

# Development Management Committee

## Members of the Development Management Committee:

### Conservatives      Liberal Democrats

Mr V Thomson      Dr M Gray  
(Chairman)

Mrs L Neal      **Please note that item  
3 has been deferred**  
(Vice-Chairman)

Mr D Bills

Mr B Duffin

Mrs F Ellis

Mr C Gould

Dr C Kemp

Mr G Minshull

### Pool of Substitutes

Mrs Y Bendle      Mr D Fulcher

Mr C Foulger

Mr J Hornby

Mr J Mooney

Dr N Legg

Mrs A Thomas

### Pre-Committee Members' Question Time

9.00 am      Blomefield Room

## Agenda

### Date

Wednesday 30 January 2019

### Time

10.00 am

### Place

#### Council Chamber

South Norfolk House

Cygnets 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.

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 room.

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**

**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 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 8 January 2019;**  
(attached – page 8)
  
5. **Planning Applications and Other Development Control Matters;**

(attached – page 16)

To consider the items as listed below:

Item No.	Planning Ref No.	Parish	Site Address	Page No.
1	2018/2368/F	BAWBURGH	Land Adj To Park View New Road Bawburgh Norfolk	16
2	2017/2853/F	DISS	Land To The Rear Of Thatchers Needle Park Road Diss Norfolk	38
3	2018/0872/O	MULBARTON	Land East Of Norwich Road Mulbarton Norfolk	63
4	2018/1622/RVC	WYMONDHAM	Land at Chapel Road and Bunwell Road Spooner Row Norfolk	92
5	2018/2194/F	SWAINSTHORPE	Malthouse Farm, Norwich Road, Swainsthorpe, NR14 8PU	101
6	2018/2577/F	STARSTON	Land Adj To Brick Kiln Farm Cross Road Starston Norfolk	109

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 117)
  
8. **Planning Appeals (for information);**  
(attached – page 120)
  
9. **Date of next scheduled meeting – Wednesday, 27 February 2019**

## 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

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

## PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

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

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

## Key to abbreviations used in Recommendations

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

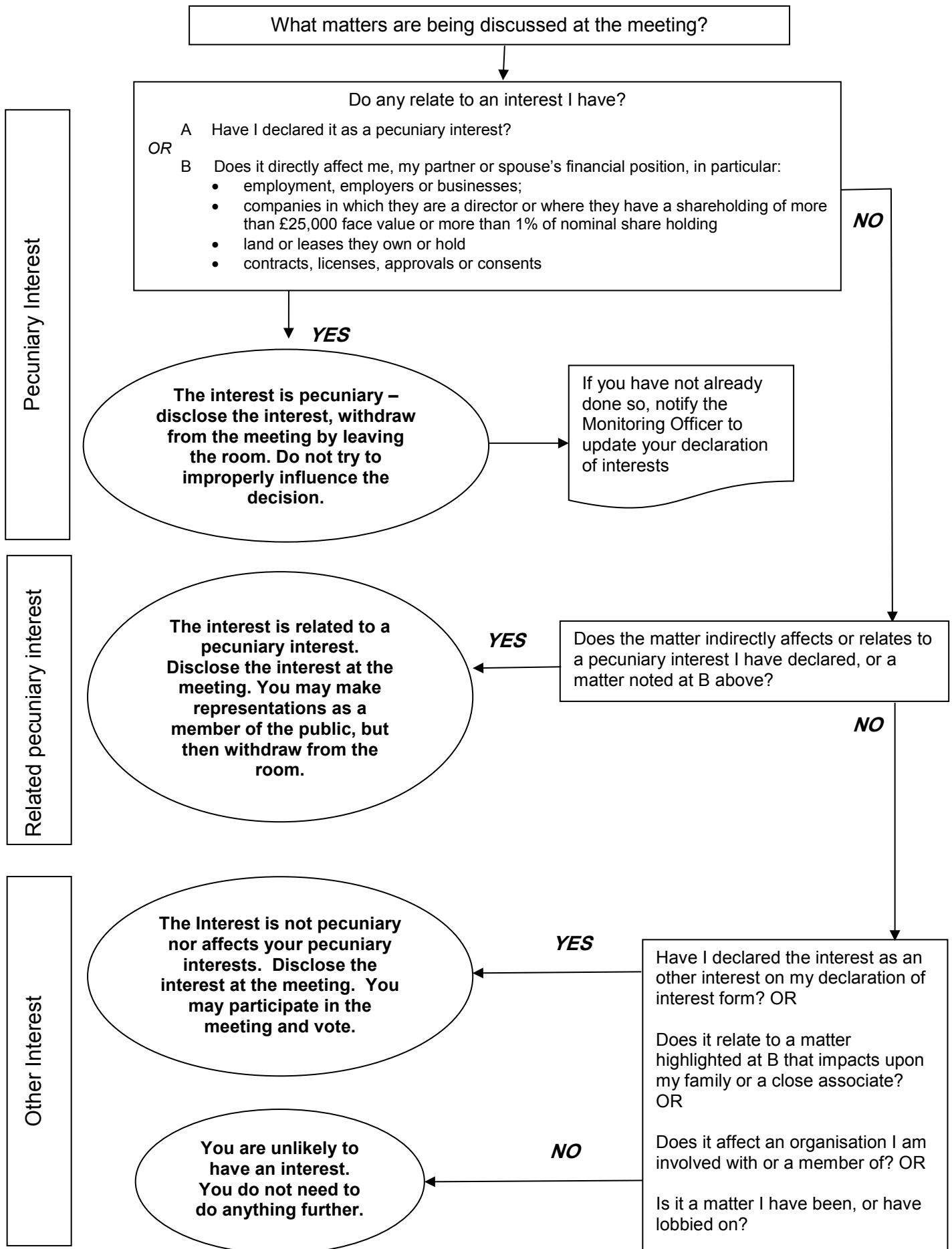
Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.

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

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.**

**PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE**

## DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF





## 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 Tuesday 8 January 2019 at 10.00 am.

**Committee Members Present:** **Councillors:** V Thomson (Chairman), D Bills, B Duffin, F Ellis, C Gould, M Gray, C Kemp, G Minshull and L Neal (for items 2 and 5 only)

**Officers in Attendance:** The Development Manager (H Mellors) and the Senior Planning Officers (G Beaumont and C Raine)

16 members of the public were also in attendance

### 423. 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
2018/2359/F (Item 2)	ASHWELLTHORPE AND FUNDENHALL	All	Local Planning Code of Practice Lobbied by Objectors
2018/1905/F (Item 3)	HADDISCOE	All	Local Planning Code of Practice Lobbied by Local Member
2018/1906/LB (Item 4)	HADDISCOE	All	Local Planning Code of Practice Lobbied by Local Member
2018/2710/CU (Item 6)	LONG STRATTON	All  L Neal	Local Planning Code of Practice Lobbied by the Parish Council  Local Planning Code of Practice As a Cabinet Member, Cllr Neal left the room while this application was considered

### 424. MINUTES

The minutes of the Development Management Committee meeting dated 5 December 2018 were confirmed as a correct record and signed by the Chairman.



#### **425. PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS**

The Committee considered the report (circulated) of the Director of Growth and Business Development, 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.

<b>APPLICATION</b>	<b>PARISH</b>	<b>SPEAKER</b>
<b>2018/2359/F (Item 2)</b>	<b>ASHWELLTHORPE AND FUNDENHALL</b>	N De Spon – Parish Council N Durrant – Objector S Roberts – Agent for the Applicant
<b>2018/2476/RVC (Item 5)</b>	<b>COSTESSEY</b>	N Bell – Objector D Bunn – Objector Cllr V Bell – Local Member
<b>2018/2710/CU (Item 6)</b>	<b>LONG STRATTON</b>	S Adcock – Parish Council B Wade - Applicant

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 Growth and Business Development.

#### **426. PLANNING APPEALS**

The Committee noted the report and was pleased to see a reduction in the number of appeals.

(The meeting closed at 11.55am)

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Chairman

**Updates for DEVELOPMENT MANAGEMENT COMMITTEE**  
**– 8 January 2019**

<b>Item</b>	<b>Updates</b>	<b>Page No</b>
Item 1 2018/2368	This application has been deferred due to the Council being in receipt of a revised plan which needs to be re-consulted on.	<b>19</b>
Item 2 2018/2359	<p>1) Comments received from Historic England:</p> <p>On the basis of the information available to date, in our view you do not need to notify or consult Historic England on this application under the relevant statutory provisions.</p> <p>2) In the event of planning permission being granted, officers consider it necessary to impose an additional planning condition as condition 18 that requires details of the future management and maintenance of the proposed communal areas to be submitted for approval.</p>	<b>30</b>
Item 3 2018/1905 And Item 4 2018/1906	<p>The Ward Member Councillor W Kemp has made the following observations:</p> <p>The applications before you are of a wearingly familiar nature: a handsome and historic pub which has not survived the changing nature of the social mores of the British people. In an ideal world such buildings would be kept as pubs and be the centre of the village life as in the past but a combination of television, drink drive laws and supermarkets means that is not going to happen. Haddiscoe is fortunate in that it has another pub (the Haddiscoe Tavern) but that makes it even less likely that the Crown Inn could ever be revived as a pub. The application before you is because of the potential loss of employment but the reality is that the pub has not operated for several years and is unlikely to ever do so - so any potential loss of employment is at best theoretical in nature.</p> <p>It is a handsome building - rightfully listed- in a prominent position in the street - and on the road to Yarmouth so passed by a lot of traffic every day. Leaving it to deteriorate whilst we wait for an unlikely buyer to revive it as a pub is not an option and so this conversion whilst regrettable is sadly necessary.</p> <p>The earlier applications which added new build housing to the car park were refused due to flooding concerns and I am pleased that this application does not add any additional housing to this site.</p> <p>The conversion will hopefully enhance the listed building with the removal of UPVC windows and modern/unsympathetic extensions and so whilst in principle the loss of a pub is sad - this application will tidy up this site and provide new housing stock in a</p>	<b>45</b>

	village which has not had new housing built in it for some time.	
Item 5 2018/2476	<p>Owner of a neighbouring property submitted comments setting out concerns that there may not be sufficient parking which could lead to on-street parking blocking pavements and creating traffic congestion.</p> <p>Officer comment: This application seeks to vary a previous planning permission by repositioning rooflights and increasing the size of previously approved self-contained units by 1.5m. That application was considered acceptable on highway safety grounds and provided sufficient parking. The proposed amendment does not change this position.</p>	52
Item 6 2018/2710	<p>Long Stratton Parish Council has made additional comments and provided a timeline of discussions between them and SNC:</p> <p>The central toilets have never been far from the Council's mind. The resolution to not adopt the toilets in February 2018 was on the grounds that Long Stratton Council did not have the finances nor the resources to adopt the toilets and continue to keep them as a Parish asset without having a significant impact on the tax payers financially. Since then I have frequently asked Jamie Sutterby and Bob Wade the future of the central toilets.</p> <p>The resolution to not adopt the toilets was heavily discussed by both parties with several meetings and lots of communication. The deal that was first offered by SNDC was turned down on the above grounds. The conversation was reopened as both SNDC and LSC identified that it was a valuable asset in the eyes of the community however the Heads of Terms that were subsequently offered by SNDC was a carbon copy of the original offer and SNDC and shown minimal ability to address the concerns of LSC and therefore LSC felt they had no other choice but to turn down the adoption offer.</p> <p>Since then, central government has absolved paying business rates on public toilets and LSC's position has changed which means that it is now more viable for Long Stratton Council to adopt the toilets with the right terms and conditions.</p> <p>The public back lash at SNDC's application has also identified a community need for the central toilets to remain an asset and as LSC represent the electorate they serve, they would be remiss if we didn't ask for the conversation of adopting the toilets to be considered.</p> <p>I have attached the time line of events for the purposes of the committee on a separate document. (if any further information from the time line is required I can provide the relevant emails).</p>	57

	<p>I would also like to address that there is need for more than 1 public toilet in a village of this size currently without the proposed development that is at application stage, it is stated within the application that toilets can be replaced at a later stage. To remove toilets to only replace them at a later time (could be as long as 10-15years) at a potential higher cost contradicts the reasoning of removing them now. The legislation regarding checks of public conveniences means that the maintenance and managing of them remains the same regardless of whether there is 1 toilet of 10 toilets.</p> <p><u>Officer comment:</u></p> <p>The granting of any planning permission for the conversion of the public toilets does not prevent any further discussions from occurring in the future. The applicant can choose whether it wishes to implement the permission or not.</p> <p>Changes in legislation associated with business rates on public toilets and the legislative requirements of maintaining and managing public toilets are not material in the determination of this application.</p> <p>There is no planning policy requirement to calculate the number of public toilets to be provided within a settlement. It is evident that not only is there provision made to retain a toilet as part of the submitted scheme, there is also provision of toilets nearby at the Council Offices, during office hours, Monday to Friday as set out in paragraph 4.14 of the officers report.</p>	
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PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

**NOTE:**

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

**Other Applications**

1.     **Appl. No**                 :     **2018/2368/F**  
        **Parish**                 :     **BAWBURGH**

Applicants Name     :     Mr D Greengrass  
 Site Address         :     Land Adj To Park View New Road Bawburgh Norfolk  
 Proposal             :     Erection of 1 No. self build dwelling with associated parking

Decision             :     This item was **deferred** to a future meeting of the Development Management Committee.

2.     **Appl. No**                 :     **2018/2359/F**  
        **Parish**                 :     **ASHWELLTHORPE AND FUNDENHALL**

Applicants Name     :     Mr J Kudhail  
 Site Address         :     Disabled Motoring UK Ashwellthorpe Hall The Street Ashwellthorpe Norfolk  
 Proposal             :     Erection of seven retirement properties (following demolition of B1 offices) with private and shared amenity, parking & turning.

Decision             :     Members voted 6-3 for **Refusal** (contrary to officer recommendation, which was lost 3-6)

Reason for overturning officer recommendation

The harm identified in relation to the scale of the dwellings, remote location of the site and the character of the area do not outweigh the benefits of the current lawful use continuing and the application is therefore contrary to Policies 1 and 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011/2014 and Policies DM1.4(d)(i), DM2.2(2)(b), DM3.8(4) and DM3.10(1) of the South Norfolk Development Management Policies Document 2015.

3.     **Appl. No**                 :     **2018/1905/F**  
       **Parish**                 :     **HADDISCOE**

Applicants Name     :     Mr John Norfolk  
Site Address         :     The Crown Inn The Street Haddiscoe NR14 6AA  
Proposal             :     Conversion of the existing public house into three dwellings

Decision             :     Members voted 8-0 for **Approval**

Approved with conditions

- 1 Full Planning permission time limit
- 2 In accord with submitted drawings
- 3 Window and door details to be agreed
- 4 Demolition
- 5 New Access over ditch/watercourse
- 6 Visibility splay, approved plan
- 7 Provision of parking, service
- 8 No structures to open onto highway
- 9 Protection of Highway Boundary
- 10 Highway Improvements - Offsite
- 11 Highway Improvements - Offsite
- 12 Minimum width private drive
- 13 Reporting of unexpected contamination

4.     **Appl. No**                 :     **2018/1906/LB**  
       **Parish**                 :     **HADDISCOE**

Applicants Name     :     Mr John Norfolk  
Site Address         :     The Crown Inn The Street Haddiscoe NR14 6AA  
Proposal             :     Conversion of the existing public house into three dwellings

Decision             :     Members voted 8-0 for **Approval**

Approved with conditions

- 1 Listed Building Time Limit
- 2 In accord with submitted drawings
- 3 Window and door details to be agreed
- 4 Demolition

5.     **Appl. No**                 :     **2018/2476/RVC**  
        **Parish**                 :     **COSTESSEY**
- Applicants Name     :     Teddy Clark Ltd  
 Site Address         :     95 Grove Avenue Costessey Norfolk NR5 0HZ  
 Proposal             :     Variation of condition 2 from planning consent 2018/0930 -  
                                       Alterations including changes to internal layout, front elevation, and  
                                       increase size of living units.
- Decision             :     Members voted unanimously for **Approval**
- Approved with conditions
- 1 Time limit (relate back to original planning permission)
  - 2 In accord with submitted drawings
  - 3 External materials to be agreed
  - 4 Slab levels to be agreed
  - 5 Surface water
  - 6 No generators, air handling plant
  - 7 Provision of parking, service
  - 8 Restrict Use Class to C2
  - 9 Link self-contained units

#### **Application submitted by South Norfolk Council**

6.     **Appl. No**                 :     **2018/2710/CU**  
        **Parish**                 :     **LONG STRATTON**
- Applicants Name     :     South Norfolk Council  
 Site Address         :     Public Toilet Block Swan Lane Long Stratton Norfolk  
 Proposal             :     Change of use from public toilet to A1/A3/A5 use class with  
                                       retained provision of unisex toilet
- Decision             :     Members voted 6-2 for **Approval**
- Approved with conditions
- 1 Full Planning permission time limit
  - 2 In accord with submitted drawings
  - 3 External materials and windows to be agreed
  - 4 No Generators/Air Handling Plant
  - 5 Fume extraction details
  - 6 Waste storage

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS**Report of Director of Growth and Business Development****Other Applications**

- 1. Appl. No : 2018/2368/F**  
**Parish : BAWBURGH**

Applicants Name : Mr D Greengrass  
 Site Address : Land Adj To Park View New Road Bawburgh Norfolk  
 Proposal : Erection of 1 No. self build dwelling with associated parking

Recommendation : Refusal

- 1 Not sustainable development (NPPF)
- 2 No overriding benefit (DM1.3)
- 3 Reliance on the private car in conflict with policy (DM3.10)

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.

**1 Planning Policies**

- 1.1 National Planning Policy Framework (NPPF)**  
 NPPF 02 : Achieving sustainable development  
 NPPF 03 : Plan-making  
 NPPF 04 : Decision-making  
 NPPF 05 : Delivering a sufficient supply of homes  
 NPPF 12 : Achieving well-designed places
- 1.2 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 17 : Small rural communities and the countryside
- 1.3 South Norfolk Local Plan (SNLP)**  
 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  
 DM3.8 : Design Principles applying to all development  
 DM3.12 : Provision of vehicle parking  
 DM3.13 : Amenity, noise, quality of life  
 DM3.14 : Pollution, health and safety  
 DM4.5 : Landscape Character Areas and River Valleys  
 DM4.6 : Landscape Setting of Norwich  
 DM4.8 : Protection of Trees and Hedgerows



2. Planning History

- |     |           |   |                            |
|-----|-----------|---|----------------------------|
| 2.1 | 2015/0140 | Erection of 1 No. self build dwelling with associated parking | Refused - Appeal dismissed |
|-----|-----------|---|----------------------------|

3. Consultations

- |     |                                       |   |
|-----|---------------------------------------|---|
| 3.1 | Bawburgh Parish Council               | Support   |
| 3.2 | District Councillor:<br>Cllr Wheatley | To Committee.<br>Although the application site is outside the development boundary there have been changes in the area and in policy which could justify the attention of the DMC.  |
| 3.3 | SNC Water Management Officer          | <p>Unable to support this application due to insufficient assessment of flood risk.</p> <p>Site lies in Flood Zone 1 and 2 with the dwelling being in Flood Zone 1 and the access egress in Flood Zone 2.</p> <p>Full details for the disposal of surface water.<br/>Foul drainage to sealed system only.</p> |
| 3.4 | NCC Highways                          | Support subject to a condition to require improvements to the visibility splay.   |
| 3.5 | Other Representations                 | None received   |

4. Assessment*Background*

- 4.1 This application seeks full planning permission for the erection of a detached 3-bed bungalow between Brookview and Parkhome off New Road in Bawburgh. The site is outside of the development boundary that has been defined for Bawburgh and for the purposes of housing supply, is within the Norwich Policy Area (JCS).
- 4.2 By way of background, a previous application for a single storey dwelling on this plot (2015/0140) was refused and dismissed at appeal was submitted for the same plot under reference number 2015/0140. The application was dismissed on appeal concluding that the benefits of the proposal (a dwelling when a 5 year housing land supply could not be demonstrated in the NPA) were significantly and demonstrably outweighed by the harm (isolated location/ poor connectivity). A copy of the appeal decision is attached for information as Appendix 2.

*Principle of development*

- 4.3 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Material considerations include the National Planning Policy Framework (NPPF).
- 4.4 In accordance with both the Council's adopted development plan and the NPPF, in cases where there are no overriding material considerations to the contrary, development proposals for housing that accord with the development plan should be approved without delay.

- 4.5 In this regard, consideration should be given to Policy DM1.3 which makes provision for development to be granted outside of development boundaries, such as this, where one of two criteria are met:

either (c) where specific development management policies allow; or,

(d) where there are overriding benefits in terms of economic, social and environmental dimensions of sustainable development, as set out in Policy DM1.1.

In terms of (c), the current proposal is not considered to meet the requirements of this criterion.

In terms of (d), establishing whether there are any overriding benefits will be confirmed following an assessment of all the harms and benefits of the scheme.

- 4.6 Where development proposals do not accord with the development plan, consideration should be given to whether there are material considerations that otherwise indicate that development should be approved.
- 4.7 On 10 January 2019 the JCS housing requirement became 5 years old. Consequently, consideration needs to be given to NPPF paragraph 73. Paragraph 73 requires the Greater Norwich authorities to assess land supply against the Government's standard method for assessing local housing need, unless the JCS housing requirement has been reviewed and it has been determined that it does not need updating. At the time of writing no formal review of the JCS has been undertaken nor a formal resolution made in terms of whether the JCS Housing Requirement needs updating.
- 4.8 Notwithstanding the above, the revised NPPF made further changes to calculation of 5 year housing land supply including changes to the definition of what is a deliverable site and the way in which an authorities past housing delivery performance is measured: The Housing Delivery Test. A full reassessment of land supply for Greater Norwich that takes account of the changes to the definition of a deliverable site is currently being undertaken and is due to be published shortly. The first Housing Delivery Test outputs, originally scheduled by Government for November 2018, are yet to be published. The Government also undertook consultation on the standard method, ending on 7 December 2018, which will alter the scale of local housing need; changes to the standard methodology following this consultation are also expected to be published shortly.
- 4.9 Whilst there remains uncertainty about aspects of the housing land supply calculation and in advance of the publication of a comprehensive update of the land supply position applications should continue to be determined in accordance with Appendix A of the Joint Core Strategy Annual Monitoring Report.
- 4.10 This appendix shows that, at 1 April 2017, against the JCS requirements there is 4.61 years supply in the combined Norwich Policy Area (NPA), a shortfall of 1,187 dwellings. Consequently, the policies relating to housing land supply cannot be considered up-to-date and applications for housing should continue to be determined within the context of the titled balance referred to in paragraph 11 of the NPPF, which states that:

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*  
*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. 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.*

- 4.11 The AMR refers to the Strategic Housing Market Assessment (SHMA) for Central Norfolk (the Greater Norwich authorities plus, North Norfolk and Breckland) published in June 2017. The SHMA assesses the Objectively Assessed Need for housing between 2015 and 2036 using evidence which supersedes that which underpinned the JCS housing requirement. Based on the evidence within the SHMA there would be a housing land supply of 8.08 years in the NPA.
- 4.12 The SHMA is considered an intellectually credible assessment of housing need and therefore a material planning consideration. Recent appeal decisions have applied differing approaches to the use of the evidence in the SHMA. To date these appeals have been by written representation and, as acknowledged in some of the decisions themselves, this type of appeal is not the appropriate place to undertake a detailed housing land supply assessment and robustly test the approach. The Councils' approach has been examined at Inquiry through the appeal at Race Course Plantations, Plumstead Road East; however, the decision on this is still awaited.
- 4.13 Taking account 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 the NPPF, 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.

#### *Economic*

- 4.14 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."*

- 4.15 There would be a modest economic benefit from the construction of one dwelling in this location, during construction and from future occupants supporting local services and facilities once constructed and occupied.

#### *Social*

- 4.16 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."*

- 4.17 Under the social role, there is a benefit in providing a new dwelling.

The proposed scheme would provide housing in a location where the JCS identifies a lack of a five year supply. However, the most recent evidence of the updated SHMA suggests that there is one in the NPA. This new evidence is a material consideration in determining this application.

*Connectivity*

- 4.18 Mindful of the need for housing to have "accessible local services" as set in the social role of the NPPF, the Inspector in the previous appeal dismissal for this site (copy attached as appendix 2) states that:

*"The nearest settlement is Bawburgh, which is an 'Other Village' identified in Policy 16 of the JCS. Due to a lack of services, Bawburgh would not cater for the everyday needs of any future residents of the appeal proposal. For everyday needs, a future resident of the appeal scheme would need to travel further. The site is located close to the fringe of Norwich including the Bowthorpe area, which includes employment, schooling and other day to day facilities. Access to these facilities on foot or by bicycle would require a walk or cycle along a narrow country lane. I observed that this road is reasonably busy and is without pavements. If heading towards Bowthorpe a pedestrian would need to negotiate the bridge under the A47, which is narrow and without pedestrian walkways.*

- 4.19 *Given the distance, unattractive walking environment and lack of dedicated cycle routes, I consider it highly likely that future residents would be predisposed to rely on the private car to access necessary services and facilities. No details of public transport have been provided so I am unable to consider this further. Taking all of the above into account, I find that the proposed development would be both a functionally and physically isolated development in the countryside.*

- 4.20 *This isolated location would result in clear harm when considering the social and environmental dimensions of sustainable development. It would leave future occupants of the proposed dwellings largely reliant on private vehicles with limited travel choices. It would also undermine the Framework's aims to locate new dwellings in rural areas close to services and facilities as a means of reducing unnecessary travel by car with its associated carbon emissions as one measure to cumulatively limit the effects of climate change."*

- 4.21 Whilst it is noted that caselaw since this decision has sought to clarify what is meant by a dwelling being in an "isolated location" and consequently the Council are not stating that the proposal is an isolated dwelling in the context of the NPPF. It is evident that the limitations identified above by the Inspector in relation to its poor connectivity mean that the scheme is contrary to the aims of Policy DM3.10 of the SNLP and those of the social role which requires "accessible local services that reflect the community's needs".

- 4.22 It is evident that concerns about connectivity raised by the Council in respect of 2018/0251 (copy attached as appendix 3) were upheld recently by an Inspector at appeal when they concluded that:

- 4.23 *Due to the distance to village services and the lack of street-lighting and roadside footpath occupiers of a dwelling in this location would be mainly reliant on private car use to meet regularly required needs. This would conflict with LP Policy DM 3.10 which seeks that all development should support sustainable transport and development objectives, utilise all opportunities to integrate with local sustainable transport networks, be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to the location.*

- 4.24 *LP Policy DM 3.10 is consistent with paragraph 103 of the Framework which seeks that planning actively manages patterns of growth in support of transport objectives whereby significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can then help to reduce congestion and emissions, and improve air quality and public health.*

- 4.25 *Although paragraph 103 requires that planning decisions take account of opportunities to maximise sustainable transport solutions varying between urban and rural areas, I do not take this as the Framework promoting housing where there would be a high dependency on private car use. The relatively poor accessibility to services by sustainable transport modes and the harm found to the rural character of the area would mean the proposal not meeting the environmental objectives of sustainable development sought through the Framework.*
- 4.26 This decision being reached after the caselaw relating to how the term “isolated location” is to be interpreted in decision-making and the appeal in Tharston (2017/2686) (copy attached as appendix 4) which the agent refers to in their Planning Supporting Statement.
- 4.27 With this in mind the scheme fails to meet the requirements of section 4 of the NPPF, Policy 6 in the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS), Policy DM3.10 of the SNLP and also does not meet the requirements of the social role, which seeks locate development in locations which reduce the need to travel.

#### *Character*

- 4.28 As noted in the agents Design and Access Statement, the site is located in the Yare/Tiffey Rural River Valley and the Norwich Southern Bypass Protection Zone. There are open views from the entrance of the site to the south leading towards the valley and the River Yare.
- 4.29 Mindful of the requirements of Policies DM4.5 and DM4.6 to not cause harm to the landscape it is evident that both of the adjacent properties (Brookview and Parkhome) sit within generous plots surrounded by agricultural land giving the area a sense of spaciousness. The application site is also generous and would be of a similar scale to that of Brookview. In many respects in visual terms the development would read as a natural infill. It is also evident that the existing access is to be used, thus avoiding the need to remove any of the mature hedgerow across the site frontage.
- 4.30 With the above in mind it is considered that the scheme is not in conflict with Policies DM3.8, DM4.5 and DM4.6 of the SNLP.

#### *Residential amenity*

- 4.31 As already stated the two adjacent plots are occupied by single storey dwellings, the scale of the proposed dwelling, and the layout with any appropriate boundary treatment would ensure there is no adverse loss of residential amenities to either of the adjacent dwellings, therefore the scheme could accord with Policy DM3.13(1) of the SNLP.

#### *Highways*

- 4.32 Sufficient parking is shown as being provided and no highway objection has been raised. The only requirement from the Highways Authority is to provide visibility splays, the scheme therefore complies with Policies DM3.11 and DM3.12 of the SNLP.

#### *Environmental*

- 4.33 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."*

*Surface water and foul drainage*

- 4.34 The site lies within Flood Zones 1 and 2, with the proposed dwelling being located in Zone 1, the access to the site is within Flood Zone 2. As submitted the access track to the site attracted an objection from the Water Management Officer as no Flood Risk Assessment had been submitted to demonstrate how any future occupants could enter or leave the site in the event of flood. To address this issue the agent has submitted an amended plan relocating the access further north into the site which now falls outside of the Flood Zone. At the time of the report no updated comments had been received from the Water Management Officer, these will be reported verbally at Committee.
- 4.35 Subject to the imposition of appropriately worded planning conditions relating to foul drainage and surface water drainage, the Council's Water Management Officer has not objected to the application, which therefore complies with Policy DM4.2 of the SNLP.
- 4.36 It is evident that in the appeal dismissal referred to above, where it is resolved that there is poor accessibility, as is the case here, this results in a scheme that does not meet the environmental objectives of sustainable development sought through the Framework.

*Other matters*

- 4.37 Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. This is a material planning consideration. However, this site is not considered suitable for the reasons already set out and therefore the fact that it is a "small site" is not decisive in this instance.
- 4.38 Under paragraph 61 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 an indication of self-build has been given by the applicant it should also be noted that at this stage it cannot be certain that the method of delivering this site will be self-build. In the instance of this application the other material planning considerations detailed above are of greater significance.
- 4.39 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.
- 4.40 This application is liable for Community Infrastructure Levy (CIL).

5 Conclusion

- 5.1 It is recognised that this proposal will contribute towards the housing supply in the NPA and that it has the potential to be delivered relatively quickly. However, its positive contribution as a single dwelling when applying the tilted balance required by paragraph 11 of the NPPF, is significantly and demonstrably outweighed by the harm it presents in terms of its poor connectivity. Likewise, in applying the relevant tests of Policy DM1.3 the scheme does not present overriding benefits.  
The poor connectivity of the site also means that the scheme fails to meet the requirements of Policy DM3.10 of the SNLP.
- 5.2 For these reasons planning permission is recommended for refusal.

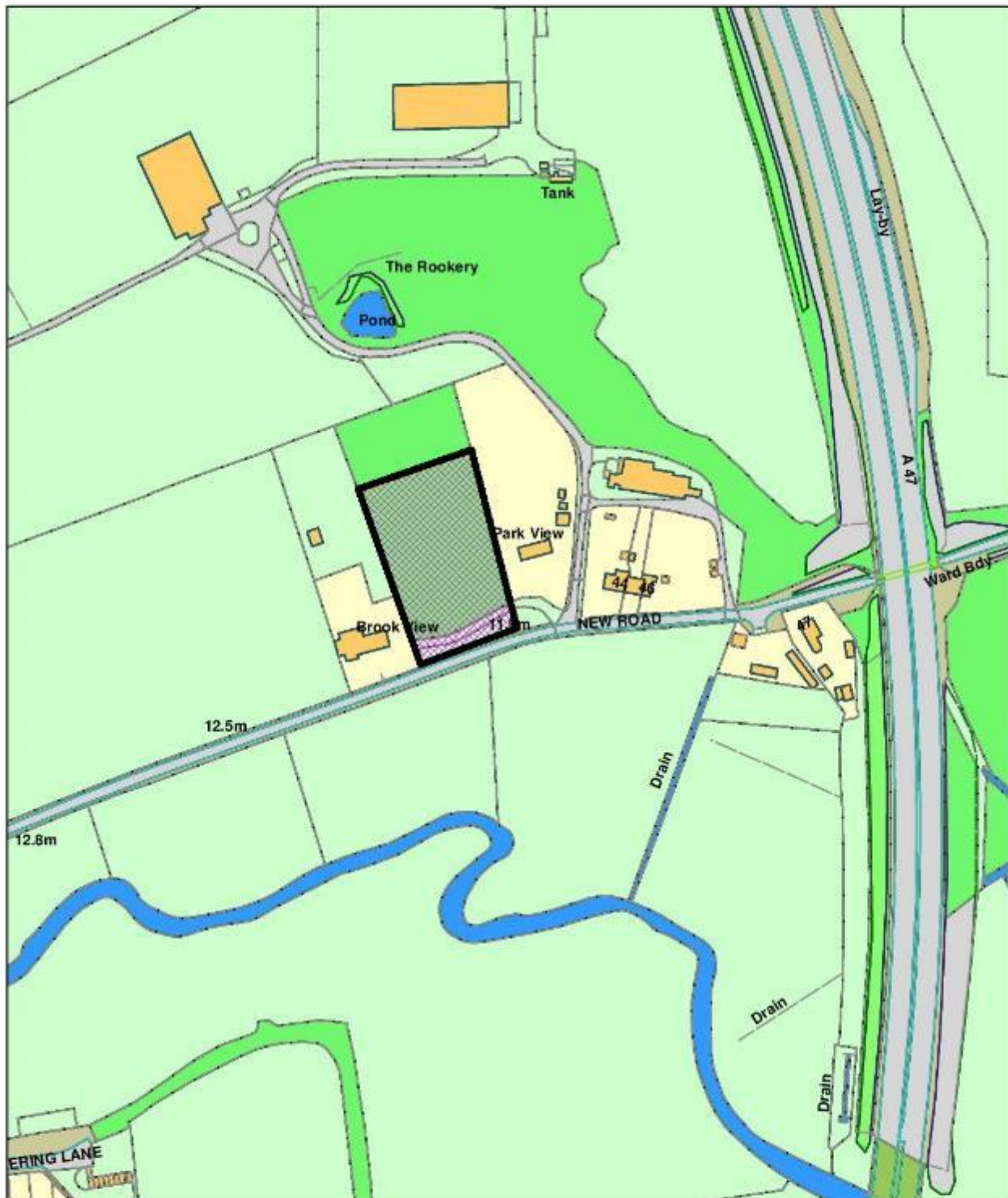
6. Reasons for refusal

- 6.1 The poor connectivity of the development is considered to significantly and demonstrably outweigh the very modest benefit of providing a single new dwelling in an area where a 5 year housing land supply cannot be demonstrated and as such the proposal is not considered to represent a sustainable development, having regard to the three tests set out in the National Planning Policy Framework.
- 6.2 The proposed development is on a site outside of any development boundaries and does not comply with any other specific housing in the countryside policy within the Local Plan or present any overriding economic, social or environmental benefits and as such it is contrary to Policy DM1.3 of the South Norfolk Local Plan Development Management Policies.
- 6.3 The site has poor connectivity to the neighbouring settlements and therefore there would be a reliance on the use of the private car to access services and facilities bringing the proposal into conflict with policy DM3.10 of the South Norfolk Local Plan Development Management Policies Document 2015 and the aims of section 9 of the National Planning Policy Framework.

Contact Officer, Telephone Number    Jacqui Jackson 01508 533837  
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2018/2368

Appendix 1



Scale 1:2,500

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



## Appendix 2



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## Appeal Decision

Site visit made on 19 October 2015

**by Graham Chamberlain BA MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 December 2015**

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**Appeal Ref: APP/L2630/W/15/3033684**

**Brookview, New Road, Bawburgh, Norwich, Norfolk NR9 3LZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Richard Greengrass against the decision of South Norfolk District Council.
  - The application Ref 2015/0140/F, dated 15 January 2015, was refused by notice dated 18 March 2015.
  - The development proposed is the erection of a bungalow and garage (self build) (in garden of Brookview).
- 

### Preliminary Matters

1. The address given on the application form refers to 'Brookview' whereas the appeal form refers to 'land adjacent to Brookview'. From my consideration of the submissions it is apparent that Brookview is no longer in the ownership of the appellant and therefore the appeal site is better described as land adjacent to Brookview. It is on this basis I have considered the appeal.
2. Since the Council issued their decision they have adopted a new suite of development management policies as part of the Local Plan (DMP)<sup>1</sup>. Policies ENV8, IMP8, IMP9 and ENV15 of the South Norfolk Local Plan 2003, which were referenced in the submissions, have now been superseded. Consequently I have not had regard to the 2003 policies in my determination of the appeal.

### Decision

3. The appeal is dismissed.

### Main Issue

4. The main issue raised by this appeal is whether the proposed development would constitute a suitable site for housing having regard to the principles of sustainable development and the housing land supply within the district.

### Reasons

5. Policies 15, 16 and 17 of the Joint Core Strategy<sup>2</sup> (JCS) as well as Policies 1.1 and 1.3 of the newly adopted DMP, requires most new housing in the district to be located within defined settlement boundaries unless a rural location is essential. The appeal proposal would conflict with the Council's housing strategy set out in

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<sup>1</sup> The South Norfolk Local Plan Development Management Policies Document 2015 (DMP).

<sup>2</sup> The Joint Core Strategy for Norwich, Broadland and South Norfolk 2014

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these policies being located in the countryside outside of a settlement boundary. I have seen no evidence that the proposal would be a rural workers dwelling where a countryside location is essential. In this respect I conclude the proposal undermines the planned approach to housing supply contained in the Development Plan.

6. However, the Council has confirmed in its statement that it cannot currently demonstrate a five year housing land supply as required by the National Planning Policy Framework (the Framework). As a consequence, the housing supply strategy iterated in Policies 15, 16 and 17 of JCS and Policies 1.1 and 1.3 of DMP are out of date. As are the development boundaries set out in the Site Specific Allocations and Policies Document 2015.
7. Paragraph 14 of the Framework indicates that in such circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. I have determined this appeal accordingly.
8. Paragraph 55 of the Framework specifically addresses the provision of housing in rural areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes unless there are special circumstances. The Framework does not define or limit the meaning of 'isolated'. In my experience there are two main aspects to be assessed when considering 'isolation', these being the site's physical and spatial relationship with a settlement and its functional connectivity to services.
9. The appeal site is located between Bawburgh and Norwich. There are open views of fields to the front of the site and a farming operation to the rear giving the area a rural character. The site is located away from Bawburgh with fields between the settlement and appeal site. I do not therefore consider the site to be physically part of this settlement. Furthermore, there is sporadic housing in the general vicinity of the site but I do not consider this small grouping of houses to be a discernible settlement, which the appeal site could be considered part of.
10. The nearest settlement is Bawburgh, which is an 'Other Village' identified in Policy 16 of the JCS. Due to a lack of services, Bawburgh would not cater for the everyday needs of any future residents of the appeal proposal. For everyday needs, a future resident of the appeal scheme would need to travel further. The site is located close to the fringe of Norwich including the Bowthorpe area, which includes employment, schooling and other day to day facilities. Access to these facilities on foot or by bicycle would require a walk or cycle along a narrow country lane. I observed that this road is reasonably busy and is without pavements. If heading towards Bowthorpe a pedestrian would need to negotiate the bridge under the A47, which is narrow and without pedestrian walkways.
11. Given the distance, unattractive walking environment and lack of dedicated cycle routes, I consider it highly likely that future residents would be predisposed to rely on the private car to access necessary services and facilities. No details of public transport have been provided so I am unable to consider this further. Taking all of the above into account, I find that the proposed development would be both a functionally and physically isolated development in the countryside.
12. This isolated location would result in clear harm when considering the social and environmental dimensions of sustainable development. It would leave future

occupants of the proposed dwellings largely reliant on private vehicles with limited travel choices. It would also undermine the Framework's aims to locate new dwellings in rural areas close to services and facilities as a means of reducing unnecessary travel by car with its associated carbon emissions as one measure to cumulatively limit the effects of climate change.

13. In considering any special circumstances that would justify the isolated location of the appeal scheme, I do not have substantive evidence before me to suggest that the examples of special circumstances listed in the Framework are met.
14. However, the list in the Framework is not exhaustive and the appellant has advanced a case that the proposal allows him, as a long term resident, to remain in the area in accommodation that is realistically affordable. I have not however, been provided with evidence to demonstrate that there is a shortage of affordable accommodation in the area or that the new dwelling would be relatively affordable to construct. Whilst I acknowledge the appellant would be a self-builder with support from Paragraph 50 of the Framework, I only give very limited weight to such personal circumstances in this instance given the lack of substantive evidence to support the case. Consequently, the personal circumstances advanced do not outweigh the isolated location of the proposed development.
15. The appellant also considers that the local planning policies allow infill sites outside of 'development plan areas' if there is no harmful impact on local character. The appellant has not however directed me to the relevant policy he is relying on in forming such a conclusion. Notwithstanding this, the policies I have been directed to by the Council, when read in their proper context, do not permit development in isolated location solely if there is no adverse impact on local character. The assessment of a dwelling in the countryside goes beyond this single issue. The Framework states that good design is indivisible from good planning so a design that integrates with the character of the surroundings is a pre requisite and not a benefit that would outweigh the identified harm from the isolated location of the dwelling in this instance. I therefore find no special circumstances have been advanced by the appellant that justify the siting of the dwelling in an isolated countryside location.
16. As an isolated dwelling outside of a settlement the appeal proposal presents a conflict with the development plan. More significantly in this case, the development is contrary to the Framework (Paragraph 55 in particular), which seeks to deliver development that minimises the above adverse impacts by siting development in locations that maximise opportunities for future residents to live in a sustainable way.

#### **Other Matters**

17. The appellant has drawn my attention to the approval of a mobile home adjacent to the appeal site in 2014, but the circumstances behind this approval are not before me so I am unable to give this much weight. In any event I have considered the appeal on its own merits.

#### **Conclusion**

18. In considering the potential benefits of the proposal, the new dwelling would contribute to the Council's five year housing land supply as required by Paragraph 47 of the Framework. A net increase of one dwelling would however, be a small contribution. I therefore give this benefit only moderate weight.

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19. In addition, the construction of the dwelling would derive some economic benefits but this would be for a limited time and could apply to new development anywhere. Furthermore, given the small scale of the development the contribution to the local economy from the spending power of future occupants is unlikely to be significant. In any event, such a contribution could be made by the occupants of a dwelling constructed closer to local facilities. I therefore give these benefits limited weight.
20. I have considered the benefits which would be derived from the appeal scheme but these carry limited weight. The proposed development would however be in an isolated location resulting in the inherently harmful social and environmental impacts I have identified above. This is contrary to national planning policy in the Framework to which I give considerable weight.
21. I therefore conclude that the benefits of the proposal are significantly and demonstrably outweighed by the harm I have identified. I therefore find that when taken as a whole, the proposal is not sustainable development for which the Framework carries a presumption in favour. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

*Graham Chamberlain*

INSPECTOR



## Appendix 3



The Planning Inspectorate

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## Appeal Decision

Site visit made on 4 December 2018

**by Jonathan Price BA(Hons) DMS DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> December 2018**

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**Appeal Ref: APP/L2630/W/18/3202874**

**Sweetlands, Low Road, Tasburgh, Norwich NR15 1AR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Trustees of J Mulcahy against the decision of South Norfolk District Council.
  - The application Ref 2018/0251, dated 22 January 2018, was refused by notice dated 13 April 2018.
  - The development proposed is construction of detached dwelling and garage.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. On 24 July 2018, since this appeal was made, Government published the revised National Planning Policy Framework (the Framework). Having granted the parties an opportunity to make further comment, my decision reflects this as a material consideration to which I attach substantial weight.

### Main Issue

3. Whether the proposal would comprise sustainable development, with particular regard to its effect on the character and appearance of the area and accessibility to services, based on development plan policy and other material considerations.

### Reasons

4. The starting point is the Council's development plan which comprises the Joint Core Strategy<sup>1</sup> (JCS) and the South Norfolk Local Plan (LP)<sup>2</sup>. Tasburgh is a service village defined under JCS Policy 15 whereby it is deemed suitable for small-scale housing growth. This reflects the settlement's good range of services, including a village hall, recreation facilities, public house and primary school.
5. The majority of these services are in Upper Tasburgh, where most of the housing is located and which lies close to the main A140 and a regular bus service to Norwich. The remainder of the village is within Lower Tasburgh,

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<sup>1</sup> Joint Core Strategy for Broadland, Norwich and South Norfolk – adopted March 2011, amendments adopted January 2014.

<sup>2</sup> South Norfolk Local Plan Development Management Policies Document and Site Specific Allocations and Policies Document – adopted versions October 2015

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further apart from the A140 and mainly comprising the older ribbon development fronting parts of Grove Lane and Low Road. The LP defines a village development boundary around the main built-up part of Upper Tasburgh, with a separate area defined in Lower Tasburgh in the part closer to where most of the services are located.

6. The appeal site fronts Low Road and comprises a small, naturally-vegetated piece of land set behind a mature hedge. It is located a significant distance beyond the development boundary defined in Lower Tasburgh and further away from the main village services. These would be reached via Low Road which is a narrow, unlit rural lane lacking footpaths. The settlement pattern in this location comprises sections of quite well-spaced frontage housing and undeveloped gaps along alternating sides of the road. The proposal is for a house matching the character of the adjacent modern dwelling at Sweetlands. The appeal site comprises the start of an undeveloped gap which continues in the other direction.
7. LP Policy DM 1.3 applies the spatial strategy for the location and scale of new housing provided by the JCS to development management decisions in South Norfolk. Housing growth is focussed in amounts relative to the adopted settlement hierarchy and within settlement boundaries to link this to the greatest relative accessibility to jobs, services and other infrastructure and to protect the countryside from development.
8. As the proposed dwelling is outside the defined development boundary for Tasburgh it is deemed to be in countryside and only permitted by LP Policy DM 1.3 if a specific development management policy allows for it or if the proposal demonstrates overriding benefits relative to the economic, social and environmental dimensions of sustainable development as addressed in LP Policy 1.1.
9. LP Policy 1.1 embodies the presumption in favour of sustainable development as set out in paragraph 11 of the Framework. This includes the granting of permission where relevant policies are out of date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against those of the Framework. Footnote 7 of paragraph 11 confirms relevant policies are out of date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
10. The 2017 Greater Norwich Area Housing Land Supply Assessment shows that against the JCS requirements there is 4.61 years supply in the combined Norwich Policy Area (NPA), a shortfall of 1,187 dwellings. Consequently, relevant policies for the supply of housing in the NPA cannot be considered up-to-date and this appeal has to be determined in the context of the tilted balance of Framework paragraph 11 d) ii, as enshrined in LP Policy 1.1.
11. To achieve the interdependent economic, social and environmental objectives of sustainable development the Framework seeks that the planning system pursues these in mutually supportive ways. There is no specific development management policy which would support the dwelling proposed in this location. The development boundary for Lower Tasburgh allows for some infill development where the location is not a significant distance from the village services. This proposal benefits neither from being within the development boundary nor comprising an infill development.



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12. This proposal would extend housing into a currently undeveloped gap and this would cause significant harm the rural character of the landscape contrary to LP Policy DM 4.5. Although the majority of the surrounding trees would be preserved the opening up of this site to development, including the formation of the access, would conflict with LP Policy DM 4.8 which seeks to protect hedgerows where that along the roadside contributes strongly to the rural character of this location. The harm to the character and appearance of this rural area would conflict with paragraph 170 of the Framework. This seeks that planning decisions should contribute to and enhance the natural local environment by recognising the intrinsic character and beauty of the countryside.
13. Due to the distance to village services and the lack of street-lighting and roadside footpath occupiers of a dwelling in this location would be mainly reliant on private car use to meet regularly required needs. This would conflict with LP Policy DM 3.10 which seeks that all development should support sustainable transport and development objectives, utilise all opportunities to integrate with local sustainable transport networks, be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to the location.
14. LP Policy DM 3.10 is consistent with paragraph 103 of the Framework which seeks that planning actively manages patterns of growth in support of transport objectives whereby significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can then help to reduce congestion and emissions, and improve air quality and public health.
15. Although paragraph 103 requires that planning decisions take account of opportunities to maximise sustainable transport solutions varying between urban and rural areas, I do not take this as the Framework promoting housing where there would be a high dependency on private car use. The relatively poor accessibility to services by sustainable transport modes and the harm found to the rural character of the area would mean the proposal not meeting the environmental objectives of sustainable development sought through the Framework.
16. The Council places great weight on the evidence of the Central Norfolk Strategic Housing Market Assessment (SHMA), the most recent version of which was published in June 2017. This shows an 8.08 year housing land supply against the SHMA assessment of the Objectively Assessed Need for housing. However, this evidence has not been independently tested and should not diminish the modest social benefit of a contribution made by this proposal towards housing supply, where the Framework continues to seek a significant boost. There would be local economic benefits also, through the construction and servicing of the dwelling and the additional household expenditure helping to support existing services.
17. The dwelling proposed would be close to other housing, and not comprise the development of an isolated home in the countryside which paragraph 79 of the Framework seeks that planning decisions avoid. Furthermore, the Framework does not refer to settlement development boundaries and in Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

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It states also that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services and that where there are groups of smaller settlements, development in one village may support services in a village nearby.

18. The Planning Practice Guidance (PPG) accompanying the Framework finds that all settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence. The PPG seeks planning decisions which promote a thriving rural community where rural housing is essential to ensure viable use of local facilities.
19. However, the social and economic benefits of a single dwelling in helping to boost housing supply and supporting a thriving rural community would be small. In this case these benefits would be significantly and demonstrably outweighed by the adverse environmental impacts found in relation to the character and appearance of the area and the poor accessibility to services of a dwelling located in countryside outside the defined development boundary.
20. I give only limited weight to the recent two developments approved outside the development boundary in Tasburgh cited by the appellant. As with this appeal, those decisions would have been based on their particular merits and neither is indicative that any further development should necessarily be allowed. In any event, both are closer to the main village services than this proposal. The single dwelling allowed (reference 2016/0331) comprised an infill development and the six dwellings permitted (reference 2016/0495) abutted the development boundary and so each involved circumstances materially different to this case.

### **Conclusion**

21. On the basis of the above the proposal would not achieve the presumption in favour of sustainable development as provided through both LP Policy 1.1 and the Framework and I conclude therefore that the appeal should be dismissed.

*Jonathan Price*

INSPECTOR



## Appendix 4



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## Appeal Decision

Site visit made on 28 August 2018

**by Jonathan Price BA(Hons) DMS DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> September 2018**

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**Appeal Ref: APP/L2630/W/18/3197272**

**Land north of Picton Road, Tharston, Norfolk NR15 2YD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Tom Mayes against the decision of South Norfolk District Council.
  - The application Ref 2017/2686, dated 21 November 2017, was refused by notice dated 1 February 2018.
  - The development proposed is the erection of 3 No. dwellings with associated access and car parking areas.
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### Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 3 No. dwellings with associated access and car parking areas at land north of Picton Road, Tharston, Norfolk NR15 2YD in accordance with the terms of the application, Ref 2017/2686, dated 21 November 2017, subject to the conditions set out in the Schedule attached.

### Procedural Matters

2. The application was made in outline with all matters reserved for later determination apart from access. Consideration has been given to the indicative plans over how the development might proceed. My decision is based on the revised layout with the development served from the single, existing access point.
3. On 24 July 2018, since this appeal was made, Government published the revised National Planning Policy Framework (the Framework). Having granted the parties an opportunity to make further comment, my decision reflects this.

### Main Issues

4. The main issues are (a) whether the three dwellings would have reasonable access to services and facilities and (b) the effect of the proposal on the character and appearance of the area, including in respect of trees.

### Reasons

- a) *Access to services and facilities*
5. The proposed dwellings would be located adjacent to a small cluster of housing situated about a mile from the centre of the expanding settlement of Long Stratton. There are a wide range of services and facilities within this large community and the appeal site falls within the Long Stratton Area Action Plan

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<https://www.gov.uk/planning-inspectorate>

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(LSAAP) boundary, which is part of the Norwich Policy Area (NPA), some 0.2 miles beyond the edge of its defined development boundary.

6. The LSAAP sets out that Tharston and Hapton parishes are not considered suitable for new housing. However, parishes comprise large geographical areas and the appeal site, whilst some distance from the main villages of both Tharston and Hapton, is a relatively short distance from that of the larger centre of Long Stratton.
7. The relevant development plan policies are those of the Joint Core Strategy (JCS) and the Local Plan Development Management Policies (DMP). JCS Policy 4 mainly sets out the housing delivery for the NPA and is of strategic relevance. Although not quoted in the decision, JCS Policy 1 seeks to address climate change by linking development growth with proximity to public transport and a reduced need to travel, as does JCS Policy 6 by encouraging walking and cycling.
8. DMP Policy DM 3.8 applies design principles to all development, which includes that access is provided by routes and public spaces that meet different requirements of accessibility without an unsatisfactory domination of traffic. DMP Policy DM 3.10 seeks that development utilises all opportunities to integrate with local sustainable transport networks and is designed to maximise the use of such and to reduce the need to travel.
9. As the proposal is outside the defined LSAAP development boundary there would be conflict with DMP policies DM 1.1 and DM 1.3 were there to be no overriding economic, social and environmental benefits. There would be some harm in undermining the objective to concentrate development within defined boundaries, to locate this with existing services and facilities and provide good access to these without an over reliance on private car use, as underpinned by the policies referred to.
10. However, this is a small proposal for three houses, located close to Long Stratton, which would result in relatively limited harm through the conflict with the aims of the aforementioned policies. Although the roads connecting the site with Long Stratton are initially unlit and without footpaths there are public rights of way and green infrastructure routes indicated in the LSAAP which offer some degree of connectivity by means other than by private car.
11. Occupiers of the proposed houses would have access to the wide range of regularly required services in Long Stratton, such as employment areas, supermarkets, surgeries and schools, through making relatively short car or bicycle journeys. The appellant also shows the site to be close to two bus stops providing a service to larger centres.
12. The revised Framework and the accompanying Planning Practice Guidance (PPG) are material considerations. The proposal would be adjacent to existing housing, within reasonable proximity to services, and therefore not comprise the development of isolated homes in the countryside that paragraph 79 of the Framework seeks that planning decisions avoid. Moreover, paragraph 103 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.



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13. With regard to the location outside the LSAAP development boundary, the PPG states that all settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.
14. The development plan policy conflict found by the Council would be disproportionate with the limited impact of this modest proposal when considered in the context of the Framework/PPG advice. Although the proposal is within a small rural cluster of housing outside the development boundary of Long Stratton, where there would be some reliance on short journeys by car to access regular needs, the three dwellings would nonetheless have reasonable access to services and facilities for the reasons explained.

*b) Character and appearance of the area*

15. The site frontage is densely lined with mature ash trees which the arboricultural report shows would be unharmed by the development and retained, thereby softening the visual impact of the three dwellings proposed. Approval is sought in outline and the layout and landscaping of the development would be the subject of reserved matter determination. Some management of the trees would be beneficial to their future and for highway safety reasons, but I am not persuaded that there would be such shading of the houses that this would lead to circumstances requiring their removal.
16. The DMP states in paragraph 4.69 that development will be permitted where it can be demonstrated that there exists a harmonious and sustainable relationship between trees and structures. There is no evidence that this would not be the case with this proposal, which I find would comply with Policy DM 4.8 regarding the protection of trees and hedgerows.
17. The dwellings would quite closely mirror the siting and extent of the housing situated on the facing side of Picton Road. Reserved matter approval could ensure the new houses were of a design, scale and position which would be in keeping with the built surroundings. There is merit in the appellant's case that the proposal would provide symmetry and a neat pattern of built form along the road and I consider this would be an appropriate and visually satisfactory form of rounding-off within a small enclave of housing.
18. Subject to the retention of the trees, and to satisfactory reserved matter details, this proposal would not have a detrimental impact on the rural character of this location and satisfy the design principles in DMP Policy DM 3.8 and JCS Policy 2. Therefore, on this second issue, the proposal would result in no material harm to the character and appearance of this area.

**Planning Balance**

19. The Council has referred to two appeal decisions<sup>1</sup> I have recently made in the Rural Policy Area (RPA) of South Norfolk where my attention had been drawn to the 2017 Strategic Housing Market Assessment (SHMA). In these cases, the Council acknowledged this evidence cast doubt over its previously held position that the JCS provided for a five year supply of deliverable housing sites in the

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<sup>1</sup> APP/L2630/W/17/3188918 and APP/L2630/W/18/3193882

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RPA. The appellants in each of these cases had not disputed this evidence as it would not have been advantageous to their cases. Quite reasonably, in dismissing the appeals, the Framework's 'tilted balance' was first applied, whereby any adverse impacts were found to significantly and demonstrably outweigh the benefits.

20. The SHMA evidence provides for the reverse in the NPA whereby the objectively assessed need (OAN), taking into account the contribution made by student accommodation, points to the JCS providing an 8.08 year housing land supply. In the third dismissed appeal decision<sup>2</sup> submitted, which like this case fell within the NPA, it was noted that whilst the SHMA provided a more recent OAN this was insufficient to prove the currently adopted development plan could demonstrate a five year housing land supply. It would not be appropriate for an appeal over a minor proposal for three dwellings, not the subject of an Inquiry providing the means to undertake a detailed housing land supply assessment, to reach a conclusion in support of the OAN provided by the SHMA.
21. However, this decision does not turn on the issue of whether or not there is a five year housing land supply. The revised Framework continues to support the Government's objective of significantly boosting the supply of homes. Even assuming the SHMA was proven the proposal would still provide housing supply benefits.
22. The proposal would gain the support of paragraph 68 of the revised Framework which promotes small sites of less than one hectare due to their important contribution to meeting housing requirements, as they have the potential for a relatively quick build-out. The proposal would also make effective use of land, which is currently under-utilized and not the subject of any beneficial purpose, as supported by part 11 of the Framework. Although I would not find it necessary to attach a condition to this effect, the proposal could provide the benefit of self-build opportunities.
23. On balance, the modest benefits provided by this proposal in respect of housing supply would outweigh any limited harm identified.

### **Conditions**

24. I have considered the conditions recommended by the Council in the light of paragraph 55 of the revised Framework. This states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Those required to be discharged before development commences should be avoided, unless there is a clear justification. Those included have been amended to ensure enforceability.
25. As this is an outline application the usual conditions relating to the submission of details are required, with the exception of means of access. For certainty, a condition is necessary that the development is carried out in accordance with the plans and reports submitted. In the interests of highway safety a condition is necessary requiring the formation of the access and visibility splays prior to occupation. A condition requires the development to achieve the water saving standards sought by the Council's policy over this matter.

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<sup>2</sup> APP/L2630/W/17/3191743



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26. A condition is not necessary to govern external materials as these may be decided at the reserved matters stage. As the approval relates to a development served by a single shared access onto the highway it is not necessary to condition the nature of any individual access gating. On-site parking and turning spaces can be addressed at the reserved matter layout stage. As this is a relatively small development of three dwellings, and not located within a high flood risk area, there is not the evidence to justify a condition requiring a sustainable drainage system. There is no firm evidence to justify conditions addressing potential contamination on a purely precautionary basis.

### **Conclusion**

27. The proposal, whilst outside of any defined settlement boundary, is adjacent to a cluster of housing within a reasonable distance of the wide range of services in Long Stratton. The proposal would round-off development without requiring the loss of trees and cause no material harm to rural character. The readily available contribution to housing supply on this under-utilized site, whilst modest, would outweigh any recognisable harm. Therefore, I conclude that the appeal should be allowed.

*Jonathan Price*

INSPECTOR

### **Schedule of Conditions**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 red-line site location plan; 7865 02 1:200 site access and visual splay; Preliminary Ecological Appraisal dated November 2017; submitted bat roost assessment dated December 2017; Arboricultural Report V1.0 by BH Trees And Woodlands Consultancy Limited dated 24 October 2017.
- 5) No dwelling shall be occupied until the site access and visibility splays onto Picton Road shown in the plan approved have been laid out, drained and constructed in accordance with details that shall have had the prior written approval of the local planning authority. The site access and visibility splays shall thereafter be retained and maintained in accordance with these approved details.

**Major Applications**

- 2. Appl. No : 2017/2853/F**  
**Parish : DISS**

Applicants Name : Marston's Estates Ltd  
 Site Address : Land To The Rear Of Thatchers Needle Park Road Diss Norfolk  
 Proposal : Proposed retail and hotel development.

Recommendation : Refusal

- 1 Harm the character of the area and the setting of the Conservation Area Design
- 2 Insufficient information - ecology
- 3 Harm vitality of the Town Of Diss

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.

1 Planning Policies

- 1.1 National Planning Policy Framework (NPPF)  
 NPPF 02 : Achieving sustainable development  
 NPPF 04 : Decision-making  
 NPPF 06 : Building a strong, competitive economy  
 NPPF 07 : Ensuring the vitality of town centres  
 NPPF 09: Promoting sustainable transport  
 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  
 NPPF 16 : Conserving and enhancing the historic environment
- 1.2 Joint Core Strategy (JCS)  
 Policy 1 : Addressing climate change and protecting environmental assets  
 Policy 2 : Promoting good design  
 Policy 3: Energy and water  
 Policy 5 : The Economy  
 Policy 6 : Access and Transportation  
 Policy 13 : Main Towns
- 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  
 DM2.1 : Employment and business development  
 DM2.4 : Location of main town centre uses  
 DM3.8 : Design Principles applying to all development  
 DM3.12 : Provision of vehicle parking  
 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  
 DM4.2 : Sustainable drainage and water management

DM4.8 : Protection of Trees and Hedgerows  
 DM4.9 : Incorporating landscape into design  
 DM4.10 : Heritage Assets

1.4 Site Specific Allocations and Policies  
 DIS 6 : Former Hamlins Factory Site, Park Road

1.5 Supplementary Planning Documents (SPD)  
 South Norfolk Place Making Guide 2012

### **Statutory duties relating to 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	2015/1428	Erection of 4no non-food retail units (Use Class A1) comprising a total of 3948sqm with access from Park Road.	Refused Appeal Dismissed
2.2	2013/1728	Non-material amendment to planning permission 2012/1493/D - Relocation of play area and hard/soft landscaping amendments	Approved
2.3	2012/1493	Erection of Public House/Restaurant, parking and associated works.	Approved
2.4	2011/0049	Erection of 60 bedroom hotel (Use Class C1), a restaurant/public house (Use Class A3/A4) and associated	Approved
Appeal History			
2.5	16/00032/AGREFU	Erection of 4no non-food retail units (Use Class A1) comprising a total of 3948sqm with access from Park Road.	Dismissed

## **3. Consultations**

3.1	Town Council	Original Proposed	
		<ul style="list-style-type: none"> <li>This application is too similar to the previous application with concern that in spite of the retail assessment, it will still represent too significant an impact on the viability and vitality of the Town Centre</li> <li>There is also concern about the impact on traffic</li> <li>More emphasis on mixed use including residential flats over the retail units should be considered</li> <li>The transport impact study is still being undertaken which should be available to inform a full response</li> <li>The applicant pre-empt's the Neighbourhood Plan which has acknowledged this site as significant</li> <li>It was agreed that a District Councillor be asked to call this application in for a DMC decision</li> </ul>	

Amended Proposal  
Refusal

- The proposed retail units will be detrimental to the Town Centre economy
- Have a significant impact on traffic
- Premature and prejudicial to the emerging Diss & District Neighbourhood Plan
- Revised application does not differ significantly from the previous application
- Concern that a future application for change of conditions would be easily overcome the accepted conditions of the prohibition of sale of certain goods and sub-division of units
- The site's strategic context cannot be underestimated and with only one chance to get its development right for the best interests of the whole community

3.2 District Councillors  
Cllr Palmer

- I am mindful of the previous Approval of a hotel behind Thatchers Needle which was then rejected by the applicant as non viable
- The current proposed bedroom size of the hotel appears realistic, the supporting assessment is reassuring of viability
- I am therefore supportive of the hotel, which will provide much needed visitor capacity. However, Approval must be conditioned to ensure that the hotel is constructed, and that the retail units are not constructed without it.
- In view of the past history and it's importance, this application should be determined by DMC

Cllr Minshull

To be reported if appropriate

Cllr Kiddie

To be reported if appropriate

3.3 NCC Lead Local  
Flood Authority

Original Proposal  
Object

- Insufficient information to demonstrate acceptable Flood Risk Assessment (FRA)/Drainage strategy

Amended Proposal

- No objections subject to conditions

3.4 SNC Landscape  
Architect

Original Proposal

- Unable to support the application based on the information currently available
- It is not clear from the submitted AIA (Arboricultural Impact Assessment) whether adjustments have been made to the trees, RPAs (Root Protection Areas) as per the appeal inspector's concerns. The RPAs appear to be the same as presented with the previous scheme
- Revised AIA is required providing scaled plan, indication that inspectors comment have been taken into account, information re shading and future growth etc.
- Whilst the current scheme does seek to provide the trees with a more 'public' role from the application site, I am disappointed that a more positive visual setting is not afforded them (as they are hidden for approximately half their height)



- Disappointed that the landscaping treatment is only a loose concept
- Planting in car parking areas is indicated but no details of species, forms etc is given.

## Amended Proposal

- If planning permission is granted, there needs to be conditions to cover tree protection, submission of full landscape details (including tree pit details under parking areas) and long term management of landscape features.

- |      |   |   |
|------|---|---|
| 3.5  | SNC Water Management Officer                        | This is a major application and as such the Lead Local Flood Authority is the statutory consultee for providing the technical assessment of the above aspects of this application. Therefore, we have not undertaken an assessment of the application   |
| 3.6  | NCC Ecologist                                       | <p>Original Proposal</p> <ul style="list-style-type: none"> <li>• Insufficient information has been provided in respect of a bat assessment or a minimum a reasoned justification as to why this is not required</li> </ul> <p>Amended Proposal</p> <ul style="list-style-type: none"> <li>• Same comments as before</li> </ul>   |
| 3.7  | Norfolk Rivers IDB                                  | No comments received  |
| 3.8  | Anglian Water Services Ltd                          | No comments received  |
| 3.9  | SNC Conservation and Design                         | <p>Refuse</p> <ul style="list-style-type: none"> <li>• The size and scale of the units would still harm the setting of the conservation area through breaking the visual connection between Park Field to the landscaping of the Waveney valley, and also through the impact of the design of buildings in terms of their untraditional size, scale and form. Such development is therefore unsuitable for the site. Although some benefit can be derived from developing existing unused rough land, this benefit would not outweigh the harm identified and will not therefore comply with paragraph DM4:10 in terms of enhancing the historic environment and JCS policy 2 in terms of promoting good design.</li> </ul> |
| 3.10 | SNC Community Services - Environmental Quality Team | Verbal update No objections subject to conditions   |

- 3.11 NCC Highways
- No objections subject to conditions
- The applicant has provided some recent traffic data (January 2018) which demonstrates that there has been a marginal fall in traffic flows since 2015.
  - Whilst there will be some impact on the highway network during the Friday evening peak and Saturday peak hours, this is minimal. The site is close to the Town Centre and other retail areas and so there will be an element of cross visitation and linked trips. In light of the above the Highway Authority has no objection.
- 3.12 Other Representations
- Original Proposal
- 1 letter of support
- Support as lack of major retail units and very little hotel accommodation
  - Diss has lots to offer but lacks larger stores and have to travel to knowledge
  - Much needed jobs
  - Will not adversely affect the town centre any more than the current supermarkets do
- 1 letter of objection
- Not a safe cycling access to the site
  - As it cannot provide safe cycling access from both the east and west of the site along Park
- 1 Letter of comments
- Marginally in favour as it will bring additional employment to the Town and make use of an otherwise derelict area
- Diss & District Neighbourhood Plan Steering Group
- Object
- Premature and prejudicial to key objectives of Neighbourhood Plan, to reduce traffic volume along the A1066, develop and deliver key community-based facilities at this location, and provide access to natural heritage of the Waveney river valley
  - Relies on out of -date data for retail assessment
  - Uses traffic data that is not directly comparable with the previous survey
  - Does not satisfy the requirements of the NPPF for good design
  - Accommodation block associate with existing PH, does not necessarily constitute a hotel, but rather a motel or inn. Location and juxtaposition of proposed accommodation is felt to be ill considered
- Diss Heritage Triangle Trust
- Object
- Proposals run counter to the policy and aspirations of the emerging Neighbourhood Plan
  - Prefer the applicant to defer this application to allow a working partnership with the Diss & District Neighbourhood Plan
  - Submitted retail impact study and heritage assessment are framed to show little impact, even some benefit, however the statistic are based on 2007 figures, which pre-date the impact on high street retail returns of internet shopping

- The 2017 study (Strategy Advice for Greater Norwich ... Employment, Town Centre and Retail Study) indicates that the total new shopping area needs for Diss by 2027 will be minimal, some 2,500m<sup>2</sup> for convenience shopping and between 2,300-2,800m<sup>2</sup> for comparison shopping, this latter to be shared among all retail centres in South Norfolk
- If the requirement for new retail sales space is of such a narrow margin then new development of this scale is likely to result not in overall increase but transfer of trade from the existing traditional Diss town centre. This then has a ricochet impact on the Conservation Area and heritage aspects as such trade transfer leads to vacancies in the core of the town and diminishes the qualities of its historic setting.
- Care needs to be taken that undue, or extensive, expansion of the Victoria/Park Street node does not have an adverse impact on the setting of a valuable heritage asset, the traditional market town core
- Misrepresentations in analysis, however small, make the conclusions of such supporting studies, if not suspect, at least less robust than they claim

Present application lacks the following:

- Lack of information of actual retail uses of the three units,
- Lack of retail linkage to other areas of Victoria/Park Road retail facilities.
- No provision for linkage facilities between the existing Diss Park and Site Specific Allocation DIS2, a riverside park potential, shown on Local Plan 2015 Map 007.
- No improvement of access, both pedestrian and vehicle, to Diss bus station
- Awkward, inefficient relationship of the proposed bedroom block to the existing Thatcher's Needle.
- Omission of linkage to the access road and roundabout imposed on the Safeway/Morrisons development.
- Lack of detailing of landscaping in the car park area
- Concerns re signage

#### 4 Assessment

##### *Background*

- 4.1 The site extends to approximately 1.5ha in size and is presently vacant. To the north of the site is the Thatchers Needle public house/restaurant and associated car park. Beyond Thatchers Needle is Park Road, from which the site will be accessed, and to the north of Park Road is the park (large open space) and The Mere. To the east is Morrisons supermarket, with no direct vehicular access to the application site. To the west is the Feather Mills Factory which is a commercial use. To the north-east is the existing bus station and to the south is an electricity sub-station, beyond which is the River Waveney.
- 4.2 In respect of the wider context, Diss Town centre is situated to the north of Park Road and contains a significant range of shops, services and facilities.
- 4.3 Park Road running along the southern edge of the park also forms the southern edge of the Conservation Area. The majority of the site itself is outside the Conservation Area with the exception of the site access. There are a number of preserved trees within the vicinity of the site, including along the eastern boundary/corner of the site.

- 4.4 The application seeks full planning permission for:
- The erection of 3 retail units extending to a total of 3614 sq metres gross floor space. The layout provides for one building, providing 3 units with a ground floor and a mezzanine;
  - The erection of a 27 bedroomed hotel with a total internal area of 745sq metres; together with associated parking and servicing.
- 4.5 Members may recall that application 2015/1428 for the erection of 4 non-food retail units comprising a total floor space of 3948sq metres was refused by the Development Management Committee on 2nd March 2016 for the following reasons:
- *The proposal fails to have adequate regard for the character and appearance of the locality and the setting of the adjacent Diss Conservation Area. It does not achieve a high quality design and neither preserves or enhances the character and quality of the surrounding area due to the appearance and excessive scale of the proposed units when having regard to the traditional character and form of local buildings. The proposed buildings are of a generic design and appearance, and fail to complement their surroundings. The limited articulation and detailing to the external elevations of the units, particularly the north facing side elevation of unit 4, further emphasises their bulk and inappropriate scale within views.*
  - *The application has failed to adequately demonstrate that the service yard to unit 4 of the proposed development would not cause significant harm to the adjacent trees, which are the subject of tree preservation orders, and therefore the proposal is contrary to Policy DM4.8 of the South Norfolk Local Plan Development Management Policies Document.*
- 4.6 The subsequent appeal against the refusal was dismissed and I attach the Appeal decision as Appendix 2 for members information.
- 4.7 This application seeks to address the concerns set out in the Planning Inspectors reasons for dismissing the appeal. The Planning Inspector concluded the development would have a detrimental impact on the character and appearance of the locality and the Conservation Area; it would fail to have regard to the traditional character and form of local buildings; the development would fail to safeguard the protected trees, contrary to DM4.8 and ; the development did not comply with the provisions of DM2.4 with respect to an retail impact assessment, and that it has not been demonstrated that the development would not have a detrimental effect on the vitality and viability of the existing businesses within the town.

#### *Principle*

- 4.8 The site is within the development boundary for the Town of Diss, outside the Town centre as defined by the South Norfolk Local Plan and is on an allocated site under Policy DIS 6 of the adopted Site Specific Allocations and Policy Document.
- 4.9 Policy DIS 6 Former Hamblins Factory site, Park Road:  
Land amounting to some 1.76 hectares is allocated for retail (non-food goods), leisure, offices (class A2 only), and housing, with any housing only constituting a small (no more than 25% by area) proportion of the site.

The developers of the site will be required to ensure:

- *Retail use is limited to non-food goods;*
- *Residential use is an integral part of a commercial development (with offices limited to Class A2);*
- *Provision of landscaping to screen the adjacent electricity sub-station;*
- *Impacts on TPO trees on Park Road are taken into account;*
- *Scheme design takes into account adjacent Conservation Area;*

- *Potential for contamination on the site is assessed (and managed appropriately if any contamination found);*
  - *Contribution made towards green infrastructure provision at DIS 2 (including habitat creation along the river)*
  - *Wastewater infrastructure capacity must be confirmed prior to development taking place;*
  - *Norfolk Minerals and Waste Core Strategy Policy CS16 applies, as this site is underlain by safeguarded mineral resources.*
- 4.10 The principle of employment uses on the site was not a reason for the appeal dismissal however, the Planning Inspector did consider that the development did not comply with the provisions of DM2.4 with respect to an impact assessment, and that it has not been demonstrated that the development would not have a detrimental effect on the vitality and viability of the existing businesses within the town. This application has been supported by a Retail Statement and a Sequential Assessment which has been assessed on behalf of the Council by GVA Grimley Limited.
- 4.11 Concerns have been also raised by the Town Council and Diss Heritage Triangle Trust as set out above regarding the Retail Impact assessment and the impact of the proposal on the Town.
- 4.12 Based on the information provided the initial assessment found that the proposed development met the provisions of the Sequential test as set out in DM2.4 and paragraph 86 of the NPPF (para 24 of the Old NPPF). However, it was considered that the proposed retail floorspace is likely to have a significant adverse impact upon the vitality of Diss Town centre and on existing investment in Diss Town centre. As a consequence, under the provisions of paragraph 90 of the NPPF (para 27 of the Old NPPF), the application should be refused.
- 4.13 This original assessment has been subject to ongoing discussions with the applicant and their retail consultants, as they considered that the proposal would not give rise to a significant adverse impact. As a compromise the applicant has requested consideration of a condition restricting the nature of some of the goods sold from the development, plus a condition limiting the each unit to a minimum size of 465sq.m. Whilst I accept the imposition of a condition restricting the nature of goods sold from the site is a positive move forward, if a 'retail goods' condition is to be successful in making an unacceptable impact acceptable then it was considered that further goods needed to be added to the suggested list.
- 4.14 In the supporting statement provided in November the applicants have provided the following revised condition based on the allocation and taking into account the requirements of potential occupiers of the units:
- Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Order revoking and re-enacting that Order, the sale of the following categories of goods will be prohibited subject to the exception listed below:
- Clothing and footwear;
  - Jewellery and watches;
  - Health and beauty, cosmetics and pharmacy products;
  - Books (unless instruction manuals and guides directly related to, but ancillary to the principle range of goods sold in an individual unit);
  - Pre-recorded media including records, CDs and DVDs
  - Food and convenience goods;
  - Greeting cards and stationary.
- 4.15 In the officer's opinion, whilst the inclusion of food, sports, clothing, cards and stationery as a prohibited category of goods is welcomed compared to original suggestions of the applicant, it is considered that the suggested condition is not restrictive enough to make an unacceptable impact acceptable, further restrictions in respect of toys and games; home furnishings and textiles; and pets goods. On this basis, it is considered that the proposed

retail floorspace is likely to have a significant adverse impact upon the vitality of Diss Town centre. Whilst it is for the Local Planning Authority to impose conditions necessary to make a development acceptable, in this instance given that the applicant will not accept the further restrictions necessary, officers need to consider the merits of the proposal based on the condition suggested by the applicant. In light of this I remain of the view that under the provisions of paragraph 90 of the NPPF (para 27 of the Old NPPF) and DM2.4, the application is not acceptable.

*Impact on Residential Amenity*

- 4.16 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 or the amenities of new occupiers.
- 4.17 There are no immediate residential properties and given the nature of the uses between and the distance to the nearest residential units it is considered that the proposed development would not give rise to or result in any significant harm to the amenities of the nearby residential units.

*Layout and design*

- 4.18 Both JCS Policy 2 and Section 12 of the NPPF require high quality design with importance being attached to the design of the built environment, which is seen as a key aspect of sustainable development. Equally, criterion 5 of the allocation DIS 6 requires the scheme to have due regard for the adjacent Conservation Area
- 4.19 The site lies to the south of Diss, just outside the designated conservation area, to the south of Park Field, which is to the south of the key feature within the conservation area which is The Mere.
- 4.20 Historically, the area to the south of Park Field was open countryside down to the river, as shown in the historic maps of the conservation area appraisal. In post-war years there has been industrial development south of Park Road including the feather factory to the west, and electricity substation to the south. To the east is the bus station area with a small brick shelter, and further east the development of supermarkets and car parks which have been built on the site of a Poultry Packing Station and Engineering works. This site was the location of an Electrical Component Factory, roughly positioned where the present day Thatcher's Needle is.
- 4.21 The existing Thatcher's Needle public house has been built on the site to the north west, built in a traditional based vernacular style with a domestic scale. The rest of the site which is subject to this proposal is presently rough ground following demolition of the existing buildings.
- 4.22 Within the conservation area around Park Field to the north and west the buildings are listed or of townscape significance and have a domestic scale and traditional settlement grain. To the east is the garage/car showroom.
- 4.23 Park Road is a busy east-west link to the south of the town centre. It does not however sever the visual links across the road to the extent that the south side of the road should be treated differently. There are also mature trees lining the road, which provide some screening of the site, but they are irregularly spaced and do not provide a complete visual barrier.
- 4.24 Therefore, of note with regard to the setting of the conservation area is that there are still views and a visual connection from the park to the mature landscaping beyond the site. Although the substation infrastructure does impinge detrimentally on the views, the landscaping of the Waveney Valley is still very visible, and there is a visual connection that

is of significance to the conservation area and any development should be designed to preserve and enhance this connection.

- 4.25 The South Norfolk Place Making Guide states that one of the significant characteristics of Diss is the way in which open spaces and trees enhance the setting of the domestic scaled architecture.
- 4.26 The Planning Inspector concluded in her decision that "The appeal site occupies a significant and sensitive location between Park Field and the countryside" and that the development would "block the existing visual link between the Waveney valley and Park Field and consequently the development would fail to reflect the historic visual and functional links that previously connected Park Field to the River Waveney, and which contribute to the significance of the Conservation Area and its setting."

*The retail units*

- 4.27 From a design point of view, the previous application was partly refused due to the scale of the buildings and their contemporary styling which led to a lack of articulation and minimalist profile with the flat roof. The Planning Inspector concluded that in comparison with the Thatcher's Needle, the units would appear "disproportionately large and dominant in scale." She concluded that "The introduction of development of disproportionate scale and contemporary design on the periphery of the Conservation Area, would intrude into and detract from, that understated relationship between townscape and open space. As such I conclude the large scale and unsympathetic form of the proposed retail units would detract from and fail to preserve or enhance the Conservation Area or its setting." Also, that "in the context of the more traditional building styles and materials identified in the Conservation Area Assessment, the units would appear highly engineered, be clad predominantly in modern materials and would have the scale which would be unsympathetic to that of the traditional buildings visible from the Park Field and the Mere"
- 4.28 In response to the appeal decision the applicants have taken a new approach by providing a more 'traditional' roofline of a warehouse style building with pitched roofs, and with the height now varying between 6m and 10m rather than the level 8.5m of the previous scheme. The overall size of the retail building and its footprint as submitted remains virtually the same with the building line at the front remaining more or less continuous with only minor variation of the central block. As a consequence, the retail building is still read very much as one large scale block. Although the greater articulation of the roof line is of some benefit in terms of breaking up the massing, due to its scale and size of the building it is considered that it still does not fit in with the traditional domestic scale and articulation of the Park Road buildings, including the Thatcher's Needle to the front of the site.
- 4.29 In the supporting statement the applicant states that the retail sector requirements have also in part informed the scale and form of the development. If the development does not meet these requirements it would not only be unattractive to retailers, but also to investors.
- 4.30 The overall size and scale of the retail units therefore remains a fundamental issue which does not appear to be one that can be overcome. Consequently, the concerns previously raised with regard to the scale and size of the building, principally its height and bulk, results in harm by breaking the visual connection between Park Field and the landscape of the Waveney valley beyond, remain and represent a significant harm.
- 4.31 The architects have sought to reduce the impact of the large retail units through breaking up the massing with large gables and applying traditional materials such as weatherboarding which has had some limited success. The building line however remains the same and the size of the building remains the core issue, failing to respect its context.

*The Hotel*

- 4.32 The hotel block will be a different building type and unit to the previous scheme, which has been introduced as a response to concerns raised at appeal. This is a smaller unit, but very regular, plain and also 'shed like' in appearance. Being closer to the street, it is unfortunate that the gable end fronting towards the street is particularly plain with a lack of articulation. A more traditional scale, size and form of building that has a more suitably articulated elevation fronting toward the street would be more suited to the site, particularly considering the proximity of the building closer to Park Road, Thatcher's Needle, and also the traditional buildings around Park Field. In view of the above the Hotel neither preserves or enhances the character and quality of the Conservation Area, through harm to its setting contrary to DM4.10.
- 4.33 Overall, although appreciative of the efforts made by the applicant and their architect to design the retail units and the hotel more sympathetically within the existing context, the size and scale of the units would still harm the setting of the conservation area through breaking the visual connection between Park Field to the landscaping of the Waveney valley, and also through the impact of the design of buildings in terms of their untraditional size, scale and form. Such development is therefore unsuitable for the site. Although some benefit can be derived from developing existing unused rough land, this benefit would not outweigh the harm identified and will not therefore comply with DM4:10 in terms of enhancing the historic environment and JCS policy 2 in terms of promoting good design.
- 4.34 As set out above, harm has been identified to the Conservation Area, albeit harm that is less than substantial. Paragraph 196 of the NPPF requires less than substantial harm to be balanced against the public benefits of a development. Paragraph 193 of the NPPF also states that when considering the impact of a proposed development great weight should be given to the heritage asset's conservation. Whilst it is acknowledged that the proposal would bring forward public benefits such as employment, these are not considered to outweigh the harm identified.
- 4.35 In consideration of the Council's duties under Section 72 of the Listed Buildings Act 1990 assessment is required of the impacts of development upon Conservation Areas. It is considered for the reasons set out above that there is a degree of harm to the setting of the Conservation Area. The assessment above reflects consideration on the impact on the setting of the Conservation Area.

*Highways*

- 4.36 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.
- 4.37 The application proposes access and egress from the existing access and egress points which join Park Road for the Marston' pub. The applicant has provided some recent traffic data (January 2018) which demonstrates that there has been a marginal fall in traffic flows since 2015.
- 4.38 Whilst there will be some impact on the highway network during the Friday evening peak and Saturday peak hours, this is minimal. The site is close to the Town Centre and other retail areas and so there will be an element of cross visitation and linked trips. In light of the above the Highway Authority has raised no objections subject to the imposition of conditions, as such the proposal accords with policy DM3.11.
- 4.39 Concerns have been raised in respect of increase traffic, lack of links, cyclist provision etc. whilst these are fully appreciated, I do not consider that they represent reason why the application should be refused, particularly in the absence of an objection form NCC



Highways, also having due regard to paragraph 109 of the NPPF which states development should only be prevented or refused on highway grounds if there would be an unacceptable impact or the residual cumulative impacts on the road network would be severe..

*Drainage and flood risk*

- 4.40 Policy DM4.2 states that sustainable drainage measures must be fully integrated within designs to manage any surface water arising from development proposals and to minimise the risk of flooding.
- 4.41 The Lead Local Flood Authority originally raised concerns that insufficient information had been provided to demonstrate that an acceptable Flood Risk Assessment and Drainage Strategy could be provided. The required information was subsequently provided and subject to an appropriate condition the LLFA have removed their objection. In view of the above, the development is considered to accord with both local policies and the NPPF.
- 4.42 Criterion 8 of the allocation DIS 6 requires that wastewater infrastructure capacity to be confirmed prior to development taking place. Anglian Water has been consulted but has not responded. However, under the previous application they confirmed that sufficient capacity within the Diss Water Recycling centre and the sewerage system exists to meet the requirements of this development and they duly have no objection. Should the application be approved a Grampian condition would be required in respect of an appropriate wastewater infrastructure strategy prior to commencement of the development.

*Tree and landscape implications*

- 4.43 Policy DM 4.9 advises that the Council will promote the retention and conservation of significant trees, woodlands and traditional orchards. Equally, criterion 4 of the allocation DIS 6 requires the TPO trees on Park Road to be fully taken into account within the scheme.
- 4.44 Initially concerns were raised by the Landscape Architect as he was unable to support the application due to inadequate information in support of the application in terms of AIA (Arboricultural Impact Assessment) and RPAs (Root Protection Areas) as per the appeal inspector's concerns. Additional information has been provided and it is now clear that some adjustments to the RPAs have been made in light of the Inspector's comments. Without definitive assessments (such as trial holes) it is not possible to be absolutely certain of the roots' full extent, but the Landscape Architect is happy to accept that the current assessment of the situation is based on reasonable assumptions and as such he accepts that this can not be contested further. Furthermore, he also accepts that shading is less of an issue due to the nature of the building.
- 4.45 Therefore, whilst the current proposal presents fewer issues arboriculturally for the TPO trees than the previous scheme (appeal dismissed), the Landscape Architect maintains that it is still disappointing that a more positive visual setting is not afforded to the trees (as they are hidden for approximately half their height by the hotel block). The submitted landscaping scheme also remains inadequate to demonstrate that the scheme responds to its context, adequately addressing public and private realm. The proposal is therefore considered contrary to DM4.9.

*Ecology*

- 4.46 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. Policy DM4.4 looks for new development sites to safeguard the ecological interests of the site and to contribute to ecological and Biodiversity enhancements.

- 4.47 The Ecologist has requested that a bat assessment is submitted as part of the application, however this has not been forthcoming from the applicant nor a reasoned justification as to why they consider an assessment is not required. Therefore, insufficient information has been provided to demonstrate that the development has had due regard to and protection of the ecological interests of the site contrary to DM4.4 and Policy 15 of the NPPF.
- 4.48 Criterion 7 of the allocation DIS 6 relates to green infrastructure provision linked to allocation DIS2. It is evident that the CIL Regulation 123 list, which sets out items that are covered by CIL and those that are covered by other mechanisms eg S106 confirms that CIL should cover strategic green infrastructure unless it relates to the transfer of land to provide the necessary green infrastructure, the purchase of biodiversity credits, green infrastructure at a scale related to a particular development. It is not considered that the proposal would fall within one of three scenarios set out above and therefore the CIL payment associated with the development would satisfy this requirement.

#### *Contamination*

- 4.49 Criterion 6 of the allocation DIS 6 relates to land contamination, the scheme has been assessed by the Council's community protection officer who has confirmed that they have no objection subject to conditions relating to an investigation and risk assessment of contamination on the site, the implementation of any agreed remediation scheme and to cease work if any unknown contamination is found during construction being attached to any subsequent permission.

#### *Minerals and Waste*

- 4.50 Criterion 9 of the allocation confirms that Norfolk Minerals and Waste Core Strategy Policy CS16 applies, as this site is underlain by safeguarded mineral resources. Norfolk County Council (Minerals and Waste) has not commented, however they did not raise any objection to the previous scheme.

#### *Other Issues*

#### *Diss & District Neighbourhood Plan*

- 4.51 Concern have been raised as set out above regarding the application being premature and prejudicial to key objectives of Neighbourhood Plan, in particular to reduce traffic volume along the A1066, develop and deliver key community-based facilities at this location, and provide access to natural heritage of the Waveney river valley. The Neighbourhood Plan is in its very early stages and therefore is not a material consideration in the determination of this application.

#### *Environmental Impact assessment*

- 4.52 The proposal has been considered against the Environmental Impact Assessment (EIA) Regulations 2017. The environmental, social and economic impacts have all been considered and are adequately addressed as detailed in the report and the proposal is not considered to require an Environmental Statement and will not lead to any significant impacts other than those raised and adequately addressed in the processing of the application.
- 4.53 The proposal would generate employment for the Town which is considered an economic benefit of the scheme. The applicants have provided supporting information to advise that the reduction in the scale of the development to remove the mezzanine floors would have an impact on the viability of the scheme. This concern has been given due consideration during the determination of the application in terms of the benefits the scheme would bring.

4.54 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.

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

5. Conclusion and Reasons for Refusal

Conclusion

5.1 The application is considered contrary to national and local policies. It would result in an less than substantial harm to the setting of Diss Conservation Area; does not represent a high-quality design to the detriment of the character and appearance of the area; the proposal includes no ecology information; and would harm the vitality of Diss Town centre. The benefits the proposal would bring forward in respect of employment and use of Brownfield land are out weighed by the harms identified above.

Reason for refusal

5.2 The proposal by virtue of the size and scale of the units would harm the setting of the Diss Conservation Area through breaking the visual connection between Park Field to the landscape of the Waveney valley, and also through the impact of the design of buildings in terms of their untraditional size, scale and form. It does not achieve a high-quality design and neither preserves or enhances the character and quality of the surrounding area due to the appearance and excessive scale of the proposed units when having regard to the traditional character and form of local buildings; and due to the lack of a suitably comprehensive landscaping scheme. Although some benefit can be derived from developing existing unused brownfield land and bringing forward employment to the Town of Diss, this benefit would not outweigh the harms identified.

5.3 For these reasons the proposal fails to comply with the requirements of Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk, Policies DM1.4, DM3.8, DM4.9 and DM4.10 of the South Norfolk Local Plan Development Management Policies Document, Site Specific Allocation DIS 6, the South Norfolk Place-Making Guide and sections 12 and 16 of the National Planning Policy Framework.

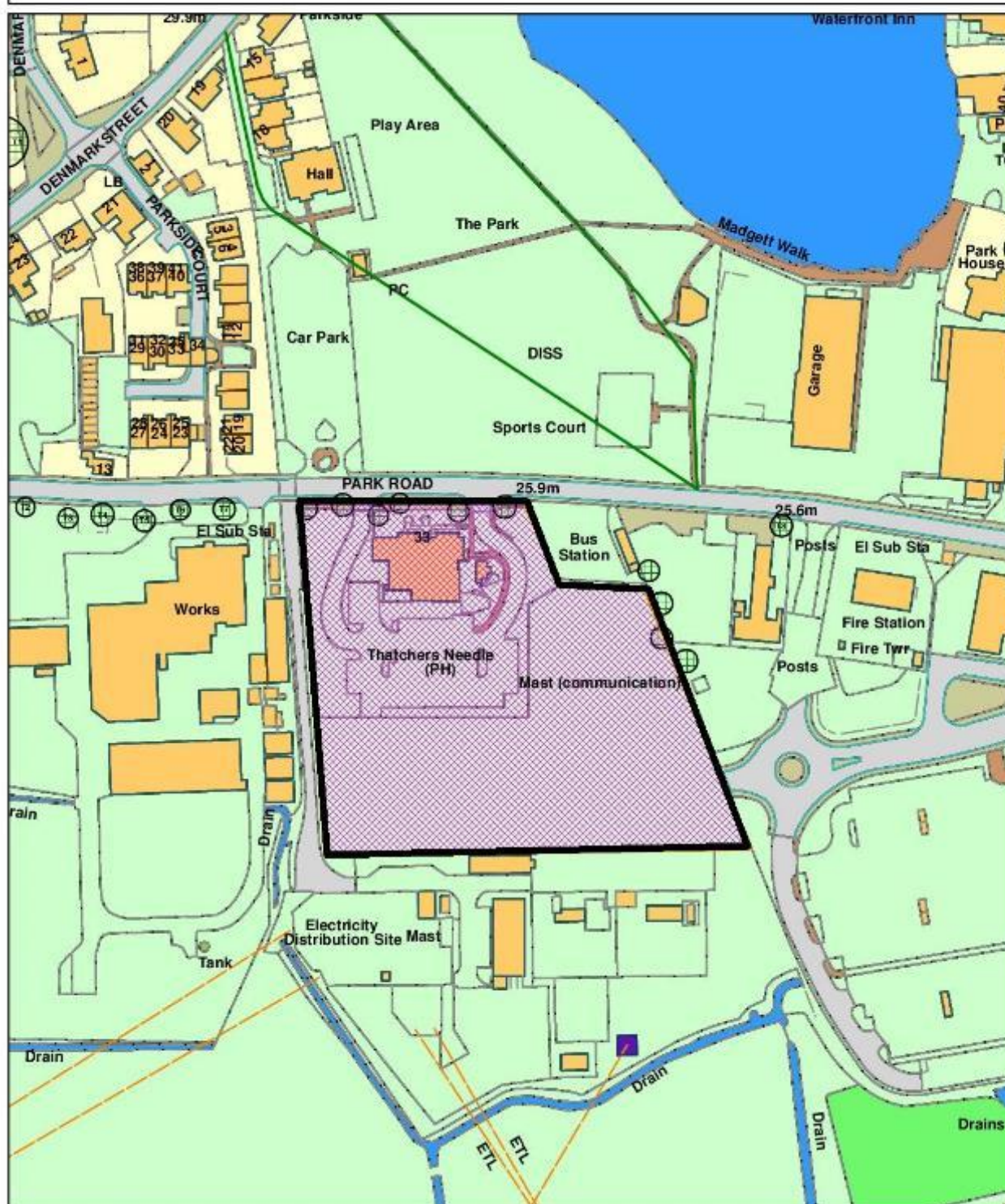
5.4 There is insufficient information provided to demonstrate that the development has had due regard to and protection of the ecological interests of the site contrary to DM4.4 of the South Norfolk Local Plan and Policy 15 of the National Planning Policy Framework.

5.5 Notwithstanding the applicant's willingness to accept a restrictive condition in respect of the nature/types of goods that can be sold from the site, agreement on the restrictions necessary to mitigate the impact of the proposal on the Town centre has not been able to be reached. It is considered that the condition offered by the applicant would not be sufficient to ensure that the proposed retail floorspace does not have a significant adverse impact upon the vitality of Diss Town centre. In view of the above, the proposal is therefore considered to not accord with the provisions of paragraph 90 of the National Planning Policy Framework and Policy DM2.4 of the South Norfolk Local Plan.

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2017/2853

Appendix 1



Scale 1:1,853

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

**Appendix 2****The Planning Inspectorate**

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## **Appeal Decision**

Hearing held on 2 November 2016

Site visit made on 2 November 2016

**by Amanda Blicq BSc (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 08 December 2016**

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**Appeal Ref: APP/L2630/W/16/3150673**

**Thatcher's Needle, 33 Park Road, Diss, Norfolk IP24 4AS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Marston's Estates Ltd against the decision of South Norfolk District Council.
  - The application Ref 2015/1428, dated 24 June 2015, was refused by notice dated 4 March 2016.
  - The development proposed is erection of 4 no non-food retails units (Use Class A1) comprising total 3948sqm with access from Park Road.
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### **Decision**

1. The appeal is dismissed.

### **Application for costs**

2. At the Hearing an application for costs was made by Marston's Estates Ltd against South Norfolk District Council. This application is the subject of a separate Decision.

### **Procedural Matters**

3. I have used the description of the development given in the Council's decision notice in the heading above, as it more accurately describes the proposal before me.
  4. I have included a consideration of the need for a retail assessment and the effect of the development on the vitality and viability of Diss town centre, as one of my main issues. This was raised as a concern by interested parties during the original application and the appeal. After reviewing the evidence I invited the appellant to respond to points raised in the Diss Heritage Triangle Trust's (the Trust's) representation.
  5. Following the hearing I made an accompanied site visit; at the request of the Town Council, I also viewed the appeal site, on an unaccompanied basis, from the car park of the Town Council offices. It was agreed between the main parties that a representative from the Town Council would lead the way to the car park.
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Appeal Decision APP/L2630/W/16/3150673

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6. In order to maintain consistency with the evidence, I have referred to the site trees using the references in the arboriculturalist's report<sup>1</sup> that is T6, T7 and T10, rather than the references given in the Tree Preservation Order<sup>2</sup> (TPO).

### **Main Issues**

7. The main issues are:
- the effect of the development on the character and appearance of the area, with particular regard to the setting of the Diss Conservation Area (CA);
  - the effect of the development on the adjacent trees, which are subject to a TPO; and
  - whether local and national policies require the undertaking of a retail assessment, in relation to the effect of the development on the vitality and viability of Diss town centre.

### **Reasons**

#### *Character and appearance*

8. The appeal site is a large area of rough ground situated on the southern edge of Diss town centre. It is bounded to the west by a mid C20 industrial building, to the south by an electricity sub-station, to the east by a Morrison's superstore and to the north by a large bus turning area and a recently built public house, the Thatcher's Needle. The site is separated from a large open space (Park Field) and The Mere, by Park Road. This is a relatively narrow two-lane road and was busy in the morning peak period when I visited the site before the hearing. The development would be accessed from Park Road from the existing access points to the Thatcher's Needle car park. The public house itself is a one and two-storey structure built in a vernacular style, and on a domestic scale, with tiled hipped roofs, pastel coloured render, timber porch canopy and small door and window openings.
9. I noted on my visit that although there are mature trees lining Park Road, which provide some screening of the appeal site both from the road and Park Field, they are irregularly spaced and do not provide a complete visual barrier. I also noted that when standing in the middle of Park Field, there are views across the appeal site to trees on the skyline beyond. These views maintain visual links between the town and the countryside to the south, and whilst I appreciate that the sub-station falls within that view, the pylons do not obstruct the view and its associated buildings are insufficiently high to form a significant barrier.
10. Park Road, running along the southern edge of Park Field, also forms the southern edge of the CA. The CA Appraisal<sup>3</sup> (CAA) notes that on the southern side of Park Road, there has been much activity with the removal of major industrial units and states that redevelopment here could be a great opportunity to visually link both sides of the road. The CAA shows that until 1939 the land to the immediate south of Park Field, running down to the River Waveney, was undeveloped.

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<sup>1</sup> Aspect Arboriculture, 9094.AS.001, August 2016

<sup>2</sup> South Norfolk District Council, Tree Preservation Order 1992 No. 2

<sup>3</sup> South Norfolk Council, Diss Conservation Area Character Appraisal and Management Plan, September 2012

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11. I also note from the evidence that almost all of the buildings backing onto Park Field or The Mere are either listed buildings or of townscape significance<sup>4</sup>. Although it is largely the rear of these buildings that are seen from Park Field and The Mere, they have a tight building pattern, distinct domestic scale and an irregularity of form and style reflective of the organic growth of the town centre.
12. The South Norfolk Place-Making Guide<sup>5</sup> (SPD) indicates that one of the significant characteristics of Diss is its open spaces and trees which enhance the layout of the town and complement the character and setting of streets and buildings. It states that new and existing development must integrate well together to create positive relationships, and that the design of new development should be specific to its location and contribute to a locally distinctive sense of place<sup>6</sup>. It also states that where a contemporary approach is to be adopted, then the proportions of the form and elevations, and quality of detailing, will be of particular importance<sup>7</sup>.
13. The appellant's stated design aims<sup>8</sup> are to produce a building of contemporary design consistent with the development's proposed use, and complementary to the locality. The development would comprise four retail units, three forming a continuous line parallel to, and within a few metres of, the site's southern boundary, and the fourth forming a stand-alone unit to the immediate south of the bus turning area. The units would be some 8.5 metres tall, and have simple contemporary styling with minimal articulation. The remaining site would be given over to car parking and service areas, and there would be few opportunities for tree planting or other landscape treatment. Nor would there be any distinction or boundary between the car park areas serving the Thatcher's Needle, and those serving the units.
14. It is argued by the appellant that although the development's internal function reduces the potential for external detailing, a repeated pattern of brick piers on the units' front facades would effectively reduce their visual impact; high entrance canopies would also provide relief for the otherwise blank facades. The appellant also advises that the colour of the composite cladding was selected to reflect that of local traditional materials.
15. I acknowledge that the units' internal function has informed their underlying scale and box form. However, in the context of the more traditional building styles and materials identified in the CAA, the units would appear highly engineered, be clad predominantly in modern material and would have a scale which would be unsympathetic to that of the traditional buildings visible from Park Field and The Mere, which are noted as providing local distinctiveness. This would fail to create a positive relationship with existing development and thus would be contrary to the guidance contained within the SPD, outlined above.
16. Furthermore, although I acknowledge that views of the appeal site from Park Field would be glimpsed and intermittent, for users of Park Road there would be direct views into the site on either side of the Thatcher's Needle as the views would be unobstructed by tree canopies. Moreover, from the north, the

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<sup>4</sup> Diss Conservation Area, Streetscape Map

<sup>5</sup> South Norfolk Place-Making Guide, Supplementary Planning Document, September 2012

<sup>6</sup> Section 3.5.2

<sup>7</sup> Section 3.8.2

<sup>8</sup> Statement of Case on Design Issues, Pegasus Group, August 2016

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units would be seen directly behind and in juxtaposition to the Thatcher's Needle. Their contemporary styling, large scale and minimalist profile would sit uneasily with the domestic scale and articulation of the Thatcher's Needle, particularly given the unrelieved expanse of parking area that would provide separation. In comparison with the Thatcher's Needle, the units would appear disproportionately large and dominant on the site.

17. The design and access statement<sup>9</sup> design statement notes that the nature of the site's approved uses dictates that large buildings will be proposed. However, I disagree with this statement. The allocated uses for the appeal site outlined in Policy DIS6 of the Local Plan<sup>10</sup> (LP), include leisure and housing, neither of which necessarily require buildings of this size or scale. Furthermore, this policy notes that developers will be required to ensure their scheme design takes the adjacent CA into account.
18. The design and access statement also states that the scale and massing of the proposal have been informed by location, taking into account the scale and proximity of neighbouring buildings. Although there are buildings of larger scale and limited architectural merit in the general area, the development would be seen primarily in the context of the Thatcher's Needle, which although a commercial development, has an overall form and scale reflective of its position adjacent to the CA.
19. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the CAs. The appeal site occupies a significant and sensitive location between Park Field and the countryside. Where there are views into the site from the north, the trees beyond the sub-station would be largely obscured from view. This would block the existing visual link between the Waveney valley and Park Field and consequently the development would fail to reflect the historic visual and functional links that previously connected Park Field to the River Waveney, and which contribute to the significance of the CA and its setting.
20. Furthermore, it was evident on my visit that the general consistency of the CA's underlying building pattern and proportionate scale enhances the contribution that Park Field and The Mere, which are not in themselves particularly extensive, make to the town centre. The introduction of development of disproportionate scale and contemporary design on the periphery of the CA, would intrude into and detract from, that understated relationship between townscape and open space. As such I conclude the large scale and unsympathetic form of the proposed retail units would detract from, and fail to preserve or enhance the CA or its setting.
21. Consequently, I conclude that the development would have a detrimental impact on the character and appearance of the locality and the CA, as it would fail to have regard to the traditional character and form of local buildings. As such, the development would fail to comply with Policy 2 of the Core Strategy<sup>11</sup> (CS) which requires development to respect local distinctiveness, including townscape and the varied character of market towns and villages, and LP Policy

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<sup>9</sup> KMB Ltd, Design and Access Statement, May 2015

<sup>10</sup> South Norfolk Local Plan, adoption version October 2015

<sup>11</sup> Joint Core Strategy Broadland, Norwich and South Norfolk, adopted March 2011, amended January 2014

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DM1.4 which requires developers to make a positive contribution to local character and distinctiveness.

22. The development would also fail to meet the requirements of LP Policy DM3.8 which expects development to respect adjoining structures, spaces, routes and the local landscape, and LP Policy DM4.10 which states that development proposals must have regard to the historic environment and take account of the contribution heritage assets make to the significance of an area. It would also, as outlined above, fail to comply with Section 72 of the Act.
23. Although not cited in the reasons for refusal, LP Policy DIS6 is of relevance in this appeal. This, as outlined above, requires development to take account of the adjacent CA in addition to other site specific requirements. In this regard, the development would fail to comply with LP Policy DIS6.
24. I acknowledge that there are existing buildings in the vicinity of the appeal site that also detract from the setting of the CA, but that does not justify allowing a development that would result in further harm. Furthermore, given the apparent age of those buildings, it is likely their construction preceded current planning policy and I am required to determine the appeal on its own merits. Moreover, as noted above, the CAA outlines the expectation that development on the southern side of Park Road should be considered as providing opportunities to improve the setting of the CA, which I have concluded would not be the case in this instance.
25. I also acknowledge that the officer's report was supportive of the scheme's design and that amendments to the original were made during the application process. Nonetheless, this does not alter my reasoning that the unsympathetic design, its impact on the setting of the CA and limited use of traditional materials would not make a positive contribution to the character and appearance of the area.
26. The appellant has drawn attention to Paragraph 126 of the National Planning Policy Framework (the Framework) which requires councils to set out a positive strategy for the conservation and enjoyment of the historic environment, and argues that the development would meet those policy tests. It is apparent from the policy evidence before me that the Council has set out a positive strategy, but I am not satisfied that the development meets the policy tests.

#### *Trees*

27. The Council raised a concern that three protected mature trees (T6, T7 and T10)<sup>12</sup> on the site's eastern boundary, which mark a former avenue leading from the town to the river<sup>13</sup>, would be harmed by the proximity of the development's proposed hardstanding. It is proposed that construction would extend into their Root Protection Areas (RPAs). In addition, some crown lifting would be required to enable vehicles to pass beneath.
28. The evidence before me indicates that the nominal RPAs of T7, T10 and to a lesser extent T6, extend across areas proposed as hardstanding for the retail units. It is also evident that the nominal RPAs of T6 and T7 already extend under significant areas of tarmac to their immediate east (a car park) and

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<sup>12</sup> Although Aspect Arboriculture's report addressed only the impact of the development on trees T7 and T10, it was confirmed during the hearing that T6 would also be affected by the development.

<sup>13</sup> Verbal evidence, Town Council

north (the bus turning area). The appellant argues that the effect of existing adjacent hardstanding was taken into account when determining the extent of the RPAs.

29. I recognise the difficulty of accurately determining root areas without trial holes. However, the British Standard<sup>14</sup> (BS) highlights that pre-existing site conditions, for example the presence of roads, can affect the symmetry of root growth and recommends modification of the shape of the RPA in such circumstances. Given the age of the trees relative to the car park and bus turning area<sup>15</sup> it is likely that the roots of T6 and T7 would have been damaged by the excavations associated with these tarmac areas. Consequently, I am not satisfied that the RPAs are representative and consider it highly likely that the current active root areas of T6 and T7 extend further into the appeal site than the RPA circumferences shown.
30. As such, whilst I recognise that the proposed disturbance to the notional RPAs of T6 and T7 would be within the BS guidelines of 20%, evidence before me indicates that T6 and T7 may have already had up to 50% of the area within the notional RPAs affected by previous construction work. Further damage within the current root zone could have a disproportionate effect on the trees' future health and longevity.
31. The appellant pointed out evidence of previous crown lifting at the site visit. I concur that the form of T6 and T7 indicate that further crown lifting would not significantly alter the shape of their upper canopies as although parts of the canopies extend to within a metre or so of ground level, the relevant branches appear to join the trunk significantly higher up.
32. I appreciate that construction methods could be prescribed by condition in order to protect the trees. However, in addition to my concerns in relation to the areas of proposed hardstanding, I am also mindful that the nominal RPA of T7 extends to less than a metre of the footprint of Unit 4. Given my concerns in respect of the accuracy of the RPAs shown and the likelihood that the actual roots extend asymmetrically into the site, it is likely that the excavation associated with the building, and compaction from the movement of site traffic around this corner of Unit 4 would also have a detrimental effect on the tree's future health and longevity.
33. LP Policy DM4.8 states that the Council will safeguard and promote the appropriate management of protected trees, unless the need for and benefits of, a development clearly outweigh their loss. Were the potential harm to the trees the only identified adverse effect arising from the development, I would not necessarily consider such harm sufficient to warrant dismissal of the appeal. I also appreciate that the appellant recognises their significance. However, notwithstanding the potential, (although disputed), economic benefit for the town arising from additional retail floorspace, the potential adverse effect of the development on the trees is a further shortcoming of the proposal. As such, I conclude that the development would fail to safeguard the protected trees, contrary to LP Policy DM4.8, as outlined above.

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<sup>14</sup> BS 5837:2012

<sup>15</sup> Neither of these areas is shown on the 1939 town plan included in the CAA



*Vitality of the Town Centre*

34. The site is allocated for non-food retail, leisure, offices and housing under LP Policy DIS6, and this policy is up to date, but the Town Council questioned whether the retail floorspace proposed could be accommodated without having a detrimental effect on existing businesses in the town centre, and whether the development complies with current policy in this regard. In addition, the Town Council and members of the public have recently raised a significant sum of money to support the Heritage Triangle initiative which aims to regenerate the town centre and increase footfall to independent shops.
35. Both main parties agree that Paragraph 24 of the Framework, which states that sequential tests are required for town centre uses that are not in an existing centre and not in accordance with an up-to-date plan, would not apply in this instance. The main parties also agree that as LP Policy DIS6 allows retail use on the appeal site, the retail impact assessment required by Paragraph 26 of the Framework for retail development outside town centres, would not be required.
36. However, my attention was drawn to LP Policy DM2.4 which states that all proposals for retail, leisure and office uses of above 1000 sqm outside the town centre area of Diss, will be required to submit a retail assessment. This would review the impact of the proposal on existing, committed and planned public and private investment in a centre in the catchment area of the proposal, and the impact of the proposals on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area. As the Local Plan was adopted after the Framework, I give LP Policy DM 2.4 full weight. In addition, the evidence before me appears to support the Town Council's concern in relation to retail impact.
37. The CS states that Diss has the development potential for a further 4500 sqm of comparison goods shopping over the plan period. However, the supporting text to LP Policy DM2.4 states that the figures in the CS can be regarded as optimistic, and notes the conclusions of the 2011 Portas Review that shopping habits are changing. I also note that the CS predates the establishment of the Trust which was formed to revitalise the historic core of Diss<sup>16</sup>; its formation and success in gaining Lottery and government support suggests there was real concern regarding the future of the town centre at this time.
38. LP Policy DM2.4 states that the development of new or improved retailing and other main town centre uses will be encouraged at a scale appropriate to the form and functions of Diss. This development, at 3,948 sqm would be close to the suggested limit given in the CS. As such, notwithstanding that the appeal site is allocated as mixed use, the development would represent a significant addition to retail floorspace. Furthermore, given the text of LP Policy DM2.4, I agree with the Trust and Town Council that the projections of the CS are less relevant now, given the current financial climate and changes in shopping habits.
39. In response to concerns that the development would have a detrimental impact on footfall in the town centre, the appellant argued that there was no evidence to demonstrate that such footfall would be affected. The officer's report noted that there was a strong likelihood that people visiting the proposed units would

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<sup>16</sup> Diss Heritage Triangle Trust, representation October 2016

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also visit the town centre. The appellant noted that the proposals do not need to accord with every element of the development plan and that it should be reviewed against planning objectives as a whole.

40. However, my observations led me to conclude that although the appeal site is visually linked to Park Field, it is not particularly well linked to the approaches to the town centre. LP Policy DIS6 notes that crossing Park Road safely can be difficult and during the hearing, the Town Council noted that surveys have shown that 40% of people driving to Morrison's do not venture into the town centre. Having viewed the surroundings I consider people unfamiliar with the town would not appreciate the proximity of, or route into, the main town centre.
41. In addition, although the Council reiterated during the hearing that were the appeal to be allowed, a condition would be required to limit the retail function of the units to non-food uses, I noted food is available all day at both Morrison's and the Thatcher's Needle. This further reinforces my view that users of the development would not have particular incentive to venture further afield, and that the limitation of the development to non-food retail use would not necessarily encourage shoppers into the town for refreshment.
42. The wording of LP Policy DM2.4 was raised with both main parties during the hearing. The Council maintained that the development would be in accordance with the site allocation and I appreciate that the Council maintains that LP Policy DIS6 renders further impact assessment unnecessary. I also acknowledge that mixed use does not prohibit single or dual use development, or the justification of one use over another, as argued by the appellant. However there is nothing in LP Policy DM2.4 which leads me to conclude that site allocation policies render further impact assessment redundant, or indeed that there is any conflict with LP Policy DIS6.
43. As such, I am not satisfied that further impact assessment of the development on the retail function of the town centre is unnecessary and I disagree with both main parties in this respect. Consequently, I conclude that the development has not complied with the provisions of the LP Policy DM2.4, with respect to an impact assessment, and that it has not been demonstrated that the development would not have a detrimental effect on the vitality and viability of the existing businesses within the town.

*Other matters*

44. The Council has previously approved an outline application for a 3-storey hotel, roughly on the proposed footprint of Units 1-3. This would be a few metres taller and appreciably longer than Units 1-3. The appellant confirmed during the hearing that the indicative design concept included the use of tiles, bricks and render as external finishes; furthermore the arrangement of windows on a hotel would result in a finer level of detail and articulation than that proposed here. As such, although I recognise that the Council has previously approved a building somewhat larger than the proposal before me, its appearance and materials would be likely to be significantly different. Consequently, I give this permission little weight and in any case every appeal is determined on its individual merits.



45. The Town Council and other interested parties have raised concerns in relation to the data collection and conclusions of the transport assessment<sup>17</sup>. My review of the information provided concluded that it is incomplete with regard to tracking information for service vehicles entering and leaving the site from the east. However, no objection has been raised by Norfolk County Council as the highways authority and as far as I can ascertain from the evidence before me, the access points into the development would be sufficiently wide to allow service vehicles to enter and exit from both directions, without having to cross the opposing lane of traffic.
46. I also noted on my visit that there is a spur on the small roundabout adjacent to Morrison's car park to the immediate east of the appeal site, which could facilitate access into the appeal site. However, whilst I note that interested parties consider that access from this point would reduce potential congestion on Park Road, I concur with the Council that they have to determine the application before them. Furthermore, there is nothing in the evidence before me, or indeed in the requirements of LP Policy DIS6, which indicates that this spur has to be utilised for access to the appeal site.
47. Reference has been made within the evidence from interested parties to the impact of the development on views from a future viewing platform to be built next to the Town Council offices at a height of some 70 - 80 feet above the level of The Mere. Having viewed the appeal site from this location, I concluded that although the tops of the units would be visible, there would be sufficient distance and intervening tree cover to diminish their prominence in the view. I also concluded that the height of the platform would be sufficient to enable views to the trees beyond the sub-station.
48. The Town Council raised a concern that the development would not improve connectivity from the town centre to the River Waveney, to the south. However, there is nothing in the evidence before me to indicate that this would be required as part of the site's redevelopment. Furthermore, the Council noted that had such linkage been considered necessary, it would have been included in the requirements outlined by LP Policy DIS6 and I see no reason to disagree with this view.

### **Conclusion**

49. I appreciate that the appellant has liaised with the Council throughout the application process, and that the development before me is an amended design that has been informed by that feedback. Nonetheless, the Committee considered that the scheme was unacceptable and I agree with their decision.

I also appreciate that the development would improve the appearance of a prominent site which is currently rough ground. However, this public benefit would not outweigh the harm I have identified above. Consequently, for the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and Core Strategy and that therefore the appeal should be dismissed.

*Amanda Blicq*

INSPECTOR

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<sup>17</sup> Rowland Bilsland Traffic Planning, SJB/AR/14026, June 2015

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## **APPEARANCES**

### **FOR THE APPELLANT**

Michael Robson  
Bhupinder Thandi  
Ben Williams  
Dr Richard Curtis

Cerda Planning  
Cerda Planning  
Pegasus Group  
Aspect Arboriculture

### **FOR THE LOCAL PLANNING AUTHORITY**

Chris Raine  
Robin Taylor  
Chris Bennett

Senior Planning Officer  
Landscape Officer  
Urban Design and Conservation planner

### **INTERESTED PERSONS**

Graham Minshull  
Deborah Sarson  
Tony Palmer  
Mike Rigby  
Ray Bryant  
Brian Falk

Town Councillor, District Councillor  
Town Clerk, Diss Town Council  
Town Councillor, District Councillor  
representing Richard Bacon MP  
Local resident  
Diss Triangle Heritage Trust

## **ANNEX 1**

### **Documents submitted at the Hearing (by agreement)**

1. Officer's report for planning application Ref: 2011/0049/O.
2. Statement from Richard Bacon MP.
3. Costs application from Michael Robson, Cerda planning.

**3. Appl. No : 2018/0872/O**  
**Parish : MULBARTON**

Applicants Name : Glavenhill Strategic Land (Number 3) Limited  
 Site Address : Land East Of Norwich Road Mulbarton Norfolk  
 Proposal : Outline Planning Application for up to 135 dwellings, public open space and associated drainage and highways infrastructure

Recommendation : Refusal

- 1 Not sustainable development
- 2 No overriding benefits
- 3 Impact on church
- 4 Impact on Paddock Farmhouse
- 5 Impact on conservation area
- 6 Impact on landscape
- 7 Loss of important hedgerow
- 8 Insufficient information re flood risk
- 9 Insufficient information re protected species

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.

**1 Planning Policies**

- 1.1 National Planning Policy Framework (NPPF)**  
 NPPF 02 : Achieving sustainable development  
 NPPF 04 : Decision-making  
 NPPF 05 : Delivering a sufficient supply of homes  
 NPPF 06 : Building a strong, competitive economy  
 NPPF 09: Promoting sustainable transport  
 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  
 NPPF 16 : Conserving and enhancing the historic environment
- 1.2 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 6 : Access and Transportation  
 Policy 9 : Strategy for growth in the Norwich Policy Area  
 Policy 15 : Service Villages  
 Policy 17 : Small rural communities and the countryside  
 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  
 DM3.12 : Provision of vehicle parking  
 DM3.13 : Amenity, noise, quality of life  
 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  
 DM4.9 : Incorporating landscape into design  
 DM4.10 : Heritage Assets

- 1.4 Mulbarton Neighbourhood Plan  
 HOU1 : Location of New Residential Development  
 HOU2 : Type of Housing  
 HOU3 : Density  
 HOU4 : Design  
 TRA1 : Access to services and road safety  
 TRA2 : Traffic in a walkable village  
 COM1 : Provision of Facilities and Services  
 ENV1 : Conservation Area and Heritage Assets  
 ENV3 : The Local Environment  
 ENV4 : Flood Risk

- 1.5 Supplementary Planning Documents (SPD)

- 1.6 South Norfolk Place Making Guide 2012

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

S16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission or listed building consent 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 | 2016/1097 | EIA Screening opinion. | EIA not required |
|-----|-----------|------------------------|------------------|

## **3. Consultations**

- |     |                          |                                  |
|-----|--------------------------|----------------------------------|
| 3.1 | Mulbarton Parish Council | <u>Comments on amended plans</u> |
|-----|--------------------------|----------------------------------|

Original objections still stand, but we add that regard needs to be given to the National Planning Policy Framework July 2018 and the emerging Greater Norwich Local Plan. There is existing development in the village and the GNLP has still not reached the stage of determining how much (if any) further house-building should take place in Mulbarton. Question how much this application complies with the spirit of the new NPPF – shortcomings have been identified in respect of highways, education, healthcare

and heritage that the planning application does not adequately resolve or mitigate – nor can these shortcomings be satisfactorily addressed by applying achievable conditions or section 106 obligations.

#### Comments on original plans

##### Refuse

- Proposal is contrary to the JCS and Site Allocations DPD
- South Norfolk Local Plan highlights the importance of the countryside around The Common
- The scheme is contrary to Policy HOU1 of the Mulbarton Neighbourhood Plan in terms of the large development proposed and the adverse impact on listed buildings
- Even though a 5-year housing land supply cannot be demonstrated for the Norwich Policy Area using the JCS as its base, the SHMA assessment, which is the most up to date method of assessing housing needs, reports a housing surplus and should be applied when considering this application
- This application is premature and prejudicial to the Greater Norwich Local Plan process to 2036, for which no preferred options have been established in Mulbarton
- Bracon Ash, which is included in our joint area for planning purposes, has already been granted 20 new homes
- The LLFA and Historic England have also objected to this proposed development and other major organisations have also expressed great reservations about their ability to accommodate the development
- Understand our neighbouring Parish Councils will also be objecting to the proposed development as they have an interest in preserving existing services and have major concerns about the increase in traffic and pumping of flood / surface water from our parish into theirs

Ecological report also submitted on behalf of Mulbarton Parish Council suggesting the application should be screened under the Habitat Regulations; additional bat surveys are produced; the presence of other amphibians such as the common toad are considered; hydrological effects of the drainage on the catchment and sensitive receptors within it such as the River Mul are fully considered, and that stronger guarantees that any ecological corridors within the site would be managed in perpetuity.

Bracon Ash Parish  
Council

#### Comments on amended plans

No comments received

#### Comments on original plans

##### Refuse

- Unsuitable for this location impacting on traffic, schools and health provision

Swardeston Parish Council	<u>Comments on amended plans</u>
	No comments received
	<u>Comments on original plans</u>
	Refuse
	<ul style="list-style-type: none"> <li>• The development would greatly reduce the band of open space currently separating Swardeston and Mulbarton</li> <li>• It is outside of the planning boundary and as there is an existing 5 year land supply there is no reason to overlook this significant aspect</li> <li>• The B1113 is already congested and this proposed development would create additional traffic through Swardeston which is adversely impacting on the safety of residents</li> </ul>
3.2 District Councillors: Cllr Colin Foulger	<u>Comments on amended plans</u>
	Must be determined by Committee
	To Committee
	<ul style="list-style-type: none"> <li>• Major development</li> </ul>
Cllr Nigel Legg	<u>Comments on original plans</u>
	Must be submitted to and considered by Planning Committee
	To Committee
	<ul style="list-style-type: none"> <li>• Major application. Outside development boundary</li> </ul>
3.3 Anglian Water Services Ltd	<u>Comments on amended plans</u>
	No comments received
	<u>Comments on original plans</u>
	No objections
	<ul style="list-style-type: none"> <li>• Sewerage system and water recycling centre have available capacity for flows from this development</li> </ul>
3.4 Campaign for the Protection of Rural England	<u>Comments on amended plans</u>
	Object
	<ul style="list-style-type: none"> <li>• Given the existence of the JCS of sufficient allocated sites to fulfil housing targets, along with the current Regulation 18 consultation for the emerging new Local Plan, which will allow for further planned growth, there is no need for large-scale unplanned speculative growth</li> <li>• The applicant states that little weight should be given to the SHMA; we content that the SHMA provides significant new evidence on housing need</li> <li>• Concerns remain over upgrading of the footpath and if anything are increased by the high-handed nature of the applicant's assertion that such as 'upgrade' could be imposed</li> </ul>



- we suggest that the impacts of the proposed development on the landscape character would be greater than suggested by the LVIA
- the proposed development would be contrary to the considerations of the landscape character areas identified in the South Norfolk Local Landscape Designations Review, not least through the adverse effects on the current rural undeveloped character of the site

#### Comments on original plans

##### Object

- Application site is not earmarked for housing.
- Policy 15 of the JCS identifies as Mulbarton and Bracon Ash as a service village with allocations within the range of 10-20 dwellings
- Even with the need in the JCS to provide 1000 across smaller sites an application for 170 dwellings in one service village is excessive
- SHMA demonstrates a 5-year land supply can be demonstrated
- Comments made about Wymondham Rugby Club appeal are irrelevant as they are before the most recent AMR
- Mulbarton Neighbourhood Plan does not direct development to the north of the village as stated, it just states not towards the south and clearly does not anticipate development of this scale
- Concerns with traffic assessment accompanying the application as the estimated number of journeys are too low, the estimate impact on traffic at the proposed new roundabout is underestimated and there is an unrealistic expectation about the amount and length of journeys by foot
- Impact on setting of church and open rural landscape to the east, and harm from the 'upgrade' of the footpath through the churchyard
- Loss of productive agricultural farmland which should be considered classified as subgrade 3b given recent crops

### 3.5 Historic Environment

#### Comments on amended plans

##### Concerns regarding the application

- Despite amendments development on the application site would result in harm to the significance of the conservation area and the listed parish church
- We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 7, 8, 193 and 194
- In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas

Comments on original plans

## Object on heritage grounds

- Development of the site would result in harm to the significance of the conservation area and listed parish church and does not constitute sustainable development in terms of the NPPF
- We consider the application does not meet the requirements of the NPPF, in particular paragraph numbers 6, 7, 14, 17, 128, 132 and 134

3.6 Mulbarton Surgery  
(Humbleyard  
Practice)

Comments on amended plans

No comments received

Comments on original plans

- We were asked for feedback ahead of this planning application and are disappointed our feedback was not fully understood
- Building a new GP practice is very expensive and is not something which there is current funding for
- Although the developer can provide land they are not able to ensure funding is provided
- The current plan is to develop the current site rather than relocate
- An additional 170 homes without significant pressure on the GP practice
- The car parking near the surgery and school is already an issue and will only get worse as the village expands

3.7 Natural England

No comments received

3.8 NCC Historic  
Environment Service

Comments on amended plans

Advice remains unchanged from that given previously

Comments on original plans

## Conditional support

- Based on the existing archaeological information and the results of the assessment undertaken to date there is potential that for heritage assets with archaeological interest (buried remains)
- The baseline information submitted suggests that the significance of the heritage assets at the proposed development is likely to be such that the impact upon them could be effectively managed through appropriate planning conditions

3.9 NCC Ecologist

Comments on amended plans

- A full appropriate assessment is not needed so South Norfolk Council as the competent authority can screen out the need for an appropriate assessment
- Support the enhanced green infrastructure across the site, however we would like to see increased connectivity to the most northern pond and hedgerow widths on the site boundaries in places should be increased to ensure connectivity across the site for great crested newts
- We recommend population size class assessment surveys for great crested newts are carried out prior to the application being determined to fully assess the extent to which great crested newts could be affected by the development

- We support the proposed circular walk which will help reduce the number of people making use of the Mulbarton Common Wildlife Site and the proposed financial contribution towards the on-going management of Mulbarton Common

#### Comments on original plans

- Proposed development needs to have a greater ecological focus
- Site is described as favourable for great crested newts, so it is possible that they would venture from ponds onto the site
- The diagram shows the fragmented narrow hedges and tree-lines are maintained; in our opinion the plans need to include coherent and ecological corridors to allow continued movement of great crested newts and other wildlife across the site
- Change in use of the site will result in long term loss of habitat for farmland species; we would like to see mitigation for this
- The adjoining Mulbarton Common is a County Wildlife Site and it likely to be impacted from an increase in use from the development; a circular walk within the site should be provided for dog walkers and runners which is likely to reduce the numbers of people making use of the County Wildlife Site, although it is unlikely to reduce the impact of the proposed development on Mulbarton Common to acceptable levels
- The suggested financial contribution to the ongoing management of Mulbarton Common could be used to restore the ponds on site for great crested newts and other features of the County Wildlife Site

#### 3.10 NCC Lead Local Flood Authority

#### Comments on amended plans

##### Object

- No alternative solution for the disposal of surface water has been provided in the event that infiltration rates at the site of the re-located infiltration basin prove to be unfavourable
- Consideration for future maintenance

#### Comments on original plans

##### Object

- Proposed dwellings and drainage features located in areas shown to be at risk of flooding
- No consideration for future maintenance
- Urban creep allowance

#### 3.11 NCC Highways

#### Comments on amended plans

##### Conditional support

#### Comments on original plans

Further information required in regard to assessment of walking routes, size of the access road, assessment of the junctions and design of the roundabout

3.12 NCC Public Rights  
Of Way OfficerComments on amended plans

No comments received

Comments on original plans

Mulbarton Footpath 8, which runs along the southern boundary of the site, should remain open and accessible for the duration of the development and subsequent occupation

We welcome the proposed links from Mulbarton Footpath 8 which will encourage the integration of the development and encourage use of the public right of way

3.13 NCC Planning  
Obligations Co  
OrdinatorComments on amended plans

- The site for this proposed development is outside of the local plan. The number of children generated from the proposed development would put pressure on the surrounding schools. There is spare capacity at high school level but, if necessary, Norfolk County Council will be seeking CIL funding for primary education
- 3 fire hydrants would be required
- Inclusion of recreation opportunities and links to public rights of ways are welcomed. However, as there would be an increase in users of the footpaths we would require improvements to the surfaces of these public rights of way

## 3.14 NHS England

Comments on amended plans

- The proposed development is likely to have an impact of the local primary surgery and on NHS funding programme for the delivery of primary healthcare provision in the area
- Need for an increased clinical capacity at the existing site
- Existing practice does not have the capacity to accommodate additional growth resulting from the proposed development. The development could generate approximately 311 residents and subsequently increase demand upon existing constrained services
- A developer contribution will be required to mitigate the impacts of the proposal of £49,049.

3.15 Norfolk Police  
Architectural Liaison  
OfficerComments on amended plans

- Latest proposals identify a number of public footpaths through the development, in particular through woodland where there is a potential increased fear of crime for users. Such footpaths should be constructed to be as wide and straight as possible, well-lit where possible and devoid of hiding places
- Orchard in north-eastern corner would be without active room surveillance and therefore could attract anti-social behaviour

Comments on original plans

- Adequate and appropriate natural surveillance needs to be provided for public open spaces, play areas and street furniture
- Public open spaces require protection from unauthorised vehicular access
- Illustrative site plan shows no less than 7 footpaths which could be used for criminal access and potentially encouraging anti-social; behaviour
- Adequate fencing, gating, doors and lighting should be provided to prevent crime

3.16 Norfolk Fire Service No comments received

3.17 Norfolk Wildlife Trust Comments on amended plans

No comments received

Comments on original plans

Concerns with the survey findings of the Ecological Report

- Shows the presence of great crested newts to the north and south of the site; the master plan shows substantial vegetation clearance around one of these ponds
- Green space around the development needs to be designed to be an attractive alternative to Mulbarton Common and to be suitable for circular walks for dog-owners with a financial contribution made to the management of the County Wildlife Site
- Farmland birds were shown to be present on the site and off-site mitigation is required to ensure that impact on these species are minimised
- Biodiversity enhancement measures are also proposed in the Ecological Report; these measures should be fully incorporated into the Landscape and Ecology Management Plan
- Approval should only be given if all of the mitigation measures recommended in the Ecology Report and by ourselves can be put into place and are enforceable

3.18 SNC Senior  
Conservation and  
Design Officer

Comments on amended plans

Although the changes made to the layout do assist in reducing the level of harm of the proposed development on the setting of the identified heritage assets, the changes do not overcome that harm. The level of harm identified, which can be considered to be less than substantial, requires clear and convincing justification and needs to be taken into account in the planning balance and weighed against the public benefits of the proposals. Considerable weight should be attached to the desirability of preserving the heritage assets when carrying out that assessment.

Comments on original plans

The development will result in a significant change in character to the northern part of the settlement, a part of the village where the historic character of the village has been preserved with limited modern development. Consequently, to the north of the village the boundary of the village extends out to the edge of the countryside and includes Paddock Farm.

It is accepted by the applicant that the setting of heritage assets will be adversely affected and consequently areas of open space have been left. Nevertheless, the degree of harm to the setting of heritage assets, Paddock Farmhouse and its associated barn and the conservation area, and also the setting of the church, should be factored into the planning balance and given great weight.

In design terms there is a significant concern with the lack of connectivity between the proposed development and the existing settlement. The vehicle connection is some distance to the north of the village, and although pedestrian access is possible using the footpath to the south of the church, the relatively informal nature of the path would require upgrading to the detriment of the character of the churchyard in turn affecting the setting of the church.

3.19 SNC Environmental  
Waste Strategy

No comments received

3.20 SNC Community  
Services -  
Environmental  
Quality Team

To be reported in appropriate

3.21 SNC Housing  
Enabling & Strategy  
Manager

No objection to either original or amended plans

The affordable housing mix of sizes is acceptable but with some changes of housing types suggested

Welcome that 10% of the private market plots are to be made available as self-build plots

3.22 SNC Landscape  
Architect

Comments on amended plans

Two main concerns

- Consider that the visual impact from the east will be greater than the LVIA concludes
- Loss of sections of important hedgerow contrary to Policy DM4.8

3.23 SNC Play &  
Amenities Officer

No comments received

3.24 SNC Water  
Management Officer

This is a major application and therefore the Lead Local Flood Authority is the statutory consultee for providing the technical assessment for this application

3.25 The Ramblers

No comments received



3.26 Other  
Representations

## Mulbarton Residents Group

Commons on amended plans

Application must be refused

- Policy DM1.1 states that development proposals should be in accordance with the Neighbourhood Plan; this application is outside the development boundary and does not adhere to the Neighbourhood Plan
- Misinterprets the Neighbourhood Plan; it does not say new development should be to the north of the village, rather it talks of developments of 5 or more dwellings not being to the south and to focus on the common and the facilities in the heart of the village
- The applicant states that the public open space in the development should be a benefit; given that Mulbarton has a large village common and many other open spaces within easy reach it should not be seen as a benefit
- The NHS money should not be seen as a benefit unless a business case can show how it will offer improved services to the residents of Mulbarton
- Historic England continues to object to their application, stating the harms caused do not constitute sustainable development
- Senior Conservation and Design Officer for SNC reports that the development would cause harm to the setting of the Church, Paddock Farmhouse, the conservation area and Tower Mill
- Both the Senior Conservation and Design Officer and CPRE note that the setting of the church and conservation area would be harmed by the proposed upgrade of the footpath through the church grounds.
- The large roundabout is totally out of character with the rural countryside and approach to the village
- Houses to the north of the site continue to experience flooding due to poor drainage on these fields
- The applicant has had extended periods of times to rectify concerns raised and these have not been addressed; the LLFA have again objected to these proposals
- Latest report by our consultants highlights that the infiltration basin does not have a suitable spillway location or maintenance route around it; a route free from houses should be provided from the basin to the area of natural surface water; the foul drainage system design suggests the need for a pumping station but there is no allowance on the layout for the cordon sanitaire of at least 15 metres
- Roundabout will prejudice the free flow of traffic with resulting pollution for existing residents from queueing traffic
- Single country lanes around the area will become rat runs; of particular concern is Catbridge Lane
- Site visit for Road Safety Assessment was in August and therefore cannot be deemed representative of normal traffic flows
- Street lighting to be incorporated would be contrary to Mubarton Neighbourhood Plan
- Planning permission has been granted for further houses in Mulbarton, Bracon Ash and Swardeston which would generate more traffic
- Footpath link is not overseen and is unlit and therefore making it an undesirable / unsafe route for pedestrians

- Alternative pedestrian route is on the east side of Norwich Road, which includes very narrow sections of pavement. If the pavements are widened the road will be narrowed to less than 6 metres which is the minimum standard for this type of road
- Suggested alternative pedestrian route around Todd's Pond is used by refuse vehicles and lorries and therefore cannot be considered a safe alternative
- The railings at the pond cannot be changed to widen the pavement as they date back as far as 1906 and are part of the heritage of Mulbarton
- Narrow section of road between the pond and World's End Public House has been the location of numerous road traffic accidents in the past
- Need for increased ecological connectivity. EPSM licence, great crested newt population size class assessment survey, Habitat Regulations assessment screening and further bat surveys identified by NCC Ecologist and Norfolk Wildlife Services has not been done and are concerned about the loss of habitat for these rare species
- New footpaths behind existing houses could result in anti-social behaviour and crime. Architectural Liaison Officer predicts the need for extra policing
- Local residents remember the site being used for the burial of cattle carcasses during outbreaks of Foot and Mouth Disease in the 1950s and 1960s – why has this not been investigated further?
- Applicant classifies the land as Grade 3 agricultural land; however CPRE report grades this land as 3a due to recent crops including sugar beet, potatoes and various cereals. SNC should identify more appropriate areas of poorer quality land for development, rather than sacrificing this higher quality land.

#### Comments on original plans

Application should be refused

- Land has been identified to the setting of heritage assets by Historic England, the Council's Conservation and Design Officer and CPRE that outweighs any benefits
- Drainage report prepared by our consultants show that the site is located in the valley of a wider catchment which is much larger than the development site and therefore the natural surface water run-off from this area must be considered in any drainage strategy for the site
- The report also states the applicant's report should make allowance for urban creep at an allowance of an additional 10% due to the site's density
- The report also states that the drainage and infiltration basin should be redesigned to a location outside the surface water flooding area and infiltration testing checked in the relocated area of the basin to ensure the design will work
- New roundabout will result in queueing traffic through the village towards Norwich resulting in noise and pollution and use of rat-runs to avoid it
- Roundabout will be totally out of character
- County Wildlife Site will be negatively impacted
- Mitigation measures suggested to reduce impact on CWS will be at odds with the recommendation of the Police Architectural Liaison Officer

- Contrary to Mulbarton Neighbourhood Plan policies TRA1 (does not provide safe and convenient walking routes), Key Statement 1 (street lighting requirements conflict with this statement), ENV2 (impact on the common from increased use) and ENV4 (will increase flood risk)
- It has been made clear the Humbleyard (Mulbarton) surgery has no intention of moving to a new site within the proposed development
- It is therefore not acceptable that Lanpro is presenting the provision of a site for a GP surgery as a benefit for the wider community of Mulbarton
- We have been made aware that the lands has been used historically for burying the carcasses of cattle infected with Foot and Mouth Disease

Petition with 612 signatures against amended plans and any further housing development in Mulbarton unless involves 5 houses or less

Letters from individual residents

116 letters of objections to amended plans

- Does not address any of our concerns
- Still consider that Mulbarton has had enough development
- Consider garden villages away from existing settlements as a way of providing new housing not 'bolt on housing'
- Continues to conflict with the Neighbourhood Plan
- Mulbarton Parochial Church Council continue to strongly object to the use of the existing footpath through the Churchyard, which is primarily a burial ground, as a pedestrian access route to and from the proposed development
- Many concerns repeated from previous letters regarding loss of village character
- The entrance into Mulbarton is of beautiful historic buildings set in lovely countryside which would be significantly impacted by a modern housing estate
- Continued concerns about setting of church and listed buildings
- Many concerns repeated from previous letters relating to standard of B1113, junction of B1113 and A140, impact of roundabout on traffic flow, impact on lanes through East Carleton and parking problems associated with the school
- Road surfaces are falling apart
- Traffic survey was not carried out at peak time flows
- Transport Technical Note demonstrates that existing footways are inadequate
- Pedestrians using the footways would have to cross and then re-cross a busy road to access services
- Plan includes footpaths that simply go nowhere
- Why is roundabout even bigger for fewer houses?
- Continued concern about impact on local services such as doctor's surgery and school
- Contribution to doctor's surgery is not enough
- Concerns repeated about impact on churchyard users
- Still unsold houses in the village
- Loss of privacy to adjoining properties on St Omer Close, plans are misleading when it shows relationship with new properties
- Anti-social behaviour continuing to rise

- Continued concern about loss of valuable farming land
- Impact on farmland birds from loss of agricultural land
- Concerns repeated about burial of cattle during foot and mouth outbreaks
- Further concerns about trust in the planning system

#### 4 letters of support to original plans

- the extra housing is much needed in this village, hope it's affordable
- disagree with people who say there is no demand for houses in the village, we have been outbid every time a bungalow has come onto the market
- hope bungalows form part of the development
- massive housing shortage around Norwich which needs to be addressed to allow young people to buy their own properties and stay in the locality
- will help re-balance the village which has seen significant development to the south of the common
- the new roundabout will address one of the biggest road safety issues in the area
- businesses in the area will welcome possible increase in their custom

#### 385 letters of objection to original plans

- development is unreasonable and disproportionate
- already been two large developments recently in Mulbarton
- the number of houses has increased by approximately 50% since 2004 (from approximately 1200 homes in 2000 to nearly 1800 today), plus more houses permitted in Bracon Ash and Swardeston
- village has grown from fewer than 700 people to over 3000 people in less than 50 years
- SHM demonstrates a 8.08 year housing land supply
- plenty of homes for sale, let's sell these first before building new ones
- village has already done its bit to help with the housing crisis
- brownfield sites in Norwich available that could provide new housing
- development to the south of the village has created a town like suburb to the south, the north retains its rural character
- will link Mulbarton and Swardeston into one settlement
- homes that are built are of poor quality
- new developments are too dense
- lots of disruption during construction
- new housing developments never seem to include starter homes
- new homes around Norwich need to be planned around larger capacity roads, such as the NDR
- will no longer be a village if this development does ahead
- what is the point of a development boundary if it is not adhered to?
- comment from owner of holiday cottages that people visiting expect to find a village not suburbia
- level of development is contrary to Mulbarton Neighbourhood Plan which supports small level of housing growth of 10-20 dwellings
- what was the point of preparing a Neighbourhood Plan if its totally ignored?

- concerned about traffic along B1113 which is over capacity
- in the morning rush hour there are always long queues from the A140 junction
- roundabout would hold up traffic going into Norwich
- access is on a dangerous corner
- B1113 to Swardeston is narrow and winding
- improving safety on this bit of road could be achieved by lowering speed limit without the need for a roundabout
- pedestrians will have to navigate narrow paths where passing push chairs is impossible
- transport assessment does not cover other rural roads such as Catbridge Lane which would be used as shortcut to the A11 and A47
- suggested traffic increase has been underestimated
- very difficult driving round the village during the school run
- village has parking problems around the school which this development would make worse
- bus timetables are not currently fit for purposes
- bus routes do not extend into the evenings
- services cannot cope
- waiting for doctors appointments for 3-6 weeks
- no taker for proposed surgery so that won't happen
- similar promises were made about the Flordon Long Lane development
- distance to new site for doctor's surgery is much further than the existing site for where the majority of elderly residents in the site
- dentist unable to accept new NHS patients
- the school is full
- we need another school before new houses
- chairman of local scout group advises they have waiting lists for every section and are turning kids away
- detrimental impact on surrounding villages which rely on Mulbarton for services
- promise for new community facilities is worthless without the necessary funding
- co-op is not in close walking distance of the estate
- village hall has been extended twice to keep up with demand, it seems doubtful that further extensions will be tolerated
- are the electrical and telecommunications capable of taking these extra residents?
- would harm setting of Paddock Farm and properties around Todd's pond
- the Old Hall is a Grade II listed building sitting in the conservation area which would be adversely affected by large developments
- would ruin the approach to the village
- would completely destroy the historic character of the north end of the village that previous decades a careful planning have worked so hard to protect
- use of churchyard as a pedestrian access to the site would be detrimental to its character
- would also be upsetting to relatives of those buried in the churchyard
- putting hosing behind the churchyard would destroy its quiet, contemplative nature
- this footpath is intended for walkers to enjoy the countryside not as an access to a housing estate

- would need the permission of the Diocese?
- Parochial Church Council object to use of the use the existing footpath through the churchyard
- would also cross common land
- detrimental to the ecology and environment of the common
- impact on special wildlife habitats
- noise, air and light pollution will have a negative effect on the natural environment
- Anglian Water infrastructure struggling to maintain system pressure at peak times
- drainage is an issue in the area
- seen the field extremely water logged
- loss of farmland to grow our food
- after Brexit we will have to be more food self-sufficient
- loss of more green space
- impact on privacy of residents of St Omers Close by proposed footpath
- will affect the amenities of adjoining residents
- would proximity of new dwellings to the church result in complaints about noise from the bells?
- people feel they are not being listened to
- democracy is supposed to be out what the majority of people want but when applications for large building sites it seems peoples views fall on deaf ears
- where are all these people expected to work?
- disturbance to horses in adjoining paddock
- is this an attempt to re-enter the awful plans for a greater Mangreen new town?

#### 4 Assessment

##### *Background*

- 4.1 The application is an outline application with access for formal consideration. All other matters are reserved. The application is for up to 135 dwellings, public open space and associated drainage and highways infrastructure. Affordable housing is to be provided at 33%. As originally submitted, the application was for 170 dwellings and included a doctor's surgery, however the level of housing was reduced to attempt to address some of the concerns raised, whilst the doctor's surgery site was removed as it was unlikely to be delivered.
- 4.2 The site relates to an area of agricultural land 13.2 hectares in size. It lies to the north of the existing village of Mulbarton with some existing residential development to the southern part of the western boundary and the church and more historic development to the south and south west of the site. Open countryside adjoins the site to the north and east with a public footpath (Public Footpath 8) running along the southern boundary of the site.
- 4.3 The applicant has argued as part of their submission that the proposal would bring forward the following benefits:
- Delivery of 135 homes in an area with an out of date Local Plan and no confirmed 5YLS;
  - Delivery of policy compliant (45) affordable units in an area which has seen under delivery of affordable homes;
  - Delivery of 10 self-build plots, in an area where there are over 300 people on the self-build register;



- Over delivery of public open space and new walking routes and improved connectivity to existing PROW network in an area where there has been an identified deficiency in Green Infrastructure;
- Delivery of footway improvements and signage to PROWs to benefit new and existing residents;
- Delivery of new roundabout and extended 30mph limit which will help slow down traffic on the approach to the village Conservation Area;
- Delivery of health care contribution to increase capacity in GP catchment area;
- Delivery of extension to Church burial ground;
- Delivery of employment opportunities through construction phase and support to local shops and businesses through increased customers;

*Principle*

- 4.4 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Material considerations include the National Planning Policy Framework (NPPF).
- 4.5 In accordance with both the Council's adopted development plan and the NPPF, in cases where there are no overriding material considerations to the contrary, development proposals for housing that accord with the development plan should be approved without delay.
- 4.6 In this regard, consideration should be given to Policy DM1.3 which makes provision for development to be granted outside of development boundaries, such as this, where one of two criteria are met: either c) where specific development management policies allow; or, d) where there are overriding benefits in terms of economic, social and environmental dimensions of sustainable development, as set out in Policy DM1.1.
- 4.7 In terms of c), the current proposals do not considered to meet the requirements of this criterion. In terms of d), establishing whether there are any overriding benefits will be confirmed following an assessment of all harms and benefits of the scheme.
- 4.8 Where development proposals do not accord with the development plan, consideration should be given to whether there are material considerations that otherwise indicate that development should be approved.
- 4.9 On 10 January 2019 the JCS housing requirement became 5 years old. Consequently, consideration needs to be given to NPPF paragraph 73. Paragraph 73 requires the Greater Norwich authorities to assess land supply against the Government's standard method for assessing local housing need, unless the JCS housing requirement has been reviewed and it has been determined that it does not need updating. At the time of writing no formal review of the JCS has been undertaken nor a formal resolution made in terms of whether the JCS Housing Requirement needs updating.
- 4.10 Notwithstanding the above, the revised NPPF made further changes to calculation of 5 year housing land supply including changes to the definition of what is a deliverable site and the way in which an authorities past housing delivery performance is measured: The Housing Delivery Test. A full reassessment of land supply for Greater Norwich that takes account of the changes to the definition of a deliverable site is currently being undertaken and is due to be published shortly. The first Housing Delivery Test outputs, originally scheduled by Government for November 2018, are yet to be published. The Government also undertook consultation on the standard method, ending on 7 December 2018, which will alter the scale of local housing need; changes to the standard methodology following this consultation are also expected to be published shortly.

- 4.11 Whilst there remains uncertainty about aspects of the housing land supply calculation and in advance of the publication of a comprehensive update of the land supply position applications should continue to be determined in accordance with Appendix A of the Joint Core Strategy Annual Monitoring Report.
- 4.12 This appendix shows that, at 1 April 2017, against the JCS requirements there is 4.61 years supply in the combined Norwich Policy Area (NPA), a shortfall of 1,187 dwellings. Consequently, the policies relating to housing land supply cannot be considered up-to-date and applications for housing should continue to be determined within the context of the titled balance referred to in paragraph 11 of the NPPF, which states that:

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. 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.*

- 4.13 The AMR refers to the Strategic Housing Market Assessment (SHMA) for Central Norfolk (the Greater Norwich authorities plus, North Norfolk and Breckland) published in June 2017. The SHMA assesses the Objectively Assessed Need for housing between 2015 and 2036 using evidence which supersedes that which underpinned the JCS housing requirement. Based on the evidence within the SHMA there would be a housing land supply of 8.08 years in the NPA.
- 4.14 The SHMA is considered an intellectually credible assessment of housing need and therefore a material planning consideration. Recent appeal decisions have applied differing approaches to the use of the evidence in the SHMA. To date these appeals have been by written representation and, as acknowledged in some of the decisions themselves, this type of appeal is not the appropriate place to undertake a detailed housing land supply assessment and robustly test the approach. The Councils' approach has been examined at Inquiry through the appeal at Race Course Plantations, Plumstead Road East; however, the decision on this is still awaited.
- 4.15 Taking account 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 the NPPF, 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.
- 4.16 Mulbarton has a made Neighbourhood Plan and therefore the policies within that Plan also need to be taken into account when considering this application.
- 4.17 Policy HOU1 of the Neighbourhood Plan states that permission will be granted for new development of five or more dwellings where it will rebalance the development pattern of the village by improving the focus on The Common and adjacent facilities. It then states that proposals for five or more dwellings that result in the growth of the village further southward will not generally be acceptable. As this development is to the north of the village, it is not considered that the proposal conflicts with this policy.

### Economic objective

- 4.18 The NPPF defines the economic objective as "to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure."
- 4.19 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 future occupants.
- 4.20 It should also be noted that the development would be subject to Community Infrastructure Levy (CIL).
- 4.21 It is therefore considered that the scheme would bring forward a level of economic benefit.

### Social objective

- 4.22 The NPPF defines the social objective as "to support, strengthen and enhance vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being."
- 4.23 The proposed scheme would provide housing in a location where the JCS identifies a shortfall in housing land supply which would present a social benefit. In considering the significance of this benefit, the SHMA also needs to be taken into account which provides the most recent evidence demonstrating a housing land supply in excess of 8 years which is a material consideration in determining this application although as it is untested it is afforded limited weight. Another important benefit the scheme provides is 45 affordable housing units which is fully policy compliant under the JCS and in excess of the SHMA requirement of 28%. The market and affordable housing therefore represents a significant social benefit.
- 4.24 The application also notes that 10% of the plots are to be self-build. The NPPF requires Councils to plan for people wishing to build their own homes and therefore this is another benefit of the scheme.

### Indicative Layout and density

- 4.25 Policy 2 of the JCS and Policy DM3.8 of the Local Plan require new development to be of a high standard of design. Policy HOU3 of the Neighbourhood Plan states that new development should reflect the overall character of Mulbarton and take account of its rural setting and that densities for new housing development on any given site should be consistent and compatible with the existing and prevailing density in that local context and reflect the locally distinctive character of the locality in which the new development is proposed so that the village feel is retained.
- 4.26 The indicative layout has been amended following discussions to try and better integrate with the site and its context. The resultant layout, notwithstanding other concerns about the context of the development, is considered be an acceptable approach to developing the site and in this respect complies with Policy DM3.8.
- 4.27 The scheme has an average net density of 21 dwellings per hectare which is relatively low. The northern end of Mulbarton has looser grain compared to the estate developments to the south of the village which would result in a higher density being inappropriate. Nonetheless, whilst the density of the proposed development is not particularly high there are concerns in terms of form and character which is considered in later in the report in regard to the impact of the development on heritage assets.

*Access and Impact on the Local Highway Network*

- 4.28 Many concerns have been raised about the ability of the local highway network to accommodate the development. In particular concerns have been raised about the nature of the B1113 past the site at this point, congestion issues at the junction where the B1113 meets the A140, increased traffic along Catbridge Lane and through East Carleton to access the A11 and parking issues within Mulbarton. In addition, the safety of pedestrians along the B1113 between the site and services within the village has been questioned.
- 4.29 The applicant has been in contact with Norfolk County Council as the Highway Authority to achieve a safe means of access to the site. This is to take the form of a roundabout forming the main vehicular access to the site, which will also have the benefit of reducing traffic speeds on this section of the B1113. The Highway Authority consider this is an acceptable strategy for accessing the site, although it should be noted that the urbanising effect of the roundabout causes other concerns considered in other sections of this report.
- 4.30 In regard to the issues of traffic congestion at the junction of the B1113 and the A140, along Catbridge Lane and parking within the village, these concerns are appreciated. A separate application for development at Keswick is to deliver a major improvement to the junction of the B1113 and the A140, although clearly delivery of that cannot be relied upon for this application. However, in regard to all these issues the Highway Authority do not consider that the additional impact of this development on what are existing issues would not be significant enough to warrant refusal.
- 4.31 In regard to pedestrian access, a Transport Technical Note was submitted in response to concerns raised about the local footways along the B1113. This includes an assessment of the existing situation and proposes improvements to connect footways on the site to the existing footway network north of St Omers Close. No objection has been received by the Highway Authority who would require these improvements to be secured by condition on any planning approval.
- 4.32 A more direct pedestrian access is provided by Public Footpath 8, however this is currently an unmade path that passes through the churchyard and over common land to reach footways along The Common. Proposals to upgrade this would have a detrimental effect on the character of the churchyard and the setting of the church and it is questionable as to whether such an upgrade could be delivered. However, in the absence of such an upgrade the connectivity between the development and services in the village for pedestrians and cyclists would be inadequate resulting in an unsustainable development that relates poorly to the existing settlement.

*Education*

- 4.33 Norfolk County Council have commented that whilst there is capacity at Hethersett Academy for high school level education there is a shortfall in capacity at Mulbarton Primary School and therefore, if necessary, the County Council would be seeking CIL funding for Primary Education provision.

*Healthcare*

- 4.34 As noted above, it was initially proposed that a site for a doctors surgery would be delivered as part of this application. That was withdrawn after the offer to the existing surgery was declined. In response to the amended scheme NHS England have requested a contribution to the provision of healthcare in the area. The applicant has stated that this is a benefit to be delivered from the application, although the amount calculated for the contribution is based on the number of residents likely to be generated by the development and therefore is only to mitigate for the additional development. In any event, without a robust policy basis and evidence to demonstrate the direct impact of the development on primary healthcare and the specific mitigation measures required, we cannot secure this

funding as a planning obligation and would be reliant on the applicant providing it at their own will. As such, the proposed and requested contribution it is not afforded any weight in the planning balance.

*Residential amenity*

- 4.35 Some comments have expressed concerns about the positioning of dwellings or other details shown on the indicative layout. However it should be remembered that as noted above this is application is an outline application with all matters reserved except access. The precise position of dwellings, and their size and potential for overlooking would be considered at the reserved matters stage in the event that outline planning permission were to be granted. Given the size of the site and its boundaries with existing development there is no reason to believe that development could not be achieved in accordance with Policy DM3.13.

*Provision of open space*

- 4.36 The application provides a significant amount of open space that considerably exceeds the level that would be required by the Council's SPD for a development of this scale and this has been proposed to help mitigate the impact of the new built form on the approach to the village and in regard to the setting of the church. The applicant has contended that this help meets an identified shortfall of green infrastructure in the district. It is accepted that this provides a benefit that should be taken into account when balancing the harms and benefits of the development.
- 4.37 The applicant has also offered to gift land for an extension to the Church burial ground. However, the Church have objected to the proposal and declined to be part of the legal agreement. As such, only limited weight can be given to this given the considerable doubt this causes over its delivery.

*Environmental objective*

- 4.38 The NPPF defines the environmental objective as "to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

*Landscape Impact*

- 4.39 Policy DM4.5 states that all development should respect, conserve and where possible, enhance the landscape character of its immediate and wider environment. Development proposals that would cause a significant adverse impact on the distinctive landscape characteristics of an area will be refused.
- 4.40 The submitted Landscape and Visual Impact Assessment (LVIA) identifies that the most significant visual effects will be for the users of the public footpaths and the Council's Landscape Architect concurs with this. Notwithstanding this, his judgement is that the effects from the east (and Footpath 8 in particular) will be greater than the LVIA concludes (Moderate to Slight Adverse upon completion, reducing to Slight Adverse after 15 years). The Illustrative masterplan includes new hedgerow and tree planting along the eastern boundary which will largely form the boundary of – and often appears to be within - private gardens. It is not clear as to whether the boundary vegetation as proposed could be managed as a single entity, and as such its long-term effect would be harder to guarantee.



- 4.41 The LVIA concedes that even assuming the proposed enhancements to the field boundary vegetation on the eastern edge are successfully delivered, maintained and help to filter some of the views of the site, they will not screen the site entirely. It is currently the case that even in winter the settlement of Mulbarton is barely visible in views from the east. As such the proposed development will present a notable change in character from a rural undeveloped landscape other than views of the church tower over the treeline to views of a more developed landscape through the introduction of a substantial amount of housing. This would result in a significant adverse impact on the landscape character and landscape setting of the village.
- 4.42 The application states that the existing hedgerow H6 is important when assessed against the Hedgerow Regulations; as such the Council's policy is in favour of retention. The proposed scheme necessitates the removal of two sections from this substantially intact feature. Each breach will necessitate a gap of at least 9.1 metres (the width of a 5.5m carriageway plus a 1.8m path each side), but this does not include any further margins required for construction purposes/service corridors or the installation of the wildlife underpasses. These proposed losses of sections of important hedgerow are contrary to Policy DM4.8 of the Local Plan, and represent a harm in the planning balance.

#### *Impact on Heritage Assets*

- 4.43 Paragraph 193 of the NPPF states that great weight should be given to the conservation of a heritage asset, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 4.44 Policy DM4.10 of the Local Plan Policy states that all development proposals must have regard to the historic environment and take account of the contribution to which heritage assets make to the significance of an area and its sense of place, as defined by reference to the national and local evidence base relating to heritage. It also states that considerable importance and weight must be given to the desirability of preserving listed buildings, their settings and the character and appearance of conservation areas. The policy notes that where less than substantial harm is identified this will only be justified where there are public benefits that outweigh the harm and furthermore that in carrying out this planning balance less than substantial harm will be afforded considerable importance and weight.
- 4.45 The Mulbarton Neighbourhood Plan also includes a policy in relation to heritage assets. This states that new development in or adjacent to the Conservation Area and near important features identified within the Neighbourhood Plan should take account of the historic fabric of the area and should enhance the character or appearance of the area.
- 4.46 The development is in close proximity to a number of heritage assets, to which concerns have been raised by both the Council's Senior Conservation and Design Officer and Historic England. The assets identified as being directly affected include the Grade II\* listed Church of St Mary Magdalen, Grade II listed Paddock Farmhouse and an adjacent barn, and the conservation area as well as the Tower Mill as an undesignated heritage asset visible to the north of the site.
- 4.47 In regard to the church, during all seasons the church tower is visible above the tree line and clearly visible from the footpath approach to the village along the historic track / footpath that approaches Mulbarton from the east. With the winter thinning of vegetation there are additional glimpsed views of the lower part of the church tower through the vegetation close to the church, where the tower is not seen above the tree line. Amendments have been made to the layout so that the more immediate setting of the church remains undeveloped and is planted with more trees. This will however be managed recreational open space and not open countryside in terms of rural character. The direct approach from open countryside along the track, through the tree thicket passing close to the Old Hall and entering the church yard, and then progressing to the Common is well preserved and an important element in the character and appearance of this part of the



conservation area. Although the additional landscaping is appreciated, the new estate development will still be visible in the views when walking along the footpath and will result in a change to the setting to the church. Historic England have also identified development on this site as resulting in harm to the setting of the church.

- 4.48 The northern part of the site is adjacent to the Grade II listed Paddock Farmhouse. The fields to the east of the farmhouse contribute to its setting, with the farmhouse historically looking towards the fields with views over open countryside. The setting is well preserved, with the existing relatively modern development of St Omer Close at the current edge of the village well screened by a deep thicket of mature landscaping. The farmhouse in particular is an important historic landmark on the approach to the village and its setting will be harmed by the proposed development. Whilst the layout has been amended so that the field immediately to the east of the farmhouse is turned into open space with residential development behind the hedge on the eastern boundary of the field. However, development will still be visible, and this will harm the rural setting of the farmhouse in terms of its connection to, and views over, open countryside. The change to the character of the field immediately to the east of the farmhouse itself could also have a detrimental impact on the setting of the farmhouse, changing the character of the setting from the more functional rural and agricultural worked landscape that has historically been associated with the landscape.
- 4.49 In regard to the conservation area, although there has been some modern development in this part of the village, the character and appearance of this part of the conservation area remains largely unchanged and retains the character of a small rural settlement to the north and east side of the Common with the church and the Old Hall and their landscaped settings characterising the approach to the settlement.
- 4.50 The conservation area appraisal describes the character of the area in terms of setting on page 5:
- "There is a larger area of modern estate housing immediately to the south of the conservation area but to the north, east and west sides there are stronger links with the open countryside. At the far northern end of the conservation area Paddock Farm stands rather separate from the built-up part of the village which extends north from the pond and it is only modern housing that provides a stronger link between the farm and the main part of the settlement. The village of Mulbarton is not visible along the road on approach towards Paddock Farm which very much has the appearance of an historic farm site within the open countryside. The open rural setting here at the east side of the road on approach to the village forms a very important part of the setting of the listed farmhouse, which fronts the road and needs to be retained."*
- 4.51 The Senior Conservation and Design Officer has commented that the addition of a new area of estate housing to the north east of the village in this location, however well designed in urban design terms, will have a significant impact in term of the change to the rural setting of this part of the conservation area in terms of its rural connections and setting within open countryside. Although there is some modern development, this is very limited in comparison to the large areas of modern estate housing that characterises the setting to the south of the conservation area. Whilst it is accepted that an attempt has been made to replicate the more informal rural character of the village with more irregular layout of streets, the spacing of buildings and design of open spaces, the modern housing density and extent of new housing will change the settlement grain and the character of this part of the village and can be considered harmful to the setting of the conservation area.
- 4.52 There are two parts of the conservation area where harm from the development has been specifically identified: the approach along Norwich Road, and the area around the Church and Old Hall, which a rural footpath passes through in the approach to the village from the east.

- 4.53 The approach along Norwich Road is notable because of views of Paddock Farmhouse and the barns within open countryside, and the existing tree thicket screening St Omer Close in views. This approach into the village and conservation area has therefore remained relatively well preserved. Although the current plans leave the field to the east opposite the Paddock Farmhouse undeveloped, with housing behind the hedge to the east, the density of modern development will be very visible. This represents a change and results in harm from the loss of open countryside and the rural setting of the conservation area in the approach to the village. The other significant alteration in this part of the village will be the introduction of the roundabout. This will introduce a more urban feature within an existing rural approach to the village. As noted above, it is also likely that the design of the open space itself will be very different in character to the rural agricultural farmland which forms part of the current setting of the farmhouse and barns within the conservation area, and will create a very different transition from the current open countryside to the built up settlement.
- 4.54 With the part of the village where the Church and Old Hall are situated, the experience of the conservation area as a heritage asset is from the track and footpath which connects the common and the village through the churchyard and then the wooded landscape to the fields and open countryside beyond. Within that area the historic buildings are to a significant extent screened within the landscaping, although in winter months they are more visible. The development of the field with housing in a more open setting will dramatically alter the experience of the village through introducing a more built up element within this part of the conservation area and its setting. Although the current proposal indicates that an area of land to the south west will be preserved as an open space, it will change in character to a managed open space rather than a rural field. This will change the transitional character of the area as experienced when walking in either direction along the relatively informal rural footpath, from open fields and hedge boundaries, through woodland planting associated with the church and Old Hall, in the historic churchyard and through to the Common, and is consequently considered to be harmful to the setting of the conservation area as a heritage asset. Historic England have also noted that despite the amendments to the scheme it remains their view that development at the northern end of the conservation area would, by introducing development between the historic edge of Mulbarton Common and its countryside setting, result in harm to the conservation area in terms of the NPPF with the creation of the roundabout being an additional negative feature.
- 4.55 Comments have also been raised about the Old Hall to the south of the site, and the impact on longer distance views to Swardeston church to the north. In regard to the Old Hall there is significant mature landscaping and a large utilitarian agricultural building that affect inter-visibility between the Old Hall and the site despite their relative proximity. Whilst the winter thinning of vegetation allows for glimpsed views of the Old Hall from the public footpath, the orientation of the building faces south-east and north-west with no direct views from the house towards the site. The Senior Conservation and Design Officer does not therefore consider that the development will have a harmful impact on the setting of the building in terms of how it is experienced and appreciated. In regard to Swardeston Church, the church is visible from the public footpath running along the southern boundary of the site. However, it is not a prominent landmark due to the distance with intervening undeveloped fields beyond the site and intervening features and as such these views are not considered by the Senior Conservation and Design Officer to contribute to the significance of the heritage asset. As such, it is not considered that there is identified harm to the setting of either the Old Hall or Swardeston Church.
- 4.56 Overall however, harm has been identified to a number of heritage assets, albeit harm that is less than substantial. Paragraph 196 of the NPPF requires less than substantial harm to be balanced against the public benefits of a development. Paragraph 193 of the NPPF also states that when considering the impact of a proposed development great weight should be given to the heritage asset's conservation. Therefore, the harm identified is afforded significant weight in the planning balance. Balancing this with the public benefits is carried out later in the report.

- 4.57 In consideration of the Council's duties under Sections 66(1) and 72 of the Listed Buildings Act 1990 assessment is required of the affect upon listed buildings and its setting and the impacts of development upon Conservation Areas. It is considered for the reasons set out above that there is a degree of harm to the setting of three listed buildings and the conservation area. The assessment above reflects consideration on the impact on the setting of these buildings and the conservation area.

*Drainage and Flood Risk*

- 4.58 The site is within Flood Risk Zone 1 and therefore is not at risk of fluvial flooding. However, the northern most part of the site is identified at being at risk of surface water flooding.
- 4.59 Surface water drainage was designed to be through infiltration via an attenuation lagoon. The Lead Local Flood Authority objected to the scheme as originally proposed due to the drainage features and dwellings being located in areas shown to be at risk of flooding. Revisions were made including the relocation of the attenuation basin from an area of surface water flood risk and the removal of any housing in this area, with this area instead proposed as a location for an orchard.
- 4.60 However, the Lead Local Flood Authority continue to object as no alternative solution for the disposal of surface water has been provided in the event that infiltration rates at the site of the re-located infiltration basin prove to be unfavourable. In addition, there remains inadequate information in regard to future maintenance. As such, the scheme as it currently stands is contrary to Policy DM4.2.
- 4.61 It is understood that there have been further discussions between the applicant and the Lead Local Flood Authority. Further information has been submitted and at the time of writing the report we are still awaiting the further comments of the Lead Local Flood Authority. We therefore anticipate an update on this matter will be provided prior to the meeting which may overcome the eighth reason for refusal in the recommendation.
- 4.62 In regard to foul drainage, Anglian Water have commented that Swardeston Common Water Recycling Centre has capacity for flows from this development, as does the sewerage system. A report prepared by consultants acting on behalf of the Mulbarton Residents Group notes that there is a reference to potential foul water pump. The consultants note that this could need a cordon sanitaire of at least 15 metres from the nearest dwelling. However, the site contains considerable open space and which should allow for such a pump to be accommodated on the site.

*Ecology*

- 4.63 A Preliminary Ecological Appraisal was submitted with the application. This identified that there are some risks of minor impacts to protected species including great crested newts which will need to be addressed through mitigation. These included a circular walk within the site for dog walkers and runners to reduce pressure on Mulbarton Common which is a County Wildlife Site. In addition, a financial contribution is proposed towards the on-going management of Mulbarton Common which if permission were granted would be secured by the Section 106.
- 4.64 Norfolk County Council's Ecologist welcomes the provision of the circular walk and the proposed financial contribution. However they would still like to see increased connectivity for great crested newts. They have also recommended that population size class assessment surveys are carried out to fully assess the extent to which greater crested newts could be affected by the proposed development. There is therefore further consideration needed as to the necessary mitigation measures which would be needed prior to planning permission being granted.

*Agricultural Land*

- 4.65 A number of comments have been made in regard to the loss of agricultural land. The land is classified as Grade 3 and it has been asserted that due to previous crop production it is likely to be Grade 3a. Whilst Grade 3a soil is relatively high quality soil for agriculture, it is not considered that even if the land were proved to be Grade 3a the loss of such land would in itself be a reason to refuse the application.

*Summary of sustainable development*

- 4.66 The proposal provides a substantial amount of additional housing in an area where a 5-year land supply cannot be demonstrated. The SHMA evidence demonstrates a 5 year land supply but until this is tested limited weight is afforded to this as a material consideration. Overall therefore significant weight is afforded to the social benefits of market housing delivery.
- 4.67 Policy compliant levels of affordable housing to meet the JCS requirement of 23% is proposed, which is now in excess of the recent need set out in the SHMA at 28%. Affordable housing provision in excess of the most recent evidence of need therefore presents a significant social benefit.
- 4.68 In addition, 10% of plots are to be made available for self-build plots although this is afforded limited weight as the delivery mechanism is not guaranteed. There also a number of other benefits such as public open space well above policy requirements with connectivity to the public right of way network. As noted above, some the other stated benefits have more limited value as they are only required to mitigate the development or there is considerable doubt as to whether they would be delivered such as the offer of land for an extension to the Church burial ground.
- 4.69 However, the proposal would result in less than substantial harm as defined by the NPPF to three designated heritage assets – the Grade II\* listed St Mary Magdalen Church, the Grade II listed Paddock Farmhouse and Mulbarton Conservation Area. Considerable weight should be attached to the individual harm to each of these assets in their own right. Further harm is also identified in regard to the impact of new development on the landscape from the introduction of residential development when viewed from the east, particularly along Public Footpath 8, where views of the existing settlement are currently very limited and also from the loss of sections of a currently intact hedgerow which is assessed as 'important' under the Hedgerow Regulations 1997.
- 4.70 It is therefore considered that the cumulative harm to the setting of three heritage assets; the harm to the form and character of the village by the creation of an estate development in the context of a part of the village that has a looser more historical grain; the harm to the landscape from the introduction of residential development in views from the east where views of the existing settlement are limited; harm from the loss in part of existing intact important hedgerow, and harm through inadequate connectivity for pedestrians and cyclists between the new development and the village unless works are carried out to the churchyard that are harmful to its character and may not be deliverable, is significant. These harms are considered to significantly and demonstrably outweigh the identified benefits of the application and the proposal is contrary to paragraph 11 of the NPPF.

*Other Issues*

- 4.71 Concern has been raised that the site was used for the burial of cattle carcasses during outbreaks of Foot and Mouth Disease in the 1950s and 1960s. However, in the event that planning permission was granted this could be dealt with through standard contamination conditions.

- 4.72 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.
- 4.73 The application is liable for CIL although this would be calculated at the reserved matters stage where floor spaces would be known. Should consent be granted a section 106 agreement would need to be entered into to ensure the provision of affordable housing and in regard to the provision and management of open space.
- 4.74 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 and Reasons for Refusal
- 5.1 The proposed development does not represent a sustainable development, having regard to the three tests (social, economic and environmental) set out in the NPPF, by virtue of the cumulative detrimental impact of the scheme would have on the setting of three different heritage assets and the form and character of the settlement along with the adverse impact the scheme would have on the rural landscape and the partial loss of an important hedgerow, and through inadequate connectivity for pedestrians and cyclists between the new development and the village unless works are carried out to the churchyard that are harmful to its character and may not be deliverable, thereby significantly and demonstrably outweighing the benefits of housing and the other identified benefits in the Norwich Policy Area where there is not an up to date 5 year housing land supply, having regard to the limited weight attributed to the SHMA as a material consideration.
- 5.2 The proposed housing is not supported by any specific Development Management Policy which allows for development outside the development boundary and nor does it represent overriding benefits when having regard to the harm caused to heritage assets and as such does not satisfy the requirements of either 2 c) or d) of Policy DM1.3 of the South Norfolk Local Plan.
- 5.3 The proposed development is not considered to present sufficient public benefits to justify causing less than substantial harm to the setting of the Grade II\* St Mary Magdalen Church where new estate development will be visible in currently rural and undeveloped views of the church when approaching the village on Public Footpath 8 from the east and is therefore contrary to Policy DM4.10 of the South Norfolk Local Plan 2015. In addition, the proposed upgrading of the existing footpath through the churchyard to facilitate acceptable pedestrian links to the site would be detrimental to the setting of the church and the character of the churchyard and may not be deliverable but in its absence would result in inadequate connectivity for pedestrians and cyclists resulting in an unsustainable development that is poorly related to the existing settlement.
- 5.4 In addition the development will have less than substantial harm on the Grade II listed building known as Paddock Farmhouse and its associated listed Barn by the change to the landscape in the field immediately to the east of the farmhouse, the introduction of estate in the wider historic setting to the east of the farmhouse and by the introduction of urbanising features such as the roundabout immediately to the north of the farmhouse. The harm is not outweighed by public benefits and is contrary to Policy DM4.10.
- 5.5 Furthermore, the development will introduce modern estate development and urbanising features such as the roundabout on the northern and eastern fringe of the village which forms part of the conservation area and which has remained largely unchanged, retaining the character of a small settlement when approaching the village on the B1113 Norwich Road and

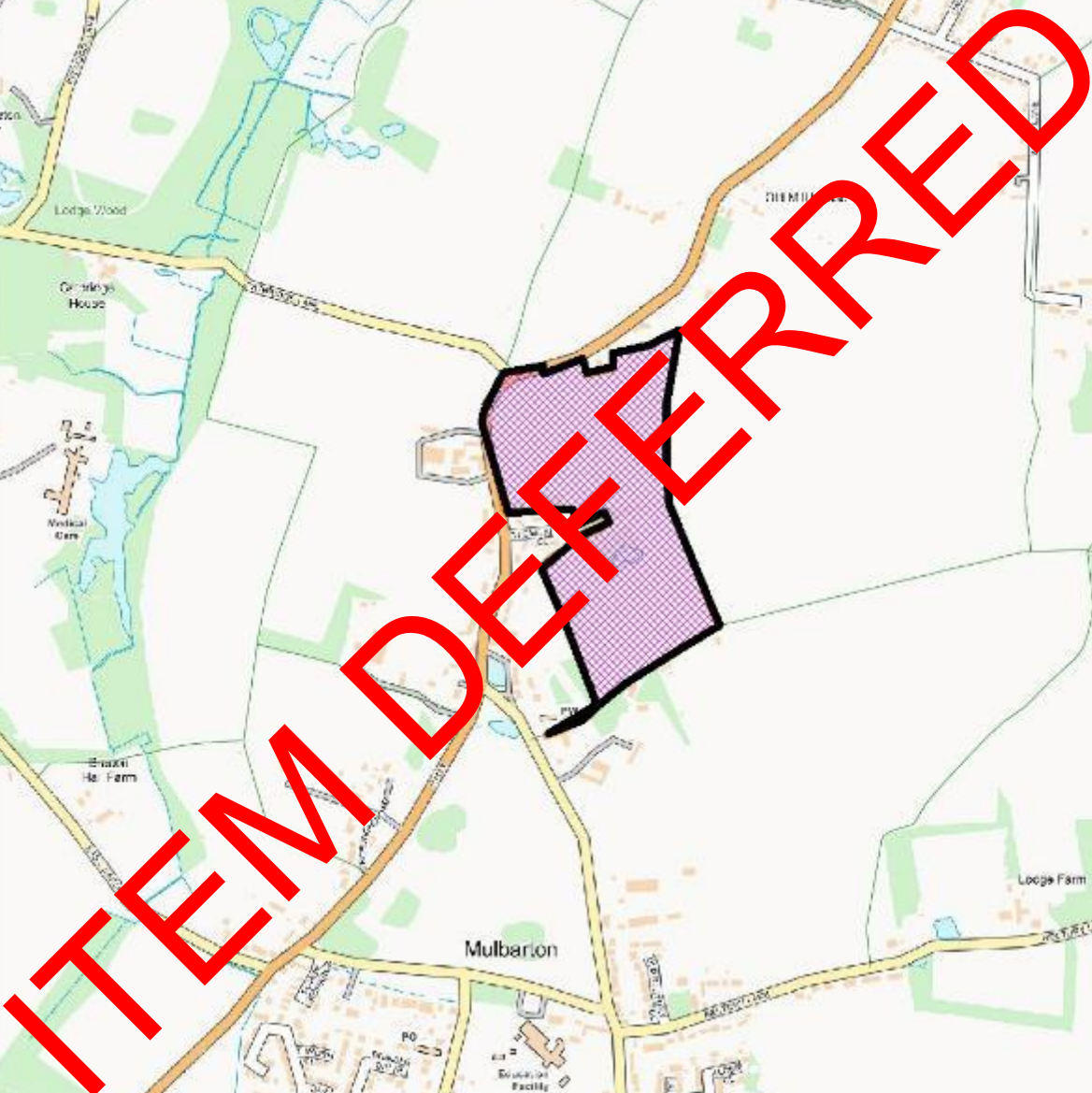


Public Footpath 8. The harm is not outweighed by the public benefits and conflicts with Policy DM4.10 of the Local Plan and Policy ENV1 of the Mulbarton Neighbourhood Plan which states that development should preserve or enhance the character and appearance of the Conservation Area.

- 5.6 The development would result in a significant harm to the rural character of the landscape, thereby conflicting with Policy 2 of the Joint Core Strategy and Policy DM4.5 of the South Norfolk Local Plan. In particular, the development, which would be apparent to users of public footpaths to the east of the site where there is currently little perception of development, would lead to a loss of the landscape's rural character.
- 5.7 The proposed development will result in removal of part of the hedgerow dividing the two most northerly fields that form part of the application site which is considered to be 'important' under the Hedgerow Regulations 1997, thereby conflicting with Policy DM4.8 of the South Norfolk Local Plan.
- 5.8 In addition to the above reasons, insufficient information has been submitted to demonstrate that the development would not lead to an increased risk of surface water flooding and is therefore contrary to Policy DM4.2 of the Local Plan. In particular the information submitted does not provide an alternative solution for the disposal of surface water in the event that infiltration rates at the site of the infiltration basin prove to be unfavourable, nor is there adequate consideration for future maintenance.
- 5.9 Insufficient information has also been provided to establish the full extent of the necessary mitigation measures for the protection of great crested newts contrary to Policy 1 of the JCS.

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

**4. Appl. No : 2018/1622/RVC**  
**Parish : WYMONDHAM**

Applicants Name : Mr James Alston  
 Site Address : Land at Chapel Road and Bunwell Road Spooner Row Norfolk  
 Proposal : Variation of condition 2 from planning consent 2016/2424 - To vary the approved plans for the Chapel Road site only, reducing the number of affordable homes from 13 to 6, with associated minor revisions to the layout and design.

Recommendation : Approval with Conditions

- 1 In accordance with amended plans
- 2 Materials as agreed
- 3 Boundary treatments
- 4 Boundary treatment to the southern boundary on Bunwell Road
- 5 Landscaping management and maintenance arrangements
- 6 Details of roads and footways
- 7 Roads, footways etc to be implemented as agreed
- 8 Roads and footways to be constructed to binder course before occupation
- 9 Visibility splays to be provided
- 10 Off site highway works
- 11 Off-site highway works to be provided
- 12 Footpath improvements Bunwell Road
- 13 Noise and dust management scheme
- 14 Unexpected contamination
- 15 Surface water drainage
- 16 Foul Water drainage
- 17 Ecology mitigation
- 18 10% renewable
- 19 Water efficiency
- 20 Fire hydrant to be provided
- 21 External lighting details to be provided
- 22 Landscaping to accord with agreed

Subject to the expiry of publicity and completion of a Deed of Variation to the original 106 Agreement (in respect only of the affordable housing provision).

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

**1 Planning Policies**

- 1.1 National Planning Policy Framework (NPPF)**  
 NPPF 04 : Decision-making  
 NPPF 05 : Delivering a sufficient supply of homes  
 NPPF 06 : Building a strong, competitive economy  
 NPPF 09: Promoting sustainable transport  
 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

- 1.2 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 5 : The Economy
  - Policy 6 : Access and Transportation
  - Policy 9 : Strategy for growth in the Norwich Policy Area
  - Policy 15 : Service Villages
  - Policy 20 : Implementation
- 1.3 South Norfolk Local Plan (SNLP)
  - 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
  - DM3.12 : Provision of vehicle parking
  - DM3.13 : Amenity, noise, quality of life
  - DM4.2 : Sustainable drainage and water management
  - DM4.3 : Facilities for the collection of recycling and waste
  - DM4.4 : Natural Environmental assets - designated and locally important open space
  - DM4.8 : Protection of Trees and Hedgerows
  - DM4.9 : Incorporating landscape into design
  - DM3.14 : Pollution, health and safety
  - DM3.15 : Outdoor play facilities/recreational space
- 1.4 Site Specific Allocations and Policies
  - SPO 1 : Land at Chapel Road
- 1.5 Supplementary Planning Documents (SPD)
  - South Norfolk Place Making Guide 2012

## 2. Planning History

2.1	2012/2016	Outline planning application for the development of land to the east of Chapel Road - 13 dwellings and land to the east of Bunwell Road - 20 dwellings	Approved
2.2	2012/7090	Proposed residential development of 20 dwellings at Bunwell Road	Withdrawn
2.3	2014/2472	Reserved matters approval for 13 dwellings at Chapel Road and 8 dwellings at Bunwell Road, following outline planning permission 2012/2016/O	Approved

2.4	2015/2850	Discharge of conditions from planning application 2012/2016/O, 4, 6, 7, 8, 9, 11, 12, 13, 15, 16, 17, 18 and 22a. Application relates to 8 dwellings at Bunwell Road which have been granted reserved matters approved.	Approved
2.5	2016/1592	Discharge of condition 17 of planning permission 2012/2016/O - materials	Approved
2.6	2016/2424	30 residential dwellings (17 dwellings at Bunwell Road and 13 dwellings at Chapel Road), with associated open space, highways and landscaping works	Approved
2.7	2017/0601	Discharge of part of Condition 17 (Materials) of Outline planning application 2012/2016 for the development of land to the east of Chapel Road - 13 dwellings and land to east of Bunwell Road - 20 dwellings (subsequently granted Reserved Matters approval 2014/2472)	Approved
2.8	2017/1951	Discharge of condition 22 (B) - footpath details of permission 2012/2016 (Outline planning application for the development of land to the east of Chapel Road - 13 dwellings and land to the east of Bunwell Road - 20 dwellings. (subsequently granted Reserved Matters approval 2014/2472))	Approved
2.9	2017/2262	Discharge of conditions 7 - roads and footpaths, 11 - offsite footpath improvement works, 16 - flood risk assessments and 17 - foul water and sewage disposal details of permission 2016/2424 (30 residential dwellings (17 dwellings at Bunwell Road and 13 dwellings at Chapel Road), with associated open space, highways and landscaping works.)	Approved
2.10	2017/2263	Discharge of Conditions 4,6,7,8,9,12,13,15,16,17,18 and 22 of permission 2012/2016 for Plot 1 Chapel Road in respect of outline planning application for the development of land to the east of Chapel Road - 13 dwellings and land to the east of Bunwell Road - 20 dwellings (Reserved Matters approved under ref: 2014/2472)	Approved
2.11	2018/0257	Discharge of condition 3 of planning permission 2016/2424 - materials	Approved

3. Consultations

- |      |  |   |
|------|--|---|
| 3.1  | Town Council   | <p>Original Proposal<br/>Refuse:</p> <ul style="list-style-type: none"> <li>• Original planning permission should be adhered to including the agreed no. of affordable housing.</li> </ul> <p>Amended Proposal</p> <ul style="list-style-type: none"> <li>• No change to the above view</li> </ul>  |
| 3.2  | District Councillor<br>Cllr J Hornby                         | <p>To be determined by committee</p> <ul style="list-style-type: none"> <li>• Due to the nature of the application being to reduce the number of affordable units delivered on site, can this application be decided by committee.</li> </ul>   |
| 3.3  | SNC Conservation<br>and Design                               | Verbally – No objections  |
| 3.4  | NCC Ecologist  | <p>No objections</p> <ul style="list-style-type: none"> <li>• Condition 18 of 2016/2424 will need to be discharged in due course and should address any ecological matters effected by minor change in layout.</li> </ul>   |
| 3.5  | SNC Community<br>Services -<br>Environmental<br>Quality Team | No comments received  |
| 3.6  | SNC Housing<br>Enabling & Strategy<br>Manager                | No objections to the amended scheme   |
| 3.7  | SNC Landscape<br>Architect                                   | <p>No objections</p> <ul style="list-style-type: none"> <li>• The landscape situation appears essentially unchanged from the approved scheme</li> </ul>   |
| 3.8  | NCC Lead Local<br>Flood Authority                            | <p>No objections:</p> <ul style="list-style-type: none"> <li>• Note that this application has led to minor amendments to the layout, the attenuation basin has been amended, however the overall drainage strategy including the volume and discharge rates have remained the same.</li> </ul>  |
| 3.9  | NCC Highways   | No objections subject to conditions   |
| 3.10 | Anglian Water<br>Services Ltd                                | No comments received  |
| 3.11 | Other<br>Representations                                     | <p>Original proposal<br/>7 letters of objections</p> <ul style="list-style-type: none"> <li>• Shortage of affordable housing</li> <li>• If the developer can make an argument for this proposal which does not involve concerns regarding profitability, then I would remove my objection</li> <li>• Find no rationale for the request in the application</li> <li>• Unsure why they have chosen to do this at this stage</li> <li>• Why is the developer changing the number already agreed at the original planning stage?</li> </ul> |

- If uneconomic to supply 13, suggest they should have got their sums right in the first place and not reneged on the promise to build homes for less well off
- The developer must have realised at the outset that there would be additional infrastructure costs with a split location such as this
- Will have to reduce their profit margin in order to deliver the promised affordable homes
- Building work would have to amend poor drainage in area
- Concerned regarding flooding in Chapel Loke in June 2018, high potential for flooding as field is higher than the road
- Drain at the top of Chapel Loke is filled to top with dirty water from said field, drain only been emptied once during the 19 years we have lived here
- Concern that the development will cause flooding to home and garden
- Concern re the mess and mud caused by building traffic
- Very great need for 1 bedroomed properties, on what basis have they decided that there is no market for 1 bedroomed homes, many single people would jump at the chance
- No need for starter homes is not based on any evidence that I can find
- Local youngsters overlooked by developers
- Concerned that the proposal is based on the developer not being able to make enough profit and attempts to justify a reduction on the grounds that it would require two sewage systems
- All that is left is high cost and high profit development
- Proposal against South Norfolk and Central Government policy requiring provision of 30% affordable homes
- From article in the paper it would seem that SNC will allow the developer to reduce the number of affordable homes - do not make this grave error of judgment
- Spooner Row is not unique in having its affordable quota diminished at the last minute

#### Amended proposal

#### 3 letters of objection

- Flies in the face of the need for affordable housing
- If reduction in profit is the reason, this should be addressed by reconsidering the difference in land value between the agricultural and building land
- Original application clearly specified 13 affordable homes, note current rules allow viability assessments and therefore a 'work around' to this condition, even the Government acknowledge that this is not in the spirit of the original application
- After 28 January any application must raise these issues as part of the original application, not after it has been granted
- Continue to object even though the developer has generously agreed to one more than he applied for



#### 4 Assessment

##### *Background*

- 4.1 This application seeks a variation of condition consent to reduce the amount of affordable housing from 13 to 6 units; minor changes to the layout of the development; and the design/elevational treatment of the proposed dwellings to accommodate the changes from affordable to market housing. The site subject to this application is located off Chapel Road, Spooner Row.
- 4.2 Spooner Row is a village consisting of several clusters of development. The A 11 is to the west and north and the railway line dissects the village. Wymondham is approximately 3 miles to the north.
- 4.3 The 2016/2424 planning application was divided into two parcels of land which have an accumulative area of 3.77 ha. One site is located to the east of Chapel Road and the other is located to the east of Bunwell Road/Hill Road, both sites are agricultural land of grade 3 quality. Both sites are under the ownership of one individual. Only the Chapel Road part of the 2016/2424 planning permission is subject to this variation of condition application.
- 4.4 The Chapel Road site is within the northern part of Spooner Row and has residential development to its south and west, these have mostly been developed in a linear fashion. The northern and eastern areas of the site are bordered by open fields with a hedge running along the eastern boundary, save for field access points. There is no other significant vegetation within the site.
- 4.5 The northern part of Spooner Row has no dominant character with each period of development adopting its own style. This has resulted in the southern aspect of the cluster being predominately detached bungalows and the northern aspect, which is directly opposite the site, being two storey ex-local authority semi-detached dwellings. All of the dwellings in this cluster appear to have large garden grounds and off-road parking.
- 4.6 The site is both within the development boundary and is subject to a site specific allocation (SP01), which identifies it as suitable for delivering approximately 10 dwellings.

##### *Principle*

- 4.7 The site is within the development boundary for Spooner Row and is covered by allocation SP01. The 2016/2424 planning permission has been implemented and therefore residential development of 13 dwellings on the site is extant. As such, the principle is established for residential development on the application site.
- 4.8 Having regards to the fact that the principle of residential development has been established. The main consideration of this application are minor changes to the layout and design; and the reduction in the level of affordable housing.

##### *Impact on Residential Amenity*

- 4.9 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 or the amenities of new occupiers.
- 4.10 The principle of the development, access points, and number of dwellings is established through the full planning permission and the impacts on general residential amenity in this respect has already been considered. The minor changes in the layout and design do not give rise not result in any significant harm to the amenities of existing or proposed properties.

*Layout and design*

- 4.11 Both JCS Policy 2 and Section 12 of the NPPF require high quality design with importance being attached to the design of the built environment, which is seen as a key aspect of sustainable development.
- 4.12 As a result of the reduction in the affordable housing, the layout and design of the approved development has been amended. The proposed changes to the layout are minor and the general linear form is retained with the dwellings set back from the road behind an area of public open space. There is no change to the access point and the parking arrangements are very similar to the approved layout. There have been minor design changes resulting from the change in mix of dwellings, however the design approach reflects the approved design principles of the overall scheme and is considered acceptable.
- 4.13 The scheme is considered acceptable in terms of its design, scale and relationship to the surrounding area. The layout demonstrates that the site is of sufficient size to comfortably accommodate the proposed dwellings, curtilages, open space, drainage features, parking and turning. On this basis, it is considered that the scheme would accord with Policy 2 of JCS and Section 12 of NPPF.

*Affordable Housing*

- 4.14 The approved development of which 13 were to be affordable with the following mix:
- 3 x 3 bedroom (2 shared equity/shared ownership and 1 affordable rent)
  - 5 x 1 bedroom (affordable rental)
  - 5 x 2 bedroom (affordable rental)
- 4.15 This application seeks to vary the consent to reduce the overall provision to 6 affordable units with the following mix:
- 2 x 1 bedroom (affordable rental)
  - 2 x 2 bedroom (affordable rental)
  - 1 x 3 bedroom (affordable rental)
  - 1 x 2 bedroom (shared ownership)
- 4.16 Policy 4 of the Joint Core Strategy would normally require 33% of dwellings on the site to be for affordable. However, this policy also allows for the proportion of affordable housing sought and the balance of tenures to be amended where it can be demonstrated that site characteristics, including infrastructure provision, together with the requirement for affordable housing would render the site unviable.
- 4.17 Information has been submitted in the form of a viability appraisal to demonstrate that the number of affordable dwellings as approved renders the scheme unviable. This is due to the number of additional costs associated with the development as set out in the planning application which include infrastructure costs (which are due to the development being split across two sites effectively doubled for example two attenuation basins, two private sewage treatment plants).
- 4.18 The District Valuer has considered this information and came to the conclusion that development of the site with 13 affordable dwellings is not viable. The application as submitted reduced the number of affordable units to 5 dwellings, however the District Valuer considered that the development could provide 6 affordable dwellings and still be viable. The scheme has therefore been amended to reflect the District Valuer's conclusions and now proposes 6 affordable units. In light of this, the Housing Enabling and Strategy Officer has raised no objection to the application.

- 4.19 The concerns raised by both the Town Council and local residents are fully appreciated regarding the reduction in the number of affordable units, however whilst it is very regrettable that a reduction in affordable housing is being proposed, there are no grounds under Policy 4 to refuse the application in light of the information submitted.

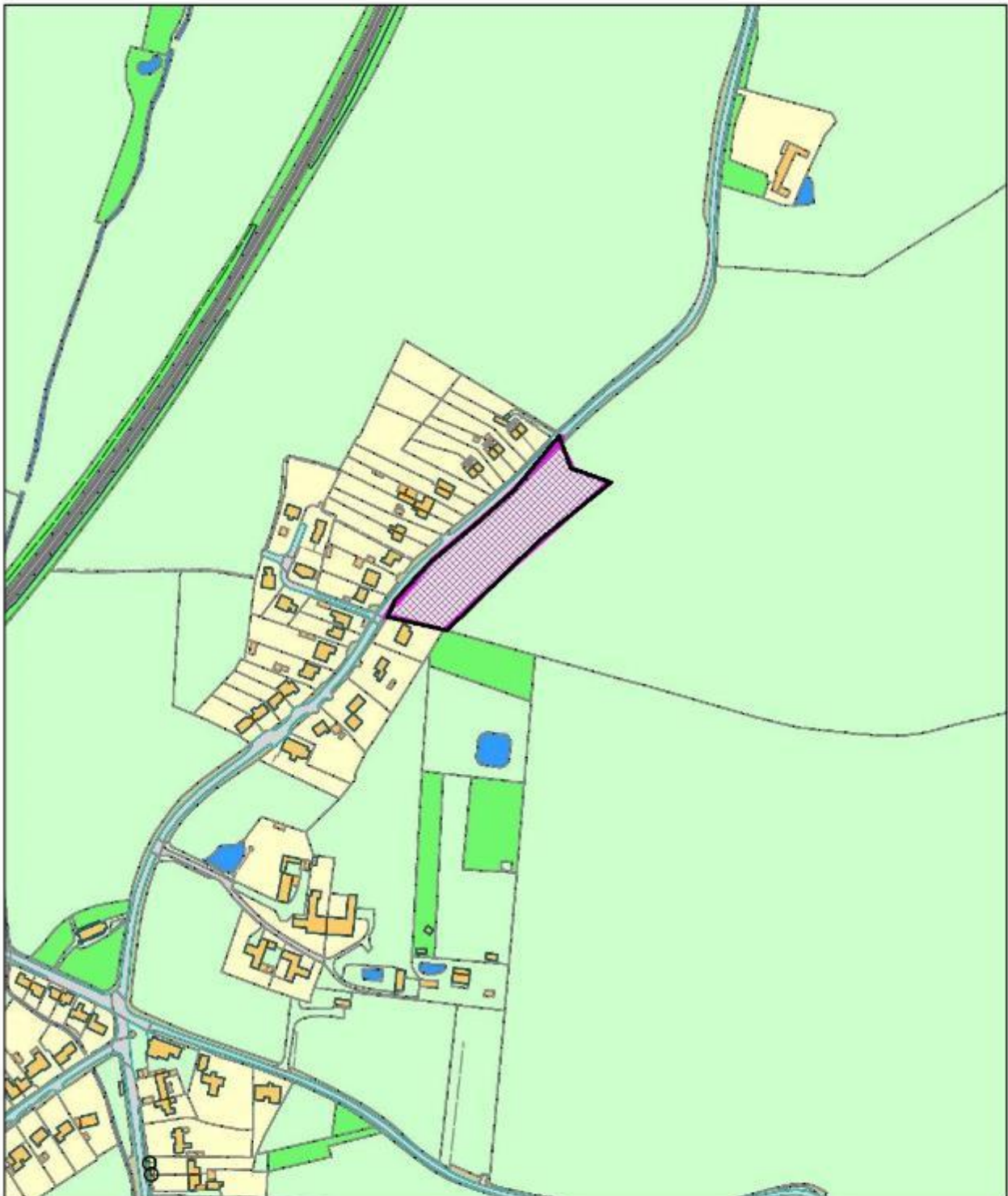
*Other Issues*

- 4.20 Concerns have been raised as set out above by local residents in respect of drainage, flooding and impacts of the building of the development. The overall drainage strategy was agreed under the approved development, and whilst there are minor changes in light of the layout revisions, the overall strategy remains unchanged, equally the Lead Local Flood Authority have raised no objections. In respect of the impact of the building of the development as set out above this is a consent scheme and the revisions primarily relate to the change in tenure. In view of the above, I do not consider that the proposal can be refused on the grounds.
- 4.21 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 4.22 This application is liable for Community Infrastructure Levy (CIL).
5. Conclusion
- 5.1 The principle of residential development, with the access and scale indicated within the application is acceptable given the extant planning consent. Whilst the level of affordable housing provided is less than that set out in Policy 4 of the Joint Core Strategy it is accepted that this development cannot be made viable with the affordable housing provided at this level. The minor changes to the layout and design are considered acceptable and accord with Policy 2 of JCS and Section 12 of NPPF.

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2018/1622

Appendix 1



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

**Other Applications**

- 5. Appl. No : 2018/2194/F**  
**Parish : SWAINSTHORPE**

Applicants Name : Mr Ben Turner  
 Site Address : Malthouse Farm, Norwich Road, Swainsthorpe, NR14 8PU  
 Proposal : Conversion of existing farmhouse into 3 No. dwellings, demolition of adjoining cottage to rear and construction of replacement cottage and improved access onto A140.

Recommendation : Approval with Conditions

- 1 Full planning permission time limit
- 2 In accordance with submitted drawings
- 3 Slab level
- 4 External materials
- 5 Submission of hard and soft landscaping scheme
- 6 Management of communal areas
- 7 Ecological mitigation
- 8 Ecological enhancement
- 9 Remove permitted development rights for Classes A, B and E
- 10 Provision of parking and turning areas
- 11 Water efficiency

Reason for reporting to committee

The Local Member has requested that the application be determined by the Development Management Committee for the reasons set out in section 3 below.

1 Planning Policies

1.1 National Planning Policy Framework (NPPF)

NPPF 02 : Achieving sustainable development

NPPF 04 : Decision-making

NPPF 05 : Delivering a sufficient supply of homes

NPPF 12 : Achieving well-designed places

NPPF 15 : Conserving and enhancing the natural environment

1.2 Joint Core Strategy (JCS)

Policy 1 : Addressing climate change and protecting environmental assets

Policy 2 : Promoting good design

Policy 3 : Energy and water

Policy 16 : Other Villages

Policy 17 : Small rural communities and the countryside

1.3 South Norfolk Local Plan (SNLP) Development Management Policies Document

DM1.1 : Ensuring sustainable development contributes to achieving sustainable development in South Norfolk

DM1.3 : The sustainable location of new development

DM3.6 : House extensions and replacement dwellings in the countryside

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

DM4.5 : Landscape Character Areas and River Valleys

2. Relevant Planning History

- |     |           |   |          |
|-----|-----------|---|----------|
| 2.1 | 2017/2275 | Retrospective application for improvement of farm access. | Approved |
|-----|-----------|---|----------|

3. Consultations

- |     |                |                                    |
|-----|----------------|------------------------------------|
| 3.1 | Parish Council | <u>Originally submitted plans:</u> |
|-----|----------------|------------------------------------|

Object on the grounds of the impact on highway safety, insufficient parking being provided and that three dwellings would be more suitable than four.

Amended plans:

The new building is another step from conversion and increases the proposed number of bedrooms by one.

Although there are now three parking spaces provided for visitors, two spaces for a three-bedroom property is extremely limiting, especially given absolute lack of other parking options.

It looks a lot more like a small housing estate than a farm property, with too many dwellings which are not in keeping with the character of the village.

It still causes additional traffic onto A140.

The majority of work has been started and some completed e.g. roof and PVC windows have destroyed the character of this Victorian farmhouse.

The planting of trees and additions of bird boxes after the destruction of existing hedgerows and trees is too little too late.

- |     |  |  |
|-----|--|--|
| 3.2 | District Councillor<br>Cllr P Hardy                          | To be decided by Planning Committee due to concerns over encroachment into the countryside and highways issues.  |
| 3.3 | SNC Water<br>Management Officer                              | No adverse comment to make but advise that where an existing drainage system is to be utilised, it is the applicant's responsibility to ensure adequate capacity, integrity and serviceability of the system to meet the needs of the development and not increase flood risk elsewhere. |
| 3.4 | SNC Community<br>Services -<br>Environmental<br>Quality Team | No comments received. Comments to be reported if appropriate.  |
| 3.5 | NCC Highways   | No objection subject to a planning condition that requires the parking and turning area to be provided in accordance with the approved plans and retained thereafter.  |



## 3.6 NCC Ecologist

Originally submitted plans:

The Ecological Report is fit for purpose. A minor bat resting place is present within the old cottage and so procurement of a European Protected Species mitigation licence will be required prior to undertaking works to this building. If you are minded to approve this application, we recommend that you provide the conditions below:

- Development works need to proceed in-line with the mitigation measures outlined in section 7 of the Ecological Report (Wild Frontier Ecology; September 2018).
- Enhancement measures outlined in section 8 of the Ecological Report (Wild Frontier Ecology; September 2018) need to be incorporated into the site's design to provide "net gains for biodiversity" (paragraph 170, NPPF).

Amended plans:

No objections. Our previous comments still apply.

3.7 Other  
RepresentationsOriginally submitted plans:

11 objections received on the following grounds:

Works has already taken place on site which has spoiled the character of the property.  
Development will not enhance the appearance of the village.  
This development is totally out of character with the property and its surroundings.  
Site is unsuited to development of this type.  
Swainsthorpe does not have the amenities to support further residential development.  
Insufficient parking is being provided.  
Traffic assessment is unrealistic  
Site is on a fast, straight section of the A140.  
Harm to highway safety, particularly when turning right out of site during rush hours.  
In addition to the five dwellings approved at Swainsthorpe Garage, this development could result in further traffic problems.  
Bats are present on site and may be affected.

Amended plans:

6 objections received on the following grounds:

Development remains wholly inappropriate. The character of the property will be adversely affected and the development will tarnish the appearance of the village.  
The cottage to the rear, while currently uninhabitable, is worth saving and updating. The proposed new small building behind the farmhouse will be out of keeping with the character of the main house.  
Strongly object to new build. It has nothing to do with the conversion of the old farmhouse, more a first step towards developing more houses on this site.  
There are no amenities or services in walking distance and there will be a reliance on the car.  
Insufficient parking is shown as being provided.

In conjunction with the new access further to the north on the same side of the A140, vehicular movements will result in harm to highway safety.

All further development on this site apart from existing farming should be refused on the grounds of creeping development without suitable access.

The exit for this development will be extremely hazardous for the number of dwellings proposed and when added to the further development of this site will further increase the likelihood of serious accidents.

Development must be viewed in the context of what Ben Burgess is trying to do in Swainsthorpe.

#### 4 Assessment

##### *Background*

- 4.1 This application seeks planning permission to convert a recently refurbished Victorian farmhouse into three dwellings, to demolish a one and half storey cottage immediately at the rear of the farmhouse and rebuild it further to the rear of the application site and to improve the existing access onto the A140.
- 4.2 The main issues to be considered in the determination of this application are the principle of development in this location, the design and layout of the development and whether there will be acceptable impacts on the character and appearance of the surrounding area, residential amenity, highway safety and ecology.
- 4.3 It is proposed to convert the existing five-bedroom farmhouse into two two-bedroom units and one three-bedroom unit. Each unit will be provided with individual garden areas and two car parking spaces. Three visitor parking spaces will be provided to the front.
- 4.4 The two-bedroom cottage that is attached to the rear/southeast corner of the farmhouse is proposed for demolition and a replacement three-bedroom cottage built further back within the site close to the rear/eastern boundary. The existing cottage measures 13.3m in width, 8m in depth and 6.45m in height. The replacement will measure 11.1m in width, 6.5m in depth and 8m in height. The centre of the new cottage will be approximately 12m from the centre of the existing cottage and will be rotated through 90-degrees. It will be accessed via a driveway that curves around the side/north and rear of the farmhouse to a parking and turning area for the cottage and one of the newly created units at the farmhouse.
- 4.5 Improvements to the existing access onto the A140 entail widening the access to 6.5m (comprising a 5m wide vehicular access and 1.5m wide footway) to accommodate two-way traffic and to provide a footway out of the site to the footpath on the highway to the front of the site.
- 4.6 The application site is located on the eastern side of the A140 to the south of the main village of Swainsthorpe. Farm buildings of varying construction are located to the north, agricultural land to the rear/east, a detached bungalow and other dwellings to the south and the A140 to the front/west. The existing farmhouse is a distinctive building on the A140 with its white front gable. It has recently been refurbished with the previous beam and render gable replaced with composite cladding and replacement windows installed.
- 4.7 Site levels incline from front to back and boundary treatments comprise close boarded wooden fencing to the front, an open arrangement to the farm to the north and east/rear and a combination of close boarded wooden fencing and post and wire fencing to the south with Malthouse Farm Bungalow.

*Principle*

- 4.8 The site is outside of the development boundary that has been defined for Swainsthorpe, which is classed as an 'Other Village' by Policy 16 of the Joint Core Strategy and has a limited range of services available to its residents. Given that the site is outside of the development boundary, it is in a countryside location. However, of particular relevance is paragraph 79(d) of the NPPF. Amongst other things, this sets out that planning policies and decisions should avoid the development of isolated homes in the countryside unless the development would involve the subdivision of an existing residential dwelling.
- 4.9 Also material to the application is that the adjoining cottage to the rear, while vacant and in the opinion of officers, in need of refurbishment before it can be made habitable again, is nevertheless a residential unit and this element of the application is considered to comprise a replacement dwelling. Where replacement dwellings are proposed outside of development boundaries, Policy DM3.6 of the SNLP is relevant.

*Design, layout and impact on the character of the area*

- 4.10 Changes to the appearance of the farmhouse will be relatively modest and largely take the form of re-using former window openings or increasing the size of existing windows. Instead, the clearest changes will be alterations that are necessary to divide the site up such as the provision of parking areas and the erection of fencing. The site was once grassed to the front but a large area of this has been scraped clear, presumably to accommodate the proposed parking area. However, this can be undertaken as permitted development regardless of this application. Otherwise, the most visible features from the A140 will be the 1.8m high brick walls on either side of the front elevation of the farmhouse, which then becomes close boarded wooden fencing as the garden boundaries turn away from the front. This is considered to be an acceptable response to the character of the site.
- 4.11 In respect of the replacement cottage, Policy DM3.6(b) of the SNLP explains that for replacement dwellings in the countryside, the original dwelling must have a lawful permanent residential use and be capable of residential occupation without major or complete reconstruction. In its original form, the application proposed that the cottage would be re-used but following concerns raised by officers about the layout of development, it was agreed that it would be feasible to demolish the cottage and build a replacement towards the rear of the application site. Although the cottage is vacant and officers are of the view that it is in need of refurbishment before it can be made habitable, it appears to be capable of re-use without major or complete reconstruction and even though it may not have been occupied for a number of years, there does not appear to have been an intervening use. Therefore, it is the officer's consideration that the cottage has a lawful residential use.
- 4.12 As for the appearance of the replacement cottage, it is one and half storeys in scale and its design takes a traditional and simple form with two dormer windows in each of the front and rear elevations. It will be visible in the gap between the farmhouse and the southern side boundary but otherwise will be largely screened by the farmhouse. The farmhouse will remain as the dominant building on site with the cottage appearing subordinate to it. This is an acceptable approach that does not result in a cramped form of development and does not represent overdevelopment of the site.
- 4.13 Taking account of the above, the application complies with paragraph 79(d) of the NPPF, Policy 2 of the JCS and Policies DM3.6(b) and DM3.8 of the SNLP.
- 4.14 The site is relatively contained with development on either side of it. It proposes to subdivide an existing building and to erect a replacement dwelling within the planning unit. It is not considered to represent an encroachment into the countryside. Any impact will be localised and will be seen within the context of existing built form. With that in mind, it is

considered that the works associated with this application will have a neutral impact on the character of the wider area and that the application complies with Policy 1 of the JCS and Policies DM3.6(a) and DM4.5 of the SNLP.

*Residential amenity*

- 4.15 The layout of the farmhouse is such that there will be no direct overlooking from each unit into another and each unit will benefit from adequate outside garden areas.
- 4.16 The nearest part of the replacement cottage will be a diagonal distance of approximately 22m from Malthouse Farm Bungalow – the nearest neighbour. Taking account of that degree of separation and the angle of view, it is considered that there will not be direct overlooking of the most private part of the garden and that the replacement cottage will not be overbearing or oppressive to Malthouse Farm Bungalow.
- 4.17 Discussions were held with the Environmental Management Officer regarding the potential impact of noise from vehicles travelling along the A140. However, on the basis that the farmhouse is an existing dwelling, this was not pursued.
- 4.18 When taking account of the above, it is considered that the development will result in acceptable living conditions and that it complies with Policy DM3.13 of the SNLP.

*Highway safety*

- 4.19 The site is accessed directly from the A140 and the section of road outside the application is subject to a 50mph speed limit. In representations received, concerns were raised at the potential impact of vehicles entering and exiting the site on highway safety, particularly when turning right towards the direction of Norwich. The access is capable of being used by traffic associated with the farm and farmhouse and there are no restrictions on its use. However, the submitted drawings show the application site being fenced off from the farm and Members should be aware that retrospective planning permission was granted in November 2017 (ref. 2017/2275) for a farm access approximately 60m to the north of the application site. This access is in use and the submitted drawings show that this will be used to access the buildings to the north of the application site. Further, in its capacity as Highway Authority, Norfolk County Council has not objected to the application. While local concerns are noted, in the absence of an objection from the County Council, the application is considered to comply with Policy DM3.11 of the SNLP.
- 4.20 Each dwelling will have two car parking spaces associated with them and three visitor spaces are also being provided. This is considered to be sufficient for the application to comply with Policy DM3.12 of the SNLP.

*Ecology*

- 4.21 The Ecological Report submitted with the application noted that the farmhouse has been restored to a point where it has no bat roost potential and that the two existing outbuildings were found to be of negligible potential for roosting bats. Bat feeding signs and droppings were found within the cottage but no bat activity was found during two subsequent bat surveys suggesting that any bat feeding or roosting use is minor and irregular. Prior to any works taking place on the cottage, a European Protected Species licence will need to be applied for. The development also has the potential to impact on nesting birds and mitigation and enhancement measures have been outlined. These have been accepted by Norfolk County Council's Ecologist and the use of appropriately worded conditions to secure these matters will contribute to the application complying with Policy 1 of the JCS.

*Other matters*

- 4.22 The agent has set out that the communal areas will be managed by the applicant. Despite that, in order to ensure that this is the case, officers consider it necessary to use an appropriately worded planning condition.
- 4.23 Concerns have been raised that this proposal may result in future housing on site. In response to that, officers advise that the application must be considered on its own merits. Officers would advise the same in response to the comment made that this application must be considered in the context of what Ben Burgess is trying to do elsewhere in Swainsthorpe.
- 4.24 Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. This is a material consideration in the determination of the application and can be afforded moderate weight in favour of it but it is not the determinative factor.
- 4.25 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.
- 4.26 The application is liable for the Community Infrastructure Levy.

5 Conclusion

- 5.1 In having regard to those matters raised by this application, although the site is outside of the development boundary that has been defined for Swainsthorpe, paragraph 79(d) of the NPPF implies that the subdivision of existing residential dwellings in the countryside is acceptable. This weighs heavily in favour of the application. Similarly, it is considered that the demolition and replacement of the cottage complies with Policy DM3.6 of the SNLP. Otherwise, it is considered that the development is of an acceptable design and layout and that it will have acceptable impacts on the character and appearance of the area, residential amenity, highway safety and ecology. Overall, the application is considered to comply with Policies 1 and 2 of the JCS and Policies DM3.6, DM3.8, DM3.11, DM3.12, DM3.13 and DM4.5 of the SNLP and the officer recommendation is that planning permission is granted.

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2018/2194

Appendix 1

Not Set



Scale 1:1,250

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



6. **Appl. No** : **2018/2577/F**  
**Parish** : **STARSTON**

Applicants Name : Mr Samuel Carter  
 Site Address : Land Adj To Brick Kiln Farm Cross Road Starston Norfolk  
 Proposal : Erection of two storey dwelling

Recommendation : Refuse

- 1 No justification under DM1.3
- 2 Poor connectivity DM3.10

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.

1 Planning Policies

- 1.1 National Planning Policy Framework (NPPF)  
 NPPF 02 : Achieving sustainable development  
 NPPF 04 : Decision-making  
 NPPF 05 : Delivering a sufficient supply of homes  
 NPPF 09: Promoting sustainable transport  
 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  
 NPPF 16 : Conserving and enhancing the historic environmen
- 1.2 Joint Core Strategy (JCS)  
 Policy 1 : Addressing climate change and protecting environmental assets  
 Policy 2 : Promoting good design  
 Policy 3: Energy and water
- 1.3 South Norfolk Local Plan Development Management Policies  
 DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
 DM1.3 : The sustainable location of new development  
 DM3.8 : Design Principles applying to all development  
 DM3.10 : Promotion of sustainable transport  
 DM3.11 : Road safety and the free flow of traffic  
 DM3.12 : Provision of vehicle parking  
 DM3.13 : Amenity, noise, quality of life  
 DM4.5 : Landscape Character Areas and River Valleys

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

S16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission or listed building consent for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2. Planning History

- |     |           |   |          |
|-----|-----------|---|----------|
| 2.1 | 2001/1812 | Renewal of permission 07/96/1607/F - reconstruction of cart lodge             | Approved |
| 2.2 | 1996/1607 | Renewal of permission 07/91/1568/F - reconstruction of cart lodge             | Approved |
| 2.3 | 1991/1568 | Reconstruction of existing cart lodge move 3.0 m West away from edge of pond. | Approved |

3. Consultations

- |     |   |  |
|-----|---|--|
| 3.1 | Starston Parish Council                             | Support. The development is in keeping with community support for slow and careful development in the Parish. There is community support that starter homes are necessary for the health and sustainability of the village, as reflected in the Starston GNLP response 22/03/18 and Starston Neighbourhood Plan public consultation feedback from the 17/11/18.                        |
| 3.2 | District Councillor: Cllr Hudson                    | On this occasion given the response of the Parish Council I would like this sent to DMC for consideration. It's clear with the neighbourhood plan ongoing (and being consulted on) they are keen on such in fill developments and there is some merit in the DMC considering the capacity & connectivity of the infrastructure on offer in Starston and this developments suitability. |
| 3.3 | NCC Highways  | comments awaited.  |
| 3.4 | SNC Water Management Officer                        | no objection subject to conditions foul water to sealed system or private treatment only and agree surface water drainage details  |
| 3.5 | SNC Community Services - Environmental Quality Team | no objection subject to conditions regarding submission of a investigation and risk assessment and implementation of any remediation and unknown contamination, and one linking it to the farm/business activity   |
| 3.6 | Other Representations                               | 1 letter of support received   |

4. Assessment*Background*

- 4.1 The application seeks full planning permission for a detached two storey dwelling on part of the garden which accompanies Brick Kiln Farm which lies to the west of the application site. There is an existing agricultural building within the southern part of the application site with a further neighbour to the east. The site would be accessed via the existing one onto Cross Road to the south. To the north is open agricultural land.

*Principle of development*

- 4.2 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Material considerations include the National Planning Policy Framework (NPPF).

- 4.3 In accordance with both the Council's adopted development plan and the NPPF, in cases where there are no overriding material considerations to the contrary, development proposals for housing that accord with the development plan should be approved without delay.
- 4.4 In this regard, consideration should be given to Policy DM1.3 which makes provision for development to be granted outside of Development Boundaries, such as this, where one of two criteria are met: either c) where specific development management policies allow; or, d) where there are overriding benefits in terms of economic, social and environmental dimensions of sustainable development, as set out in Policy DM1.1.
- 4.5 In terms of c), the current proposal is not considered to meet the requirements of this criterion. In terms of d), establishing whether there are any overriding benefits will be confirmed following an assessment of all the harms and benefits of the scheme.
- 4.6 Where development proposals do not accord with the development plan, consideration should be given to whether there are material considerations that otherwise indicate that development should be approved.
- 4.7 On 10 January 2019 the JCS housing requirement became 5 years old. Consequently, consideration needs to be given to NPPF paragraph 73. Paragraph 73 requires the Greater Norwich authorities to assess land supply against the Government's standard method for assessing local housing need, unless the JCS housing requirement has been reviewed and it has been determined that it does not need updating. At the time of writing no formal review of the JCS has been undertaken nor a formal resolution made in terms of whether the JCS Housing Requirement needs updating.
- 4.8 Notwithstanding the above, the revised NPPF made further changes to calculation of 5 year housing land supply including changes to the definition of what is a deliverable site and the way in which an authorities past housing delivery performance is measured: The Housing Delivery Test. A full reassessment of land supply for Greater Norwich that takes account of the changes to the definition of a deliverable site is currently being undertaken and is due to be published shortly. The first Housing Delivery Test outputs, originally scheduled by Government for November 2018, are yet to be published. The Government also undertook consultation on the standard method, ending on 7 December 2018, which will alter the scale of local housing need; changes to the standard methodology following this consultation are also expected to be published shortly.
- 4.9 Whilst there remains uncertainty about aspects of the housing land supply calculation and in advance of the publication of a comprehensive update of the land supply position applications should continue to be determined in accordance with Appendix A of the Joint Core Strategy Annual Monitoring Report.
- 4.10 This Appendix shows that, at 1 April, against the JCS requirements there is 62.5 years supply in the Rural Area (RA). Accordingly, with a demonstrated five-year supply of deliverable housing sites against the JCS, the policies which are most important for determining applications are not out-of-date.
- 4.11 The AMR refers to the Strategic Housing Market Assessment (SHMA) for Central Norfolk (the Greater Norwich authorities plus, North Norfolk and Breckland) published in June 2017. The SHMA assesses the Objectively Assessed Need for housing between 2015 and 2036 using evidence which supersedes that which underpinned the JCS housing requirement.
- 4.12 The SHMA indicates that the Objectively Assessed Need (OAN) for housing in the South Norfolk Rural Area is significantly greater than the annual housing requirement under the adopted JCS: an annual requirement of 326 homes per annum in the SHMA compared to 132 homes per annum in the JCS. Moreover, when measured against the SHMA assessment of OAN the housing land supply in the South Norfolk RPA falls from 62.5 years supply under the JCS to 4.38 year housing land supply, a potential shortfall of 232 units, against the SHMA.

4.13 The SHMA is considered an intellectually credible assessment of housing need and therefore a material planning consideration. Recent appeal decisions have applied differing approaches to the use of the evidence in the SHMA. To date these appeals have been by written representation and, as acknowledged in some of the decisions themselves, this type of appeal is not the appropriate place to undertake a detailed housing land supply assessment and robustly test the approach. The Councils' approach has been examined at Inquiry through the appeal at Race Course Plantations, Plumstead Road East.; however, the decision on this is still awaited.

4.14 Taking account 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 the NPPF, 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.

#### Economic role

4.15 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."

4.16 In terms of the economic role, the construction of a single dwelling in this location would help to enhance economic viability through local spending by future occupants. The proposal would also provide some short term economic benefits during construction work. It is therefore, considered that this proposal would bring forward a modest economic benefit

#### Social role

4.17 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 reflect the community's needs and support its health, social and cultural well-being."

4.18 The proposed scheme would provide housing in a location where the JCS identifies a housing land supply in excess of requirements. However, the most recent evidence of the updated SHMA increases the objectively assessed need for housing in the RPA which would reduce the housing land supply to 4.38 years. This new evidence is a material consideration in determining this application. Consequently, greater weight is to be afforded to the benefits of housing delivery in the planning balance in respect of DM1.3.

4.19 Mindful of the need for housing to have "accessible local services" as set in the social role of the NPPF, Starston is identified as an "Other Village" in the JCS. The status an other village reflects the very limited facilities available. It is evident that Harleston has a wide range of facilities and services however connectivity to Harleston from the site is considered to be poor and consequently, there would be a need to travel by the private car to access services and facilities. Similar concerns were recently upheld by an Inspector in an appeal for a scheme in Tasburgh (2018/0251) where they stated that:

*"Due to the distance to village services and the lack of street-lighting and roadside footpath occupiers of a dwelling in this location would be mainly reliant on private car use to meet regularly required needs. This would conflict with LP Policy DM 3.10 which seeks that all development should support sustainable transport and development objectives, utilise all*

*opportunities to integrate with local sustainable transport networks, be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to the location.*

*LP Policy DM 3.10 is consistent with paragraph 103 of the Framework which seeks that planning actively manages patterns of growth in support of transport objectives whereby significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can then help to reduce congestion and emissions, and improve air quality and public health.*

*Although paragraph 103 requires that planning decisions take account of opportunities to maximise sustainable transport solutions varying between urban and rural areas, I do not take this as the Framework promoting housing where there would be a high dependency on private car use. The relatively poor accessibility to services by sustainable transport modes and the harm found to the rural character of the area would mean the proposal not meeting the environmental objectives of sustainable development sought through the Framework."*

- 4.20 With this in mind the scheme fails to meet the requirements of section 4 of the NPPF, Policy 6 in the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS), Policy DM3.10 of the SNLP and also does not meet the requirements of the social role, which seeks locate development in locations which reduce the need to travel.

*Neighbour amenity*

- 4.21 It is considered that the separation distances between the proposed dwelling and the neighbouring dwellings would be sufficient to safeguard adequate levels of light, outlook and privacy.
- 4.22 It is evident that a large agricultural building lies within the application site, and the use of this for agricultural purposes would potentially cause an adverse impact on future residents. Having raised this with the applicant, they have confirmed that the building would be used as additional storage and ancillary space for the proposed dwelling and the existing dwelling Brick Kiln Farm. It would be possible in planning terms to enforce such a restriction, however, it would not be appropriate to do this via planning condition, and as such it would need to be done via legal agreement.
- 4.23 Therefore, subject to the aforementioned legal agreement being completed the requirements of Policy DM3.13 of the SNLP therefore can be met.

*Design/visual impact*

- 4.24 The site lies adjacent to a listed building, and as such S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant and require when considering whether to grant planning permission or listed building consent for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 4.26 Having discussed the matter with the Council's Senior Conservation and Design Officer it is considered that the proposed dwelling would have a neutral effect on the listed building and its setting when considering the existing impacts the large agricultural building on-site has on the listed building already.
- 4.27 With this in mind it is considered that the scheme satisfies the requirements of S16(2) and S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and those of Policy DM4.10 of the SNLP.

- 4.28 In more general terms, the site is already residential and well contained and the proposed dwelling is sited back into the site so as to not be overly prominent in the locality, and notably in a location where historically a relatively large cart lodge has been granted planning permission, this however having now lapsed. It is considered that the scheme is not conflict with Policies DM3.8 or DM4.5 of the SNLP.

#### *Highways*

- 4.29 The Highway Authority has been consulted and their comments are awaited, however, it would appear that the single access proposed would be acceptable and the proposal provides sufficient on-site parking to accompany it and as such it is envisaged that the scheme will comply with the requirements of Policies DM3.11 and DM3.12 of the SNLP, although the comments of the Highway Authority will be updated to the Development Management Committee.
- 4.30 In terms of the social role, given the expected reliance on the private car to access a range of services and facilities it is not considered that the scheme would fulfil the social role of the NPPF, and is contrary to the policy DM3.10 of the NPPF.

#### *Environmental role*

- 4.31 The NPPF confirms the environmental role as:

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

#### *Heritage*

- 4.32 As referred to above, it is considered that the scheme would not have an adverse impact on the setting of the adjacent listed building.

#### *Flood risk*

- 4.33 It is evident that the site lies within flood zone 1 and as such there are no flood risk related concerns in accordance with Policy 14 of the NPPF.
- 4.34 In terms of the environmental role, it is considered that this proposal would not satisfy the environmental role by virtue of the adverse heritage impact.

#### *Small sites*

- 4.35 Whilst noting the aim of paragraph 68 of the NPPF which states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and having regard to this as a material consideration, the aforementioned concerns mean that this is not considered to be an overriding or decisive factor in this instance.
- 4.36 Under paragraph 61 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 an indication of self-build has been given by the applicant it should also be noted that at this stage it cannot be certain that the method of delivering this site will be self-build. In the instance of this application the other material planning considerations detailed above are of greater significance.



4.37 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.

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

5. Conclusion

5.1 Having due regard to the above assessment made in the context of having a 5 year land supply, but taking account of the new evidence of the updated SHMA which is a material consideration, it is considered that the benefit of a single dwelling when weighed against the reliance on the private vehicle to access services would not provide overriding benefits so as to comply with the requirements of criterion 2 d) of DM1.3 of the SNLP. The scheme would also be contrary to Policy DM3.10 of the SNLP.

5.2 It is also considered that even in the event that the tilted balance of paragraph 11 was triggered, this scheme would result in significant and demonstrable harm that outweighs the benefits. This being as a consequence of the schemes reliance on the private car to service an adequate range of services and facilities which would significantly and demonstrably outweigh any benefit of a single dwelling when applying the SHMA housing land supply figure for the RPA.

6. Reasons for refusal

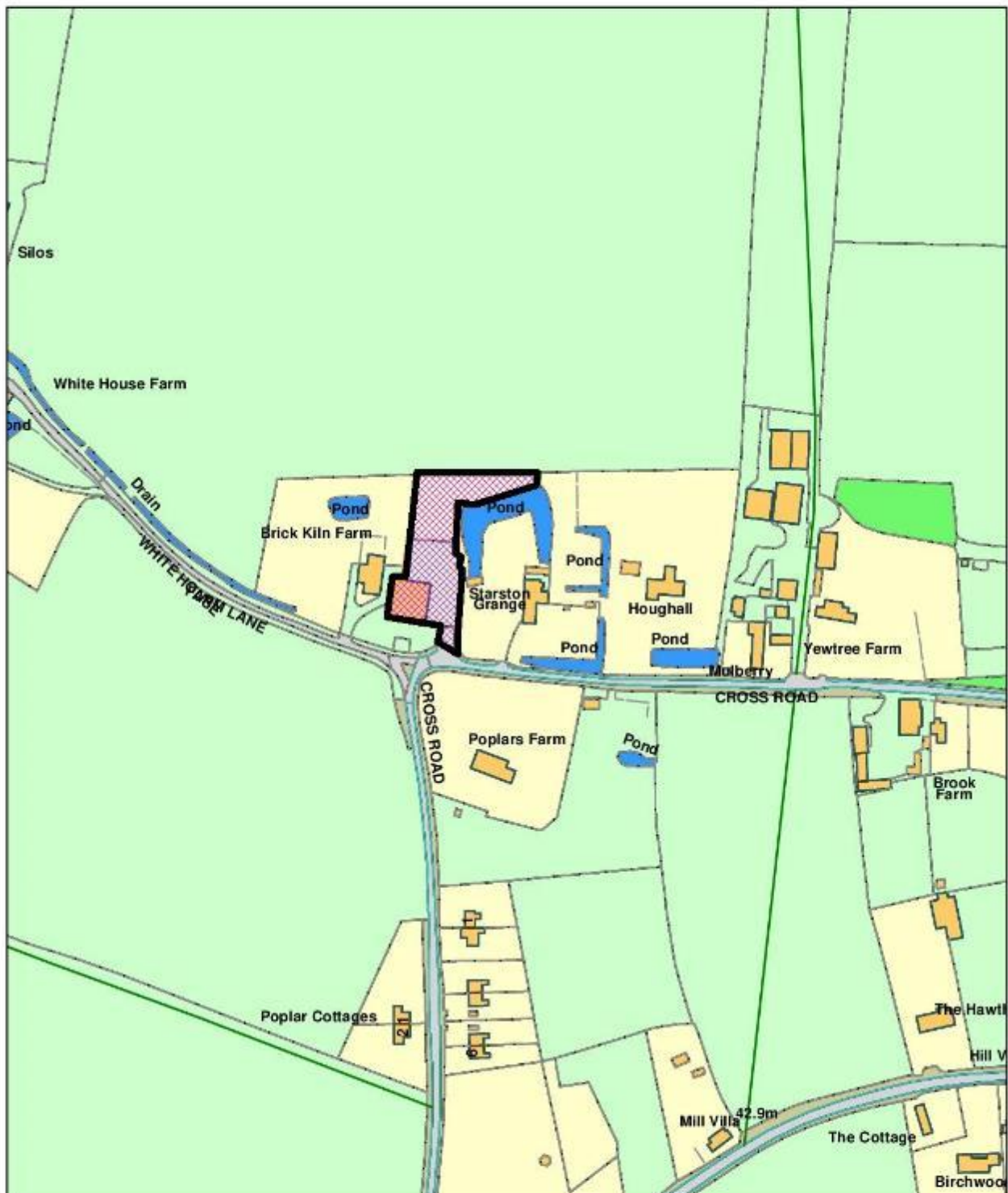
6.1 The site is located outside of the development limit and the scheme is not acceptable under any other specific development management policy within the Local Plan which allows for residential development outside of a development boundary, nor does it demonstrate overriding benefits in terms of economic, social and environment dimensions and therefore fails to comply with the relevant criterion of policy DM 1.3 of the local plan.

6.2 The site lies in an area remote from facilities and services, where there are no pedestrian facilities to access such facilities and with only limited public transport opportunities which would thereby result in an overreliance on the private car/vehicle contrary to the requirements of Policy DM3.10 of the South Norfolk Local Plan and also the aims of the NPPF.

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2018/2577

Appendix 1



Scale 1:2,500

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**ENFORCEMENT PROCEEDINGS – PROGRESS REPORT**  
**Report of the Director of Growth & Localism**

This report schedules progress on outstanding enforcement cases

LOCATION	ALLEGED BREACH	DATE OF COMMITTEE AUTHORITY	ACTION TAKEN
<b>DICKLEBURGH</b> 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 negotiation to secure future of the listed building
<b>CARLETON RODE</b> 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
<b>CARLETON RODE</b> 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
<b>CROWNTHORPE</b> Land adjacent to The Drift Crownthorpe Rd 2011/8025	Formation of Access	16.11.2011	Enforcement Notice served Compliance date 27.10.13 New land owner seeking to comply
<b>WYMONDHAM</b> Copper Beeches Crownthorpe Road 2015/8005	Standing of residential mobile home	22.07.2015	Enforcement Notice served Compliance date 4 months after the mobile home is no longer occupied by specified occupier

LOCATION	ALLEGED BREACH	DATE OF COMMITTEE AUTHORITY	ACTION TAKEN
<b>DENTON</b> Rainbows End Norwich Road 2016/8183	Change of use of land for the keeping of dogs	07.12.2016	Enforcement Notice complied with No further action required
<b>WICKLEWOOD</b> Church Farm 56 Church Lane 2017/8224	Change of use of agricultural building to a mixed use for agriculture and as an events venue	06.12.2017	Enforcement Notice served and appealed
<b>SILFIELD</b> Poplar Farm Silfield Road 2016/8314	Change of use of agricultural land to mixed use as agricultural land and land for the storage and breaking of motor vehicles, storage of motor vehicle parts and other items not connected with agriculture	22.02.2018 Delegated authority	Enforcement Notice not complied with Passed to legal team to commence further action
<b>HETHERSETT</b> 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 Passed to legal team to commence further action
<b>STARSTON</b> Land at Woodside Stables Wood Lane	Change of use of land and stables building to residential use	14.05.2018	Enforcement Notice served and appealed

## Enforcement Statistics

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018 As of 1.1.19
No. of complaints	439	370	349	324	309	347	321	332	319	353	336
Enforcement Notices issued	40	23	18	12	17	4	3	12	6	2	4
Breach of Condition Notices issued	2	0	3	0	0	1	0	0	0	1	0
Section 215 Notices issued	5	2	3	1	1	0	1	0	0	0	0
Temporary Stop Notices issued	1	2	3	0	0	0	0	0	0	0	0

Enf-Proc  
14.01.19

**Planning Appeals****Appeals received from 20 December 2018 to 18 January 2019**

<b>Ref</b>	<b>Parish / Site</b>	<b>Appellant</b>	<b>Proposal</b>	<b>Decision Maker</b>	<b>Final Decision</b>
2016/2430	Costessey Land North Of Farmland Road Costessey Norfolk	Mrs Katrina Kozersky	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.	Development Management Committee	Refusal
2017/0420	Costessey Land North Of Farmland Road Costessey Norfolk	Mrs Katrina Kozersky	Provision of two circular recreational walks, including boardwalks and associated landscaping and biodiversity enhancements (Linked with application 2016/2430)	Development Management Committee	Refusal
2018/1453	Kirby Bedon Sub-division Of The Garden Of The Old Stracey Kirby Road Kirby Bedon Norfolk	Mr Anthony Hammond	Proposed bungalow and double garage	Delegated	Refusal



Ref	Parish / Site	Appellant	Proposal	Decision Maker	Final Decision
2018/1105	Loddon Land West Of Express Plastics Beccles Road Loddon Norfolk	Mr R Holmes	Full planning permission for one detached dwelling and garage with associated access and landscaping	Delegated	Refusal

### Planning Appeals

Appeals decisions from 20 December 2018 to 18 January 2019

Ref	Parish / Site	Appellant	Proposal	Decision Maker	Final Decision	Appeal Decision
2018/0342	Costessey Land To The Rear Of 31 Stafford Avenue Costessey Norfolk	Mr G Fox	Construction of a single storey dwelling and garage	Delegated	Refusal	Appeal dismissed
2018/0106	Diss El Hanan Stuston Road Diss IP22 4JB	Mr J Lau	Demolition and erection of 2 Dwellings with integral garages, parking and turning areas	Delegated	Refusal	Appeal dismissed
2017/2843	Little Melton Land South Of School Lane Little Melton Norfolk	Glavenhill Strategic Land (Number 8) Limited	Development of land for residential dwellings, together with a single point of access into the site from School Lane.	Development Management Committee	Refusal	Appeal Allowed