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
Mr K Weeks

Pre-Committee Members’ Question Time
9.00 am Blomefield Room

Agenda

Date
Wednesday 17 September 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

09/09/2014
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 20 August 2014;
   (attached – page 9)

5. Planning Applications and Other Development Control Matters;
   (attached – page 16)
   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>
<tbody>
<tr>
<td>1</td>
<td>2014/0411/F</td>
<td>YELVERTON</td>
<td>Land North East Of Avenue Farm Back Road</td>
<td>16</td>
</tr>
<tr>
<td>2</td>
<td>2014/1274/F</td>
<td>TIVETSHALL ST MARGARET</td>
<td>The Maltings Moulton Road</td>
<td>37</td>
</tr>
<tr>
<td>3</td>
<td>2014/1156</td>
<td>WYMONDHAM</td>
<td>Land South Of London Road, Chestnut Drive, Suton</td>
<td>46</td>
</tr>
<tr>
<td>4</td>
<td>2012/1919/F</td>
<td>WYMONDHAM</td>
<td>Land North Of Right Up Lane Silfield</td>
<td>49</td>
</tr>
<tr>
<td>5</td>
<td>2014/1535/H</td>
<td>LODDON</td>
<td>2 Elm Close Loddon</td>
<td>52</td>
</tr>
<tr>
<td>6</td>
<td>2014/1469/RVC</td>
<td>MORNINGTHORPE AND FRITTON</td>
<td>Fritton Cottage The Common Fritton</td>
<td>55</td>
</tr>
<tr>
<td>7</td>
<td>2014/0856/F</td>
<td>LODDON</td>
<td>The Swan Inn 23 Church Plain Loddon</td>
<td>59</td>
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<tr>
<td>8</td>
<td>2014/0993/F</td>
<td>LODDON</td>
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<tr>
<td>9</td>
<td>2014/0994/F</td>
<td>LODDON</td>
<td>The Swan Inn 23 Church Plain Loddon</td>
<td>64</td>
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<tr>
<td>10</td>
<td>2014/0209/F</td>
<td>ALBURGH</td>
<td>South Farm Tunbeck Road Alburgh</td>
<td>69</td>
</tr>
<tr>
<td>11</td>
<td>2011/1539/CU</td>
<td>MORLEY</td>
<td>Primrose Paddocks Low Road Morley St Botolph</td>
<td>75</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. Planning Appeals (for information)  
   (attached – page 86)

8. Date of next scheduled meeting – Wednesday 15 October 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.

3. FILMING AT COUNCIL MEETINGS: GUIDANCE

Members of the public and press are permitted to film or record meetings to which they are permitted access in a non-disruptive manner and only from areas designated for the public. No prior permission is required, however the Chairman at the beginning of the meeting will ask if anyone present wishes to record proceedings. We will ensure that reasonable facilities are made available to the public and press to assist filming or recording of meetings.

The use of digital and social media recording tools, for example Twitter, blogging or audio recording is allowed as long as it is carried out in a non-disruptive manner.
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>
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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>H Householder – Full application relating to residential property</td>
</tr>
<tr>
<td>AGF</td>
<td>Agricultural Determination – approval of details</td>
<td>HZ</td>
<td>HZ Hazardous Substance</td>
</tr>
<tr>
<td>C</td>
<td>Application to be determined by County Council</td>
<td>LB</td>
<td>LB Listed Building</td>
</tr>
<tr>
<td>CA</td>
<td>Conservation Area</td>
<td>LE</td>
<td>LE Certificate of Lawful Existing development</td>
</tr>
<tr>
<td>CU</td>
<td>Change of Use</td>
<td>LP</td>
<td>LP Certificate of Lawful Proposed development</td>
</tr>
<tr>
<td>D</td>
<td>Reserved Matters (Detail following outline consent)</td>
<td>O</td>
<td>O Outline (details reserved for later)</td>
</tr>
<tr>
<td>EA</td>
<td>Environmental Impact Assessment – Screening Opinion</td>
<td>RVC</td>
<td>RVC Removal/Variation of Condition</td>
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<tr>
<td>ES</td>
<td>Environmental Impact Assessment – Scoping Opinion</td>
<td>SU</td>
<td>SU Proposal by Statutory Undertaker</td>
</tr>
<tr>
<td>F</td>
<td>Full (details included)</td>
<td>TPO</td>
<td>TPO Tree Preservation Order application</td>
</tr>
</tbody>
</table>

Key to abbreviations used in Recommendations

<table>
<thead>
<tr>
<th>CNDP</th>
<th>Cringleford Neighbourhood Development Plan</th>
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</thead>
<tbody>
<tr>
<td>J.C.S</td>
<td>Joint Core Strategy</td>
</tr>
<tr>
<td>LSAAP</td>
<td>Long Stratton Area Action Plan – Pre Submission</td>
</tr>
<tr>
<td>N.P.P.F</td>
<td>National Planning Policy Framework</td>
</tr>
<tr>
<td>P.D.</td>
<td>Permitted Development – buildings and works which do not normally require planning permission. (The effect of the condition is to require planning permission for the buildings and works specified)</td>
</tr>
<tr>
<td>S.N.L.P</td>
<td>South Norfolk Local Plan 2003</td>
</tr>
<tr>
<td>Site Specific Allocations and Policies Document – Pre Submission</td>
<td></td>
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<tr>
<td>Development Management Policies Document – Pre Submission</td>
<td></td>
</tr>
<tr>
<td>WAAP</td>
<td>Wymondham Area Action Plan – Pre Submission</td>
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</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.

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
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

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

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

Major applications or applications raising issues of significant precedent

1. **Appl. No**: 2014/0411/F  
   **Parish**: YELVERTON

   **Applicants Name**: Lightsource SPV15  
   **Site Address**: Land North East Of Avenue Farm Back Road Yelverton Norfolk  
   **Proposal**: Installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras, for the life of the solar farm (revised proposal)

   **Recommendation**: Approval with conditions

   1. Temporary permission 30 years, removal of all equipment from site at end of this time period.
   2. Not less than 12 months prior to expiry or within 3 months of the cessation of electricity production submission of decommissioning statement.
   3. Removal of solar panels within 6 months of them no longer generating electricity and revert land back to previous use.
   4. In accordance with plans, landscaping FRA, fences
   5. Replacement landscaping 30 year time limit
   6. Provision of temporary construction access
   7. Provision of visibility splay for temporary access
   8. Provision of operational access
   9. Construction worker parking
   10. Construction traffic management and access route to be complied with
   11. Wheel washing
   12. Restriction of gates over access
   13. Details of decommissioning access prior to it occurring.
   14. Restriction of times for delivery
   15. Hours of construction
   16. Construction management plan noise and dust
   17. Details and provisions of swales
   18. Ecology mitigation including badgers gates
   19. Implementation of landscape biodiversity management plan
   20. Landscaping details in accordance with indication
   21. Implementation of landscaping
   22. Retention of trees and hedges
   23. No external lighting unless agreed
   24. Details CCTV
   25. No loud speakers
   26. Field drainage management scheme for construction phase
   27. Detail of swales and must be provided

   Members to note: Application requested to be forwarded to Secretary of State to consider whether to be called in.
1. Planning Policies

1.1 National Planning Policy Framework
NPPF 03: Supporting a prosperous rural economy
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

1.3 South Norfolk Local Plan 2003
ENV 8: Development in the open countryside (Part Consistent)
ENV 9: Nationally and locally important archaeological remains (Part Consistent)
ENV 14: Habitat protection
ENV 15: Species protection
ENV 21: Protection of land for agriculture
IMP 2: Landscaping
IMP 8: Safe and free flow traffic
IMP 9: Residential amenity
IMP 10: Noise
IMP 15: Setting of Listed Buildings
IMP 25: Outdoor lighting
UTL 13: Renewable energy (Part Consistent)
EMP 8: Farm diversification schemes (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
DM3.9 Design Principles
DM3.12 Road safety and the free flow of traffic
DM3.14 Amenity, noise and quality of life
DM4.2 Renewable Energy
DM4.6 Landscape Character Areas and River Valleys
DM4.11 Heritage Assets

2. Planning History

2.1 No relevant planning history

3. Consultations

3.1 Alpington with Yelverton Parish Council
First Amendment Refuse
- The Solar Farm is in the wrong place both for access, impact on the landscape and proximity to residential dwellings
- Although the solar panels have been moved approximately 30m from the affected dwellings, still unacceptable to residents contrary to policy IMP9
Traffic Flow Count does not include Thursdays and Fridays (2 construction days). The data incomplete and does not reflect the anticipated traffic flow.

A146 access cannot be safely carried out without impacting on the safety of road users.

Left in and out would not be enforceable, nowhere to turn but minor roads

Vehicles turning on the brow of a hill is unsafe

No turning lane

No mention in the Access Statement as to which proposed entrance the larger vehicles required for this installation would use.

If temporary access from A146 approved and is acceptable it could be used for maintenance traffic and avoid the creation of a new access

Original Proposal

Refuse

Extraordinary Meeting attended by 50 residents and 6 Councillors Resident vote 46 voted in opposition, 4 abstentions and none in favour

Concerns regarding increase in vehicles using highway infrastructure and access points to site - neither access option is acceptable.

Back Lane and connecting routes are single track with no passing places, even for short construction period this will severely impact on road users and their safety

No designated route for vehicles to get to access points.

2nd Access via A146 would be more acceptable to residents, but this route is very busy and history of fatal accidents, access on brow of a hill and subject to national speed limit would require considerable work to make it safe.

Approximately of solar farm to the A146 would be a distraction to road users

Fence could divert deer onto A146

Proximity to dwellings

CCTV near residential properties are 360 degrees and will result in loss of privacy to dwellings or public footpath, may breach ECHR rights

Adverse visual impact on landscape and dwellings.

Currently open field would have a negative impact on the rural landscape

Hedge planting will take too long to establish proportionate to the life of the solar farm, will be seen from the footpaths and A146

Errors in Flood Risk Assessment – Site plotted incorrectly within high risk area

A146 has flooded twice in the last two years from run off from the solar farm field

Residents feel that application should be refused due to missing information on method of the National Grid connection.

Concerns regarding possible noise impact on dwellings.

Department of Energy and Climate Change guidelines not taken into account.
• Concerns that de-commissioning may not happen if funding is not ring fenced.
• Concerns that land will be classified as ‘brown field’ after removal, making it prone to other development
• Residents referred to other solar farms that were less intrusive.
• Concerns at loss of Grade 3 agricultural land
• Should be an explanation as to why it cannot be located on lower grade agricultural land
• Residents felt strongly that their views would not be taken into account.
• Proposed community benefit payment considered a ‘bribe’.
• Proximity to residential properties unacceptable

Holverston Parish Council

Original application

Refuse

• Whilst in support of renewables in principle, against the “industrialisation” of agricultural sites
• Long term change to agricultural use and the aspect of the Countryside generally
• Concerned with flooding on the A146
• Dangerous access. High speed traffic and lack of visibility due to the undulating nature of the nature.
• Extremely concerned that the development is essentially a commercial operation
• Concerned there may not be money for decommissioning a specific condition that a bond would have to be posted, backed by a bank guarantee of funds for the estimated amount of the decommissioning costs

Bergh Apton Parish Council

First Amendment

Approve

• No further comments to make

Original Application

Approve

• No planning Objection

3.2 District Member

First Amendment

Object

• Amendments do not change my view
• Solar farms visited by residents were not near residential properties are were sheltered
• Still impact on residential properties
• Access from the A146 is still dangerous and road is prone to flooding, have been recent accidents
• Loss of good agricultural land
• Panels should be mounted on roofs
• Track through site has been used for 50 years
• No indication of grid connection
Original proposal

- Object on behalf of the residents
- Majority of people did not oppose the solar farm per se but felt the proposal was in the wrong place
- Proximity to houses, loss of privacy
- Visibility of site, hedging will take years to grow to obscure the site in particularly the buildings
- Residents have visited other solar farms which are located away from properties and hidden away with existing trees
- Unacceptable access for construction, roads narrow and in poor condition not suitable for HGVs, few passing places
- Residents have to endure large number of movements even more if smaller vehicles
- No details of cabling location required for the grid connection
- Concern of impact on adjacent A146 – busy road often congested and has been flooded, FRA in the wrong place
- Loss of good agricultural land when population is expanding

3.3 County Councillor Adrian Gunson

First amendment

Object

- Temporary access onto the A146 is unsafe and not be made acceptable
- Planning policy does not dictate in the absence of brown field site in Planning area that green field site should be granted brown field site in Norwich, Great Yarmouth and Lowestoft and airfields in Norfolk
- Safety has already been compromised by survey work
- Government policy does not promote renewable energy of green field sites Greg Barker stressed desire for rooftop installations
- Effect on local residents
- Unknown location of grid connection

Original proposal

Object

- Both accesses are unacceptable as they are single track and hedged with high banks, no proper passing places, when traffic is diverted via these routes because of closures of the A146 causing long delays and accidents
- Use of the A146 access of unsuitable being on the brow of a hill on a highly trafficked single carriage way
- On a hill so very conspicuous in landscape particularly from drivers from the A146 and from Holverston, Bramerton and Hellington
- Loss of grade 3 agricultural land, no evidence the solar farm could not be accommodated on lower grade agricultural land
- Solar farm is too close to residential properties
- Site is in open countryside semi industrial appearance and which will harm views from the footpaths
- Impact on setting of Yelverton Church Holvenston Church and Avenue Farmhouse
- No information on location of grid connection
- Noise nuisance to residents from inverters
- Any screening from hedgerows would take a long time to grow
3.4 Richard Bacon MP
No direct comments, but one letter received passing on concerns of a constituent

3.5 NCC Highways
Second Amendment
Support with condition
• Proposed visibility splays acceptable

First Amendment
Support with conditions
• Access statement has been provided that included traffic survey information
• Given extensive consideration and taking to consideration other solar farm in the County we are prepared to accept the proposed access for a temporary period
• The A146 primary Principle Route and would not accept new permanent accesses
• Temporary nature means entrance can be protected by construction signage, and use of banks men, temporary 40 mph limit (subject to traffic regulation order) Thus reducing speeds to an appropriate level
• Left hand turn proposed which is safer but it is unclear where vehicles will turn.
• Required visibility splay with 40mph limit is 4.5 metres x 120 metres sight line of 0.26 metres is required, this is important because of the road dips sharply at the garage
• Providing requirement are met it is not considered that a highway objection could be argued at inquiry

Original proposal
Object
• Back Road not suitable in terms of width or construction to safely cater for the construction/decommissioning traffic without causing inconvenience to other road users.
• Entrance to the farm from Back Road less than ideal and currently limited visibility to the south.
• Concerns regarding access directly from the A146 owing to high speed of traffic. The existing track adjacent to Yelverton Garage is currently unsurfaced
• Request land holding plan showing whole land under the owners control for alternative access strategy to be considered.

3.6 English Heritage
First Proposal
No Objection
• Due to distance and vegetation there the proposal would not result in any harm in the setting of the heritage assets

Original proposal
• Primary areas of interest for English Heritage impact on grade I St Marys Church Yelverton, and grade II* Holveston Hall consider that there would be no actual harm to the historic significance of the buildings, therefore raise no objection
• Careful consideration needs to be given to the possible impact on the grade II listed Avenue Farmhouse
- Recommend a suitable strategy of mitigation is put in place for any impact on buried archaeological deposits as raised by the County archaeological service.

3.7 Environment Agency

Second Amendment

No further comments

First Amendment

No further comments to add

Original proposal

No objection

- Site is within flood zone 1 and FRA has been submitted
- Flood Risk Assessment has not been reviewed in detail and you should be satisfied the it sufficiently addresses the points below
- Solar farm should not have a significant increase in run off generally as they only result in small increase across the site.
- If land is bare they could result in erosion at the base, use of localised infiltration trenches should be considered
- If panels do not follow the contours of the site run off into small channels can occur and a buffer stripe or swale will be required to intercept flows
- Compaction should be avoided in construction
- Need to ensure that existing ditches and watercourses are maintained

3.8 Public Rights Of Way Officer, NCC

Second amendment

Previous comments have been accommodated

No further comment to make

Original Proposal

- A section of Footpath 5 coincides with site access
- Any damage caused to the footpath must be repaired
- Public right on foot has precedence over private users.
- Appropriate measures should be taken to make footpath users and vehicular traffic aware of shared use.
- Short section of footpath 3 will be in the immediate vicinity of the new hedge planting and perimeter fence
- Proposed width of 5.5 metres is left between the existing boundary and newly planted screen hedge
- Proposed new hedge planting and perimeter fence will remove the current open views to the east with walkers enclosed in a 'tunnel' between hedges - recommend minimum 5.5m gap (increased if possible) between existing boundary and proposed hedge
- Application has been received for a new public right of way running from Footpath 5 due north to Yelverton garage. This is currently being investigated and a determination will need to be made.
3.9 Historic Environment Service

Second Amendment

- Trial trenching has now been carried out
- The significance the heritage assets identified at the site are relatively low and does not merit further investigation or mitigation works

Original proposal

Additional information required

- Desk based assessment has highlighted that there is a potential for buried archaeological remains of late prehistoric date including former bronze age barrows, which may be affected by the development.
- Further information required to fully understand the significance of any heritage assets which may be present at the site prior to making an informed planning recommendations
- Geo physical survey requested

3.10 Ramblers Association

- Adjacent to Yelverton FP3 likely that rural views to East will be lost, request that the footpath is moved further away from the boundary to reduce the intrusion
- Access routes could affect Yelverton 5 and 6 and Holverston FP4, would like assurance that they routes are not affected and will remain fully assessable.

3.11 Ecologist

Second amendment

Small issues with management plan

Original Proposal

- Biodiversity enhancements do not live up to standards for solar farms
- Grassland created should have biodiversity in mind
- Reestablishment of pond would make ideal enhancement for the site, if not possible would like to see greater biodiversity enhancements such as wildflowers mix in between panels and livestock grazing in the management scheme
- No protected species issues
- Unlikely proposal would result on more deer on the road.

3.12 Landscape Officer

Second Amendment

- Almost all of my suggestions/ concerns have been addressed
- Small issues with Management plan can be dealt with by condition

First Amendment

- Key view point are 5 and to a lesser extent 2
- Still consider further works can be done to improve the new planting and management plan to further mitigate the proposal
- Photomontages do not appear to be updated to reflect changes
- Revised site arrangement gives an opportunity to undertake further planting subject to the constraints of the overhead lines
- Still opportunities for hedgerow trees and creation of copses which could reduce visual impact from 1 and 2
- Previous suggestion to undertake planting along Back Lane has been taken on board and once established the solar panels will be far less perceptible.
- Still issues with the management plan which need to be resolved

Original proposal

Raises concerns

- Concerns on the submitted Landscape and Visual Assessment of the eventual visual effect of the new hedgerows and their likely impact for mitigating the visual impact of the panels.
- Management plan indicates that the new hedgerows will be maintained at a height of 3 metres, this is comparable with the height of the panels and will be successful in the short range level view but less successful in the long viewpoints 1 and 5
- Request visuals of the planting in 5 and 15 years
- Integration appears dependent on the visual mitigation afforded by existing vegetation, mostly outside the application site
- Strategic planting off site such as Back Lane may be beneficial provided increased foreground screening and ecological benefits
- Request assessment is provided of existing vegetation around the site
- Location of hedge row trees need to be identified and management for these presented
- Not clear how hedgerow trees would be managed such features would form important mitigation
- Other management issues need further clarification

3.13 Conservation Officer

Original, first and second amendments

No Objection
- None of the listed buildings referred to in the applicants report are physically affected by the scheme.
- I would expect that some of solar farm would be visible from some of the listed buildings and I would agree with the report conclusions that given the low rise nature of the solar farm, none of the settings of these heritage assets would be harmed by the proposal.
- Main issue is the impact on the landscape which needs careful assessment

3.14 Environmental Services (Protection)

Original first amended plans

Support with conditions
- Will result in noise and dust during construction
- Close to A146 so existing traffic noise
- Restriction proposed on deliveries and construction work
- Inverters, transformers, substation or switchgear cabinets/housing will not be located near residential properties
- Dust mitigation proposed
- Recommend any approval includes conditions relating to dust and noise control measures and siting of equipment as shown in submitted layout plan
3.15 Flood Defence Officer

Second Amendment

Support with conditions
- No objection to the recommendation of flood risk assessment recommendations
- The majority of rain water would infiltrate into underlying soils but during heavy rain the run off may contribute to the overwhelming the shallow drainage ditch and culvert to the north resulting in flooding on the A146
- Proposed swales will help to intercept and store run off the site

3.16 Representations

Eleven letters of support from ten households including one from the owner of the site

- Positive impact of renewable energy provision
- Minimal impact on landscape
- Suitable access
- No loss of agricultural use
- No landscape designations
- Biodiversity and landscaping improvements

Approximately 42 letters of objection from 20 households

- Proximity to the village and dwellings
- Impact on residents
- Landscape Impact
- Site visible from public rights of way/roads
- Screening take too long to grow
- Disturbance from construction phase - noise and traffic
- Highway capacity and safety particularly during construction
- Distraction to drivers
- Footpath blocked during construction phase
- Grid connection from site not specified
- Precedent for further schemes
- Query over correct classification of land
- Loss of agricultural land with less valuable and brownfield land likely to be available
- Not the most efficient way of producing electricity
- Loss of privacy from CCTV
- Noise from operational plant
- Glare from panels
- Surface water flooding existing issue on A146
- FRA incorrect
- Damage to land drains
- Contrary to Government Guidance on solar farms
- Grazing animal could become injured by panels
- Devaluation of property
- Deer forced onto A146 would be traffic hazard.

First Amendment additional issues to those already raised

- Test work carried out by International works resulted in dangerous manoeuvres on and off A146
- Test work created disturbance
- Health and safety concerns over test practices
• Loss of informal footpath through site, application has been made to County Council to Public Right of way
• Left over land not possible to farm
• Still too close to residential dwellings
• Concern over security and potential crime

Second amendment additional issues to these already raised
• Question the quality of agricultural land

4 Assessment

Site

4.1 The application site approximately 14.9 hectares of agricultural land which was until this year cultivated with maize but has in the past been used to cultivate a range of crops. The site has been classified as grade 3b agricultural land and forms part of a larger agricultural holding. The surrounding fields are currently cultivated. Site is located to the north east of the village of Yelverton. The site is set back approximately 25 metres at the closest point back from the A146, there is also an agricultural field between the site and the main road to the west of Yelverton Garage. Back Lane is located approximately 130 metres at the nearest point to the south west of the site.

4.2 Yelverton public footpath 5 runs to the south of the site and Yelverton public footpath 3 runs along the west boundary of the site Yelverton public foot path runs from the Back Lane to the A146 and continues north to Bramerton, it runs close to the west boundary of the site. A track currently runs north to south through the site which subdivides the site into two fields this is not a public right of way.

4.3 There are three residential properties (Yelverton House, Oak Lodge and The Bungalow) to the north of the site which are located at the nearest point approximately 25 metres from the panels. Holverston House is approximately 100 metres to the east and Chalou which includes a poultry farm is approximately 200 metres to the north west, Pinewood is located off Back Lane approximately 160 metres away. Yelverton garage is also located to the north of the site.

4.4 Avenue Farm is located to the south the main farmhouse is grade II listed.

4.5 There is currently some existing hedging to the east of the site and some partially hedging on the north and south boundaries on the site. There are overhead power cables crossing the site.

4.6 The site lies within the Chet Tributary Farmland Character area defined by the Landscape Character Assessment Landscape Character Areas of the Rural Policy Area (2006) and updated in 2012.

Proposal

4.7 The application is for the installation of a solar farm on a site of 14.9 hectares, this having been reduced from the originally submitted 16.8 hectares. The proposed site area would produce 7.5 MW (7.4MW on the original site area) and this is estimated to be capable of providing power for approximately 2120 homes. The application seeks temporary permission for a period of 30 years.
4.8 The proposed panels are proposed in lines facing south. They are a minimum of 2.5 metres above the ground angled at 25 degrees, the minimum height above the ground is approximately 0.9 metres. The panels do not have foundations but are piled into the ground at a depth of approximately 1.5 metres. The area covering panels has been reduced as part of the application.

4.9 The development will also involve the erection of a number of small buildings
- In the centre of the site there are two transformer and 3 inverters
- On the south boundary to the east side there are one transformer and 2 inverters
- On the South boundary adjacent to the maintenance access there is a DNO substation building, a client side substation, an AASS Trafo and a communications building.

4.10 They are the following sizes
- Distribution Network Operator (DNO) substation 5.5 x 4.95 x 4.4 height
- Client side substation 2.44 x 6.06 x 2.9 high
- Site Aux (AASS) Transformer 6.1m x 2.5m x 2.6 high
- Communications buildings 3.66m x 3m x 2.51 high
- Inverters 4.42 x 1.52 x 2.92
- Transformer 2.5 x 6 x 2.8 high

4.11 A two metre timber post and wire fence is proposed around the perimeter of the site and security cameras are proposed to be located around the boundaries.

4.12 The proposal has been amended to reduce the size of the site, move the solar panels away from the boundaries of the residential properties, provide additional planting and amend the accesses.

4.13 The access was originally proposed on a track via Avenue Farm off Back Lane and via the track to the west of Yelverton Garage onto the A146. The application has been amended and now proposed a temporary construction and decommissioning access off the A146 just west of the access to Yelverton Garage. A new maintenance access is proposed to the south accessing onto Back Lane.

4.14 The proposal also includes mitigation planting:
- New native hedging proposed to be planting along the south, north and west boundaries
- Small copse of trees in the North West corner.
- Native planting including trees between residential properties on A146 and site
- Hedgerow trees are proposed within the north boundary hedge.
- Infill planting on existing hedges to north and east
- New native hedge with hedgerow trees along Back Lane

4.15 No information on the grid connection has been provided. This is likely to be permitted development, if not a further planning application will be required. This application cannot be refused on insufficient information on this ground however as the connection could be permitted development.

Policy context

The National Planning Policy Framework

4.16 In line with the Climate Change Act 2008 the National Planning Policy Framework (NPPF) sets a presumption in favour of sustainable development. Paragraph 17 of the National Planning Policy Framework identifies the Core Planning Principles these include supporting the transition to a low carbon future in a changing climate including encouraging the use of renewable resources as well as the need to recognise the intrinsic character and beauty of the countryside.
In paragraphs 93-98 of the NPPF sets out the government’s planning policy on renewable energy.

Paragraph 93 makes it clear that it plays a key role in the delivery of renewable and low carbon energy which is central to the economic, social and environmental dimensions of sustainable development.

Paragraphs 97 and 98 of the National Planning Policy Framework are supportive of renewable energy subject to the impacts being acceptable, it states “that local planning authorities should recognise all communities should contribute to energy generation from renewable energy or low carbon sources”. It does not require a need to be demonstrated for the energy they propose to generate. It also states that all applications should be approved unless material consideration indicate otherwise if the impacts are or can be made acceptable.

Planning Policy Guidance (PPG)

The publication of the Planning Practice Guidance (PPG) in March 2014 gave further guidance on renewable energy and solar farm projects. Paragraph ID: 5-003 states “The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.”

The PPG acknowledges that large scale solar farms can have a negative impact on rural landscapes particularly undulating landscapes, but all acknowledges well planned and well screened sites can have an acceptable impact on the landscape. It identifies a need to use “previously developed and non agricultural land where possible and if a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.”

The PPG also emphasises the need for low carbon energy does not override environmental protections and consideration need to be given to cumulative impacts of renewable energy development, there is a need to consider local topography, protection of heritage assets, National Parks and Areas of Outstanding Natural Beauty as well as amenity.

The PPG emphasises the need to address all planning considerations and stresses the need for renewable energy does not over ride environmental protection and concerns of local people need to be properly heard. It acknowledges well planned and screened solar farms can be acceptable provided the landscape impact can be addressed. It looks to provide solar farms on previously developed land where possible then lower grade agricultural land before higher grade agricultural land.

Other National Guidance/Advice

Solar energy remains a key component of the Government Strategy to produce renewable energy. The Department of Energy and Climate Change Solar PV Strategy Part 1 published in October 2013 sets out 4 guiding principles for solar PV, particularly relevant to planning is principle 3 which states that “solar PV should be appropriately sited with proper weight being given to environmental considerations such as landscape and visual impact.
4.25 The Department of Energy and Climate Change Solar PV Strategy Part 2 April 2014 states that solar energy is the most supported renewable energy and we wish it to stay that way and there is a move towards commercial roof space installations, they want solar to been well sited and designed. The key principle of solar are appropriately sited, give proper weight to environment considerations such as landscape and visual impact, visual impact, heritage and local amenity and provide opportunities for local communities to influence decisions that affect them and gain some community benefit.

4.26 An oral Statement to House of Commons by Planning Minister Nick Bowles stated “the policies in the national planning policy framework are clear that there so no excuse for putting solar farms in the wrong places. The framework is clear that applications for renewable energy development, such as solar farms, should be approved only if the impact on the landscape – the visual and the cumulative impact – is or can be made acceptable. This is a very high test”

Local policy

4.27 At a local level policy ULT13 in the South Norfolk Local Plan deals with renewable energy. This policy is generally consistent with the NPPF, but it does not provide a positive strategy and support for community lead schemes as promoted by the NPPF. The key planning considerations relevant to the proposal must to give consideration including visual impact, pollution, highways, protection of heritage assets and other designations. For the purposes for this application the policy can be given substantial weight.

4.28 The emerging development management policy DM4.2 also takes a positive approach to renewable energy projects as long as the adverse impacts do not individually or cumulatively outweigh the benefits. This policy however, is not yet part of the Development Plan. It has been afforded little weight in making this recommendation.

4.29 The policy position is therefore generally supportive of renewable energy provision but key consideration must be addressed. In this instance the key consideration are the development on agricultural land, impact on local landscape, residential amenity, heritage assets, drainage and ecology.

Development in open countryside and loss of agricultural land

4.30 Paragraph 111 in the NPPF encourages the effective use of land by reusing brownfield land provided that it is not high environmental quality, paragraph 112 in the NPPF states “that Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”. Paragraph 013 ID:5-013-2040306 in the National Planning Policy Guidance states “where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land and (ii) the proposal allows for continued agricultural use where applicable and/ or encourages biodiversity improvements around arrays. This was reinforced in Greg Barkers speech on 25th April 2013. Policy ENV21 in the South Norfolk Local Plan also prevents development on best and most versatile land unless it cannot be accommodated within development limits, previously developed land or poorer quality agricultural land or the need for the development outweigh the agricultural consideration.

4.31 Firstly, the size of this development is considered to be significant. Where this is the case, the PPG sets out a requirement that a sequential test is carried out to demonstrating why previously developed land and lower grade agricultural land sites have been discounted.
4.32 Best and most versatile land is defined in the NPPF as Land in grades 1, 2 and 3a of the Agricultural Land Classification. Therefore grades 3b, 4 and 5 are considered to be the poorer grades of land by default.

4.33 An agricultural assessment including sampling carried out by Howseman Agricultural Ltd on the land identifies the site as grade 3b agricultural land, which falls within the poorer grade land classifications. This has been questioned by third parties due to the fact that crops have recently been successfully grown here and the Natural England Land Classification map shows the site as being grade 2 and/or 3.

4.34 With regard to the point relating to the fact that crops have been grown, the 3b classification is at the better end of the poorer grades and does not prevent it being capable of being used successfully for the growth of crops.

4.35 The Natural England Land Classification Maps, are only indicative and have not been produced on the basis of surveys having being carried out on individual fields, as the applicants have carried out to demonstrate that the land is grade 3b.

4.36 There is no substantial evidence to suggest that the report is incorrect. On this basis, we are satisfied that the development would not be on the best and more versatile land and therefore there is no policy requirement to object to the use of this land for a renewable energy scheme or to consider the use of lower agricultural grades.

4.37 It should also be noted that it is intended that the site will be used for the grazing of sheep which will allow some continued agricultural use and the proposal will result in the biodiversity of the site being enhanced.

4.38 A sequential test has been submitted which looks at alternative locations for the site on previously developed land. The assessment covers the South Norfolk Administrative boundary plus the southern half of Norwich.

4.39 The proposed development is on a large site of 14.5 hectares it is not reasonable to only look for sites of a similar size. The Government have not defined what is large scale solar development, but they are in the process of consulting on increasing permitted development rights for sites of up to 1 MW which cover a site approximately 2.5 hectares of commercial roof space. As a result sites of less than 2.5 hectares have not considered which is considered reasonable.

4.40 The applicant has submitted a sequential test looking for alternative brown field sites but has not identified any suitable sites which are large enough to provide 1MW which is substantially smaller than the proposed site, have a grid connection and are available.

4.41 All the brownfield sites over 2.5 hectares are either have permission for redevelopment or allocated, it is therefore reasonable to say that they sites are unlikely to be available for solar farm development.

4.42 A desk top assessment of commercial roof space has been carried out taking consideration roof space. No areas of sufficient size have been identified. Landfill sites and airfield sites have also been discounted.

4.43 In accordance with the guidance in the PPG we are satisfied that the site is on lower grade agricultural land and an adequate assessment of previously developed land and there are no suitable alternative sites available.

4.44 Permission is proposed for a temporary period of 30 years, because this is proposed to be a temporary rather than a permanent permission and the land will not gain brownfield status after decommissioning.
Government guidance and local policy, in this instance, policy 2 in the Joint Core Strategy place a strong emphasise on the protection of the landscape and countryside. In addition to the renewable energy policies of the NPPF, paragraph 17 in core planning principles requires consideration and recognition of the intrinsic character and beauty of the countryside and paragraph 109 seeks to protect enhance valued landscapes.

In the Natural England (formerly Countryside Agency) Countryside Character Assessment (1999) the site falls within national Character Area 83 South Norfolk and High Suffolk Claylands.

More locally the site lies within the Chet Tributary Farmland Character area defined by the Landscape Character Assessment Landscape Character Areas of the Rural Policy Area (2006) and updated in 2012. The site is itself lies near Yelverton, is defined by arable fields bounded with hedgerow trees. The wider landscape context is formed by gently undulating farmland, interspersed with farm units and small settlements, which fall away to the Broads north and east of the site. These characteristics are consistent with the South Norfolk Character Assessment.

A key consideration with this application is the impact the solar panels and associated infrastructure will have on the character and appearance of this character type and also the wider landscape.

A Landscape Visual Impact Assessment (LVIA) has been carried, it highlights the key sensitivity of the landscape highlighted in the South Norfolk Landscape Character Assessment are views to and from Broads and the need to retain the local hedgerow and woodland structure. The sense of enclosure across the immediate landscape limits wider views to land from the Broads with the retention and enhancement of a solar farm development could be integrated into the local landscape without significant disruption to the local landscape character.

The Landscape Officer considered that the most important views are from view point 5 on Back Lane/public footpath looking north east and to a lesser extent view point 2 view from A146 Loddon Road/ public footpath, looking south east. The Landscape Officer was initially not in agreement with the conclusion of the LVIA in terms of the mitigation achieved by existing trees and hedges. As a result a number of suggestions to improve the mitigation were made. The proposal has been amended to substantially increase the amount of landscaping including additional hedge and tree planting which will substantially reduce the impact of the development as it matures, the Landscape Officer considers that with the proposed mitigation which would be secured by condition would result in the landscape character of the area will only be moderately adversely affected.

In terms of cumulative impacts there are no planning permissions for large scale solar farms in South Norfolk and there are no current applications which would cause any cumulative impacts with this application.

In terms of glint and glare, solar panels are now designed to absorb so as much light as possible as this increases the amount of electricity generated. It is not considered that the proposal would result in any significant loss of amenity or significantly affect the landscape in terms of glint and glare.

On balance with the proposed mitigation planting it is considered that the proposed impact on the landscape is considered to be acceptable and will substantially reduce over time. Conditions have been recommended to ensure the landscaping is retained and maintained for the 30 year duration of the development.
Residential amenity

4.54 Concern has been raised regarding the loss of amenity to residential properties especially the three residential properties adjacent to Yelverton Garage to the north of the solar farm. The proposal has been amended to move the solar panels further away from the residential boundary. There is already an existing hedge on the rear boundary of the properties but it is also now proposed to plant the area between the solar farm and the residential boundary which will help to further obscure views through the existing hedge.

4.55 Concern has also been raised regarding the loss of the privacy by the CCTV cameras which are located around the site boundary. The applicant has submitted information on how the CCTV cameras will operated the will be designed to monitor the area within the site it may be possible to get some background views but these are usually distant views and it is general not possible to recognise people the cameras are also thermal cameras which are not designed to recognise people. It is not intended that these cameras will point towards residential properties or public rights of way. It is considered that the proposal would not result in any significant loss of privacy and a condition has been imposed to provide final design, position and orientation.

4.56 Concern has also been raised about noise generated by the both construction and plant and machinery during the operation of the solar farm. The construction phase which will last up to 3 months will be noisy and does have the potential to generate dust and will lead to disturbance but for a temporary period. Subject to restricted working hours 8am – 6pm Monday to Friday and 8am to 1pm on a Saturday morning, dust and noise measures proposed been adhered to Environmental Services raise no objection. With these restrictions it is not considered reasonable to refuse an application given the temporary nature of this disruption.

4.57 In terms any noise associated with the operation of the solar farm this will be limited, the plant and machinery which does generate some noise has been located away from residential properties and giving consideration to traffic noise generated by the A146, it is not considered the solar farm would generate a level of noise which would cause significant disturbance to the residential properties or users of the public right of ways. There have instances of the use of loud speakers on other solar farms in the county therefore a condition has been imposed specifically restricting these.

4.58 In conclusion it’s considered that the proposed development would not result in the amenity of residents being substantially reduced and therefore the proposal would be in accordance with local plan policies IMP9 and IMP10.

Highways

4.59 In terms of the highway impacts of the proposal it is evident that those associated with the construction and decommissioning would be different to those associated with the general operation of the solar farm. The submitted information suggests that construction phase will last 7-9 weeks and involve approximately 150 HGV vehicles and associated plant and equipment as well as construction workers. The general operation of site will generate minimum traffic movements for maintenance.

4.60 With regard to construction traffic, the application originally proposed two accesses one using the adjacent track adjacent to Yelverton Garage off the A146 and the other via the existing public right of way via Avenue Farm which would involve the use of Back Lane and Slade Lane. The Highway Officer objected to this proposal as Back Lane will is not wide enough for the proposed size and number of construction vehicles without inconveniencing users of the road and the speed of traffic on the A146.
Accordingly, the scheme was amended to provide a single temporary access just to the north of the existing track adjacent to Yelverton Garage which will be used for all construction works and a new permanent access off Back Lane for maintenance purposes. The applicant submitted a traffic assessment which included a traffic survey of both the A146 and Slade Lane, concern has been raised that this was only carried out over 5 rather than 7 days. But the Highway Authority is happy that it provides a reasonable indication of traffic and speed.

Concern has been raised about the safety of the access onto the A146. The Highway Officer has given extensive consideration to the new proposal and taking into account other solar farm schemes in the County, he is prepared to accept the construction solution on the condition it is only for a temporary period, appropriate signage and a condition to the use of banks men to supervise vehicle movements, a temporary 40mph speed limit, which will reduce the speeds to a more appropriate level which will allow vehicle to enter and exit in greater safety. It is also suggested that vehicles will be restricted to a left in and out but it is not clear where vehicles will turn around, as there is not suitable turning places within the immediate area. It has been suggested that the vehicle will route in the correct direction but clarification is required on this. A plan showing a visibility splay of 120 metres x 4.5 metres 0.26 metres above the carriageway has been provided which the Highway Officer is happy with.

With regard to de-commissioning, it is anticipated that the same temporary arrangement would be used. However, given the potential lifetime of the development (up to 30 years) it is considered appropriate to undertake a re-assessment of the matter closer to the time of de-commissioning. With this in mind a condition will be used to require a temporary access for de-commissioning to be agreed with the Local planning Authority. This approach is endorsed by the Highway officer.

With regard to operational matters upon the scheme becoming operational, a new access which will be off Back Lane closer to the junction with Slade Lane is proposed. This is acceptable to the Highway Officer.

In conclusion, there is no highway related objection subject to conditions, and the development is considered to be in accordance with local plan policy IMP8.

Public Rights of Ways

All existing public right of ways remain unaffected by the development. The proposed access did use Yelverton footpath 5 (to the south and east of the site) but following revised plans this is no longer the case. A section of Yelverton footpath 3 runs to the west side of the site. The perimeter fence and new hedgerow will enclose this part of the footpath. On balance this loss of outlook from this short section of public footpath is considered to be outweighed by the benefits of the solar farm and renewable energy generated. The impact on the public right of ways will reduce as the proposed planting matures.

An application has been made for a new public right of way running from footpath 5 at the south of the site due north to connect to Yelverton garage at the north of the site. This is currently been investigated and a determination will be made by the County Council. This cannot be given any weight in this decision, but panels are not intended to be installed on this route in any case.

Heritage assets

S66 (1) Listed Buildings Act 1990 provides: “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
4.69 The Court of Appeal in *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014] has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise. Furthermore, less than substantial harm having been identified does not amount to a less than substantial objection to the grant of planning permission.

4.70 The applicant has submitted an assessment of the impact of the solar farm within a 3km radius given the low rise nature of the solar farm, distance, topography, vegetation and other buildings the solar farm would not result in any actual harm to the significance of the heritage assets. The Conservation Officer and English Heritage both raise no objection to the application.

**Archaeology**

4.71 Although it was initially thought there was potential for buried archaeological remains on the site, after the geophysical and trial trenching Norfolk Historic Environment Service have now concluded that the significance of the heritage assets identified at the site is relatively low and does not merit further investigation or mitigation measures as a result no further archaeological work is required at the site. The development therefore accords with local plan policy ENV9.

**Surface water drainage**

4.72 Concern has been raised regarding potential flooding issues resulting from the solar panels. The site is within flood zone 1 (low risk) but a flood risk assessment of the site has been submitted. The Environment Agency has provided comments regarding solar farms stating that the Flood Risk Assessment (FRA) should demonstrate that the surface water run-off generated up and including the 1:100 year critical storm will not exceed the run-off from an undeveloped developed site in a corresponding rainfall event. Also this response notes solar panels should not significantly affect run-off volumes, but could cause some erosion and formation of some channels, and in light of this localised infiltration trenches should be considered.

4.73 The Council’s Flood Defence Officer has confirmed that they have no objection to the proposal subject to the recommendations contained within the FRA being implemented including the provision of swales on the northern boundaries of the site. These can be secured through a suitably worded condition. To prevent erosion and the formation of channels it is recommended that vegetation below the panels is maintained and a buffer strip or swale is provided below the lowest panel in order to intercept over land flows. This can also be achieved through condition. The development is therefore considered to be in accordance with policy 3 in the JCS and paragraph 103 in the NPPF.

4.74 Potential damage to lands drains has also been raised as an issue from the construction processes on the site. It is unlikely the substantial damage would be caused but a condition is proposed to make good any damaged caused from the construction process.

**Ecology**

4.75 A satisfactory ecology report has been submitted with the application which does not identify any protected species issues but suggests mitigation for nesting birds, reptiles and badgers including badger gates within the fencing.

4.76 The Council ecologist supports the biodiversity enhancements that are proposed as part of the application including new hedgerows and trees and wild flower planting around the margins. Paragraph 013 Reference ID 5-013-20140306 specifically refers to the need encourage biodiversity improvements around the arrays. Issues in terms of the management plan have been addressed to now form an acceptable plan which is secured through condition.
Concern has been raised regarding deer being directed onto the A146 as a result of the proposal, the Ecologist does not consider that this will be an issue as there is room to move around the fence and it will not funnel the deer towards the road.

In conclusion the development would result in an enhancement to the biodiversity of the site in accordance with local plan policy ENV15.

Employment

The construction of the site will result in employment opportunities including some for local people, but given the contracts will be for relatively short term periods, little positive benefit can be afforded to this when making the decision.

Financial Considerations

Under Section 143 of the Localism Act the council is required to consider the impact on local finances, through the potential generation of money from business rates from central government. The solar farm would generate business rates for the council. This is a material consideration but in the instance of this application the other material planning considerations detailed above must be fully considered.

Other issues raised

Concerns have been raised that the proposal may result increased crime within the area as a result of the plant and equipment on the site. There is no evidence that this would be the case. The applicant has contacted the police themselves who have responded to say that they do not see a specific concern.

Concern has been raised as to what would happen if the company got into financial difficulties and the panels were not removed. The removal of the panels is secure by conditions and if necessary enforcement action could be taken to ensure there removal.

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

Conclusion

The solar farm would have a 7.5 MW capacity which is estimated will provide power for approximately 2120 homes. This will make a positive contribution towards achieving green energy targets, tackling the challenges of climate change, lessening the dependency on fossil fuels and benefiting energy security, which will adhere with the NPPF in terms of paragraph 17 core principles, paragraph 93 which indicates that the delivery of renewable low carbon energy is central to the economic, social and environmental dimensions of sustainable development and paragraph 97 that communities have a responsibly to contribute to the provision of renewable energy. Considerable weight can be afforded to this. It is evident that the scheme has due regard to reducing the impacting on the local landscape, residential amenity, highway safety and biodiversity and as such it is considered that no significant harm would occur as a result of the development. In conclusion, the scheme is considered to be acceptable in planning terms and is therefore recommended for approval.

Contact Officer, Telephone Number and E-mail: Helen Bowman 01508 533833 hbowman@s-norfolk.gov.uk
2. **Appl. No**: 2014/1274/F  
**Parish**: TIVETSHALL ST MARGARET  

**Applicants Name**: Mr Don Smith  
**Site Address**: The Maltings Moulton Road Tivetshall St. Margaret Norwich NR15 2AJ  
**Proposal**: The proposed development is for a Warehouse facility and carparking  

**Recommendation**: Approval with conditions  

1. Full Planning permission time limit  
2. In accordance with amendments  
3. Details of dust silo  
4. Details of access parking  
5. Visibility splay, approved plan  
6. External materials to be agreed  
7. Renewable energy  
8. Landscaping scheme to be submitted  
9. Implement landscaping scheme  
10. Ecology  
11. Submission of noise assessment  
12. Submission of dust assessment  
13. Provision of fume extraction system  
14. Full details of external lighting  
15. Surface water drainage  
16. Foul drainage to be agreed  
17. Levels  
18. No commencement of works until land drain consent has been given  

1. **Planning Policies**  

1.1 **National Planning Policy Framework**  
- NPPF 01: Building a strong competitive economy  
- NPPF 03: Supporting a prosperous rural economy  
- 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 5: The Economy  

1.3 **South Norfolk Local Plan 2003**  
- ENV 15: Species protection  
- EMP 6: Alterations and extensions to existing business premises  
- IMP 8: Safe and free flow traffic  
- IMP 9: Residential amenity  
- IMP 2: Landscaping  
- IMP 15: Setting of Listed Buildings  
- IMP 25: Outdoor lighting
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

DM2.1 Employment and business development
DM3.9 Design Principles
DM3.12 Road safety and the free flow of traffic
DM3.14 Amenity, noise and quality of life
DM3.15 Pollution, health and safety
DM4.10 Incorporating landscape into design

2. Planning History

2.1 2003/0456

Erection of 2no storage silos and installation of an exhaust fume absorber

Approved

2.2 2002/1147

Proposed erection of jackleg amenity unit

Approved

3. Consultations

3.1 Tivetshall St Margaret Parish Council

Amended proposal

Refuse

- No effort has been made to move the warehouse further back
- Visual and safety concerns still an issue
- Alternative proposal suggested
- Clarification on previous comments looking for traffic calming allow Moulton Road not that all traffic should use that route
- If traffic calming measures were introduced along Moulton Road may need to consider priorities on Station Road/ Moulton Road junction.

Original proposal

Refuse

- Support principle of local business expanding but cannot support
- Large warehouse close to road
- Removal of trees will have an adverse effect on the area
- Lorries encroaching on the road as they exit the building
- If building moved back then car parking could be provided in front of it.
- Difficult route for pedestrians to get to building
- Planting in front of building causes visibility issues and affects utility cables
- Building over ditch would cause drainage issues
- With reports of neighbours gardens flooding need to consider deepening the lagoon or additional attenuation ponds
- Limited information on dust silo
- What will happen to the existing offices
- No ecological report
- Will there be an increase in HGVs which may impact on junction
- HGV should be restricted to come to site along Moulton Road
Great Moulton Parish Council  No response
Gissing Parish Council  No response
Aslacton Parish Council  No response

3.2 District Members
Cllr M Wilby  Amended proposal
To be determined by committee
- Visual Impact as it would be in clear view to residents and people passing by.
- Size and height of proposed building
- Noise implications of the new proposals
- Light pollution from the proposed new building

Original proposal
Can be delegated

Cllr K Weeks  Can be delegated

3.3 Network Rail South East  Amended proposal
No Objection

Original proposal
Additional information required on traffic movements, need to consider the impact on two level crossings in the vicinity

3.4 NCC Highways  Amended proposal
- No additional HGV movements as a result of the development
- Additional car parking is provided
- Prefer for the building to be set back

Original comments
- Additional information regarding the proposed use of the building, traffic and additional staff numbers generated as a result of the development
- Visibility splay required
- Appears to be 25 cars on site already without warehouse need to ensure that sufficient parking is provided
- Request that building is set further back so that a vehicle can exit the building without over hanging the road
- Planting cannot be provided on the highway verge.

3.5 Natural England  No Objection

3.6 Anglian Water Services Ltd  No comments received
3.7 NCC Ecologist
Amended proposal

Support with conditions
- In the main ecology report is fit for purpose
- More information is required on water voles can be conditioned
- If necessary any mitigation would be controlled by an Natural England license
- Compensation planting should be sought or a habitat management plan could be provided in blue line.
- If necessary there could be a financial contribution for off-site works
- Informative of portacabin removal

3.8 Environmental Services (Protection)
Amended proposal

Support with conditions
- Happy that the any noise, dust and light pollution can be mitigated against
- Need to condition:
  - Noise assessment
  - Details of extraction systems
  - External lighting of building and car park
  - Dust assessment

3.9 Flood Defence Officer
Amended proposal

Support with conditions
- Information insufficient to assess the surface water drainage strategy, but this can be conditioned
- Proposal will involve the diversion of a watercourse this will need a separate consent from Norfolk County Council

3.10 Environment Agency
- Surface water to be considered at a local level as site is under 1 hectare
- Foul water (trade effluent and car park surface water) should be conditioned

3.11 Representations
Amended proposal

Two additional letters of objection

- Visual impact could be reduced by painting it green
- Will result in more noise
- Increase in traffic
- Appears work has already started on the site

Original proposal

Thirteen letters of objection from eleven households

- Prefer warehouse was set further back from the road with the car parking in front, this would be possible if it could be moved backwards
- Entrance for lorries too close to houses
- Devaluation of property
Increased traffic associated noise and pollution
- Longer working hours
- More frequent release of smoke which causes a visibility hazard
- Loss of tree which help to deaden sound and reduces visual impact
- Visual impact of height of the building
- Increased noise and light pollution
- Is benefit of new jobs
- Existing dust problem will this improve
- Increased water run off result in more water being pumped Behind properties and more flooding of gardens
- Other locations for warehousing should be considered
- Loss of wildlife habitat
- Existing noise (including alarms), light and dust.
- Existing problems with HVG queuing on road
- Destruction of healthy trees
- Currently can't use garden or open windows because of noise, light and dust

4 Assessment

4.1 The application relates to Simpsons Maltings at Tivetshall St Margaret. The site has historically been used for malting for a number of years. It is located to the west of the main Norwich to London train line. There are a number of residential properties to the north and south as well as a residential property to the north west. There are agricultural fields to the east and west of site either side of the railway line and road.

4.2 The Maltings consists of a number of tall buildings and silos. The main application site is the north of the existing buildings where there is currently car parking and disused portacabins. There are a number of trees on this part of the site. The site also includes an area which currently contains a dust silo on the Moulton Road frontage.

4.3 The application is for the erection of a large warehouse building to provide bagging area 30 metres x 60 metres and 15 metres in height and an associated HVG parking / turning and accesses. A number of trees will have to be removed as part of the proposal and the drainage ditch will need to be diverted. The application is also for the replacement on an existing dust silo within main site. This is not required for the operation of the new warehouse.

4.4 It is not intended that the proposed warehouse will result in increased production of malt from the site. The finished product is currently stored off site before being distributed, but due to a change in markets and increased demand from local craft brewers and merging export markets, there is a need to move from the traditional 30,000kg bulk deliveries to smaller 25 or 50 kg bags, which have different storage requirements, and have resulted in the requirement for the warehouse/ milling/ bagging area.

4.5 Local plan policy EMP6 supports the extension and alteration of businesses as long as the size and design of building are in keeping with the existing building and surroundings, existing landscaping would not be compromised or the development is effectively landscaped and all existing and proposed car parking and servicing can be accommodated. The principle of this development is therefore considered acceptable subject to the considerations below.

4.6 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.
Siting and landscape impact

4.7 The proposed warehouse will be substantial building on the site which will have a visual impact, especially as the proposal will result in the loss of a number of trees. Careful consideration has been given to the siting of the building and there is insufficient space to accommodate it within the existing operational area. The proposed location is adjacent to the existing building and as far away from the residential properties as possible. Although the loss of the trees is regrettable it is considered acceptable in this instance.

4.8 The Parish Council and residents have suggested that the building is located further back into the site with the car parking in front. Unfortunately, it is not possible to do this, as there are existing read beds to the rear of the site which deal with surface water and effluent. As a result moving the building back would mean there would not be sufficient space for the HGV vehicles to manoeuvre.

4.9 Although the building will be dominant it is located directly adjacent to other buildings and silos on the site which are a similar height, planting is proposed along the road frontage and a condition is proposed to provide additional planting in the area to the north. Therefore in this instance the visual impact of the building is considered to be acceptable.

4.10 The dust silo is bigger than the existing one, but sits well within the context of the existing buildings and would not adversely affect the visual amenity of the area.

4.11 The development is therefore considered to have an acceptable visual and landscape impact in accordance with policies IMP2 of the local plan and policy 2 of the Joint Core Strategy.

Listed buildings

4.12 S66(1) Listed Buildings Act 1990 provides: “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

4.13 The Court of Appeal in Barnwell Manor Wind Energy Ltd v East Northamptonshire DC [2014] has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise. Furthermore, less than substantial harm having been identified does not amount to a less than substantial objection to the grant of planning permission.

4.14 The Grange which is grade II listed building is located approximately 300 metres north west of the site. Given the existing building and natural screening it is considered that the proposal would only cause limited harm to the setting of the listed building which would be less than substantial harm. This weighed in the balance with the benefits to the rural economy result in the level of harm being acceptable in accordance with paragraph 134 of the NPPF and policy IMP15 in the local plan.

Residential amenity

4.15 Local residents have raised a number of concerns about existing noise and pollution from dust, light and smoke. The proposal includes the upgrade of a dust silo on site, which will improve dust emissions. However as the current proposal being considered will not increase production of malt on site it is difficult and not reasonable in planning terms to require an improvement to the existing machinery on site. New machinery required can be controlled and is considered further below.
4.16 The proposed warehouse will result in the operation side of the business including the HGVs accesses being closer to the residential properties in Moulton Road. Some information has been provided in terms of noise output from plant and machinery at another site, a commitment to mitigation measures has been made but these are not detailed. Environmental Services are confident that it is both possible and practical to put in mitigation so that the warehouse/milling/bagging facility does not have a significant adverse impact on the amenity of the residents. They have requested conditions requiring a noise and dust report including detailed mitigation to be submitted. It will be impossible to ensure that there is no impact to the residential properties but it is achievable that the impact on their amenity can be kept to an acceptable level in accordance with policies IMP9 and IMP10 in the South Norfolk Local Plan which seek to protect the amenity of surrounding residents.

4.17 The close proximity of the warehouse and car parking to the residential properties has the potential to result in light pollution. Details of all external lighting to the building and car park have been conditioned so this can be mitigated against in accordance with policy IMP25 of the South Norfolk Local Plan.

Highways

4.18 The applicant has confirmed that the proposal would not result in any overall increase in HGV movements to and from the site. As a result the Highway Officer and Network Rail raise no objection. The required visibility splays can be provided. A HGV can just about exit from the warehouse without going on the road, ideally the Highway officer would prefer the building to be set back slight to allow more space but as discussed above this is not possible. The proposal is therefore considered on balance to be acceptable under policy IMP8 of the local plan relating to the safe and free flow of traffic.

Surface water

4.19 The proposal originally proposed to build over the existing ditch which runs through the site. It has been established that this would not gain land drainage consent from the County Council. It is now proposed to divert the ditch within the site, which is an acceptable solution. Insufficient information has been submitted to be able to fully assess the surface water drainage but the Flood Defence Officer is happy for these to be conditioned. The proposals are therefore considered to be in accordance with policy 3 of the Joint Core Strategy and paragraph 103 of the NPPF.

Ecology

4.20 An ecology report has been submitted for the site, which the Council’s Ecologist considers it is fit for purpose. An additional water vole survey is required which he is happy can be conditioned. The loss of the trees and rough areas as a result of the application is unfortunate and a condition is proposed to provide additional planting and a management plan for the area between the houses and the site which will provide an ecological enhancement for the site. The development is therefore considered to be in accordance with policy ENV15 of the local plan.

Other matters raised in representations

4.21 The devaluation of property has been raised as an issue in letters of representation. The planning case law on this matter is clear that this is not a material planning consideration in itself. The impacts for example to residential amenity which may be attributed to the perceived loss in value of a property is a material consideration which has been given due consideration above.
Local financial considerations

4.22 This application is liable for Community Infrastructure Levy (CIL).

4.23 Under Section 143 of the Localism Act the council is required to consider the impact on local finances, through the potential generation of grant money from business rates. The development would generate business rates for the council. This is a material consideration but in the instance of this application the other material planning considerations detailed above must be fully considered.

5 Conclusion

5.1 In conclusion the benefits of the development in terms of additional jobs and improved job security for the existing jobs within the rural economy need to be balance in the light of the impact of residential properties, highway safety and visual impact and loss of trees. Given the existing context of the site and building along with the ability to mitigate against additional noise, light and dust pollution and provide biodiversity enhancements the proposal on balance is considered acceptable with the recommended conditions.

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and E-mail: hbowman@s-norfolk.gov.uk
3. **Appl. No:** 2014/1156  
**Parish:** WYMONDHAM

Applicants Name: Matthew Homes Ltd  
Site Address: Land South Of London Road, Chestnut Drive, Suton  
Proposal: Variation of S106 agreement, to allow the removal of the education contribution if development is built out at fewer than 20 dwellings relating to permission 2012/1201 (FULL planning permission for B1, B2, B8 category office industrial units on Wymondham Business Park with OUTLINE approvals sought for residential development of approx. 20 dwellings on land adjacent to London Road and additional B1,B2,B8 category industrial use for land adjacent to Chestnut Drive to further extend Wymondham Business Park)

**Recommendation:** Members to endorse amendments to S106

1. **Purpose of report**

1.1 This report is brought before Members as changes are proposed to insert a proviso to the current S106 Agreement, whereby if the development is built out at fewer than 20 dwellings, then the education contribution will not be required (in accordance with standard Children’s Services requirements). The Section 106 agreement attached to planning permission 2012/1201 agreed that the developer shall pay an Education Contribution to the County Council. Norfolk County Council Children’s Services have confirmed that this requirement is not in accordance with standard requirements where fewer than 20 dwellings are built out.

1.2 It is proposed that this matter is dealt with by amending the Principal Agreement (dated 21 November 2013) through a Deed of Variation. The definitions, clauses, obligations and provisions of the Principal Agreement would remain in full force and effect except as varied or added to by the variation.

2. **Consultations**

2.1 NCC Education (Planning Obligations)  
No objection to changes based on supporting justification received.

2.2 Housing Strategy Officer  
No objection to changes based on supporting justification received.

2.3 Park and Amenities Officer  
No further comment to make.

3. **Assessment**

3.1 This report follows planning permission granted in November 2013 under application ref 2012/1201. The application forms part of a hybrid application for full planning permission for B1, B2, B8 category office industrial units on Wymondham Business Park with OUTLINE for residential development of approx. 20 dwellings on land adjacent to London Road and additional B1,B2,B8 category industrial use for land adjacent to Chestnut Drive to further extend Wymondham Business Park.

3.2 This report relates to the outline component of the application for the residential development of approx. 20 dwellings on land adjacent to London Road, Suton.
3.3 The applicants have advised that a Deed of Variation is required, to insert a proviso to the current s106 agreement, whereby if the development is built out at fewer than 20 dwellings, then the education contribution will not in fact be required. Norfolk County Council Children's Services have confirmed that this requirement is not in accordance with standard requirements where fewer than 20 dwellings are built out. It is therefore considered that a Deed of Variation of S106 agreement, to allow the removal of the education contribution if development is built out at fewer than 20 dwellings should be endorsed.

3.4 These circumstances do not require a new planning application; however Committee approval to the proposed deed of variation is sought. This is because the original report was considered by Committee and it is now sought, - in effect, to change what was there said by now not requiring the education financial contribution.

3.5 The proposals would be secured through a Deed of Variation to the original Section 106 agreement, the final wording of which would be agreed with the applicants and nplaw as per usual practice for Section 106 agreements.

3.6 No alteration is required to the affordable housing wording of the S106 as this is expressed as percentages of the total dwellings constructed on site. Library contributions are also set per dwelling giving flexibly to the number of dwellings on the site. The reduction in dwellings has not reduced the onsite play area to be provided leading to these requirements remaining the same in the S106.

4 Conclusion

4.1 The applicants have demonstrated that an education contribution is not required, whereby if the development is built out at fewer than 20 dwellings. Norfolk County Council Children’s Services have confirmed that this in accordance with standard Children’s Services requirements.

4.2 It is therefore recommended that Members endorse this change to the Section 106 agreement to allow the removal of the education contribution if development is built out at fewer than 20 dwellings.

Contact Officer, Telephone Number  Chris Watts 01508 533765 cwatts@s-norfolk.gov.uk and E-mail:
Applications referred back to Committee

   Parish: WYMONDHAM

   Applicants Name: Ecotech Homes (East Anglia)
   Site Address: Land North Of Right Up Lane Silfield Wymondham Norfolk
   Proposal: Revision of Sec 106 Agreement to remove requirement to provide 1 affordable dwelling in development of 6 dwelling units

   Recommendation: Approval subject to revised Sec 106 Agreement to provide ‘clawback’ payment in event of improved profitability

1. Planning Policies

1.1 National Planning Policy Framework
   NPPF 06: Delivering a wide choice of high quality homes

1.2 Joint Core Strategy
   Policy 4: Housing delivery

2 Assessment

2.1 Planning permission was granted for this development of 6 dwellings in 2012 on a site adjacent to the rail line with access from Rightup Lane. In accordance with policy, a Section 106 agreement was completed to secure a 2 bedroom dwelling as an affordable unit.

2.2 This application is seeking relaxation of the 106 Agreement to remove the requirement to provide the affordable dwelling.

2.3 The developer commenced work on site but has encountered unforeseen costs and ceased work in order to review the viability of the scheme. The main additional costs encountered arise from the discovery of asbestos on the site requiring decontamination and payments required in relation to an Asset Protection Agreement with Network Rail.

2.4 No viability appraisal was carried out at the time of the planning application and the applicant’s consultant now advises that the development would not have been able to support the affordable unit then, due to the poor market conditions. However, even with the recent improved sales values the increased construction costs have added to the burden on the development.

2.5 Viability Appraisals have been submitted with this application which suggest that the development, including provision of the affordable dwelling, would provide a profit of only 1.24%. Even without the affordable dwelling, profit is likely to be only 11.26% but the developer is willing to proceed with the development on this basis.

2.6 The matter has been referred to the Council’s business consultant. Having obtained further corroborative information on selling prices, construction costs, the Network Rail costs and other fees, he confirms that the development would not be viable with the burden of the affordable dwelling provision. In these circumstances it would not be reasonable to insist on the affordable dwelling being provided and the development would be unlikely to proceed if the requirement remains.

2.7 Paragraph 205 of the NPPF advises that local authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.
3 Conclusion

3.1 In the light of the above, I conclude that the existing 106 Agreement should be relaxed to remove the requirement for the affordable unit to be provided. However, as market conditions are not static, a revision or replacement to the agreement is appropriate to secure a ‘clawback’ payment should the actual proceeds of sale realised exceed those currently predicted. The applicant has agreed to this in principle and I recommend this course of action.

Contact Officer, Telephone Number and E-mail: Chris Trett 01508 533794 ctrett@s-norfolk.gov.uk
Other Applications

5. **Appl. No**: 2014/1535/H  
**Parish**: LODDON

Applicants Name: Mrs Esther Thomas  
Site Address: 2 Elm Close Loddon Norfolk NR14 6LG  
Proposal: Two storey side extension and alterations to existing windows

Recommendation: Approval with Conditions

1. **Full Planning permission time limit**
2. **In accordance with amendments**
3. **Matching Materials**

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 2003  
HOU 19: Extensions to existing dwellings  
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.

1.5 Development Management Policies  
DM3.14 Amenity, noise and quality of life  
DM3.5 Residential extensions and conversions within Settlements

2. **Planning History**

2.1 2007/1405 Erection of a PVCU conservatory to the rear of the property Approved

3. **Consultations**

3.1 Parish Council No comments received

3.2 District Member No comments received

3.3 Representations 1 comment regarding general issues with local extensions

4. **Assessment**

4.1 This application seeks consent for the erection of a two storey side extension and alterations to windows to an existing two storey detached dwelling. The dwelling is located in a residential street in which many other alterations and extensions are evident. This application is referred to the committee due to the family connection of the applicant and local councillor.
The proposal is assessed against the Councils planning policies in addition to policies in the Joint Core Strategy and National Planning Policy Framework. 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 document. Policies of the Development Management Policies Proposed Submission Document November 2013 have also been considered.

While the principle of the proposal is acceptable consideration has been given as to whether the ridge line of the proposal should be lowered. However, the proposal is identical to that of the immediate neighbour and therefore this has not been pursued. The proposal has been designed so as not to detract from the original character and appearance of the dwelling and will not look incongruous within the street scene. While the design incorporates an alteration to the windows I do not consider this change will have a negative effect on the surrounding residents privacy or amenities.

One neighbour has made general comments about other extensions in the vicinity but raises no objections to the current proposal.

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

Conclusion

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: Chrissy Briggs 01508 533832 cbriggs@s-norfolk.gov.uk
6. **Appl. No**: 2014/1469/RVC  
**Parish**: MORNINGTHORPE AND FRITTON

- **Applicants Name**: Mrs Sabrina Windridge  
- **Site Address**: Fritton Cottage The Common Fritton Norfolk NR15 2QS  
- **Proposal**: To vary condition 4 attached to planning permission 2001//0515/H (Single storey extension and alterations to dwelling) - to permit the occupation of the annexe by a lodger or tenant, while retaining the main dwelling and annexe in common ownership.

**Recommendation**: Approval with Conditions  
1. Approved plans  
2. Annexe restricted use

1. **Planning Policies**

1.1 National Planning Policy Framework  
NPPF 06: Delivering a wide choice of high quality homes

1.2 Joint Core Strategy  
Policy 17 : Small rural communities and the countryside

1.3 South Norfolk Local Plan 2003  
HOU 21 : Annexes  
IMP 8: Safe and free flow traffic  
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.

1.5 Development Management Policies  
DM3.8 Residential annexes

2. **Planning History**

2.1 2001/0515 Single storey extension and alterations to dwelling  
Approved

2.2 1992/1379 Erection of single storey extension  
Approved

3. **Consultations**

3.1 Parish Council  
No objections.

3.2 NCC Highways  
No objections.

3.3 Representations  
No third party responses received apart from an anonymous comment which cannot be taken into account.
4 Assessment

Proposal

4.1 Permission is sought to vary condition 4 of planning permission ref 2001/0515/F to allow an existing residential annexe at Fritton Cottage, Fritton to be used by a lodger/tenant. The lodger/tenant currently occupies the annexe therefore the application is retrospective. The application must be determined by Planning Committee because the applicant is related to an elected member of South Norfolk Council.

4.2 Condition 4 states:

“The annexe hereby permitted shall be used for purposes ancillary or incidental to the main dwelling and it shall not be occupied as a separate unit of accommodation. At no time shall it be sold, leased or occupied independently from the main dwelling nor shall the common ownership or occupation of the annexe and main dwelling be severed.”

4.3 The site lies within the village of Fritton and is designated as being within open countryside within the adopted South Norfolk Local Plan (SNLP). It is also within a Conservation Area, however no built development or change to the appearance of the building is proposed.

4.4 The annexe contains one bedroom, a living room and bathroom and was originally used by an elderly relative. It is connected to the main house by a corridor link.

4.5 The main issues are considered to be the principle of development, the impact on neighbouring occupiers, and the impact on highways.

Principle of Development

4.6 Policy HOU 21 of the SNLP requires residential annexes to be designed to be ancillary to the main house and so they can be used as part of the original dwelling when the specific need for the annexe ceases to exist.

4.7 Policy DM 3.8 of the submission version of the emerging Development Management Policies requires annexes to be designed so that they can continue to be used as part of the main dwelling in the future. It requires the annexe to have a scale, shared facilities and spatial relationship to the main dwelling that does not facilitate its future severance from the main dwelling.

4.8 The occupant of the annexe makes use of the kitchen in the main house and also shares the garden of the property. It is considered that there is no material conflict with the above policies providing the ability to sever the ownership of the main dwelling and annexe continues to be restricted via planning condition. The proposal provides rented accommodation which assists in meeting a form of housing need, in accordance with guidance within the National Planning Policy Framework (NPPF), which requires Local Planning Authorities to help deliver a wide choice of high quality homes.

4.9 It is proposed that a new condition be worded as follows:

“The annexe hereby permitted shall be used for purposes ancillary or incidental to the main dwelling or as domestic accommodation for a lodger or tenant. At no time shall it be sold independently from the main dwelling nor shall the common ownership of the annexe and main dwelling be severed.”
Impact on residential amenity

4.10 The dwelling sits within a spacious plot and there is a substantial buffer of mature trees and gardens between the annexe and the nearest neighbouring property. As a result the use of the annexe by a lodger/tenant causes no material harm to neighbouring occupiers, and the proposal complies with Policy IMP 9 of the SNLP.

Highway impact

4.11 There is sufficient parking available in a lay-by next to the road. No objection is raised by the Highway Authority, and the proposal complies with Policy IMP 8 in that it would not restrict the safe and free flow of traffic in the locality.

4.12 The application is not liable for Community Infrastructure Levy (CIL) because there is no change of use and no additional built development proposed.

5 Conclusion

5.1 Subject to the imposition of the recommended condition in paragraph 4.9, the proposal complies with relevant adopted and emerging development plan policies and national guidance. It is therefore recommended that planning permission be granted.

Contact Officer, Telephone Number       Robert Webb 01508 533681
and E-mail:                            rwebb@s-norfolk.gov.uk
7. **Appl. No**: 2014/0856/F  
**Parish**: LODDON

Applicants Name: Mr Justin Fenwick  
Site Address: The Swan Inn 23 Church Plain Loddon Norfolk NR14 6LX  
Proposal: Erection of one-and-a-half storey building to provide four letting rooms and associated landscaping

Recommendation: Refusal

1. Unacceptable harm to residential amenity, contrary IMP9; DM3.14

1. **Planning Policies**

1.1 National Planning Policy Framework  
NPPF 12: Conserving and enhancing the historic environment

1.2 Joint Core Strategy  
Policy 2 : Promoting good design

1.3 South Norfolk Local Plan 2003  
EMP 6: Alterations and extensions to existing business premises  
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 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  
DM3.14 Amenity, noise and quality of life  
DM4.11 Heritage Assets

1.6 Statutory duties relating to Listed Buildings and setting of Listed Buildings:

S66(1) Listed Buildings Act 1990 provides: “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

The Court of Appeal in Barnwell Manor Wind Energy Ltd v East Northamptonshire DC [2014] has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise. Furthermore, less than substantial harm having been identified does not amount to a less than substantial objection to the grant of planning permission.
2. Planning History

2.1 2013/1640 Conversion of existing store rooms and alteration of cloakrooms to allow for the creation of dining area (minor alterations to approved permission 2013/0528/F & 2013/0529/LB)  Approved

2.2 2013/1643 Conversion of existing store rooms and change of use to provide four letting rooms (minor alterations to approved permission 2013/0527/F & 2013/0526/LB)  Approved

2.3 2012/0651 Erection of three dwellings  Approved

3. Consultations

3.1 Parish Council Recommend refusal due to loss of amenity to neighbours, and the high wall to the footpath would create a safety concern. A single storey building would utilise the space more efficiently.

3.2 District Member To Committee Issues relating to the design of the building, its impact on the neighbours and overlooking; the effect of the wall on the safe use of the footpath; possible conflict over parking provision and the long term use of the building.

3.3 NCC Highways No highway objections.

3.4 Environmental Services - Food Hygiene No comments received

3.5 Police Architectural Liaison Officer Safety and security issues resulting from presence of the footpath, but if this is to remain, then the addition of a street lamp, secure doors and windows with security lighting and 1.8 metre high fencing/walls would allow the proposal to achieve a full Secure by Design award.

3.6 Representations Concerns have been expressed about the impact of the new building in terms of increased noise and disturbance, over looking and loss of privacy, loss of sun light, the unsuitability of the site for the development, the adverse safety issues with regard to the footpath, inadequate car parking provision and the imposing scale of the building.

4. Assessment

4.1 The Swan is an impressive grade 2 listed building in the centre of the Loddon Conservation Area. Its principle elevation faces the Street but behind to the west it has two wings to form a "U" shape which together with the former Town hall, a converted barn, and latterly three new dwellings, form a courtyard.

4.2 This proposal is for a new building to provide 4 letting rooms for the public house on a presently vacant site to the south of the courtyard, between a converted barn and numbers 5 and 7 Sale Court. Part of the land is used as an un-adopted footpath linking the town with Sale Court. The site is adjacent to but not within the conservation area.
4.3 There have been concerns raised relating to the design of the building and its impact on the listed building; impacts on neighbour amenity, the effect on the footpath and parking arrangements, and the benefit to the business.

Design

4.4 The site is triangular in shape widening at the south end which is at a higher level than the courtyard. The design has been devised to reflect the concerns of the neighbours in terms of overlooking and loss of sun light; to accommodate a footpath and to avoid damage to a boundary wall following disagreements with the neighbour over the Party Wall Act. The scheme provides for 4 letting rooms which are required by the applicants in addition to the 4 proposed under application 2014/0993.

4.5 The combination of these challenges has led to a more complicated building than its neighbours, but one which would use similar materials and be of a comparable scale. Its position would not have a harmful impact on the setting of the listed public house, nor on the character and appearance of the conservation area. As such it would comply with policies IMP 15 and 18 and DM 4.11.

Neighbour amenity.

4.6 The applicants have sought to amend the design to reduce the prospects of overlooking. The building has been located towards the south end of the site to avoid overlooking the private garden of number 5. There are nevertheless windows to one of the units which overlook the front garden but this is not considered unreasonable. This position does however, affect the outlook from the garden of Westgate Barn where the new roof would emerge above their west garden wall for most of its length. The garden to Westgate barn is set about a metre above the corresponding level on the application site. There is also concern that the construction of the new building would affect the historic wall, but this would be a private issue between the two owners.

4.7 Additional section drawings have been provided, but the changes in levels north south and the higher level of the garden to Westgate barn are not shown. It is clear however that a substantial portion of the new building would appear above the existing boundary wall and extend for more than 12 metres along the western flank of the neighbouring garden. The impact of this building would be unduly overbearing on the adjacent residential property, especially when considered in addition to other buildings which already impact on its curtilage from the north. The sense of enclosure would unacceptably harm the enjoyment of the neighbouring property in conflict with SNLP policy IMP 9 and the emerging policy DM3.14.

Footpath

4.8 The footpath is not on the definitive map although I understand the Parish Council are looking to add it to the statutory records. The scheme does accommodate a footpath moved adjacent to the east boundary of number 5 Sale Court. There have been concerns that the presence of the building would affect the safety of people using the path as it would confine the route and define it with solid building and boundary walls. At present the route is more open. The Norfolk Constabulary, the ACPO Secured by Design officer, advises that if a footpath has to be retained, it should be lit by a street lamp, and the specifications for the doors, windows and any boundaries to the building should be to approved standards. If these matters were put in place the scheme would obtain a Secured by Design award. While this can be conditioned with any approval, it is not felt to be a consideration that would be critical to the determination of the application.
Car parking

4.9 The implementation of the original car parking proposal is being reviewed given the completion of the three houses but not the development at the public house. The latest car parking plan shows 8 spaces to be given priority for users of the 8 letting rooms, (there is no indication how this might be enforced) with a further 15 allocated for the public house itself. There is a parking area in Church Plain a few metres east of the public house and the highways officer has raised no objections to this arrangement. In these circumstances I conclude that the proposal could not be shown to conflict with policy IMP 8.

Benefits to the business

4.10 The applicants have advised that the proposal is "essential to the long term financial viability of the public house". They advise that since re-opening two and a half years ago, the public house has been operating at a substantial loss not offset by the income from the sale of the three houses (approved under 2012/0651 and almost completed,) which has been invested in improvements to the building. Without these letting rooms the "trading deficit cannot be addressed." and there was a strong risk of the premises closing or reducing its offer substantially. The applicant's claim that in the wider perspective, occupiers of the letting rooms would support the local economy and the tourist trade. While the applicant has provided some information, without a business plan it is difficult to corroborate or challenge this position.

4.11 The applicants were asked to consider a single storey building which would considerably ease the effects on the neighbours and provide two if not three letting rooms, but this was not acceptable to the owners. The existing rooms in the public house on the first floor are needed as function rooms and kitchen and could not be converted.

4.12 The site is problematical in terms of its position and characteristics and the design has had to be developed to try and accommodate the issues raised above. I feel this has been successful to a degree but there are still some outstanding concerns in respect of neighbour's amenities, and I feel a better solution, if a building is acceptable in principle here, would be to design it as single storey.

This application is liable for Community Infrastructure Levy (CIL)

5 Conclusion

5.1 The impact on the setting of the listed building and the adjacent conservation area is not significant in this case. The benefits of a designated footpath, and a facility that could help support the viability of the public house (if that is proven), need to be weighed against the impacts on the neighbours. As submitted I do not feel a case has been made to allow the application to be supported.

Contact Officer, Telephone Number and E-mail: Steve Beckett 01508 533812 sbeckett@s-norfolk.gov.uk
8. **Appl. No**: 2014/0993/F  
**Parish**: LODDON  
**Applicants Name**: Mr Justin Fenwick  
**Site Address**: The Swan Inn 23 Church Plain Loddon Norfolk NR14 6LX  
**Proposal**: Demolition of existing store rooms (retrospective) and erection of replacement building to provide four letting rooms. Erection of lean-to maids store  
**Recommendation**: Approval with Conditions  
1. Full Planning permission time limit  
2. In accord with submitted drawings  
3. Accommodation ancillary to PH  
4. Specific details to be agreed

9. **Appl. No**: 2014/0994/F  
**Parish**: LODDON  
**Applicants Name**: Mr Justin Fenwick  
**Site Address**: The Swan Inn 23 Church Plain Loddon Norfolk NR14 6LX  
**Proposal**: Demolition of existing store rooms (retrospective) and erection of replacement building to provide four letting rooms. Erection of lean-to maids store  
**Recommendation**: Approval with Conditions  
1. Full Planning permission time limit  
2. In accord with submitted drawings  
3. Accommodation ancillary to PH  
4. Specific details to be agreed

1. **Planning Policies**

1.1 **National Planning Policy Framework**
NPPF 12: Conserving and enhancing the historic environment

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

1.3 **South Norfolk Local Plan 2003**
EMP 6: Alterations and extensions to existing business premises  
IMP 8: Safe and free flow traffic  
IMP 9: Residential amenity  
IMP 12: Redevelopment following demolition of Listed Buildings  
IMP 15: Setting of Listed Buildings  
IMP 16: Demolition in Conservation Areas  
IMP 17: Alterations and extensions in Conservation Areas (Part Consistent)  
IMP 18: Development in Conservation Areas.

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
DM4.11 Heritage Assets
DM3.14 Amenity, noise and quality of life

1.6 Statutory duties relating to Listed Buildings and setting of Listed Buildings:

S66(1) Listed Buildings Act 1990 provides: “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

The Court of Appeal in Barnwell Manor Wind Energy Ltd v East Northamptonshire DC [2014] has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise. Furthermore, less than substantial damage having been identified does not amount to a less than substantial objection to the grant of planning permission.

2. Planning History

2.1 2013/1640 Conversion of existing store rooms and alteration of cloakrooms to allow for the creation of a dining area (minor alterations to approved permissions 2013/0528/F & 2013/0529/LB) Approved

2.2 2013/1643 Conversion of existing store rooms and change of use to provide four letting rooms (minor alterations to approved permission 2013/0527/F & 2013/0526/LB) Approved

2.3 2013/1745 Retention of alterations to public house garden (including erection of a brick wall) and the proposed erection of a bin store Approved

3. Consultations

3.1 Parish Council Recommend refusal; roofline is higher, not in keeping with the main building and old bricks should have been used. The Council would support a one and a half storey building with dormers.

3.2 District Member Refer to Committee.
No objections received under 2014/0993 but under 2014/0994 there are concerns relating to the design of the new build and parking provision for the various users of the courtyard.

3.3 NCC Highways No highway objections.

3.4 Environmental Services (Protection) No adverse comments.

3.5 Representations Concerns have been expressed about the enlarged footprint and higher ridge and choice of bricks, combining to be not in keeping with the surrounding properties.
4 Assessment

4.1 The Swan is an impressive grade 2 listed building in brick and pantile in a prominent position in the conservation area. Its principle elevation faces the street being part of an historic group of buildings that form the west side of Church Plain. To the rear of the building the Swan has been extended on both sides to form a "U" shape with the southern wing continuing as single storey range which forms the boundary with the neighbouring property. A major scheme of refurbishment has been completed on the main building and has continued in part of this range which has been improved and converted to a dining room.

4.2 This proposal involves the demolition of the existing building and its replacement with a larger building to accommodate 4 letting rooms and a maid's store, in association with the Swan public house. The building work involved has been commenced so the application is for the most part retrospective. The consideration of the application raised issues on the merits of the demolition; the design of the replacement; effect on neighbour amenity, parking provision and viability of the public house.

Demolition:

4.3 In 2013 consent was granted to convert the western most building to 4 letting rooms (2013/1643). This range was single storey with attic space above, part brick and boarded with a pantiled roof. It was intended to convert this building, adding dormers and other openings to service the letting rooms, two on the ground floor with a new stair to provide two above. By virtue of the building being attached to the Swan it is considered to be a listed structure.

On commencing this scheme, the condition of the building was found to be unstable, the construction sub-standard, and the decision was taken by the owners to demolish the building. As the approved scheme could not be implemented, these applications were submitted. It was found, prior to demolition, that the approved scheme would not provide sufficient headroom or disabled facilities, and discussions had been held to look at the prospects of revising and enlarging the layout which would have included raising the ridge height. As the demolition work has been completed and work has continued with the rebuilding, the application is in part retrospective.

4.5 In terms of the significance of the building, it did form part of the listed complex although clearly a later addition and one that had been modified and altered in the past. The building would not have merited listing in its own right. It did make a contribution to the courtyard of buildings at the rear of the Swan, combined with the former town hall and three new houses recently completed. It was not visible from the street, so its contribution to the conservation area was not significant.

4.6 Under the NPPF, paragraph 133, the loss of a heritage asset should not be approved unless it can be shown that the harm was necessary to achieve substantial public benefits that would outweigh that harm. The building was a modest part of the Swan Inn, found to be in a poor condition not capable of sustaining its approved new use without substantial works. No objections have been raised over the demolition. In the light of the above it is felt that the scheme met the criteria in policies IMP 15, 16 and 18.

Design of the new build.

4.7 In terms of the replacement building, concerns have been expressed over the higher ridge, enlarged footprint and the design, particularly the use of new bricks as opposed to reusing those salvaged from the original building.
4.8 The new ridge height would be 1.1 metres above the previous. This is proposed to accommodate the headroom at first floor while the enlarged footprint is needed to firstly provide for a disabled room on the ground floor, but also to provide a store room to service the new use. The ridge height is lower than a converted barn immediately to the south and the principle building of the Swan. It is felt that the building would still read as an ancillary building and not be out of scale in the courtyard.

4.9 The intention was to reuse the bricks but these were too damaged or fragile to be usable so new bricks were sourced which match those on the new houses opposite. These are to a good standard and with arched heads to the openings would match the converted dining room building adjacent.

4.10 It is felt that the design and quality of the replacement building would enhance the setting of the listed building and conservation area and comply with policies IMP 15 and 18 and be in accord with paragraph 136 and 138 of the NPPF which seeks to encourage new development to proceed following demolition and to support schemes that contribute to the significance of a heritage asset.

Neighbour amenity.

4.11 The enlarged roof structure would impact upon the neighbour to the south but would not cause any overshadowing. It does fit in well with the roof scape from this viewpoint and would help reduce the disturbance from the public house and these have been acknowledged by the neighbour. I am satisfied the proposal does not have an unacceptable adverse impact on the neighbour and meets the criteria in IMP 9.

Parking provision

4.12 The local member is concerned about the impact of the scheme on the provision of car parking in the courtyard. This does provide spaces for the public house, while 8 spaces have been shown as priority for the letting rooms. The highway officer has no objections to the car parking arrangements and provision. I do not feel the scheme conflicts with IMP 8. There is car parking available in Church Plain to the east of the Swan.

4.13 In terms of viability, the agents have advised that the letting rooms for this application and the ones proposed under 2014/0856 are needed to ensure the viability of the public house. Prior to these applications there was no provision for accommodation at the public house, space on the first and second floors of the public house are needed as function rooms and kitchen facilities. Considerable improvements have been made to the premises funded by the three new houses built on the west part of the site. At present the public house is operating at a loss.

This application is liable for Community Infrastructure Levy (CIL)

5 Conclusion

5.1 In view of the above, the new building would make a positive contribution to the courtyard, enhance the conservation area and would have benefits to the business and the public that would justify the proposal. It is felt that it meets the criteria set under sections 66(1) and 72 of the Listed buildings and Conservation Areas Act 1990 and the NPPF.

Contact Officer, Telephone Number and E-mail: Steve Beckett 01508 533812 sbeckett@s-norfolk.gov.uk
10. **Appl. No**: 2014/0209/F  
**Parish**: ALBURGH

Applicants Name: Mr Nigel Bond  
Site Address: South Farm Tunbeck Road Alburgh Norfolk IP20 0BS  
Proposal: Continued use of the property for: (i) wood processing, storage and creation of wood products and sales of finished products online or by telephone but excluding wood planing of a continuous nature (blue on plan) (ii) food preparation and creation (purple on plan) (iii) long-term storage and occasional movement of stored items (green on plan)

**Recommendation**: Approval with Conditions

1  In accordance with amendments  
2  Specific Uses  
3  Implementation of noise report  
4  Limited Hours of Use  
5  Boundary noise level

1. **Planning Policies**

1.1 National Planning Policy Framework  
NPPF 01: Building a strong competitive economy  
NPPF 03: Supporting a prosperous rural economy

1.2 Joint Core Strategy  
Policy 5 : The Economy  
Policy 17 : Small rural communities and the countryside

1.3 South Norfolk Local Plan 2003  
IMP 9: Residential amenity  
IMP 10: Noise

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  
DM2.10 Conversion and re-use of buildings in the Countryside for non-agricultural use  
DM2.1 Employment and business development  
DM3.12 Road safety and the free flow of traffic  
DM3.13 Provision of vehicle parking  
DM3.14 Amenity, noise and quality of life

2. **Planning History**

2.1 2011/0987  Erection of hanging sign  Approved

2.2 2011/1749  Change of use to luxury ice cream and manufacture  Approved

2.3 2011/0986  Change of use to office and showroom  Approved
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<th>Application No.</th>
<th>Description</th>
<th>Decision</th>
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<tr>
<td>2.4</td>
<td>2007/2370</td>
<td>Change of use from storage to a food preparation area, storage &amp; office and retrospective planning permission for installation of 3 windows</td>
<td>Approved</td>
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<td>2.5</td>
<td>2007/0799</td>
<td>Change of use from storage to B1 use and retrospective planning permission for installation of 2 windows in the western elevation of the granary</td>
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<td>2007/0475</td>
<td>Change of use of store to brewery shop selling bottled &amp; draught beers and some locally produced foods</td>
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<td>2.7</td>
<td>2006/2372</td>
<td>Proposed change of use from temporary to permanent use of buildings for storage and repair of motor vehicles</td>
<td>Approved</td>
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<td>2.8</td>
<td>2006/0106</td>
<td>Conversion of dairy &amp; storage buildings to a micro brewery</td>
<td>Approved</td>
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<td>2.9</td>
<td>2005/0647</td>
<td>Conversion of farm building to provide two workshops and storage area</td>
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<td>2.10</td>
<td>2004/1910</td>
<td>Proposed change of use from agricultural building to storage and repair of motor vehicles</td>
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<td>2.11</td>
<td>2002/1622</td>
<td>Change of use from agricultural building to let building for the storage of animal feeds &amp; other non-hazardous substances</td>
<td>Approved</td>
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### 3. Consultations

#### 3.1 Parish Council

Comments on amended proposal

Consider that the change of wording is unenforceable and meaningless and reject the application as we remain concerned about noise levels.

Were retrospective planning permission to be granted we feel strongly that:

- The building must be insulated to substantially reduce noise levels. The doors to the barn must be kept closed when machinery is in use. Permission to be granted to Gary Moorcroft, the tenant of Nigel Bond, only. If Mr Moorcroft ceases to work on these premises, a new planning application must be made by the new tenant.

A decibel limit to be imposed by the Environmental Health Officer and is enforced if necessary, to ensure that neighbours are no longer adversely affected by high noise levels which have spoilt their environment for too long.
Comments on original proposal

A number of individual comments were made by parish councillors raising concerns about the woodwork business resulting in noise pollution which renders the use unsuitable for this location and should be relocated to an industrial estate. Concern also about factual inaccuracies were noted about the length of time the use had been on the site and in regard to the repeated use of retrospective planning applications by the applicant.

3.2 District Member To Committee
- because of noise impacts on neighbours as reported to me

On amended proposal: Problem in defining what is not continuous use. Could lead to endless disagreements taking up hours of officer’s time. This needs to be clearly defined.

3.3 Environmental Services (Protection) Conditional support
- having reviewed the additional information and undertaken a noise assessment we do not wish to object subject to any approval including conditions relating to hours of use and boundary noise level limits

3.4 NCC Highways Further clarification over vehicular movements sought

3.5 Representations 7 letters of objection to amended proposal:
- open to interpretation and it is likely that wood planing will operate and cause the same unacceptable noise, causing distress to those living nearby
- inappropriate site for this type of activity
- this sort of work should not be carried out in a tin barn where any loud noise is amplified
- would be better positioned on an industrial estate
- still experiencing noise disturbance

10 letters of objection to original proposal
- this is an unsuitable location for this type of activity which should be on an industrial estate, There is such an estate in Harleston under 3 miles away.
- many letters state support for small businesses, including other uses on the site, but that this use is unsuitable for this location
- this a very peaceful part of the Norfolk countryside
- the woodworking machinery provides an intrusive and at times unbearable noise which goes on all day, sometimes 7 days a week.
- noise affects people living a quarter of a mile away
- noise amplified as the work takes place in a large tin barn so the already unacceptable noise is amplified
- the proposed sound insulation would be inadequate giving that independent noise measurements were recorded as a peak of 95 decibels and an average of 75 over a 3 minute test at a distance of 90 metres from the source
- levels of noise can be louder than when measured due to the thickness of the cut and the quality of the wood
- the report confirms that noise levels repeatedly exceed 50dB WHO recommended maximum level
- report does not clarify if noise assessment was carried out when doors were open or shut
why is there no insulation produced for the north wall of this building?
any benefits of insulation would be negated by the fact that this factory always has the east facing doors open when working
internal enclosure would be effective if sufficient ventilation (and cooling) was provided, and the workshop doors shut during operations.
measures would be costly to install and would still require the doors to be closed
area marked as an "unused area" on Figure 4. This has been used for wood processing and firewood sales and use of it should be clarified
it is definitely not a kitchen specific business any more, but a much larger scale wood processing business
it is also a misleading statement that the firewood business is "just using wood supplied from the farm estate". Wood is also delivered to the premises to be cut to size to enable this business
has there been a fire safety inspection? Given the storage of paints, bedding and hay for horses and a "candle factory" on the site this is quite important as there are three thatched cottages nearby
other aspects of the retrospective application do not give sufficient details
the lane accessing the site is unsuited to heavy traffic generated by both the existing uses and this use
devalues my property
why haven't the residents of Station Road been notified as affected neighbours?
why was the noise allowed to continue for so long and why are certain people allowed to repeatedly exploit the retrospective planning loophole?

4 Assessment

4.1 The application is for the retention of a number of uses on the site, which have been the subject to an enforcement investigation. The retrospective application seeks to regularise all the uses which are for:

(i) wood processing, storage and creation of wood products and sales of finished products
(ii) food preparation and creation
(iii) long-term storage and occasional movement of stored items

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 site is in a location outside of any development boundaries, although the village of Alburgh is identified as a service village within the Joint Core Strategy. However, the buildings are existing former agricultural buildings and the wider complex has existing employment uses permitted. The principle of the re-use of these buildings for employment use is therefore supported in accordance with section 3 of the NPPF and JCS Policy 5, as well as policies DM2.1 and DM2.10 in the emerging Local Plan. However, this principle is subject to specific issues such as highway access and the impact on surrounding properties.

4.4 In this instance the main issue is the noise impact arising from the wood processing, storage and creation of wood products on surrounding residential properties in what is a quiet rural area. A noise assessment report has been produced which accepts that the
4.5 The applicant has ceased the use of wood planing for prolonged periods and the application was specifically amended to exclude this. However, a business of this nature could still involve activities that generate considerable noise resulting in considerable disturbance to the amenities of neighbouring properties, including planing on a periodic basis as noted in many of the representations made. A more appropriate solution is to control noise levels on the boundary. Environmental Services have monitored noise levels in the locality and consider that noise levels should not exceed 40 dB (LAeq, 1 hour) on the boundary of any nearby residential properties. Coupled with the measures included in the noise assessment report, this would allow for the use to operate with noise impact that could be monitored and, in the event any the noise limits were exceeded, appropriate enforcement action taken.

4.6 Many of the comments note that the use has been occurring at all times of the day and often 7 days a week. It should be noted that the application proposes limited working hours of 0830 - 1800 Monday to Friday and 0800 - 1200 on Saturdays with no Sunday or Public Holiday working and therefore any approval would be conditioned to ensure that there was no operation outside of these hours.

4.7 A concern was also raised about the impact of the uses on the local highway network. Further information has been sought regarding traffic levels that are involved. It is understood that the level of vehicular movements are unlikely to raise any concerns from the highway authority, but this will be confirmed orally to members at the Committee meeting.

4.8 It is therefore considered that with implementation of the measures included in the noise assessment report and a condition that can be monitored relating to boundary noise levels, the use can be accommodated without resulting in unacceptable disturbance to the amenities of nearby residents. In common with other units on the wider site, a condition is proposed restricting the use to the specific uses applied for to prevent normally permitted changes of use which may be inappropriate in this rural location due to the restricted nature of the local highway network. With these conditions in place, it is considered that the uses are acceptable.

5 Conclusion

5.1 The proposed use of the building will make good use of existing rural buildings for employment purposes in accordance with JCS Policy 5 and section 3 of the NPPF without having an unacceptable impact on residential amenity and the local highway network, subject to appropriate conditions.

Contact Officer, Telephone Number and E-mail: Tim Barker 01508 533801 tbarker@s-norfolk.gov.uk
11. **Appl. No**: 2011/1539/CU  
**Parish**: MORLEY  
**Applicants Name**: Mrs Annie Smith  
**Site Address**: Primrose Paddocks Low Road Morley St Botolph NR18 9BU  
**Proposal**: Use of land to stand 2 static caravans and 1 touring caravan for occupation by a single family

**Recommendation**: Approval with conditions  
1. Occupation by Gypsies and Travellers only  
2. Maximum 3 caravans (2 static, 1 tourer)  
3. No caravans permitted in Flood Zone 3

1. **Planning Policies**

1.1 **National Planning Policy Framework**  
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  
Planning Policy For Traveller Sites (CLG 2012)  
Technical Guidance to the National Planning policy Framework (CLG 2012)

1.2 **Joint Core Strategy**  
Policy 2: Promoting good design  
Policy 4: Housing delivery

1.3 **South Norfolk Local Plan 2003**  
ENV 8: Development in the open countryside  
IMP 8: Safe and free flow traffic  
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.

1.5 **Development Management Policies**  
DM3.4 Gypsy and Travellers sites  
DM3.12 Road safety and the free flow of traffic  
DM3.14 Amenity, noise and quality of life  
DM4.6 Landscape Character Areas and River Valleys

2. **Planning History**

2.1 None relevant

3. **Consultations**

3.1 **Parish Council**  
2011 consultation  
- Object  
- Complaints received about noise and level of illumination  
- Precedent for loss of agricultural land  
- Septic Tank too close to watercourse  
- Query commercial vehicles on the site
2014 consultation
- Confirm original objections
- Outside development limit
- Area not suitable for residential living

3.2 District Member
To be reported if appropriate

3.3 NCC Highways
2011 consultation
- No highway objection but note...
- Not ideal location – remote from services
- No pedestrian links along unrestricted speed roads
- Site layout plan requested

3.4 Gypsy Liaison Officer
No comments received

3.5 Environment Agency
- Standing Advice applies – could condition location of caravans within Zone 2 only subject to Exception Test.

3.6 Environmental Services
- Septic Tank would not operate if site floods – recommend treatment plant
- Standard surface water drainage advice

3.7 Representations
2011 consultation (6 representations from 3 properties)
- Concern development occurred without permission
- Precedent for similar development in the area
- Agricultural land should be kept in that use

2014 consultation (1 letter)
- Concern about further similar development in the area remains

4 Assessment

4.1 This retrospective application has been delayed by a variety of factors, including flood risk assessment issues and awaiting a review of the need for and supply of traveller sites. The site is located approximately 1km from Morley village and 2km from the edge of Wymondham. It is located between a residential property and commercial premises on Low Road, just off Morley Lane. The site was previously developed with an agricultural building on site, but was in a somewhat neglected state. The application is submitted for the benefit of the applicant’s family who are gypsies and have acquired this site to establish a base for themselves comprising two static and 1 touring caravan. The site was occupied prior to the submission of the application with 2 caravans and to that extent is retrospective.

4.2 The Department for Communities and Local Government has published Planning Policy for Traveller sites, which includes advice on what issues to consider when determining planning applications (see extract in Appendix 2). South Norfolk Council have not yet adopted criteria for the allocation of traveller sites (although an options and issues paper has been published), but Development Management policies have been submitted for examination as part of the emerging local plan and these include policy 3.4 ‘Sites for Gypsies and Travellers’ which is reproduced as Appendix 3.

4.3 Taking account of the relevant policies, the comments received and circumstances of the case, I consider that the main issues for consideration can be assessed under the following headings:
- Need for traveller sites in the District;
- Location of the site;
- Flood Risk;
Need for Traveller Sites

4.4 The Joint Core Strategy policy 4 requires provision of 28 Traveller pitches within the District in the period 2006 – 2011 and a further 38 in the period to 2026. Sufficient approved or allocated sites do not currently exist to meet this requirement. The Council have recently commissioned a Gypsy and Traveller Accommodation Assessment to provide a more up-to-date picture of the actual need for traveller sites in the District. This assessment has identified a need for a total of 35 additional pitches in the period up until 2031 of which 8 are required in the period 2014 to 2019. Consequently the Council cannot currently claim to have a five year supply of sites for travellers and additional sites will be required to meet the policy targets and the identified need. This is a material consideration when assessing this planning application and particularly in the context of policy ENV8.

Location of the site.

4.5 Paragraph 23 of the National Planning Policy (Appendix 2) advises local authorities to strictly limit new traveller site development in the open countryside that is “away from existing settlements or outside areas allocated in the development plan”. The emerging local plan policy 3.4 (Appendix 3) indicates that sites should not be so isolated from settlements that the occupiers cannot gain “convenient access to schools and facilities to meet their daily needs”.

4.6 The wording of these policies is clearly open to interpretation. Although the site is well detached from development boundaries, a full range of facilities for daily needs is available within 2-3km of the site in Wymondham and Morley itself. Occupants are likely to use their car however, as the roads serving the site do not have footways. The location of the site is clearly not ideal in this respect although it is not as remote from services as large parts of the District. The disadvantages of the site in terms of its location should be weighed against the unmet need for sites and the other material considerations.

Flood Risk

4.7 Following submission of a site survey and Hydraulic Modelling Report, parts of the site are confirmed to fall within Flood Zone 3, but the part where caravans are to be stood and the access to them is within Zone 2. The CLG technical advice on flooding advises that residential caravans are only appropriate in such areas if the Sequential and Exception Tests are passed.

4.8 In terms of the Sequential Test, it could be argued that there are many areas outside flood zones 2 and 3 which could, in theory, accommodate residential caravans. However, Members will be well aware of the difficulty in securing sites for Travellers and, as noted above, there is currently a shortfall in available sites to meet identified need and policy requirements. In these circumstances I consider that alternative sites for this particular development are not currently available. Within the site, the caravans are to be located within the part which is least at risk of flooding, in accordance with the sequential approach.

4.9 The Exception Test requires that the development provides sustainability benefits to the community that outweigh the flood risk and that the development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere (para. 102 NPPF). I consider that the approval of this site to reduce the unmet need for Traveller sites represents a significant community benefit. The caravans are sited
close to the edge of flood zone 2 within a few metres of the highway and flood zone 1. The topography of the area is gentle, so any flooding is unlikely to be deep or fast flowing. Access could be easily gained to higher ground (zone 1 actually extends into a corner of the site) and I consider the risk to the occupants would be limited.

4.10 I conclude that, although the site falls within Flood Zone 2, the risks involved are limited and are outweighed by the benefit in this case.

Landscape/ Visual Impact

4.11 Although the site is in a countryside location outside development limits, it is located between two existing developed sites, one a residential property and the other a commercial business dealing with motor vehicles. The existing developments, especially the latter, are plainly visible in the local landscape. The caravans do not significantly add to the visual impact of the developments already present and their appearance is further mitigated by vegetation on the site and adjacent land. I do not consider that the proposed development could be said to significantly harm the character and appearance of the area. I consider the site is consistent with emerging policy DM4.6.

Residential Amenity

4.12 The application proposes residential use of the site and there is only one residential property nearby, which adjoins the site to the south-west. Both the application site and the adjoining residential site are of substantial size, which provides generous separation between the dwelling units themselves. I consider this arrangement is satisfactory and is not likely to lead to unacceptable harm to the residential amenities of either property. The proposal is consequently consistent with policies IMP9 and DM3.14.

Highway considerations

4.13 The site is served by unclassified highways, but the likely traffic generation from the development is unlikely to significantly increase the level of traffic already using these roads. The site has adequate space and access for vehicles to enter, turn and leave the site safely and the Highways Officer has not objected to the development. I consider the development accords with policy IMP8 and emerging policy 3.12.

Foul Drainage

4.14 The applicant has advised that connection has been made to an existing septic tank within the site which apparently served a caravan that previously stood on the site, although I have no record of this. A package treatment plant would clearly be preferable, but I have no evidence at present that the existing arrangement is not operating adequately. Either system would be vulnerable in the event of flood. Should any evidence of pollution to the watercourse arise, then action under separate legislation would be possible to remedy this. In these circumstances I consider that a condition requiring a new treatment plant could not be justified at this stage.

Precedent

4.15 A recurring theme of the objections received, has been concern about creation of a precedent for further similar proposals in the area. Any such application would need to be assessed in a similar way to the present one, according to relevant policies and the circumstances and merits of the particular site at the time. No accurate prediction or guarantee can be given about the outcome of any future applications. However, I do not consider that the grant of planning permission in this case makes it any more or less likely that any future application would be approved or refused.
Conditions

4.16 The application is assessed with particular regard to the need for Traveller Sites in the District and the suitability of the site for the proposed scale of development. Conditions are therefore justified to restrict occupancy of the site to Gypsies and Travellers and to limit the number of caravans approved. A condition is also recommended to ensure the caravans are only located within the part of the site that has a flood probability of less than 1 in 100 yrs (Zone 2 and not in Zone 3) in order to minimise flood risk.

4.17 This application is not liable for Community Infrastructure Levy (CIL) as no new building floorspace is created.

5 Conclusion

5.1 In some respects (location and flood zone) the site is not ideal, but in practice the development has not caused significant harm and it does not significantly undermine the purpose of relevant planning policies. The overall shortage of sites for Travellers and the benefit of this site to the applicant’s family are factors which should be weighed in the planning balance when determining this application. I consider that, on balance, this development is acceptable and its benefits in providing Traveller accommodation outweigh the disadvantages of the site. I therefore conclude that the application should be approved with appropriate conditions.

Contact Officer, Telephone Number  Chris Trett 01508 533794
and E-mail: ctrett@s-norfolk.gov.uk
Decision-taking

Policy H: Determining planning applications for traveller sites

20. Planning law requires that applications for planning permission must be determined in accordance with the development plan\(^\text{10}\), unless material considerations indicate otherwise\(^\text{11}\).

21. Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.

22. Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

   a) the existing level of local provision and need for sites
   b) the availability (or lack) of alternative accommodation for the applicants
   c) other personal circumstances of the applicant
   d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
   e) that they should determine applications for sites from any travellers and not just those with local connections

23. Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

24. When considering applications, local planning authorities should attach weight to the following matters:

   a) effective use of previously developed (brownfield), untidy or derelict land

\(^{10}\) Section 38(1) of the Planning and Compulsory Purchase Act 2004: this includes adopted or approved development plan documents i.e. the local plan and neighbourhood plans which have been made in relation to the area (and the London Plan)

\(^{11}\) Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990
b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

25. Subject to the implementation arrangements at paragraph 28, if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.  

26. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:

a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise
b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)
c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site.

Policy I: Implementation

27. This planning policy comes into effect on the same day as the National Planning Policy Framework.

28. The policy set out in paragraph 25 only applies to applications for temporary planning permission for traveller sites made 12 months after this policy comes into force.

29. The implementation policies set out in the National Planning Policy Framework will apply also to plan-making and decision-taking for traveller sites. In applying those implementation provisions to traveller sites, references in those provisions to policies in the National Planning Policy Framework should, where relevant, be read to include policies in this planning policy for traveller sites.


12 Policy on the use of temporary permissions is set out in Circular 11/1995: The Use of Conditions in Planning Permission. This states that there is no presumption that a temporary planning permission should become permanent.
As identified in consideration (e), there is a general preference for a Local Plan led approach and for residential development to be located within Settlements and on previously developed land. Any proposal in the countryside should be accompanied with evidence of the availability of suitable sites on the market (although a sequential assessment of all potential housing sites will not be required).

Proposals sites should have appropriate access to schools and other necessary facilities to meet the day to day needs of the occupiers, recognising the differences in lifestyle and working patterns of Gypsy and Traveller people (criterion f)).

For the purposes of Part 3 of the policy, persons with a local connection are defined as: persons who have habitually resorted to the particular parish (albeit that they also have resorted to a wider area of resort) for a specified period.

Planning permission may be subject to a planning condition restricting the occupation to Gypsies and Travellers and if appropriate, affordable terms, as defined in Annex 1 of the national planning policy for traveller sites. Other planning conditions or planning obligations will be applied to help overcome planning objections, in accordance with national policies (see Part (5))

Policy DM 3.4 Sites for Gypsies and Travellers

(1) Proposals for all new sites for Gypsies and Travellers, both inside and outside of development boundaries, will be assessed with regard to the following key considerations a) to h):

Key considerations

a) The scale of the site should not dominate the nearest settled community;
b) The development should be well planned to provide open space and facilities for the needs of occupiers and to meet national design guidance and site management experience. The site should include the provision of satisfactory foul and surface drainage, water supply and utilities, and avoid boundary structures that give a deliberately isolating appearance to the site;
c) Sites for mixed residential and business uses must be suitably designed with regard to the safety and amenity of the occupants, the neighbouring community and protection of the local environment.
d) The development should not have a serious adverse impact on heritage assets and their setting or the character and appearance of the landscape and should be sited and designed to integrate into the local landscape, with good screening by vegetation and / or landform;
e) The site should not be allocated in the Local Plan for a non-residential purpose, and there is a preference for sites located on previously developed land or previously occupied agricultural yards and hard-standings;

f) The site should not be so isolated from Settlements that the occupiers cannot gain convenient access to schools and facilities to meet their daily needs;

g) There should be adequate capacity available in local infrastructure and services; and

h) The proposed site should have suitable route(s) of access for the occupiers.

Requirements

In addition to the above key considerations, proposals will not be approved in circumstances where the proposed development is:

i) Located in an area of functional flood plain or high risk of flooding (Zone 2, 3a or 3b) or

j) On or nearby a site designated as an International, National or County-wide environmental asset, where those areas will be unacceptably harmed (see Policy DM 4.5 and DM 4.6) or

k) On a site unsafe for continuous occupation because of:
   • site contamination or
   • localised pollution levels or
   • unsafe site access or
   • other reasons of health and safety (see Policy DM 3.15); or

l) Individually or cumulatively with other nearby approved or allocated Gypsy and Traveller site(s) is disproportionate with the size and density of the surrounding population or

m) Will have serious adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the Policy DM 1.1 and the Local Plan as a whole.

(2) Proposals for temporary planning permission for Gypsy and Traveller sites will be assessed with additional flexibility to one or more of the key considerations a) to h) in the circumstances of:

n) A lack of availability of a five-year supply of deliverable sites for Gypsies and Travellers in the district; and

o) A lack of an alternative site.

(3) A proposal for a rural affordable local needs for Gypsy and Traveller sites will be required by planning obligation to ensure in perpetuity that:
The pitches are available on an affordable basis; and
- The allocations are managed to ensure they are firstly available to people with a local connection.

(4) A proposal for a Transit site designed and sited to be suitable for temporary periods of transit occupation will be considered against the key considerations a) to l) with additional recognition of:
- The different needs of transitory occupiers to access local facilities and the short-term tolerance to localised environmental conditions;
- The need to locate the site conveniently to access the main travelling routes; and
- A planning obligation will be required to ensure site management to ensure the availability of pitches on a transitory basis including a maximum period of stay.

(5) Planning permissions may be subject to planning conditions and/or planning obligations to restrict occupation to Gypsies and Travellers or to otherwise overcome planning objections.

Notes

1National Planning Policy Framework and the National Planning policy for traveller sites set national planning policies for the provision of accommodation for Gypsies and Travellers. The provision figure for the period to 2011 was set in the Regional Spatial Strategy for the East of England and reaffirmed in Policy 4 of the Joint Core Strategy. Policy 4 notes that the RSS is to be revoked and that new targets will be set for the period after 2011. The National Planning Policy for Traveller Sites, policy B: Planning for Traveller sites requires that the planning of Traveller sites contribute to the achievement of sustainable development, and that all local planning authorities identify an annually reviewed five-year supply of deliverable sites and identify developable sites or locations for a further six to ten years supply. The Policy B (paragraph 11) sets out the policy objectives that the site provision should achieve.
https://www.gov.uk/government/publications/planning-policy-for-traveller-sites

2The Greater Norwich Gypsy and Traveller Accommodation Assessment – 2012 updates the evidence on need in accordance with policy 4; this identifies a rolling target figure for deliverable sites in South Norfolk for the period after 2011.
### Planning Appeals
Appeals received from 06 August 2014 to 4 September 2014

<table>
<thead>
<tr>
<th>Ref</th>
<th>Parish / Site</th>
<th>Appellant</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013/2094</td>
<td>Tharston Site at land east of River Tas, Long Lane, Tharston, NR7 9UN</td>
<td>Mr C Harrison</td>
<td>To regularise the building of a shed (retrospective) and to acquire planning permission for a new storage barn and greenhouse.</td>
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</tbody>
</table>

### Planning Appeals
Appeals decisions from 06 August 2014 to 4 September 2014

<table>
<thead>
<tr>
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<th>Parish / Site</th>
<th>Appellant</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012/0741</td>
<td>Wymondham Former Focus Diy Store, Units 1A &amp; 1B, Farrier Close, Wymondham, Norfolk, NR18 0WF</td>
<td>Standard Life Investments Property Holdings Ltd</td>
<td>Use of former Focus Store for retail use without compliance with restriction as to goods to be sold imposed by planning permission issued on 9 May 2007, ref 2007/0497/F, as modified by Modification Order made by South Norfolk District Council on 31 July 2007, - upon implementation of planning permission issued on 16 December 2011, ref 2011/1784/F</td>
</tr>
<tr>
<td>2013/2159</td>
<td>East Carleton Subdivision Of Garden Of 2 Hethersett Road East Carleton Norfolk</td>
<td>Mr S Black</td>
<td>Proposed two storey dwelling</td>
</tr>
</tbody>
</table>