Development Management Committee

Members of the Development Management Committee:

Conservatives                          Liberal Democrats

Mr J Mooney  Dr M Gray
(Chairman)
Mrs L Neal (Vice-Chairman)
Dr C Kemp
Mrs A Thomas (Acting Vice-Chairman)

Mrs Y Bendle
Mrs F Ellis
Mr C Gould
Dr C Kemp
Mr G Minshull
Mr B Stone
Mr V Thomson

Pool of Substitutes

Mr P Broome  Mrs V Bell
Mr L Dale
Mr J Hornby
Dr N Legg
Mr B Riches
Mr G Wheatley

Pre-Committee Members’ Question Time

9.00 am Blomefield Room

Agenda

Date
Wednesday 16 September 2015

Time
10.00 am

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

Contact
Owen Pugh  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 on items 1 to 6, and arrive at 1:30pm if you intend to speak on items 7 to 18.

Please note that planning application Item Nos 1 – 6 will be heard from 10:00am

Planning application Item Nos 7 – 18 will be heard from 1:30pm onwards

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
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.
AGENDA

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

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

3. To receive Declarations of Interest from Members;
   (Please see flowchart and guidance attached, page 8)

4. Minutes of the Meetings of the Development Management Committee held 22 July 2015, 10 August 2015 and 19 August 2015. (attached - page 10)

5. Planning Applications and Other Development Control Matters; (attached – page 38)
   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>2015/0075/F</td>
<td>KETTERINGHAM</td>
<td>Land north of High Street Ketteringham Norfolk</td>
<td>38</td>
</tr>
<tr>
<td>2</td>
<td>2014/1302/O</td>
<td>CAISTOR ST EDMUND</td>
<td>Land north of Heath Farm Caistor Lane Caistor St Edmund Norfolk</td>
<td>50</td>
</tr>
<tr>
<td>3</td>
<td>2015/0827/O</td>
<td>HETHERSETT</td>
<td>Land West Of Myrtle Cottage Little Melton Road Hethersett Norfolk</td>
<td>87</td>
</tr>
<tr>
<td>4</td>
<td>2015/0253/D</td>
<td>LITTLE MELTON</td>
<td>Land South East Of The Gardens Mill Road Little Melton Norfolk</td>
<td>95</td>
</tr>
<tr>
<td>5</td>
<td>2015/1115/DC</td>
<td>WYMONDHAM</td>
<td>Land north of The A11 At Park Farm Silfield Road Wymondham Norfolk</td>
<td>105</td>
</tr>
<tr>
<td>6</td>
<td>2015/1181/RVC</td>
<td>BRAMERTON</td>
<td>Land North Of Church Farm The Street Bramerton Norfolk</td>
<td>114</td>
</tr>
<tr>
<td>7</td>
<td>2015/1673/F</td>
<td>GT MOULTON</td>
<td>Hope Valley Low Common Road Great Moulton Norfolk NR16 1LP</td>
<td>130</td>
</tr>
<tr>
<td>8</td>
<td>2015/0505/RVC</td>
<td>FORNCETT</td>
<td>Caravan at Laynes Farm Gilderswood Lane Forncett St Peter Norfolk NR16 1LN</td>
<td>145</td>
</tr>
<tr>
<td>9</td>
<td>2015/0930/H</td>
<td>LODDON</td>
<td>Ingloss Coach House Ingloss Lane Loddon Norfolk NR14 6ED</td>
<td>162</td>
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<tr>
<td>10</td>
<td>2015/1124/O</td>
<td>WYMONDHAM</td>
<td>Land at 93 Silfield Road Wymondham Norfolk NR18 9AX</td>
<td>169</td>
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<tr>
<td>11</td>
<td>2015/1203/F</td>
<td>GISSING</td>
<td>Cold Harbour Cottage Common Road Gissing Norfolk IP22 5UR</td>
<td>175</td>
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<tr>
<td>12</td>
<td>2015/1295/F</td>
<td>SWARDESTON</td>
<td>Land East Of Intwood Lane Swardston Norfolk</td>
<td>183</td>
</tr>
<tr>
<td>13</td>
<td>2015/1362/F</td>
<td>REDENHALL WITH HARLESTON</td>
<td>3 Broad Street Harleston Norfolk IP20 9AZ</td>
<td>189</td>
</tr>
<tr>
<td>14</td>
<td>2015/1363/LB</td>
<td>REDENHALL WITH HARLESTON</td>
<td>3 Broad Street Harleston Norfolk IP20 9AZ</td>
<td>189</td>
</tr>
<tr>
<td>Item No.</td>
<td>Planning Ref No.</td>
<td>Parish</td>
<td>Site Address</td>
<td>Page No.</td>
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</tr>
<tr>
<td>15</td>
<td>2015/1438/F</td>
<td>BRAMERTON</td>
<td>Land East of Orchard House The Street Bramerton Norfolk</td>
<td>195</td>
</tr>
<tr>
<td>16</td>
<td>2015/1477/F</td>
<td>DICKLEBURGH AND RUSHALL</td>
<td>Moor View Semere Green Lane Dickleburgh Norfolk IP21 4NT</td>
<td>202</td>
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<tr>
<td>17</td>
<td>2015/1607/F</td>
<td>MUNDHAM</td>
<td>B And G Spreaders Toad Lane Mundham Norfolk NR15 1EL</td>
<td>207</td>
</tr>
<tr>
<td>18</td>
<td>2015/1836/O</td>
<td>WYMONDHAM</td>
<td>Land south east of 9 Spinks Lane, Spinks Lane, Wymondham Norfolk</td>
<td>210</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 241)

8. **Date of next scheduled meeting** – Wednesday 14 October 2015
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 much time you have used 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 left or right 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

| **Fire alarm** | 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 |
| **Mobile phones** | Please switch off your mobile phone or put it into silent mode |
| **Toilets** | The toilets can be found on your right and left of the lobby as you enter the Council Chamber |
| **Break** | There will be a short comfort break after two hours if the meeting continues that long |
| **Drinking water** | A water dispenser is provided in the corner of the Council Chamber for your use |

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

| A  | Advert                     | G | Proposal by Government Department |
| AD | Certificate of Alternative Development | H | Householder – Full application relating to residential property |
| AGF | Agricultural Determination – approval of details | HZ | Hazardous Substance |
| C  | Application to be determined by County Council | LB | Listed Building |
| CA | Conservation Area          | LE | Certificate of Lawful Existing development |
| CU | Change of Use              | LP | Certificate of Lawful Proposed development |
| D  | Reserved Matters (Detail following outline consent) | O | Outline (details reserved for later) |
| EA | Environmental Impact Assessment – Screening Opinion | RVC | Removal/Variation of Condition |
| ES | Environmental Impact Assessment – Scoping Opinion | SU | Proposal by Statutory Undertaker |
| F  | Full (details included)    | TPO | Tree Preservation Order application |

Key to abbreviations used in Recommendations

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

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

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<table>
<thead>
<tr>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the interest directly:</td>
</tr>
<tr>
<td>1. affect yours, or your spouse / partner’s financial position?</td>
</tr>
<tr>
<td>2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?</td>
</tr>
<tr>
<td>3. Relate to a contract you, or your spouse / partner have with the Council</td>
</tr>
<tr>
<td>4. Affect land you or your spouse / partner own</td>
</tr>
<tr>
<td>5. Affect a company that you or your partner own, or have a shareholding in</td>
</tr>
<tr>
<td>If the answer is “yes” to any of the above, it is likely to be pecuniary.</td>
</tr>
<tr>
<td>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</td>
</tr>
</tbody>
</table>

| 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. |

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

What matters are being discussed at the meeting?

Do any relate to an interest I have?

A Have I declared it as a pecuniary interest?

OR

B Does it directly affect me, my partner or spouse’s financial position, in particular:

- employment, employers or businesses;
- companies in which they are a director or where they have a shareholding of more than £25,000 face value or more than 1% of nominal share holding
- land or leases they own or hold
- contracts, licenses, approvals or consents

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

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

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

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

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

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

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

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

Is it a matter I have been, or have lobbied on?

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

Minutes of a meeting of the Development Management Committee of South Norfolk District Council held at South Norfolk House, Long Stratton, on Wednesday 22 July 2015 at 10.00 am.

Committee Members Present: Councillors L Neal (Chairman for the meeting), A Thomas (Acting Vice-Chairman), Y Bendle, F Ellis, C Gould, M Gray, C Kemp, G Minshull, B Stone and V Thomson

(Cllr Neal left the meeting after consideration of agenda item 5, application 7. Cllr Thomas took the chair for the remainder of the meeting, except for application 8 which was chaired by Cllr Kemp. After consideration of Item 5, Application 13, Cllrs Bendle, Ellis and Gray left the meeting)

Apologies: Councillor J Mooney

Substitute Members: Councillor C Foulger (for J Mooney)

Officers in Attendance: The Development Manager (H Mellors), the Planning Decisions and Enforcement Team Leader (C Trett) and the Senior Planning Officers (C Curtis, T Lincoln, C Raine and R Webb)

Also in Attendance: (38 members of the public and the press were in attendance)
211. DECLARATIONS OF INTEREST

The following members declared interests in the matters listed below. Unless indicated otherwise, they remained in the meeting.

<table>
<thead>
<tr>
<th>Application</th>
<th>Parish</th>
<th>Councillor</th>
<th>Declaration</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Item 2)</td>
<td>BIXLEY</td>
<td>All</td>
<td>Local Planning Code of Practice Lobbied by Objector</td>
</tr>
<tr>
<td>2014/2380/F</td>
<td></td>
<td>C Kemp</td>
<td>Other interest – Member is subscribing member of English Heritage</td>
</tr>
<tr>
<td></td>
<td></td>
<td>L Neal</td>
<td>Other interest – Member was present when item discussed at Parish Council meeting</td>
</tr>
<tr>
<td>(Item 6)</td>
<td>BRESSINGHAM</td>
<td>B Stone</td>
<td>Local Planning Code of Practice Lobbied by Applicant and Objector</td>
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<tr>
<td>2015/0595/F</td>
<td></td>
<td>V Thomson</td>
<td>Other interest – Applicant is known to member</td>
</tr>
<tr>
<td></td>
<td></td>
<td>G Minshall</td>
<td>Other Interest – Member is former director of Saffron Housing and did not vote on this item</td>
</tr>
<tr>
<td>(Item 7)</td>
<td>ALPINGTON</td>
<td>All (except for C Foulger and Y Bendle)</td>
<td>Local Planning Code of Practice Lobbied by Objector</td>
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<td>2015/0707/F</td>
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<tr>
<td>(Item 8)</td>
<td>HEMPNALL</td>
<td>All</td>
<td>Local Planning Code of Practice Lobbied by Objector</td>
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<td>2013/1630/F</td>
<td></td>
<td>C Kemp</td>
<td>Other interest – Member is subscribing member of English Heritage</td>
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<td></td>
<td></td>
<td>G Minshall</td>
<td>Other Interest – Member is on Chedgrave Parish Council</td>
</tr>
<tr>
<td>(Item 10)</td>
<td>BROCKDISH</td>
<td>All</td>
<td>Local Planning Code of Practice Lobbied by Applicant</td>
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<tr>
<td>2015/0321/F</td>
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<tr>
<td>(Item 11)</td>
<td>CHEDGRAVE</td>
<td>C Kemp</td>
<td>Other interest – Member is subscribing member of English Heritage</td>
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<tr>
<td>2015/0582/F</td>
<td></td>
<td>C Gould</td>
<td>Other Interest – Member is on Chedgrave Parish Council</td>
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<tr>
<td>(Item 13)</td>
<td>LODDON</td>
<td>All except C Foulger</td>
<td>Local Planning Code of Practice Lobbied by Applicant</td>
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<td>2015/0901/F</td>
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<td>C Kemp</td>
<td>Other interest – Member is subscribing member of English Heritage</td>
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<tr>
<td>(Item 14)</td>
<td>COSTESSEY</td>
<td>G Minshall</td>
<td>Other Interest – Member is former director of Saffron Housing and did not vote on this item</td>
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<tr>
<td>2015/0961/F</td>
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<td></td>
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</tr>
<tr>
<td>(Item 15)</td>
<td>LONG STRATTON</td>
<td>Y Bendle</td>
<td>Local Planning Code of Practice Applicant is South Norfolk Council and member is on the Council’s Cabinet. Member was not present whilst this item was considered</td>
</tr>
<tr>
<td>2015/0385/D</td>
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<td></td>
<td></td>
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<tr>
<td>Other Report</td>
<td>HETHERSETT</td>
<td>All</td>
<td>Local Planning Code of Practice Lobbied by Objector</td>
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<tr>
<td>2011/1804/0</td>
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</tbody>
</table>

212. MINUTES

Subject to a minor amendment, the minutes of the Development Management Committee dated 3 June 2015 were confirmed as a correct record and signed by the Chairman.

The minutes of the Development Management Committee dated 24 June 2015 were confirmed as a correct record and signed by the Chairman.
213. PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

The Committee considered the report (circulated) of the Director of Growth and Localism. The officers presented applications listed in the report and representatives from Parish/Town Councils and members of the public addressed the Committee on the following:

<table>
<thead>
<tr>
<th>Application</th>
<th>Parish</th>
<th>Speaker</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Item 1)</td>
<td>BROOKE</td>
<td>Mr E Jenks, Objector</td>
</tr>
<tr>
<td>2014/2041/F</td>
<td></td>
<td>Mr P Griffin, Objector</td>
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<tr>
<td></td>
<td></td>
<td>Mr B Belton, Agent for Applicant</td>
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<tr>
<td></td>
<td></td>
<td>Mr J Fuller, Local Member</td>
</tr>
<tr>
<td>(Item 2)</td>
<td>BIXLEY</td>
<td>Ms L Faber, Trowse Parish Council</td>
</tr>
<tr>
<td>2014/2380/F</td>
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<td>Mr C Bussey, Stoke Holy Cross Parish Council</td>
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<td>Ms S Osman, Objector</td>
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<td>Ms J Hunting, Agent for Applicant</td>
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<td>(Item 3)</td>
<td>WYMONDHAM</td>
<td>Ms N Roe, Agent for Applicant</td>
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<td>Ms N Roe, Agent for Applicant</td>
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<td>BRESSINGHAM</td>
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<td>Mr D Aves, Applicant</td>
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<td>(Item 7)</td>
<td>ALPINGTON</td>
<td>Mr J Wells, Applicant</td>
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<td>2015/0707/F</td>
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<tr>
<td>(Item 8)</td>
<td>HEMPNALL</td>
<td>Mr Tilford, Objector</td>
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<td>2013/1630/F</td>
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<td>Mr J Hollis, Applicant</td>
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<td>Mrs A Thomas, Local Member (Mrs Thomas reverted to her role as local</td>
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<td>member for the duration of this item)</td>
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<td>(Item 10)</td>
<td>BROCKDISH</td>
<td>Mr E Baskerville, Applicant</td>
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<tr>
<td>2015/0321/F</td>
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<td>Mrs J Wilby, Local Member</td>
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<td>(Item 12)</td>
<td>REDENHAL W</td>
<td>Ms N Lewis, Applicant</td>
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<td>H HARLESTON</td>
<td>Mr B Riches, Local Member</td>
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<td>Mr J Savage, Local Member</td>
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<td>(Item 13)</td>
<td>LODDON</td>
<td>Ms R Gibbs, Agent for Applicant</td>
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<td>(Item 14)</td>
<td>COSTESSEY</td>
<td>Mr S Lee, Agent for Applicant</td>
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<td>(Item 15)</td>
<td>LONG STRAT</td>
<td>Mr I Hill, Agent for Applicant</td>
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The Committee made the decisions indicated in the Appendix to these minutes, conditions of approval or reasons for refusal of planning permission as determined by the Committee being in summary form only and subject to the final determination of the Director of Growth and Localism.
214. ENFORCEMENT REPORTS

Members considered the report of the Director of Growth and Localism regarding the enforcement case at Crownthorpe (ref: 2015/8005).

It was RESOLVED to authorise officers to serve a positive enforcement notice (subject to legal advice if required) requiring the removal of the mobile home once the mobile home is no longer occupied by the current named occupiers.

215. OTHER REPORTS

Members considered the report of the Director of Growth and Localism regarding the recommendation to secure a Deed of Variation to Section 106 Agreement at Hethersett (ref: 2011/1804/0)

It was RESOLVED by a vote of 6-0 (with one abstention) to authorise officers to enter into a Deed of Variation to the Section 106 Agreement.

216. PLANNING APPEALS

Members noted the Planning Appeals.

217. ENFORCEMENT PROCEEDINGS QUARTERLY REPORT

Members noted the Enforcement Proceedings Quarterly Report

(The meeting closed at 5.10pm)

_______________________
Chairman
PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

NOTE:
Conditions of approval or reasons for refusal of planning permission as determined by the Committee are in summary form only and subject to the Director of Growth and Localism’s final determination.

Major Applications

1  Appl. No : 2014/2041/F
Parish  : BROOKE

Applicants Name  : Mr Anthony Spurgeon
Site Address  : 49 High Green Brooke Norwich NR15 1JA
Proposal  : Demolition of piggery buildings and erection of 13 dwellings, extension and alterations to 49 High Green, alterations to 49a High Green and replacement outbuilding serving 49 and 49a High Green.

Decision  : Members voted unanimously to authorise the Director of Growth and Localism to Approve:

Approved with conditions
  1  Full Planning permission time limit
  2  In accordance with amendments
  3  External materials to be agreed
  4  Standard Estate Road - Details of roads
  5  Standard Estate Road - management
  6  Standard Estate Road - implement design
  7  Standard Estate Road - timing of work
  8  Visibility splay dimension in condition
  9  Construction Traffic (Parking)
  10  Wheel Cleaning Facilities
  11  Restrict garage to ancillary use
  12  Surface Water
  13  European Protected Species Licence reqd
  14  In accordance with Ecology mitigation
  15  Contaminated land - submit scheme
  16  Water efficiency
  17  Renewable Energy - Decentralised source
  18  Landscaping scheme to be submitted
  19  Retention trees and hedges
  20  Tree protection
  21  Boundary treatment to be agreed
  22  Scheme to ensure ditch is not affected
  23  Remove P.D. for the erection of buildings in the garden area of plot 10 which lies outside of the development limit

Subject to securing S106 for affordable housing
Updates

**Minor revisions to the layout submitted** – plots 5 and 13 moved 3 m back (west); plot 7 moved back 5 m (east); plot 6 moved back 2 m (east)

**SNC Landscape Officer** comments on amended plans and details:
- Plot 6 should be set back by 2 m to avoid a root protection area
- There is no objection subject to further information by condition including clear and joined-up arboricultural information in the form of a revised tree constraints drawing and arboricultural impact assessment to reflect the agent’s comments in respect of the direction of root growth; a full tree protection plan; and details of any proposed arboricultural works.

**The Red line plan** submitted with the application includes land which is not required for the proposed development and which is not included within the site allocations boundary.

Officers will be seeking an amended red line plan to accurately reflect the site allocations boundary and the proposed development boundary.

2  **Appl. No**: 2014/2380/F  
**Parish**: BIXLEY

- **Applicants Name**: IGP Solar Plant Number 5 Limited
- **Site Address**: Land East Of White Horse Lane Trowse Norfolk
- **Proposal**: Development of a ground mounted solar farm including associated infrastructure which includes inverters and transformers and a substation.

**Decision**: Members voted 10-1 for **Approval**

Approved with conditions:
1. Temporary permission for 25 years removal of all equipment from site before expiry of time period. Not less than 12 months prior to the expiry or within 3 months of the cessation of electricity production a decommissioning plan shall be submitted. Decommissioning shall be in accordance with a decommissioning statement.
2. In accordance with plans
3. Construction traffic management plan
4. Visibility splay dimension in condition
5. New access – construction details and specifications
6. Construction Traffic (Parking)
7. Traffic Regulation Orders
8. Private Access Road – details of upgrade
9. Measures to protect and enhance the Scheduled Ancient Monument
10. Archaeological work to be agreed
11. Ecology Mitigation
12. Submission of Construction Environment Management Plan
13. Surface Water Noise control management plan
14. Dust control management plan
15. Restrict hours of construction
16. No loud speakers or warning devices
17. Landscaping scheme to be submitted
18. Landscaping management plan
19. Replacement of dead or defective landscaping within 25 year time period.
20. Retention trees and hedges
21. Tree protection
22. No external lighting unless agreed
23. Details CCTV to be agreed including colour finish of poles

**Updates**

**Local Member Cllr Lewis** – comments have been circulated to Members in advance of the meeting

**Correction – Para 4.38** of the report refers to the original agricultural land report. An updated report was submitted as part of the amended documents which included a further 3km search in the Norwich City direction and a 10km search in the South Norfolk direction. Also rooftops were assessed. Officers conclusion remains the same that there are not presently any previously developed sites that are available and free from planning constraints.

**Correction – Para 4.39** states best and most versatile as 3b but should read 3a.

### 3 Appl. No : 2015/0130

**Parish** : WYMONDHAM

**Applicants Name** : Mr Charles Spooner

**Site Address** : 1A - 1B Farrier Close Wymondham Norfolk NR18 0WF

**Proposal** : 2015/0130 - Variation of condition 1 of planning permission 2014/0840 - to reduce the number of restricted items.

**Decision** : Members voted unanimously for **Approval**:

Approved with conditions
1. Restriction of sales to specified goods
2. Restriction of opening hours
3. Provision of parking and turning areas

### 4 Appl. No : 2015/0132

**Parish** : WYMONDHAM

**Applicants Name** : Mr Charles Spooner

**Site Address** : 1A - 1B Farrier Close Wymondham Norfolk NR18 0WF

**Proposal** : The erection of a new retail unit attached to the northern side of 1 Farrier Close (631sqm net sales area) to facilitate the relocation of Poundstretcher from 1 Farrier Close. This would be the subject of the same restrictive conditions that presently exist at 1 Farrier Close including that of condition 1 of 2014/0840.

**Decision** : Members voted unanimously for **Approval**

Approved with conditions
1. Standard time limit
2. Restriction of sales to specified goods
3. Restriction of opening hours
4. Material to be agreed
5. Landscaping to be agreed
6. Boundary treatments to be agreed

### 5 Appl. No : 2015/0436/O

**Parish** : SCOLE

**Applicants Name** : Mr B Tunmore

**Site Address** : Land West Of Norwich Road Scole Norfolk
Development Management Committee  22 July 2015
Proposal : Construction 17 no. dwellings and access road, village hall and parking, open space recreation and wildlife areas
Decision : This item was deferred to a future meeting of the Development Management Committee

6 Appl. No : 2015/0595/F
Parish : BRESSINGHAM
Applicants Name : Mr Des Aves
Site Address : Deal Farm Kenninghall Road Bressingham Norfolk IP22 2HG
Proposal : Construction of a farm agricultural anaerobic digestion facility
Decision : Members voted 10-0 (with one abstention) for Approval

Approved with conditions

1 Full Planning permission time limit
2 Submitted drawings
3 External materials to be agreed
4 Landscaping scheme to be submitted
5 Landscaping management plan
6 Construction Traffic Management approval
7 Construction Traffic Management provision
8 Wheel Cleaning Facilities approval
9 Wheel Cleaning Facilities provision
10 Provision of new access drive
11 Pipeline details
12 Ecology survey and mitigation
13 Surface Water Run-off provision to be agreed

Subject to completion of S106 agreement to prevent implementation of extant consents for anaerobic digestion facilities adjacent to application site. Delegate authority to Director of Growth and Localism to refuse should no S106 be successfully entered into.

Updates
Bressingham Parish Council No reason to change its recommendation for refusal, concerns relating suitability of local roads and environmental and safety considerations
Landscape Officer Clearer plan has been submitted, confirmation of detail and management plan still required but can be conditioned

1 Further neighbour objection Raising concerns to the negative impact on the soil of growing feed for Anaerobic Digesters
Environmental Services No further comment but support that other planning applications will not be used

7 Appl. No : 2015/0707/F
Parish : ALPINGTON
Applicants Name : Alpington Development Land Ltd
Site Address : Land South Of Wheel Road Alpington Norfolk
Proposal : Erection of 10 residential units (Class C3) and school car parking area (Class Sui Generis) with associated landscaping and highway works
Decision : Members voted 10-0 for Approval:

Approved with conditions

1 Full permission time limit
2 In accordance with submitted details
3 Visibility splays
4 Provision of on-site parking, access
5 Construction worker parking
6 Off-site highway works
7 Ecological mitigation
8 Western boundary hedgerow
9 Retention of trees and hedgerows
10 Planting scheme to be agreed
11 Hedge heights
12 Tree and hedgerow protection
13 External lighting details
14 Contaminated land
15 Remediation scheme
16 Unexpected contamination
17 Air Source Heat Pump Specifications
18 Archaeological works
19 Discharge rates of surface water
20 Water efficiency
21 Renewable/ low carbon energy
22 Materials to be agreed
23 PD removal for southern boundary
24 Surface Water Drainage

Other Applications

8 Appl. No : 2013/1630/F
Parish : HEMPNALL

Applicants Name : Mr John Hollis
Site Address : Springwood Spring Lane Hempnall Norfolk NR15 2NT
Proposal : Retrospective application for change of use of land to retain existing forestry accommodation (2 no caravans)

Decision : Members voted 8-1 for Approval

Approved with conditions

1 In accordance with submitted plans
2 Personal permission linked to charcoal burning
3 No additional lighting without details being agreed

Updates
Officer – most recent letter of objection from Freeths circulated to members.
9  Appl. No : 2015/0084/F  
Parish : WORTWELL  
Applicants Name : Mr Tony Sprake  
Site Address : Land To Rear Of 133 High Road Wortwell Norfolk  
Proposal : Erection of single storey dwelling with attached garage and provision of vehicle access to no. 133 High Road.  
Decision : Members voted 10-0 for Approval  
Approved with conditions  
1 Time limit  
2 In accordance with submitted plans  
3 External materials to be agreed  
4 Provision of parking/manoeuvring space  
5 Visibility splays  
6 Slab levels to be agreed  
7 Boundary treatment to be agreed and at the rear  
8 Landscaping scheme to be submitted  
9 Existing trees on site  
10 Separate access to be in place before dwelling occupied  
11 Block / No access to bypass

10  Appl. No : 2015/0321/F  
Parish : BROCKDISH  
Applicants Name : Mr Baskerville  
Site Address : Land South West Of Red Barn Farm Brockdish Needham Bypass Brockdish Norfolk  
Proposal : Erection of a Country House and associated Landscaping work  
Decision : Members voted 9-1 for REFUSAL  
Refused  
1 Does not satisfy the requirements of paragraph 55 and therefore contrary to policy

Updates  
Applicant has circulated a letter in support of his application to members.

11  Appl. No : 2015/0582/F  
Parish : CHEDGRAVE  
Applicants Name : Mr Matthew Hubbard  
Site Address : Church Of All Saints  Hardley Road Chedgrave Norfolk NR14 6NQ  
Proposal : To erect a lych-gate on the boundary of All Saint's church Chedgrave.
Decision : Members voted 10-0 for Approval

Approved with conditions

1  Full Planning permission time limit
2  In accordance with amended details
3  Brick and flint panel
4  External materials to be agreed
5  Archaeological work to be agreed

Updates
Satisfactory amended plans received – Recommendation now for approval.

12  Appl. No  : 2015/0712/F
Parish   : REDENHALL WITH HARLESTON

Applicants Name   : Mr John Renaut & Others
Site Address      : Hill Farm  Redenhall Road  Harleston Norfolk  IP20 9QN
Proposal          : New single storey building (with a 150 square-metre footprint) to serve as a farm shop and cafe.

Decision          : Members voted 9-0 (with one abstention) to authorise the Director of Growth and Localism to Approve (contrary to officer recommendation)

Approved with conditions

Reasons for overturning an officer recommendation

1  Not harmful to vitality and viability of Harleston centre
2  Acceptable form of farm diversification

Updates
Environmental Services: No comments

Two additional letters of support
- Support application minor concern on speed of traffic on Redenhall Road
- Alterations and design fit well within the landscape
- Support farm shop on a working farm
- Support educating on food chain and the importance of traceability
- Educating young and old

(Officers authorised to negotiate suitable conditions including control of retail use as a farm shop)

13  Appl. No  : 2015/0901/F
Parish   : LODDON

Applicants Name   : Mr Richard & Mrs Britt Kittle
Site Address      : Land North East Of Bush Farm Stubbs Green  Loddon Norfolk
Proposal          : Erection of a new 4-bedroomed house with garaging.
Development Management Committee 22 July 2015

Decision : Members voted 9-0 (with one abstention) for REFUSAL

Refused

1. Harm to landscape setting, contrary to paragraph 55 of the NPPF and JCS policy 2
2. Does not meet the criteria for an agricultural workers dwelling, contrary to policies HOU 8 and ENV 8 of the South Norfolk Local Plan.

14 Appliance No : 2015/0961/F
Parish : COSTESSEY

Applicants Name : Mr Stephen Lee
Site Address : Unit 1 - 3 78, 80 And 82 Dr Torrens Way Costessey Norfolk NR5 0GB
Proposal : Change of use from 3 Nr healthcare units to 4 Nr wheelchair accessible ground floor flats.

Decision : Members voted 6-0 for Approval

Approved with conditions

1. Time limit
2. In accordance with amended plans
3. Boundary screening to be implemented prior to first occupation
4. Parking to be implemented prior to first occupation
5. Water efficiency

Subject to securing the S106 for the affordable provision

Updates
One letter of comment with the following comments:

- Want to ensure this will have adequate parking
- Regard needs to be had to ensure adequate drainage
- Concern with additional noise to existing residents of the flats

Would be good if it were a small convenience shop

Major Applications submitted by SNC

15 Appliance No : 2015/0385/D
Parish : LONG STRATTON

Applicants Name : Mrs Renata Garfoot
Site Address : Cygnet House Swan Lane Long Stratton Norfolk NR15 2UY
Proposal : Reserved Matters Application of appearance, landscaping, layout and scale for 50 dwellings (Class C3), 800sq.m. of Office (Class B1(a)), together with the discharge of conditions 2, 3, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 22, 23, 25, 26, and 30 relating to outline consent 2014/2278

Decision : Members voted 7-0 to delegate authority to the Director of Growth and Localism for Approval with conditions, subject to negotiating final details in respect of discharge of conditions, and negotiating any minor amendments that may be required to the scheme.
Approved with conditions

1. In accordance with amended plans
2. Change of use of land to north within blue line to residential garden
3. Safeguarding and construction details of pedestrian link to north
4. Management and maintenance of roads
5. Construction traffic parking

Updates

SNC Flood Officer – no objection to surface water management and maintenance scheme – relevant condition can be discharged.

Further amended plans are expected to increase buildings heights of plots 12, 16, 17 and 18 by between 200 and 500mm. Authority to delegate the satisfactory detail and design of this by officers is requested. Subject to appropriate details of levels and design impacts, Officers consider that this would not result in any adverse harm to the character and appearance of the development nor neighbouring amenity.
DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of a special meeting of the Development Management Committee of South Norfolk District Council held at South Norfolk House, Long Stratton, on Monday 10 August 2015 at 1.00 pm.

Committee Members Present: Councillors L Neal (Chairman for the meeting), A Thomas (Acting Vice-Chairman), C Gould, M Gray, C Kemp, G Minshull and B Stone.

Apologies: Councillors J Mooney, Y Bendle, F Ellis and V Thomson

Substitute Members: Councillors P Broome (for J Mooney), J Hornby (for Y Bendle), N Legg (for F Ellis) and G Wheatley (for V Thomson)

Officers in Attendance: The Development Manager (H Mellors), the Planning Decisions and Enforcement Team Leader (C Trett) and the Senior Planning Officer (R Webb).

Also in Attendance: Mr C Skinner (nplaw)
(24 members of the public and the press were in attendance)

218. DECLARATIONS OF INTEREST

The following members declared interests in the matters listed below. Unless indicated otherwise, they remained in the meeting.

<table>
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<th>Application</th>
<th>Parish</th>
<th>Councillor</th>
<th>Declaration</th>
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<tr>
<td>(Item 1)</td>
<td>KETTERINGHAM</td>
<td>All</td>
<td>Local Planning Code of Practice</td>
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<td>2015/0075/F</td>
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<td>Lobbyed by Applicant and Objector</td>
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219. PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

The Committee considered the report (circulated) of the Director of Growth and Localism. The officers presented applications listed in the report and representatives from Parish/Town Councils and members of the public addressed the Committee on the following:

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<th>Application</th>
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<th>Speaker</th>
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<td>(Item 1) 2015/0075/F</td>
<td>KETTERINGHAM</td>
<td>Mike Benstead, Parish Council</td>
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<td>Jon Herbert, Speaking for Objectors</td>
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<td>Candy Sheridan, Agent for Applicant</td>
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</table>

The Committee made the decisions indicated in the Appendix to these minutes, conditions of approval or reasons for refusal of planning permission as determined by the Committee being in summary form only and subject to the final determination of the Director of Growth and Localism.

(The meeting closed at 2.05pm)

_____________________
Chairman
PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

NOTE:
Conditions of approval or reasons for refusal of planning permission as determined by the Committee are in summary form only and subject to the Director of Growth and Localism’s final determination.

Major Applications

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Applicants Name: Mr Michael Austin
Site Address: Land North of High Street Ketteringham Norfolk
Proposal: Use of land for equine and residential purposes, including a concrete pad for standing one residential caravan, erection of a day room, and retention of existing gates.

Decision: Members voted unanimously to agree with the officer’s updated position and concluded that the applicant cannot be regarded as Gypsys/Traveller for planning purposes and agreed officers request for deferment on the final decision on the application to enable a further report to be prepared to take account of the additional consideration of the lack of a 5 year land supply of general housing land in the NPA. The application will, in effect, be considered as if it were for a caravan site for general residential occupation.

Members also requested and resolved:

To take appropriate Enforcement Action to require removal of the caravan as positioned on the site due to the demonstrable harm (this has on the amenity of nearby properties. A six month compliance period for this was agreed.

Updates

The recommendation for refusal is WITHDRAWN but the Committee is requested to reach a conclusion regarding the status of the applicant as a Gypsy/Traveller because this has significance for how the application is to be subsequently assessed.

Letter received on 3rd August from Mr Stuart Carruthers acting on behalf of the applicant:

The letter has been circulated to members of the Planning Committee and makes the following points:

The appeal relates mainly to:

- (a) The failure of the Council to determine the application in a reasonable time period. The application was validated on 13 January 2015;

- (b) The failure of the Council to make sufficient land available for use residentially (i.e. five year supply of land);

- There should be no need for consideration of Michael Austin’s Gypsy / Traveller status as the land is suitable for development residentially. The Council’s focus on Michael Austin’s Gypsy status rather than the suitability of the land for development residentially is the important issue. The report of the Director of Growth and Localism dated 10 August 2015 seeks to deflect attention from the failures of the Council acting as a planning authority from this issue.
- The fact that Michael Austin is a Gypsy / Traveller should only have been considered if the development of the land for residential purposes was contrary to both the development plan, and also the Council’s failures to ensure that the development plan was properly implemented.

- It should not matter at all if Michael Austin is a Gypsy if the land is suitable for residential development.

- The officer identifies that the application is not in conflict with the development plan. The conclusion that the Planning Authority should reach from the report is that if Michael Austin was not an ethnic Romany gypsy that the application would be recommended for approval.

Letter received from East Carleton and Ketteringham Parish Council on 4th August following a Parish Council meeting on 30th July. The following is a summary of the points raised:

- There is a lack of proof as the applicant’s status, he does not meet the criteria of gypsy/traveller

- The Parish Council consider that the planning application should be judged as if the applicant was neither a gypsy or a traveller.

- The Parish Council would draw attention to the NPPF for Gypsies and Travellers which states that the local authority should promote peaceful and integrated co-existence between the site and the local community, this has not been achieved thus far.

- There has been no planning enforcement by the local authority whilst the applicant has continued to live on and operate on this site without planning permission. The neighbouring properties are directly overlooked. Even if the static caravan were moved to its proposed position the overlooking would continue.

- The proposed site is too close to neighbouring properties and is very intrusive.

- The Parish Council’s previous comments are still valid and relevant to the application.

Response received on 6 August from Flood Defence Officer acknowledging that there is conflicting information regarding drainage issues on the site but a possible alternative to a package treatment plant or septic tank would be a sealed system such as cess pit.

Third Party objection received on 7 August concerned that the site is too close to neighbours and that tensions have been caused by the applicants occupation of the site. Further states that there are only 3 other traveller sites within the district that are within 100m of the settled community and none of these are as close as the proposed development. The application should be refused because the site is not suitable for gypsy travellers and is contrary to national policy with regard to cultural tensions.

Correction to paragraphs 5.25 and 5.26 – The houses in question are no.s 5 and 6 High Street (not no.s 4 and 5 as reported).
DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of a meeting of the Development Management Committee of South Norfolk District Council held at South Norfolk House, Long Stratton, on Wednesday 19 August 2015 at 10.00 am.

Committee Members Present: Councillors A Thomas (Chairman for the meeting), F Ellis, C Gould, M Gray, C Kemp, G Minshall, B Stone, and V Thomson.

(Cllr Stone left the meeting after consideration of item 5, application 3, and Cllr Minshall left the meeting after consideration of item 5, application 6. Cllr Legg was not present for item 5, applications 9 and 10).

Apologies: Councillors J Mooney, L Neal and Y Bendle

Substitute Members: Councillors L Dale (for J Mooney), N Legg (for L Neal) and J Hornby (for Y Bendle)

Officers in Attendance: The Development Manager (H Mellors), the Place-Shaping and Major Projects Team Leader (J Hobbs), the Senior Planning Officers (C Raine, R Webb and C Curtis), the Design Officer (C Watts), The Senior Conservation and Design Officer (C Bennett) and the representative from County Highways (A Jacklin)

Also in Attendance: (52 members of the public and the press were in attendance)

220. DECLARATIONS OF INTEREST
The following members declared interests in the matters listed below. Unless indicated otherwise, they remained in the meeting.

<table>
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<th>Application</th>
<th>Parish</th>
<th>Councillor</th>
<th>Declaration</th>
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<tr>
<td>(Item 2)</td>
<td>SWARDESTON</td>
<td>All except C Kemp and C Gould</td>
<td>Local Planning Code of Practice Lobbied by Parish Council</td>
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<tr>
<td>(Item 4)</td>
<td>MULBARTON</td>
<td>All</td>
<td>Local Planning Code of Practice Lobbied by Applicant</td>
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<tr>
<td>(Item 5)</td>
<td>LITTLE MELTON</td>
<td>All except V Thomson G Minshall and J Hornby C Kemp</td>
<td>Local Planning Code of Practice Lobbied by Objector</td>
</tr>
<tr>
<td>2015/1233/RVC</td>
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<tr>
<td>(Item 7)</td>
<td>HETHERSETT</td>
<td>L Dale</td>
<td>Other interest – Member had attended Parish Council meeting</td>
</tr>
<tr>
<td>2015/1233/RVC</td>
<td></td>
<td></td>
<td>Local Planning Code of Practice Lobbied by Applicant and Objector</td>
</tr>
</tbody>
</table>
221. MINUTES

Subject to a slight amendment, the minutes of the Development Management Committee dated 22 July 2015 were confirmed as a correct record and signed by the Chairman.

222. PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

The Committee considered the report (circulated) of the Director of Growth and Localism. The officers presented applications listed in the report and representatives from Parish/Town Councils and members of the public addressed the Committee on the following:

<table>
<thead>
<tr>
<th>Application</th>
<th>Parish</th>
<th>Speaker</th>
</tr>
</thead>
</table>
| (Item 1) 2014/0096/O | WYMONDHAM | Ms B Berkin, Objector  
Mr R Parker, Objector |
| (Item 2) 2014/1642/O | SWARDESTON | Mr S Huntley, Parish Council  
Mr J Bowen, Objector  
Mr D Futter, On behalf of Applicant |
| (Item 3) 2015/0436/O | SCOLE | Mr G Moore, Parish Council  
Ms J Batesy, Objector  
Mr T Raison, On behalf of Applicant  
Mr Williamson, On behalf of Applicant  
Mrs J Wilby, Local Member |
| (Item 4) 2015/1221/F | MULBARTON | Ms J Gittoes, Applicant |
| (Item 5) 2015/1233/RVC | LITTLE MELTON | Mr T Hedges, Objector  
Mr A Bingham, Agent for Applicant |
| (Item 6) 2015/1281/RVC | MULBARTON | Mr C Smith, Applicant |
| (Item 7) 2015/0290/F | HETHERSETT | Mr S Smith, Agent for Applicant |
| (Item 8) 2015/0744/F | MUNDHAM | Ms R Church, Objector  
Ms R Musgrave, Objector  
Mr C Lambert, Agent for Applicant |
| (Item 9) 2015/1051/H | COSTESSEY | Mr Taylor, On behalf of Applicant |
| (Item 10) 2015/1289/H | HINGHAM | Ms K Shearing, Objector  
Mr J Barbuk, Agent for Applicant |

The Committee made the decisions indicated in the Appendix to these minutes, conditions of approval or reasons for refusal of planning permission as determined by the Committee being in summary form only and subject to the final determination of the Director of Growth and Localism.

(The meeting closed at 4.15pm)
PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

NOTE:
Conditions of approval or reasons for refusal of planning permission as determined by the Committee are in summary form only and subject to the Director of Growth and Localism’s final determination.

Applications referred back to Committee

<table>
<thead>
<tr>
<th></th>
<th>Appl. No</th>
<th>Parish</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>2014/0096/O</td>
<td>WYMONDHAM</td>
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<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Applicants Name</td>
<td>Mr T Skitmore</td>
</tr>
<tr>
<td></td>
<td>Site Address</td>
<td>Land South East of 9 Spinks Lane Spinks Lane Wymondham</td>
</tr>
<tr>
<td></td>
<td>Proposal</td>
<td>Erection of five new dwellings and garages with associated works to existing highway</td>
</tr>
</tbody>
</table>

Decision : Members voted 9-2 and AGREED:

that the scheme is now acceptable in planning terms and consequently to agree that officers confirm to the Planning Inspectorate that the Council do not wish to contest the current appeal, subject to the following suggested conditions:

1. Time limit
2. Provide details of appearance, scale, landscaping, layout and external materials as part of reserved matters application
3. Tree protection plan
4. Inclusion of swift boxes and sparrow terraces within development
5. Landscaping scheme to be submitted and agreed
6. Vehicular access to be provided as in plan
7. Visibility splays at 2.4m X 43m in both directions
8. Parking and turning to be provided in accordance with approved plans
9. Off-site highway works to be agreed based upon those in agreed plan
10. Off-site highway works to be implemented prior to first occupation
11. Water efficiency
12. Foul water drainage system to be submitted and agreed
13. Surface water drainage strategy to be submitted and agreed

Informative Notes for S106 and CIL

Updates
4 neighbour additional objections have been received. A summary of these is as follows:

The Council should continue to contest the appeal, do not agree with the highways report in respect of visibility, the large oak will be compromised by road widening, concern in respect of noise raised by Environmental Protection Team, drainage issues exist, destroy the rural nature of the lane, detrimental to wildlife, outside of development limit for Wymondham, provision of 5 houses will not be a significant benefit in housing terms when seen against the negative impact in architectural and environmental terms.
The following list of conditions are recommended to be forwarded to the Planning Inspectorate as well as the need to complete the requisite S106 for affordable housing and confirmation of CIL payment:

1. Time limit
2. Provide details of appearance, scale, landscaping, layout and external materials as part of reserved matters application
3. Tree protection plan
4. Inclusion of swift boxes and sparrow terraces within development
5. Landscaping scheme to be submitted and agreed
6. Vehicular access to be provided as in plan
7. Visibility splays at 2.4m X 43m in both directions
8. Parking and turning to be provided in accordance with approved plans
9. Off-site highway works to be agreed based upon those in agreed plan
10. Off-site highway works to be implemented prior to first occupation
11. Water efficiency
12. Foul water drainage system to be submitted and agreed
13. Surface water drainage strategy to be submitted and agreed

Informative Notes for S106 and CIL

2 Appl. No : 2014/1642/O
Parish : SWARDESTON
Applicants Name : Jenkinson Properties Ltd
Site Address : Land off Bobbins Way Swardeston Norwich NR14 8DT
Proposal : Outline application with all matters reserved except for access for demolition of existing buildings, residential redevelopment and ancillary works

Decision : Members voted 9-2 and AGREED:

that the scheme is now acceptable in planning terms and consequently to agree that officers confirm to the Planning Inspectorate that the Council do not wish to contest the current appeal, subject to the following suggested conditions:

1. Time limit
2. Provide details of appearance, scale, landscaping, layout and external materials as part of reserved matters application
3. Surface water drainage strategy to be submitted and agreed
4. Detailed scheme of roads, footways and associated drainage to be agreed
5. Works shall be carried out in accordance with agreed details from condition 4
6. Roads shall be constructed to binder course prior to first occupation
7. Visibility splays at 2.4m X 59m in both directions shall be provided
8. Parking for construction workers to be submitted and agreed
9. Qualified ecologist to be present for demolition of piggery building
10. Qualified ecologist to be present for searching and removal of material from site
11. No external lighting unless details are agreed
12. Unknown contamination
13. Foul water drainage system to be submitted and agreed
14. No removal of trees
15. 10% renewable energy to be provided as part of the scheme
16. Times for construction work to be agreed

Note S106 and CIL
Updates
The following list of conditions are recommended to be forwarded to the Planning Inspectorate as well as the need to complete the requisite S106 for affordable housing and confirmation of CIL payment:

1. Time limit
2. Provide details of appearance, scale, landscaping, layout and external materials as part of reserved matters application
3. Surface water drainage strategy to be submitted and agreed
4. Detailed scheme of roads, footways and associated drainage to be agreed
5. Works shall be carried out in accordance with agreed details from condition 4
6. Roads shall be constructed to binder course prior to first occupation
7. Visibility splays at 2.4m X 59m in both directions shall be provided
8. Parking for construction workers to be submitted and agreed
9. Qualified ecologist to be present for demolition of piggery building
10. Qualified ecologist to be present for searching and removal of material from site
11. No external lighting unless details are agreed
12. Unknown contamination
13. Foul water drainage system to be submitted and agreed
14. No removal of trees
15. 10% renewable energy to be provided as part of the scheme

Note S106 and CIL

Major applications or applications raising issues of significant precedent

| 3 | Appl. No | 2015/0436/O |
|   | Parish   | SCOLE       |
|   | Applicants Name | Mr B Tunmore |
|   | Site Address | Land West of Norwich Road Scole Norfolk |
|   | Proposal | Construction 17 no. dwellings and access road, village hall and parking, open space recreation and wildlife areas |

Decision: Members voted 8-2 (with 1 abstention) for REFUSAL:
and delegated authority to Director of Growth and Localism to refuse upon expiry of consultation period for amended/additional information/details and subject to no significant new planning related issues being raised.

Refusal:
1. Outside settlement boundary, harmful to the open countryside
2. Does not represent sustainable development
3. Harmful to setting of a listed building (St Andrews Church) whereby there are insufficient public benefits to outweigh the harm NPPF test
4. Harmful to setting of Conservation Area and Listed building (St Andrews Church)
5. Insufficient information in respect of archaeology
6. Insufficient information in respect of trees
7. Highway safety concerns
Updates

Description of development should read “18 dwellings” rather than “17”.

Paragraph 4.32 indicates that basic build costs have not been provided, however, as confirmed in paragraph 4.4 this estimated to be £750000.

Revised reason for refusal wording is suggested as follows:

The separate reason for refusal in respect of there being no affordable housing should be deleted and this incorporated into the reason relating to it representing an unsustainable development as the lack of delivery of any affordable housing is a negative component of the scheme when the lack of its delivery does not result in the delivery of the village hall. This does not change the substantive reasons for refusal:

Amend recommendation to “Delegate authority to Director of Growth and Localism to refuse upon expiry of consultation period for amended/additional information/details and subject to no significant new planning related issues being raised.”

SNC Senior Conservation and Design Officer comments:
The revised location with the buffer strip and parking set back is better than previous proposals. Although parking remains to the front, it is re-planned so that it not such a large unrelieved surface area, and with additional tree planting and buffer strip, will have a reduced impact on the setting of the church, the character of the settlement in terms of retaining the feel of open space between houses, and views along Norwich Road. The central pedestrian access to the street through the car park provides good pedestrian access...although if progressed it would be good to know how this is planned to be separate from the parking, so that you do not just get the feel of walking through a car park. This plan also retains some interaction with the recreational space at the rear which was lost with proposal to have the car parking to the rear.
I still have strong concerns from an urban design point of view about the outline plan for the residential element and open spaces – which have not been addressed with these revisions.

SNC Landscape Officer comments:
A plan has been submitted that appears to illustrate the existing trees’ Root Protection Areas but there has been no assessment of the potential impacts of the proposed development. None of the existing trees are shown on the Proposed Block Plan drawing. From a quick comparison, it is clear that the proposed hall building will breach the RPA of T5 Sycamore (a B category specimen) by a significant degree and therefore is not acceptable as indicated. Elsewhere there are some lesser breaches. No shading assessment is made, but it appears that there may only be issues at plot 17. The best tree on the site is the Oak pollard at Low Road. My main concern is the suggestion of allotments near to this tree. I can envisage conflicts if this were to go ahead (completion from roots, falling leaves/acorns etc.) and this could lead to pressure to reduce or remove the tree in the future. I am afraid that the additional information has only confirmed that the proposed scheme has implications for protected trees in the Conservation Area.

SNC Housing Enabling Officer comments:
Object, housing need at a parish level is not relevant as set out in policy 4 of the JCS, concern at the submission in suggesting that affordable housing would attract residents from outside of the community some of which the village may not be equipped to deal with and there could be issues surrounding anti-social behaviour.

Highway Authority comments:
The Highway Authority are pleased that the principle of providing a pedestrian crossing has been accepted by the applicant. Of the recommended crossing types the developer has shown a zebra crossing and the Highway Authority are accepting of its principle. Irrespective of the crossing type ultimately progressed detailed drawings would need to be submitted demonstrating the crossing can be designed to current standards.
The Highway Authority remain of the opinion Low Road is inadequate to cater for further
development by reason of its restricted width, lack of passing and lack of pedestrian provision. The whole development should be served via Norwich Road and no vehicular access should be taken from Low Road.

Whilst it is appreciated layout is not marked for consideration the amount of proposed estate road could be reduced and a number of the plots served by private drives. On the indicative layout a size 3 turning head provided adjacent plot 3 and plots 4-15 served by two separate private drives, each serving no more than 8 dwellings.

Between the Norwich Road and the access to the village hall the carriageway should measure 5.5m in width. Beyond this it can narrow down to 4.8m. For the footway through the site to be adopted it should be 2m in width and suitable pedestrian refuge be provided where it meets Low Road.

2 further letters of support have been received which highlight that Scole should have a modern village hall to support the community, there is support for the proposal, the proposal would not harm the countryside, it will make good use of a derelict site, the Church supports the scheme, the land and financial contribution are significant.

1 objection re-iterating previous concerns covered in the report.

4 Appl. No : 2015/1221/F
Parish : MULBARTON
Applicants Name : Lightsource SPV 27 Ltd
Site Address : Land South of Brick Kiln Lane Mulbarton 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.

Decision : Members voted 10-0 for APPROVAL and authorised the Director of Growth and Localism to approve pending no further substantive issues being raised:

1. Temporary permission for 25 years removal of all equipment from site before expiry of time period. Not less than 12 months prior to the expiry or within 3 months of the cessation of electricity production a decommissioning plan shall be submitted.
2. Decommissioning shall be in accordance with a decommissioning statement.
3. In accordance with plans
4. Construction traffic management plan
5. Construction Traffic (Parking)
6. Archaeological work to be agreed
7. Ecology mitigation to be agreed
8. Submission of Construction Environment Management Plan
9. Surface Water
10. Noise control management plan
11. Dust control management plan
12. Restrict hours of construction
13. No loud speakers or warning devices
14. Landscaping scheme to be submitted
15. Landscaping management plan
16. Replacement of dead or defective landscaping within 25 year time period.
17. Retention trees and hedges
18. Tree protection
19. No external lighting unless agreed
20. Details CCTV to be agreed including colour finish of poles
Updates
Change recommendation to:
“Delegated Authority to Director of Growth and Localism to Approve with Conditions pending no further substantive issues being raised”.

This is to enable the landscape management plan to be agreed before any decision is issued to ensure an appropriate landscaping strategy is secured.

Revise temporary time limit from 25 years to 30 years as requested by the applicant. This is considered acceptable in planning terms and does not affect the assessment provided in the report. It should be noted that 30 years was recently given at Yelverton (reference 2014/0411).

Historic Environment Services has confirmed that the archaeological geophysical survey has now been carried out and consequently a condition is recommended.

5  Appl. No : 2015/1233/RVC
Parish : LITTLE MELTON
Applicants Name : Abel Homes Ltd
Site Address : Land South East Of The Gardens Mill Road Little Melton Norfolk
Proposal : Variation of conditions 3 - Off-site works & revised surface water drainage, 5 - revised drainage strategy & 11 - Highway Authority agreed adopted roadway of planning permission 2013/0086/O

Decision : Members voted 8-1 (with one abstention) for APPROVAL

Approved with conditions

1 Compliance with original Outline Permission time limit
2 Standard outline requiring reserved matters
3 In accordance with amendments
4 External materials to be agreed
5 Surface water drainage amount as agreed
6 Boundary treatment to be agreed
7 Water efficiency
8 Slab level to be agreed
9 Provision of fire hydrants
10 Landscaping management plan to be agreed
11 Highway Improvements – revised works
12 Implementation of highway improvements
13 Highways scheme – management and maintenance of roads
14 Tree protection to be agreed
15 Ecology management plan to be agreed
16 Full details of external lighting
17 Construction work noise scheme to be agreed

Updates
Additional letter received from Anglian Water – no comments to make on surface water strategy as surface water will be pumped into an open watercourse which is not an Anglian Water asset.
6 Appl. No : 2015/1281/RVC  
Parish : MULBARTON  
Applicants Name : Mr Chris Smith  
Site Address : Land East of Long Lane Mulbarton Norfolk  
Proposal : Variation of Condition 2 - Revised Dwelling types and/or siting to those previously approved upon Plots 4-8; 10-21; 103; 114-122 & 127-132 of permission 2014/0487/D  
Decision : Members voted 10-0 for APPROVAL and authorised the Director of Growth and Localism to approve pending no further substantive issues being raised:
  
1 Conditions on outline planning permission to be met  
2 In accordance with approved details  
3 Landscape management plan to be agreed  
4 Ecology management plan to be agreed  

Updates  
Change recommendation to:  
“Delegated Authority to Director of Growth and Localism to Approve with Conditions pending no further substantive issues being raised”.  

The application has been identified as being a departure from policy as it is an emerging site allocation. As this application was not advertised as a departure in the press or on site it has been re-advertised in the press and on site notices so that this requirement is clearly met. The committee report recommendation has therefore been updated to enable the application to be re-advertised for 21 days.

Other Applications

7 Appl. No : 2015/0290/F  
Parish : HETHERSETT  
Applicants Name : Mr David Local  
Site Address : Former Allotment Land Canns Lane Hethersett Norfolk  
Proposal : One bedroom single storey residential unit and access.  
Decision : Members voted 9-0 for APPROVAL:
  
Approved with conditions  
1 Time limit  
2 In accordance with submitted plans  
3 External materials to be agreed  
4 Provision of parking/manoeuvring space  
5 Boundary treatment to be agreed  
6 Tree protection during development  
7 New water efficiency  
8 Unexpected contamination
8  Appl. No :  2015/0744/F 
Parish :  MUNDHAM

Applicants Name :  Mr & Mrs Paul Cullum
Site Address :  Land North West of Birchview Mundham Common Road Mundham Norfolk
Proposal :  Construction of a new zero-carbon eco house
Decision :  Members voted 7-2 for REFUSAL

Refused
1. Does not satisfy the requirements of paragraph 55 and therefore contrary to policy
2. Harm the landscape setting contrary to JCS Policy 2 and IMP2 of SNLP

Updates
Landscape Officers: All four tests of the NPPF have not been met
Revised landscaping plan received and reviewed by officers but it is still not felt that the requirements of paragraph 55 have been met.

9  Appl. No :  2015/1051/H 
Parish :  COSTESSEY

Applicants Name :  Mr Affsor Ali
Site Address :  7 Silvo Road Costessey Norfolk NR8 5EL
Proposal :  Retrospective conversion of car port to living accommodation.
Decision :  Members voted 8-0 for REFUSAL

Refused
1. Unacceptable loss of off-street parking

It was agreed:
To authorise enforcement action to secure conversion of the living accommodation back to use as a car port

10  Appl. No :  2015/1289/H 
Parish :  HINGHAM

Applicants Name :  Mr & Mrs Smith
Site Address :  Hillfields, Hardingham Road, Hingham Norfolk NR9 4LX
Proposal :  Single storey rear extension.
Decision :  Members voted 7-0 for APPROVAL

Approval with conditions
1. Full Planning permission time limit
2. In accordance with amendments
3. No additional windows in the east elevation
11 Appl. No : 2015/1619/H
Parish : HEMPNALL

Applicants Name : Mr & Mrs Paul Scott
Site Address : Cydonia Field Lane Hempnall Norfolk NR15 2PB
Proposal : Proposed vehicle and pedestrian access. Existing access to be stopped up and infilled with hedging.

Decision : Members voted 8-0 for APPROVAL

Approved with conditions
1 Full Planning permission time limit
2 In accordance with submitted drawings
3 New Access Construction over verge
4 New Access Gates, Doors, Inward Open
5 Provision of parking, service
6 Existing Access - Closure
PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Growth and Localism

Applications referred back to Committee

1. **Appl. No**: 2015/0075/F  
**Parish**: KETTERINGHAM

**Applicants Name**: Mr Michael Austin  
**Site Address**: Land north of High Street Ketteringham Norfolk  
**Proposal**: Use of land for equine and residential purposes, including a concrete pad for standing one residential caravan, erection of day room, and retention of existing gates.

**Recommendation**: To authorise the Director of Growth and Localism to recommend to the Planning Inspectorate that the application should be approved subject to the following conditions:
1. Full planning permission
2. Development to be carried out in accordance with approved plans
3. Materials to be approved prior to commencement of development of day room above slab level
4. Maximum 1 static residential caravan on site
5. Keeping of horses for personal use only.
6. Upgrading of access to highway standards
7. Details of parking and turning area including surfacing to be approved and implemented within 6 months.
8. Boundary treatments to be approved and installed prior to first occupation for residential purposes.
9. Landscaping to be agreed and implemented within next planting season following occupation.
10. Details of foul sewerage system to be approved and installed before occupation of approved development.
11. Surface water drainage details to be approved prior to commencement and installed within one month.

1. **Background**

1.1 The application was submitted and made valid on 13 January 2015. It was reported to the Development Management Committee on 29 April with a recommendation of approval and was deferred because Councillors wished to gain more information regarding the traveller status of the applicant. Further information was sought from the Applicant by the Council and this was received on 3 June. The application was placed on the agenda for the meeting on 24 June but was deferred following the receipt of further information in a report from a Ketteringham Residents Group on 19 June. The applicant was invited to respond to this and submitted further information on 13 July.

1.2 The applicant lodged an appeal against non-determination of the application on 21 July, and therefore the application will now be determined by the Planning Inspectorate. The application was reported to a special meeting of the Development Management Committee on 10 August where the committee determined that the applicant does not meet the definition of gypsy/traveller for planning purposes as set out within national planning policy. The application is therefore now assessed on the basis of it being for a general residential caravan, rather than specifically for a gypsy or traveller. This follows advice from officers that a decision should be made on status and then the application should be deferred to consider the housing land supply position. The public
and consultees were invited to comment on the proposal as a general residential caravan application and the additional responses have been taken into account in producing this report.

1.3 The purpose of this report is to assist Development Management Committee to decide, if the appeal had not been lodged, whether they would have approved or refused the application so that this can be conveyed to the Planning Inspectorate as the Council’s case for the appeal.

2. Planning Policies

2.1 National Planning Policy Framework
NPPF 06: Delivering a wide choice of high quality homes
NPPF 07: Requiring good design
NPPF11: Conserving and enhancing the natural environment

2.2 Joint Core Strategy
Policy 1: Addressing climate change and protecting environmental assets
Policy 2: Promoting good design
Policy 3: Energy and water
Policy 4: Housing delivery
Policy 16: Other Villages
Policy 17: Small rural communities and the countryside

2.3 South Norfolk Local Plan 2003
Policy ENV 8: Development in the open countryside
Policy IMP 2: Landscaping
Policy IMP 3: Safe and free flow of traffic
Policy IMP 9: Residential amenity
Policy LEI 14: Keeping of horses for leisure purposes
Policy HOU 22: Mobile homes

2.4 Emerging South Norfolk Local Plan
Please note that these policies are not yet part of the Development Plan. They were submitted to the Planning Inspectorate on 17th April 2014 but have not yet completed the Examination stage. Full weight cannot be given to them until final adoption which is likely to be Autumn 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.

2.5 Development Management Policies
DM1.3 Sustainable location of development
DM1.4 Environmental Quality and local distinctiveness
DM3.1 Housing Quality
DM3.9 Design Principles
DM3.12 Road safety and the free flow of traffic
DM3.14 Amenity, noise and quality of life

2.6 Site Specific Allocations and Policies DPD (Submission Version).

2.7 South Norfolk Place Making Guide (SPD).

3. Planning History

3.1 1980/3524 2 Stables and Tack Room and Adjoining 3 Hay Stores Approved 21/1/81

3.2 1981/1854 Erection of Loose Box Range for Horses (Application To Relax ‘Temporary’ Condition) Approved 5/6/81
3.3 1986/1035 Residential Development Refused 11/6/86
3.4 1989/1027 Erection of 3 or 4 dwellings Refused 20/7/89

4. Consultations

4.1 Parish Council Object:
- Location outside of development boundary
- The proposal would increase flood risk
- Impact on local water supply
- Concern about the visual impact of the [original] gates.
- No development sites have been allocated within the local plan process due to the lack of public transport and infrastructure
- Concern about horses escaping from the site
- The planning application is not in accordance with the LDF process through which East Carleton and Ketteringham Parish Council agreed to consider affordable housing developments. The site was not considered as part of this process.
- Ketteringham has its fair share of heavy traffic
- Concern at the future intention for the land

If the application is to be approved, a number of conditions should be added, including:

- Sewage treatment not to be via septic tank
- Drainage ditches to be reinstated on the site
- No further development allowed on the site in the future and the site should be kept to a single personally named pitch
- Restrictions on external lighting
- Gates to be replaced with traditional five-bar gates
- Site to have no business use
- Electricity supply to be upgraded
- Installation of electric fence to control horses

4.2 Richard Bacon MP
- Concern that approving this application may lead to pressure to allow further traveller groups to occupy this land.
- Concern that development is taking place without planning permission
- Do not believe that Ketteringham is a suitable location for the proposed development as it has a lack of services and the roads are narrow with poor visibility
- Concerns about site drainage
- Site is outside of the development boundary
- The shortfall in provision of approved sites does not outweigh the negative impacts of the proposal
- If permission is granted any attempts to change the conditions should be resisted.
4.3 District Members
Cllr Legg: The proposal is outside the village development boundary. It will be visible from the adjacent public footpath. There are important principles to be addressed regarding development in the open countryside.

Cllr Herbert (former Councillor): This must be determined by the committee because of numerous issues including public concern, development outside defined boundaries, not in accordance with Gypsy and Traveller policy.

Cllr Foulger: To be reported orally if appropriate.

4.4 Highways England
No objection.

4.5 Network Rail
No comments.

4.6 Anglian Water Services Ltd
No comments received

4.7 NCC Ecologist
Given the scale and nature of the application, ecological impacts are likely to be minimal. The existing hedgerows should be maintained.

4.8 Environmental Services
No objections

4.9 Flood Defence Officer
Initial response:
The hard standing area and the roof water from the proposed day room could be discharged to a soakaway within the meadow area to the east where it is unlikely to impact on No 5 High Street and may reduce the volume of water entering the ground behind No 5. Likewise the proposed package sewage treatment plant and tail drains could also be located in the meadow to disperse the discharge over a wider area.

Whilst we recognise that the report [from Professor Hey] identifies existing flooding and drainage issues at No 5 High Street we do not believe that the recommendations made above will increase flood risk at the proposed site or elsewhere. General drainage in the area may be improved by ditch maintenance in High Street which may enable water to clear from the higher land and roads more efficiently but this is outside of the remit of this application.

If you were minded to approve this application we would request a suitable condition to ensure that detailed surface water and foul drainage arrangements for the site were submitted and approved by the local planning authority prior to any development taking place.

Following reconsultation comments received 8 September:

Conflicting information has been received from the applicant and objectors regarding the percolation tests that were carried out. The ground conditions may not be consistent across the whole site and some areas may offer better results than others and the drainage area can be extended over a wider area where results are DEFERRED
at the poorer end of the acceptable scale. It is important that a proper assessment is made taking into account seasonal changes to ensure that any proposed facilities are able to work effectively.

If satisfactory disposal from a package sewage treatment plant cannot be achieved then the same will apply to a septic tank which will require a higher level of treatment through the soils. If it is found that infiltration drainage is not a viable option a possible alternative might be a sealed system such as a cess pit which will require an appropriate level of management to ensure that it is properly maintained and periodically emptied. This will ensure that groundwater is protected and avoid problems associated with saturated land and the potential for increased flood risk and pollution of groundwater as a result of additional discharge to ground from a package treatment plant.

4.10 NCC Highways

No objection to the use of the site for equine purposes. The existing access should however be upgraded.

With regard to the proposed residential use, the site is considered to be remote from local services which would render the residents reliant on the use of motorised vehicles. This aspect of the proposal conflicts with guidance in the Local Transport Plan for Norfolk and the NPPF.

4.11 Representations

41 letters of objection. Concerns regarding:

- Poor drainage at the site / increased flood risk
- Increased traffic on narrow country lanes
- Visual impact of development
- Site is outside of development boundary
- Impact on private water pipelines
- Out of character with the village
- Concern applicant is not a bona fide traveller
- Site unsuitable due to lack of public transport, local services, no footpaths or street lighting
- Concern that it will develop into a larger traveller site
- Concern about overlooking, loss of privacy and intervisibility
- The proposed development is located on the course of a historic network between a series of burial mounds at Five Ways, Ketteringham and the Ancient Roman town of Venta Icenorum. The proposal should be rejected until the archaeological importance of this location can be understood.
- Concern that the information provided in relation to site drainage does not conform to British Standards and it therefore has not been satisfactorily demonstrated that a package treatment plant could be accommodated. The site is also in close proximity to a groundwater protection zone.

Further letter of objection received from Ketteringham Residents Group. Concerns regarding:

- status of applicant
- development in open countryside
- proximity to neighbouring properties
- concern regarding drainage
- proposal does not constitute sustainable development
• the Highway Authority has objected to the residential use of the site
• in terms of its location
• In the event that permission is granted, conditions should be
  attached including: temporary permission only, personal permission
  only, landscaping scheme to be implemented, fencing to be erected,
  appropriate measures agreed for surface water drainage and
  sewage treatment

Further report submitted from Ketteringham Residents Group on 19
June stating that Mr Austin does not have Gypsy heritage and does not
lead a nomadic lifestyle and providing information to support this
conclusion.

Following a further consultation on the basis of the application being
assessed as a proposal for a general residential caravan with day room
(not as a gypsy and traveller proposal), the following comments were
received:

• The residents were previously informed by Council Officers that the
  site would not be given permission for general residential use
  because it was sited in the countryside.
• Concern that the Local Planning Authority is considering the
  application on a different basis to how it was originally presented, in
  that it is no longer being considered as a gypsy and traveller site.
• If the application is approved, the Council will have effectively said
  it is now acceptable as a standard residential site
  and as a consequence, anyone anywhere is free to apply to live in that
  style. This will set a precedent for others to follow.
• Even with a lack of a five year land supply, it is hard to see how the
  Council’s design principles of high quality sustainable dwellings can
  be overlooked/dismissed and standards dropped as this works
  against achieving sustainability. The proposal is against the
  Council’s place making and design principles.
• Reference to an appeal case where the Ombudsmen awarded costs
  against a Council due to the impact on residential amenity [no
  information is provided regarding the detail of this case]
• Concern that the aims of the NPPF are being ignored to achieve
  unrealistic housing targets.
• Impact on the war memorial

5. Assessment
Proposal

5.1 The application is for the change of use of land previously used for equestrian purposes to the
use for equine and residential purposes, including a concrete pad for the standing of one
residential caravan, erection of a day room and the erection of gates. The application is partly
retrospective in that the applicant is now occupying the site and a static caravan has been placed
on the land.

5.2 The site is a field which is accessed from High Street and has a stable block on the land. To the
south and west are a number of residential properties. To the north is a railway line and beyond
that is the A11 dual carriageway. To the east is agricultural land and beyond that there are further
residential properties. The site is opposite the village hall and there is also a war memorial
adjacent to the southern boundary of the site. A public right of way runs north-south adjacent to
the eastern boundary of the site.
5.3 Ketteringham is identified as an ‘Other Village’ by policy 16 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS). It does not currently have a development boundary but is due to have one within the emerging Site Allocations and Policies document, which is likely to be adopted later in 2015. Under policy 16 of the JCS, the village will accommodate infill or small groups of dwellings and small-scale business or services, subject to form and character considerations. The site is adjacent to the proposed development boundary, and in this sense would be well related to the existing settlement.

Principle of Development

5.4 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out that at the heart of the Framework is a presumption in favour of sustainable development. It goes on to state that:

*For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework when taken as a whole; or

- specific policies in this Framework indicate development should be restricted.

Paragraph 49 of the NPPF states:

*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.*

5.5 As part of an inquiry hearing for an appeal concerning 650 dwellings in the Norwich Policy Area part of South Norfolk (application 2013/1494), which took place in mid-June, the Council has had to revise its approach to calculating the previous shortfall in housing delivery in relation to the five year period being assessed and it has been established that the Council cannot demonstrate a five-year housing land supply in the Norwich Policy Area. The application site is located within the Norwich Policy Area, and therefore the provisions of paragraphs 14 and 49 apply.

5.6 This means that two assessments are necessary, firstly to establish whether the development is “sustainable development” as defined by the NPPF. Secondly, if it is considered sustainable, whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the polices in the NPPF, or whether specific policies of the NPPF indicate the proposals should be refused.

5.7 Paragraph 7 of the NPPF defines sustainable development as having an economic, social and environmental role. It goes on to stress in paragraph 8 that these are not to be undertaken in isolation, because they are mutually dependent. The NPPF also sets out 13 themes for delivering sustainable development but considers its meaning of Sustainable Development to be taken as the NPPF as a whole.

Economic Role

5.8 The NPPF highlights the economic role as “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure.”
5.9 The site is located adjacent to a proposed development boundary and settlement which has been identified as being suitable for small scale development. The proposal would result in some limited short term economic benefits as part of any construction work and in the longer term by local spending from the future occupants contributing to the local economy and viability of local services. It is considered that the scheme would bring forward a modest level of economic benefit, and fulfils the economic role set out in the NPPF.

Social Role

5.10 The NPPF confirms the social role as “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”

5.11 As confirmed above, the Council cannot demonstrate a 5 year housing land supply in the Norwich Policy Area and therefore there is a clear social benefit in delivering an additional residential site in this area.

5.12 Concerns have been raised by local residents and the County Highway Authority that the site is remote from local services and public transport. The closest bus stops are on Norwich Road, 1.8km from the site. Other facilities, such as the Infants and Junior School in Hethersett are approximately 2.6km away. Ketteringham does have a village hall, there is a nursery at Ketteringham Hall and some local employment in the vicinity of the site. There is no school, pub or village shop.

5.13 Whilst it is recognised that there are very limited services within the village itself, the site is well related to the existing built up area of the village which has been designated as suitable for small and infill small scale residential development within the JCS. In addition the town of Hethersett and city of Norwich are both within a relatively close proximity and contain a number of services. Although there may be a degree of harm arising from a likely reliance on the use of a car to access some services, the travel distances involved would not be significantly harmful in planning terms. In addition the small scale of development proposed does not lead to significant concern on this ground, when weighed against the benefits of providing an additional residential unit in an area of identified need in terms of housing supply.

5.14 Vehicle and pedestrian access would be via the existing access onto High Street. The Highway Officer has stated that visibility is acceptable. There is room on the site for four parking spaces which is sufficient for a development of the size proposed. Conditions regarding the upgrading and surfacing of the parking area and the provision of a suitable turning area within the site could be imposed. The proposal would create very limited vehicle movements. The proposal accords with policy IMP 8 in that it would not impede the safe and free flow of traffic within the vicinity of the site.

5.15 Concern has been raised as to whether the type of accommodation (residential caravan and day room) forms a sustainable form of development. However paragraph 50 of the NPPF advises that “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups within the community”. The proposal would not be of the highest standard in terms of appearance, but it would provide a more affordable type of dwelling unit that would meet a specific need and would therefore be consistent with the aim of providing a choice of accommodation.

5.16 Objections have been raised on the grounds of amenity impacts. The main objections relate to the potential for overlooking and loss of privacy. The houses in closest proximity that have the potential to be affected are the three immediately to the south and west of the site, no’s 5 and 6 High Street, and the property known as ‘Amathus’.

DEFERRED
The proposed site plan shows that the concrete slab for the siting of the residential caravan and day room would be positioned to the north of the existing stable building, and the garden area would be to the west of this area. The day room and caravan would therefore be approximately 30 metres from the boundary with no’s 5 and 6 and 15 metres from the boundary with Amathus. The day room and caravan would be approximately 50 metres from the houses at no’s 5 and 6, whilst being approximately 47 metres from the house at Amathus. These are considered to be adequate separation distances, with the stable block providing a physical buffer that would further reduce the impact.

The site benefits from a degree of existing fencing and hedgerows that provide some privacy however a condition could be imposed to ensure that a suitable fence is erected between the application site and the neighbouring occupiers no. 5 High Street and the fencing between Amathus and the site could be improved where appropriate, to ensure adequate privacy would be achieved. Subject to the imposition of conditions, the proposal would accord with policy IMP 9 of the Local Plan in that it would not have a materially adverse impact on the amenities of neighbouring occupiers.

Concerns have been raised about the position of the site in the middle of the village, and the fact the site is close to the village hall. However there are existing residential properties in close proximity to the village hall. Given the small scale of development proposed, the existing presence of other residential properties in close proximity to the village hall, and the separation distance between the village hall and the residential part of the site proposed, it is considered no adverse impacts would occur.

There have been objections on the grounds that the application would set a precedent for further similar development. However such proposals would require a planning application and would be assessed on their planning merits. Concerns have been raised regarding potential business use, however no business use is proposed and a condition could be imposed to control any business use of the site.

Further concern has been raised that there is no street lighting, mains gas supply and issues with the water supply. Whilst these matters may weigh slightly against the social benefits of developing this site for residential purposes, they are not in themselves significant enough to outweigh the social benefits overall. The proposal would contribute an additional residential property where there is a need and overall is considered to meet the social role identified within paragraph 7 of the NPPF.

Environmental role

The NPPF confirms the environmental role as “contributing to protecting and enhancing our natural, built and historic environment: and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

The site is located outside of any development boundary and therefore the proposal would result in a degree of encroachment on the open countryside. It would generally be well screened from the road, while glimpsed views would be possible from the public footpath. It is considered that the development would result in a small degree of visual harm in environmental terms; however this could be largely mitigated through some landscaping which could be secured via condition.

The main physical changes are the erection of a five-bar gate and fencing at the frontage, the erection of a day room, the laying of the concrete slab and the siting of a residential caravan. The day room would accommodate a kitchen, shower room and laundry room and would be 16 square metres in size. It would be single storey with a pantile roof and feather edge boarded walls. The building, pad and caravan would be sited further into the site, away from the road and would be partly screened by the stable building. The day room would have a pantiled roof and featheredged boarding which would not be out of keeping. There are a number of similar sized outbuildings to the proposed day room within the gardens of adjacent properties so the impact of
5.25 The site lies within the Environment Agency flood zone 1 which is the area of lowest flood risk, where residential development is considered compatible. However, concerns have been raised by local residents that the site is subject to localised flooding, and there are concerns at both the suitability of the site for residential use and the potential for it to increase flood risk. The application advises that sustainable drainage systems would be used for the disposal of water from roofs and hard surfaces, and that foul drainage would be dealt with via a package treatment plant. The Council’s Flood Defence Officer initially advised that should a system be installed that drains flood water away from the caravan and discharges in the meadow to the east, there would be no increased flood risk to the site or elsewhere.

5.26 Further reports have been submitted by a Professor Hey, objecting to the proposal and calling into question the drainage information provided. The applicant was invited to submit further information, and further percolation tests were carried out by the applicant, albeit in a location closer to the caravan position than anticipated. The depth of the tests has been criticised by Professor Hey who is concerned that they were not carried out to a sufficient depth. Given that there is a preference for drainage to be taken further away from the properties, a condition is recommended seeking further clarification of the drainage details and location of the disposal point should a package treatment plant continue to be the proposed method of disposal. In consultation with the Flood Defence Officer, in the event a package treatment plant cannot be accommodated, an alternative would be a sealed system such as a cess pit. This would overcome any concerns about flood risk or pollution to groundwater. This would weigh slightly against the sustainability credentials of the proposal, but balancing this against the planning benefits of the proposal, would not cause harm significant enough to warrant refusal of the application. A condition is recommended seeking approval of the details of foul sewage disposal and implementation before occupation of the caravan or Day Room in their approved positions.

5.27 Regarding the objection relating to the impact on the historic route between the burial mounds at Five Ways, Ketteringham and the Ancient Roman town of Venta Icenorum, the site does not carry any archaeological designation and no objections have been received from the Norfolk Historic Environment Service. With regard to concerns about the impact on the war memorial, it carries no formal planning designation and in any event is well screened from the site by a mature hedge so there would be no adverse impact.

5.28 In terms of equine development the site already benefits from permission for equestrian use. Permission is sought to keep horses for recreational purposes and the applicant has confirmed that no business use is proposed. Policy LEI 14 supports the use of land for the keeping of horses for recreational purposes providing there are no adverse impacts on the character of the landscape, important wildlife habitats, highway safety and residential amenity. The site is considered suitable for continued use for the keeping of horses for recreational purposes.

5.29 In summary on the environmental role, there would be some limited harm brought about by the scheme as it represents a degree of encroachment into the open countryside, contrary to the provision of local plan policy ENV8 and does not benefit from a connection to a main sewer. However it would generally be well screened from public view, and this screening could be further improved by condition. Subject to conditions controlling boundary treatments, landscaping, and the provision of appropriate drainage and sewage facilities, when taking the development as a whole, there would not be a material conflict with the environmental role of sustainable development as defined by the NPPF.

5.30 For the above reasons, when taken as a whole, the proposal is considered to represent sustainable development as defined within the NPPF. In addition, in the context of the absence of a five year housing land supply in the Norwich Policy Area, the adverse impacts of granting permission would not significantly or demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, nor are there any specific policies in the Framework which would indicate that development should be restricted in this case.
5.31 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

5.31 The application would be liable for Community Infrastructure Levy (CIL) based on the size of the day room

6. Conclusion

6.1 For the reasons set out in this report, when taken as a whole, the proposal is considered to represent sustainable development as defined within the NPPF. In addition, in the context of the absence of a five year housing land supply in the Norwich Policy Area, the adverse impacts of granting permission would not significantly or demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, nor are there any specific policies in the Framework which would indicate that development should be restricted in this case.

6.2 It is therefore recommended that the Development Management Committee authorise the Director of Growth and Localism to recommend to the Planning Inspectorate that the application would have been approved subject to conditions.

Contact Officer, Telephone Number: Robert Webb 01508 533681
and E-mail: rwebb@s-norfolk.gov.uk
2.  
Appl. No : 2014/1302/O  
Parish : CAISTOR ST EDMUND  
Applicants Name : Mrs Val Hope  
Site Address : Land North of Heath Farm Caistor Lane Caistor St Edmund Norfolk  
Proposal : Erection of 16 dwellings (5 affordable, 11 market) and proposed access to the south of Caistor Lane.  
Recommendation : Agree that the scheme is now acceptable in planning terms and consequently to agree that officers confirm to the Planning Inspectorate that the Council do not wish to contest the current appeal.  

1. Conditions pursuant to the outline include the following and any other considered necessary by the Director of Growth and Localism:  
2. Outline Permission Time Limit  
3. Standard outline requiring RM  
4. In accord with submitted drawings  
5. Standard Estate Road  
6. Wheel cleaning facilities  
7. Highway Improvements – Offsite  
8. Surface Water  
9. Surface water - management and maintenance of drainage ditches  
10. Landscaping scheme to be submitted  
11. Boundary treatment to be agreed  
12. In accordance with ecology report  
13. Tree protection  
14. Renewable Energy - submission of details  
15. Programme of archaeological work  
16. Slab level to be agreed  
17. Provision of a fire hydrant  
18. Contamination  

Subject to S106 to cover affordable housing, open space and private management and maintenance of the private road

Introduction

The purpose of this report is to seek the views of the Development Management Committee in respect of application number 2014/1302 for residential development (outline application for 16 dwellings) at land North Of Heath Farm Caistor Lane, Caistor St Edmund which was refused on the 12th December 2014 following the recommendation of refusal made to the Development Management Committee on the 10th December 2014.

This decision was made upon the Council being able to demonstrate a 5 year housing land supply at that time (December 2014). Given that the Council has recently confirmed that it no longer has a 5 year supply within the Norwich Policy Area, it is necessary to re-assess the proposal as it is now the subject of an appeal to the Planning Inspectorate.

Members will note that the application had previously been reported to the November 2014 Development committee, which in the absence of a 5 year supply at that time Officers were recommending approval of the application. This item was not however considered by the committee as the Council announced days before this meeting that it would in fact have a 5 year supply of housing and would need to re-assess any application currently underdetermined. In light of this the item was not considered by the committee and the planning balancing exercise was carried out again, resulting in a change of recommendation.
Both the November and December 2014 Committee reports can be found in appendix 2 and 3 respectively.

1. Planning Policies

1.1 The planning policies and planning history are as previously presented in the committee report presented to the Development Management Committee on 10\(^{th}\) December 2014. This report is attached as Appendix 3.

2. Consultations

2.1 The consultation responses are as previously presented in the committee report presented to the Development Management Committee on 10\(^{th}\) December 2014. This report is attached as Appendix 3.

3. Assessment

Revised planning assessment

3.1 Given the Council cannot now demonstrate a 5 year housing land supply, its housing supply related policies are considered to no longer be up to date in accordance with the requirements of paragraph 49 of the NPPF. Paragraph 49 also confirms that housing applications must be assessed in the context of the presumption in favour of sustainable development. With this in mind it is necessary to establish whether the current scheme represents a sustainable development. Sustainable development has three dimensions, economic, social and environmental. It goes on to stress that these are not to be undertaken in isolation, because they are mutually dependent. The NPPF also sets out 13 themes for delivering sustainable development but considers its meaning of Sustainable Development to be taken as the NPPF as a whole.

3.2 The following is an assessment of whether the scheme can be considered to represent sustainable development. It should be noted that this approach was adopted in assessing the scheme previously with a copy of the committee report from December 2014 attached as Appendix 3.

Economic Role

3.3 The NPPF highlights the economic role as “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure.”

3.4 The previous committee report confirmed that the weight of the benefit of providing additional dwellings in Caistor St Edmund was reduced as the Council could demonstrate that it had an up to date 5 year housing land supply of deliverable sites at that time (December 2014) and had already provided “sufficient land of the right type” in respect of housing as required by the NPPF. Given that this is now not the case, the benefit of providing 16 new dwellings is greater than previously considered, and this needs to be reflected in re-assessing the proposal in the context of establishing whether the scheme is considered to be a sustainable development. As previously stated the scheme would continue result in some short term economic benefits as part of any construction work and in the longer term by local spending from the future occupants.
3.5 In summary it is considered that the scheme would bring forward a level of economic benefit, and this is greater than previously expressed in the committee report from December 2014.

Social Role

3.6 The NPPF confirms the social role as “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”

3.7 The previous committee report considered that given the Council could demonstrate an up to date 5 year housing land supply at the time of writing (December 2014), this meant that this largely satisfied the requirements set out in respect of the social role in that it could provide sufficient housing in the context of the social role of the NPPF, and therefore the social benefits of this scheme were limited.

3.8 As confirmed above, the Council cannot now demonstrate a 5 year housing land supply and therefore the social benefits are now considered to be greater than previously expressed.

Environmental Role

3.9 The NPPF confirms the environmental role as “contributing to protecting and enhancing our natural, built and historic environment: and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

3.10 As set out in the previous committee report, the site continues to be outside the existing or proposed development limit and will result encroachment on the open countryside. It is considered that this represents a modest level of harm in environmental terms.

3.11 Officer’s would highlight that whilst much of Caistor Lane is a uniform layout of frontage development, there are exceptions in the form of 2 cul de sacs to the west and a new large residential development 200m to the east (David Wilson Homes site). This has altered the overall form and character of the area and this coupled with the fact that the site is not highly visible within the wider landscape, leads officers to conclude that there would not be any significant or demonstrable harm to the form or rural character of the area.

3.12 Furthermore whilst the site lies in the open countryside where ENV8 of the adopted South Norfolk local Plan applies, it is considered necessary to have regard to paragraph 4.16 of the December committee report which in establishing the level of weight to be given to Policy ENV8 officers highlighted an Inspectors decision for Chapel Lane, Wymondham, and in particular, this identified that despite Policy ENV8 not being out of date, it was likely that to address a housing land shortfall, development within the open countryside may well be necessary in the countryside.

3.13 Paragraph 4.34 of that same report clarifies the approach of the Inspector for the Chapel Lane, Wymondham appeal where he indicated that with specific regard to an absence of a 5 year supply ‘the benefit of the additional housing would not have been outweighed by the harm to the landscape had that been the only concern with the proposals.’
3.14 In summary, there would be some environmental harm brought about by the scheme as it does represent a level of encroachment into the open countryside, contrary to the provision of ENV8, however, in considering the merits of the scheme as a whole it is considered appropriate to acknowledge that developing such a site is highly likely to contribute to meeting the Council’s housing land target and the harm to the form and rural character would not be significant and demonstrable as is required to be demonstrated by paragraph 14 of the NPPF.

Summary of sustainable development consideration

3.15 Having due regard to the above assessment made in the context of not having a demonstrable 5 year housing land supply, it is considered that the benefits of providing additional housing is sufficiently high that the concerns regarding encroachment into the countryside are outweighed by the benefits and as such, when considered as a whole, the scheme represents a sustainable development. Whilst this a different conclusion to that reached previously in December, it is consistent with Officer’s recommendation to committee in November 2014 when the Council did not have a 5 year supply of housing and it is considered that the changing land supply figure is sufficient justification for reaching the conclusion set out in respect of establishing whether the scheme is sustainable.

3.16 Having established that the scheme represents a sustainable development in the context of the NPPF, it is necessary to have regard to paragraph 14 of the NPPF in respect of the presumption in favour of development for decision-taking. This states that:

“where the development is absent, silent or relevant policies are out of date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted.”

3.17 As set out above, it is accepted that the Council’s housing related policies are out of date by virtue of not being able to demonstrate an up to date 5 year housing land supply, and therefore the Council should only prevent granting planning permission if the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the NPPF when taken as a whole or specific policies of the NPPF indicate restricting the development.

3.18 In this instance, it is considered that the concerns set out in respect of the encroachment in to the countryside do not represent harm that significantly and demonstrably outweighs the benefits of providing additional housing where there is a need to do so. It is also evident that there are no other concerns in respect of any other planning related matters as set out in the previous committee report for example highway safety or neighbour amenity when considering the change in housing land supply position.

3.19 Furthermore, it is also considered that the scheme does not conflict with any specific policies within the NPPF whereby permission should be restricted which must be established in considering a proposal in the context of paragraph 14 of the NPPF.

3.20 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

3.21 This application is liable for Community Infrastructure Levy (CIL)
4. Conclusion

4.1 The change in the council’s current position in respect of housing land supply from that at December 2014, when the decision was issued, whereby we no longer have one, leads officers to the view that the scheme can now be considered to represent a sustainable development in the context of the NPPF. Consequently, in establishing this position, it is considered that the level of harm identified, namely encroachment in the countryside are not sufficient to represent significant and demonstrable harm that outweighs the benefits of providing additional housing within the Norwich Policy Area where the Council does not have a 5 year supply.

4.2 In the context of the current appeal lodged with the Planning Inspectorate, the aforementioned position means that it is recommended that Members agree that the Council does not contest the current appeal and we confirm this position to the Planning Inspectorate. If this position is agreed it would be necessary to provide a copy of the suggested conditions to the Planning Inspectorate to assist them in reaching their decision along with advancing discussions with the appellant in respect of S106 matters e.g. affordable housing and open space contributions and management and maintenance of the private roads. A list of conditions and contributions to be sought are set out above.

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Appendix 2

   Parish: CAISTOR ST EDMUND

   Applicants Name: Mrs Val Hope
   Site Address: Land North Of Heath Farm Caistor Lane Caistor St Edmund Norfolk
   Proposal: Erection of 16 dwellings (5 affordable, 11 market) and proposed access to the south of Caistor Lane.

   Recommendation: Approval with conditions

   Conditions pursuant to the outline include the following and any other considered necessary by the Director of Growth and Localism:
   1. Standard outline time limit
   2. Requirement for reserved matters to be submitted (landscaping, layout, scale and appearance).
   3. In accordance with approved plans
   4. Submission of full details of roads, footways, site drainage, parking provision and turning areas
   5. Wheel cleaning facilities for construction vehicles
   6. Details of off-site highway improvement works and delivery prior to first occupation
   7. Development in accordance with the revised FRA, additional supporting calculations and amended drawings and in accordance with specific mitigation measures
   8. Submission of further details of ownership and proposed management and maintenance of drainage ditches
   9. Submission of a landscape plan (soft and hard landscaping)
   10. Submission of boundary treatments
   11. Development in accordance with submitted species survey and mitigation measures
   12. Development in accordance with submitted tree survey and AIA
   13. Submission of construction method of private drive to protect existing trees
   14. Submission of details for sustainable construction, compliance with Code level 4 for water and 10% on site renewable energy
   15. Programme of archaeological work
   16. Submission of ground and slab levels
   17. Provision of a fire hydrant
   18. Contamination – if found work to halt and be addressed

   Subject to S106 to cover affordable housing, open space and private management and maintenance of the private road

1. Planning Policies

1.1 National Planning Policy Framework
   NPPF 04: Promoting sustainable transport
   NPPF 05: Supporting high quality communications infrastructure
   NPPF 07: Requiring good design
   NPPF 08: Promoting healthy communities
   NPPF 10: Meeting the challenge of climate change, flooding and coastal change
   NPPF 11: Conserving and enhancing the natural environment

1.2 Joint Core Strategy
   Policy 1: Addressing climate change and protecting environmental assets
   Policy 2: Promoting good design
   Policy 3: Energy and water
Policy 4: Housing delivery
Policy 6: Access and Transportation
Policy 7: Supporting Communities
Policy 8: Culture, leisure and entertainment
Policy 9: Strategy for growth in the Norwich Policy Area
Policy 16: Other Villages
Policy 20: Implementation

1.3 South Norfolk Local Plan 2003
ENV 6: Development in the open countryside (Part Consistent)
ENV 8: 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
LEI 7: Open space provision in new development
TRA 1: Provision of pedestrian links
TRA 3: Provision of cycling facilities
TRA 17: Off-site road improvements
TRA 18: Parking standards

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 Spring 2015. In line with paragraph 218 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.

1.5 Development Management Policies
DM1.1 Ensuring Development Management contributes to achieving sustainable development in South Norfolk
DM1.2 Requirement for infrastructure through planning obligations
DM1.3 Sustainable location of development
DM1.4 Environmental Quality and local distinctiveness
DM3.1 Housing Quality
DM3.2 Meeting housing requirements and needs
DM3.9 Design Principles
DM3.11 Promotion of sustainable transport
DM3.12 Road safety and the free flow of traffic
DM3.13 Provision of vehicle parking
DM3.16 Outdoor play facilities and recreational space
DM4.1 Building Fabric Energy Efficiency, Carbon Compliance and Allowable Solutions
DM4.3 Sustainable drainage and water management
DM4.4 Facilities for the collection of recycling and waste
DM4.9 Protection of Trees and Hedgerows

1.6 Supplementary Planning Document
South Norfolk Place Making Guide

2. Planning History

### 3. Consultations

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<tr>
<th>3.1</th>
<th>Caistor St Edmund Parish Council</th>
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|     | Consider the application should be refused for the following reasons (summarised):
|     | 1. Local Development Plan Rejection  
|     | This site was previously rejected as a proposed site in the Councils site allocations. The ENVs must result in this application being refused.  
|     | 2. The was the subject of a refusal and dismissed appeal in 1981 for a number of reasons including the fact that it was deemed to be a backland development with the inspector noting that the site is "clearly part of the open farmland associated with Heath Farm. It is a backland area which is not contained by, but is part of, the strongly rural farm scene." The note also states that the "Highway Authority minimum radius connection of 10.5m cannot be met within land in your clients' ownership". We strongly believe nothing has changed since this application.  
|     | 3. Drainage/Risk of flooding - Residents of the dwellings that would back the new development already experience a lot of surface water and some flooding of their gardens.  
|     | 4. Would conflict with the existing building line.  
|     | 5. Traffic - The dual use of the access road from Caistor Lane is of particular concern, as it will need to take both heavy farm machinery and provide vehicular access for residents of the development. We do not believe the access road is wide enough and the safety of pedestrians is at risk. The increased traffic along Caistor Lane is also seen as a concern.  

If permission is granted, suggest the following conditions of approval should be considered (summarised):

1. Drainage and sewage must be fit for purpose.  
2. A footpath must be built extending to Southwood Drive to ensure safety of pedestrians.  
3. A thorough risk assessment must be taken out to understand and manage the impacts of increased traffic throughout the village.  
4. The hedgerow shown on the plans to the south of the properties on Caistor Lane is incorrectly shown as evergreen. Fencing would need to be erected to help protect privacy. To further protect privacy, new dwellings should not directly face existing dwellings and should be built gable end on.  

Question whether the widening of the access road to the west is within the ownership of the applicant.

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<th>3.2</th>
<th>District Member</th>
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<td>To be determined by Committee.</td>
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Reason - proposed development outside present or proposed development boundaries.

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<tr>
<th>3.3</th>
<th>Anglian Water Services Ltd</th>
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<td>Confirm there is available capacity in the existing network for foul sewage.</td>
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<tr>
<th>3.4</th>
<th>Environmental Services (Protection)</th>
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<tbody>
<tr>
<td></td>
<td>No objection subject to conditions in respect of potential contamination.</td>
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3.5 NCC Highways

Comments on amended plans:
No objection subject to conditions/S106 regarding future management and maintenance of the proposed streets; details of roads, footways, parking and turning areas, wheel cleaning facilities for construction vehicles; off-site highway improvement works.

Whilst the applicant has included the recommended carriageway widening I note they have not taken on board my comments relating to the draft layout, which remains unchanged from that previously considered. I would reiterate my earlier comments regarding the layout but appreciate this outline application does not have this marked for consideration at this time. As previously advised if the proposed access road is to be constructed within the RPA of the adjacent trees then the Highway Authority would not adopt the new road and it would have to remain private. The revised plan continues to show the new road being constructed with RPA's and in this event I would expect the developer to enter into a S106 Agreement with the County Council to ensure a Private Management and Maintenance Company is established and the road is never offered for adoption.

Comments on original plans:
If the proposed access road is to be constructed within the RPA of the adjacent trees then the Highway Authority would not adopt the new road and it would have to remain private. In this event I would expect the developer to enter into a S106 Agreement with the County Council to ensure a Private Management and Maintenance Company is established and the road is never offered for adoption.

The proposal includes the creation of a new footway link between the site and the B1332 Norwich Road. From inspection of the site I note that between B1332 and the site Caistor Lane measures a generally uniform width of 5m up until the eastern side of the nearby pond (north of Caistor Lane); and between here and the site access the carriageway narrows to a minimum of some 4.6m. As well as the proposed footway I would expect Caistor Lane to be widened between the pond and the site access in order to maintain a uniform carriageway width of 5m.

Should your Authority support this application, given that access is marked for consideration at this time I would want to see the plans amended to include the above mentioned carriageway widening as well as the footway. On receipt of revised plans I will provide further comment. Specific comments also made on the layout although acknowledge that layout does not form part of the application.

3.6 Housing Strategy Manager

This outline application is for a total of 16 dwellings. The Building for Life criteria table submitted notes that, under JCS Policy 4, five affordable homes are required. The site plan submitted shows that 3 one bedroom houses and 2 two bedroom bungalows are proposed, and the application form says they would be for rent.

In principle this mix of affordable homes would be acceptable if it was decided to approve the application. On this basis I have no objection to the application.
3.7 Police Architectural Liaison Officer
No objection. Provide comments on secure by design award which is a voluntary standard that now development can achieve.

3.8 SNC – Parks and Amenities Officer
Proposal accords with policy requirement. Details of play area and equipment to be secured by legal agreement.

3.9 Landscape Officer
No objection subject to a condition for a full landscaping scheme at reserved matters stage.

3.10 Flood Officer
No objection subject to a condition requiring full details of the means of surface water drainage to be submitted to and agreed in writing with the local planning authority. The details should include the results from percolation tests if appropriate and incorporate installation of water efficiency and water saving devices such as rain saver systems as well as long term maintenance arrangements. The development shall be carried out in accordance with the agreed details.

Comments as follows:

- The current drainage arrangement are natural flows towards drainage ditches located either side of the access road and draining northwards and along the eastern boundary draining south and then east. There is a pond and ditches just outside the southern boundary of the site.

- The site lies within the EA fluvial flood zone 1 with a low probability of flooding from rivers and the surface water flood maps indicate low risk from surface water flooding.

- The FRA advises that the site falls to 3 catchments plus a separate catchment for the access road. The proposed arrangement is for the two areas either side of the access road to have separate piped drainage systems discharging to storage crates with controlled run-off into the existing ditch network.

- The access road will drain to the adjacent ditches or towards Galator Lane. No information has been provided to advise how run-off from the lower part of the access road will be collected where the adjacent ditch is piped. Appropriate measures must be put in place to prevent any run-off from the site onto the highway. We would request further information on the ownership of the pipe under the highway and its size. If the pipe is in private ownership consideration should be given to the capacity and integrity of this section of pipe and whether it will present a residual risk to the proposed development.

- The FRA advises that in order to achieve a fall to the existing drainage networks there will need to be some raising of ground levels within the site. Adequate measures should be taken to ensure that this does not increase the risk of run-off being directed onto neighbouring property.

- We would request details of future ownership and maintenance arrangements for all drainage features within the site.
3.11 Environment Agency

Comments on revised FRA:
Withdraw previous holding objection, subject to the condition below being attached to any permission.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA, dated 18 June 2014, Rev 0, produced by Amazi), letter from Amazi dated 15th October 2014, additional supporting calculations, and drawing figure 04A, and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the critical storm in all rainfall events up to and including the 1 in 100 year return period event including allowances for climate change so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Provision of surface water storage on site (as shown on drawing Figure 04A) to accommodate the volume of surface water produced by the contributing areas in all events up to and including the 1 in 100 year return period rainfall event, including allowances for climate change when working to the restricted discharge rates detailed in Amazi letter dated 15th October 2014.
3. Details shall be provided of how the scheme shall be maintained and managed after completion to ensure it operates as designed for the lifetime of the development.
4. Proposed site levels and slab levels shall be carefully designed following flood routing investigations to ensure that the proposed development does not flood and the flood risk to the surrounding area is not increased.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

3.12 Historic Environment Service

Indicates given historic cropmarks and a projected line of a Roman road running through the site, that there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance could be affected by the proposed development. Subject to a condition to secure a programme of archaeological work this is no objection to the application.

3.13 Norfolk Fire and Rescue

Taking into account the location and distance from existing infrastructure, Norfolk Fire and Rescue Service will require fire hydrant to be installed which will need to be secured by condition.

3.14 Representations

20 letters of objection, 1 Letter of support and 1 letter of comment only received.

Objections on the following grounds:

- Concern with surface water flooding and the pressure this will have on the existing area in addition to the recently approved development further along Caistor Lane.
- Concern that the existing drainage channels have not been properly assessed for the FRA.
• Loss of light which is already diminished by the existing tall trees.
• Concern this development will lead to more at Heath Farm.
• Overlooking is a concern.
• Traffic noise, pollution and congestion will continue to increase particularly in cumulation with the other approved development on Calistor Lane.
• Highways safety issues - Calistor Lane is a narrow country road with bends and not suitable for further development.
• Shared use of the access for cars and farm vehicles will cause disturbance.
• The application is no different to the refused and dismissed 1990 application.
• Concern that this further merges Poringland with Calistor St Edmund.
• Concern with construction noise and traffic.
• Existing properties will be de-valued.
• Concern with the location of the affordable housing in only one part of the site.
• Concern that a private access will be properly maintained.
• There are no facilities within Calistor St Edmund.
• Concern if there is capacity in the schools and services of Poringland.
• Lies in an area outside of the settlement boundary.
• Will impinge on existing view of the countryside.
• Proposed houses are too close to existing livestock buildings which will cause nuisance.
• Will exacerbate existing traffic congestion problems.
• Concern with safety of houses and play area near farm where there may be firearms stored.
• The site was not considered suitable for the Councils selection of residential sites for its site allocations.
• The absence of a 5 year supply should not outweigh the concern of the suitability of the site in respect of allocation, its sustainability and backland nature.
• Would adversely affect the rural character of the village.
• question the sewerage capacity.
• question whether terraced housing would be appropriate for the area.
• Consider street lights are required along Calistor Lane.
• The proposed footpath along Calistor Lane should extend further west up to Southwood Drive.
• Question the applicants ownership of all land shown for the access track.

Support with the following comments: support but concern with drainage of surface water

4 Assessment

Site description and proposal

4.1 The application is for residential development for 16 dwellings on a 1.14 hectare (approx.) site which currently consists of two grass paddocks either side of the farm access road to Heath Farm to the South of Calistor Lane. The land is located behind existing detached properties with large gardens that front Calistor Lane that form a linear development north-west of the main settlement of Poringland.
4.2 The boundary between the site and the properties to the north is delineated by hedging of various species with trees interspersed. There are a number of mature trees on the western side of the access track and also on the southern boundary of the application site. The existing farm buildings lie to the south just beyond the application site and these are made up of a number of buildings including general agricultural storage buildings, livestock buildings and two residential properties in association with the farm.

4.3 The application site is relatively flat. There are level changes and intervening landscape features across the wider farm holding such that the application site is not highly visible beyond its immediate context.

4.4 Access is the only matter of detail being formally applied for at this stage. An illustrative masterplan submitted with the application indicates a site layout including an area of open space to the front of the site.

4.5 The application proposes 11 market dwellings and 5 affordable dwellings.

4.6 Vehicular access is proposed from a single point direct from Caistor Lane, on the northern site boundary. This access is currently a farm access and this will be improved and a 1m wide pedestrian strip included to serve the development.

4.7 In addition off-site highway works involve a new pedestrian footpath along the southern side of Caistor Lane, eastwards from the application site, to facilitate pedestrian movement between the site and the village in addition to a small area of road widening between the eastern side of the pond opposite to the site access.

4.8 The Design and Access Statement indicates that the properties would be predominantly two storey with some single storey, however this is only indicative.

4.9 A draft S105 Obligation has been prepared. This covers the following matters: 33% affordable housing, a management and maintenance company for the private road, open space provision.

4.10 The main issues for consideration are the principle of development and policy considerations; highway matters; impact on form and character; drainage; residential amenity; affordable housing provision; and protected species.

Principle of development and policy considerations

4.11 The proposal represents a departure from the Development Plan. Whilst Caistor St Edmund is an 'other village' as defined by policy 16 of the JCS, where small infill development is acceptable, the site lies outside of the defined development boundary where policy ENV3 in respect of development in the countryside applies.

4.12 This policy excludes new residential development within the open countryside unless specific criteria are met. In this case none are met. On this basis the proposed dwellings would not accord with Policy ENV3.

4.13 The Planning and Compulsory Purchase Act requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise. The National Planning Policy Framework (NNPF) is a material consideration in planning decisions.
Development Management Committee  14 November 2014

4.14 In acknowledging that the scheme fails to comply with the requirements of Policy ENV8, it is necessary to consider the contents of paragraph 49 of the NPPF. This makes it clear that where a Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites, its policies related to housing should not be considered up-to-date. In the Norwich Policy Area, the Council is working towards a five year land supply and whilst very close to this, at present cannot demonstrate this. Therefore, policy ENV8 would be out of date and paragraph 49 should be engaged.

4.15 Paragraph 49 also stresses that applications for residential development should be considered in the context of the presumption in favour of sustainable development. The NPPF confirms that sustainable development has three dimensions, economic, social and environmental. It goes on to stress that these are not to be undertaken in isolation, because they are mutually dependent. The NPPF also sets out 13 themes for delivering sustainable development but considers its meaning of Sustainable Development to be taken as the NPPF as a whole.

4.16 Paragraph 14 of the NPPF stresses that proposals must be approved where they accord with the development plan or where the development plan is absent, silent or relevant policies are out of date grant permission unless one of the following occurs. Adverse impact of granting permission would significantly and demonstrably outweigh the benefit when assessed against the policies of the NPPF as a whole, or, specific policies of the NPPF indicate development should be restricted.

4.17 In terms of the sustainability of the location, whilst the site is not within a development boundary it is within walking distance of Poringland which is a selected settlement and adjacent to the defined boundary of Caistor St Edmund. The location of the development can therefore be considered to be sustainable. The development is also delivering policy requirement affordable housing and designated children's play space on site in addition to off-site highway improvement works in the form of a new pedestrian footway towards the village. It is therefore considered that the development would be sustainable development.

4.18 The key issue for consideration for the matters addressed below is therefore whether there is any significant and demonstrable harm as a result of the proposal that would outweigh this presumption in favour of sustainable development.

Highway considerations

4.19 Access is the only matter for detailed consideration. A single point of access is proposed utilising an improved farm access on the southern side of Caistor Lane. This would be a private road since the Highway Authority have indicated they would not adopt the road as it will need a no-dig construction due to it being within the root protection area of a number of mature trees along its length. The private access road is an acceptable arrangement subject to a private management and maintenance company being established.

4.20 Off-site highway works involve the provision of a footway along the southern side of Caistor Lane between the site and the B1332 Norwich Road in addition to the widening of Caistor Lane to 3m between the adjacent pond on the northern side of Caistor Lane and the site access and this will be accommodated within highway land.

4.21 The Highway Authority has confirmed no objection to the proposal subject to a number of conditions including the off-site highway works, standard highway design and parking provision, construction vehicle cleaning and the completion of a S106 legal agreement to secure the private management and maintenance company. Therefore notwithstanding the objections on highway grounds raised by the Parish Council and local residents, and the request by the Parish Council for the footpath to extend further west along Caistor Lane, the proposal is not considered to result in any adverse impact on the safe and free flow of traffic or highway safety and would accord with policy 8 of the JCH and policy IMP6 of the SNLP.
4.22 The Highway Authority has commented on the indicative layout of the development shown, indicating that amendments would be required, however they acknowledge that these matters can be considered when layout is considered at reserved matters stage.

4.23 In respect of parking, consideration will need to be had at reserved matters stage to ensure sufficient levels of parking are provided. However for the purposes of the outline consent officers are satisfied that the site is of a sufficient size to accommodate adequate parking for the development to accord with policy TRA18 of the SNLP.

4.24 The location of bin storage and collection areas for refuse vehicles will be considered at reserved matters stage. There will be sufficient space within each plot for bin storage.

Form, character and landscape impact

4.25 Objection has been received in regard to the backland nature of the development and that a scheme for housing (30 dwellings) on this site was dismissed on appeal in 1991 for reasons which included its backland nature.

4.26 The 1991 planning appeal decision is a material consideration in the determination of this application which appropriate weight should be afforded. That decision concluded that 30 dwellings on this site would intrude into and encroach upon the open countryside and would be detrimental to the rural character and setting of this part of the settlement.

4.27 However since that decision there have been significant changes to the planning context not least the NPPF. The development now proposed needs to be considered on its merits and in the context of current national and local planning policy giving appropriate weight to the appeal decision as a material consideration. A significant material consideration in this case is the current lack of a 5 year supply in the Norwich Policy Area in which this site is located and the presumption in favour of sustainable development advocated by the NPPF unless significant and demonstrable harm can be demonstrated.

4.28 Much of the development along Caistor Lane is a uniform layout of frontage dwellings in a ribbon form set in generally spacious plots and the application site would be a backland site behind these frontage properties. The exceptions to existing ribbon form of development are 2 small cul de sacs to the west and a new large residential development approved approx. 200m to the east (ref Outline 2013/1896 and reserved matters 2014/0732).

4.29 The key factor for consideration as to whether the backland site is acceptable is whether this would result in significant and demonstrable harm to the form and character of the area and on the rural quality and appearance of the surrounding countryside.

4.30 The development would be of a backland nature and at a higher density than those frontage dwellings on to Caistor Lane. However in the interest of maximising the land for housing delivery and in relation to the higher densities of the 2 cul de sacs to the west and the approved residential development to the east, the proposed density is not out of context. Furthermore the form and character of this part of the village has inevitably been changed by the proposed allocation for residential which has recently been given consent. The landscape is also such that the site is not highly visible in the wider landscape and as such it is not considered that the proposal would be significantly detrimental to the rural character of the area.

4.31 Taking into consideration the above points and the material considerations of the 1991 appeal decision and the NPPF presumption in favour of sustainable development, whilst the proposal would result in backland development, it is not considered that this would result in a level of harm to the form and character of the areas that is significant and demonstrable to outweigh the presumption and to justify a refusal.
Affordable Housing

4.32 JCS Policy 4 requires 33% of the dwellings to be affordable with a mix of house types and tenure which meets local need. The application proposes 5 affordable dwellings equating to 33% in accordance with the policy requirement. The Housing Strategy and Enabling Officer has confirmed the proposed type and tenure are acceptable. Subject to the completion of a 91/06 legal agreement to secure this affordable housing in perpetuity, the proposal would comply with Policy 4 of the JCS.

Drainage

4.33 In respect of foul drainage, Anglian Water has confirmed there is available capacity in the existing network.

4.34 In respect of surface water drainage, a significant number of objections have been received from local residents and the parish Council in this regard.

4.35 The surface water strategy proposed includes the combination of on-site underground attenuation tanks which will feed into the existing ditch and piped network via a piped system. The surface water run-off will be restricted to current greenfield rates.

4.36 A revised flood risk assessment has been submitted and the Environment Agency has confirmed that on that basis and subject to a number of conditions which will include mitigation measures as detailed in the FRA such as limiting surface water run off in a critical storm event to 1 in 100 year return period; provision of surface water storage as shown in the FRA to accommodate the 1 in 100 year return period rainfall event; details of how the scheme shall be maintained and managed after completion to ensure it operates as designed for the lifetime of the development and careful design of site levels and slab levels to ensure that the proposed development does not flood and the flood risk to the surrounding area is not increased, that they have no objection to the proposal. On that basis, and as the proposal will not increase flood risk elsewhere, it is considered that the proposal is acceptable in this regard, subject to conditions, and would comply with policy 1 of the JCS.

Residential amenity

4.37 Policy IMP8 of the SNLP requires development to have regard to the impacts on residential amenity. Consideration below is had to the amenities of those existing dwellings and those of the proposed dwellings in relation to the proximity of the existing working farm.

Access track:

4.38 The existing farm track would be utilised for the proposed development in an upgraded form as a shared access for the farm and the residents of the proposed properties. Given the backland nature of the development there is some concern regarding noise and disturbance on the amenities of the occupants of the two existing dwellings on either side of the access in addition to the conflict of farm vehicles and residential users on this road. However as the proposed development is fairly limited at 16 dwellings and subject to appropriate hard surfacing of the access road, whilst some increased noise and disturbance would result, it is not considered that this would be at such a level to result in any undue harm to the amenities of those properties to justify a refusal of the application. The committee will note that neither the Environmental Services Manager nor the Highway Authority raise any concern in this respect.

4.39 Objection has been received from the owner of 35 Caistor Lane raising the question of land ownership of the hedge and ditch which runs down the western side of the access track and therefore questions the ability of the access to be adequately widened to deliver the proposed development. Land ownership is not a material planning consideration, it is for
the courts to arbitrate and not a matter that the Local Planning Authority has any control over. Both parties have been advised of this matter. This matter does not affect the ability of the Council to make a decision on the planning application.

The existing dwellings:

4.40 The majority of the properties backing on to the site to the north are single storey with long rear gardens. Whilst the single storey nature of these properties means they currently enjoy limited overlooking of their private rear garden areas, there is decent hedge and a significant number of trees along that boundary to provide screening to protect those properties from any significant and adverse overlooking from the proposed development. Further consideration will need to be had at reserved matters stage to review specific landscape treatments dependent on the scale of properties proposed.

4.41 Those properties to the west of the application site are in closer proximity to and more visible from the application site and regard will need to be had to ensure the relationships with these properties are acceptable at reserved matters stage. The indicative proposal to site bungalows to the west of the site will help mitigate the impact on these properties. Consideration of this and window placement will need to be had at reserved matters stage to ensure no adverse impacts would result.

Proximity of farm buildings to proposed dwellings:

4.42 The proposed proximity of these properties to existing livestock buildings on the farm (approx. 100m) is not ideal and potential issues in relation to noise and odour nuisance needs to be considered.

4.43 The Environmental Services Officer has confirmed that the proposal has the potential to result in impacts however would not anticipate this impact to be sufficiently severe as to be a statutory nuisance.

4.44 Details submitted in the submitted Design and Access Statement suggest that the farm will no longer be used for livestock, but it would not be appropriate in this instance for the LPA to place controls on the existing farming practices given that the level of nuisance is not considered to be significant.

4.45 On balance therefore the proposal is considered acceptable in this respect and impacts are not to a degree as to justify a refusal.

Amenity of proposed dwellings:

4.46 Officers are satisfied that a scheme could be delivered at reserved matters with adequate gardens, parking and on site turning etc. without causing detriment to the future occupiers of those dwellings.

Contamination

4.47 As the site forms part of an existing farm there is the potential for contamination. A condition will be imposed to require work to stop on site in the event of any contaminants being found and to address the matter with the Council’s Environmental Protection team.

Protected Species

4.48 The application was submitted with a Phase I Habitat survey which assessed the presence and potential impacts on species and habitats on the site. No protected species were found to be present and the site is of limited ecological value, save some features (pond and hedgerow) which justify protection during the site clearance and construction. Therefore subject to a condition to ensure that the development is carried out in
accordance with the mitigation proposals indicated, it is considered that the proposal would result in no adverse impact on protected species or habitats and would accord with policies ENV14 and ENV15 of the SNILP.

4.49 The proposal would not affect the integrity of any internationally protected sites (Special Protection Areas, Special Areas of Conservation) individually or in accumulation with other permitted development and extant consents in the surrounding area and therefore, in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010. It is considered that the development would not have a significant impact on any protected habitats and accordingly no Appropriate Assessment of the development is required.

Trees

4.50 A tree survey and AIA have been submitted with the application in relation to the existing trees and hedges on and around the application site. This concludes that no trees will need to be removed and with appropriate design considerations and construction safeguards there would be no major impacts on the existing trees. Some sections of hedges would be lost but not at a significant scale and this can be mitigated by replacement planting conditions. Therefore in respect of trees, subject to a condition to require a full landscaping scheme at reserved matters stage, it is considered that the proposal is acceptable in this respect.

Open space

4.51 Policy LEI7 of the SNILP requires on schemes of 15-24 dwellings a minimum of 400sqm of children’s playspace and this to be well related to serve the dwellings proposed. The application proposes the policy requirement area of play space and this along with details of how this will be equipped will be secured by way of S106 agreement.

Sustainable construction and energy efficiency

4.52 Policy 1 and 3 of the JCS require the sustainable construction of the building, the compliance with Code Level 4 for water conservation in addition to requiring 10% of the predicted energy requirements to be delivered by on site decentralised and renewable or low carbon energy. Compliance will be secured by way of condition.

Archaeology

4.53 Saved Local Plan policy ENV9 and NPPF para 126 have regard to the archaeology of the site and these policies apply throughout the district covering known and as yet undiscovered sites of archaeological interest.

4.54 There is the potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance could be affected by the proposed development. The Historic Environment Service has indicated that subject to a condition to secure a programme of archaeological work there is no objection to the application and the proposal would comply with the relevant policies in this regard.

Other matters

4.55 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
4.56 The proposals have been considered against the Environmental Impact Assessment (EIA) Regulations 2011. The environmental, social and economic impacts have all been considered and are adequately addressed as detailed in the above report and subject to the recommended conditions.

S.106 Requirements/CIL

4.57 If planning permission is to be granted for this development, a S.106 Obligation will need to be completed to secure the following:

- The provision of affordable housing which would be 33% and include its phasing and other detailed requirements.
- Open space with play space equipment
- Management and maintenance company for the private road

4.58 A draft version of the S.106 has been prepared and negotiations are continuing in order to reach final agreement.

4.59 The application will also be subject to CIL to be calculated at reserved matters stage.

5. Conclusion

5.1 The scheme would assist in delivering housing which represents a significant benefit in planning terms. The scheme would also provide policy compliant levels of affordable housing and open space provision. The scheme would result in changes to the form and character of this part of the street and there would inevitably be some impact on residential amenity as a result of the proposed access and properties to the rear of existing dwellings, however this is not considered to represent significant and demonstrable harm in planning terms when seen in the context of paragraph 14 of the NPPF.

5.2 On balance, the scheme is considered to represent a sustainable development where no significant harm would demonstrably outweigh the benefits of the scheme. On this basis the application is recommended for delegated approval subject to the imposition of conditions and the completion of a S106 legal agreement.

Contact Officer, Telephone Number  Tracy Lincoln 01508 533814
and E-mail: tlincosn@s-norfolk.gov.uk
### Major applications or applications raising issues of significant precedent

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<th>Appl. No.</th>
<th>2014/1302/O</th>
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<td>Parish</td>
<td>CAISTOR ST EDMUND</td>
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Applicants Name: Mrs Val Hope  
Site Address: Land North Of Heath Farm Caistor Lane Caistor St Edmund Norfolk  
Proposal: Erection of 16 dwellings (5 affordable, 11 market) and proposed access to the south of Caistor Lane.

Recommendation: Refusal  
1. Development outside development boundary and contrary to local plan policy ENV8

#### 1. Planning Policies

1.1 National Planning Policy Framework  
NPFF 04: Promoting sustainable transport  
NPFF 06: Delivering a wide choice of high quality homes  
NPFF 07: Requiring good design  
NPFF 08: Promoting healthy communities  
NPFF 10: Meeting the challenge of climate change, flooding and coastal change  
NPFF 11: Conserving and enhancing the natural environment

1.2 Joint Core Strategy  
Policy 1: Addressing climate change and protecting environmental assets  
Policy 2: Promoting good design  
Policy 3: Energy and water  
Policy 4: Housing delivery  
Policy 5: Access and Transportation  
Policy 6: Supporting Communities  
Policy 8: Culture, leisure and entertainment  
Policy 9: Strategy for growth in the Norwich Policy Area  
Policy 10: Other Villages  
Policy 17: Smaller rural communities and the countryside  
Policy 20: Implementation

1.3 South Norfolk Local Plan 2003  
ENV 6: Development in the open countryside (Part Consistent)  
ENV 6: 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 9: Safe and free flow traffic  
IMP 9: Residential amenity  
IMP 10: Noise  
LEI 7: Open space provision in new development  
TRA 1: Provision of pedestrian links  
TRA 3: Provision of cycling facilities  
TRA 17: Off-site road improvements  
TRA 19: Parking standards

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 Spring 2015.
with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.

1.5 Development Management Policies
DM1.1 Ensuring Development Management contributes to achieving sustainable development in South Norfolk
DM1.2 Requirement for infrastructure through planning obligations
DM1.3 Sustainable location of development
DM1.4 Environmental Quality and local distinctiveness
DM3.1 Housing Quality
DM3.2 Meeting housing requirements and needs
DM3.9 Design Principles
DM3.11 Promotion of sustainable transport
DM3.12 Road safety and the free flow of traffic
DM3.13 Provision of vehicle parking
DM3.16 Outdoor play facilities and recreational space
DM4.1 Building Fabric Energy Efficiency, Carbon Compliance and Allowable Solutions
DM4.3 Sustainable drainage and water management
DM4.4 Facilities for the collection of recycling and waste
DM4.9 Protection of Trees and Hedgerows

1.6 Supplementary Planning Document
South Norfolk Place Making Guide

2. Planning History

2.1 1990/0161 Residential Development For Up To Thirty Dwellings. Refused and Appeal dismissed

3. Consultations

3.1 Caistor St Edmund Parish Council Consider the application should be refused for the following reasons (summarised):
- Local Development Plan Rejection
  This site was previously rejected as a proposed site in the Councils site allocations. The ENVS must result in this application being refused.
- The was the subject of a refusal and dismissed appeal in 1991 for a number of reasons including the fact that it was deemed to be a backland development with the Inspector noting that the site is “clearly part of the open farmland associated with Heath Farm. It is a backland area which is not contained by, but is part of, the strongly rural farm scene”. The note also states that the “Highway Authority minimum radius connection of 10.5m cannot be met within land in your clients ownership”. We strongly believe nothing has changed since this application.
- Dripping/Risk of flooding – Residents of the dwellings that would back the new development already experience a lot of surface water and some flooding of their gardens.
- Would conflict with the existing building line
- Traffic – The dual use of the access road from Caistor Lane is of particular concern, as it will need to take both heavy farm machinery and provide vehicular access for residents of the development. We do not believe the access road is wide enough and the safety of pedestrians is at risk. The increased traffic along Caistor Lane is also seen as a concern.
If permission is granted, suggest the following conditions of approval should be considered (summarised):

- Drainage and sewage must be fit for purpose.
- A footpath must be built extending to Southwood Drive to ensure safety of pedestrians.
- A thorough risk assessment must be taken out to understand and manage the impacts of increased traffic throughout the village.
- The hedge row shown on the plans to the south of the properties on Caistor Lane is incorrectly shown as evergreen. Fencing would need to be erected to help protect privacy. To further protect privacy, new dwellings should not directly face existing dwellings and should be built gable end on.

Question whether the widening of the access road to the west is within the ownership of the applicant.

3.2 District Member
To committee
Proposed development outside present or proposed development boundaries.

3.3 Anglian Water Services Ltd
Confirm there is available capacity in the existing network for foul sewerage.

3.4 SNC Environmental Services
No objection subject to conditions in respect of potential contamination.

3.5 NCC Highways
Comments on amended plans:
No objection subject to conditions/S106 regarding future management and maintenance of the proposed streets; details of roads, footways, parking and turning areas; wheel cleaning facilities for construction vehicles, off-site highway improvement works.

Whilst the applicant has included the recommended carriageway widening I note they have not taken on board my comments relating to the draft layout, which remains unchanged from that previously considered. I would reiterate my earlier comments regarding the layout but appreciate this outline application does not have this marked for consideration at this time. As previously advised if the proposed access road is to be constructed within the RFA of the adjacent trees then the Highway Authority would not adopt the new road and it would have to remain private. The revised plan continues to show the new road being constructed with RPAs and in this event I would expect the developer to enter into a S106 Agreement with the County Council to ensure a Private Management and Maintenance Company is established and the road is never offered for adoption.

Comments on original plans:
If the proposed access road is to be constructed within the RFA of the adjacent trees then the Highway Authority would not adopt the new road and it would have to remain private. In this event I would expect the developer to enter into a S106 Agreement with the County Council to ensure a Private Management and Maintenance Company is established and the road is never offered for adoption.
The proposal includes the creation of a new footway link between the site and the B1332 Norwich Road. From inspection of the site I note that between B1332 and the site Caistor Lane measures a generally uniform width of 5m up until the eastern side of the nearby pond (north of Caistor Lane); and between here and the site access the carriage width narrows to a minimum of some 4.6m. As well as the proposed footway I would expect Caistor Lane to be widened between the pond and the site access in order to maintain a uniform carriage width of 5m.

Should your Authority support this application, given that access is marked for consideration at this time, I would want to see the plans amended to include the above mentioned carriage widening as well as the footway. On receipt of revised plans I will provide further comment. Specific comments also made on the layout although acknowledge that layout does not form part of the application.

3.6 Housing Strategy Manager

This outline application is for a total of 16 dwellings. The Building for Life criteria table submitted notes that, under JCS Policy 4, five affordable homes are required. The site plan submitted shows that 3 one bedroom houses and 2 two bedroom bungalows are proposed, and the application form says they would be for rent.

In principle this mix of affordable homes would be acceptable if it was decided to approve the application. On this basis I have no objection to the application.

3.7 Norfolk Police

No objection. Provide comments on secure by design award which is a voluntary standard that new development can achieve.

3.8 SNC. Technical Manager (Parks and Amenities)

Proposal accords with policy requirement. Details of play area and equipment to be secured by legal agreement.

3.9 Landscape Officer

No objection subject to a condition for a full landscaping scheme at reserved matters stage.

3.10 Flood Defence Officer

No objection subject to a condition requiring full details of the means of surface water drainage to be submitted to and agreed in writing with the local planning authority. The details should include the results from percolation tests if appropriate and incorporate installation of water efficiency and water saving devices such as rainwater systems as well as long term maintenance arrangements. The development shall be carried out in accordance with the agreed details.

Comments as follows:

- The current drainage arrangement are natural flows towards drainage ditches located either side of the access road and draining northwards and along the eastern boundary draining south and then east. There is a pond and ditches just outside the southern boundary of the site.
- The site lies within the EA fluvial flood zone 1 with a low probability of flooding from rivers and the surface water flood maps indicate low risk from surface water flooding.
• The FRA advises that the site falls to 3 catchments plus a separate catchment for the access road. The proposed arrangement is for the two areas either side of the access road to have separate piped drainage systems discharging to storage crater with controlled run-off into the existing ditch network.

• The access road will drain to the adjacent ditch or towards Odiorne Lane. No information has been provided to advice how run-off from the lower part of the access road will be collected where the adjacent ditch is piped. Appropriate measures must be put in place to prevent any run-off from the site onto the highway. We would request further information on the ownership of the pipe under the highway and its size. If the pipe is in private ownership consideration should be given to the capacity and integrity of this section of pipe and whether it will present a residual risk to the proposed development.

• The FRA advises that in order to achieve a fall to the existing drainage networks there will need to be some raising of ground levels within the site. Adequate measures should be taken to ensure that this does not increase the risk of run-off being directed onto neighbouring property.

• We would request details of future ownership and maintenance arrangements for all drainage features within the site.

3.11 Environment Agency

Comments on revised FRA:
Withdraw previous holding objection, subject to the condition below being attached to any permission.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA, dated 18 June 2014, Rev 0, produced by Amazi), letter from Amazi dated 15th October 2014, additional supporting calculations, and drawing figure 04A, and the following mitigation measures detailed within the FRA:

• Limiting the surface water run-off generated by the critical storm in all rainfall events up to and including the 1 in 100 year return period event including allowances for climate change so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

• Provision of surface water storage on site (as shown on drawing Figure 04A) to accommodate the volume of surface water produced by the contributing areas in all events up to and including the 1 in 100 year return period rainfall event, including allowances for climate change when working to the restricted discharge rates detailed in Amazi letter dated 15th October 2014.

• Details shall be provided of how the scheme shall be maintained and managed after completion to ensure it operates as designed for the lifetime of the development.

• Proposed site levels and slab levels shall be carefully designed following flood routing investigations to ensure that the proposed development does not flood and the flood risk to the surrounding area is not increased.
The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Comments on original FRA:
Raise a holding objection in the absence of an acceptable flood risk assessment with the following comments (summarised):
- The key issues for consideration is the management of surface water from the site to ensure that there is no increase in off-site flood risk or a risk to the development itself.
- The FRA submitted does not comply with the requirement of the NPPF Para 103 and does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
- In particular the FRA fails to demonstrate that there will not be an increase in flood risk in more frequent rainfall events up to the 1 in 100 year return period event including allowances for climate change.
- Underground attenuation tanks are proposed and it will be important to establish adoption and maintenance of those particularly as they are underground and also in gardens of multiple proportions.
- Clarity needs to be provided over the ownership and maintenance of the receiving watercourses.

3.12 Historic Environment Service
Indicates given historic cropmarks and a projected line of a Roman road running through the site, that there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance could be affected by the proposed development. Subject to a condition to secure a programme of archaeological works this is no objection to the application.

3.13 Norfolk Fire and Rescue
Taking into account the location and distance from existing infrastructure, Norfolk Fire and Rescue Service will require fire hydrant to be installed which will need to be secured by condition.

3.14 Representations
20 letters of objection, 1 Letter of support and 1 letter of comment only received.

Objections on the following grounds:
- Concern with surface water flooding and the pressure this will have on the existing area in addition to the recently approved development further along Caistor Lane.
- Concern that the existing drainage channels have not been properly assessed for the FRA.
- Loss of light which is already diminished by the existing tall trees.
- Concern this development will lead to more at Heath Farm.
- Overlooking is a concern.
- Traffic noise, pollution and congestion will continue to increase particularly in cumulation with the other approved development on Caistor Lane.
- Highway safety issues- Caistor Lane is a narrow country road with bends and not suitable for further development.
- Shared use of the access for cars and farm vehicles will cause disturbance.
- The application is no different to the refused and dismissed 1090 application.
- Concern that this further merges Poringland with Caistor St Edmund.
- Concern with construction noise and traffic.
- Existing properties will be de-valued.
- Concern with the location of the affordable housing in only one part of the site.
- Concern that a private access will be properly maintained.
- There are no facilities within Caistor St Edmund.
- Concern if there is capacity in the schools and services of Poringland.
- Lies in an area outside of the settlement boundary.
- Will impinge on existing view of the countryside.
- Proposed houses are too close to existing livestock buildings which will cause nuisance.
- Will exacerbate existing traffic congestion problems.
- Concern with safety of houses and play area near farm where there may be firearms stored.
- The site was not considered suitable for the Council's selection of residential sites for its site allocations.
- The absence of a 5 year supply should not outweigh the concern of the suitability of the site in respect of allocation, it sustainability and backland nature.
- Would adversely affect the rural character of the village.
- question the sewerage capacity.
- question whether terraced housing would be appropriate for the area...
- Consider street lights are required along Caistor Lane.
- The proposed footpath along Caistor Lane should extend further west up to Southwood Drive.
- Question the applicants ownership of all land shown for the access track.

Support with the following comments:
- Support but concern with drainage of surface water.

4 Assessment

Site description and proposal

4.1 The application is for residential development for 16 dwellings on a 1.14 hectare (approx.) site which currently consists of two grass paddocks either side of the farm access road to Heath Farm to the South of Caistor Lane. The land is located behind existing detached properties with large gardens that front Caistor Lane that form a linear development north-west of the main settlement of Poringland.

4.2 The boundary between the site and the properties to the north is delineated by hedging of various species with trees interspersed. There are a number of mature trees on the western side of the access track and also on the southern boundary of the application site. The existing farm buildings lie to the south just beyond the application site and these are made up of a number of buildings including general agricultural storage buildings, livestock buildings and two residential properties in association with the farm.
4.3 The application site is relatively flat. There are level changes and intervening landscape features across the wider farm holding such that the application site is not highly visible beyond its immediate context.

4.4 Access is the only matter of detail being formally applied for at this stage. An ‘Illustrative masterplan’ submitted with the application indicates a site layout including an area of open space to the front of the site.

4.5 The application proposes 11 market dwellings and 5 affordable dwellings.

4.6 Vehicular access is proposed from a single point direct from Caistor Lane, on the northern site boundary. This access is currently a farm access and will be improved and a 1m wide pedestrian strip included to serve the development.

4.7 In addition off-site highway works involve a new pedestrian footpath along the southern side of Caistor Lane, eastwards from the application site, to facilitate pedestrian movement between the site and the village in addition to a small area of road widening between the eastern side of the pond opposite to the site access.

4.8 The Design and Access Statement indicates that the properties would be predominantly two storey with some single storey, however this is only indicative.

4.9 A draft S.106 Obligation has been prepared. This covers the following matters: 33% affordable housing, a management and maintenance company for the private road, open space provision.

4.10 The main issues for consideration are the principle of development and policy considerations; highway matters; impact on form and character; drainage; residential amenity; affordable housing provision; and protected species.

Principle of development and landscape impact

4.11 Planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in determining planning decisions.

4.12 With regard to the Adopted South Norfolk Local Plan (SNLP), Annex 1 of the National Planning Policy Framework (NPPF) at paragraph 219 states that where a plan is adopted post 2004, such as is the case here, decision makers should give due weight to policies in existing plans according to their consistency with the NPPF.

4.13 By way of clarification the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) was adopted in March 2011 and as such paragraph 215 of Annex A of the NPPF as above is not applicable to the JCS.

4.14 Whilst Caistor St Edmund is an ‘other village’ as defined by policy 16 of the JCS, where small infill development is acceptable, the site lies outside of the existing defined development boundary, and the emerging development boundary, where policy 17 of the JCS and ENV8 of the South Norfolk Local Plan in respect of development in the countryside applies.

4.15 These policies exclude new residential development within the open countryside unless specific criterion are met. In this case none are met. On this basis the proposed dwellings would not accord with Policy 17 of the JCS or policy ENV8 of the South Norfolk Local Plan.
4.16 Given that Policy ENV8 was adopted pre 2004, it is necessary to establish how much weight can be attributed to those in the decision-making process by assessing its consistency with the NPPF. It is evident that this matter was recently considered by the Secretary of State (SoS) and Planning Inspectorate in the Appeal decision for Chapel Lane, Wymondham (2012/1434) in which the SoS agreed with the inspector’s observation at paragraph 101 which stated:

"With regard to Local Plan Policy ENV8, I accept that it is, to some degree, the ‘other side’ of Local Plan Policy HOU4 that allows housing within Development Limits[54]. However, on its face it is a policy that is designed to protect the countryside, rather than being one of the ‘relevant policies for the supply of housing’[54]. As such, I consider it is not out-of-date, though I accept that, in the absence of evidence to the contrary, addressing a housing land shortfall may well necessitate conflicting with this policy."

4.17 Therefore, it is considered that Policy ENV8 continues to carry significant weight in the decision making process.

4.18 Paragraph 216 of the NPPF sets out how to determine the weight attributable to emerging Plans, depending on the stage of preparation of said documents, extent of unresolved objections to policies within the said documents and the degree of consistency with the NPPF. In this instance we have policy DM1.3 which seeks to direct development to sustainable locations within development boundaries or on allocated sites. Furthermore adopted policies in the Joint Core strategy set out the growth strategy for the area including designating Caistor St Edmund as an ‘other village’.

4.19 The site lies outside of the proposed development limit for Caistor St Edmund and as such is contrary to Policy DM1.3. It is acknowledged that this has some weight at the present time due to there being no objections to the heart of the policy and the Local Plan Examination now having taken place.

4.20 As highlighted above it is necessary to have regard for all material considerations within the decision-making process, and the NPPF is one such material consideration.

4.21 Paragraph 55 of the NPPF sets out when specific exemptions should apply to allow sustainable development in rural areas. The applicant has not tried to demonstrate compliance with Para 55 and nor is it considered by officers that the proposal meets these exceptions and as such a departure from the development plan is not justified on this basis.

4.22 Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development.

4.23 It should also be noted at this time that paragraph 49 also makes reference to how relevant policies in relation to housing are out of date if it cannot demonstrate a five year supply of deliverable housing sites. In this instance the council has recently published a revised position indicating that a five year land supply can be demonstrated within the Norwich Policy Area and therefore as stated above Policy ENV8 continues to carry significant weight.

4.24 In terms of the presumption in favour of sustainable development under paragraph 49 of the NPPF, this confirms that sustainable development has three dimensions, economic, social and environmental. It goes on to stress that those are not to be undertaken in isolation, because they are mutually dependent. The NPPF also sets out 13 themes for delivering sustainable development but considers its meaning of Sustainable Development to be taken as the NPPF as a whole.
4.25 The following is an assessment of whether the scheme can be considered to represent sustainable development:

**Economic Role**

4.26 The NPPF highlights the economic role as "contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation, and by identifying and coordinating development requirements, including the provision of infrastructure."

4.27 It is acknowledged that the site is within walking distance of Poringland which is a selected settlement and adjacent to the defined boundary of Caistor St Edmund. Therefore the site can access a range of facilities locally, by a wide range of modes of transport including walking. However, the site does lie outside of any defined development boundary, and the Council can demonstrate that it has an up to date 5 year housing land supply of deliverable sites. Therefore, in the context of the economic role, it is considered that the Council has provided sufficient land of the right type at present and therefore the economic benefits of the scheme are not significant, and certainly less so than was the case in the report deferred for consideration in November when the Council did not have a 5 year land supply.

4.28 It is acknowledged that the scheme would bring some short term economic benefits as part of any construction work and by local spending from the future occupants.

**Social Role**

4.29 The NPPF confirms the social role as "supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being."

4.30 Given that the Council can now demonstrate an up to date 5 year housing land supply, which in turn satisfies the requirements for providing sufficient housing in the context of the social role of the NPPF, the social benefits of this scheme are therefore limited.

**Environmental Role**

4.31 The NPPF confirms the environmental role as "contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

4.32 A 1991 planning appeal decision concluded that 30 dwellings on this site would intrude into and encroach upon the open countryside and would be detrimental to the rural character and setting of this part of the settlement.

4.33 Officer's report to the November meeting of the Development Management Committee concluded that having regard to the lack of the 5 year land supply and the presumption in favour of sustainable development whereby harm has to be significant and demonstrable, that whilst there would be some impact to the form and rural character of the area, this would not be significant or outweigh that presumption in favour. On balance and with consideration of the lack of a 5 year supply the development was therefore considered to be sustainable development.
This is in line with the approach taken by the SoS and Inspector for the Chapel Lane Wyndonham appeal decision where the SoS advises in respect of the balancing exercise under paragraph 14, he "is mindful that addressing a housing shortfall will often involve building outside of the development limits of settlements" and that in the case of the Chapel Lane application that "the benefit of additional housing would not have been outweighed by the harm to the landscape had that been the only concern with the proposals" (para 19 of SoS decision letter dated 7th August 2014 for Chapel Lane 2012/1434).

The Council has recently published a revised position indicating that a five year land supply can be demonstrated within the Norwich Policy Area and as such ENV6 carries more weight in terms of restricting development outside of settlement boundaries with the aim of protecting the rural character of the area.

Therefore under the terms of policy ENV6, without the strict tests of the presumption in favour, which are that significant and demonstrable harm has to be demonstrated, it is considered that the development would result in harm, by virtue of its location outside the development boundary in an area which currently forms the rural fringe to the village, to the landscape setting of the settlement and the predominant rural character of the area. It is acknowledged that this harm would not be significant, but nonetheless would represent a modest level of harm and conflict with the controlled growth of the area and protection of the rural character of the area.

As such it is considered to conflict with the environmental role outlined above in respect of failing to protect or enhance the built and natural environment.

In summary, it is considered that the harm to the built and natural environment that would occur from this development, conflicting with the aim of policy ENV6 to protect the predominant rural character of the plan area, outweighs the limited economic and social benefits outlined above, and therefore, on balance, the scheme cannot be considered to represent sustainable development in the context of the NPPF and the Council's current position of adequate supply of land for housing.

It is considered necessary, to clarify why this conclusion on sustainable development is different to that highlighted in the deferred report from November. In deciding whether a scheme represents sustainable development it is necessary to assess a number of issues and reach a balanced view in the context of the NPPF. With this in mind, it is evident that the lack of a 5 year housing supply that existed at the time of the November report being produced had a significant bearing on establishing the Council's position at that time. Given that this has now changed, it is necessary for the Council to reassess its position, and this is outlined above.

Highway considerations:

Access is the only matter for detailed consideration. A single point of access is proposed utilising an improved farm access on the southern side of Caistor Lane. This would be a private road since the Highway Authority have indicated they would not adopt the road as it will need a no-dig construction due to it being within the root protection area of a number of mature trees along its length. The private access road is an acceptable arrangement subject to a private management and maintenance company being established.

Off-site highway works involve the provision of a footway along the southern side of Caistor Lane between the site and the B1332 Norwich Road in addition to the widening of Caistor Lane to 5m between the adjacent pond on the northern side of Caistor Lane and the site access and this will be accommodated within highway land.
4.42 The Highway Authority has confirmed no objection to the proposal subject to a number of conditions including the off-site highway works, standard highway design and parking provision, construction vehicle cleaning and the completion of a S108 legal agreement to secure the private management and maintenance company. Therefore notwithstanding the objections on highway grounds raised by the Parish Council and local residents, and the request by the Parish Council for the footpath to extend further west along Caistor Lane, the proposal is not considered to result in any adverse impact on the safe and free flow of traffic or highway safety and would accord with policy 6 of the JCS and policy IMP6 of the SNLP.

4.43 The Highway Authority has commented on the indicative layout of the development shown, indicating that amendments would be required, however they acknowledge that these matters can be considered when layout is considered at reserved matters stage.

4.44 In respect of parking, consideration will need to be had at reserved matters stage to ensure sufficient levels of parking are proposed. However for the purposes of the outline consent officers are satisfied that the site is of sufficient size to accommodate adequate parking for the development to accord with policy TRA18 of the SNLP.

4.45 The location of bin storage and collection areas for refuse vehicles will be considered at reserved matters stage. There will be sufficient space within each plot for bin storage.

Adequate Housing

4.46 JCS Policy 4 requires 33% of the dwellings to be affordable with a mix of house types and tenure which meets local need. The application proposes 5 affordable dwellings equating to 33% in accordance with the policy requirement. The Housing Strategy and Enabling Officer has confirmed the proposed type and tenure are acceptable. Subject to the completion of a S108 legal agreement to secure this affordable housing in perpetuity, the proposal would comply with Policy 4 of the JCS.

Drainage

4.47 In respect of foul drainage, Anglian Water has confirmed there is available capacity in the existing network.

4.48 In respect of surface water drainage, a significant number of objections have been received from local residents and the parish Council in this regard.

4.49 The surface water strategy proposed includes the combination of on-site underground attenuation tanks which will feed into the existing ditch and piped network via a piped system. The surface water run-off will be restricted to current greenfield rates.

4.50 A revised flood risk assessment has been submitted and the Environment Agency has confirmed that on that basis and subject to a number of conditions which will include mitigation measures as detailed in the FRA such as limiting surface water run off in a critical storm event to 1 in 100 year return period; provision of surface water storage as shown in the FRA to accommodate the 1 in 100 year return period rainfall event; details of how the scheme shall be maintained and managed after completion to ensure it operates as designed for the lifetime of the development and careful design of site levels and slab levels to ensure that the proposed development does not flood and the flood risk to the surrounding area is not increased, that they have no objection to the proposal. On that basis, and as the proposal will not increase flood risk elsewhere, it is considered that the proposal is acceptable in this regard, subject to conditions, and would comply with policy 1 of the JCS.
Residential amenity

4.51 Policy IMP9 of the SNLP requires development to have regard to the impacts on residential amenity. Consideration below is had to the amenities of those existing dwellings and those of the proposed dwellings in relation to the proximity of the existing working farm.

Access track

4.52 The existing farm track would be utilised for the proposed development in an upgraded form as a shared access for the farm and the residents of the proposed properties. Given the backland nature of the development there is some concern regarding noise and disturbance on the amenities of the occupants of the two existing dwellings on either side of the access in addition to the conflict of farm vehicles and residential users on this road. However, as the proposed development is fairly limited at 16 dwellings and subject to appropriate hard surfacing of the access road, whilst some increased noise and disturbance would result, it is not considered that this would be at such a level as to result in any undue harm to the amenities of those properties to justify a refusal of the application. The committee will note that neither the Environmental Services Manager nor the Highway Authority raise any concern in this respect.

4.53 Objection has been received from the owner of 55 Caistor Lane raising the question of land ownership of the hedge and ditch which runs down the western side of the access track and therefore questions the ability of the access to be adequately widened to deliver the proposed development. Land ownership is not a material planning consideration, it is for the courts to arbitrate and not a matter that the Local Planning Authority has any control over. Both parties have been advised of this matter. This matter does not affect the ability of the Council to make a decision on the planning application.

The existing dwellings

4.54 The majority of the properties backing on to the site to the north are single storey with long rear gardens. Whilst the single storey nature of these properties means they currently enjoy limited overlooking of their private rear garden areas, there is decent hedge and a significant number of trees along that boundary to provide screening to protect those properties from any significant and adverse overlooking from the proposed development. Further consideration will need to be had at reserved matters stage to review specific landscape treatments dependent on the scale of properties proposed.

4.55 Those properties to the west of the application site are in closer proximity to and more visible from the application site and regard will need to be had to ensure the relationships with these properties are acceptable at reserved matters stage. The indicative proposal to sited bungalows to the west of the site will help mitigate the impact on these properties. Consideration of this and window placement will need to be had at reserved matters stage to ensure no adverse impacts would result.

Proximity of farm buildings to proposed dwellings

4.56 The proposed proximity of these properties to existing livestock buildings on the farm (approx. 100m) is not ideal and potential issues in relation to noise and odour nuisance needs to be considered.

4.57 The Environmental Services Manager has confirmed that the proposal has the potential to result in impacts however would not anticipate this impact to be sufficiently severe as to be a statutory nuisance.
4.56 Details submitted in the submitted Design and Access Statement suggest that the farm will no longer be used for livestock, but it would not be appropriate in this instance for the local planning authority to place controls on the existing farming practices given that the level of nuisance is not considered to be significant.

4.59 On balance therefore the proposal is considered acceptable in this respect and impacts are not to a degree as to justify a refusal.

Amenity of proposed dwellings

4.60 Officers are satisfied that a scheme could be delivered at reserved matters with adequate gardens, parking and on site turning etc. without causing detriment to the future occupiers of those dwellings.

Contamination

4.61 As the site forms part of an existing farm there is the potential for contamination. A condition could be imposed to require work to stop on site in the event of any contaminants being found and to address the matter with the Council’s Environmental Protection team.

Protected Species

4.62 The application was submitted with a Phase I Habitat survey which assessed the presence and potential impacts on species and habitats on the site. No protected species were found to be present and the site is of limited ecological value, save some features (pond and hedgerows) which justify protection during the site clearance and construction. Therefore subject to a condition to ensure that the development is carried out in accordance with the mitigation proposals indicated, it is considered that the proposal would result in no adverse impact on protected species or habitats and would accord with policies ENV14 and ENV15 of the SNLP.

Trees

4.63 A tree survey and AIA have been submitted with the application in relation to the existing trees and hedges on and around the application site. This concludes that no trees will need to be removed and with appropriate design considerations and construction safeguards there would be no major impacts on the existing trees. Some sections of hedges would be lost but not at a significant scale and this can be mitigated by replacement planting conditions. Therefore in respect of trees, subject to a condition to require a full landscaping scheme at reserved matters stage, it is considered that the proposal is acceptable in this respect.

Open space

4.64 Policy LEI7 of the SNLP requires on schemes of 15-24 dwellings a minimum of 400sqm of children’s play space and this to be well related to serve the dwellings proposed. The application proposes the policy requirement area of play space and this along with details of how this will be equipped would be secured by way of S106 agreement.

Sustainable construction and energy efficiency

4.65 Policy 1 and 3 of the JCS require the sustainable construction of the building, the compliance with Code Level 4 for water conservation in addition to requiring 10% of the predicted energy requirements to be delivered by on site decentralised and renewable or low carbon energy. Compliance could be secured by way of condition.
4.66 Saved Local Plan policy ENV8 and NPPF para 126 have regard to the archaeology of the site and these policies apply throughout the district covering known and as yet undiscovered sites of archaeological interest.

4.67 There is the potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance could be affected by the proposed development. The Historic Environment Service has indicated that subject to a condition to secure a programme of archaeological work there is no objection to the application and the proposal would comply with the relevant policies in this regard.

Other matters

4.68 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

Environmental Impact Assessment and Appropriate Assessment

4.69 The proposals have been considered against the Environmental Impact Assessment (EIA) Regulations 2011. The environmental, social and economic impacts have all been considered and are adequately addressed as detailed in the above report and subject to the recommended conditions.

4.70 The proposal would not affect the integrity of any internationally protected sites (Special Protection Areas, Special Areas of Conservation) individually or in accumulation with other permitted development and extant consents in the surrounding area and therefore, in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, it is considered that the development would not have a significant impact on any protected habitats and accordingly no Appropriate Assessment of the development is required.

S.106 Requirements/CIL

4.71 If planning permission is to be granted for this development, a S.106 Obligation will need to be completed to secure the following:

- The provision of affordable housing which would be 33% and include its phasing and other detailed requirements.
- Open space with play space equipment
- Management and maintenance company for the private road

4.72 A draft version of the S.106 has been prepared and negotiations are continuing in order to reach final agreement.

4.73 The application would also be subject to CIL to be calculated at reserved matters stage.

5. Conclusion

5.1 The development is within the open countryside, outside of existing and emerging development boundaries for Caistor St. Edmund where policy ENV8 of the South Norfolk Plan and policy 17 of the JCS apply.
5.2 Policy ENV6 and 17 excludes new residential development within the open countryside unless specific criteria are met. In this case none are met, therefore the proposal is contrary to these policies.

5.3 It is also evident that the scheme also fails to represent sustainable development in the context of the NPPF by virtue of the modest economic and social benefits of the scheme being outweighed by the harm to the environment identified, which is the conflict with Policy ENV6 and its intentions of protecting the landscape setting of villages and the overall rural character of the plan area.

5.4 The application is considered to be unacceptable in planning terms and is therefore recommended for refusal.

6. **Reason for refusal**

6.1 The principle of residential development on this site is not acceptable, by virtue of the site being outside existing and emerging development boundaries, there being a five-year land supply within the Norwich Policy Area and the development not therefore on balance being considered sustainable development. In the absence of an exception justification relating to affordable housing, agriculture, forestry or sustaining economic or social activity in the surrounding area the proposed development is not considered to be a sustainable form of development and is considered to be contrary to saved policy ENV8 of the adopted South Norfolk Local Plan (2003), policy 16 and 17 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2011, amended in 2014) and paragraphs 14 and 55 of the National Planning Policy Framework (2012).

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This application was previously reported to the Committee with a recommendation of refusal on the 24 June 2015. Between this consideration of the application and the issuing of the decision the Council has confirmed that it no longer has a 5 year supply of housing land within the Norwich Policy Area, and it is therefore necessary to re-assess the proposal as the site lies within the Norwich Policy Area.

1. **Planning Policies**

1.1 The planning policies and planning history are as previously presented in the committee report presented to the Development Management Committee on 24 June 2015. This report is attached as Appendix 2.

2. **Consultations**

2.1 The consultation responses are as previously presented in the committee report presented to the Development Management Committee on 24 June 2015. This report is attached as Appendix 2.

3. **Assessment**

3.1 Given the Council cannot now demonstrate a 5 year housing land supply, its housing supply related policies are considered to no longer be up to date in accordance with the requirements of paragraph 49 of the NPPF. Paragraph 49 also confirms that housing applications must be assessed in the context of the presumption in favour of sustainable development. With this in mind it is necessary to establish whether the current scheme represents sustainable development. Sustainable development has three dimensions, economic, social and environmental. The NPPF goes on to stress in paragraph 8 that these are not to be assessed in isolation, because they are mutually dependent. The NPPF also sets out 13 themes for delivering sustainable development but considers its meaning of Sustainable Development to be taken as the NPPF as a whole.

3.2 The following is an assessment of whether the scheme can be considered to represent sustainable development.

**Economic Role**

3.3 The NPPF highlights the economic role as “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.”

3.4 The proposal is for a single dwelling which would make a modest contribution to the economy of the area through employment at the construction stage and subsequent spending from the occupiers.
Social Role

3.5 The NPPF confirms the social role as “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”

3.6 The previous committee report considered that given the Council could demonstrate an up to date 5 year housing land supply at the time of writing (June 2015), this meant that this largely satisfied the requirements set out in respect of the social role in that it could provide sufficient housing in the context of the social role of the NPPF, and therefore the social benefits of this scheme were limited.

3.7 As confirmed above, the Council cannot now demonstrate a 5 year housing land supply. Although the proposed dwelling could provide some social benefit, this is reduced by the isolated location of the site.

Environmental Role

3.8 The NPPF confirms the environmental role as “contributing to protecting and enhancing our natural, built and historic environment: and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

3.9 As set out in the previous committee report, the site is outside the existing or proposed development limits of Hethersett and the adjacent village of Little Melton therefore contrary to Policy ENV8 of South Norfolk Local Plan.

3.10 It is considered the development of this site would erode the character of the area which is distinct from the generally closer knit built form of the main settlement.

3.11 In summary, the development would result in some environmental harm brought about by the scheme as it does represent a level of encroachment into the open countryside contrary to the provisions of ENV8. This position remains the same as that previously expressed in the committee report from the 24 June 2015.

Summary of sustainable development consideration

3.12 The application site is set within a cluster of dwellings but is outside the main settlement area of Hethersett and of the adjacent village of Little Melton. The road to the main village is narrow and does not benefit from a public footpath, therefore this site is isolated from services and facilities provided by the village set to the south of the site. Given the sites isolation position and the poor access by foot to the main village, while it could be argued there are limited benefits in economic and social terms, the proposal would result in encroachment and harm to the open countryside therefore I do not consider the site is located in a sustainable location.

3.13 Having established that the scheme does not represent a sustainable form of development in the context of the NPPF, it is necessary to have regard for paragraph 14 of the NPPF in respect of the presumption in favour of development for decision-taking. This states that:

3.14 “where the development is absent, silent or relevant policies are out of date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted.”
3.15 As previously stated in the original report, the context of the site currently forms part of the garden of Myrtle Cottage forming one of a scattering of dwellings along Little Melton Road, where the form of development is more rural in nature as compared to the closer knit built form of the main settlements. If this garden plot were to be developed the proposal would have an adverse impact on the character of the area and would not protect and enhance the locality and therefore result in significant and demonstrable harm to the open nature of this area.

3.16 While I accept the development of one plot could be considered to make a positive contribution to the shortfall of dwellings in the Norwich Policy Area, the erosion of the open countryside in this instance would significantly and demonstrably outweigh the benefits of developing the site and is in conflict with para 14 of the NPPF and ENV8 of the SNLP 2003.

Other considerations

3.17 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

3.18 This application is liable for Community Infrastructure Levy (CIL), however, the adverse impact on the rural character of the area outweighs the benefits of CIL in this instance.

4. Reasons for Refusal

4.1 The site is adjacent to an existing dwelling currently forming part of a large garden, and set in a ribbon of development on the edge of Hethersett but outside the main village of Hethersett and of Little Melton, for this reason the site is considered to be remote from existing settlement boundaries and not in a sustainable location.

4.2 In view of the above whilst the proposal would have limited benefits as set out in paragraphs 7, 8 and 14 of the NPPF, these are outweighed by the harm which would be caused to the character of the area and its unsustainable location, contrary to saved policy ENV8 of the adopted South Norfolk Local Plan (2003), policy 6 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2011, amended in 2014), emerging policies 1.1 and 1.3 of the Development Management Policies Document (Submission document November 2013).

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Appendix 2

Development Management Committee 24 June 2015

Parish   : HETHERSETT

Applicants Name   : Mr G Martin
Site Address  : Land West Of Myrtle Cottage Little Melton Road Hethersett Norfolk
Proposal        : Sub-division of residential curtilage and erection of detached dwelling and garage.

Recommendation : Refuse

1. Planning Policies

1.1 National Planning Policy Framework
NPPF 08: Delivering a wide choice of high quality homes
NPPF 07: Requiring good design

1.2 Joint Core Strategy
Policy 1: Addressing climate change and protecting environmental assets
Policy 2: Promoting good design
Policy 6: Access and Transportation
Policy 14: Key Service Centres

1.3 South Norfolk Local Plan 2003
IMP 8: Safe and free flow traffic
IMP 9: Residential amenity
ENV 8: Development in the open countryside (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 Spring 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.

1.5 Development Management Policies
DM1.1 Ensuring Development Management contributes to achieving sustainable development in South Norfolk
DM1.3 Sustainable location of development
DM3.9 Design Principles
DM3.12 Road safety and the free flow of traffic
DM3.13 Provision of vehicle parking
DM3.15 Pollution, health and safety

2. Planning History

2.1 No recent history

3. Consultations

3.1 Parish Council : Refuse;
Outside the development boundary - insufficient justification reason to justify an exception in this case.

Concern re access on sharp bend.
Development Management Committee

3.2 District Member

To be determined by Committee - the location would in no way be detrimental to the countryside. In fact it would enhance the area.

3.3 NCC Highways

Support conditionally - subject to:
Upgrading of access onto Little Melton Road, parking and turning within the site, and any access gates to be set back.

3.4 Flood Defence Officer

No objection subject to condition for disposal of surface water and foul sewage.

3.5 Representations

1 Letter received -

Raises no objection to the sub-division of the land however raises concern that the existing drainage system will be kept in good working order through the proposed build and thereafter.

4 Assessment

4.1 The proposal is an outline application with all matters reserved for the erection of a detached dwelling and garage at Myrtle Cottage, Little Melton Road Hethersett. The site is located on a corner of Little Melton Road and sub-divides the garden of Myrtle Cottage.

4.2 The main issues in this case are the principle of development and policy considerations, the impact of the proposed development on highways, and residential amenity.

4.3 Planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The National Planning Policy Framework makes it clear that there is a presumption in favour of sustainable development overall, however relevant policies in the local plan cannot be considered up-to-date where a 5-year supply of deliverable housing sites does not exist. In the past a five year land supply did not exist within the Norwich policy area and as such planning permission was granted for dwellings in locations which otherwise would have been considered contrary to policy in accordance with the principles of the NPPF in this regard.

Principle of development

4.4 As of 1 December 2014 the Council has reached the target of a 5 year land supply within the Norwich Policy Area and as such the shortfall of housing land supply is no longer an issue for consideration within the determination of this planning application. In terms of policy the site is outside any development boundary or village limit and as such any new dwellings would be considered contrary to policy ENV5 of the South Norfolk Local Plan (SNLP). No evidence has been put forward to support the proposal under this

An exception to the above is assessment criteria is paragraph 55 of the NPPF which states that local planning authorities should avoid allowing new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work
- cases where development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets
- re-use of redundant or disused buildings which would lead to an enhancement to the immediate setting
- or where the dwelling would be a design of exceptional quality or would be innovative in the nature of its design which should:
Development Management Committee 24 June 2015

• Be truly outstanding or innovative, helping to raise standards of design more generally in rural area
• Reflect the highest standards in architecture
• Significantly enhance its immediate setting; and
• Be sensitive to the defining characteristics of the local area

The submitted outline application makes provision for a dwelling and garage. No indication of agricultural need is offered as part of the proposal, and without details (the application is in outline) the proposal has not demonstrated that it would be an exceptional design or meet any of the other bullet points above.

4.6 The application suggests that permission should be granted because the site is within a cluster of dwellings and should be considered as part of Hethersett Village rather than ‘countryside’. It is also suggested that the location is sustainable because of the range of services accessible by public transport in nearby Hethersett and Little Melton. The District is characterised by many such outlying clusters of dwellings and these have been consistently excluded from development boundaries to prevent their consolidation and the erosion of the character of such areas which is distinct from the generally closer knit built form of the main settlements. The arguments put forward do not outweigh such harm and do not justify granting permission in breach of the Development Plan.

Residential amenity

Saved Policy IMP9 - Residential Amenity directs that development should not be approved if it would have a significant adverse impact on nearby residents through overlooking and/or overshadowing of habitable rooms, damage to the setting of existing buildings or damaging impacts on the privacy or amenity of nearby dwelling. While the scheme is for outline, a dwelling of sensitive scale and design could be achieved which would protect the privacy and amenities of the neighbouring properties. The loss of privacy is not a reason for refusal.

Impact on highways

Saved Policy IMP8 of the South Norfolk Local Plan states that planning permission will not be granted for development which would endanger highway safety or prejudice the free flow of traffic on the highway network. While the access to the site is on a bend in Little Melton Road, a ‘pull in area’ already exists in front of the existing dwelling which also provides access to the proposed site. Subject to conditions the Highway officer has raised, the scheme is considered to accord with IMP8.

Impact on open countryside

Given the context of the site, which has scattered dwellings of a mixture of designs and styles around it, I do not doubt it is possible to design a property which could be sympathetic to other dwellings in the vicinity. However, as noted above, the consolidation of this loose-knit group by sub-dividing and developing gardens would harm the character and appearance of the area.

Surface water and Foul sewage disposal

Subject to appropriate conditions for the disposal of both surface water and foul sewage no objections are raised by the Council’s Flood Defence Officer.
Development Management Committee
Financial

Under Section 143 of the Localism Act the council is required to consider the impact on
local finances. This can be a material consideration but in the instance of this application
the other material planning considerations detailed above are of greater significance and
while a new dwelling would attract CIL the harm to the open countryside outweigh the
benefit of CIL.

5. Conclusion

5.1 The proposed development is contrary to the Development Plan and there are no other material
considerations, including assessment against paragraph 55 of the NPPF, which justify approval
or outweigh the harm the development would cause. In these circumstances the application
should be refused.

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Major applications or applications raising issues of significant precedent

4.  
**Appl. No** : 2015/0253/D  
**Parish** : LITTLE MELTON

Applicants Name : Abel Developments  
Site Address : Land South East of The Gardens Mill Road Little Melton Norfolk  
Proposal : Reserved matters application for appearance, landscaping, layout & scale following approval under the outline application (2015/1233) for residential development including access.

Recommendation : Authorise Director of Growth and Localism to Approve with Conditions.

1. In accordance with amended drawings

Note – Requirement to fulfil the requirements of the conditions attached to the outline approval

Subject to no new material issues being raised on amended plans.

1. Planning Policies

1.1 National Planning Policy Framework  
NPPF 06: Delivering a wide choice of high quality home  
NPPF 07: Requiring good design  
NPPF 08: Promoting healthy communities  
NPPF 10: Meeting the challenge of climate change, flooding and coastal change  
NPPF 11: Conserving and enhancing the natural environment

1.2 Joint Core Strategy  
Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting good design  
Policy 3: Energy and water  
Policy 4 : Housing delivery  
Policy 6 : Access and Transportation  
Policy 15 : Service Villages  
Policy 9 : Strategy for growth in the Norwich Policy Area

1.3 South Norfolk Local Plan 2003  
ENV 8: Development in the open countryside (Part Consistent)  
ENV 14: Habitat protection  
IMP 2: Landscaping  
IMP 8: Safe and free flow traffic  
IMP 9: Residential amenity  
UTL 14: Waste collection and recycling  
TRA 1: Provision of pedestrian links  
TRA 17: Off site road improvements  
TRA 19: Parking standards

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 Autumn 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.
1.5 Development Management Policies
DM3.13 Provision of vehicle parking
DM1.3 Sustainable location of development
DM1.4 Environmental Quality and local distinctiveness
DM3.1 Housing Quality
DM3.2 Meeting housing requirements and needs
DM3.9 Design Principles
DM3.11 Promotion of sustainable transport
DM3.12 Road safety and the free flow of traffic
DM3.14 Amenity, noise and quality of life
DM3.16 Outdoor play facilities and recreational space
DM4.3 Sustainable drainage and water management
DM4.9 Protection of Trees and Hedgerows
DM4.10 Incorporating landscape into design

1.6 Supplementary Planning Document
South Norfolk Place Making Guide

2. Planning History

2.1 2013/0086 Outline application including means of access for residential development and ancillary works
Approved

2.2 2015/1233 Variation of conditions 3 - Off-site works & revised surface water drainage, 5 - revised drainage strategy & 11 - Highway Authority agreed adopted roadway of planning permission 2013/0086/O
Approved

3. Consultations

3.1 Parish Council
Prior to amendments
- Is happy with the drainage scheme within the site itself
- Concerns with drainage of the site into an inadequate water course. Needs assurance that SNC will act to resolve any issues that arise
- Existing boundary trees should be preserved
- Some highway measures agreed at outline can not be implemented
- Speed humps will not be popular with residents that live next door to them
- PC will probably wish to adopt responsibility for the areas of open space
- Obscure glazing on plot 11
- Concerns with regard to impact of house on Plot 12 suggest Move garage to north side
- Pivot the houses at southern end to increase gap
- Replace the house with a bungalow
- chose colour of walls in consultation with nearby residents to minimise visual impact
- No communal parking for use by visitors
- Delivery lorries to access the site from lorry route and not through the village

Comments on the most recent revisions and additional information to be reported.

3.2 District Member
To be reported if appropriate.
3.3 Anglian Water Services Ltd

No comments received

3.4 SNC Design Officer

Prior to amendments
Assessed the scheme
8 Greens, 3 Ambers and 1 red

Revised scheme
To be reported as Updates to Committee.

3.5 NCC Highways

Prior to amendments
- A development of this size could be served by a shared surface road and accessed onto Mill Road via a dropped kerb crossing.
- Why has the proposed junction onto Mill Road been provided with two radii? In this instance I would accept radii of 6m.
- The proposed footway around the junction bell mouth should extend around the entire radii on both sides, with crossing points onto the existing footway on the northern side of Mill Road.
- Drawing 6191-SL02 should show the agreed visibility splays of 2.4m x 43m.
- Type 3 roads (such as that proposed) should be perpendicular to the existing highway for at least the first 15m. The proposed road is perpendicular for less than the first 10m.
- Bends in the carriageway should have a minimum inside radius of at least 10m. The set of bends adjacent plot 1 are too tight and will need to be re-designed.
- The turning head adjacent plots 9 & 14 should comply with size 3 dimensions.
- To be considered as parking spaces would normally expect garages to measure 6m x 3m internally. Garages should be set back at least 6m from the rear of the adjacent footway.
- In instances where two end-on spaces are proposed in front of a garage, such as for plots 9 & 19, the garage should be set back at least 11m.

Finally, at the outline stage the indicative layout/drainage proposals showed the first 10m of the proposed estate road falling towards Mill Road. If this remains to be the case then appropriate drainage measures, i.e. suitably located gullies in Mill Road, should be provided to intercept the additional run off on Mill Road resulting from this development.

Comments on the most recent revisions and additional information to be reported.

3.6 Environment Agency

Prior to amendments
- No objections but the run off rate has changed from 0.9 to 1.7 l/s. This needs to be clarified if allowable y
- Providing measures to reduce the risk of failure and manage surface water in the event of power or pump malfunction
- Confirm Anglian water will adopt the system
- Confirmation that the two treatment train steps will be provided on site
- Details of where the northern section of Mill Road will drain to.
- Re consult with results of FRA.
Comments on the most recent revisions and additional information to be reported.

3.7 SNC Landscape Officer

Prior to amendments
No particular concerns
Scope to adjust parking in vicinity of walnut tree to reduce conflict with root protection area
Unfortunate open space is bisected by drives Careful details required to reduce potential for disturbance.

Comments on the most recent revisions and additional information to be reported.

3.8 SNC Environmental Services (Protection)

Prior to amendments
No objections
Comments on the most recent revisions and additional information to be reported.

3.9 SNC Flood Defence Officer

Prior to amendments
Insufficient information to discharge Condition 5 of outline approval
Comments on the most recent revisions and additional information to be reported.

3.10 NCC Planning Obligations Co-ordinator

As it is a reserved matters application there is no need to comment

3.11 SNC Affordable Housing Enabling & Strategy Manager

Prior to amendments
Satisfied with the layout and internal floor space of all seven dwellings  No objection
Revised scheme
No objections

3.12 SNC Play and Amenities Manager

To be reported

3.13 Historic Environment Service

No further archaeological work required

3.14 Ecologist

Prior to amendments
No objections Would like to comment on the Ecological Management Plan
Comments on the most recent revisions and additional information to be reported.

3.15 Norfolk County Council Flood & Water Management

No comments received

3.16 Representations

Prior to amendments
5 letters of objection
- Replace houses with bungalows as will block panoramic view
- Drainage scheme is disaster waiting to happen
- Drainage ditch is blocked

98
• Concerns with drainage scheme
• Water gathers on field after heavy rainfall
• Concerns with property on plot 1 having an overbearing effect and block a significant amount of light
• Traffic leaving the site will cause a dangerous hazard
• Proposed drainage system does not seem to alleviate rainwater run off to Mill Road and will increase road flooding
• Loss of privacy
• Village will soon be turned into a town
• Does not accord with the development plan
• Question the demand due to approved housing in Hethersett
• Potential to increase population by 8.8%.
• Habitat report not totally accurate
• Building for Life assessment inaccurate
• Adequate financial arrangements for maintenance and servicing of pumping station
• Flood protection bond required
• Fencing will have a limited life span developer should install concrete posts and concrete gravel boards.
• Endangered species Great Crested Newts

Comments on the most recent revisions and additional information to be reported.

4 Assessment

Site description and proposal

4.1 The site is approximately 1.3ha and is located on the southern edge of the built up area of Little Melton and will be accessed from the south side of Mill Road. The south perimeter of the site is bordered by a combination of existing dwellings and open land. To the north, north-east and west boundaries are existing dwellings. To the south west is an open area of land beyond which are further dwellings. To the south east is open land between the site and the allotments. The site is located outside the current development boundary in an area designated as open countryside (as defined by the South Norfolk Local Plan). The site is within the proposed development boundary in the emerging Site Specific Allocations and Policies DPD.

4.2 This current application seeks reserved matters approval for the erection of 20 dwellings on the site with a single point of access as agreed as part of the outline approval for the site. These consist of:

Open market housing

Single storey dwellings
1 x 4 bedroom
3 x 3 bedroom

Two storey dwellings
5 x 4 bedroom
2 x 3 bedroom
2 x 2 bedroom
Affordable housing

Single storey dwellings
1 x 4 bedroom
3 x 3 bedroom

4.3 The site layout has been subject to a revision during the application process following discussions with the agent regarding the surface water drainage on the site and to improve the design of the layout.

Key issues

4.4 The principle of development on the site has been established at outline stage under application 2015/1233/RVC and includes approval of the means of access for the development with all other matters reserved. The outline approval included a package of off-site highway works which are to be delivered via planning condition.

4.5 On the basis that the principle has been established by the aforementioned outline approval, the assessment of this reserved matters application focuses on those matters which remain to be determined. These are design & visual impact, landscaping and neighbour amenity. Each issue will be considered in turn.

Design and Visual Impact

4.6 Overall the proposal is considered to be well designed and sympathetic to the existing form of development in this part of Little Melton. The layout includes an area of public open space which is considered to be sufficiently sized and shaped and appropriately located within the development. This has also been designed to incorporate elements of a surface water drainage strategy. The scheme responds positively to the requirements of the Council’s Place Making Guide, with building lines responding well to the open space creating appropriate key views and streetscenes when entering into the main area of development on the site.

4.7 The most recent scheme has responded to design concerns raised by officers. The Council’s Design Officer has observed that the scheme could be improved further by revising the position of the dwelling on Plot 1, the applicant has opted not to do this (it would compromises the private garden space to the plot). On balance, whilst it is unfortunate that this revision has not been incorporated into the scheme, I do not consider that this is an issue that can be pursued further. The overall design of the development is therefore considered to be in accordance with policy 2 of the Joint Core Strategy. The final Building for Life Assessment score will be presented in updates to the committee.

4.8 The open space has been relocated in part to address surface water issues, but now forms an integral part of the development and is well-overlooked. The proposal is therefore considered to be in accordance with policy LEI7 of the local plan.

Landscaping

4.9 The landscaping scheme for the proposed development is considered to be broadly acceptable, providing soft landscaping to complement the built form proposed on site. The proposals are therefore considered to be in accordance with policy IMP2 of the local plan. Details relating to the management and maintenance of the public open spaces have to be included within a maintenance plan which needs to be submitted and approved prior to the first occupation of any dwelling, this remains a requirement through planning condition. Furthermore, before any works are commenced a Tree Protection Plan is to be submitted and agreed as a requirement of a planning condition.
Neighbour amenity

4.10 The relationship between the existing dwellings and the proposed properties, as well as the relationship the new dwellings have with one another has been assessed and it is considered that the separation distances between the proposed properties and the existing dwellings would not lead to significant harm in terms of overlooking. It should be noted that the addition of any windows at upper floor level in a side elevation of a dwelling is subject to the restrictions (restriction on cill height or obscure glazed and fixed) set out in the General Permitted Development Order which would protect the amenities of the neighbouring occupiers.

4.11 Likewise the separation distances between existing and proposed units are such that no significant loss of light would occur.

4.12 There have been concerns raised by the occupiers of the dwellings along Mill Lane with regard to the properties adjacent to their rear boundaries being two storey and obscuring their views. The minimum distance between the existing dwellings and the new properties is 28 metres and this is considered to be a sufficient distance that no significant loss of outlook would occur, and the loss of outlook would not be defendable at appeal if the application was refused on this ground.

4.13 There have also been concerns raised about the bungalow on Plot 1 and its impact on the neighbouring property to the south east. Although there will be some overshadowing to the rear of this property, given that this is a single storey dwelling with a pitched roof and the overshadowing will be limited to only part of the day in the evening it is considered that this will not cause significant harm so as to justify refusing the application on this ground.

4.14 In terms of residential amenity, the proposal has been assessed and is considered in particular to be in accordance with Section 7 of the NPPF, Policy 2 of the Joint Core Strategy and Policy IMP9 of the South Norfolk Local Plan.

Other considerations

Drainage

4.15 Significant concern has been raised in relation to the drainage arrangements for the site.

4.16 The outline approval has agreed the detailed surface water drainage scheme in principle, with a detailed surface water drainage scheme, employing sustainable urban drainage (SUDS) principles, including maintenance and management arrangements to be agreed via a separate formal discharge of condition application before work commences on site. The wording of this having been agreed at the Development Management Committee meeting on the 19th August 2015. This remains a pre-commencement requirement over which the Local Planning Authority has direct control and will deal with this upon receipt of the discharge of condition application at which time it will seek the advice of appropriate consultees such as the Lead Local Flood Authority (NCC) and the Council’s Flood Defence officer. It is evident that the present scheme has provided information which indicates that the layout makes provision for a workable surface water drainage scheme.

4.17 Wider surface water discharge has been raised in letters of representation, with concerns about a blocked ditch further downstream of the ditch where surface water will run-off the site to. The run-off rate will be equivalent to the greenfield run-off rate (i.e. undeveloped land). Riparian responsibilities are such that the owner of a watercourse must maintain the land to ensure a reasonable flow rate can pass through their land. Greenfield run-off from a site is considered to be reasonable flow rate and so no action can be required of the developers of this site to resolve a surface water issue outside of their land. Therefore it is not considered reasonable or enforceable to require the developer to resolve any wider surface water drainage issue.
4.18 The proposals are therefore considered to be in accordance with policy 1 of the Joint Core Strategy.

Highways

4.19 Access to the site has been agreed as part of the outline approval which included a number of offsite highway improvements including a roundabout at the junction of Mill Lane and School Lane and road calming measures along Mill Road which will be delivered by condition. The scheme does not compromise the ability to deliver these.

4.20 The layout within the site provides a scheme that is acceptable in highway safety terms including the provision of acceptable on-site parking levels and therefore the proposals are in accordance with policy IMP9 of the local plan. It is anticipated that the Highway Authority will have no objections to the scheme, however their final comments will be reported to the committee separately.

Ecology

4.21 The development is to be carried out in accordance with the contents of the Ecological survey which was submitted with the outline application and duly controlled via a planning condition within the outline approval. This condition also requires the submission and agreement of an Ecological Management Plan prior to the commencement of the development. It is considered that this satisfactorily covers ecology matters on the site and a further condition is not considered to be necessary in this instance.

Affordable housing

4.22 Appropriate affordable housing provision is made on site. Seven units are provided in total as per the Section 106 agreement. The units are well integrated into the development, and whilst they are only in one location the units are accessed by different routes enabling the dwellings to be more integrated into the wider scheme.

Environmental Impact Assessment

4.23 The proposals have been considered against the Environmental Impact Assessment (EIA) Regulations 2011. The environmental, social and economic impacts have all been considered and are adequately addressed as detailed in the above report and the proposal is not considered to require an Environmental Statement, and will not lead to any significant impacts other than those raised and adequately addressed in the above report.

4.24 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

4.25 This application is not liable for Community Infrastructure Levy (CIL) as outline consent was granted prior to CIL being adopted by the Council.

5. Conclusion

5.1 The principle of residential development on the site has been established through the granting of outline planning permission on the site. It is evident that the submitted scheme has due regard for the contents of the outline approval and satisfies planning policy requirements in respect of design and layout, neighbour amenity and highway safety. It should be noted that those conditions from the outline planning permission continue to be applicable and will require to be
satisfied separately via a formal discharge of condition application/s which the Local Planning Authority has full control over.

5.2 On the basis of the above it is recommended that authority be delegated to the Director for Growth and Localism to approve the application subject to expiry of the full consultation period, subject to no further substantive issues being raised.

Contact Officer, Telephone Number and E-mail: Chris Raine 01508 533841 craine@s-norfolk.gov.uk and Lynn Armes 01508 533821 larmes@s-norfolk.gov.uk
5. **Appl. No**: 2015/1115/DC  
**Parish**: WYMONDHAM

- **Applicants Name**: Miss Jessica Miln
- **Site Address**: Land north of The A11 At Park Farm Silfield Road Wymondham Norfolk
- **Proposal**: Discharge of condition 5 of planning application 2011/0505/O - Design code

**Recommendation**: Agree that the Design Code be approved pursuant to condition 5 of planning permission 2011/0505.

1. **Planning Policies**

1.1 **National Planning Policy Framework**

- NPPF 04: Promoting sustainable transport
- NPPF 06: Delivering a wide choice of high quality home
- NPPF 07: Requiring good design
- NPPF 08: Promoting healthy communities
- NPPF 10: Meeting the challenge of climate change, flooding and coastal change
- NPPF 11: Conserving and enhancing the natural environment

1.2 **Joint Core Strategy**

- Policy 1: Addressing climate change and protecting environmental assets
- Policy 2: Promoting good design
- Policy 3: Energy and water
- Policy 4: Housing delivery
- Policy 6: Access and Transportation
- Policy 9: Strategy for growth in the Norwich Policy Area
- Policy 15: Service villages
- Policy 20: Implementation

1.3 **South Norfolk Local Plan 2003**

- TRA 1: Provision of pedestrian links
- TRA 3: Provision of cycle facilities
- TRA 17: off-site road improvements
- TRA 19: Parking standards
- 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
- UTL 14: Waste collection and recycling
- IMP 2: Landscaping
- IMP 8: Safe and free flow traffic
- IMP 9: Residential amenity
- IMP 25: Outdoor lighting
- HOU 4: Residential development within the defined Development Limits of the Norwich Policy Area settlements, and at selected locations along strategic routes

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 Autumn 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.
1.5 Development Management Policies
   DM1.1 Ensuring Development Management contributes to achieving sustainable development in South Norfolk
   DM1.3 Sustainable location of development
   DM1.4 Environmental Quality and local distinctiveness
   DM3.11 Promotion of sustainable transport
   DM3.12 Road safety and the free flow of traffic
   DM3.13 Provision of vehicle parking
   DM3.14 Amenity, noise and quality of life
   DM3.16 Outdoor play facilities and recreational space
   DM4.3 Sustainable drainage and water management
   DM4.4 Facilities for the collection of recycling and waste
   DM4.10 Incorporating landscape into design

WYM13 Wymondham Area Action Plan

1.6 Supplementary Planning Document
   South Norfolk Place Making Guide 2012

2. Planning History

2.1 2015/1280  Phase 1 development for 10 dwellings including site Infrastructure, drainage and green infrastructure following outline planning permission 2011/0505. under consideration

2.2 2015/1572  Proposed road infrastructure, phasing plans and drainage following approved outline planning permission 2011/0505/O under consideration

2.3 2015/1649  Residential development of 129 dwellings with details for Appearance, Landscape, Layout and Scale. under consideration

2.4 2015/1725  Discharge of conditions 4 - Phasing Scheme, 7 - Green Infrastructure Management Plan, 10 - Foul Water Strategy and 11 - Surface Water Strategy of permission 2011/0505/O. under consideration

2.5 2015/1760  Proposed development for 90 new dwellings including parking, garages, road infrastructure, drainage and green infrastructure. under consideration

2.6 2015/1766  Reserved matters application following outline planning permission 2011/0505/O for road layout under consideration

2.7 2011/0505  Proposed development to include up to 500 dwellings, Community facilities, site infrastructure including new access roads, public rights of way and drainage, green infrastructure including public open spaces and structural landscape planting Approved
3. Consultations

3.1 Landscape Officer  Final consultation response: support

Summary of previous consultation responses:
- A lot of good information, but some areas could benefit from additional consideration.
- Trees’ species need to be clearly agreed prior to engineering and other details being fixed.
- Would like to see the inclusion of more fruit trees across the whole scheme, especially as an option in rear gardens.
- Some adjustment is required across residential planting palettes.
- Stone boulders should not be used, as they are not characteristic of the local landscape.
- Silfield Road Approach – Specimen tree needs very careful thought at this key part of the scheme.
- Gravel paths should not be loose in order to maximise accessibility.
- Do not advocate the use of birch (illustrated) as feature trees.
- Earth mounding can be problematic and is not particularly characteristic of the local landscape.
- Where separation is required from Silfield Road, I would prefer to see use of native shrubs.
- Various other comments relating to discrepancies and inconsistencies that need correcting.

3.2 Design Officer  Final consultation response: support

Summary of previous consultation responses:
- Code is structured in a logical way that builds on the local character and sets out the strategic and more local elements of the site.
- Build on the existing vision and add strategic objectives for the site.
- Explain how key principles have been structured around the South Norfolk Place-Making Guide (PMG).
- Review outline parameter plans and ensure that they are consistent with the development structure.
- Building heights and density plans should be updated to give flexibility within the character areas to create distinctive spaces and nodes by varying heights, density and scale.
- Refer to the Connecting South Wymondham document.
- Add small section on local character and place-making design principles.
- The code should state that ‘rear car parking courts should be avoided’. Where areas of car parking are proposed they must be overlooked by habitable rooms, close to the dwellings they serve.
- Building typologies should be more defined.
- Information should be provided about how the various character areas will respond to the A11 corridor.
- Community hub/building should ideally be separate from residential uses to avoid potential conflicts.
- More descriptive text should be provided about what each of the character areas could look like beyond the code.
• More information should be provided that refers to the key spaces identified in the open space strategy.
• Set out the general distribution of affordable housing across the whole of the site.
• Various other comments relating to changes to assist in improving the content, structure and robustness of the code.

4 Introduction

4.1 The purpose of the report is to provide an overview of the design code submitted to comply with condition 5 pursuant of planning consent 2011/0505, which requires a design code to be submitted and approved prior to or concurrently with the first of the Reserved Matters applications for the built up area of the site on Land North of the A11, at Park Farm, Silfield Road, Wymondham.

4.2 The report will explain the purpose of the design code and its relevance to the assessment of all subsequent phases of the Park Farm development, as well as providing an understanding of the merits of its submission as a tool for ensuring a high quality development.

4.3 Members should note that Officers have been working with the architects and developers prior to and after the submission of this document to ensure that it complies with condition 5 of planning consent. As a result the document has been amended, adjusted and tested at every stage of its development to set out the guiding principles and mandatory requirements for development based on the guiding principles of the outline consent.

Site Description

4.4 The application site relates to an area of agricultural land occupying approximately 22.9 hectares of land at South Wymondham to the east of Silfield Road, which has outline consent for 500 dwellings granted on the 6 February 2014 (ref 2011/0505).

4.5 The site forms part of the land in the emerging Wymondham Area Action Plan amounting to 68 hectares allocated for housing and associated infrastructure, landscaping and open space through policy WYM3 and WYM13. Members should also note that outline permission has been granted for land to the east and west of the of Rightup Lane, Wymondham for a further 730 dwellings, which forms the remainder of this allocation.

Proposal

4.6 The application relates to the approval of the design code submission element that was required through condition 5 of the outline consent for 500 dwellings on land at South Wymondham to the east of Silfield Road ref 2011/0505. The precise wording of the condition is as follows:

Prior to or concurrently with the first of the Reserved Matters applications for the built up area of the site, a Design Code for the whole site shall be submitted to and agreed in writing with the Local Planning Authority. No development shall commence until the Design Code has been agreed and all Reserved Matters submissions shall accord with the Code. The Design Code shall include:

a) plans to show the character, dwelling mix, height and density of housing areas;

b) street hierarchy and typical street sections including the principles of their future adoption and maintenance;

c) indication of how the design of streets and spaces will provide for users with impaired mobility and sight;

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d) design principles for the scale, height and form of dwellings and for primary frontages and corner plots;

e) a general indication of the palette of external building materials,

f) design principles for boundary treatments and screening;

g) measures to ensure opportunities are taken to maximise resource efficiency and sustainability in the design and layout of the development;

h) design principles for the incorporation into dwelling designs of any features required for renewable energy generation and other services such as meter boxes, aerials and related cables and conduits;

i) design principles for the amount and layout of parking and garaging/ storage for vehicles and cycles, both on and off street;

j) design principles for the storage and collection of waste (wheelie bins) and the location of a recycling centre.

k) design principles for landscaping within all green spaces, including front gardens, public spaces and green corridors.

l) design principles to minimise the opportunities for and fear of crime.

m) design principles and approach for the type and layout of sustainable drainage features to ensure the sustainable management of all surface water.

Purpose of the Design Code

4.7 The design code is a technical document which sets out guiding principles and a range of design parameters to ensure a high quality development at Park Farm, Wymondham. It does not fix every detail, but is intended to allow designers a degree of creative flexibility as long as design quality is retained. Scope also remains for discussion with the Local Authority on detailed design matters which will be subject to subsequent reserved matters applications.

4.8 The design code is intended to be used by developers, their agents, South Norfolk Council and by consultees to help establish whether a scheme has met the design quality required and whether it will achieve an integrated development with a strong sense of place and identity.

5. Assessment

5.1 The main assessment is whether the design code submission satisfies the requirements of condition 5 of the outline consent ref 2011/0505.

5.2 The submitted design code is also required to meet the objectives of the Design and Access Statement which was approved under the outline consent and which set out the overall structure of the development and a number of principles that informed the formation of the approved illustrative masterplan.

5.3 The design code provides a framework in which detailed reserved matters designs for each parcel can be taken forward, ensuring flexibility for each parcel to be distinctive and recognisable whilst achieving a coherent overall identity across the site as a whole.

5.4 Following comprehensive feedback and input from South Norfolk Council during the application process, the design code has been updated to reflect comments and suggestions. This has mainly involved changes that assist in improving the content, structure and robustness of the code. Of note are changes made to explain how the design principles of the Code have been structured around the South Norfolk Place-Making Guide.
(PMG) and how the PMG will continue to be used by Members and planning officers to assess proposals for any new development.

5.5 In terms of the content of the document, the code is structured in a logical and easy to follow way that builds on the local character and sets out the strategic and more local elements of the site, which contains useful drawings (plans, sections, axonometric sketches), tables and detailed explanation.

5.6 The document builds evidence to demonstrate how the various elements of the code will define a number of character areas as well as how site wide codes will be applied across the whole of the proposals.

Character Areas

5.7 This section sets out the division of the site into a number of character areas and is fundamental to the design approach. It explains how the development will be divided into character areas and provides an overview of each of them. Sections 3.0 set out mandatory design requirements for building typologies within the character areas. These explain how various elements of urban, architectural and public realm design must be handled in order to express the character of each area. The section also contains codes for the streets and local green spaces within each character area.

5.8 The character areas include information on the guiding characteristics of each area to help establish character across the whole of the development and ensure a high quality development at Park Farm, Wymondham. The characteristics of each character area are described as:

5.9 Peaceacre – this character area boarders the large community green alongside Silfield Road. The large green is accessible to all character areas and houses a cricket pitch and informal playing field. Fronting the community fields, predominately detached or semi-detached buildings forms are to be loose and broken to create and informal sense of place not to enclose the open space.

5.10 Community Street - The Community Street character is at the heart of the site, running along the central spine road linking Silfield Road. The proposed community centre site overlooking Peaceacre playing fields marks the gateway to this character area. The character area will primarily be higher density but varying the impact along its length. Building lines will be strong and sinuous facing the main spine road to encourage connectivity through the development.

5.12 Linked Village Greens - This character area is split in two areas framing the community street through the heart of the site. Linked village greens front open spaces that entice the habitat of wildlife creating out-wood views across the site. The Village Greens character area covers a mix of high and medium densities throughout the area, responding to the surrounding context. Uniform clusters of housing with reduced private frontage around informal squares or public open spaces. Private frontage increases with looser built frontage towards the wider green infrastructure towards the outer edges of the development.

5.13 Bays Field – This character area is located west of Silfield Road facing the open countryside. The character area comprises of well contained, series of irregular shaped and sized development areas served by a gently meandering spine road. Densities within this character area fall towards the west edge of the development overlooking the open countryside. A mix of 1-2.5 storey houses with taller buildings defining key vistas. Continuous uniform built forms to enclose homezones with loose, broken built form towards the western edge of the site creates variety around the character area.
5.14 Lakeside – This character area is located south of the lake to the north-west of the site. Its key characteristics relate to the creating an attractive and strong built form around the lake. The character area will achieve this by broken and stepped building frontage with a predominant use of detached and semi-detached dwellings. Increased use of render will be used on landmark buildings and key vistas around the main frontage facing the lake, as well as ecologically rich planting between the development and the lakeside.

Site Wide Codes

5.15 This section sets out design codes which apply across all areas of the site. The application of the codes to particular areas of the site is covered by the following sections.

The site-wide codes cover:
- Street hierarchy (structure and hierarchy of streets within the development).
- Parking, (ensuring appropriate parking and overriding poorly overlooked parking courts).
- Building Typologies (architectural styles and building types to create character).
- Materials (colours, textures and types of materials appropriate to Wymondham).
- Boundary treatments (types of boundary treatments appropriate within character areas and around key features).
- Public realm (street furniture and hard landscaping to create character).
- Affordable housing distribution (indicative locations of affordable housing to be dispersed around the site).

5.16 The site wide codes establish design rules for the key elements of the development to ensure the appropriate character and quality is delivered in the character areas, for example boundary treatments along the Lakeside use more low railings than fences to define the landscape feature.

Design Code Compliance

5.17 Before submitting reserved matters applications developers will be required to complete a design code compliance statement, to show that they have applied the codes to their detailed designs, or provided a higher standard of design. Applicants will also be expected to demonstrate how their proposals comply with the South Norfolk Place-Making Guide design principles as well as explaining their approach to achieving this by carrying out a Building for Life 12 evaluation.

5.18 As stated above, the design code is a technical document which sets out guiding principles and a range of design parameters to ensure a high quality development at Park Farm, Wymondham. It does not fix every detail, but is intended to allow designers a degree of creative flexibility as long as design quality is retained.

5.19 All reserved matters applications for development within the Code area shall be required to comply with the guiding principles and design parameters of the Design Code unless it can be demonstrated, to the satisfaction of the Local Planning Authority, that individual site circumstances justify a minor departure from it.

6. Conclusion

6.1 Following the changes to the Design Code, officers are now satisfied with the document. The format and content of the Design Code is considered to be comprehensive, legible and user friendly as a stand-alone document. It covers all the requirements set out in condition 5 of planning permission 2011/0505. Officers are satisfied that the document will provide clear design guidance to developers and their agents and will secure a high quality integrated development with a strong sense of place and identity for Park Farm, Wymondham.
6.2 It is therefore considered that the submitted design code is acceptable and will ensure that all subsequent phases of development will achieve a consistently high standard of development that reflects and relates well to each other meeting the original aspirations for the development of Park Farm, Wymondham.

Contact Officer, Telephone Number and E-mail: Chris Watts 01508 533765 cwatts@s-norfolk.gov.uk
6. **Appl. No**: 2015/1181/RVC  
**Parish**: BRAMERTON

Applicants Name : Mr David Murrell  
Site Address : Land North of Church Farm The Street Bramerton Norfolk  
Proposal : Variation of Conditions 3 and 11 and removal of condition 15 of planning permission 2013/0087 (replacement of approved office block with dwellinghouse)

**Recommendation** : Approval with Conditions

1. Outline Permission Time Limit – submission of final reserved matters for this plot required to be submitted by 20.09.2016
2. Reserved matters
3. Amended plans
4. Boundary treatment
5. External materials to be agreed
6. Contaminated land - submit scheme
7. Water efficiency
8. Surface water drainage
9. Ecology
10. Demolish existing buildings on site
11. Slab level
12. Retention trees and hedges
13. No additional windows at first floor

1. **Planning Policies**

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

1.2 Joint Core Strategy  
Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting good design  
Policy 3 : Energy and water  
Policy 4 : Housing delivery  
Policy 5 : The Economy  
Policy 15 : Service Villages

1.3 South Norfolk Local Plan 2003  
ENV 8: Development in the open countryside (Part Consistent)  
ENV 15: Species protection  
EMP 7: The retention of rural employment and services (Part  
IMP 8: Safe and free flow traffic  
IMP 9: Residential amenity  
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 Autumn 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.
1.5 Development Management Policies
DM1.3 Sustainable location of development
DM1.1 Ensuring Development Management contributes to achieving sustainable development in South Norfolk
DM1.4 Environmental Quality and local distinctiveness
DM2.1 Employment and business development
DM2.2 Protection of employment sites
DM3.1 Housing Quality
DM3.2 Meeting housing requirements and needs
DM3.3 Meeting rural housing needs
DM3.9 Design Principles
DM3.12 Road safety and the free flow of traffic
DM3.13 Provision of vehicle parking
DM3.14 Amenity, noise and quality of life
DM4.1 Building Fabric Energy Efficiency, Carbon Compliance and Allowable Solutions
DM4.3 Sustainable drainage and water management

1.6 Supplementary Planning Document
South Norfolk Place Making Guide

Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:

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."

S72 Listed Buildings Act 1990 provides: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

2. Planning History

2.1 2013/0087 Proposed new residential development consisting of 10 no dwellings and 1 no office unit Approved

2.2 2013/1881 Proposed new residential development consisting of 10 no dwellings and 1 no office unit Approved

2.3 2014/0705 Variation of condition 2 of planning permission 2013/1881/D (proposed new residential development consisting of 10 no dwellings and 1 no office unit)-To substitute drawings 4820/051E & 061 with 4320/051G & 061A Approved

3. Consultations

3.1 Parish Council Happy to approve this variation; it appears that this conversion is well underway.

3.2 District Member To be reported if appropriate

3.3 SNC Housing Enabling & Strategy Manager No objection to the application
3.4 NCC Highways  No objections  

3.5 Ecologist  No objection. Comments (summarised):
The proposal should pose no issue with the previous ecological advice and recommendations however we note condition 9 on the original consent and whilst correspondence suggests that this may have been produced the necessary document is not showing and development has commenced.

3.6 Norfolk And Waveney Local Medical Council  No comments received  

3.7 Lead Local Flood Authority  Standing advice provided  

3.8 NHS Clinical Commissioning Group  No comments received  

3.9 NHS England  No comments received  

3.10 SNC Property Team  Summarised comments

The property has been marketed by a well-respected commercial agent since July last year. Whilst the proposed office is not an established location there are comparable locations across the district where occupiers have been found. The proposed rental asking terms are reasonable for a new build of the proposed specification and greater interest may have been generated if the freehold had also been offered. The building lends itself to 4x small suites however it has been marketed as 1 or 2 larger suites thus limiting its appeal to some degree. The biggest disadvantage to the letting is that it is yet to be built. In my opinion the vast majority of businesses that would consider a location such as this will do so based upon the ability to view the completed (or substantially complete) building in comparison with other accommodation that is ready for occupation. The building has been marketed as a ‘pre-let’ opportunity which has limited its appeal considerably.

You may consider that further marketing is required, emphasising the greater flexibility in the accommodation size, once the building works are substantially complete, in order to establish demand with more certainty and therefore the current application is premature.

3.11 Representations  1 letter of objection and 2 letters of support with the following comments:
- SNC is correct to try and encourage rural employment but this policy is not well thought through on this occasion;
- Bramerton does not have passing footfall;
- Bramerton does not have good broadband or mobile phone communication;
- Office workers prefer to be able to take a break and visit banks, post offices, local shops etc. and Bramerton has none of these things so there is no surprise there has been no uptake;
- The proposed offices are small in scale and therefore mainly compete with small businesses working from home, in sheds and garages where overheads are lower;
If the Council is serious about rural employment it needs to coalesce offices with other industries such as small-scale workshops, local retail outlets and eating establishments;

A house is more suitable in this location, particularly in respect of the number of cars using the access road to and from the main highway;

As long as this building becomes a single family home (i.e. not apartments) we are in favour of the change;

Object as the site is already overdeveloped and further development will lead to problems due to the small access roads plus the dangerous position of the access on a corner which does not allow for visibility;

There are no visibility splays and I am amazed that the first development was granted [consent];

There have been many near accidents on this site and I find it very dangerous turning into and out of the site;

When the barns were renovated 26 years ago there was discussion about the barn site not being able to take any more traffic;

4 Assessment

The site and proposal

4.1 The application seeks to vary an existing planning permission to replace approved B1 floorspace with a residential unit on a site which currently benefits from planning permission for 10 residential units and 1 office unit.

4.2 The site was previously occupied by Herbert Parker Seeds who had been on the site since 1945. Since 2008 the site has been the subject of a number planning applications to redevelop the site for a mix of B1 (office) and C3 (residential) uses.

4.3 The applicant has now largely developed the remainder of the site (residential elements), including substantial completion of the unit that is the subject of this application but as a residential unit in accordance with this development proposal.

4.4 Access to the site is from The Street, set between residential properties and located within Bramerton Conservation Area. This access served the industrial site and residential properties to the south of the site (previously barns).

4.5 The majority of the site is outside, but adjacent to the eastern boundary of the conservation area. To the north and south of the site are residential properties with open countryside to the east and St Peters church is opposite the site entrance to the west.

4.6 The main issues for consideration include the principle of the development and the loss of employment land as well as design and residential amenity.

4.7 Whilst details and consideration of the design and layout of the dwelling and impact on the conservation area, neighbouring amenity etc is had below, the application seeks to vary the conditions on the outline consent only and as such formal approval of the reserved matters for this residential plot which include access, appearance, layout and scale will need to be formally applied for under a separate reserved matters application.

Principle of development

4.8 Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011) and the saved policies in the South Norfolk Local Plan (SNLP) (originally adopted December 2003). The Council are in the process of preparing a new Local Plan.
and site allocations and these are currently under examination by the Inspector and as such do not carry full weight.

4.9 The application site currently lies outside of the defined Development Boundaries of Bramerton and as such would be considered in conflict with Policy ENV8 of the South Norfolk Local Plan. However, Bramerton has been defined as a Service Village within the JCS and under the new Local Plan the site has been identified as an allocation for mixed residential (use class C3) and office space (use class B1). Policy BRAM 1 of the emerging Site Specific & Allocations DPD refers to this allocation. The site would also be incorporated within the main development boundary for Bramerton.

4.10 Due weight and consideration can be given to the approved scheme for the site and I consider that this, as well as the advanced status of the emerging Site Allocations, is of sufficient weight to satisfy a decision contrary to the present policy of resisting development in the countryside.

Loss of employment use

4.11 National and local policies support the principles of sustainable development and economic growth. More specifically, Section 3 of the NPPF promotes the expansion and creation of new buildings to support the sustainable growth and expansion of all types of business.

4.12 Policy 5 of the JCS and emerging DM policy DM2.2 seek to protect employment sites and buildings allocated or permitted for business class and other employment uses.

4.13 Policy DM 2.2 advises that proposals leading to the loss of such sites and buildings will be permitted where: the possibility of re-using or re-developing the site/premises for a range of alternative business purposes has been fully explored and it can be demonstrated that the site or premises is no longer economically viable or practical to retain for an employment use; Or there would be an overriding economic, environmental or community benefit from redevelopment or change to another use which outweighs the benefit of the current lawful use continuing.

4.14 Whilst this site is not a designated employment site, the site allocation document allocates it for a mix used of residential and B1 uses which shall include at least 360sqm of B1 floor space.

4.15 The loss of the one office building on the site (which amounted to the 360sqm) would therefore represent a loss of potential employment and would conflict with the aims of the site allocations policy. And as such consideration is had to the loss of this B1 Office unit and whether this is justified.

4.16 The NPPF is clear that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Paragraph 22 of the NPPF also states that "planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose...Where there is no reasonable prospect of a site being used for an allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities".

4.17 Furthermore the DM policy recognises with the overriding criterion that in some cases it may be more beneficial to the local community if a former employment site or building is re-developed for an alternative use.

4.18 The relevant planning policies in the development plan clearly seek the protection of employment uses and the loss of such sites should only be permitted where the possibility
of the use of the land for economic purposes has been fully explored and it has been demonstrated that such a use is not a viable prospect.

4.19 The policy clearly sets out that an alternative business use is firstly preferred before a change of use away from employment use should be considered. The policy tests require consideration as to whether the business is no longer economically viable or practical to retain for an employment use (following consideration of alternative types of employment) and also if there are any overriding benefits from the proposal that would outweigh the benefit of the lawful use continuing.

4.20 In this case the application has been supported by marketing material which sets out the marketing which has taken place on the office for a 10 month period since July 2014.

4.21 The Council's Property services team has considered the marketing information submitted and it is noted that the site has been marketed by an established and well-respected commercial agent since July 2014 on reasonable rental asking terms for the specification proposed. Whilst the submission concludes that there has been little interest in the site as a result of the marketing exercise, it is noted that as the property was marketed prior to construction this would have acted as a disincentive to those occupiers who would typically be considering office space within a village location such as Bramerton. The Property Consultant has also commented that subdividing the building into 4 smaller suites may have generated more interest than marketing the property as 1/2 units.

4.22 The Council's Property Consultant has suggested that the site may benefit from further marketing now that the unit is largely complete, and that the flexibility of the accommodation size could be emphasised to a greater degree. This would establish to greater certainty the demand for this type of employment space in this location and suggests that the current application for a replacement residential unit is premature.

4.23 The applicant contends that it would be unreasonable to market the commercial space as smaller units as the office could remain partially occupied for a significant period of time, thus adversely affecting the viability of the development however the viability of the development should not be restricted to the office building in isolation and should include the rest of the originally consented scheme.

4.24 In this case in respect of the case put forward, whilst it is considered that a case to require further marketing now the building is nearing completion could be made in respect of complying with the first part of policy DM2.2, there are other factors to consider in respect of the second part of the policy which advises that loss of employment may be acceptable where there are overriding economic, environmental or community benefit from redevelopment or change to another use which outweighs the benefit of the current lawful use continuing. These include:

- Whether an office use in this small residential cul de sac would be an appropriate neighbour.
- The site is allocated for residential and will be within the development boundary once the site allocations and Development management policies are adopted where the principle of residential would be acceptable
- The site lies within the Norwich Policy area which does not have a demonstrated 5 year supply of housing land and there is therefore a presumption in favour of sustainable development unless the adverse impacts are significant and demonstrable and outweigh the benefits of housing delivery.

4.25 In respect of the above points, whilst the office use may be a compatible use, it is clear, with its close proximity to the new residential properties and its access running close and between two existing residential properties, that a residential use would result in less impact on existing and future residents amenities in terms of noise and disturbance through the office use and coming and going of vehicles.
Weight can be given to the emerging site allocation and emerging development boundary where the principle of residential development would be acceptable.

In respect of the 5 year supply of housing land, Given the Council cannot now demonstrate a 5 year housing land supply, its housing supply related policies are considered to no longer be up to date in accordance with the requirements of paragraph 49 of the NPPF.

Paragraph 49 also confirms that housing applications must be assessed in the context of the presumption in favour of sustainable development. With this in mind it is necessary to establish whether the current scheme represents a sustainable development. Sustainable development has three dimensions, economic, social and environmental. It goes on to stress that these are not to be undertaken in isolation, because they are mutually dependent. The NPPF also sets out 13 themes for delivering sustainable development but considers its meaning of Sustainable Development to be taken as the NPPF as a whole.

The following is an assessment of whether the scheme can be considered to represent sustainable development.

**Economic Role**

The NPPF highlights the economic role as “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure.”

The loss of the potential employment use on the site resulting in this application would result in a level of economic harm, however this is to be balanced with whether the site can reasonably be occupied in line with para 22 of the NPPF which sets out that employment should not be protected where there is no reasonable prospect of them being retained (or in this case occupied) and applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities.

There would be some economic benefit of housing delivery, short term, through construction work and in longer terms by local spending from the future occupants.

**Social Role**

The NPPF confirms the social role as “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”

As insufficient land of the right type to deliver housing as required by the NPPF can no longer be demonstrated with a shortfall in the 5 year supply of housing land, it is considered that there are social benefits of the delivery of additional housing in this village, particularly on this allocated site.

**Environmental Role**

The NPPF confirms the environmental role as “contributing to protecting and enhancing our natural, built and historic environment: and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

As the application relates to an allocated site and where a consent for a building in this plot (albeit B1 office) has already been consented and that this application relates to the use for
residential rather than B1, it is not considered that there would be any harm resulting from
the use of the plot for residential.

4.37 In summary, there would be some economic harm brought about by the scheme as it does
represent a loss of potential employment, however, in considering the merits of the scheme
as a whole and the case put forward regarding the marketing of the office unit and the
benefits of housing delivery it is considered that the proposal would represent a sustainable
form of development.

4.38 Having established that the scheme represents a sustainable development in the context of
the NPPF, it is necessary to have regard to paragraph 14 of the NPPF in respect of the
presumption in favour of development for decision-taking. This states that:

"where the development is absent, silent or relevant policies are out of date, granting
permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the
  benefits, when assessed against the policies of the Framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted."

4.39 As set out above, it is accepted that the Council’s housing related policies are out of date
by virtue of not being able to demonstrate an up to date 5 year housing land supply, and
therefore the Council should only prevent granting planning permission if the adverse
impacts of doing so would significantly and demonstrably outweigh the benefits of the
scheme when assessed against the policies of the NPPF when taken as a whole or specific
policies of the NPPF indicate restricting the development.

4.40 In this instance, it is considered that the concerns set out in respect of the economic harm
by the loss of the consented B1 office use on the site would not represent harm that
significantly and demonstrably outweighs the benefits of providing additional housing where
there is a need to do so. It is also evident that there are no other concerns in respect of
any other planning related matters for example highway safety or neighbour amenity when
considering the change in use of the plot and these would in fact be improved by the
change to the use for residential.

4.41 Furthermore, it is also considered that the scheme does not conflict with any specific
policies within the NPPF whereby permission should be restricted which must be
established in considering a proposal in the context of paragraph 14 of the NPPF.

4.42 Overall therefore in respect of loss of employment, it is considered that the benefits of
delivering an additional dwelling on the site, given a lack of a 5 year supply, outweigh the
loss of potential employment on the site. This coupled with the marketing information
submitted which indicates no interest in the office accommodation in this location, leads
officers to conclude that there is a sufficient case to allow the loss of this unit from potential
employment and that the case outweighs this potential loss of employment use in this
instance.

Residential amenity

4.43 Policy IMP9 of the SNLP requires development to have regard to the impacts on residential
amenity.

4.44 The residential use of the plot rather than the consented B1 office use would result in
improvements to the amenities of the existing residential properties which sit either side of
the access to the site, and also to those residents of the future occupiers of the proposed
dwellings as the residential use would be a more compatible use in this small cul de sac
and would result in less vehicular movements and therefore disturbance from the coming
and going of vehicles to the site.
The design and scale of the proposed dwelling would respect the amenities of the adjacent plot in respect of overlooking and loss of light etc.

The proposed residential dwelling is therefore considered to comply with policy IMP9 of the SNLP. Formal approval of the design and layout will need to be had under a separate reserved matters application.

Design

Policy 2 of the JCS and section 7 of the NPPF requires all development to achieve good design.

In accordance with the development plan a high standard of design is required. Development should have regard to the local character and context of the site, having particular regard to designated heritage assets such as Conservation Areas. As noted above the applicant has proceeded with the erection of this unit as a residential property and as such some amendments have been made to the appearance of the consented building.

The overall layout of the site is the same as that of the approved office unit albeit there is a small increase in the overall floorspace to be created. A domestic garage is also now proposed for the plot to reflect its change of use. The main alterations to the appearance of the property relate to the openings with the larger fenestration details having been replaced with openings of a more domestic scale and in keeping with those of the other dwellings across the wider development site.

The dwelling is of simple appearance and has been constructed of materials similar to the adjacent residential properties on the site. It is noted that some of the detailed finishes have not been replicated however, including the arched brick window lintels and port hole windows that are evident in some of the other dwellings that have been constructed on the site.

On balance the appearance of the replacement dwelling is considered to be acceptable and in accordance with the planning policy framework. Formal approval of the design and layout will need to be had under a separate reserved matters application.

Conservation Area

The site lies adjacent to the Conservation Area and there are a number of listed buildings to the west of the site.

As noted above the overall development site lies adjacent to Bramerton Conservation Area. National policy seeks to protect designated heritage assets (section 12 of the NPPF) whilst at a local level Policy IMP18 requires development proposals to be compatible with their sensitive settings. Due weight must be given to the consented scheme and as the overall principle of development in this location, as well as the design approach has not been significantly altered by this proposal, it is considered that the development is an acceptable form adjacent to the Conservation Area.

In addition to the Development Plan policies, S66(1) Listed Buildings Act 1990 requires local planning authorities to 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. Furthermore S72 Listed Buildings Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

In consideration of the Council’s duties under those Acts it is considered, for the reasons set out in the paragraphs above, that the proposal would not adversely affect the special
architectural or historic interest of the listed buildings to the west and nor would it harm the character or appearance of the Conservation Area.

Affordable housing

4.56 The addition of a further dwelling on the site would not generate a requirement for more affordable housing on the site, in addition to the three units that are already to be provided as part of the consented scheme (2013/0087) and the Council’s Housing Strategy and Enabling Officer has confirmed that he has no objection to the application. The application therefore complies with Policy 4 of the JCS.

Ecology and surface water

4.57 These matters were considered at the outline stage and full details of this in relation to the proposed additional dwelling will need to be approved as part of the reserved matters application for this dwelling should the variation to the conditions on the outline be approved.

Highways

4.58 Saved policy IMP8 requires the safe and free flow of traffic, ensuring highway safety is maintained and the free flow of traffic on the highway network.

4.59 The application seeks replace the approved office unit with one residential dwelling.

4.60 The principle and the design of the access to meet the highway is established by the outline consent. The Highway Authority has confirmed that the change to a residential unit as proposed raises no highway safety implications. Accordingly it is considered that the proposal accords with policy IMP8.

CIL

4.61 The development will be CIL liable as it will result in additional residential floorspace being created on the site.

4.62 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

5. Conclusion

5.1 With an absence of a 5 year supply of housing land, paragraphs 14 and 49 of the NPPF are invoked which require a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is considered that the concerns set out in respect of the economic harm by the loss of the consented B1 office use on the site would not represent harm that significantly and demonstrably outweighs the benefits of providing additional housing where there is a need to do so. This coupled with the marketing information submitted which indicates no interest in the office accommodation in this location, leads officers to conclude that there is a sufficient case to allow the loss of these units from potential employment and that the case outweighs this potential loss of employment use in this instance.
5.2 The proposal is considered acceptable in respect of access, design, residential amenity and affordable housing in principle, although as this application seeks to vary conditions on the outline consent, formal reserved matters approval will still be required before planning permission is deemed to have been issued in full.

5.3 The proposal on balance, and whilst regrettable to lose a potential employment use, is therefore considered to be acceptable and approval is recommended.

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Appendix 2

Perish : BRAMERTON
Applicants Name : Mr David Murrell
Site Address : Land North Of Church Farm The Street Bramerton Norfolk
Proposal : Proposed new residential development consisting of 10 no dwellings and 1 no office unit
Recommendation : Approval with conditions

1 Outline Permission Time Limit
2 Standard outline requiring RM
3 In accordance with amendments
4 Boundary treatment
5 External materials to be agreed
6 Contaminated land - submit scheme
7 New Water Efficiency
8 Surface Water
9 Ecology Mitigation
10 Demolish existing buildings on site
11 Slab level to be agreed
12 Retention trees and hedges
13 No additional windows at first floor
14 Highway requirements
15 Office use

Subject to S106 for affordable housing

1. Planning Policies

1.1 National Planning Policy Framework
NPPF 03: Supporting a prosperous rural economy
NPPF 08: Delivering a wide choice of high quality homes
NPPF 07: Requiring good design
NPPF 12: Conserving and enhancing the historic environment

1.2 Joint Core Strategy
Policy 1 : Addressing climate change and protecting environmental assets
Policy 2 : Promoting good design
Policy 3 : Energy and water
Policy 4 : Housing delivery
Policy 5 : The Economy
Policy 15 : Service Villages

1.3 South Norfolk Local Plan
ENV 08: Development in the open countryside (Part Consistent)
ENV 15: Species protection
EMP 7: The retention of rural employment and services (Part
IMP 0: Safe and free flow traffic
IMP 9: Residental amenity
IMP 16: Development in Conservation Areas.

1.4 Supplementary Planning Document
South Norfolk Place-Making Guide
Development Management Committee

2. Planning History

2.1 2008/1014
Demolition of most of the existing buildings, public weighbridge and hard standings. Erection of two new office work spaces and eight new sustainable live/work units. Approved

2.2 2007/2395
Demolition of all but one of the existing buildings, public weighbridge and hard standings. Refused by committee but withdrawn before decision issued

2.3 2006/1952
Demolition of all existing buildings, public weighbridge and hard standings and erection of five houses. Withdrawn

3. Consultations

3.1 Parish Council
Comments on original scheme:
- Affordable housing appears to have reduced compared to the size of the proposed dwellings
- Site problems of surface water drainage and existence of water courses flowing under the site
- Possible contamination from previous use

3.2 District Member
Comments on original scheme:
- Happy larger houses are proposed as this is in keeping with the local properties
- The affordable is, of course expected for a development of this size
- Understand the concerns re the access should the number of office users be increased, having taken into account visiting clients and residents in the houses
- Broadband provision is very poor in the area, which will be of concern to any business wishing to locate to the site

3.3 Planning Policy
Comments on original scheme:
Object:
- Insufficient employment provided based on the approved scheme
- Comments on amended scheme:
- No objections due to increased level from 240sqm to 350 sqm resulting in a insignificant reduction in the level of employment provided by the previously approved scheme

3.4 Economic Development Manager
No objections
- The provision of small scale modern offices with appropriate car parking provision in a village location provides greater opportunity for employment and is suitable for a wide range of small business, enabling business and employment growth

3.5 NCC Highways
To be reported
Development Management Committee  16 September 2015

3.6 Conservation Officer  Comments on original scheme:
Refuse
- Insufficient information to assess whether the development will preserve or enhance the character or appearance of the Bramerton Conservation area
- Lack of evidence to demonstrate that the proposals satisfy the design requirements of the South Norfolk Place-Making Guide

Comments on amended scheme:
- To be reported

3.7 Housing Strategy Manager  No objections
- 3 affordable dwellings meets policy requirements
- Support tenure - social rent

3.8 Representations  Comments on original scheme:
2 letters of support:
- Provided the applicant sticks to his proposed designs
- Wish a 1.8m fence to be erected to boundary with Orchard House
- No reasonable reason to include offices
- Low cost housing should be for sale not rent
- No first floor windows overlook our garden
- 4 objections
- No objection in principle to private housing
- Still supportive of the approved scheme
- Office block would generate more traffic and must exit the access lane which has poor sight line to the south
- Access drive is not wide enough to cope with the traffic
- Find it hard to believe there is a demand for office development in a village such as Bramerton
- Overlooking
- Affordable should be internal to the development
- Affordable should be owner-occupied
- Two storey office block will overlook our property
- Broadband speed is so slow no office user would wish to operate from the site

1 letter advising that existing drainage system runs from the village pond, under The Street and through the site

4  Assessment

4.1 This application seeks outline consent for the erection of 10 residential units and 1 office unit within the heart of the village of Bramerton. The site was previously occupied by Herbert Parker Seede who had been on the site since 1945. Access to the site is from The Street, set between residential properties and located within Bramerton Conservation Area. This access served the industrial site and residential properties to the south of the site (previously barns). The majority of the site is outside, but adjacent to the eastern boundary of the conservation area. To the north and south of the site are residential properties with open countryside to the east and St Peters Church is opposite the site entrance to the west.

4.2 Full planning consent was granted under the 2008/1014 application for the erection of two new office work spaces and 8 new sustainable live/work units. This application seeks unrestricted housing with a separate office space provided for on-site employment as the applicant considers that the live/work units are not feasible. The scheme also provides 3 affordable units. The dwellings are proposed to be of traditional appearance, large 4 to 6 bed units with detached double garages. The office block is also proposed to be two storey.
4.3 Concern was raised under the original submitted scheme that less employment provision was being provided then under the previous scheme and the office block was positioned between the affordable housing and the market housing. These concerns have now been addressed by increasing the amount of employment space to 360sqm which is 325sqm below the approved scheme and re-siting the office accommodation to the south of the site.

4.4 The redevelopment of the site, outside the development boundaries is contrary to policy ENV8 of the SNLP. Bramerton has been defined as a Service village under the JCS and under the New Local plan the site has been included within the preferred development limit for the village, allocated as a preferred site for mixed use of dwellings and B1 uses. Due weight and consideration can be given to the existing planning consent, the benefit of providing employment on the site and the provision of 3 affordable houses. I consider that there are material considerations of sufficient weight to satisfy a decision contrary to our present policy of resisting development in the countryside.

4.5 This application unlike the approved scheme is in outline only and therefore the design and appearance of the dwellings and office block have been reserved for submission under a reserved matters application. However the conservation officer has raised concerns that the application has not been supported by sufficient information demonstrating that the development would preserve or enhance the character and appearance of the conservation area and lack of evidence demonstrating that the proposals satisfy the design requirements of the South Norfolk Place-Making Guide. The requested reports have just been submitted at the time of writing the report and I will verbally update the committee of the conservation officer’s comments.

4.6 In terms of ecology the previous scheme proposed Barn Owl boxes and bat boxes which the ecologist supported, this proposal proposes bird and bat boxes together with improved landscaping. I would wish to see a condition on any consent requiring the provision of both owl and bat boxes.

4.7 Whilst I fully appreciate the concerns raised as set out above, I am however mindful of the previous use of the site and the fact a public weighbridge was on the site, subject to confirmation by the highway officer who supported the previous scheme, I do not consider the application can be refused on highway safety grounds. The boundary treatments and the final design of the properties and offices would be subject to the reserved matters and a carefully designed scheme should not give rise to loss of privacy or overlooking to a detrimental degree.

4.8 Subject to the conservation officer been satisfied with the additional information, the proposal is acceptable and I recommend that the application is approved subject to an s106 agreement covering the affordable housing provision.

5. Reasons for Approval

5.1 Subject to satisfactory additional details the proposal, although contrary to Policy ENV8 - Development in the open countryside of the adopted South Norfolk Local Plan 2003, being located outside any defined developments, can be supported in this instance as some employment will be retained on the site and 3 affordable housing units are proposed. These benefits outweigh the possible disbenefits of allowing an unneighbourly form of development on the site and also removes a number of unsightly buildings in close proximity to the Conservation Area. The proposal, therefore, meets the policy requirements of EMP7 - Retention of rural employment services and Policy 4 - Housing delivery of the Joint Core Strategy.

Contact Officer, Telephone Number and E-mail: Claire Curtis 01508 533788 ccurtis@e-norfolk.gov.uk
Other Applications

7. Appl. No: 2015/1673/F
Parish: GREAT MOULTON
Applicants Name: Mr Adam Price
Site Address: Hope Valley Low Common Road Great Moulton Norfolk NR16 1LP
Proposal: Change of use to mix of three Gypsy and Traveller residential pitches, garden and vehicle parking area and paddocks for the keeping and breeding horses

Recommendation: Refusal

1. Detrimental to highway safety contrary to IMP8
2. Unstainable location
3. Insufficient information - Ecological report, a detailed plan of areas at risk from flooding and emergency flood plan

Authorise Enforcement Action to remove all caravans or mobile homes, structures, materials, equipment which have been brought onto the land in connection with the use.

1. Planning Policies

1.1 National Planning Policy Framework
NPPF 06: Delivering a wide choice of high quality home
NPPF 07: Requiring good design
NPPF 11: Conserving and enhancing the natural environment
Policy for Traveller Sites (August 2015)

1.2 Joint Core Strategy
Policy 1: Addressing climate change and protecting environmental assets
Policy 2: Promoting good design
Policy 3: Energy and water
Policy 4: Housing delivery
Policy 15: Service Villages
Policy 17: Small rural communities and the countryside
Policy 6: Access and Transportation

1.3 South Norfolk Local Plan 2003
ENV 8: Development in the open countryside (Part Consistent)
IMP 2: Landscaping
IMP 8: Safe and free flow traffic
IMP 9: Residential amenity
HOU 22: Mobile homes

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 Autumn 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.

1.5 Development Management Policies
DM1.3 Sustainable location of development
DM1.4 Environmental Quality and local distinctiveness
DM3.4 Gypsy and Travellers sites
DM3.9 Design Principles
DM3.12 Road safety and the free flow of traffic
Development Management Committee  16 September 2015

DM3.14 Amenity, noise and quality of life
DM3.15 Pollution, health and safety

2. Planning History

2.1 2014/0759 Certificate of lawful proposed use for standing of two static caravans for use ancillary to agricultural land. Approved

2.2 2011/0992 Agricultural building for hydrophic unit, vehicle and tool store and winery, portable WC and septic tank, underground rainwater harvesting tank, 3 polytunnels Withdrawn

2.3 2005/1955 Demolition of existing retail outlet and erection of winery and shop Approved

3. Consultations

3.1 Forncett Parish Council: Refuse
- Design and access statement - several errors which have a major impact on the viability of the arguments made as to why the site would be appropriate for the plans within the application
- Site access - Widespread concern has been expressed over access From Bunwell Road (Low Common Road) and Overwood Lane, verge and highway damage, inconvenience to other road users due to the type of vehicles using the site, as vehicles enter and leave and the very narrow surrounding roads. Already problem with vehicles parked on highway verges and at passing places
- Site Location - SNDC has been assessing 100's of sites suitable for development, a number local to site were all rejected for a variety of reasons including lack of nearby services, flooding potential etc. Planning permission cannot be granted consent to the gypsy/traveller community to live in an area which has been deemed unsuitable for the settled community
- Ecology - Disputes that there will not be an adverse impact on biodiversity
- Tas Rural River Valley - Development does not conform to the aims of the Character Area A1, SNC Landscape Character Assessment, Vol 4 section 5.12
- The Family - Made clear that the intention is to become settled on this site with plans set out for future generations. The criteria set in South Norfolk Gypsy, Traveller and Travelling Show people Accommodation Assessment June 2014 has not been met.
- Concern that a temporary stop notice could have been issued and wasn't
- Objects to the application and requests that enforcement action is taken without delay

Aslacton Parish Council: Refuse
- Contrary to policy - Great Moulton, Aslacton and Forncett St Peter are not service villages and do not meet the sustainability requirements for Gypsy and Traveller sites as laid down by the Council
• Proposed government policy, to which due weight should be given, is that persons who move onto a site and start to develop it and only subsequently apply for planning permission should be considered less favourably

• Highways/traffic - previous occupiers had a small shop and allowed picnicking on the site when customers purchased wine, this did not lead to any significant increase in traffic on nearby roads, the present proposal would create a substantial increase in cars, vans, horseboxes and lorries entering and leaving the site. The adjoining roads are narrow and would not support the increase without causing widespread obstruction. Overwood Lane is a barely metalled road and is unsuitable for entrance the site as shown on the plan.

• Density of occupation - application is for 3 pitches with a plan for 4 or even 5 generations to live on site. Granting consent would be a for a Gypsy/traveller site but this does not take into account the possibility that future generations may not wish to adopt the traveller life style or the fact that SNDC is striving to provide adequate sites to house all the Travellers moving into the area on approved sites

• Agricultural/ Commercial site definitions - many farmers have open small shops to sell their produce on the farm itself, not found any legislation that redefines these farms as commercial rather than agricultural

• Travellers - Travellers have always been defined as those who move their families from place to place to find work, it does not cover those who travelled away from home for work, returning to their fixed abode and their children go/went to school locally. To be a traveller in the sense that Mr Price claims, he would have/had to constantly move his family around the country to find work. It is obvious that he did no such thing as they lived in Council owned property in Costessey

• Health Matters - Note the report re the health of the children and of 1 child who is in the 'special needs' category, concerned that their health may be compromised by living on this site

• The Site - Plot 4.45 acres and clearly could not support a horse breading enterprise and be self-sufficient in fruit and vegetables if developed as proposed

• New ecology survey should be carried out by an accredited surveyor

• Precedent - Concerned that this application will create a dangerous precedent and lead to a number of similar applications

• SNDC needs to follow through on the Gypsy/Traveller Accommodation Plan that is now in progress with 30 pieces of land, which in the short/medium term will eliminate the need to give applications of this nature serious detailed consideration

• Refuse

• Business use for the breeding of horses and trading of horses – Not an occupation which is exclusive to this community neither does it define participants as part of that community. Therefore should be judged on the same critera as a mainstream business

• The site is unsuitable due to highways and environmental considerations

• Seriously concerned that no professional prepared Environmental Report has been provided
Application seems an amalgamation of full and outline consent for one unit (full) and 2 further plots (outline), concern that this future development could be undertaken without further scrutiny.

It seems that the intention is that this should be a permanent residence. The Government have recently issued guidelines that state to be considered a special case actual travelling is essential. This does not appear to be the case here. It suggested that in accordance with this guidance this application should be assessed in accordance with a normal planning application for residential use.

3.2 District Members
To be reported if appropriate

3.3 Strategic Housing -
Tony Cooke
No objections:
- Applicant well known to SNDC regular staying at locations in the South Norfolk area and is seeking to secure a settled base to reduce the need for travelling and possible environmental damage by unauthorised encampments
- If committee minded to approve a condition limiting the occupation to a person or persons who meet the definition of Gypsies and Travellers as defined in government guidance

3.4 Gypsy Liaison Officer
No comments received

3.5 Public Rights Of Way
No public rights of way will be affected and therefore have no comments

3.6 NCC Highways
Refusal
- Inadequate visibility splays at the junction of the access with the highway
- The highway network serving the site is considered to be inadequate to serve the development

3.7 Environmental Services (Protection)
No objection subject to conditions

3.8 SNC: Flood Defence Officer
- The applicant should provide a more detailed plan of the areas at risk from fluvial and surface water flood risk to determine the location of the access and to gain an understanding of potential flood depths to assess whether it is safe to access and egress the site should flooding occur.
- An Emergency Flood Plan and example of a flood box should be submitted to support the application and made available to users of the site.

3.9 NCC: Ecologist
- No ecological information submitted with the application, previous ecological assessments have shown that the pond on site to be used by Great Crested Newts for breeding. Without up to date information it is difficult to establish if there is an impact on ecology and in particular GCN.

3.10 Environment Agency
No objections

3.11 Representations
45 letter of objection and a letter from Albion Planning consultants on behalf of 59 local residents
- Council should have all relevant information before registering the application
- Outside parish development boundary and not suitable for any type of residential development
- Unsustainable location
- Most regrettable that the applicant has chosen to carry out works, clearance of trees/vegetation and taken up residence on the site some months prior to obtaining the necessary planning permission
- Within the Tas Rural River Valley, development totally at odds with the Council’s landscape character requirements for the area
- Detrimental to visual amenities
- Precedent
- Site adjacent to Bunwell Road and Overwood Lane both of which are narrow and unclassified lanes, in addition to which the main access of Bunwell Road is very close to a dangerous junction
- Small lanes totally unsuitable for the type of development proposed
- Speeding traffic
- Detrimental to highway safety
- Parking of visitor’s vehicles and site vehicles overflow from the site onto Low Common Road and Overwood Lane further limiting passing places and safe use of the narrow roads
- Secondary access for horse boxes would be dangerous
- Impact on natural habitat and protected species
- Noise and light pollution
- Site does not seem to be equipped with any sanitation
- Land was sold as a vineyard with permission for 2 static caravans for ancillary agricultural use
- Submitted plans do not show the required level of detail, Incorrect information in design and access statement and original, design and access statement describes development on Eastern side of plot but drawings relate to the Western side
- No Highway report
- No credible Ecological survey
- Contrary to policies of South Norfolk Council
- Inadequate consultation
- Forncett St Peter is not a service village, there are primary schools nearby, but no local shops, medical services or public amenities and very limited bus service
- Loss of property value
- Not enough land for the number of horses kept at present
- Horse breeding is not a sustainable business on this site for travellers or surrounding community
- Now 2 gypsy/traveller sites within a few hundred metres of each other
- Within flood zones and flood risk
- History of Great Crested Newts on the site, in close proximity to Aslacton SSSI
- The Government advises if a member of the travelling community has given up travelling permanently, for whatever reason, and applies for a permanent site then that should be treated no differently to an application from the settled population
- Applicant advised that the land designation changed from agricultural to commercial
- Current owners bought the land with the full knowledge of what planning permission had been given and chose to ignore this
- Concern that the Council failed to act in serving a stop notice and an enforcement notice
- No detailed visual impact assessment
- No Environmental Statement
- Nearest Post Officer in Long Stratton 3-4 miles
- Nearest shops in Long Stratton
- Nearest doctors surgery in Long Stratton
- Nearest primary school is a distance of 1 mile
- Nearest senior school 3-4 miles
- SNDC has a responsibility to provide non-discriminatory actions towards all communities; to uphold its own planning criteria consistently for the good of all and safe guarding the environment
- Almost entire vineyard has been grubbed up
- For past 50 years the nature reserve has been sympathetically managed, concerned that some disturbance and possible damage might have already occurred
- New Government planning policy states that traveller sites should not dominate the nearest settled community, this will

4 Assessment

4.1 This application seeks a permanent consent for the change of use to a mixed use of three Gypsy and Traveller residential pitches, garden and vehicle parking area, and paddocks for the keeping and breeding of horses at Hope valley, Low Common Road (Bunwell Road), Great Moulton. The application site is well outside any Development Limit or Village Boundary in open countryside. The site is accessed via Low Common Road (Bunwell Road) which runs to the southern boundary of the site, with a second access off Overwood Lane. The southern part of the site falls into flood zones 2 and 3. The site has hedges and trees to its boundaries, however the site is visible through the entrance onto Low common Road and glimpsed through the vegetation along Overwood Lane.

4.2 The application site was previously a vineyard with consent granted in 2005 for the demolition of existing retail outlet and the erection of a winery and shop, which was implemented in so far as the existing sheds were removed and the foundations for the winery and shop implemented. For the avoidance of doubt the winery was 40sqm and retail 20sqm, proposed 1 additional person employed increasing from 1 to 2 and the daily traffic movements did not increase. In 2014 a certificate for lawfulness was applied for and granted for the standing of two static caravans for use ancillary to the agricultural use of the land.

4.3 The application seeks consent for a Gypsy and Travellers residential site. The southern part for the applicant, his partner and 5 young children. Siting of 2 mobile homes, a day room/store building and 2 touring caravans. Also the application seeks consent for change of use of the northern part for 2 pitches each with a day room, mobile home and touring caravan for future needs of the applicants children and any partners and grandchildren, this area will not be required for at least 10 years. The applicant has already moved onto the site and is occupying the south-west section of the site which is located with the flood zones 2 and 3. This application proposes to move the present development out of the flood zones. The application also included the change of use of the remainder of the site for the keeping of horses related to the applicants business as a horse breeder and dealer.

4.4 The main issues to be considered are: the principle of development, the need for traveller sites, the gypsy/traveller status of the applicant, location of the site, highway safety, ecology and flood risk/drainage

Principle of Development

4.5 Planning law requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for South Norfolk comprises the saved policies of the South Norfolk Local Plan and the Joint Core
Strategy for Broadland, Norwich and South Norfolk. In addition some weight can be attached to the emerging policies of the documents contained within the new South Norfolk Local Plan, which includes the Development Management Policies document and the Site Allocations and Policies document.

4.6 Local Planning Authorities must also have regard to government guidance contained within the National Planning Policy Framework and the Planning Policy for Traveller Sites document August 2015. Policy ENV 8 of the South Norfolk Local Plan, and paragraph 55 of the NPPF strictly control development within the open countryside unless there are exceptional circumstances. In assessing the application, regard has also been had to Policy DM 3.4 of the emerging Development Management Policies document, which sets out criteria for the consideration of gypsy/traveller development both inside and outside of development boundaries.

Need for traveller sites

4.7 The 'Planning policy for traveller sites' document requires local planning authorities to have regard to the existing level of local provision and need for sites, the availability (or lack) of alternative accommodation for the applicant and other personal circumstances of the applicant. The Council does not currently have a 5 year land supply of deliverable sites for travellers. The Gypsy and Traveller Accommodation Assessment, published in 2014, contains a target of 35 traveller pitches between 2014 and 2031. Within the first five years (2014-2019) the target is 8 pitches. At the time of writing only 1 pitch has been permitted therefore there is a clear shortfall in available pitches.

4.8 The Council is currently at an early stage in the preparation of the Gypsies and Travellers Local Plan. Consultation on the Issues and Options stage was carried out last August, which included a call for sites to be put forward for consideration. The criterion to be used in the assessment of the sites was agreed by Cabinet on Monday 15 June, with the Preferred Options document and public consultation to follow. Given its early stage, the emerging Gypsies and Travellers Local Plan does not materially affect the determination of this application, and the information is provided for background purposes only.

The status of the applicant

4.9 The Government's 'Planning policy for traveller sites' August 2015 states:

"For the purposes of this planning policy "gypsies and travellers" means:

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

4.11 It goes on to state in determining whether persons are ' gypsies and travellers' for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

a) whether they previously led a nomadic habit of life
b) the reasons for ceasing their nomadic habit of life
c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances

4.12 The applicant's agent has submitted a statement of Mr Price's status and legal advice on the matter is been sought and concluded that the evidence submitted indicates that the family are gypsies and travellers. The businesses of landscape gardening, and breeding and trading of horses, involve an element of working away from a fixed base. It could be argued that the landscaping work, being mostly undertaken in Norfolk and Suffolk, and with
only 7 or 8 weeks a year in the Bristol area, is not entirely compatible with a nomadic lifestyle. It might also be argued that the visits to horse fairs are more a cultural thing than a business activity. However taking into account the fact that the family has a history of living in caravans, and that they need a fixed base for the children’s education, it is considered that on the basis of the submitted statement they meet the test.

Location of the development

4.13 National policy states that 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.

4.14 The site falls within the Parish of Great Moulton and its main settlement area is defined as a service village and benefits from a development limit. However, this site is located well outside this development limit and also those of the surrounding villages. The site therefore is considered to be in open countryside. The site is served from the unclassified road, known as Bunwell road, which serves a small number of houses and farms, it has no footpaths. The site is remote from local shops and services and therefore conflicting with the aims of sustainable development, as represented in national and local policy.

4.15 The Planning Policy for Traveller Sites states that ‘If a local planning authority cannot demonstrate an up-to-date 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 – there is no presumption that a temporary grant of planning permission should be granted permanently’.

4.16 Whilst this application does seek the retention of the occupation of the site for a Gypsy/traveller, it is for a permanent consent and also proposes future pitches for the applicant’s children which would not be required for at least 10 years. Therefore, notwithstanding the lack of gypsy/traveller sites (of which full regard has been made), it is considered that the site is in an unsustainable location and therefore should not be supported as a permanent site. By the time the applicant’s children require residential pitches the Councils Gypsies and Travellers Local Plan will be adopted and the availability of alternative sites is likely to have changed.

Highway Safety

4.17 NCC Highways have recommended refusal of the application and comment as follows: ‘There is a highway safety concern in respect of the intensification of the vehicular use of the means of access to both Overwood Lane and Bunwell Road which is considered undesirable and potentially unsafe owing to the restricted visibility. In addition there is a highway safety concern with regard to the increase in right turning movements at the nearby junction of Aslacton Road with Bunwell Road, owing to the severely impaired forward vision. I have attached a copy of the Highway Officer’s comments as Appendix 2 to this report. In view of the above, the development is considered contrary to policy IMP8 of the South Norfolk Local Plan.

Ecology

4.18 No ecological information is submitted with the application and therefore the NCC Ecologist has raised concerns. Previous ecological assessments submitted in respect of other planning applications on the site have shown the pond on site to be used by Great Crested Newts for breeding. Without up to date information it is difficult to establish if there is an impact on ecology (and in particular on Great Crest Newts) and in view of this it is considered that insufficient information has been submitted in
respect of the application contrary to policies ENV14 and ENV15 of the South Norfolk Local plan 2003.

Flood risk and drainage

4.19 The southern part of the site falls into flood zones 2 and 3. The main access for the site is located to the south part of the site and at present the applicant has located his mobile homes etc. in this location. If permission is forthcoming the applicant will move onto an area outside these zones. The Flood defence Officer has raised concerns regarding the lack of information and has requested that the applicant provides a more detailed plan of the areas at risk from fluvial and surface water flood risk to determine the location of the access and to gain an understanding of potential flood depths to assess whether it is safe to access and egress the site should flooding occur. Also an Emergency Flood Plan and example of a flood box should be submitted to support the application and made available to users of the site. In the Technical Guidance to the National Planning Policy Framework mobile homes for permanent residential use are classified as highly vulnerable which is acceptable in flood zone 1 but should not be permitted in flood zone 3 and only if an exceptions test is met in flood zone 2. Therefore it is important that accurate information as set out above is provided to make sure the relocation of the existing mobiles would be out of flood zones 2 and 3 as well as having safe access and emergency evacuation procedures. In view of the above it is considered insufficient information has been submitted to demonstrate that the site is suitable for residential use.

4.20 There have been a significant number of objections to the proposal which raise a number of issues as well as those set out above. In particular, in terms of impact on residential amenities via noise, light pollution and general disturbance. Whilst I fully appreciate the concerns raised, given the distance of the site from neighbouring properties, I do not consider the proposal would give rise to a situation so detrimental to neighbours amenities as to warrant refusal on these grounds. Loss of value is not a material planning consideration. In terms of visual intrusion the site is screened by existing hedging and tree and whilst it will be visible from some views I do not consider it would give rise to such a significant detriment as to warrant refusal on this ground.

Other Matters

4.21 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

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

5 Conclusion

5.1 The proposal is considered to conflict with the aims of the Joint Core Strategy (JCS) and South Norfolk Local Plan (SNLP) and in particular is considered to be contrary to the requirements of Policy 2 of the JCS, Policy ENV8 of SNLP and paragraph 55 of the NPPF, and is recommended for refusal.

Enforcement Action

5.2 Because the unauthorised development has already occurred on the site, I request that enforcement action is authorised to remove all caravans or mobile homes, structures, materials and equipment brought onto the land in connection with the use.
5.3 The time period for the compliance will need to be assessed following further consideration of the personal circumstances of the occupiers; in light of the Human Rights Legislation and the time it will take for alternative sites to become available through the Gypsy and Travellers Local Plan.

6. Reasons for refusal

6.1 Inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway. Contrary to Policy IMP8

6.2 The highway network serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted forward visibility at the adjacent road junction of Aslacton Road with Bunwell Road. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety. Contrary to Policy IMP8

6.3 The proposed development is located within the open countryside, outside a defined development boundary and would be remote from local services. Such a location is not sustainable and would be in conflict with the provisions of the Communities and Local Government ‘Planning Policy for Travellers Sites.

6.4 In the absence of an ecological survey, it is considered that insufficient information has been received by the local planning authority to adequately assess the merits of the scheme and possible impacts the development would have on the habitat of protected species, contrary to ENV14 and ENV 15 of the South Norfolk Local Plan

6.5 Part of the application site falls within Flood Zones 2 & 3 and insufficient information has been received by the local planning authority, in particular a detailed plan of the areas at risk from fluvial and surface water flood risk and an Emergency Flood Plan to adequately assess the scheme and to ascertain that the site is suitable for residential development. Contrary to Policy 1 of the Joint Core Strategy and the NPPF.

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

Great Moulton: Change of use to mix of Gypsy and Traveller residential use, garden and parking area and paddocks for the keeping and breeding horses

Hope Valley Low Common Road Great Moulton Norfolk NR16 1LP

With reference to the consultation received recently to the above development proposal.

In relation to highway issues only, notice is hereby given that Norfolk County Council recommends refusal for the following reasons:-

The proposal and traffic assessment

The proposed development consists of principally three residential pitches. The main application which covers the southern section of the site comprising of two static caravans and a day room and space for two touring caravans. Although the information submitted in support of the application states that this is a private site, it is not made clear if the touring caravans are for the sole use of the resident families to travel or whether other touring caravans will visit. The northern section of the site is reserved for two additional pitches.

Predictions of the likely traffic generation of the proposed development are difficult, although assuming the touring pitches are for the sole use of the residents then the level of traffic would not be dissimilar to three residential dwellings. This is particularly the case given the rural location and the distance necessary to travel to essential jobs and services. Accordingly a daily vehicular generation of some 6 vehicle movements per plot is likely, giving a potential 18 vehicular movements to and from the site on a daily basis. Should the site be occupied with the three pitches.

In addition the application advises that the main applicant is a horse breeder and dealer and it was noted at the site inspection that there were indeed a notable number of horses on the site. This aspect will no doubt result in a generation of larger vehicles, horse boxes.

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etc for the commercial use of the site with movements in and out of the horses and visits by potential purchasers and deliveries of feed.

With the low key nature of the previous site usage, it is clear that there will be a notable increase in traffic levels to and from the site.

**Previous Site Uses**

It is acknowledged that the site was previously used semi-commercially by the Tas Valley Winery. According to your advice, the consent 2005/1955 had been considered as implemented with the concrete bases for the proposed buildings being formed. Although it does not appear that the actual buildings granted under that consent were built. However, the winery's business appears to have been very low key with the winery building being 40m² in size and retail use at 20m². According to information submitted with application in 2005, the winery building would be used for the making and bottling of wine from the vineyard with the retail side of the business selling the wine and associated products only. The retail unit only being open at weekends.

**Road Network**

This site is served from the Undeveloped known as Bunwell Road, which serves a small number of houses and farms and has no standing within the Norfolk Route Hierarchy. In addition, the site has a secondary entrance from Overwood Lane which is simply a gated gap in the hedge. There is evidence of overrunning of the verges in the vicinity of the site.

The CLG guidance document *Manual for Streets* indicates that a minimum surface width of 4.1m is necessary to allow two cars to pass safely. Bunwell Road has a predominant surface width of only 3m and therefore is only suitable for single file traffic. However, it is accepted that the southern site entrance is quite close to the junction with Overwood Lane and A143 and subject to the closure of the northern access it is likely that the majority of movements to and from the site will be in that direction towards the slightly higher standard road network. It is not therefore considered that a highway objection needs to be raised to this proposal in terms of the standard of Bunwell Road.

One serious concern lies with junction of A143 and Bunwell Road. This junction is sited on the outside of a sharp bend where forward vision for manoeuvring around the bend is very poor. This is particularly the case for vehicles turning right from the Fornsett direction into Bunwell Road. Owing to the limited forward vision, the right turning movement is hazardous. We would not therefore be able to support a development in this vicinity of the scale currently proposed which will lead to a direct increase in the right turning movements at the junction.

**Site Access**

The existing means of access that serves the site Bunwell Road is located towards the western end of the site. The entrance is narrow, being of single vehicle width only with small turning radius at the carriageway edge. The entrance is currently informally surfaced. Owing to the narrow width of the entrance, ingress and egress with any larger vehicles such as a horse box is likely to be difficult without overrunning of the verges.

Improvements to provide a wider entrance with greater turning radius together with the provision of a more formal hard surfacing for the entrance could resolve this aspect.

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Visibility Splays

Latest guidance regarding vision splays is given in the CLG and DfT publication Manual for Streets. The guidance in Manual for Streets is principally focused on lightly trafficked residential streets and less important rural roads where the 85 percentile speeds are lower than 37mph.

It is noted there are two points of access serving the site (1) Overwood Lane and (2) Bunwell Road and the applicants intend to make use of both of these. Accordingly a separate assessment has been undertaken of each access as follows:-

Assessment of the visibility that is available from the point of access onto Overwood Lane showed that in both directions visibility is blind due to the presence of mature hedges. In addition, Overwood Lane is narrow and not suitable to cater for additional traffic. This access is totally unsuitable to serve the proposed development.

Assessment of the visibility that is available from the point of access onto Bunwell Road showed that in both directions visibility is noticeably poor owing to the adjacent vegetation. To the west a sight distance of only around 15 metres is currently available across the verge when measured from the minimum recommended safety set back distance of 2 metres. To the east, towards the junction with Overwood Lane visibility is effectively blind. Both these distances were measured from the absolute minimum safety set back of 2 metres, at which point I wish to emphasise the front of any exiting vehicle would be protruding into the live carriageway. When exiting the site, it is necessary to edge out to virtually the centre of Bunwell Road before being able to see a satisfactory distance. The vision distance of 15 metres only equates to a safe exit splay for vehicle speeds of 13 mph or lower. Bunwell Road is subject to the national speed limit for single carriageway roads of 60 mph. Although it accepted that vehicle speeds on the road will be typically lower than this owing to the constraints of the route, 85 percentile vehicle speeds of the order of 30 - 35 mph are likely to be more realistic. Thus requiring a clear vision splay of a minimum of 43 metres.

The sightline provision available from the site access onto Bunwell Road as noted above, fails to meet the recognised guidance set down by Central Government and applied locally. As a consequence of this lack of adequate vision splays, the development could result in conditions that would be detrimental to the highway safety of other users of Bunwell Road. Particularly pedestrians, cyclists and motor-cyclists that would be especially vulnerable to a vehicle edging out.

It is accepted that the applicant may have control over the land on the eastern side of the entrance for the vegetation to be cut back and thus improving the visibility in that direction. The applicant does not however appear to control the land to the west which is the important oncoming traffic direction.

Conclusion

Accordingly, there is a highway safety concern in respect of the intensification of the vehicular use of the means of access to both Overwood Lane and Bunwell Road which is considered undesirable and potentially unsafe owing to the restricted visibility.

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In addition there is a highway safety concern with regard to the increase in right turning movements at the nearby junction of Aslacton Road with Bunwell Road, owing to the severely impaired forward vision.

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

SHCR 12

Inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway. Contrary to Development Plan Policy IMP8

SHCR 07

The highway network serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted forward visibility at the adjacent road junction of Aslacton Road with Bunwell Road. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety. Contrary to Development Plan Policy IMP9

Yours sincerely

Adrian Jacklin

Highways Development Management Officer
for Executive Director for Community and Environmental Services
8. **Appl. No**: 2015/0505/RVC  
**Parish**: FORNCETT

**Applicants Name**: Mr Adam Gallagher  
**Site Address**: Caravan at Laynes Farm Gilderswood Lane Fornsett St Peter  
Norfolk NR16 1LN

**Proposal**: Removal of condition 3 of appeal decision ref APP/L2630/C/10/2138732 to allow permanent use of the land for residential purposes and for the standing of residential caravans for human habitation and associated domestic items.

**Recommendation**: To authorise the Director of Growth and Localism to recommend to the Planning Inspectorate that the application would have been refused for the following reasons:

1. Detrimental to highway safety contrary to policy IMP8  
2. Detrimental to the character and appearance

Authorise Enforcement Action to remove all caravans or mobile homes, structures, materials, equipment which have been brought onto the land in connection with the use.

**Background**  
The applicant has lodged an appeal against non-determination of this application 23rd July, and therefore the application will be determined by the Planning Inspectorate. The purpose of this report is to assist Development Management Committee to decide, if the appeal had not been lodged, whether they would have approved or refused the application so that this can be conveyed to the Planning Inspectorate as the Council's case for the appeal.

1. **Planning Policies**

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

National Planning Policy for Travellers Sites (August 2015)

1.2 Joint Core Strategy  
Policy 1: Addressing climate change and protecting environmental assets  
Policy 2: Promoting good design  
Policy 3: Energy and water  
Policy 4: Housing delivery  
Policy 16: Other Villages  
Policy 17: Small rural communities and the countryside  
Policy 6: Access and Transportation

1.3 South Norfolk Local Plan 2003  
ENV 8: Development in the open countryside (Part Consistent)  
IMP 2: Landscaping  
IMP 8: Safe and free flow traffic  
IMP 9: Residential amenity  
HOU 22: Mobile homes
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 Autumn 2015. In line
with paragraph 216 of the National Planning Policy Framework (2012) some weight can be
applied to the emerging policies as they advance through their preparation.

1.5 Development Management Policies
DM1.3 Sustainable location of development
DM1.4 Environmental Quality and local distinctiveness
DM3.4 Gypsy and Travellers sites
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

2. Planning History

2.1 2010/0934 Proposed change of use from agricultural
land to residential site for traveller family,
including standing of 2no static caravans, 2
touring caravans, a day block and associated
landscaping and fencing (partially
retrospective)

Refused

Appeal History

2.2 Appeal A: 2010/0934 Development Appeal Dismissed
Appeal B: Enforcement Appeal Allowed and temporary planning
permission granted for 4 years

3. Consultations

3.1 Parish Council Refuse
- See no grounds for the removal of conditions and therefore trust
that the conditions remain in line with the Inspectors decision

3.2 District Member To be reported if appropriate

3.3 Public Rights Of Way No objections to the application

3.4 The Ramblers No comments received

3.5 NCC Highways Refuse
- Detrimental to highway safety

3.6 Ecologist No comments received

3.7 Strategic Housing -
Tony Cooke Do not support the proposal to establish permanent residential use
of the site

3.8 Gypsy Liaison Officer No comments received

3.9 Flood Defence
Officer No comments

3.10 Environmental
Services (Protection) No comments
3.11 Representations

9 letters of objection
- Previous temporary consent given for Mr Matthew May
- The Inspector allowed Mr May and his family to occupy this agricultural site, solely because he had a child at school and this temporary period of 4 year would allow him to find alternative accommodation
- The previous judgement applied to this land, Mr May and his family who no longer occupy the site
- The site conditions have not changed in any way.
- Trust that the Council will not allow a reversal of the Inspectorate's original decision
- Enforcement action should be taken to return it to its original use
- Nothing has changed since the last decision except Mr May sold on the land to Mr Gallagher
- Access is still poor and highway safety issues
- Conditions imposed have not been complied with
- Post van will not drive down the Loke so questionable whether emergency vehicle drivers would show the same reluctance
- Plenty of suitable sites with pitches in the locality
- Harm to the settled community - intrusive in the landscape and unreasonable to allow a development to go forward when members of the settled community have been refused planning permission to build a new property - this is discriminatory against the settled population

4 Assessment

4.1 This application seeks a permanent consent for the use of land for the stationing of two gypsy/traveller caravans at Layes Farm, Gilderswood Lane, Forncett St Peter. The application site is well outside any Development Limit or Village Boundary in open countryside. The site is accessed via a private loke leading to Gilderswood Lane, a single carriageway width highway.

4.2 In May 2011 the Planning Inspectorate gave a temporary consent for the use of the land for residential purposes and for the standing of residential caravans for human habitation and associated domestic items for a period of four years from the date of the appeal decision (11 May 2015). A copy of the Inspectors decision is attached as Appendix 1 for information. The current application seeks to vary condition 3 of the appeal decision to enable a permanent consent to be granted.

4.3 The main issues to be considered are: the principle of development, the need for traveller sites, the gypsy/traveller status of the applicant and the Planning Inspectors decision

Principle of Development

4.4 Planning law requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for South Norfolk comprises the saved policies of the South Norfolk Local Plan and the Joint Core Strategy for Broadland, Norwich and South Norfolk. In addition some weight can be attached to the emerging policies of the documents contained within the new South Norfolk Local Plan, which includes the Development Management Policies document and the Site Allocations and Policies document.

4.5 Local Planning Authorities must also have regard to government guidance contained within the National Planning Policy Framework and the Planning Policy for Traveller Sites document August 2015. Policy ENV 8 of the South Norfolk Local Plan, and paragraph 55 of the NPPF strictly control development within the open countryside unless there are exceptional circumstances. In assessing the application, regard has also been had to
Policy DM 3.4 of the emerging Development Management Policies document, which sets out criteria for the consideration of gypsy/traveller development both inside and outside of development boundaries.

Need for traveller sites

4.6 The ‘Planning policy for traveller sites’ document requires local planning authorities to have regard to the existing level of local provision and need for sites, the availability (or lack) of alternative accommodation for the applicant and other personal circumstances of the applicant. The Council does not currently have a 5 year land supply of deliverable sites for travellers. The Gypsy and Traveller Accommodation Assessment, published in 2014, contains a target of 35 traveller pitches between 2014 and 2031. Within the first five years (2014-2019) the target is 8 pitches. At the time of writing only 1 pitch has been permitted therefore there is a clear shortfall in available pitches.

4.7 The Council is currently at an early stage in the preparation of the Gypsies and Travellers Local Plan. Consultation on the Issues and Options stage was carried out last August, which included a call for sites to be put forward for consideration. The criterion to be used in the assessment of the sites was agreed by Cabinet on Monday 15 June, with the Preferred Options document and public consultation to follow. Given its early stage, the emerging Gypsies and Travellers Local Plan does not materially affect the determination of this application, and the information is provided for background purposes only.

The status of the applicant

4.8 The Government’s ‘Planning policy for traveller sites’ August 2015 states:

"For the purposes of this planning policy "gypsies and travellers" means:

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

4.9 It goes on to state in determining whether persons are 'gypsies and travellers' for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

a) whether they previously led a nomadic habit of life
b) the reasons for ceasing their nomadic habit of life
c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances

4.10 The applicant’s agent has submitted a statement about Mr Gallagher’s status and legal advice on the matter is being sought and will be reported to the Committee.

The Planning Inspector’s decision

4.11 In reaching his overall decision the Inspector concluded that the retention of the residential caravan use on the site would create harm to the amenity and character of the countryside and to the safety and convenience of highway users. However considerable weight was given to the need to provide accommodation for a Gypsy and Traveller family, in particular as the occupiers were a traveller family without alternative lawful accommodation (Mr Matthew May and family). Also taking into account the likelihood that suitable alternative accommodation was to become available through the DPD process within a reasonable period, the Inspector concluded that the harms would be sufficiently outweighed over a temporary period.
In assessing the current application for permanent planning permission due regard has been given to the Planning Inspector’s decision and I remain of the view that a permanent planning permission should not be granted for the following reasons:

There is a strong highway objection on highway safety grounds. Their objection is due to the poor visibility that can be secured from the access point and also the narrow nature of Gilderswood Lane that means conflict with other highway users is likely. They point out that the Inspector concluded that a permanent consent would not be appropriate stating as follows: "notwithstanding the low levels of usage of Gilderswood Lane, the effect of the appeal residential use upon the safety and convenience of highway users is a material objection to the appeal proposals, and is the greater" ... "for more than a relatively short term of use of the site." Equally the Inspector did not agree to imposing a condition requested by the Highway Officer to an improved surface of the Loke adjacent to the junction as being unreasonable where only four year permission is being granted.

With regard to adverse impact on the amenity and character of the countryside, the Inspector concluded that the site was exposed to views from the opposite valley slope, up which there is a public footpath, and having regards to the width and alignment of the site some such views appear likely to remain notwithstanding landscaping or site adjustments, therefore there would be harm to the amenity and character of the countryside.

The Planning Policy for Traveller Sites states that ‘If a local planning authority cannot demonstrate an up-to-date 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 – there is no presumption that a temporary grant of planning permission should be granted permanently’.

Since the circumstances of the site have not significantly changed and in view of the above the site is not considered appropriate for a permanent site.

Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

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

Conclusion

The applicant has logged an appeal against non-determination of this application 23rd July, and therefore the application will be determined by the Planning Inspectorate. The purpose of this report is to assist Development Management Committee to decide, if the appeal had not been lodged, whether they would have approved or refused the application so that this can be conveyed to the Planning Inspectorate as the Council's case for the appeal.

The application should be refused due to the detriment to highway safety and adverse impact on the character and appearance of the countryside.

Enforcement Action

Because the unauthorised development has already occurred on the site and has exceeded the temporary consent granted by the Planning Inspector, I request that enforcement action is authorised to remove all caravans or mobile homes, structures, materials and equipment brought onto the land in connection with the use as set out in condition 3 of the Inspectors decision.
6.2 The time period for the compliance will need to be assessed following further consideration of the personal circumstances of the occupiers, in light of the Human Rights Legislation and the time it will take for alternative sites to become available through the Gypsy and Travellers Local Plan.

7. Recommendation:

7.1 To authorise the Director of Growth and Localism to recommend to the Planning Inspectorate that the application should be refused for the following reasons:

- The unclassified road serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width and lack of passing provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety contrary to South Norfolk Local Plan policy IMP8.

- The applicant does not control sufficient land to provide adequate visibility at the site access. The proposed development would therefore be detrimental to highway safety, contrary to South Norfolk Local Plan IMP8.

- The permanent standing of caravans and vehicles, would represent an intrusive feature in the landscape, harmful to the amenities and character of the locality, contrary to IMP2 and ENV8 of the South Norfolk local Plan.

7.2 To authorise enforcement action to secure the removal of all caravans or mobile homes, structures, materials, equipment which have been brought onto the land in connection with the residential use. The compliance period to have regard to the likely timescale for the delivery of alternative sites for Traveller accommodation (subject to legal advice as to the applicant’s Traveller status).

Contact Officer, Telephone Number and E-mail: Claire Curtis 01508 533788 ccurtis@s-norfolk.gov.uk
Appendix 2

The Planning Inspectorate

Appeal Decisions
Hearing held and site visits made on 8 and 9 March 2011

by V F Ammoun BSc DipTP MRTPi FRGS
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 May 2011

Two appeals relating to land adjacent to Gilderswood Lane, Fornett St
Peter, Norwich, NR16 1LN

- The appeals are made under section 78 and 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Matt May against an enforcement notice issued by South Norfolk District Council and a refusal of planning permission by that Council.
- The Council’s references are 2010/8027 and 2010/0934/F.

Appeal A - The planning application – Ref: APP/L2630/A/10/2138729
- The application Ref 2010/0934/F, dated 28 May 2010, was refused by notice dated 03/09/2010.
- The development proposed is Change of use from agricultural land to residential site for Traveller family, to include the stationing of 2 static caravans, 2 touring caravans and a day block plus associated landscaping and fencing.

Summary of Decision: The appeal fails, as set out in the Formal Decision

Appeal B - The enforcement notice - Ref: APP/L2630/C/10/2138732
- The notice was issued on 15 September 2010.
- The breach of planning control alleged is without planning permission, change of use from agricultural land to: land for residential purposes and for the standing of residential caravans for human habitation and associated domestic items.
- The requirements of the notice are Remove the caravans and all associated domestic items from the land and cease the use of the land for residential purposes.
- The period for compliance with the requirements is no later than 31 July 2011.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal succeeds and temporary planning permission is granted, as set out in the Formal Decision.

The two appeals

1. The appeal against the enforcement notice on ground (a) seeks permission for what is enforced against (the “deemed application”), a residential caravan site use currently with a single caravan. The planning application appeal is in summary for two residential caravan pitches each to comprise a static caravan and a touring caravan, and a shared day block.

The hearing

2. The Hearing was attended by many members of the public¹, and their representations together with earlier written comments on the application or appeals have been taken into account in these decisions, but are not separately mentioned where they support the views of the Council or of the Appellant.

¹ Those taking an active part in the proceedings are listed in the Appearances, and include members of the District and Fornett Parish Councils, and of a local resident’s objectors group.

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3. Prior to and during the Hearing documents were provided and representations made relating to a costs application by the Appellant against the Council, and this application was formally made on the second day of the hearing. Following further exchanges and questions from myself the Appellant first withdrew parts of the costs application, and then withdrew the application in its entirety. I therefore do not state any conclusion on several matters put forward as relating to the costs application only, in particular the historic responsibility for tipping in the area, the response to a Land Charges search, and the claimed existence and failure to use a £300,000 local fund for the provision of gypsy accommodation.

4. Suggestions were made that other grounds of appeal might have been pursued against the enforcement notice, including nullity, invalidity, and an appeal on ground (b). After I had clarified the nature of these possible grounds, it was formally stated for the Appellant that these matters were in fact not being pursued. For completeness I record that on the evidence before me the possible claims of nullity or invalidity, had they been made, would not have succeeded. I shall comment on a possible ground (b) matter below.

The appeal site and area

5. The appeal site is situated in the countryside within a predominantly arable agricultural valley landscape, on a south facing slope such that there is a fall of over 10m between the higher northern and lower southern parts of the site. The site is stated to have an area of 0.93ha and its main part is a long narrow rectangular field, to the southern lower end of which is attached a smaller field with a pond in it. This latter field is in the valley bottom and appears to be in any potential flood plain, but the current and proposed residential caravan site uses are well above this level.

6. The enforcement notice refers to the site as having been agricultural land. The Appellant stated that the previous owner of the land had used it as a yard or base for a now relocated firewood business for 20 years. A recent but undated aerial photograph shows a small area at the centre of the site served by a track and having a bare surface consistent with some form of activity, but a northern part of the rectangular field appears either overgrown or unused, while the lower part of the field and part of the southern field appears to have been mown, suggesting a hay crop. A local resident who had bought firewood from the previous occupier asserted that the use had been a very low intensity one. The Council had no knowledge of woodland use. I have concluded that there is insufficient evidence to establish that the Council was wrong in claiming that the previous use had been agricultural, or that woodland activity had been sufficient to have involved a material change of use and had continued long enough to have become lawful. It follows that an appeal on ground (b) in this regard it would not have succeeded.

7. Early 20th century Ordnance survey plans show that land to the west of the holding contained a sandpit, and that some minor excavation had taken place on the appeal site. A 1946 aerial photograph shows the excavations overgrown, indicating that activity had ceased for some years. A 1989 aerial photograph shows much the same situation, though parts of the overgrown areas on the land to the west appear to have been cleared or deposited upon.

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3 With the agreement of the parties I returned unread a document stated to relate to the fund that was handed in on the second day of the hearing in support of the costs application thereafter withdrawn.

Document 9, Ordnance Survey base plan used for Land Registry response.

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There were indications that part of the appeal site had been tipped upon, including but not confined to the presence of two gas monitoring holes of unspecified origin and date. A desk study and site investigation including qualitative risk assessment was carried out to assess contamination issues within or just outside the site. This showed that there was made ground at the centre of the appeal site, perhaps coinciding with the small areas of excavation shown on the early Ordnance Survey plan. Following consideration of this report the Council conditionally withdrew an objection to the appeal proposals on the grounds of possible contamination. On the evidence I have similarly concluded that this matter is not a main issue in these cases.

The issues

8. The Council and Appellant agreed that the appeals turned on whether any harm to the amenity and character of the countryside and/or to the safety and convenience of highway users was sufficiently outweighed by any need for additional accommodation for Gypsy and Traveller families. This is the main issue addressed below in my consideration of the cases.

9. It is, however, appropriate to deal at this point with a matter that was common to many objections from local residents but which did not form part of the Council’s case. This was that the failure of the Appellant to obtain planning permission before commencing the residential caravan site use was in itself a valid and serious objection to the appeal proposals. As stated in national Planning Policy Guidance Note 18 “Enforcing Planning Control” (PPG18), however, it is not an offence to carry out development without first obtaining any planning permission required for it. Nor is it contrary to the law as it now stands to seek planning permission retrospectively. Enforcement action is discretionary, and though PPG18 states that while it is clearly unsatisfactory for anyone to carry out development without first obtaining the required planning permission a local planning authority is expected to decide on whether or not to take enforcement action on the basis of the planning merits of rather than upon whether there has been a breach of planning control. It follows that decisions on the present appeals must be taken on the same basis.

10. Some residents helpfully emphasised that their opposition to the proposals was not personal or due to the Appellant being a Gypsy or Traveller. It was, however, also apparent that there was substantial concern that persons in these groups were favoured by being allowed caravan pitches on countryside sites where members of the settled community could not hope to receive permission for a new house. I shall refer to the circumstances in which G&T sites in the countryside have been found appropriate later in this decision.

Consideration

11. As to harm to the amenity and character of the countryside the evidence and my inspection indicated that the caravan on the appeal site either was or could be made unobtrusive from many but not all public viewpoints by suitable siting in relation to slope and existing or envisaged planting. The Appellant was prepared to reposition the existing and proposed caravans and facilities as might be required by the Council. The site is however exposed to views from the opposite valley slope, up which there is a public footpath, and having regard to the width and alignment of the site some such views appear likely to remain whatever reasonable landscaping or siting adjustments are made.

* PPG18, paragraph 7.
There will also be views from private land and property. The local landscape includes several houses which from some directions are seen on the skyline, but a further residential use, whether a house or the appeal caravan, along with associated residentially used space and car parking, necessarily involves some loss to the amenity and character of the countryside. I consider that this loss would be likely to increase with the number of caravans and associated vehicles on the site. The Council’s differing reasons for opposing the two developments reflects this point, in that they did not include a countryside policy reason for taking enforcement action against the existing caravan. Such objections were however raised by local residents, and as set out above I have concluded that there would be some harm to the objectives of countryside protection policy, saved policies IMP1 and ENV1 of the South Norfolk Local Plan being relevant in this regard.

12. Turning to the safety and convenience of highway users, the concerns of the Council and Highway Authority (HA) relate to visibility at the junction of the access track (The Loke) that links the site and other land to Gilderswood Lane, and to that lane being a single track road with few passing places. Visibility to the east of the junction in the leading traffic direction is about 20m from a 2m setback and cannot be improved by using land deemed to be within the highway. The Appellant does not control land over which visibility might be improved. There is disagreement as to traffic speeds along the lane. The HA assumes actual speeds of around 30mph, for which the guidance visibility distance is 43m. For the Appellant it was considered that vehicles would tend to travel at nearer 20mph than 30mph, and it is stated that for 20mph the Manual for Streets visibility distance is 23m. In the absence of a speed survey and the observations of local residents that some vehicles travel at speed, I am not satisfied that it is appropriate to assume the lower speed. I conclude that visibility east at the junction is less than half the guide figure. The 2m setback also implies a slight protrusion of the front of some vehicles waiting in the Loke onto the Lane carriageway. It was suggested that drivers would be influenced by local knowledge and the “risk compensation” principle mentioned in Manual for Streets 2, but against this familiarity can also result in lack of care and I noted that non-local drivers were known to travel cross country by means of SatNav guidance. After making allowance for the fact that visibility splay figures are for guidance rather than mandatory, and indications in research that a direct correlation cannot be made between visibility and accidents, I nevertheless consider that the limited visibility at this junction represents a potential hazard and inconvenience to highway users.

13. It was argued that traffic generated by the previous woodland use should count against that generated by the appeal use, but as there is little evidence of the extent of this use little weight can be given to this point. Similarly though the ex-sandpit site is now used for the storage and evidently intermittent processing of construction rubble, there was no direct evidence as to the extent of associated vehicular movements. A survey undertaken by local residents establishes that, at least for the survey dates, there was little if any activity potentially attributable to this use. Any farming use of the access is also relatively small, and seasonal. The evidence is rather that overwhelmingly the largest component of current use of The Loke/Gilderswood Lane junction is due to the residential appeal use. It was suggested that a smallholding use of the site would involve vehicle movements even if the residential use ceased, but having regard to the size of the site I consider that any such traffic is likely to be substantially less than that generated by a residential use. I have
concluded that the highway objections to the appeal use are not significantly reduced by these considerations.

14. The lower the traffic levels the lower will normally be the likelihood of two vehicles meeting, either at the junction or on a stretch of road between passing places. It was not in dispute that traffic levels were low, and the Appellant relied on the local residents' survey to show this. The use by towed caravans would evidently be infrequent, and similar in effect to agricultural towed equipages that already use the Lane. There was no formal record of traffic accidents in the area. On the other hand there were references to near accidents and need to take avoiding actions; so whatever the statistical probability of highway users meeting it is not so low as to be insignificant. It also follows that the longer the junction and Lane are used, the greater the likelihood of its inadequacy resulting in hazard, and/or inconvenience due to vehicles having to back to the nearest informal passing place.

15. I have taken into account that the evolution of the countryside over time has resulted in many dwellings that have accesses and locations that do not meet current standards for use by motor vehicles. This does not, however, in itself justify permitting further such sources of hazard or inconvenience. Saved local plan policy IMP8 seeks to protect highway safety and avoid affecting the free flow of traffic. I have concluded that notwithstanding the low levels of usage of Gilderswood Lane, the effect of the appeal residential use upon the safety and convenience of highway users is a material objection to the appeal proposals, and that this objection is the greater with the proposed two pitch development, and for more than a relatively short term use of the site.

16. As to any need for additional accommodation for Gypsy and Traveller families the Council accepts that there is an unmet need for caravan pitches within the District that exceeds what the appeal proposals provide or would provide, and the Hearing proceeded on that basis. The Council also acknowledged that there was no evidence of currently available suitable alternative provision for those needing sites. The Council envisaged that the need for pitches would be met by (a) the normal process of receiving and considering planning applications, pointing out that it had demonstrated its willingness to grant permission for suitable residential caravan sites, and (b) provision through a Development Plan Document (DPD) that allocates sites.

17. As to (a), the approval of planning applications for pitches has hitherto failed to meet need, and there is no relevant saved Local Plan policy directly concerned with G&T site provision to offer guidance. While sites may be expected to come forward and some will be approved as in the past, there is nothing to suggest that this will be more successful than hitherto in meeting need. As to (b) the Council envisages making provision through the local planning process, and their earliest estimate of when a DPD might be completed to allocate sites (for all kinds of accommodation, both bricks and mortar housing and G&T pitches) was 18 months as a minimum and two and a half years as the envisaged maximum. The Appellant considered that this longer timescale might be achieved 'with a following wind', but pointed out that it was common for DPD programs to slip. Noting also that at the time of the Hearing the Council had not yet formally adopted its emerging core strategy it is reasonable to work on the basis of a three year completion period for the DPD.

Having regard to this agreement it is not necessary for me to give weight to or consider further the Regional Spatial Strategy, related Circular 17/2006 policy, or the disputed evidence as to how many pitches were in fact needed.

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18. Allocation in a DPD does not in itself make a site available, so some additional time may be expected to elapse before DPD allocated sites become available. A period of two years could be needed if there were adverse factors such as an unwilling landowner and/or a need for significant site works. On the other hand as pointed out for the Council such factors could be favourable and provision made more speedily. It is also necessary to give some weight to the possibility that the approval of planning applications might reduce need over the period of DPD preparation. Taking all these factors into account, I consider on the balance of probability that need is likely to be met in four years, and thus by the summer of 2015.

19. That weight is to be given to unmet need in determining planning applications is indicated in Planning Policy Statement 3 (PPS3) “Housing” which requires that local authorities should through the planning process allocate and maintain a five year supply of sites for both, the settled and the Gypsy and Traveller communities. In a report the Council’s Housing Officer has referred to the Housing Act requiring that provision be made. The acknowledged need for pitches is thus a material consideration supporting the appeal. At paragraph 71 PPS3 states in part that “Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing...”. Though this is not to be interpreted as a requirement to approve any application that is made in such circumstances, nor does it explicitly require a five year supply of G&T caravan pitches as distinct from bricks and mortar housing, it adds weight to an appeal where there is an actual shortfall in provision and no allocation whatsoever for additional sites for future G&T use, rather than the five year supply specified for normal bricks and mortar housing.

20. The Appellant family includes a young son who has just started school, a beneficial result of the family having ceased camping by the roadside, but apart from this no other personal circumstances were put forward to support the appeals. Two matters concerning the Appellant are, however, directly relevant. Firstly it was agreed that he was a gypsy for planning purposes, and there was no evidence to the contrary. This establishes that the present single caravan currently helps to meet the housing needs of the G&T community. Secondly there is the agreed lack of alternative sites for the Appellant family, so that unless the Council were to tolerate a continuing use of the appeal site, the effect of upholding the enforcement notice would be to make the Appellant family homeless. On the evidence this would result in them camping by the roadside, or relocating to another unauthorised site. In the light of the foregoing the Council acknowledged, in my view appropriately, that considerable weight should be given to the existing caravan meeting need.

21. On the other hand the planning application appeal proposal for a two pitch caravan site was justified as intended to provide a pitch for the Appellant’s son. As the boy is about five years old, his need for independent accommodation is a future one. It is national policy that the housing needs of all are to be addressed through locally determined planning policies, and notwithstanding the evidence of delays and indeed setbacks in earlier efforts to allocate sites in South Norfolk for G&T needs, the thrust of national policy is such that I consider the Council will be successful in meeting whatever may then be its housing duties well before the Appellant’s son needs his own pitch. I therefore give little weight to the claimed need for a second pitch. I have concluded that the harm to the amenity and character of the countryside and to the safety and convenience of highway users is not sufficiently outweighed by a need for
additional pitches in respect of the proposal for two pitches, and the planning application appeal for two pitches will fail.

22. On the other hand the existing caravan meets a present need that is made more pressing by the absence of known alternative accommodation. It was argued for the Appellant that a permanent planning permission was justified, and needed to provide certainty and make possible investment in the site. Permissions permanent or temporary have indeed been given for G&T caravan sites in the countryside, notwithstanding the long established countryside protection policies that apply nationally. I have referred to concerns expressed at the Hearing that such permissions unfairly benefited the G&T community as compared to the local settled community. In my experience such permissions in the countryside tend to be granted where more suitable provision has not been made elsewhere, and in situations akin to that mentioned in the extract from PPS3 referred to above. In such cases it can be that, because each such application and site has to be considered in isolation and when it is made, the balance of harms and need may support an approval. Similarly permanent permissions may be given where there was no prospect of alternative needed sites coming forward within a reasonable period. In this case however South Norfolk Council does intend to make suitable provision for all types of residential need in a site allocating DPD that is likely to make a suitable provision of G&T sites in four years. Additionally, the DPD site allocating process has the advantage over the isolated consideration of individual planning applications in that it makes possible the comparison of alternative sites, so that the ones least harmful to rural amenity and to other material considerations can be chosen. It cannot be assumed that the appeal site would prove acceptable when compared with alternatives selected through the DPD process. I have concluded that a permanent planning permission is not appropriate.

23. The Council did not consider that even a temporary permission should be granted, in part because they considered the highway objection compelling, and in part concerned that a permission would give the wrong impression that subsequent applications could be approved. As to the highway objection, the Council itself allowed about nine months for compliance with the enforcement notice, expiring at the end of July 2011 so as to avoid interrupting the school year of the Appellant’s son. That such a period was allowed despite the highway concerns must reflect their conclusion that the likelihood of harm or inconvenience to highway users was not so great as to debar some allowance being made for other considerations. I concur with this assessment, and note that a similar approach would now imply a period of compliance extending to July 2012, and would reflect the well established interconnections between absent or interrupted schooling and the various health and other disadvantages experienced by the G&T community. Turning to the Council’s second concern, Circular 11/95 The use of conditions in planning permissions states at paragraph 110 in part that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of that period. Such a change in circumstances must necessarily require re-consideration of the planning merits of a development, and so any impression that the grant of a temporary permission implies that future permissions would be granted, or sets any precedent in that regard, would be misconceived.

24. A further and important consideration in support of a temporary permission rather than upholding the enforcement notice with an extended compliance
period is that by granting permission conditions can be imposed upon use of the site in the meantime. Such conditions could be enforced by a Breach of Conditions Notice against which there is no right of appeal.

25. In reaching an overall conclusion on the merits of the deemed planning application to retain the existing residential caravan use I have for the reasons set out above concluded that there would be harm to the amenity and character of the countryside and to the safety and convenience of highway users. It is clear and acknowledged by the Council that considerable weight should be given to the need to provide accommodation for a Gypsy and Traveller family, in particular as the current occupiers are a G&Ts family without alternative lawful accommodation. Also taking into account the likelihood that suitable alternative accommodation is to become available through the DPD process within a reasonable period, that some period of continued occupation would be necessary in any event, and the advantages of controlling conditions, I have concluded that the harms would be sufficiently outweighed over a temporary period⁴. The enforcement notice will be quashed, and a temporary planning permission granted to the deemed application for the present single pitch use, subject to conditions. The appeal on ground (c) therefore no longer falls to be dealt with.

26. The parties agreed on some of the conditions that would be appropriate. Those agreed were that the use should be restricted to G&Ts; that the maximum number of caravans should be specified; that there should be no business or storage uses; and that external lighting should be controlled. I shall impose such conditions, though clarifying that a smallholding/agricultural use is not excluded. As a temporary permission is to be granted it is necessary to require the return of the land to its former condition after the four years have elapsed. I shall exempt from this requirement the borehole and its concrete surround, as this could serve a future agricultural use. The Appellant offered a landscaping scheme of three planting strips, but as in the Council’s view two of the strips would be of limited value and the permission is to be a temporary one, I shall impose only a requirement to plant the third strip. This would not be unduly onerous having regard to the duration of the permission and the amount of planting. I shall also impose a condition to limit the effect on views into the site and reflecting the Appellant’s stated willingness to site the caravans anywhere that was wanted, using the borehole as a marker point.

27. The Highway Authority supported by the Council sought an improved surface of the Lode adjacent to the junction, and to ensure that the existing gate be set back and hung to allow a car/caravan combination to safely draw off the highway before the gate is opened. I consider that the former improvement though desirable would not be reasonable where only a four year permission is being granted. The need to reposition the existing gate turns upon whether it is in practice ever closed, but there was no evidence that it was not kept open and some photographic evidence that it was. I conclude that this condition should not be imposed.

28. It was agreed that concerns at increased surface water drainage could be met by requiring the approval of the Council to any further hard surfaces. The

⁴ In these circumstances I do not need to consider further or give weight to Circular 1/2006 which refers to giving substantial weight to granting temporary permissions where there is imminent need, or to its current consultative draft replacement which refers to giving favourable consideration where there is not a five year supply available, after an initial six month period to allow a five year supply to be allocated.

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Appellant sought to exclude any hardstanding under caravans, but I consider that any such proposals should turn upon the than circumstances and needs.

29. The Council accepted that the existing septic tank could be dealt with under the Building Regulations. A condition to protect the day room from any ground gas is no longer needed as the application that includes the day room is to be refused. A condition requiring the testing of food grown on the site for possible contamination goes beyond what is reasonably associated with the appeal development, in particular as the previous use of the land was evidently for agriculture and a smallholding use would not require planning permission.

30. It was argued that to fail to allow the appeal use would be in breach of the Human Rights of the Appellant family. As planning permission is to be granted, this matter does not arise in these terms. The temporary nature of the permission and the other conditions limiting use of the site do involve some interference in the rights of the Appellant, but having regard to the legitimate community objectives sought by policies for the protection of the countryside and the safety and convenience of highway users, and also the likelihood of suitable permanent caravan pitch provision being available at the end of the temporary period, I consider that such interference meets the test of proportionality and does not amount to a violation of human rights. I have taken into account all the other matters raised in the representations, but do not consider that they outweigh the considerations which have led to my decisions.

FORMAL DECISIONS

Appeal A - The Planning application - Ref: APP/L2630/A/10/2138729

31. The appeal is dismissed.

Appeal B - The Enforcement Notice - Ref: APP/L2630/C/10/2138732

32. I allow the appeal and direct that the enforcement notice be quashed. I grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely use of the land for residential purposes and for the standing of residential caravans for human habitation and associated domestic items subject to the following conditions: -

1) There shall be no more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 stationed on the land at any time, of which not more than one shall be a static caravan or mobile home, and any second caravan must be a touring caravan.

2) The caravans shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006, and their resident dependants.

3) The use hereby permitted shall be for a limited period being the period of four years from the date of this decision, and at the end of this period the use hereby permitted shall cease. Within three months of the end of this period all caravans or mobile homes, structures, materials and equipment brought onto the land in connection with the use shall be removed from the site and the surface of the land shall be restored to its previous

http://www.planning-inspectorate.gov.uk
natural condition with the exception of the concrete surround to the borehole, the said borehole, and the planting referred to in condition 7 below.

4) No commercial activities shall take place on the land, including the storage of materials, other than a smallholding agricultural use.

5) No external lighting shall be provided on the site other than with the prior written consent of the local planning authority and in accordance with the terms of that consent.

6) No hard surface shall be formed on the site without the prior written consent of the local planning authority, and in accordance with the details thus approved including but not confined to any requirement therein relating to the permeability of the surface.

7) Not later than the end of March 2012 there shall be planted within and along the northern boundary of the site east of the entrance to the site an east-west 16m long staggered double row of plants at 25cm centres comprising equal numbers of the following: Field Maple, Ash, Crab Apple, Wild Cherry, and Hawthorn. Any plant which is removed, uprooted or dies within three years of planting shall be replaced with a plant of the same species and size as that originally planted, unless the local planning authority gives its written consent to any variation.

8) No caravan or part of a caravan shall be sited north of an east-west line across the site through the borehole.

VF Ammoun
INSPECTOR
Development Management Committee 16 September 2015

Parish : LODDON

Applicants Name : Mrs Monique Bourns
Site Address : Ingloss Coach House Ingloss Lane Loddon Norfolk NR14 6ED
Proposal : Creation of a bridge to traverse ditch and create new access, and retention of oil fuel storage tank.

Recommendation : Refusal
1. Creation of an additional access would adversely affect the setting of the listed building.

1. Planning Policies

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

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

1.3 South Norfolk Local Plan 2003
IMP 8: Safe and free flow traffic
IMP 9: Residential amenity
IMP 15: Setting of Listed Buildings

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 Autumn 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.

1.5 Development Management Policies
DM3.12 Road safety and the free flow of traffic
DM3.14 Amenity, noise and quality of life
DM4.11 Heritage Assets

Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:

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.”

2. Planning History

2.1 2015/0552 Variation of condition 2 of permission Under consideration
2013/0425/H - revised position of replacement fence

2.2 2013/0425 Replacement of existing gates and fence - re-using original gates, erecting new section of fence. Approved
2.3 2013/0466 Variation of condition 6 of planning permission 1997/0129/F - to allow the Coach House to be sub-let without restriction to holiday lets only or length of let, but retaining the Coach House in common ownership with Ingloss Manor

Approved

2.4 2014/0388 Removal of Condition 1 of planning permission 2013/0466 to allow the Coach House to be sold separately from the Manor House

Approved

2.5 2012/1048 Removal of Condition 6 of planning permission 1997/0129/F - to allow dwelling to be independent from Manor House

Refused

3. Consultations

3.1 Parish Council Approve

3.2 District Member Amended comments

To be determined by committee
- The reason given by the Conservation Officer that the new drive would harm the setting of the listed building is subjective and should be tested.
- I consider with careful siting conditioned surface treatment, that the new access drive would have a negligible effect on the listed building
- The officer makes reference in his comments that there is already an access to the application site but this is not within the applicant's ownership
- The Manor House is in a very isolated position on a little used minor road. It is well set back from the road with high hedges screening it from public view
- The only view of the building is via its access drive and then the principle view of the building can to be seen perpendicular to the road. What can be seen from the road is a mix of later extensions which are viewed through the trees, which in my mind do nothing to enhance the setting of the listed building
- I feel that another entrance to the coach house near the original access would not compromise the setting of the main building.
- NCC have no objection to the creation of a new access
- The oil storage tank is placed such that it cannot be seen from the Manor House and is screened

Original comments
Can be delegated

3.3 NCC Highways No objection

Proposed crossing over the verge between the highway and the proposed bridge which will need to be constructed a highway specification.
3.4 Conservation Officer Refuse
- Object to the introduction of a third access would harm the historical understanding of the listed building and curtilage structures and in doing so adversely affect setting of the listed building.
- No objection to the siting of the oil tank if screened

3.5 Representations One letter of support
- Ingloss Manor is not visible from the road
- It seems there would be little impact on the listed building and its environs
- Understand it is your preference for the coach house to use the Manor House access
- However, this would significantly adversely affect our privacy and amenity
- Think application offers a sensible solution to the issue of accessing the coach house and having its own entrance would help to ensure the maintenance of this historic building in the long term.
- We do not object to the re-siting of the oil tank

4 Assessment

4.1 The application relates to the Ingloss Manor Coach House, which is located just to the north east of Ingloss Manor House. The Manor House is grade II listed building and the Coach House is curtilage listed.

4.2 It is proposed to install a new bridge access across the ditch on the road frontage to provide a new access for the Coach House. The hedge has already been removed and a culvert has been partially installed, although it is now proposed to remove this and replace it with a bridge. The application also includes an oil tank located to the south of the Coach House which has also been installed.

4.3 The Coach House formed part of the Manor House and in 1997 permission was granted for it to be used as a holiday let, which used the same access as the Manor House. The Farm building to the north had been previously sold and now operates as a nursery. An application was made in 2012 to remove the holiday let condition, so the Coach House could be occupied as an independent dwelling, the subdivision of the curtilage and new access was indicated on this application. This application was refused because the proposal would result in the need to subdivide and create a new access which would have a significant adverse impact on the setting of the listed building. The applicant was made aware that a new access would need planning application at this time.

4.4 An application was made in 2013, (application number 2013/0466) to allow the Coach House to be sub-let but retained in the same ownership, which was approved, subsequently another application 2013/0466 was submitted and approved which allowed the Coach House to be sold separately. A new access was not proposed as part of either of these applications.

4.5 The Manor House has now been sold, but no right of access over the Manor House drive for the Coach House was conveyed in the sale, as a consequence the Coach House has been left with no legal vehicular access.

4.6 S66 (1) Listed Buildings Act 1990 requires: “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.”
4.7 The NPPF, policy 1 of the JCS, policy IMP15 of the SNLP and emerging policy DM4.11 of the Development Management Policies all require the impact of proposals on the setting of listed buildings to be considered.

4.8 The definition of setting of a heritage asset is much wider than just the visual impact. The Planning Policy Guidance defines setting as:

“The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.”

4.9 It is also important to note the listing description of the Manor House. This is as follows:


4.10 The listing description starts with “country house” denoting the importance of this listed building as a country house. This is a key consideration of the heritage asset.

4.11 The Conservation and Design Officer is concerned about the harmful impact the introduction of a third access would have on the setting of the listed building. Ingloss Manor House is located in an isolated rural setting with the Coach House and a complex of farm buildings located to the north. When the Manor House was operating as a fully functioning estate the farm buildings and coach house had a separate access to the north, with the more formal access to the Manor House to the south. The access and farm building to the north were sold off some years ago.

4.12 The Conservation and Design Officer considers, the division of the access was an important aspect of the country house, with separate accesses between the ‘working’ buildings, and the more formal approach for the house occupiers and visitors. Creation of a third driveway between these two existing historic access points would appear incongruous within the context of the group of listed buildings. Although the visual impact of the construction of the bridge has some harm, it would be the principle of creating a third access which would be harmful to the understanding of the significance of the principal listed building and its curtilage listed structures through the impact on its setting.

4.13 Historic England has produced guidance titled “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3”. This is key guidance that identifies the relevance of the setting of the listed building, and what can contribute to the setting of the listed building.

4.14 A heritage report has been submitted with the applicant which concludes that there would be limited harm to the setting of the listed building and a third access is the best way forward. Consideration has been given to this report but the Conservation and Design Officer maintains his position having regard for the good practice advice note referred to above from Historic England.
Paragraph 132 of the National Planning Policy Framework (NPPF) requires consideration to be given to the impact of proposed development on the significance of a designated heritage asset, with great weight being given to the assets’ conservation. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal as required by paragraph 134 of the NPPF. In this instance there are limited public benefits from the proposals. The proposed access would not lead to wider public benefits and would not secure the future use of the heritage asset. The use of the Coach House is already established, it is unfortunate that the rights to use the existing accesses has been severed from the Coach House. There are no overriding reasons in policy terms however why this application could be recommended for approval in light of the above relevant policies.

Regaining access to the Coach House from either of the existing accesses has been explored, but neither owner of the existing accesses are prepared to provide access. A further suggestion was also made to have an access which runs directly adjacent to the access to the north, which would reduce the impact of the setting of the listed building, this would involve the removal of some ash trees. The applicant is not prepared to do this because it would result in the need to move the septic tank which serves both the Manor House and the Coach House.

It is acknowledged that this is very unfortunate situation the applicant is in, but this is a decision they have made to sell the legal rights to the existing accesses, and the assessment needs to be made on planning grounds and very little weight can be given the legal situation. Unfortunately in this instance it has not been possible find a solution that all parties agree to.

It should be noted that the Highway Officer raises no objection to the new access on highways grounds.

A second application to close up the access from the Manor House into the Coach House will be approved under delegated powers as there is no material reason why this application could have been refused. An access can be blocked without permission, permission was only required for the fence adjacent to a highway. There is no requirement for an access to be provided and so there was no reason to refuse this application as submitted.

In terms of the oil tank on balance with screening the Conservation and Design Officer considers that the oil tank in its current position does not have a significant adverse impact on the setting of the listed building, subject to some screening that could be secured through condition.

Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

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

Conclusion and reason for refusal

In conclusion it is considered that the introduction of a third access would be harmful to the understanding of the significance of the principal listed building and its curtilage listed structures through its setting, with the harm not being outweighed by public benefits and therefore is contrary to the advice of paragraphs 132 and 134 of the NPPF, the Planning Policy Guidance and policy 1 in the JCS and policy IMP15 in the SNLP. The reason for refusal is recommended as follows:
5.2 The introduction of a third access would be harmful to the understanding of the significance of the principal listed building of the Manor House and its curtilage listed structures through the impact of this additional access to the setting of the heritage asset, with the harm not being outweighed by public benefits and therefore contrary to paragraphs 132 and 134 of the National Planning Policy Framework (2012), the Planning Practice Guidance and Policy 1 in the Joint Core Strategy (2011, amendments adopted 2014), policy IMP15 of the adopted South Norfolk Local Plan (2003) and emerging policy DM4.11 of the Development Management Policies (Submission version 2013).

Contact Officer, Telephone Number and E-mail: Helen Bowman 01508 533833 hbowman@s-norfolk.gov.uk
10. **App. No** : 2015/1124/O  
**Parish** : WYMONDHAM

 Applicants Name : Brandwood Estates Ltd  
 Site Address : Land at 93 Silfield Road Wymondham Norfolk NR18 9AX  
 Proposal : Proposed 5 detached two storey dwellings and 2 detached bungalows.

Recommendation : Approval with Conditions

1 Outline Permission Time Limit  
2 Standard outline requiring reserved matters  
3 In accordance with approved plan  
4 New Water Efficiency  
5 Footway on Silfield Road to be widened  
6 Provision of access/turning area  
7 Tree protection  
8 Ecology mitigation to be agreed  
9 Details of foul water disposal to be agreed  
10 Contaminated land  
11 Materials  
12 Landscaping and Boundary Treatments  
13 Site Levels

Subject to the completion of a S106 legal agreement to provide one affordable dwelling on the site.

1. **Planning Policies**

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

1.2 Joint Core Strategy  
Policy 1: Addressing climate change and protecting environmental assets  
Policy 2: Promoting good design  
Policy 3: Energy and water  
Policy 4: Housing delivery  
Policy 6: Access and Transportation  
Policy 13: Main Towns  
Policy 17: Small rural communities and the countryside

1.3 South Norfolk Local Plan 2003  
ENV 8: Development in the open countryside (Part Consistent)  
ENV 14: Habitat protection  
ENV 15: Species protection  
IMP 8: Safe and free flow traffic  
IMP 9: Residential amenity

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 Autumn 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.
1.5 Development Management Policies
DM1.3 Sustainable location of development
DM1.4 Environmental Quality and local distinctiveness
DM3.1 Housing Quality
DM3.12 Road safety and the free flow of traffic
DM3.13 Provision of vehicle parking
DM3.9 Design Principles
DM3.14 Amenity, noise and quality of life
DM4.9 Protection of Trees and Hedgerows

1.6 Site Specific Allocations and Policies
Wymondham Area Action Plan
Policy WYM 10 General green infrastructure requirements for new developments in the south of Wymondham.

1.7 Supplementary Planning Document
South Norfolk Place Making Guide 2012

2. Planning History

2.1 2015/1124 Proposed 5 detached two storey dwellings and 2 detached bungalows.

3. Consultations

3.1 Parish Council Recommend approval

3.2 District Member To be reported if appropriate.

3.2 NCC Highways Whilst there are not likely to be any objections to the principle of this site being developed for the six dwellings, there is currently an issue with the level of visibility that is available from the means of access in the northerly (on-coming traffic direction). Visibility in this direction is currently below the required standard.

Unfortunately the footway along the frontage of numbers 87 and 89 Silfield Road on the north side of number 93 is only narrow and the land behind does not form part of the public highway. Under current circumstances an appropriate level of visibility cannot be provided in the northerly direction.

The highway works that are required as part of Pelham Homes development will require that a minimum 2.5m footway and cycleway is provided along the eastern side of Silfield Road. This will enable satisfactory vision splays to be provided from the proposed entrance into this site. There is obviously no timescale for this improvement.

Consent can therefore be granted, but only with a Grampian condition to ensure the footway is provided before any of the dwellings are occupied.

Response to re-consultation on proposal for 7 dwellings to be reported as an update to DMC.

3.3 Environmental Services (Protection) No objection, subject to condition regarding potential for contaminated land.
3.4 Ecologist

No objections, recommended that condition be added requiring mitigation measures and enhancement measures outlined within Ecology report be provided.

3.5 Flood Defence Officer

No objection subject to condition regarding foul water and sewage disposal.

3.6 Landscape Officer

No objections subject to the receipt of a tree constraints plan for all trees on and within influencing distance of the site as per BS5837; all trees are to be plotted with their corresponding Root Protection Areas, crown spreads (existing and anticipated), and shading.

3.7 Representations

Two letters of support: The plan is for a sensible number of houses, the proposal would employ a number of local craftsmen.

One letter of objection. Concerns from occupier of 97 Silfield Road regarding potential overlooking.

4 Assessment

Proposal

4.1 The application seeks outline permission for 7 no. dwellings comprising 2 no. bungalows, one of which would be an affordable unit and 5 no. two storey houses. The site is land to the rear of existing residential properties on Silfield Road, and features some outbuildings and a polytunnel. The majority of the site is overgrown with grass and shrubs, and the site is surrounded by mature trees. Access would be via a new private driveway between no. 93 and no. 89 Silfield Road, across what is currently part of the garden of no. 93. This property is within the ownership and control of the applicants, and has recently been remodelled and refurbished.

4.2 Approval is sought for the principle of development, including access and scale. Details of appearance, landscaping and layout would be dealt with at the reserved matters stage. As a result although an indicative plan has been submitted showing how the development could be laid out, this matter would be controlled at a later stage through a second application.

Principle of development

4.3 The site lies outside of the Wymondham development boundary within the current adopted South Norfolk Local Plan. However it is proposed to be included within the proposed development boundary contained within the emerging Site Allocations Development Plan Document. Because this has been subject to an examination and is at an advanced stage, and no specific objections have been made to this particular area being included, it is considered that the principle of development is consistent with emerging policy. A further material consideration is that outline planning permission has been granted for 1230 houses on land to the east of this site.

4.4 The main considerations are therefore the suitability of the proposed access and highway safety, the scale and amount of the development proposed, impact on neighbouring occupiers, impact on highway safety and impact on ecology and environmental features.

Consideration of the proposed access and highway safety

4.5 The access would be between two existing dwellings on Silfield Road. Following pre-application discussions a flat roof side extension on no. 93 Silfield Road has been demolished in order to ensure the access is sufficiently wide. The proposal would result in increased amenity impacts by virtue of the private driveway running alongside the private rear gardens of no. 89 and no. 93. In mitigation, a new brick wall is proposed to reduce noise nuisance to no. 89. The impacts must be
balanced against the benefit of providing new housing in a sustainable location. In addition regard has been had to the fact no objections have been received to the proposed means of access, and on balance, the proposed access and private driveway is considered acceptable.

4.6 The highway officer has commented that visibility in a northerly direction from the access would not be sufficient due to the narrowness of the current footpath. It is understood this footpath is due to be widened as part of the proposals for the “Wymondham South” development. A condition is recommended that none of the proposed dwellings can be occupied until such a time as the footpath improvement and widening works have taken place. Subject to this the County Highway Authority raises no objection.

4.7 The applicant has confirmed that the access would be constructed to a standard that can accommodate emergency vehicles and bin lorries. The manager of the South Norfolk Waste Collection service has confirmed that they would be able to collect bins from outside the proposed properties; therefore a dedicated bin storage area should not be required.

Consideration of the scale and amount of development

4.8 The site is just under 0.4 hectares in area, so the density is relatively low at 17.5 dwellings per hectare. The site is well screened by mature trees and large enough to comfortably accommodate the requisite footprints of the properties, private amenity space and parking and turning areas. The two bungalows would be situated closer to the existing properties, which would limit the impact on these houses. The two storey dwellings at the rear of the site would be a sufficient distance away from existing properties so as to not cause concern. There would be a further two storey dwelling close to the rear of no. 97, and the occupiers of this property have raised concerns about overlooking. However it is considered it would be possible to design this dwelling in such a way that would not cause material harm through overlooking or overshadowing, and this matter could be controlled via reserved matters.

4.9 It is considered that the proposal would be compatible with both the existing houses on Silfield Road and also the proposed large development on the land adjacent to the site. Overall, the scale and amount of development proposed accords with policy 2 of the Joint Core Strategy and guidance within the National Planning Policy Framework. The detailed layout can be controlled via reserved matters.

Impact on Trees

4.10 The application has been amended to move the access slightly to avoid conflicting with the root protection area of some trees within the rear garden of no. 89 Silfield Road. Whilst an indicative tree survey plan has been submitted which indicates that it would be possible to construct the development without causing material harm to trees, a condition is recommended to ensure detailed tree information and tree protection measures are supplied and approved by the Council before works commence. Subject to this the proposal complies with policy 2 of the Joint Core Strategy and relevant policies within the emerging Development Management Policies document.

Impact on Ecology

4.11 A detailed Ecology Survey has been carried out on the site by Wild Frontier. This concludes that there is limited potential for protected species or ecologically rare/important habitats to occur on the site. Where a possibility of use by protected species does occur, a number of mitigation measures are proposed within the report. The County Ecologist has recommended that these be conditioned as part of any consent.

Foul and surface water drainage

4.12 Detailed surface water drainage proposals would be dealt with at reserved matters stage, when the exact layout is considered. The Council’s Flood Defence Officer has advised that there is a
foul sewer located in Silfield Road. A condition is recommended securing agreement of the method of foul water disposal.

Affordable Housing

4.13 During the course of the application there was a material change to policy following the successful legal challenge to the Government by West Berkshire Council and Reading Council. This outcome of the court’s decision means that affordable housing should be sought on sites of less than 10 dwellings, where there is a relevant development plan policy in place. The full requirements of policy 4 of the Joint Core Strategy have therefore come back into force, and based on the size of development and site area a single affordable dwelling is proposed. This would be secured via a section 106 legal agreement, and it is recommended that permission is granted subject to the signing of such an agreement.

4.14 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

Community infrastructure levy

4.15 This application is liable for Community Infrastructure Levy (CIL) and this would be sought at reserved matters stage.

Conclusion

5.1 The site is due to be included within the development boundary for Wymondham as identified by the emerging Site Allocations DPD. As a result the principle of development is considered acceptable. The site is well screened and capable of accommodating the level of development proposed. The access would cause some increased amenity impacts over the current situation, but given the fairly low level of development proposed, the lack of objections on this point, and the fact the applicant controls no. 93 Silfield Road, this impact is considered acceptable, particularly given the benefit of providing 7 additional dwellings, including one affordable dwelling, within a sustainable location.

5.2 No objections are raised by County Highways, the Ecologist or Environmental Services. The application is considered to accord with relevant adopted and emerging development plan policy and guidance within the National Planning Policy Framework. It is recommended that permission be granted, subject to the completion of the legal agreement to secure the provision of the affordable dwelling.

Contact Officer, Telephone Number and E-mail: Robert Webb 01508 533681 rwebb@s-norfolk.gov.uk
11. **Appl. No**: 2015/1203/F  
**Parish**: GISSING

Applicants Name: Mr & Mrs Sell  
Site Address: Cold Harbour Cottage Common Road Gissing Norfolk IP22 5UR  
Proposal: Erection of Log Cabin building to provide annexe accommodation for family member with learning difficulties.

Recommendation: Refuse

1. **Planning Policies**

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

1.2 Joint Core Strategy  
Policy 1: Addressing climate change and protecting environmental assets  
Policy 2: Promoting good design  
Policy 17: Small rural communities and the countryside

1.3 South Norfolk Local Plan 2003  
HOU 21: Annexes  
ENV 8: Development in the open countryside (Part Consistent)  
IMP 8: Safe and free flow traffic  
IMP 9: Residential amenity  
IMP 15: Setting of Listed Buildings

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 Autumn 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.

1.5 Development Management Policies  
DM1.3 Sustainable location of development  
DM3.8 Residential annexes  
DM3.9 Design Principles  
DM3.12 Road safety and the free flow of traffic  
DM3.14 Amenity, noise and quality of life  
DM4.11 Heritage Assets

Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:

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.”
2. Planning History

2.1 2009/0909 Block in side entrance door, demolish existing modern toilet extension, erect pantry extension and create access from kitchen and subdivide existing bedroom to create en-suite shower room

Approved

3. Consultations

3.1 Parish Council Approve

- Internal arrangement of the cottage are not suitable for long term care of the Mr Sell and his carer
- The double garage is not available for extension or alterations because it is used for domestic and commercial vehicles
- Mr Sell should be able to maintain a near independent life as possible, is a regular and valued participant in social life of the village
- Long term commitment for care is being made by the applicant
- Would not support the later use of the annexe as a separate dwelling

3.2 District Member To be determined by committee

- The site is unsuitable to have a shared access since the drainage ditch crosses the property down the centre making vehicular movement very difficult without major ground works.
- There is already a gate and established second access to the northern part of the property used for agricultural purposes.
- The disabilities could deteriorate which could mean wheelchair access could be necessary and would be difficult if the present access was used.
- The applicant is prepared to accept a condition to remove the temporary log cabin when it is no longer required to accommodate his brother

3.3 NCC Highways No objection

3.4 Ecologist Support with conditions

- Potential for Great Crested Newts on the site however, given the nature and scale of the development, potential impact on these species can be minimised by mitigation which is suggested.

3.5 Conservation Officer Amended proposal

- The building is much simplified and with the use of black stained weatherboarding and appropriate conditions it should not appear incongruous.
- Made suggestions to improve internal layout and suggest a larger French door which would make the building less utilitarian.

No Objection

- An outbuilding is this position with a low profile will not have a significant harmful impact on the setting of the listed building, not uncommon feature and would not appear incongruous
- Recommend a more traditional roof material such as pantiles to corrugated metal
3.6 Representations

- 6 letters of support
  - Only a small building
  - Specifically for the applicant's brother who has learning difficulties
  - Understand no objection to restrictions on the use, access and restricting sale
  - Would make life simpler for the applicant to be close by, so can help with emergencies
  - Visual impact is not significant, will blend in with adjacent listed building
  - Sits well within wider landscape
  - Site already has own access so would be would create no safety issues
  - Own access is required to allow emergency access by ambulances
  - Listed building is not suitable accommodation
  - Council should have duty of care to enable people to live with families and to enable carer's to for fill their function.
  - Will allow Mr Sell to remain part of the community

4 Assessment

4.1 The application relates to the land to the side of Cold Harbour Cottage in Common Road Gissing. The building is grade II listed. The site is located outside any existing or proposed development boundary way from other dwellings.

4.2 It is proposed to erect a timber annexe building with pantile roof. The annexe is being proposed to accommodate the applicant's brother who has learning difficulties as well as suffering from chronic asthma; he previously lived locally with his mother who recently passed away. It is also proposed that the annexe would provide a bedroom for a carer, as the applicant is not able to provide day to day care for his brother.

Annexe

4.3 Policy HOU21 in the SNLP permits annexes where they are designed to be ancillary to the main house and can be used as part of the dwelling when the specific need ceases to exist. The proposed annexe is located on a separate piece of land to the north of Cold Harbour Cottage which is separated from the main dwelling by a ditch. It is proposed that the annexe will use the existing field access so will be completely separate from the main dwelling. Given the separation of the annexe from the main house and having its own access the proposal is tantamount to a new dwelling within the open countryside.

4.4 The applicant is unwilling to consider suggested alternative solutions including converting the existing garage on the site or closing off the existing access and upgrading the bridge across the ditch.

Principle of a new dwelling

4.5 Given that the proposed building is considered to be a new dwelling it is important to assess it as a new dwelling in the open countryside.

4.6 Planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in determining planning decisions.

4.7 With regard to the Adopted South Norfolk Local Plan (SNLP), Annex 1 of the National Planning Policy Framework (NPPF) at paragraph 215 states that where a plan is adopted pre 2004, such as is the case here, decision makers should give due weight to policies in existing plans according to their consistency with the NPPF.
By way of clarification the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) was adopted in March 2011 with amendments adopted in 2014, and as such paragraph 215 of Annex A of the NPPF as above is not applicable to the JCS.

To this end Joint Core Strategy policy 17 identifies Gissing as being a smaller rural community by default having not been included within the settlement hierarchy. The site lies outside the existing defined development boundaries, and the emerging development boundaries, where policy ENV8 in respect of development in the countryside applies.

This policy excludes new residential development within the open countryside unless specific criterion is met. In this case none are met. On this basis the proposed dwellings would not accord with policy ENV8 and policy 17 of the JCS which restricts development outside development boundaries.

With regard to policy ENV8, as referred to above, given that this was adopted pre 2004, it is necessary to establish how much weight can be attributed to it in the decision making process by assessing the consistency with the NPPF. It was evident that this matter was recently considered by the Secretary of State (SoS) and Planning Inspectorate in the Appeal decision for Chapel Lane Wymondham (2012/1434) in which the SoS agreed with the Inspector’s observation at paragraph 101 which stated:

"With regard to Local Plan Policy ENV8, I accept that is, to some degree, the ‘other side’ of the Local Plan Policy HOU4 that allows housing within the Development Limits (54). However, on its face it is a policy that is designed to protect the countryside, rather than being one of the ‘relevant policies for the supply of housing’154. As such, I consider it is not out-of-date, though I accept that, in the absence of evidence to the contrary, addressing a housing land shortfall may well necessitate conflicting with this policy”

Therefore is considered that policy ENV8 continues to carry significant weight in the decision making process and the proposal is unacceptable as it would lead to unacceptable residential development in the countryside.

With regard to policy 17 of the JCS, this policy restricts residential development outside development boundaries unless it is affordable housing. This policy was adopted after 2004 and therefore paragraph 215 of the NPPF as referred to above do not apply. The proposal conflicts with this policy.

Emerging policy

Paragraph 216 of the NPPF sets out how to determine the weight attributable to the emerging Plans, depending on the stage of preparation of said documents, extent of unresolved objections to policies within the said documents and the degree of consistency with the NPPF. In this instance policy DM1.3 seeks to direct development to sustainable locations within development boundaries and allocated sites. Furthermore adopted policies in the Joint Core Strategy set out the growth strategy for the area for South Norfolk

The site also lies outside of any proposed development limit in the emerging Local Plan and as such is contrary to policy DM1.3.

It is considered that this has significant weight, due to their being no objections to the heart of the policy and the Local Plan Examination now having taken place. As a result of the significant weight, it can form part of the reason for refusal.

As highlighted above it is necessary to have regard to all material considerations within the decision-making process, and the NPPF is one such material consideration.
Paragraph 55 of the NPPF sets out specific exemptions should apply to allow sustainable residential development in rural areas. The applicant has not tried to demonstrate compliance with Para 55 notwithstanding this it is considered that the proposal does not meet these exemptions and is therefore contrary to the NPPF.

Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption on favour of sustainable development.

It should be noted that paragraph 49 also makes reference to how relevant policies in relation to housing are out of date if it cannot demonstrate a five year land supply of deliverable housing sites. In the Rural policy area the last figures issued on 31st March 2014 demonstrate a 9.11 land supply, and therefore as stated above policy ENV8 continues to carry significant weight.

In terms of the presumption in favour of sustainable development under paragraph 49 of the NPPF, this confirms that sustainable development has three dimensions, economic, social and environmental. It goes on to stress that these are not to be taken in isolation, because they are mutually dependent. The NPPF also sets out 13 themes for delivering sustainable development but considers its meaning of Sustainable Development to be taken as the NPPF as a whole.

Economic role

The NPPF highlights the economic role as “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure.”

The site is located some distance from any development boundary and any occupiers would be dependent on the private car as a means of transport to access services it is apparent that the Council can demonstrate that it has an up to date five year land supply of deliverable sites. Therefore in the context of the economic role, and the need to provide “sufficient land of the right type” it is considered that the Council has met this requirement in respect of residential development and therefore the economic benefits of the scheme are limited when having regard to the NPPF. Although it is acknowledged that the scheme would bring some short term economic benefits as part of any construction work and in the longer term by local spending from the future occupants.

Social role

The NPPF confirms the social role as “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”

As highlighted above, given that the Council can demonstrate an up to date 5 year housing land supply, it is considered that this largely satisfies the requirements set out above in respect of being able to provide sufficient housing in the context of the social role of the NPPF; the social benefits of this scheme are therefore limited.

Environmental role

The NPPF confirms the environmental role as “contributing to protecting and enhancing our natural, built and historic environment: and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

The site is outside the existing or proposed development limit; in an isolated location the addition of a new dwelling would erode the character of the open countryside. With this in mind the proposal would not protect or enhance the built or natural environment.
4.25 On balance, the scheme presents harm in respect of the environmental role as set out above, and the modest economic and social benefits do not outweigh this. On this basis the scheme cannot represent sustainable development.

Setting of listed building

4.26 By virtue of its location the building will affect the setting of the listed house. The design of the proposed annexe has been amended to increase the pitch of the roof and use pantiles rather than felt, to be more sympathetic to the listed building. 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.” In this instance the Conservation and Design Officer considers that the proposed annexe would not result in an incongruous element or result in significant harm to the setting of the listed building. He has made some further suggestions to improve the design which the applicant is not willing to do. However, on balance the impact on the setting of the listed building is acceptable.

Personal circumstances

4.27 Letters of support from the Parish Council and a number of residents have been submitted with the application relating to the personal circumstances of the applicant’s brother and the need to live close to the applicant. However, it is not intended that the applicant will provide any of the day to day care requirements of his brother and this will be done by an independent live in carer. As a result it is considered that there are no overriding personal circumstances sufficient to justify the erection of the new dwelling in conflict with the above mentioned policies.

Other issues

4.28 The proposed development does not raise any amenity or highway safety issues.

4.29 An ecology report has not been submitted with the application; the Ecologist suggests that the site may be used by great crested newts however, given the nature and scale of the development the Ecologist has suggested mitigation to safeguard any newts which could be conditioned.

4.30 It is proposed to deal with the foul water by package treatment plant which is acceptable in this location. It is proposed to discharge the surface water to the ditch this is contrary to the advice in the Planning Policy Guidance which gives preference to Sustainable Urban Drainage Systems such as soakaways, the agent has confirmed that in the event of the application being approved that he is happy for this to be resolved via condition.

4.31 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

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

5. Conclusion and Reason for Refusal

5.1 Although it is considered that the design of the annexe is acceptable and would not harm the setting of the listed building, or highway safety, given its separation from the main dwelling and independent access it is however, tantamount to a new dwelling. The site is outside any existing or proposed development boundaries, and therefore in the absence of any special
circumstances is contrary to policy ENV8 of the South Norfolk Local Plan, policy 17 of the Joint Core Strategy, policy DM3.1 of the emerging local plan and paragraph 55 of the NPPF.

5.2 Policy ENV8 and policy 17 resist new residential development within the open countryside unless specific criteria are met. In this case none are met; therefore the proposal is contrary to these policies.

5.3 It is evident that the scheme also fails to represent sustainable development in the context of the NPPF by virtue of the modest economic and social benefits being outweighed by the harm to the environment, which is the conflict with policy ENV8 and its intentions of protecting the landscape setting of villages and the overall rural character of the plan area.

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

Applicants Name : Vello Ltd
Site Address : Land East Of Intwood Lane Swardeston Norfolk
Proposal : Residential development of 2 dwellings, cartshed garage and associated external works.

Recommendation : Approval with condition

1. Full Planning permission time limit
2. In accord with submitted drawings
3. External materials to be agreed
4. Landscaping scheme to be submitted
5. Slab level to be agreed
6. New Access Construction over verge
7. Access - Gradient
8. Access Gates - Configuration
9. Visibility splay, approved plan
10. Provision of parking, service
11. Retention trees and hedges
12. Reporting of unexpected contamination
13. Foul drainage to main sewer
14. Surface Water
15. New Water Efficiency

1. Planning Policies

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

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

1.3 South Norfolk Local Plan 2003
IMP 2: Landscaping
IMP 8: Safe and free flow traffic
IMP 9: Residential amenity
TRA 19: Parking standards
ENV 8: Development in the open countryside (Part Consistent)
ENV 14: Habitat protection
ENV 15: Species protection
TRA 19: Parking standards
UTL 14: Waste collection and recycling
UTL 15: Contaminated land

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 Autumn 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.
Development Management Committee 16 September 2015

1.5 Development Management Policies
   DM1.1 Ensuring Development Management contributes to achieving sustainable development in South Norfolk
   DM1.3 Sustainable location of development
   DM3.1 Housing Quality
   DM3.9 Design Principles
   DM3.12 Road safety and the free flow of traffic
   DM3.14 Amenity, noise and quality of life
   DM3.13 Provision of vehicle parking

2. Planning History
2.1 No history

3. Consultations
3.1 Parish Council The parish council has no objections to the proposal of the 2 new dwellings in Intwood Lane however there are issues with traffic in the narrow lane and the addition of these houses would add to the volume of traffic using the lane.

3.2 District Member Can be delegated

3.3 Design Officer The scale and design of the proposal within the context of the area is acceptable.

3.4 Flood Defence Officer No comments from Flood Defence Officer but issues included within comments from Environmental Services Pollution team.

3.5 NCC Highways Support conditionally

3.6 Environmental Services (Protection) Support subject to conditions relating to the disposal of surface water, mains sewage disposal only and reporting of contamination during construction.

3.7 NCC: Ecologist Retention of trees and hedgerows provides ecology mitigation, therefore no further ecology requirements.

3.8 Representations 2 Letters of support
   • Tidy up the site
   • 2 storey development links in well with Blackthorn Farm and Cavall Barn
   • Land slope means roofs of new dwellings will be barely higher than other bungalows
   • Slight concern houses will be obtrusive from neighbouring properties.

   2 letters of objection
   • Not in keeping with houses built in 1939
   • Proposal is paving the way for other development
   • Intwood Lane already a 'rat run' and is used by cyclists and runners, increase in traffic will be dangerous.
   • Surface water already a problem
   • Previous inquiries to build houses have not been supported. Bungalows have been the choice of the Council which are in keeping with the area.
4 Assessment

4.1 This application seeks full planning permission to construct 2 dwellings and a cartshed and associated external works on land off Intwood Lane Swardeston. Plot one comprises a 5 bedroom (four at first floor and 1 on the ground floor), property with family/dining room, kitchen, living room and study, utility and pantry and a separate detached cart lodge, while plot 2 comprises 5 bedrooms at first floor, ground floor family room, living room dining room and kitchen, study and utility with an integral garage. The proposed development is on land to the south if the existing property known as Almond Villa which is a single storey dwelling. Access to the site is off Intwood Lane, the site lies outside the defined Development Boundary for the village of Swardeston.

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

4.3 The main issues in this case are; the principle of development, the design, scale and character of the development, residential amenity and highway safety.

4.4 Policies in the Joint Core Strategy (JCS) South Norfolk Local Plan (SNLP) and the National Planning Policy Framework (NPPF) seek to ensure that new dwellings are within sustainable locations, are of a good design and do not adversely affect residential amenity of surrounding properties.

4.5 The site lies outside the existing designated settlement boundary for Swardeston and as such the principle of residential development would be contrary to policy ENV8 of the South Norfolk Local Plan. Notwithstanding this, Policy 15 of the Joint Core Strategy identifies Swardeston as being suitable for further residential development. Furthermore, the emerging Local Plan has identified the site for inclusion within the preferred settlement boundary for Swardeston and no objections have been raised to the site as part of the consultation process which should be given material weight in the consideration of this application. The principle of residential dwellings in this location is considered acceptable in this instance.

Design, scale and character

4.6 NPPF Section 7 and JCS Policy 2 (promoting good design) seeks to ensure that development proposals respect local distinctiveness, including landscape setting and character and use of sustainable materials.

4.7 The proposed two storey dwellings are considered acceptable in terms of their design, scale and relationship to the surrounding properties. Furthermore, their scale and design is reflective of the style and form of historic (but not listed) barns which are in close proximity to the south of the site, therefore the scale and design of the proposed dwellings would be appropriate for the context within which they sit. The Council’s Design Officer is satisfied with the scheme and has commented that ‘To the north the land rises relatively steeply, so the buildings will not be viewed as being particularly prominent set back from the road even though neighbouring a bungalow. The single storey garage and lower side wing projecting to the front will reduce the impact of scale as viewed from the lane. To the south there are some very large tall trees and tall thick hedging, which, lying behind the development to the south as a backdrop, will further diminish the impact of scale in wider views, and will visibly separate the site from the existing barns to the south. It is not unusual in dispersed villages to find separate farms/farm buildings in relatively close proximity to each, with later C20th infill (including many bungalows) so it would not appear incongruous here to see such ‘agricultural’ forms close to each other when passing along the lane. The
contemporary twist to the treatment of the elevations will make the buildings visually more interesting.' On this basis it is considered that the scheme would accord with Policy 2 of the JCS and Section 7 of the NPPF.

Residential amenity

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

4.9 Notwithstanding that the application is for the construction of two, two storey dwellings, the dwelling closest to the northern boundary and adjacent to Almond Villa, has been designed to only have en-suite bathroom windows, and one bedroom window at first floor level, and a window serving a kitchen (secondary window, the main window being located in the East elevation) pantry, utility room with a door and a WC at ground floor level. A track which is not within the ownership of the applicant also separates the site boundary from the neighbouring property further reducing any impact on the amenities of the neighbouring property. Due to the level difference (the application site being lower than Almond Villa to the north), the impact of a two storey building in this location is acceptable and does not result in unacceptable impact of the neighbouring property in terms of privacy, light and noise. As such, the scheme would accord with the requirements of Policy IMP9 of the South Norfolk Local Plan and emerging Policy DM3.14.

Highway safety

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

4.11 The application proposes one access to serve both properties which include the necessary vision splays, the scheme also provides adequate on-site parking and turning areas to serve the dwellings. The Parish Council and local residents have raised concerns regarding the already busy road used as a rat run and that further development will only make the existing situation worse. The Highways Authority has assessed the proposal and, subject to conditions, raised no objection to the development. As such, it is considered that the scheme would accord with Policies IMP8 and TRA19 of the South Norfolk Local Plan and emerging Policies DM3.12 and DM3.13.

Flood risk/drainage

4.12 Concerns have been raised by local residents to the existing problem of surface water. Environmental Services have requested a condition to ensure tests are carried out and a suitable surface water disposal system designed to prevent issues of flooding from surface water within the locality.

Ecology

4.13 The existing hedging and trees are to be retained on the site. The Ecology report submitted with the application suggests the ecology value of the site is low. Comments received from the County Council state that as trees and hedging is to be retained, this is adequate to provide ecology mitigation for the site, no further measures or conditions are required. As submitted the scheme is considered to accord with ENV14 and ENV15 of the South Norfolk Local Plan.
4.14 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

This application is liable for Community Infrastructure Levy (CIL)

5. Conclusion

5.1 The site is located in a sustainable location and has been identified for inclusion within the preferred boundary for Swardeston within the emerging South Norfolk Local Plan. It is therefore considered that the requirements of the NPPF and the presumption in favour of sustainable development can therefore be accepted as a departure from local saved plan policy ENV8.

5.2 The design, scale and layout of the scheme is considered appropriate for its context. The development will not adversely affect the character of the area, will not have a significantly detrimental impact on the residential amenities of neighbouring properties. The scheme would therefore accord with sections 6 and 7 of the NPPF, Policies ENV8, ENV14, UTL14, UTL15, IMP2, IMP8 and IMP9 of the South Norfolk Local Plan and Policies 1, 2, 3 and 15 of the Joint Core Strategy.

Contact Officer, Telephone Number: Jacqui Jackson 01508 533837
and E-mail: jjackson@s-norfolk.gov.uk
13. **Appl. No**: 2015/1362/F  
**Parish**: REDENHALL WITH HARLESTON  
**Applicants Name**: Dr Marie Bouvet  
**Site Address**: 3 Broad Street Harleston Norfolk IP20 9AZ  
**Proposal**: Change of use from Fitness Studio/Therapy Centre to Veterinary Practice. Alteration of interior stud wall configuration of building.  
**Recommendation**: Approval with Conditions  
1. Full Planning permission time limit  
2. In accord with submitted details  
3. Ventilation system details  
4. No generators, air handling plant  
5. Limited opening hours for customers/deliveries  
6. Noise Management  
7. Link use to first floor flat

14. **Appl. No**: 2015/1363/LB  
**Parish**: REDENHALL WITH HARLESTON  
**Applicants Name**: Dr Marie Bouvet  
**Site Address**: 3 Broad Street Harleston Norfolk IP20 9AZ  
**Proposal**: Change of use from Fitness Studio/Therapy Centre to Veterinary Practice. Alteration of interior stud wall configuration of building.  
**Recommendation**: Approval with Conditions  
1. Listed Building Time Limit  
2. In accord with submitted details  
3. Ventilation system

1. **Planning Policies**

1.1 National Planning Policy Framework  
NPPF 01: Building a strong competitive economy  
NPPF 07: Requiring good design  
NPPF 12: Conserving and enhancing the historic environment

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

1.3 South Norfolk Local Plan 2003  
IMP 8: Safe and free flow traffic  
IMP 9: Residential amenity  
IMP 13: Alteration of Listed Buildings (Part Consistent)  
IMP 17: Alterations and extensions in Conservation Areas (Part Consistent)  
SHO 4: Town centres  
SHO 5: Mix of uses within Central Business Areas  
SHO 6: Secondary Shopping Areas  
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 Autumn 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.

1.5 Development Management Policies
DM2.4 Location of main town centre uses
DM2.5 Changes of use in town centres and local centres
DM3.9 Design Principles
DM3.12 Road safety and the free flow of traffic
DM3.13 Provision of vehicle parking
DM3.14 Amenity, noise and quality of life
DM4.11 Heritage Assets

Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:

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.”

S72 Listed Buildings Act 1990 provides: “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

2. Planning History
2.1 2006/1623 Fixing of 2 multi-purpose brackets Approved
2.2 1995/0578 Change of use from one to two commercial units Approved

3. Consultations
3.1 Parish Council Refuse
   • lack of rear parking and access
3.2 District Member Applications should be referred to Committee due to potential noise and parking issues.
3.3 NCC Highways No objections or recommendations
3.4 Environmental Services (Protection) Initially requested a Noise Report but following a site visit the Environmental Health Officer does not consider the impact of noise to be significant enough to refuse the application. Conditions are recommended regarding use of the first floor accommodation; generators/handling plant; delivery times; customer hours and management of noise
3.5 Representations Objection received from veterinary practice in Fuller Road. They object to the proposal on the following grounds; there is not sufficient information on the storage and disposal of waste; No provision for compressed gas storage as would be used for anaesthetic; impact of
noise from the waiting room on adjoining property and lack of parking provision causing traffic problems.

Objection from resident in Old Market Place due to potential parking and noise issues.

4 Assessment

4.1 These applications seek planning permission and listed building consent for a change of use of 3 Broad Street, Harleston to Veterinary practice. This is a commercial property, which has been vacant for some months, was previously used as a fitness studio and therapy centre with accommodation at the first floor. The building is grade II listed, dating from the early 19th century and is constructed in brick with clay pantile roof. It is situated in the Harleston Conservation Area and within the secondary shopping area of the Central Business Area of the town. There is a neighbouring shop attached to the northeast side also with accommodation above. Immediately to the southwest there is a dwelling which is separated from no.3 by an alley way which runs from Broad Street though to The Thoroughfare. The building is to be used by Cherry Tree Vets, who currently have a practice in Diss.

Principle of Change of use

4.2 The existing property was previously used as a fitness studio and therapy centre and has been vacant for some months. Existing policy SHO5 supports mixed use in the Central Business Area of Harleston and under policy SHO6, where the proposed change of use does not fall under classes A1, A2 or A3 then each case is considered on its own merits. In this case it is considered that the proposed use, which is within the central business area of Harleston, is acceptable in principle as it accords with the requirements of policies SHO5 and SHO6 but will, however, need to also satisfy the requirements of other policies listed above.

Design/Heritage

4.3 The only external alterations to the building are at the rear where a new skylight is proposed together with new inlet and outlet fittings for the proposed new internal ventilation system. Internally there are new doorways and partitioning of the ground floor to provide waiting area, consulting rooms, storage areas and theatre. A small section of the original rear wall of the building is to be removed to improve access through the building for the proposed use. There is also ducting proposed for the new ventilation system and new doorways.

4.4 The new skylight is on the 20th century rear flat roof extension and its design will not harm the character of the building. The exact locations for inlet and outlet fittings are to be agreed under conditions and these are also to be positioned on the much later extension and should also not harm the character of the building. Internally, whilst the proposed subdivision will have some adverse impact on the special interest of the building, it is considered that this small level of harm is outweighed by the overall benefit of the proposed new business in the town and continued use of the building. Both the partitions and ventilation system could easily be removed at a later date.

4.5 The proposal has been carefully considered against the requirements of Sections 66 and 72 of the Act regarding the special historic/architectural interest of the building and conservation area as well as the requirements of sections 7 and 12 of the NPPF regarding design and heritage assets and is acceptable in regard to these policies due to the level of harm being outweighed by the benefits of the proposed scheme. The proposal therefore also accords with the requirements of policies IMP13 and IMP17 of the Local Plan regarding alterations to listed buildings and development in conservation areas, as well as policy 2 of the JCS regarding design.
Environmental Health

4.6 Objections to the application have been received from a local Veterinary group and a local resident regarding noise issues, in particular noise from the waiting room area during the day and at night from animals staying on the premises. The waiting room area is situated on the southwest side of the ground floor which is away from the only immediate neighbour at the northeast side and in view of the likely numbers of customers using the waiting room at any one time and taking also into consideration the previous use of the building as a fitness studio and therapy centre, it is considered that levels of noise from the waiting room area are not likely to be of such significance to justify refusal of the application or a request for amendments.

4.7 The Environmental Health Officer, having considered the likely level of noise resulting from the new business, does not consider that general noise levels will be significant enough to object to the proposal but has recommended that further details regarding management of noise, specifically relating to noise from animals remaining on site overnight and noise from the new ventilation system, are agreed under conditions. Following comments received from the Environmental Health Officer, the hours at which the business will be open to customers should be controlled under condition, which specifies the hours of use as proposed in the application. These normal business hours are from 08:00 to 18:30 Monday to Friday and 10:00 to 13:00 on Saturday. Outside of these hours an emergency service will need to be provided 365 days a year, the first floor of the building providing overnight accommodation for vets on call, who would also supervise the care of animals overnight. A condition has also been included to ensure that the vets practice at the ground floor of the premises is only in operation when the accommodation at the first floor is in use associated with the business.

4.8 The local veterinary group have also objected to the application due to insufficient information being provided on the storage and disposal of waste with no provision for compressed gas storage, as would be used for anaesthetic. The applicant has provided further information to address specifically these concerns. This information has been assessed by an Environmental Health Officer, who has commented that the applicant has ‘shown recognition of the different waste types and responded to each, clarifying further where required (eg gas). They have also provided a collection contractor for the hazardous/offensive waste. They have shown recognition for the need for further capacity for recycling and refuse (as a commercial service). Ideally the external storage point for these bins would be clarified on plans, though normally a common sense collection storage approach is taken on an individual property basis………. in short, am happy with their experience based feedback on relevant waste handling’.

4.9 In view of the above it is considered that all Environmental issues have been addressed sufficiently to satisfy the requirements of policies IMP9 and IMP10 of the South Norfolk Local Plan, subject to further details being dealt with under conditions as recommended.

Amenity

4.10 With regard to the emergency service to be provided outside of normal business hours, information has been provided by the applicant for the current business in Diss which has had a total 53 out of hours consultations in the last three years with only 2 to 3 cases per year between midnight and 8am. Taking these figures into account and whilst also acknowledging that the new business could have slightly more or less consultations outside of normal business hours, it is considered that the likely level of disruption to any neighbouring amenity resulting from out of hours consultations would not be significant to justify refusal of the application. Issues regarding noise, waste disposal and hazardous materials that could potentially adversely impact on neighbouring amenity have been addressed earlier in this report. The proposal therefore fully accords with all the requirements of policy IMP9 of the Local Plan.
Highways

4.11 The Parish Council, a local resident and the local veterinary group have all objected to the application due to the lack of parking provision causing traffic problems. It is, however, considered that in addition to the three parking spaces directly in front of no.3 Broad Street, there is sufficient parking in the immediate area for customers using the new veterinary practice. This is provided along Broad Street and in St Johns carpark on the opposite side of the road. The 3 parking spaces in front of the building are for customer use and would also be used for deliveries normally between 9am and 10am, which would be before the surgery opens for appointments.

4.12 The Highways Officer has considered the vehicle access and parking arrangements required for the business and has no objections to the proposal and has not raised any issues or made any recommendations. It is therefore considered that existing vehicle access and parking arrangements are sufficient to meet the requirements of the business and customers without having a significant adverse impact on the highway. Being in a town centre location there is also other means of transport to the business available nearby other than private car. The proposal therefore accords with the requirements of policies IMP8 and TRA19 of the Local Plan.

4.13 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

4.14 This application is not liable for Community Infrastructure Levy (CIL) as it has been in lawful use for at least 6 months within the last 3 years and no additional floor space proposed.

5. Conclusion

5.1 It is considered that existing vehicle access arrangements and parking areas are adequate to meet the requirements of the business without causing significant adverse impact on traffic or parking arrangements for existing business and residential premises in the immediate area. Subject to satisfying conditions referred to above, it is also considered that issues regarding noise, waste storage/disposal and hazardous materials have been sufficiently addressed not to cause a significant harm to any neighbouring residential amenity. The proposal is therefore considered to be an appropriate use in the context of the existing variety of businesses within the Harleston Central Business area and this use accords with policies SHO5 and SHO6 of the Local Plan. The alterations to the building required by the change of use will not harm the character of the Harleston Conservation Area and any level of harm to the special architectural/historic interest of the building is outweighed by the overall benefit of the new business to the town and continued use of the listed building. It is therefore considered that the proposed change of use is acceptable.

Contact Officer, Telephone Number and E-mail: Philip Whitehead 01508 533948 pwhitehead@s-norfolk.gov.uk
15. **Appl. No**: 2015/1438/F  
**Parish**: BRAMERTON

**Applicants Name**: Mr & Mrs N & J Walker  
**Site Address**: Land East of Orchard House The Street Bramerton Norfolk  
**Proposal**: Erection of 140kw solar photovoltaic panel array on part of the two acre field used as amenity land

**Recommendation**: Refusal

1. Contrary NPPF and SNLP policy IMP15 due to harm to setting of listed building and Conservation Area

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 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  
IMP 9: Residential amenity  
IMP 15: Setting of Listed Buildings  
ENV 14: Habitat Protection

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 Autumn 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.

1.5 Development Management Policies  
DM3.14 Amenity, noise and quality of life  
DM4.2 Renewable Energy  
DM4.11 Heritage Assets

1.6 Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas  
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.”

S72 Listed Buildings Act 1990 provides: “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

2. **Planning History**

2.1 2015/1247  
Erection of 180Kwh Solar Photovoltaic Panel  
Application returned

2.3 2014/0025 Proposed 8 no residential units, with associated garages, parking, garden and related infrastructure. Refused

Appeal History

2.4 14/00023/AGREFU Proposed 8 no residential units, with associated garages, parking, garden and related infrastructure. Dismissed

3. Consultations

3.1 Parish Council No views or comments to make

3.2 District Member Requested the application referred to Development Management Committee due to balance between green energy and harm to the listed building

3.3 NCC Highways No objections but recommended conditions regarding installation of the panels due to size of the site and restricted access.

3.4 Environmental Services (Protection) No objection but recommended conditions regarding noise from construction and mitigation measure that may be required due to glare from the panels once they are installed.

3.5 Representations Three neighbour comments received, two supporting proposal and the third not available to provide comments

4 Assessment

4.1 This application seeks planning permission for the erection of a 140kw solar photovoltaic panel array on part of a two acre field used as amenity land, which is situated immediately to the east of Orchard Farmhouse, a grade II listed building dating from the 17th century. In addition to the solar panels a new kiosk building is to be erected adjacent to the south boundary which will then be linked to an existing sub-station just south of the site behind Church View Cottages. Although the site for the panels is situated just outside the boundary of the Bramerton Conservation Area, Orchard Farmhouse and part of its rear garden is within the conservation area, the boundary running north to south. Only the south boundary of the land for the solar panels is shared with neighbouring dwellings, whose rear gardens face towards the site. Adjacent to the north there is neighbouring land but this does not form part of any domestic garden area.

4.2 An application for residential development on the land proposed for the solar panels was submitted in 2014 (2014/0024) and was subject to an appeal, the Inspector dismissing the appeal due to the level of harm to the conservation area and setting of the listed building, Orchard Farmhouse.
Policy

National planning policy framework

4.3 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.

4.4 Paragraph 93 in the NPPF 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 and is supportive of renewable energy subject to the impacts being acceptable. It also states that all applications should be approved unless material considerations indicate otherwise and goes onto say in paragraph 132 ‘When considering the impact of a proposed development on the significance of a designate heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss of a grade II listed building, or park or garden should be exceptional.’ Paragraph 134 also states the following ‘where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal, including securing it optimum viable use.’

Planning Policy Guidance

4.5 The publication of the Planning Practice Guidance (PPG) in March 2014 emphasises that the need for low carbon energy does not override environmental protections and there is also a need to consider local topography, protection of heritage assets, National Parks and Areas of Outstanding Natural Beauty as well as amenity.

Other National Guidance/Advice

4.6 The Department of Energy and Climate Change Solar PV Strategy Part 2 April 2014 states that the key principles of solar energy are to appropriately site them, give proper weight to environment considerations such as landscape and visual impact, heritage and local amenity and provide opportunities for local communities to influence decisions that affect them and gain some community benefit.

Local Policy

4.7 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 led schemes as promoted by the NPPF. The key planning considerations relevant to the proposal include visual impact, pollution, highways and the protection of heritage assets and other designations. For the purposes of considering this application the policy can be given substantial weight.

4.8 Policy IMP15 in the Local Plan deals with the setting of listed buildings to ensure that special attention will be given to the design, scale and impact of the proposals.

4.9 In view of the above policies key issues for consideration of this proposal are the principle of the proposed development, residential amenity, heritage assets, the wider landscape, highway impacts and ecology. A key material consideration is the decision made by the Inspector for the recent appeal case regarding the impact of development on this site on heritage assets.
Principle of development

4.10 The above national policies, planning practice guidance and local plan policies support the principle of renewable energy sources, such as solar panels and therefore the proposal in this application is acceptable in principle subject to meeting the requirements of other policies listed above.

Design/Heritage Assets

4.11 The Bramerton Conservation Area to the north is more rural in character, a large part of which is dominated by the large grounds of Bramerton Hall with the core of the village to the south being more tightly enclosed with a mix of buildings, mostly domestic.

Orchard House is situated along the main street in the northern section of the village core but is set back from the road with a front garden.

4.12 The land immediately to the east of Orchard House has had strong links to the domestic use of the Orchard house site since 1988, as is referred to in the previous Appeal case in the Inspectors comments. The land is undeveloped with no physical barrier separating it from the rear garden of Orchard House and forms part of the wider setting of the house. Orchard House and its neighbour to the north are situated in the northern section of the core of the village and both properties have areas of adjacent undeveloped land beyond their rear gardens that continue the rural character southward from Bramerton Hall into northern part of the core of the village, even though they are situated just outside the conservation area boundary. Looking at the wider context of the conservation area, with the exception of the land at Church Farm immediately to the south of the site there is very little development behind the general linear pattern of the village.

4.13 Solar panels are not designed to be sympathetic to traditional settings of listed buildings and conservation areas. In this case, whilst the open character of the existing land would to some degree still be preserved in views by the proposed installation, it is considered that the scale of the proposed form of development gives a degree of prominence to an unsympathetic form of development that would cause harm to the wider setting of Orchard House. This also includes to some degree the impact of the proposed chain link fencing proposed at 1.8 meters at the north, south and east boundaries which will detract also from the natural character of the existing setting.

4.14 It is also considered that whilst the site for the solar panels is situated just outside the east boundary of the conservation area it will cause a degree of harm to the setting of the conservation area boundary due to its relationship with Orchard House and its immediate curtilage land, which are both situated inside the conservation area.

4.15 The harm to the setting of both the listed building and conservation area, although not substantial, has to be balanced against the overall benefits of the proposed scheme as a renewable and more sustainable energy source. In this case, although the proposal is much larger than a typical domestic scheme of solar panels serving a single dwelling it is substantially less in size than a solar farm and it is considered that the overall benefit the scheme provides in terms of the level of energy generation is not sufficient to outweigh the level of harm to heritage assets. The proposal therefore does accord with the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act and is contrary to policy guidance in the NPPF regarding the conservation and enhancement of the historic environment as well as policy IMP15 of the South Norfolk Local Plan.
Amenity

4.16 The south boundary of the proposed development is the only boundary shared with any dwellings, with three separate rear gardens facing towards the proposed site. These dwellings are currently under construction. Due to the location of the panels in relation to the dwellings and the position of the existing hedgerow and trees at the southern boundary it is considered that there is not any significant level of harm to any neighbouring amenity to justify refusal of the scheme or a request for amendments. The application states that none of the houses will suffer glare from sunlight reflected off the panels due to the direction of travel of the sun, which makes this impossible. However, although the Environmental Officer has not objected to the application he has recommended a condition with any approval for mitigation measures should any issues arise from glare. He has also recommended a condition for control of noise during construction and for details of noise date for the upgraded transformer and new kiosk.

4.17 The neighbour at Squirrels drift has not objected to the scheme in principle but has objected to the siting of the panels which is likely to result in the felling of a number of young trees planted some 3 years ago. The panels could be moved slightly further away from the boundary to address concerns and this minor revision could be dealt with under conditions.

4.18 In view of the above, with controls in place as specified under conditions, the proposed scheme satisfies the requirements of policy IMP9.

Highways

4.19 The Highways Officer has no objection to the scheme but has recommended a number of conditions in view of the constraints of the site and access restrictions. This is to minimize disruption during installation of the panels, particularly with regard to traffic management, car parking for construction workers and prevention of extraneous material being deposited on the highway. With the recommended controls in place under conditions it is considered that the proposal accords with policy IMP8 of the Local Plan.

Ecology

4.20 The existing site was some time ago re-sown with grass mix in order to provide an annual hay crop and grazing for horses. To install the panels the top layer of turf is to be removed and re-seeded with a flower-rich meadow mixture which would provide some degree of enhancement in terms of increasing plant diversity and improving habitat for butterflies and bees. Taking into consideration the make-up of the existing site in terms of planting it is considered that the proposal will not have any significant impact on existing ecology and it accords sufficiently with policy ENV14 of the Local Plan.

4.21 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

4.22 This application is not liable for Community Infrastructure Levy (CIL) Reason: the proposal does not involve the construction of a building which can be walked into.
5. **Conclusion and Reason for Refusal**

5.1 Whilst the principle of renewable energy is supported under national and local policies, with regard to designated heritage assets any benefits of such proposals need to be carefully balanced with the level of visual harm that may result from the proposal. In this case, whilst the scheme meets policy requirements in terms of highways, residential amenity, ecology and environmental health, it is considered that the overall benefits of the scheme are not sufficient to outweigh the level of harm to both the wider setting of the listed building and conservation area. Therefore, in light of the requirements of Sections 66 and 72 of the Act the proposal does not satisfy policy guidance in the NPPF regarding the historic environment and does not accord with the requirements of policy IMP15 of the South Norfolk Plan.

Contact Officer, Telephone Number  Philip Whitehead 01508 533948
and E-mail: pwhitehead@s-norfolk.gov.uk
16. **Appl. No** : 2015/1477/F  
**Parish** : DICKLEBURGH AND RUSHALL  
Applicants Name : Mr M Hooper  
Site Address : Moor View Semere Green Lane Dickleburgh Norfolk IP21 4NT  
Proposal : Erection of bungalow to form annex to Moor View for accommodation of additional staff (Bed & Breakfast establishment).  
Recommendation : Refusal

1. **Planning Policies**

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

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 17: Development in the countryside

1.3 South Norfolk Local Plan 2003  
ENV 8: Development in the open countryside (Part Consistent)  
ENV 14: Habitat protection  
ENV 15: Species protection  
IMP 2: Landscaping  
IMP 8: Safe and free flow traffic  
IMP 9: Residential amenity  
TRA 19: Parking standards

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 Autumn 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.

1.5 Development Management Policies  
DM1.3 Sustainable location of development  
DM1.4 Environmental Quality and local distinctiveness  
DM3.1 Housing Quality  
DM3.12 Road safety and the free flow of traffic  
DM3.13 Provision of vehicle parking  
DM3.14 Amenity, noise and quality of life  
DM3.15 Pollution, health and safety  
DM3.2 Meeting housing requirements and needs  
DM3.8 Residential Annexes  
DM3.9 Design Principles  
DM4.3 Sustainable drainage and water management  
DM4.6 Landscape Character Areas and River Valleys  
DM4.9 Protection of Trees and Hedgerows  
DM4.2 Renewable Energy
Development Management Committee  
16 September 2015

1.5 Supplementary Planning Document  
South Norfolk Place Making Guide 2012

2. Planning History

2.1 2002/0758 Change of use from residential to 6no bedroom bed & breakfast facility & residential  Approved

2.2 2002/0222 Erection of conservatory to rear of dwelling Approved

2.3 1998/0942 Loft conversion to dwelling Approved

3. Consultations

3.1 Parish Council  The Dickleburgh and Rushall Parish Council comment that the site is outside the village planning envelope and they are unsure if it is permissible. 

Employment would be created, but is the accommodation necessary.

The visibility of the proposed dwelling near neighbours is evident.

3.2 District Member  Considers the application should be referred to Committee as the proposal will support a well-established business and create employment.

3.3 Environmental Services (Protection)  No objections subject to any land contamination being dealt with and a satisfactory foul drainage system is provided.

3.4 NCC Highways  No highway objections.

3.5 NCC: Ecologist  No comments in the absence of the provision of ecological information.

3.6 SNC: Flood Defence Officer  No objections providing advice regarding flood risk, surface water and foul drainage provision is followed.

3.7 Representations  There have been no representations received from local residents in favour or opposition to the proposals.

4 Assessment

4.1 The application seeks full planning permission for the erection of a single storey dwelling with three bedrooms on land at the side and within the curtilage of the dwelling at “Moor View” off Pulham Road, Dickleburgh. The dwelling is to accommodate the applicant’s daughter and son and daughter-in-law, who will be employed in the bed and breakfast business. The building is intended to be a residential annexe to the main dwelling at “Moor View” on the site. The site is located within an area of open countryside and is outside the defined village boundary for development in Dickleburgh, according to the adopted South Norfolk Local Plan. The site is situated within the existing side garden for the dwelling at “Moor View” and is bounded by trees and hedgerows. To the north, south, east and west of the site is an area of predominantly open countryside, with isolated dwellings and open farmland. There is a cottage on site which is able to accommodate up to four people overnight. The guests at the cottage usually take their meals in main house at “Moor View”.

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4.2 The main issues in the determination of the application are the principle of the development in this location, the design of the dwelling and the highway implications of these proposals.

Principle of development and design

4.3 The site is located outside the development boundary for the village of Dickleburgh and the approval of any new dwellings without special justification would be contrary to policy ENV8 of the South Norfolk Local Plan. Insufficient special evidence has been put forward to support the proposal under this policy and therefore the construction of a new dwelling in this location is contrary to policy. The need for an additional dwelling to accommodate people working in the bed and breakfast business, when there is already an additional cottage on site which could be used for this purpose is not sufficient special justification for the new dwelling. It is considered that for the size of the bed and breakfast accommodation business on the site that there is adequate dwelling accommodation to house the number of people who will be managing and administering the business on the site. A long term need for additional residential accommodation has not been adequately demonstrated by the applicants.

4.4 The national Planning Policy Framework states that there is a presumption in favour of sustainable development and that relevant policies in the local plan cannot be considered up-to-date where a 5 year supply of deliverable housing sites does not exist. Dickleburgh is situated within the Rural Policy Area which has a confirmed 5 year land supply of housing land. As a result, the 5 year land supply is not an issue for consideration within the determination of this planning application.

4.5 An exception to the policy is Paragraph 55 of the NPPF which states that Local Planning Authorities should avoid approving new isolated homes in the countryside unless there are Special circumstances such as the exceptional quality or because of the innovative nature of the Design. Such a design should:
   - Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas
   - Reflect the highest standards in architecture
   - Significantly enhance its immediate setting
   - Be sensitive to the defining characteristics of the local area

4.6 The proposed development has been assessed in relation to each of the 4 elements of paragraph 55, all of which must be satisfied in order for the proposed development to be supported.

4.7 The design of the proposed bungalow is of a conventional, contemporary design, which does not draw upon traditional and vernacular forms of architecture. The building has been designed with an appropriate scale and the building can be built fit for purpose. Significant excavation of the land will be required in order to locate and construct the dwelling, the garden and the vehicular access to the site. The erection of a dwelling on this site would not significantly enhance its immediate setting and is therefore is not acceptable. The proposal has not satisfied the stringent requirements of paragraph 55 of the NPPF.

4.8 The proposals for a separate, detached bungalow on the site cannot meet the criteria stipulated in Policy DM 3.8 for a residential annexe to the existing dwelling on the site at “Moor View”. It is not directly connected by an internal link or otherwise have a close spatial relationship with shared facilities and space. It would not be possible to absorb the proposed dwelling back into the main dwelling accommodation by the same or future occupiers. The proposals are clearly for an additional detached dwelling on the site within an area of predominantly open countryside, which would be contrary to the restrictive planning policies for development within the area as detailed in the earlier part of the report.
Highway safety implications of the proposals

4.9 The proposed vehicular access to the site is taken from an existing access point from Pulham Road, which serves the existing dwellings at “Moor View” and the cottage on the site. No highway safety objections have been raised by Norfolk County Council Highways Department, the Parish Council and any local residents. There is adequate car parking and vehicle manoeuvring space on site to serve the proposed development. It is considered that these proposals would be in accordance with Policy IMP8 of the South Norfolk Local Plan 2003.

Drainage/contamination

4.10 There have been no objections raised by the Environmental Protection Officer in respect of foul and surface water drainage/flooding issues, together with land contamination issues subject the imposition of appropriate conditions if approved.

Other matters

4.11 Under Section 143 of the localism Act the Council is required to consider the impact of the proposals on local finances. This can be a material consideration but in the instance of this application the other material planning considerations considered earlier in the report are of greater significance.

If approved, this application is liable for Community Infrastructure Levy (CIL)

5. Conclusion and Reason for Refusal

5.1 The proposed development is outside any Development Limit or Village Boundary as defined by the South Norfolk Local Plan. In the absence of any special need identified, the proposal conflicts with Policy ENV8. The South Norfolk Rural policy Area has 9.11 years residential supply, so the overriding presumption in favour of sustainable development does not apply. The proposal does not satisfy the requirements of paragraph 55 of the National Planning Policy Framework (NPPF), particularly in relation to significantly enhancing its immediate setting and being sensitive to the defining characteristics of the local area. In view of the above the proposal is contrary to the Joint Core Strategy Policy 2 and South Norfolk Local Plan Policy ENV8. Because the proposed development conflicts with Development Plan and there are no other material considerations that override it, including the criteria set out in paragraph 55 of the National Planning Policy Framework (NPPF), the proposal is refused in accordance with paragraph 12 of the NPPF.

Contact Officer, Telephone Number and E-mail: Harry Heywood 01508 533681 hheywood@s-norfolk.gov.uk
Applicants Name : Mr Matthew Gray
Site Address : B And G Spreaders Toad Lane Mundham Norfolk NR15 1EL
Proposal : Change of use from repair and maintenance of agricultural machinery to an open B1 & B8 use. Changes to the permitted operating times to Monday to Friday from 6.30 to 18.00 and Saturday from 7.00 to 14.00. Erect a 2.4 metre high palisade fence to the rear and side for the creation of external storage compound.

Recommendation : Approval with conditions

1. Full Planning permission time limit
2. In accord with submitted drawings
3. Limited Hours of Use

1. Planning Policies

1.1 National Planning Policy Framework
NPPF 03: Supporting a prosperous rural economy
NPPF 07: Requiring good design
NPPF 11: Conserving and enhancing the natural 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 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 Autumn 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.

1.5 Development Management Policies
DM2.1 Employment and business development
DM3.12 Road safety and the free flow of traffic
DM3.14 Amenity, noise and quality of life

2. Planning History

2.1 2009/0204 Erection of a building for the repair and maintenance of agricultural machinery Approved

3. Consultations

3.1 Parish Council No comments received

3.2 District Member To be reported if appropriate
3.3 NCC Highways No objection
   - Proposed use is unlikely to generate any more traffic than existing use

3.4 Environmental Services (Protection) Support subject to conditions
   - Hours of use conditions as proposed

3.5 Representations One letter of support from the landlords

4 Assessment

4.1 The application relates to the existing industrial building which has a specific use for the repair and maintenance of agricultural machinery, it is accessed off Toad Lane in Mundham. There are a number of other businesses as part of the cluster of units including Agriteck, a pig farm and buildings associated with Seething airfield. There is also a bungalow with an agricultural occupancy restriction located to the north.

4.2 This application is to change the use of the building to an open B1/ B8 (light industrial/storage and distribution use), erect a 2.4 metre palisade fence to the rear and side of the property to create an external storage area and allow extended hours of use of the building to Monday to Friday from 6.30 to 18.00 and Saturday from 7.00 to 14.00.

4.3 The NPPF supports rural businesses, the building is already in industrial use albeit restricted, the proposed change of use to B1 / B8 would not result in any additional noise and disturbance than the existing use and is unlikely to generate significantly more traffic than the existing use. As a result there is no objection to the principle of the change of use.

4.4 There is a residential property to the north of the site but given this has an agricultural occupancy condition and consideration has also been given to the other unrestricted uses in the immediate area, it is not considered that the proposal would significantly harm the amenity of nearby properties in accordance with policy IMP9 in the SNLP if longer hours of use were given.

4.5 Although the site is within a rural location it is within a group of industrial and agricultural building and as result it is not considered that the visual impact of the fence would significantly adversely affect the local landscape.

4.6 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

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

5 Conclusion

5.1 The proposed change of use, extended hours of use and new fencing would not significantly adversely affect the amenity of nearby residents, highway safety or local landscape. As the proposal complies with relevant policies and will not cause any material harm the application should be approved with appropriate conditions.

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

Applicants Name : Mr T Skitmore
Site Address : Land south east of 9 Spinks Lane, Spinks Lane, Wymondham Norfolk
Proposal : Erection of 5 new dwellings and garages with highway improvements.

Recommendation : Delegate Authority to Director of Growth and Localism to Approve with Conditions

1. Standard Time limit
2. Approval of details
3. In accordance with submitted drawings
4. Tree Protection Plan to be agreed
5. Inclusion of swift boxes and sparrow terraces within development
6. Landscaping scheme to be agreed
7. Vehicular access works in accordance with submitted drawings
8. Visibility splays works in accordance with submitted drawings
9. Provision of parking and turning in accordance with submitted drawings
10. Provision of off-site highway works in accordance with submitted drawings
11. Off-site highway works to be implemented prior to first occupation
12. Water efficiency of 105 litres/person/day for all new dwellings
13. Foul water drainage disposal strategy and management to be agreed
14. Surface water drainage strategy and management to be agreed

Subject to completion of a S106 Agreement and pending no further substantive issues being raised.

1. Planning Policies

1.2 National Planning Policy Framework
NPPF 04: Promoting sustainable transport
NPPF 06: Delivering a wide choice of high quality home
NPPF 07: Requiring good design
NPPF 08: Promoting healthy communities
NPPF 10: Meeting the challenge of climate change, flooding and coastal change
NPPF 11: Conserving and enhancing the natural environment

1.2 Joint Core Strategy
Policy 1: Addressing climate change and protecting environmental assets
Policy 2: Promoting good design
Policy 3: Energy and water
Policy 4: Housing delivery
Policy 6: Access and Transportation
Policy 9: Strategy for growth in the Norwich Policy Area
Policy 15: Service villages
Policy 20: Implementation

1.3 South Norfolk Local Plan 2003
TRA 1: Provision of pedestrian links
TRA 3: Provision of cycle facilities
TRA 17: off-site road improvements
TRA 19: Parking standards
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
UTL 14: Waste collection and recycling
IMP 2: Landscaping
IMP 8: Safe and free flow traffic
IMP 9: Residential amenity
IMP 25: Outdoor lighting
HOU 4: Residential development within the defined Development Limits of the Norwich Policy Area settlements, and at selected locations along strategic routes

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 Autumn 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.

1.5 Development Management Policies
DM1.1 Ensuring Development Management contributes to achieving sustainable development in South Norfolk
DM1.3 Sustainable location of development
DM1.4 Environmental Quality and local distinctiveness
DM3.11 Promotion of sustainable transport
DM3.12 Road safety and the free flow of traffic
DM3.13 Provision of vehicle parking
DM3.14 Amenity, noise and quality of life
DM3.16 Outdoor play facilities and recreational space
DM4.3 Sustainable drainage and water management
DM4.4 Facilities for the collection of recycling and waste
DM4.10 Incorporating landscape into design
WYM21 Wymondham Area Action Plan

1.6 Supplementary Planning Document
South Norfolk Place Making Guide 2012

Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:

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.”

S72 Listed Buildings Act 1990 provides: “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

2. Planning History

2.1 2013/0111 Erection of 7 new dwellings and garages Withdrawn
2.2 2014/0096 Erection of five new dwellings and garages with associated works to existing highway Refused
Appeal History

2.3 15/00030/AGREFU  Erection of five new dwellings and garages with associated works to existing highway  Under consideration

3. Consultations

3.1 Wymondham Town Council  No objection.
Considers that the application should be approved.

3.2 Local District Member  No objection.
Application should be determined as a delegated decision.

3.3 SNC Landscape Officer  No objection.
The scheme is the same as the previous application (2014/0096). Will need to ensure conditions tie into what has been agreed.

3.4 SNC Affordable Housing Officer  No objection.
The affordable housing package is in accordance with policy.

3.5 SNC Flood Defence Officer  No objection, subject to conditions.

3.6 Environmental Services (Protection)  No objection.
In the event that contamination was not previously identified is found, it must be reported in writing immediately to the Local Planning Authority.

3.7 County Ecologist  No comments received

3.8 NCC Highways  No objection.
All other highway improvements being proposed are considered as satisfactory to cater for the additional traffic that will result from the development.

3.9 Representations  Letters of objection received:
• Will not make a difference to land supply.
• Same as previous application which was unanimously refused.
• Harm to rural character of lane and hamlet of Spinks Lane.
• Outside of the development boundary for Wymondham.
• Part of the designated strategic gap.
• Increase in traffic on Spinks Lane, which is single track and impact of traffic from other approved nearby developments.
• Increased flood risk and surface water and existing capacity.
• Inconsistencies in FRA and plans showing historic ditches.
• Fail to see how using 375mm dia pipe will cause anything other than increased serious flood risk.
• Impact on wildlife and habitat.
• Over-development and is not sustainable in any terms.
• Additional vehicles will make the lane more dangerous for its’ users.
• Junction between Spinks Lane and Norwich Common is now extremely hazardous with the increased traffic from all of the new developments on Norwich Road and the bus stops opposite the junction and adjacent to it.
• Changes the character of the rural lane by removing established hedging and infilling of drainage ditches.
• Impact on residential amenity.
• Removes existing hedgerows and trees.
• Concerns of increased flooding/ blocked ditches.
• Visits from fire brigade to view possible pumping of water prior flooding, has there been any thought to impact?
• Concerns regarding the traffic flow in and out of Spinks Lane on to the B1172

4 Assessment

4.1 Location and description of site

The application site consists of approximately 0.4 hectares of agricultural land located on the east side of Spinks Lane in Wymondham. The site is outside the built up area of Wymondham and within a local strategic gap. To the north of the site is a group of residential properties and to the south a series of barn conversations now used for residential purposes. To the west of the site is an area of land that has been granted outline planning permission for 275 dwellings between Norwich Road, Spinks Lane and the A11 outside of the strategic gap (ref 2012/1241). A location plan of the site is attached as Appendix 1.

4.2 The Proposal

The application seeks outline planning permission for the erection of 5 dwellings including access with all other matters reserved for future approval. Access into the site is proposed off Spinks Lane.

4.3 Members should note that this application follows a previous refusal in December 2014 for the same scheme, ref 2014/0096.

4.4 The reasons for refusal were that the principle of residential development on this site was not acceptable, by virtue of the site being outside existing and emerging development boundaries, there being a five-year land supply within the Norwich Policy Area and the development not therefore on balance being considered sustainable development. The previous refusal also expressed concern at the failure to demonstrate that adequate provision for dealing with foul water drainage.

4.5 Since the refusal, an appeal has been received by the Planning Inspectorate (ref 15/00030/AGREFU) for planning application ref 2014/0096. Members should note that a report was presented to the 19th August 2015 Development Management Committee (Appendix 2) where it was agreed that the previous scheme as reported in December 2014 is now acceptable in planning terms and consequently agreed officers to confirm to the Planning Inspectorate that the Council do not wish to contest the current appeal to be considered at informal hearing, with the provisional date of 20 October 2015. The Planning Inspector is due to make a decision later in the year on the outcome of the appeal.

4.6 In terms of this new application it must be considered on its own merits in accordance with the Development Plan, unless material considerations indicate otherwise.
Key considerations

4.7 The main considerations are the principle of development and policy considerations, highway matters, residential amenity, drainage, trees, hedges, and ecology and layout.

Principle of development

4.8 Given the Council cannot now demonstrate a 5 year housing land supply, its housing supply related policies are considered to no longer be up to date in accordance with the requirements of paragraph 49 of the NPPF. Paragraph 49 also confirms that housing applications must be assessed in the context of the presumption in favour of sustainable development. With this in mind it is necessary to establish whether the current scheme represents sustainable development. Sustainable development has three dimensions, economic, social and environmental. The NPPF goes on to stress in paragraph 8 that these are not to be undertaken in isolation, because they are mutually dependent. The NPPF also sets out 13 themes for delivering sustainable development but considers its meaning of Sustainable Development to be taken as the NPPF as a whole.

4.9 The following is an assessment of whether the scheme can be considered to represent sustainable development. It should be noted that this approach was adopted in assessing the scheme previously with a copy of the committee report from December 2014 attached as Appendix 2.

Economic Role

4.10 The NPPF highlights the economic role as “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure.”

4.11 The previous committee report confirmed that the weight of the benefit of providing additional dwellings in Wymondham was reduced as the Council could demonstrate that it had an up to date 5 year housing land supply of deliverable sites at that time (December 2014) and had already provided “sufficient land of the right type” in respect of housing as required by the NPPF.

4.12 Given that this is now not the case, the benefit of providing 5 new dwellings is greater than previously considered, and this needs to be reflected in reassessing the proposal in the context of establishing whether the scheme is considered to be a sustainable development. It is evident however that 5 dwellings in itself does not make a significant contribution to the lack of housing supply on its own. As previously stated the scheme would continue result in some short term economic benefits as part of any construction work and in the longer term by local spending from the future occupants.

4.13 In summary it is considered that the scheme would bring forward a level of economic benefit, and this is greater than previously expressed in the committee report from December 2014, although it is only for 5 new additional dwellings.

Social Role

4.14 The NPPF confirms the social role as “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”
4.15 The previous committee report considered that given the Council could demonstrate an up to date 5 year housing land supply at the time of writing (December 2014), this meant that this largely satisfied the requirements set out in respect of the social role in that it could provide sufficient housing in the context of the social role of the NPPF, and therefore the social benefits of this scheme were limited.

4.16 As confirmed above, the Council cannot now demonstrate a 5 year housing land supply and therefore the social benefits are now considered to be greater than previously expressed.

4.17 Whilst Wymondham has a significant range of facilities, there is a lack of available secondary school places within Wymondham when taking into account committed developments in the town. This would potentially necessitate accessing secondary school places outside of Wymondham which is considered to be likely to result in unsustainable transport practices and compromise social cohesion. These concerns were expressed in the previous committee report. In this instance, it is considered that the limited scale of the development proposed would be likely to result in very low numbers of children and as such would be unlikely to have any significant detrimental impacts in terms of unsustainable transport practices or social cohesion. This view was also confirmed as part of the previous committee report at paragraph 4.24.

4.18 In summary, it is considered that as the scheme would contribute additional housing, albeit a limited amount, where there is a need there would be greater social benefits than previously expressed in the committee report from December 2014, and despite the limitations of the scheme in terms of the likely lack of secondary school places in Wymondham in the future (having due regard to known growth), this does not result in a scheme which does not fulfil the social role in the context of the NPPF.

Environmental Role

4.19 The NPPF confirms the environmental role as “contributing to protecting and enhancing our natural, built and historic environment: and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

4.20 As set out in the previous committee report, the site continues to be outside the existing or proposed development limit (contrary to Policy ENV8 of South Norfolk Local Plan) and also lead to the loss of part of the defined strategic gap (contrary to Policy ENV2 of the South Norfolk Local Plan).

4.21 It is considered that this encroachment in to the open countryside, which also forms part of the strategic gap, represents a level of harm in environmental terms.

4.22 Members should note that Policy WYM21 of the emerging Wymondham Area Action Plan (WAAP), which seeks to restrict development outside of the development boundary, has been challenged and subsequently deleted from the emerging WAAP. Having had regard to paragraph 216 of the NPPF it is evident that this policy does not carry sufficient weight to represent a reason for refusal.

4.23 With regard to Policy ENV8 officers would wish to highlight that it is considered necessary to have regard to paragraph 4.9 of the previous committee report which in establishing the level of weight to be given to Policy ENV8 Officers highlighted an Inspector’s decision for Chapel Lane, Wymondham, and in particular, this highlighted that despite Policy ENV8 not being out of date, it was likely that addressing a housing land shortfall may well necessitate conflicting with such a policy.
4.24 In the context of ENV2 it is clear that this residential scheme would result in some erosion of the strategic gap and does fall to be considered as “inappropriate development” when having regard to the definition defined in the South Norfolk Local Plan.

4.25 In terms of the strategic gap, the emerging Development Management Policy (DM 4.8) carries limited weight in the decision-making process by virtue of it still being the subject of challenge via the local plan process. The policy allows for development within the strategic gap where it would not erode or otherwise undermine the openness of the strategic gap. Whilst giving limited weight to this policy here in the decision-making process, it is apparent that this proposal for 5 dwellings broadly represents an infill development between existing residential units adjacent to Spinks Lane and does not represent the significant erosion of the strategic gap or significantly compromise its openness.

4.26 This view is reinforced in South Norfolk Council’s South Norfolk Local Landscape Review Strategic Gaps/Important Breaks September 2012 paragraph 4.6.5 which states that:

4.27 Photographs D and E, taken from Spinks Lane, illustrate clusters of buildings along this north-south orientated lane on the western edge of the gap. These residential properties have a close visual and physical connection with other properties within the Wymondham built-up area and their rear garden boundaries provide an appropriate western boundary for the gap/break. The block of trees and scrub located between these two clusters provides an important contribution to the rural character of the gap/break.

4.28 The proposed scheme would replicate the existing arrangement of frontage development onto Spinks Lane which displays a close visual and physical connection to Wymondham and retain the block of vegetation referred to which acts as an appropriate western boundary to the strategic gap.

4.29 In summary, there would be some environmental harm brought about by the scheme as it does represent a level of encroachment into the open countryside and the strategic gap, contrary to the provisions of ENV2 and ENV8. This position remains the same as that previously expressed in the committee report from the 10th December 2014.

Summary of sustainable development consideration

4.30 Having due regard to the above assessment made in the context of not having a demonstrable 5 year housing land supply, it is considered that the benefits of providing additional housing, albeit not a significant amount of new housing, is sufficiently high that the concerns regarding encroachment into the countryside, including the strategic gap is outweighed by the benefits and as such, when considered as a whole, the scheme represents sustainable development. Whilst this a different conclusion to that reached previously, it is considered that the changing land supply figure is sufficient justification for reaching the conclusion set out in respect of establishing whether the scheme is sustainable.

4.31 Having established that the scheme represents a sustainable development in the context of the NPPF, it is necessary to have regard for paragraph 14 of the NPPF in respect of the presumption in favour of development for decision-taking. This states that:

"where the development is absent, silent or relevant policies are out of date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted.”

4.32 As set out above, it is accepted that the Council’s housing related policies are out of date by virtue of not being able to demonstrate an up to date 5 year housing land supply, and therefore the Council should only prevent granting planning permission if the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the NPPF when taken as a whole or specific policies of the NPPF indicate restricting the development.

4.33 In this instance, it is considered that the concerns set out in respect of the encroachment in to the countryside, including the strategic gap does not represent harm that significantly and demonstrably outweighs the benefits of providing additional housing where there is a need to do so, acknowledging that the scheme is for a limited number of new dwellings.

Trees and Hedgerows

4.34 An Arboricultural Assessment has been submitted showing how the design of the site has tried to consider the existing trees and how the retained vegetation will be protected beyond the development phase.

4.35 Since the previous application (ref 2014/0096) was submitted, South Norfolk Council has served a Tree Preservation Order (TPO) for trees on and near to land at Spinks Lane, which include T1. The justification for serving the TPO was the contribution that these trees make to the landscape character and amenity value of Spinks Lane.

4.36 The scheme has been designed in such a way to remove the requirement to widen Spinks Lane within the Root Protection Area (RPA) of the protected tree T1. The Landscape Officer has confirmed that the layout is acceptable in terms of ensuring that structures are located outside the RPAs of the trees to be retained.

4.37 An assessment of the frontage hedge against the criteria of the Hedgerows Regulations has been carried out. The hedgerow is classed as protected under the Hedgerow Regulations 1997. The revised site plan (5338/20/H) shows that the majority of the frontage hedgerow is to be retained. However, a small section of the hedgerow is proposed to be removed to obtain the viability splay for the access into site. The hedgerow assessment confirms that the section to be removed is the poorest section in terms of species richness, and that whilst it contains a similar number of tree/shrub species, the bulk of the hedgerow is dominated by Hawthorn in this location. To mitigate against this loss it is proposed that a new native hedgerow will be planted back behind the visibility splay. The Landscape Officer has carried out a review of the development and has no objection to the amended proposals.

4.38 It is considered that by ensuring that structures are located outside the RPAs of trees to be retained and the retention of the majority of the hedgerow at the front of the site as well as additional planting, demonstrates that the site can be developed in a sympathetic and respectful manner to the existing landscape characteristics and accords with Local Plan Policy IMP2 (Landscaping).

Access and Highways

4.39 The application proposes that Spinks Lane be widened in two locations along the frontage of the site to a width of 4.5 metres, approximately 1 meter each side of the existing road, to allow vehicles to pass each other. A plan shows how viability splays from the proposed new access will also be achieved to provide safe access to the site.
Norfolk County Council Highways has assessed the scheme and conclude that in view of the requirements to protect the roots protection areas of the oak tree (T1), the design is considered as acceptable to cater for the additional traffic that will result from the development and raise no objection.

Access into the site is provided off Spinks Lane that links to the primary vehicular access into the site to the north. Pedestrian access continues to be provided along Spinks Lane, which has no footpaths, together with pedestrian access into the site along its primary access. Due to the relatively low number of vehicles that use this section of Spinks Lane and the small increase in additional traffic anticipated from this development, Norfolk County Council Highways have confirmed that they have no objections in terms of vehicle and pedestrian safety and that the proposals meet with the necessary highway safety standards.

In terms of transport sustainability, the site is within the 400 metres walking distance recommended for access to public transport stops on Norwich Road and has good road access to local facilities in Wymondham. A footway / cycleway is also proposed along the south side of Norwich Road from Spinks Lane westwards as part of the approved development to the west ref 2012/1385, which could benefit the development. The site is therefore considered to be acceptable in terms of transport sustainability only.

Provision for refuse and recycling has the potential to be accommodated on-plot with provision for refuse collection points on the edge of private driveways accessible to the public highway.

The Highways Authority has suggested a number of conditions prior to the first occupation of the development relating to: details of vehicular access to be provided and retained at the position shown on the approved plan; arrangements made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway; visibility splay measuring 2.4 m x 43 metres to be provided each side of the access; on-site car parking and turning area be laid out, levelled, surfaced and drained in accordance with the approved plan; no works to commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works as indicated on drawing number 5338 20 RevG; and off-site highway improvement works completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.

Whilst it is noted that local objection on highways grounds has been received, the County’s technical consultees have found no reason to object to the development, and therefore the development is considered acceptable on the grounds of highway impact and the saved Local Plan Policy IMP8.

Design and Layout

Whilst this application is for outline planning permission only with matters relating to design being reserved, the applicants Design and Access Statement and indicative site plan and elevations demonstrates how the scheme could achieve a high quality design by having appropriate regard to the sites context. The scheme aims to do this by proposing dwellings of traditional construction and finished in materials found in the local area that relate to the rural character found on Spinks Lane.

The scheme has been evaluated against the South Norfolk Place-Making Guide and has the potential to achieve a high quality design, subject to any reserved matters application being submitted in accordance with the Design and Access Statement and indicative site layout.
Residential amenity

4.48 The amenity of existing residents must be considered under saved policy IMP9 of the Local Plan. The key concern at the outline stage would be whether the development layout in combination with the proposed scale could be accommodated on the site without detriment to the outlook, privacy or direct daylight or sunlight of existing residential properties. Concerns have been raised by some residents about the proximity of plot 1 to the neighbouring property to the north (no. 9 Spinks Lane) in relation to overshadowing and residential amenity.

4.49 Having assessed the site layout and scale of dwellings it should be noted that plot 1 is proposed as a bungalow. It is considered that the development has been designed in such a manner to avoid any direct overlooking or adverse impacts in terms of overshadowing of habitable rooms of the nearby residential properties. Proposed properties are located an acceptable distance away from existing neighbouring dwellings and are of a scale that will avoid any unacceptable loss of sunlight to rear gardens.

4.50 The proposal is only outline at present, but indicative information has been submitted. The design and position of the properties along the boundaries shows how it helps to minimise any direct impact on the amenity of existing properties and as such is considered acceptable. In a similar way, where the development sides on to existing properties it is felt that there is an acceptable distance between the existing properties and the proposed development. I am therefore satisfied that the development could accord with policy IMP9 of the SNLP at reserved matters stage.

Ecology and Protected Species

4.51 An Ecological Assessment of the site and immediate locality has been undertaken and no further work is identified as being required beyond the reports prepared and submitted. The County Ecologist has reviewed the proposals and notes that no protected species have been found on site. A reptile survey and great crested newt preliminary assessment has also been undertaken and the nearby ponds are deemed to have a low likelihood of great crested newts using them. The County Ecologist has identified that there is a chance of transient reptiles using the site, however mitigation is proposed to manage the ground vegetation before and during the construction phase.

4.52 The County Ecologist has recommended a condition requiring that 5 Swift boxes and 2 sparrow terraces are incorporated into the design of the dwellings and a planting plan is submitted and agreed by the planning authority before the construction commences.

4.53 Having considered the comments from the County Ecologists and reviewed the information submitted with this application I am of the opinion that the development accords with policy ENV14 (Habitat protection) and ENV15 (Species protection) of the SNLP.

Affordable Housing

4.54 The site proposes one affordable home on the site (a 2 bed 4 person bungalow), which meets the policy requirement of the JCS Policy 4 requiring 20% of the development to be affordable on sites for 5-9 dwellings or 0.2 – 0.4 ha hectares. The Housing Enabling and Strategy Officer has confirmed that the affordable housing package is in accordance with policy and this will be agreed through a S106 Agreement.
Drainage

4.55 The previous refusal expressed concern at the failure to demonstrate that adequate provision for dealing with foul water drainage (reason 2). Since the decision has been issued the Council has received further information in respect of foul water drainage and is now satisfied that a suitable foul water drainage system can be put in place. A planning condition would be recommended to be attached to any subsequent approval to agree the exact details of the foul water drainage system.

4.56 Revised surface water drainage information has been submitted in response to initial concerns being raised. The revised details have been assessed by the Council’s Flood Defence Officer and they have confirmed that they have no objection subject to the imposition of conditions relating to the agreement of surface water details.

Other matters

4.57 Policy 3 of the JCS required the sustainable construction of the building and the compliance with Code Level 4 for water conservation. Compliance could be secured by way of condition if the application were to be approved.

4.58 The Historic Environment Service has carried out an assessment of the proposals and has confirmed that based on the information currently available, the proposal does not have any implications for the historic environment and they do not wish to make any recommendations for archaeological work.

4.59 The Environmental Protection Team raises no objection to the proposals but a condition is suggested that in the event that contamination was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority.

4.60 Furthermore, it is also considered that the scheme does not conflict with any specific policies within the NPPF whereby permission should be restricted which must be established in considering a proposal in the context of paragraph 14 of the NPPF.

4.61 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

4.62 The proposals have been considered against the Environmental Impact Assessment (EIA) Regulations 2011. The environmental, social and economic impacts have all been considered and are adequately addressed as detailed in the above report and the proposal is not considered EIA development.

4.63 The time given to comment on this revised application has raised concerns with some residents. The application was consulted upon on 19 August, requiring comments to be received by 9 September from neighbours. Members should note that a small number of the neighbours previously consulted on application ref 2014/0096 were not consulted on this application. As such the additional neighbours identified have been consulted for 21 days and the recommendation of this application is subject to delegated authority to the Director of Growth and Localism to Approve with Conditions pending no further substantive issues being raised. It is, therefore, considered there has been sufficient consultation on this application and should any new issues be raised the application would need to be brought before Committee at a later date.

4.64 This application is liable for Community Infrastructure Levy (CIL).
5. **Conclusion**

5.1 Following the change in the council’s current position in respect of housing land supply, whereby there is no longer an adequate supply in the Norwich Policy Area, it is considered that the scheme represents sustainable development and that it does not conflict with any specific policies within the NPPF whereby permission should be restricted which must be established in considering a proposal in the context of paragraph 14 of the NPPF.

5.2 Consequently, in establishing this position, it is considered that the level of harm identified, namely encroachment into the countryside, including the strategic gap is not sufficient to represent harm that significantly and demonstrably outweighs the benefits of providing additional housing within the Norwich Policy Area where the Council does not have a 5 year supply.

5.3 On balance, the scheme is considered to represent sustainable development where no significant harm would demonstrably outweigh the benefits of the scheme. On this basis the application is recommended for approval subject to delegated authority to Director of Growth and Localism to Approve with Conditions pending no further substantive issues being raised, and completion of a S106 Agreement.

Contact Officer, Telephone Number

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Appendix 2

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Growth and Localism

Applications referred back to Committee

   Parish : WYMONDHAM
   Applicante Name : Mr T Skitmore
   Site Address : Land South East of 9 Spinks Lane Spinks Lane Wymondham
   Proposal : Erection of five new dwellings and garages with associated works to existing highway

Recommendation : Agree that the scheme is now acceptable in planning terms and consequently agree that officers confirm to the Planning Inspectorate that the Council do not wish to contest the current appeal.

Introduction

The purpose of this report is to seek the views of the Development Management Committee in respect of application number 2014/0096 for a residential development of 5 dwellings (full application) at land on Spinks Lane, Wymondham which was refused on the 12th December 2014 following the recommendation made to the Development Management Committee on the 10th December 2014. This decision was made upon the Council being able to demonstrate a 5 year housing land supply at that time (December 2014). Given that the Council has recently confirmed that it no longer has a 5 year supply within the Norwich Policy Area, it is necessary to re-assess the proposal as it is now the subject of an appeal to the Planning Inspectorate.

1. Planning Policies

1.1 The planning policies and planning history are as previously presented in the committee report presented to the Development Management Committee on 10th December 2014. This report is attached as Appendix 2.

2. Consultations

2.1 The consultation responses are as previously presented in the committee report presented to the Development Management Committee on 10th December 2014. This report is attached as Appendix 2.

3. Assessment

Revised planning assessment

3.1 Given the Council cannot now demonstrate a 5 year housing land supply, its housing supply related policies are considered to no longer be up to date in accordance with the requirements of paragraph 49 of the NPPF. Paragraph 49 also confirms that housing applications must be assessed in the context of the presumption in favour of sustainable development. With this in mind it is necessary to establish whether the current scheme represents sustainable development. Sustainable development has three dimensions, economic, social and environmental. The NPPF goes on to stress in paragraph 8 that these are not to be undertaken in isolation, because they are mutually dependent. The NPPF also sets out 13 themes for delivering sustainable development but considers its meaning of Sustainable Development to be taken as the NPPF as a whole.
3.2 The following is an assessment of whether the scheme can be considered to represent sustainable development. It should be noted that this approach was adopted in assessing the scheme previously with a copy of the committee report from December 2014 attached as Appendix 2.

Economic Role

3.3 The NPPF highlights the economic role as "contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure."

3.4 The previous committee report confirmed that the weight of the benefit of providing additional dwellings in Wymondham was reduced as the Council could demonstrate that it had an up to date 6 year housing land supply of deliverable sites at that time (December 2014) and had already provided "sufficient land of the right type" in respect of housing as required by the NPPF. Given that this is now not the case, the benefit of providing 5 new dwellings is greater than previously considered, and this needs to be reflected in reassessing the proposal in the context of establishing whether the scheme is considered to be a sustainable development. It is evident however that 5 dwellings in itself does not make a significant contribution to the lack of housing supply on its own. As previously stated the scheme would continue result in some short term economic benefits as part of any construction work and in the longer term by local spending from the future occupants.

3.5 In summary it is considered that the scheme would bring forward a level of economic benefit, and this is greater than previously expressed in the committee report from December 2014, although it is only for 5 new additional dwellings.

Social Role

3.6 The NPPF confirms the social role as "supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being."

3.7 The previous committee report considered that given the Council could demonstrate an up to date 5 year housing land supply at the time of writing (December 2014), this meant that this largely satisfied the requirements set out in respect of the social role in that it could provide sufficient housing in the context of the social role of the NPPF, and therefore the social benefits of the scheme were limited.

3.8 As confirmed above, the Council cannot now demonstrate a 5 year housing land supply and therefore the social benefits are now considered to be greater than previously expressed.

3.9 Whilst Wymondham has a significant range of facilities, there is a lack of available secondary school places within Wymondham when taking into account committed developments in the town. This would potentially necessitate accessing secondary school places outside of Wymondham which is considered to be likely to result in unsustainable transport practices and compromise social cohesion. These concerns were expressed in the previous committee report. In this instance, it is considered that the limited scale of the development proposed would be likely to result in very low numbers of children and as such would be unlikely to have any significant detrimental impacts in terms of unsustainable transport practices or social cohesion. This view was also confirmed as part of the previous committee report at paragraph 4.24.
3.10 In summary, it is considered that as the scheme would contribute additional housing, albeit a limited amount, where there is a need there would be greater social benefits than previously expressed in the committee report from December 2014, and despite the limitations of the scheme in terms of the likely lack of secondary school places in Wymondham in the future (having due regard to known growth), this does not result in a scheme which does not fulfil the social role in the context of the NPPF.

Environmental Role

3.11 The NPPF confirms the environmental role as "contributing to protecting and enhancing our natural, built and historic environment: and, as part of this, helping to improve biodiversity use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

3.12 As set out in the previous committee report, the site continues to be outside the existing or proposed development limit (contrary to Policy ENVV8 of South Norfolk Local Plan) and also lead to the loss of part of the defined strategic gap (contrary to Policy ENV2 of the South Norfolk Local Plan).

3.13 It is considered that this encroachment in to the open countryside, which also forms part of the strategic gap, represents a level of harm in environmental terms.

3.14 With regard to Policy ENVV8 officers would wish to highlight that it is considered necessary to have regard to paragraph 4.9 of the previous committee report which in establishing the level of weight to be given to Policy ENVV8 Officers highlighted an Inspector's decision for Chapel Lane, Wymondham, and in particular, this highlighted that despite Policy ENVV8 not being out of date, it was likely that addressing a housing land shortfall may well necessitate conflicting with such a policy.

3.15 In the context of ENV2 it is clear that this residential scheme would result in some erosion of the strategic gap and does fail to be considered as "inappropriate development" when having regard to the definition defined in the South Norfolk Local Plan.

3.16 In terms of the strategic gap, the emerging Development Management Policy (DM 4.8) carries limited weight in the decision-making process by virtue of it still being the subject of challenge via the local plan process. The policy allows for development within the strategic gap where it would not erode or otherwise undermine the openness of the strategic gap. Whilst giving limited weight to this policy here in the decision-making process, it is apparent that this proposal for 5 dwellings broadly represents an infill development between existing residential units adjacent to Spinks Lane and does not represent the significant erosion of the strategic gap or significantly compromise its openness.

3.17 This view is reinforced in South Norfolk Council's South Norfolk Local Landscape Review Strategic Gaps/Important Breaks September 2012 paragraph 4.6.5 which states that:

3.18 Photographs D and E, taken from Spinks Lane, illustrate clusters of buildings along this north-south orientated lane on the western edge of the gap. These residential properties have a close visual and physical connection with other properties within the Wymondham built-up area and their rear garden boundaries provide an appropriate western boundary for the gap/break. The block of trees and scrub located between these two clusters provides an important contribution to the rural character of the gap/break.

3.19 The proposed scheme would replicate the exiting arrangement of frontage development onto Spinks Lane which displays a close visual and physical connection to Wymondham and retain the block of vegetation referred to which acts as an appropriate western boundary to the strategic gap.
Development Management Committee

3.20 In summary, there would be some environmental harm brought about by the scheme as it does represent a level of encroachment into the open countryside and the strategic gap, contrary to the provisions of ENV2 and ENV8. This position remains the same as that previously expressed in the committee report from the 10th December 2014.

Summary of sustainable development consideration

3.21 Having due regard to the above assessment made in the context of not having a demonstrable 5 year housing land supply, it is considered that the benefits of providing additional housing, albeit not a significant amount of new housing, is sufficiently high that the concerns regarding encroachment into the countryside, including the strategic gap is outweighed by the benefits and as such, when considered as a whole, the scheme represents sustainable development. Whilst this a different conclusion to that reached previously, it is considered that the changing land supply figure is sufficient justification for reaching the conclusion set out in respect of establishing whether the scheme is sustainable.

3.22 Having established that the scheme represents a sustainable development in the context of the NPPF, it is necessary to have regard for paragraph 14 of the NPPF in respect of the presumption in favour of development for decision-taking. This states that:

"where the development is absent, silent or relevant policies are out of date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted."

3.23 As set out above, it is accepted that the Council’s housing related policies are out of date by virtue of not being able to demonstrate an up to date 5 year housing land supply, and therefore the Council should only prevent granting planning permission if the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the NPPF when taken as a whole or specific policies of the NPPF indicate restricting the development.

3.24 In this instance, it is considered that the concerns set out in respect of the encroachment in to the countryside, including the strategic gap does not represent harm that significantly and demonstrably outweighs the benefits of providing additional housing where there is a need to do so, acknowledging that the scheme is for a limited number of new dwellings.

3.25 The previous refusal expressed concern at the failure to demonstrate that adequate provision for dealing with foul water drainage (reason 2). Since the decision has been issued the Council has received further information in respect of foul water drainage and is now satisfied that a suitable foul water drainage system can be put in place. A planning condition would be recommended to be attached to any subsequent approval to agree the exact details of the foul water drainage system.

3.26 It is also evident that there are no other concerns in respect of any other planning related matters as set out in the previous committee report for example highway safety or neighbour amenity when considering the change in housing land supply position. Furthermore, it is also considered that the scheme does not conflict with any specific policies within the NPPF whereby permission should be restricted which must be established in considering a proposal in the context of paragraph 14 of the NPPF.

3.27 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

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

4.1 The change in the council’s current position in respect of housing land supply from that at December 2014, when the decision was issued, whereby there is no longer an adequate supply in the Norwich Policy Area, leads officers to the view that the scheme can now be considered to represent sustainable development in the context of the NPPF. Consequently, in establishing this position, it is considered that the level of harm identified, namely encroachment into the countryside, including the strategic gap is not sufficient to represent harm that significantly and demonstrably outweighs the benefits of providing additional housing within the Norwich Policy Area where the Council does not have a 5-year supply.

4.2 In the context of the current appeal lodged with the Planning Inspectorate, the aforementioned position means that it is suggested that Members agree that the Council do not contest the current appeal and we confirm this position to the Planning Inspectorate. If this position is then it would be necessary to provide a copy of suggested conditions to the Planning Inspectorate to assist them in reaching their decision along with advancing discussions with the appellant in respect of S106 matters eg affordable housing. A list of conditions and contributions to be sought will be presented in updates to the committee meeting.

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Development Management Committee

Appendix 3

19 August 2015

Appendix 2

10 December 2014

Development Management Committee

Other Applications

Parish : WYMONDHAM

Applicants Name : Mr T Skitmore
Site Address : Land South East Of 9 Spinks Lane Spinks Lane Wymondham
Proposal : Erection of five new dwellings and garages with associated works to existing highway

Recommendation : Refusal
1. Development outside development boundary and within open land maintaining a physical separation between settlements, contrary to local plan policies ENV8 and ENV2.

Planning Policies

1.1 National Planning Policy Framework
NPPF 04: Promoting sustainable transport
NPPF 06: Delivering a wide choice of high quality home
NPPF 07: Requiring good design
NPPF 08: Promoting healthy communities
NPPF 10: Meeting the challenge of climate change, flooding and coastal change
NPPF 11: Conserving and enhancing the natural environment
NPPF 12: Conserving and enhancing the historic environment

1.2 Joint Core Strategy
Policy 1: Addressing climate change and protecting environmental assets
Policy 2: Promoting good design
Policy 3: Energy and water
Policy 4: Housing delivery
Policy 5: Access and Transportation
Policy 9: Strategy for growth in the Norwich Policy Area
Policy 15: Service Villages
Policy 20: Implementation

1.3 South Norfolk Local Plan 2003
TRA 1: provision of pedestrian links
TRA 3: provision of cycling facilities
TRA 17: Off-site road improvements
TRA 19: Parking standards
ENV 5: Development in the open countryside (Part Consistent)
ENV 8: Nationally and locally important archaeological remains (Part Consistent)
ENV 14: Habitat protection
ENV 15: Species protection
UTL 14: Waste collection and recycling
IMP 2: Landscaping
IMP 8: Safe and free flow traffic
IMP 9: Residential amenity
IMP 25: Outdoor lighting
HOU 4: Residential development within the defined Development Limits of the Norwich Policy Area settlements, and at selected locations along strategic routes
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 Spring 2015. In line with paragraph 216 of the National Planning Policy Framework (2012) some weight can be applied to the emerging policies as they advance through their preparation.

1.5 Development Management Policies
DM1.1 Ensuring Development Management contributes to achieving sustainable development in South Norfolk
DM1.3 Sustainable location of development
DM1.4 Environmental Quality and local distinctiveness
DM3.11 Promotion of sustainable transport
DM3.12 Road safety and the free flow of traffic
DM3.13 Provision of vehicle parking
DM3.14 Amenity, noise and quality of life
DM3.16 Outdoor play facilities and recreational space
DM4.3 Sustainable drainage and water management
DM4.4 Facilities for the collection of recycling and waste
DM4.16 Incorporating landscape into design

1.6 Supplementary Planning Document
South Norfolk Place Making Guide 2012
Wymondham Area Action Plan

2. Planning History
2.1 2013/6111 Erection of 7 new dwellings and garages Withdrawn

3. Consultations
3.1 Parish Council
- Outside of development boundary
- Concerns over the safety and free flow of traffic in a single width lane.
- Concern over drainage.
- Out of character with the rural setting of Spinks Lane.

3.2 District Member
To Committee
- Outside of development boundary.
- Traffic generated by the proposed site ref 2012/1385 coming onto Norwich Road plus those coming from the Becketts Grove and Carpenters Barn developments.
- Developers of site 2012/1953 paid particular attention to the sensitivity of Spinks Lane and its existing dwellings by the types of their proposed dwellings bounding Spinks Lane as well as not permitting any vehicular access onto the lane.

3.3 Planning Policy
Raise following concerns
- The location of this site is within the strategic gap and the particular reference made to the site in the 2012 Chris Blandford
- Concerns over secondary school capacity.
Development Management Committee

3.4 NCC Highways
No objection
- The highway improvements now being proposed are considered as satisfactory to cater for the additional traffic that will result from the development and to overcome the highway objection on those grounds.
- The visibility splays have been amended to show access from the site entrances onto Sprinkles Lane.

3.5 Landscape Officer
First consultation response: Objects
- Requires further information about impacts on trees and hedgerows.
- An assessment against the Hedgerows Regulations criteria should be carried out.
Second consultation response: Objects
- Potential to adversely effect T1 and its root system and encroachment within the key tree’s Root Protection Area.
- Still no assessment of the frontage hedge against the criteria of the Hedgerows Regulations.
- The revised site plan (3336/201A) implies that all the hedgerow will need to be removed contrary to emerging Policy DM 4.6 (Protection of Trees and Hedgerows).
Third consultation response: Supports
- No objections to the amended proposed site layout (Rev H)

3.6 County Ecologist
No protected species on site found
- Hedgerows have been assessed as important. In approving a breach, new planting on the boundary to the east and south would provide compensation.
- Would be better to remove the field access to the east as is unnecessary for the management of the field.
- Should these areas be brought forward for development, the ponds would need retaining as they are important habitat to protection.
- Recommends that 5 Swift boxes and 2 sparrow terraces are incorporated into the design of the houses and that a planting plan is submitted and agreed before development commences.

3.7 Housing Strategy Officer
No objection
- An affordable housing package has been agreed with the applicants.

3.8 Flood Defence Officer
First consultation
- A surface water drainage scheme for this site should be prepared based on the principles of sustainable drainage prior to any development taking place.
Second consultation
- Further information still needs to be provided that addresses the comments dated 20 August 2014.
- Those comments that remain relevant relate to inaccuracies in information about the existing drainage in the submitted Drainage Strategy Report.
Third consultation
- No objection subject to conditions
Development Management Committee  16 September 2015

Development Management Committee  10 December 2014

3.9 Environmental Services (Protection)

- No objection. In the event that contamination was not previously identified it must be reported in writing immediately to the Local Planning Authority.

3.10 Local Residents

- 42 letters of objection received:
  - Harm to the rural character of the area
  - Adverse impact on highways and safety of pedestrians on Sprink Lane.
  - Increase in traffic on Sprink Lane, which is single track.
  - Part of the designated strategic gap identified in the Wymondham Area Action Plan.
  - Outside of the development boundary for Wymondham.
  - Removal of hedgerows and trees.
  - Increased flood risk and surface water.
  - Impact on wildlife and habitat.
  - Conflicts with Chris Blandford Associates Landscape Designations Review.
  - Impact on residential amenity.
  - Inaccuracies in the Drainage Strategy Report and correspondence from Andrew Bingham Associates.
  - Does not show a true picture of the layout of the existing ditches.
  - Concerns about proximity of plot 1 to the neighbouring property to the north (no. 9 Sprink Lane) in relation to residential amenity.

4. Assessment

Location and Description of Site

4.1 The application site consists of approximately 0.4 hectares of agricultural land located on the east side of Sprink Lane in Wymondham. The site is outside the built up area of Wymondham and within a local strategic gap. To the north of the site is a group of residential properties and to the south a series of barn conversations now used for residential purposes. To the west of the site is an area of land that has been granted outline planning permission for 275 dwellings between Norwich Road, Sprink Lane and the A11 outside of the strategic gap (ref 2012/1241). A location plan of the site is attached as Appendix 1.

The Proposal

4.2 The application seeks outline planning permission for the erection of 5 dwellings including access with all other matters reserved for further approval. Access into the site is proposed off Sprink Lane. This is a revised application following withdrawal of an application in March (ref 2013/011). The revised scheme proposes one less dwelling than the previous scheme and the widening of Sprink Lane at two ‘passing bays’ along the site frontage to a minimum of 4.8 meters to allow cars to pass and increased visibility splayed.

Key Considerations

Planning Issues

4.3 The main considerations are the principle of development and policy considerations, highway matters, residential amenity, drainage, trees and hedgerows, and ecology.

Principle of Development

4.4 Planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in determining planning decisions.
4.5 With regard to the Adopted South Norfolk Local Plan (SNLP), Annex 1 of the National Planning Policy Framework (NPPF) at paragraph 215 states that where a plan is adopted pre 2004, such as is the case here, decision makers should give due weight to policies in existing plans according to their consistency with the NPPF.

4.6 By way of clarification the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) was adopted in March 2011 with amendments adopted in 2014, and as such paragraph 215 of Annex A of the NPPF as above is not applicable to the JCS.

4.7 The site is located outside the development limit for Wymondham in the 2003 adopted South Norfolk Local Plan (SNLP). Where a site lies outside of an existing defined development boundary, policy ENV8 in respect of development in the countryside applies.

4.8 This policy excludes new residential development within the open countryside unless specific criterion is met. In this case none are met. On this basis the proposed dwellings would not accord with Policy ENV8 and policy 17 of the JCS.

4.9 With regard to Policy ENV8, as referred to above, given that this was adopted pre 2004, it is necessary to establish how much weight can be attributed to those in the decision making process by assessing its consistency with the NPPF. It is evident that this matter was recently considered by the Secretary of State (SoS) and Planning Inspectorate in the Appeal decision for Chapel Lane, Wymondham (2012/1434) in which the SoS agreed with the Inspector’s observation at paragraph 101 which stated:

"With regard to Local Plan Policy ENV8. I accept that is, to some degree, the ‘other side’ of Local Plan Policy HOU4 that allows housing within Development Limits[54]. However, on its face it is a policy that is designed to protect the countryside, rather than being one of the ‘relevant policies for the supply of housing’[54]. As such, I consider it is not out of date, though I accept that, in the absence of evidence to the contrary, addressing a housing and shortfall may well necessitate conflicting with this policy."

4.10 Therefore, it is considered that Policy ENV8 continues to carry significant weight in the decision making process and the proposal is unacceptable as it would lead to unacceptable residential development in the countryside.

4.11 The site is also in the strategic gap as identified under saved policy ENV2 of the SNLP, which seeks to resist inappropriate development which would erode the gaps or undermine the general quality of openness of these gaps, in this case between Wymondham and Helleson.

4.12 With regard to Policy ENV2, as referred to above, given that this was adopted pre 2004, it is necessary to establish how much weight can be attributed to those in the decision making process by assessing its consistency with the NPPF.

4.13 It is considered that ENV2 is consistent with the NPPF by virtue of it following the aims of section 11 of the NPPF in seeking to protect valued landscapes.

4.14 Therefore, it is considered that Policy ENV2 continues to carry significant weight in the decision making process and the proposal is unacceptable as it would lead to unacceptable residential development in the strategic gap to the detriment of its functionality.

4.15 It should also be noted that Policy 10 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk requires proposed development at Wymondham to be accommodated whilst maintaining the strategic gap to the north and north east of the town and as such the scheme is contrary to this. As stated above, the JCS was adopted after 2004 and as such an assessment against paragraph 215 of the NPPF is not necessary.
Emerging Policy

4.18 Paragraph 216 of the NPPF sets out how to determine the weight attributable to emerging Plans, depending on the stage of preparation of said documents, extent of unresolved objections to policies within the said documents and the degree of consistency with the NPPF. In this instance we have policy DMI.3 which seeks to direct development to sustainable locations within development boundaries or on allocated sites. It is considered that this policy has significant weight due to there being no objections to the heart of the policy and the Local Plan Examination now having taken place.

4.17 The site also lies outside of the proposed development boundary for Wymondham and as such Policy WYM21 of the WAAP is applicable. This seeks to restrict development outside of the development boundary unless it complies with specific criteria within the Council’s Development management Policies Document. It is considered that the scheme does not comply with any particular criteria from this document and as such the proposal is contrary to Policy WYM21. Having regard to paragraph 216 of the NPPF as referred to above, it is evident that this policy has been challenged and as such does not carry sufficient weight to represent a reason for refusal at this time.

4.18 The site lies within the open land between Wymondham and Hethersett and as such is contrary to the Environmental objective outlined within section 7 of the WAAP. The scheme is considered to be detrimental to this aim. However, given the challenges to the WAAP from third parties, it is not considered that this should be directly referred to in a reason for refusal.

4.19 The WAAP also allocates a maximum of 2,200 new dwellings to Wymondham due to secondary education capacity constraints at Wymondham High School. This 2,200 limit has now been reached on sites with planning permission allocated in the WAAP and although this site is not of a significant size cumulatively any further sites permitted in Wymondham could have the potential to cause difficulties with the provision of secondary education.

4.20 JOS Policy 10 notes that “Secondary education provision remains to be resolved but may require the relocation of the existing secondary school to another site”. This has been superseded by further investigation into school provision, with making maximum use of the Wymondham High Academy site the chosen course of action. Some expansion of Wymondham High Academy is possible, but due to its land-locked position, this cannot go beyond the pupils expected to arise from 2,200 additional dwellings in Wymondham. An expansion masterplan to grow the school to accommodate this level of growth has been agreed by Norfolk County Council Children’s Services with Wymondham High Academy, and the initial phase of the masterplan has been implemented.

4.21 It has therefore been advised by both SNC Planning Policy and NOC Children’s Services that Wymondham does not have sufficient secondary school places for more than 2,200 dwellings to be provided in Wymondham and as such the 2,200 should be viewed as a maximum at least until longer-term (i.e. for the period beyond 2020) consideration of secondary schooling has been undertaken.

4.22 Paragraph 72 of the NPPF directs that local authorities should work proactively to provide for school places within growth areas. However, the local secondary school is now an academy and outside the control of NOC Children’s Services. Wymondham High Academy has advised the Council through the Local Plan process that, due to site constraints, it cannot expand further (beyond the agreed masterplan to accommodate 2,200 new dwellings in Wymondham). Nor does it wish to re-locate either its Sixth Form element or its playing fields off-site, either outcome would be "highly undesirable educationally and would not be in the best interests of our students and staff".

4.23 It would therefore have to be assumed that the application be approved the children associated with this development which would require secondary school places would have to be transported from the town to the nearest available places, which could be some distance away.
Development Management Committee

4.24 Consideration is given to whether this would result in unsustainable pressure being placed on the education resources of the town and unsustainable transport practices being introduced and poor social cohesion if children are not at a school where they live. It is considered in this case, that due to the very low numbers of children associated with this development, the proposals would not lead to a significant impact in terms of community cohesion, education provision and transport movements and is therefore acceptable when assessed against the NPPF.

NPPF and Sustainable Development

4.25 As highlighted above it is necessary to have regard for all material considerations within the decision-making process, and the NPPF is one such material consideration.

4.26 Paragraph 55 of the NPPF sets out when specific exemptions should apply to allow sustainable residential development in rural areas. The applicant has not tried to demonstrate compliance with Para 55 notwithstanding this it is considered by officers that the proposal meets these exceptions and as such a departure from the development plan is not justified on this basis.

4.27 Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. It should be noted at this time the paragraph 49 also makes reference to how relevant policies in relation to housing are out of date if it cannot demonstrate a five year supply of deliverable housing sites. In this instance the council has recently published a revised position indicating that a five year land supply can be demonstrated within the Norwich Policy Area and therefore as stated above Policy ENV8 continues to carry significant weight.

4.28 In terms of the presumption in favour of sustainable development under paragraph 49 of the NPPF, this confirms that sustainable development has three dimensions, economic, social and environmental. It goes on to stress that these are not to be undertaken in isolation, because they are mutually dependent. The NPPF also sets out 13 themes for delivering sustainable development but considers its meaning of Sustainable Development to be taken as the NPPF as a whole.

4.29 The following is an assessment of whether the scheme can be considered to represent sustainable development:

Economic Role

4.30 The NPPF highlights the economic role as “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.”

4.31 Whilst it is acknowledged that the site is adjacent to the development boundary of Wymondham which is designated as a “main town” under Policy 13 of the JCS. It is apparent that the Council can demonstrate that it has an up to date 5 year housing land supply of deliverable sites. Therefore, in the context of the economic role, and the need to provide “sufficient land of the right type” it is considered that the Council has met this requirement in respect of residential development and therefore the economic benefits of the scheme are limited when having regard to the NPPF. Although it is acknowledged that the scheme would bring some short term economic benefits as part of any construction work and in the longer term benefits through local spending from the future occupants.
4.32 The NPPF confirms the social role as "supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being."

4.33 As highlighted above, given that the Council can now demonstrate an up to date 5 year housing land supply, it is considered that this largely satisfies the requirements set out above in respect of being able to provide sufficient housing in the context of the social role of the NPPF, the social benefits of this scheme are therefore limited.

4.34 It should also be noted that notwithstanding the availability of a range of services in Wymondham, there is acknowledged secondary school capacity issues as outlined above in the report. This failure to be able access secondary education within an acceptable distance would lead to the need to travel further afield. This causes concerns in relation to unsustainable transport practices being used and poor social cohesion if children are not at the school where they live.

Environmental role

4.35 The NPPF confirms the environmental role as "contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

4.36 The site is outside the existing or proposed development limit and would result in encroachment into the open countryside. This unacceptable encroachment is reinforced by the fact that the site lies within the designated strategic gap between Wymondham and Hethersett. With this in mind the proposal would not protect or enhance the built or natural environment.

4.37 On balance, the scheme presents harm in respect of both the environmental and social roles as set out above, and the economic benefits do not outweigh these. On this basis the scheme is not considered to represent sustainable development.

Other issues

4.38 A number of other issues have been raised by local objections and Wymondham Town Council. These are as follows:

- Affordable Housing
- Trees and hedgerows
- Design and layout
- Access and Highways
- Ecology and Protected Species
- Drainage and Flood Risk
- Residential Amenity
- Renewable construction and energy efficiency

Affordable Housing

4.39 The site proposes two affordable homes on the site, which meets the policy requirement of the JCS Policy 4 requiring 35% of the development to be affordable dwellings. The Housing Enabling and Strategy Officer has confirmed that an affordable housing package in accordance with policy has been agreed.
4.40 An Arboricultural Assessment has been submitted showing how the design of the site has tried to consider the existing trees and how the retained vegetation will be protected beyond the development phase. The Arboricultural Assessment confirms that the requirement to widen Spinks Lane has the "potential to adversely affect T1 and its root system".

4.41 Since this application was submitted, South Norfolk Council has served a Tree Preservation Order (TPO) for trees on and near to land at Spinks Lane, which include T1. The justification for serving the TPO is the contribution that these trees make to the landscape character and amenity value of Spinks Lane. Following extensive negotiations with the Landscape Officer, the layout has been amended to remove the requirement to widen Spinks Lane within the Root Protection Area (RPA) of the protected tree T1. The Landscape Officer has confirmed that the amended site layout is now acceptable in terms of ensuring that structures are located outside the RPAs of the trees to be retained.

4.42 An assessment of the frontage hedge against the criteria of the Hedgerows Regulations has been carried out. The hedge row is classed as protected under the Hedgerow Regulations 1997. The revised site plan (S3920/H) shows that the majority of the frontage hedge row is to be retained. However, a small section of the hedge row is proposed to be removed to obtain the visibility splay for the access into site. The hedge row assessment confirms that the section to be removed is the poorest section in terms of species richness, and that whilst it contains a similar number of tree/shrub species, the bulk of the hedge row is dominated by Hawthorn in this location. To mitigate against this loss it is proposed that a new native hedge row will be planted back behind the visibility splay. The Landscape Officer has carried out a review of the development and has no objection to the amended proposals.

4.43 It is considered that by ensuring that structures are located outside the RPAs of trees to be retained and the retention of the majority of the hedge row at the front of the site as well as additional planting, demonstrates that the site can be developed in a sympathetic and respectful manner to the existing landscape characteristics and accords with Local Plan Policy IMP2 (Landscaping).

Design and Layout

4.44 Whilst this application is for outline planning permission only with matters relating to design being reserved, the applicants Design and Access Statement and indicative site plan and elevations demonstrates how the scheme could achieve a high quality design by having appropriate regard to the sites context. The scheme aims to do this by proposing dwellings of traditional construction and finishes in materials found in the local area that relate to the rural character found on Spinks Lane.

4.45 The scheme has been evaluated against the South Norfolk Place-Making Guide and Building for Life criteria and has the potential to achieve a high quality design, subject to any reserved matters application being submitted in accordance with the Design and Access Statement and indicative site layout.

Residential amenity

4.46 The amenity of existing residents must be considered under saved policy IMP of the Local Plan. The key concern at the outline stage would be whether the development layout in combination with the proposed scale could be accommodated on the site without detriment to the outlook, privacy or direct daylight or sunlight of existing residential properties.

4.47 Concerns have been raised by some residents about the proximity of plot 1 to the neighbouring property to the north (no. 9 Spinks Lane) in relation to overshadowing and residential amenity.
Having assessed the site layout and scale of dwellings it should be noted that plot 1 has been amended to a bungalow. It is considered that the development has been designed in such a manner to avoid any direct overlooking or adverse impacts in terms of overshadowing of habitable rooms of the nearby residential properties. Proposed properties are located an acceptable distance away from existing neighbouring dwellings and are of a scale that will avoid any unacceptable loss of sunlight to rear gardens.

The proposal is only outline at present, but indicative information has been submitted. The design and position of the properties along the boundaries shows how it helps to minimise any direct impact on the amenity of existing properties and as such is considered acceptable. In a similar way, where the development sides on to existing properties it is felt that there is an acceptable distance between the existing properties and the proposed development. I am therefore satisfied that the development could accord with policy IMP9 of the SNIP at reserved matters stage.

Sustainable construction and water conservation

Policy 3 of the JCS required the sustainable construction of the building and the compliance with Code Level 4 for water conservation. Compliance could be secured by way of condition if the application were to be approved.

Access and Highways

The application proposes that Sprinkles Lane be widened in two locations along the frontage of the site to a width of 4.5 metres, approximately 1 meter each side of the existing road, to allow vehicles to pass each other. An amended plan shows how visibility splays from the proposed new access will also be achieved to provide safe access to the site.

Norfolk County Council Highways has assessed the scheme and conclude that whilst the scheme is not as favourable as the original submission which provided the 4.5m road width, in view of the requirements to protect the root protection areas of the oak tree (T1), the latest design is considered as acceptable to cater for the additional traffic that will result from the development and raise no objection.

Access into the site is provided off Sprinkles Lane that links to the primary vehicular access into the site to the north. Pedestrian access continues to be provided along Sprinkles Lane, which has no footpaths, together with pedestrian access into the site along its primary access. Due to the relatively low number of vehicles that use this section of Sprinkles Lane and the small increase in additional traffic anticipated from this development, Norfolk County Council Highways have confirmed that they have no objections in terms of vehicle and pedestrian safety and that the proposals meet with the necessary highway safety standards.

In terms of transport sustainability, the site is within the 400 metres walking distance recommended for access to public transport stops on Norwich Road and has good road access to local facilities in Wymondham. A footway / cycleway is also proposed along the south side of Norwich Road from Sprinkles Lane westwards as part of the approved development to the west ref 2012/1385, which could benefit the development. The site is therefore considered to be acceptable in terms of transport sustainability only.

Provision for refuse and recycling has the potential to be accommodated on plot with provision for refuse collection points on the edge of private driveways accessible to the public highway.

The Highways Authority has suggested a number of conditions prior to the first occupation of the development relating to: details of vehicular access to be provided and retained at the position shown on the approved plan; arrangements made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway; visibility splay measuring 2.4 m x 4.3 metres to be provided each side of the access; on-site car parking and turning area be laid out, levelled, surfaced and drained in accordance with the
approved plan, no works to commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works as indicated on drawing number 5338.20-Rev.G, and off-site highway improvement works completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.

4.57 Whilst it is noted that local objection on highways grounds has been received, the County’s technical consultants have found no reason to object to the development, and therefore the development is considered acceptable on the grounds of highway impact and the saved Local Plan Policy IMPS.

Ecology and Protected Species

4.50 An Ecological Assessment of the site and immediate locality has been undertaken and no further work is identified as being required beyond the reports prepared and submitted. The County Ecologist has reviewed the proposals and notes that no protected species have been found on site. A reptile survey and great crested newt preliminary assessment has also been made and the nearby ponds are deemed to have a low likelihood of great crested newts using them. The County Ecologist has identified that there is a chance of transient reptiles using the site; however mitigation is proposed to manage the ground vegetation before and during the construction phase.

4.59 The County Ecologist notes that it is important to consider the newly proposed ‘field access’ to the east of the site and finds that it would be a better solution to remove this field access, as it is unnecessary for the management of the field. However, members should note that this is the only access into the field from the site and it is essential that the area of land behind the site is accessible for the proposed development. It is suggested that maintenance will need to be carried out from time to time, especially to the ditch system, and to avoid the area to the rear becoming inaccessible, providing a field gate access at this point is required. It is therefore proposed to retain the field access as shown on the revised site plan in order to provide access to the east for the purposes of management and maintenance of the field beyond the development to the east. Having considered this against the hedgerows survey it is concluded that the development will not have an adverse impact on the hedge as assessed under the Hedgerow Regulations and is therefore considered acceptable.

4.60 The County Ecologist has recommended a condition requiring that 8 Swift boxes and 2 sparrow terraces are incorporated into the design of the dwellings and a planting plan is submitted and agreed by the planning authority before the construction commences.

4.61 Having considered the comments from the County Ecologists and reviewed the information submitted with this application, I am of the opinion that the development accords with policy ENV14 (Habitat protection) and ENV15 (Species protection) of the SNLP.

Drainage and Flood Risk

4.62 Revised drainage information has been submitted in response to initial concerns being raised. The revised details have been assessed by the Council’s Flood Defence Officer and they have confirmed that they have no objection subject to the imposition of conditions relating to the agreement of surface water details.

Other matters

4.63 The Historic Environment Service has carried out an assessment of the proposals and has confirmed that based on the information currently available, the proposal does not have any implications for the historic environment and they do not wish to make any recommendations for archaeological work.

4.64 The Environmental Protection Team raises no objection to the proposals but a condition is suggested that in the event that contamination was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority.
Development Management Committee

4.65 This application would be liable for Community Infrastructure Levy (CIL) which would be collected at the reserved matters stage.

4.66 Under Section 143 of the Localism Act, the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

4.67 The proposals have been considered against the Environmental Impact Assessment (EIA) Regulations 2011. The environmental, social and economic impacts have all been considered and are adequately addressed as detailed in the above report and the proposal is not considered an EIA development.

5. Conclusion

5.1 The development is within the open countryside, outside of existing and emerging development boundaries for Wymondham where policy ENV3 of the South Norfolk Local Plan and policies 10 and 13 of the Joint Core Strategy apply. Furthermore, the site lies within the designated strategic gap between Wymondham and Hethersett and as such is contrary to Policy ENV2 of the South Norfolk Local Plan.

5.2 Policies ENV2 and ENV8 of the local plan and policies 10 and 13 of the JCS exclude new residential development within the open countryside unless specific criteria are met. In this case none are met, therefore the proposal is contrary to these policies.

5.3 It is also evident that the scheme also fails to represent sustainable development in the context of the NPPF by virtue of the modest economic and social benefits of the scheme being outweighed by the harm to the environment identified, which is the conflict with Policies ENV 2 and ENV 6 and its intentions of protecting the landscape setting of villages and the overall rural character of the plan area.

5.4 The application is considered to be unacceptable in planning terms and is therefore recommended for refusal.

6. Reason for refusal

6.1 The principle of residential development on this site is not acceptable, by virtue of the site being outside existing and emerging development boundaries, there being a five-year land supply within the Norwich Policy Area and the development not therefore on balance being considered sustainable development. In the absence of an exception justification relating to affordable housing, agriculture, forestry or sustaining economic or social activity in the surrounding area the proposed development is not considered to be a sustainable form of development and is considered to be contrary to saved policies ENV 5 and ENV 2 of the adopted South Norfolk Local Plan (2003), policies 10 and 13 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2011, amended in 2014), emerging policy 1.3 of the Development Management Policies Document (Submission document November 2013) and paragraphs 14 and 95 of the National Planning Policy Framework (2012).

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### Planning Appeals

**Appeals received from 8 August 2015 to 4 September 2015**

<table>
<thead>
<tr>
<th>Ref</th>
<th>Parish / Site</th>
<th>Appellant</th>
<th>Proposal</th>
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</thead>
<tbody>
<tr>
<td>2014/2058</td>
<td>Hingham Land North West of Ivy Lodge Woodrising Road Hingham Norfolk</td>
<td>Mr Max Fennings</td>
<td>Retention of caravan and proposed polytunnel on plot of land</td>
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<tr>
<td>2015/0187</td>
<td>Bunwell The Pightle Wymondham Road Bunwell Norfolk NR16 1NB</td>
<td>Mr B Banham</td>
<td>Conversion of existing outbuilding to provide annexe to bungalow</td>
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<tr>
<td>2015/0298</td>
<td>Kirstead Land North of White Cottage Kirstead Green Kirstead Norfolk</td>
<td>Mr R Steffen</td>
<td>2 bedroom bungalow with double garage</td>
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### Planning Appeals

**Appeals decisions from 8 August 2015 to 4 September 2015**

<table>
<thead>
<tr>
<th>Ref</th>
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<th>Appellant</th>
<th>Proposal</th>
<th>Decision Maker</th>
<th>Final Decision</th>
<th>Appeal Decision</th>
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</thead>
<tbody>
<tr>
<td>2014/1223</td>
<td>Ashwellthorpe and Fundenhall 94 The Street Ashwellthorpe Norwich NR16 1AA</td>
<td>Mr David Naunton</td>
<td>Proposed new dwelling.</td>
<td>Delegated</td>
<td>Refusal</td>
<td>Appeal dismissed</td>
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<tr>
<td>Ref</td>
<td>Parish / Site</td>
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<tr>
<td>2014/1724</td>
<td>Stoke Holy Cross Land East of Sherbrooke Chandler Road Stoke Holy Cross Norfolk</td>
<td>Mr Darren Hawkshaw</td>
<td>Proposed change of use from agricultural land (overgrown grazing paddock) to development site, to provide two one-half storey three bedroom bungalows.</td>
<td>Delegated</td>
<td>Refusal</td>
<td>Appeal dismissed</td>
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<tr>
<td>2014/1794</td>
<td>Stoke Holy Cross 58 Poringland Road Stoke Holy Cross Norwich NR14 8NW</td>
<td>M.K.G. Ltd</td>
<td>Construction of new dwelling.</td>
<td>Delegated</td>
<td>Refusal</td>
<td>Appeal Allowed</td>
</tr>
<tr>
<td>2014/2033</td>
<td>Gillingham Grove Sheds (Gunners Lodge) on track off Rectory Road Gillingham Norfolk</td>
<td>Mr A Witham</td>
<td>Application for prior determination notification of a proposed change of use of agricultural buildings to 1 no dwelling</td>
<td>Delegated</td>
<td>Approval of details - Refused</td>
<td>Appeal Allowed</td>
</tr>
<tr>
<td>2014/2167</td>
<td>Tasburgh Sub-division of The Garden of Chamusca Low Road Tasburgh Norfolk</td>
<td>Mr N Coupe</td>
<td>Erection of new dwelling and garage</td>
<td>Delegated</td>
<td>Refusal</td>
<td>Appeal dismissed</td>
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