outward opening. As this part of the proposal has been removed and planning permission would not be required for the above works, I am unable to condition any of the above requirements; this will have to be agreed by the owner and the neighbour.

3.5 Both the Parish Council and a local resident have raised concern as set out above. Whilst I fully appreciate the issues raised, the conservation officer and I consider the design is appropriate for this part of the village and it will not adversely affect the character of the conservation area. No objections have been raised by the highway officer and therefore the application could not be refused on highway safety grounds. It is proposed to use willow hurdles to the western boundary and wicket fencing to match the existing. Panel fencing to the east which is not inappropriate. The surface water drainage and lighting details are proposed to be conditioned.

3.6 I consider the proposal is acceptable for the reasons set out above and therefore recommend that the application is approved.

4. Reasons for Approval

4.1 The proposal is acceptable in respect of the aims of the Joint Core Strategy and South Norfolk Local Plan 2003 and in particular is considered to be in accordance with Policy 2 and Policy 15 of the Joint Core Strategy and Policies IMP18, IMP8 and IMP9 of the South Norfolk Local Plan as the layout of the site and form of dwelling is appropriate for the area; it will not adversely affect the character and appearance of the conservation area; and will not have a significant adverse effect on the amenity of neighbouring uses or highway safety.

Contact Officer, Telephone Number Claire Curtis 01508 533788
and E-mail: ccurtis@s-norfolk.gov.uk
5. **Appl. No**: 2012/1746/CU  
**Parish**: SHELFANGER

Applicants Name: Mr John Stannard  
Site Address: Land Opposite K & C Mouldings Wash Lane Shelfanger Norfolk IP22 2DF  
Proposal: Change of use of land and existing buildings to livery stables

Recommendation: Refusal

1. **Planning Policies**

1.1 National Planning Policy Framework  
NPPF 01: Building a strong competitive economy

1.2 Joint Core Strategy  
Policy 5 : The Economy

1.3 South Norfolk Local Plan  
EMP 4: Employment development outside the Development Limits and Village Boundaries of identified towns and villages (Non Consistent)  
IMP 8: Safe and free flow traffic  
IMP 9: Residential amenity

2. **Planning History**

2.1 No recent planning history

3. **Consultations**

3.1 Parish Council: Refuse  
- Access is not suitable for use as 10 Livery stables and associated traffic movements.  
- Poor security for the site is poor as this site is isolated  
- No mains water available which is necessary in case of fire.  
- Wash Lane is subject to flooding making it difficult to access the site and care for the horses.  
- Local farmers sell shooting rights therefore causing difficulty for horses and riders using local bridle ways.

3.2 District Member: Can be delegated if officers are to approve

3.3 NCC Highways: Refuse  
Inadequate road access and no opportunity to improve road because of land ownership.

3.4 Environmental Services (Protection): Support conditionally:  
Siting of muck heap and removal of manure.

4. **Assessment**

4.1 The proposal is for the refurbishment of the existing buildings on the site and to use the site as a whole for livery purposes. The site is accessed off Wash Lane which is a single track road. The site is outside the Development Limits of Shelfanger and therefore would be
assessed as Employment Development Outside the Development Boundary. An existing factory operates immediately opposite the entrance to the site (K & C Mouldings) with residential properties to the north of the site, however there is an intervening field between the properties and the application site.

4.2 Policies in the JCS, Local Plan and requirements of the NPPF seek to ensure that proposals are in appropriate locations, with adequate access and have no adverse impact on the residential amenities of neighbouring properties or the safe and free flow of traffic. 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 / part consistent with the published National Planning Policy Framework.

4.3 It is believed from discussion with the Parish Council that the land has historically been used as a Donkey Sanctuary which generated minimal traffic movements to and from the site, although there is no planning history for this specific use of the land. The applicant has suggested that the site is suitable for a maximum of 10 equines and it is anticipated that 70% of the livery would be on a full livery basis, this would mean that the owners would visit their horse at the most twice every 7 - 10 days, the other 30% of animals would possibly be visited by their owners a maximum 4 or 5 times per week. The applicant also states that it is unlikely that the visitors to the site would be driving any vehicle larger than a 4 x 4 car. Animal delivery or extraction from the site would most likely be by vehicles less than 7.5t GVW horsebox. If a client had a larger vehicle it would be the applicant’s intention to arrange for the animal to be unloaded to another site with more suitable facilities and transferred to Wash Lane in their own 3.5t GVW horsebox. All deliveries of feed and bedding would be via the applicants own small van which is expected to visit the site twice per day and would remain on site for up to ten hours at time.

4.4 At the time of the visit the refurbishment of the buildings was already well underway, however, this could be carried out without the need for permission, the remainder of the site was already paddock land having previously been used for equine purposes.

4.5 In general terms the site is ideal for equine use as it is most suited to a quiet rural area, there are no immediate residential properties to be disturbed by the activities associated with the use of the site, and the site is well screened by existing hedging. The main concern relating to this site for livery purposes is the narrow road access.

4.6 Discussions took place with the applicant prior to the application regarding the issue of the number of vehicles visiting the site and the size given that the road was a single track road. The applicant also discussed this issue with the Highways Authority prior to submission and concerns were raised at that time regarding the road network around the site. Following the application a Highway objection was received. This information was passed to the applicants and further meetings/discussions took place between the applicants and the Highways Officer to discuss issues relating to possibilities to improve the access and route along Wash Lane to the site. The final comments following these meeting were received from the Highways Officer on the 11 March; unfortunately it is not considered possible to achieve the requirement of road improvement which will satisfy the Highways Authority as this would require improvements made to areas of land outside the control and ownership of the applicant. Therefore although the application could be supported in terms of the rural economy and the policies in the NPPF and JCS, the road access is of poor alignment/restricted width/lack of passing provision and therefore in conflict with the requirements of IMP8 of the South Norfolk Local Plan 2003. For this reason the recommendation is for refusal on highway safety grounds.
5. **Reasons for Refusal**

5.1 The unclassified road serving the site is inadequate to serve the development proposed, by reason of its poor alignment /restricted width / lack of passing provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety. Contrary to Development Plan policies IMP8 of the South Norfolk Local Plan 2003. 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 / part consistent with the published National Planning Policy Framework.

Contact Officer, Telephone Number  Jacqui Jackson 01508 533837
and E-mail: jJackson@s-norfolk.gov.uk
Development Management Committee  
24 April 2013

Parish : NEEDHAM

Applicants Name : Mr Gary Hines  
Site Address : Land West Of 1 Brook Lane Needham Norfolk  IP20 9LQ  
Proposal : Two storey dwelling  
Recommendation : Approval with Conditions

1. Full Planning permission time limit  
2. In accordance with amendments  
3. External materials to be agreed  
4. Slab level to be agreed  
5. No PD for Classes ABCDE & G  
6. No additional windows within the roof or side elevations at first floor  
7. New Water Efficiency  
8. Surface Water  
9. New Access Construction over verge  
10. Access Gates - Configuration  
11. Provision of parking, service  
12. Boundary treatment to be agreed  
13. First floor bathroom window obscure glazed with top opening light

1. Planning Policies

1.1 National Planning Policy Framework  
NPPF 06: Delivering a wide choice of high quality home  
NPPF 07: Requiring good design

1.2 Joint Core Strategy  
Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting good design  
Policy 16 : Other Villages

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

2 Consultations

2.1 Parish Council  
To the original submitted scheme:
Approve  
• To increase housing stock within the village
To the amended scheme:
Approve  
• Parish Council recommended approval to the withdrawn application subject to significant design modifications.
• Satisfied that the revised design meets those conditions
• Encourages development on infill sites within the village in order to strengthen the community

2.2 District Member  
To the original submitted scheme:
• To be determined by committee due to the size of the site
• Design in keeping with nearby properties
To the amended scheme:
• To be determined by committee due to neighbour concerns

2.3 NCC Highways  
Conditional support
Development Management Committee

2.4 Shirley Bishop Conditional support

2.5 Representations 1 letter of concern:
- Concern that with pre-application discuss for our plot advised that a two storey would not be appropriate so designed a contemporary single storey dwelling. Therefore the application would appear not to comply with this requirement.
- Established spacing of houses on the north side of Brook lane where there are quite generous dimensions between houses. This spacing would be disrupted by the construction of the house.
- Close to boundaries creating almost a terraced house situation, not in keeping with the rest of the village.
- Detrimental impact on our property

3 Assessment

3.1 This application seeks full planning permission for the erection of a two storey dwelling. The site is between an existing dwelling and a building plot which was formerly used for private workshop and storage activities. It is located on a narrow lane that has been severed by the A143 by-pass and is now a dead end. The previous application for the site was withdrawn due to concerns in relation to the plot size and the size and specific design of the proposed dwelling. Consent has been granted for a contemporary single storey dwelling to the west of the site.

3.2 The site is within the development boundary for the village of Needham and is identified as an Other Village under the JCS and as such there is a principle in favour of residential development and the proposal is considered to accord with policy16.

3.3 The design of the proposal has been amended to reduce its size and simplify its design. It is considered that the development now represents a good quality design and deals well with the site constraints. The reduced footprint enables the dwelling to sit better on the site whilst leaving space between the dwelling and its boundaries. I acknowledge that the site and 1 Brooke Lane will not have the same level of space around them as the other dwellings in the immediate street scene, however the layout of the site and form of the dwelling is appropriate for the area.

3.4 Whilst I fully appreciate the concerns raised as set out above, the site is of an adequate size to satisfactorily accommodate the dwelling as proposed. The street scene drawing demonstrates that the two storey fits well within the existing street scene and that the requirement for the plot to be the west to be single storey due to its specific level changes was the correct approach. Careful consideration has been given to the siting of windows to avoid overlooking and loss of privacy.

3.5 I consider that the proposed development is acceptable and I therefore recommend that the application be approved.

4 Reasons for Approval

4.1 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 accordance with Policy 2 Promoting good design; Policy 3: Energy and water and Policy 16 Other Villages of the Joint Core Strategy; and IMP8 Safe and free flow of traffic and IMP9 Residential amenity of the South Norfolk Local Plan as the layout of the site and form of the dwelling is appropriate for the area and it will not have a significant adverse effect on the amenity of neighbouring properties or highway safety.

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7. **Appl. No**: 2013/0098/H  
**Parish**: HEYWOOD

Applicants Name: Mrs D Marples  
Site Address: The Guest House Woolsey Bridge Farm Barns Burston Road  
Heywood Norfolk IP22 5SX  
Proposal: Construction of garden room

Recommendation: Approval with Conditions

1. **Planning Policies**

1.1 National Planning Policy Framework  
NPPF 07: Requiring good design

1.2 Joint Core Strategy  
Policy 2: Promoting good design

1.3 South Norfolk Local Plan  
HOU 14: Extensions to dwellings in the open countryside (Part Consistent)  
IMP 9: Residential amenity

2. **Planning History**

2.1 2012/8141 (Enforcement)  
Breach of condition 3 of application  
2004/0994  
Appeal allowed, notice varied

2.2 2011/1354  
Proposed erection of residential annexe  
Withdrawn

2.3 2011/1130  
1. New Cartlodge and workshop building to replace existing workshop and stores (buildings 5 & 6), 2. Retain and relocate existing garden shed and greenhouse (buildings 7 & 8); but excluding retention of Yurt for birdlife recording and storage of agricultural and maintenance equipment.  
Approved

2.4 2004/1835  
Proposed siting of 2no mobile homes whilst existing barn is being converted to 3no residential dwellings  
Approved

2.5 2004/0994  
Proposed conversion of redundant farm outbuildings to 3no residential dwellings with shared access  
Approved

2.6 2004/0194  
Proposed conversion of barns into 3no residential dwellings with shared access  
Withdrawn
3. Consultations

3.1 Parish Councils

Heywood: Recommend approval but include the following comments:
- Should be used for the purpose described and not any kind of residential use or overnight occupancy
- Any complaints regarding its use should be acted on urgently and with due diligence
- Application incorrectly published as being within parish of Burston & Shimpling

Burston & Shimpling: Recommend approval but include the following comments:
- Site outside parish boundary
- Note stipulation on the use of the building

3.2 District Member

Application to be refused or determined by committee
- Replacement of 1x structure with another is not appropriate
- Dimensions far exceed those expected of a garden room & in many houses this represents 2x rooms
- Concerns about eventual use of site based on past experience
- Visual loss of privacy not an issue but increased noise is and voices of large nos. of people and music would be a serious intrusion for neighbours
- Development could impact on tourism associated with Woolsey Bridge Farm

3.3 Representations

3x letters of support from 2x household, 4x letters of objection from 2x households, 1x comment from applicant

Support:
- Revised position takes it further from line of view
- Will enhance the area when constructed _ is more in keeping with surrounding buildings than the existing workshop
- Welsh Barn and The Goat House are the only properties to be directly overlooked by the structure
- No concerns about use, noise, gatherings or unsocial behaviour

Objections:
(Original submission)
- Inaccuracy on plans submitted - location of building needs to be clearly established
- Object to more development on site until workshop that is subject to enforcement action is removed
- Overall size of garden room should be reduced (previous application for an annexe of similar size was withdrawn)
- Garden room should not be used for residential purposes & should not include toilet or showering facilities at any time

Comments on Amended Plans
- Revised location closer to Woolsey Bridge Farm & will have significant visual impact on this property
- Further loss of visual amenity would be wholly inappropriate; garden room will be clearly visible above screening wall from the majority of the garden
- Will clearly see bulk of the southern aspect as well as the majority of the western elevation
Garden room would result in further overdevelopment of the site leading to further noise and disturbance
Could become a hub for people meeting on the site & additional noise will compromise ability to enjoy home and garden in peaceful fashion
Grateful for removal of workshop but replacement with structure of greater footprint, height and visual impact is strange
Will be loss of privacy from the majority of the garden of Woolsey Bridge Farm due to main garden being to south
Currently developing garden to provide more privacy but will be unable to reduce the impact of the structure
From previous experience concerned that it will be occupied and create a further dwelling on the site
Could have an adverse impact on trade at the neighbouring B&B
Over development of the site has dramatically changed for the worse the immediate locale
Garden room could be constructed as an extension to the main dwelling allowing all year enjoyment and better views
Council should consider the "bigger picture"

Applicants Comments:
Garden room is sited to enhance the visual appearance of all buildings and where it will be of most benefit
Garden room comparatively small when viewed in context
Positioned some distance from Woolsey Bridge Farm, separated by driveway, fence, hedge & garage & will have greater visual impact on other properties
Garden room will be constructed of natural materials & to a high standard

4 Assessment

4.1 Planning permission was granted for the conversion of the farm buildings at Woolsey Bridge Farm Barns to 3 dwellings in 2004 (2004/0994). A condition was imposed which removed permitted development rights for the erection of outbuildings on the site. Subsequently planning applications have been submitted for the retention and erection of a number of outbuildings on the site (2011/1130 and 2011/1354). An enforcement notice for the removal of the workshop building to the south of the main dwelling was upheld by the Planning Inspectorate on 31st December 2012 and the compliance date is 6 months from the date of the Appeal Decision.

4.2 The applicant proposes a garden room to be located to the south of the dwelling, adjacent to the driveway and forward of the main dwelling. The garden room would be to the east of the original farmhouse which is in separate ownership and occupation. The other two residential conversions to the north of the application site are also in separate ownership and occupation.

4.3 The application dwelling sits in the north west corner of the plot which extends to the road frontage to the south. Due to the overall size of the plot as well as the relationship between the proposed garden room and the existing buildings I do not consider that it would result in an overdevelopment of the site.

4.4 The structure is of a scale and design commensurate for its proposed use as a garden room. It is not considered to be of excessive size having an overall ridge height of 3.95 metres and an enclosed footprint of approximately 24 square metres. There is also a modest pergola to the south elevation of the building. The proposed garden room will have a more attractive appearance than the existing workshop which occupies a similar location
but is to be removed from the site in accordance with the enforcement notice. I do not consider that the garden room will result in a harmful visual impact on the appearance of the application site, or the wider area.

4.5 The garden room is of similar size and design as the earlier withdrawn proposal for an annexe which would have been sited in a similar position (2011/1354). A number of comments have been received regarding the use of the garden room in the future, both as a separate dwelling on the site and as a meeting place for visitors to the site. Although I acknowledge these concerns the application must be assessed on the merits of the current proposal. A garden room is a structure which can be occupied for residential purposes incidental to the main dwelling and I do not consider it necessary to restrict the usage of the building, as has been suggested. Occupation of the garden room as an independent dwelling would require a separate application for planning permission. For the avoidance of doubt a note clarifying this can be added to the decision notice.

4.6 With regards to the comments regarding the use of the building as a meeting place; due to the restricted dimensions of the garden room, as well as its distance from the nearest residential properties, I do not consider that its impact would be so harmful to the amenities of the neighbouring occupiers in terms of increased noise and disturbance as to make it an unacceptable form of development.

4.7 Concerns have also been raised about the visual impact of the garden room when viewed from the neighbouring dwelling to the east of the site, Woolsey Bridge Farm. The garden room is not of excessive height and will be to the east of the garage block within the neighbouring site. Whilst there would be views of the garden room from all of the neighbouring sites, due to the size of the building proposed as well as its separation from these plots, I do not consider that it would result in material harm in terms of their outlook.

4.8 For these reasons I consider that this planning application accords with the principles of those planning policies set out above and that the application should be approved.

5. Reasons for Approval

5.1 The proposal is acceptable in respect of the aims of the Joint Core Strategy and South Norfolk Local Plan 2003 and in particular is considered to be in accordance with Policy 2 of the Joint Core Strategy and Policies HOU14 and IMP09 of the South Norfolk Local Plan. 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 (or part consistent where noted) with the published National Planning Policy Framework.

5.2 The garden room is of an appropriate form, scale and design and will not have an adverse impact on the immediate setting of the buildings on the site, or the wider area. Whilst the structure will be visible from the neighbouring plots, due to the separation between the sites it will not be so prominent as to have a significant impact on the outlook or visual amenity of those properties. Whilst there may be some increase in activity associated with the building, the restricted size of the garden room and its separation from the dwellings of the adjacent neighbours will reduce the impact and it is not considered that any additional impact would be to a degree that would justify the refusal of planning permission.

Contact Officer, Telephone Number  Kate Fisher 01508 533985
and E-mail: kfisher@s-norfolk.gov.uk
8. **Appl. No**: 2013/0174/F  
**Parish**: WYMONDHAM

**Applicants Name**: Mr N Bagshaw  
**Site Address**: Sub-division Of The Garden Of 24 Back Lane Wymondham  
Norfolk, NR18 0QB  
**Proposal**: Sub-division of site curtilage at no 24 and erection of two storey detached dwelling and garage, together with forming of new access onto Back Lane

**Recommendation**: Approval with Conditions

1. Full Planning permission time limit  
2. In accordance with submitted drawings  
3. Materials to be agreed  
4. No cement mortar  
5. Access laying out  
6. Access gates set back  
7. Parking and turning areas  
8. Landing roof light to be obscure glazed  
9. Slab level to be agreed  
10. No additional window above ground floor  
11. No alterations to lose garage  
12. Boundary treatment to be agreed  
13. Water efficiency

1. **Planning Policies**

1.1 **National Planning Policy Framework**  
NPPF 06: Delivering a wide choice of high quality home  
NPPF 07: Requiring good design  
NPPF 11: Conserving and enhancing the natural environment  
NPPF 12: Conserving and enhancing the historic environment

1.2 **Joint Core Strategy**  
Policy 1: Addressing climate change and protecting environmental assets  
Policy 2: Promoting good design  
Policy 3: Energy and water  
Policy 4: Housing delivery

1.3 **South Norfolk Local Plan**  
IMP 2: Landscaping  
IMP 8: Safe and free flow traffic  
IMP 9: Residential amenity  
IMP 18: Development in Conservation Areas.  
UTL 14: Waste collection and recycling  
HOU 4: Residential development within the defined Development Limits of the Norwich Policy Area settlements, and at selected locations along strategic routes  
TRA 1: Provision of pedestrian links  
TRA 3: Provision of cycling facilities  
TRA 19: Parking standards

1.4 **Supplementary Planning Document**  
South Norfolk Place Making Guide 2012
2. Planning History

2.1 2012/1659 Sub-division of site curtilage and erection of single storey detached dwelling and garage, together with forming of new access onto Back Lane

2.2 2012/1859 Variation of conditions 2, 8 and 9 of planning permission 2010/1788/F for erection of three one-and-a-half storey dwellings and garages. Formation of new access to proposed development and new access to No. 24.

2.3 2019/1788 Erection of three one-and-a-half storey dwellings and garages. Formation of new access to proposed development and new access to No 24.

3. Consultations

3.1 Parish Council Should be refused.
- Contrary to policies IMP9, IMP18.
- Concerns over highway issues.

3.2 District Member To Committee.
- Overdevelopment.
- Adjacent to conservation area.
- Overlooking of neighbouring property.

3.3 NCC Highways Request conditions regarding construction of access; gates; and laying out of access, parking and turning areas.

3.4 Conservation Officer No objection.
Scale, design and material finishes should allow it to sit comfortably in existing views with no adverse impact on important views of the conservation area.

3.5 Historic Environment Service Does not have any implications for historic environments.
No recommendations for archaeological work.

3.6 Flood Defence Officer Surface water drainage advice.

3.7 Representations Letters of objection from 4 properties making the following comments:
- Overdevelopment
- Will not contribute to the character of the area
- Design and positioning out of keeping with neighbouring properties
- Nature of this part of Back lane will be altered
- High density
- Should share access with 24 Back Lane
- Risk to pedestrians
- Concern about garage being turned into habitable space
- Additional access/ Number of access onto Back Lane
- Speed limit is constantly ignored
- Back Lane well used and becomes grid locked
- Elderly people from sheltered housing use pavement
- Increased traffic
- Existing house has been unoccupied since 2008.
- 3 properties granted permission in 2003 have not been constructed.
- Will impinge on amenity of neighbouring properties
- Contrary to Policies IMP9, IMP18
- Overlooking of habitable rooms of nearby dwellings
- Overshadowing of habitable rooms of nearby dwellings
- Loss of privacy to nearby dwellings
- Loss of amenity and privacy to 22 Back Lane
- Hedge between 22 and 24 would give inadequate privacy
- Proposed kitchen window will face into 22 Back Lane bedroom window
- Visual and noise intrusion to ground floor bedroom window of 22 Back Lane
- Concern about loss of hedge between 24 and 22 Back Lane
- Loss of light to north side of 22 Back Lane / Overshadowing 22 Back Lane
- Noise and disturbance to 22 Back Lane
- Loss of amenity to 24 Back Lane
- Loss of light to first floor bedroom window of 22 Back Lane
- 24 will have inadequate plot for size of dwelling
- Blocked up windows to 24 Back Lane
- Should only be a single storey dwelling
- Concern about further future development
- Plot too small for proposed dwelling
- Piecemeal development
- Condition sewerage and mains water arrangements

One letter making the following comments:

- Site should be visited.
- Site is deceptively small

4 Assessment

4.1 The application seeks planning permission for a two bedroom dwelling with attached garage in an area that currently forms part of the garden of 24 Back Lane, Wymondham.

4.2 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 / part consistent with the published National Planning Policy Framework.

4.3 The main issues in this case are: the principle of development in this location, the character and appearance of the area; highway safety; and residential amenity.

Principle of development

4.4 The site is located within the Development Limit for Wymondham. Therefore the principle of a dwelling in this location will accord with Development Plan Policy.

Character and appearance of area

4.5 The site is located adjacent to Wymondham Conservation Area. The scale design and materials of the proposed dwelling will allow it to sit comfortably in views from the conservation area and will not have an adverse impact on views of the conservation area. Therefore, the proposal will not have an adverse impact on the character or appearance of the adjacent conservation area.
4.6 Given the variety of built form within the street scene and the retention of a significant element of the existing brick wall the proposal will not have an adverse impact on the street scene or the character or appearance of the area.

Highway safety

4.7 The proposal includes adequate on site parking and manoeuvring space and visibility at the entrance to the public highway. Therefore, the proposal should not result in a hazard or inconvenience to users of the public highway.

Residential amenity

4.8 Due to the location and orientation of the proposed dwelling it will not result in a loss of light or overshadowing or overbearing impact on the existing dwelling at number 22 Back Lane to the east of the site, to an extent that would warrant refusal in this case. The proposed dwelling has been designed to avoid overlooking of number 22 Back Lane. There are no first floor windows in the proposed dwelling that would face number 22 Back Lane with the exception of roof light to serve the landing. This roof light could be secured as obscure glazed by condition. Boundary treatment could be used to ensure that there is not overlooking between ground floor windows. This can also be secured by condition. A first floor window in the gable end of number 22 Back Lane will overlook part of the garden of the proposed dwelling. However, the proposed dwelling will have an area of garden that is not overlooked by neighbouring dwellings.

4.9 The proposed dwelling is located to the south of number 24 Back Lane. The existing dwelling at number 24 Back Lane has windows facing the application site that will be affected by the proposed dwelling. However, these are secondary windows to those rooms and number 24 Back Lane is within the same ownership as the application site. It is proposed to block up the south facing windows of number 24 Back Lane. This will safeguard the privacy of the proposed dwelling and limit the impact of the proposed dwelling on number 24 Back Lane. Number 24 Back Lane will retain sufficient amenity space.

5. Reasons for Approval

5.1 In the opinion of the local planning authority the proposal is acceptable in respect of the aims of the Joint Core Strategy and South Norfolk Local Plan 2003 and in particular is considered to be in accordance with Policies 1, 2 and 3 of the Joint Core Strategy and Policies IMP8, IMP9, IMP18 and TRA19 of the South Norfolk Local Plan and the National Planning Policy Framework. The site is located within the Development Limit for Wymondham. Therefore the principle of a dwelling in this location accords with Development Plan Policy. The proposal will not have an adverse impact on the character or appearance of the adjacent conservation area. The proposal will not have an adverse impact on the street scene or the character or appearance of the area. The proposal should not have not result in a hazard or inconvenience to users of the public highway. The proposal has regard for the residential amenity of neighbouring property.

Contact Officer, Telephone Number Michelle Lyon 01508 533681
and E-mail: mlyon@s-norfolk.gov.uk
9. **Appl. No:** 2013/0236/F  
**Parish:** SHELFANGER  
Applicants Name: Mr H D Peacock  
Site Address: Havencroft Winfarthing Road Shelfanger Norfolk IP22 2EQ  
Proposal: Installation of three micro scale wind turbines (14.97m to hub, 5.6m diameter blades)  
Recommendation: Approval with Conditions

1. **Planning Policies**

1.1 National Planning Policy Framework  
  NPPF 10: Meeting the challenge of climate change, flooding and coastal change  
  NPPF 12: Conserving and enhancing the historic environment

1.2 Joint Core Strategy  
  Policy 3: Energy and water

1.3 South Norfolk Local Plan  
  UTL 13: Renewable energy (Part Consistent)  
  IMP 10: Noise  
  IMP 15: Setting of Listed Buildings

1.4 Supplementary Planning Document

2. **Planning History**

2.1 2008/0263 To add verandas to sides of free range poultry shed, to aid welfare of hens in case of bird flu shut in  
  Approval with no Conditions

2.2 2006/1283 To add verandas to sides of free range poultry shed, to aid welfare of hens in case of bird flu shut in  
  Approved

2.3 2002/0049 Erection of agricultural dwelling  
  Refused

3. **Consultations**

3.1 Parish Council  
  Refuse  
  - Turbines too intrusive to many village properties  
  - Noisy and not viable  
  - Impact on bats

3.2 District Member  
  Can be delegated

3.3 Nick Bolton - NCC  
  Need plan to display minimum of 27 metres from hedge

3.4 NCC Highways  
  No objections

3.5 Environmental Services (Protection)  
  Distance to nearest property is 200 metres therefore unlikely to cause a noise problem.
3.6  DIO-Safeguarding-Wind@mod.uk  No comments received

3.7  Public Right Of Way  Turbine closest to the footpath is close to but does allow for the 'fall down' distance.  Cable run and the access route both cross the public right of way.  Temporary closure order may be required from Norfolk County Council.  Any damage to the grasses area will need to be made good by the applicant.

3.8  Representations  4 Letters of objection
   - Visual impact on proposed turbines from rear view of property
   - Loss of property value
   - Already 9 in the area looks like a wind farm
   - Impact on bats

4  Assessment

4.1  The proposal is for the installation of 3 micro wind turbines.  The towers are of matt grey colour galvanised, while the housing and blades have an anti-erosion coating in white.  The design in intended to be less visually intrusive against the sky line.  The height of the mast to hub is 14.97 metres with a 3 blade design measuring a rotor diameter of 5.6 metres.  The turbines are to provide Havencroft Farm with a suitable method of generating renewable sustainable and efficient energy.

4.2  Policies in the JCS, Local Plan and requirements of the NPPF seek to ensure that proposals are of good design and do not result in significant harm to the landscape, or harm or noise disturbance to neighbouring properties, or have an adverse impact on the biodiversity of the wildlife or their habitat.  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 / part consistent with the published National Planning Policy Framework.

4.3  A previous application for 3 turbines of the same size has been approved and the turbines now installed which are sited to the east of the application site, these turbines are in the valley setting of Shelfanger.  The field in which the turbines are to be sited is to the west off the main Winfarthing Road and rises from east to west (from the road up towards the public foot path to the rear of the site).  A public footpath also runs to the south (side) of the site the turbines will be prominent in the landscape from both the footpaths.  High London Road situated further to the west of the proposed scheme is also elevated from the site, therefore all six turbines will be visible when viewed from High London Road to the west.  Because of the elevated position of High London Road the proposed turbines they will be a prominent feature within the landscape of the immediate area.  A property on High London Road (The Barn) has raised this issue regarding the visual impact the turbines will have on their Barn conversion which is a Grade II curtilage listed building.

4.4  There are two Grade II listed buildings in the immediate area of the existing and proposed turbines.  Eatons Farm off Winfarthing Road (already has 3 turbines to the east) and The Barn on High London Road.  For this reason the scheme has been assessed to ascertain the harm the turbines will have on the setting of the listed buildings.  Due to the scale of the turbines and the orientation of the listed buildings close to the site the individual and accumulative impact the turbines will have on the setting of the listed buildings has been assessed and does not result in adverse harm to the heritage asset.  For this reason the scheme accords with the above policies.
4.5 Concern has been raised from local residents and the parish council regarding the number of turbines recently applied for and approved in Shelfanger. For Clarification purposes 3 turbines have been constructed to the east of the application site for Eatons Farm, permission for 3 turbines at West Hall Farm Druids Lane to the south west of the site has been approved but only 2 have been constructed, and 3 turbines at The Hall to the south of the site all have been constructed. The turbines on Druids Lane and at Hall Farm are not seen in the same landscape context as the proposed turbines, therefore although these turbines are prominent within the local landscape they do not have an adverse impact on the overall setting of the landscape. With regard to the accumulative impact of the turbines in the wider context of Shelfanger, given the distance between the sites the visual appearance of the turbines does not cause significant harm to the wider landscape and therefore the proposal accords with the aims of both national and local policies.

4.6 The distance from the three turbines and the neighbouring properties is at the nearest point approximately 200 metres, therefore no issues are raised from the Environmental Services department with regard to noise issues which would adversely affect neighbours.

4.7 Confirmation has been received from the agent to demonstrate that there is a minimum of 20 metres from the turbine to the footpath so the in the event that the turbine topples then there would be no risk to public using the footpath.

4.8 Additional information has also been received to show a distance of 27 metres to the hedgerow as required by the Ecologist on this basis the scheme accords with the requirements of the consultees.

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 and 3 of the Joint Core Strategy and UTL 13, IMP10 and IMP15 of the South Norfolk Local Plan. 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 / part consistent with the published National Planning Policy Framework.

5.2 The siting and scale of the turbines although prominent within the landscape will not result in significant harm to the overall landscape of the area or the setting of the heritage buildings in the immediate locality. The distance of the turbines to the nearest neighbouring properties will not result in an unacceptable level of noise disturbance, nor will the siting result in harm to the wildlife or their habitat. The benefits of achieving renewable energy in this instance outweigh the visual impact of the turbines, the scheme as proposed accords with the aims of national and local policy.

Contact Officer, Telephone Number and E-mail: Jacqui Jackson 01508 533837 jjackson@s-norfolk.gov.uk
10. **Appl. No**: 2013/0323/H  
**Parish**: WYMONDHAM  

Applicants Name: Mr D Cross  
Site Address: 29 Pople Street Wymondham Norfolk, NR18 0PS  
Proposal: Erection of replacement brick screen wall  

Recommendation: Approval with Conditions  

1. **Planning Policies**  

1.1 National Planning Policy Framework  
NPPF 07: Requiring good design  
NPPF 12: Conserving and enhancing the historic environment  

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

1.3 South Norfolk Local Plan  
IMP 17: Alterations and extensions in Conservation Areas (Part Consistent)  
IMP 8: Safe and free flow traffic  
IMP 9: Residential amenity  

1.4 Supplementary Planning Document  

2. **Planning History**  

2.1 2012/2268  
Demolition of an external wall part surrounding the property of 29 Pople Street, Wymondham due to damage.  

3. **Consultations**  

3.1 Town Council  
Approve - New wall should be same height as previous wall  

3.2 District Member  
Delegate decision  

3.3 NCC Highways  
No objection  

3.4 Conservation Officer  
Case officer to assess  

3.5 Historic Environment Service  
No recommendation for archaeological work  

3.6 Representations  
1 letter - In principle in agreement but want the wall to be original height  
2 letters of objection - Wall should be original height
4.1 The proposal is to re-erect a wall that has been previously demolished which is in both the Development Boundary and Conservation Area for Wymondham. The original wall was approved at a height of 1.65 metres on an application for 5 dwellings which was approved in 1984 and is at the entrance way to a close that consists of bungalows to the north east, two storey dwellings to the north west and a block of six flats to the south west adjacent to the access and the position of the brick wall. The wheelie bins for the flats are stored on the inside of the line of the wall. The applicant has stated that the original wall was demolished due to the loss of structural integrity.

4.2 Policies in the Joint Core Strategy, Local Plan and requirements of the National Planning Policy Framework seek to ensure that the proposal is of a good design, the materials are sympathetic to the character and appearance of the surrounding area and there will be no adverse impact on either the residential amenities of the neighbouring occupiers or the safe and free flow of highway traffic. The assessment of this application gives due weight to the saved policies in the South Norfolk Local Plan referred to above as those policies remain consistent or part consistent with the published National Planning Policy Framework.

4.3 Although in principle there are no objections to the re-instatement of the wall there are concerns from the Town Council and neighbouring residents with regard to the height of the wall. During consultations with the applicant concerning a Conservation Area application for the demolition of the wall it was considered that a wall of sufficient height to obscure and contain the bins would be satisfactory. The proposed wall is submitted at a height of 1.3 metres above the height of the paving where the wheelie bins are located which is considered to be a reasonable height to obscure the bins from the street scene and adjacent dwellings. The objectors consider that the wall should be the same height as the original to fully screen the bins from the highway. The wall as submitted will screen and contain the wheelie bins and I can see limited benefit in insisting on an extra 0.3 metres as the applicant states this will again undermine the structural integrity and stability of the wall.

4.4 The replacement of the wall will have no adverse impact on the flow of traffic on the highway and the Highways Officer has no objection to the proposal.

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, Policy 2 - Promoting good design of the Joint Core Strategy and IMP8 - Safe and free flow of traffic, IMP9 - Residential amenity, IMP17 - Alteration and extension in Conservation Area of the South Norfolk Local Plan. The assessment of this application gives due weight to the saved policies in the South Norfolk Local Plan referred to above as those policies remain consistent or part consistent with the published National Planning Policy Framework.

5.2 The development is considered to accord with Policy 1 of the Joint Core Strategy and Policy IMP17 of the South Norfolk Local Plan as it would preserve or enhance the character or appearance of the area due to the overall design and detailing of the scheme.

5.3 The development is considered to accord with policy IMP9 as it has been designed to ensure that the existing residential amenity of the neighbouring residents will not be adversely affected by the setting of the scheme.

5.4 The proposal will not affect the safe and free flow of traffic on the highway and therefore is considered to accord with policy IMP8 of the South Norfolk Local Plan.

Contact Officer, Telephone Number Lynn Armes 01508 533821
and E-mail: larmes@s-norfolk.gov.uk
11. **Appl. No**: 2013/0429/CU  
**Parish**: BAWBURGH

Applicants Name: Mr D Baker  
Site Address: Butchers Shop And Bungalow Harts Lane Bawburgh Norfolk NR9 3LS  
Proposal: Retrospective application for change of use of 5 buildings from business use to domestic use incidental to Old Butchers Shop Bungalow

Recommendation: Approval with Conditions

1. In accordance with submitted drawings
2. Incidental to existing dwelling

1. **Planning Policies**

1.1 National Planning Policy Framework  
NPPF 01: Building a strong competitive economy  
NPPF 03: Supporting a prosperous rural economy  
NPPF 06: Delivering a wide choice of high quality home  
NPPF 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 16: Other Villages

1.3 South Norfolk Local Plan  
IMP 9: Residential amenity  
IMP 18: Development in Conservation Areas.  
SHO 8: Local and rural shops and services

2. **Planning History**

2.1 1988/0739 Alteration to roof of bungalow  
Approved

2.2 FH/2075 and FH/2075/1 Erection of bungalow  
Approved

3. **Consultations**

3.1 Parish Council  
No objection.

3.2 District Member  
To be reported if appropriate.

3.3 Conservation Officer  
No issues to raise.

3.4 Economic Development Manager  
No objections.  
Business units have not been used for business purposes since 1994.

3.5 Representations  
None received.
Assessment

4.1 There are 5 outbuildings located to the front of the existing bungalow. The outbuildings were last used as part of the butchers shop. The application seeks to change the use of the outbuildings to use as outbuildings incidental to the enjoyment of the existing bungalow to the rear.

4.2 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 / part consistent with the published National Planning Policy Framework.

4.3 The main issues in this case are: the principle of development in this location; the character and appearance of the conservation area; and residential amenity.

Principle of development

4.4 The site is located within the adopted Development Limit for Bawburgh. The proposal would extend the residential curtilage of the existing dwelling and provide the existing dwelling with a number of outbuildings. The buildings have not been used for commercial purposes for a number of years. Due to the close proximity of the buildings to existing dwellings, the commercial potential of the buildings could be limited. Due to the age and type of buildings it is not clear how practical it would be to reinstate the buildings for their former use whilst complying with modern standards and requirements. Given the length of time that the buildings have not been in use for commercial purposes the change of use of the buildings as proposed would not have an immediate economic impact on the village.

Character and appearance of area

4.5 The site is located within the Bawburgh Conservation Area. The buildings are not currently being used actively for commercial purposes. The proposal does not include any physical alterations to the building. Therefore, the proposal will not impact on the character or appearance of Bawburgh Conservation Area.

Residential amenity

4.6 The use of the premises for domestic outbuildings to serve the existing dwelling located to the rear will be a less intensive use than the former commercial use. Therefore, the proposal will not adversely impact on the residential amenity of the occupiers of neighbouring dwellings.

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 of the Joint Core Strategy and Policies IMP9 and IMP18 of the South Norfolk Local Plan and the National Planning Policy Framework. The site is located within the adopted Development Limit for Bawburgh. The buildings have not been used for commercial purposes for a number of years. The proposal will not impact on the character or appearance of Bawburgh Conservation Area. The proposal will not adversely impact on the residential amenity of the occupiers of neighbouring dwellings.

Contact Officer, Telephone Number Michelle Lyon 01508 533681 and E-mail: mlyon@s-norfolk.gov.uk
12. **Applicant No**: 2012/2309/F  
**Parish**: WYMONDHAM

Applicants Name: Vello Limited  
Site Address: Land At Windmill Public House Norwich Road Wymondham Norfolk NR18 0NS  
Proposal: Proposed residential scheme for the erection of three new 2 bed bungalows with garages and conversion of public house into a 3 bedroom property with double garage and garden space and new access.

Recommendation: Refusal

1 Impact on Oak T3

Note: Negotiations are on going with the applicant. At the time of writing amended plans are awaited. Consultation responses and Officer recommendations on the amended plans are to be reported.

1. **Planning Policies**

1.1 National Planning Policy Framework  
NPPF 06: Delivering a wide choice of high quality home  
NPPF 07: Requiring good design  
NPPF 08: Promoting healthy communities  
NPPF 11: Conserving and enhancing the natural environment  
NPPF 12: Conserving and enhancing the historic environment

1.2 Joint Core Strategy  
Policy 1: Addressing climate change and protecting environmental assets  
Policy 2: Promoting good design  
Policy 3: Energy and water  
Policy 4: Housing delivery  
Policy 8: Culture, leisure and entertainment  
Policy 10: Locations for major new or expanded communities in the Norwich Policy Area  
Policy 13: Main Towns

1.3 South Norfolk Local Plan  
IMP 2: Landscaping  
IMP 8: Safe and free flow traffic  
IMP 9: Residential amenity  
IMP 16: Demolition in Conservation Areas  
IMP 18: Development in Conservation Areas.  
UTL 14: Waste collection and recycling  
HOU 4: Residential development within the defined Development Limits of the Norwich Policy Area settlements, and at selected locations along strategic routes  
TRA 1: Provision of pedestrian links  
TRA 3: Provision of cycling facilities  
TRA 19: Parking standards

1.4 Supplementary Planning Document  
South Norfolk Place Making Guide 2012

2. **Planning History**

2.1 2012/2310  
Demolition of part of existing public house and out building. **Approved**
2.2 2010/0181  Retrospective application for continued use of portacabin as storage. Alterations to create smoking area. Replacement of windows in UPVC to front elevation to timber, continued use of UPVC windows to side and rear elevation and fascias & gutters (UPVC)  Approved

2.3 2009/0035  Retrospective application for continued use of portacabin as storage. Alterations to create smoking area. Re-placement of windows in UPVC frames to include upvc fascias, gutters and cladding.  Refused

3.  Consultations

3.1 Town Council  Original Plans
Subject to the views of the conservation officer.

3.2 District Member  Original Plans
Should be determined by Committee.
Reason: conservation area and consideration of local amenity.

3.3 Landscape Officer  Original Plans
Object.
Does not have regard for the retention of the existing protected trees.

First set revised plans
Object.
Yew T1 has 40 years remaining contribution and should be retained. A scheme should be designed that avoids conflict with the RPA of Sycamore T2
Layout has no direct implications for Oak T3.
Garden will have north aspect and be largely overhung by Oak T3. Relationship of dwelling to Oak T3 will be far from ideal. Further adjustment is necessary to adjust this.
If any tree is to be removed to free up space it should be Sycamore T4.
Sycamore T4 long term retention is less than easy to defend.
Least concerned about impact on Copper Beech T5. Precautionary measures can be conditioned.
Opportunity should be taken for new specimen tree planting to enhance street scene and conservation area.
Norwich Road frontage proposals could prove successful.
Like to see that proposed tree planting is feasible.
Proposed hedge replacement welcomed.
There are trees worthy of retention. Should devise a scheme that works with these.

Second set revised plans
Object.
Yew T1 is worthy of retention.
Demolition of part of pub will improve situation for Yew T1.
Resigned to trees loss due to little if any concern about tree in public consultation and removal makes site easier to develop.
Do not object to removal of Sycamore T4.
Siting of Plot 1 building is outside RPA for Sycamore T2.
Encroachments of drive and services in RPA of Sycamore T2 not ideal. Specialised construction techniques will be required. Layout has no direct implications for Oak T3. Plot 1 garden has north aspect and Oak T3 will have an overbearing effect for residents of the dwelling. Plot 1 dwelling has the living rooms facing north. Light and falling leaves will be significant issues for occupiers of Plot 1 bungalow. Plot 1 bungalow will place pressure on the Oak T3 to be reduced and managed more regularly and severely than at present. Oak T3 is a significant tree within the development boundary of Wymondham. Agree to opportunity for new specimen tree planting to enhance street scene and conservation area. Norwich Road frontage tree planting could prove successful. Unrealistic to develop site with three new dwellings of the type proposed. Scheme should be reduced to two dwellings.

Third set revised plans
To be reported

3.4 Conservation Officer

Original Plans
Design: No objection to number of dwellings proposed. No objection to principle of single storey accommodation. Proposal fails to relate to the predominant character of the surrounding built form in terms of general scale and massing. The scheme fails to find its own distinct identity in terms of appearance and architectural detailing. Fails to come up with a more innovative or contemporary design solution. Need to revisit the design. Need to carry out a more comprehensive analysis of the site. Need to come up with a design solution that enhances and responds to this part of Wymondham Conservation Area.

First set revised plans
Design: Do not address comments made on original plans.
Conservation: Garage has been amended to marry the roof pitch of the existing building. No further issues.

Second set revised plans
Design: Recommend refusal
No objection to number of dwellings proposed. No objection to principle of single storey accommodation. Appearance and architectural detailing is acceptable. Scheme goes some way to finding its own distinct identity. More contemporary use of materials and detailing of elevational treatments. Scale of the dwellings continues to fail to respond positively to the predominant character of the surrounding built form in terms of relationship with properties along eastern boundary and urban grain of surrounding development. Need to reduce size of bungalow footprints Will not enhance this part of Wymondham Conservation Area
Third set revised plans
To be reported

3.5 Public Right Of Way
No comments received

3.6 NCC Highways
Original Plans
No objection.
Recommends conditions regarding laying out of access parking and turning area and location of gates.

3.7 Flood Defence Officer
Proposal is for surface water drainage to Anglian Water surface water sewer.
Flood Water Management Act, Building Regulations and National planning Policy Framework all prefer and prioritise sustainable drainage systems on site.
Advice regarding surface water drainage.

3.8 Representations
3 letters of support have been received making the following comments:

- Satisfied with residential scheme.
- Prefer land not to be built on.
- Most preferable option.
- Much better than retail.
- Provided information regarding tree T5 Copper Be tree in front garden of 5 Norwich Road.
- Concern about safeguarding tree T5.
- Support family room at east elevation of public house conversion.
- Do not support garage at east elevation of public house conversion.
- Proposal includes an unnecessary access road.
- Increase in noise and pollution and use of vehicles in close proximity to 5 Norwich Road.

4 Assessment

4.1 The application is seeking full planning permission for conversion of the public house building to dwelling and erection of three bungalows to the rear. Conservation area consent to demolish the existing modern additions to the public house building was granted on 3rd April 2013 under ref 2012/2310.

4.2 The site is located in Wymondham Conservation Area on Norwich Road. Kings Head Meadow is to the west with residential development to the north and east boundaries. Opposite the site the character of Norwich Road is predominantly Victorian terrace housing including a cafe. The scale and general massing of buildings surrounding the site comprise mainly of two storey terraces and semi-detached housing with the exception of the Church Hall to the west of the site.

4.3 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 / part consistent with the published National Planning Policy Framework.

4.4 The main issues in this case are: the principle of development in this location; the character and appearance of the area; residential amenity; and highway safety.

Principle of development

4.5 The site is located within the Development Limit for Wymondham. Therefore, the principle of development in this location accords with Development Plan Policy.
The proposal includes conversion of the existing public house to a dwelling. The public house is a community facility but is currently closed. The application as submitted does not address the impact of the loss of the public house. No marketing or financial viability information has been submitted with the application. Notwithstanding this the site is within in area where there is not a 5 year land supply as required by paragraph 47 of the NPPF. The proposal will provide additional housing for which there is a need.

Character and appearance of area

Paragraph 131 of the NPPF states that 'in determining planning applications, local planning authorities should take account of... the desirability of new development making a positive contribution to local character and distinctiveness.'

The existing public house is identified as a building of 'townscape significance' in the Wymondham Conservation Area Appraisal. The proposal will enable retention of the public house building and an improvement to its appearance.

The existing trees on the site are protected because they are located within the Wymondham Conservation Area. The proposal includes the loss of two trees on the site T4 a Sycamore and T1 a Yew and proposes to retain tree T2 a Sycamore and T1 an Oak.

The Yew tree to the rear of the public house (tree T1) is worthy of retention. The demolition of the rear elements of the public house will improve the situation for this tree. There has been little if any concern expressed about this tree as a result of the public consultation. The removal of the tree makes the site easier to develop and the Landscape Officer is resigned to the tree’s loss.

The development of plot 1 will result in some encroachments into the RPA of a Sycamore (tree T2). Whilst this is not ideal, conditions can be used to ensure the development is carried out in a manner that safeguards the long term health of the tree.

To the north of plot 1 is an Oak tree (tree T3). This is a significant tree within the development boundary of Wymondham. This tree overhangs the north facing garden of plot 1. The habitable room windows of plot 1 serving the living room and kitchen diner face north onto the rear garden. Consequently the Oak tree will have an overbearing effect and affect the light reaching the garden and habitable rooms of plot 1. This will impact on the residential amenity available to the potential occupiers of this dwelling. The proposed dwelling and arrangement of plot 1 will place pressure on the oak tree to be reduced and managed more regularly and severely than at present.

The loss of a sycamore (tree T4) will not have an adverse impact on the character or appearance of the conservation area.

The proposal will enable new specimen tree planting along the frontage of the site and the western boundary. This will enhance the street scene and the character and appearance of the conservation area.

In terms of the proposed bungalows, in principle single storey dwellings could successfully contribute to the conservation area in this location. However, the scale of the proposed dwellings fails to respond positively to the predominant character of the surrounding built form in terms of the relationship of the proposed dwellings with the properties along the eastern boundary of the site and the urban grain of surrounding development. This relationship stems from the size of the bungalow footprints.

In terms of appearance and architectural detailing the scheme goes some way to finding its own distinct identity by a contemporary use of materials and detailing on the elevational treatments.
4.17 Paragraph 134 of the NPPF states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.' In light of this paragraph the Design Officer has accepted that it would be difficult to defend a refusal based upon the concerns with the design of the proposal that are set out above.

4.18 The site is currently in need of some maintenance. Development of the site for housing will enable the site to be brought into a viable use and for the appearance of the site to be improved. Therefore, on balance the scheme accords with the criteria set out in Policy 12 of the NPPF.

Amenity

4.19 The conversion of the existing public house to a dwelling is likely to result in the site having less of an impact on the residential amenity of the occupiers of neighbouring dwellings than the existing situation. The dwellings on plots 1 and 3 will be located sufficiently far from existing neighbouring dwellings not to impact on the residential amenity of the occupiers of those existing dwellings. Whilst the dwelling on plot 2 is located close to the boundary with the dwellings to the east of the site, the building will be single storey and therefore the proposal should not have an unreasonably detrimental impact on the residential amenity of the occupiers of the nearest existing dwellings.

4.20 The proposed properties at plots 2 and 3 will suffer some overlooking from the existing dwellings along the eastern boundary, particularly the private amenity area associated with the dwellings on those proposed plots.

4.21 The conversion scheme for the public house will ensure that plot 3 is not overlooked by the proposed public house conversion.

Highway safety

4.22 The site currently has a lawful use as a public house and the access to the proposed dwellings would remain located to the southwest corner of the site. The proposal provides adequate access, visibility, manoeuvring space and parking for the proposed use. Therefore, the proposal should not result in a hazard or inconvenience to users of the public highway.

5. Reasons for Refusal

5.1 Oak T3 is a significant tree within the development boundary of Wymondham. The proposed dwelling and arrangement of Plot 1 will place pressure on the Oak tree T3 to be reduced and managed more regularly and severely than at present.

5.2 NOTE: Negotiations are on-going with the applicant. At the time of writing amended plans are awaited. Consultation responses and Officer recommendations on the amended plans will be reported.
13. **Appl. No**: 2013/0393/F  
**Parish**: DISS  

Applicants Name: Mrs Deborah Sarson  
Site Address: Land For Footpath Station Road Diss Norfolk  
Proposal: Construction of new 2.4m wide footpath linking Diss Railway Station and Nelson Road with installation of a new street lighting column  

Recommendation: Approval with Conditions  

1. **Planning Policies**  
1.1 Joint Core Strategy  
Policy 2: Promoting good design  
1.2 South Norfolk Local Plan  
TRA 1: Provision of pedestrian links  
IMP 8: Safe and free flow traffic  
IMP 9: Residential amenity  

2. **Consultations**  
2.1 Town Council: No comments received as they are the applicants  
2.2 District Members:  
Mr K Kiddie: Can be delegated  
Mr G Walden: Can be delegated  
Mr T Palmer: To be reported if appropriate  
2.3 NCC Highways: No objections  
2.4 Environmental Services (Protection): No comments received  
2.5 Representations: 2 letters of concerns:  
- Already have people parking cars there all week and going to London or Norwich  
- Have to put up with Gypsies caravans and horses; unwanted cars parked, children playing football and skate  
- Cars block the views  
- Would not object if Council put single yellow lines down to stop cars being parked  
- Would like to see a restriction on parking between 6am - 6pm unless resident of the estate  
1 letter of support with no comments  

3. **Assessment**  
3.1 This application seeks consent for the formalisation of an existing informal footpath from Nelson Road to the Diss railway station.
3.2 There is currently an informal path, which is a mud track across uneven ground and has been created by years of regular use by pedestrians. It is proposed to formalise the footpath by using edgings, sub-base and hot rolled asphalt to be in keeping with the existing pavement on Nelson Road plus the provision of a street light.

3.3 The proposal accords with Policy 2 and TRA1 as the footpath will not adversely affect the character and appearance of the locality and the formalisation and surfacing of the footpath will enable safe pedestrian use of the footpath.

3.4 Concerns have been raised as set out above, not to the principle of the formalisation of the footpath but to the parking of commuter’s cars etc. This application however has to be assessed on its merits only.

3.5 I consider that the proposal is acceptable for the reasons set out above and would recommend that the application is approved.

4. Reasons for Approval

4.1 The proposal is acceptable in respect of the aims of the Joint Core Strategy and South Norfolk Local Plan 2003 and in particular is considered to be in accordance with Policy 2 of the Joint Core Strategy and TRA 1 of the South Norfolk Local Plan.

4.2 The proposal is acceptable as the footpath will not adversely affect the character and appearance of the locality; nor adversely impact on the amenities of the adjacent residential to a material degree; and the formalisation and surfacing of the footpath will enable safe pedestrian use of the footpath.

Contact Officer, Telephone Number Claire Curtis 01508 533788
and E-mail: ccurtis@s-norfolk.gov.uk
Enforcement Reports

1. Enforcement Ref : 2006/0269
Parish : CARLETON RODE
Site Address : Land Adjacent, Fen Road, Carleton Rode, Norfolk, NR16 1RT
Development : Formation of Pond
Developer : Mr Tunmore

1. Background

1.1 This report is to provide Members with an update with regard to the unauthorised development of 4 ponds at Carleton Fen and their associated use for angling. The report outlines the current situation regarding the enforcement notice and the consideration and determination of planning applications 2007/1961 and 2007/2264 which were initially determined by the South West Area Planning Committee in June 2008, but were subsequently quashed on 13 May 2010 following a Judicial Review as the development was considered to constitute development requiring the submission of an Environmental Impact Assessment.

1.2 In July 2010 an Enforcement Report was considered by the Planning Committee which resolved to authorise enforcement action. The notice (Appendix 2) was issued on 29 September 2010 and came into effect on 29 December 2010 with compliance by 29 June 2011. There have been three requests for extensions of time to the compliance period for the Enforcement Notice which were considered by the Third Wednesday Committee (15 June 2011, 16 November 2011 and 21 December 2011) The compliance period was extended initially to 29 December 2011 and subsequently to 14 February 2012.

1.3 An Environmental Impact Assessment was submitted in February 2012 and consultations were undertaken on 6 March 2012. The Environmental Assessment has been considered in the context of the planning applications 2007/1961 and 2007/2264 together with the Enforcement Notice. As part of the review of these documents the Council appointed an independent consultant (Cascade) who has reviewed a number of submissions by the applicant’s consultants and have set out the “further information” (Regulation 22) required to comply with the Environmental Impact Assessment Regulations and the requirements of the Enforcement Notice. (Appendix 3)

1.4 In addition to information submitted by Harrisons and Cascade, the neighbouring land owner, Mr Chetwynd, through his solicitor, has also submitted a hydrology report which he had commissioned independently and made representations on the applications.

2. Planning Policies

2.1 National Planning Policy Framework
Section 3 – Supporting a prosperous rural economy
Section 10 – Meeting the challenge of climate change, flooding and coastal change
Section 11 – Conserving and enhancing the natural environment

2.2 Joint Core Strategy
Policy 1 – Addressing climate change and protecting environmental assets
Policy 5 – The economy
Policy 8 – Culture, leisure and entertainment

2.3 South Norfolk Local Plan
Strategic Principle 8 – Main objectives for tourism
Strategic Principle 9 – Main objective for recreation and leisure
ENV8 – Development in the open countryside
ENV13 – Sites of regional and local nature conservation interest and geological / geomorphological value
ENV14 – Habitat protection
ENV15 – Species Protection
IMP8 – Safe and free flow of traffic
IMP9 – Residential amenity
LEI 11 – Water based recreation facilities

3. **Assessment**

3.1 Mr Tunmore’s ponds and Mr Chetwynd’s property (the adjacent fisheries) are all within a County Wildlife Site where policies set out that development should minimise fragmentation of habitats and seek to conserve and enhance existing environmental assets of acknowledged regional or local importance. Where harm is unavoidable, it will provide for appropriate mitigation or replacement with the objective of achieving a long term maintenance or enhancement of the local biodiversity baseline. Policies ENV13, ENV14 and ENV15 of the South Norfolk Local Plan seek to ensure that development does not adversely affect the interests of the wildlife site and state that development which is likely to adversely affect the County Wildlife Site will not be permitted unless there are material planning considerations of sufficient importance to outweigh the need to safeguard the nature conservation interest of the wildlife site.

3.2 The complex hydrology, ecology and habitat of the area has necessitated collection and assessment of a large quantity of information by specialist consultants, (Harrison Environmental Consultants acting for the applicant, Mr Tunmore, Cascade acting for the Council and Dr Wilson acting for the adjacent land owner, Mr Chetwynd), to decide what impact the development has had and what is the best strategy to mitigate any harm caused to the hydrology and ecology of the area. This information has been submitted to address the consideration of the planning applications and the requirements of the Enforcement Notice.

3.3 The submitted details have considered the development in relation to land conditions, water resources, groundwater modelling, ecology, and flood risk.

3.4 It is agreed by the parties that the installation of Pond 1 has given rise to a reduction in flows to Mr Chetwynd’s ponds, however the degree of impact will remain uncertain despite remodelling of the site. Notwithstanding this, Cascade agree that the main impacts of the development that have been identified are associated with pond 1 and therefore concur that the mitigation strategies should focus on pond 1.

3.5 With regard to ecology impacts, it was initially considered that it would be impossible to reverse the effects of digging the pond, but the implementation of a suitable site ecological management measures should continue to improve the habitat quality. A management plan has previously been prepared (November 2007) and Cascade have commented that this details suitable management regimes to promote biodiversity, however it needs to be updated to reflect any new requirements resulting from the proposed mitigation options.

3.6 A water vole survey of Mr Tunmore’s ponds has found that they are established in ponds 1, 2, 3 and 4. From the mitigation measures proposed it is concluded that the provision of piped discharge (option 1) or raising the banks (option 3) will have limited impacts and are preferable to infilling the pond (option 2).

3.7 While the extent of ecology information has been increased, there is still a degree of disconnection between the hydrology and ecology assessments, specifically when looking at the most appropriate mitigation option to implement.
3.8 With regard to flood risk implications, the fen lies within flood zones 1, 2 and 3. The ES considers surface and groundwater flooding and concludes that the development has resulted in a slight reduction of flood levels on the application site and elsewhere due to flood storage potential provided by lowering site levels and hence can not create an increase in flood risk elsewhere.

3.9 Cascade commented in their June review that the conclusions drawn in the Environment Statement on flood risk are not fully substantiated due to errors in the hydrological approach and river modelling. Whilst it is likely that there will be a reduction in flood risk, they stated that the flood levels could not be relied upon. Fundamentally, the applicant has not undertaken an assessment of the potential increase in flood risk that could arise from the mitigation measures proposed under option 3 to raise the banks of pond 1. Information on the potential for increasing flood risk from these options would have aided the general discussion surrounding the best approach for mitigation at the site.

3.10 Cascade consider that the completion of this work could be secured through a third Regulation 22 request, however given the delays in the submission of these details and the need to understand the implications on flood risk of the various mitigation options and the associated ecological benefits, I consider that it is now appropriate to consider alternative ways of securing this information.

3.11 From the above Members will note that a substantial amount of information has been submitted by Harrison Environmental Consulting, which together with information submitted by Mr Chetwynd and his consultant (Dr Wilson) and information from Cascade, gives the Local Planning Authority (LPA) an understanding of the processes at work within Carleton Fen and a number of options for restoration and/or mitigation of the impacts which are considered to have resulted from the development. However, as highlighted in the Cascade reviews, the information submitted to date can not be considered to comprise a complete Environmental Impact Assessment or Environmental Statement and legal advice has been given that the applications should not be determined at this time. However, because the development has already occurred, the Council should consider how best to progress a resolution of the issues associated with the development.

3.12 The Enforcement Notice requires an assessment of the hydrological and ecological impacts of the development and a scheme of works to reduce abstraction and address ecological impacts. Notwithstanding the above conclusion regarding the completeness of the Environmental Impact Assessment and Environmental Statement, from the details submitted in the ES, together with the reviews and advice from Cascade and Dr Wilson’s report, there is general agreement that while there has been harm to the hydrology and ecology of the fen as a whole, this predominantly result from the development of pond 1. Four options have been put forward by Harrisons and the benefits and dis benefits of these have been discussed by the parties. These options are:

Option 1 - Direct transfer of water from pond 1 to pond A via a pipe
Option 2 – filling in pond 1 (originally option 3)
Option 3 – raising water levels in pond 1 by building up the bank levels. (originally option 2) Variations of the option and differing bank heights was included in the November Reg 22 further information.
Option 4 – Raising the outfall pipe to 36.4 mAOD as required by the Environment Agency’s transfer licence.
3.14 Mitigation measures have also been put forward by Mr Chetwynd’s consultant, Dr Wilson. He does not support the direct transfer of water (option 1) but has considered the infilling of the excavations on Mr Tunmore’s land (a variation on option 2), and the raising of ground level around Mr Tunmore’s ponds, particularly pond 1 and pond 4 to increase the outfall height to approximately 0.75m to 1m above ground level (a variation on option 3). Dr Wilson also suggests de silting pond A to attain a better hydraulic connection with the shallow sandy layer, and installing one or more permanent control weirs on the River Tas to raise water level in the river along the curtilage to Mr Chetwynd’s property.

3.15 In addition, Mr Chetwynd has confirmed through his solicitor that the piped transfer of water from Mr Tunmore’s pond 1 to his pond A is unacceptable. Uncertainties relating to the option to infill the pond has resulted in options 3 and 4 been those promoted by the various parties. However, as set out above, in the absence of a complete Flood Risk Assessment it is not possible to identify the most appropriate option and balance the hydrological and ecological benefits with the associated flood risks.

3.16 Cascade have therefore been commissioned by the Council to undertake this work with a view to identifying the scheme of works to be required to be implemented as part of the Enforcement Notice, following which the Council can secure compliance with the remaining elements of the Enforcement Notice.

4. Recommendation

4.1 That Members note the progress and endorse the approach set out in the report.

Contact Officer, Telephone Number Stuart Pontin 01508 533796
and E-mail: spontin@s-norfolk.gov.uk
IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE - MATERIAL CHANGE OF USE

Issued by South Norfolk District Council Ref: 2006/0269

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. THE LAND AFFECTED

Land adjacent
Fen Road
Carleton Rode
Norfolk
NR16 1RT

Shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission the material change of use of land to recreational and sport fishing with integral works to create fishing ponds

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last ten years and has resulted in adverse impacts on the hydrology and ecology of the area in conflict with the provisions of Policies ENV13, ENV14 and ENV15 of the South Norfolk Local Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

5. WHAT YOU ARE REQUIRED TO DO

1. Undertake and submit an Environmental Assessment to be carried out in accordance with the Environmental Impact Assessment Regulations of the existing unauthorised development comprising the excavation of the fishing ponds, associated works of earth movement and land raising and use of the site for fishing. The Environmental Assessment shall include information
relating to the hydrological and ecological impacts of the unauthorised development and of the works proposed to satisfy the requirements of 2 (a) and 2 (c) below.

2 Implement a scheme of works, the details of which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

(a) Works to reduce and maintain the total abstraction of groundwater from the site as a whole to less than 20 cubic metres per day. For the avoidance of doubt the term "abstraction" shall be as defined in section 221 of the Water Resources Act 1991

(b) A timetable for implementation of the scheme

(c) Works to remedy the adverse ecological impacts of the unauthorised development as identified in the Environmental Assessment and a Management Plan to secure those measures for the future

(d) A description of the scope of monitoring reports and timetable for their submission to be agreed in writing by the Local Planning Authority to identify the outcome of the scheme with particular reference to groundwater abstraction, hydrological and ecological impacts

3 Submit the monitoring reports in accordance with the scope and timetable agreed and the implementation of any further works or modification of the scheme identified as necessary in the light of the findings of the monitoring reports

6. PERIOD FOR COMPLIANCE – 6 Months from the date this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 29 December 2010 unless an appeal is made against it beforehand.

Dated: 29 September 2010 Signed: [Signature]

The Council's authorised Officer
South Norfolk Council

Carleton Fen Project

Environmental Statement Review: Regulation 22 Submission 2

Final

February 2013

In association with:

Applied Ecology Ltd

esi

and Paul Garrad
Client: South Norfolk Council

Title: Carleton Fen Project Environmental Statement Review: Regulation 22 Submission 2

Project No: CC502

Date of Issue: February 2013

Status: Final

Version No: 1.1

Compiled By

Claire Pitcher
Senior Environmental Scientist

Authorised for Release By

Dr Topsy Rudd
Director

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ISO 9001 REGISTERED FIRM
ISO 14001 REGISTERED FIRM
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EXECUTIVE SUMMARY

Following a review of the Carleton Fen Regulation 22 Submission 2, the key issue that remains to be addressed is to identify a mitigation option that meets the requirements for restoring water levels in Mr Chetwynd’s Pond 1 and meets the terms of the Enforcement Notice by encouraging the redevelopment of the fen habitat.

There is still some disconnection between the hydrology and ecology chapters in the second submission in terms of the mitigation options assessed. The hydrology chapter now considers variants of Option 3 (raising outfall and banks around Pond 1) with outfalls set at 37.2m AOD, 36.8m AOD and 36.4m AOD. Although the ecology chapter considers how fen habitat may respond to Options 1, 2 and 3, the assessment (Appendix A; Wild Frontier report) does not consider the variants of Option 3 put forward in the hydrology chapter. There is some interpretation of how the fen might establish in response to the Option 3 variants in the overall submission, however it is unclear who undertook this assessment, especially as there is no reference to it in the ecologist’s (Wild Frontier’s) report (Appendix A).

A summary of which mitigation options have been assessed against which environmental topic is provided in Table A below.

<table>
<thead>
<tr>
<th>Mitigation Option No.</th>
<th>Description</th>
<th>Hydrology</th>
<th>Ecology</th>
<th>Flood Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Direct water transfer to Mr Chetwynd’s land</td>
<td>✓ Reg 22 Aug 2012 submission</td>
<td>✓ Reg 22 Nov 2012 submission</td>
<td>X</td>
</tr>
<tr>
<td>2</td>
<td>Filling in and lining ponds</td>
<td>✓ Reg 22 Aug 2012 submission</td>
<td>✓ Reg 22 Nov 2012 submission</td>
<td>X</td>
</tr>
<tr>
<td>3</td>
<td>Raising the outfall level and banks 0.8m bank</td>
<td>✓ Reg 22 Aug 2012 submission</td>
<td>✓ Reg 22 Nov 2012 submission</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>0.4m bank</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Raising the outfall level to 36.4m AOD (EA transfer licence)</td>
<td>✓ Reg 22 Nov 2012 submission</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>5</td>
<td>Dam in River Tas between Pond 1 and Pond 4</td>
<td>✓ Reg 22 Nov 2012 submission</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>6</td>
<td>Dam in ditch between Pond 1 and Pond A (raised at site meeting 11/12/2012)</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
The implications of the mitigation options on the flood risk on site and downstream were not addressed in the second submission, despite this being requested in South Norfolk Council’s (SNC) second Regulation 22 request.

It should also be noted that the onus is on the Applicant to put forward a suitable mitigation option that will reduce the impacts of the development so that they are not significant, or identify where significant residual impacts remain. This is a requirement of the EIA process. Although a number of mitigation options are reviewed, the selection of the preferred mitigation option by the Applicant has been deferred until after discussions with SNC.

However, with the exception of the issues noted above, the information provided does clarify all other points raised.

To address the outstanding issues above, a third Regulation 22 request is to be made of the Applicant as follows:

An ES Addendum should be produced as follows:

1. complete a qualitative screening exercise of all mitigation options (1, 2, 3 (including variants), 4, 5 and 6) considering impacts on all environmental receptors:
   - Hydrology - surface water flows, groundwater flows and water quality.
   - Ecology - fen habitat restoration, water vole, *Vertigo angustior*.
   - Flood Risk Assessment.
2. identify the proposed mitigation option to be taken forward which will “prevent, reduce and where possible offset any significant adverse effects on the environment”.
3. complete a full, consistent and coordinated impact assessment for the identified mitigation option to justify the qualitative assessment undertaken. This should clearly document:
   - impacts of development without mitigation, including magnitude and significance
   - how the mitigation option will reduce and/or compensate for the impacts
   - residual impacts of development, including significance
4. provide a framework fen restoration management plan and monitoring plan (water and ecology) to ensure that the mitigation strategy is implemented and its effectiveness is monitored, with additional management implemented if necessary.
1 INTRODUCTION

Cascade Consulting was commissioned by South Norfolk Council (SNC) to provide a critical review of the Environmental Statement (ES) for the Carleton Fen development (Application Ref. 2007/1961 and 2007/2264).

The Applicant submitted an ES in February 2012 and this formed the basis of the initial ES review documented in this report. Following submission of Cascade Consulting’s review report in June 2012, Harrison Environmental Consulting, the Applicant’s Environmental Impact Assessment (EIA) consultants, subsequently issued a ‘Submission of Further Information in Response to Regulation 22 Information Request’ in August 2012 to address the comments made. This document has been subject to review in light of the original comments made and conclusions have been drawn as to whether the clarification requests made have been adequately addressed.

During the review of the Regulation 22 Submission, the Environment Agency (EA) issued Mr Tunmore with a water transfer licence, with a requirement to have a minimum outfall level of 36.4mAOD. The Determination Report which was provided with the licence has been reviewed and comments included in this report where appropriate.

The review of the Regulation 22 Submission was issued in October 2012, which highlighted outstanding clarifications and/or Regulation 22 requests. The Applicant responded to this review report with a further submission in November 2012. Supplementary data which had been collected since the initial ES submission in February 2012, was submitted by Harrison Environmental Consulting in October 2012. A site visit was also undertaken on 11 December 2012 by Cascade’s reviewers, and consultation held with key stakeholders.

This report therefore reviews the Applicant’s November 2012 submission, and again concludes whether the clarification and Regulation 22 requests have been adequately addressed.

1.1 BACKGROUND

Carleton Fen in Norfolk is designated a County Wildlife Site (CWS). Over the last 10 years the owner of Carleton Fen, Mr Tunmore, has constructed a number of ponds on his land for sports fishing and recreational developments (car park, summer house) which resulted in a material change of land use. These works were granted retrospective planning permission by SNC in 2008.

The ponds are fed by both groundwater and surface water which drains to the River
Tas to the east of the site. The development is alleged by a neighbouring landowner, Mr Chetwynd, to have impacted on the adjacent Fen Lakes Fishery and was the subject of a judicial review in 2010, which resulted in the planning consent being quashed.

The Council served an Enforcement Notice on Mr Tunmore in September 2010, requiring the submission of an Environmental Impact Assessment (EIA) of the works. The EIA was to include information on the hydrological and ecological impacts of the unauthorised development, and address issues such as groundwater abstraction volumes and the remediation of the adverse ecological impacts, as detailed in the Notice. An EIA Scoping Opinion was issued by SNC on 4 November 2010 detailing what aspects should be covered within the EIA.

1.2 PURPOSE AND STRUCTURE OF THE REPORT

The objective of this review is to analyse the Applicant’s second Regulation 22 submission and confirm whether any clarifications or Regulation 22 requests remain outstanding.

The report is structured as follows. Chapter 2 review whether the ES, with subsequent submissions, comply with the requirements of the EIA Regulations 2011. Subsequent chapters address each environmental topic and include the following sub-sections:

- Environmental Statement (February 2012) Review
- Regulation 22 Submission (August 2012) Review
- Additional Data and Environment Agency Water Transfer Licence Review (relevant to the water resources chapter only)
- Review of Regulation 22 Submission 2 (November 2012)
2 REGULATORY COMPLIANCE

2.1 ENVIRONMENTAL STATEMENT (FEBRUARY 2012) REVIEW

The following table provides a summary of the clarifications and Regulation 22 requests made following the review of the Environmental Statement in June 2012.

<table>
<thead>
<tr>
<th>Summary of Clarifications Required from Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information on alternative layouts considered.</td>
</tr>
<tr>
<td>Information on construction of ponds to include areas, volumes of waste arising (estimated retrospectively) and associated infrastructure (car park, summerhouse and electricity hut).</td>
</tr>
<tr>
<td>Clarification of how long the site will operate for sports fishing.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Summary of Regulation 22 Information Requests to be made to Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>NTS to include site layout plan; overview of the baseline environment for each topic; key sensitive receptors; likely impacts of the development and their significance; mitigation measures to be implemented; and residual impacts.</td>
</tr>
<tr>
<td>Provide NTS as a separate stand-alone document.</td>
</tr>
</tbody>
</table>

2.2 REGULATION 22 SUBMISSION (AUGUST 2012) REVIEW

The table below sets out an assessment of the clarification information subsequently submitted to SNC by the Applicant in August 2012. The information provided has been reviewed in light of the original comments made in the initial review report (as summarised in Section 2.1 above) and conclusions drawn as to whether the clarification requests have been adequately addressed.

<table>
<thead>
<tr>
<th>Request Type</th>
<th>Original Comment/Request</th>
<th>Reassessment Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarification</td>
<td>Information on alternative layouts considered.</td>
<td>Completed.</td>
</tr>
</tbody>
</table>
| Clarification | Information on construction of ponds to include areas, volumes of waste arising (estimated retrospectively) and associated infrastructure (car park, summerhouse and electricity hut). | Completed. The Applicant has acknowledged that no specific records were available providing details of the pond construction, therefore approximate timings of pond construction and estimated volumes of waste arising have
### Table

<table>
<thead>
<tr>
<th>Request Type</th>
<th>Original Comment/Request</th>
<th>Reassessment Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarification</td>
<td>Clarification of how long the site will operate for sports fishing.</td>
<td>No estimate of operational timescales has been provided. However, this is not considered to significantly affect the conclusions of the assessment and therefore no further request is to be made. No further assessment is required.</td>
</tr>
<tr>
<td>Reg 22</td>
<td>NTS to include site layout plan; overview of the baseline environment for each topic; key sensitive receptors; likely impacts of the development and their significance; mitigation measures to be implemented; and residual impacts.</td>
<td>Completed.</td>
</tr>
<tr>
<td>Reg 22</td>
<td>Provide NTS as a separate stand-alone document.</td>
<td>Completed.</td>
</tr>
</tbody>
</table>

#### 2.3 REVIEW OF REGULATION 22 SUBMISSION 2 (NOVEMBER 2012)

It is considered by the reviewers that the information submitted now complies with the EIA Regulations and Scoping Opinion, with the exception of the identification of a final mitigation option and its associated residual impacts. This mitigation option should be subject to a Flood Risk Assessment to ensure compliance with the requirements of the National Planning Policy Framework, and associated management and monitoring plans should be produced so that the success of the mitigation against the key objectives (as outlined in the Enforcement Notice) can be established.

The completion of the above work will be secured through a third Regulation 22 request (as per table overleaf) and should be submitted as an addendum to the ES.

---

Regardless of the final decision, the Applicant should consider the following:

2. the mitigation option to be adopted on site (following the assessment in point 1) that, following consultation, the Applicant considers will maintain water levels suitable for open fen habitat and groundwater flow to neighbouring properties, and a timetable for implementation.

3. how the environmental receptors (ecology, hydrology and water quality) are expected to respond to the mitigation strategy and the significance of any residual impacts.

4. a framework fen restoration management plan and monitoring plan (water and ecology) to ensure that the mitigation strategy is implemented, and its effectiveness is monitored with additional management implemented if necessary.
3 REVIEW OF CHAPTER 4: LAND CONDITION

3.1 ENVIRONMENTAL STATEMENT (FEBRUARY 2012) REVIEW

The following table provides a summary of the clarifications and Regulation 22 requests made following the review of the Environmental Statement in June 2012.

<table>
<thead>
<tr>
<th>Summary of Clarifications Required from Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantify changes in storage volumes due to development.</td>
</tr>
<tr>
<td>Provide explanation for areas of raised ground if not from dredged material.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Summary of Regulation 22 Information Requests to be made to the Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Update NTS to include overview of land condition assessment.</td>
</tr>
</tbody>
</table>

3.2 REGULATION 22 SUBMISSION (AUGUST 2012) REVIEW

The table below sets out an assessment of the clarification information subsequently submitted to SNC by the Applicant in August 2012. The information provided has been reviewed in light of the original comments made in the initial review (as summarised in Section 3.1 above) and conclusions drawn as to whether the clarification requests have been adequately addressed.

<table>
<thead>
<tr>
<th>Request Type</th>
<th>Original Comment/Request</th>
<th>Reassessment Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarification</td>
<td>Quantify changes in storage volumes due to development.</td>
<td>Although pre and post development storage volumes were calculated as part of the Flood Risk Assessment (not referenced as such in ES), it would have been useful to include these in the land condition chapter with some analysis. No further assessment required.</td>
</tr>
<tr>
<td>Clarification</td>
<td>Provide explanation for areas of raised ground if not from dredged material.</td>
<td>The Applicant has stated that there has been a reduction in site levels as a result of the development, and excavated spoil was placed on the pond banks; due to the loose and unconsolidated nature of the spoils, this was rapidly washed away. However, as stated in para 4.5.2 of the FRA, this information is</td>
</tr>
</tbody>
</table>
3.3 REVIEW OF REGULATION 22 SUBMISSION 2 (NOVEMBER 2012)

No further information request was made; all the required information has been provided.
4 REVIEW OF CHAPTER 5: WATER RESOURCES

4.1 ENVIRONMENTAL STATEMENT (FEBURARY 2012) REVIEW

The following table provides a summary of the clarifications and Regulation 22 requests made following the review of the Environmental Statement in June 2012.

<table>
<thead>
<tr>
<th>Summary of Clarifications Required from Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expand the impact assessment to include all potential receptors.</td>
</tr>
<tr>
<td>Summarise changes in the water balance to the aquifer, river and fen resulting from the development.</td>
</tr>
<tr>
<td>Define objectives of the proposed mitigation measures. Devise additional mitigation strategies to include all the ponds and other receptors including the fen. The need to raise groundwater levels and restrict out-flow to 20m³/d should be considered within the mitigation strategy.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Summary of Regulation 22 Information Requests to be made to the Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water features survey including private and licensed abstractions within 1 km.</td>
</tr>
<tr>
<td>Monitoring and water level management plan linked to mitigation objectives.</td>
</tr>
<tr>
<td>Timetable for implementation of the scheme and mitigation.</td>
</tr>
</tbody>
</table>

4.2 REGULATION 22 SUBMISSION (AUGUST 2012) REVIEW

The information submitted to SNC by the Applicant in August 2012, in response to a request for further information, has been reviewed and conclusions drawn as to whether the clarification requests have been adequately addressed. This review is provided below.

4.2.1 Baseline

1. Surface water quality data has been provided and discussed. Major cation, anion and conductivity were not provided. The available data does not indicate a significant difference in water quality between groundwater and surface water. The pond water does not show significant pollution from agriculture as it is low in nutrients. Nitrate is generally less than 0.5 mg/l as NO₃ and Phosphate less than 0.2 mg/l as PO₄. The water quality is therefore likely to be conducive to the formation of good fen habitat. WS4 showed very high sulphate concentrations (960 mg/l) compared with the other wells. As discussed in the report the response zone in WS4 is screened in the clay and is probably not representative of the water quality in the permeable gravel deposits.
2. A further analysis of the available data has been undertaken and the predicted
gEOLOGY at the site has been established as 7 m of peat, clay, and Lowestoft till
overlying the chalk at a predicted depth of 7 mbgl (30m AOD). The EA previously
deprecated the installation of deeper boreholes to prove this. The predicted geology
is considered acceptable.

3. Further analyses of the regional groundwater data has confirmed predicted
groundwater levels in the chalk below the site of 38-40m AOD.

4. The search radius for groundwater abstractors was expanded to an acceptable
extent of 1 km. Of the abstractors identified one private water supply 'Kilmurry'
has been identified to be at potential risk from the development. The map
provided indicates the property could be within 75m of Pond 1 and therefore
potentially affected by the development. The report does not indicate whether
the owner has been contacted and an inspection made to determine the status
and construction of the water supply. BGS records do not indicate the presence
of a borehole at the site and it is therefore not clear whether the water supply is
from a shallow well (which might be vulnerable to the development) or from a
deep borehole into the chalk (potentially less vulnerable). This has a bearing on
the impact assessment. It is recommended that the owner is contacted to request
construction details and confirm that there has been no derogation to the water
supply.

5. The schematic diagram showing the conceptual water balance has been updated.

6. A water features survey has been undertaken and is presented in Appendix C of
the additional data. This provides good supporting information for the impact
assessment and shows an additional water body (point 4) immediately to the
west of Pond 1. This is labelled as high quality fen and open water and could
represent an aspiration for the restoration of the site and Pond 1. The creation of
Pond 1 is likely to have impacted on this feature. Other water related features
along with an assessment of the potential impact from the development and
proposed monitoring and mitigation measures are provided in the appendix.
The water features survey will provide data for the development of an on-going
monitoring and water level management plan for the site to ensure key features
are protected/restored.

7. The additional information supplied includes reference to the restoration of
saturated soil conditions as being beneficial for the restoration of the
surrounding fen habitats. Greater detail on the specific water requirements of
particular target fen habitats was not available within the additional ecological
information provided. Confirmation is required of the target shallow groundwater level relative to ground level.

Section 3.6, paragraph 2 of the Ecological Assessment (Appendix G) indicates the recovery of fen species since the implementation of management measures in 2007. This would therefore indicate that further habitat restoration potential exists should shallow groundwater levels be increased. This could potentially be conducive to the formation of highly valued groundwater fed fen and mire. As discussed previously the low nutrient content of the groundwater would support this. The ecological report indicates that only very small quantities of species associated with the more highly valued fen and mire NVC communities (such as M13 mire or M22 fen-meadow) were observed within the Carleton Rode fen habitats evaluated. However, given the suitable groundwater conditions which are originally likely to have been present (and possibly could be re-instated), there may be scope to restore the more valued type of fen habitat.

8. The minor comments from the initial review have generally been addressed in the additional information submitted. Additional regional and local geological data is provided. The results presented on Figure 4.13 and discussed in the subsequent paragraphs demonstrate the influence of Pond 1 on the shallow groundwater. With a smaller head difference between the pond and the groundwater, the inflow from the groundwater and subsequent discharge from the outfall is reduced and vice versa when the outfall level is lowered. The head increase and drawdown test provides responses consistent with shallow groundwater inflow to the pond, rather than a direct feed from the chalk and subsequent seepage outwards from Pond 1. This conceptual model has been included as groundwater model B provided within the additional modelling work undertaken. The results of the testing appear to be influenced by a background rise in groundwater levels towards the end of the period most likely associated with seasonal variation due to increased winter recharge.

4.2.2 Data Assessment

The additional information submitted has addressed the issues raised in our initial review of the EIA. Many of our original comments were focussed on proposing an alternative conceptual model for the site which has now been incorporated within the additional work undertaken. Some additional specific comments are included below.

9. The additional information submitted has further developed the conceptual model for the site and incorporated this within additional numerical modelling work and impact assessment. The understanding of the wider water
environment has been expanded to include other potential receptors, identified within the water features survey.

10. The assessment indicates that groundwater levels prior to construction of Ponds 1, and to a lesser extent Pond 2 would have influenced the site soil conditions. Our assessment of the model results in Figure 4.20 indicates shallow groundwater levels may have been drawdown by some 1.25m in the vicinity of Pond 1 since its construction.

11. Analyses of variations in regional chalk groundwater levels compared with data from Mr Chetwynd’s ponds has been undertaken and is presented in Appendix D. With reference to page 16, Section 2.4, point 3, letter to Mr Chetwynd, ‘why have the levels in Pond 1 not been affected over the years?’ One possible explanation is presented relating to a direct discharge from the chalk. However, we consider it most likely that groundwater discharge occurs from the chalk via the superficial deposits which then discharge to the ponds.

12. The rest groundwater level surrounding Pond 1 may well have followed the postulated general decline in water levels across the region, with additional effects from the pond discharge causing groundwater drawdown in the surrounding area. However, Pond 1 levels, measured on the gauging board (GB1), are controlled by the level of the outlet pipe. As long as the underlying groundwater levels remain above the level of the outlet pipe then water levels in Pond 1 will remain constant, although the rate of outflow will fall as the difference in the driving groundwater head and outflow level reduces. In contrast the outfall level from Pond A is c 36.45m AOD, higher than that for Pond 1 (36.25m AOD).

4.2.3 Numerical Modelling

13. The additional information submitted has incorporated a revised conceptual model for the site as an alternative to the original proposed. This revised model has been incorporated within additional groundwater modelling (Model B) which we consider to be more representative of conditions at the site. We consider that the use of the correct conceptual model is key to investigating the impacts of the development and the proposed mitigation measures.

14. In summary, our proposed conceptual model includes a groundwater head in the underlying chalk aquifer which is above ground level. The pressure gradient results in upward flow through superficial deposits of sand, clay and peat to discharge to the River Tas. Fen type habitat developed on the originally saturated ground with associated peat formation. Discharge of groundwater was originally restricted by a cap of low permeability clay material. Excavation of the
ponds has removed the overlying clay to expose more permeable sand and gravel. Groundwater discharge occurs readily from the sand and gravel to the ponds. Levels in the pond, and the adjacent groundwater, are drawdown by evaporative losses and outflows. The level of the outfall, if operative, is a key control on the adjacent groundwater levels which in turn influence the discharge rates to Mr Chetwynd’s ponds.

15. We consider that chalk groundwater discharges to the sand and gravel across the whole site and therefore lining or infilling of the pond is unlikely to prevent discharge from the chalk aquifer to the area as a whole.

16. We do not completely agree with the conclusion (point 6, p 47) that the modelling reinforces the prior conclusion in the ES that the most effective way to transfer the maximum quantity of water to Mr. Chetwynd’s ponds as a form of mitigation is via overground pipe transfer. There will be practical constraints relating to the relative head difference between the two ponds i.e. the full flow of c 100m³/d will only be achievable if the level in Pond A does not exceed the outfall level from Pond 1. The model assumes a level of 36.25 mAOD in Pond 1 and if over flow to Pond A (estimated level 36.45 mAOD) is the objective then Pond 1 levels would need to be increased to maintain the high flow rates.

17. We concur with the results of the additional groundwater model simulations that the long-term drying trend in the regional chalk aquifer forms a credible explanatory basis for the observed decline in the water levels and flows in Mr. Chetwynd’s ponds, although we consider this to be in addition to the likely impacts from Pond 1.

4.2.4 Impact Assessment

We note that the ecological impacts relating to changes in the water environment resulting from the development are discussed in more detail in the chapter on the ecological impact. We have reviewed the water resources impact assessment provided with the additional data submission and have the following comments.

18. Section 4.6.2 Impact Assessment – Expansion of Ponds 2 and 3. We agree the hydrogeological impact is low.

19. Section 4.6.3 Impact Assessment – Dredging of Pond 1. We agree that the hydrogeological impact is moderate to high. In terms of the shallow groundwater level the impact has been high whatever the ecological value of the overlying fen. It is assumed that there has been no significant impact on the adjacent private water supply at Kilmurry, however, this should be confirmed. We agree there has been an impact on Mr Chetwynd’s pond both as a result of
both the construction of Pond 1 and also associated with the regional decline in chalk groundwater levels.

20. Section 4.6.4 Impact Assessment – Creation of Pond 4. We agree with the assessment that the hydrogeological impact is low.

21. The water features survey (Appendix C) includes an assessment of the potential impact from the development on each feature identified.

22. Section 4.7 Secondary, Cumulative, and Synergistic Impacts. We agree with the assessment provided in the additional data and groundwater model which includes an adequate representation of the secondary, cumulative, and synergistic impacts.

4.2.5 Mitigation Objectives

23. The main impacts of the development that have been identified are associated with Pond 1. We therefore concur with the findings of the report that the mitigation strategies should focus on Pond 1.

24. Option 1 Direct Transfer of Water to Mr. Chetwynd’s Land

We are in general agreement with the findings of this strategy. However, it is noted that the outflow level from Pond 1 (GB1) during the monitoring period ranged from c36.35-36 mAOD. Levels in Mr Chetwynd’s Pond A (GB6) ranged from 36.35 to 36.15 mAOD. During this period it is understood that there was no outflow from Pond A to the lower ponds. Therefore if an overland piped flow from Pond 1 to Pond A is used, as recommended in the EIA, then the maximum water level achievable in Pond A from this source would be equal to the level in Pond 1. It is likely therefore that water levels in Pond 1 would need to be raised to achieve an overflow from Pond A (estimated level 36.45 mAOD). Raising the Pond 1 outfall to ground level (c36.6 mAOD) combined with installation of an overflow piped to Mr Chetwynd’s pond may provide improved flow to Mr Chetwynd’s pond whilst at the same time also raising groundwater levels. However, the long term maintenance of the pipe and landowner agreement would be an issue.

25. Option 2 Filling in and Lining Ponds

We are in general agreement with the assessment of this strategy. The discharge of groundwater from the aquifer via Pond 1 outfall would cease with a consequent rise in groundwater levels. The increase in groundwater levels is likely to benefit the fen habitat and increase discharge from Mr Chetwynd’s well.
A liner would result in a waterbody reliant on rainfall recharge or supply from another source. Pond levels fed from rainfall alone would fluctuate and the pond would potentially dry out. Any additional water supply would need to remain below 20m³/d to avoid the requirement for a full abstraction licence.

If the pond is infilled the fill material would need to be of suitable type and quality and it would be difficult to re-create the surrounding site conditions within the pond area itself. There would also be an impact on the species that have become established since the construction of the pond.

The assessment by Harrison Environmental Consulting indicates the potential for blockage of the artesian spring with an impact on surrounding water resources. However, based on our conceptual model for the site as discussed previously, we consider the risk of blocking the connection between the shallow aquifer and the underlying chalk to be low.

26. Option 3 Raising the Outfall Level and Banks

We are in partial agreement with the assessment of this strategy; however the ecological damage may be over-stated. It is considered that there is not necessarily a requirement to line the entire pond under this option. As discussed in the ecological impact assessment, strategies could be employed to minimise the impact on water vole which may use the pond.

We concur that an appropriate geotechnical assessment would be necessary to ensure the safe construction of suitable bunds. However, the construction details of the bunds should be reviewed to determine that they are cost effective and fit for purpose. A plan showing the bund width and available space is required to take the feasibility assessment of this option further.

Additional modelling undertaken by Harrison Environmental Consulting (Figure 4.22) using the revised conceptual model (B) indicated that relative to the current bank level, adding approximately 0.7 to 0.8 metres of additional height could reduce the discharge to <20m³/day from Pond 1 (subject to the uncertainties outlined by Harrison Environmental Consulting).

A smaller increase in water levels and associated bund height may represent a compromise solution which should be explored. It is acknowledged that in this case outflows may not be reduced below 20m³/d. However, it is noted for Option 1 - the piped discharge to Mr Chetwynd’s ponds would also exceed 20m³/d by a considerable amount.

The conclusion of the mitigation options appraisal was that the raising of water levels in the pond through construction of 0.8m bunds would be an unacceptable
alternative for the landowner to direct pipe transfer or infilling. Contributing factors included the raised water table and surrounding saturated soils, causing constraint on site access and the land would not be usable as a fishing pond (Note Option 2 – infilling would also give rise to saturated soils).

It is considered that there are options available to maintain access to the pond for fishing (e.g. via board walks) whilst raising water levels and/or bund levels to maintain the landowner's incentive to keep the pond.

We consider that raising the outfall level from Pond 1, to adjacent ground level (with or without an additional pipe to Mr Chetwynd’s ponds) may provide a suitable restoration target for the site. The hydroecological requirements for the target fen habitat should have been established by the Applicant, in order to inform the required outfall level.

Option 1, the preferred solution of Mr Tunmore, does not provide suitable restoration potential for the surrounding fen habitat, and it does not reduce the discharge closer to the 20m³/d target given in the Council’s Enforcement Notice. We also note that there is a potential requirement to raise water levels in Pond 1 anyway in order to maintain the proposed pipe flow for Option 1.

4.2.6 Summary

The principal receptors associated with water resources at the site are: a) Water supply to Mr Chetwynd’s Pond A, b) Shallow groundwater and associated fen habitat in the vicinity of Pond 1, and c) Potentially Kilmurry Private water supply (to be confirmed).

Following our initial review of the EIA the majority of data requested has been provided, the conceptual model for the site re-assessed and issues raised addressed. However, further discussion is required with the relevant stakeholders to select the final mitigation strategy from the options available. The ecological impact assessment will play a significant part in determining what is feasible. Once the appropriate mitigation approach has been agreed the final construction details need to be confirmed, including minimum fixed outfall levels.

A monitoring strategy should be developed in conjunction with the ongoing ecological work and site management plan to confirm the effectiveness of the measures employed. It is suggested that this would include regular (weekly dropping to monthly) measurement of water levels within Pond 1 and Pond A, plus shallow ground water levels and discharge rates from Pond 1 and Pond A. It is recommended that this data is reviewed on a 6 monthly basis until such time as the mitigation measures are considered to have proved effective. After review it may be decided that
the measures are working and further monitoring may be reduced or is not required or that alternate measures are necessary. It is recommended that trigger levels are assigned to some of the monitored parameters such that site management actions would occur if a level is breached.

An annotated copy of the original summary review table is provided below highlighting actions completed and outstanding.

<table>
<thead>
<tr>
<th>Request Type</th>
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<tbody>
<tr>
<td>Clarification</td>
<td>Expand the impact assessment to include all potential receptors.</td>
<td>Partially completed - potential for impacts on the Kilmurry Private water supply to be assessed.</td>
</tr>
<tr>
<td>Clarification</td>
<td>Summarize changes in the water balance to the aquifer, river and fen resulting from the development.</td>
<td>Completed.</td>
</tr>
<tr>
<td>Clarification</td>
<td>Define objectives of the proposed mitigation measures. Devise additional mitigation strategies to include all the ponds and other receptors including the fen. The need to raise groundwater levels and restrict out-flow to 20m^3/d should be considered within the mitigation strategy.</td>
<td>Partially completed - final mitigation strategy to be agreed. The Applicant should define a suitable level for the outfall to meet the requirements for fen habitat and Mr Chetwynd's pond A.</td>
</tr>
<tr>
<td>Reg 22</td>
<td>Water features survey including private and licensed abstractions within 1 km.</td>
<td>Completed.</td>
</tr>
<tr>
<td>Reg 22</td>
<td>Monitoring and water level management plan linked to mitigation objectives.</td>
<td>Outstanding - to be linked with agreed mitigation strategy.</td>
</tr>
</tbody>
</table>

4.3 ADDITIONAL DATA AND ENVIRONMENT AGENCY WATER TRANSFER LICENCE REVIEW

Further additional data was received on 16 October 2012 from SNC and the subsequent review is provided below. The additional information included monitoring data from Harrison Environmental Consulting and a water transfer licence issued by the EA with a supporting Determination Report.

The EA have determined that the proposed scheme will not have a negative environmental impact, as documented in their Determination Report. However, the EA make clear that they are assessing the potential impacts on the ecology from the proposed scheme subject to the existing situation, rather than making a judgement
on any previous impact relating to the original construction of the pond.

The EA have assessed the proposed use as non-consumptive i.e. a transfer to what is ultimately the same receptor – the river. The requirement to measure the discharge from the pond is therefore not included. There is however a requirement for a minimum outfall level of 36.4m AOD, an increase above the current level. However, at this level the ground may not be fully saturated (ground level at c 36.6 m AOD). Groundwater levels at 36.4m AOD may potentially improve the conditions for fen habitat.

The EA report included a review of the EIA and our comments plus assessment of the additional monitoring data extending until May 2012. The EA indicate that the monitoring for the EIA has been undertaken during a period when regional groundwater levels have remained within the lower quartile. The additional data provided shows a general recovery in water levels in WS2 and WS4 and an increase discharge from Pond 1 and Mr Chetwynd’s well, which is in accordance with a regional increase in groundwater levels. This reinforces the assessment within the EIA that low regional groundwater levels in the chalk have affected the shallow groundwater levels and water levels in Mr Chetwynd’s pond. It is noted that superimposed on this regional affect is the drawdown associated with the creation of Pond 1.

The EA favour a method of direct pipe transfer to Mr Chetwynd’s pond to ensure sufficient flow to his ponds is maintained. The details of the pond size and depth are included in the licence to ensure that the pond is not enlarged with an associated increase in discharge.

4.4 REVIEW OF REGULATION 22 SUBMISSION 2 (NOVEMBER 2012)

The water features survey undertaken by Harrison Environmental Consulting had identified a private water supply at Kilnurry, adjacent to the site. Additional information was presented indicating that the resident had been contacted on 27 November 2012. Details on well construction and water level variations were unknown. Estimates of potential drawdown beneath the well have not been presented. However, the resident indicated that the water supply had been sufficient for the preceding four years and it is therefore concluded that the water supply has not been derogated by the construction of Pond 1.

The additional information provided summarises changes to the conceptual model and computer models which have subsequently been used to assess the potential mitigation options. The November 2012 submission contains ecological information on the potential range of groundwater levels required to restore fen habitat at the site.
which range between permanently moist and seasonally inundated to standing water of 20-40cm depth. A final selection of the preferred target habitat is not given, however, the mitigation strategies considered will potentially give rise to the creation of a range of conditions.

The groundwater model was run to assess the influence of raising the outfall from Pond 1 by varying amounts. An increase to an outfall level of 36.4m AOD provided only a small increase in saturated ground, 36.8m AOD created a more significant saturated area and associated fen restoration potential. At 37.2m AOD a wide area of saturated land was predicted (potentially extending off the site, onto the adjacent property) with areas susceptible to standing water.

It is noted that the survey data indicate that some areas of raised ground to the north of Pond 1 are possibly associated with the extraction of material to create the pond. The banks around the perimeter of the pond are estimated (from the topographic survey in the EIA) to be generally in the order of 36.6-36.7m AOD with a relatively small section at 36.4m AOD. This may increase the scope to raise the outfall level with only small requirements to increase the pond bank levels in certain places (i.e. where the bank is at the lower level of 36.4m AOD).

We are in general agreement with the findings of the modelling that raising the outfall level of the pond to between 36.4m AOD and 36.8m AOD will increase the surrounding groundwater levels close to the surface. The model is steady state and so a seasonal variation in water levels is also likely away from the pond, fluctuating about the fixed outfall level.

The majority of piezometers show seasonal fluctuations of up to 20-30cm. In the supplementary data submitted by Harrison Environmental Consulting on 16 October 2012 (additional data collected since initial ES submission) the most recent water level data for WS2, to the north of Pond 1, showed an increase to 36.8m AOD up to May 2012. This indicates groundwater to the north of Pond 1 is higher than the outfall level and will therefore potentially require a smaller rise in the outfall to achieve saturated ground conditions. Water levels in WS1 and WS3 generally remain below 36.2 and 36m AOD respectively up to May 2012. WS3 potentially shows the influence of the adjacent drain. Assuming an average seasonal variability of 25cm in shallow groundwater levels, raising the outfall level to 36.55m AOD would potentially achieve seasonally inundated soil conditions and moist conditions for the remainder of the time. If possible, raising of the drain level between Pond 1 and Pond A would further increase water levels in the adjacent fen, however this is subject to investigations into flood risk issues.

An increase in water levels combined with suitable site management practices is
likely to promote a recovery in fen habitat. The mitigation options have been assessed and the relevant information supplied. A final decision is required by the Applicant as to the most suitable option to implement.

It is noted that SNC requested additional mitigation options to be assessed including (i) raising the outfall level to 36.4m AOD to comply with the terms of the new transfer licence (Option 4) and (ii) provision of a dam in the river between Pond 1 and Pond 4 (Option 5). Harrison Environmental Consulting indicated that Option 4 was similar to Option 1 with a 20% reduction in discharge and an increase in groundwater levels. Option 5 was considered likely to have significant impacts on hydrology and flood risk. SNC indicated that Option 5 would be the subject of assessment at a later date, by the stakeholders, and a view as to the feasibility of this option would be provided after the November 2012 submission (telephone conversation between SNC and Harrison Environmental Consulting).

It is noted that during a site visit on 11 December 2012, the outfall in Pond 1 did not yet appear to have been raised to the new minimum level as requested in the transfer licence. During the same site visit, water levels in Pond A were observed to have risen significantly such that over flow was occurring to the second pond. This is likely to be related to a regional recovery in water levels in the chalk associated with high recharge. The influence of the previously low regional groundwater levels and climatic factors on Mr Chetwynd’s ponds have been discussed in the previous reports and the recovery in water levels and pond flow is in accordance with the previous discussion. Further comment on the site visit are provided in the SNC site visit file note and a letter from the EA (24/12/12).

An updated version of the original summary review table is provided below highlighting actions completed and outstanding following review of the additional data submitted by Harrison Environmental Consulting on 27 November 2012.

It is considered that the details now submitted comply with the EIA Regulations and the Scoping Opinion with the exception of the selection of the final mitigation scheme and associated monitoring and water level management plan.

<table>
<thead>
<tr>
<th>Request Type</th>
<th>Original Comment/Request</th>
<th>Reassessment Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarification</td>
<td>Expand the impact assessment to include all potential receptors.</td>
<td>Completed - potential for impacts on the Kilmurry Private water supply assessed.</td>
</tr>
<tr>
<td>Clarification</td>
<td>Summarize changes in the water balance to the aquifer, river and fen resulting from the development.</td>
<td>Completed.</td>
</tr>
</tbody>
</table>
The completion of the above work will be secured through a third Regulation 22 request (as per table below) and should be submitted as an addendum to the ES.

**Summary of Regulation 22 Information Requests to be made to Applicant**

An ES Addendum should be produced as follows:

1. complete a qualitative screening exercise of all mitigation options (1, 2, 3 (including variants), 4, 5 and 6) considering impacts on all environmental receptors:
   - Hydrology - surface water flows, groundwater flows and water quality.
   - Ecology - fen habitat restoration, water vole, *Vertigo angustior*.
   - Flood Risk Assessment.
2. identify the proposed mitigation option to be taken forward which will "prevent, reduce and where possible offset any significant adverse effects on the environment".
3. complete a full, consistent and coordinated impact assessment for the identified mitigation option to justify the qualitative assessment undertaken. This should clearly document:
   - impacts of development without mitigation, including magnitude and significance
   - how the mitigation option will reduce and/or compensate for the impacts
   - residual impacts of development, including significance
4. provide a framework fen restoration management plan and monitoring plan (water and ecology) to ensure that the mitigation strategy is implemented and its effectiveness is monitored, with additional management implemented if necessary.
5 REVIEW OF CHAPTER 6: ECOLOGY

5.1 ENVIRONMENTAL STATEMENT (FEBRUARY 2012) REVIEW

The following table provides a summary of the clarifications and Regulation 22 requests made following the review of the Environmental Statement in June 2012.

<table>
<thead>
<tr>
<th>Summary of Clarifications Required from Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Summary of Regulation 22 Information Requests to be made to the Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>The ecology chapter is not fit for purpose as it currently stands, and requires completely reworking based on a more comprehensive understanding of the current and past ecological baseline picture (on and off site) and a better and more fundamental understanding of the required scope of the chapter.</td>
</tr>
<tr>
<td>The ES chapter should comply with IEEM best practice guidance for EcIA and should ideally be completed by an ecologist who is experienced in these assessments.</td>
</tr>
</tbody>
</table>

5.2 REGULATION 22 SUBMISSION (AUGUST 2012) REVIEW

An Ecological Impact Assessment was submitted with the Regulation 22 submission and this has been reviewed using the IEMA criteria\(^2\) and is detailed below.

5.2.1 Scope of EIA

The scope of the ecological aspects of the EIA were set out in a letter to Harrison Environmental Consulting (4 November 2010) by SNC. The Council’s scoping opinion was clear and stated that the EIA should assess the past and future direct impact of the development on the “biodiversity and habitat value of the site and surrounding area” with specific reference to the need for the assessment to take account species of conservation concern recorded when site was designated as a County Wildlife Site, and with reference to species listed in Norfolk Biodiversity Action Plan for fen habitat.

It was made clear that, as well as direct impact assessment, the ES should address ecological impacts that are indirect, secondary and cumulative, and differentiate permanent and temporary and positive and negative effects.

Recognising that a complete pre-construction ecological baseline of the site was not likely to exist, it was requested that a detailed ecological survey should be completed

\(^2\) This review is based on the IEMA criteria which were updated as part of the IEMA ‘Quality Mark’ launched in April 2011.
5.2.2 Baseline

An updated ecological baseline is provided as a technical ecology report in Appendix G of the revised ES. This report, dated August 2012 and entitled Carleton Fen, Carleton Rode Ecological Impact Assessment, includes a vegetation assessment of off-site land areas and land adjoining Pond 4 that is used to assess the likely vegetation community and specific fen habitat types previously present on land now occupied by Ponds 2, 3 and 4. For reasons unknown, however, the technical report makes no mention of pre-construction habitat conditions in association with Pond 1 and its adjoining car park. This is a significant omission in the baseline condition assessment.

The main body of the updated ES makes reference to a Norfolk Wildlife Trust 1983 habitat survey report that provides a basic habitat description and map of Carleton Fen before construction of Ponds 1-4. These data are helpful in that it provides a pre-pond construction ecological description of the site. For reasons unknown, however, the Appendix G technical ecology report makes no reference to the 1983 survey which, again, in the circumstances, is a significant omission in the pre-construction baseline assessment.

Despite not referring to the 1983 NWT report, the Appendix G technical ecology report’s assessment of the likely vegetation present on land now occupied by Ponds 2, 3 and 4 appears to be a reasonable assessment. However, the assessment is limited by the fact that no attempt has been made to assess the fen vegetation present on land now occupied by Pond 1 and its adjoining car park – land which appears from the NWT report to have also supported open fen habitat conditions in 1983.

Surveys of Ponds 1-4 have been completed in 2012 to assess their use by water vole and foraging bats. However, there is no justification given as to why these taxa were assessed and why other fen associated species were not surveyed or assessed. For example, the Appendix G technical ecology report highlights that a biological records search (commissioned as part of the 2012 update work) had highlighted the presence of a rare fen associated snail species (Vertigo angustior), but this is not assessed or commented on further despite the fact that it could conceivably occur within Carleton Fen – historically and currently given its habitat condition preferences.

From inspection of Figure 2 provided in the Appendix G ecology report, it is clear...
that the 2012 water vole survey was not a complete survey with the majority of the
bankside habitats of Ponds 1-4 not being looked at for signs of water vole. No
mention of this is made of this apparent limitation in the main body of the report and
no reason or justification as to why this was the case is presented.

The bat survey was generalist bat activity survey and was methodologically sound. It
confirmed what could be predicted, that the mosaic of wetland and scrub/woodland
habitats present on and off site are of local importance to a range of bat species for
foraging. The bat species recorded using the site are not fen specialists per se, but are
generalists that will seek out habitats that support high densities of flying insects to
forage – notably sheltered open water and woodland. It should be noted in the
context of assessing future options for fen restoration that as bats are wide ranging
opportunist hunters that will take advantage of locally available winged invertebrate
prey (that will in turn vary in availability and distribution with patterns of prevailing
weather and with season) it is not possible to use the bat data as it stands to make
scientifically robust assessments on the potential impacts of losing individual
waterbodies on foraging bats.

Information on bat species first (after sun-set) and last call times (before sun-rise)
recorded during the surveys is not provided in the report and could provide a useful
indication as to the proximity of bat roosts to the site. It is information that could
teoretically be provided from the data already collected, but at this stage it is
arguably beyond the scope of the assessment given that the site and its adjoining land
will continue to support valuable foraging habitat for bats even if Ponds 1-4 were
removed in the future.

An incidental sighting of a kingfisher in flight is reported in the baseline assessment,
but no mention is made of the likely presence/suitability of kingfisher nesting habitat
within and off site.

5.2.3 Assessment

The ecological impact assessment presented in the Appendix G ecology report follows
best practice Institute of Ecology and Environmental Management (IEEM) guidance
and is a reasonable assessment of the baseline conditions (both on and off site) that
are described in the baseline section of the Appendix G ecology report.

Unfortunately the Appendix G report does not specifically assess the impacts of
constructing Pond 1 and its adjoining car park, and only assesses one option for
"restoration” namely the infilling of ponds 2, 3 and 4 to recreate pre-construction
conditions. In practice it would have been more informative and helpful if the
options for hydrological restoration presented as Options 1-3 in the main body of the
ES were also assessed by the ecologists responsible for the production of the ecology report and included in the ES.

In summary, it would seem that there was poor communication between the authors of the ES and their specialist consultants and they were not all assessing the same effects/options for restoration, and the value of the ES is reduced as a result.

A high level non-technical assessment of the biodiversity effects of the various hydrological options for restoration is presented in the main body of the ES. However, it would appear that this is the view of an informed hydrologist and not the ecologist who undertook the ecological impact assessment, and the value of the option assessment on biodiversity matters is limited.

5.2.4 Secondary, Cumulative, and Synergistic Impacts

Secondary impacts on animal species associated with the original construction of Ponds 2-4 and their re-filling to recreate pre-construction conditions are presented in the Appendix G ecology report and, on the whole, appear reasonable. However, these are not re-iterated or brought out in an integrated way in the main body of the ES which is a limitation. Mention is made of the potential presence of great crested newt in the newly created ponds in the ecology report and ES. This is a distraction as GCN larvae/efts are highly susceptible to predation by fish, and it is unlikely that they are present within the site given the current operational use of the site as a fishery.

Cumulative and synergistic biodiversity impacts are not discussed in the Appendix G ecology report or the main body of the ES.

5.2.5 Mitigation and Management

Mitigation discussion in the Appendix G report is limited to a brief high level statement regarding the potential need to consider the potential impacts of “destruction” (infilling) of the new ponds on legally protected animal species including water vole, bats and great crested newt. A single sentence also states that a restoration management programme would be needed to maximise the potential of restoring the desired fen habitats.

Biodiversity mitigation and management should have been discussed in relation to the hydrological restoration options presented in the main body of the ES, but as highlighted previously, the ES and the technical ecology report are not well integrated, which reduces the value of the ecological impact assessment presented and summarised in the ES.

We agree that future loss of water vole habitat would require appropriate
mitigation/compensation and in particular the creation and/or management of compensatory bankside habitat within site or locally to maintain the integrity of the local water vole population. New habitat creation for water vole could take the form of restoring degraded bankside habitats not currently well used by water vole and/or by creating new habitat e.g. by raising the banks of Pond 1 as discussed as an option by the ES. However, more extensive survey information on water vole distribution and habitat suitability within the site is required before the feasibility and scope of water vole mitigation can be confirmed. It is quite possible, for example, that water vole habitat compensation is feasible to implement by completing relatively minor bankside habitat management, and the presence of water vole should not be seen as a definitive reason for not pursuing a restoration option on the basis of the limited water vole survey data that is presented.

Given the presence of fish within the site and the associated likely absence of great crested newt, the risk of removing ponds having a significant adverse impact on great crested newt is very low, and it is surprising that a more balanced assessment on the likely presence of GCN is not provided in the main body of the ES.

Similarly for foraging bats, it is likely, given the continued long-term presence of woodland and wetland habitats within the local area, that removal of Ponds 1 and 4, and the possible reduction in size of Ponds 2-3 would not have a significant adverse impact on the integrity of the local bat population as a result of the loss of flying insect biomass.

The management plan (November 2007) contained in an appendix to the EcIA has been reviewed and details suitable management regimes to promote biodiversity at the site e.g. mosaic cutting arrangement for grassland to improve species richness of the fen and grassland vegetation, removal of scrub and annual cutting of the ride in the wet woodland. From a review of the 2010 and 2007 Phase 1 Habitat Surveys undertaken at the site, the wet woodland ride does not appear to have been managed. Despite being described in the text, this is missing from the Schedule of Events in the management plan. Works on the ride should be undertaken in autumn, and therefore should either be programmed in during 2012 or undertaken in 2013.

The management plan should be updated to reflect any new requirements resulting from the selection of the mitigation option, and the period over which the management plan should be implemented should be extended e.g. 10 years after implementation of the mitigation option to fully monitor the recovery of the fen habitat.
5.2.6 Non-Technical Summary

The purpose of the NTS is to summarise the ES and to this end it achieves the objectives of an NTS. However, for reasons outlined previously the Ecological Impact Assessment is too limited in scope and poorly integrated with the hydrological assessment to provide a robust assessment and the NTS is compromised as a result.

Summary of Clarifications Required from Applicant

Why was the water vole survey so limited in extent?
Is there scope for sustaining water vole on site in the long term by habitat management of overgrown and shaded bankside/bank raising?
What is the likelihood of Vertigo angustior occurring on site – both past and present?

Summary of Regulation 22 Information Requests to be made to the Applicant

The hydrological and ecological assessment needs to assess the same mitigation options (Option 1, 2, 3 (as detailed on pg 64 of the water resources chapter in the resubmission, and now Option 4 initiated by the EA)) and as previously requested provide a fully integrated hydro-ecological assessment.

As part of the review of mitigation measures, the Applicant should define the most appropriate hydrological conditions to allow for restoration of fen habitat on the site, as required through the Enforcement Notice.

The ecological baseline assessment needs to take account of the pre-construction habitat and species conditions associated with Pond 1 and its associated car park.

The baseline assessment needs to take account of the Norfolk Wildlife Trust 1983 pre-construction report.

5.3 REVIEW OF REGULATION 22 SUBMISSION 2 (NOVEMBER 2012)

Additional ecological baseline information for Carleton Fen and commentary is provided in a report dated November 2012 by Wild Frontier Ecology, which forms Appendix A of the overall submission by Harrison Environmental Consulting. Specifically it provides additional survey data on water vole distribution, commentary on the likely presence of the rare fen associated snail species Vertigo angustior within the site prior to pond excavation, and commentary on likely vegetation communities present in parts of the site that were overlooked previously, based on historic Norfolk Wildlife Trust habitat data also overlooked previously.

However, there is still a degree of disconnect between the hydrology and ecology assessments, specifically when looking at the most appropriate mitigation option to implement. The hydrology section in the overall submission looks at variants of Option 3 which are not included in the ecological assessment (Appendix A; Wild...
Frontier report).

The ecological assessment considers Options 1, 2, 3 and 4 (EA transfer licence option of raising overflow to 36.4m AOD). The assessment concludes that fen habitat could be restored with Options 1-3 as groundwater levels will rise, however the assessment does not consider Option 4 to be suitable as it will not significantly raise the pond water levels, and therefore groundwater levels will not be high enough to allow fen species to colonise.

An interpretation of how the fen might respond to the Option 3 variants is provided in the overall submission under the ecology heading. However, it is not clear who undertook this assessment as these details do not appear in the ecological assessment (Appendix A; Wild Frontier report). Despite previous requests for a consistent assessment of mitigation options across all environmental topics, this has still not been carried out.

It should also be noted that the conclusions in Table 1 of the ecological assessment (Appendix A; Wild Frontier report (pg 12)) have been misrepresented in the overall response by Harrison Environmental Consulting (see Table 1 pg 5 of response letter). The ecological assessment considers that it would be possible to establish conditions suitable for NVC communities S7, S28, S22 and MG9b under Options 1, 2 and 3. In the overall response there is no mention of Options 1 and 2 with regard communities S7, S28 and S22, and MG9b is misconstrued. It appears that this table has been revised to demonstrate the suitability of Option 3 only, despite the Applicant not confirming that this is the mitigation option to be progressed in the preceding sections of the submission.

With the exception of the issues noted above, the information provided does clarify the other points raised.

<table>
<thead>
<tr>
<th>Request Type</th>
<th>Original Comment/Request</th>
<th>Reassessment Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarification</td>
<td>Why was the water vole survey so limited in extent?</td>
<td>Completed. Justification for the limited extent provided - health and safety issues with accessing banks which were covered in dense scrub or where there was an overhang to the bank.</td>
</tr>
<tr>
<td>Clarification</td>
<td>Is there scope for sustaining water vole on site in the long term by habitat management of overgrown and shaded bankside/bank raising?</td>
<td>Completed. Consideration also given to how the water vole populations could be managed if Options 1-3 (mitigation) were to be implemented.</td>
</tr>
<tr>
<td>Clarification</td>
<td>What is the likelihood of Vertigo</td>
<td>Completed. It is considered likely</td>
</tr>
<tr>
<td>Request Type</td>
<td>Original Comment/Request</td>
<td>Reassessment Conclusion</td>
</tr>
<tr>
<td>--------------</td>
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</tr>
<tr>
<td>Reg 22</td>
<td>angustior occurring on site - both past and present?</td>
<td>that suitable habitat for the species would have been present at Carleton Fen prior to the development of the ponds. The site is now likely to support little or no suitable habitat which makes the likelihood of the species being present low.</td>
</tr>
<tr>
<td>Reg 22</td>
<td>The hydrological and ecological assessment needs to assess the same mitigation options (Option 1, 2, 3 as detailed on pg 64 of the water resources chapter in the resubmission) and not Option 4 initiated by the EA and, as previously requested, provide a fully integrated hydro-ecological assessment.</td>
<td>Partly completed. The ecological assessment has considered Options 1-4, the hydrology assessment in the November 2012 resubmission has included variants on Option 3. Although there has been some assessment of these variants in the overall submission, it is unclear who completed this as there is no reference to the variants in Wild Frontier's ecological assessment (Appendix A of the Nov 2012 submission).</td>
</tr>
<tr>
<td>Reg 22</td>
<td>As part of the review of mitigation measures, the Applicant should define the most appropriate hydrological conditions to allow for restoration of fen habitat on the site, as required through the Enforcement Notice.</td>
<td>Partly completed. As above, consideration has been given to fen restoration under Options 1-4 but it is unclear who assessed the Option 3 variants.</td>
</tr>
<tr>
<td>Reg 22</td>
<td>The ecological baseline assessment needs to take account of the pre-construction habitat and species conditions associated with Pond 1 and its associated car park.</td>
<td>Completed.</td>
</tr>
<tr>
<td>Reg 22</td>
<td>The baseline assessment needs to take account of the Norfolk Wildlife Trust 1983 pre-construction report.</td>
<td>Completed.</td>
</tr>
</tbody>
</table>

The completion of the above work will be secured through a third Regulation 22 request (as per table overleaf) and should be submitted as an addendum to the ES.
## Summary of Regulation 22 Information Requests to be made to Applicant

An ES Addendum should be produced as follows:

1. complete a qualitative screening exercise of all mitigation options (1, 2, 3 (including variants), 4, 5 and 6) considering impacts on all environmental receptors:
   - Hydrology - surface water flows, groundwater flows and water quality.
   - Ecology - fen habitat restoration, water vole, *Vertigo angustior*.
   - Flood Risk Assessment.

2. identify the proposed mitigation option to be taken forward which will "prevent, reduce and where possible offset any significant adverse effects on the environment".

3. complete a full, consistent and coordinated impact assessment for the identified mitigation option to justify the qualitative assessment undertaken. This should clearly document:
   - impacts of development without mitigation, including magnitude and significance
   - how the mitigation option will reduce and/or compensate for the impacts
   - residual impacts of development, including significance

4. provide a framework fen restoration management plan and monitoring plan (water and ecology) to ensure that the mitigation strategy is implemented and its effectiveness is monitored, with additional management implemented if necessary.
6 REVIEW OF CHAPTER 7: FLOOD RISK ASSESSMENT

6.1 ENVIRONMENTAL STATEMENT (FEBRUARY 2012) REVIEW

The following table provides a summary of the clarifications and Regulation 22 requests made following the review of the Environmental Statement in June 2012.

<table>
<thead>
<tr>
<th>Summary of Clarifications Required from Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydrology</td>
</tr>
<tr>
<td>Calculate Tp from ReFH rather than RR.</td>
</tr>
<tr>
<td>Redefine the critical storm duration.</td>
</tr>
<tr>
<td>Compare FeFH peak flows with the Revised FEH Statistical Method, with QMED adjusted from a suitable donor gauge.</td>
</tr>
<tr>
<td>Generate FGCs using WINFAP and compare with local single site growth curves.</td>
</tr>
<tr>
<td>Consider a hybrid approach to derive flood hydrographs.</td>
</tr>
<tr>
<td>ISIS Model</td>
</tr>
<tr>
<td>Determine and rectify model instability.</td>
</tr>
<tr>
<td>Test higher DS water level boundary as part of model sensitivity analyses.</td>
</tr>
<tr>
<td>Extend cross sections to beyond 100yr_+CC flood level, except where linked to spill units or lakes.</td>
</tr>
<tr>
<td>Represent river as continuous river sections across the flood plain rather than discrete flood cell units linked by spill units.</td>
</tr>
<tr>
<td>FRA</td>
</tr>
<tr>
<td>Conclusions of FRA to be revised once the clarifications on hydrology and ISIS modelling (above) have been implemented.</td>
</tr>
<tr>
<td>ES chapter to be updated to include map of flood zones and sources of flooding.</td>
</tr>
<tr>
<td>Provide assessment of risks from groundwater flooding.</td>
</tr>
<tr>
<td>Prepare site evacuation plan as EA flood warnings cannot be obtained at site.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Summary of Regulation 22 Information Requests to be made to the Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>None.</td>
</tr>
</tbody>
</table>

6.2 REGULATION 22 SUBMISSION (AUGUST 2012) REVIEW

The table below sets out an assessment of the clarification information submitted to SNC by the Applicant in August 2012, in response to a request for further information. The information provided has been reviewed in light of the original comments made in the initial review (as detailed in Section 3.1) and conclusions drawn as to whether the clarification requests have been adequately addressed.
<table>
<thead>
<tr>
<th>Request Type</th>
<th>Original Comment/Request</th>
<th>Reassessment Conclusion</th>
</tr>
</thead>
</table>
| Clarification| **Hydrology:**
- Calculate Tp from ReFH rather than RR.
- Redefine the critical storm duration.
- Compare ReFH peak flows with the Revised FEH Statistical Method, with QMED adjusted from a suitable donor gauge.
- Generate FCGs using WINFAP and compare with local single site growth curves.
- Consider a hybrid approach to derive flood hydrographs.                                                                                                                                                                                                 | The Applicant does not consider it necessary to conduct the extensive revisions to the hydraulic modelling suggested, as they state that the conclusions of the FRA would hold, even if no hydraulic modelling was completed.

With regard to the Applicant's comments in Appendix H, for reference:

3.2 The model was unstable, provided negative flows, and was not fit for purpose. It should not have been included if its results were not relevant to the conclusions of the FRA.

3.3 Any model should use the correct Tp and storm duration. Given the inherent errors the ISIS model cannot be considered to be adequate "given the brief". As provided the model was not fit for purpose.

3.6 The ISIS model and its results should not have been included in the FRA.                                                                                                                                                                                                                                      |
| Clarification| **ISIS model:**
- Determine and rectify model instability.
- Test higher DS water level boundary as part of model sensitivity analyses.
- Extend cross sections to beyond 100yr+CC flood level, except where linked to spill units or lakes.
- Represent river as continuous river sections across the flood plain rather than discrete flood cell units linked by spill units.                                                                                                                                                                          |                                                                                                                                                                                                                                               |
| Clarification| **FRA:**
- Conclusions of FRA to be revised once the clarifications on hydrology and ISIS modelling (above) have been implemented.                                                                                                                                                                                      | The Applicant has acknowledged that the model has limitations (as detailed above) and should not have been included in the FRA. The flood storage calculations in Appendix F of the FRA indicate that there is an increase in flood storage post-development and therefore there is no increase in flood risk. It is also noted that the EA have no concerns with flood risk (10.9 of Determination Report).

However the Applicant should provide the following clarifications:
1) whether the new storage identified is above normal water levels.
2) how increases in rainfall due to climate change have been incorporated within the site runoff calculations (not evident from App F).
3) why FSR SOIL of 0.37 is used rather than FEH SPRHOST of 42.5%.
4) why a runoff coefficient of 0.9 has been used with respect to the lakes rather than 100%.                                                                                                                                                                                                                |
### REVIEW OF REGULATION 22 SUBMISSION 2 (NOVEMBER 2012)

Further information has been supplied to address the majority of issues raised (as identified in the table above). However, fundamentally the Applicant has not undertaken an assessment of the potential increase in flood risk that could arise from the mitigation measures proposed under Option 3, nor the variants of this option put forward in the November 2012 Regulation 22 submission (differing bank heights).

The Applicant has stated that a flood risk assessment (FRA) will be undertaken once the specific parameters of Option 3 have been agreed, including any of the other mitigation measures proposed e.g. damming the river, that subsequently need to be
included in the mitigation strategy. Information on the potential for increased flood risk from these options would have aided the general discussion surrounding the best approach for mitigation at the site.

The FRA should be undertaken by the Applicant once the preferred mitigation strategy has been confirmed by all relevant stakeholders to ensure its acceptability. If the mitigation strategy results in flood risk issues, the Applicant should identify how these could be addressed, or if this is not possible, propose the next best mitigation strategy from the options discussed and undertake a FRA before presenting this to the stakeholders for sign-off and to SNC for determination.

The completion of the above work will be secured through a third Regulation 22 request (as per table below) and should be submitted as an addendum to the ES.

### Summary of Regulation 22 Information Requests to be made to Applicant

An ES Addendum should be produced as follows:

1. complete a qualitative screening exercise of all mitigation options (1, 2, 3 (including variants), 4, 5 and 6) considering impacts on all environmental receptors:
   - Hydrology - surface water flows, groundwater flows and water quality.
   - Ecology - fen habitat restoration, water vole, *Vertigo angustior*.
   - Flood Risk Assessment.
2. identify the proposed mitigation option to be taken forward which will "prevent, reduce and where possible offset any significant adverse effects on the environment".
3. complete a full, consistent and coordinated impact assessment for the identified mitigation option to justify the qualitative assessment undertaken. This should clearly document:
   - impacts of development without mitigation, including magnitude and significance
   - how the mitigation option will reduce and/or compensate for the impacts
   - residual impacts of development, including significance
4. provide a framework fen restoration management plan and monitoring plan (water and ecology) to ensure that the mitigation strategy is implemented and its effectiveness is monitored, with additional management implemented if necessary.
1. **Background**

1.1 The above matter was brought to the Council's attention in March 2011. A planning application was submitted to regularise the fence as erected but was refused by the Council and dismissed at appeal. An Enforcement Notice was then served requiring the fence to be removed within a period of 6 months. The compliance period expired, however the fence remained in situ. The owner was advised that either the fence be removed in its entirety or it be reduced to no more than 1 metre (m) in height.

1.2 Subsequently the decorative trellis was removed, however whilst the fence has been reduced in height it still exceeds the permitted 1m. Although the owner has been invited to submit an application to regularise the fence at its current height an application has not been forthcoming.

2. **Planning Policies**

2.1 **South Norfolk Local Plan**

IMP18 – Development In Conservation Areas

2.2 **Joint Core Strategy**

Policy 2 – Promoting good design

2.3 **National Planning Policy Framework**

NPPF12 – Conserving and enhancing the historic environment

3. **Consultations**

3.1 **Town Council**

No comments received

3.2 **Local Member**

Fence gives the location an urban appearance and should either be altered to not exceed 1 metre in height or removed in its entirety.

3.3 **Local residents**

One letter of objection

- fence still exceeds the permitted height of 1m, in places it is 345mm above a meter
- first 5 panels from black personnel gate serve no purpose and detract from Conservation Area
- no other similar boundary fences in locality
- set a precedent for other properties to erect similar fences
One letter of support
- the fence as modified is an improvement of what was there previously
- aesthetically it is within the range of boundary frontages in the vicinity and is only marginally higher than 1 metre.

3.4 NCC Highways No objections

3.5 Conservation Officer No objections - Completed works to reduce the height of the fence addresses issues previously raised on the character and appearance of the house, its setting and the wider street scene.

4. Assessment

4.1 The site is located in a prominent position within the Loddon and Chedgrave Conservation Area. The property and adjoining property at 1 Norton Road are identified as a Building of Townscape Importance on the Conservation Area map.

4.2 The fence due to its height, length, design and impact on the Conservation Area and the Building of Townscape Importance was considered unacceptable. The modifications to the fence to reduce its height and simplify its design have improved its appearance and it no longer has an adverse impact on the Conservation Area and the Building of Townscape Importance.

4.3 Concerns have been raised by the local member and local resident as set out above. Whilst these are fully appreciated the conservation officer does not raise any objections to the modified fence and in view of this I do not consider it expedient to pursue any further action.

5. Recommendation

5.1 That subject to legal advice no further action be taken on the matter.

Contact Officer, Telephone Number Andy Baines, 01508 533840
and E-mail: abaines@s-norfolk.gov.uk
Development Management Committee

3. Enforcement Ref : 2012/8157
Parish : KIRBY BEDON

Site Address : Land South of Whitlingham Hall, Whitlingham Lane, Kirby Bedon, Norfolk, NR14 8TZ
Development : Unauthorised engineering works
Developer : Mr Simon Mitchell

1. Background

1.1 It was brought to the Council's attention that some excavation works had taken place and a polytunnel had been erected on the land. The excavation works involved the re-grading of the land which is an engineering operation. This could have been applied for under a Prior Approval application but as the works have already been carried out planning permission is required. The owner of the land has been invited to submit a planning application to regularise the situation on more than one occasion but no application has been received.

1.2 The polytunnel has a metal pole frame which fits into concrete feet that sit on the ground. This is a moveable structure and does not constitute development and therefore does not require planning permission.

2. Planning Policies

2.1 South Norfolk Local Plan Policies

IMP9 - Residential Amenity
ENV8 - Development In The Open Countryside

3. Consultations

3.1 Parish Council No comments received
3.2 District Member To be reported if appropriate
3.3 NCC Minerals And Waste Planning Services No objections
3.4 Anglian Water No comments received
3.5 Local residents No comments received

4. Assessment

4.1 The site is located outside any defined development boundary or limit. It is well screened and is not visible from any public vantage point. The works carried out are minor and are not considered to have an adverse impact on the landscape character of the area or the residential amenities of any nearby properties.

5. Recommendation

5.1 That subject to legal advice no further action be taken on the matter.

Contact Officer, Telephone Number Andy Baines 01508 533840
and E-mail: abaines@s-norfolk.gov.uk
### Planning Appeals
Appeals received from 15 March 2013 to 12 April 2013

<table>
<thead>
<tr>
<th>Ref</th>
<th>Parish / Site</th>
<th>Appellant</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012/2137</td>
<td>Roydon</td>
<td>Mr L Rolingson</td>
<td>Retrospective change of use of amenity land to domestic garden and erection of boundary fence</td>
</tr>
<tr>
<td></td>
<td>1 Copeman Road Roydon Norfolk IP22 5RH</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

There are no Appeal Decisions for this period.