Development Management Committee

Members of the Development Management Committee:

Conservatives
- Mr V Thomson (Chairman)
- Mrs L Neal (Vice-Chairman)
- Mr B Duffin
- Mrs F Ellis
- Mr C Gould
- Dr C Kemp
- Mr G Minshull
- Mr J Mooney
- Mrs Y Bendle

Liberal Democrats
- Dr M Gray
- Mrs L Neal (Vice-Chairman)
- Mrs Y Bendle

Please note that planning application Item Nos 1 & 2 will be heard from 10am.

Planning application Item Nos 3-11 will be heard from 1.30pm onwards.

Pool of Substitutes
- Mr L Dale
- Mr D Goldson
- Mr J Hornby
- Dr N Legg
- Mr G Wheatley
- Mrs V Bell

Pre-Committee Members’ Question Time
9.00 am Blomefield Room

Agenda

Date
Wednesday 6 December 2017

Time
10.00 am

* Please note:- Item 10 has been withdrawn

Place
Council Chamber
South Norfolk House
Cygnet Court
Long Stratton, Norwich
NR15 2XE

Contact
Sue Elliott tel (01508) 533869
South Norfolk House
Cygnet Court
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. Please note that where you submit your views in writing to your District Councillor, this is described as “lobbying” and the District Councillor will be obliged to pass these on to the planning officer, where they will be published on the website.

Please arrive at the commencement of the meeting if you are intending to speak on items 1-2, and arrive at 1.30pm if you intend to speak on items 3-11.

This meeting may be filmed, recorded or photographed by the public; however, anyone who wishes to do so must inform the Chairman and ensure it is done in a non-disruptive and public manner.

Please review the Council’s guidance on filming and recording meetings available in the meeting.

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.
Please familiarise yourself with this information if you are not in receipt of the agenda.

If the meeting room is busy, please use the upstairs public gallery until such time as your application is heard. You will need to be in the main meeting room if you wish to speak in regard to an application. Please be aware that the Committee can over-run, and if your application is later on the agenda it may be some time before your application is heard.

GENERAL INFORMATION ABOUT DEVELOPMENT MANAGEMENT

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 a Local Plan 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 adopted in 2014. It is the starting point in the determination of planning applications and as it has been endorsed by an independent Planning Inspector the policies within the plan can be given full weight when determining planning applications.

South Norfolk Council adopted its Local Plan in October 2015. This consists of the Site Specific Allocations and Policies Document, the Wymondham Area Action Plan, the Development Management Policies Document. The Long Stratton Area Action Plan was also adopted in 2016. These documents allocate specific areas of land for development, define settlement boundaries and provide criterion based policies giving a framework for assessing planning applications. The Cringleford Neighbourhood Development Plan was also ‘made’ in 2014 and Mulbarton Neighbourhood Development Plan made in 2016, and full weight can now be given to policies within these plans when determining planning applications in the respective parishes. Some weight can also be given to the policies in the emerging Neighbourhood Development Plan for Easton. 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 contradict policy will be recorded in detail to explain and justify the decision and the strength of the material planning reasons for doing so.
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 Meeting of the Development Management Committee held on 8 November 2017;
   (attached – page 10)

5. Planning Applications and Other Development Control Matters;
   (attached – page 14)

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>2016/2430</td>
<td>COSTESSEY</td>
<td>Land North of Farmland Road Costessey Norfolk</td>
<td>14</td>
</tr>
<tr>
<td>2</td>
<td>2017/0420/F</td>
<td>COSTESSEY</td>
<td>Land North of Farmland Road Costessey Norfolk</td>
<td>84</td>
</tr>
<tr>
<td>3</td>
<td>2017/1442/F</td>
<td>SEETHING</td>
<td>Land to the South of Holmlea Seething Street Seething Norfolk</td>
<td>98</td>
</tr>
<tr>
<td>4</td>
<td>2017/2141/F</td>
<td>BROOKE</td>
<td>49 High Green Brooke NR15 1JA</td>
<td>107</td>
</tr>
<tr>
<td>5</td>
<td>2017/2289/H</td>
<td>WYMONDHAM</td>
<td>Beech House 20 Middleton Street Wymondham Norfolk NR18 0AD</td>
<td>116</td>
</tr>
<tr>
<td>6</td>
<td>2017/2290/LB</td>
<td>WYMONDHAM</td>
<td>Beech House 20 Middleton Street Wymondham Norfolk NR18 0AD</td>
<td>116</td>
</tr>
<tr>
<td>7</td>
<td>2017/2345/H</td>
<td>HETHERSETT</td>
<td>19 Firs Road Hethersett Norfolk NR9 3EH</td>
<td>122</td>
</tr>
<tr>
<td>8</td>
<td>2017/2361/CU</td>
<td>WICKLEWOOD</td>
<td>Church Farm 56 Church Lane Wicklewood Norfolk NR18 9QH</td>
<td>126</td>
</tr>
<tr>
<td>9</td>
<td>2017/2370/RVC</td>
<td>GREAT MOULTON</td>
<td>Hope Valley Low Common Road Great Moulton NR16 1LP</td>
<td>138</td>
</tr>
<tr>
<td>ITEM WITHDRAWN</td>
<td>2017/2393/F</td>
<td>WYMONDHAM</td>
<td>29 Chapel Lane Wymondham NR18 0DJ</td>
<td>144</td>
</tr>
<tr>
<td>11</td>
<td>2017/2481/F</td>
<td>DISS</td>
<td>128 Victoria Road Diss IP22 4JN</td>
<td>152</td>
</tr>
</tbody>
</table>
6. **Sites Sub-Committee;**

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

7. **Enforcement Report;** (attached – page 157)

8. **Planning Appeals (for information);** (attached – page 162)

9. **Date of next scheduled meeting** – Wednesday 3 January 2018
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

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

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

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

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

Key to abbreviations used in Recommendations

| **CNDP** | Cringleford Neighbourhood Development Plan |
| **J.C.S** | Joint Core Strategy |
| **LSAAP** | Long Stratton Area Action Plan – Pre Submission |
| **N.P.P.F** | National Planning Policy Framework |
| **P.D.** | Permitted Development – buildings and works which do not normally require planning permission. (The effect of the condition is to require planning permission for the buildings and works specified) |
| **S.N.L.P** | South Norfolk Local Plan 2015 |
| **Development Management Policies Document** | |
| **WAAP** | Wymondham Area Action Plan |
DECLARATIONS OF INTEREST AT MEETINGS

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

<table>
<thead>
<tr>
<th>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>
</tbody>
</table>

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

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

<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. |

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 8 November 2017 at 10.00 am.

Committee Members Present: Councillors: V Thomson (Chairman), B Duffin, F Ellis, C Gould, M Gray, C Kemp, G Minshull and A Thomas

Apologies: Councillors: L Neal, Y Bendle and J Mooney

Substitute Members: Councillors: L Dale for L Neal, N Legg for Y Bendle, D Goldson for J Mooney

Officers in Attendance: The Development Manager (H Mellors), the Development Management Team Leader (R Collins) and the Senior Planning Officers (E Thomas)

5 members of the public were also in attendance

361. 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>2017/1957/F</td>
<td>DICKLEBURGH AND RUSHALL</td>
<td>ALL</td>
<td>Other Interest Applicant is a South Norfolk Councillor</td>
</tr>
<tr>
<td>(Item 1)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2017/2218/CU</td>
<td>HETHERSETT</td>
<td>ALL</td>
<td>Local Planning Code of Practice Lobbied by Objector</td>
</tr>
<tr>
<td>(Item 2)</td>
<td>A Thomas</td>
<td></td>
<td>Other Interest Daughter has previously received help from the Indigo Dyslexia Centre</td>
</tr>
<tr>
<td>2017/8127</td>
<td>TOFT MONKS</td>
<td>ALL</td>
<td>Local Planning Code of Practice Lobbied by Land Owner</td>
</tr>
<tr>
<td>(Enforcement)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

362. MINUTES

The minutes of the Development Management Committee meeting dated 11 October 2017 were confirmed as a correct record and signed by the Chairman.
363. PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

The Committee considered the report (circulated) of the Director of Planning and Environment, which was presented by the officers. The Committee received updates to the report, which are appended to these minutes at Appendix A.

The following speakers addressed the meeting with regard to the applications listed below.

<table>
<thead>
<tr>
<th>APPLICATION</th>
<th>PARISH</th>
<th>SPEAKER</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017/2218/CU</td>
<td>2017/2218/CU</td>
<td>Dr Marshall – Objector</td>
</tr>
<tr>
<td>(Item 2)</td>
<td></td>
<td>Mrs Betts – Representing Applicant</td>
</tr>
</tbody>
</table>

The Committee made the decisions indicated in Appendix B of 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 Planning and Environment.

364. ENFORCEMENT REPORT

Members considered the report of the Director of Planning and Environment regarding the enforcement case at Toft Monks (ref:2017/8127). It was noted that there had been new information received since the report had been published, and officers had advised the land owner to apply for planning permission to authorise the development. Despite this, it was unanimously RESOLVED to authorise enforcement action but any action should be deferred until April 2018, at which time the situation would be reviewed, and action be taken against any structure which was not ancillary to the use of land at this time.

365. PLANNING APPEALS

The Committee noted the planning appeals.

(The meeting closed at 11.05am)

___________________________
Chairman
## Updates for DEVELOPMENT MANAGEMENT COMMITTEE
### 8th November 2017

<table>
<thead>
<tr>
<th>Item</th>
<th>Updates</th>
<th>Page No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item 1</td>
<td>No Update</td>
<td>17</td>
</tr>
<tr>
<td>Item 2</td>
<td>Highways Authority</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>Updated Highways Authority Comments (27/10/2017):</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No objections - The proposal appears to be quite low key, with no employees and a small number of clients visiting per day. The proposal is not considered to have any undue effect on highway safety. It would be prudent for conditions to be imposed regarding the provision of the parking prior to the business being brought into use, and the use of an appointment system for clients (as proposed) in order to avoid a number of customers arriving at the same time.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Officer update on Conditions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The above suggested condition has already been applied. A further condition is proposed to prevent the applicant from employing staff at this premise. This is to ensure that there is sufficient car parking to serve the proposal and that the proposal remains ancillary to the use of the dwelling, as set out in policy DM2.3.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Additional Comments</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Two further letters of objection have been received, outlining the inappropriateness of this use in a residential area, that consultation should have included the whole of Buckingham Drive and that the proposed use of the garage/hobby room is not a separate unit from the main residential dwelling.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Officer Comments</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The above points with regards to the use are already addressed in the Officers Committee report.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>With regards to the public consultation, this has been undertaken in accordance with the Councils adopted Statement of Community Involvement and the relevant planning regulations.</td>
<td></td>
</tr>
<tr>
<td>Enforcement Report - Item 1</td>
<td>A further complaint has been received with photographs showing that additional buildings have been erected on the site. The removal of these additional buildings will form part of the enforcement notice if Members agree that action should be taken.</td>
<td>28</td>
</tr>
</tbody>
</table>
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 Planning and Environment’s final determination.

Other Applications

1  Appl. No :  2017/1957/F  
Parish :  DICKLEBURGH AND RUSHALL

Applicants Name :  Mr Martin Wilby  
Site Address :  Airfield Lakes Common Road Dickleburgh IP21 4PH  
Proposal :  Excavation to create stock pond and use of spoil to level existing access track and raise ground level on adjacent field.

Decision :  Members voted unanimously for Approval

Approved with conditions

1  Full Planning permission time limit  
2  In accord with submitted drawings  
3  Surface Water Flow Routes

2  Appl. No :  2017/2218/CU  
Parish :  HETHERSETT

Applicants Name :  Mrs Ruth Codling  
Site Address :  23 Buckingham Drive Hethersett Norfolk NR9 3HT  
Proposal :  Conversion of part of the hobby room for use as dispensing opticians consulting room. (D1)

Decision :  Members voted 10 – 0 (with 1 abstention) for Approval

Approved with conditions

1  Full Planning permission time limit  
2  In accordance with amendments  
3  Specific use  
4  Hours of use  
5  Provision of parking prior to commencement of use  
6  No staff to be employed at the premises
PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Planning and Environment

Major Applications

1  Appl. No : 2016/2430
    Parish : COSTESSEY

Applicants Name : Mrs Katrina Kozersky
Site Address : Land North Of Farmland Road Costessey Norfolk
Proposal : Outline application with access and landscaping (all other matters reserved) for 83 dwellings (including 27 affordable dwellings) with areas of public open space, sustainable drainage systems and associated infrastructure.

Recommendation : Approval with conditions
1. Reduced time limit for (5 year supply applications)
2. Reserved Matters to be approved
3. In accordance with plans
4. Biodiversity management plan
5. Green Infrastructure Management Plan
6. Highway – provision of access
7. Highway – details of roads to be submitted
8. Surface water drainage scheme to include water quality including maintenance of SUD’s (to be approved as part of reserved matters)
9. Restriction of development in area of surface water overland flow route or scheme to mitigate impacts
10. Archaeological Scheme of Investigation
11. Fire hydrant to be provided
12. Reserved matters to include quantum and location of open space in line with the submitted masterplan
13. Housing mix
14. Contamination – a series of conditions (to be approved as part of the reserved matters)
15. Sustainable construction and water efficiency
16. Renewable energy
17. No residential buildings outside of Flood Zone 1 including allowance for Climate Change

Subject to completion of a S106 to cover: Affordable Housing, open space and play space provision and a management and maintenance strategy for the open space and contributions towards footpath improvement works to the county wildlife site.

1. Planning Policies

1.1 National Planning Policy Framework
    NPPF 03 : Supporting a prosperous rural economy
    NPPF 04 : Promoting sustainable transport
    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 10: Locations for major new or expanded communities in the Norwich Policy Area
   Policy 20: Implementation

1.3 South Norfolk Local Plan
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: The sustainable location of new development
  DM1.4: Environmental Quality and local distinctiveness
  DM3.1: Meeting Housing requirements and needs
  DM3.8: Design Principles applying to all development
  DM3.10: Promotion of sustainable transport
  DM3.11: Road safety and the free flow of traffic
  DM3.13: Amenity, noise, quality of life
  DM3.14: Pollution, health and safety
  DM3.15: Outdoor play facilities/recreational space
  DM4.2: Sustainable drainage and water management
  DM4.3: Facilities for the collection of recycling and waste
  DM4.5: Landscape Character Areas and River Valleys
  DM4.8: Protection of Trees and Hedgerows
  DM4.9: Incorporating landscape into design
  DM 4.10 Heritage assets

1.4 Supplementary Planning Document
   South Norfolk Place Making Guide 2012

1.5 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 2015/2927
   Outline application with all matters reserved
   Except for access for 83 dwellings (including 27 affordable dwellings) with areas of public open space, sustainable drainage systems and associated infrastructure.
   Refused
2.2 2017/0420 Provision of two circular recreational walks, under consideration including boardwalks and associated landscaping and biodiversity enhancements (Linked with application 2016/2430)

3. Consultations

3.1 Town Council Comments on original plans: Recommend refusal (summarised):
- Outside newly agreed settlement development boundary
- Site history
- 5 year land supply does not outweigh all other conditions as proved at appeal in Hethersett
- Precedent
- Land is unsuitable – flood plain/ naturally boggy
- River Valley – the landscape designation does not follow the natural contours of the river valley – the application should be assessed on its impact on the valley
- Landscape impact – does not address previous refusal – same harm remains
- Preservation of gap between Old and New Costessey – consider this is a strategic gap and is contrary to policy DM4.7 covering strategic gaps
- Air pollution
- Wildlife and sensitive landscape – adjacent county wildlife site
- Surface water flooding
- Drainage/water quality – concern what level of water framework treatment levels are required; geology of site means SUDs won’t be feasible; SUDS will make the scheme unviable and wont therefore be delivered
- Water pollution – impact on protected white clawed crayfish
- Geology of surrounding area - subsidence
- There is an existing water/sewage pipeline crossing the site
- Topography and geography of access route
- Infrastructure: roads- substandard construction of Farmland Road; steep gradient of road; school traffic would be exacerbated; add to existing on street parking; amenity land would be a ‘destination’ adding to parking issues
- Misleading traffic predictions in the Transport Assessment
- Infrastructure: schools – no capacity
- Infrastructure: Medical facilities struggling
- Perceived increase in crime as a result of new development
- Precedent
- River walk area should not be blue line land should be red line land
- Management and safety of open spaces: lack of information on how river area to be managed, financed etc; safety issues of this area being used
- Viability: SUDS, additional recreation land should be included in the viability assessment
- No information on phasing of river recreation land delivery in relation to housing
- Not sustainable development and there cannot therefore be a presumption in favour of development
- There is demonstrable harm to the environment, local habitats, water quality, the river valet and landscape character
Request site visit before DMC given specific topography of the landscape and access to the site together with the sensitive nature of the river valley

Comments on amended plans (revised FRA and ecology strategy): Recommend refusal (summarised):

- Very little change to the FRA with only a few technical figures being altered. Doesn’t address the high surface water flooding down the steep hill across the site
- Drainage features appear to have been located where Anglian Water pipes are currently located
- All previous objections maintained

Comments of amended plans (Amended details relate to updated landscape drawing: LVIA, Flood Risk Assessment, updated Transport Statement & updated Ecology Reports, Management & Maintenance Note of open spaces) summarised:

- All previous objections maintained
- Asbestos and possibly other contaminants have been found in the rubble deposited at the field edge to raise the soil level as a barrier to prevent flooding so that the field could be farmed. This brings into question whether the proposed site is viable for development given the possible costs of safe / lawful removal of contaminants. Requests that a viability study be undertaken before the decision is made.

Comments on amendments October 2017 regarding drainage information:

Objects to the amendments (further drainage testing submitted following FRAG lobbying and LLFA objection) – on the following grounds (summarised): disputes that the principal SUDS for water run off should be on the surface rather than underground; don’t consider storage lagoons necessarily to be sustainable; there is no detail of maintenance of the drainage scheme; requirement for a 1.2m dry zone below infiltration basis is unrealistic as the site is a flood plain and at surface water risk; there is an embankment at the northern edge of the field with potential contaminants; are there groundwater protection zone issues?; sensitivity of the ecology of the river from runoff (White clawed crayfish) and requirements of treatment levels – no evidence that these have been recognised by the applicant; housing layout (even though indicative) is located on the surface water flow route; the lagoons in the proposed drainage strategy would be a health and safety issue due to standing water; given lessons from Townhouse Road, don’t consider that suds are likely to be a workable solution.

Position statement provided with concerns of drainage at nearby Townhouse Road development – not a SUDS strategy; inadequate protection afforded to the ecology of the River Tud (Water Framework Directive); queries regarding ongoing maintenance of the drainage ditch proposed. Consider that as there are similarities of the river valley site to the application site keen to ensure that a similar undeliverable SUDS scheme is promised but not delivered – resulting in environmental harm. The LLFA require a workable drainage solution to accompany the application. TC consider the suitability of the ground conditions must be ascertained now. Requirement for EIA must be established.
3.2  District Members  
Cllrs Bell and Amis and Blundell  
Request the application be determined by Committee  
- Fully endorse the submission of Costessey Town Council and Friends of the Tud Valley  
- The new application does not address the issues for the previous refusal and will continue the destruction of this beautiful river valley which has already begin with the commencement of development on the Townhouse Road side of the valley  
- The site is outside the recently approved development plan and has been put forward under the call for sites  
- The suitability of the site should be assessed through the GNLP as there are more suitable sites that should come forward  
- Request that all members walk to the bottom of Farmland Road and up again

3.3  District Member  Cllr Pond  
Request the application be determined by committee due to being outside development boundary and the level of objection

3.4  County Cllr East  
Objects to both 2016/2430 residential application and linked application 2017/0420 comments (summarised):  
- There is other suitable land available – no need to develop on this heavily congested part of Costessey  
- This application is tinkering and does not address previous concerns raised  
- Impact on River Tud and its valley and the green landscape in the green gap between old and new Costessey  
- This is not sustainable development  
- Access to the site is exceptionally problematic  
- The application has questionable economic viability  
- Given geography, geology, topography and morphology of the site concern with appropriate foul, surface water (contaminants) and drainage issues.  
- Negative impact on the ecology and environment of the River Tud valley  
- Education – no capacity  
- Inadequate infrastructure in Costessey to cope with more housing  
Full comments are appended as requested (Appendix 3)

Further comments received raising concern on the following issues:  
- Gradient of the access and disabled use  
- Existing congestion and tailbacks will be exacerbated  
- Drainage remains an issue and lessons should be learned from Townhouse Road  
- Maintains objection to the application

3.5  Anglian Water Services Ltd  
No objection:  
- Anglian water has assets within or close to site  
- Water recycling centre has available capacity  
- Sewerage system at present has available capacity for these flows  
- Surface water does not relate to Anglian water operated assets

3.6  NCC Ecologist  
No objection to development onsite provided:  
- It is undertaken sensitively with regard to surrounding habitats
• Ecological connectivity between East Hills and the Tud valley must be maintained

• Condition a detailed Biodiversity Management Plan

In addition there is no objection to the proposed river recreation walk area subject to further detailed design and a biodiversity management plan

3.7 Environment Agency

Comments on original FRA (summarised):
Holding objection on flood risk grounds – residential is sequentially sited however appropriate climate change allowances have not been considered and there is inadequate detail of the raised walkways within the floodplain and whether compensatory storage might be required.

Conditions also requested for the protection of the water environment and offer advice regarding ecology, water course access requirements for the Environment maintain access to the main watercourse: ground raising would impact on flood risk and the priority habitat; water framework directive assessment may be required if there are plans to laterally disconnect the river for the floodplain through the construction of a raised bank; comment that The number of SuDS treatments required are not yet known and the appropriateness of infiltration given the geology and location of trial pits requires further information. Should the geology not be appropriate, or ground water levels too high to provide additional storage capacity, run-off would make its way to the environmentally sensitive Rivers Tud and forward to the Wensum. A Water Framework Directive assessment will be required and will need to assess the potential water quality and ecological impacts to the River Tud should infiltration lagoons fail; SuDS need to be designed with the ground conditions and protection of the secondary aquifer in mind; watercourse access to the EA is required.

Comments on amended FRA (summarised):
Remove holding objection on basis of amended FRA

• All proposed development has been sequentially sited within Flood Zone 1.
• Minimum finished floor levels are to be set at 9.06mAOD
• When the revised climate change allowances are considered and taking into account the upper end allowance of 65%, a small area of land on the northern site boundary is below the 8.94m AOD contour (0.1% AEP 65% climate change) and therefore in future Flood Zone 2.
• The remainder of the site is all above the 8.94m AOD contour and therefore remains in Flood Zone 1 for the lifetime of the development.
• There will be no raising of ground levels within the floodplain. Therefore compensatory storage would not be required. We advise that this is a condition of any planning permission given.

Comments in relation to Water Framework Directive:
Confirm that subject to a condition requiring the SuDS strategy to include appropriate levels of water treatment, the impacts on the protected white-clawed crayfish and other BAP species of the River Tud would be acceptable.
Comments in response to potential bunds and contamination on site (summarised):

Continue to have no objection to this application but we have revised our recommended planning conditions in light of new information as the planning permission has yet to be granted. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations.

Conditions: A contamination scheme to be agreed including risk assessment and site investigation; verification report to be submitted; monitoring and maintenance plan of contamination to be agreed; further remediation strategy required in event of further contamination being found; no drainage unless demonstrated no resultant unacceptable risk to the water environment; no piling unless agreed and no resultant unacceptable risk to the water environment.

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<tr>
<th>3.8</th>
<th>SNC Community Services – Environmental Quality Team</th>
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<tr>
<td>No objection subject to conditions – 1. Requirement for a contamination investigation and risk assessment including remediation as necessary is submitted and approved prior to the commencement of development; 2. Implementation of approved remediation scheme; 3. Contaminated land during construction; 4. Construction Management Plan</td>
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<tr>
<th>3.9</th>
<th>NCC Highways</th>
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<td>No objection (summarised): Proposal cannot be reasonably resisted in line with National Planning Policy framework requirements – There is no adverse impact on highway safety or the surrounding highway network. The proposed site is in a sustainable location with good pedestrian connectivity to community facilities and services.</td>
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<th>3.10</th>
<th>SNC Housing Enabling &amp; Strategy Manager</th>
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<td>No objection: offer the following comments (summarised): The amount and mix of affordable housing proposed complies with Policy</td>
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<th>3.11</th>
<th>SNC Water Management Officer</th>
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<td>Comments on amended FRA: LLFA and EA will comment as statutory consultees on surface water and flood risk respectively</td>
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<th>3.12</th>
<th>NHS England</th>
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<th>3.13</th>
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<th>3.14</th>
<th>Roundwell Medical Centre</th>
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<td>No comments received</td>
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<th>3.15</th>
<th>NCC Lead Local Flood Authority</th>
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<td>Comments on original plans: No objections subject to conditions which include detailed infiltration testing, geotechnical assessment of the potential for solution features in the location of the proposed infiltration drainage elements; provision of surface water attenuation storage to accommodate the 1 in 100 year return period, detailed design and modelling of the drainage conveyance network, finished floor levels to be 300mm above all expected levels of flooding, further details of exceedance surface water flow routes, details of how will be designed to accord with the SuDS manual including appropriate</td>
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treatment stages for water quality prior to discharge and details of management and maintenance of the proposed drainage strategy.

Comments following FRAG objection brochure (Summarised):

(object):

Object in the absence of sufficient supporting information, required to ensure the validity of the proposed drainage strategy. An application for Outline planning permission should include details of one workable solution for managing surface water. In the absence of this information, we would expect to see an alternative drainage strategy. We recognise this requirement was not included in our previous response; this is now something we would expect to see in line with our current developer guidance (updated November, 2016). Our current view is that there is insufficient information, and thus a level of uncertainty, relating to the proposed drainage strategy (reliant on infiltration). To prove that infiltration is a workable solution, we would expect to see evidence, supported by a ground investigation, that a 1.2m unsaturated zone is maintained below the base of any infiltration feature. Similarly, the site should be assessed for the potential for solution features. For the avoidance of doubt, the current strategy has not determined the depth the groundwater on site and has not provided a plan clearly demonstrating the location of all test pit/ borehole locations on the site.

In the absence of this information, need to see details of an alternative drainage strategy, which could be implemented if a strategy entirely reliant on infiltration is not evidenced as being achievable. Should the alternative strategy be to discharge to the River Tud, the viability of this strategy should be proven. This requires evidence of IDB consent to discharge, an assessment of greenfield runoff rate/volume in line with best practice (as per the SuDS non-statutory technical standards), and an assessment of water quality as outlined in the CiRIA SuDS Manual following consultation with the Environment Agency.

Final comments on additional drainage information from applicant (summarised):

We previously objected to this application due to absence of sufficient supporting information, required to ensure the validity of the proposed drainage strategy. The applicant has since carried out additional on-site testing to ensure that it is possible to deliver a strategy capable of maintaining a 1.2m unsaturated zone below the base of any infiltration feature.

Please note that the Lead Local Flood Authority (LLFA) has assessed this outline application with regard only to the principle of development, considering current known relevant site constraints. It is our understanding that although a preliminary site layout has been suggested, the applicant does not wish to fix this at this stage. However we consider that as the landscaping strategy will be fixed, the proposed development area will in turn be set and therefore this is a relevant site constraint when assessing the viability of the proposed outline drainage strategy. We recommend that you (Planning Authority) satisfy yourselves that the proposed number of dwellings (including density) is achievable within this development area, when considering the requirement for an appropriate easement...
between properties, and the requirement for open space to contain proposed infiltration features (for example SuDS soakaways to mitigate housing and highways impermeable area).

Highlight that the landscape strategy includes swales and two infiltration basins however the exact requirement for these features will not be confirmed until the detailed drainage design. Furthermore, detailed infiltration testing has not been carried out in the location of the basins as proposed by the landscape strategy and as such it is not suitable to fix the exact locations at this stage. It is our understanding that the inclusion of these features on the strategy is merely indicative and may not become a necessity, and hence their location is not currently fixed. If the approval of the submitted landscape strategy would fix the requirement for, or location of, any future infiltration basins, we wish to be re-consulted to amend our response regarding this application.

A further constraint is an overland surface water flooding flow path which is modelled as crossing the site from south to north (further detail in the attached annexe). This flow path is acknowledged in the flood risk assessment, but should be considered in detail when the site layout is being developed at Reserved Matters stage. We have recommended it be avoided, and the applicant indicates the roads may be used to convey water. We would require it to be shown that the risk of flooding is not increased elsewhere, that the drainage scheme will not become overwhelmed, and that the housing is not at risk. Again, we recommend that you satisfy yourself that the proposed number of dwellings (including density) is achievable, whilst also mitigating this constraint.

Notwithstanding the above, we feel, based on the constraints that we have been made aware of, that the applicant has submitted sufficient information at this stage to demonstrate at a high level that the proposal is achievable at this time.

Further detail is required but we have no objection to this outline application, subject to conditions being attached to any consent if it is approved – surface water drainage condition.

3.16 Historic Environment Service
No objection, if permission is granted a programme of archaeological mitigation work is required by condition

3.17 Norfolk Wildlife Trust
Concerns raised (summarised):
The risks of ecological impacts on receiving watercourses need to be assessed in case run-off to water courses was to occur. This should be in the context of a clear assessment of the efficacy of the proposed SUDS.
Geology should be considered in the LPAs assessment of run off

3.18 SNC Landscape Officer
Comments on original plans (summarised):
The submitted scheme is broadly similar to the previously-refused application (2015/2927).
Removal of existing trees and/or hedgerows:
The proposal requires the removal of one Sycamore T1 in order to achieve the access from Farmland Avenue. This is a B category
tree, and whilst it would be desirable for this to be retained, my judgement is that the tree’s loss is not reason enough to refuse the application. Other than this, only very minimal vegetation removal is anticipated. The proposed replanting as part of the scheme will offer suitable mitigation for the loss along with enhancement.

Impact on retained trees and/or hedgerows:

No objection in relation to Impact on retained trees and/or hedgerows which can be addressed by a detailed scheme.

Visual Impact:

This new application is supported by the same LVIA (Landscape and Visual Impact Assessment) provided for 2015/2927. Whilst the main body of the LVIA remains the same (including the previous masterplan) additional work has been undertaken to provide visualizations from five of the viewpoints (2, 4, 6, 7 & 9). These visualizations relate to the current site masterplan. The LVIA has been produced in accordance with industry guidelines.

Do not dispute LVIA findings.

Clear that the indicative layout does respond to the visual assessment, restricting the built area to the G1 Easton Fringe Farmland Local Character Area and making strategic provision for planting that will – as it matures – reduce the visual effects further. The new visualizations provided serve to confirm this conclusion.

Impact on Landscape Character:

The effect on landscape character is considered by the LVIA. Whilst the site is currently a field in agricultural use, it abuts existing residential areas and as such I do not consider that the proposal is detrimental to the overall character of landscape character G1, especially in light of the demonstrated limited long-term visual effect.

Proposed landscape design:

The landscape treatment now forms part of this outline application

The concept for planting and open spaces has responded to the Landscape Architect’s landscape and visual assessment and the proposals are appropriate for the situation.

An issue previously raised for 2015/2927 was that the indicated new footpaths and access to the Tud valley ‘corridor’ did not have any rights of way to connect to. A solution to this is now offered by the concurrent application for the provision of two circular recreational walks (2017/0420) which is acceptable to me.

We need to be absolutely clear as to what is being agreed at this stage with regards to the landscape proposals. To this end, I suggest that the Access and Ecology Strategy be adapted to be an overarching drawing with the key revised and expanded to make a clear and explicit distinction between the existing and proposed features.
In terms of addressing the reasons for refusal:

The new visualisations demonstrate that the visual effects of the proposal are largely mitigated by the proposed planting and that after 15 years the most significant visual effect of this development alone will be from the lower end of Farmland Road, where the assessed significance is ‘Moderate – Adverse’.

A greater visual impact is anticipated from the top end of Farmland Road, where a cumulative assessment of both this proposal and the development currently under construction at Townhouse Road results in a ‘Major-Moderate Adverse’ effect that is not diminished after 15 years. The significance of this effect is judged to be medium to high, however an assessment of the application site alone from this point provides a lesser ‘Minor-Adverse’ result after 15 years, which is a low significance. From this, it is clear that the proposed residential development in itself will not result in high visual significance of effects once the associated planting has established (as modelled at 15 years from planting).

It is clear that existing off-site vegetation is an important factor in determining the visual effect of the proposed development – as is often the case with developments of this nature and scale. Whilst measures exist whereby the future of such features can often be controlled (e.g. TPOs) not all landscape features can necessarily be safeguarded. The concurrent application for the land that abuts this site offers an opportunity to guarantee retention, enhancement and management of the riparian landscape here, which in itself represents an improvement to the situation that resulted in the previous application being refused.

Conclusion:

My judgement is that the landscape and visual effects are such that it cannot be demonstrated that there will be significant and demonstrable harm in either visual or landscape terms for the layout and scheme as presented by the illustrative masterplan, and as such I do not object to the application.

If the application is approved, we will need conditions to require full details of the landscaping, tree protection, management plans etc., and I am happy to help draft these. To secure the benefits of the scheme proposed by 2017/0420 it would also be useful to link the approvals (by way of a s106) to make this development conditional on the delivery of the scheme as proposed. However, with regards to landscape and visual effects, my judgement is that the acceptability of the proposed residential development is not dependent on 2017/0420 as - regardless of whether or not the access and management scheme is undertaken - I do not consider that there would be a significant and demonstrable harm from 2016/2430 alone.

Comments on updated Landscape Strategy drawing:
I confirm that the revised drawing, now titled Landscape Strategy and with reference 350-PA-01 G, is acceptable and addresses the suggestion made in my comments of 19 April specifically for 2016/2430.
Final comments following further consultation:

I have no specific additional comments to add in response to the revised information including the revised Landscape Strategy drawing (350-PA-01 H). My judgement is that it cannot be demonstrated that there will be significant and demonstrable harm in either visual or landscape terms for the layout and scheme as presented by the illustrative masterplan; as such I cannot object to the application.

| 3.19 | Police Architectural Liaison Officer | Suggest measures are included at detailed design stage to ensure crime is designed out and provides details of the voluntary secure by design scheme available to developers. |
| 3.20 | SNC Senior Conservation and Design Officer | No objection, the application is almost identical to the previous application – previous comments (summarised): In principle, I have no objections to the density shown and outline consent being granted from the point of view of urban design and meeting building for life criteria at this stage of the process. At reserved matters stages careful consideration needs to be given to the allocation of some of the parking spaces and making sure they are easily accessible (close to dwellings), secure and do not dominate the streetscene. |
| 3.21 | SNC Play and Amenities Officer | No objection with the following comments (summarised): New footpaths required in the County Wildlife Site to mitigate direct impact of the development. A circular walk is envisaged and a precise detailed scheme will need to be agreed. Estimated cost of works is £42,000 plus vat which the applicant has confirmed is to be included in the S106. |
| 3.22 | NCC Planning Obligations Co-ordinator | NCC Children’s Services comment in respect of Education:  
• There could be capacity issues for primary and secondary in considering the already committed and unplanned speculative development coming forward in the area. There is a statutory duty to provide school places and they would fulfil that duty and as such no objection is raised to this application on the grounds of education provision. It is expected that the funding for additional places if necessary would be through CIL as this is covered on the District Council’s Regulation 123 list.  
• Strong concerns are raised on the principles of allowing unplanned growth in the growth area and the impact on school capacity.  
Norfolk Fire Services:  
• Require 1 hydrant per 50 dwellings and this is to be provided by the developer and secured through planning condition.  
Library:  
• New dwellings add pressure and mitigation would be required – CIL  
Green Infrastructure:  
• Connections into the local Green Infrastructure (GI) network, including Public Rights of Way and ecological features, should be considered alongside the potential impacts of development. |
• Direct mitigation and GI provision should therefore be included within the site proposal. Mitigation for new and existing GI features identified as strategic shall be funded by the Community Infrastructure Levy (CIL) through the Greater Norwich Investment Programme. These requirements for consideration and implementation, for both on and off-site GI provision, will help the local GI network to facilitate the development without receiving negative impact and equally, allow the development to integrate and enhance the existing network.

• Green Infrastructure within this proposal should respond to the Greater Norwich Green Infrastructure Strategy (2007) which informs the Joint Core Strategy, adopted January 2014. Development proposals are expected to fit with strategic visions for the area and respond to corridors as outlined in the Joint Core Strategy.

• Should this development intend to be the first phase of a larger development or vision, consideration will need to be given to how the local GI network will be impacted, adapted and enhanced in the future

• Discussions have been ongoing with South Norfolk Council with regards to; access from the site to, and improvements to the adjacent East Hills County Wildlife Site; Proposed walks to the north; and Potential new public right of way to create circular walking route.

• Should the provision of a new public right of way come forward the County Council would require a scheme to be conditioned in order for the route to be dedicated. The condition could be structured as follows, subject to detail;

• It is understood that South Norfolk Council will be requesting the required infrastructure contributions for East Hills County Wildlife site and any new public open space / recreational areas.

• As such the County Council will not be requesting contribution for green infrastructure from this development

3.23 Norfolk Rivers IDB
The Site is on the boundary of the Norfolk Rivers Internal Drainage Board area (to the North of the proposed development). We are pleased to see that an infiltration solution for surface water can be accommodated at the site. Should this change however and a discharge is required to the North of the site, then land drainage consent would be required and a one off, surface water discharge contribution would be required to be paid.

3.24 Richard Bacon MP
Concerns raised (summarised):
• Adverse impact on road infrastructure
• Drainage issues
• Water framework directive – more detail required to ensure compliance
• Concerns of cumulative impact of unplanned development on education
• The residential is not in accordance with the development plan
Concerns of the Town Council and residents should receive the most serious consideration by officers and members

In favour of plan led development – look to South Norfolk Council to ensure that it is staunch in its resistance to speculative development where the harm of such development plainly outweighs its benefits

3.25 Clive Lewis MP

Concerns raised (summarised):
Constituents have raised concerns of impact on the natural environment and wildlife and the desecration of one of the most beautiful areas of Norfolk. Issues raised are:
- Poor drainage which may lead to pollution of the River Tud
- Impact of the development on the landscape
- Surface water and flood risk
- Insufficient road infrastructure
- Impact on wildlife
- Impact on existing infrastructure

3.26 DVS Property Specialists (Valuation Office)

No objection – overall conclusions summarised:
The assessment is undertaken following our own research into both current sales values and current costs. Figures put forward by the applicant have been used if we believe them to be reasonable.

Sales values of NR5 and NR8 were considered together with other factors. This results in a gross development value proposed by DVS being lower than that proposed by the applicant.

Development costs have been assessed and this results in total development costs estimated by the DVS being marginally higher than that proposed by the applicant.

Clarification has been provided regarding abnormal costs which we would consider reasonable.

Contingency is allowed within the viability for unforeseen costs.

At the agreed profit levels of 17.5% (which is considered reasonable) the proposals are viable.

3.27 Representations

339 letters of objection on the following grounds which cover all comments on the application as originally submitted and as amended including from Farmland Road Resident Group (FRAG) (summarised):
- All objections made on 2015/2927 (previous application) remain – application is largely unaltered
- The amendments are minor ‘tinkering’ and do not address the impact on the landscape
- Access: Inadequate access – restrictive in width; very steep; issues in icy/wet weather; poorly constructed and so inadequate to serve additional development; 500% increase in traffic on Farmland Road likely; One access will affect the quality of life for local residents
- Highway safety: school children in area; high accident risk with traffic entering and leaving site
• Adverse highway impact: traffic, congestion and capacity on surrounding road network; highway safety issues; congestion causes harm to natural surroundings and amenity; will add pressure to on-street parking; impact on highway would be severe; question whether NCC Highways have it wrong when hundreds of objectors are concerns with the highway impact; transport assessment underestimated traffic volumes and flawed; existing rat-running exacerbated by NDR; existing speeding in area

• Ambulance station would be impacted

• Landscape impact: harm to river valley; harm to landscape character; natural green gap between Old and New Costessey; question the definition of a river valley and why the site is not in the ‘River Valley Landscape’ designation; suggested reduction in scale of some houses would not address the visual impact; viewpoints should be done from residential gardens; visualisations are in summer not in winter; development on the site in the 60’s and 70’s was refused for harming the valley; Set precedent for more development in the River Valley

• Trees: Concern of impact on trees adjacent to but off site

• Heritage: There is a historic significance to the Tud valley and it should be preserved; Council has a duty of care to enhance the character and appearance of conservation areas

• Ecology: Footpaths in river area; site should instead be a wild flower meadow; Impact on adjacent county wildlife site; Bunkers Hill would be isolated ecologically; effect on water quality and protected species by inadequate SuDs

• Loss of agricultural land

• Loss of green lung in Costessey – already lost Queens Hills area and Lodge Farm

• No need for development – already sufficient development in Costessey

• Local Plan - Local Plan has allocated sufficient housing; The unsuitable and speculative application undermines the Local Plan; Outside development limit

• The shortfall in the 5 year supply is irrelevant – there are plenty of suitable and sustainable sites that have already been strategically identified which are large enough to build sufficient new homes and other important infrastructure and can be properly connected to road networks

• Not sustainable development; The NPPF requires delivering sustainable outcomes which means taking full account of the environmental as well as economic and social dimensions

• Impact on/inadequate infrastructure: GP; schools; NCC Childrens services have grave concerns capacity planning and school places with unplanned development

• Flood risk and drainage issues: on natural flood plain; the FRA has incorrect data and so poses flood risk and harm to biodiversity; the FRA is flawed - the location of the bore holes for infiltration testing is not in the area of proposed infiltration features; concerned that SUDS have not been fully costed and included in the viability and so may render the scheme unviable or lead to inferior drainage; the size of the drainage features required has not been calculated and so may mean a change to the masterplan is required; concern that drainage at Townhouse Road development across the valley resulted in direct outflow to the river and comparisons are drawn to this proposal; developing
• on the site would affect its ability to drain land from the surrounding area; FRAG brochure questions groundwater levels and ability to deliver infiltration features as a result.
• Little mention of sustainable materials, renewable energy, carbon emissions
• Concern that Richard Bacon MP's specific concerns have not been specifically responded to by officers; Richard Bacon MP considers the Council should be 'staunch in its resistance to speculative development where the harm of such development plainly outweighs it benefits...'
• There continues to be errors and omissions in many reports supplied by the applicant
• Hundreds of Costessey residents, Costessey TC, Costessey Society, Friend of Tud Valley, Cllrs East and Bell strongly object to the application which is speculative, unsuitable and unsustainable.
• Viability: objectors don't have access to the details; concern that drainage, management and maintenance of the river recreation area and contamination have been adequately considered in the viability; the viability report does not consider the possibility of extensive re-profiling of the land and any additional specialist foundations that may be required due to ground instability and flood risk; management of the river walk area is not viable to include in a management company
• Management and maintenance of river area – concern of funding/long term maintenance
• Subsidence has been experienced in the area since the last application was refused
• Impact on neighbouring uses: Harm to animals grazed on land adjacent to the site; will interfere with the use, enjoyment or rights over myself and my neighbours homes; considered to jeopardise one residents plan to build a house in the land behind their house as would be overlooked by the new development; there is no provision for bridleways for horses on the surrounding land
• Residential amenity: overshadowing of existing properties; overlooking of existing properties; overbearing nature of proposal on existing properties; odour during construction; proposed footpaths in site – concern would be used by unauthorised vehicles; noise; Loss of views – by new buildings and inappropriately planted trees
• Impact on house values
• Construction issues: Concern with storage of hazardous materials adjacent to residential properties; odour during construction; light pollution during construction; noise
• Public health and safety, nuisance and amenity: as existing suffer from rats and mice from the fields – new dwellings will add to this with litter; Existing issues of horseflies around open water will worsen; safety concerns for use of river area; perception that crime and anti social behaviour will increase; effect on air pollution; health concerns for future residents living in a damp river valley; contamination has not been fully assessed and has been downplayed and is a threat to the environment, biodiversity and the watercourse and remediation may impact the viability of the scheme or flood risk of the site
• Should be built on brownfield land
• Impact on existing water pressure
• Should more farmland to be lost to housing in this uncertain time during Brexit?
• Councils should listen to residents warnings and give significant weight to local knowledge

FRAG objection brochure dated June 2017 - comments summarised:
• Planning history is material
• LVIA - The revised application does not overcome the previous grounds for refusal (landscape); Suggests that no details of species, sizes or densities are provided in the landscape strategy and if can be dealt with by condition, gives no certainty; effects during construction period have not been considered; as properties border the site on two sides the impact on this receptor should be considered in the LVIA
• SUDS/FRA – maintain concerns of location of soakaway testing; mapping shows higher groundwater levels than the applicant suggests; concern of viability to deliver SUDS; solution features should be considered; one workable solution to the drainage should be demonstrated; infiltration lagoons are located in future flood zone 3; Not considered that the overland flow has been adequately addressed; The river recreation works are not proven acceptable in Flood Zone 3b
• Would set precedent
• 5 year supply shortfall should not take precedence over other planning material considerations
• Ecology – if infiltration is not achievable other drainage has not been considered as to its impacts on the aquatic ecology of the river (water framework directive)
• Infrastructure – education objections; impact on GP and dental appointments
• Highways – construction of farmland road unsuitable for construction traffic; road is steep (1:12); inadequate highway drainage at present; poor road width; no parking proposals for river recreation land
• Contamination – material was historically dumped on site and presumed to create a dam to prevent flooding
• Viability – uncertainties of drainage, contamination, construction repair costs to existing roads should be considered in the viability assessment. The viability should use NR5 postcode values not NR8

3 letters of support

• No objection if infrastructure is in place early; consideration is being given to road safety and rat running; consideration is given to additional school and GP capacity; double yellow lines considered; average speed cameras are installed; prime access to Longwater Lane. If not - object

4 Assessment

The site and proposal

4.1 The application is a resubmission of an application previously refused on the site under reference 2015/2927. It is an outline application with access and landscaping for formal
consideration. All other matters are reserved. A full copy of the previous report to committee for 2015/2927 can be found in Appendix 2.

4.2 This report updates the report on the Development Management Committee agenda of 19th July 2017. Members should note that this item was deferred for consideration by the Committee Members prior to the 19th July Committee meeting due to additional information being received from local residents (FRAG) which included new technical information on drainage which required consideration prior to determination. The Council and the applicant required time to consider whether the document raised any new material planning issues that needed to be considered as part of officer’s recommendations to Committee. Details of the objections received, additional information submitted by the applicant and officer assessment are set out further in the report.

4.3 It should also be noted that Members of the DMC visited the site on a formal site panel on 22nd November 2017. Members viewed the application site itself and visited viewpoint 7 (top of Farmland Road); viewpoint 8 (bottom of Farmland Road); viewpoint 9 (Bunkers Hill); viewpoint 6 (Townhouse Road) in addition to viewing from the Bennett Homes development site on Townhouse Road and from the bridge on Longwater Lane.

4.4 The application is for 83 dwellings of which 27 would be affordable.

4.5 The site relates to an area of agricultural land of approx. 6.71 Ha which lies to the north and west of existing residential development in Costessey, to the south of the river Tud and to the east of East Hills Wood County Wildlife site (owned by SNC) and further agricultural land.

4.6 The site is located at the end of Farmland Road which is one of many roads running in a north-south direction and sloping downwards towards the river valley.

4.7 The site generally slopes down from the Farmland Road boundary to the northern boundary where the river Tud lies beyond with a difference of approximately 8m from the highest and lowest point.

4.8 An indicative masterplan has been submitted with the application to show how the site might be developed with the proposed 83 dwellings and open space.

4.9 Landscape proposals are submitted for formal consideration.

4.10 An area also in the ownership of the applicant of approx. 4.8Ha (a woodland area to the north of the site adjacent to the River Tud) which is currently in private ownership is proposed to be offered to be opened up as public space and a new network of footpaths proposed. The laying out of and use of that area is the subject of a separate but linked planning application 2017/0420 which is also for consideration by Committee on this agenda.

4.11 Access is proposed from Farmland Road.

4.12 The application has been submitted in response to the previous refusal on the site. The previous application was refused for the following reasons:

1. The proposal would, by virtue of the encroachment of the development in the valley of the River Tud, result in an unacceptable visual impact on the landscape of the River Valley and Easton Fringe Farmland character areas which amounts to significant and demonstrable harm to the landscape and local character and distinctiveness of the area and therefore fails to comply with policy DM4.5 and 1.4 part d) i) of the South Norfolk Local Plan 2015, policy 2 of the JCS and Para 61 of the NPPF.
2. It is considered that whilst the scheme fulfils the economic and social roles of sustainable development as set out in the NPPF, the scheme does not fulfil the environmental role by virtue of the adverse visual impact on the landscape which would significantly and demonstrably outweigh the benefits of housing, affordable housing and open space. Therefore, on balance the scheme is not considered to represent a sustainable development as defined in the National Planning Policy Framework (2012) when considered as a whole.

4.13 The following are the material changes to this resubmission:
- Landscape has now been included as a matter for formal consideration (it was a matter reserved in application 2015/2927).
- Additional LVIA work has been undertaken and submitted, specifically in the form of visual modelling from five agreed viewpoints
- The masterplan has been amended with further landscape details
- Whilst the same quantum of open/landscape space is proposed on site, this is amended to decrease the amount of densely planted areas from 1.71Ha to 1.65Ha and an increase in the public open space from 1.59Ha to 1.61Ha.

4.14 The application has also been amended since submission in response to additional information/amendments required by statutory consultees and as a response to objections received regarding ground water levels and ability to deliver a SUDS strategy on the site.

4.15 The amendments relate to an updated FRA to address initial objections from the Environment Agency, most significantly in respect of updating to include allowance for the new climate change allowances; additional information regarding ground water levels to address objections from residents (FRAG) and subsequent objection from the LLFA which has resulted in minor revisions to the locations of the infiltration lagoons in the indicative drainage strategy; submission of management and maintenance notes for open space; and updated Ecology and Landscape Strategy drawings.

4.16 The application is supported by the following documents:
- Planning Statement
- Design and Access Statement
- Landscape and Visual Impact Assessment
- 3D Model visualisations
- Arboricultural Assessment
- Archaeological desk based assessment
- Statement of Community Consultation
- Flood Risk Assessment as amended
- Foul water and utilities assessment
- Ecology Report
- Energy, water and construction Statement
- Transport Statement
- Viability Statement (Confidential)
- Public Access and Footpath Strategy
- Contamination assessment
- Parameter plans for building height; land use; and density
- Illustrative masterplan

4.17 The key issue for consideration is the landscape impact and the planning balance required by para 14 of the NPPF in the absence of a 5 year supply of housing since this was the refusal reason on the previous application.
Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in determining planning decisions.

Currently there is 4.7 years of deliverable sites in the Norwich Policy Area and therefore it is important to note that the Supreme Court decision in Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) and Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) in 2017 has confirmed (at para 59) that a shortfall in housing land supply triggers the “tilted balance” contained in the second part of paragraph 14 of the NPPF. This states:

“where the development plan is absent, silent or relevant policies are out-of-date, (planning Authorities should be) granting permission unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted.”

However, it should also be noted that para 14 states that proposals which accord with the development plan should be approved without delay.

On the basis of the above, the following assessment seeks to establish the benefits of the scheme and any harm that would be caused in the context of the relevant development plan policies and with reference to the three dimensions of sustainable development (economic role, social role and environmental role). These three headings form a convenient basis for structuring the assessment of the proposal against development plan policies given the wide range of matters to be considered and the need to also consider the tilted balance required by Paragraph 14 of the NPPF.

The aforementioned Supreme Court judgment also confirms, contrary to some previous decisions in the lower courts, that in respect of Para 49 of the NPPF, a narrow interpretation should be used in establishing whether a policy relates to the supply of housing. In other words, para 49 relates only to policies dealing with the numbers and distribution of new housing rather than all policies which could affect the supply of housing in some way.

The narrow interpretation was described in para 48 of the Suffolk Coastal Judgment as:

“limited to policies dealing only with the numbers and distribution of new housing, and excluding any other policies of the development plan dealing generally with the disposition or restriction of new development in the authority’s area”.

This means that not all of the South Norfolk Local Plan Development Management Policies are out of date.

The Council accepts that Joint Core Strategy policies and the Council’s site allocation policies that specifically allocate site locations and numbers for Costessey are out of date due to the lack of a five-year supply.

However, “out of date” does not mean that a policy is necessarily to be be disregarded or given no weight, as paragraphs 49 and 14 do not displace the S38(6) statutory approach. However they do operate as a material consideration, and it is necessary for the decision maker to consider whether reduced weight should be attributed to policies in their decision making where paragraphs 49 and 14 are engaged in acknowledgement of the lack of an up to date 5 year housing land supply and the policies of the NPPF.
4.27 The “tilted balance” is engaged due to both the JCS and Site Specific Allocation Policy document being out of date but also as set out above in relation to the Supreme Court Judgment, the absence of a 5-year supply of housing land in the Norwich Policy Area.

4.28 It is considered that Policy DM1.3 of the Development Management Policies is a not a policy for the supply of housing as it makes no specific provision for the numbers and distribution of housing. It is evident that that the site is located outside of any development boundary and therefore Policy DM1.3 makes provision for development to be granted in such areas where one of two criteria are met including where there are overriding benefits in terms of economic, social and environmental dimensions as addressed in Policy DM1.1. Whilst Policy DM 1.3 is not rendered out of date by paragraph 49, it is nevertheless appropriate to assess its requirement for “overriding” benefits in the “tilted balance” which paragraph 14 applies.

4.29 More significantly, Policy DM 1.1, requires decision-making to follow the same approach as paragraph 14 (at (d)) in circumstances where relevant policies are out of date, and the supporting text highlights the need to undertake a balanced assessment on the basis that proposals which are “in some way harmful but necessary in the circumstances” should be approved (i.e. to make up a housing land supply shortfall) whereas only those proposals which are entirely unacceptable should be refused. Policy DM1.1 is an overarching general policy, it thus follows that where the approach at DM 1.1(d) is engaged (as here), it should be followed in substitution for the more demanding requirements of Policy DM 1.3. However, for the avoidance of doubt Officers will consider whether the proposal demonstrates overriding benefits in light of the requirements of Policy DM1.3 in addition to the lower test advocated by DM1.1 of significant and demonstrable harm.

Economic role

4.30 The NPPF confirms 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 The scheme would 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.

4.32 It should also be noted that the development would be the subject of Community Infrastructure Levy.

4.33 It is therefore considered that the scheme would bring forward a level of economic benefit

Social Role

4.34 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.”

Access and highway considerations

4.35 The access proposals and the submitted Transport Assessment are unchanged from the previous submitted application.
4.36 Policy DM3.10 advises that new development should be designed to reduce the need to travel and to take advantage of sustainable forms of travel. Policy DM3.11 advises that development will not be permitted which would have a negative impact on the local highway network. Para 32 of the NPPF also requires decision takers to take into account that opportunities for sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all people and; improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

4.37 The County Council Highway Authority has advised that the road and junction from which the development is to be served (Farmland Road) are suitable for the proposed development and comply with local and national policy. The gradient of Farmland Road is very steep and has been raised by concerned local residents. The Highway Authority has acknowledged that during very cold weather this road could become slippery, however this is an existing residential road and the steepness in itself would not result in a serious or frequent risk to additional road users brought about by the development. Consideration of the gradient of the access road in regards to the Council’s duties under the Equalities Act 2010 is set out in the next section of the report. Whilst it is acknowledged in planning terms that the gradient of the road might discourage some residents from walking to nearby facilities it is not considered that this on balance results in the scheme in general terms being in an unsustainable location or having suitable and sustainable means of community facilities and services. This represents a limited harm in the planning balance.

4.38 In addition to the above the Highway Authority confirm that there are continuous footways throughout the local highway network to all local services, including schools, shops and public transport, which provide opportunities for sustainable means of transport in accordance with the requirements of the NPPF.

4.39 The large number of houses that are already served by the local highway network has also been raised as a concern locally. The Highway Authority advises that there are numerous means of access / egress from this residential area to Dereham Road and that the surrounding highway network is made up from roads that vary in width between approximately 5.0m and 7.3m, are within a traffic calmed 20mph speed limit, have appropriate levels of visibility at all junctions and continuous footways. They therefore advise that as a consequence it would not be possible to demonstrate further residential development at the scale proposed would be detrimental to highway safety.

4.40 In terms of objections received regarding existing tailbacks and congestion, Norfolk County Council Highways have assessed the information provided together with the scale of the development proposed and consider that this would not constitute congestion or tailbacks and would not consider additional traffic generated from the proposal to have an impact which would be considered to be severe.

4.41 The NPPF requires that development can only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. As a consequence, it has to be demonstrated that these impacts would cause significant and demonstrable harm. The Highway Authority has confirmed that the design of Farmland Road is in accordance with the appropriate standard for this scale of development. The evidence shows that a severe transport impact, as assessed against the NPPF ‘test’, would not occur. Therefore, on balance, the local highway network is considered to be able to safely cater for the additional traffic generated by the proposed development without adversely impacting on other road users to a point where a refusal could not be substantiated. The proposal is therefore considered to comply with DM 3.10, DM3.11 and para 32 of the NPPF.

4.42 Concerns have been raised by residents in respect of potential damage to the road during construction. The Highway Authority have requested a number of conditions be imposed to make the development acceptable including that requiring any damage to the highway as a result of the construction vehicles to be repaired at the cost of the developer.
4.43 In terms of parking provision, policy DM3.12 advises planning permission will be granted where appropriate parking provision is provided to serve the needs of the development (in line with the Council’s parking standards) to ensure sufficient parking is provided to avoid highway safety problems and to protect living and working conditions locally. The Council’s parking standards equates to 1 car parking space for a 1 bed dwelling, 2 spaces for a 2 or 3 bed dwelling and 3 spaces for a 4 or more bed dwelling. Whilst this application is not seeking to approve layout or scale of the development, the site area as supported by the proposed indicative masterplan demonstrates that the site is large enough to accommodate the development proposed and adequate amenity and parking areas to comply with the Council’s Parking standards.

Equalities Act 2010

4.44 Concerns have been raised by residents and the County Councillor that the access to the site is unsuitable for pedestrians that are disabled or those with pushchairs given the gradient of the existing access road (to which the site would extend) impacting on the sustainability of the proposals. Consideration of the impact of the proposals on those groups with ‘protected characteristics’ is a requirement under S149(1) of the Equalities Act 2010 and the impact is also a material planning consideration which must be considered in the planning balance.

4.45 Section 149(1) of the 2010 Act provides: “A public authority must, in the exercise of its functions, have due regard to the need to –

(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”

4.46 The Act sets out 9 protected characteristics in section 4: Age; Disability; Gender reassignment; Marriage and civil partnership; Pregnancy and maternity; Race; Religion or belief; Sex; and Sexual orientation.

4.47 The protected characteristics considered to be affected by the proposed development in this respect can be considered to be age; disability; and pregnancy and maternity, noting that those persons with these characteristics may be more affected as pedestrians accessing/egressing the site compared to the general populace.

4.48 The existing access road intended to serve the proposed development is steep and may be difficult to use as a pedestrian and would therefore discourage use by those above mentioned groups. The proposed extension of the existing road would result in the lengthening of the road which would continue at a gradient. This would impact those groups ability to access the site and intern services and facilities as a pedestrian and as a consequence may mean those groups might be disadvantaged, for example they would be more likely to be dependent on the use of motor vehicles.

4.49 It is acknowledged that the gradient of the access road would be likely to have some impact on the ability of those groups to access the new development site compared to the general populace. Measures would need to be considered at the reserved matters stage for the proposed estate road served from Farmland Road to ensure that it mitigates impacts on those groups for example including ensuring an appropriate gradient, dropped kerbs, crossing facilities, appropriate surfaces etc but it is acknowledged that the steep gradient of
the existing road would remain. This represents an identified harm that needs to be considered and assessed in the planning balance.

Affordable housing

4.50 JCS Policy 4 requires 33% of all dwellings on schemes of 16 dwellings or more to be delivered as affordable dwellings.

4.51 The application proposes a policy compliant 33% (27 dwellings) affordable housing with a tenure split of 85% affordable rent and 15% shared equity.

4.52 The Council’s Housing Strategy Officer has confirmed this is acceptable. Furthermore the submitted viability report (confidential) demonstrates that the scheme is viable with the delivery of this policy compliant affordable housing.

4.53 Therefore subject to a S106 legal agreement to secure the affordable housing, the proposal is considered to comply with JCS Policy 4.

Housing mix

4.54 Policy DM3.1 requires all housing proposals to help contribute to a range of dwelling types and bed spaces to meet the requirements as identified through the current Strategic Market Housing Assessment. This is to ensure that housing needs in the area are met and balanced communities are provided. A condition would be imposed on the outline planning permission to require the reserved matters to be submitted with an appropriate housing mix in accordance with this policy.

Density

4.55 The application proposes 83 dwellings on a site of 6.7Ha which would represent a gross density of approx. 12 dwellings per hectare. If excluding the approx. proposed 3Ha of open space the net density is approx. 25 dwellings per hectare. This would be an appropriate low density and the site has sufficient space to provide open space and landscape buffers to its edges which would respond to both its rural edge of settlement location and the context and low density of the surrounding area.

Open space

4.56 Policy DM3.15 requires new developments to provide adequate outdoor play facilities and recreational open space commensurate with the level of development proposed.

4.57 The current standards are set out in the recreation open space requirements for residential areas (Supplementary Planning Document SPD) (December 1994) and require on this number of dwellings an overall area of open space to be approx. 4980sqm (0.49Ha) (made up of approx. 1577.5 sqm of play space and 3402.5sqm of recreational open space).

4.58 The application proposes in excess of 3Ha of open space which would be made up of play areas, outdoor sports space and new woodland. In addition, as also set out in the Ecology section of the report, footpaths are proposed into the adjacent county wildlife site and a contribution to ensure their delivery (a current estimate of £42,000) is agreed by the applicant to be secured by S106.

4.59 The quantum of open space proposed is therefore significantly in excess of the required 0.49Ha and would therefore accord with the policy requirement. The amount of open space and provision of play equipment together with a scheme for the ongoing management and maintenance of the public open space would need to be secured through a S106 agreement.
Whilst layout is not for detailed consideration for this outline application, landscape has now been included in the application. The quantum and positioning of open space and landscaping is an important factor in considering the principle of the development within its landscape and ecological contexts.

Of importance is the amount of open space and its location adjacent to the county wildlife site, as a buffer to the landscape beyond and as a strategic landscape buffer to mitigate landscape and visual impact from views to the site. On the previous application, given this was an important matter to establish the principle, a condition was suggested to require the reserved matters to follow these principles substantially. The current application now for consideration has included landscaping as a matter for consideration and this enables more certainty and therefore weight to be given to the delivery of the structural and strategic landscaping proposed which includes a planted/open space buffer to the county wildlife site and corridor to the river valley to the north and also strategic planted areas to the south-east corner of the site adjacent to existing residential properties to provide a wooded backdrop when viewed from the other side of the river valley.

Therefore subject to the imposition of conditions and a S106 legal agreement it is considered that the proposal would accord with Policy DM3.15.

Residential amenity

Policy DM3.13 requires development to have regard to the impacts on residential amenity. This application is in outline form with only access and landscaping for consideration, however with large areas of open space proposed and an approx. net density of 25 dwellings per hectare, together with proposed planting within and around the perimeter of the site, it is considered that the site is of a sufficient size to ensure that a scheme can be delivered at the reserved matters stage that would ensure that the amenities of the existing residential properties would not be adversely affected.

Education

Norfolk County Council Children’s Services have advised that there could be capacity issues at the primary and secondary schools in considering the already committed and unplanned speculative development coming forward in the area. They however advise that it is their statutory duty to provide school places and they would fulfil that duty and as such no objection is raised to this application on the grounds of education provision. However, providing additional school places is problematic when un-planned development comes forward and providing a school place for all children at their local (closest) school would not be guaranteed. They raise strong concerns on the cumulative impact on school places from speculative development with the large number of new homes planned for this area, and the principle of allowing housing growth outside of the Local Plan process (i.e. on unallocated sites) and to this housing development in particular (noting that they will adopt a consistent position of concern for any new housing development in this growth area). They do also note that a bid for CIL funds would be made for the required education improvements.

Given the absence of a 5 year supply of housing and the test of para 14 of the NPPF requiring that the harms of a development must significantly and demonstrably outweigh the benefits to be demonstrated, this forms part of the planning balance.

Crime and disorder

In relation to the Council’s duties under Section 17 of the Crime and Disorder Act 1998, the application raises no significant crime and disorder issues. A number of local residents have raised concern in relation to crime from new development, however it is considered that a suitable scheme could be agreed at the reserved matters stage to ‘design out crime’ as far as is practically possible.
Summary of social role

4.67 The principal social benefit of the scheme is that it provides housing within a location where a 5-year housing land supply cannot be demonstrated. In addition, and as noted above, the proposal includes the provision of affordable housing to the requirements of Policy 4 of the Joint Core Strategy. This is a significant benefit when weighing the benefits against the harms of a proposal such as this.

4.68 Whilst this application is in outline form only (with only access and landscaping for consideration) the site is considered of a suitable size to ensure that a high quality development can be achieved to enhance the built environment without detriment to existing residents.

4.69 The site is in a sustainable location being in close proximity to schools, shops and services and well serviced by buses within the area and to Norwich and is accessible to employment locally and in Norwich and the surrounds. A level of harm is identified to groups with certain ‘protected characteristics’ (i.e. age, disability, pregnancy and maternity) given that they may be discouraged to access the site as a pedestrian due to the steep gradient of the existing access road. This represents a limited harm in respect of the sustainable location of the proposal and also a harm in respect of the Equalities Act.

4.70 Open space and recreation space in significant excess of the policy requirements would be delivered on site which are necessary in respect of the landscape context of the proposal and which are also a significant public benefit.

4.71 There would be a level of harm given concerns of school capacity, however the impacts of this particular development are noted to be minor (having a likely pupil output in the low 20s) and NCC Children’s Services indicates that capacity can be addressed. Therefore, whilst the general cautionary comments from NCC Children’s Services on the principle of unplanned growth are noted, the direct impacts of this development are not therefore considered to be significantly harmful.

4.72 The local highway network is considered to be able to safely cater for the additional traffic generated by the proposed development without adversely impacting on other road users to a point where a refusal could not be substantiated.

4.73 It is considered that the scheme would result in significant social benefits and only some limited social harm in terms of potential capacity at schools and pedestrian access for those groups with certain ‘protected characteristics’.

Environmental Role

4.74 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."

Landscape impact

4.75 It should be noted that the application has been re-submitted following a previous refusal of an application on grounds of landscape and visual impact.

4.76 Landscaping has, in this re-submission, been included as a matter for formal determination and the additional LVIA work has been submitted in the form of visualisations from five viewpoints (2, 4, 6, 7 & 9).
4.77 To ensure the landscape proposals are explicit on the submitted documents, the Access and Ecology Strategy originally submitted has been adapted to be an overarching drawing with the key revised and expanded to make a clear and explicit distinction between the existing and proposed features (now titled landscape strategy).

4.78 NPPF Para 61 requires development to address the connections between people and places and the integration of new development into the natural, built and historic environment.

4.79 Policy 2 of the JCS relates to design and includes requiring development to respect local distinctiveness including landscape character and the wider countryside. Policy 12 of the JCS sets out more detailed objectives for areas of growth in the NPA which cover the protection, maintenance and enhancement of green infrastructure and the protection of the landscape setting of the urban area.

4.80 Policy DM4.5 requires all development to respect, conserve and where possible enhance the landscape character of its immediate and wider environment. It advises that development that would cause significant adverse impact on the distinct landscape characteristics of an area will be refused. Particular regard will be had to protecting the distinctive characteristics, special qualities and geographical extents of the identified Rural River Valleys and Valley Urban Fringe landscape character types.

4.81 In terms of the landscape character and context, the majority of the site falls within G1 Easton Fringe Farmland in the 2012 review of the ‘Local Landscape Designations’, which itself forms the basis of Policy DM 4.5 ‘Landscape Character and River Valleys’. This area covers the northern margins of the elevated farmland plateau to the west of Norwich.

4.82 A small part of the site to its north western end falls within the River Valley Character Area. The area of woodland also in the ownership of the applicant also falls in the River Valley landscape.

4.83 Bunkers Hill and East Hills CWS are both locally distinctive landscape features and which form an important backdrop to the site and the local Tud River valley.

4.84 Whilst the majority of the site is outside of the River Valley landscape designation, the site is part of an area which sits within the wider valley landscape, including being visible across the Tud Valley from Old Costessey.

4.85 In particular, the review of the Local Landscape Designations noted the sensitivities and vulnerabilities of the Easton Fringe Farmland to:
- Balance of developed area to rural context. Because of the highly development character of much of this area, further intrusion of built features upon the rural landscape may have significant effects upon the perceived quality;
- The need to consider the views from the surrounding landscape, which is highly sensitive to any development on or near the prominent ridge top within this area; and
- The need to preserve good quality rural views from the ridge top to the surrounding countryside;

4.86 Policy DM4.5 is also concerned with the ‘wider environment’ and as such consideration of the impact of the site in the Tud Rural River Valley landscape is also required, where the Place-Making Guide SPD notes key considerations include the need to:
- Maintain the distinct and separate character of the settlements of old Costessey and New Costessey; and
- Prevent incremental development down the valley sides into this character area.

4.87 Key components of the landscape that are likely to be affected by the development are considered to be:
4.88 In respect of visual impact, it is considered that the indicative layout does respond to the visual assessment, restricting built area to the G1 Easton Fringe Farmland Local Character Area and making strategic provision for planting that will, as it matures, reduce the visual effects further. In Officer’s opinion, the new visualisations provided serve to confirm this conclusion.

4.89 In respect of the impact on Landscape Character, the effect on landscape character is considered by the LVIA. Whilst the site is currently a field in agricultural use, it abuts existing residential areas and as such the Council’s Landscape Architect does not consider that the proposal is detrimental to the overall character of landscape character G1, especially in light of the demonstrated limited long-term visual effect.

4.90 In terms of landscape design, the landscape treatment now forms part of this outline application. It is considered that the concept for planting and open spaces has responded to the Landscape Architect’s landscape and visual assessment and the proposals are appropriate for the situation.

4.91 Two reasons were cited on the refusal for 2015/2927:

1. The proposal would, by virtue of the encroachment of the development in the valley of the River Tud, result in an unacceptable visual impact on the landscape of the River Valley and Easton Fringe Farmland character areas which amounts to significant and demonstrable harm to the landscape and local character and distinctiveness of the area and therefore fails to comply with policy DM4.5 and 1.4 part d(i) of the South Norfolk Local Plan 2015, policy 2 of the JCS and Para 61 of the NPPF.

2. It is considered that whilst the scheme fulfils the economic and social roles of sustainable development as set out in the NPPF, the scheme does not fulfil the environmental role by virtue of the adverse visual impact on the landscape which would significantly and demonstrably outweigh the benefits of housing, affordable housing and open space. Therefore on balance the scheme is not considered to represent a sustainable development as defined in the National Planning Policy Framework (2012) when considered as a whole.

4.92 It is considered that the new visualisations demonstrate that the visual effects of the proposal are largely mitigated by the proposed planting and that after 15 years the most significant visual effect of this development alone will be from the lower end of Farmland Road, where the assessed significance is ‘Moderate – Adverse’. It should be noted that a greater visual impact is anticipated from the top end of Farmland Road, where a cumulative assessment of both this proposal and the development currently under construction at Townhouse Road results in a ‘Major-Moderate Adverse’ effect that is not diminished after 15 years. The significance of this effect is judged to be medium to high, however an assessment of the application site alone from this point provides a lesser ‘Minor-Adverse’ result after 15 years, which is a low significance. From this, it is clear that the proposed residential development in itself will not result in high visual significance of effects once the associated planting has established (as modelled at 15 years from planting).

4.93 It is clear that existing off-site vegetation is an important factor in determining the visual effect of the proposed development – as is often the case with developments of this nature and scale. Whilst measures exist whereby the future of such features can often be controlled (e.g. Tree Preservation Orders) not all landscape features can necessarily be safeguarded. The concurrent application for the land that abuts this site offers an
opportunity to guarantee retention, enhancement and management of the riparian landscape here. However it is considered that the the acceptability of the proposed residential development is not dependent on 2017/0420 as - regardless of whether or not the access and management scheme is undertaken – it is not considered that there would be a significant and demonstrable harm from 2016/2430 alone.

4.94 The Council’s Landscape Architect confirms, in his judgement, that the landscape and visual effects are such that it cannot be demonstrated that there will be significant and demonstrable harm in either visual or landscape terms for the layout and scheme as presented by the illustrative masterplan, and as such does not object to the application.

4.95 If the application is approved, conditions are requested to require full details of the landscaping, tree protection, management plans etc. It is considered that the inclusion of landscape as a matter for formal consideration and the additional LVIA work carried out provides for more weight to be given to the conclusions that the proposal would not result in significant adverse impacts. The landscape led approach to the development by structuring development within strategic landscaping to support the landscape context of the site can now be secured and relied upon as landscape is for formal consideration in this application.

4.96 It is concluded in respect of landscape impact, whilst there would be a level of harm and local residents objections are noted, this is not at a level that fails the policy test which requires significant adverse harm. The harm needs to be weighed against the benefits of the development in light of the absence of a 5 year supply of housing land.

4.97 Precedent has been raised in respect of how this might affect the likelihood of further applications coming forward within the river valley and also the acceptability of the sites put forward under the call for sites.

4.98 Precedent is not a planning material consideration as each application must be considered on its own merits. The submission of the application site for the Greater Norwich Local Plan call for sites, or in fact any other site within Costessey, is not currently a planning material consideration which is afforded any weight as the document has not been through any advanced public consultation.

4.99 The Farmland Road Action Group (FRAG) Objection brochure raises concern with the submitted LVIA considering that it does not follow the industry guidelines. Three key issues are raised which are 1. That no details of planting are provided (species, densities, growth rates etc); 2. Lack of consideration of construction phase; 3. No assessment from residential. Officers comment that despite the observations of the report about the process, the review does not appear to fundamentally disagree with the overall findings of the submitted LVIA. In terms of the three areas raised, in respect of planting details, whilst full details are not provided, the submitted Landscape Strategy clearly sets out the types of planting expected, much of the elements being ‘native woodland’ which suggests the planted species will reflect those present in the neighbouring woodland. The level of detail submitted is sufficient to enable Officers to assess the landscape and visual impact of the proposals and the additional level of detail of species, type etc can be controlled by condition.

4.100 Lack of consideration of the construction phase in the LVIA is raised as a concern. Whilst this can be included in an LVIA, in this case, (as is the case for the majority of major residential applications in the district) this was not included in the LVIA. There is nothing to suggest that the scheme would have any unusual construction practices and inclusion of construction was not considered necessary by the Council’s Landscape Architect who confirms that such impacts would not change his overall conclusions about the scheme, continuing to consider that the LVIA impacts are not significant adverse.
In terms of assessment in the LVIA from residential receptors, the Council’s Landscape Architect advises that assessment from private residential viewpoints is not usually undertaken within the LVIA. The LVIA guidelines advise that private viewpoints from residential properties are dealt with “mainly through residential amenity assessments”. Notwithstanding this, the Council’s Landscape Architect confirms that if such an assessment had been undertaken his conclusion would remain the same. Looking at the surrounding properties, many of those to the east already have their views into the site interrupted by existing trees, and new planting will further screen the site. Those that have a clearer line of sight from the east, look over the part of the site that is to be undeveloped (and also that proposed for the recreational walks.)

In terms of the objectors’ concerns of the boundary between the landscape character areas and deliberate location of housing within one character area, the Council’s Landscape Architect accepts that character areas should not necessarily be seen as hard lines but considers that the scheme is tested against both character areas.

Officers therefore consider that the additional information submitted by FRAG does not raise anything material to change the above assessment in respect of landscape visual impact.

Flood risk and drainage

The proposed overarching drainage strategy remains unaltered in terms of principles to the previous scheme however an updated Flood Risk Assessment (FRA) has been submitted following a holding objection from the Environment Agency which amongst other matters principally required new climate changes allowances to be accommodated within the assessment and drainage strategy. Furthermore additional information regarding infiltration testing locations and groundwater levels have been submitted in response to the Farmland Road Action Group objection document/the LLFA request for the additional information to address their objection which required the above information to confirm the validity of the infiltration drainage to be satisfied that this is a workable drainage solution.

JCS Policy 1 requires development to be located to minimise flood risk, mitigating any such risk through design and implementing sustainable drainage. Para 103 of the NPPF advises that Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in area at risk of flooding where informed by site specific flood risk assessment and give priority to the use of sustainable drainage systems. Policy DM4.2 requires sustainable drainage measures to be fully integrated within the development to manage any surface water arising from the development proposals and to minimise the risk of flooding on the site and surrounding area. It advises that development must not cause any deterioration in water quality and measures to treat surface water runoff are to be included in the design of the drainage system.

The site lies adjacent (south) to the river Tud. The majority of the site lies within Flood Zone 1 (lowest risk). When Climate change is allowed for a small section of the land within the red line would be in future flood Zone 2.

Land to the north which forms part of the site proposed as public access (in blue line land) lies within Flood Zone 2 and 3.

There is an overland surface water flooding flow path that crosses the site from south to north. This is associated with a natural topographic depression that flows through the site prior to discharging into the River Tud.

The key issues for consideration are flood risk and surface water drainage.

The application proposes to address surface water by a SuDS system. This would involve surface water attenuation in surface water features, the use of permeable paving and soakaways prior to infiltration to the ground.
4.111 In respect of flood risk, based on the FRA as amended, the Environment Agency confirms no objection to the application noting that all proposed development has sequentially been sited within Flood Zone 1 (lowest risk); minimum finished floor levels are to be set at 9.06m AOD; when the revised climate change allowances are considered and taking into account the upper end allowance of 65%, a small area of land on the northern site boundary is below the 8.94m AOD contour (0.1% AEP 65% climate change) and therefore in future Flood Zone 2; The remainder of the site is all above the 8.94m AOD contour and therefore remains in Flood Zone 1 for the lifetime of the development; and there will be no raising of ground levels within the floodplain. They therefore confirm in respect of flood risk, the application is acceptable and no compensatory storage is required as there is no ground raising in the river recreation area. Therefore, subject to condition to comply with the FRA, no residential development outside of Flood Zone 1 (including adjusted flood zones after climate change allowance has been accounted for) and no ground raising in the river recreation area, the proposal is acceptable in respect of flood risk, according with JCS Policy 1.

4.112 On the basis of the housing development being wholly in Flood Zone 1 with no new dwellings being located in the future flood zone 2, which can be secured by condition, the proposal would pass the sequential test required by the Environment Agency.

4.113 In respect of surface water drainage, the requirements at the outline stage are to demonstrate one workable drainage solution in compliance with the SUDS train. Following objection from FRAG and review of the strategy by the LLFA, the applicant carried out additional on-site testing to ensure that it is possible to deliver a strategy capable of maintaining a 1.2m unsaturated zone below the base of any infiltration feature. The LLFA consider that based on the constraints that they have been made aware of, that the applicant has therefore submitted sufficient information at this stage to demonstrate at a high level that the proposal is achievable at this time and therefore consider that it has been demonstrated that there is a workable solution to the drainage.

4.114 General infiltration testing has been undertaken and shows that infiltration SuDS are feasible. Conditions requested reflect the need for more detailed testing at specific infiltration features to be undertaken at a further detailed design stage which is reasonable and proportionate given the application is in outline form.

4.115 The LLFA confirm that the applicant has submitted sufficient information to demonstrate at a high level that the proposed drainage strategy is appropriate. It is considered that the suggested condition provides an adequate level of protection to ensure that the development will be safe from flooding over its lifetime, will not increase the risk of flooding elsewhere, and will not contribute towards adverse effects by unacceptable levels of water pollution in line with Paragraphs 103 and 109 of the National Planning Policy Framework (NPPF).

4.116 The imposition of conditions include detailed infiltration testing, an assessment of depth to groundwater in the locations of any proposed infiltration features below the pre-development 10.5m above Ordnance Datum (AOD) contour; geotechnical assessment of the potential for solution features in the location of the proposed infiltration drainage elements; provision of surface water attenuation storage to accommodate the 1 in 100 year return period, detailed design and modelling of the drainage conveyance network, plans showing the routes for the management of exceedance surface water flow routes, finished floor levels to be 300mm above all expected levels of flooding, details of how will be designed to accord with the SuDS Manual including appropriate treatment stages for water quality prior to discharge and details of management and maintenance of the proposed drainage strategy.

4.117 The LLFA also note that there is an overland surface water flooding flow path that crosses the site from south to north that is at medium to low risk of surface water flooding (1 in 100 and 1 in 1000 years flood event). This is associated with a natural topographic depression.
that flows through the site prior to discharging into the River Tud. The LLFA raise no objection in relation to this subject to this being considered in detail, avoided or managed appropriately during the design of the site layout (at a reserved matters stage) which is reflected in the proposed condition. Therefore subject to condition and appropriate design at the reserved matters stage Officers consider that the flow path going through the site has been appropriately identified, considered within the proposals and by consultees who consider a condition appropriate and proportionate to ensure that the housing and drainage network is appropriately designed.

4.118 Therefore subject to the imposition of conditions as set out by the LLFA, which Officers consider should be a requirement to be approved as part of the reserved matters application, it is considered that the proposal as amended, would accord with JCS Policy 1, para 103 of the NPPF and its associated technical guidance and Policy DM4.2.

4.119 The Internal Drainage Board has advised that as currently proposed the surface water drainage system to infiltration does not affect them. However should this change and a discharge be required to the north of the site, a land drainage consent would be required and a one-off surface water contribution would be required to the IDB. A note to advise the applicant on any consent would be required to address this.

4.120 In terms of foul drainage, Anglian Water has confirmed there is available capacity for this development in the sewerage system and in terms of waste water treatment, the Whitlingham Trowse Water Recycling Centre has available capacity for the development.

4.121 Anglian Water also advise that there are Anglian Water assets that are within or in close proximity to the site and any future layout should take into account these assets or should be diverted at the expense of the developer. A note advising this and a satisfactory scheme or diversion at the reserved matters stage would need to be imposed on any consent granted.

Water Framework Directive


4.123 The overarching aims of the WFD are to achieve an overall 'good' status, taking into account both ecological and chemical status and so encompasses matters of water quality and quantity.

4.124 Duties under the WFD are set out in The Water Environment (Water Framework Directive) Regulations 2003, which requires each public body in exercising its functions so far as they affect a river basin to have regard to any relevant river basin management plan or any supplementary plan prepared under these regulations (Regulation 17). Furthermore Regulation 19 requires public bodies to provide 'such information in its possession' and 'such assistance as the Environment Agency may reasonably seek' in connection with its WFD functions.

4.125 The NPPF sets out the need to comply with European Union (EU) obligations and statutory requirements (paragraph 2) and to make decisions based on up to date information about the natural environment including River Basin Management Plans (para 165).

4.126 NPPF paragraphs in relation to ecology, biodiversity and flood risk are also relevant to the aims of the WFD and are taken into account by the local planning authority in exercising its planning functions.

4.127 The River Basin Management Plans (RBMP) are produced by the Environment Agency (EA). The relevant RBMP for this area is the Anglian River Basin District RBMP. The EA is
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the lead competent authority for the WFD in England. It is the lead organisation for producing, implementing and monitoring the RBMP.

4.128 Policy DM4.2 sets out the Council’s planning policy in relation to sustainable drainage and water management. This includes the need for Sustainable Drainage Systems (SuDS) to be integrated into a development unless it can be demonstrated that SuDS are unsuitable and includes the requirement to ensure that there is no deterioration in water quality. The use of SuDS which have regard to water quantity and quality supports the aims of the WFD.

4.129 The Environment Agency has advised that the sensitivity of the River Tud is considered ‘High’ due to the habitat present that supports a number of protected/BAP species including (native) white-clawed crayfish, brown trout, bullhead, brook lamprey all of which are sensitive to changes in water quality. Furthermore the Tud, whilst not a SSSI/SAC possesses a similar assemblage of species and habitat to that of the River Wensum which is designated as a SSSI/SAC for having these features.

4.130 They indicate that to afford adequate protection to the River Tud, given the sensitivity of the Tud, in terms of the proposed SuDS, additional levels of treatment as prescribed in the SuDS manual for a river of ‘high’ sensitivity will be required (levels of treatment depend on for example if the water is to surface water or ground water etc). They advise that if the correct level of SuDS treatments are in place to prevent deterioration to the receiving waterbody, they can be confident that the interest features of the Tud are adequately safeguarded. They indicate that the impacts can be addressed by condition and that the condition requested by the LLFA which includes a requirement for the SuDS scheme to include appropriate treatment stages for water quality prior to discharge is sufficient.

4.131 Local residents raise concern that infiltration will not be possible at the detailed design stage and this will affect the ability to deliver appropriate treatment levels to ensure a water framework directive compliant scheme. The LLFA has confirmed that the applicant has submitted sufficient information to demonstrate at a high level that the proposed drainage strategy is appropriate (with further validity through groundwater levels recently submitted), considering that the suggested condition provides an adequate level of protection to ensure that the development will be safe from flooding over its lifetime, will not increase the risk of flooding elsewhere, and will not contribute towards adverse effects by unacceptable levels of water pollution. It is also evident from the Environment Agency’s comments that there are a number of ways to deliver the required levels of treatment within the drainage strategy to comply with the WFD. The detailed scheme would need to be the subject of approval by discharge of condition of the Environment Agency and the LLFA.

4.132 Officers note the continued objections and issues raised by local residents in respect of potential impacts on the River Tud and sensitive species, noting uncertainties of the drainage strategy means precise assessment of the impacts in terms of Water Framework Directive and necessary treatment levels cannot be made at this time. However it is considered that subject to the imposition of a SuDS condition to include water quality, which the statutory consultees endorse, which Officers would consider reasonable to require this to be agreed as part of the submission of reserved matters, that there would not be be any adverse impact on the aquatic ecology of the River Tud as a result of the proposed development.

Sustainable construction/renewable energy

4.133 Policy 1 and 3 of the JCS require the sustainable construction of the building, water conservation measures to be included in addition to requiring 10% of the predicted energy requirements to be delivered by on site decentralised and renewable or low carbon energy. An Energy Report is submitted with the application which demonstrates how this would be delivered and proposes PV or solar thermal panels to address the 10% renewable energy
requirement. Precise details and compliance with the policy would need be secured by condition.

Archaeology

4.134 NPPF para 128 and policy DM4.10 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. There are no designated or undesignated archaeological assets recorded within the site.

An archaeological desk based assessment has been submitted with the application which indicates that there is a moderate archaeological potential for the early to mid Prehistoric periods, a low to moderate potential for the later prehistoric periods and a low potential for all other periods.

4.136 The Historic Environment Service has confirmed that the proposed development site is a large area of unknown archaeological potential and it is likely that the lack of heritage assets recorded on the site is the result of a lack of investigation rather than a genuine absence. A large number of artefacts have been recovered from the vicinity of the site in recent years. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) may be present at the site and that their significance will be affected by the proposed development. A condition requiring a programme of archaeological investigation work is therefore requested.

4.137 Therefore subject to an archaeological investigation condition, the proposal would accord with Para 128 of the NPPF and policy DM4.10.

Pollution

4.138 Concerns have been raised by local residents in respect of potential air pollution that would result from the additional vehicles that would use the site if developed for residential. Policy DM3.14 has regard to pollution and health and safety. Air quality issues tend to arise where there is significant standing traffic and in such instances air quality management areas are designated. There are currently no designated air quality management areas in the district. The proposal relates to 83 dwellings and this is not considered to be of such a scale nor would result in any significantly adverse standing traffic so as to cause any unacceptable impacts on air quality, any species or habitats or general amenity.

Contamination

4.139 Policy DM3.14 has regard to development and contamination. A contamination report has been submitted with the application which identifies no contamination is present at the site but recommends further investigation to identify contamination from unrecorded potentially contaminative activities and any unrecorded land uses which should include soil sampling and chemical analysis.

4.140 Concern has been raised by local residents in respect of potential contamination and that these risks have not been assessed, having general contamination, health and ecological implications.

4.141 Farmland Road Action Group (FRAG) have reported that historically builders waste was dumped on the site in the form of a bund, which they consider may be forming an informal fluvial flood defence and which contains contaminants. A contamination report has been submitted by local residents identifying asbestos and other potential contamination on the site. Concerns include potential impacts on flood risk should the bund require removal for remediation and may affect the viability of the site. Concern is also raised that the contamination should be investigated and addressed by the Council notwithstanding the planning application as an issue in its own right.
4.142 The location of the bund and contamination is reported to be within the existing wooded area to the north of and outside of the extent of the residential planning application (within the application boundary of application 2017/0420 for the river recreation area).

4.143 The presence or otherwise of a bund of builders waste, its location, extent, or degree of contamination has not been verified by the applicant who advises that no bund was identified in the applicants contamination report. The applicants agent reports that there is no bund and the Flood Risk Assessment (FRA) is based on a no bund scenario and as such the FRA represents the worst case scenario for flood risk on the site in any case. Furthermore it is evident that the reported location of the bund lies within the application site of the river recreation area, which is not required to be delivered as part of this residential application.

4.144 A precautionary approach has been taken and the Environment Agency, the Lead Local Flood Authority and Council’s Environmental Protection Officer were consulted on potential impacts of contamination in a bund.

4.145 The Environment Agency has confirmed no objection, being satisfied that should contamination be found that there are remedial options available to deal with this and have suggested further detailed conditions to require information prior to the commencement of development to ensure that risks are appropriately addressed.

4.146 In terms of flood risk, again there is no objection from the Environment Agency in this regard.

4.147 The Council’s Environmental Protection Officer has confirmed no objection subject to a condition requiring a contamination and risk assessment and remediation as necessary.

4.148 The Lead Local Flood Authority have advised that in terms of the impact on the ability to deliver an appropriate drainage strategy on the site, information submitted by the applicant has shown natural ground at the three test locations across the site, suggesting that any contamination is localised as opposed to widespread, which is a conclusion supported by the applicants ground investigation report. The principle of infiltration on the site is unaffected by the presence of potential contamination in an isolated location. If contamination is a constraint to the location of specific infiltration features, then new locations within the site could be accommodated for those features and this would be a matter for approval at the detailed drainage stage at reserved matters and discharge of conditions. They conclude that the information supplied with the application suggests that the removal of any bund would not affect the surface water local flood risk on the site.

4.149 It is therefore considered that given the information submitted, the contaminants highlighted and the views expressed by the Environment Agency, the Council’s Environmental Protection Officer and the Lead Local Flood Authority that further investigation is appropriate and proportionate to be resolved by planning condition. Therefore subject to those conditions, the proposal would accord with policy DM3.14.

Ecology and green infrastructure

4.150 Policy 1 of the JCS requires the development to both have regard to and protect the biodiversity and ecological interests of the site and contribute to providing a multi-functional green infrastructure network.

4.151 The application is accompanied by a preliminary ecological appraisal which provides baseline ecological information about the site and identifies potential ecological constraints associated with the proposed development.

4.152 The inclusion of landscaping as a matter for consideration on this resubmission provides the certainty of the landscaping proposed which relates to the provision of open
spaces/landscaping/buffers etc required to successfully integrate and connect the development into its context in respect of the County Wildlife Site (CWS) and the river.

4.153 Overall it found that the site has limited potential for protected species as the majority of the site is recently farmed arable land. However the site borders the East Hills County Wildlife Site (CWS) on the south west corner, which is connected to the site via various trees and shrubs along part of the site boundary. In addition the River Tud is to the north of the site, forming part of the River Tud Valley.

4.154 The key potential on site ecology matters are bats, breeding birds, reptiles and hedgehogs. The impact on white-clawed crayfish (a protected species) and other BAP species in relation to the River Tud are addressed in the water quality section of the report.

4.155 In respect of bats, the report concludes there is little potential for bat nests due to limited site trees that will be affected, but there is potential of trees along the boundaries being used for roosting and commuting.

4.156 In respect of breeding birds, there are no trees affected on site for nesting birds. Nesting birds on site boundaries and within vegetation can be protected through timing of works to avoid bird nesting season and or inspections. An Ecological Management Plan would need to be conditioned to control this.

4.157 In respect of reptiles, the report confirms there is little potential for reptiles on site, but some potential within the site boundaries.

4.158 A number of ecological enhancements are proposed within the submitted Ecological Report which include the provision of an open space area adjacent to the western boundary (CWS) with recommendations for the seeding and hedgerow planting; enhancements of existing and planting of new hedgerows; installation of bird boxes; installation of swift boxes in all new dwellings; installation of bat boxes; creation of wildlife rich habitats; and installation of hedgehog access points in fences.

4.159 The County Ecologist confirms that the mitigation and enhancement measures proposed are necessary to mitigate any impact on ecology and recommend that a detailed Biodiversity Management Plan be required by condition.

4.160 The County ecologist has confirmed that in broad principles there is no objection to the application. The proposed open spaces shown on this indicative masterplan (within and around the site boundary together with additional planting) are now supported by proposed landscaping proposals which establish the broad principles in terms of spatial arrangement, quantum and type of the open space/structural landscaping area. This will help ensure that the ecological connectivity between the East Hills CWS and the Tud Valley are maintained. In that regard they advise the above mentioned Biodiversity Management Plan should include details of the timetable of works and the exact amount of green space (which is recommended should be in line with current plans) and how this would be planted and managed going forward.

4.161 Therefore in respect of ecology and biodiversity, subject to conditions as set out above, the proposal would accord with JCS policy 1.

In terms of green infrastructure, as the site is adjacent to the county wildlife site (East Hills) it is anticipated that there will be increased recreational pressure on the CWS by the addition of the new residents from this proposed development. This has been recognised by the developer who has proposed a network of paths both in the CWS and also to the north of the site along the River Tud (as per application 2017/0420).

4.162 In respect of the proposed new footpaths within the East Hills CWS, an overarching scheme (subject to detail) has been agreed for a circular walk within the site, for which a S106 will
secure the funding from the applicant for the landowner (SNC) to deliver (in the region of £42,000 plus vat). Precise terms of the legal agreement in respect of funds and timing of delivery would need to be agreed should committee resolve to approve the application.

4.163 In terms of the related application 2017/0420 for the river recreation area, whilst it is acknowledged that this would spread the pressure on the County Wildlife Site and provide options of longer walking routes, it is considered that, given the proposed residential provides significant areas of public open space and that the proposed formalised and improved routes are proposed within the CWS which themselves help mitigate development pressure on the CWS, that on balance the recreation land proposals of 2017/0420 are not necessary to make the residential development acceptable.

4.164 It should be noted that the green infrastructure corridor from the CWS to the river would still be delivered in respect of ecological connectivity by the delivery of the open spaces and structural planting on the application site regardless whether there is public access to the river area.

4.165 Therefore, whilst the river recreation area proposed by 2017/0420 is a positive proposal to be encouraged in respect of green infrastructure and landscape feature retention, as it is not necessary to mitigate the impacts of the residential development, and therefore the acceptability of the residential scheme does not take into account or give any weight to that additional recreation land, it cannot be linked to the delivery of the residential scheme by S106.

Summary of environmental role

4.166 The development would result in an infringement into the open countryside. However it is acknowledged that it is likely that, to address a housing land shortfall, development within the open countryside may well be necessary and it is evident that Policy DM1.3 makes provision through reference to DM1.1 for approval of development outside of the development limit for proposals that are in someway harmful but necessary in the circumstances.

4.167 The site lies in the escarpment of the valley of the River Tud. The majority of the site lies outside of, but directly adjacent to, the designated River Valley Landscape Character. It lies within the Easton Farmland Fringe character area. An area to the north-west corner of the application site is located within the River Valley designation and this area is proposed as public open space.

4.168 As set out above, it is acknowledged that the proposal would result in harm to the landscape however in the long term this would be medium to low. Visual impacts from East Hill County Wildlife Site (CWS) would remain medium high. The level of impact is not considered to be significant adverse and as such is not at a level to conflict with the landscape policy. Whilst a level of harm is therefore recognised, in the context of the test of para 14 of the NPPF this harm is not considered to be significant and demonstrable.

4.169 There would be significant environmental benefits by the use of green and woodland buffers to the adjacent county wildlife site, green corridor from the CWS to the river and the provision of open space and planting to provide strategic landscape planting for the site and landscape when viewed from the north.

4.170 Potential environmental harm through water quality and quantity from the site on the ecology of the River Tud and flooding however can be mitigated through the imposition of conditions.

4.171 Potential harm as a result of contamination can be addressed through the imposition of planning conditions.

4.172 It is acknowledged overall therefore that there is a level of environmental harm through landscape and visual impact. However it should be noted Officers consider that the
additional LVIA assessment and inclusion of landscaping as a matter for consideration enable more weight to be given to the LVIA conclusions in the consideration of the landscape policy and in the planning balance compared to the previous application. Officers considered that the proposal does not fail policy DM4.5 as would not cause significant adverse impact.

4.173 The level of harm needs to be assessed as to whether it is of such significance that it outweighs the benefits detailed above having regard to the second point of Para 14 of the NPPF.

4.174 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, whilst there would be harm to the landscape character and visual impact, this is not on balance considered to be significant and demonstrable.

4.175 The appeal decision for Chapel Lane Wymondham (application reference 2012/1434) reinforces the high bar required to be set for the significant and demonstrable harm test. In this case, the Secretary of State (SoS) advised 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).

4.176 Similarly the Inspector for the appeal decision for the residential development at Townhouse Road on the opposite site of the River Tud (application reference 2009/1996) which lies in the river valley designation found that notwithstanding the identified harm to the landscape this did not outweigh the benefits of housing delivery.

4.177 It is therefore considered that the scheme would result in both some harm and provide benefits in the environmental role.

Other issues

Viability

4.178 In requiring Local Planning Authorities to demonstrate a 5 year supply of housing land the NPPF also indicates that for sites to be considered deliverable in this context, they should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable (footnote 11 para 47).

4.179 In this context a viability assessment was requested of the applicant which has been updated to reflect the specific obligations of the development, appropriate abnormal costs and contingencies. The District Valuer as a consultant to the LPA on the viability has made an assessment of the viability report and confirms that the proposal is viable including those works necessary to make the development acceptable including the required drainage works or contribution towards footpaths in the County Wildlife Site would not be cost prohibitive or make the scheme unviable to deliver.

4.180 Whilst not necessary to make the development acceptable and not therefore relied upon in the acceptability of the residential proposal, should the related river recreation area of 2017/0420 come forward the applicant has confirmed in terms of costs within the viability this would not render the residential scheme unviable. The overarching maintenance schedule submitted for this area also confirms that it is not cost prohibitive to include the management and maintenance of this area within the same management and maintenance requirements of the residential site.
4.181 The application as set out above is considered viable and the applicants indicate that the site is available and deliverable now. As the principle of the development is based on delivering housing in the lack of a five year supply and as set out in the NPPF there should be a realistic prospect that housing will be delivered on the site within five years it is considered necessary and appropriate in this instance to reduce the standard time limits. Usual reserved matters time limits are 3 years for submission of reserved matters and 2 years for implementation. However to ensure there is realistic prospect of housing being delivered in 5 years, in the event the application is found acceptable, these are proposed to be reduced to 2 years for submission of reserved matters and one year for implementation. This would give time for some housing to be delivered on the site within the 5 year period.

4.182 To summarise, in conclusion in respect of the levels of harm and benefits, there would be some social harm (education and impact on pedestrian access to the site for less mobile or disabled users by virtue of the steepness of the existing access road), some landscape harm, but significant environmental benefits (open space) and social benefits (additional housing and affordable housing).

4.183 These need to be considered against the development plan and material considerations as set out in the conclusion.

Other matters

4.184 Norfolk Fire Services have indicated that the proposed development will require 1 hydrant per 50 dwellings for the residential development. A condition would need to be imposed to require a scheme to be agreed and for the developer to install these in agreement with the Norfolk Fire Service.

Environmental Impact Assessment (EIA)

4.185 An Environmental Impact Assessment screening has been undertaken as part of the application. The environmental, social and economic impacts have all been considered and are adequately addressed as detailed in the above report and the proposal was not considered to require an Environmental Statement as it would not be likely to have significant effects on the environment singularly as an application or cumulatively.

Appropriate Assessment

4.186 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.

S106 and CIL

4.187 The application is liable for CIL although this would be calculated at the reserved matters stage when floor spaces would be known.

4.188 Should consent be granted a S106 would need to be entered into to cover the following: Affordable Housing, open space and play space provision and a management and maintenance strategy for the open space and contributions towards footpath improvement works to the county wildlife site.

4.189 The capacity of GP surgeries has been raised in letters of objection. No specific request has been received from either Roundwell Medical Centre or NHS England raising concerns to this regard however. Given there is no policy basis for seeking contributions or provision
in the CIL Regulation 123 list, it would not be possible to secure any contribution in any case.

4.190 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 Applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. However, the NPPF is an important consideration in the Council's assessment, particularly given the lack of a 5 year housing land supply, and the Council must take into account the national policy at Para 14 which advises that planning permission should be granted unless 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. There is a further exception where specific NPPF policies indicate that development should be restricted, but officers do not consider that this exception is engaged in the circumstances of the proposal. Paragraph 14 also states that proposals which accord with the development plan should be approved without delay.

5.2 It should be acknowledged that significant local objection has been raised by local residents and interested parties, including the submission of the Farmland Road Action group brochure and also local MP's, local members, the Town Council and the County Councillor. Whilst all specific grounds of objection are acknowledged, the report has addressed the significant issues raised. The amount of local objection should not be underestimated and a level of harm is identified, however the NPPF is clear that planning decisions must be taken in the round in respect of delivery of sustainable development with the NPPF taken as a whole as a material consideration. Therefore, notwithstanding that the Local Plan Site Allocations and Development Management Plan policies are only recently adopted, in the absence of a 5 year supply of housing land, the NPPF is clear that permission should only be refused where any harm identified significantly and demonstrably outweighs the benefits of the proposal.

5.3 In this instance, it is considered that the key harms identified are landscape and visual impact; school capacity; and the impact on the protected characteristics of some persons in accessing the site as pedestrians given the gradient of the existing Farmland Road. However this identified harm is not considered to significantly and demonstrably outweigh the clear benefits of providing housing in the Norwich Policy Area.

5.4 Whilst this was Officers opinion previously, Members came to a different conclusion in respect of the landscape impact and the planning balance.

5.5 To note in this resubmitted scheme the inclusion of landscape as a formal matter for consideration and the additional 3D visualisations of a number of viewpoints has given more certainty to the conclusion that the landscape impacts are not significant adverse and also more certainty that the detailed design at reserved matters will follow these principles since the permission would now establish the landscaping scheme. This level of certainty is over and above that which could have been afforded in the previous application and is material to this decision. Officers therefore consider that greater certainty and therefore weight can be given to the LVIA and its assessment that the landscape impacts would not be significant adverse. It is Officers opinion therefore that these material changes further tilt the para 14 balance in favour of the application given that the harm does not significantly and demonstrably outweigh the benefits.

5.6 Policy DM1.3 restricts new development to allocated sites or sites within development boundaries. Whilst Costessey is designated as a location for major new or expanded communities in the Norwich Policy area as defined by policy 10 of the JCS, the site lies outside of the defined development boundary where policy DM1.3 restricts new residential
development unless overriding benefits in terms of economic, social and environment dimensions are demonstrated.

5.7 In this instance given the significant benefits of 83 dwellings to respond to the housing supply shortfall in the Norwich Policy Area and limited harm identified, it is considered that the benefits are overriding in the context of policy DM1.3.

5.8 However this requirement for overriding benefits can, in the absence of a 5 year supply, be considered to be supplanted by the overarching provisions of Policy DM1.1, which requires the same approach as NPPF paragraph 14 where relevant policies are out of date. It is also therefore evident that taking the modified approach to assessing benefits required by Policy DM1.1 it is considered that the benefits are overriding in the context of policy DM1.3.

5.9 The proposal is therefore considered to comply with Policies DM 1.3 and DM1.1, and having regard to all matters considered above officers consider that the proposal would be in overall accordance with the development plan.

5.10 Moreover, given the analysis of the proposal in the context of the three dimensions of sustainable development, it is clear that there is not a level of harm that significantly and demonstrably outweighs the clear benefits of the scheme when assessed against the policies of the NPPF when taken as a whole. Indeed, as officers consider that the proposal accords with the development plan, the NPPF advocates that permission should be granted. The proposal conforms with the policies of the NPPF and this reinforces the conclusion reached in relation to development plan policies.

5.11 The application for the reasons outlined in this report is therefore recommended for approval subject to the imposition of conditions and the prior completion of a S106 agreement.

Contact Officer, Telephone Number and E-mail: Tracy Lincoln 01508 533814 tlincoln@s-norfolk.gov.uk
APPENDIX 2

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Growth and Localism

Major applications or applications raising issues of significant precedent

<table>
<thead>
<tr>
<th>No.</th>
<th>Appl. No</th>
<th>Parish</th>
<th>Applicants Name</th>
<th>Site Address</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2015/2827/O</td>
<td>COSTESSEY</td>
<td>Mrs Katrika Kozersky</td>
<td>Land North Of Farmland Road Costessey Norfolk</td>
<td>Outline application with all matters reserved except for access for 83 dwellings (including 27 affordable dwellings); with areas of public open space, sustainable drainage systems and associated infrastructure.</td>
</tr>
</tbody>
</table>

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

1. Reduced time limit to give three years for implementation
2. Reserved Matters
3. In accordance with plans
4. Biodiversity management plan
5. Green Infrastructure Management Plan
6. Highway – provision of access
7. Highway – details of roads to be submitted
8. Surface water drainage scheme to include water quality
9. Restriction of development in area of surface water overland flow route or scheme to mitigate impacts
10. Archaeological Scheme of Investigation
11. Fire hydrant
12. Reserve matters to include quantum and location of open space in line with the submitted masterplan
13. Housing mix
14. Contamination
15. Sustainable construction and water efficiency
16. Renewable energy

Subject to no objection and any conditions by the Environment Agency in respect of the public access strategy adjacent to the River Tud and subject to a S106 to cover: Affordable Housing, open space and play space provision and a management and maintenance strategy for the open space, contributions towards footpath improvement works to the county wildlife site, provision of footpaths in the woodland to the north.

1. Planning Policies

1.1 National Planning Policy Framework
- NPFF 03: Supporting a prosperous rural economy
- NPFF 04: Promoting sustainable transport
- 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
Development Management Committee 25 May 2016

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 Transport
   Policy 6: Supporting Communities
   Policy 7: Culture, leisure and entertainment
   Policy 8: Strategy for growth in the Norwich Policy Area
   Policy 9: Locations for new or expanded communities in the Norwich Policy Area

1.3 South Norfolk Local Plan
   Development Management Policies
   DM1.1: Ensuring Development Management contributes to achieving sustainable
   Development in South Norfolk
   DM1.2: Requirements for infrastructure through planning obligations
   DM1.3: The sustainable location of new development
   DM1.4: Environmental Quality and local distinctiveness
   DM3.1: Meeting Housing requirements and needs
   DM3.6: Design Principles applying to all development
   DM10.1: Promotion of sustainable transport
   DM11.1: Road safety and the free flow of traffic
   DM12.1: Provision of vehicle parking
   DM1.4: Pollution, health and safety
   DM15.1: Outdoor play facilities/recreational space
   DM4.2: Sustainable drainage and water management
   DM4.3: Facilities for the collection of recycling and waste
   DM4.5: Landscape Character Areas and River Valleys
   DM4.8: Protection of Trees and Hedgerows
   DM4.9: Involving landscape into design
   DM13.1: Aesthetics, noise, quality of life

1.4 Supplementary Planning Document
   South Norfolk Place Making Guide 2012

1.5 Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:
   S661(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
   regard shall be paid to the desirability of preserving or enhancing the character or appearance
   of that area."

2. Consultations

2.1 Parish Council: Original comments: Recommend refusal
   - Outside newly agreed settlement development boundary
   - Site history
   - 5 year land supply does not outweigh all other conditions as proved at appeal in Hethersett
   - Within River Valley
   - Preservation of strategic gap
   - Water pollution
Air pollution
Wildlife and sensitive landscape
Sustainability
Surface water flooding
Flood zone revision
Topography and geography of access route
Geology of surrounding areas
Infrastructure: Schools and traffic flows
Infrastructure: Medical facilities
Crime
Precedent
Deficiencies in plans
Deficiencies in traffic predictions

Request site visit before DMC

Comments on additional footpath details:
- The proposed public access woodland is not within the red line of the application.
- There are errors on the application form.
- The offer of opening up the woodland to public access seems an attempt to attract diversion from valid objections.
- The land is waterlogged and not suitable for building.
- There is an Anglian water pipeline running through the site which has previously caused pollution.
- Any works in the area of the river banks will affect the ability of the floodplain to accommodate flooding.
- Evidence should be provided to demonstrate the SuDS infiltration is feasible and viable.
- Paths and use of the woodland to the north could have ecological impacts.
- There are no details as to how the proposed woodland area would be maintained or managed.
- Safety concerns with access to the woodland and river area.
- No parking is proposed for visitors of the woodland area.
- No details of what the phasing of the new public area would be.
- Development of this site would set a precedent for the other fields along the river valley.

2.2 District Members
Clive Bell and Anja

Object on the following grounds:
- Wholly outside recently adopted development boundary.
- Partly within River Tud valley.
- Adjacent County Wildlife site which is owned by SNCT.
- Prone to flooding and adjacent to land deemed flood zones.
- Demonstrable harm to landscape, wildlife and character area.
- Exceeds number of dwellings allocated in JO.

Further development is not required or supported.

2.3 County Cllr East

Objects with the following comments (summarised) (Full copy of objection is appended in appendix 2 as requested):
- Sensitive valley of the River Tud.
- Outside Development boundary only recently adopted.
- Developer did not challenge the local plan process.
- Against all SN local plan policies.
Development Management Committee  6 December 2017

- Create precedent
- Flooding
- Highway issues

Request a site visit by DMC members before application is determined.

2.4 Anglian Water Services Ltd

- No objection:
  - Anglian water has assets within or close to site
  - Water recycling centre has available capacity
  - Sewage system at present has available capacity for these flows
  - Surface water does not relate to Anglian water operated assets

2.5 NCC Ecologis:

- No objection to development onsite provided:
  - It is undertaken sensitively with regard to surrounding habitats
  - Ecological connectivity between East Hills and the Tud Valley must be maintained
  - Condition a detailed Biodiversity Management Plan

Commens on public footpath strategy:

A Public Footpath Strategy has been supplied (SheilsFlynn, PA-11) showing proposed footpaths on both the CWS and the River Tud Valley. These are welcomed, as we hope that introducing the 2 circular walks north of the proposed development may relieve some pressure on the CWS introduced by the increase in housing and resulting use of this area. We note that the strategy is subject to future survey and design work and ask to be kept informed as to any changes. However in principle we support the footpath proposals and recommend that they are secured by appropriate means.

2.6 Environment Agency

Commens on protected species and water quality:

- Confirm that subject to a condition requiring the SuDS strategy to include appropriate levels of water treatment, the impacts on the protected white-stained crayfish and other BAP species of the River Tud would be acceptable.

Commens on impact of proposed footpath strategy in the blue line land proposed for public access (adjacent to the River Tud):

Commens awaited.

2.7 NCC Green Infrastructure

It is anticipated that there will be increased recreational pressure on the GWS by the addition of the new residents from this proposed development. This has been recognised by the developer who has proposed a network of paths both in the CWS and also to the north of the site along the River Tud.

We welcome the proposed access/footpaths to the north of the site as it is considered that this could alleviate the impact of the development on the CWS. A S105 will be required to secure improvements to the footpaths in the CWS. The footpath and access (together with long term management and maintenance) into the current private land to the north of the site (land also in ownership of the applicant) would need to be delivered by the applicant and secured through condition or S105.

The impact on the CWS in this respect would be acceptable subject to a condition requiring a detailed scheme of the two areas and

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Development Management Committee

Development Management Committee 25 May 2016

2.8 SNC Community Services – Environmental Quality Team

Pathway strategies which would need to be agreed along with management and maintenance through a Green Infrastructure Management Plan.

2.9 NCC Highways

No objection: Proposal cannot be reasonably resisted in line with National Planning Policy framework requirements – There is no adverse impact on highway safety or the surrounding highway network. The proposed site is in a sustainable location with good pedestrian connectivity to community facilities and services.

2.10 SNC Housing Enabling & Strategy Manager

No objection: Offer the following comments (summarised):
The amount and mix of affordable housing proposed complements with Policy

2.11 SNC Water Management Officer

No comments to make. The LLFA as statutory consultee will provide comment.

2.12 NHS England

No comments received

2.13 NHSCOG

No comments received

2.14 Roundwell Medical Centre

No comments received

2.15 NCC Lead Local Flood Authority

No objections subject to conditions which include detailed infiltration testing, provision of surface water attenuation storage to accommodate the 1 in 100 year return period, detailed design and modelling of the drainage, finished floor levels to be 300mm above all expected levels of flooding, further details of exceedance surface water flow routes, and details of management and maintenance of the proposed drainage strategy.

2.16 Historic Environment Service

No objection, if permission is granted a programme of archaeological mitigation work is required by condition

2.17 Norfolk Wildlife Trust

It approved conditioned that all enhancements included including a woodland buffer to CWS and green corridor between CWS and River Tude provided and that surface water runoff is addressed in terms of water quality.

2.18 SNC Landscape Officer

- Removal of existing trees and/or hedgerows.
The proposal requires the removal of one Sycamore T1 in order to achieve the access from Framlingham Avenue. This is a B category tree, and whilst it would be desirable for this to be retained, my judgement is that the tree’s loss is not reason enough to refuse the application. Other than this, only very minimal vegetation removal is anticipated. The proposed replanting as part of the scheme will offer greater mitigation than the loss.

19 July 2017
1. Impact on retained trees and/or hedgerows:
   An arboricultural Impact Assessment has been submitted to support the proposal. Whilst considering only an illustrative masterplan at this stage, it does not identify any major issues. I am satisfied that the minor issues highlighted can be addressed in due course by a tactical scheme.

2. Visual Impact:
   I have reviewed the submitted LVIA and do not dispute its findings. From my own site observations it is clear that the indicative layout does respond to the landscape visual assessment, restricting the built area to the G1 Local Character Area and making strategic provision for planting that will – as it matures – reduce the visual effects further.

3. Proposed landscape design:
   The concept for planting and open spaces has responded to the Landscape Architect’s landscape and visual assessment and the relatively informal approach is appropriate for the situation. The only issue I can see is that the indicated new footpaths and access to the Tudor Valley ‘corridor’ do not have any public rights of way to connect to. The aspiration to increase access may need further consideration in order to understand what is reasonably achievable.

4. Conclusion:
   I have no objection to this proposal.

2.19 Police Architectural Liaison Officer
   Suggest measures are included at detailed design stage to ensure crime is designed out and provides details of the voluntary secure by design scheme available to developers.

2.20 SNC Senior Conservation and Design Officer
   No objection.
   Offer the following comments (summarised):
   In principle, I have no objections to the density shown and outline consent being granted from the point of view of urban design and meeting building for life criteria at this stage of the process. At reserved matters stage careful consideration needs to be given to the allocation of some of the parking spaces and making sure they are easily accessible (close to dwellings), secure and do not dominate the streetscene.

2.21 SNC Active Life and Play Officer
   To be reported if appropriate.

2.22 NCC Planning Obligations Co-ordinator
   NCC Children’s Services comment in respect of Education:
   There could be capacity issues for primary and secondary in considering the already committed and unplanned speculative development coming forward in the area. There is a statutory duty to provide school places and they would need to be provided.
   Strong concerns are raised on the principles of allowing unplanned growth in the growth area and the impact on school capacity.

   Norfolk Fire Services:
   Require 1 hydrant per 50 dwellings and this is to be provided by the developer and secured through planning condition.
Development Management Committee
6 December 2017

Norfolk Rivers I.D.B

2.23 The Site is on the boundary of the Norfolk Rivers Internal Drainage Board area (to the North of the proposed development). We are pleased to see that an infiltration solution for surface water can be accommodated at the site. Should this prove necessary and a discharge is required to the North of the site, then land drainage consent would be required and a one off surface water discharge contribution would be required to be paid.

2.24 CPRE

Object on the following grounds (summarised):
- The site is outside of the development boundary
- The site is within the River Tude valley
- If approval is granted it will create a biodiversity management plan, archaeological scheme of investigation condition in line with other consents requests.

2.25 Representations

237 letters of objection on the following grounds (summarised):
- One access will affect the quality of life for local residents
- Access from Farmland Road to Grove Avenue is very restrictive
- High accident risk with traffic entering and leaving site
- Road totally unsuitable
- Traffic danger to school children
- Farmland Road impossible to get up in icy weather, cars left on Grove Avenue
- Proposed footpath has to be used by farm machinery and means cars and motorbikes will be able to use it
- Check number of times farmland road has to be repaired
- Increase in traffic will impact on natural surroundings
- Traffic knock on effect to Darrah Road
- Concerns with regard ambulances and the location of the ambulance station being affected
- Traffic volumes grossly underestimated
- On a bus route two buses cannot pass
- The site is on the river valley which policy seeks to protect
- Tude valley is a beautiful area protect for future generations
- Tude valley is an attractive break between Olc and New Costessey
- Preservation of the strategic gap between Old and New Costessey
- Footpaths will devastate wildlife in the bog land
- Devastating effect on wildlife
- Effect on water quality
- Obstruction of landscape
- CPRE - Highly damaging to local landscape, SN policies seek to protect rural river valleys
- House values drop
- Lose of natural views
- Loss of agricultural land
- Noise
- Crime
- Too much building already being carried out
- Local plan met with required number of houses
- Precedent for further development in Tude valley
- Outside development limits
- Impact on infrastructure - schools and GPs
- Policing issues
- Inadequate infrastructure
- Not included in the NDP
- Land proposed for housing is often flooded
- Natural flood plain
2.26 Friends Of River Taw Valley

Object on the following grounds (summarised)
- Deficit in 5 year land supply should not be given precedence over the environmental and other objections
- Site is integral part of river Taw valley
- Outside development boundary
- Sufficient land already allocated
- Site greatly contributes to landscape character
- Valley provides a distinct separation
- Will set precedent
- Existing open area is important
- Errosion of rural character
- Effect ecology of valley and protected species
- Could result in untreated water draining into river
- Vehicular access is inadequate
- Unacceptable pressure on infrastructure

3 Assessment

The site and proposal

3.1 The application is an outline application with all matters reserved except for access.

3.2 The application is for 83 dwellings of which 27 would be affordable.

3.3 The site relates to an area of agricultural land of approx 5.7 Ha which lies to the north and west of existing residential development in Costessey, to the south of the river Taw and to the east of East Hills Wood County Wildlife site (owned by SNC) and further agricultural land.

3.4 The site is located at the end of Farmland Road which is one of many roads running in a north-south direction and sloping downwards towards the river valley.

3.5 The site generally slopes down from the Farmland Road boundary to the northern boundary where the river Taw lies beyond with a difference of approximately 8m from the highest and lowest point.

3.6 An indicative masterplan has been submitted with the application to show how the site might be developed with the proposed 83 dwellings and open space.

3.7 An area also in the ownership of the applicant of approx. 4.8Ha (a woodland area to the north of the site adjacent to the river Taw) which is currently in private ownership is
proposed to be offered to be opened up as public space and public access and provision of footpaths proposed.

3.6 Access is proposed from Farmland Road.

3.9 The application is supported by the following documents:
- Planning Statement
- Design and Access Statement
- Landscape and Visual Impact Appraisal
- Arboicultural Assessment
- Statement of Community Consultation
- Flood Risk Assessment
- foul water and utilities assessment
- Ecology Report
- Energy, water and construction Statement
- Transport Statement
- Visibility Statement (Confidential)
- Public Access and Footpath Strategy

Principle of development and policy considerations

3.10 The proposal represents a departure from the Development Plan. Policy DM 1.3 restricts new development to allocated sites or sites within development boundaries. Whilst Costessey is designated as a location for major new or expanded communities in the Norwich Policy area as defined by policy 10 of the JCS, the site lies outside of the defined development boundary where policy DM 1.3 restricts new residential development unless overriding benefits in terms of economic, social and environmental dimensions are demonstrated as set out in Policy DM1.1.

3.11 The Council is currently unable to demonstrate a 5-year housing land supply within the Norwich Policy Area where this site is located. The current 5-year supply figure is 4.39 years of a 5-year supply for the Norwich Policy Area (based on the 2014-2015 AMP). Consequently, the land supply policies within the Local Plan are out-of-date. Criteria (d) of Policy DM1.1 applies in line with paragraph 14 of the National Planning Policy Framework, which requires a presumption in favour of sustainable development and states that new development should be permitted unless the development would result in adverse impacts that significantly and demonstrably outweigh the benefits.

3.12 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.

3.13 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

3.14 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."

3.15 The scheme would 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.

3.16 It is therefore considered that the scheme would bring forward a level of economic benefit.
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Social Role

3.17 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 reflects the community's needs and support its health, social and cultural wellbeing."

3.19 The principle social benefit of the scheme is that it provides housing within a location where a 5-year housing land supply cannot be demonstrated. In addition and as noted above, the proposal includes the provision of affordable housing to the requirements of Policy 4 of the Joint Core Strategy. This is a significant benefit when weighing the benefits against the harm of a proposal such as this and therefore before any approval is issued the Council would need to be satisfied that it is viable to provide the affordable housing on the site as part of the scheme.

3.19 In this context a viability assessment was requested of the applicant. The Council's property consultant has made an assessment of the viability report and confirms that the proposal is viable to deliver the affordable housing.

3.20 The site is in a sustainable location being in close proximity to schools, shops and services and well serviced by buses within the area and to Norwich and is accessible to employment locally and in Norwich and the surrounds.

3.21 Whilst this application is in outline form only (with only access for consideration) the site is considered of a suitable size to ensure that a high quality development can be achieved to enhance the built environment without detriment to existing residents.

3.22 It is therefore considered that the scheme would result in significant social benefits.

Environmental Role

3.23 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 pollutants, and mitigate and adapt to climate change including moving to a low carbon economy."

3.24 The development would result in an infringement into open countryside. However it is acknowledged that it is likely that, to address a housing land shortfall, development within the open countryside may well be necessary.

3.25 The site lies in the escarpment of the valley of the River Twed. The majority of the site lies outside of, but directly adjacent to, the designated River Valley Landscape Character. It lies within the Easton Farmland Fringe character area. An area to the north-west corner of the site is located within the River Valley designation and this area is proposed as public open space.

3.26 As set out later in the report, it is acknowledged that the proposal would result in harm to the landscape however in the long term this would be medium to low. Visual impacts from East Hill County Wildlife Site (CWS) would remain medium high.

3.27 There would be significant environmental benefits by the use of green and woodland buffers to the adjacent county wildlife site, green corridor from the CWS to the river and the provision of open space and planting to provide strategic landscape planting for the site and landscape when viewed from the north.

3.28 The proposal to provide public access to the current private woodland to the north would provide environmental benefits by easing pressure on the CWS and would also be a significant public benefit for leisure.
3.29 There is some potential environmental harm through water quality on the ecology of the River Tud and flooding however these would be addressed through the imposition of conditions.

3.30 It is acknowledged overall therefore that there is a level of environmental harm through landscape and visual impact.

3.31 The level of harm needs to be assessed as to whether it is of such significance that it outweighs the benefits detailed above.

3.32 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, whilst there would be harm to the landscape character and visual impact, this is not on balance considered to be significant or demonstrable to outweigh that presumption in favour.

3.33 The appeal decision for Chapel Lane Wyndcliff (application reference 2012/1434) reinforces the high bar required to be set for the significant and demonstrable harm test. In this case, the Secretary of State (SoS) advised 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 benefits 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).

3.34 Similarly the Inspector for the appeal decision for the residential development at Townhouse Road on the opposite side of the River Tud (application reference 2005/1995) which lies in the river valley designation found that notwithstanding the identified harm to the landscape this did not outweigh the benefits of housing delivery.

3.35 On balance and with consideration of the lack of a 5 year supply the development is therefore considered to be sustainable development.

Summary of sustainable development considerations:

3.36 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 and landscape character are outweighed by the benefits and as such, when considered as a whole, the scheme represents a sustainable development.

3.37 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:"

3.38 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.
3.39 In this instance, it is considered that the concerns set out in respect of the encroachment into the countryside and landscape impact do not represent harm that is significant and demonstrably outweighs the benefits of providing additional housing where there is a need to do so.

3.40 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.

3.41 It should be acknowledged that significant local objection has been raised not only by local residents and interested parties, but also local members, the Town Council and the County Councillor. Whilst all specific grounds of objection are acknowledged, the report has addressed the significant issues raised. The amount of local objection should not be underestimated and a level of harm is identified, however the government is clear that planning decisions must be taken in the round in respect of delivery of sustainable development with the NPPF taken as a whole as a material consideration. Therefore notwithstanding that the Local Plan Site Allocations and Development Management Plan policies are only recently adopted, in the absence of a 5 year supply of housing land, the NPPF is clear that any harm identified must be significant and demonstrable to outweigh the benefits of the proposal.

3.42 In requiring Local Planning Authorities to demonstrate a 5 year supply of housing land the NPPF also indicates that for sites to be considered deliverable in this context, they should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable (footnote 11 para 47).

3.43 In this context in addition to a direct response to the then available S106Ba process (process by which applicants can, post-decision apply to reduce or remove affordable housing contributions on the basis of viability alone) (note this temporary provision has not been extended beyond 30th April 2016), viability assessment was requested of the applicant. The Council’s property consultant has made an assessment of the viability report and confirms that the proposal is viable to deliver the affordable housing.

3.44 The application as set out above is considered viable and the applicants indicate that the site is available and deliverable now. As the principle of the development is based on delivering housing in the lack of a five year supply and as set out in the NPPF there should be a realistic prospect that housing will be delivered on the site within five years it is considered necessary and appropriate in this instance to reduce the standard time limits. Usual reserved matters time limits are 3 years for submission of reserved matters and 2 years for implementation. However to ensure there is a realistic prospect of housing being delivered in 5 years, in the event the application is found acceptable these are proposed to be reduced to 2 years for submission of reserved matters and one year for implementation. This would give time for some housing to be delivered on the site within the 5 year period.

Landscape impact.

3.45 NPPF Part 61 requires development to address the connections between people and places and the integration of new development into the natural, built and historic environment.

3.46 Policy 2 of the JCS relates to design and includes requiring development to respect local distinctiveness including landscape character and the wider countryside. Policy 12 of the JCS sets out more detailed objectives for areas of growth in the NPA which cover the protection, maintenance and enhancement of green infrastructure and the protection of the landscape setting of the urban area.
3.47 Policy DM4.5 requires all development to respect, conserve and where possible enhance the landscape character of its immediate and wider environment. It advises that development that would cause significant adverse impact on the distinct landscape characteristics of an area will be refused. Particular regard will be had to protecting the distinctive characteristics, special qualities and geographical extents of the identified Rural River Valleys and Valley Urban Fringe landscape character types.

3.48 The majority of the site falls within G1 Easton Fringe Farmland in the 2012 review of the ‘Local Landscape Designations’, which itself forms the basis of Policy DM 4.5 Landscape Character and River Valleys. This area covers the northern margins of the elevated farmland plateau to the west of Norwich.

3.49 A small part of the site to its north western end falls within the River Valley Character Area. The area of woodland also in the ownership of the applicant also falls in the River Valley landscape.

3.50 Bunkers Hill and East Hills CWS are both locally distinctive landscape features and which form an important backdrop to the site and the local Tud River valley.

3.51 Whilst the majority of the site is outside of the River Valley landscape designation, the site is part of an area which sits within the wider valley landscape, including being visible across the Tud Valley from Otter Costessey.

3.52 In particular, the review of the Local Landscape Designations noted the sensitivities and vulnerabilities of the Easton Fringe Farmland to:
   - Balance of developed area to rural context. Because of the highly developed character of much of this area, further intrusion of built features upon the rural landscape may have significant effects upon the perceived quality;
   - The need to consider the views from the surrounding landscape, which is highly sensitive to any development on or near the prominent ridgeline top within this area; and
   - The need to preserve good quality rural views from the ridge top to the surrounding countryside.

3.53 Policy DM4.5 is also concerned with the ‘wider environment’ and as such consideration of the impact of the site in the Tud Rural River Valley landscape is also required, where the Place-Making Guide SPD notes key considerations include the need to:
   - Maintain the distinct and separate character of the settlements of Costessey and New Costessey; and
   - Prevent incremental development down the valley sides into this character area.

3.54 There would inevitably be a change to the site itself in terms of landscape impact as a field would be replaced with built development and amenity space.

3.55 A landscape and visual impact appraisal has been submitted as part of the application.

3.56 Key components of the landscape that are likely to be affected by the development are considered to be:
   - The isolated rural character of the small scale river corridor being protected by the very limited opportunities to access the valley floor
   - The wooded character of the river valley sides – mature woodland blocks accentuate the curving valley landform
   - The separation between Costessey and New Costessey
   - View access across the valley from the ridge top and valley sides across the agricultural landscape

3.57 In respect of the impact on the valley floor, the landscape assessment submitted concludes that the this intimate landscape has the capacity to accommodate a development of this
size on the outer fringe of the valley floor without losing the overall pastoral intimate character. The use of perimeter planting and an appropriate design would ensure that in year 1 the significance of the landscape effect would be medium but in the long term would be low.

3.58 In respect of cross valley views, the location of the site on the lower slopes of the river valley is considered to have very limited effects on existing views across the River Tid Valley. There will be a perceived change in the overall scale of development and the proportion of river valley to built areas and this has a medium sensitivity. The use of structural planting in the development would result in a moderate adverse landscape effect in year 1 resulting to a minor adverse effect in year 15. However as the sensitivity of this landscape receptor is low, the overall significance of the landscape effect would be medium in the short term and low in the long term.

3.59 In respect of the woodland blocks helping define the river valley, the existing woodlands would not be affected and the application includes proposals for further woodland planting to extend this. As such in year 1 the significance of the landscape effect of this development would be low and in year 15 there would be a modest improvement.

3.60 In respect of the separation between Costessey and New Costessey, the proposed development would inextricably result in a reduction in the scale of the rural valley that separates the settlements. However the new housing would be visible in a limited number of long views from a short section of Townhouse Road. The proposed structural planting around the edge of the development shown on the indicative masterplan would reduce the nature of the effects. The magnitude of the landscape effect would therefore be moderate adverse but given that the sensitivity is medium, the overall significance of the landscape effect would be medium.

3.61 In terms of visual effects, views of the site are relatively limited given the enclosing influence of local topography and patterns of existing vegetation. There are a few long occasional views from Town House Road although these are not predicted to experience any significant visual impacts in the long term. Of the 9 viewpoints assessed around the site, only one (that from East Hills DWS) would remain a medium-high visual impact in the long term due to the proximity of the site and high sensitivity of the receivers. The use of perimeter tree planting and open space will lessen the impacts.

3.62 In summary in respect of landscape and visual impact effects, the submitted assessment, which the Council’s Landscape Officer raises no objection, acknowledges that there will be a change from rural to semi-urban on the landscape and will result in a low long term impact. To achieve this the amount of woodland and tree cover is proposed to be substantially increased to screen the development, the development area would need to be contained within the Easton Fringe Farmland character area, the boundary and perimeter planting would need to be reinforced to enclose development from key views and maintain strong separation with Costessey, a sensitive siting of dwellings interspersed with woodland and tree planting to mitigate visual impact in local views.

3.63 It is also acknowledged that this particular field is fairly well contained in the landscape, whereas adjacent fields and those further west are more prominent in cross valley views. In the perceived separation between Costessey and New Costessey, would change the perception of the pastoral river valley floor and would certainly be more visible in the landscape.

3.64 It is also acknowledged that there would be some harm on the landscape character and visual impact from the development, however in the long term, subject to appropriate strategic woodland planting site as set out above, the impacts would be relatively low.
3.65 These impacts need to be weighed against the benefits of the development in light of the absence of a 5 year supply of housing land. As set out earlier in the report, in this case the impacts are required to be significant and adverse in order to outweigh the benefits. The assessment earlier in the report balances this harm and benefit.

Access and highway considerations

3.66 Policy DM3.13 advises that new development should be designed to reduce the need to travel and to take advantage of sustainable forms of travel. Policy DM3.11 advises that development will not be permitted which would have a negative impact on the local highway network. Para 32 of the NPPF also requires decision takers to take into account that opportunities for sustainable transport modes have been taken up: safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

3.67 The County Council Highway Authority has advised that the road and junction from which the development is to be served (Farmland Road) are suitable for the proposed development and comply with local and national policy. The gradient of Farmland Road is very steep and has been raised by concerned local residents. The Highway Authority has acknowledged that during very cold weather this road could become slippery, however this is an existing residential road and the steepness in itself would not result in a serious or frequent risk to road users.

3.68 In addition to the above the Highway Authority confirm that there are continuous footways throughout the local highway network to all local services, including schools, shops and public transport, which provide opportunities for sustainable means of transport in accordance with the requirements of the NPPF.

3.69 The large number of houses that are already served by the local highway network has also been raised as a concern locally. The Highway Authority advises that there are numerous means of access/egress from this residential area to Deneham Road and that the surrounding highway network is made up from roads that vary in width between approximately 5.0m and 7.3m, are within a traffic calming 20mph speed limit, have appropriate levels of visibility at all junctions and continuous footways. They therefore advise that as a consequence it would not be possible to demonstrate a severe impact would occur, as required by NPPF. Therefore, on balance, the local highway network is considered to be able to safely cater for the additional traffic generated by the proposed development without adversely impacting on other road users to a point where a refusal could not be substantiated. The proposal is therefore considered to comply with DM 3.10, DM3.11 and para 32 of the NPPF.

3.70 The NPPF requires that development can only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. As a consequence, it has to be demonstrated that these impacts would cause significant and demonstrable harm. The Highway Authority has confirmed that the design of Farmland Road is in accordance with the appropriate standard for this scale of development. As a consequence it would not be possible to demonstrate a severe impact would occur, as required by NPPF. Therefore, on balance, the local highway network is considered to be able to safely cater for the additional traffic generated by the proposed development without adversely impacting on other road users to a point where a refusal could not be substantiated. The proposal is therefore considered to comply with DM 3.10, DM3.11 and para 32 of the NPPF.

3.71 In terms of parking provision, policy DM3.12 advises planning permission will be granted where appropriate parking provision is provided to serve the needs of the development (in line with the Council’s parking standards) to ensure sufficient parking is provided to avoid highway safety problems and to protect living and working conditions locally. The Council’s parking standards equate to 1 car parking space for a 1 bed dwelling, 2 spaces for a 2 or 3 bed dwelling and 3 spaces for a 4 or more bed dwelling. While this application is not seeking to approve layout or scale of the development, the site area as supported by the
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The proposed indicative masterplan demonstrates that the site is large enough to accommodate the development proposed and adequate amenity and parking areas to comply with the Council’s Parking standards.

Pollution

3.72 Concerns have been raised by local residents in respect of potential air pollution that would result from the additional vehicles that would use the site if developed for residential. Policy DM3.14 has regard to pollution and health and safety. Air quality issues tend to arise where there is significant standing traffic and in such instances air quality management areas are designated. There are currently no designated air quality management areas in the district. The proposal relates to 83 dwellings and this is not considered to be of such a scale as to result in any significantly adverse standing traffic so as to cause any unacceptable impacts on air quality, any species or habitats or general amenity.

Affordable housing

3.73 JCS policy 4 requires 33% of all dwellings on schemes of 30 dwellings or more to be delivered as affordable dwellings.

3.74 The application proposes policy compliant 33% (27 dwellings) affordable housing with a tenure split of 85% affordable rent and 15% shared equity.

3.75 The Council’s Housing Strategy Officer has confirmed this is acceptable. Furthermore the submitted viability report (confidential) demonstrates that the scheme is viable with the delivery of this policy compliant affordable housing.

3.76 Therefore subject to a SJ06 to secure the affordable housing, the proposal is considered to comply with JCS Policy 4.

Housing mix

3.77 Policy DM3.1 requires all housing proposals to help contribute to a range of dwelling type and bed spaces to meet the requirements as identified through the current Strategic Market Housing Assessment. This is to ensure that housing needs in the area are met and balanced communities are provided. A condition would be imposed on the outline to require the reserved matters to be submitted with an appropriate housing mix in accordance with this policy.

Open space

3.78 Policy DM3.15 requires new developments to provide adequate outdoor play facilities and recreational open space commensurate with the level of development proposed.

3.79 The current standards are set out in the recreation open space requirements for residential areas SFD (December 1994) and require on this number of dwellings an overall area of open space to be approx. 4080m² (0.49Ha) (made up of approx. 1577.5m² of play space and 3492.5m² of recreational open space).

3.80 The application suggests that the illustrative masterplan proposes in excess of 3Ha of open space which would be made up of play areas, outdoor sports space and new woodland. In addition the application indicates that subject to a detailed ecology survey, the whole of the river valley within the applicant’s ownership (approx. 4.8Ha) would be made publicly accessible via a network of informal paths which link the river valley to East Hill (County Wildlife Site).
3.61 The quantum of open space proposed is therefore significantly in excess of the required 0.49ha and would therefore accord with the policy requirement. The amount of open space and provision of play equipment together with a scheme for the ongoing management and maintenance of the public open space would need to be secured through a S106 agreement.

3.62 Whilst layout is not for detailed consideration for this outline application, the quantum and positioning of open space is an important factor in considering the principle of the development within its landscape and ecological contexts.

3.63 Of importance is the amount of open space and its location adjacent to the county wildlife site, as a buffer to the landscape beyond and as a strategic landscape buffer to mitigate landscape and visual impact from views to the site. As such it is considered reasonable and necessary in this instance to require by condition that the reserved matters includes a phased/open space buffer to the county wildlife site and corridor to the river valley to the north and also strategic planted areas to the south-east corner of the site adjoins, to existing residential properties to provide a wooded backdrop when viewed from the other side of the river valley.

3.64 Therefore subject to the imposition of conditions and a S106 it is considered that the proposal would accord with Policy DM3.15.

Density

3.65 The application proposes 83 dwellings on a site of 6.7ha which would represent a gross density of approx. 12 dwellings per hectare. If excluding the approx. proposed 3ha of open space the net density is approx. 25 dwellings per hectare. This would be an appropriate low density and the site has sufficient space to provide open space and landscape buffer to its edges which would respond to both its rural edge of settlement location and the context and low density of the surrounding area.

Residential amenity

3.66 Policy DM3.13 requires development to have regard to the impacts on residential amenity. This application is in outline form with only access for consideration, however with large area of open space proposed and an approx. net density of 25 dph, it is considered that the site is of a sufficient size to ensure that a scheme can be delivered at the reserved matters stage that would ensure that the amenities of the existing residential properties would not be adversely affected.

Education

3.67 County Council Children's Services have advised that there could be capacity issues at the primary and secondary schools in considering the already committed and unplanned speculative development coming forward in the area. They however advise that it is their statutory duty to provide school places and they would fulfill that duty and as such no objection is raised to this application on the grounds of education provision. However providing additional school places is problematic when unplanned development comes forward and providing a school place for all children at their local school would not be guaranteed. They raise strong concerns on the cumulative impact on school places from speculative development with the large number of new homes planned for this area, and the principle of allowing housing growth outside of the planned process and to this housing development in particular (noting that they will adopt a consistent position of concern for any new housing development in this growth area).

3.68 Given the absence of a 5 year supply of housing and the test of para 14 of the NPPF requiring significant and demonstrable harm to be demonstrated, this forms part of the planning balance.
3.69 The general cautionary comments from NCC Children’s Services on the principle of unplanned growth are noted; however, the impacts of this particular development are noted to be minor (having a likely pupil output in the low 20s) and NCC indicate capacity can be addressed. The direct impacts of this development are not therefore considered to be significant and demonstrable to outweigh the benefits of the proposal.

3.90 Overall therefore on the absence of a 5 year supply and that the impacts of this development on school capacity are marginal, it is not considered that a refusal on the basis of school capacity could be substantiated.

Ecology and green infrastructure

3.91 Policy 1 of the JCS requires the development to both have regard to and protect the biodiversity and ecological interests of the site and contribute to providing a multi-functional green infrastructure network.

3.92 The application is accompanied by a preliminary ecological appraisal which provides baseline ecological information about the site and identifies potential ecological constraints associated with the proposed development.

3.93 Overall it found that the site has limited potential for protected species as the majority of the site is recently farmed arable land. However the site borders the East Hills County Wildlife Site (CWS) on the south west corner, which is connected to the site via various trees and shrubs along part of the site boundary. In addition the River Tudy is to the north of the site forming part of the River Tudy Valley.

3.94 The key potential on site ecology matters are bats, breeding birds, reptiles and hedgehogs. The impact on white-clawed crayfish (a protected species) and other BAP Species in relation to the River Tudy are addressed later in the report.

3.95 In respect of bats, the report concludes there is little potential for bat nests due to limited old trees that will be afforested, but there is potential of troglo along the boundaries being used for roosting and commuting.

3.96 In respect of breeding birds, there are no trees affected on site for nesting birds. Nesting birds on site boundaries and within vegetation can be protected through timing of works to avoid bird nesting season and or inspections. An Ecological Management Plan would need to be conditioned to control this.

3.97 In respect of reptiles, the report confirms there is little potential for reptiles on site, but some potential within the site boundaries.

3.98 A number of ecological enhancements are proposed within the submitted Ecological Report which include the provision of an open space area adjacent to the western boundary (CWS) with recommendations for the seeding and hedgerow planting; enhancements of existing and planting of new hedgerows; installation of bird boxes; installation of swift boxes in all new dwellings; installation of bat boxes; creation of wildlife rich habitats and installation of hedgehog access points in fences.

3.99 The County Ecologist confirms that the mitigation and enhancement measures proposed are necessary to mitigate any impact on ecology and recommend that a detailed Biodiversity Management Plan be required by condition.

3.100 The County Ecologist has confirmed that in broad principles there is no objection to the application. They confirm that whilst only shown indicatively on the masterplan, the proposed open spaces shown on this indicative masterplan (within and around the site boundary together with additional planting) would help ensure that the ecological...
that Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in area at risk of flooding where informed by site specific flood risk assessment, and give priority to the use of sustainable drainage systems.

3.110 The site lies adjacent (south) to the river Tud. The majority of the site lies within Flood Zone 1, land to the North which forms part of the site proposed as public access (in blue line and) lies within Flood Zone 2 and 3. The key issues for consideration in Flood Zone 1 is surface water.

3.111 There is an overland surface water flooding flow path that crosses the site from south to north. This is associated with a natural topographic depression that flows through the site prior to discharging into the River Tud.

3.112 The application proposes to address surface water by a SuD system. This would involve surface water attenuation in surface water features, the use of permeable paving and soakaways prior to infiltration to the ground.

3.113 The LLFA has advised that the proposed flood risk assessment and drainage strategy is sound and acceptable subject to the imposition of conditions which include detailed infiltration testing, provision of surface water attenuation storage to accommodate the 1 in 100 year return period, detailed design and modelling of the drainage, finished floor levels to be 300mm above all expected levels of flooding, further details of exceedance surface water flow routes, and details of management and maintenance of the proposed drainage strategy.

3.114 Concern has been raised by local residents as to whether the site is suitable for the infiltration proposed. The LLFA have advised that infiltration testing has been undertaken by the applicant in three locations across the site and note that the rates measured are favourable for infiltration. They also however advise that this testing (as set out in their suggested condition) should be supplemented with further infiltration testing in the location of specific drainage infrastructure during detailed design. They advise that indicative calculations have been provided for the soakaways, filter drains and permeable paving to demonstrate that at a high level the ground conditions are sufficient for the proposed drainage strategy. Again they advise that more detailed calculations will need to be submitted at the design stage following further infiltration testing in the location of the proposed infiltration features. Therefore subject to this detailed design, the LLFA are satisfied that the drainage strategy is acceptable.

3.115 The LLFA also note that there is an overland surface water flooding flow path that crosses the site from south to north that is at medium to low risk of surface water flooding (1 in 100 and 1 in 1000 years flood event). This is associated with a natural topographic depression that flows through the site prior to discharging into the River Tud. The LLFA raise no objection in relation to this subject to a condition to require that all properties to be placed outside of the path (the LLFA suggest that open space should be considered for this area) or sufficient information is provided to demonstrate how the overland flow route would be managed through the site without creating a risk to people and property.

3.116 The Environment Agency has been consulted on the proposed public access and footpath strategy within the blue line land adjacent to the river as this area lies within Flood Zone 2 and 3. Whilst this is an indicative strategy, it does propose footpaths and boardwalks etc within the area and adjacent to the river and so the flood risk impacts and impacts on the River Tud need consideration. At the time of writing the report comments from the EA in this respect are awaited.
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that Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by site specific flood risk assessment, and give priority to the use of sustainable drainage systems.

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3.115 The LLFA also note that there is an overland surface water flooding flow path that crosses the site from south to north that is at medium to low risk of surface water flooding (1 in 100 and 1 in 1000 years flood event). This is associated with a natural topographic depression that flows through the site prior to discharging into the River Tud. The LLFA raise no objection in relation to this subject to a condition to require that all properties to be placed outside of the path (the LLFA suggest that open space should be considered for this area) or sufficient information is provided to demonstrate how the overland flow route would be managed through the site without creating a risk to people and property.

3.116 The Environment Agency has been consulted on the proposed public access and footpath strategy within the blue line land adjacent to the river as this area lies within Flood Zone 2 and 3. Whilst this is an indicative strategy, it does propose footpaths and boardwalks etc within the area and adjacent to the river and so the flood risk impacts and impacts on the River Tud need consideration. At the time of writing the report comments from the EA in this respect are awaited.

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3.117 Therefore subject to the imposition of conditions as set out by the LLFA and no objection being raised by the EA, it is considered that the proposal would accord with JCS Policy 1 and para 103 of the NPPF and its associated technical guidance. Comments from the EA are awaited and members will be updated at committee.

3.118 The Internal Drainage Board has advised that as currently proposed the surface water drainage system to infiltration does not affect them. However should this change and a discharge be required to the north of the site, a land drainage consent would be required and a one-off surface water contribution would be required to the IDB. A note to advise the applicant on any consent would be required to address this.

3.119 In terms of foul drainage, Anglian Water has confirmed there is available capacity for this development in the sewerage system and in terms of waste water treatment, the Whittingham Trowse Water Recycling Centre has available capacity for the development.

3.120 Anglian Water also advise that there are Anglian Water assets that are within or in close proximity to the site and any future layout should take into account these assets or should be diverted at the expense of the developer. A note advising this and a satisfactory scheme or diversion at the reserved matters stage would need to be imposed on any consent granted.

Water quality

3.121 The matter of water quality entering into the River Tid has been raised by a number of concerned residents.

3.122 The Environment Agency has advised that the sensitivity of the River Tud is considered ‘high’ due to the habitat present that supports a number of protected BAP species including (native) white-clawed crayfish, brown trout, bullhead, brook lamprey all of which are sensitive to changes in water quality. Furthermore the Tud possesses a similar assemblage of species and habitat to that of the River Wensum which is designated as a SSSI/BAC for having these features.

3.123 They indicate that to afford adequate protection to the River Tud, given the sensitivity of the Tud, in terms of the proposed SuDS, additional levels of treatment as prescribed in the SuDS manual for a river of ‘high’ sensitivity will be required (levels of treatment depend on for example if the water is to surface water or ground water etc). They advise that if the correct level of SuDS treatments are in place to prevent deterioration to the receiving waterbody, they can be confident that the interest features of the Tud are adequately safeguarded. They indicate that the impacts can be addressed by condition and that the condition requested by the LLFA which includes a requirement for the SuDS scheme to include appropriate treatment stages for water quality prior to discharge is sufficient.

3.124 Therefore subject to the imposition of a SuDS Condition to include water quality, it is not considered that there would be any adverse impact on the aquatic ecology of the River Tud as a result of the proposed development.

Contamination

3.125 Policy DM3.14 has regard to development and contamination. A contamination report has been submitted with the application which identifies no contamination is present at the site but recommends further investigation to identify contamination from unrecorded potentially contaminative activities and any unrecorded land uses which should include soil sampling and chemical analysis. Comments are awaited from the Environmental Protection Officer in respect of this matter, however it is considered that the impacts of any contamination can be addressed through the imposition of a condition.
Sustainable construction/renewable energy

3.126 Policy 1 and 3 of the JCS require the sustainable construction of the building, water conservation measures to be included in addition to requiring 10% of the predicted energy requirements to be delivered by on-site decentralised and renewable or low carbon energy. Precise details and compliance with the policy would need to be secured by conditions.

Other matters

3.127 Norfolk Fire Services have indicated that the proposed development will require 1 hydrant per 50 dwellings for the residential development. A condition would need to be imposed to require a scheme to be agreed and for the developer to install these in accordance with the Norfolk Fire Service.

Crime and disorder

3.128 In relation to the Council’s duties under Section 17 of the Crime and Disorder Act 1998, the application raises no significant crime and disorder issues. A number of local residents have raised concern in relation to crime from new development, however it is considered that a suitable scheme could be agreed at the reserved matters stage to ‘design out crime’ as far as is practicably possible.

Environmental Impact Assessment (EIA)

3.129 An Environmental Impact Assessment screening has been undertaken as part of the application. The environmental, social and economic impacts have all been considered and are adequately addressed as detailed in the above report and the proposal was not considered to require an Environmental Statement and would not lead to any significant impacts other than those raised and adequately addressed in the report.

Appropriate Assessment

3.130 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.

S106 and CIL

3.131 The application is liable for CIL although this would be calculated at the reserved matters stage when floor spaces would be known.

3.132 Should consent be granted a S106 would need to be entered into to cover the following: Affordable Housing, open space and play space provision and a management and maintenance strategy for the open space, contributions towards footpath improvement works to the county wildlife site, provision of footpaths in the woodland to the north.

3.133 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.
Conclusion

4.1 When taken the policies of the NPPF as a whole the proposal is considered to represent a sustainable development.

4.2 Harm to the landscape is identified however this would be reduced in the long term through appropriate layout and use of strategic planting and so the overall long term impact would be low, to ensure the impacts are mitigated appropriate conditions for the quantum and location of open space and strategic planting would be a requirement. The closest receptor of East Hill CWS would have the biggest effect and would be modest adverse.

4.3 In the absence of a 5 year supply of housing land in the Norwich Policy Area, policies for the supply of housing cannot be considered up to date and paragraphs 14 and 49 of the NPPF are invoked which require a presumption in favour of sustainable development; unless the impacts of doing so would significantly and demonstrably outweigh the benefits.

4.4 It should be acknowledged that significant local objection has been raised not only by local residents and interested parties but also local members, the Town Council and the County Council. Whilst all specific grounds of objection are acknowledged the report has addressed the significant issues raised. The amount of local objection should not be underestimated and a level of harm is identified however the government is clear that planning decisions must be taken in the round in respect of delivery of sustainable development with the NPPF taken as a whole as a material consideration. Therefore notwithstanding that the Local Plan Site Allocations and Development Management Plan policies are only recently adopted in the absence of a 5 year supply of housing land, the NPPF is clear that any harm identified must be significant and demonstrable to outweigh the benefits of the proposal.

4.5 The harm identified to the landscape in this case is not considered to significantly and demonstrably outweigh the benefits that would be gained and there are therefore material considerations that override the conflict with the development plan.

4.6 Accordingly the application is on balance recommended for approval subject to the imposition of conditions and a section 106 agreement as set out in the report and no objection being raised by the EA in respect of the public access strategy on land adjacent to the River Tuda.

Contact Officer, Telephone Number: Tracy Lincoln 01508 533814 and E-mail: tinlincoln@snorf.n.nhs.gov.uk
Dear Tracy,

Please accept this email as my formal objection as the County Councillor for Costessey, to the application - Land North of Farmland Road 2018/2927.

This application has been submitted to South Norfolk’s Planning Committee for determination. It’s not as though Costessey hasn’t had its fair share of massive housing developments over the last 10 years and all through a planned process, called the Joint Core Strategy. Not opportunistic, unanticipated and unplanned applications such as this one.

It is worth emphasising that this proposal at the bottom of Farmland Road is located in the sensitive valley of the River Tye and it is outside the development boundary. South Norfolk Council’s Local Plan has only recently been adopted as part of the Joint Core Strategy.

Interestingly, the applicants had the opportunity to challenge the local plan process by suggesting that SNC include this parcel of land, for about 83 homes, before the JCS was adopted, but they chose not to do so. Consequently, I hope they have missed the boat.

If this application is approved it would be against all the SN local plan policies which are drawn up to protect River Valleys, especially as this is the ‘green lung’ which separates how from OIC Costessey. It would create a precedent for further development along this river valley. Longwater Lane bridge should this application be approved by SN’s Planning Committee, as all these parcels of land are in separate ownership.

Personally, I would never be prepared to support any development in the river valley of the Tye. This linear green area needs to be protected against development at all costs. This proposal really is the thin edge of the wedge. It follows on from the Townhouse Road permission and the consequent heartache that application generated within the community. River Valleys are normally identified as being from one alignment to another - in this case Cave Avenue to Townhouse Road. I am at a loss to understand the local plan designation for this Farmland Road application as being outside that definition and only partly in a river valley. Incredible!
With the more frequent flooding, notably in Cumbria and in the Somerset Levels and with recent government assurances in the light of these catastrophes, that flood designations will be reassessed, re-evaluated and reconsidered, the flood zones in river valleys needs to be reviewed.

Zone designations were previously attributed to flood incidences occurring every 30, 50 and 100 years. The Town House Road consent on appeal was supposed to be a 30 year occurrence. Two weeks ago Town House Road was awash with water which stripped the entire road surface, twice in one week! So much for the reliability of the present designations.

The very steep nature of Farmland Road is another issue which needs evaluating on the ground. I think the Highway issue is insurmountable and could never support 89 homes being constructed in the river valley and at the same time be sustainable in the long term. Access to the wider highway network would be very limited.

For these and the many more environmental concerns, I recommend refusal of this outline application to establish the principle of development in the sensitive valley of the River Teal.

I also formally request a site visit by DMC members to take place before the application is determined to assess the topography, environment, landscape, courtyards and ecology of the surrounding locations in a holistic context given the significance of public interest in this application.

Yrs,
Tim

Cllr. Tim East, B.Ed, MA, JP
Ljb/Domi County Councillor for Oastecacy,
Tel: 01037 4034 fax: 01803 742977
email: tim.east@portsmouth.gov.uk
mandarbara1@hotmail.com
www.nofolk.co.uk
APPENDIX 3

Tracy Lincoln

From: East, Tim <tim.east.clt@norfolk.gov.uk>
Sent: 11 June 2017 15:59
To: Tracy Lincoln; Tim Horspole; Helen Mellors
Subject: Farmland Road application 2016/2017/2430 and amendment including linked 2017/0420 21st July 2017
Attachments: 2017_1184_SITE_LOCATION_PLAN-5328231.pdf

Dear Tracy,

I wish to formally object to the latest Farmland Road application 2016/2017/2430 and amendment including linked 2017/0420.

I especially wish to object on the following grounds as County Councillor for Costessey:

- Given the high acreage of highly suitable development land available on the west of the Dereham Road I see absolutely no case for any further development on the east side of Dereham Road and particularly not in the already heavily congested area of this part of Costessey.
- The new submission is simply tinkering around the edges of addressing the full set of objections considered by the DMC when it refused the last application. This tinkering does not address in any competent way the core objections listed in the submissions made by FRT, FRAG and CTC, in both the original application and this slightly amended version.
- For me, the primary critical objection is the impact on the River Tud and its valley, and the green landscape in the strategic gap (green lung) between the settlements of New and Old Costessey. If this application is successful, there is consequent precedence for further development of the adjacent 3 fields, and other greenfield sites in Costessey in the immediate future. (Some landowners have already applied and submitted land for development in the river valley to be considered by SN LPA. This is contained in the Local Plan Review up to 2036 published on Friday 4th November and includes 2017/1184 Land South of Townhouse Road, presently outside the development boundary – See attachment above).
- Costessey does not need any further residential development of this scale, particularly given the acreage of development land now made available by Lodge Farm 2 and other land being submitted and considered for the revised Local Plan.
- This application is clearly not ‘sustainable’ under any definition given to the word in planning terms and in the NPPF, irrespective of any very questionable economic viability and sustainable arguments the developers may put forward for the site.
- In my view this site is exceptionally problematic as set down in the objections above and with particular reference to the ‘steepness’ and inappropriateness of Farmland Road as the only access to and from the proposed site. The NCC’s highways officer’s interpretation of it not being ‘severe’ as defined in the NPPF is clearly open to question in my opinion.
Development Management Committee

I believe the application has very questionable economic viability for whoever might eventually try to build on the land. THR was ‘shovel ready’ after the appeal decision and yet not one house had been completed four years after consent was given.

The operational standards of construction, in particular relating to the ground works infrastructure, foul water, surface water (contaminants) and drainage are also problematical given the difficulties THR has experienced subsequent to consent. The plans for these set down in the application are grossly inadequate, given the topography, geology, geography and morphology. The DMC needs to reflect on the already failed systems set down in the consents for Queens Hills and Town House Road developments, particularly that of the failure of submitted surface water drainage systems. There is already evidence these failures are polluting the River Tud Valley environs.

Given that there will be very little, if any, effective control, monitoring or supervision by SNC and NCC Highways once consent is given on such developments, I genuinely fear for the negative future impact on the ecology and environment of the River Tud Valley.

Educational provision in Costessey is at capacity. The cumulative impact and pressure on school places with unplanned, speculative and opportunistic developments such as this, exacerbates the situation. With the large numbers of planned new homes elsewhere in Costessey, a precedent would be set for further speculative and opportunistic housing applications in the area until the 5 year land supply is reached. This could result in not enough school places being available for local children in the Costessey area.

Costessey is saturated with homes and the infrastructure cannot cope with any more. Local schools are at capacity, and local health care provision is overburdened with Costessey’s mushrooming population, not to mention the pressure on the local highway network.

I recommend refusal of this application 2016/2017/2430 linked with 2017/0420 and would wish to avail myself of public speaking rights as the County Councillor for Costessey, on 21st July, 2017 when this application is to be determined.

Kr,
Tim

Cllr. Tim East, B.Ed, MA, JP
Lib/Dem County Councillor for Costessey. tel: 01603 743241 fax: 01603 741977 email: tim.east@norfolk.gov.uk and timandbarbara71@gmail.com www.norfolk.gov.uk

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Development Management Committee  
6 December 2017

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Appl. No : 2017/0420/F  
Parish : COSTESSEY

Applicants Name : Mrs Katrina Kozersky  
Site Address : Land North of Farmland Road Costessey Norfolk  
Proposal : Provision of two circular recreational walks, including boardwalks and associated landscaping and biodiversity enhancements (Linked with application 2016/2430)

Recommendation : Approval with conditions
1. Standard time limit
2. Detailed design scheme to be agreed
3. Biodiversity Management Plan
4. No raising of ground levels within the floodplain
5. Management and maintenance scheme to be agreed
6. Contamination report to be submitted and approved; remediation and verification reports

1. Planning Policies

1.1 National Planning Policy Framework  
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 7 : Supporting Communities  
Policy 9 : Strategy for growth in the Norwich Policy Area  
Policy 10 : Locations for major new or expanded communities in the Norwich Policy Area  
Policy 20 : Implementation

1.3 South Norfolk Local Plan  
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 : The sustainable location of new development  
DM1.4 : Environmental Quality and local distinctiveness  
DM3.8 : Design Principles applying to all development  
DM3.11 : Road safety and the free flow of traffic  
DM3.13 : Amenity, noise, quality of life  
DM3.14 : Pollution, health and safety  
DM3.15 : Outdoor play facilities/recreational space  
DM4.2 : Sustainable drainage and water management  
DM4.5 : Landscape Character Areas and River Valleys  
DM4.8 : Protection of Trees and Hedgerows

1.4 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 2015/2927

Outline application with all matters reserved except for access for 83 dwellings (including 27 affordable dwellings) with areas of public open space, sustainable drainage systems and associated infrastructure.  

Refused

2.2 2016/2430

Outline application with access and Landscaping (all other matters reserved) for 83 dwellings (including 27 affordable dwellings) with areas of public open space, sustainable drainage systems and associated infrastructure.  

Under consideration

3. **Consultations**

3.1 Town / Parish Council

Object on the following grounds (summarised):

- The application has no substance on its own and is a sweetener to make the residential seem more attractive
- Without the housing application there would be no access to this site
- No car parking is provided
- There is no reason to open up this area to the public unless the housing application is successful
- There have been limited changes to the ecology report
- The site is in a high flood risk zone which could cause danger to the public
- The FRA submitted for this application is encompassed in the FRA for the residential scheme and impacts of this proposal are glossed over
- Human access to the site is likely to alter the environment irrevocably
- Lack of management and maintenance details submitted
- The protected species box on the application form is not ticked and the site is adjacent to the Tud which hosts protected species

Further comments:

- It has been brought to the Town Council’s attention that asbestos and possibly other contaminants have been found in the rubble deposited at the field edge to raise the soil level as a barrier to prevent flooding so that the field could be
Development Management Committee
6 December 2017

- farmed. This brings into question whether the proposed walks are viable given the possible costs of safe / lawful removal of contaminants. The Town Council requests that a Viability study be undertaken before the decision is made – contamination and viability should not be dealt with by conditions.
- Management costs per property for maintaining the amenity land will be cost prohibitive. The Town Council have received many complaints about management companies as SNC have washed their hands of amenity assets, residents will be saddled with major additional costs for their management.
- The walks will be a destination but no parking is provided.

3.2 District Members
To be reported if appropriate

3.3 County Cllr East
Objects to both 2016/2430 residential application and this linked application 2017/0420 comments (summarised) (full comments are found in Appendix 2):
- There is other suitable land available – no need to develop on this heavily congested part of Costessey
- This application is tinkering and does not address previous concerns raised
- Impact on River Tud and its valley and the green landscape in the green gap between old and new Costessey
- This is not sustainable development
- Access to the site is exceptionally problematic
- The application has questionable economic viability
- Given geography, geology, topography and morphology of the site concern with appropriate foul, surface water (contaminants) and drainage issues.
- Negative impact on the ecology and environment of the River Tud valley
- Education – no capacity
- Inadequate infrastructure in Costessey to cope with more housing

3.4 Norfolk Wildlife Trust
Support the views expressed by NCC Ecologist in her letter of 27th March 2017. It is clear that the area where boardwalks will be established are currently inaccessible to the public and as such there is the potential for disturbance to wildlife both during creation and use. As a result it is critical that mitigation measures are included and that management of the area into the future ensures that impacts on wildlife continue to be minimised. The Biodiversity Management Plan and condition proposed by the Council’s Ecologist seem sensible and we wish to register our support for that approach

3.5 Anglian Water Services Ltd
No comments to make

3.6 SNC Conservation and Design
No comments to make, although the proposal would be of benefit in the building for life assessment for 2016/2430 residential scheme
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3.7 Environment Agency

No objection with the following comments (summarised):

The Flood Risk Assessment (FRA) was amended to address concerns raised on application 2016/2430. On the basis of the amended FRA, no objection. Comments:

- All proposed development has sequentially been sited within Flood Zone 1
- There will be no raising of ground levels within the floodplain. Therefore compensatory storage would not be required. We advise that this is a condition of any planning permission given

In respect of Water Framework Directive, no objection – adequate treatment levels are required from the residential scheme to protect ground and surface waters

In terms of contamination, additional comments have been received clarifying that conditions for further contamination investigation prior to the commencement of development will be necessary.

3.8 SNC Water Management Officer

The Lead Local Flood Authority (LLFA) and Environment Agency (EA) are the statutory consultees however wish to make the following observations:

- Information submitted in the FRA does not specifically address the recreation site
- Note that the Council would take this on as an asset – management would need to be via other means i.e. management company or other group
- Note there is no parking provision for the proposal

3.9 SNC Landscape Architect

No objection with the following comments:

The majority of this site is within the River Valley designation (in South Norfolk Policy terms) so DM4.5 applies. It is clear that, regardless of the link between this application and the proposed residential development (2016/2430), this area of land would benefit from some restoration and management. What is being proposed will not conflict with the identified character of the Tud River Valley and the access solutions proposed are sympathetic to the setting. In light of this, I have no objection to this application.

If approved, conditions will be required to agree the exact locations of the pathways and boardwalks, and also to establish a full management plan for the site.

3.10 NCC Lead Local Flood Authority

No comments to make

3.11 NCC Highways

No objection

3.12 NCC Ecologist

No objection subject to a condition requiring a biodiversity management plan and following comments (summarised):

- There is potential for the site to be used by protected species including bats, water vole, otters and reptiles, however the impacts can be minimised with appropriate mitigation. More detail will be required through condition.
- The largest impact of this development will be the introduction of the general public into the site which is currently inaccessible. As such, whilst the construction of the walkways

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• is important, the ongoing management of the site will need to be detailed to ensure that potential impacts are minimised.

• A detailed Biodiversity Management Plan (BMP) is required by condition. This should include the recommendations made in the submitted ecology report, and also (but not exclusively) details of the timetable of works, a construction method statement, measures to limit the impact of dogs on nesting birds (sections of the footpath where they must be kept on leads for example) and how the site will be managed going forward. Exact details of the enhancements must also be included which should include all measures recommended in the ecological appraisal.

3.13 Police Architectural Liaison Officer

Comments (summarised):
• Isolated walkways should be constructed to be wide and as straight as possible and be devoid of hiding places for criminal or anti-social behaviour
• Users should have good visibility along the route(s) to encourage use and prevent an increased fear of crime
• Measures should be included to prevent unauthorised motor vehicle use
• Vehicular parking for the recreation area should be considered – on street parking by visitors could cause obstruction and emergency services may benefit for the use of a parking space

3.14 Richard Bacon MP

Letter received in relation to 2016/2430 raising concerns (summarised):
• Adverse impact on road infrastructure
• Drainage issues
• Water framework directive – more detail required to ensure compliance
• Concerns of cumulative impact of unplanned development on education
• The residential is not in accordance with the development plan
• Concerns of the Town Council and residents should receive the most serious consideration by officers and members
• In favour of plan led development – look to South Norfolk Council to ensure that it is staunch in its resistance to speculative development where the harm of such development plainly outweighs its benefits

3.15 Other Representations

1 letter of support

165 letters of objection received following a number of rounds of consultation on the following grounds (summarised):
• Adverse impact on the environment
• Adverse impact on ecology – introduction of human activity to the area
• Dogs in a sensitive area
• Cost of future maintenance of walkways and the land on the public purse – concern there is no detailed management and maintenance plan setting out who will do this in perpetuity
• Alterations to drainage could have an adverse affect on water quality in the Tud and protected species
• The proposal would attract more traffic by users driving to the area to walk on the site
• Lack of parking for this proposed facility would add to existing traffic issues of the area
• The development is not suitable for the Tud valley as a whole
• The site is more likely to flood if the banks are lowered
• A full traffic survey needs to be carried out
• The negative effects the proposed development would have on the area should not be underestimated
• The application form does not tick protected species – the site is an Ark site for white clawed crayfish
• The proposal would harm the Ark site designation which has been designated to isolate the river from contamination with non-native crayfish – people entering the site could bring in non-native species on their boots and equipment
• This is solely an attempt to make an unwanted, unsuitable and ill-advised development (residential scheme) somehow more palatable by implementing ‘biodiversity enhancements’ around drainage lagoons for an unsuitable and environmentally damaging drainage system
• Local residents have not requested these paths and there is no demand for such
• There are no public toilets, parking or access for emergency vehicles to support such a proposal
• The ecology of the woods is thriving and would be harmed by the proposal – if the site was left alone there would be no need for the proposed ecology enhancement measures
• This is an important piece of agricultural land
• There should be no more development in Costessey until the road system is improved
• Object as this is linked to the residential application 2016/2430 – any mitigation provided by this proposal would not be sufficient to overcome major concerns with the original application
• Access to the site via a steep hill is not appropriate
• Concerns as to what boundary treatments are being proposed for those properties bordering the site
• Concern of increased crime and anti-social behaviour, potential vandalism and litter
• Current medical and educational facilities cannot cope with more housing which this application supports
• Loss of security and privacy to properties adjacent to the site
• Concern as to how boundaries would be secured and marked
• Question whether the proposal is financially independent of the housing proposal – is there a viability report for this proposal?
• Health and safety concerns of use of this area
• What will the phasing of this and the residential be?
• There has been a lack of community engagement by the applicant
• Would set an undesirable precedent in the area
• Adverse noise impact on surrounding residential properties
• The banks opposite are private property and this proposal would encourage people to gain access to these
• Concern that introducing public near to organic farmed land
• Potential contamination on the site
4 **Assessment**

The site and proposal

4.1 The area comprises wet semi-natural broadleaved woodland and swamp, with scattered trees, areas of scrub and an area of neutral semi-improved grassland. The River Tud is located along the northern boundary and the site is located within the River Tud floodplain.

4.2 The application site relates to the blue line land identified as part of application 2016/2430.

4.3 This application is seeking consent for the footpaths and change of use of the land to sit alongside the outline planning application for residential development.

4.4 Two circular walks are proposed to provide recreational routes through the river valley. The proposed footpaths follow the landscape masterplan, submitted under 2016/2430 and would link the river valley to East Hills along the western green corridor of the adjoining proposed residential development to the south.

4.5 Following comments from the Environment Agency, the proposed footpaths were amended on submission of this application to ensure they would be provided at existing grade level (i.e. no ground raising and therefore no loss of flood storage) with sections provided as a deck/boardwalk across low/wet ground and across the open reeds.

4.6 The application is accompanied by a Flood Risk Assessment and Biodiversity Survey and Report; together with a high level management and maintenance note.

4.7 The key issues for consideration are how the site links with application 2016/2430 and delivery; ecology; flood risk; and management and maintenance

4.8 Proposals in relation to residential application 2016/2430

4.9 The recreation area proposed in the river area by this application is submitted on the basis of delivering additional recreation space and green infrastructure networks in support of residential application 2016/2430.

4.10 As set out in the report for application 2016/2430, this additional recreation land is not necessary to make the impacts of the housing scheme acceptable in planning terms and is therefore afforded no weight in the planning balance in determining that residential application. It is none the less a positive scheme and is intended by the applicant, in respect of delivery to be intrinsically linked to the housing scheme, both physically (as is demonstrated through the landscaping and access strategy where footpaths and linkages are proposed from the residential to the river area ) and in terms of delivery mechanism (the intention of the management and maintenance to be delivered by a management company funded through annual charge on new residents of the proposed development).

4.11 Given the linkages in respect of a delivery of the river recreation area to the residential scheme, and that otherwise there would be no right of way to link the site to an existing public right of way or highway, it is not envisaged that the river recreation land would come forward without the housing.

4.12 Funding, management and maintenance etc. is currently indicated to be intended by the management and maintenance company for the residential recreation areas, however this could be by other means.

4.13 As a standalone piece of recreation land the public access of the land is not a planning requirement but rather, if public access is to be provided, the key issue for the planning authority is how the scheme and public access is to be delivered and managed in respect the ecology and flood risk of the site. This can be secured by planning condition.
4.14 The principle of the water compatible recreational proposal is acceptable in the river valley and as additional recreation land offered for the housing development.

Ecology

4.15 Policy 1 of the JCS requires the development to both have regard to and protect the biodiversity and ecological interests of the site and contribute to providing a multi-functional green infrastructure network.

4.16 The application is accompanied by a preliminary ecological appraisal which provides baseline ecological information about the site and identifies potential ecological constraints associated with the proposed development together with highlighting opportunities for ecological enhancement.

4.17 The site is host to priority habitats in the form of wet woodland and reedbeds and in response to this and other ecology/biodiversity (there is potential for the site to be used by protected species including bats, water vole, otters and reptiles), mitigation is proposed including:

- The circular walks will be designed to minimise the number of trees within the woodland to be removed.
- The circular walks will be designed to run around the perimeter of the reedbed where possible and a boardwalk will be constructed along routes that cross the reedbed.
- In respect of nesting birds, clearance of vegetation will take place outside of the bird nesting period.
- In respect of reptiles, clearance of vegetation will take place outside of the reptile active period.

4.18 Furthermore enhancements proposed include:

- Retention within the woodland of any trees that are felled to make way for the proposed footpaths, for the benefit of saproxylic invertebrates.
- Enhancement of both drainage lagoons within the residential development site via the planting of native aquatic and marginal plug plants, and blocks of native scrub planting at the perimeter, in addition to sowing the area around the lagoons with Emorsgate EP1 Pond Edge Mixture (or equivalent). This will enhance the value of these features to amphibians, as well as providing habitat for invertebrates, which in turn will provide a foraging resource for bats and birds.
- Installation of 5 x Schwegler 2FN and 5 x Schwegler 2F bat boxes within trees in the wet woodland, at a height of 3-6m, oriented in a range of directions.

4.19 The Council’s Ecologist acknowledges that the largest impact of this development will be the introduction of the general public into the site which is currently inaccessible. As such, whilst the details of the construction of the walkways is important, the ongoing management of the site will need to be detailed to ensure that potential impacts are minimised. Any potential impact on protected species can be controlled through mitigation.

4.20 Lighting would be restricted unless first submitted to and approved by the Local Planning Authority to ensure that the impact on ecology is considered in any such proposals.

4.21 There is therefore a balance between the benefits of opening the site for public access for recreation and the ecological impacts. The County Ecologist considers that subject to a detailed design scheme for the proposed area and a biodiversity management plan including proposed enhancements, that the proposal would not result in any adverse impact on biodiversity and ecology. The proposal is therefore considered to comply with JCS Policy 1. The proposal would be a positive enhancement in respect of access to green infrastructure and would if approved alongside the residential scheme result in significant...
enhancements to the green infrastructure networks linking the county wildlife site to the river corridor.

Flood risk and drainage matters

4.22 JCS Policy 1 requires development to be located to minimise flood risk, mitigating any such risk through design and implementing sustainable drainage. Para 103 of the NPPF advises that Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in area at risk of flooding where informed by site specific flood risk assessment…and give priority to the use of sustainable drainage systems. Policy DM4.2 requires sustainable drainage measures to be fully integrated within the development to manage any surface water arising from the development proposals and to minimise the risk of flooding on the site and surrounding area. It advises that development must not cause any deterioration in water quality and measures to treat surface water runoff are to be included in the design of the drainage system.

4.23 A Flood Risk Assessment has been submitted with the application which outlines that the River Tud floodplain area is principally in Flood Zone 3b. Water compatible uses such as recreation use is acceptable in principle in Flood Zone 3b.

4.24 Following comments received from the Environment Agency, the proposed footpaths within the area were amended to remove any ground raising. The majority of the footpaths are to be constructed at existing grade, consisting of hoggin/gravel. In addition, there will be some localised sections of raised boardwalks where the land is known to be low lying and also for the routes that cross the reedbed.

4.25 In respect of flood risk the Environment Agency has confirmed based on the amended plans, and requiring no ground raising, which would need to be secured by condition, there is no objection to the proposed application. There would therefore be no net loss of floodplain storage and the proposal would not impede water flows and increase flood risk elsewhere.

4.26 The recreational walk land is in Flood Zone 3 and forms the functional floodplain (3b) and as such has the potential to flood and in extreme events this could affect the boardwalks and clearly has an impact on the long term management and maintenance of the area. The areas management and maintenance would need to be agreed through a planning condition/S106 and this would need to include matters such as regular maintenance of the area (vegetation and new pathways), any maintenance repair required as a result of flooding/water damage; who would manage and maintain and the funding arrangements for this. Management would need to include measures to safeguard users of the site in the event of flooding (whilst the detail of this would be agreed by condition, this could include operational measures of the site, use of signage to guide users on how and when to use; physical prevent of access on to the site in extreme flood events (i.e. locking of gates) etc). Subject to an appropriate management and maintenance strategy it is considered that the proposals would be acceptable in the flood risk area.

Management and maintenance

4.27 Given the applicants intended delivery linkage of the land with the residential scheme, in terms of management and maintenance, a high level management and maintenance note setting out the likely high level costs has been submitted, which it is intended the land would be managed by a management and maintenance company funded by an annual charge on residents of the new development. The confidential viability report also includes allowance for the recreation area to be delivered.

4.28 The National Planning Practice Guidance (NPPG) is clear that decision taking on individual applications does not normally require consideration of viability, advising only where deliverability of the development may be compromised by the scale of the planning
obligations and other costs would a viability assessment be necessary. Therefore whilst it
is not a requirement to require viability of the recreation land alone coming forward, these
details were requested to ensure that the residential scheme is viable to deliver with all of its
obligations in respect of affordable housing and the other infrastructure being offered i.e. in
this case the additional recreation land.

4.29 Also requested of the applicant was high level costings for management and maintenance
of the area to demonstrate if this could be accommodated within the usual annual charge on
the new residents by way of a management company to ensure it would not be cost
prohibitive.

4.30 The Council’s Viability Consultant has confirmed that the residential scheme is viable to
deliver including the necessary infrastructure and obligations. The delivery of this area
would not therefore render the residential scheme unviable.

4.31 The submitted management and maintenance costs demonstrate that at a high level they
would not be cost prohibitive to include as a requirement of the management company
funded by future residents.

Other matters

4.32 Concern has been raised by residents in respect of parking and highway impact of the
proposed recreation area. The Highway Authority raise no objection in highway terms
and it is not considered necessary to require specific parking for the proposed
recreation area given its proximity to the existing settlement and scale and nature of
the proposal.

4.33 A contamination assessment has been submitted with application 2016/2430 where it
is suggested that there is a structure in the north west corner of the site where
contamination is unknown and so further investigation would be required. This is
supported by comments of residents where there is anecdotal evidence material in the
form of a bank has been deposited in the north-west corner of the site which could be
contaminated and this could relate to land forming part of the recreation land. It is
therefore suggested that the same contamination condition required for the residential
application 2016/2430 be imposed on this recreation land application to ensure that
contamination is fully assessed and remediated where necessary. This approach is
supported by the Environment Agency and the Council’s Environmental Protection
Officer.

4.34 A condition is required to agree appropriate boundary treatment, where necessary,
particularly where the recreation land adjoins existing land to the east/north-east which
are residential properties/land associated with residential properties and paddocks etc.

4.35 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.

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

Environmental Impact Assessment (EIA)

4.37 An Environmental Impact Assessment screening has been undertaken as part of the
application. The environmental, social and economic impacts have all been considered and
are adequately addressed as detailed in the above report and the proposal was not
considered to require an Environmental Statement as it would not be likely to have
significant effects on the environment either individually or cumulatively.
5 Conclusion

5.1 It is evident that the application provides an opportunity to secure recreational access to the river area.

5.2 This represents a significant public benefit in terms of recreation space and enhancing green infrastructure networks.

5.3 It is also evident that there is a tension between creating access to the public to the area and the ecology and biodiversity of the area. Subject to appropriate detailed design of the footpaths and boardwalks together with mitigation and enhancement, suggested to be secured by condition, it is considered that the impacts in respect of ecology would be acceptable.

5.4 The site lies in Flood Zone 3 and is at high risk of flooding. The proposed design approach and condition ensuring no ground raising thereby affecting flood storage would ensure that there is no increased risk of flooding elsewhere and no objection from the Environment Agency.

5.5 Precise detail of the proposals, how public access is to be managed and the site maintained need to be agreed by condition to ensure impacts on ecology and flood risk are acceptable.

5.6 Potential contamination on the site is considered appropriate and proportionate by statutory consultees to be considered by condition.

5.7 Subject to conditions as set out in the report the application is recommended for approval.

Contact Officer, Telephone Number Tracy Lincoln 01508 533814
and E-mail: tlincoln@s-norfolk.gov.uk
Dear Tracy,

I wish to formally object to the latest Farmland Road application 2016/2017/2430 and amendment including linked 2017/0420.

I especially wish to object on the following grounds as County Councillor for Costessey:

- Given the high acreage of highly suitable development land available on the west of the Dereham Road I see absolutely no case for any further development on the east side of Dereham Road and particularly not in the already heavily congested area of this part of Costessey.

- The new submission is simply tinkering around the edges of addressing the full set of objections considered by the DMC when it refused the last application. This tinkering does not address in any competent way the core objections listed in the submissions made by FRT, FRAG and CTC, in both the original application and this slightly amended version.

- For me, the primary critical objection is the impact on the River Tud and its valley, and the green landscape in the strategic gap (green lung) between the settlements of New and Old Costessey. If this application is successful, there is consequent precedent for further development of the adjacent 3 fields, and other greenfield sites in Costessey in the immediate future. (Some landowners have already applied and submitted land for development in the river valley to be considered by SN LPA. This is contained in the Local Plan Review up to 2036 published on Friday 4th November and includes 2017/1184 Land South of Townhouse Road, presently outside the development boundary – See attachment above).

- Costessey does not need any further residential development of this scale, particularly given the acreage of development land now made available by Lodge Farm 2 and other land being submitted and considered for the revised Local Plan.

- This application is clearly not ‘sustainable’ under any definition given to the word in planning terms and in the NPPF, irrespective of any very questionable economic viability and sustainable arguments the developers may put forward for the site.

- In my view this site is exceptionally problematic as set down in the objections above and with particular reference to the ‘steepness’ and inappropriateness of Farmland Road as the only access to and from the proposed site. The NCC’s highways officer’s interpretation of it not being ‘severe’ as defined in the NPPF is clearly open to question in my opinion.

- I believe the application has very questionable economic viability for whoever might eventually try to build on the land. THR were ‘shovel ready’ after the appeal decision and yet not one house had been completed four years after consent was given.

- The operational standards of construction, in particular relating to the ground works infrastructure, foul water, surface water (contaminants) and drainage are also
Development Management Committee

- problematical, given the difficulties THR has experienced subsequent to consent. The plans for these set down in the application are grossly inadequate, given the topography, geology, geography and morphology. The DMC needs to reflect on the already failed systems set down in the consents for Queens Hills and Town House Road developments, particularly that of the failure of submitted surface water drainage systems. There is already evidence these failures are polluting the River Tud Valley environs.
- Given that there will be very little, if any, effective control, monitoring or supervision by SNC and NCC Highways once consent is given on such developments, I genuinely fear for the negative future impact on the ecology and environment of the River Tud Valley.
- Educational provision in Costessey is at capacity. The cumulative impact and pressure on school places with unplanned, speculative and opportunistic developments such as this, exacerbates the situation. With the large numbers of planned new homes elsewhere in Costessey, a precedent would be set for further speculative and opportunistic housing applications in the area until the 5 year land supply is reached. This could result in not enough school places being available for local children in the Costessey area.
- Costessey is saturated with homes and the infrastructure cannot cope with any more. Local schools are at capacity, and local health care provision is overburdened with Costessey's mushrooming population, not to mention the pressure on the local highway network.

I recommend refusal of this application 2016/2017/2430 linked with 2017/0420 and would wish to avail myself of public speaking rights as the County Councillor for Costessey, on 21st July, 2017 when this application is to be determined.

Kr,
Tim

Mr [Signature]

Cllr. Tim East, B.Ed, MA, JP
Lib/Dem County Councillor for Costessey. tel: 01603 743241 fax: 01603 741977 email: tim.east@norfolk.gov.uk and timandbarbara71@gmail.com www.norfolk.gov.uk

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Other Applications

3  Appl. No :  2017/1442/F
Parish :  SEETHING

Applicants Name :  Mr Robin Key
Site Address :  Land To The South Of Holmlea Seething Street Seething Norfolk
Proposal :  2 new detached dwellings with attached single garages

Recommendation :  Refusal
1  Contrary to DM1.3
2  Harm To landscape
3  Unsustainable development

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 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

1.3 South Norfolk Local Plan Development Management Policies
   DM1.3 : The sustainable location of new development
   DM1.4 : Environmental Quality and local distinctiveness
   DM3.1 : Meeting Housing requirements and needs
   DM3.8 : Design Principles applying to all development
   DM3.11 : Road safety and the free flow of traffic
   DM3.12 : Provision of vehicle parking
   DM3.13 : Amenity, noise, quality of life
   DM4.2 : Sustainable drainage and water management
   DM4.5 : Landscape Character Areas and River Valleys
   DM4.8 : Protection of Trees and Hedgerows

1.4 Supplementary Planning Documents
   South Norfolk Place Making Guide 2012
   Authority monitoring Report

2.  Planning History

2.1  2012/1563  Outline application for 2 new houses  Refused
2.2  2004/0137  Erection of two new 4 bedroom detached houses and garages  Refused
3. **Consultations**

3.1 **Parish Council**

To the original submission

**Refuse**

- Whilst the Parish Council agrees that the site is suitable for development of 2 houses of this size, we would prefer to see increased architectural variety of the front elevations.
- Also concerned that traffic speeds entering the southern end of Seething Street require traffic calming measures, compounded by limited visibility of the proposed access points for traffic approaching from the south.

To amended scheme

**Refuse**

To second amendment

**Approve**

- Amendment to the application is an improvement and therefore recommend approval

3.2 **District Councillor**

This is one where there are issues of balance that should be weighed by the Committee.

- On one hand I can see that it's outside the development boundary so the presumption would normally be to refuse.
- However, on the other hand, the local plan allocation for Seething was for 10 houses but the allocated site is only capable of sustaining 5-6 homes. Thus, there's a shortfall of about 4 in the village.
- The application site is directly opposite the allocated site and could contribute to that shortfall and there's also a make-weight argument on infill as well.
- I note that revised plans have been submitted and, considering these and the other policy points, feel that this one should go to Committee for determination.

3.3 **SNC Water Management Officer**

**Conditional support**

3.4 **NCC Ecologist**

**No objection subject to condition**

3.5 **SNC Community Services - Environmental Quality Team**

**No objections subject to conditions**

3.6 **NCC Highways**

To original submission

**Refuse**

- Due to restricted visibility

To revised access details

**No objections subject to conditions**

3.7 **SNC Conservation and Design**

**No objections to the revised design**
3.8 Other Representations

To original submission
2 letters of objection

- This is the third time such an application has been submitted to build two properties on the land. The previous two applications were refused.
- The plot of land in question has never been put forward as a site for development and is not part of the Local Development Plan.
- There is no justification to build housing on this site.
- Planning permission has already been granted for five new dwellings to be built opposite and to have further development is turning this part of rural Seething into suburbia.
- Highway safety concerns: present access/exit extremely restrictive; current 30mph sign is close to this exit and know from experience vehicles travel in excess of 30mph; plans to move access further down will change it from a very dangerous exit to a lethal exit.
- Boundary hedge to north belongs to us and no permission has been sought to cut the hedge although mentioned in the planning application.
- Proposed site plan not accurate.
- Outside development boundary and is part of the Conservation Area.
- Will affect the appearance and character of the street.
- Loss of light/overshadowing.
- Level changes will create run off onto our land.

To amended plans
2 letters of objection

- Previous objections still stand.
- No attempt made to consult with us by the developer.
- Proposed changes to the existing access show removal of our hedgerow.
- Damage to trees.
- Loss of hedgerow.
- Concerned that the local member is taking the views and opinions of developers over local residents. Appears to be pushing for housing numbers as opposed to waiting for the next round of the Local Plan which has a probability of including more suitable sites.

To revised access

- Revised proposal focuses upon improvements to access, our concerns still stand with regards to road safety and outside development boundary.

4 Assessment

4.1 This application seeks full planning permission for the erection of 2 detached dwellings with single garages at land to the south of Holmlea, Seething Street, Seething.

4.2 The site lies within the B5: Chet Tributary Farmland where the landscape is described in the South Norfolk Place Making Guide as being composed of ‘land rising gently from the Broads and is cut through by the River Chet and its tributaries; flat to gently undulating landscape; dispersed settlement across the character area; areas of parkland; moated sites; distinctive and extensive areas of common land and smaller village greens; Norman round-towered churches are a distinctive character of the landscape...forming very visible features on the highest ground, generally built of chequered red brick and flint; most villages have a distinctive village core comprising red brick and timber framed houses; and
large farm buildings and farm processing units occur throughout the landscape with older farm buildings being characteristically red brick and tiled.

4.3 From historic maps the site appears historically to have been closely associated with the building now known as Holmlea. It is located beyond the southern end of the settlement boundary, where properties are characterised by being more dispersed rather than clustered, as they are further along The Street nearer the centre of the village to the north. Hence, as is typical of properties on the fringes of a settlement and lanes/roads leading away from them, the property is set in a more spacious, less dense, setting, and the lane is characterised by unbroken hedgerows with fields visible to the rear. There is however a noticeable change of character at the junction to the south, where views become more open and rural across fields. Before reaching the junction the less built up nature of this part of the street, with buildings set back from the road with relatively high hedgerows and the houses being hidden and not very visible in the street scene, does lend this section of the lane a rural character with regard to the immediate setting than the settlement to the north.

4.4 Seething has been identified under Policy 15 of the Joint Core Strategy (JCS) as a Service Village which has a defined development boundary permitting infill or small scale housing developments of 10-20 dwellings. The site is outside the development boundary for the village which is defined by the South Norfolk Local Plan Site Specific allocations 2015.

4.5 The site is within the Rural Policy Area (RPA), where the housing land supply significantly exceeds 5 years. Specifically, the land supply is in excess of 39.6 years supply (identified at March 2016). This shows there is not an identified housing need for further new market dwellings, especially outside the defined development boundary.

4.6 The main issues in this case are the principle of the development, landscape impact, highways, residential amenity, sustainable development and other considerations.

Principle of the development

4.7 Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) (2004) states in that ’regard is to be had to the development plan for the purpose of any determination to be made under any planning act the determination must be made in accordance with the plan unless material consideration indicates otherwise’.

4.8 As set out in this report there are no material considerations to outweigh, override or change the statutory status of the development plan as the starting point for decision making in accordance with paragraph 12 of the NPPF. This is reinforced by paragraph 17 bullet point one of the NPPF in that the planning system/process should ‘be genuinely plan-led’.

4.9 The site lies in the Rural Policy Area, which in respect of housing supply has a 39.6 years supply, as such the Council's policies for the supply of housing can be considered up-to-date and applications should be determined in accordance with the Development Plan unless material consideration indicates otherwise.

4.10 The site falls outside of the development boundary where there is a presumption against new residential dwellings under policy DM1.3. The proposal is considered to conflict with DM1.3, which requires all new development to be located on allocated sites or within development boundaries, unless specific DM policies allow for it or there are overriding benefits. This report identifies there are no overriding benefits this proposal would bring to outweigh the harm and policy conflict.
Landscape impact

4.11 One of the core planning principles of the NPPF includes recognising the intrinsic character and beauty of the countryside. Policy DM4.5 requires all development to respect, conserve and where possible enhance the landscape character of its immediate and wider environment.

4.12 As mentioned above, the site is located within a Tributary Farmland landscape and outside of the site the landscape is relatively open in nature. A core planning principle of the National Planning Policy Framework is to recognise the intrinsic character and beauty of the countryside, which is reflected in Policy DM1.3 of the Development Management Policies document. Planning Practice Guidance clarifies that conservation and enhancement of the landscape, not only designated landscapes, contributes to upholding this principle. Whilst the site itself is garden to an existing residential property, development of the site would erode the rural character of the local landscape and consequent sense of place, thereby conflicting with Policy 2 of the Joint Core Strategy and Policies DM1.3 and DM4.5.

Design and layout

4.13 Both JCS Policy 2 and Section 7 of the NPPF require high quality design with importance being attached to the design of the built environment, with it seen as a key aspect of sustainable development.

4.14 Both the Parish Council and the Senior Conservation Officer raised concerns regarding the design approach. Notwithstanding the objections to the development as set out above, it was considered that any development of the site would need to be developed with some consideration of its context. In this case it was suggested that any development consists of bespoke housing, set back from the street, with greater informality and significant spacing. Although there are pairs of similar modern houses further into the village, and the current designs have low eaves with the form of the building dropping down to single storey either side, I was suggested that it would be preferable for the two dwellings to some extent be different in appearance, form, footprint and massing, so that they are read as two distinct detached properties. Different footprints, and for example location of the garage, may also allow for a greater impression of space around the properties from the lane, and to some extent views permeating through to the area behind and an overall impression of a lower density of development. This would also better reflect the looser, more spacious grain of the immediate area.

4.16 Following the concerns being raised, the applicant has amended the design to address these. The Parish Council therefore has removed their objection and the Senior Conservation Officer now raises no objections. In view of the above it is considered that the site is of sufficient size to accommodate the proposed dwellings and their parking, turning and associate spaces. The amended proposal is considered acceptable in respect of the design of the dwellings.

Highway Safety

4.17 Policy DM3.11 of the South Norfolk Local Plan states that planning permission will not be granted for development which would endanger highway safety or the satisfactory functioning of the highway network.
4.18 It is considered that the site can accommodate the required parking and turning for the new dwellings. Norfolk County Council’s Highway Officer raised concerns regarding the visibility that was available and the need to remove existing hedgerow which is outside the applicants control. The Highway officer has re-visited the site and met with the agent to agree an appropriate visibility splay and he now raises no objections. In view of the above the proposal accords with Polices DM3.11 and DM3.12. The concerns raised by local residents in respect of highway safety, are fully appreciated, however as the Highway officer has not raised objections in respect of the application endangering highway safety, I do not consider that the application can be refused on the grounds raised.

Residential amenity

4.19 Policy DM3.13 Residential amenity directs that development should not be approved if it would have a significant adverse impact on nearby resident's amenities.

4.20 Local residents have raised concerns regarding loss of light and overshadowing. I fully appreciate the concerns raised, however the proposal has been carefully designed and sited as to not have first floor windows in the end gables facing the neighbours and to sit in line with the Holmlea. Due to the orientation of the proposal to the south of Holmlea, the development will create an element of overshadowing of their side elevation, however due to the existing vegetation and the distance of the rear projection it is considered, on balance, that the proposal would not give rise to overshadowing to such a detrimental degree as to warrant refusal on this ground. As such, the scheme would accord with the requirements of Policy DM3.13.

Sustainable Development

4.21 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

4.22 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."

4.23 The scheme would result in some short term economic benefits as part of any construction work, which may be done by small scale builders and in the longer term by local spending from the future occupants. It is therefore considered that the scheme would bring forward a small level of economic benefit.

Social Role

4.24 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."

4.25 Although the development would result in two dwellings which could be considered to have limited benefit and which may be slightly enhanced if the properties were self-build, the social role also requires the creation of a high quality built environment. It is considered that the proposal fails to meet this criterion and would result in a development detrimental to the character of the area and therefore would not achieve the social role.
Environmental Role

4.26 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."

4.27 The development would result in an infringement into open countryside, which would further erode the rural character of the area causing significant environmental harm.

Conclusion on sustainable development

4.28 Having due regard to the above assessment made in the context of having a five-year land supply, it is considered that the concerns regarding encroachment are not outweighed by the minor economic benefits and therefore, when considered as a whole, the scheme does not represent sustainable development.

4.29 The Council considers that the development plan is not silent on self-build and the Council has a five-year land supply in the RPA and as a result it is considered to be up to date. In addition, the proposed development would not result in sustainable development and as a result paragraph 14 of the NPPF is not invoked and there is no need to carry out a paragraph 14 assessment.

4.30 However, for the avoidance of doubt the requirements of paragraph 14 of the NPPF in respect of the presumption in favour of development for decision-taking have been considered.

4.31 In the context of promoting sustainable development, Paragraph 14 advises this means: "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 In this instance, it is considered that the harm caused by the encroachment of the open countryside would significantly and demonstrably outweigh the very minor benefits to the local economy and by the provision of two houses in a location where the Council has a significant land supply.

Other considerations

4.33 Under paragraph 50 of the National Planning Policy Framework (2012) requires Councils to plan for people wishing to build their own homes. This can be a material planning consideration for this application as self-build has been identified as the method of delivering the site. Whilst no indication of self-build has been given by the applicant, it has been considered as part of the application. In the instance of this application the other material planning considerations detailed above are of greater significance.

4.34 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.

4.35 This application is liable for Community Infrastructure Levy (CIL) as it is for new dwellings.
5 Conclusion

5.1 In conclusion, the site is outside the development limit in a location where there the Council has a significant housing land supply and the development plan is considered to be up to date. There is no overriding justification for departing from policy DM1.3 in the Development Management Policies, which restricts development outside the development limit.

In addition, it is considered that the limited economic benefits of the provision of two new dwellings does not outweigh the harms identified.

5.2 Reasons for Refusal
1 The site is located outside the Development Limit in an area where there is an existing significant housing land supply of 39.6 years (as at December 2016). There are no relevant Development Management Policies that would allow for development outside Development Boundaries relating to the proposed development, and no overriding benefits in terms of economic, social and environmental dimensions of the proposed development. The development is therefore contrary to policy DM1.3 of the South Norfolk Local Plan Development Management Policies 2015.
2 The proposal would result in the erosion of the rural undeveloped character of the area and lead to an encroachment on the open countryside contrary to policy DM4.5 in the of the South Norfolk Local Plan Development Management Policy Document and Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk.
3 The proposed development does not represent sustainable development, having regard to the three tests set out in the National Planning Policy Framework. The adverse impact of the encroachment on the open countryside and detriment to residential amenities, outweighs the modest social and economic benefit of two additional dwelling in the rural policy area where there is an existing significant housing land supply (39.6 years) and as such is contrary to the aims of the NPPF, including paragraph 55.

Contact Officer, Telephone Number
and E-mail: Claire Curtis 01508 533788 ccurtis@s-norfolk.gov.uk
Appl. No : 2017/2141/F  
Parish : BROOKE

Applicants Name : Mr Anthony Spurgeon  
Site Address : 49 High Green Brooke NR15 1JA  
Proposal : Replacement of 49/49A, High Green with erection of two new dwellings

Recommendation : Approval with conditions
1 Full planning permission time limit
2 Approved plans
3 External materials
4 Boundary treatments
5 Parking provision as in plan
6 Surface water drainage details to be submitted
7 Foul water drainage to be submitted
8 Unexpected contamination to be reported

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 3: Energy and water
Policy 4 : Housing delivery
Policy 15 : Service Villages

1.3 South Norfolk Local Plan
South Norfolk Local Plan Development Management Policies
DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk
DM1.3 : The sustainable location of new development
DM1.4 : Environmental Quality and local distinctiveness
DM3.5 : Replacement dwellings and additional dwellings on sub-divided plots within Development Boundaries
DM3.8 : Design Principles applying to all development
DM3.11 : Road safety and the free flow of traffic
DM3.12 : Provision of vehicle parking
DM3.13 : Amenity, noise, quality of life
DM3.14 : Pollution, health and safety
DM4.10 : Heritage Assets

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

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 **2014/2041**

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.

Approved

2.2 **2016/2373**

Discharge of conditions 17 - Ecology mitigation, 18 - Ecology enhancement, 27 - Arboricultural Impact Assessment and 28 - Tree details of permission 2017/1128 (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.)

Approved

2.3 **2016/2840**

Non Material Amendment following 2014/2041/F - Changes to internal layouts, fenestration and a slight enlargement of the affordable dwellings (plots 1 and 2) to ensure compliance with national space standards. Provision of vehicle access for proposed pumping station subject of concurrent separate planning application.

Approved

2.4 **2017/0010**

Discharge of Conditions 5 and 6 - roads, footways, cycleways, foul and surface water drainage; 7 and 8 - street maintenance; 12 - construction period; 13 - construction workers site parking; 14 - wheel cleaning facilities; 16 - surface water drainage; 19 - Natural England licence for Ecology; 24 - predicted energy requirement; 32 and 33 - planting and surface water drainage scheme; pursuant to planning permission reference 2014/2041

under consideration

2.5 **2017/0525**

Variation of condition 2 of 2017/1128 - Achieving NCC Adoptable highway standards necessitates a revised Arboricultural Impact Assessment (AIA)

Approved

2.6 **2017/1128**

Variation of condition 2 of planning permission 2014/2041- rear extensions to plots 11 and 12

Approved

2.7 **2017/1376**

Discharge of conditions 3 - materials, 25 and 26 - hard and soft landscaping details, 30 and 31 - boundary treatment of permission 2014/2041 (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.)

Approved
2.8 2017/2159 Variation of Condition 2 of 2017/0525 (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) to allow re-siting of garage on plot 7 and re-siting of house and garage on plot 8 Under consideration

3. Consultations

3.1 Parish Council 2nd amendment - comments awaited

1st amendment - The Parish council would like to recommend refusal of this application on grounds of the two houses proposed to replace the existing house and the garage block for plot 15 are out of scale with the development and existing adjacent properties. Also, the encroachment of the rear boundary into agricultural land.

Original - Refused the proposal would be overdevelopment of the site. The building line should not exceed the line already approved. The PC is concerned about parking and vehicular movements.

3.2 District Councillor Amended scheme

I have consulted with the neighbours who have been reasonable throughout this application. However, despite their recognition of the inevitability of development at that location, they have made strong representations to me as follows:

The houses are exactly the same as previously proposed, with the same floor areas (174 sqm and 148 sqm) and still include 3 storeys.

The only differences are that the Plot 14 house has moved back (which makes the back garden even smaller) and the Plot 15 garage has moved back, putting more pressure on the back boundary.

All of my recent comments still apply, including my strong feeling that the rear boundary should be the same as the red line shown in drawing 301190-30-000-rev C, which formed part of application 2017/2159.

We still have the same very large 3 storey house on Plot 15, overbearing by virtue of its size and position made worse by the large extension to the rear, the ridge of which is as high as a normal 2 storey house.

I did suggest that maybe a house type 4A or 4B positioned close to the roadway like plots 8 or 10 would be more acceptable. At least these are 2 storey and lack the extension on the back.

I do welcome the positioning of the garage to the rear however. So it seems to me from the perspective of the neighbours that the overall positioning is somewhat [but not completely] more acceptable except in that it strays over the development
boundary. That said, there is a more substantial issue remaining about the scale and massing of these properties at the gateway to the development with two very substantial dwellings arranged over three storeys. The neighbours are making the point that the scale is overbearing with development right up to the boundary.

We are in a conservation area as well. And there is substantial development coming to the rear.

There are no right answers here. It's one of balance between the tension of accepting the principle of development vs the scale and comparison with the neighbours with the additional rider of the Conservation Area too.

On that basis, I'm going to suggest a Committee Decision

Original scheme

I'm reviewing the modifications of the application at 49 High Green. I've also been contacted by an immediate neighbour, who has expressed concerns.

This is an intensification of an allocated site in the local plan, where I seem to remember that one of the principle constraints considered at that stage was Highway Access, which limited the absolute number of dwellings on the site. A number of subsequent applications have sought to amend the original consent. One of these contained the number of dwellings below to what was initially proposed. The effect of this application is to revert to that higher number, previously deemed to be unacceptable.

Whilst the substitution of new dwellings for the old farmhouse should not be surprising, I have sympathy with the neighbour who is concerned about the positioning and over-dominance of the new Plot 16, which is located hard-up against his boundary fence. It lies immediately to the south of his plot and will inevitably steal light and reduce his amenity. This proposal is contained within the Conservation area, where the bar for design is set higher than elsewhere. The grouping of three four-bedroom dwellings in such a small space, where alternative parking is unavailable is also a consideration - as is the overall highways number. A 4-bed house would be expected to use 2, perhaps 3 cars depending on occupancy - yet only one space per dwelling is shown.

If it is not possible to negotiate a less intensive form of development at the gateway to this development, then it should be determined by Committee.

3.3 SNC Water Management Officer

Amended – nothing further to add

Original – no objection subject to conditions regarding surface water drainage and foul water drainage details.

3.4 NCC Highways

Amended – no objection subject to a condition

Original - Whilst the Highway Authority raise no objection to the proposed development, the parking policy states that for 4 bed dwellings 3 parking spaces should be provided. Plots 14, 15 & 16
are currently shown to have 2 parking spaces each. There appears sufficient space within the curtilage of plots 14, 15 & 16 to provide 3 spaces each, and for the avoidance of doubt it is recommended a revised plan be submitted to demonstrate this.

3.5 SNC Community Services - Environmental Quality Team

Amended – comments awaited

Original - No objection subject to unexpected contamination condition

3.6 Other Representations

Original scheme

1 letter of support received (no reason given).

4 objections received. A summary of the concerns is as follows:

- Over development/intensification
- Pressure on access to the highway
- Adverse impact on the Conservation Area
- Overbearing/loss of amenity/overshadowing/overlooking/loss of privacy
- The proposed development would be outside of the already modified and agreed development boundary line for Brooke.
- The proposed development is for 3 houses as opposed to the agreed 2 in the existing planning permission.
- The proposed three houses would add more houses to the already excessive amount of homes being built, and would further exceed the allocation for the village local plan.
- The rear boundary of the proposed development site extends beyond the approved village development boundary.
- 49 High Green and the adjoining redundant farm buildings were allocated in the Local Plan for housing development on the basis that eight new houses would be built - the existing planning permission exceeds this number
- Adding more dwellings would result in congestion within the approach to the site plus extra vehicles trying to access High Green at a difficult approach.
- A four bedroom house could have 3 cars, though only 1 space has been allowed for each house, which is against the requirements of Norfolk County Council.

Amended plans

2 objections received. A summary of the concerns is as follows:

- The house proposed for Plot 15 in particular is a very large 3 story building of a type new to this development and 2 metres higher than the existing building.
- Overbearing/loss of amenity/overshadowing - The effect of the size and positioning of the house on Plot 15 is that it is overbearing and as my aspect is only a little east of south means a loss of amenity & overshadowing especially as this is where I have a greenhouse and vegetable patch.
- Adverse impact on the Conservation Area - Little regard has been given to the Conservation Area in which this area of the development sits. Any sense of a mix of old and new will be lost and this is to be regretted.
• However, in an attempt to be constructive if the houses were placed closer to the roadway (as is the case with Plots 8 & 10) and the garages put as far to the rear as possible, then the effect would be mitigated to some extent. Equally, the use of house type 4A or 4B for Plot 15 would perhaps be rather less overbearing not only to ourselves but also to the first impression on entering the development.

• The proposal includes a rear boundary line which encroaches beyond the approved Development line for the village, and into the agricultural field; any new buildings and their curtilages should be contained within the Development line. The red line boundary for this site should be as shown on drawing 301190-30-000-rev C, which was submitted with planning application 2017/2159.

• The two proposed houses are too large for this location; at 175 sqm and 148 sqm respectively they are significantly larger than the existing houses on the site; plot 15 is three storeys, which makes it too high bearing in mind the scale of nearby existing houses and the proposed new houses on this development.

• The house and garage block at plot 15 would have an overbearing impact on the existing house and garden of 51 High Green - removing the top floor and reducing the roof height would lessen the impact

Note: Most recent amended plans – consultation still outstanding, any further comments received will be reported to members of the committee accordingly.

4 Assessment

4.1 The application site consists of a parcel of land containing a former extended farmhouse which is accessed via the existing access which adjoins High Green to the west of the site. To the east of the application site is land which benefits from planning permission for a residential development and is allocated under BKE2. To the south is open land and to the west and north are neighbouring residential properties.

4.2 The application seeks full planning permission to demolish two existing dwellings and replace them with two new detached dwellings and accompanying garaging. The scheme was originally submitted for three dwellings but subsequent negotiations have led to a reduction in the number proposed.

Principle

4.3 The dwellings lie within the development limit and propose no increase in numbers from that presently on-site (two dwellings) and as such Policy DM3.5 is applicable. This supports the proposed development provided that 5 criteria are met, each of these is addressed in turn:

4.4 Good design/ character and appearance of its surroundings

4.5 The proposal is for two, two storey, detached pitched roof dwellings which includes use of roof space. The design and scale is consistent with the architectural approach taken on the adjacent consented residential scheme in terms of the use of traditional form including pitched roofs and external materials. The layout of the scheme maintains the linear nature of the adjacent consented scheme as is sufficiently spacious. For these reasons, the scheme is considered to comply with the relevant criteria of Policy DM3.5 and also the requirements of DM3.8 which seek to also ensure an acceptable design.
Neighbour amenity

4.6 Concern has been expressed by neighbouring residents at the impacts of the scheme. It is evident that the separation distances between the proposed dwellings and the detached garages, and in particular from plot 15 to the existing neighbours at 51 and 53 High Green when having regard to the overall size of the proposed dwellings are such that neither light or outlook would be significantly reduced. Likewise, it is evident that there are no windows that directly overlook the existing neighbouring properties so as to reduce privacy levels. For this reason, the scheme meets the requirements of Policy DM3.5 and also the requirements of DM3.13 which seek to also safeguard neighbour amenity.

Adequate private amenity space

4.7 It is evident that both plots are afforded adequately sized and shaped private gardens to support the proposed dwellings and thereby the relevant criterion of Policy DM3.5 is met.

Access and parking

4.8 The Highway Authority has no objection to the amended scheme. It is evident that the proposed access arrangements are consistent with the adjacent scheme and that each dwelling is accompanied by on-site parking provision that meets the requirements of the parking standards. For this reason the relevant criterion of Policy DM3.5 is met as are the requirements of Policies DM3.11 and DM3.12.

Compatibility with neighbouring land uses

4.9 It is evident that the scheme would be adjacent to residential dwellings and as such there are no concerns regarding potential incompatibility with neighbouring units therefore the scheme meets the requirements of the relevant criterion of Policy DM3.5.

Conservation Area

4.10 The proposal is for two detached pitched roof dwellings that are consistent with the architectural approach taken on the adjacent consented residential scheme in terms of the use of traditional form including pitched roofs and external materials. The layout of the scheme maintains the linear nature of the adjacent consented scheme as is sufficiently spacious.

4.11 It is also considered that the demolition of the existing farmhouse, which has been unsympathetically extended is of limited value in the context of the Conservation Area and there is no objection to its removal.

4.12 For these reasons the scheme is considered to comply with the requirements of S72 Planning (Listed Buildings and Conservation Area Act 1990) in preserving the character and appearance of the Conservation Area and the requirements of Policy DM4.10.

Other issues

Drainage

4.13 It is considered acceptable to use conditions to agree final details of both surface water drainage and foul water drainage, as suggested by the Water Management Officer.
Development limit

4.14 A query has been raised regarding the exact position of the rear boundary of the plots in relation to the development limit. The proposal does not represent a significant encroachment into the countryside or raise any particular concerns that result in requiring it be revised. It should also be noted that it is consistent with the rear boundaries of the adjacent consented plots in layout terms.

4.15 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.

4.16 This application is liable for Community Infrastructure Levy (CIL)

5 Conclusion

5.1 The scheme provides a layout and design that is appropriate to its context, including the consented scheme on the adjacent site. Furthermore, it makes adequate provision to safeguard neighbour amenity and does not compromise highway safety. For these reasons it is considered that the scheme is acceptable in planning terms subject to the imposition of suitably worded planning conditions.

Contact Officer, Telephone Number and E-mail: Chris Raine 01508 533841 craine@s-norfolk.gov.uk
5  **Appl. No**: 2017/2289/H
**Parish**: WYMONDHAM

Applicants Name: Mr & Mrs D G & J E Senior
Site Address: Beech House 20 Middleton Street Wymondham Norfolk NR18 0AD
Proposal: Two storey rear extension

Recommendation: Refusal
1 Impact and harm on significance of Listed Building.

6  **Appl. No**: 2017/2290/LB
**Parish**: WYMONDHAM

Applicants Name: Mr & Mrs D G & J E Senior
Site Address: Beech House 20 Middleton Street Wymondham Norfolk NR18 0AD
Proposal: Two storey rear extension

Recommendation: Refusal
1 Impact and harm on significance of Listed Building.

1  **Planning Policies**

1.1  National Planning Policy Framework (NPPF)
NPPF 07: Requiring good design
NPPF 11: Conserving and enhancing the natural environment
NPPF 12: Conserving and enhancing the historic environment

1.2  Joint Core Strategy (JCS)
Policy 2: Promoting good design

1.3  South Norfolk Local Plan
South Norfolk Local Plan Development Management Policies
DM3.6: House extensions and replacement dwellings in the Countryside
DM3.8: Design Principles applying to all development
DM3.12: Provision of vehicle parking
DM3.13: Amenity, noise, quality of life
DM4.10: Heritage Assets

1.4  Site Specific Allocations and Policies
Wymondham Area Action Plan

**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 2012/2163  Fell Beech Tree  Refused

2.2 2013/0474  Crown reduction of Beech Tree as per Tree-care Consultants recommendations (25 February 2013)  Approved

2.3 2013/1988  Fell three self-sown Sycamores Reduce Holly to give finished height of 4 metres.  No objections

2.4 1992/0484  Proposed extension to garage for use as hobbies workshop.  Approved

2.5 1992/0483  Proposed extension to garage for use as hobbies workshop.  Approved

3. **Consultations**

3.1 Town / Parish Council  Approve

3.2 District Councillor  Confirms his support for the application. He has read the observations from the Historic Environment Service at Norfolk County Council and challenges the assertion that substantial harm will result from this extension. The extension is modest and has been designed to be in keeping with the appearance of the rear elevation of this property. The gable roof, the gable eaves and the style of the windows all complement the existing elevation, indeed, in fact, they actually enhance it. It is considered that the loss of a blind window does not constitute harm and symmetry is preserved. The flint work detail is already significantly lost due to historic over-painting, and does not now immediately stand out to the observer. The facilities that this extension would provide to the applicant are of value in enabling them to remain within their own home and reduce any burden on future Local Authority care demands. The decision of whether to approve the application or not seems to be borderline in terms of harm outweighing benefit and therefore recommends that the application be determined by Committee and that a site visit be considered in order to fully appreciate the situation

3.3 Arboricultural Officer  No arboricultural implications relating to this proposal

3.4 NCC Highways  No objection

3.5 Other Representations  Two neighbour responses have been received. One supports the application and whilst the other has no objection to the proposal, they have raised a concern about the possible restriction of vehicle access to properties at the rear of Beech House during works.

4 **Assessment**

4.1 These applications seek planning permission and listed building consent for a two-storey rear extension on a grade II listed house which is situated within the development boundary
in Wymondham and inside the conservation area. The extension is to provide a ground floor WC and first floor shower with WC.

4.2 The original house is timber frame, dating from the 17th century but with late 18th century red brick frontage to the south and 19th century two-storey flint out-shut at the rear which has brick dressings and a formal arrangement of timber sash windows centred around a panelled entrance door with classical door case. The rear elevation is not visible from the road but from the north courtyard only. The property has 4 double bedrooms at the first floor with a bathroom at the south side and separate WC at the north rear side. At the ground floor are two main reception rooms, a hallway which extends to the rear, a kitchen and a small room that provides access to a cellar. There are immediate attached neighbours to the east and west sides and a neighbour at the north side across from the courtyard area, which provides vehicle access to a number of properties. In the front garden area, south of the house, there is a large Beech tree covered by a tree preservation order.

4.3 As the property is listed and situated in a conservation area the proposal is assessed against section 12 of the NPPF and policy DM4.10 of the South Norfolk Local Plan Development Management Policies 2015 which both require that all development proposals have regard to the historic environment taking into account the significance of any heritage assets. Policies DM3.6, DM3.8, DM3.12, DM3.13 and DM4.8 of the same Local Plan also apply here as well as policy 2 of the Joint Core Strategy. The policies in the Joint Core Strategy, Local Plan and the requirements of the National Planning Policy Framework seek to ensure that the proposal is of a good design and does not adversely affect the residential amenity of the neighbouring properties. The impact on the listed building and on the character and appearance of the conservation area has been carefully considered under the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Design/Heritage Assets

4.4 Paragraph 128 of the National Planning Policy Framework requires when determining applications, the local planning authority 'should require an applicant to describe the significance of any heritage assets affected.' Whilst the submitted Design and Access Statement for these applications clearly explains the proposal it does not provide a description of the buildings significance, particularly with regard to the contribution the rear elevation makes to the special interest of the building as a designated heritage asset. However, this being the case, in considering this proposal the Council has made an assessment of the significance of the heritage asset in order to determine any level of harm to the heritage asset that may result and to arrive at its view.

4.5 Looking at the existing rear elevation, part of the original symmetry of its arrangement of openings has been partly lost, the west side ground floor window having been moved slightly from its original position. However, despite this and the asymmetry provided by the ground floor blind window, which may well be original, much of the original formal character remains, clearly defined by the overall surviving symmetry, particularly at the first-floor level, the blind window and main entrance door below defining a central bay. This arrangement together with the quality of the detailing indicate that the rear elevation was clearly built to function as a principle elevation, people at one time having entered the house more from the north side, the courtyard providing access for coaches from the road. This presents a more unusual arrangement, the formal character of the rear elevation therefore being an important part of the special character and significance of the listed building.

4.6 The proposed two storey extension will be positioned on the rear elevation so that it sits immediately adjacent to the brick dressing details of the windows either side. The relocated entrance door is also positioned uncharacteristically to one side of the extension. With these changes, the surviving symmetry of the arrangement of openings is completely lost.
4.7 Had this side of the building originally been constructed in an ‘E’ shaped plan as proposed then the windows would have been positioned further away from the extension to provide more sympathetic proportions to the bays either side. It should, however, also be mentioned that an ‘E’ shaped plan is more characteristic of a much earlier architectural style is out of place on this rear elevation which is Georgian/Victorian in its architectural style.

4.8 Some additional supporting information has been provided by the applicant and mentions the following issues in trying to provide the new facilities within the existing building: as there is no foul drainage below ground either to the southside or directly underneath the building, any new WC facility at the first floor will have to drain through the building to the north courtyard and plumbers have previously advised that it would not be sensible to do this; the existing layout makes it difficult to provide the new facilities in any of the existing rooms without it causing harm to the internal character and appearance of the building.

4.9 In this case, the proposed alterations would result in a less than substantial harm to this grade II listed building. Paragraph 134 of the NPPF states, ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use’. As the property currently has an existing toilet facility and separate bath/shower area, the requirement for additional facilities within a new two storey extension therefore has to be balanced against the resulting level of harm to the special interest of the building (paragraph 134 of the NPPF balancing harm against public benefit). In this case, for reasons referred to earlier in this report, the rear aspect of the house is the more important elevation in terms of its contribution to the significance of the listed building. The covering over of this elevation with a two-storey extension as proposed would lose much of the original character of the elevation diminishing its status affecting its plan form.

4.10 The existing arrangement of the building does not lend itself to any form of extension to provide the new facilities and therefore in view of the level of harm that would result from this proposal, as an alternative, it is considered that the new facilities at the first floor could be provided in the double bedroom closest to the courtyard. With regard to the proposal for the ground floor, whilst it is acknowledged that the existing layout does not lend itself to providing a new WC, with two WC’s being provided at the first floor by creating a new bathroom in the existing rear bedroom, the need for a new ground floor WC is not considered a public benefit and would result in harm to the special interest of the listed building.

4.11 The Historic Environment Service has been consulted on the application and have provided comments recommending the application be refused due to substantial harm being caused to the proportions, symmetry and simple elegance of the rear elevation.

4.12 In light of the requirements of Section 72 of the Act, the proposed extension will be more or less hidden from important views of the conservation area and will only result in a minimal level of harm to the character and appearance of the conservation area. This in itself would not provide justification for refusal of the scheme, the greater level of harm being that caused to the special interest of the listed building.

Neighbouring Amenity

4.13 Two neighbour responses have been received. One supports the application and whilst the other has no objection to the proposal they have raised a concern about the possible restriction of vehicle access to properties at the rear of Beech House during works. The existing courtyard access is on private land and any restriction on access during works is a private matter between neighbours and is not material consideration for this application. Due to the nature and location of the development, in terms of planning considerations, it is considered that the proposal will not result in any unacceptable level of harm to any
neighbouring amenity and therefore it accords with the requirements of policy DM3.13 of the Local Plan 2015.

Trees

4.14 There is an existing Beech Tree on the site in the garden to the south side of the house. This is unaffected by the proposal and the Arboricultural Officer has confirmed that the extension scheme does not raise any issues regarding the tree.

4.15 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.

4.16 This application is not liable for CIL under the Regulations as the proposed increase in internal floor space is less than 100 square metres. Cabinet resolved on 7/12/2015 to no longer apply CIL to domestic extensions.

5 Conclusion

5.1 The existing rear elevation of the building has clearly been designed to function as a principle elevation, its higher status being defined by the quality and arrangement of its window details and entrance door. Despite some later alterations the elevation still retains much of its formal character and symmetry which are specific to its function as a more important elevation of the building. The impact of the proposed extension scheme interrupts the proportions and formality of this arrangement by losing the clearly defined central bay of the existing arrangement of openings and by building an extension that sits too close to existing sash windows. Creating a new bathroom/shower facility with WC in the existing bedroom adjacent courtyard would avoid the need to extend the building causing an unacceptable level of harm to the special interest/significance of the building. With this arrangement at the first floor, a ground floor WC in a new extension is not considered justified for the same reason. It is therefore recommended to the Committee that the applications are refused.

Reasons for Refusal for 2017/2289/H and 2017/2290/LB.

5.2 Paragraph 128 of the NPPF requires the applicant to describe the significance of any heritage asset and these details have not been provided with the application.

5.3 The proposal would negatively impact on the significance of this grade II listed building resulting in less than substantial harm not being outweighed by any public benefit. The proposal is therefore contrary to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and under the requirements paragraphs 128 & 134 of the National Planning Policy Framework would result in an unacceptable level of harm to the significance of the designated heritage asset.

5.4 The proposal is contrary to the policies Joint core strategy 2 and DM3.8 and DM4.10 of the South Norfolk Local Plan Development Management Policies Document 2015 regarding design and heritage assets.

Contact Officer, Telephone Number and E-mail: Philip Whitehead 01508 533948 pwhitehead@s-norfolk.gov.uk
7  **Appl. No**: 2017/2345/H  
**Parish**: HETHERSETT

Applicants Name: Mr Mark Provis  
Site Address: 19 Firs Road Hethersett Norfolk NR9 3EH  
Proposal: Two storey with lean to single storey rear extension

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

1  **Planning Policies**

1.1 National Planning Policy Framework  
NPPF 07: Requiring good design

1.2 Joint Core Strategy  
Policy 2: Promoting good design

1.3 South Norfolk Local Plan  
South Norfolk Local Plan Development Management Policies  
DM3.4: Residential extensions and conversions within Settlements  
DM3.8: Design Principles applying to all development  
DM3.12: Provision of vehicle parking  
DM3.13: Amenity, noise, quality of life

2. **Planning History**

2.1 2017/0271 Two storey extension to the rear of the property and alterations internally. Withdrawn

2.2 2008/1608 Proposed two storey extension Approved

2.3 1998/0074 Erection of extension to front of dwelling Approved

3. **Consultations**

3.1 Parish Council  
Refuse  
Impact on neighbours amenity

3.2 District Councillors  
Cllr Dale  
Cllr Bills  
Due to impact on surrounding neighbour determine by Development Management Committee  
To be reported if appropriate

3.3 Other Representations  
2 letters of objection, their comments are summarised below:  
- Confined site  
- Produce a contiguous unbroken vista of roofline from neighbouring property  
- Overbearing mass which casts a blight from all angles  
- Out of character with surrounding streetscape  
- Dominant feature when viewed from street  
- No evidence provided that the development will not worsen overshadowing  
- Overdevelopment  
- Close to neighbouring boundaries  
- Take away sunlight  
- Impact on privacy
4 Assessment

4.1 The proposal seeks planning permission for a single storey rear extension and a two-storey rear extension. The existing dwelling is a two-storey brick property, with an earlier two-storey side extension. The property is situated to the front of the plot with the rear garden slightly narrowing towards the back of the plot. The south west side boundary of the rear garden borders the rear gardens of 15 and 17 Firs Road and the north east rear boundary borders the front garden of Woodside Lodge. The rear boundary borders the side boundary of 13 Firs Road. Numbers 13 to 17 Firs Road are two-storey properties. Woodside Lodge used to be the caretakers bungalow for the adjacent school however the property is now in private ownership and in 1996 permission was granted to erect a first floor.

4.2 The application is assessed against Policy DM3.4 which states: Within development boundaries proposals for residential extensions and conversions to create new dwellings will be permitted provided they:

a) Incorporate a good quality design which maintains or enhances the character and appearance of the building, street scene and surroundings; and
b) Do not have an unacceptable impact on the amenities of neighbouring occupiers or adversely affect neighbouring commercial uses.

Specifically, proposals must provide and maintain:

c) Suitable amenity and utility space; and
d) Adequate access and parking

4.3 A previous application was submitted which proposed the extension extending at two-storey along the complete rear elevation. This application was withdrawn to try and overcome the concerns raised from the neighbouring properties. This latest proposal has been amended to a single storey element on the south west end of the property with the two-storey element to the north east. The proposal extends from the rear elevation of the original dwelling by 3.6 metres with a maximum height of 6.2 metres. The proposed extension is set lower than the original ridge height which is 6.7 metres.

4.4 Objections have been received from the Parish Council and two local residents, raising concerns over the design and scale of the proposed extension on what is perceived as an already overdeveloped site.

4.5 Further concerns have been raised with regards to the scale of the extension, its proximity to the adjacent dwellings and also the overshadowing of neighbouring properties. This proposal does include the removal of some planting along the boundary with the property to the south west. There is a distance of 9.6 metres between the neighbouring property and the proposed extension which is proposed at single storey.

4.6 The proposed extension is partially obscured from the property to the north west by a mature llyandii hedge however should the hedge be removed the distance between the proposal and the neighbouring property is still significant enough that the scale of the extension will not have such an impact to warrant refusing the application.

4.7 With regard to the overshadowing of the neighbouring properties due to the orientation of the proposed extension with the adjacent dwellings and its relationship and scale in regard to the original dwelling and also the existing boundary treatment on the north eastern boundary it is considered that any overshadowing from the proposal of the neighbouring properties would not be so significant to their amenities to warrant refusal of planning permission.
4.8 The proposed two-storey extension has additional windows in the rear elevation which face the front elevation of the neighbouring property to the north east known as Woodside Lodge. The amenity area for the neighbouring property appears to be located to the side of the property and although the new windows will face the main dwelling it is considered that the overlooking is not significant enough, given the distance between the properties and the locations of the neighbours amenity space, to justify refusing the scheme.

4.9 The proposed extension is of a lower height than could be built under permitted development and only required planning permission because it extends beyond the original rear wall by 0.6 of a metre beyond the permitted allowance. This is a material consideration in the determination of this application. It is worth noting that an extension built under permitted development could span the complete width of the original dwelling at two-storeys.

4.10 The proposed extension is to the rear of the property and therefore any impact on the street scene will be minimal.

4.11 The proposal does not have any impact on the existing parking for the site.

4.12 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.

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

5 Conclusion

5.1 The site is within the development limits of Hethersett. The proposed extension is considered acceptable in design terms and accords with policies DM3.4, 3.8, DM3.13 and DM3.12 of the South Norfolk Local Plan 2015. The proposal is therefore recommended for approval subject to the imposition of appropriate conditions.

Contact Officer, Telephone Number  Lynn Armes 01508 533960
and E-mail:  larmes@s-norfolk.gov.uk

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Appl. No : 2017/2361/CU
Parish : WICKLEWOOD

Applicants Name : Mr Peter Meacock
Site Address : Church Farm 56 Church Lane Wicklewood Norfolk NR18 9QH
Proposal : 8 tents on lower field for spring and summer camping and mixed used barn for 2 charity and 8 other functions.

Recommendation : Refusal
1 Unsuitable for continued of agricultural use of the barn
2 Inadequate Access Visibility
3 Inadequate access to the site restricted width of access
4 Inadequate parking provision demonstrated
5 Detrimental to neighbour amenity
6 Unacceptable flood risk for glamping site

1 Planning Policies

1.1 National Planning Policy Framework
NPPF 03 : Supporting a prosperous rural economy
NPPF 04 : Promoting sustainable transport
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 5 : The Economy
Policy 6 : Access and Transportation
Policy 7 : Supporting Communities
Policy 17 : Small rural communities and the countryside

1.3 South Norfolk Local Plan
South Norfolk Local Plan Development Management Policies
DM2.1 : Employment and business development
DM2.10 : Conversion and re-use of buildings in the Countryside for non-agricultural use
DM2.12 : Tourist accommodation
DM3.11 : Road safety and the free flow of traffic
DM3.12 : Provision of vehicle parking
DM3.13 : Amenity, noise, quality of life
DM3.14 : Pollution, health and safety
DM4.2 : Sustainable drainage and water management
DM4.4 : Natural Environmental assets - designated and locally important open space

2 Planning History

2.1 2013/1883 Retrospective planning application for lean-to extension to barn and new door openings and Installation of PV array in garden Approved

2.2 2017/0567 12 tents for seasonal camping on lower field Withdrawn
2.3 2012/1070 The installation consists of a single small scale domestic 11kw Gaia turbine, mounted on a 15m steel mast on a 5m2 concrete base. The turbine is a twin-bladed design manufactured as a single composite unit 13m in diameter. All non-galvanised elements of the turbine will be coloured pale grey/ off white. Approved

2.4 2012/0840 Erection of a single 11kW gaia wind turbine with height of 18m

2.5 2011/1798 Installation of PV to roof of barn and on freestanding structure Approved

2.6 2011/1509 Change of use from storage area above garaging to one bedroom holiday-let. Approved

2.7 2010/0281 Proposed extension to house, mower & garden equipment store and relocation and extension of barn Approved

2.8 2008/1196 Change of use from agricultural land to village cricket pitch

2.9 2005/0980 Erection of garage block comprising of 2 garages, car port and first floor storage Approved

3. Consultations

3.1 Town / Parish Council Object: Church Lane is a narrow road with no pavement or street lighting and not wide enough for two cars to pass; the road is totally inadequate to accommodate such volumes of traffic as have been witnessed when functions have been held on this site recently. A walkie-talkie arrangement has apparently been put in place forcing motorists to wait to allow traffic in the opposite direction to pass but with no refuges along the road or access road for either cars or pedestrians the arrangement is dangerous.

With regard to recent functions the nuisance caused to residents has been significant in terms of noise (both during the event and at the end with everyone leaving within a narrow timescale) and light pollution from the event itself and the congestion caused by the inadequate road. In the event of an emergency there is likely to be delays in reaching the site.

A change of use does not appear to have been sought from Agricultural to Commercial use? The Planning Application states ‘2 charity’ functions and ‘8 other’ functions; what would be the difference in terms of attendance, noise and traffic?

3.2 District Member To be determined by Committee due to impact on Highways, poor access, parking and impact on neighbours.
3.3 NCC Highways

Refuse: Inadequate visibility splays 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 DM 3.11

Existing access drive is unsatisfactory to serve the proposed development by reason of its inadequate width and lack of passing provision. The development proposal (particularly the intended functions) would therefore lead to congestion on the public highway to the detriment of highway safety. Contrary to Development Plan Policy DM3.11

3.4 SNC Community Services - Environmental Quality Team

No comments to make

3.5 SNC Water Management Officer

The application site is in fluvial flood zones 2 & 3 and has a high, medium, low and very low risk of flooding from surface water. The proposed glamping tents are in fluvial flood zone 3 and in an area at very low risk from surface water flooding. We understand that the glamping is intended for seasonal use and will not be occupied during winter months.

Should the local planning authority be minded to grant planning permission we would recommend that a suitable condition be attached that ensures that measures are taken to minimise flood risk and ensure the safety of users.

Foul drainage is to a treatment plant only.

3.6 Environment Agency

Holding objection – additional information relating to the Flood Risk Assessment.

Telephone call with Environment Agency (EA) who confirmed if the pods are relocated to Zone 1 the EA would not object. No objections to the use of the barn.

3.7 Historic Environment Service

No recommendations for archaeological works required.

3.8 Other Representations

29 Neighbours (2 from same address) 12 All Saints Close (2 from 35 Church Street but as a continued comment)

Objections
• How big are the tents – each tent could hold up to 8 people this would be an addition 64 people on the site.
• Wicklewood already has two campsites and a village hall suitable for such events.
• The Lane and village is far too small for this extra amount of people and traffic, Church Lane is only wide enough for one car in each direction, with no footpath or passing places and has a blind bend.
• Already traffic issues especially with large vehicles and no footpaths.
• Cars speed around the corner adjacent to the entrance to the proposed site.
• The applicant does not own the land either side of his drive and therefore cannot legally control the visibility splay.
• There are already suitable venues designed for charity and wedding functions such as Barnham Broom Golf Club nearby as well as the Village Hall which could suffer a reduction in revenue if another venue for hire opens up in the village.
• Much is being made about the charity events to be hosted and how wonderful it would be for the village to have such a venue. What is the difference to local residents between the noise and traffic caused by a charity event to that caused by one where the users are paying?
• Church Lane is used by small children on bicycles, scooters and on foot going to school using the village hall for Brownies and Rainbows etc.
• Any PA system would be heard clearly and be very disruptive especially when leaving the venue late at night.
• The music played at a recent party in the barn on Halloween was excessively loud and could be heard indoors on Church Lane.
• It's notable that comments supporting the application have come from places such as Milestone Lane, Hingham, Wicklewood Green, Ketts Oak, Barnham Broom and Leigh-on-sea in Essex - places where they won't be affected.
• On a nice summer evening people will also be outside causing noise and disturbance.
• The application states there is parking on site for 45 cars and 30 cycles. As the entrance and exit of Church Manor Farm and the proposed function barn and camping is shared by a single driveway it is a big problem when vehicles are exiting the same time as vehicles want to enter. This means that if a vehicle is exiting and a vehicle wants to enter a build up of traffic occurs on Church Lane and other road users cannot drive by until all vehicles are cleared from the splay. Already there have been two large functions held in the barn which caused massive disruption in Church Lane. One of the events the applicant had two men with 'walkie-talkies' operating either end of their drive to monitor and direct the traffic onto Church Lane. This was very disruptive to neighbours at 1 am. with engines revving from cars and taxis and headlights streaming up and down Church Lane.
• Since July the site has hosted two events, on both of these occasions we have experienced noise from the event, from both the music and vehicles driving in and out of the site.
• The Highway Authority have objected due to insufficient visibility splays at entrance on Church Lane.
• It is a windy spot and the road is heard clearly from much further away. This is a quiet village and is not set up for public functions that involve the public paying and hiring a venue and inviting many guests.
• What are the future plans caravans etc?
• There is a fully functional village hall for charity events, wedding receptions party's etc.
• Flooding occurs on the site historically.
• Package treatment plants discharge water into the ground or nearest water course. In this case, the ground and water course are in a flood zone. The additional water from the washing and toilet facilities of the campsite and functions will end up in the river and must increase the flood risk, not only on the applicant's land but further downstream.
• There is also a flaw in the plan to use the barn for refuge if the campsite floods. What if a flood clashed with a private function in the barn? Where would the campers go then?
• Wicklewood has no shop/post office facilities or visitor attractions, other than the windmill which opens for a few hours once a month, therefore it is safe to assume that potential glamping guests would be making multiple trips using their vehicles.
• No details of the toilet or shower facilities for the tents – does each one have its own facilities?
• Could a fire engine access the tents or building?
• Treatment plants is suggested, is this acceptable next to the river and the floodplain.
• If the camping is self-catering’ where to campers obtain water for drinking and cooking, where will they do their washing up.
• Number 1 of the application form the applicant has answered the question ‘Has the building work or change of use already started’? ‘No’ was his answer and ‘Has the building work or change of use been completed, again the applicant answered ‘No’. However, extensive work on the barn has been conducted including toilet facilities, cloakroom, reception room and the installation of a bar. None of which aligns with agricultural use.
• The application states there will be 2 full-time positions and 4 part-time positions. I have been involved in the tourism trade and fail to see how a business running for only 6 months of the year can support 2 full-time staff.
• No provision for the disposal of refuse – holiday makers cannot be expected to take this with them!
• At recent events not only was there congestion caused before and after events but also on the day after when people were returning to collect vehicles left overnight.
• If the scheme were to be given the go ahead might we not see more and more functions/entertainments and an increased number of tents.
• No mention of Alcohol and Entertainment Licence, what are the plans for this?
• With the number of people using these facilities wildlife will suffer.

41 letter of support (2 from the applicants address) (2 from 10 Church Lane) (2 from the Old Windmill) (2 from 53A Damgate Street Wymondham) (2 from Old Mill House, 92 Hackford Road Wicklewood)
• This can only bring revenue into the locality without incurring undue disruption/inconvenience to our community.
• Would be good for the village to have another small commercial business providing limited employment. It will encourage people to get out in the fresh air and be an alternative use for some small block of farm land. No doubt the village pub and the windmill will welcome the potential of some new customers. These points more than outweigh any potential downsides.
• Far enough from other houses so others are not disturbed but close enough to provide hopefully some employment to village people. And somewhere for friends and family to stay within the village if people have guests.
• Barn would be a great asset to Wicklewood and charities always looking for suitable venues.
• Great for tourism and local employment.
• An enormous amount of hard work has resulted in an outstanding venue, with excellent facilities. These include top of the range fixtures and fittings and will surely be an asset to the area.
• The application also includes two charity functions in the barn One of the proposed events is a fund raising event for the local Primary School judged Outstanding by Ofsted. This and the extra income
that the village pub would get from a successful application is surely vital for the local community.

- I love a barn venue and know many people both in and outside of the area who love to glamp which will bring more diversity to Wicklewood.
- Small business in a beautiful place, would not impede on any locals
- Since the loss of the B&B in the village, this will provide somewhere for people to stay when visiting relatives or friends.
- Traffic issues are overstated I attended a birthday party in the barn earlier this year. I was unfortunately late, and as I approached, I could hear and see nothing and thought I had the wrong date. I even stopped my car in Church Road and switched off the engine hoping to hear sounds of a party. Even driving down to the farm house I could not hear or see anything, until almost at the barn itself, when I noticed about 100 cars parked in the field! In other words, the venue is very well hidden from the public road. I know the applicant does a huge amount of voluntary work for Wicklewood School as well as other charitable activities. Having such a facility for fundraising will be of enormous benefit to the school and the wider community.

- Farm diversity should be encouraged.
- A flood risk assessment report has been submitted and the tent numbers proposed has been reduced to eight.

4 Assessment

4.1 The application has two elements:

1- the use of part of the field for glamping with the standing of 8 pods in spring and summer, and,
2- the use of the existing barn on-site as a function room to hold 10 events through the spring and summer months with it used as an agricultural unit for the remainder of the time.

4.2 The barn is located to the north east of the main farm house, with the glamping field being located further to the north adjoining the barn.

4.3 The site is located off a long narrow access track leading from Church Lane. Church Lane is a single track road which serves other residential properties to the south of the site. The adjacent land to the east and west of the application site falls outside of the applicant’s ownership.

4.4 The site is outside the Development Limits of Wicklewood and is remote from the remainder of the settlement to the south and west of the site.

Background

4.5 The barn was granted consent in 2010 to be relocated from an alternative position to the current site. In 2011 an application for the installation of solar panels on the roof of the barn and for a free-standing array was submitted/approved. From the evidence available to the Council it would appear to have been under construction at that time. This was also the case in 2013 when permission was sought for the retention of a lean-to section to the barn. It should be noted that the elevation plans for the 2013 permission showed a change of the front elevation of the barn from the barn doors to a glazed section with a pair of glazed doors, however, the glazing at the front of the barn has been not constructed in accordance with the 2013 plans.
Principle

4.6 The glamping element is assessed against policy DM2.12 which permits tourist accommodation including the change of use of land for 'glamping' where the accommodation is assessed against criteria 3 which states:

a) Of an appropriate scale to the level of availability of local services in a nearby settlement or at an existing tourist destination.
Or
b) Well related to and supports the diversification of a farm or land based enterprise;

the policy goes on to say in criteria 4:

In all cases of proposals for the change of use of land, particular consideration will be given to:

c) The proposed ongoing management of the site to protect the amenity of the locality and protect nature conservation, landscape and archaeological value;

and

d) Ensuring that good quality agricultural land is not taken out of production.

4.7 The scale of the proposal in itself is not significant with only 8 pods proposed.

4.8 However, Wicklewood has no shops, and the site is not connected to the main village by footpaths. There is a pub off the main road, and a restored windmill with restricted opening hours. Given the limited facilities within the village together with the distance from the site to both the pub and the windmill, the poor connectivity to these venues, the lack of other services and facilities and that the site is not an existing tourist destination, the scheme fails criteria a) of policy DM2.12.

4.9 In terms of farm diversification, this is consideration against criteria b). The site is small with a total holding of approximately 16 acres and only 50 sheep. The applicant has said the farm remains an agricultural holding, objectors have suggested the sheep are not the applicants, but are grazed on the meadows of Church Farm. I have no evidence to support this. However, while policy supports farm diversification, if not farmed the glamping site together with the proposed events barn would become the primary function of the site and could fail criteria b) of policy DM2.12.

4.10 Criteria c) relates to protecting the amenity of the locality and nature conservation, landscape and archaeological value. The number of pods is relatively low at present (8 in total), however this still results in increased traffic movements to and from the site, and will generate some degree of noise and disturbance to the neighbouring properties to the south and east of the site. In terms of access, this particular point is assessed separately in the report, however, there are issues in terms of access, visibility and inadequate parking.

4.11 No Ecology report has been submitted with the proposal, but is been suggested there is the potential for Great Crested News (GCN’S) to be present on the site given there is a pond within the meadow, and the site is close to the stream. However, given the other issues, the time of year to obtain further information on either the presence or absence of GCN’s and the fact that I could not support the scheme due to other issues, additional information has not been sought.
4.12 In terms of the historic value of the site, no objection has been raised by Historic Environment Service, and given the scale of the glamping pods no adverse harm would result to the overall landscape of the site. However, given the impact the proposal would have in terms of amenities, the scheme fails criteria c) of policy DM2.12.

4.13 Criteria d is met as the land is not being permanently taken out of agricultural use.

4.14 In summary, the scheme does not meet all of the requirements of Policy DM2.12 especially in terms of impact on amenity.

Flood risk

4.15 As submitted the pods have been shown to be located within Flood Zone 3 and as such concern has been raised by the Environment Agency (EA).

4.16 The EA have requested further details relating to flooding, however, the level of detail required has been considered as disproportionate by the applicant’s advisor who submitted the Flood Risk Assessment with the application. Notwithstanding this I have had discussions with the EA, and if the applicants were of a mind to relocate the pods to Flood Zone 1 which would be closer to the barn then they would have no objection.

4.17 However, this is not possible within the application as they would need to be positioned on land outside of the application site. Accordingly this represents a reason for refusal on the current application.

4.18 There is no flood risk objection relating to the requested barn conversion.

Barn conversion

4.19 In respect of the barn conversion element, this is assessed against policy DM2.10 which makes provision for the Conversion and re-use of buildings in the Countryside for non-agricultural use:

Policy DM 2.10 Conversion and re-use of buildings in the Countryside for non-agricultural use. The change of use and conversion of buildings in the Countryside for Employment Uses (including holiday accommodation) will be supported where the following requirements are met:

a) The proposed development should not result in the loss of a farm building suitable for continued agricultural use and which, if its alternative use is permitted, would be likely to result in the construction of a replacement agricultural building;

b) The building(s) to be re-used should be standing and of adequate external dimensions to accommodate the proposed use, without the need for the erection of major extensions and additional outbuildings and/or significant changes in materials and appearance that would have a serious adverse impact on the rural characteristics of the original building;

c) The development (including associated use of external space and change of use of land) is sympathetic to the setting; and d) Any proposed commercial use (including leisure or retail sales content) should not have an adverse impact or give rise to the dispersal of activity on such a scale as to prejudice the vitality and viability of local rural towns and villages.
4.20  The proposal seeks to use the barn for a mix of agriculture and an events venue. A significant amount of work has already been undertaken which includes the provision of a bar, fully equipped WC’s for male and female which are clearly signed from the main barn, a stage area and adjoining dance floor area, with the remainder of the floor of the main barn being of polished concrete. The entire interior of the barn including the roof has been lined with a white fabric from which clusters of globe lights hang. These works to the interior are considered to be extensive. Given the nature of the alterations already undertaken, much of which is fixed, it is not considered that the barn is practically capable of being used as an agricultural building, which would remain as the key use of the building. With this in mind it is considered that the resulting building is not suitable for continued agricultural use as required by criterion a of Policy DM2.10. This would further result in a material change of use from the loss of agriculture or the need for a further agricultural building on a relatively small holding.

4.21  For this reason the scheme fails criteria a) of policy DM2.10.

4.22  It is not considered that the scheme would fail criterion b) or c) of DM2.10.

Highways

4.23  Access to the site is via the long unmade single width track leading off Church Lane which is also a single track road. Visibility from the access track onto Church Lane is restricted due to vegetation. The Highways Officer has noted that “whilst some vegetation has been cut back along the frontages either side of the entrance, the level of visibility as measured is still below the recommended standard for a 30 mph speed road. The appropriate visibility standard being 43 metres from a set-back distance of 2.4 metres in the drive. The red line of the application site includes the drive only. Therefore apart from the vision that is available across the highway verge, the visibility requirement is not shown as being within the applicant’s control.”

4.24  The applicant does own additional land close to the main dwelling to the north west of the access track, but the land immediately adjacent to the junction of Church Lane is in separate ownership.

4.25  Consideration has been given to the level of traffic generated by the glamping site and the events barn. In addition to the poor visibility from the junction of the access and Church Lane, the access track is single width, the applicant has suggested there are passing places, however, at my time of visit no passing places had been installed.

4.26  It has been indicated that two recent events at the barn have generated large amounts of traffic, which from information submitted have resulted in unacceptable levels of congestion at the junction of the access onto Church Lane as a direct result of the access to the site being inadequate for the level of traffic generated by such events being held in the barn.

4.27  The Highways Authority have visited the site and as a result note “the inadequate width and passing provision for the site which as a result would lead to congestion on the public highway to the detriment of highway safety”. Land either side of the access is not within the ownership of the application until approximately half way along where there is a section of land to the west of the access.

4.28  From the comments of the Highways Authority and the information submitted from local residents based on recent experience of the traffic associated with events, the proposal fails to accord with policy DM3.11 of the SNLP 2015.
4.29 The application submitted suggests there is parking provision for 45 cars including 1 disabled parking space, and 30 cycles. Given the level of traffic associated with the proposed glamping and the events barn, this is not considered to be adequate and insufficient information has been submitted to demonstrate where the parking and manoeuvring will be located. This is Contrary to policy DM3.13.

Residential amenities

4.30 As can be seen from the public response section above a considerable number of letters have been received both in support and objecting to the proposal.

4.31 The support letters state the glamping and the events barn would be an asset to the village and provide a venue for charity events one of which is to support the local school. While I acknowledge there are benefits from providing such facilities within the local community, it has also been pointed out, there is an existing village hall which is capable of holding such events. In addition, the benefits of such a proposal must be weighed against the impact of such a scheme in the wider context of the community.

4.32 Evidence has been submitted which specifically relates to the 2 events already held and the volume of traffic accessing and leaving the site, particularly late at night. Given the restricted nature of the access and from the information submitted walkie-talkies had been used to control traffic, which added to the noise and disturbance for the residents opposite the site and along Church Lane. The applicant proposes 10 functions per year. Although fairly limited in number it is considered that the noise and disturbance generated from traffic even from this number of events would have an unacceptable impact on the amenities of neighbours contrary to policy DM3.13.

4.33 This application is liable for Community Infrastructure Levy (CIL) as there has been no lawful use for barn.

5 Conclusion

5.1 In conclusion, the nature of the works undertaken to the barn to date means that it is impractical to use it as an agricultural building as sought. Consequently, any resultant permission would not constitute diversification as supported by policies DM2.12 and could result in a requirement for a further agricultural building to meet the applicant’s expressed agricultural needs. For this reason, the scheme fails to meet the requirements of Policy DM2.10.

5.2 The proposed use of the barn for events and the use of the site for glamping will have a significant impact on the amenities of local residents in terms on noise and disturbance from all traffic associated with the proposal.

5.3 Inadequate access, passing provision and parking arrangements are considered to exist and as such the scheme fails to meet the requirements of Policies DM3.11 and DM3.12.

5.4 In terms of the glamping component only, the units would be in flood zone three where there is a high risk of flooding contrary to the provisions of Policy 10 of NPPF.

5.5 Given that the scheme is considered to be unacceptable in planning terms for the reasons outlined above and an unauthorised use has commenced if planning permission is refused the local member has agreed for the planning authority to take appropriate enforcement action in accordance with the updated scheme of delegation.
Reasons for Refusal

5.6 By virtue of the significant works undertaken to the building, it is not considered that the barn is practically capable of being used as an agricultural building therefore, the resultant building is not suitable for continued agricultural use as required by criterion a) of Policy DM2.10 and there is the likelihood that a further building would be sought to meet the stated agricultural needs of the applicant. For this reason the scheme is contrary to the requirements of criterion a) of Policy DM2.10 of the Local Plan.

5.7 The existing access drive is unsatisfactory to serve the proposed development by reason of its inadequate width and lack of passing provision. The development proposal (particularly the intended functions) would therefore lead to congestion on the public highway to the detriment of highway safety. 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. The proposal is therefore contrary to Policy DM 3.11 of the Local Plan.

5.8 The application and does not incorporate adequate on-site vehicular parking and manoeuvring facilities to the standard required by the Local Planning Authority contrary to Policy DM 3.12 of the Local Plan.

5.9 The proposal would generate noise and disturbance through the use of the building for events and traffic generation. The proposal would therefore impact on the residential amenities contrary to policy DM3.13 of the SNLP 2015.

5.10 Insufficient information has been submitted to demonstrate that the location of the glamping tents within Flood Zone 3, would not result in an inappropriate development with a Flood Zone contrary to Section 10 of the NPPF.

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

Appl. No : 2017/2370/RVC
Parish : GREAT MOULTON

Applicants Name : Mr Adam Price
Site Address : Hope Valley Low Common Road Great Moulton NR16 1LP
Proposal : Variation of conditions 4, 6 and 8 of planning consent 2016/1114 - (Change of use of land to a mix of single Gypsy and Traveller residential pitch and paddocks for the keeping and breeding of horses, together with widening the existing access onto Overwood Lane, closure of northern access onto Overwood Lane, and closure of the existing access onto Low Common Road) - Retention of mobile wash-room block and not erecting approved day room. Not installing all approved external lighting.

Recommendation : Approval with conditions
1 Temporary consent of 4 years
2 Occupation by Gypsies and Travellers
3 No commercial activity
4 No more than 2 mobiles, 2 touring and toilet block
5 Retain trees and hedging
6 Development to accord with agreed detail
7 Access, visibility and closure of accesses etc.
8 Development to accord with approved plans

Planning Policies

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
Planning Policy for Traveller Sites document 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 6 : Access and Transportation
Policy 15 : Service Villages
Policy 17 : Small rural communities and the countryside

1.3 South Norfolk Local Plan Development Management Policies
DM1.3 : The sustainable location of new development
DM1.4 : Environmental Quality and local distinctiveness
DM3.3 : Gypsy and Travellers sites
DM3.8 : Design Principles applying to all development
DM3.11 : Road safety and the free flow of traffic
DM3.13 : Amenity, noise, quality of life
DM3.12 : Provision of vehicle parking
DM3.13 : Amenity, noise, quality of life
DM3.14 : Pollution, health and safety
DM4.4 : Natural Environmental assets - designated and locally important open space
DM4.5 : Landscape Character Areas and River Valleys
DM4.8 : Protection of Trees and Hedgerows

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

2.1 2015/1673 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 Refused

2.2 2015/2550 Change of use to a mix of single Gypsy and Traveller residential pitch, garden and vehicle parking area, and paddock for the keeping and breeding of horses (revised application) Refused

2.3 2016/1114 Change of use of land to a mix of single Gypsy and Traveller residential pitch and paddocks for the keeping and breeding of horses, together with widening the existing access onto Overwood Lane, closure of northern access onto Overwood Lane, and closure of the existing access onto Low Common Road Refused

2.4 2017/0780 Discharge of conditions 6 and 7 of the appeal decision in respect of 2016/1114 Approved

Appeal History

2.5 15/00055/AGENFN Appeal against enforcement notice Dismissed

2.6 16/00004/AGREFU Change of use to a mix of single Gypsy and Traveller residential pitch, garden and vehicle parking area, and paddock for the keeping and breeding of horses (revised application) Withdrawn

2.7 16/00024/AGREFU Change of use of land to a mix of single Gypsy and Traveller residential pitch and paddocks for the keeping and breeding of horses, together with widening the existing access onto Overwood Lane, closure of northern access onto Overwood Lane, and closure of the existing access onto Low Common Road Allowed

3. Consultations

3.1 Forncett Parish Council Whilst Councillors did not object to the majority of the points, they did object to the item relating to the fencing. Councillors would consider it extremely unsatisfactory if the agreed fencing screening were not provided. The hedge in question is encroaching on to the highway, restricting the space for road users. It would be desirable for this to be cut back but in the event of this and when leaves are lost in Autumn, Councillors do not believe the hedge will provide adequate screening.

3.2 Aslacton Parish Council The Parish Council supports this application with the exception of the removal of the need to build a fence. They agree with the other objectors that the need for a fence should be retained.
3.3 Great Moulton Parish Council  
No comments received

3.4 District Councillors  
To be reported if appropriate

3.5 NCC Ecologist  
No objections

3.6 Planning Policy  
No comments received

3.7 Tony Cooke  
No comments received

3.8 Environment Agency  
No comments received

3.9 NCC Highways  
No highway objections

3.10 SNC Water Management Officer  
No adverse comments

3.11 Gypsy Liaison Officer  
No comments received

3.12 SNC Community Services - Environmental Quality Team  
No comments received

3.13 NCC Public Rights Of Way  
No objections

3.14 Other Representations  
13 letters of objection

- We have endured three applications and subsequent appeals on a totally unsuitable site. The status of the applicant has no relevance - if it's wrong, it's wrong.
- Ultimately a Planning Inspection decided that the inability of South Norfolk Council to meet their obligations to provide alternative accommodation left him no room for manoeuvre. The issue was shunted down the line by four years without any belief that a solution would be any more likely at that point than it is right now.
- The 'four-year fudge' carried conditions.
- These conditions are considered by the occupiers and their agent as a 'Pick and Mix' Sweet shop because of the facts set out below.
- Woefully insufficient provision for traveller's sites in South Norfolk.
- No realistic proposals likely in the near future as 'changing Government guidance' is used as a smoke screen to hide inactivity.
- No compulsion on the occupiers of this site to accept an alternative anyway.
- Highways safety
- Contravenes the local plan and ENV 13
- No amenities in area
- Object as it is wrong for anyone to purchase and start developing without approval
- Why is the desire not to comply with the Inspectors decision, due to cost, automatically referred back to him?
- The lighting and toilet block element seems perfectly reasonable and therefore no objections
- Strongly object to the close boarded fence not being erected
Development Management Committee  
6 December 2017

- Leaves fall from deciduous hedge alongside Overwood Lane and the site is highly visible
- Fence is required to screen the development
- The Planning Inspector took into consideration when granting the length of temporary permission, was how some of the harm to the landscape would be mitigated by the proposed screening. The inspectorate stated that “the landscape harm would not be significant, only moderate, because of the present and proposed level of screening”.

4 Assessment

4.1 This application seeks to vary conditions 4, 6 and 8 of planning consent 2016/1114 which permitted change of use of land to a mix of single Gypsy and Traveller residential pitch and paddocks for the keeping and breeding of horses, together with widening the existing access onto Overwood Lane, closure of northern access onto Overwood Lane, and closure of the existing access onto Low Common Road.

4.2 The previous application which was refused was subsequently allowed on appeal for a period of 4 years subject to a number of conditions. The principle of the development therefore has been established by the Appeal decision. Whilst I therefore fully appreciate the concerns raised by local residents as set out above, the application is not determining whether there should be a travellers site or not. It purely relates to the merits of the changes to the conditions imposed by the Inspector.

4.3 In view of the above, the main consideration is the impact of the variation of the conditions on the character and appearance of the area.

4.4 The application looks to vary condition 4 and 8 to retain the mobile wash-room block and to not erect the approved day room. The application also seeks to vary condition 6 as to not to erect all approved external lighting. The justification the agent has put forward for the variations is that the planning permission has only been granted for a temporary period of four years. The applicants do not wish to invest in the site to the extent they originally intended due to the temporary consent.

4.5 The application has been amended to remove the request to delete the close fence required by condition 6.

4.6 Due to the concerns raised regarding the panel fence to the eastern boundary the applicant has withdrawn this part of the proposal from the application. He has been made aware that he is required to now erect the approved fence.

4.7 Whilst the removal of this aspect from the applications shows an intent to erect the fence, given no timeframe has been agreed, and the ongoing condition compliance issues on the site, this fence is included in the enforcement report for the site also on this agenda.

Impact on the character of the area

4.8 The application site lies within the Tas Rural River Valley which is described in the South Norfolk Place Making Guide as being sparsely settled in character with buildings of a rural vernacular appearance clustered around fording points or linear development at the upper or lower areas of the valley. The pitch is on an elevated part of the site, adjacent to the eastern boundary which is a deciduous hedge. The temporary consent was given for two mobile homes, two touring caravans and a purpose-built dayroom/store.
4.9 The proposal to retain the existing small mobile toilet block and not to build the larger permanent dayroom/store is therefore considered acceptable and far less intrusive and harmful to the character of the countryside. Equally the installation of less lights than that approved by the Inspector will also have less of an impact on the local area. The proposal therefore satisfies Policy 2 of the JCS, DM3.8 and DM4.5 of the SNLP.

4.10 The proposed changes will not adversely affect the amenities of the neighbouring residential properties or highway safety.

4.11 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.

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

5 Conclusion

5.1 The variations are considered acceptable for the context and will not harm the character of the area. The changes will not adversely affect the amenities of the neighbouring properties or highway safety, as such the proposal accords with the NPPF, JCS and SNLP.

Contact Officer, Telephone Number and E-mail: Claire Curtis 01508 533788 ccurtis@s-norfolk.gov.uk
Appl. No : 2017/2393/F
Parish : WYMONDHAM

Applicants Name : Mr John Western
Site Address : 29 Chapel Lane Wymondham NR18 0DJ
Proposal : New detached dwelling.

Recommendation : Refusal

1 Unacceptable design, out of character with existing pattern of development.

Planning Policies

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

1.2 Joint Core Strategy
Policy 1 : Addressing climate change and protecting environmental assets
Policy 2 : Promoting good design
Policy 3 : Energy and water
Policy 4 : Housing delivery
Policy 5 : The Economy
Policy 10 : Locations for major new or expanded communities in the Norwich Policy Area

1.3 South Norfolk Local Plan
South Norfolk Local Plan Development Management Policies
DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk
DM1.3 : The sustainable location of new development
DM3.5 : Replacement dwellings and additional dwellings on sub-divided plots within Development Boundaries
DM3.8 : Design Principles applying to all development
DM3.11 : Road safety and the free flow of traffic
DM3.12 : Provision of vehicle parking
DM3.13 : Amenity, noise, quality of life
DM4.2 : Sustainable drainage and water management
DM4.9 : Incorporating landscape into design

1.4 Site Specific Allocations and Policies
Wymondham Area Action Plan

1.5 Supplementary Planning Documents
South Norfolk Place Making Guide

2. Planning History

2.1 2017/1146 : New detached dwelling Withdrawn

2.2 1999/1443 : Extensions to dwelling and erection of double garage Approved

3. Consultations

3.1 Town Council : Refuse
- Overdevelopment of the site
- Contrary to streetscene
Development Management Committee 6 December 2017

- Inappropriate form of development

3.2 District Councillor

No comments received

3.3 NCC Highways

Support with conditions

3.4 SNC Water Management Officer

Support with conditions

- Surface water drainage proposed to be dealt with via soakaway
- Infiltration drainage not always a viable option in this area
- Condition surface water drainage

3.5 SNC - Arboriculturalist

Although I don’t particularly like the removal of the category ‘c’ trees which are to be removed for access, it is not something I can object to as they don’t merit a TPO (they are nice features in the street scene, but not trees of any particular significance). The AIA has compensated for the removal of these trees with adequate replanting proposals.

Similarly with the category ‘B’ tree; I am not keen on the root pruning suggested, but the AIA has outlined the methodology and works required with suitable evidence to prove it shouldn’t be detrimental to the health of the tree whilst keeping in accordance with BS 5837.

3.6 Other Representations

13 letters of objection

- Too large
- Out of character with Chapel Lane
- Believe there are covenants on the property preventing new dwellings
- Inadequate access
- Insufficient car parking could result in vehicles reversing onto the highway.
- Overbearing impact to existing property
- Overlooking
- Loss of views
- Two trees on neighboring property have had to be felled due to disease, this affects other trees so can’t be relied on for screening.
- Side elevation facing 27 is monolithic and out of keeping with other properties
- View of Tiffney Valley and Abbey lost
- On street parking will affect visibility from the access
- Over development
- Detrimental to the streetscene
- Timber cladding not in keeping with the area
- Proposed plot under developed green space
- Set precedent
- Forward of building line
- Bulky intrusive development
- Destroy semi-rural character of the area
- Three accesses close together danger to highway safety
- Land is well utilised as a garden
- Other examples of dwellings in Design and Access statement are irrelevant
4 Assessment

4.1 The application relates to the front garden of 29 Chapel Lane in Wymondham. The land slopes down from the road to the existing dwelling on the site number 29. The site is within the development limit for Wymondham.

4.2 The application is for a new dwelling in the front garden. A previous application (2017/1146) for a larger dwelling was withdrawn earlier in the year.

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 (NPPF) is a material consideration in determining planning decisions.

4.4 The site is inside the development boundary and as such criterion a) and b) of Policy DM1.3 apply.

4.5 Criterion a) is met by virtue of the site being within the development boundary and b) requires that the proposal is of a scale proportionate to the level of growth planned in the village and the role and function of the settlement. As this is proposal is for one dwelling with a large market town the proposal is considered to fulfil the requirements of criterion b). On the basis of the above Policy DM1.3 is met by the proposal.

4.6 It should be noted that the Council currently has 4.7 years of deliverable sites in the Norwich Policy Area and therefore, para 59 of the Judgment Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) is relevant in confirming that a shortfall in housing land supply triggers the second part of paragraph 14, which states:

“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 taken as a whole; or – specific policies in this Framework indicate development should be restricted.”

4.7 On the basis of the above the following assessment seeks to establish the benefits of the scheme and any harm that could be caused in the context of sustainable development as set out in the NPPF, and in particular, with reference to the three dimensions (economic role, social role and environmental role) and under each of these three headings the relevant South Norfolk Local Plan Development Management Policies will be referred to.

4.8 The aforementioned judgment also confirms that the narrow interpretation should be used in establishing whether a policy relates to the supply of housing.

The narrow interpretation states:

limited to policies dealing only with the numbers and distribution of new housing, and excluding any other policies of the development plan dealing generally with the disposition or restriction of new development in the authority’s area.

4.9 This means that whilst all of the South Norfolk Local Plan Development Management Policies are not out of date, it is necessary for the decision maker to have regard to the weight attributable to these in their decision making process in acknowledgement of the lack of an up to date 5 year housing land supply.
4.10 Policy DM3.5 permits the subdivision of existing residential plots within development limits as long the development incorporates good quality design which maintain or enhances the character of the existing buildings, the streetscene and surroundings, and does not have an unacceptable impact on neighbouring properties. The proposal should provide and maintain, adequate private amenity space, adequate access and parking and levels of amenity with reasonable access to light and privacy and free from unacceptable noise or other pollutants.

Economic role

4.11 The NPPF confirms 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.”

4.12 The scheme would result in some modest short term economic benefits as part of any construction work and in the longer term by local spending from the future occupants. It is therefore considered that the scheme would bring forward a level of economic benefit albeit very modest. These are not considered significant to warrant an approval of one dwelling in this location, given the potential level of harm as set out below.

Social Role

4.13 The NPPF confirms the social roles 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.”

Design

4.14 The character of the streetscene in this location changes dramatically going from a strongly landscaped character with properties significantly set back from the Highway with large front gardens, to a much more urban character which is soften by existing trees, this change occurs as a result the change in ground levels resulting in two distinct building lines, one which meets the application site and the other set well back from it being located behind the proposed dwelling.

4.15 The approach to number 31 is largely screened by existing trees and vegetation and therefore despite this building line being significantly forward of that which number 29 sits, number 31 does not hold a prominent position in the street scene. The proposed dwelling would hold a prominent position in the street scape accentuated by the split storey design and the presence of raised frontage car parking.

4.16 The addition of a new plot in front of the existing dwelling would break the rear established building line in this area and not be in character with the overriding pattern of development. It would erode the landscaped character of this part of Chapel Lane through the addition of hardsurfacing for car parking, add a dominant side elevation and in doing so would be detrimental to the streetscene. Despite the applicants attempts to reduce the height of the proposal, there is a need to provide level car parking at a higher level, which will make the dwelling prominent in the street scene and accentuate the breaking of the building line, with the existing dwellings clearly visible behind.
There is some concern about loss of view to Wymondham Abbey from Chapel Lane as a result of the development, given that it is only one dwelling and there is already development along this part of Chapel Lane it is not considered that this would be significant or that it would affect the setting of the Abbey.

Section 7 of the NPPF, Policy 2 of the JCS and Policies DM3.5 and DM3.8 of the Development Management Policies seek to achieve a high standard of design which respects the local distinctiveness of the area. It is considered the development fails to do this for the reasons as set out above and as a result is contrary to those policies.

Residential amenity

Concern has been raised regarding the loss of residential of amenity to existing properties in terms of being overbearing and overlooking.

In terms of overlooking the dwelling has been designed to avoid any significant overlooking to neighbouring properties. There is an internal balcony area on the rear elevation, but it has been located to the west side of the site. Due to changes in levels it would not result in any significant overlooking to number 31 and the existing garage in front of 29 obscures views towards number 29. Views towards number 27 would be oblique and therefore the overlooking would not be significant enough to warrant refusal of the application. The side window is to the garage so could be obscured glazed, any views from it would be oblique. The proposed development is unlikely to have any significant impact in terms of overshadowing or loss of light.

The proposed dwelling would be at a higher level than the existing dwellings and as a result could appear dominant. However, given the distance between the proposal and the property to the rear then it is not considered that the existing properties amenity would be significantly impacted to warrant refusal of planning permission in accordance with policies DM3.13 and DM3.5 of the Development Management Policies, which seek to protect the amenity of existing occupiers and well as ensure that potential occupiers have a good standard of amenity.

Highways

Concern has been raised about impact of additional traffic, suitability of the proposed access and whether there is sufficient car parking. The amount of additional traffic generated by one dwelling would not be significant. The Highway Officer has raised no objection to the access or car parking proposed subject to the imposition of conditions. As a result, it is considered that the proposed development complies with policies DM3.11 and DM3.12 which seeks to ensure the safe and free flow of traffic and that adequate car parking is provided.

The site is within the development limit and is in a location accessible to local services, as discussed above it is considered the proposal complies with policy DM1.3.a) and b)

Self-build

NPPF Paragraph 50 includes the requirement to ‘deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Local Planning Authorities (LPAs) should plan for... ‘the needs of different groups in the community such as people wishing to build their own homes’. Policy DM 3.1 focuses on meeting housing requirements and needs, specifically referencing self-build sites within the preamble. Therefore, although there is not an individual policy for self-build developments the Council’s policies allow consideration to be given to the provision of any identified need including self-build.
The regulations, establishing the duties of Local Planning Authorities to give suitable development permission to meet the demand from its register, are not intended to supersede the overarching principle and golden thread of the NPPF, which is the delivery of sustainable development. Therefore, proposals will need to be in accordance with national and local policy and the fact that the proposal is for self-build would be one of the material considerations given appropriate weight in the planning balance when making a decision.

Consideration has been given to the benefits of providing self-build dwellings as a material consideration, however in the instance of this application, this is not considered to outweigh the identified harm in terms of the impact on the character of the area.

It is considered that the proposed dwelling would be out of character with the grain of development in the area, break the established building line and erode the open, green and landscaped feel of the streetscene. The dwelling would also appear overbearing to the dwellings to the rear, impacting their amenity and resulting in social harm which overrides the benefit of providing a new dwelling in an accessible location where the Council does not have a five year land supply.

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.”

Trees

Policy DM4.8 seeks to protect trees and hedgerows from removal from new development. Four category C trees are proposed to be removed. Generally, category C trees should not be considered a constraint on development. However, the proposed retaining wall is within the root protection zone of T3 which is in good condition and has positive landscape value. The arboricultural report recommends damage is limited to the category B tree with preemptive root pruning. Although, it is a shame to lose any tree in this location as they do contribute to the character of the area, the category C trees could not be protected by another means and the works to T3 are considered acceptable. The proposal is therefore considered in accordance with policy DM4.8 of the Development Management Policies.

Despite the fact that these trees are and could not be protected from removal they do contribute to the character of the frontages of these dwellings and are only likely to be removed due to the development proposals.

Ecology

The site is an existing well-maintained garden area as a result is not considered that the proposed development would have a significant impact on ecology and biodiversity of the area.

Drainage

It is proposed to deal with surface water drainage via soakaway. The Water Management Officer has highlighted that infiltration drainage is not always viable in this area, but the details of the surface water drainage could be resolved by condition. The foul water will be disposed via the main sewer. As a result, it is considered that the proposed dwelling would accord with policy DM4.2 of the Development Management Policies.
Other issues

4.33 The issue of whether there is a covenant on the property which restricts further residential development has been raised. This however, is a property matter and not a material planning consideration.

4.34 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.

4.35 This application is liable for Community Infrastructure Levy (CIL) as it for a new dwelling.

5 Conclusion

5.1 It is evident that the proposal fails to comply with policies DM3.5 and DM3.8 of the Development Management Policies. As identified in the above assessment by virtue of the harm to the character of the area and streetscene. These policies are considered to carry full weight despite the lack of a five year housing land supply in the NPA as their requirements are entirely consistent with the aims of the NPPF.

Reasons for Refusal

5.2 A new dwelling in this location, in front of the established building line, in a prominent position exemplified through the removal of existing landscaping, would be out of character with the existing pattern of development in this part of Chapel Lane and be detrimental to the streetscene through eroding the landscaped character of the area, breaking the established building line and creating hardsurfacing and a dominant structure within the street scene. The proposal is therefore contrary to section 7 of the National Planning Policy Framework, Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk and Policies DM3.5 and DM3.8 of the South Norfolk Local Plan Development Management Policies.

Contact Officer, Telephone Number and E-mail: Helen Bowman 01508 533833 hbowman@s-norfolk.gov.uk
11  **Appl. No**: 2017/2481/F  
**Parish**: DISS

Applicants Name: Mr Karl Dade  
Site Address: 128 Victoria Road Diss IP22 4JN  
Proposal: Change of use of shed to hair salon

Recommendation: Refusal
1. Unacceptable impact on residential amenity

1  **Planning Policies**

1.1  **National Planning Policy Framework**  
NPPF 01 : Building a strong competitive economy  
NPPF 02 : Ensuring the vitality of town centres  
NPPF 07 : Requiring good design  
NPPF 11 : Conserving and enhancing the natural environment  
NPPF 12 : Conserving and enhancing the historic environment

1.2  **Joint Core Strategy**  
Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting good design  
Policy 5 : The Economy

1.3  **South Norfolk Local Plan**  
South Norfolk Local Plan Development Management Policies

DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
DM1.3 : The sustainable location of new development  
DM2.1 : Employment and business development  
DM2.4 : Location of main town centre uses  
DM3.11 : Road safety and the free flow of traffic  
DM3.13 : Amenity, noise, quality of life  
DM4.10 : Heritage Assets  
DM1.3 : The sustainable location of new development

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

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  No relevant planning history

3.  **Consultations**

3.1  **Town Council**  
No comments received

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

3.3  **NCC Highways**  
No comments received
3.4 SNC Community Services - Environmental Quality Team

No comments received

3.5 Other Representations

One letter of objection has been received from the neighbouring property, objecting on the grounds of:

- The property is within a Conservation Area,
- The rear access, which cuts through the neighbour’s garden, is only for the purposes of residential and should not be used as a commercial entrance,
- The use of this access negatively impacts the amenity of the neighbouring property through noise and loss of privacy,
- Currently the building is being used till 9pm at night (not 6pm as stated in the application form),
- There is no parking shown,
- The premise is being sublet to a party who is using it in the evening,
- The application states that there is no toxic waste, this is questionable from a hairdresser and an industrial waste bin has not been spotted,
- Fear of ancient drains being blocked by hair,
- There are empty units in the town and the business should operate from there,
- The application is retrospective and if not refused it would set a precedent for further uses commencing in gardens without planning permission.

One letter of support has been received but no address or reason for their support has been given.

4 Assessment

4.1 The application relates to 128 Victoria Road Diss, which is part of a prominent terrace of Victorian Houses. The terrace remains in residential use apart from the Dental practice at number 127. Tesco is located behind the site, the site is adjacent to the defined town centre boundary and within the Diss Conservation Area.

4.2 The proposal is for retrospective planning permission to change the use of an existing timber summerhouse/shed, within the small rear garden, to a hairdressers. The hairdressers is accessed via the back gate, which runs from Tesco's access drive, to a residential parking area behind 128-133 and down an alley before going through the garden of number 129 and into the summerhouse/hairdressers. The applicants state that there is only one person who is employed on the site and lives in the dwelling. The proposed opening hours as set out on the application form are Monday, Thursday and Friday 10am - 6pm. The neighbouring property who is objecting to the application has stated that the use is operating much later than 6pm and the applicant has sub-contracted the premise. There is no evidence of this and if acceptable, conditions could be added to restrict opening hours.

4.3 Policy DM2.1 permits new business development as long as there would not be a significant adverse impact as set out in policies DM1.1 and DM1.3.

4.4 Policy DM1.1 seeks to ensure new development is sustainable and Policy DM1.3 seeks to locate development within development boundaries. The proposed development meets criteria 1(a) and 1(b) of policy DM1.3 as it is within the development limit and its small scale is commensurate with Diss which is defined by policy JCS 13 as a main town.
4.5 Policy DM 2.3 permits working at home including the erection of new buildings in the curtilage provided that: a) The proposal would not have an unacceptable impact on the amenities of any nearby residential occupiers or on the character and appearance of the area; b) The direct and indirect effects of the scale of the business activity, including the employment of non-residents at the business, must remain ancillary to the overall use of the site for residential purposes; and c) There is adequate off-street parking to cater for both business and residential uses. I note the neighbour makes reference to empty units within the town centre, better placed for this use, Policy DM2.3 does allow for this type of development within the curtilage of residential properties, subject to the considerations as set out above and these are further discussed below.

Residential amenity

4.6 The site is accessed through the garden of number 129. Historically this type of arrangement is not unusual in terrace street. However, access would primarily be for residents of the dwellings and generally results in an acceptable level of disturbance and is accepted when purchasing the property. The proposed opening hours on the application are between 10am and 6pm this could result in a large number of people coming and going throughout the day and resulting in an unacceptable loss of residential amenity, through noise and disturbance within the neighbours private amenity space, more than what would be expected for a residential dwelling. As a result the proposal would be contrary to policy DM2.3 and DM3.13 of the Development Management Policies, which seek to protect the amenity of the existing properties.

Heritage Assets

4.7 The site is within the Conservation Area and as a result there is a duty to consider S72 Planning (Listed Buildings and Conservation Area Act 1990) provides: “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”. The building is within the existing rear garden and is small scale as a result it doesn't harm the character or appearance of this part of the Conservation Area so would accord with S72, Policy 12 of the NPPF, policy 1 of the JCS and policy DM4.10 of the Development Management Policies.

Highways

4.8 No car parking is provided at the site, but given the accessible location adjacent to the town centre close to transport links and many public car parks this is considered acceptable.

Other matters

4.9 The neighbouring property has also raised concerns about the toxicity of waste from a hairdressers and the potential for hair to block ancient drains. Given the scale of development it is not considered that this would be so significant to warrant refusal of planning permission.

4.10 The neighbour has also raised concerns that the application is retrospective and would set a precedent for future retrospective applications if approved. There is no precedent argument in planning and applicants are able to make retrospective planning applications, as allowed by the Town and Country Planning Act. On this basis, this is not a material planning consideration.

Enforcement

4.11 If it is agreed to that this application should be refused then the Council would seek to take enforcement action to restrict its use as a hairdressing salon.
4.12 This application is not liable for Community Infrastructure Levy (CIL) because the building is less than 100 square metres.

5 Conclusion

5.1 In conclusion although the Council supports people running businesses at home. In this instance because of the access arrangements through the neighbour’s garden it is considered the proposal would result in an unacceptable level of disturbance to neighbouring residents’ private amenity space, contrary to policies DM2.3 and DM3.13 of the Development Management Policies.

Reasons for Refusal

5.2 The access arrangements for the hairdressing business through the neighbour’s garden would result in an unacceptable level of noise and disturbance within the neighbours private amenity space throughout the day, contrary to policies DM2.3 and DM3.13 of the South Norfolk Local Plan Development Management Policies Document.

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

1 Enforcement Ref : 2017/8275
Parish : GREAT MOULTON

Site Address : Hope Valley, Low Common Road, Great Moulton, Norfolk, NR16 1LP
Development : Breach of Planning Conditions 6 & 8 of Planning Approval 2016/1114 (Appeal Ref: APP/L2630/W/16/3155500)
Developer : Mr Adam Price

1. Background

1.1 Temporary Planning permission until 9th March 2017 was granted under Appeal Reference: APP/L2630/W/16/3155500 for the change of use of land to a mixed use of a single gypsy and traveller residential pitch and paddocks for the breeding and keeping of horses, together with widening of the existing access into Overwood Lane and into Low Common Road. The approval is subject to a number of conditions. Some of these conditions have been fully discharged and some discharged in part. There is a current application reference 2017/2370 seeking to vary conditions 4, 6 & 8, these are outlined in a committee report earlier in this agenda.

1.2 Conditions 4, 6 & 8 also require the development to be carried out in accordance with the approved drawings and the Biodiversity Management Plan. Unfortunately, the development has not been carried out in accordance with the conditions, in so far as, the post and rail fence to delineate the pitch, the ‘buffer zone’ for commuting Great Crested Newts and the close-boarded screen fence have not been provided. The deadline for these works has passed and whilst the owner of the site has been requested and reminded to carry out these works, to date they remain outstanding.

2. Planning Policies

2.1 National Planning Policy Framework
NPPF 07 : Requiring good design
NPPF 11 : Conserving and enhancing the natural environment

Planning Policy for Traveller Sites document August 2015

2.2 Joint Core Strategy
Policy 1 : Addressing climate change and protecting environmental assets
Policy 2 : Promoting good design
Policy 15 : Service Villages
Policy 17 : Small rural communities and the countryside

2.3 South Norfolk Local Plan
Development Management Policies
DM1.4 : Environmental Quality and local distinctiveness
DM3.3 : Gypsy and Travellers sites
DM3.8 : Design Principles applying to all development
DM4.4 : Natural Environmental assets - designated and locally important open space
DM4.5 : Landscape Character Areas and River Valleys
3 Relevant Planning History

3.1 2015/1673 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 Refused

3.2 2015/2550 Change of use to a mix of single Gypsy and Traveller residential pitch, garden and vehicle parking area, and paddock for the keeping and breeding of horses (revised application) Refused

3.3 2016/1114 Change of use of land to a mix of single Gypsy and Traveller residential pitch and paddocks for the keeping and breeding of horses, together with widening the existing access onto Overwood Lane, closure of northern access onto Overwood Lane, and closure of the existing access onto Low Common Road Refused

3.4 2017/0780 Discharge of conditions 6 and 7 of the appeal decision in respect of 2016/1114 Approved

3.5 2017/2370 Variation of conditions 4, 6 and 8 of planning consent 2016/1114 - (Change of use of land to a mix of single Gypsy and Traveller residential pitch and paddocks for the keeping and breeding of horses, together with widening the existing access onto Overwood Lane, closure of northern access onto Overwood Lane, and closure of the existing access onto Low Common Road) - Retention of mobile wash-room block and not erecting approved day room. Not to erect 2m close-boarded fencing on eastern side. Not installing all approved external lighting. Under Consideration

Enforcement History

3.6 2015/8139 Enforcement Enquiry CLOSED

3.7 2016/8107 Enforcement Enquiry CLOSED

Appeal History

3.8 15/00055/AGENFN Appeal against enforcement notice Dismissed

3.9 16/00004/AGREFU Change of use to a mix of single Gypsy and Traveller residential pitch, garden and vehicle parking area, and paddock for the keeping and breeding of horses (revised application) Withdrawn
3.10 16/00024/AGREFU Change of use of land to a mix of single Gypsy and Traveller residential pitch and paddocks for the keeping and breeding of horses, together with widening the existing access onto Overwood Lane, closure of northern access onto Overwood Lane, and closure of the existing access onto Low Common Road

Allowed - Temporary consent

4 Assessment

4.1 Development Management Policy DM4.4 requires new developments to contribute positively to the ecological networks. Without the provision of the commuting ‘buffer zone’ for Great Crested Newts the development will not provide the opportunity for the Great Crested Newts to commute between the pond at the southern end of the site and the pond to the north. The development therefore does not meet the requirements of this policy.

4.2 The approved drawing shows a 2metre tall close-boarded fence between the pitch and the hedge adjacent to Overwood Lane. The current Variation of Condition application when submitted sought to remove this fence from the plan, however that part of the application has been subsequently withdrawn. Whilst this shows intent from the applicant to erect the fence no timescale has been given for when the fence will be erected and as such this aspect is also included in this enforcement report to seek authority to take enforcement action if necessary.

4.3 The approved drawing shows a post and rail fence which separates the pitch from the rest of the site. This post and rail fence helps contain domestic paraphernalia within this specific area and limit the impact of the development on the countryside location. Without this, domestic and other items can easily overspill in to the rest of the site. In view of the temporary approval a more temporary enclosure would equally serve the same purpose and subject to design could be looked at favourably, should the required RVC be submitted. Without either, the overspill of domestic paraphernalia is likely to have a detrimental impact on the rural character of the area and the landscape character of the river valley is therefore contrary to Development Management Policies DM1.4 and 4.5.

4.4 Condition 6 which relates to both the newt fence and close-boarded fence states that ‘The use hereby permitted shall cease and all caravans, structures, equipment and materials brought on to the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below;’. The requirement to provide the commuting ‘buffer zone’ for the Great Crested Newts formed part i) of this condition. In view of the above, the importance the Inspector placed upon the provision of the newt fencing is quite clear. It is therefore Officers’ recommendation that enforcement action be taken to ensure that the newt fencing is erected, to accord with Policy and in the interest of protecting the habitat of the Great Crested Newts.

4.5 In view of the harm outlined above authority is sought to take enforcement action to remedy the breaches of planning control set out.

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 breach is not liable for Community Infrastructure Levy (CIL)
5 Recommendation

5.1 That enforcement action be authorised to take enforcement action to remedy the breach of planning control.

Contact Officer, Telephone Number and E-mail: Andy Baines, 01508 533840, abaines@s-norfolk.gov.uk
## Planning Appeals

**Appeals received from 31 October 2017 to 23 November 2017**

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## Planning Appeals

**Appeals decisions from 31 October 2017 to 23 November 2017**

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<td>Burgh St Peter</td>
<td>Mr James Knight</td>
<td>Removal of condition 1: temporary consent and condition 6: passing bay signs, of permission BA/2016/0064/COND - THIS APPLICATION WAS DETERMINED BY THE BROADS AUTHORITY BA/2016/0356/COND</td>
<td>Approved (Broads Authority)</td>
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<td>Mr D Baine</td>
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<td>Mr K Knights</td>
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<td>Mr P Martin</td>
<td>Detached bungalow with new highway access.</td>
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<td>Mrs Benton</td>
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<td>2017/0964</td>
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<td>Mr J Nicholls</td>
<td>Discharge of Condition 8 - surface water drainage, from planning consent 2016/0805 (Erection of 13 affordable houses and associated work)</td>
<td>Delegated</td>
<td>Withdrawn</td>
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