

# Development Management Committee

## Members of the Development Management Committee:

### Conservatives      Liberal Democrat

Mr V Thomson      Mr T Laidlaw  
(Chairman)  
Mrs L Neal  
(Vice Chairman)  
Mr D Bills  
Mr G Minshull

#### **PUBLIC ATTENDANCE**

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

#### **PUBLIC SPEAKING**

You may register to speak by emailing us at [democracy@s-norfolk.gov.uk](mailto:democracy@s-norfolk.gov.uk), no later than 3.00pm on Friday, 26 June 2020.

## Agenda

### **Date**

Wednesday 1 July 2020

### **Time**

10.00 am

### **Place**

#### **To be hosted remotely at**

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

### **Contact**

Tracy Brady: tel (01508) 535321

South Norfolk House  
Cygnet Court  
Long Stratton Norwich  
NR15 2XE

Email: [democracy@s-norfolk.gov.uk](mailto:democracy@s-norfolk.gov.uk)  
Website: [www.south-norfolk.gov.uk](http://www.south-norfolk.gov.uk)

**PLEASE NOTE** that any submissions (including photos, correspondence, documents and any other lobbying material) should be received by the Council by noon the day before this meeting. We cannot guarantee that any information received after this time will be brought to the Committee's attention.

Please note that where you submit your views in writing to your District Councillor, this is described as "lobbying" and the District Councillor will be obliged to pass these on to the planning officer, where they will be published on the website. Please also note that if you intend to speak on an application, your name will be recorded in the minutes of the meeting and kept on public record indefinitely.

If you have any special requirements in order to attend this meeting,  
please let us know in advance

**Large print version can be made available**

## **SOUTH NORFOLK COUNCIL – DEVELOPMENT MANAGEMENT COMMITTEE**

### **GENERAL INFORMATION ABOUT DEVELOPMENT MANAGEMENT**

The Development Management process is primarily concerned with issues of land use and has been set up to protect the public and the environment from the unacceptable planning activities of private individuals and development companies.

The Council has a duty to prepare a Local Plan to provide a statutory framework for planning decisions. The Development Plan for South Norfolk currently consists of a suite of documents. The primary document which sets out the overarching planning strategy for the District and the local planning policies is the Joint Core Strategy for Broadland, Norwich and South Norfolk adopted by South Norfolk Council in March 2011, with amendments adopted in 2014. It is the starting point in the determination of planning applications and as it has been endorsed by an independent Planning Inspector, the policies within the plan can be given full weight when determining planning applications. A further material planning consideration is the National Planning Policy Framework (NPPF) which was issued in 2018 and its accompanying Planning Practice guidance (NPPG).

South Norfolk Council adopted its Local Plan in October 2015. This consists of the Site-Specific Allocations and Policies Document, the Wymondham Area Action Plan, the Development Management Policies Document. The Long Stratton Area Action Plan was also adopted in 2016. These documents allocate specific areas of land for development, define settlement boundaries and provide criterion-based policies giving a framework for assessing planning applications. The Cringleford Neighbourhood Development Plan was also made in 2014, Mulbarton Neighbourhood Development Plan made in 2016 and Easton Neighbourhood Plan made in 2017, and full weight can now be given to policies within these plans when determining planning applications in the respective parishes.

The factors to be used in determining applications will relate to the effect on the “public at large” and will not be those that refer to private interests. Personal circumstances of applicants “will rarely” be an influencing factor, and then only when the planning issues are finely balanced.

#### **THEREFORE, we will:**

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

**Decisions which are finely balanced and contradict policy will be recorded in detail to explain and justify the decision and the strength of the material planning reasons for doing so.**

#### **OCCASIONALLY, THERE ARE CONFLICTS WITH THE VIEWS OF THE PARISH OR TOWN COUNCIL. WHY IS THIS?**

We ask local parish and town councils to recognise that their comments are taken into account. Where we disagree with those comments it will be because:

- Districts look to ‘wider’ policies, and national, regional and county planning strategy.
- Other consultation responses may have affected our recommendation.
- There is an honest difference of opinion.

## A G E N D A

1. **To report apologies for absence and identify substitute voting members (if any);**
  
2. **To deal with any items of business the Chairman decides should be considered as matters of urgency pursuant to Section 100B (4) (b) of the Local Government Act, 1972;** [Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]
  
3. **To receive Declarations of Interest from Members;**  
(Please see flowchart and guidance attached, page 6)
  
4. **Minutes of the Meeting of the Development Management Committee held on Wednesday, 3 June 2020;** (attached – page 8)
  
5. **Planning Applications and Other Development Control Matters;** (attached – page 14)  
To consider the items as listed below:

Item No.	Planning Ref No.	Parish	Site Address	Page No.
1	2020/0192/CU	WYMONDHAM	12 Norwich Road Wymondham Norfolk NR18 0NS	14
2	2020/0266/O	WYMONDHAM	Land adjacent to 147 Norwich Road Wymondham Norfolk	24
3	2020/0600/F	KIMBERLEY AND CARLETON FOREHOE	Land north-west of Norwich Road Kimberley Norfolk	32
4	2020/0668/F	HEDENHAM	The Mermaid Balti House Norwich Road Hedenham Norfolk NR35 2LB	43

6. **Sites Sub-Committee;**  
Please note that the Sub-Committee will only meet if a site visit is agreed by the Committee with the date and membership to be confirmed.
  
7. **Planning Appeals (for information);** (attached – page 49)
  
8. **Date of next scheduled meeting – Thursday, 16 July 2020**

## GUIDELINES FOR DETERMINING THE NEED TO VISIT AN APPLICATION SITE

The following guidelines are to assist Members to assess whether a Site Panel visit is required. Site visits may be appropriate where:

- (i) The particular details of a proposal are complex and/or the intended site layout or relationships between site boundaries/existing buildings are difficult to envisage other than by site assessment;
- (ii) The impacts of new proposals on neighbour amenity e.g. shadowing, loss of light, physical impact of structure, visual amenity, adjacent land uses, wider landscape impacts can only be fully appreciated by site assessment/access to adjacent land uses/property;
- (iii) The material planning considerations raised are finely balanced and Member assessment and judgement can only be concluded by assessing the issues directly on site;
- (iv) It is expedient in the interests of local decision making to demonstrate that all aspects of a proposal have been considered on site.

Members should appreciate that site visits will not be appropriate in those cases where matters of fundamental planning policy are involved and there are no significant other material considerations to take into account. Equally, where an observer might feel that a site visit would be called for under any of the above criteria, members may decide it is unnecessary, e.g. because of their existing familiarity with the site or its environs or because, in their opinion, judgement can be adequately made on the basis of the written, visual and oral material before the Committee.

## 2. PUBLIC SPEAKING: PLANNING APPLICATIONS

Applications will normally be considered in the order in which they appear on the agenda. Each application will be presented in the following way:

- Initial presentation by planning officers followed by representations from:
- The **town** or **parish council** - up to 5 minutes for member(s) or clerk;
- **Objector(s)** - any number of speakers, up to 5 minutes **in total**;
- The **applicant**, or **agent** or any **supporters** - any number of speakers up to 5 minutes **in total**;
- **Local member**
- Member consideration/decision.

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

**WHAT CAN I SAY AT THE MEETING?** Please try to be brief and to the point. Limit your views to the planning application and relevant planning issues, for example: Planning policy, (conflict with policies in the Local Plan/Structure Plan, government guidance and planning case law), including previous decisions of the Council, design, appearance and layout, possible loss of light or overshadowing, noise disturbance and smell nuisance, impact on residential and visual amenity, highway safety and traffic issues, impact on trees/conservation area/listed buildings/environmental or nature conservation issues.

## PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

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

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

### Key to abbreviations used in Recommendations

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



## DECLARATIONS OF INTEREST AT MEETINGS

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

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

Does the interest directly:

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

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

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

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

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

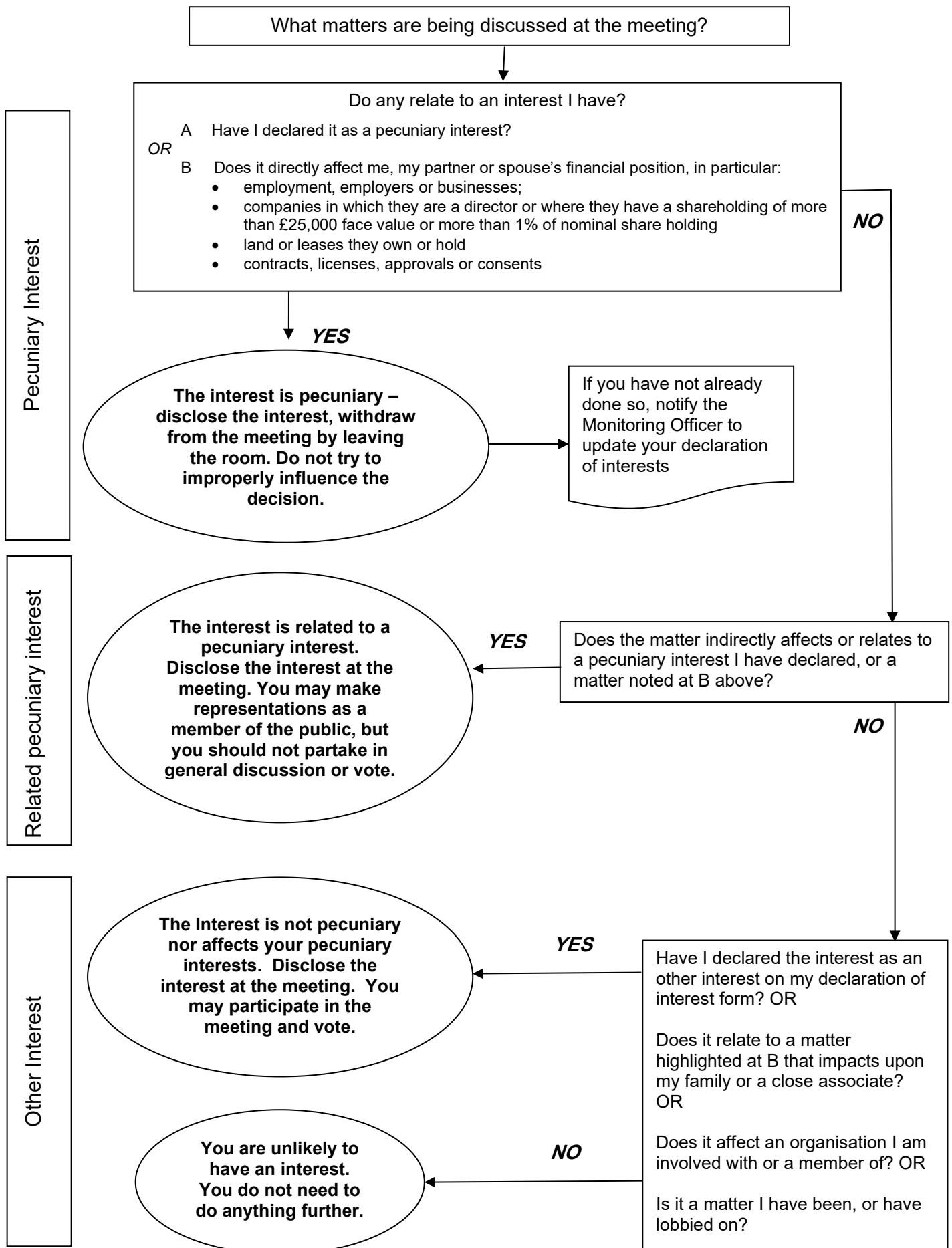
Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.

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

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

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

## DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF





## DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of a meeting of the Development Management Committee of South Norfolk District Council held remotely on Wednesday, 3 June 2020 at 10.00 am.

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

**Apologies:** **Councillor:** G Minshull

**Substitute Members:** **Councillor:** F Ellis for G Minshull

**Officers in Attendance:** The Assistant Director, Planning (H Mellors), The Development Manager (T Lincoln) and the Principal Planning Officer (C Raine)

7 members of the public were also in attendance

### 496. 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
2019/2531/F (Item 1)	WYMONDHAM	All	Local Planning Code of Practice Lobbied by the Objector
2020/0042/CU (Item 2)	COSTESSEY	All T Laidlaw	Local Planning Code of Practice Lobbied by Objectors and Supporters  Local Planning Code of Practice Lobbied by the Applicant
2020/0390/O (Item 3)	ASHWELLTHORPE AND FUNDENHALL	All	Local Planning Code of Practice Lobbied by the Applicant

### 497. MINUTES

The minutes of the Development Management Committee meeting dated 6 May 2020 were confirmed as a correct record and signed by the Chairman.



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

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

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

<b>APPLICATION</b>	<b>PARISH</b>	<b>SPEAKERS</b>
<b>2020/0042/CU (Item 2)</b>	<b>COSTESSEY</b>	J Rackham – Objector C O’Sullivan – Applicant
<b>2020/0390/O (Item 3)</b>	<b>ASHWELLTHORPE AND FUNDENHALL</b>	Cllr N Legg – Local Member

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

#### **499. PLANNING APPEALS**

The Committee noted the planning appeals.

(The meeting closed at 12.05pm)

---

Chairman

**Updates for DEVELOPMENT MANAGEMENT COMMITTEE**  
**3 June 2020**

Item	Updates	Page No
Item 1	<p>The following comments have been received from the Council's Landscape Architect on the amended layout:</p> <p>The deletion of the proposed garage unit for plot 1 has reduced the potential issues for the Holm oak tree on the neighbouring site.</p> <p>The necessity to run new drives through the identified root protection area for the Holm oak is arguably not fully justified (as required by BS5837) but there are potential solutions. Whilst the extent of a potential no-dig area of drive has been shown, full site-specific details have not yet been provided (only generic production specification details). Ideally these need to be provided before any consent is issued to confirm that the suggested solution is feasible. If planning permission is provided without such details, I would request that the information be made the subject of a pre-commencement condition.</p> <p>The arboricultural information needs to be formally updated to reflect the current proposals. I would suggest that the tree protection plan will require a phased approach to allow for the drive construction at a later stage in the construction period</p> <p>Officer comment:</p> <p>In addition to the suggested conditions 7 and 17, which relate to details of no dig road construction and service runs being agreed respectively. A further condition is required as a pre-commencement condition requiring the agreement of an updated tree protection plan/scheme to meet the requirements of the Landscape Architect highlighted above.</p>	53
Item 2	<p>Further comments received from three objectors raising the following summarised issues:</p> <p>The application will result in very real parking issues. Do not see how the site can accommodate 6 vehicles. If additional parking takes place along the road, Bawburgh Lane will be unable to function on bin collection day or when lorries are delivering.</p> <p>There will be mutual overlooking into and from the site. This will be a major infringement on privacy, especially when the proposed residents are changing. Also concerned residents' views were not sought prior to the application being submitted. Had they been, the applicant would have been aware of the objections to the proposal. Upset at the thought of having to please one household against all the wishes of those that have set up home in the area.</p>	65

	<p>Although a doctors surgery is within walking distance of the site, this is useless unless residents are registered at the practice. Adding further pressures will not help registered patients.</p> <p>This site is not comparable with the operation in Northampton that the agent has drawn attention to.</p> <p>Struggle to see how approving this application will contribute towards the economy driving forward.</p> <p>Officer comment: The above are noted, however it is considered that the assessment in the committee report covers all necessary points and no further comments are required at this stage.</p>	
2020/0390	No updates.	74
2020/0469	<p><b>Deferred</b></p> <p>Please note that this has been deferred by the applicant to allow for the submission of information relating to the garden room and tractor shed, and subsequent consultation by the Council on these.</p>	82

## PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

### **NOTE:**

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

### **Other Applications**

1. **Appl. No** : **2019/2531/F**  
**Parish** : **WYMONDHAM**

Applicant's Name : Mr Ian Clark  
 Site Address : Land at Northfield Mill Poynt Close Wymondham Norfolk  
 Proposal : Erection of 8 dwellings with associated garages and parking

Decision : Members voted unanimously for **Approval**

#### Approved with Conditions

1. Time Limit
2. In accordance with submitted plans
3. Visibility splays
4. Parking and turning
5. On-site construction workers parking
6. Surface Water Drainage
7. Details of no-dig road construction
8. Materials
9. Biodiversity Enhancement Plan
10. Contaminated Land – Site Investigation
11. Implementation of approved remediation scheme and validation
12. Contaminated land during construction
13. Construction management plan
14. Air source and ground source heat pumps
15. New Water Efficiency
16. Hard and Soft Landscaping
17. Service run locations to be agreed
18. Agreement of an updated tree protection plan/scheme

2. **Appl. No** : **2020/0042/CU**  
**Parish** : **COSTESSEY**

Applicant's Name : Norfolk & Waveney Mind  
 Site Address : 19 Bawburgh Lane Costessey Norfolk NR5 0TR  
 Proposal : Change of use to short-term supported residential accommodation (4 bedrooms)

Decision : Members voted 3-2 for **Approval**

#### Approved with Conditions

1. Time limit – full permission
2. In accordance with submitted drawings
3. Width of access
4. Provision and retention of parking area
5. Number of residents being cared for restricted to 4

- Applicant's Name : Norfolk & Waveney Mind  
Site Address : 19 Bawburgh Lane Costessey Norfolk NR5 0TR  
Proposal : Change of use to short-term supported residential accommodation  
(4 bedrooms)  
  
Decision : Members voted unanimously for **Refusal**

1. Ashwellthorpe is a predominantly linear settlement that is largely spread out along the length of The Street. There are some mature, well-spaced cul-de-sacs on the southern side of The Street but on the northern side - on which this site is located - the overriding characteristic is one of ribbon development with no clear examples of plots wrapping around behind neighbouring properties, which would be the case in this instance.

Given the position of the access and the constraints presented by existing dwellings, the indicative layout shown or a variation of it is the most likely layout that would come forward for 9 dwellings. This and the intensity of development arising would not be compatible with the prevailing pattern of development along The Street. The proposal, therefore, will harm the character and appearance of the area by not being sympathetic to it or appropriate to local distinctiveness. The application is contrary to Policy 2 of the Joint Core Strategy and Policies DM1.4(d, i) and DM3.8 of the South Norfolk Local Plan Development Management Policies Document.

2. The proposed development is not supported by any specific Development Management policy which allows for development outside of the development boundary and nor does it represent overriding benefits when having regard to the fundamental harm in allowing un-planned development in what should be a plan led system, along with the harm that would be caused to the character and appearance of the locality. As such, the application does not satisfy the requirements of either items 2 (c) or (d) of Policy DM1.3 of the South Norfolk Local Plan Development Management Policies Document 2015.

- Applicant's Name : Mr & Mrs Sinha  
Site Address : 133 Norwich Road Stoke Holy Cross NR14 8QJ  
Proposal : Demolition of existing dwelling and garage. Erection of replacement dwelling with detached garage, outbuildings & associated landscape work, including extension to curtilage.
- : This application was deferred by the Applicant prior to the meeting

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

**Report of Director of Place**

**Other Applications**

**Application 1**



**1. Application No : 2020/0192/CU**  
**Parish : WYMONDHAM**

Applicant's Name: Mr Resit Cetin  
 Site Address 12 Norwich Road Wymondham Norfolk NR18 0NS  
 Proposal Change of use from A3 (cafe) to A5 takeaway and installation of external extraction flue

Reason for reporting to committee

The proposal has potential to generate employment but the recommendation is for refusal. The application is also referred to Committee at the request of Councillors Hurn and R Savage.

Recommendation summary:

Refusal

**1 Proposal and site context**

- 1.1 This application seeks planning permission to change the use of a cafe to a hot food takeaway at 12 Norwich Road in Wymondham. The site is located on the corner of Norwich Road and Kimberley Street and sits at the eastern end of a row of red brick terraced dwellings within the Wymondham conservation area. Part of the premises forms part of the historic terrace but also includes a flat roof single-storey element to the side that provides the entrance into the cafe and a recessed two-storey element at the side and rear of the original terrace. A vehicular access is provided at the rear via Kimberley Street and a detached flat roof garage/store is located in this area to the south/rear of the premises.
- 1.2 Although the cafe is closed, its permitted hours of operation are 07:00 to 18:00 Monday to Friday, 08:00 to 15:30 Saturdays and Sundays. The proposed hours of opening are 15:00 to 23:00 Monday to Saturday and 16:00 to 22:30 Sundays and Bank Holidays.
- 1.3 In addition to the change of use, an external extraction flue is proposed for installation. It will exit the flat roof element and run up the front wall of the front/north facing wall of the two-storey element for approximately 4.3m before terminating above the ridge height (but below the ridge height of the original terrace. It is shown as having a galvanised finish.
- 1.4 Within the application form, the applicant has set out that in the event permission is granted, the takeaway will provide employment for two full-time and three part-time members of staff.
- 1.5 Neighbouring properties comprise residential dwellings in all directions, included terraced houses on Norwich Road to the east and west and Kimberley Street to the south and dwellings at the redeveloped former Windmill PH to the north on the opposite side of Norwich Road.

**2. Relevant planning history**

- 2.1 2011/1216 Retrospective application for change of use from residential to retail use and retention of extension. Change in opening hours to 7am - 6pm Monday to Friday, 8am - 3.30pm Saturdays and 8am - 3.30pm Sundays Approved
- 2.2 2008/0903 Change of use from tanning studio to coffee/sandwich bar - no structural change is proposed Approved





- Lack of parking
- Noise pollution and odour from extraction unit
- Unneighbourly form of development in a conservation area
- Excessive opening hours.

#### 4.2 District Councillors

##### Comments on original application

Cllr R Savage:

I have visited the application site, viewed the supporting documentation and spoken to a number of residents local to the application site. I recommend refusal of the application on the following grounds:

Loss of residential amenity to many local residents:

- due to considerable traffic movements from intended patrons with likely inconsiderate parking, noise and disturbance
- due to odour from food preparation and noise from extraction fans
- due to a likely increase of discarded litter in a residential area that is currently neat and tidy
- from the inappropriateness of the proposed hours of operation within a residential area

Likely highway issues due to parking on double yellow lines and obstruction on Norwich Road due to inaccessibility of designated parking area from other patrons or lack of manoeuvring space

It should be recognised that the application site falls within a conservation area and that the nature of the proposed application will cause substantial harm to the area in that it is a significant change to its historic setting

I, therefore, recommend that the application be refused and that the decision be referred to Committee for determination.

##### Comments on additional information:

Cllr R Savage:

I have re-visited the application site and viewed the additional documentation. I confirm my previous recommendation of refusal of the application on the following additional grounds:

- the predicted noise level from the extraction fan unit in the Noise Impact Assessment Report exceeds the recommended level at which an adverse impact from noise is likely to occur, albeit that the report concludes that this impact is likely to only be of 'low impact'. Should approval be considered, then I recommend that an absolute noise level condition be imposed so that a definitive measurement assessment may be made in future should noise become a problem.
- the impact on the street scene from the exhaust fan flue stack is substantial. The proposed galvanised finish is not acceptable in a conservation area and should be of a finished colour more suitable to a residential and not an industrial area.

I, therefore, recommend that the application be refused and that the decision be referred to the Development Management Committee for determination.

Cllr K Hurn:

Having visited the site, spoken to some neighbours and viewed all documentation I recommend the application is refused on the following grounds:

- excessive traffic movement, inconsiderate parking, fly parking, noise both from patrons and business activity.
- possible littering to residential and conservation area.
- inappropriate hours of opening in a residential area.
- odour created by food preparation dispersed into the air from the extraction system.
- noise emissions from the extraction system (although noted that noise impact report states levels are expected to be below BS4142:2014 threshold) this is questionable as equipment ages.
- impact of the extraction system ductwork. On the plan this would appear highly inappropriate in a conservation area.

I feel that there will certainly be severe parking issues possibly leading to dangerous situations as vehicles exit Kimberley Street between parked cars, and for residents of Millers Court. Proximity to the pedestrian crossing is also of concern.

The application is in a conservation area close to the Wymondham Bridewell; an important historic building. In my opinion it will not benefit this conservation area in any way.

I would therefore recommend that the application is refused and that the decision is referred to the Development Management Committee.

#### 4.3 SNC Community Services - Environmental Quality Team

I have no objections to the current proposal as long as carbon filters are installed and changed in accordance with the manufacturer's recommendations, in any case no less than every 6 months.

The extraction system should be cleaned in accordance with the manufacturer's recommendations and no less than once every 12 months.

Chargrilling should be prohibited as the carbon filters will not mitigate smoke.

The proposed cowl should be removed as this will hinder odour dispersal and should be replaced with an accelerator cowl. This is important due to the marginal height above the adjacent property's eaves and also as it below the height of its own pitch. I realise that the bulge of the accelerator cowl may look unsightly but if this is an issue perhaps the applicant can fit a fake brick clad flue cover on the gable to above the height of the pitch of the building owned by them.

#### 4.4 SNC Senior Heritage & Design Officer

The proposed flue is on top of an existing single storey extension to the side of an existing terrace. The terraces in the area were considered good quality (conservation area appraisal p27) with railings particularly noted, and hence the reason for the inclusion of this area to the south of Norwich Road in the conservation area.

Although the flue is not attached to an historic building of interest, it will be seen in the streetscene and views within the conservation area. Not within views when passing along Norwich Road and leaving the conservation area, but it will be seen when approaching into the conservation area from the east, particularly as it adjacent to a more open part of the street next to the road junction with Kimberley Street.

Wymondham is a town, and various services can be expected to be located in a town including takeaways. Modern standards require flues. Where possible these are

located to the rear of buildings in discreet locations where they are not visible within important streetscenes.

It is unfortunate that in this location, which is in effect a Victorian suburb of the historic town, there is no identifiable area where the flue can be more discretely placed and hidden to reduce its impact on what is predominantly a residential area. The only way to avoid the stack from having a harmful impact on the character and appearance of the conservation area would I suggest be to disguise the flue through a brick encasing so that it resembles an historic chimney stack.

#### 4.5 Other Representations

Objections received from 25 residents of Wymondham on the following grounds:

- A takeaway business is totally inappropriate for a residential area.
- Noise from customers in the evening
- Concerned at the prospect of anti-social behaviour taking place.
- Disruption from comings and goings of staff and customers.
- Proposed opening hours would be detrimental to the residential amenity of adjacent properties from increased road traffic noise and noise of customers visiting late at night. Kimberley Street is a quiet but densely populated residential street.
- Even with the adequate ventilation systems in place, there would be the smell and noise of extraction equipment in neighbouring gardens. A previous consent at the property states that that no external ventilation equipment must be installed without consent.
- The proposed use is not compatible with this part of the Wymondham conservation area.
- Littering will increase as a result of the development
- A takeaway would be better suited in the town centre.
- There are enough takeaways in Wymondham where there is adequate parking in suitable areas.
- The four spaces at the rear of the property may be enough for staff parking but would likely result in customers parking illegally elsewhere.
- Do not consider that there is space for four vehicles at the rear of the premises.
- The car parking spaces serving the property are at the rear, accessed from Kimberley Street. Vehicles are likely to park at the front of the property and park on the double yellow lines or park at and block the entrance to Millers Court.
- There is not enough parking for residents and an additional business, whether they deliver or people collect food, will add to the issue.
- The volume of vehicular and pedestrian traffic using Norwich Road is heavy and parking is restricted on this quite narrow stretch of road.
- The site is close to a pedestrian crossing and opposite a bus stop.
- A potential increase in cars parked the junction of Kimberley Street and Norwich Road will restrict visibility when trying to leave Kimberley Street.
- Use of Kimberley Street for customers to turn around in.
- Kimberley Street and Norwich Road suffer from restricted parking and limited manoeuvring space. Any increase in traffic will exacerbate these problems.

## 5 Assessment

### **Key considerations**

- #### 5.1
- Principle of development
  - Impact on the character and appearance of the surrounding area, including the conservation area
  - Impact on residential amenity

- Impact on highway safety
- Employment

### **Principle of development**

- 5.2 The site is an existing commercial premises within the development boundary and therefore its continued commercial use is generally acceptable subject to consideration being given to other planning matters. Of particular relevance is Policy DM2.6 of the SNLP which explains (amongst other items) that food and drink uses in classes A3, A4 and A5 will be permitted within settlements where development does not give rise to unacceptable environmental impacts including noise, odour and general disturbance which would adversely affect nearby occupiers and which could not be satisfactorily controlled by planning conditions. These matters will be considered further below.

### **Impact on the character and appearance of the surrounding area, including the conservation area**

- 5.3 The application site is at the end of a row of terraced houses in the Wymondham conservation area. The terraces on the southern side of Norwich Road are specifically referred to in the Wymondham Conservation Area Appraisal as being good quality terraces and numbers 6 to 32 Norwich Road as unlisted buildings of townscape significance.
- 5.4 As part of the application, a galvanised steel flue that is approximately 60cm in diameter is proposed for installation. This will exit the single-storey flat roof element of the building the occupies the front corner of the property and run up the front wall of the recessed two-storey element of the property before finishing with an accelerator cowl that is approximately 1m in diameter. The size, bulbous appearance, position and proposed finish to the flue gives it an industrial appearance that will not complement the appearance of the terraced row that it is part of. Instead, it will appear as a jarring feature within the street scene that will diminish the townscape significance of the terrace referred to in the Conservation Area Appraisal.
- 5.5 Under section 72 of the Planning (Listed Buildings and Conservation Areas) Act, in exercising its planning function the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. In light of the concerns I have set out above, I consider that the application will cause harm to the character and appearance of this part of the Wymondham conservation area. The application therefore fails to meet the test set by section 72 of the Act and additionally represents poor design. The application is therefore contrary to Policies 1 and 2 of the JCS and Policies DM1.4(d, i), DM3.8 and DM4.10 of the SNLP.
- 5.6 In reading consultee comments, Members will observe that the suggestion was made for the flue to be encased with bricks or fake brick cladding. When considering this, given the position and size of the flue, I came to the conclusion that cladding/slips/casing would appear as an unnatural and discordant addition to the building with the strong likelihood that the accelerator cowl would still be visible above any disguise. Consequently, I did not pursue this as it would not change my fundamental views on the harms arising from this part of the application.

### **Impact on residential amenity**

- 5.7 As part of the planning permission for the cafe, the range of hot food items for sale was restricted to soup, baked potatoes, pies, sausage rolls and toasted sandwiches. In discussions with the applicant, he has advised the he will be preparing and selling hot chicken, pizzas, burger and chips. To deal with any odours that may be produced, the aforementioned extraction equipment and flue is proposed for installation. A Noise

- 5.8 Assessment and supplementary information was submitted that included details of the likely noise that would be emitted by this equipment, how odours would be dispersed and confirmation that the fan would be inside the building to avoid noise breakout.
- 5.9 Following discussions between the Environmental Management Officer and the applicant's noise consultant, no objection was raised provided the equipment is maintained and cleaned in accordance with the manufacturers specifications and no charrilling takes place. While recognising the concerns raised by nearby residents, in light of the discussions that took place and provided the Environmental Management Officer's recommendations are followed, this element of the application complies with Policy DM3.13 of the SNLP.
- 5.10 The proposal has the potential to affect neighbouring properties in other ways, be it the extended hours of opening, noise from customers and/or noise from vehicles for example.
- 5.11 Hours of operation are stated as being 15:00 to 23:00 from Monday to Saturday and 16:00 to 22:30 on Sundays and Bank Holidays. This is within the range of the hours suggested as being typical within the supporting text to Policy DM2.6. Nevertheless, consideration should be given to the particular circumstances of each proposal.
- 5.12 The estate agent's particulars indicate that the first floor flat and ground floor commercial area can be leased either together or separately. The site location plan has been drawn such that it does not include the entire property and the ground floor elements of the first-floor flat are not within the application site. On that basis, given the proximity of the food preparation and cooking areas to the first-floor accommodation and the proposed hours of operation into the evening, I am concerned that the disturbance that would likely be generated will result in a poor living environment for occupiers of the flat and that the application does not comply with Policies DM2.6 and DM3.13 of the SNLP.

### **Impact on highway safety**

- 5.13 The site is on the junction of Kimberley Street and Norwich Road. It is close to a pedestrian crossing and bus stops on Norwich Road. The ability to park and turn in the area is difficult due to limited availability space. There are also double yellow lines in place along sections of Norwich Road close by.
- 5.14 A yard area at the rear of the premises (accessed from Kimberley Street) provides some parking and I would estimate that realistically, this would not be able to comfortably accommodate more than two cars. The width of the access allows only one vehicle to enter and exit with the one parked closest to the access blocking the other vehicle(s) in. This limits the space for manoeuvre.
- 5.15 In noting these constraints, the Highway Authority considers that the proposal will result in an increase in fly-parking on pavements, double yellow lines, zig-zag lines or wherever else a space may be found for vehicles close to the premises. It considers that this will result in congestion on Norwich Road, will restrict visibility at the junction of Norwich Road with Kimberley Street resulting in safety issues and inconvenience for pedestrians using footpaths. It has therefore recommended that the application is refused on the basis of there being inadequate on-site vehicular parking and turning facilities that will lead to an undesirable increase in on-street parking that will be detrimental to highway safety.
- 5.16 In discussions with the applicant, he estimates that approximately 85% of his orders will be delivered. While that may turn out to be the case, if planning permission was to be granted, the Council would not be able to impose a planning condition that restricts customer visits to a specified number or percentage given how difficult it would be

monitor and enforce this. I recognise that a substantial part of takeaway business is delivered (and particularly so in current circumstances) but given the context of the site amongst residential properties where parking availability is already limited, I agree with the views and recommendation of the Highway Authority. For the reasons set out above, I consider that the application does not comply with Policies DM3.11 and DM3.12 of the SNLP.

### **Employment**

- 5.17 The application will provide employment for two full-time and three part-time members of staff which the Council would want to support with particular regard to the need to support the economy as part of the recovery from the COVID-19 pandemic and is a material consideration in the determination of the application. These factors and the contribution that the proposal will make to the local economy weigh in favour of the application. However, in view of the harms identified above, I do not consider that these economic benefits are of sufficient weight to tip the scales decisively in favour of granting planning permission.

### **Other matters**

- 5.18 Concerns have been raised at the prospect of increased littering and anti-social behaviour arising from the development. While the Council may be able to secure the provision of a bin within the site for customers, it has no control (in planning terms) over the waste disposal habits of customers off-site. The concerns over the prospect of anti-social behaviour are noted. Should this arise, options for redress can be considered separate to the planning process.
- 5.19 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.
- 5.20 This application is not liable for the Community Infrastructure Levy as it is understood that the premises has been in use for 6 of the last 36 months.

### **Conclusion**

- 5.21 In have regard to those matters raised, the application proposes the re-use the of a commercial premises, will generate employment and will contribute towards the local economy. However, the appearance of the flue represents poor design and will result in harm to the character and appearance of the conservation area, the development will result in harm to potential occupiers of the first-floor flat above the premises, there is inadequate parking available and it will result in conditions that are harmful to highway safety. These factors decisively outweigh any potential benefits and the application is therefore recommended for approval as the application does not comply with Policies 1 and 2 of the JCS and Policies DM2.6, DM1.4(d, i), DM3.8, DM3.11, DM3.12, DM3.13 and DM4.10 of the SNLP.

Recommendation: Refusal

- 1 Design and impact on conservation area
- 2 Impact on residential amenity
- 3 Inadequate parking and turning space and impact on highway safety

Reasons for refusal

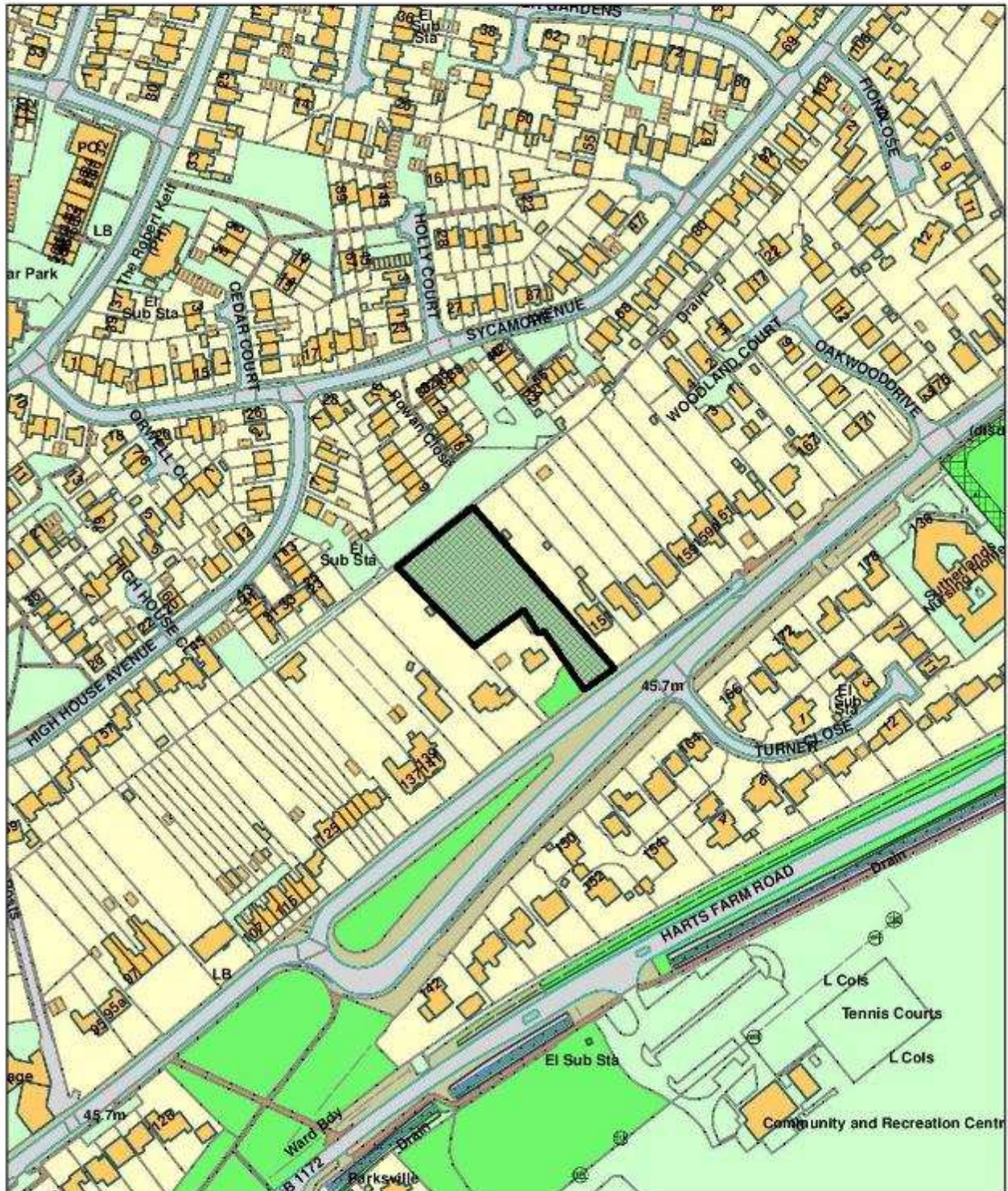
1. The size, bulbous appearance, position and proposed finish of the proposed extraction flue gives it an industrial appearance that will not complement the appearance of the terraced row that it is part of. Instead, it will appear as a jarring feature within the street scene that will diminish the townscape significance of the terrace referred to in the Conservation Area Appraisal. As well as representing poor design, the flue will cause harm to the character and appearance of the conservation area. The application therefore fails to meet the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act and is contrary to Policies 1 and 2 of the Joint Core Strategy and Policies DM1.4(d, i), DM3.8 and DM4.10 of the South Norfolk Local Plan Development Management Policies Document.
2. The site location plan has been drawn such that it does not include the entire property and the ground floor elements of the first-floor flat - which has a separate access to the ground floor - are not within the application site. On that basis, given the proximity of the food preparation and cooking areas to the first-floor accommodation and the proposed hours of operation into the evening, the disturbance that would likely be generated will result in a poor living environment for occupiers of the flat. The application does not comply with Policies DM2.6 and DM3.13 of the South Norfolk Local Plan Development Management Policies Document.
3. The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities and if permitted, would be likely to lead to an undesirable increase in on-street parking to the detriment to highway safety. The application does not comply with Policies DM3.11 and DM3.12 of the South Norfolk Local Plan Development Management Policies Document.

Contact Officer, Telephone Number    Glen Beaumont 01508 533821  
and E-mail:                                    gbeaumont@s-norfolk.gov.uk



## Application 2

2020/0266



Scale 1:2,500

© Crown copyright and database rights 2011 to date.  
Ordnance Survey License no 100019483



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



**2. Application No: 2020/0266/O**  
**Parish: WYMONDHAM**

Applicants' Names: David, Charles & Tom Hastings  
 Site Address: Land adjacent to 147 Norwich Road Wymondham Norfolk  
 Proposal: Erection of three self-build detached dwellings.

Reason for reporting to committee

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

Recommendation summary:

Refusal

**1 Proposal and site context**

- 1.1 This application seeks outline planning permission (including access) for three self-build detached dwellings at land adjacent to 147 Norwich Road in Wymondham. In its original form, the application sought permission for five dwellings but following discussions with the agent, the number of dwellings was reduced to three.
- 1.2 The site is within the development boundary that has been defined for Wymondham on the northern side of Norwich Road. Although Norwich Road is one of the main arterial routes leading out of the town, this section of it is a cul-de-sac'd off shoot that serves a number of dwellings.
- 1.3 The site is fenced off from number 147 but is nevertheless under the same ownership as that property, which is a detached red brick house that without the fencing, would be set in a substantial plot. The same ownership extends to a separate parcel immediately to the rear of the site which is laid to grass. Number 145 is a detached house and number 151 is a one and half storey dwelling. Beyond the parcel of land to the rear is more dense housing estate development that closest to the site, comprises terraced dwellings and flats.
- 1.4 Boundary treatments are a mixture of trees and hedging of varying height and density and fencing. There is no significant change in levels.
- 1.5 An indicative plan submitted with the application shows a two-storey dwelling at the front between numbers 147 and 149 and two single-storey dwellings in the larger rear section of the site. The access is proposed to be located between the front plot and the existing dwelling at number 147.

**2. Relevant planning history**

- |     |           |   |          |
|-----|-----------|---|----------|
| 2.1 | 2004/2018 | Renewal of consent 2001/1400/O for the erection of dwelling                                       | Approved |
| 2.2 | 2001/1400 | Renewal of planning permission 1998/1020/O - Erection of dwelling                                 | Approved |
| 2.3 | 1998/1020 | Erection of dwelling<br><b>Note:</b> this plot land was between numbers 147 and 151 Norwich Road. | Approved |

2.4	1997/1320	Erection of three dwellings & private access drive	Refused Appeal dismissed
-----	-----------	--	-----------------------------

### 3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
 NPPF 02 : Achieving sustainable development  
 NPPF 04 : Decision-making  
 NPPF 05 : Delivering a sufficient supply of homes  
 NPPF 11 : Making effective use of land  
 NPPF 12 : Achieving well-designed places

- 3.2 Joint Core Strategy (JCS)  
 Policy 1 : Addressing climate change and protecting environmental assets  
 Policy 2 : Promoting good design  
 Policy 3: Energy and water  
 Policy 4 : Housing delivery  
 Policy 11 : Norwich city centre  
 Policy 12 : The remainder of the Norwich urban area, including the fringe parishes  
 Policy 13 : Main towns

- 3.3 South Norfolk Local Plan (SNLP) Development Management Policies Document  
 DM1.3 : The sustainable location of new development  
 DM1.4 : Environmental quality and local distinctiveness  
 DM3.5 : Replacement dwellings and additional dwellings on sub-divided plots within development boundaries  
 DM3.8 : Design principles applying to all development  
 DM3.10 : 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  
 DM4.8 : Protection of trees and hedgerows

- 3.4 Wymondham Area Action Plan  
 No relevant policies

### 4. Consultations

- 4.1 Wymondham Town Council

#### Original comments:

Application should be refused due to:-

- Overdevelopment of the site;
- Backland development detrimental to the character and appearance of the road;
- Loss of privacy and amenity to neighbouring properties;
- Adverse impact on the safe and free flow of traffic in a congested cul-de-sac.

#### Comments on amended plans:

Object for same reasons as above.

## 4.2 District Councillor

Cllr T Holden

I request that this application is determined by the Development Management Committee in order that due consideration can be given to this sustainable development and its impact on the area.

## 4.3 SNC Water Management Officer

Risk of surface water flooding does not appear to affect the dwellings. Planning condition recommended to secure details of surface water drainage.

## 4.4 NCC Highways

Planning conditions recommended in relation to the construction of the access into the site, the provision of parking and turning areas and details to be submitted of on-site parking during the construction period.

## 4.5 Other Representations

Comments on original plans:

Two objections received raising the following issues:

- Overdevelopment;
- Too many houses are being proposed for the plot - the development is out of keeping with the neighbourhood;
- Backland development will significantly change the character of this area of Norwich Road where there is a firm housing line;
- Examples cited by the agent are not comparable to this application;
- Four two-storey dwellings would be overbearing;
- Parking along Norwich Road is such that construction vehicles would have difficulties entering and exiting the site;
- Traffic associated with the development would be unacceptable;
- Increase in traffic will make using this dead-end part of Norwich Road even more difficult and hazardous;
- The site is underlain by clay and we are certain that drainage will not be adequate.

Comments on amended plans:

Support received from two residents:

- Often vacant sites without a secure future can become dumping grounds, used illegally or subject to ever changing planning laws driven by the need to build more houses whilst protecting the green belt.
- Pleased that Highways has stipulated conditions to solve access problems and that South Norfolk's Water Management Officer has confirmed flooding does not appear to affect the dwellings.
- The welcome change to two bungalows and one house will prevent the neighbours being overlooked, will not affect their light and will protect their privacy.
- If this application is approved with the conditions mentioned, it will secure the future of this land and prevent any possible overdevelopment in the future;
- Sincerely hope that the Planning Committee will allow this small development.

Objections received from three residents:

- All previous concerns remain;
- Even though the number of dwellings has been reduced from five to 3, do not consider that the proposal is in keeping with the remainder of this section of Norwich Road;
- Reduction in the number of dwellings and the change from two-storey to single-storey reduces the overbearing to our property. However, mindful that this is an outline application so it is entirely possible that self-builders may try to maximise their investment and submit applications for more dwellings and/or two storey dwellings;
- The revised plans fail to address the concerns raised that the development to the rear is out of character for the area;
- In recent weeks, the importance of gardens to people's wellbeing has become even more important whereas there is no need for additional housing sites in this area. This currently uninterrupted 400mx100m green corridor of Norwich Road (Nos 95-163), with
- Its long-established housing pattern is one of very few in the central area of Wymondham that have relatively large gardens.
- The statement that the proposed access road will not be visible from the main Norwich Road is untrue. There are no trees on the island between the cul-de-sac and the main road in that location;
- The driveway serving the dwellings is too narrow;
- This dead-end part of Norwich Road has no turning point. Some vehicles drive over the verge since they are unable to turn; others reverse all the way up making more traffic in this area undesirable;
- There is not enough space for construction vehicles to park to build this dwelling given the parking issues along Norwich Road.

## 5 Assessment

### **Key considerations**

- 5.1
- Principle of development
  - Impact on the character and appearance of the area
  - Impact on residential amenity
  - Impact on highway safety

### **Principle of development**

- 5.2
- The application site is within the development boundary that has been defined for Wymondham. Policy DM3.5 of the SNLP is generally supportive of replacement and additional dwellings within settlements with development boundaries subject to compliance with certain criteria. While consideration will be given to those criteria below, the general principle of development in this location is acceptable.

### **Impact on the character and appearance of the area**

- 5.3
- Development along this section of Norwich Road is characterised by dwellings that are positioned towards the front of their plots in a generally linear arrangement with long back gardens. These gardens provide a buffer and give a pleasant sense of openness and spaciousness between the dwellings and the denser estate development to the rear on High House Avenue and Rowan Close.

- 5.4 The application proposes a dwelling between numbers 147 and 151 Norwich Road and two bungalows to the rear. The principle of an infill plot to the front raises few concerns in terms of its potential impact on the character and appearance of the area but the introduction of two dwellings at the rear does raise concerns. Their provision will erode the character that defines properties along this section of Norwich Road and while recognising that these dwellings will sit in generous plots, the proposal will introduce a form of development that rather than make a positive contribution to local character and distinctiveness (as required by Policy DM1.4 (d, i), will instead jar with it and not maintain the character of the surroundings as required by Policy DM3.5(a).
- 5.5 Reference has been made to other developments along Norwich Road and Norwich Common and the Oakwood Drive and Woodland Court development a short distance to the northeast of the site off Norwich Road. There are however no examples of planning permission being granted for new dwellings to the rear of numbers 95 and 161 Norwich Road (odd numbers) and Oakwood Drive is not a comparable example as it is served by an adopted estate road.
- 5.6 Taking account then of the character of this section of Norwich Road, I consider that the proposal will introduce a form of development that does not maintain it or make a positive contribution to and its distinctiveness. The application is contrary to Policy 2 of the JCS and Policies DM1.4 (d, i), DM3.5(a) and DM3.8(1) of the SNLP.

#### **Impact on residential amenity**

- 5.7 As referred to above, the indicative drawings show a two-storey dwelling at the front of the site and single-storey dwellings at the rear. While these will be visible to varying degrees from neighbouring properties, I am satisfied that it would be possible to design and position dwellings of the types indicated such that they would not be overbearing or otherwise unneighbourly. It would also be possible to employ a suitable planning condition that requires the rear-most plots to be single-storey.
- 5.8 The new access drive will pass between number 147 and the front-most plot. With careful room planning and a driveway with a suitable surface, a dwelling could be designed that results in minimal disturbance to the living conditions of the front-most plot. In respect of the existing dwelling, there are no windows in the side elevation closest to the driveway and with the existing close boarded wooden fence in place, it is not clear to me that vehicular movements would be significantly disruptive.
- 5.9 Taking account of these items, it could be possible for the application to comply with Policies DM3.5(b) and DM3.13 of the SNLP.

#### **Impact on highway safety**

- 5.10 This section of Norwich Road is a cul-de-sac off-shoot from the main Norwich Road that runs into and out of the town. The highway to the front of the site is well used for parking by visitors throughout the day and concerns have been raised that the increase in traffic arising from the construction and occupation of the development will cause danger and inconvenience. In its capacity as Highway Authority, Norfolk County Council has not objected to the application on the grounds of highway safety and I consider that sufficient space exists on site for vehicles to park during the construction phase. I am also satisfied that the size of the site is such that the necessary spaces can be provided for parking at each dwelling. The application therefore complies with Policies DM3.5(d), DM3.11 and DM3.12 of the SNLP.

#### **Other issues**

- 5.11 A number of trees are present along the front boundary and around other boundaries of the site. Since a new access is to be provided close to the trees along the front

boundary, comments were sought from the Council's Tree and Conservation Officer. They did not object to the position of the proposed access and noted that the position of trees in relation to the position of the dwellings shown on the indicative plan means that those most significant trees are unlikely to be adversely affected. A planning condition relating to the submission of a tree protection plan was recommended for use. The application therefore complies with Policy DM4.8 of the SNLP.

- 5.12 Paragraph 61 of the NPPF guides local planning authorities to cater for those people who wish to commission or build their own homes and the supporting text to Policy DM3.1 makes reference to catering for self-build. The policy itself sets out that all housing proposals should help contribute to a range of dwelling types to meet the requirements of different households. That the application proposes three self-build dwellings weighs in its favour although it should be noted that the Council is currently granted sufficient planning permissions for site that could be developed for self and custom build homes.
- 5.13 In 1997, outline planning application ref. 1997/1320 for three dwellings was refused. This showed one dwelling at the front of the site and two at the rear with a new access being provided in more or less the same position as shown by the current application. This application was refused solely on the grounds of the harm that vehicles using the new access would cause to the residential amenity of the new dwelling in the front plot. The subsequent appeal was dismissed on the same grounds. For my part, I am reluctant to give significant weight to a 22 to 23 year old decision that pre-dates the current development plan and the NPPF and have considered the application on its own merits based on current policy guidance.
- 5.14 The need to support the economic recovery following the COVID-19 pandemic is a material consideration and these dwellings will provide economic benefits during their construction phase and when occupied. This weighs in favour of the application. However, in view of the harm arising to the character of the area, I do not consider that in combination with other factors these benefits decisively tip the scales in favour of granting planning permission.
- 5.15 Under Section 143 of the Localism Act, the Council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.16 This application is liable for the Community Infrastructure Levy although in the event of the application being approved, it would be open for the eventual developers to apply for self-build exemption.

### **Conclusion**

- 5.17 In having regard to those matters raised, the application seeks to provide three self-build dwellings in a sustainable location. No objections from technical consultees in respect of highway safety and trees and I am satisfied that the dwellings could be designed such that they will have acceptable impacts on the residential amenity of neighbouring properties. The dwellings will also present economic benefits during their construction and subsequent occupation. However, the introduction of the two dwellings in the rear section of the site will be contrary to the pattern of development along this particular section of Norwich Road and will result in a form of development that rather than maintain or make a positive contribution to it, will jar with it. On balance, I consider that the harm arising by introducing development that is out of character with the area outweighs the benefits arising and therefore the application is recommended for refusal as it does not comply with Policy 2 of the JCS and Policies DM1.4(d, i), DM3.5(a) and DM3.8 of the SNLP.

Recommendation : Refusal

1 Impact on character of area

Reasons for Refusal

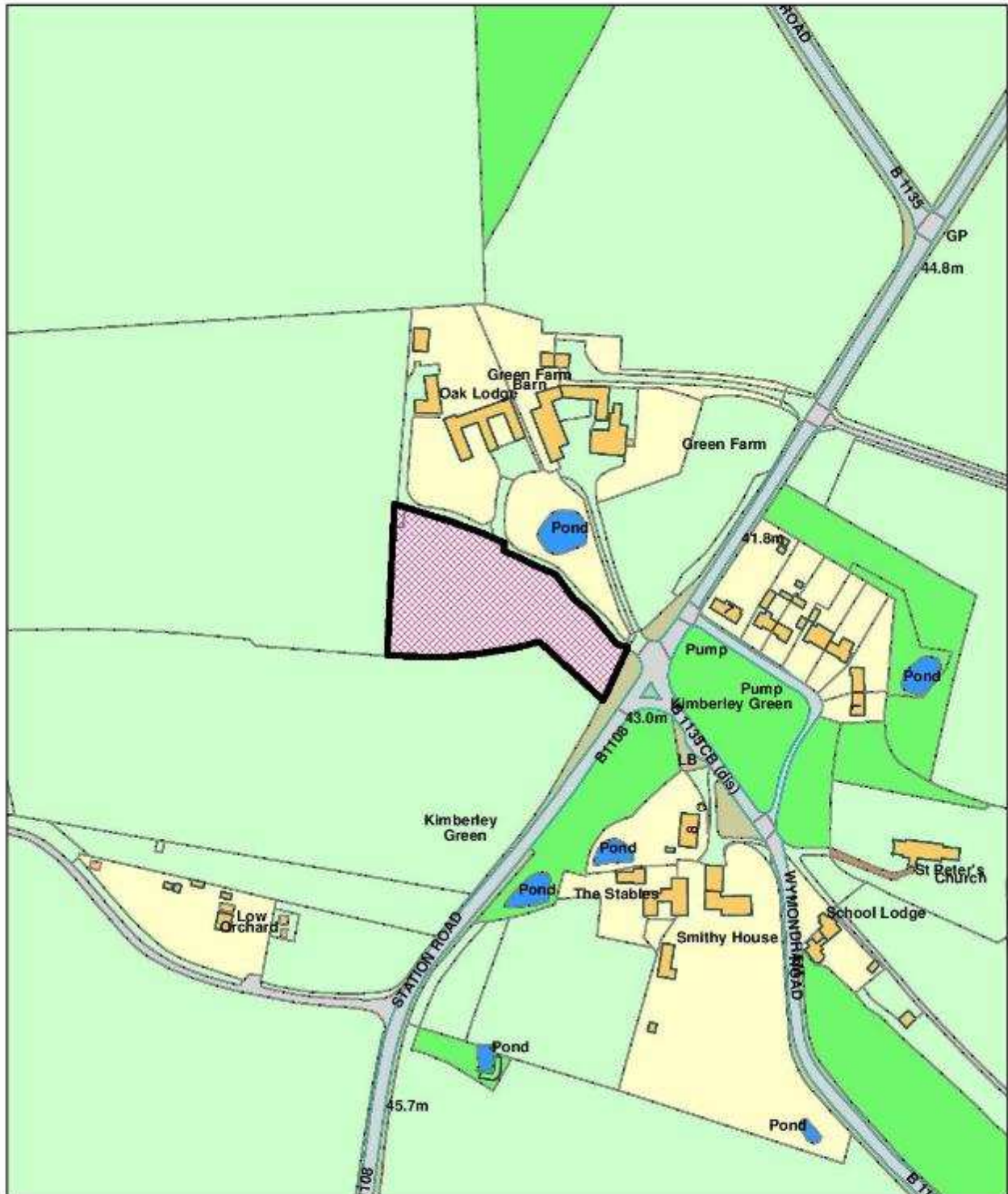
1. Development along this section of Norwich Road is characterised by dwellings that are positioned towards the front of their plots in a generally linear arrangement with long back gardens. These gardens provide a buffer and give a pleasant sense of openness and spaciousness between the dwellings and the denser estate development to the rear on High House Avenue and Rowan Close.
2. The application proposes a dwelling between numbers 147 and 151 Norwich Road and two bungalows to the rear. The introduction of two dwellings at the rear will erode the character that defines properties along this section of Norwich Road and while recognising that these dwellings will sit in generous plots, the proposal will introduce a form of development that rather than make a positive contribution to local character and distinctiveness, will instead jar with it and not maintain the character of the surroundings. The application is therefore contrary to Policy 2 of the Joint Core Strategy and Policies DM1.4 (d, i), DM3.5(a) and DM3.8(1) of the South Norfolk Local Plan Development Management Policies Document.

Contact Officer, Telephone Number    Glen Beaumont 01508 533821  
and E-mail:                                    gbeaumont@s-norfolk.gov.uk

Application 3

2020/0600

Not Set



Scale 1:2,500

© Crown copyright and database rights 2011 to date.  
Ordnance Survey License no 100019483



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



**3. Application No : 2020/0600/F**  
**Parish : KIMBERLEY AND CARLETON FOREHOE**

Applicants' Name: Mr & Mrs C House  
 Site Address Land north-west of Norwich Road Kimberley Norfolk  
 Proposal Proposed over 55's, self-build dwelling (resubmission of 2019/2486)

Reason for reporting to committee

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

Recommendation summary :

Refusal

**1 Proposal and site context**

- 1.1 This application seeks full planning permission for an over 55s self-build dwelling on land to the south of Oak Lodge on Norwich Road in Kimberley. It follows a previous application for a similar development (ref. 2019/2486) that was refused by Development Management Committee on 12 February 2020. That application was refused on three grounds: (i) its design and harm arising to the setting of a listed building and the character and appearance of the conservation area; (ii) the location of the site not minimising the need to travel; and (iii) the proposal not demonstrating overriding benefits to warrant granting planning permission outside of the development boundary.
- 1.2 The current application primarily seeks to deal with the first reason for refusal. The appearance of the dwelling has been amended and although the footprint is comparable, the height of the dwelling has been reduced 0.9m. Amongst the changes to the appearance includes the introduction of more gable ends and adjustments to windows with the intention that the dwelling is more responsive to the vernacular of the converted barns to the north.
- 1.3 The applicants currently reside at Oak Lodge, a converted barn to the north of application site, and wish to downsize. The proposed dwelling will accommodate 2 to 3 bedrooms. Its main rectangular form will have a double garage projecting to the front and two elements projecting to the rear. It will measure a maximum of 22.5m in width, 23m in depth and 5.6m in height. It will be accessed from the east via the existing access that serves Oak Lodge, Green Farm Barn and Green Farmhouse.
- 1.4 At present, the site is maintained as lawn with a number of trees dotted around and levels undulate gently. Agricultural land is located to the west/rear and south, the applicant's single-storey red brick converted barn to the north and the converted barn at Green Farm Barn and the Grade II listed Green Farm House also to the north. The junction of the B1108 and B1135 is located to the east.
- 1.5 The eastern half of the site is within the Kimberley conservation area and the position of the dwelling is such that most of it (apart from the rear most section) falls within it.

**2. Relevant planning history**

- |     |           |                                 |         |
|-----|-----------|---------------------------------|---------|
| 2.1 | 2019/2486 | Erection of self-build dwelling | Refused |
|-----|-----------|---------------------------------|---------|

### 3 Planning Policies

#### 3.1 National Planning Policy Framework (NPPF)

NPPF 02 : Achieving sustainable development

NPPF 04 : Decision-making

NPPF 05 : Delivering a sufficient supply of homes

NPPF 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

#### 3.2 Joint Core Strategy (JCS)

Policy 1 : Addressing climate change and protecting environmental assets

Policy 2 : Promoting good design

Policy 3: Energy and water

Policy 4 : Housing delivery

Policy 6 : Access and Transportation

Policy 17 : Small rural communities and the countryside

#### 3.3 South Norfolk Local Plan (SNLP) Development Management Policies Document

DM1.3 : The sustainable location of new development

DM3.1 : Meeting Housing requirements and needs

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

DM4.5 : Landscape Character Areas and River Valleys

DM4.8 : Protection of Trees and Hedgerows

DM4.10 : Heritage Assets

#### 3.4 Statutory duties relating to setting of listed buildings and conservation areas

Section S66(1) of the 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.

Section 72 of the same Act 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."

### 4. Consultations

#### 4.1 Kimberley & Carleton Forehoe Parish Council

The Parish Council supports approval of this application as it has addressed concerns raised by neighbours and planning officers.

4.2 District Councillor:  
Cllr R Elliott

The applicants submitted an application last year reference 2019/2486, which was determined by the Development Management Committee. The committee's decision was to support the officer's recommendation for refusal. Much of the discussion at committee centred around the character and setting of the proposed dwelling, in particular the view of the conservation officer and planning officer that the proposal was not designed to reflect the 'Norfolk vernacular' and was therefore not in keeping with its surroundings. In the decision letter this issue is set out in some detail reflecting the importance that the committee placed on this in reaching a decision. The current design has sought to sensitively address these concerns and meet the very high bar set for design in areas like Kimberley.

The local plan prioritises the delivery of downsizing development, green principle development and maintaining and managing the vitality of rural areas. As the local Member I entirely endorse these priorities. However, it would seem to me that in this case the amount of weight that may be prescribed to the policies I have outlined above could be and would normally be unduly outweighed by other planning policies that would seek to prevent this development, for example development outside of a recognised development boundary.

Referring again to the decision letter from the previous application it seems to me that a proper debate is still needed over the interpretation of policies 3.10 and 1.3 and whether the location of this new development could be considered sustainable.

I wonder, if public transport and other means of community transport is available then on what grounds is policy 3.10 not met? What makes the same bus journey starting at nearby Wicklewood any more sustainable than the bus journey starting 1km away in Kimberley? Although the policy 3.10 is cited as a reason for refusal, as there was 'a strong likelihood' that future occupants would use private motor vehicles to access services, there does not appear to be evidence to substantiate this. There is a bus route operating to nearby major settlements and I can see no logical reason why it should not or would not be used. When the committee considered the previous application I heard little discussion on these matters. This is an important principle that should be tested further because if a proposed dwelling with a bus stop adjacent to it fails to meet policy 3.10 it would be interesting to note what would.

In Kimberley there is no development boundary. Therefore it is necessary for this application to demonstrate that policy 1.3, item 2 (d) is met in that this is sustainable development which brings social, economic and environmental gains. The National Planning Policy Framework, paragraph 8, provides some guidance around these three dimensions to sustainable development. Under social gains the NPPF refers to '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.' In the ward I represent there are many small rural hamlets and villages, like Kimberley, and many elderly people, like the applicant, who now simply seek to downsize from their current large accommodation, yet stay in the area they have lived for many years, thereby creating suitable accommodation for other younger people to keep these decaying rural areas vibrant and sustainable. I know that the gradual decline of small villages is a common issue across many parts of rural Norfolk. Very limited development of this type will surely help to arrest the decline of these rural villages.

Some guidance around the environmental gains is also set out in the NPPF as follows, '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 the moving to a low carbon economy.’ It seems to me that compared with many of the volume build houses in our larger dwellings the revised design and specification for this proposed dwelling is an exemplar in green design principles.

The final consideration in policy 1.3 is whether this development brings economic benefit. Clearly at this time our local economy, especially the construction industry, is suffering badly due to the Covid-19 crisis. At this time more than ever before there is an overriding need to assist our local economy particularly our small local builders and suppliers for whom small single dwellings like this proposal is so typical of their workload. I would like the opportunity for this point to be weighed up in light of current circumstances.

As I believe this is an important issue and a fine balance for many local people between allowing some flexibility for small scale suitable and environmentally responsible development and preventing widescale or unsuitable development that would be harmful. Therefore, I would be grateful if this application could be determined by the Development Management Committee so that the full range of relevant policies may be considered.

#### 4.3 SNC Water Management Officer

Central area of site and the access are at risk from surface water flooding. Request that further consideration is given to future flood risk in accordance with the NPPF.

Planning conditions requested in relation to surface water drainage and foul water drainage.

#### 4.4 NCC Highways

No highway safety issues. Planning condition recommendation in relation to the provision and retention of the parking and turning area.

#### 4.5 Historic Environment Service

Planning condition requested relating to the submission of an archaeological Written Scheme of Investigation.

#### 4.6 SNC Senior Heritage & Design Officer

Previously, concern was raised at the scale and form of the building with the deep plan and large roof. The overall scale and form of the proposed new building now relates better to design of historic agricultural buildings so it will not appear incongruous within the context, although it does remain the case that the building are some distance from the farmhouse in a relatively isolated position.

The glazed gable ends are modern elements, however are not of such concern as the overall scale and form and are on the rear elevation.

In terms of design detail, the gabled porch and bay windows, and circular windows, lend the building a more domestic appearance and I would suggest are omitted or altered to simple openings. It would be preferable to design a door/porch more like the form and appearance of what may have been seen on historic barn structures as an additional structure to the form such as a lean to log store etc.

#### 4.7 Historic England

No comments received

#### 4.8 Other Representations

Support received from two residents:

- The comments I made for the previous application still apply and I fully support the new application with restricted height which was the concern expressed by immediate neighbours.
- I reinforce the comments I made on the first application. The door being in the middle of the front façade is more pleasing and makes for a bigger hallway which is more advantageous to move about as we get older.

Objections received from four residents:

- The development is not characteristic of neighbouring buildings and does not sit well with the agricultural grouping of Green Farmhouse and Green Barn;
- The design is out of character of the surrounding area, including the conservation area;
- The development will adversely impact its immediate setting;
- The boundary planting will not provide sufficiently effective screening;
- The proposed build is large with both high and extensive roof area which appear to be above hedge height and therefore could be seen from the road, which would spoil the look of the village.
- It would mean extra traffic entering a busy high risk major road junction.
- I don't understand the need or relevance of the 'over 55's ' statement mentioned on this application, I feel it has no relevance.
- Concerned that the development will put more pressure on local support services which are all based several miles away;
- This application is not supported by any specific policy.

#### 5 Assessment

##### **Key considerations**

- 5.1
- Principle of development
  - Accessibility of site
  - Appearance of the dwelling and impact on heritage assets
  - Impact on the appearance of the surrounding area
  - Impact on trees and ecology
  - Self-build and over 55s dwelling

##### **Principle of development**

- 5.2 The application site is outside of any defined development boundary and thus is in a countryside location.
- 5.3 Policy DM1.3 of the SNLP permits development outside of development boundaries where specific development management policies allow (criterion (c)) or where there are overriding benefits in terms of the economic, social and environmental dimensions of sustainable development (criterion (d)). In this case, criterion (c) is not considered to apply so instead, criterion (d) is relevant in respect of the proposed dwelling. Whether the application demonstrates overriding benefits to warrant a new dwelling in the countryside will be considered later in this assessment.
- 5.4 It is also worthy of note that the Council can demonstrate a housing supply in excess of 5 years. This means that full weight can be given to the Council policies relating to the supply of housing, which includes Policy DM1.3.

**Accessibility of site**

- 5.5 Kimberley is a hamlet that does not have a defined development boundary. The nearest settlement with a development boundary is Wicklewood, approximately 1.6km away to the southeast. Those nearest settlements that are likely to offer wider range of services and facilities to meet key needs (e.g. medical services and grocery shopping) are Hingham and Wymondham, the centres of which are approximately 5.5km and 5km away respectively.
- 5.6 A bus stop is located nearby that is a stop on the service between Norwich and Watton (via Hingham). This service operates reasonably regularly throughout the day. The flexibus service operated by the County Council is also available to provide access to Wymondham. This is a ring and ride type service that has no fixed timetable but operates on Monday to Friday between 08:00 and 14:30 during the school term and between 09:00 and 14:30 during the school term. Kimberley train station to the south is part of the Mid-Norfolk Railway that runs between Wymondham and Dereham but this is a tourist/heritage line that operates periodically as opposed to being on a line that operates throughout the year.
- 5.7 Officers would wish to stress that the lack of a development limit for a settlement is a conscious decision taken by the Council in acknowledgement that such a location is not necessarily a suitable one to support further growth due to its lack of access to a range of services and facilities.
- 5.8 The principles of directing new development to sustainable locations and promoting the use of sustainable modes of transport are well established. To help address climate change and promote sustainability, Policy 1 (bullet 7) of the JCS requires development to minimise the need to travel and give priority to low impact modes of travel. Policy 6 (bullet 8) seeks to achieve improved access by concentrating development close to essential services and facilities to encourage walking and cycling as the primary means of travel with public transport for wider access. With the SNLP, Policy DM3.10 sets out that all development should support sustainable transport and development objectives, use all opportunities to integrate with local sustainable transport networks, be designed to reduce the need to travel and maximise the use of sustainable forms of transport appropriate to the location.
- 5.9 In view of the absence of footpaths, the distance and volume and speed of traffic that travels along both the B1108 and B1135, the likelihood of walking or cycling to Hingham, Watton and Wymondham is low and even more so during hours of darkness, poor weather and if residents have mobility or sensory difficulties.
- 5.10 While the bus service operates reasonably regularly between Norwich and Watton and recognising that a limited flexibus service operates to Wymondham if required, I nevertheless am of the view that regardless of the age of the occupiers of the dwelling, the likelihood is that in order to access a range of services and facilities that would meet day to day needs, they will rely on their private motor vehicles. Cumulatively, this will add up to a high number of miles and associated emissions. Taking account of that and the policies of the adopted development plan, I do not consider that the site is located to provide access to all or to minimise the need to travel.
- 5.11 Officers would wish to draw the committee's attention to a recent appeal dismissal in Ashwellthorpe (2019/2222) which followed a committee refusal whereby the Inspector addressed the issue of connectivity, including in relation to public transport and also the issue of frequency of visits to access services from a single dwelling. The Inspector stated the following on these issues:
- 5.12 *There is a bus stop very close to the appeal site. The appellant states that a single service operates from it. There is a railway station at Wymondham, providing services*

*to Norwich, Cambridge and connections to London. Evidence on the reliability and frequency of what is a limited bus service have not however been provided and journeys to the larger urban areas appear to be reliant on a number of connections.*

- 5.13 *With this and the above in mind, it seems most likely that future occupiers of the dwelling would rely almost wholly on the private car to access education, retail, employment and healthcare provision. Services that would support their day to day life. This is the least sustainable travel option.*
- 5.14 *I acknowledge that as a single dwelling such journeys would not be overly frequent or necessarily great in number, but I would not be satisfied justifying a dwelling in an otherwise unsustainable location for this reason which in any event is an argument that could be repeated too often. The dwelling would also be within an existing group and subsequently not necessarily isolated for the purposes of the Framework<sup>4</sup>, but this would not make it acceptable for the reasons I have given.*
- 5.15 The application is therefore contrary to Policies 1 (bullet 7) and 6 (bullet 8) of the JCS and Policy DM3.10 of the SNLP.

#### **Appearance of the dwelling and impact on heritage assets**

- 5.16 The site is approximately 65m from the Grade II listed dwelling at Green Farmhouse and is within the Kimberley conservation area. In exercising its duties, the Council must have regard to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act.
- 5.17 The dwelling will be located on a good sized parcel of land and can be comfortably accommodated. Prior to and during the course of this latest application, there have been discussions between the agent and the Senior Design and Heritage Officer. On the whole, and while noting the distance of dwelling from those to the north, he considers that the overall scale and form of the building relates better to the design of those historic agricultural buildings to the north and that it will not appear incongruous within its context. As such, the setting of the Grade II listed farmhouse and the character and appearance of the conservation area will be preserved and the application complies with Policies 1 (insofar as it relates to the conservation of heritage assets and the historic environment) and 2 of the JCS and Policies DM3.8 and DM4.10 of the SNLP.
- 5.18 The site is within an area of potential archaeological interest associated with the changing layout of Kimberley from the Anglo-Saxon period. The County Council's Historic Environment Service has recommended an appropriately worded planning condition that includes site investigations to address this. This is acceptable.

#### **Impact on the appearance of the surrounding area**

- 5.19 By virtue of the mature planting along the outside boundaries of the site, the site is not particularly visible from longer views. Taking account of that, the impact on the wider landscape will be neutral and that the proposal complies with Policy 1 of the JCS (insofar as it relates to the appearance of the countryside) and Policy DM4.5 of the SNLP.

#### **Self-build and over 55s dwelling**

- 5.20 Paragraph 61 of the NPPF guides local planning authorities to cater for those people who wish to commission or build their own homes and the supporting text to Policy DM3.1 makes reference to catering for self-build. The policy itself sets out that all housing proposals should help contribute to a range of dwelling types to meet the requirements of different households.

- 5.21 Separately and together, that the application proposes a self-build dwelling aimed at the over 55s age-group weighs in its favour. However, it should be noted that the Council is granting sufficient planning permissions for plots that could be used for self and custom building dwellings and in respect of over-55s accommodation, I do not consider it necessary to make the development acceptable to use a planning condition or require a legal agreement to secure the dwelling as such a unit of accommodation.
- 5.22 Reference has been made to draft Policy 7.5 of the Greater Norwich Local Plan (GNLP). This relates to small-scale windfall housing developments of up to three dwellings per parish and as part of it, is supportive of self/custom build. It would be premature to rely on this policy in determining this application. The consultation on the GNLP ended in March and so it and draft Policy DM7.5 have not been subject to rigorous scrutiny or examination and it is some way off being adopted. As such, it would be premature to rely in on it in determining this application and accordingly minimal weight should be attributed to it.

### **Other matters**

- 5.23 Sufficient parking is shown as being provided and in its capacity as Highway Authority, Norfolk County Council has not objected to the application on the grounds of highway safety. The application complies with Policy DM3.11 and DM3.12 of the SNLP.
- 5.24 Although the dwelling will be visible from the dwellings to the north, in view of the level of separation, I do not consider that the impact on living conditions will be significant. The application therefore complies with Policy DM3.13 of the SNLP.
- 5.25 Parts of the site are at risk from surface water flooding. Part of the south elevation of the dwelling kisses the edge of one such area at low risk but in view of the gently undulating levels and size of the site, I do not consider this to be a matter that requires further action.
- 5.26 The Arboricultural Impact Assessment submitted with the application notes that one tree will need to be removed and minor works carried out to others. These are acceptable and the application complies with Policy DM4.8 of the SNLP.
- 5.27 A Preliminary Ecological Appraisal was submitted with the application. This noted that the site is of low ecological value and no further surveys are required. Ecological enhancements were however suggested in the form of bat and bird boxes.
- 5.28 The desire to construct a dwelling that performs well in respect of its environmental impact is welcome. However, all dwellings should aim to achieve this and I do not see this desire as weighing significantly in favour of the application.
- 5.29 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. While material planning considerations, since the Council is able to demonstrate that it is meeting its housing supply commitments, including those for self-build, I do not consider that this is an overriding consideration in this instance.
- 5.30 The need to support the economic recovery following the COVID-19 pandemic is a material consideration and the dwelling will provide economic benefits during its construction phase and when occupied. However, in view of the harm arising from constructing a dwelling in an unsustainable location, I do not consider that in combination with other factors these benefits decisively tip the scales in favour of granting planning permission.
- 5.31 Under Section 143 of the Localism Act, the Council is required to consider the impact on local finances. This can be a material consideration but in the instance of this



application the other material planning considerations detailed above are of greater significance.

- 5.32 This application is liable for the Community Infrastructure Levy although in the event of the application being approved, it is open to the applicant to apply for self-build exemption.

### **Conclusion**

- 5.33 In having regard to those matters raised, the application proposes an over 55s self-build dwelling for the applicants that is of an acceptable design, will preserve the setting of the Grade II listed Green Farmhouse and the character and appearance of the conservation area and will have neutral impacts on residential amenity, the appearance of the wider area, highway safety, trees and ecology.
- 5.34 That the dwelling will be a self-build aimed at over-55s, provide modest ecological enhancements and provide economic benefits weigh in favour of the application although the benefits of the type of dwelling are reduced since the Council is meeting its self-build targets and I do not consider it necessary for the dwelling to be occupied by over-55s only to make the development acceptable. The acceptable design, preservation of heritage assets and acceptable impacts on residential amenity, highway safety and trees are neutral factors in the balance as arguably, all development should aspire to meet these aims to ensure policy compliance.
- 5.35 Weighing against the application is that the location of the site does not provide access for all to day to day services and does minimise the need to travel. In other words, the site is not sustainably located.
- 5.36 When considering the application in the context of Policy DM1.3 and the need to demonstrate overriding benefits in terms of the social, economic and (my emphasis) environmental dimensions of sustainable development, given the amount of development, the social and economic benefits will be modest. However, because of its location, it will result in harm as far as the environmental dimension is concerned. In view of this harm the modest level of benefits otherwise arising, I do not consider that the application demonstrates overriding benefits to warrant granting planning permission in this countryside location. The application is therefore refused as it is contrary to Policies 1 (bullet 7) and 6 (bullet 8) of the JCS and Policies DM1.3 (2, d) and DM3.10 of the SNLP.
- 5.37 When taking account of this and the other factors weighing against it and balancing them out against either the neutral impacts or modest benefits, overall, I do not consider that the application demonstrates overriding benefits in terms of the social, economic and environment dimensions of sustainable development. The application is therefore recommended for refusal.

Recommendation : Refusal

- 1 Accessibility of the site
- 2 No overriding benefits

### **Reasons for Refusal**

- 1 Kimberley is a hamlet without a defined development boundary. The nearest settlement with a development boundary is Wicklewood, approximately 1.6km away to the southeast. Those nearest settlements that are likely to offer wider range of services and facilities to meet key needs (e.g. medical services and grocery shopping) are Hingham and Wymondham, the centres of which are approximately 5.5km and 5km away

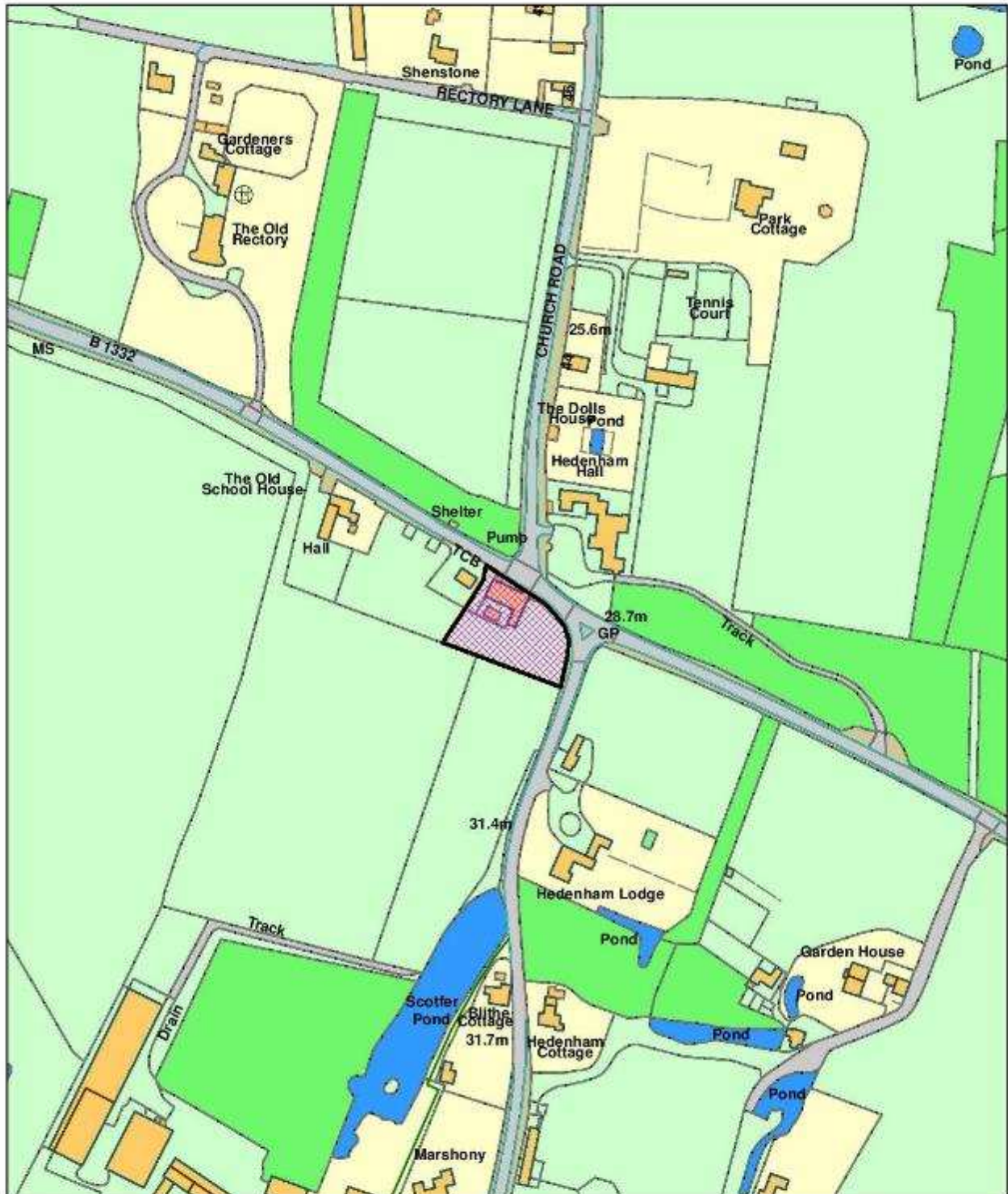
respectively. There is no footpath and the distance to these settlements and the volume and speed of traffic that travels along the B1108 and B1135 limits the likelihood of walking and cycling to them and even more so during hours of darkness, poor weather and if residents have mobility or sensory difficulties. While a bus stops close to the site provides access to a service that operates reasonably regularly between Norwich and Watton, the likelihood remains that in order to access a range of services and facilities that would meet day to day needs, residents will rely on their private motor vehicles. The site is not located to provide access to all or minimise the need to travel and is contrary to Policies 1 (bullet 7) and 6 (bullet 8) of the Joint Core Strategy and Policy DM3.10 of the South Norfolk Local Plan Development Management Policies Document.

- 2 The proposed development is not supported by any specific Development Management policy which allows for development outside of the development boundary and nor does it represent overriding benefits when having regard to the fundamental harm in allowing un-planned development in what should be a genuinely plan led system, along with the harm caused in relation to poor connectivity to a range of services and facilities. As such, the application does not satisfy the requirements of either items 2 (c) or (d) of Policy DM1.3 of the South Norfolk Local Plan Development Management Policies Document 2015.

Contact Officer, Telephone Number    Glen Beaumont 01508 533821  
and E-mail:                                    gbeaumont@s-norfolk.gov.uk

Application 4

2020/0668



Scale 1:2,500

© Crown copyright and database rights 2011 to date.  
Ordnance Survey License no 100019483



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

**4. Application No : 2020/0668/F**  
**Parish : HEDENHAM**

Applicant's Name: Mr G Wilcockson  
 Site Address The Mermaid Balti House Norwich Road Hedenham Norfolk NR35  
 2LB  
 Proposal Change of use from Indian restaurant to residential

Reason for reporting to committee

The proposal would result in the loss of employment.

Recommendation summary :

Approval with Conditions

**1 Proposal and site context**

- 1.1 The application relates to a former public house known as the Mermaid that was most recently used as an Indian restaurant and has been closed for over three years. The building is a substantial building that although not listed is an important building within Hedenham conservation area. The application is to convert the building into a residential unit.

**2. Relevant planning history**

- |     |           |   |                  |
|-----|-----------|---|------------------|
| 2.1 | 2013/0487 | Change of use from public house to restaurant with takeaway and delivery service                | Approved         |
| 2.2 | 2017/1187 | Replacement of derelict barn in car park with new 2 storey buildings with holiday lets class C1 | Refused          |
| 2.3 | 2019/2001 | Conversion of barn to residential dwelling and erection of double garage                        | Approved         |
| 2.4 | 2020/0523 | Variation of conditions 4 and 13 of 2019/2001 - in light of partial collapse of barn            | Pending decision |

**3 Planning Policies**

- 3.1 National Planning Policy Framework (NPPF)  
 NPPF 02: Achieving sustainable development  
 NPPF 04: Decision-making  
 NPPF 05: Delivering a sufficient supply of homes  
 NPPF 06: Building a strong, competitive economy  
 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
- 3.2 Joint Core Strategy (JCS)  
 Policy 1: Addressing climate change and protecting environmental assets  
 Policy 2: Promoting good design  
 Policy 3: Energy and water  
 Policy 4: Housing delivery

Policy 5: The Economy  
 Policy 17: Small rural communities and the countryside  
 Policy 20: Implementation

- 3.3 South Norfolk Local Plan Development Management Policies  
 DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
 DM1.3: The sustainable location of new development  
 DM2.2: Protection of employment sites  
 DM3.8: Design Principles applying to all development  
 DM3.11: Road safety and the free flow of traffic  
 DM3.12: Provision of vehicle parking  
 DM3.13: Amenity, noise, quality of life  
 DM4.2: Sustainable drainage and water management  
 DM4.10: Heritage Assets

### **Statutory duties relating to 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."

## **4. Consultations**

### **4.1 Hedenham Parish Council**

- Broad acceptance within the parish of the change of use application
- Some parishioners not surprisingly lament the loss of a local hostelry
- However the overriding wish is to remove an eyesore from the entrance to our village and it would appear that the residential route is a speedier and more certain outcome
- That said there is disappointment at the apparent piecemeal approach to the planning process
- It appears that the plans were discussed with the planning department at a pre-application meeting. It would have been more transparent if parishioners had been asked to provide their opinions on the whole plans rather than a series of separate applications
- In particular, there remains a concern about the current undeveloped third plot to the north-west of the adjacent barn
- Concern about the safety of the new access onto Earsham Road where average traffic speeds are consistently above the 30mph limit
- The opportunity should be taken to implement appropriate traffic calming and pedestrian safety measures along the Mermaid boundary with both Earsham Road and the B1332

### **4.2 District Councillor**

No comments received

## 4.3 NCC Highways

Conditional Support

## 4.4 Other Representations

2 letters of objection

- as a point of accuracy the Mermaid is not a balti house but a 300 year old coaching inn and an important historic and cultural building of the type being removed far too regularly from our social fabric. Every time we turn one of these historic pubs into a residential building, we diminish our cultural heritage and will deservedly be admonished by future generations
- we thought change of use could only take place if the building was not viable as a commercial enterprise. We know an offer was made with a view to establishing a private members club but the car parking was inadequate for the purpose. It does look as though the owner has deliberately limited the plot size to make it unviable as a commercial enterprise
- we understand that commercial interests has been expressed but that the parties were unable to agree financial terms
- this affects the marketability of the barn conversion on the adjoining plot as it may only be used as an adjunct to the commercial use of the Mermaid
- the barn conversion and the change of use of the pub should have been considered together
- we don't understand why the applicant hasn't produced a development plan for the whole site and is it is pretty clear he will end up building to north-western boundary line. Why is he taking a piecemeal approach? Is it to circumvent scrutiny?
- any permission should only be for one dwelling
- new access onto Entrance Road will require removal of hedge and landscaping works. Why is the existing access not viable for the reduced traffic of private usage?
- will pedestrian provision be improved if this new access is to be created?
- proposals for sewage, foul water and storm water on the application form are welcomed and it requested that a condition is included that the off-site culvert be stopped up at the Mermaid to prevent any future liquid escape and the old tank capped and made safe

5 Assessment**Key considerations**

- 5.1 The main issues for consideration are the principle of development, and whether there are any specific issues relating to its use as a residential property such as in terms of highways or residential amenity.

**Principle**

- 5.2 Policy DM3.16 is applicable to the change of use of existing community facilities. The policy includes examples of some these eg public houses, post offices. The list of examples does not include a restaurant, however in this instance, it is considered reasonable to consider that the restaurant can be considered a community facility in the context of this policy when having regard to the historic long standing use as a public house. Notwithstanding this, if the premises were alternatively considered as an employment use under Policy DM2.2 then this would substantially require an applicant to also demonstrate that a business is no longer viable. In this instance the applicant has undertaken a marketing exercise to address this requirement and the validity of this is as follows:

**Marketing of Property**

- 5.3 The building has been marketed for over six months which is considered an acceptable period. The price advertised £200,000 for freehold is reasonable given recent experience of other public houses being put on the market and it was marketed by Brown and Co is a reputable firm, with appropriate advertising in the Eastern Daily Press, Beccles and Bungay Journal, EGi, Rightmove and Zoopla websites as well as prominent boards on the site.
- 5.4 During the marketing some 30 enquiries were received with seven parties visiting the property. This led to two offers, both of which were half of the asking price and therefore not ones that could the applicant could reasonably be expected to accept. One of the offers sought use as an art centre but with the majority of the use being residential and one for a club type use which required substantially more parking than is available and would have required further planning permission which may not have been forthcoming in this location. It is accepted that these two offers were unsuitable.
- 5.5 Concern has been raised about the size of the site marketed, suggesting that it limited the amount of parking provided. However the parking shown on the plan within the site and which was considered not sufficient by one of the two parties to make an offer is no less than has historically been provided with the public house.
- 5.6 It is therefore accepted that it has been demonstrated that there is no reasonable prospect of continued viable use as a restaurant or alternative use and the proposal therefore complies with Policies DM2.2 and DM3.16 of the Local Plan.

**Highways**

- 5.7 The existing public house is accessed directly off the B1332, however the application seeks to create a new access for the dwelling off Earsham Road. Norfolk County Council's Highways Officer has no objection to a new access at this point, subject to a number of conditions. The creation of the access will require some cutting into the ground to create an appropriate gradient. There are trees relatively close by and having discussed this with the Conservation and Tree Officer it is considered that this should be possible but that an Arboricultural Method Statement will be needed to demonstrate how. A condition is proposed requiring this to be submitted and agreed by the Council before any works to create the access commence.
- 5.8 In terms of parking, the site has more than adequate space to accommodate parking for one dwelling.
- 5.9 As such the proposal is considered to accord with policies DM3.11 and DM3.12 of the Local Plan.

**Residential Amenity**

- 5.10 The public house is in close proximity to a barn that recently had consent for conversion to residential use. Notwithstanding that the barn has suffered storm damage and therefore is subject to an amended application (2020/0523) to address this change in circumstance, consideration needs to be given to the impact of use of the public house as a residential property on the permitted residential use of the barn which is considered acceptable. The buildings are in a traditional linear relationship along Norwich Road and therefore would not have an unacceptable relationship re overlooking whilst in terms of disturbance the proposed residential use is less likely to have an adverse impact than its permitted use.

- 5.11 There are also residential properties to the north, south and west but there are no direct impacts such as from overlooking to these properties, whilst again in terms of disturbance there is less likely to be an impact than the permitted use.
- 5.12 As such the proposal is considered to accord with policy DM3.13 of the Local Plan.

### **Other Issues**

- 5.13 The site is within the Hedenham conservation area and opposite a listed building. The only works proposed are to create an access onto Earsham Road which are not considered to affect either these heritage assets, whilst the bringing back into use of what is an important building within the conservation area will be of benefit given the building's currently deteriorating state. In order to ensure that this new use does not result in future changes detrimental to the building's significant contribution to the conservation area it is proposed to remove permitted development rights for extensions and outbuildings. As such the proposal is considered to comply with policy DM4.10 as well as the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.14 Concern has been raised about an area of land to the north-west of the adjacent barn that has been historically associated with the public house. However, this land falls outside of the red line with no planning applications submitted at this stage. Should any application be forthcoming on this land, it would need to be considered on its own merits.
- 5.15 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.16 This application is liable for Community Infrastructure Levy (CIL) as the building has not been in use for over three months.

### **Conclusion**

- 5.17 The proposed change of use is acceptable, as it has been demonstrated that there is no reasonable prospect of a continued viable use, whilst use as a residential dwelling can be achieved without having an unacceptable impact on the local highway network or the amenities of neighbouring properties.

Recommendation : Approval with Conditions

- 1 Time Limit - Full Permission
- 2 In accordance with submitted drawings
- 3 Arboricultural Method Statement
- 4 New Access
- 5 Access Gates
- 6 Access - Gradient
- 7 Visibility splays
- 8 No PD rights for extensions and outbuildings

Contact Officer, Telephone Number Tim Barker 01508 533848  
and E-mail: tbarker@s-norfolk.gov.uk



# **Planning Appeals**

**Appeals received from 23 May 2020 to 19 June 2020**

<b>Ref</b>	<b>Parish / Site</b>	<b>Appellant</b>	<b>Proposal</b>	<b>Decision Maker</b>	<b>Final Decision</b>
2020/0194	Wymondham Sub Division of Garden at The Foxes Tuttlles Lane East Wymondham Norfolk	Mrs J Fox	Proposed conversion of existing studio to single storey dwelling including extensions and alterations	Delegated	Refusal
2019/2226	Hethersett Land adjacent to 19 Karen Close Hethersett Norfolk	Mrs Zofin Mondin	One self build dwelling	Delegated	Refusal

# **Planning Appeals**

**Appeals decisions from 23 May 2020 to 19 June 2020**

<b>Ref</b>	<b>Parish / Site</b>	<b>Appellant</b>	<b>Proposal</b>	<b>Decision Maker</b>	<b>Final Decision</b>	<b>Appeal Decision</b>
2019/1711	Aslacton Land to the front of 26 Station Road Aslacton Norfolk	Mr Alistair Mackay	Outline planning for erection of dwelling and garage	Delegated	Refusal	Appeal Allowed
2019/1237	Fornsett Land adj to Grove Barn Wacton Road Fornsett St Peter Norfolk	Mr And Mrs J Fuidge & S Nel	Proposed dwelling and cart shed/garage and associated works	Delegated	Refusal	Appeal dismissed

## Planning Appeals

### Appeals decisions from 23 May 2020 to 19 June 2020

2019/1688	Long Stratton Land adj 2 Poplar Barns Ipswich Road Long Stratton Norfolk	Mr B Thornburrow	Erection of a detached three bedroomed dwelling	Development Management Committee	Refusal	Appeal dismissed
2019/2222	Ashwellthorpe and Fundenhall Land North East of The Maples Norwich Road Ashwellthorpe Norfolk	Ms Sophia O'Callaghan	Erection of single storey dwelling	Development Management Committee	Refusal	Appeal dismissed