Development Management Committee

Members of the Development Management Committee:

Conservatives

Mr J Mooney (Chairman)
Mr D Blake (Vice-Chairman)
Mrs Y Bendle
Mrs F Ellis
Mr C Gould
Mr L Hornby
Dr C Kemp
Dr N Legg
Mrs L Neal

Liberal Democrats

Dr M Gray

South Norfolk Independent Grp

Mr J Herbert

Pool of Substitutes

Mr L Dale
Mr C Foulger
Mr B Riches
Mr R Savage
Mr G Walden

Mrs V Bell

Pre-Committee Members’ Question Time

9.00 am Blomefield Room

Agenda

Date
Wednesday 20 August 2014

Time
10.00 am

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 any submissions (including photos, correspondence, documents and any other lobbying material) should be received by the Council by noon the day before this meeting. We cannot guarantee that any information received after this time will be brought to the Committee’s attention.

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

If you have any special requirements in order to attend this meeting, please let us know in advance

Large print version can be made available

12/08/2014
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 Plan Documents to provide a statutory framework for planning decisions. The Development Plan for South Norfolk currently consists of a suite of documents. The primary document which sets out the overarching planning strategy for the District and the local planning policies is the Joint Core Strategy for Broadland, Norwich and South Norfolk. The Strategy is broadly consistent with the National Planning Policy Framework (NPPF) and accompanying technical guidance and was adopted by South Norfolk Council in March 2011 (with amendments to the JCS being adopted in January 2014). It is the starting point in the determination of planning applications and as it is adopted, policies within the plan can be given full weight when determining planning applications.

The remaining ‘saved’ policies of the South Norfolk Local Plan (2003) also carry full weight in the determination process, unless officers specifically advise otherwise.

South Norfolk Council is also in the process of preparing various Local Plan Documents: the Site Specific Allocations and Policies Document, Area Action Plans for Wymondham and Long Stratton and the Development Management Policies Document. These documents will allocate specific areas of land for development, define settlement boundaries and provide criteria based policies giving a framework for assessing planning applications. None of these emerging Local Plan documents have yet been submitted for independent examination, and so the weight to be afforded to emerging policies and allocations is assessed on a case-by-case basis.

A further document which also forms part of the South Norfolk Development Plan is the Cringleford Neighbourhood Development Plan. The CNDP was formally ‘made’ (adopted) on 24 February 2014, and full weight can now be given to the policies of the CNDP when determining planning applications in Cringleford parish.

In a number of instances the Council has produced Supplementary Planning Documents which expand upon the policies of the Development Plan; these documents do not change policy or create new policy, but they are a material consideration in the determination of 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.
A G E N D A

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

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

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

4. Minutes of the meeting of the Development Management Committee held on 23 July 2014;
   (attached – page 9)

5. Planning Applications and Other Development Control Matters;
   (attached – page 27)
   To consider the items as listed below:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Planning Ref No.</th>
<th>Parish</th>
<th>Site Address</th>
<th>Page No.</th>
</tr>
</thead>
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<tr>
<td>1</td>
<td>2011/1666/F</td>
<td>WORTWELL</td>
<td>Granary Barn Wortwell Hall Farm Low Road</td>
<td>27</td>
</tr>
<tr>
<td>2</td>
<td>2011/1732/LB</td>
<td>WORTWELL</td>
<td>Granary Barn Wortwell Hall Farm Low Road</td>
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<td>3</td>
<td>2014/0860/NMA</td>
<td>HETHERSETT</td>
<td>Land North Of Hethersett Village Centre Little Melton Road</td>
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<td>2014/0863/NMA</td>
<td>HETHERSETT</td>
<td>Land North Of Hethersett Village Centre Little Melton Road</td>
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<td>5</td>
<td>2014/1334/F</td>
<td>REDENHALL WITH HARLESTON</td>
<td>Public Conveniences Bullock Fair Close Harleston</td>
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<td>6</td>
<td>2014/1426/CAN</td>
<td>LONG STRATTON</td>
<td>Corfe Lodge Ipswich Road</td>
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6. Enforcement Reports
   (attached – page 49)

7. 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.

8. Planning Appeals (for information)
   (attached – page 66)

9. Date of next scheduled meeting – Wednesday 17 September 2014
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>
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</thead>
<tbody>
<tr>
<td>Mobile phones</td>
<td>Please switch off your mobile phone or put it into silent mode</td>
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<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>
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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>H</td>
<td>Householder – Full application relating to residential property</td>
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<td>AGF</td>
<td>Agricultural Determination – approval of details</td>
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<td>C</td>
<td>Application to be determined by County Council</td>
<td>LB</td>
<td>Listed Building</td>
</tr>
<tr>
<td>CA</td>
<td>Conservation Area</td>
<td>LE</td>
<td>Certificate of Lawful Existing development</td>
</tr>
<tr>
<td>CU</td>
<td>Change of Use</td>
<td>LP</td>
<td>Certificate of Lawful Proposed development</td>
</tr>
<tr>
<td>D</td>
<td>Reserved Matters (Detail following outline consent)</td>
<td>O</td>
<td>Outline (details reserved for later)</td>
</tr>
<tr>
<td>EA</td>
<td>Environmental Impact Assessment – Screening Opinion</td>
<td>RVC</td>
<td>Removal/Variation of Condition</td>
</tr>
<tr>
<td>ES</td>
<td>Environmental Impact Assessment – Scoping Opinion</td>
<td>SU</td>
<td>Proposal by Statutory Undertaker</td>
</tr>
<tr>
<td>F</td>
<td>Full (details included)</td>
<td>TPO</td>
<td>Tree Preservation Order application</td>
</tr>
</tbody>
</table>

Key to abbreviations used in Recommendations

| CNDP | Cringleford Neighbourhood Development Plan |
| J.C.S | Joint Core Strategy                      |
| LSAAP| Long Stratton Area Action Plan – Pre Submission |
| N.P.P.F| National Planning Policy Framework       |
| P.D. | Permitted Development – buildings and works which do not normally require planning permission. (The effect of the condition is to require planning permission for the buildings and works specified) |
| S.N.L.P| South Norfolk Local Plan 2003             |
| WAAP | Wymondham Area Action Plan – Pre Submission |
DECLARATIONS OF INTEREST AT MEETINGS

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

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

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

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

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

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

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

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

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

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

What matters are being discussed at the meeting?

Do any relate to an interest I have?

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

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

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?

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
Does it affect an organisation I am involved with or a member of? OR
Is it a matter I have been, or have lobbied on?
PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Growth and Localism

Applications referred back to Committee

1.  
   **Appl. No**: 2011/1666/F  
   **Parish**: WORTWELL  
   **Applicants Name**: Mr T Gentleman  
   **Site Address**: Granary Barn Wortwell Hall Farm Low Road Wortwell  
   **Proposal**: Repair & re-erection of collapsed barn caused by storm damage and conversion to residential use  
   **Recommendation**: Refusal
   
   1. Contrary to local plan policies ENV8, HOU10 and IMP13, JCS Policy 1 and section 20 of the NPPF
   2. In Flood Risk Zones 3a and 3b where new residential development should not be permitted and fails the Exception Test

2.  
   **Appl. No**: 2011/1732/LB  
   **Parish**: WORTWELL  
   **Applicants Name**: Mr T Gentleman  
   **Site Address**: Granary Barn Wortwell Hall Farm Low Road Wortwell  
   **Proposal**: Repair & re-erection of collapsed barn caused by storm damage and conversion to residential use  
   **Recommendation**: Refusal
   
   1. Contrary to Policy IMP13 and S66(1) of Listed Building Act 1990 as little historic fabric retained

1. Planning Policies

1.1 National Planning Policy Framework
   NPPF 06: Delivering a wide choice of high quality home
   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 1: Addressing climate change and protecting environmental assets

1.3 South Norfolk Local Plan 2003
   HOU 10: Adaptation and re-use of existing rural buildings for residential purposes (Part Consistent)
   IMP 8: Safe and free flow traffic
   IMP 9: Residential amenity
   IMP 13: Alteration of Listed Buildings (Part Consistent)

1.4 Emerging South Norfolk Local Plan
   Please note that these policies are not yet part of the Development Plan. They were submitted to the Planning Inspectorate on 17th April 2014 but have not yet completed the Examination stage. Full weight cannot be given to them until final adoption which is likely to be at the end of 2014. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to emerging policies as they advance through their preparation.
1.5 Development Management Policies
DM1.3 Sustainable location of development
DM2.10 Conversion and re-use of buildings in the Countryside for non-agricultural use

1.6 Statutory duties relating to Listed Buildings

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2. Planning History

2.1 2004/2084/F & 2805/LB
Proposed dismantling, repair and re-erection of collapsed barn caused by storm damage and conversion to residential dwelling
Approved

2.2 2004/2227/F & 2228/LB
Re-erection of collapsed barn caused by storm damage and conversion to residential dwelling
Withdrawn

2.3 2000/1611/F & 1612/LB
Conversion of barn and granary to two residential units. Use of cart shed as residential car ports
Approved

3. Consultations

3.1 Parish Council
Approve
• the plans are in keeping with the area

3.2 District Member: Dr J M Gray
To be determined by Committee
• disappointing that the original timbers aren’t being used apart from the roof
• views of the EA need to be taken seriously

3.3 Conservation Officer
Support, with conditions

3.4 Environmental Services (Protection)
To be reported

3.5 Waveney Valley Internal Drainage Board
No comments received

3.6 Health And Safety Executive
No comments received

3.7 Environment Agency
Comments on revised FRA:
• The first part of the Exception Test requires you to be satisfied that the development provides wider sustainability benefits to the community that outweigh the flood risk.
• The second part of the Exception Test requires the submission of a FRA which demonstrates the development will be safe for its lifetime, without increasing flood risk elsewhere, and will reduce flood risk where possible. We are satisfied that the FRA provides you with the information necessary to make an informed decision and suggest conditions should permission be granted
Original comments:

Refuse
- the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Risk Zone in which the application site is located which is a functional flood plain
- property would be at risk of frequent flooding and also of significant depths of internal flooding
- Flood risk assessment does not contain an assessment of whether the proposed development will result in an increased flood risk elsewhere within the flood department

3.8 NCC Highways No objections

3.9 Representations No response received

4 Assessment

4.1 The planning application and application for listed building consent are for the re-erection of a listed barn that was damaged in a storm leading to partial collapse and the remainder dismantled for the preservation of component parts of the structure. This application is for the re-erection of the barn and its conversion to residential use. 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.

4.2 The applications were considered at the meeting of the Development Management Committee on 20 June 2012, the report for which is attached as Appendix 2. Members deferred consideration of the applications to allow the applicant the opportunity to address the concerns of the Environment Agency in regard to the adequacy of the Flood Risk Assessment which the Environment Agency had deemed unsatisfactory. A revised Flood Risk Assessment has now been submitted and the Environment Agency re-consulted and therefore the applications are now to be reconsidered by members.

4.3 The Environment Agency have commented that in regard to the Flood Risk Assessment itself, they are satisfied that it provides the information necessary for Council as the local planning authority to make an informed decision. The Council’s Flood Defence Officer has also been consulted and raises no objection to the content of the Flood Risk Assessment itself subject to the imposition of conditions relating to surface water drainage. It is therefore considered that the reason for refusal included in the recommendation of the previous report relating to the unsatisfactory nature of the Flood Risk Assessment is no longer applicable.

4.4 The Environment Agency also note that the local planning authority needs to be satisfied that the development provides wider sustainability benefits that outweigh the flood risk in order for the proposal to meet the exception test as identified in the NPPF. As noted in paragraph 4.3 of the previous report, this issue has been considered and it was concluded that development cannot be justified in such a location as the re-erected barn would no longer be a statutory heritage asset due to the loss of its historic fabric. The development therefore fails the exception test and is not acceptable in this location.

4.5 As noted previously, there is no objection to the detailed design of the scheme proposed for the reconstruction, but in light of the position of the NPPF in relation to development in the functional flood plain the application remains recommended for refusal.
5. **Reasons for Refusal**

2011/1666/F

5.1 The proposal is contrary to the provisions of the adopted Joint Core Strategy and South Norfolk Local Plan including, in particular, policies ENV8, HOU10 and IMP13 of the adopted South Norfolk Local Plan (2003), Policy 1 of the adopted Joint Core Strategy (2011, amendments adopted in 2014) and paragraph 102 of the National Planning Policy Framework (2012).

5.2 The site lies with Flood Risk Zone 3b (functional floodplain) and therefore is in a location where new residential development should not normally be permitted. Given the limited amount of historic fabric preserved from the original barn in the proposed development the wider sustainability benefits are not considered to outweigh the flood risk.

2011/1732/LB

5.3 The proposal is contrary to the provision of policy IMP13 of the adopted South Norfolk Local Plan (2003) and the requirements of Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 as the conversion of the barn would lead to limited historic fabric being retained in the building, which would not act to preserve the special architectural or historic interest of the building.

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

5.  
   Appl. No  : 2011/1666/F  
   Parish  : WORTWELL  
   Applicants Name : Mr T Gentleman  
   Site Address : Granary Barn, Wortwell Hall Farm Low Road, Wortwell  
   Proposal : Repair & re-erection of collapsed barn caused by storm damage and conversion to residential use  
   Recommendation : Refuse  
   1  Contrary to JCS policy 1 and section 20 of the NPPF  
   2  In functional flood plain where new residential development should not be permitted  
   3  Unsatisfactory Flood Risk Assessment

6.  
   Appl. No  : 2011/1732/LB  
   Parish  : WORTWELL  
   Applicants Name : Mr T Gentleman  
   Site Address : Granary Barn, Wortwell Hall Farm Low Road, Wortwell  
   Proposal : Repair & re-erection of collapsed barn caused by storm damage and conversion to residential use  
   Recommendation : Refuse  
   1  Contrary to Policy IMP13 as little historic fabric retained

1.  Planning Policies
   1.1 National Planning Policy Framework  
   Section 6 – Delivering a wide choice of quality homes  
   Section 10 – Meeting the challenge of climate change, flooding and coastal change  
   1.2 Joint Core Strategy  
   Policy 1: Addressing climate change and protecting environmental assets  
   1.3 South Norfolk Local Plan  
   HOU 10: Adaptation and re-use of existing rural buildings for residential purposes (Part Consistent)  
   IMP 8: Safe and free flow of traffic  
   IMP 9: Residential amenity  
   IMP13: Alterations to Listed Buildings

2.  Planning History
   2.1 2004/2804/F & 2805/LB Proposed dismantling, repair & re-erection of collapsed barn caused by storm damage and conversion to residential dwelling  
   Approved
   2.2 2004/2227/F & 2228/LB Re-erection of collapsed barn caused by storm damage and conversion to residential dwelling  
   Withdrawn
   2.3 2000/1611/F & 1612/LB Conversion of barn and granary to two residential units. Use of cart shed as residential car ports  
   Approved
3. **Consultations**

3.1 **Parish Council**: Approve
   - The plans are in keeping with the area

3.2 **District Member**: To be determined by Committee
   - Disappointing that original timbers aren't being used apart from in the roof
   - Views of the EA need to be taken seriously

3.3 **NCC Highways**: No objections

3.4 **Environment Agency**: Refuse
   - The proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located which is functional flood plain
   - Property would be at risk of frequent flooding and also of significant depths of internal flooding
   - Flood risk assessment does not contain an assessment of whether the proposed development will result in an increased flood risk elsewhere within the flood compartment

3.5 **Health & Safety Executive**: No response received

3.6 **Waveney Valley Internal Drainage Board**: No response received

3.7 **Environmental Services (Protection)**: No response received

3.8 **Conservation Officer**: Conditional Support

3.9 **Local Residents**: No response received

4. **Assessment**

4.1 The site is located outside of the development limits for Wortwell and forms part of a collection of buildings including an adjoining barn and Wortwell Hall itself. They are located close to the River Waveney, accessed via a private track from Low Road in the village of Wortwell. The barn was storm damaged in February 2004, causing partial collapse of the structure. Prior to the collapse of the building a previous scheme had been approved to convert the building to a residential dwelling. Permission was subsequently granted consent for reconstruction (2004/2804 & 2805), but this permission required the use of far more original timbers than is now proposed and therefore no longer remains valid.

4.2 Since the granting of the 2004 permission, there have been a number of policy changes in regard to development within the flood plain, firstly with the introduction of PPS25 and its subsequent replacement with Section 10 of the National Planning Policy Framework (NPPF). The supporting technical guidance for the NPPF states that no new residential development should be permitted within the functional flood plain. As the proposed reconstruction is new build, the proposal is contrary to this guidance and therefore subject to a strong objection from the Environment Agency.
4.3 Notwithstanding the above, given that the proposal is a reconstruction of a barn that had
current for conversion to residential use a sequential test in respect of the development
has been applied. The original building was listed and therefore this could be a justification
for development in this location. Norfolk County Council's Historic Environment Services
officer was contacted to establish to what extent the rebuilt structure could be considered a
heritage asset. He has advised that the structure could still be considered a heritage asset
to an extent, due to the queen post roof which is a unique form of roof structure to South
Norfolk and North Central Suffolk. However, he also advises that it is unlikely that the
rebuilt structure would retain such value as to be listed. Given that the development would
not therefore be a statutory heritage asset, it is not considered that the development can be
justified in such a location. The development therefore fails the sequential test and is not
acceptable in principle.

4.4 The Environment Agency has also commented that the Flood Risk Assessment is deficient
in a number of ways. In particular, the Assessment does not sufficiently demonstrate that
prior evacuation of the property would be practicable as it does not contain a detailed
assessment of the anticipated depths of flooding along access routes, nor is it known how
long it will take for flood waters to reach the site in a flood event. The Assessment also
fails to contain an assessment as to whether the proposed development will result in an
increased flood risk elsewhere within the flood compartment.

4.5 No objection is raised to the detailed design of the scheme proposed for the reconstruction
of the barn, however in light of the objection of the Environment Agency and the position of
the NPPF in relation to development in the functional flood plain the application is
recommended for refusal.

5. Reasons for Refusal

5.1 The proposal is contrary to the provisions of the adopted Joint Core Strategy and South
Norfolk Local Plan including, in particular, Policy 1 (Addressing climate change and
protecting environmental assets) of the JCS, as well as Section 10 of the National Planning
Policy Framework (NPPF).

5.2 The site lies within Flood Risk Zone 3b (functional floodplain) and therefore as is in a
location where new residential development should normally be permitted. The
application is therefore contrary to Section 10 of the NPPF.

5.3 Furthermore, the Flood Risk Assessment provided as unsatisfactory to demonstrate that
the safety of occupants of the proposed development would not be compromised during
times of flooding and that the proposed development will not lead to an increased flood risk
elsewhere within the flood compartment, thereby contrary to the above Policy 1 of the JCS.

5.4 In addition, the proposal is contrary to Policy IMP13 (Alterations to Listed Buildings) of the
South Norfolk Local Plan as the proposed development would preserve little of the historic
fabric of the original barn.

Contact Officer, Telephone Number  Tim Barker, 01508 533801,
and E-mail: tbarker@s-norfolk.gov.uk
Major applications or applications raising issues of significant precedent

3. **Appl. No:** 2014/0860/NMA  
   **Parish:** HETHERSETT  
   **Applicants Name:** Hethersett Land Ltd & Landowners  
   **Site Address:** Land North Of Hethersett Village Centre Little Melton Road  
   **Proposal:** Non Material Amendment to planning permission 2011/1804/O- Alterations to condition 32 and 33. To delete condition 32 and substitute with 32A in regard to commencement of Phase 2 and 32B commencement of Phase 5, deletion of condition 33 and substitute 33A and 33B, 33A in regard to first occupation of Phase 2 and 33B first occupation of Phase 5

4. **Appl. No:** 2014/0863/NMA  
   **Parish:** HETHERSETT  
   **Applicants Name:** Hethersett Land Ltd & Landowners  
   **Site Address:** Land North Of Hethersett Village Centre Little Melton Road  
   **Proposal:** Non Material Amendment to planning permission 2011/1804/O - Deletion of condition 32b footway/cycleway

**Recommendation for both 2014/0860 and 2014/0863:** Delegated Authority to the Director of Growth and Localism to approve subject to the imposition of conditions as detailed below and completion of a deed of variation to the S106 legal agreement

32A. Notwithstanding the details indicated on the submitted drawings no works shall commence on site for Phase 2, unless otherwise agreed in writing by the Local Planning Authority, until a detailed scheme for the off-site improvement works as follows have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
   a) Norwich Road/Colney Lane/Station Road crossroads signalised junction
   b) The access to the development from Colney Lane via a right hand turn lane

32B. Notwithstanding the details indicated on the submitted drawings no works shall commence on site for Phase 5, unless otherwise agreed in writing by the Local Planning Authority, until a detailed scheme for the off-site improvement works as follows have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
   a) Improvements to Great Melton Road and to the New Road junction to bring it up to a Type 1 access road standard.

33A. Prior to the first occupation of Phase 2 of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority the off-site improvement works referred to in condition 32a shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.
33B. Prior to the first occupation of Phase 5 of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority, the off-site highway improvement works referred to in condition 32B shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.

1. **Planning Policies**

1.1 **National Planning Policy Framework**
NPPF 04: Promoting sustainable transport

1.2 **Joint Core Strategy**
Policy 6: Access and Transportation

1.3 **South Norfolk Local Plan 2003**
IMP 8: Safe and free flow traffic

2. **Planning History**

2.1 **2011/1804**
Residential led mixed use development of 1196 dwellings and associated uses including Primary School, Local Services (up to 1,850 sq. mtrs (GIA) of A1, A2, A3, A4, A5, D1 & B1 uses) comprising shops, small business units, community facilities/doctor's surgeries, sports pitches, recreational space, equipped areas of play and informal recreation spaces. Extension to Thickthorn Park and Ride including new dedicated slip road from A11.

2.2 **2011/1489**
Formal EIA Scoping Opinion for proposed residential Led mixed use development for 1196 dwellings, local centre, community facilities and associated infrastructure, including extension to Thickthorn Park & Ride

3. **Consultations 2014/0860**

3.1 **Parish Council**
Objects to the application for the following reasons: Consider that it should be refused on the grounds that road safety at the Station Lane/Colney Lane/B1172 junction is an important current issue. Improvement by traffic lights should be done as soon as possible. The original planning condition was based on sound evidence.

3.2 **District Member**
To be reported if appropriate

3.3 **NCC Highways**
The proposed amendments correct errors in the conditions to the decision notice. The Highway Authority has no objection to the proposed amended conditions.
3.4 Representations

26 letters of representations in total have been received. 25 letters of objection and 1 letter of comment only.

Letters of objection on the following grounds:

- Public safety issue for the existing villagers and other road users.
- This would increase congestion.
- The existing roads are in poor conditions and there have already been several fatalities. Both construction traffic and traffic from new homeowners will add to the serious risk of accidents.
- Roads should be improved before more cars are added.
- Drainage also continues to be an issue with flooding on Back Lane.
- The highway works should remain an integral part of the overall development and should not be allowed to be introduced as and when the developer sees fit.
- Notification of the amendments by the Council has been poor resulting in the vast majority of Hethersett residents being unable to register their objections.
- Impacts on Great Melton Road will be felt by delivery of any of the phases of development as is a narrow residential street so there is concern that the delayed improvements to this road will cause hazard to road users and pedestrians.
- Question where construction traffic will be routed.
- The first priority should be to build the new vehicular link with Colney Lane so that the amount of extra traffic to the village is kept to a minimum. This should be done before Phase 1 so that the new link can be used by all construction traffic.
- If it was necessary to require the highway works prior to first occupation on first consideration of the application, this should not change now.
- Allowing this would ignore the views of existing residents and threatens the village and its service's ability to cope.
- The lack of a footpath on Great Melton Road has already caused a fatality and so this should not be delayed.
- Understand that Highways standard policy is to require off site highway works prior to first occupation.

4. Consultations 2014/0863

4.1 Parish Council

Consider that it should be approved subject to the financial contribution to the construction of the footpath/cycleway being ring-fenced to ensure that construction does take place.

4.2 District Member

To be reported if appropriate.

4.3 NCC Highways

No objection subject to amendments to the condition or securing through a legal agreement, the delivery of the footway/cycleway along Colney Lane from the northern tip of the development site on Colney Lane to Braymeadow Lane. The rest will be delivered by the County Council with monies from the legal agreement (section from Braymeadow Lane to the A47 overbridge and along Colney Lane from Back Lane to Norwich Road) or by the developer (part of Colney Lane directly adjacent to the development site).
4.4 Representations

14 letters of objection on the following grounds:

- The infrastructure needs alteration prior to the houses being built.
- The application appears to remove the requirement to build the new footway/cycle way which is not acceptable from a pedestrian safety perspective.
- Merely gifting the land with a contribution will not lead to a decent cycleway without a huge burden on the public purse.
- The cycleway needs to be built at the same time as the houses and Colney Lane is a very busy highway.
- Advertisement of this application by SNC has been poor.
- The development should not be allowed on an agricultural field and will affect existing services and facilities in Hethersett.

5 Assessment

The applications

5.1 Two associated applications for non-material amendments have been submitted for the site, both relate to off-site highway works as such a combined assessment of both applications is detailed in the reports as they are interlinked.

5.2 Outline planning permission was granted on the site in July 2013 for a residential led mixed use development of 1196 dwellings and associated community facilities in addition to the extension of Thickthorn park and ride and new slip road from the A11 (planning reference 2011/1804).

5.3 That consent required a number of off-site highway improvement works which were secured by way of a combination of planning conditions and a S106 legal agreement. The conditions related to highway works include:

Condition 32 - Notwithstanding the details indicated on the submitted drawings, no works shall commence on site until a detailed scheme for the off-site improvement works as follows has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

a) Norwich Road/Colney Lane/Station Road crossroads (signals);
b) The footway/cycleway along Colney Lane as far as the A47 overbridge;
c) The access to the development from Colney Lane via a right hand turn lane, and;
d) Improvements to Great Melton Road and to the New Road junction to bring it up to a Type 1 access road standard.

Condition 33 - Prior to the first occupation of the development, the offsite highway works detailed in condition 32 to be completed (summarised).

5.4 With specific regard to the footway, the S106 legal agreement secured a sum of £250,000 to deliver the section of footpath along Colney Lane from Braymeadow Lane towards the A47 in addition to the section from Back Lane to Norwich Road.

5.5 The issue with that permission, which these applications are seeking to address, are that the planning conditions were wrongly worded in relation to highway improvements, which meant the developer would have to deliver all the highway improvements before first occupation and this did not respond to the proposed phased approach to the development and, secondly, the provision of the footpath was erroneously secured by two means, both a condition and a S106.

5.6 The two non-material amendment applications have therefore been made as a direct response to those issues.
5.7 Application 2014/0863 seeks to address the duplication of the methods to secure the footpath by specifically seeking to amend planning permission 2011/1804/O by deleting condition 32B - footway and cycleway.

5.8 Application 2014/0860 specifically seeks to vary conditions 32 and 33 in all other respects by introducing phasing for the delivery of the remaining off-site highway works with triggers at phase 2 and phase 5.

5.9 The combination of both non-material amendment applications would therefore result in the following proposed replacement conditions on 2011/1804.

5.10 It is proposed to delete the entirety of Condition 32 and replace with two conditions which would read as follows:

32A - Notwithstanding the details indicated on the submitted drawings no works shall commence on site for Phase 2 unless otherwise agreed in writing by the Local Planning Authority until a detailed scheme for the off-site improvement works as follows have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

a) Norwich Road/Colney Lane/Station Road crossroads signalised junction
b) The access to the development from Colney Lane via a right hand turn lane

And;

32B - Notwithstanding the details indicated on the submitted drawings no works shall commence on site for Phase 5, unless otherwise agreed in writing by the Local Planning Authority, until a detailed scheme for the off-site improvement works as follows have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

a) Improvements to Great Melton Road and to the New Road junction to bring it up to a Type 1 access road standard.

5.11 Furthermore it is proposed to delete condition 33 and replace with two conditions which would read as follows:

33A - Prior to the first occupation of Phase 2 of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority the off-site highway improvement works referred to in condition 32A shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.

And;

33B - Prior to the first occupation of Phase 5 of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority, the off-site highway improvement works referred to in condition 32B shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.

The Key issues for consideration in considering these amended conditions are:
1. Whether they can be accepted as non-material amendments
2. Whether from a highway safety perspective the phasing of the highway works are acceptable and the works are delivered at the right time to effectively mitigate the impacts of the development
3. Whether the footpath would satisfactorily still be delivered with the deletion of the condition

Application 2014/0863 - Deletion of footpath
5.12 Dealing with the application for the deletion of the footpath provision within condition 32 first (2014/0863). Part b of the condition erroneously requires details for the whole of the footway from the development to the A47 overbridge along Colney Lane to be agreed.

5.13 Some sections of the footpath were however already secured through the existing S106 and as such were an unnecessary duplication (namely the section between Braymeadow Lane northwards up to the A47 overbridge and between back Lane southwards to Norwich Road.) This would be delivered by Norfolk County Council with the secured S106 funding of £250,000.

5.14 Some sections will now be secured by an amendment to the S106 which is shortly to be complete (section from Braymeadow Lane southwards to the northern tip of the development site which will be constructed by the developer to an agreed construction specification prior to the first occupation of Phase 2)

5.15 The remaining section which links the development site to that footpath (essentially the section directly adjacent to the eastern boundary of the development site where it meets Colney Lane) will be secured through a scheme which is to be agreed at the reserved matters stage of that phase (phase 2) and again this will be delivered by the developer to an agreed construction specification.

5.16 Committee will note that the Highway Authority are fully supportive of this approach. It should be noted therefore that this combination of measures provides the mechanisms to secure the required footlink from the development to the A47 overbridge, and the deletion of the condition will merely delete the duplication for this requirement. It is therefore considered that the amendments to delete condition 32B as applied for by application 2014/0863 are acceptable and would not materially affect the permission granted. Approval of this application is therefore recommended subject to completion of the varied S106 agreement.

Application 2014/0860 - Introduction of phasing for off-site highway works

5.17 In regard to the application to introduce phasing to the off-site highway works, the proposal brings the condition in line with the intentions of the applicant, the Council and the Highway Authority when the outline application was considered which was for a phased approach for the highway works. It was never the intention to require the developer to deliver all of the highway improvements before the first occupation of any of the development. This was an error in the original drafting of the proposed and as issued highway conditions as a phased approach should have been conditioned. The original condition was unreasonable as conditions for improvement works can only be reasonably secured to mitigate the impact of dwellings actually built. As such in line with the phased approach to the development, it is reasonable to secure the highways improvements to mitigate those phases as and when they are built. A phased approach with two triggers, one at phase 2 and one at phase 5 is now proposed. This correction to the condition to secure a phased approach is fully supported by the Highway Authority who raise no highway safety issues with the proposals. These changes do not in any way alter the scheme for which planning permission has been granted or alter the nature and scope of the highway infrastructure works secured. They relate solely to the timing of the delivery of the highway works with two trigger points, at Phase 2 and at Phase 5 when those works will be required to specifically mitigate the impacts of those phases being built. Therefore notwithstanding the concerns raised by residents and the Parish Council regarding the phasing proposed, which are noted, for the reasons set out the conditions as proposed are considered to be acceptable and a more reasonable and proportionate approach to the required highway works to allow the impacts to be mitigated as they arise. The proposed non-material amendment as detailed in application 2014/0860 is therefore considered to be acceptable and does not result in a material change to the original permission. Approval of this application is therefore recommended.
Modification Order

5.19 The Committee will note that a Modification Order to be determined by the Secretary of State is running alongside these non-material amendment applications. Former objections to the Order have been withdrawn. If confirmed, the Modification Order would approve the same amendments as currently for consideration by the Committee. A decision from the Secretary of State is still awaited although the process of the Modification Order so far has taken around 11 months. This is the reason for the submission of the Non Material Amendment application which is determinable by the Council rather than by the Secretary of State. Consultation and advertisement on the application has been undertaken.

EIA

5.20 The original development to which the amendments relate was Schedule 2 development under the EIA regulations. The amendments now for consideration to that permission also therefore need to be considered under Schedule 2 and require formal EIA screening. This EIA screening however relates to the amendments to the highway conditions only and not to the whole development. The amendments to the highway conditions are not considered to give rise to any adverse impact on the environment and all potential impacts of the highway works were fully considered by the Environmental Statement submitted with the outline application. The changes as proposed are not therefore considered to give rise to significant impacts and the non-material amendments themselves are not EIA development and nor do they merit any amendments to the original Environmental Statement.

This application is not liable for Community Infrastructure Levy (CIL)

6 Conclusion

6.1 The footway/cycleway from the development site along Colney Lane to the A47 overbridge will still be delivered but is instead secured by more appropriate mechanisms which avoid duplication and the deletion of the condition is therefore considered to be acceptable.

6.2 The phasing of the highway works are acceptable from a highway safety perspective and the works are delivered at the right time to effectively mitigate the impacts of the development.

6.3 The amendments proposed by both non-material amendment applications for consideration correct drafting errors in the imposed conditions on 2011/1804 and in line with Section 96A of the 1990 Planning Act, which gives Local Planning Authorities power to make non-material changes to planning permissions including removing or altering existing conditions. Officers consider that having regard to the effect of the change on the permission that the amendments do not materially affect the planning permission granted and that the amendments to the outline permission as proposed should be accepted so as to replace those existing conditions.

6.4 Approval of both non-material amendment applications is therefore recommended, subject to completion of the amendments to the S106 legal agreement as mentioned in this report.

Contact Officer, Telephone Number and E-mail: Tracy Lincoln tlincoln@s-norfolk.gov.uk
Applications submitted by South Norfolk Council

5. **Appl. No:** 2014/1334/F  
**Parish:** REDENHALL WITH HARLESTON

Applicants Name: South Norfolk Council  
Site Address: Public Conveniences Bullock Fair Close Harleston Norfolk  
Proposal: Construction of new public conveniences adjacent to existing provision (to remain)

Recommendation: Approval with conditions  
1. Full Planning permission time limit  
2. In accord with submitted drawings

The application is brought before committee as the applicant is South Norfolk Council.

1. **Planning Policies**

1.1 National Planning Policy Framework  
NPPF 07: Requiring good design

1.2 Joint Core Strategy  
Policy 2: Promoting good design  
Policy 13: Main Towns

1.3 South Norfolk Local Plan 2003  
IMP 9: Residential amenity

1.4 Emerging South Norfolk Local Plan  
Please note that these policies are not yet part of the Development Plan. They were submitted to the Planning Inspectorate on 17th April 2014 but have not yet completed the Examination stage. Full weight cannot be given to them until final adoption which is likely to be at the end of 2014. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to emerging policies as they advance through their preparation.

Development Management Policies

1.5 DM3.17 Improving the level of local community facilities

2. **Planning History**

2.1 No recent relevant planning history

3. **Consultations**

3.1 Town Council: No comments received

3.2 District Member: Can be delegated

3.3 Environmental Services (Protection): No adverse comments to make

3.4 Representations: One letter of objection from neighbouring occupier: Concerned that if the conveniences are to be open twenty four hours every day there will be the potential for vandalism, misuse and antisocial behaviour that will affect the quality of life of neighbouring occupiers.
4  Assessment

4.1 The application seeks consent for the construction of public conveniences adjacent to the existing toilet block which is to remain. They are located in the middle of a public car park adjacent to the supermarket within the development limits but outside the conservation area for Harleston. Residential properties are located beyond the perimeter of the car park to the south, east and west.

4.2 The proposal is assessed against the Council’s planning policies in addition to policies in the Joint Core Strategy and National Planning Policy Framework which support the provision of community facilities within development limits subject to the usual impact upon amenities and standards of design. The assessment of this application gives due weight to the saved policies in the South Norfolk Local Plan referred to above, because those policies remain consistent with the published. Policy DM 3.17 - Improving the level of community facilities; of the Development Management Policies Proposed Submission Document November 2013 has also been considered.

4.3 One neighbouring occupier has objected as the proposed facilities are to be open twenty four hours a day which could result in antisocial behaviour and nuisance to the neighbours. The existing facilities are not permanently open but there is an open sided, sheltered seating area. As a consequence, and in view of the distance across the car park the proposed public conveniences will not adversely impact upon the amenities of neighbouring occupiers to a material degree. It is therefore not considered reasonable to place a restrictive condition on the hours of use of this facility.

4.4 Whilst the proposed scheme is of contemporary design with coloured concrete walls and stainless steel doors, it is of a small scale and on balance will not cause harm to its setting and the wider area.

4.5 This application is not liable for Community Infrastructure Levy (CIL) as the floor area does not exceed 100 metres squared.

5  Conclusion

5.1 The scheme as proposed and subject to the imposition of conditions is considered to adhere to the existing and emerging policies and is therefore recommended for approval.

Contact Officer, Telephone Number and E-mail: Helen Cox 01508 533832 hcox@s-norfolk.gov.uk
Application to remove a tree in a Conservation Area

6. **Appl. No**: 2014/1426/CAN  
**Parish**: LONG STRATTON

Applicants Name: Mr Edward Hackett-Jones  
Site Address: Corfe Lodge Ipswich Road Long Stratton Norfolk NR15 2TA  
Proposal: Remove Wild Cherry tree

Recommendation: No objections

The application is brought before committee as the address is the residence of a councillor.

1. **Planning Policies**

1.1 South Norfolk Local Plan  
ENV19: Tree Preservation Orders

1.2 Emerging South Norfolk Local Plan  
Policy DM 4.9 Protection of Trees and Hedgerows

Please note that this policy is not yet part of the Development Plan. It was submitted to the Planning Inspectorate on 17th April 2014 but has not yet completed the Examination stage. Full weight cannot be given to it until final adoption which is likely to be at the end of 2014. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to emerging policies as they advance through their preparation.

2. **Planning History**

2.1 2014/0159 Reduce Ash tree by 1-1.5 metres as overhanging neighbouring property. No Objections

2.2 2009/1011 Reduce Ash tree overhanging 32 Chapel Avenue by 35% Deemed Approval

3. **Consultations**

3.1 District Members:  
Cllr Pond  
Supports proposal.  
Disagrees with Tree Warden regarding his comments that the tree is in a perfect place and that it can be seen all around.  
The tree prevents the owner turning her car around in the drive when other cars are parked in there.  
The A140 is a busy road and reversing out is not ideal.  
Removal of the tree would enable the owner to create a larger driveway for safe exit.  
The tree (apart from the very top) can only be seen upon entering the driveway.

Cllr Blowfield To be reported if appropriate

3.2 Long Stratton Tree Warden  
Considers that a Tree Preservation Order should be served.  
Considers that the tree is a beautiful old cherry which is in good condition for its age. There are alternatives for making more room for the vehicles. The tree is very attractive and appears sound. The tree can be seen all around.
3.3 Representations None received.

4 Assessment

4.1 The proposal is for the removal of one Wild Cherry tree from the garden of Corfe Lodge, a seventeenth century Listed Building, within the Long Stratton Conservation Area.

4.2 The Long Stratton Conservation Area Character Appraisal and Management Plan published in January 2013 (the Appraisal) observes that “Trees play a prominent role” in this part of the Conservation Area and also remarks that “On entering the village from the south, the view is framed by Church House on one side and the trees of Corfe Lodge on the other.” Furthermore, the ‘Trees And Open Spaces’ section of the Appraisal highlights the trees at Corfe Lodge as playing “an important role in the conservation area”.

4.3 Notwithstanding the descriptions it is essentially the other existing trees within the grounds of Corfe Lodge that provide the visual amenity and character highlighted in the Appraisal. The application tree itself is set behind the main frontage group and as such it is barely distinguishable from either direction on Ipswich Road. The other trees, which will remain, are more dominant. Whilst branches of the tree can be viewed from the entrance of the drive, and it is likely that the tree can partially be seen from the dwellings on Chapel Avenue to the rear, the whole tree cannot be viewed from anywhere other than from within the applicant’s garden.

4.4 Wild Cherry is a British native species with a relatively short lifespan (50-70 years). It is clear from its size and character that the application tree has been a mature feature of the garden for many years. I have sympathy for the Tree Warden’s view that the tree is “beautiful” and in “good condition for its age”, however the accepted life expectancy for the species must be borne in mind when considering the proposal. I agree that as a specimen in its own right the tree has many redeeming attributes, but these must be weighed up against the overall context.

4.5 An assessment of the tree using the TEMPO (Tree Evaluation Method for Preservation Orders) system has been undertaken. This gave the tree a scores 6, and guides that a TPO would be indefensible.

5 Conclusion

5.1 In considering proposed works to a tree in Conservation areas the Council has two options; to allow the work as specified, or to prevent the work by the serving of a Tree Preservation Order (TPO). To pursue the latter option the Council must be satisfied that the tree is of sufficient significance to merit a TPO or consider that there are other factors that would otherwise make the serving of a TPO expedient (for example, to extend the time-period for consideration of any outstanding issues). In this case, I do not consider that the tree is of sufficient significance, nor are there any outstanding issues, to merit the serving of a TPO to prevent the proposed removal of the tree. I therefore recommend that no objections be made and the removal of the tree not prevented.

Contact Officer, Telephone Number Robin Taylor 01508 533753
and E-mail: rtaylor@s-norfolk.gov.uk
Enforcement Applications

1. **Enforcement Ref**: 2014/8126  
   **Parish**: LONG STRATTON  
   **Site Address**: 12 St Marys Road, Long Stratton, Norfolk, NR15 2TT,  
   **Development**: Unauthorised post and wire fence  
   **Developer**: Miss Amy Eleftheriades

1. **Background**

1.1 St Marys Road is part of an open plan estate where permitted development rights for fencing have been removed for some of the plots including number 12. Therefore any new fencing requires the benefit of planning permission.

1.2 Planning permission was refused under planning reference 2013/1620/H for the erection of a 1.8m close-boarded fence and an appeal was subsequently dismissed. Since that time discussions have taken place between the Council and the owners of No 12 regarding an alternative scheme of fencing.

1.3 It was brought to the Council’s attention that a 1metre tall post and wire fence has been erected and a laurel hedge planted adjacent to the highway. The fence is set back approximately 1metre from the footpath with the laurel hedge planted in front of it. The laurel hedge is not development and therefore does not require planning permission. However the post and wire fence does require the benefit of planning permission. The owner of the site has been invited to submit an planning application to regularise the situation but an application has not been forthcoming.

2. **Planning Policies**

2.1 National Planning Policy Framework  
   NPPF 07: Requiring good design

2.2 Joint Core Strategy  
   Policy 2: Promoting good design

2.3 South Norfolk Local Plan  
   Policy IMP9: Residential Amenity  
   Policy IMP8: Safe and free flow of traffic

2.4 Emerging South Norfolk Local Plan

Please note that these policies are not yet part of the Development Plan. They were submitted to the Planning Inspectorate on 17th April 2014 but have not yet completed the Examination stage. Full weight cannot be given to them until final adoption which is likely to be at the end of 2014. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to emerging policies as they advance through their preparation.

2.5 Development Management Policies

DM3.12: Road Safety and the free flow of traffic  
DM3.14: Amenity, Noise and quality of life
3. **Consultations**

3.1 **Parish Council**

No comments received

3.2 **District Members**

**Cllr Andrew Pond**

The fence is small, secures the garden and will soon be screened by the laurel hedge

**Cllr Terry Blowfield**

To be reported if appropriate

3.3 **NCC Highways**

No objections

3.4 **Local Residents**

4 letters of support:
- Fence can hardly be seen within the hedge
- Fence provides secure area for owner’s dog whilst hedge matures
- The appearance of property has improved
- There is no detrimental impact on the area or to any other property

1 letter of objection:
- Hedge and fence will have a detrimental impact on highway safety
- Hedge and fence are in breach of the Deeds
- If hedge and fence are allowed this will set a precedent for others, therefore changing the character of the area
- Hedge and fence will impact on road safety

4. **Assessment**

4.1 The property occupies a prominent position in St Marys Road with the boundary being visible from either end of the road and from the junction of Rectory Close opposite.

4.2 The concerns relating to the hedge are noted, however, the planting of a hedge does not constitute development requiring planning permission. It is acknowledged that the Deeds restrict certain operations such as the erection of a fence or planting of a hedge, however, these are not planning restrictions and cannot be controlled through the planning system. Whilst the concern relating to setting a precedent for other land to be enclosed is noted the primary boundary treatment is the hedge which as stated above cannot be controlled through the planning system.

4.3 The post and wire fence by virtue of its wire construction and siting behind the laurel hedge is not prominent in the street scene and has a limited impact on the visual amenity of the locality. In addition to this, due its height and location, the fence does not have an adverse impact on the residential amenity of nearby residents nor will it impact on highway safety. In view of the above I do not consider it expedient to take enforcement action to secure the removal of the fence.

5. **Recommendation**

5.1 That no further action be taken in respect of the post and wire fence.

Contact Officer, Telephone Number and E-mail: Andy Baines 01508 533840
abaines@s-norfolk.gov.uk
2. **Enforcement Ref**: 2014/8159  
*Parish*: SHOTESHAM

**Site Address**: Glenview, The Common, Shotesham, Norfolk, NR15 1YD

**Development**: Alleged breaches of Section 106 legal agreement  
**Developer**: Mr Barry Carver

1. **Background**

1.1 Planning permission was granted on the 24\textsuperscript{th} July 2000 under planning approval E07/99/1794/F for the demolition of an existing bungalow and the erection of a new dwelling. A Section 106 Agreement accompanied the planning approval.

1.2 The Council’s attention has been brought to a number of obligations within the S.106 Agreement which were possibly being breached.

2. **Assessment**

2.1 For reference the S.106 Agreement (S.106) has been attached as Appendix 2. There are a number of alleged breaches of the S.106 and therefore for clarity each one is set out together with officer findings and recommendations in each case, as appropriate.

2.2 Building – It has been alleged that a building has been erected within the area of the blue land on the S.106 plan. The blue land has a restriction stating there shall be no development on that land. The building has been assessed on site and has been found to fall outside the blue land. No breach.

2.3 Materials stored on the blue land – During a recent visit to the site it was apparent that materials were not then being stored on the blue land. However, it is acknowledged that materials may have been stored on the land whilst works were taking place to the building. No breach currently.

2.4 Trees and Shrubs have been planted within the blue land – Two small trees have been planted within the blue land close to the residential curtilage of the property. Another small tree has been planted to form part of the hedgerow on the south-east boundary. These technically represent breaches, but are not considered to harm the character of the site.

2.5 No boundary hedge has been planted to the north-west of the paddock – The S.106 required a native hedge to be planted only as an alternative if the existing fence was not retained. The existing fence has, in fact, been retained. No breach.

2.6 Industrial waste has been variously stored, buried or burned on the site – No evidence was found of industrial waste being stored, buried or burned on the site. The owner did state that the spoil from the building was incorporated into the area adjacent to the north of the pond to firm up the ground which had become saturated during the wet weather earlier in the year. The owner also admitted that some grass cuttings and waste paper had been burned in this location. No further breaches.

2.7 Foul and grey water has been piped across the paddock and emptied in the marsh area – The pipe to the meadow takes surface water from the new building and the overflow from the soakaway to the meadow. The foul and grey water is piped to a Bio Disc Treatment Plant which also serves the property. The water is cleaned and then passes to the soakaway. No breach and no other concern.
2.8 The S.106 also contained a Scheme of Management for the site. It has been alleged that the Scheme of Management has not been appropriately managed with regard to the clearance of the ponds and ditches, the spoil from the pond not being disposed of away from the site and the marsh not being gently grazed with cattle or in their absence sheep.

2.9 The marsh has been grazed by cattle as they were present during a site visit. However, in addition to being grazed it has also been mown but outside the month of September and furthermore the cuttings have not been removed from the site as required by the S.106 Agreement. They have also been burned on site. The pond and the ditches have been cleaned out but not strictly in accordance with the Scheme of Management, in that the distribution of the rotations has differed from that stipulated.

2.10 Although we could seek an injunction in relation to the strict non-compliance with certain of the planning obligations where breach has occurred, injunctions are discretionary remedies and injunctive action at this stage is considered to be disproportionate and unreasonable. Nevertheless in the event of further breaches, the cumulative effect could be significant and the matter should therefore be kept under review. In this instance it is considered appropriate to write to strongly remind the owners of their obligations.

3. Recommendation

3.1 That the owners are strongly reminded of their obligations under the S.106 Agreement.

Contact Officer, Telephone Number  Andy Baines 01508 533840 and E-mail:  abaines@s-norfolk.gov.uk
THIS DEED is made the 24th day of August 2014 Two thousand

BETWEEN SOUTH NORFOLK DISTRICT COUNCIL of South Norfolk House, Swan Lane, Long Stratton, Norfolk, NR15 2XE ("the Council") of the first part HSBC BANK PLC (Co. Regn. No. 14259) of London Securities Processing Centre, 144 Leadenhall Street, London EC3V 4PP ("the Mortgagor") of the second part and BARRY JOHN CARVER and PAULINE ANNE CARVER of "Applecres", Church Hill, Saxlingham Nethergate, Norfolk NR15 1TD ("the Applicants") of the third part

WHEREAS:

(1) The Council is the Local Planning Authority for the purposes of the Town and Country Planning Act 1990 or any statutory modification or re-enactment thereof ("the Act") for the area in which the land hereinafter described is situate

(2) The Applicants are the owners in fee simple in possession of land known as "Glenview", The Common, Shotesham, Norfolk shown for identification on the plan attached hereto ("the Plan") edged red ("the Red Land") and also the adjoining land to the west of the Red Land shown for identification on the Plan edged blue ("the Blue Land") both subject to the legal charge hereinafter mentioned

(3) The Applicants have by written application dated 22 December 1999 applied to the Council for planning permission to develop the Red Land by the demolition of the existing bungalow and the erection of a new dwelling which application is more particularly described in the forms, plans and particulars deposited with the Council and numbered 07/99/1794/F ("the Application")

(4) By a legal charge dated 22 November 1999 and made between the Applicants of the one part and the Mortgagor of the other part the Red Land and the Blue Land were charged by way of legal mortgage by the Applicants to the Mortgagor to secure payment to the Mortgagor of the principal and other moneys therein mentioned

(5) The Mortgagor has agreed to join in this Deed in manner hereinafter appearing
(6) The Blue Land is part of a site of high conservation value which may suffer from the consequences of development carried out on the Red Land unless the Blue Land is adequately managed and safeguarded from the effects thereof as hereinafter provided.

(7) For the purpose of conserving or enhancing the natural beauty or amenity of the Blue Land which is in the countryside and designated as of high landscape quality within the Council's area the parties have agreed that the Blue Land shall be managed as hereinafter provided.

NOW THIS DEED WITNESSETH as follows:-

1. THIS Deed and the covenants hereinafter contained are made with and are enforceable by the Council pursuant to Section 106 of the Act (and to the extent to which the said covenants are capable of being entered into thereunder they shall constitute planning obligations for the purposes thereof) Sections 111 and 139 of the Local Government Act 1972 and any other powers thereby enabling.

2. IN consideration of the grant of planning permission by the Council in relation to the Application by way of a decision notice of even date herewith (a draft of which is annexed hereto) the Applicants HEREBY JOINTLY AND SEVERALLY COVENANT AND AGREE with the Council so as to bind both the Red Land and the Blue Land and any part thereof into whosoever hands the same may come that they will observe and perform the restrictions obligations and stipulations set out in the Schedule hereto PROVIDED THAT the said Barry John Carver and Pauline Anne Carver shall not be personally liable for any breach of this Agreement which first occurs after they shall have disposed of all of their title and interest in either the Red Land or the Blue Land.

3. THE Mortgagee consents to the Applicants entering into this Deed provided that no action shall be taken against the Mortgagee personally for any breach of this Deed arising prior to the Mortgagee becoming a Mortgagee in possession of either or both the Red Land or the Blue Land regardless of whether or not such pre-existing breach shall continue for any period during which the Mortgagee is a Mortgagee in possession but in all other respects the Red Land and the Blue Land shall remain subject to the restrictions obligations and stipulations set out in the said Schedule.
FULL PLANNING PERMISSION

Ref: E07/99/1794/F

Agent
Art-Tech Design Services
Concept Studio
Main Cross Road
GREAT YARMOUTH
NR30 3NE

Applicant
MR & MRS B CARVER
Appleacres
Church Hill
Saxlingham Nethergate
Norwich
NR151YD

Location
Glenview, The Common, Shotesham, Norwich, NR151YD

Proposal
Demolition of existing bungalow and erection of new dwelling

Particulars of decision: The District Council hereby give notice in pursuance of the Town and Country Planning Act 1990 that full permission has been granted for the carrying out of the development referred to above in accordance with the application form and plans submitted subject to compliance with the following conditions:

1. The development must be begun not later than the expiration of 5 years beginning with the date of this permission.

2. No work shall commence on site until full particulars, and if requested, samples, of the facing materials including roof covering to be used in the development have been submitted to, and approved in writing to the District Council as Local Planning Authority.

3. The development hereby permitted shall be carried out in accordance with the plans as submitted and as amended on 12 April 2000.

5. Notwithstanding the provisions of Article 3, Schedule 2, Part I, Classes A and B of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) the enlargement of the dwelling(s) hereby permitted shall not be allowed without the granting of a further specific permission.

No work shall commence on site to implement the permission hereby granted until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the planting of new trees, shrubs and hedgerows as appropriate and include indications of all existing trees, shrubs and hedgerows on the land, with details of any to be retained, together with measures for their protection in the course of development.

All planting, seeding or turfing comprised in any approved details of landscaping shall be completed within 9 months of commencement of work and/or before the occupation of any building/s or within such other period as may be agreed in writing with the Local Planning Authority.

Any trees or plants within the limits of the site and included in the landscaping scheme which within a period of 5 years following completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Before occupation of the dwelling/s hereby permitted a hardened and levelled turning area shall be provided within the curtilage of the dwelling/s to enable vehicles to turn and re-enter the highway in forward gear.

Before the development is first occupied, the access, parking and turning area shall be laid out, surfaced and drained, to the satisfaction of the Local Planning Authority in consultation with the highway authority.
8 The finished floor level, eaves and ridge heights of the dwelling hereby permitted shall accord with the details shown on drawing number 849.16 received on 12 April 2000.

NOTE: This permission is subject to a planning obligation entered into under legal agreement under the provisions of Section 166 of the Town and Country Planning Act 1990 as amended.

The reasons for the above conditions are:

1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 For the avoidance of doubt and in the interests of the satisfactory appearance of the development.

3 For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the approved plans.

4 In order that the Local Planning Authority may retain control over future development which could be detrimental to the layout and amenity of the development/character and appearance of the building(s) and to the environment of the locality if otherwise allowed by the above mentioned order.

5 For the avoidance of doubt and in the interests of visual amenity and to ensure a satisfactory appearance and form of development.

6 To enable vehicles to enter, turn and leave the site(s) in a forward gear in the interests of highway safety.

7 For the avoidance of doubt, in the interests of highway safety and enable vehicles to enter and leave the site(s) in a forward gear.

8 For the avoidance of doubt and in the interests of the satisfactory appearance of the development.
4. THE Applicants and the Mortgagee HEREBY ACKNOWLEDGE (as regards any development which may be carried out in pursuance of the Application) the existence of and the need to comply with the conditions set out in the decision notice hereinbefore referred to.

5. NOTHING in this Deed shall be construed as restricting the exercise by the Council or by any other competent authority of any powers exercisable by it or them under the Act or under any statute regulation or byelaws PROVIDED ALWAYS that this Deed shall remain in full force and effect notwithstanding the terms and conditions of any planning permission which may be or has been at any time issued by the Council or by any other appropriate person or authority pursuant to the provisions of the Act.

6. SUBJECT only to the provisions of Section 106A of the Act the terms and conditions of this Deed shall only be capable of being varied by a supplemental deed in writing or memorandum endorsed hereon executed by or on behalf of the parties hereto or their successors in title.

7. NO WAIVER (whether express or implied) by the Council of any breach or default by the Applicants or their successors in title in performing or observing any of the terms and conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the terms and conditions or from acting upon any subsequent breach or default in respect thereof by the Applicants or their successors in title.

8. THE Applicants HEREBY WARRANT that they have full power to enter into this Deed and that there is no person or body having any charge over or any interest in either the Red Land or the Blue Land other than those entering this Deed whose consent is necessary to make this Deed binding upon both the Red Land and the Blue Land and all estates and interests therein.
9. **THE Applicants and the Mortgagee HEREBY FURTHER AGREE** that any rights to claim compensation arising from any limitation or restriction on the planning use of the Red Land and the Blue Land under the terms of this Deed are hereby waived.

10. **THE expressions "the Council" "the Applicants" and "the Mortgagee" shall include their respective successors in title and assigns, and words importing the masculine gender shall include the feminine.**

**IN WITNESS whereof the Council and the Mortgagee have caused their respective Common Seals to be hereunto affixed and the Applicants have hereunto set their hands to this instrument as their Deed the day and year first before written.**

**THE SCHEDULE**

**PART I**

(restrictions obligations and stipulations)

1. Not to carry out any development on the Blue Land but so that the use thereof shall at all times be restricted to that of a site of high conservation value which shall at all times be managed in accordance with the Scheme of Management contained in Part II of this Schedule.

2. For the purpose of Parts I and II of this Schedule “development” shall have the meaning assigned to it by Section 55 of the Act and any development shall be taken to have initiated on the earliest date on which any material operation as defined in Section 56 of the Act comprised in the development begins to be carried out.

**PART II**

(Scheme of Management for the Blue Land)

1. **Paddock Area** (hatched yellow on the plan)

   1.1. To be maintained by cutting and grazing as a field paddock.

   SP-457
1.2 Existing fences to boundaries marked "E" on the Plan shall be retained or alternatively replaced with hedge comprising of native species of hazel hawthorn field maple blackthorn holly and field rose, planing to be carried out in the next planting season after construction of the dwelling in accordance with the Application.

1.3 No tree shrubs wildflowers or garden flowers shall be planted within this area.

1.4 Clear boundaries to be maintained between the Red Land and the Paddock Area.

1.5 The area cross-hatched on the Plan may be fenced off from the remainder of the Paddock Area with a simple post and wire fence and may be left ungrazed notwithstanding that the remainder of the Paddock Area may from time to time be grazed. However in all other respects its appearance shall at all times match that of the remainder of the Paddock Area or be such as shall have been agreed with the Chief Planning Officer in writing.

2. Marsh Area (edged Green on the plan)

This area shall be managed maintained and grazed in manner to accord with the Nature Conservation objectives of the adjoining Shottesham Common SSSI and in particular:

2.1 The two ditches and the pond shall be gently cleaned out on a three year rotation, with the pond and then one ditch being cleaned out each year.

2.2 The ditches should not be deepened and the banks should retain a gentle shelf.

2.3 Spoil from the pond shall be disposed of away from the Red Land and the Blue Land.
2.4 Dredgings from ditch marked “A” on the Plan shall be spread on the south side of the ditch and dredgings from ditch marked “B” on the Plan shall be spread on the north side of the ditch.

2.5 The pond outflow shall be fitted with a dropboard sluice to regulate water levels.

2.6 The area shall be gently grazed with cattle preferably but in their absence with sheep but no more than 10 animals on the Marsh Area at once.

2.7 In the absence of any grazing the fen shall be mown in early September with the cuttings being removed from the Red Land and the Blue Land.

THE COMMON SEAL of SOUTH NORFOLK DISTRICT COUNCIL
was hereunto affixed in the presence of:

Solicitor to the Council

IN WITNESS WHEREOF this document which is intended to take effect as a deed has been duly executed by a duly authorised Official of the Bank as Attorney of the Bank the day and year first above written.

SIGNED AND DELIVERED by

Attorney of HSBC Bank plc

in the presence of:

Witness: Leslie Joan Austin
Address: HSBC Bank plc
London SPC
144 Leadenhall Street
London EC3V 4PP

Occupation: Bank Official

1753-6 (7/06 - U01 - 1 x PR250)

SP-437 6
SIGNED and DELIVERED by the
said BARRY JOHN CARVER
as his Deed in the presence of:-

SIGNED and DELIVERED by the
said PAULINE ANNE CARVER
as her Deed in the presence of:-
SOUTH NORFOLK DISTRICT COUNCIL

- and -

HSBC BANK PLC

- and -

MR & MRS BJ CARVER

PLANNING OBLIGATION DEED

Under (inter alia) Section 106 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 relating to land at “Glenview“, The Common, Shotesham, Norfolk

Solicitor to the Council,
South Norfolk District Council,
South Norfolk House,
Swan Lane,
Long Stratton,
Norwich, NR15 2XE.

REF: SR/AH/5/C/16/311
S106PI/WM
SP-097.dot (SP-457)
### Planning Appeals
Appeals received from 12 July 2014 to 7 August 2014

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<th>Decision Maker</th>
<th>Final Decision</th>
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### Planning Appeals
Appeals decisions from 12 July 2014 to 7 August 2014

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<td>2013/0579</td>
<td>Loddon Land West Of Express Plastics Beccles Road Loddon Norfolk</td>
<td>Mr Reg Holmes</td>
<td>Proposed housing development on land west of Express plastics, Beccles Road, Loddon.</td>
<td>Delegated</td>
<td>Refusal</td>
<td>Appeal dismissed</td>
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<tr>
<td>2013/1518</td>
<td>Costessey Subdivision Of Garden Of 43 Grove Avenue Costessey Norfolk</td>
<td>Mr John Thomson</td>
<td>The planning permission relates to the conversion of an existing, now redundant pool building into 2 bedroom residential accommodation for private rent. The conversion will include provision for disabled access</td>
<td>Delegated</td>
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<td>Appeal dismissed</td>
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