

Development Management Committee

Members of the Development Management Committee:

Conservatives	Liberal Democrat
Mr V Thomson (Chairman)	Mr T Laidlaw
Mrs L Neal (Vice Chairman)	Please note that item 3 has been deferred
Mr D Bills	
Mr G Minshull	

PUBLIC ATTENDANCE

This meeting will be live streamed for public viewing via a link, which will be available on the Council's website.

PUBLIC SPEAKING

You may register to speak by emailing us at democracy@s-norfolk.gov.uk, no later than 3.00pm on Friday, 18 September 2020.

Agenda

Date

Wednesday 23 September 2020

Time

10.00 am

Place

To be hosted remotely at

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

Contact

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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 also note that if you intend to speak on an application, your name will be recorded in the minutes of the meeting and kept on public record indefinitely.

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

SOUTH NORFOLK COUNCIL – DEVELOPMENT MANAGEMENT COMMITTEE

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 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. A further material planning consideration is the National Planning Policy Framework (NPPF) which was issued in 2018 and its accompanying Planning Practice guidance (NPPG).

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, Mulbarton Neighbourhood Development Plan made in 2016 and Easton Neighbourhood Plan made in 2017, and full weight can now be given to policies within these plans when determining planning applications in the respective parishes.

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, and**
- **Be consistent in the application of our policy**

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.

A G E N D A

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

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

3. **To receive Declarations of Interest from Members;**
(Please see flowchart and guidance attached, page 6)

4. **Minutes of the Meeting of the Development Management Committee held on Wednesday, 26 August 2020;** (attached – page 8)

5. **Planning Applications and Other Development Control Matters;** (attached – page 13)
To consider the items as listed below:

Item No.	Planning Ref No.	Parish	Site Address	Page No.
1	2020/1282	PORINGLAND	27 Howe Lane, Poringland, NR14 7LQ	13
2	2019/1666/O	CRINGLEFORD	40A Newmarket Road Cringleford NR4 6UF	17
3	2018/8152 DEFERRED	WICKLEWOOD	Wicklewood Rise	32

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. **Quarterly Enforcement Report;** (attached – page 35)

8. **Planning Appeals (for information);** (attached – page 38)

9. **Date of next scheduled meeting – Wednesday 21 October 2020**

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.

MICROPHONES: The Chairman will invite you to speak. An officer will ensure that you are no longer on mute so that the Committee can hear you speak.

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.

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

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

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

Key to abbreviations used in Recommendations

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

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

Does the interest directly:

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

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

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

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

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.

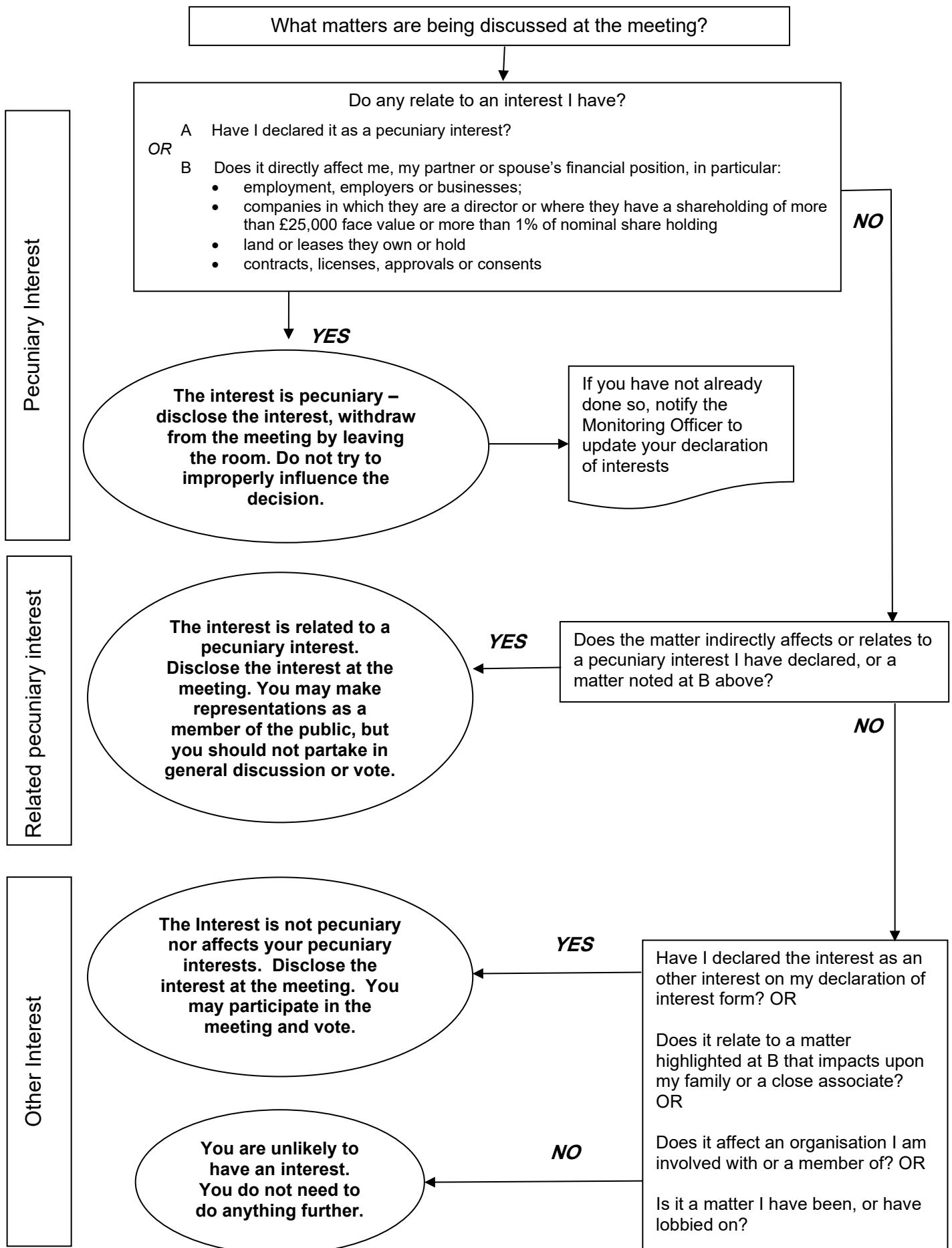
Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.

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





DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of a meeting of the Development Management Committee of South Norfolk District Council held remotely on Wednesday, 26 August 2020 at 10.00 am.

Committee Members Present: **Councillors:** V Thomson (Chairman), D Bills, T Laidlaw, L Neal and G Minshull

Officers in Attendance: The Assistant Director, Planning (H Mellors) and the Area Planning Manager (C Raine)

516. DECLARATIONS OF INTEREST

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

Application	Parish	Councillor	Declaration
2020/1015/F (item 2)	FRAMINGHAM PIGOT	All	Local Planning Code of Practice Lobbied by Objector

517. MINUTES

The minutes of the Development Management Committee meeting dated 13 August 2020 were confirmed as a correct record and signed by the Chairman.

518. PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

The Committee considered the report (circulated) of the Director of Place, 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 application listed below.

APPLICATION	PARISH	SPEAKERS
2019/2496/H (item 1)	SAXLINGHAM NETHERGATE	A Pilkington – Objector Cllr F Ellis – Local Member
2020/1015/F (Item 2)	FRAMINGHAM PIGOT	L Golds-Brown - Objector J Stone – Agent for the Applicant

The Committee made the decisions indicated in Appendix B of the 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 Place.

519. PLANNING APPEALS

The Committee noted the planning appeals.

(The meeting closed at 11.30am)

Chairman

Updates for DEVELOPMENT MANAGEMENT COMMITTEE
– 26th August 2020

Item	Updates	Page No
Item 1	No updates	12
Item 2	Officers update - Notwithstanding the contents of paragraph 5.9 of the committee report, it is considered that the significant two storey scale and mass of the proposed dwelling in an elevated location behind the existing frontage residential development leads to an arrangement that fails to protect or enhance the locality as required by Policies DM3.8 and DM4.5 of the SNLP and Policy 2 of the JCS and as such an additional reason for refusal is recommended to be included. Reason 5: The significant two storey scale and mass of the proposed dwelling in an elevated location behind the existing frontage residential development leads to an arrangement that fails to protect or enhance the locality as required by Policies DM3.8 and DM4.5 of the South Norfolk Local Plan and Policy 2 of the Joint Core Strategy	17
Item 3	No updates	25
Item 4	No updates	25

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 Place's final determination.

Other Applications

1. **Appl. No** : **2019/2496/H**
 Parish : **SAXLINGHAM NETHERGATE**

 Applicant's Name : Mr & Mrs Tony Newman
 Site Address : The Carriers Arms The Street Saxlingham Nethergate NR15 1AJ
 Proposal : Extension and alteration of existing lean-to extension, conversion of existing car-port, removal of existing timber out-building and new extension, conversion of existing out-building, new car-port the partial removal of existing out-building to provide walled patio area. Minor alterations to main dwelling to provide ensuite and dressing room

 Decision : Members voted 4-1 for **Approval**

 Approved with conditions

 1 Time Limit - Full Permission
 2 In accordance with submitted drawings
 3 External materials to be agreed
 4 Ecology Mitigation

2. **Appl. No** : **2020/1015/F**
 Parish : **FRAMINGHAM PIGOT**

 Applicant's Name : Mr & Mrs Anthony & Hewkin
 Site Address : Land to the rear of The Shrublands Loddon Road Framingham Pigot Norfolk
 Proposal : Erection of detached self-build house.

 Decision : Members voted unanimously for **Refusal**

 Refused

 1. No Overriding Benefit
 2. Poor Connectivity
 3. Impact upon amenity
 4. Insufficient Information Trees

3. **Appl. No** : **2020/1078/F**
 Parish : **WYMONDHAM**
- Applicant's Name : Estate of Mr Read
Site Address : 15 Damgate Street Wymondham NR18 0BG
Proposal : Change of use of ground floor room from antique shop to residential
- Decision : Members voted unanimously for **Approval**
- Approved with conditions
- 1 Full Planning permission time limit
 2 In accordance with submitted drawings
-
4. **Appl. No** : **2020/1079/LB**
 Parish : **WYMONDHAM**
- Applicant's Name : Estate of Mr Read
Site Address : 15 Damgate Street Wymondham NR18 0BG
Proposal : Change of use of ground floor room from antique shop to residential
- Decision : Members voted unanimously for **Approval**
- Approved with conditions
- 1 Listed Building Time Limit
 2 In accordance with submitted drawings

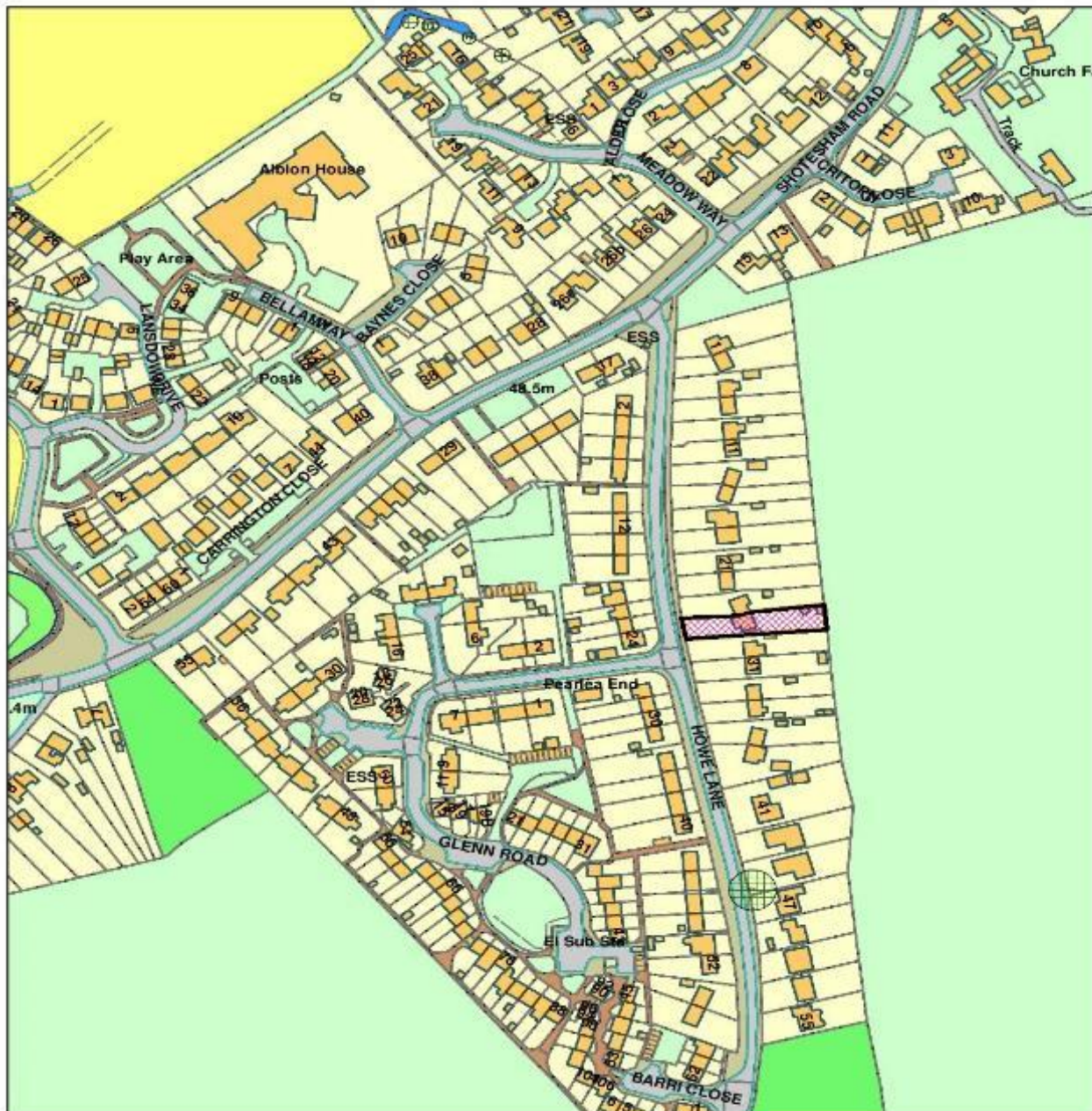
PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Place

Referred back to committee

Application 1

2020 1282 DMC plan



Scale 1:2,500

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South Norfolk Council, Cygnet Court, Long Stratton, Norwich, NR15 2XE Tel (01508) 533633

1. **Application No :** **2020/1282**
 Parish : **PORINGLAND**
 Applicant's Name: Mr Daniel Self
 Site Address 27 Howe Lane, Poringland, NR14 7LQ
 Proposal First floor front and side extensions, including front infill extension to ground floor.

Reason for reporting to committee

The Local Member has requested that the application be determined by the Development Management Committee for appropriate planning reasons as set out below in section 4.

Recommendation summary : Refusal

1 Proposal and site context

- 1.1 The application site is a semi-detached two storey dwelling with single storey extensions to the front and side. There are neighbouring properties to the north and south with access provided by Howe Lane to the west.
- 1.2 The proposal consists of an extension which wraps around the front and side of the property, with some of the works consisting of a first floor extension and some being a two storey extension.

2. Relevant planning history

- 2.1 No relevant history

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)
 NPPF 12 : Achieving well-designed places
- 3.2 Joint Core Strategy (JCS)
 Policy 2 : Promoting good design
- 3.3 South Norfolk Local Plan Development Management Policies
 DM3.4 : Residential extensions and conversions within Settlements
 DM3.8 : Design Principles applying to all development
 DM3.13 : Amenity, noise, quality of life

4. Consultations

- 4.1 Poringland Parish Council

Object to the application on two grounds:

- The extension stands proud of the party wall which would impact the neighbouring property.
- The extension would cause a distinct change it the street scene.

- 4.2 District Councillors:

Cllr Overton:

Would like this application to be determined by the Committee, all the ex local authority properties without exception are substantial and sit on large plots, most of the

properties have been adapted in one form or another therefore I don't believe this application will have a massive impact on the street scene.

Cllr Neal:

No comments received

Cllr Spruce:

No comments received

4.3 Other Representations

None received

5 Assessment

Key considerations

- 5.1 The key considerations in determining this application are the impact on neighbour amenity and the character and appearance of the area.

Principle

- 5.2 The principle of residential extensions to an existing dwelling is acceptable as per Policy DM3.4.

Neighbour Amenity

- 5.3 Policy DM3.13 relates to the protection of the amenities of neighbouring uses.
- 5.4 The proposed two storey extension to the front extends very close to the boundary with the adjoining neighbour. The application site lies to the south of the adjoining neighbour and as such the extension will result in some additional overshadowing to the front of the neighbouring dwelling, however, given the orientation of the properties this will only be for a limited period of time and as such does not represent a reason for refusal. The positioning of windows in the proposed extension would avoid any significant additional overlooking.
- 5.5 In summary it is not considered that neighbour amenity is safeguarded and the scheme accords with the requirements of Policy DM3.13 of the SNLP.

Character and Appearance of the Area

- 5.6 Policy DM3.4 states that proposals for residential extensions will be permitted providing they incorporate a good quality design which maintains or enhances the character and appearance of the building, street scene and surroundings. DM3.8 seeks to promote good design.
- 5.7 The application site is one of a pair of semi-detached dwellings and sits within a row of 10 pairs of similar semi-detached dwellings. It is noted that all of these have been extended in some fashion but none have two storey extensions to the front.
- 5.8 On the opposite side of the road the dwellings are of a different style but consist of terraced bungalows or two storey dwellings, all of which are fairly uniform. Two of these have single storey extensions but again none have two storey extensions to the front.

- 5.9 The application site is one of two on this side of the road that have single storey extensions to the front with one other having a small front porch. Otherwise extensions have been added to the side or rear of the dwellings.
- 5.10 The addition of a two storey extension to the front elevation does not appear subservient to the main dwelling, and when read with the attached semi-detached dwelling, is of a scale and appearance that is detrimental and incongruous and accordingly results in a poor design. Furthermore, it fails to relate satisfactorily to its surroundings and is therefore considered to be out of character with the street scene and to result in harm to the character and appearance of the area contrary to Policies DM3.4 and DM3.8.

Other Issues

- 5.11 A discussion was had with the applicant to inform them of our objections and it was suggested that a two storey side extension as well as extending the single storey extension across the front of the side extension would be acceptable. The applicant wished for the application to be determined as submitted.
- 5.12 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.
- 5.13 The need to support the economy as part of the recovery from the COVID 19 pandemic is a material consideration. This application will provide employment during the construction phase of the project. This weighs in the favour of the proposal.
- 5.14 This application is not liable for Community Infrastructure Levy (CIL)

Conclusion

- 5.15 The proposals would result in an unacceptable impact on the streetscene contrary to Policies DM3.4 and DM3.8.

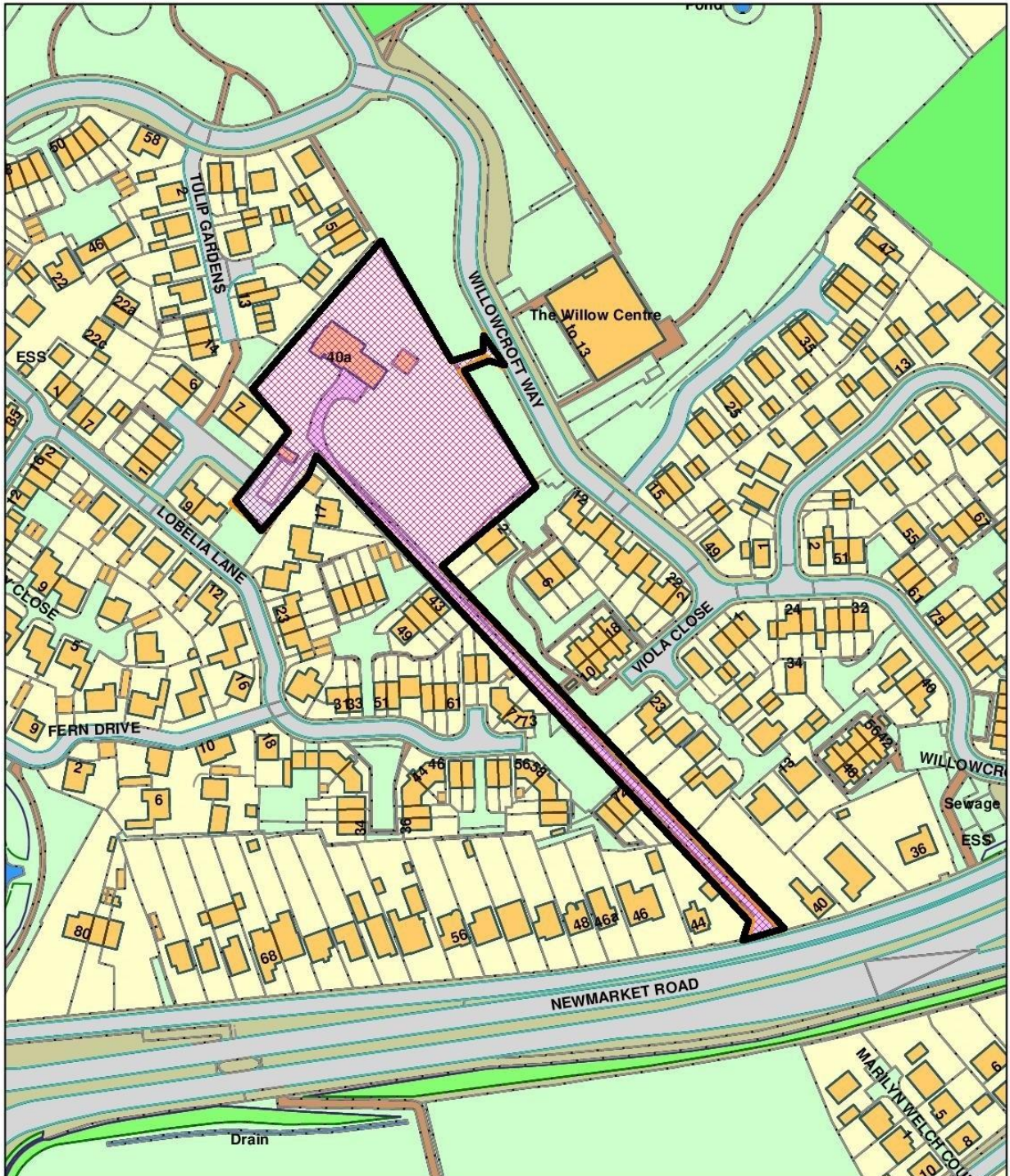
Recommendation : Refusal

1. The introduction of a two storey extension that wraps around the front and side elevation of the property and with a roof pitch that differs from the existing dwelling does not appear subservient to or relate satisfactorily to the main dwelling and accordingly results in a poor design. Furthermore, the application site is one of a pair of semi-detached dwellings and sits within a row of 10 pairs of similar semi-detached dwellings, none of which have two storey extensions to the front and as such this proposal fails to relate satisfactorily to its surroundings and is therefore considered to be out of character with the street scene and to result in harm to the character and appearance of the area. The scheme is therefore contrary to Policies DM3.4 and DM3.8 of the South Norfolk Local Plan 2015.

Contact Officer, Telephone Number
and E-mail:

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2019/1666



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South Norfolk Council, Cygnet Court, Long Stratton, Norwich, NR15 2XE Tel (01508) 533633

- 2. Application No :** 2019/1666/O
Parish : CRINGLEFORD
 Applicant's Name: Tusting, Murphy and Sigston
 Site Address 40A Newmarket Road Cringleford NR4 6UF
 Proposal Outline application for the erection of six dwellings including access with retention of existing dwelling.

Reason for reporting to committee

The application was previously considered by the Development Management Committee who resolved that it should be approved but there have subsequently been a number of amendments made to the application which need to be reconsidered prior to a decision being issued.

Recommendation summary :

Approval with Conditions

1 Proposal and site context

- 1.1 The site consists of No 40a Newmarket Road, which is a large detached dwelling with an annexe, and its curtilage. The property has a large garden containing a number of protected trees. The site is surrounded by the Roundhouse Park development and is accessed by a long narrow drive from Newmarket Road.
- 1.2 The application is an outline application with all matters reserved other than access. When the application was considered previously it was for the demolition of the original dwelling on the site and the erection of nine dwellings. Two of the dwellings would utilise the existing access from Newmarket Road and seven from a new access off Willowcroft Way.
- 1.3 The Parish Council had objected to the original scheme, advising that they access across land from Willowcroft Way could not be achieved. The applicant disputed this and provided documentation suggesting that they did have right of access. In considering the original scheme, this was considered to be a matter between the applicant and the Parish Council and not a reason to refuse the application. The full considerations of the application as originally submitted, including all the consultation responses, are set out in the original committee report which is attached as Appendix A.
- 1.4 Since the previous resolution to approve, the applicant and the Parish Council have negotiated further and as a consequence the scheme has been amended so that the scheme now consists of six new dwellings, plus the original dwelling which is now to be retained, all accessed from Willowcroft Way with the original access from Newmarket Road closed off.

2. Relevant planning history

- | | | | |
|-----|-----------|---|------------------------------|
| 2.1 | 2016/2482 | Outline with all matters reserved except access for 15 No. houses and 6 No. flats | Refused |
| 2.2 | 2017/1852 | Outline planning permission for 9 No. houses including Access only | Refused and appeal dismissed |

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)
 NPPF 02: Achieving sustainable development
 NPPF 04: Decision-making
 NPPF 05: Delivering a sufficient supply of homes

NPPF 11: Making effective use of land
NPPF 12: Achieving well-designed places
NPPF 14: Meeting the challenge of climate change, flooding and coastal change
NPPF 15: Conserving and enhancing the natural environment

- 3.2 Joint Core Strategy (JCS)
 - Policy 1: Addressing climate change and protecting environmental assets
 - Policy 2: Promoting good design
 - Policy 3: Energy and water
 - Policy 4: Housing delivery
 - Policy 12: The remainder of the Norwich Urban area, including the fringe parishes
 - Policy 20: Implementation
- 3.3 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
 - DM3.1: Meeting Housing requirements and needs
 - 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
 - DM4.8: Protection of Trees and Hedgerows
 - DM4.9: Incorporating landscape into design
- 3.4 Cringleford Neighbourhood Plan
 - ENV7 : Sub division of gardens
- 3.5 Supplementary Planning Documents (SPD)
 - South Norfolk Place Making Guide 2012

4. Consultations

4.1 Cringleford Parish Council

No objection to this amended application

The applicant consulted with us before submission and we were pleased to see that our earlier comments to them had been recognised and incorporated

4.2 District Councillor

No comments received on amended scheme

4.3 Highways England

No objection

4.4 NCC Highways

No comments received on amended scheme

4.5 SNC Senior Conservation and Design Officer

No comments received on amended scheme

4.6 SNC Water Management Officer

Conditional support

4.7 SNC Housing Enabling & Strategy Manager

No objection

- The number of dwellings has been reduced to six and the site area is now less than 0.5 hectares and therefore there is no longer a requirement for affordable housing

4.8 SNC Community Services - Environmental Quality Team

Conditional support

4.9 SNC Landscape Architect

No comments received on amended scheme

4.10 Other Representations

3 letters of objection

- removal of the conifers would have an adverse impact on the character of the area
- object to the line of conifers being removed between the site and Tulip Gardens and insist the double boundary is retained
- loss of privacy if conifer trees are removed
- impact on wildlife from loss of trees
- impact on neighbours as proposed dwellings would cause significant loss of light, overbearing and overcrowding of neighbouring dwellings
- overdevelopment of area as its very small for six houses
- proposed exit onto Willowcroft Way will spoil the green boundary, plus it is almost adjacent to the Willow Centre and can cause a problem with the flow of traffic coming out of the centre
- the onset of the Covid 19 pandemic has highlighted the lack of grounds and greenery on the whole estate

5 Assessment

Key considerations

- 5.1 The principle of the development was considered acceptable for the reasons set out in the original committee report and these remain the case at present. As such the matters to be considered in this report are access, the impact on protected trees on the site, whether an acceptable layout can be achieved for the revised level of development, residential amenity and affordable housing requirements relating to the revisions put forward.

Access

- 5.2 Previously, there were a number of comments raised about the use of the existing access from Newmarket Road and that this was unsuitable due to its length, width and proximity to other dwellings along its length. The blocking up of this access so that it no longer accesses the site is therefore considered to a major improvement of the revised scheme from that originally approved.

- 5.3 Some concerns have been raised about the access of Willowcroft Way, however this was previously accepted as an appropriate means of accessing the site when considered at the previous committee and by a Planning Inspector in an appeal against a previous refused planning application. Its position has been revised slightly at the request of the Parish Council which satisfies their previous concerns over community green open space being compromised. It should also be noted that in terms of the visual amenity this land provides, this will be enhanced by open space and planting to the front of the dwellings when viewed from Willowcroft Way.
- 5.4 Whilst comments of the Highway Authority are still awaited to the amended scheme, they had no objections to the previous scheme subject to a number of conditions and it is anticipated that this will remain the case. As such it is considered that the proposed access arrangements accord with policies DM3.8, DM3.11 and DM3.13 of the Local Plan.

Impact on Trees

- 5.5 One of the main concerns with proposals for development on this site is whether it can be accommodated on the site in respect of the protected trees on the site. This mainly related to those dwellings that were previously accessed from the existing access from Newmarket Road which passed close to the trees. By blocking up this access and having all the dwellings on the site accessed from Willowcroft Way there is much reduced pressure on the trees, with the majority of them being in the rear gardens of the new dwellings. Where the access does pass close to trees to the west of the site the impact is no greater than that which members have previously resolved to approve.
- 5.6 As noted in the original report, an issue that was previously raised as a concern was the anticipated shading pattern and any expected growth of the trees. However, the Inspector in their decision on the appeal against the previous refusal did not uphold this as a key issue. Notwithstanding this, the Landscape Architect has used the shading information to compare the current proposals and the indicative layout offers an improvement in regard to shading. Therefore given the Inspector's comments it is considered that the indicative layout is respectable in this respect.
- 5.7 The proposal is therefore considered to be acceptable in regard to the protection of trees, and offers an improvement in regard to the removal of the access from Newmarket Road from that previously considered by the Development Management Committee. A condition is required ensuring suitable tree protection measures are in place throughout the construction process. With such measures the proposal is considered to accord with policy DM4.8 of the Local Plan.

Design and Layout

- 5.8 The revised layout plan that has been submitted for the revised scheme is indicative only. However, although only indicative, given the constraints of the site it is important to ensure that an acceptable layout can be achieved on the site.
- 5.9 As noted previously, a significant improvement of the revised scheme is the removal of the long access from Newmarket Road which would have passed to the rear of some of the new dwellings.
- 5.10 The layout of the eastern part of the site is acceptable, with some houses fronting towards Willowcroft Way in a more traditional street pattern and settlement grain, but set back from the open space with trees being planted to the front to complement the existing open space area. The remainder of the development then takes the form of a private drive from Willowcroft Way which also accesses the existing dwelling on the site. A condition for a landscaping scheme is proposed which will include how the

boundary of the site with the open space on Willowcroft Way is treated which will be an important in achieving a successful scheme.

- 5.11 The revised proposal is therefore considered to accord with Policy 2 of the Joint Core Strategy and policy DM3.8 of the Local Plan, as well as policy ENV7 of the Neighbourhood Plan.

Residential Amenity

- 5.12 In addition to the concerns relating to use of the access to Newmarket Road addressed above, concerns have been raised about the impact of new dwellings on the site and the proposed boundary treatment of the site resulting in loss of light and privacy.
- 5.13 The majority of the proposed new dwellings are located well away from the boundary with any existing dwelling and therefore will have no impact, with only two of the new dwellings in relatively close proximity to existing dwellings. The existing dwelling shares a boundary with existing properties on Tulip Gardens but this is an existing relationship, albeit currently screened by a number of tall conifer trees. Whilst it is noted that there is some concern about the removal of these conifer trees with possible consequent loss of privacy, appropriate boundary treatment can be provided to protect their amenities.
- 5.14 The other two plots to bound existing properties are those on the eastern boundary and on a part of the site that projects to the south-west. The relationship of these two plots with the adjoining dwellings was considered in the previous report and remains unchanged.
- 5.15 Whilst the final siting and design, which would include ensuring the placing of first floor windows do not result in any unacceptable overlooking, would be agreed at the reserved matters stage, the indicative layout is considered sufficient to demonstrate that nine dwellings can be accommodated on the site without resulting in an unacceptable impact on neighbouring properties and therefore the proposal is considered to accord with policy DM3.13 of the Local Plan.

Affordable Housing

- 5.16 The original scheme triggered a requirement for affordable housing requirement as the site was over 0.6 hectares. Members resolved that this would be secured through an off-site contribution due to the site constraints. However the removal of the long access to Newmarket Road and the retention of the existing dwelling has reduced the site area to be developed such that it now falls beneath the threshold to provide affordable housing.

Other Issues

- 5.17 Previous issues in considering the original application were ecology and drainage. These remain unchanged from that considered in the original committee report.
- 5.18 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.
- 5.19 Consideration has been given to the need to impact of the coronavirus pandemic and the need to help facilitate an economic recovery through the determination of planning applications. In this instance, the permission of a revised scheme will help secure delivery of six new dwellings and the economic benefits from their construction.

- 5.20 This application will be liable for Community Infrastructure Levy (CIL) but this would be calculated at the reserved matters stage.

Conclusion

- 5.21 The proposed development is acceptable as it is within the development boundary for Cringleford, and can be accommodated without having an adverse impact on the form and character of the area, neighbouring properties, protected trees on the site or the local highway network. The development is therefore considered to accord with policies DM3.5, DM3.8, DM3.11, DM3.12, DM3.13 and DM4.8 of the Local Plan and policy ENV7 of the Neighbourhood Plan.

Recommendation : Approval with Conditions

- 1 Outline permission time limit
- 2 Reserved matters to be submitted
- 3 Finish floor level to be agreed
- 4 Foul drainage to main sewer
- 5 Surface water drainage
- 6 New Water efficiency
- 7 Access onto Willowcroft Way
- 8 Visibility splays
- 9 Access and parking area
- 10 Contamination scheme to be submitted
- 11 Remediation scheme
- 12 Contaminated land during construction
- 13 Tree Protection
- 14 Details of no-dig driveway
- 15 Ecological mitigation and enhancement
- 16 Landscaping scheme

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Appendix A

Development Management Committee

12 February 2020

Application 10



10. Application No : 2019/1666/O
Parish : CRINGLEFORD

Applicant's Name: Tusting, Murphy and Sigston
 Site Address: 40A Newmarket Road Cringleford NR4 6UF
 Proposal: Outline application for demolition of existing dwelling. Erection of 9 no. dwellings including access only

Reason for reporting to committee

The Local Member has requested that the application be determined by the Development Management Committee for appropriate planning reasons as set out below in section 4.

Recommendation summary :

Approval with Conditions

1 Proposal and site context

- 1.1 The site consists of No40a Newmarket Road, which is a large detached dwelling with an annexe, and its curtilage. The property has a large garden containing a number of protected trees. The site is surrounded by the Roundhouse Park development and is accessed by a long narrow drive from Newmarket Road.
- 1.2 The application is an outline application with all matters reserved other than access. The application is for nine dwellings. Two of the dwellings would utilise the existing access from Newmarket Road and seven from a new access off Willowcroft Way.
- 1.3 There have been a number of previous applications relating to this site. In 2016, an application (2016/2482) for 15 houses on the site that is the subject of this application and a further six flats on a site adjacent to the access off Newmarket Road was refused due to concerns over the impact on protected trees, the suitability of the access to serve the number of dwellings proposed and insufficient information. This was followed by an application for nine houses on the same site as the current application (2017/1852) which was refused on similar grounds and was then the subject of an appeal.
- 1.4 This appeal was dismissed by the Inspector but only in regard to some aspects of the impact on the protected trees. In considering the access arrangements, the Inspector did conclude that access from Newmarket Road was acceptable for two dwellings.

2 Relevant planning history

- | | | | |
|-----|-----------|---|------------------------------|
| 2.1 | 2016/2482 | Outline with all matters reserved except access for 15 No. houses and 6 No. flats | Refused |
| 2.2 | 2017/1852 | Outline planning permission for 9 No. houses including Access only | Refused and appeal dismissed |

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)
 NPPF 02: Achieving sustainable development
 NPPF 04: Decision-making
 NPPF 05: Delivering a sufficient supply of homes
 NPPF 11: Making effective use of land
 NPPF 12: Achieving well-designed places
 NPPF 14: Meeting the challenge of climate change, flooding and coastal change
 NPPF 15: Conserving and enhancing the natural environment

- 3.2 Joint Core Strategy (JCS)
 Policy 1: Addressing climate change and protecting environmental assets
 Policy 2: Promoting good design
 Policy 3: Energy and water
 Policy 4: Housing delivery
 Policy 12: The remainder of the Norwich Urban area, including the fringe parishes
 Policy 20: Implementation
- 3.3 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
 DM3.1: Meeting Housing requirements and needs
 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
 DM4.8: Protection of Trees and Hedgerows
 DM4.9: Incorporating landscape into design
- 3.4 Cringleford Neighbourhood Plan
 ENV7 : Sub division of gardens
- 3.5 Supplementary Planning Documents (SPD)
 South Norfolk Place Making Guide 2012
4. Consultations
- 4.1 Parish Council
- Refuse
- the site has been deemed in previous applications to be unsuitable for the number of dwellings proposed for reasons including limited access and damage to root protection zones
 - the current application has rearranged the dwellings to provide more space for each dwelling and overcome some of the uses previously raised. However, it is now heavily dependent on a new access point onto Willowcroft Way across green open space
 - the applicant states that these houses are of benefit because there is a housing shortfall. There is no housing shortfall in Cringleford as more than 1200 houses are being developed currently with land available for more
 - the applicant states they own all the land which is not true as the land through which the access onto Willowcroft Way is located is not owned by the applicant and is under the jurisdiction of the parish council for the use of the community
 - furthermore any such house and road arrangement would cause harm to the character and amenity of the immediate area
 - contrary to NPPF as the proposal is unviable in its current arrangement because seven of the properties rely on an access that there is no reasonable prospect of being available whilst the remaining access from Newmarket Road has been deemed unsuitable for this number of dwellings in previous applications
- 4.2 District Councillor
- To be considered by Development Management Committee

- to consider the impact of the access arrangements on existing community green open space and proposed mitigation to consider the impact on the appearance and amenity of the area (a factor cited in the earlier appeal refusal for this site) and to consider if the site meets the definition of deliverable contained within the NPPF.

4.3 Highways England

No objection

4.4 NCC Highways

Conditional Support

Based on the discussions that took place for the previous submission including the information that was supplied by the highway consultants in respect of the access arrangement and visibility splays for this development, no highway objections are raised

4.5 SNC Senior Conservation and Design Officer

No objections on design grounds at the outline stage

4.6 SNC Water Management Officer

Conditional support

4.7 SNC Housing Enabling & Strategy Manager

No objection subject to commuted sum for affordable housing

4.8 SNC Community Services - Environmental Quality Team

Conditional support

4.9 SNC Landscape Architect

Conditional support following submission of further information

4.10 Other Representations

4 letters of objection

- narrow single lane is insufficient for two dwellings and would create road safety issues, threaten protected trees and cause disturbance
- visibility of vehicles entering and exiting Newmarket Road will be poor given the insufficient splays
- impact on neighbours as proposed dwellings would cause significant loss of light, overbearing and overcrowding of neighbouring dwellings
- object to the line of conifers being removed between the site and Tulip Gardens and insist the double boundary is retained
- loss of privacy if conifer trees are removed
- impact on wildlife from loss of trees

5 Assessment

Key considerations

- 5.1 The key considerations in the determination of this application is the principle of the development, access, the impact on protected trees on the site, whether an acceptable

layout can be achieved, residential amenity, affordable housing requirements, ecology and drainage.

Principle

- 5.2 Whilst it is noted that the applicant has stated that they do not consider that the Council can demonstrate a 5-year housing land supply, this is disputed by the Council which does contend that it can demonstrate a 5-year housing land supply as set out in the Annual Monitoring Report for 2017-2018. As such, it is considered that its housing related policies are not out of date.
- 5.3 DM1.3 requires that all new development should be sustainably located and directs new development to be within identified development boundaries. This site is within the development boundary identified in the Cringleford Neighbourhood Plan and therefore the proposal accords with Policy DM1.3.
- 5.4 Policy DM3.5 sets criteria as to when additional dwellings on sub-divided plots such as this will be acceptable. It states that such development should incorporate good quality design which maintains or enhances the character and appearance of existing buildings, street scene and surroundings and does not have an unacceptable impact on the amenities of neighbouring occupiers, and provides adequate private amenity and utility space, adequate access and parking, and adequate levels of amenity.
- 5.5 In addition, Policy ENV7 of the Cringleford Neighbourhood Plan states that the sub-division of existing large gardens in the village will be permitted only where it can be demonstrated that there is no unacceptable impacts on flora and fauna and it can be demonstrated that the character of the surrounding neighbourhood (in terms of the appearance and massing of the development) is maintained.

Access

- 5.6 A number of comments have been raised about the use of the existing access from Newmarket Road being unsuitable due to its length, width and proximity to other dwellings along its length. As noted above, this was a reason for refusal on previous planning applications and as a consequence was considered by the Inspector in the appeal against one of those refusals. In the Inspector's decision, they noted that the use by one additional dwelling to that already permitted would be modest and would not intensify the use of the driveway by a significant degree. They noted that the chance of meeting another vehicle would be slim and that even if it did occur it would only require one vehicle to spend a small time waiting in a passing bay. As such, they concluded that the proposal would be unlikely to intensify the use of the existing driveway to such a degree that it would create an unacceptable level of noise and disturbance for the occupiers of neighbouring dwellings.
- 5.7 In light of the Inspector's findings it is considered that the access arrangement for the two dwellings using the existing private driveway from Newmarket Road is acceptable, subject to it not having an unacceptable impact on the protected trees.
- 5.8 In regard to the access of Willowcroft Way, this was previously accepted as an appropriate means of accessing the site when considering the previous applications and the Inspector did not raise any concerns with this access arrangement either. However, in consideration of this application the parish council have objected to the development, partly due to this access arrangement which they say cannot be delivered as it crosses land under their control.
- 5.9 In response to these concerns, the applicant has provided the covenant that demonstrates that they have a right to access the site for the existing dwelling and six other dwellings from estate roads within Roundhouse Park. We are therefore satisfied

that the applicant can deliver the access, although even if further doubt were to be cast on this it does not affect the other considerations as to the acceptability of development on the site. In regard to whether it would compromise community green open space, the access would run through a grassed area to connect to Willowcroft Way. It is not considered that it will compromise any of the community public open space associated with the Willow Centre on the opposite side of Willowcroft Way. It should also be noted that in terms of the visual amenity this land provides, this will be enhanced by open space and planting to the front of the dwellings when viewed from Willowcroft Way.

- 5.10 No objections are raised by the Highway Authority subject to a number of conditions and as such it is considered that the proposed access arrangements and accord with policies DM3.8, DM3.11 and DM3.13 of the Local Plan.

Impact on Trees

- 5.11 A key issue is whether the development can be accommodated on the site in respect of the protected trees on the site. The Inspector's concerns related specifically to the means of accessing the two dwellings from the existing access from Newmarket Road. The Landscape Architect notes that in the appeal decision the Inspector questioned why the established part of the existing driveway could not be utilised. The scheme has now been amended to make better use of the existing access. A no-dig solution is proposed for improvements to this section of the access to ensure there is no harm to the trees. A condition is proposed to secure a satisfactory no-dig solution to ensure there is no harm to the adjoining trees.
- 5.12 An issue that was previously raised as a concern was the anticipated shading pattern and any expected growth of the trees. However, the Inspector in their decision on the appeal against the previous refusal did not uphold this as a key issue. Notwithstanding this, the Landscape Architect has used the shading information to compare with the current proposals and the indicative layout offers an improvement in regard to shading. Therefore given the Inspector's comments it is considered that the indicative layout is respectable in this respect.
- 5.13 The proposal is therefore now considered to be acceptable in regard to the protected trees. A condition is requiring to ensure suitable tree protection measures are in place throughout the construction process. With such measures the proposal is considered to accord with policy DM4.8 of the Local Plan.

Design and Layout

- 5.14 An indicative layout plan has been submitted. Although only indicative, given the constraints of the site it is important to ensure that an acceptable layout can be achieved on the site. The Senior Conservation and Design Officer has considered the scheme and his comments are incorporated into this assessment.
- 5.15 A concern raised on the previous application was the long access and driveway to the west side. This is now more clearly separated from the other properties, whilst as noted above the Inspector concluded that two dwellings accessed in this manner was acceptable. Given that a solution has been found to adequately retain the trees on the site there is no objection to this part of the layout.
- 5.16 The layout of the eastern part of the site is now more coherently organised with houses fronting towards Willowcroft Way in a more traditional street pattern and settlement grain, but set back from the open space with trees being planted to the front to complement the existing open space area. Properties are better organised with a better relationship to rear gardens and overall there is a spatial arrangement for the properties. A condition for a landscaping scheme is proposed which will include how

the boundary of the site with the open space on Willowcroft Way is treated which will be an important in achieving a successful scheme.

- 5.17 The Senior Conservation and Design Officer therefore raises no objections on design grounds at the outline stage and the proposal is considered to accord with Policy 2 of the Joint Core Strategy and policy DM3.8 of the Local Plan, as well as policy ENV7 of the Neighbourhood Plan.

Residential Amenity

- 5.18 In addition to the concerns relating to use of the access to Newmarket Road addressed above, concerns have been raised about the impact of new dwellings on the site and the proposed boundary treatment of the site resulting in loss of light and privacy.
- 5.19 The majority of the proposed new dwellings are located well away from the boundary with any existing dwelling and therefore will have no impact. Plots 6, 7 and 8 share a boundary with existing properties on Tulip Gardens, however the indicative layout shows acceptable spacing between the buildings and the boundary which allows for them to be accommodated without being overbearing on the existing properties. Whilst it is noted that there is some concern about conifer trees to be removed on this boundary with possible consequent loss of privacy, appropriate boundary treatment can be provided to protect their amenities.
- 5.20 The other two plots to bound existing properties are plots 1 and 9. In the case of plot 1, the indicative layout shows the dwelling itself located adjacent to a communal parking area where it will have little impact. Plot 9 is in a more unusual part of the site as it is in a portion of the site that projects out from the remainder of the site with three boundaries adjoining neighbouring plots. However, the size of this portion of land is sufficient to accommodate a dwelling and it is not so close to another dwelling as to cause concern that a dwelling cannot be designed for this plot without having an unacceptable impact on the neighbouring dwellings.
- 5.21 Whilst the final siting and design, which would include ensuring the placing of first floor windows do not result in any unacceptable overlooking, would be agreed at the reserved matters stage the indicative layout is considered sufficient to demonstrate that nine dwellings can be accommodated on the site without resulting in an unacceptable impact on neighbouring properties and therefore the proposal is considered to accord with policy DM3.13 of the Local Plan.

Affordable Housing

- 5.22 Although only nine dwellings are proposed, the site is 0.7 hectares in size and therefore triggers a requirement for affordable housing. Applying Policy 4 of the Joint Core Strategy, the affordable housing requirement on sites over 0.6 hectares is 33% resulting in an affordable housing obligation of three dwellings on this site. Due to the site constraints this is to be provided through an off-site contribution rather than on-site, which the Council's Housing Enabling and Strategy Officer supports. A legal agreement will be required to secure this.

Ecology

- 5.23 An Ecological Survey was submitted which surveyed the site for protected species, of which there was some evidence of bats requiring further surveys which have since been carried out. These further surveys concluded that given the lack of any bat roosts in the buildings and the potential to incorporate mitigation within the development for bats, it is considered that are reasonable and realistic opportunities to maintain the favourable conservation status of the local bat populations despite the proposed

building demolition. Mitigation and enhancement measures are suggested including the provision of suitable bat boxes and a condition is proposed to secure this.

Drainage

- 5.24 The site is within Flood Risk Zone 1 and therefore is not at risk from fluvial flooding. Drainage is to be provided by a sustainable drainage strategy which offers an improvement over the current situation by reducing flooding risk through the management of run-off and on-site water storage. The Council's Water Management Officer and Anglian Water have raised no objection to the proposal, subject to the imposition of a condition on any permission requiring full details of the means of sustainable water drainage including percolation tests if appropriate. It is therefore considered that adequate drainage can be provided for the development in accordance with the NPPF and Policy DM4.2.

Other Issues

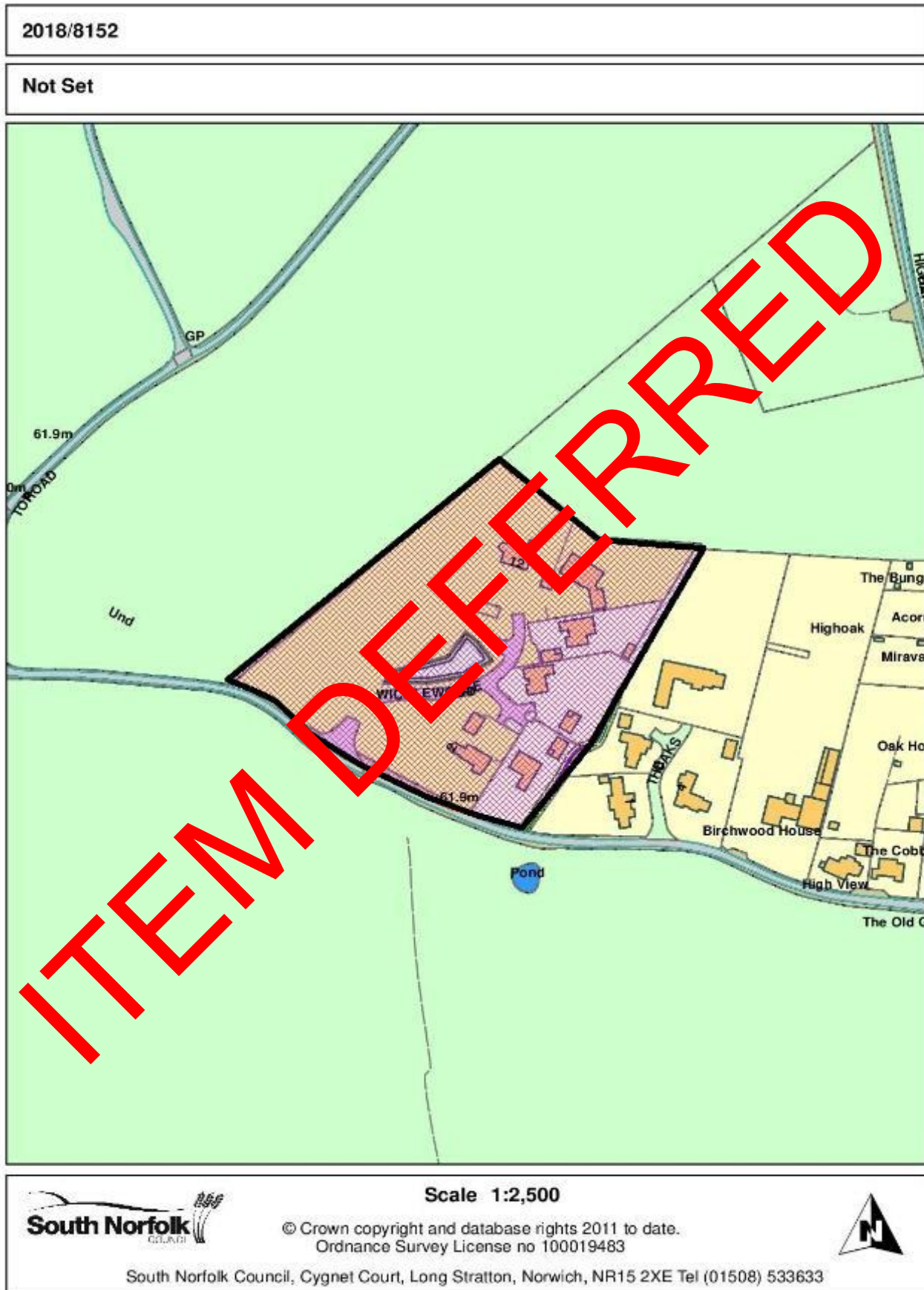
- 5.25 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.26 **This application will be liable for Community Infrastructure Levy (CIL) but this would be calculated at the reserved matters stage.**

Conclusion

- 5.27 The proposed development is acceptable as it is within the development boundary for Cringleford, and can be accommodated without having an adverse impact on the form and character of the area, neighbouring properties, protected trees on the site or the local highway network. The development is therefore considered to accord with policies DM3.5, DM3.8, DM3.11, DM3.12, DM3.13 and DM4.8 of the Local Plan and policy ENV7 of the Neighbourhood Plan.

Recommendation :	Approval with Conditions
	1 Outline permission time limit
	2 Reserved matters to be submitted
	3 Finish floor level to be agreed
	4 Foul drainage to main sewer
	5 Surface water drainage
	6 New Water efficiency
	7 Access onto Willowcroft Way
	8 Visibility splays
	9 Access and parking area
	10 Contamination scheme to be submitted
	11 Remediation scheme
	12 Contaminated land during construction
	13 Tree Protection
	14 Details of no-dig driveway
	15 Ecological mitigation and enhancement
	16 Landscaping scheme
	S106 agreement to secure affordable housing contribution

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Enforcement Report

- 3 **Enforcement Ref** : 2018/8152
 Parish : **WICKLEWOOD**
 Site Address : Wicklewood Rise
 Development : Breach of Access and Planting Condition and Untidy Land
 Developer : Numerous Owners

1. Background

- 1.1 The site is a development of six houses built on a former industrial site which was granted planning permission in 2012. Five of the houses have been sold off with one being retained by the applicant, all the properties were built separately with a number of amendments and further applications being made.
- 1.2 Over the past few years a number of complaints have been received regarding the access drive, the approved planting scheme and the condition of part of the land.

Access Drive

- 1.3 The access drive for all the houses is under the ownership of one of the properties, that being the original applicant, this access drive was subject to a condition which stated no dwelling should be occupied until it was completed. There was technically a breach of planning control as all the properties were occupied prior to this being completed, but the access was successfully completed in the summer of last year. There is now no breach of this condition.

Planting Scheme

- 1.4 In noting that the approved planting scheme for the whole development had not been completed a reminder letter was sent to all the occupants of the site. Following on from this, all the planting was subsequently completed this year. There is now no breach of this condition.

Condition of Land

- 1.5 Plot 6 of the site, the one still owned by the original applicant, has a piece of land in front of it and which is shown on the approved plans as a paddock. In planning terms there is no legal definition of a paddock and the whole of the land is considered to be residential curtilage as it was within the red line of the original application for the erection of the six houses. This paddock area, the residential curtilage, currently has a small amount of hardcore on it, a small amount of building blocks and a vehicle namely a forklift truck. There are also some weeds growing on this area.

2. Assessment

- 2.1 As officers consider there are at present no breaches of the planning permissions relating to this site, consideration has also been given to whether any other formal notices should be pursued in relation to the site, and specifically in relation to "untidy land" through Section 215 of the Town and Country Planning Act 1990.
- 2.2 The following is taken from the government's best practice guide:

"Section 215 (s215) of the Town & Country Planning Act 1990 (the Act) provides a local planning authority (LPA) with the power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of part of their area is being adversely affected by the condition of neighbouring land and buildings, they may

serve a notice on the owner requiring that the situation be remedied.

These notices set out the steps that need to be taken, and the time within which they must be carried out. LPAs also have powers under s219 to undertake the clean up works themselves and to recover the costs from the landowner.

The use of s215 by LPAs is discretionary and it is therefore up to the LPA to decide whether a notice under these provisions would be appropriate in a particular case, taking into account all the local circumstances. LPAs will need to consider, for example, the condition of the site, the impact on the surrounding area and the scope of their powers."

- 2.3 In this case the paddock area has been inspected and given full consideration by a number of different Council Officers over a period of time who are of the opinion its condition is not sufficiently bad enough to warrant the service of any formal notices. This conclusion having been reached mindful of the fact the site cannot be readily seen from outside the site from a public viewpoint and the limited amount of items on-site.
- 2.4 The complainants in this matter have been informed of this decision on a number of occasions but have continued to raise the issue, hence they wish to bring the matter before the Committee.
- 2.5 As stated above, officers do not consider that the state of the land justifies the serving of a S215 notice. If this course of action was pursued by the Council, officers would wish to stress that if the landowner sought to appeal against this it would be through the Magistrates Court and the applicant would be able to seek costs on the matter if they were successful.
- 2.6 The Magistrates in any appeal would have to consider if a reasonable person, classed as a man on the Clapham omnibus who is a hypothetical ordinary and reasonable person used by the courts and communicated through case law to decide if a party has acted as a reasonable person would.
- 2.7 Officers do not consider that we could justify serving any type of formal notice, including a S215, and therefore there is a high probability that an appeal through the court would be successful and potentially an award of costs against the Council.
- 3 Recommendation
- 3.1 That Members concur with the Officers decision that no breach of planning control has occurred and no further action be taken in respect of the land identified as paddock through the serving of any other formal notice.

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ENFORCEMENT PROCEEDINGS – PROGRESS REPORT
Report of the Director of Place

This report schedules progress on outstanding enforcement cases

LOCATION	ALLEGED BREACH	DATE OF COMMITTEE AUTHORITY	ACTION TAKEN
DICKLEBURGH Beeches Farm Norwich Road 2007/8036	Material change of use - Breach of a condition - Operational development	24.04.2007	Enforcement Notices served and initially complied with. Ongoing negotiations with owner/agent
CARLETON RODE Land adj. to Fen Road 2006/0269	Change of use of land	21.07.2010	Enforcement Notice served Compliance date 29.12.2011 Further Environment statement submitted and proposed scheme of works for compliance with enforcement considered at DMC 16/08/17 required scheme now commenced
CARLETON RODE Fenlakes Fishery 2009/8199	Standing and Occupation of Residential Caravan	04.03.2015	Enforcement Notice served Compliance date within 3 months of first occupation of the permitted dwelling house
HETHERSETT Grove Farm 38 Grove Road 2017/8234	Change of use of land from agriculture and horticulture to land used for agriculture, horticulture and for the standing and storage of caravans	16/05/2018 Delegated authority	Enforcement Notice not complied with Further legal action being taken to resolve the outstanding breach
STARSTON Land at Woodside Stables Wood Lane 2017/8237	Change of use of land and stables building to residential use	14.05.2018	Enforcement Notice complied with No further action necessary

LOCATION	ALLEGED BREACH	DATE OF COMMITTEE AUTHORITY	ACTION TAKEN
WICKLEWOOD Greenacres Low Road 2017/8348	Change of use of land for the keeping of horses to land for the standing and occupation of residential mobile homes and caravans	15.08.2018 Delegated authority	Enforcement Notice complied with No further action required
ROYDON Woodcrest Barn Darrow Lane 2018/8277	Standing and Occupation of Residential Mobile Home	19.12.2019 Delegated authority	Enforcement Notice appealed and lost New Compliance date 20.02.2021
PULHAM MARKET Wood Farm Wood Lane 2019/8007	Standing and Occupation of Residential Mobile Home	19.12.2019 Delegated authority	Enforcement Notice appealed and lost New Compliance date 26.12.2020
SUTON Land at South East Side of London Road 2020/8033	Change of use of land for the standing of caravans and associated buildings	05.03.2020 Delegated authority	Temporary Stop Notice served 10.02.2020 Enforcement Notice and Stop Notice served Compliance date 05.03.2020 Enforcement Notice appealed

Enforcement Statistics

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 As of 02.09.2020
No. of complaints	349	324	309	347	321	332	319	353	336	261	140
Enforcement Notices issued	18	12	17	4	3	12	6	2	4	2	4
Breach of Condition Notices issued	3	0	0	1	0	0	0	1	0	0	0
Section 215 Notices issued	3	1	1	0	1	0	0	0	0	0	0
Temporary Stop Notices issued	3	0	0	0	0	0	0	0	0	0	1

Enf-Proc
02.09.2020

Planning Appeals**Appeals received from 29 August 2020 to 10 September 2020**

Ref	Parish / Site	Appellant	Proposal	Decision Maker	Final Decision
None					

Planning Appeals**Appeals decisions from 29 August 2020 to 10 September 2020**

Ref	Parish / Site	Appellant	Proposal	Decision Maker	Final Decision	Appeal Decision
2018/0043	Tacolneston The Pelican 136 Norwich Road Tacolneston NR16 1AL	Mr & Mrs Derek Maginn	Change of use of part of public house to create single dwelling and alteration to rear elevation	Delegated	Refusal	Appeal dismissed
2019/0541	Hingham Land South East of Rectory Gardens Hingham Norfolk	Mr Jonathan Rootham	Erection of two storey detached dwelling with integral double garage.	Delegated	Refusal	Appeal dismissed
2019/1690	Alburgh Land East of Tunbeck Road Alburgh Norfolk	Mr & Mrs Soanes	Outline planning for erection of 4 dwellings with garages, access and associated development	Delegated	Refusal	Appeal dismissed