

# Development Management Committee

## Members of the Development Management Committee:

Conservatives	Liberal Democrat
Mr V Thomson (Chairman)	Mr T Laidlaw
Mrs L Neal (Vice Chairman)	<b>Please note that item 4 has been deferred</b>
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, 29 May 2020.

## Agenda

### Date

Wednesday 3 June 2020

### Time

10.00 am

### Place

**To be hosted remotely at**

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

### Contact

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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, 6 May 2020;** (attached – page 8)
  
5. **Planning Applications and Other Development Control Matters;** (attached – page 53)  
To consider the items as listed below:

Item No.	Planning Ref No.	Parish	Site Address	Page No.
1	2019/2531/F	WYMONDHAM	Land at Northfield Mill Poynt Close Wymondham Norfolk	53
2	2020/0042/CU	COSTESSEY	19 Bawburgh Lane Costessey Norfolk NR5 0TR	65
3	2020/0390/O	ASHWELLTHORPE AND FUNDENHALL	Outbuilding at Rose Farm The Street Ashwellthorpe Norfolk	74
<b>ITEM DEFERRED</b> 4	<b>2020/0469/F</b>	STOKE HOLY CROSS	133 Norwich Road Stoke Holy Cross NR14 8QJ	82

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 91)
  
8. **Date of next scheduled meeting – Thursday, 18 June 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.

Please contact Democratic Services ([democracy@s-norfolk.gov.uk](mailto:democracy@s-norfolk.gov.uk)) to register to speak no later than 3.00pm on Friday, 29 May 2020.

**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.

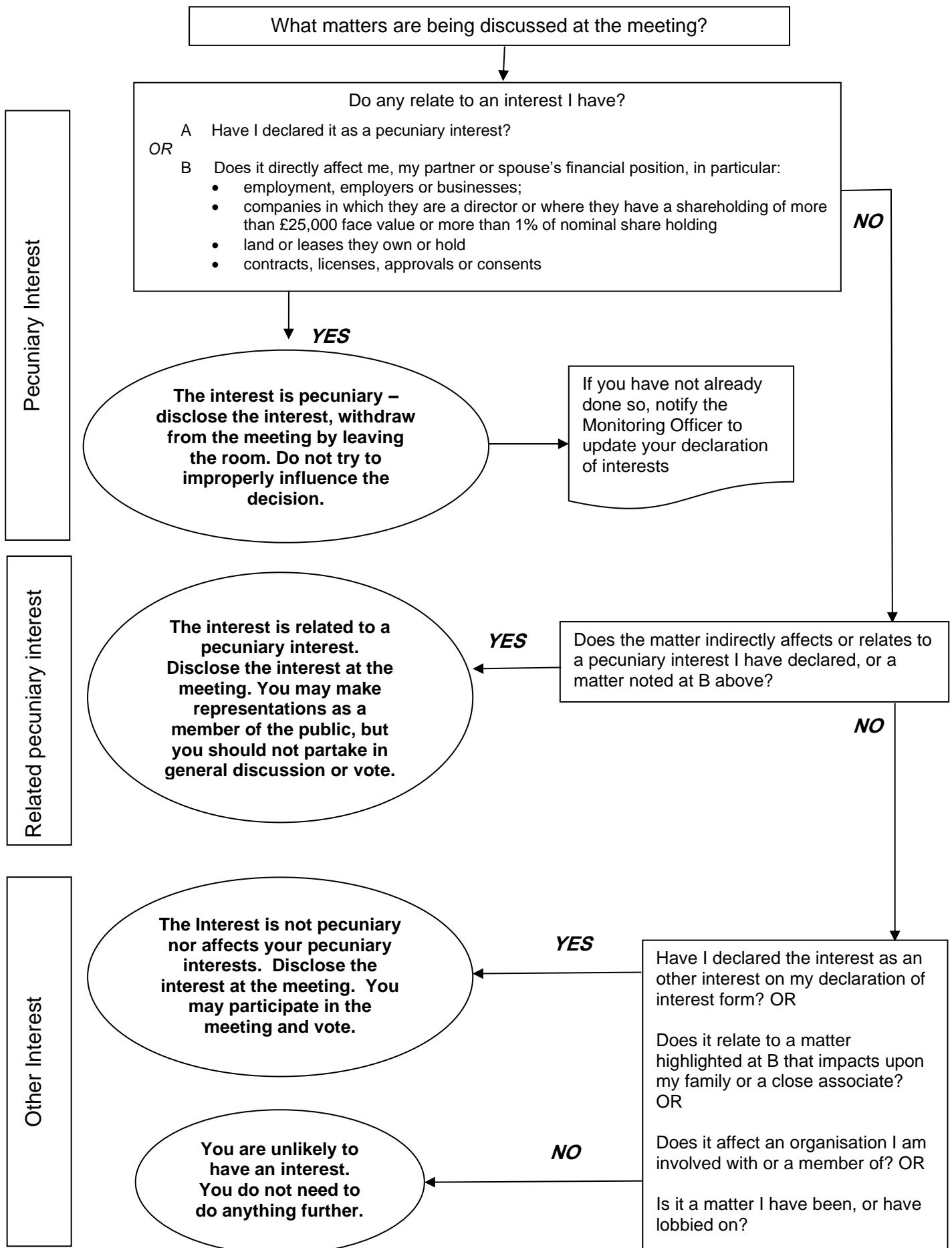
Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.

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 via Zoom on Wednesday, 6 May 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)

33 members of the public were also in attendance

### 492. 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
2019/2566/F (Item 1)	BROOKE	D Bills	Other Interest Cllr Bills is personally familiar with the Applicants' business
2020/0051/F (Item 2)	COLNEY	D Bills	Other Interest Cllr Bills has previously worked with the Applicants on the trod path in his role as County Councillor

### 493. MINUTES

The minutes of the Development Management Committee meeting dated 11 March 2020 were confirmed as a correct record and signed by the Chairman.

### 494. 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 written representations were received:

APPLICATION	PARISH	SPEAKER
<b>2019/2566/F (Item 1)</b>	<b>BROOKE</b>	J Rix, N Rix, H Plume, D Plume and M Tobin– Applicants J Parker – Agent for the Applicants Cllr J Fuller – Local Member
<b>2020/0051/F (Item 2)</b>	<b>COLNEY</b>	A Korn – Applicant R McVicar – Agent for the Applicant T O’Riordan – Parish Council

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.

#### **495. PLANNING APPEALS**

The Committee noted the planning appeals.

(The meeting closed at 11.20am)

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Chairman

**Updates for DEVELOPMENT MANAGEMENT COMMITTEE**  
**06<sup>th</sup> May 2020**

Item	Updates	Page No
Item 1	<p>The following comments have been received as further written representations and are attached as appendices:</p> <p>Agent - Parker Planning Services (Appendix A)  Applicant – Mr &amp; Mrs Rix (Appendix B)  Applicant – Mr &amp; Mrs Plume (Appendix C)  Ward Member – Cllr Fuller (Appendix D)</p> <p>In terms of the agents further written representations (Appendix A), officer comments follow the headings provided:</p> <p><b>Introduction</b></p> <p>With regard to the claim that the Council's self build requirements are not being met, the Council's register indicates that need within the District is being met.</p> <p><b>Policies DM1.3 DM2.2 &amp; Overriding benefits</b></p> <p>The existence of other commercial sites and units available locally, to meet need, and these are preferable to meet need - Whilst it is evident that another SNLP policy (DM3.16) justifies the loss of a /premises/site/use if others exist within that village to meet local need, the existence of other premises locally in this case does not negate the requirement to satisfy DM2.2 of the SNLP.</p> <p>As an observation, a marketing exercise would allow for the Council to truly understand whether there is a need or not for the site as a Builders Yard.</p> <p>In response to the claim that the current use is unneighbourly, the committee report is clear that there has been no complaints received by the Council's Environmental Protection Team. In general, there will typically be some degree of impact from any employment/commercial use, but this doesn't necessarily mean it is unacceptable impact eg traffic, noise but this is not necessarily an adverse impact.</p> <p>In response to the current use not being "employment" in the context of DM2.2. The SNLP includes a definition of "employment use" in the SNLP which refers to/cross references two other terms "Business Class" and "economic development" uses. "Business class" covers B1, B2 and B8, a builders yard isn't any of these as it is sui generis. "Economic development" use is defined as Development, including those within the B Use Classes, public and community uses and main town centre uses (but excluding housing development)" which is considered a wide reaching term that would cover a builders Yard. Therefore, in the context of the definition included in the SNLP it is considered that Policy DM2.2 applies.</p> <p>With regard to over-riding benefits in the context of policy. The agent points towards an appeal in Long Stratton being particularly relevant</p>	13

in the appeal. For the avoidance of doubt the quote from paragraph 5.7 of the officers committee report is taken from this appeal, and the Inspector uses the phrase "To present overriding benefits is to present benefits that are more important than anything else, and as a result, the proposed development would have to be exceptional.

With regard to the relevance of the allowed appeal at Deopham Rd, Morley St Botolph. Officers are aware of this decision, however, it is also evident that the Council has been successful in defending many appeals on the stance it has taken in respect of Policy DM1.3 of the SNLP as demonstrated in part in some of the 13 appeals dismissed and recorded on pages 33 to 35 of this agenda.

#### **Accessibility of the site**

The agent states that there are examples of the appeals that have stated that it is acceptable to have 2 or 3 mile car journeys, however they have not provided a list of these and as such officers have no further comment to make. It should be noted that paragraph 5.18 of the assessment makes reference to 4 examples of appeals dismissed on accessibility grounds.

The move towards electric vehicles in the future does not carry any significant material weight in justifying a development being located on a site that is outside of the development limit and has poor accessibility to a range of services and facilities on foot and is not decisive in the determination of this application.

#### **Flood Risk Sequential Test**

By way of background the following is taken from national guidance and provides an outline on how the sequential test is seeking to direct development away from areas of highest risk:

##### **What is the aim of the Sequential Test for the location of development?**

The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The flood zones as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test. The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

- Note: Table 2 categorises different types of uses & development according to their vulnerability to flood risk. Table 3 maps these vulnerability classes against the flood zones set out in Table 1 to indicate where development is 'appropriate' and where it should not be permitted.

Within each flood zone, surface water and other sources of flooding also need to be taken into account in applying the sequential

approach to the location of development. (Paragraph: 019  
Reference ID: 7-019-20140306)

The agent suggests that an appeal case supports that only aspects of the proposal that are in flood zones 2 and 3 are required to pass the sequential test but does not provide the case suggested and as such officers cannot comment on this point. The guidance states that the sequential test applies to the "development" this should reasonably be interpreted to mean the full extent of the development in its entirety ie it does not just apply to the dwelling itself but its curtilage too. A scheme is not considered to pass the sequential test on the basis that that the garden cannot be disaggregated from the dwellinghouse as is advanced by the agent in their submission.

On this point, In terms of the sequential test, officers would point out the appeal associated with application 2019/0483 in Spooner Row whereby the Inspector confirmed this point at paragraph 24 of their decision in stating that "Therefore, and given that part of the site would be at high risk of flooding and "more vulnerable" development is proposed, it is necessary that the appellant submits a robust and sound sequential test. In considering this matter it is of note that the majority of the site falls within flood zone 1 and hence has a low probability of flooding. Nevertheless, part of the site is at high risk of flooding....." A copy of this appeal is attached for full reference as Appendix E.

Officers would also wish to highlight another appeal associated with a site in Wymondham 2017/1794 whereby despite there being a FRA provided including suggested mitigation measures, the Inspector at paragraph 11 of their decision highlighted that it was still necessary to undertake a sequential test. A copy of this appeal is attached for full reference as Appendix F.

Officers can confirm that the removal of permitted development rights as a condition of a planning approval would not address the issues associated with flood risk and the sequential test.

The agent suggests that it is more damaging to have a builder yard than dwellings in flood risk terms - Storage sites are classified as "Less vulnerable" uses in flood risk terms whereas a dwelling is a "more vulnerable" use in flood risk terms as set out in the technical guidance to the NPPF so this point is not accepted. See following table explaining vulnerability, land use and flood zone requirements in respect of sequential and exception tests.

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	X	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	X	X	X	✓*

Key:

✓ Development is appropriate

X Development should not be permitted.

To assist members, a copy of a figure from the applicants Flood Risk Assessment which shows the extent of flood risk on the site after modelling has been attached as Appendix G. This highlights that it is the gardens that would be at risk from flooding. However, officers would wish to stress that the sequential test must be met regardless of this.

### Self Build & Conclusions

The agent states that there is case law that states that only sites that include a planning condition or S106 can be counted towards self-build provision but they have not provided details of which case law they are referring and as such officers cannot comment on this point. It is evident that to be considered a self-build plot the Housing and Planning Act 2016 states:

"development permission is "suitable" if it is permission in respect of development that could include self-build and custom housebuilding"

On this basis it is not necessary for a planning condition or legal agreement requiring it to be self-build only for it to be counted.

The inclusion of a short a time period for commencing the scheme does not address the planning concerns outlined in the report.

In terms of the three further letters from each of the applicants (Appendices B and C) these are noted by officers. No further comments are made on these.

In terms of Cllr Fuller's further written representations (Appendix D), officers would make the following observations:

On a point of clarification, officers accept the site is not "isolated" in planning terms, however, a site can still be refused on having poor connectivity to a range of services and facilities and the Council has seen numerous appeals dismissed on this ground.

	<p>The presence of a site in a 30mph zone does not necessarily mean that a site is sustainably located in planning terms.</p> <p>As highlighted in the response to the agents representations, the existence of other commercial premises locally doesn't negate the need to protect other employment sites if the tests of DM2.2 of the SNLP have not been met. Officers would wish to highlight that a marketing exercise would test this point somewhat insofar as if there is a "need", and this is met by other sites, then the marketing would not be successful.</p> <p>As highlighted above in response to the agent's representations, shortening the period for commencement does not overcome the planning concerns outlined in the committee report.</p>	
Item 2	<p>The following comments have been received as further written representations and are attached as appendices:</p> <p>Agent – A Squared Architects (Appendix H)  Applicant – Mr Korn (Appendix I)  Colney Parish Council (Appendix J)  Ward Member – Cllr Kemp (also signed by Mr D Elmer (Appendix K)</p> <p>The above representation are noted by officers. It is considered that the issues raised are satisfactorily addressed in the committee report.</p> <p>On a point of clarification, the site is located within the southern bypass protection zone, however, for the reasons set out in paragraph 5.7 of the committee report the scheme does not compromise the functioning of this and the scheme therefore satisfies the requirements of Policy DM4.6 of the SNLP.</p> <p>On a further point, a site is not considered previously developed land/brownfield land if it is residential curtilage.</p>	25

**Planning Committee Wednesday 6 May 2020**

**Item No. 1 – Application Ref: 2019/2566/F at Storage Land Welbeck Brooke Norfolk**

### **Introduction**

This information has been prepared by Parker Planning Services, as the Agent for this application to provide additional comments.

The proposal relates to Erection of 3 dwellings for self-build purposes on land which is used as a 'Builder's Yard'.

The most relevant local planning policy is DM2.2, relating to the Protection of Employment Sites. The relevant part of the policy states that there are two options to result in the loss of an employment site. Option A states that the possibility of re-using or re-developing the site for alternative business purposes has been fully explored. Option B states that the proposal would have "over riding economic, environmental or community benefits".

Policy DM1.3 of the Local Plan permits development outside of development boundaries where there are also 'over riding' benefits.

The other relevant consideration is that this proposal provides for self-build housing. Where a Council is not meeting its self-build requirements a proposal for self-build would then be considered against the principles of sustainable development, rather than the development plan with the balance tilted in favour of development.

This proposal would provide 3 homes for local families.

### **Policies DM1.3 DM2.2 & Over Riding Benefits**

We would suggest that there are a range of alternative sites available in close proximity to the site. This includes various commercial sites and units available. Due to the impacts of the current situation or current climate to businesses, to ensure the continuation of larger employment and commercial sites it would be more beneficial for this type of use to be sited on an industrial site or amongst other commercial uses, to contribute to the viability of that commercial estate, rather than being undertaken on a small stand-alone site, which is restrictive in what it can be used for and the scale of operations anyway.

It can be seen from the letters of support and information contained in the letters, the proposal would remove a use which is undesirable in this location and replace it with a modest housing development. The officer's report states that no neighbours commented on the existing site generating significant nuisance. This is incorrect, various neighbours specifically stated that although the site was well managed, it causes impact from noise and disturbance to neighbours.

We would like to emphasise that the loss of the site would not result in a loss of employment, as explained in the 'further information report' submitted.

This application has received no objections and is supported by neighbours and existing users of the site. If the site was needed for business, we would have expected an objection.

Whilst the Officer's Report refers to a minor written procedure appeal in relation the interpretation of over-riding benefits, being a high benchmark, this was the same view that the Council previously took. There is a very relevant appeal inquiry decision, (Appeal Ref: APP/L2630/W/18/3215019, Land off St Mary's Road, Long Stratton, Norfolk NR15 2TT for 52 Dwellings).

In relation to the interpretation of 'over riding benefits' the high level inspector states that all that is required for a proposal to result in over riding benefits is for the benefits of a scheme to outweigh the negatives. This was also echoed within appeal decision APP/L2630/W/19/3229614, for a new single dwelling on land at the front of Brook Cottage, Deopham Road, Morley St Botolph, NR18 9AA, which was allowed on 9th December 2019.

Therefore we disagree with the officer view that there needs to be exceptional circumstances.

#### **Accessibility of the site**

Many minor housing developments are approved in rural locations with no immediate access to facilities and services. Various appeals allowed even in the South Norfolk area relate to new housing in rural areas where car journeys of up to 2 or 3 miles are considered acceptable. This site is located in fairly close proximity to Poringland, which is a main service centre as well as the services on offer in Brooke. Cycling and low energy vehicles, are accepted as sustainable modes of transport, as defined within the NPPF glossary. All cars being built from 2035 will be electric and the applicants would be pleased for a car charging point condition to be imposed.



### **Flood Risk Sequential Test**

The further information report submitted with the application includes that only the aspects of a proposal that are within flood zones 2 and 3 are required to pass a sequential test. This is also supported by an appeal hearing case decision. As there is no other logical location for the gardens to be positioned in relation to providing amenity space to the proposed dwellings, the sequential test is passed. A Planning Condition could also be imposed to remove permitted development rights for outbuildings, if the council believe this to be necessary, although the Environment Agency actually allows outbuildings in flood zones and has no problem with them.

We would also suggest that it would be far more damaging to have an unrestricted builders yard in a flood zone than someone's garden, which adds to the further social, environmental and economic benefits of the proposal.

### **Self Build & Conclusions**

We would also mention, that in terms of self-build provision, we understand that the majority of sites being counted in South Norfolk for self-build purposes are those where a CIL exemption form has been submitted, rather than applications where a planning condition or legal agreement has been imposed for self-build.

There is clear case law which states that only sites where there is a planning condition or legal agreement can be counted towards self-build provision. Our view on self-build is supported by Mario Wolf, who we are working with on another case, who was previously a leading Government Advisor on self-build housing, working for the Ministry of Housing Communities and Local Government.

We would like to add that where and when the current situation allows, an immediate start on site is wishing to be achieved with the majority of trades for the build coming from the South Norfolk area, the remainder for Norwich. The applicants would also be willing to have a condition which means that work needs to start within a year, as appose to a 3 year condition.

The benefits of the proposal would clearly outweigh the harm and the applicants would be pleased for a legal agreement or planning condition to be imposed to require the proposal be provided as self-build. This is a true self build that will be built by the applicants themselves along with local trades men.

**Rose Cottage  
Briar Lane  
Swainsthorpe  
Norwich NR14 8PX**

Development Management Committee  
South Norfolk Council  
South Norfolk House  
Cygnet Court  
Long Stratton Norwich NR15 2XE

Dear Committee Member

Reference: Planning Ref 2019/2566 - Storage Lane, Welbeck, Brooke

Apologies for the late delivery with this letter. We weren't aware of the case officers report until Friday lunchtime and felt strongly about responding to some of the points raised and with your current arrangement, this gives us no chance to respond at the meeting. Thank you for allowing us this extended time.

We have read through the case officers report, and felt the best way was to respond to points as we found them. Please consider these along with the report from Parker Planning Consultants:

5.9 Policy DM2.2 - There would be an overriding economic, environmental or community benefit from redevelopment or change of use which outweighs the benefit of the current lawful use - there is plenty to support this: local trades to support the build, removal of neighbour disruptions for perpetuity, removal of brownfield site, less omissions due to the removal of large diesel engines replaced with more eco friendly vehicles, no loss of employment as there has been no employment certainly in the last 10 years and possibly for many years if ever before that?

5.11 We do not wish to market this site as we believe there are overriding economic, environmental and community benefits to allow a self build development for three families wishing to live and work in Brooke as stated above (5.9)

5.13 The case officer may not have any official complaints from the neighbours as we have always encouraged them to contact us if they felt unhappy, hence if there were problems, which there has been, they have contacted us and we have tried our best where possible to alleviate their issues. Unfortunately, there is nothing that can be done regarding the movements of large vehicles and associated loading noise disturbances.

5.14 The case officer refers to the site as being an 'employment site' - it may have a title of being an 'employment site', but is this really a great site to be employed at? If you had to work here all day, and you had an hour for lunch, where would you go? You would most likely get in your car/van and go to the the employment site on the Norwich Road to the cafe or into Poringland to Budgens or similar? The road links to the site are far from ideal as we have just found by one of our tenants relocating due to better transport links, the owners of Hunters Moon have also backed up this argument in their comments.

5.17 We are aware of how far the local services are and are very comfortable that should we need them we can access them safely for the very short distance without the need of a footpath. We are very keen cyclists, even taking cycling holidays, so cycling to the pub or shops would be our preferred option. Norfolk County Council are encouraging cycling and this area is an ideal safe ride into the village if needed and indeed for local cycling in the countryside. If Norfolk County Councils Highways are so concerned about the lack of a very small area of footpath from this site, given that it is only approx another 4m from the neighbouring drive and within a 30mph speed limit, why has this not been addressed in the past? On the point of public transport how sure can we be that public services will be around in the coming years as it is recently being

widely cut through many rural villages. It must also be pointed out that anyone wishing to live in the countryside are very aware of the lack of footpaths and actually embrace the lack of concrete, we certainly do. We do not feel that this development will encourage further vehicular movements than the current use. If the site was to be commercially developed this most likely would generate more movements and more emissions. We have lived in the countryside for some 35 years and we have, as most people living rurally, learned to shop when we are either going or returning from work, or when you are already out. On a final note, given that the government are moving heavily towards the manufacture of electric vehicles in a very few years, its more likely that dwellings will own electric vehicles than commercial outlets, hence this will be a considerable drop in emissions in the future if this site was changed to residential.

5.22 We have submitted a flood modelling report that supports three dwellings within this flood zone area. If we had to return to re-developing the site commercially, to make any living from this site, the site would have to be used in its entirety to ensure a financial return. We are asking for three dwellings at the top of the site, outside the modelled flood area, with gardens in the most venerable areas, which would, in the outside event of a flood not be a problem, we have owned this site for 10 years and it has never flooded.

5.27 This site is an unsightly brownfield site within a pretty well kept village where the villagers themselves are proud to live. It has been clearly demonstrated that the villagers and also the Parish are in favour of this development with only support and no objections received for this development.

5.28 Tim has argued that this development does not outweigh a material consideration - given that this is a brownfield site and has met with strong neighbour and local support to remove the existing use and replace with three dwellings, we feel this does in fact contribute to outweigh the consideration.

5.29 We can confirm that this site will be carried out as a self-build for ourselves and we are happy to sign a document to ensure this to avoid any doubt.

5.35 In considering local finances, we have already explored and documented that the local area has sites with availability for local storage as the current use of this site. We will provide local trades, some from Brooke and some from surrounding villages to enable this self build.

In conclusion - We have strong personal and business connections to Brooke. Having lived in South Norfolk for some 35 years, our property maintenance business has developed in and around the villages of Brooke and the South Norfolk area. We currently live in Swainsthorpe, so travelling time and emissions would be reduced as our work tends to be nearer to Brooke than Swainsthorpe.

We have spent a considerable amount of time to gather information to support our application to ensure the development complies, is safe, appropriate, acceptable and will help to enhance the surrounding area. These include extensive reports and tests carried by professionals to support the development, such as ensuring that the dwellings are indeed outside of any flood area. We have held this site for 10 years, and never in those 10 years have we had any flood water what so ever, so the tests provided are very much indeed a worse case scenario. It must be said also that garden land would be far more suited to any potential flood than commercial property with vehicles/buildings/stock etc being stored in that area. The outcome is such that there is only support and some excitement at the possibility of the loss of a brownfield site and associated disruption within a village that encourages a high standard of living. In paragraph 5.36 Tim quite clearly states that 'this application has no adverse impact on the appearance of the wider area, residential amenity, highway safety and flood risk and there would be modest economic benefits associated with the construction and subsequent occupation of the dwellings, along with the benefits of the proposed extension to the 30mph speed limit' and yet he states later that there would be no overriding benefits to this scheme?

We do not accept this proposal will generate further emissions from extra vehicular movements as a large number of private cars are already electric with the Government setting targets to have all electric very soon, whereas commercial vehicles are predominantly diesel.

We are all in a position to make a start on our dwellings as soon as possible and when the current situation allows and would be very happy to work with the neighbours to minimise any disruption we may cause.

Thank you for taking the time to consider our points.

Kind regards

Julie & Nigel Rix

Mr & Mrs D Plume  
16 Park Close  
Thurton  
NR14 6AU

Development Management Committee  
South Norfolk Council  
South Norfolk House  
Cygnet Court  
Long Stratton  
Norwich  
Norfolk  
NR15 2XE

03<sup>rd</sup> May 2020

Dear Committee Member,

Re: Planning Application 2019/2566 – Storage Land, Welbeck

We write ahead of the Development Management Committee meeting for this coming Wednesday.

I have been in the building trade for my entire working life and would relish the opportunity to build my own home for my family.

Having lived in Brooke for a number of years previously, we as a family would very much like to be part of that community once again. Our youngest daughter is of Primary School age and we would very much like to see her as a pupil of Brooke School which we know has a great reputation.

The yard as it is offers no real benefit to the surrounding area. We think that we have a good design that we would build to a very good standard to benefit the surrounding area. We also know that the neighbours would welcome the fewer vehicle movements and the more neighbourly situation that the proposed change of use of this application would provide.

Yours sincerely

David & Hayley Plume

D

**From:** John Fuller <[john@johnfuller.org.uk](mailto:john@johnfuller.org.uk)>

**Sent:** 01 May 2020 15:59

**To:** Planning <[Planning@S-NORFOLK.GOV.UK](mailto:Planning@S-NORFOLK.GOV.UK)>; Helen Mellors <[hmellors@s-norfolk.gov.uk](mailto:hmellors@s-norfolk.gov.uk)>; Vic Thomson <[vthomson@S-NORFOLK.GOV.UK](mailto:vthomson@S-NORFOLK.GOV.UK)>; Lisa Neal <[lneal@S-NORFOLK.GOV.UK](mailto:lneal@S-NORFOLK.GOV.UK)>

**Subject:** Brooke - Written Reps for 6th May

I have made a number of previous points and stand by all of those as stated in the report.

This is a brownfield site immediately next to a cluster of about seven or eight houses in Brooke. This is not an isolated proposal. It is in-by the established pattern of development in Brooke and within the 30mph limit. Whilst outside the development boundary, this cannot be considered to be open countryside. It is more infill and with the grain of residential building in the service village - one with many facilities.

I completely reject the arguments made about extra mileage and unsustainable transport as a reason for refusal. A development within the 30mph limit is to all intents and purposes within the village insofar as traffic and movement is concerned. No weight should be given to the suggestion that this proposal would result in extra travel.

That said, the road is narrow but that makes the point that it is unsuitable for heavy vehicles and alternative commercial uses.

Whether or not the property has been advertised for alternative use, there is established commercial availability in Brooke Industrial Park and Seething Industrial Area in the neighbouring parish. The existing user has found alternative premises better suited on a main road elsewhere. There is no shortage of commercial supply in this particular case and better alternatives are readily available.

It is immediately next to other residential dwellings. The fact that officers feel that there has been insufficient advertising should carry minimal weight in the current circumstances. We should ask ourselves, even if the property were to be advertised, what response would you expect right now? Delivery is at a premium and the proposers have indicated that a 12 month permission would be acceptable. We should accept that offer.

And especially so as there are no objections and the support of immediate neighbours and even the Parish Council. And the property is for self build for people who already live in the Parish - a further consideration.

Sustainable development is about balancing the three limbs of economic, social and environmental development. When considering the planning balance in the round, and recognising the circumstances we find ourselves in, I rank the promise of early delivery, on a brownfield site, where there is nearby alternative commercial premises provision, contiguous with about 8 existing dwellings, on a road unsuitable for commercial traffic but within the accepted 30mph zone, for self build and with the full support of the parish and neighbours to be the most material factors here and when taken together outweigh the lack of advertising, which we must all recognise is of limited use in the circumstances and which is a make-weight point and which fades into insignificance when benchmarked against all the other factors. I give no weight whatsoever to the traffic point and neither should you.

This proposal should be supported and I would suggest a shorter than normal commencement data conditioned so that the present COVID-19 circumstances which require delivery and encouragement in short order are incentivised and recognised.

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**Councillor John Fuller OBE**

# D(i)

Martin Tobin  
Davaar  
31 Norwich Road  
Brooke  
NR15 1AB

Development Management Committee  
South Norfolk Council  
South Norfolk House  
Cygnet Court  
Long Stratton  
Norwich  
NR15 2XE

03<sup>rd</sup> May 2020

Dear Committee Member,

Re: Application Referenced 2019/2566

Firstly, thank you for finding alternative ways to make these decisions in such challenging circumstances. We are anxious that our application is the first to be considered in this amended format and we do have concerns that you are not in a position to ask any questions of us, as applicants, that you may have.

Following sight of the Case Officer's report, I wanted to write and offer some clarification on a few points.

This application is a Self Build in the truest sense. I have lived in Brooke my entire life, 40 years this year. I want to build a home for the benefit of my family and I and live in it for the foreseeable future.

The Case Officer sets out four reasons for recommendation for refusal. I would like to, briefly, counter each reason;

## 1. No Overriding Benefit

Residents of Brooke have been incredibly vocal with regard to some recent planning applications. The fact that this application, for new build homes, has received no objections whatsoever over the four months that it has been active and has received many letters of support could imply that it is seen to provide an overriding benefit. Three well built, well presented family homes would surely improve the impact to the form and character of the area in lieu of the collection of different buildings and containers that are currently present? The immediate neighbour, over two letters, have made it clear that it offers an overriding benefit to them.



## 2. Loss of Employment Site

We would not consider advertising the site. We have owned it for ten years and if we are not afforded the opportunity to build new homes for ourselves, we certainly would not want to provide a potential opportunity for others to do so in the future.

I recognise that the site is categorised as an Employment Site. We have, though, made it abundantly clear that no employment relies on the site and all businesses are unaffected by this application. On the contrary, if approved more employment (understood in the short term) would be created by approving the application.

## 3. Unsustainable Location

Brooke has many amenities and facilities. However it does not have a shop that serves a typical family's needs. Having lived in Brooke for so long, one simply adapts to this by doing the food shop on the way home from work for example. Our children bike everywhere and the reality is our lives would be as they are but would involve driving to one part of the village over the other that we currently do. The bus stop is only a short walk from the site and our children would catch the same school bus as they do now.

## 4. Failure to Pass the Sequential and Exception Tests

In ten years of ownership there has not been so much as a puddle on the site which is all currently hard standing. Extensive work has established that any proposed or future flood risk can be mitigated.

In summary I want you to know that this application is not about developing land and making money or adding to a land bank. As well as living in Brooke for nearly 40 years I am actively involved in the village. I am a Parish Councillor for Brooke and have been on the Brooke Village Hall Committee for many years. I went to Brooke School, my children went to Brooke School. I have built a small business based in Brooke that is well used by Brooke Residents.

I would not do anything to the detriment of the village and genuinely believe this application offers improvement to Brooke as well as providing a very pleasant home for my family and I.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Martin Tobin', with a long horizontal stroke extending to the right.

Martin Tobin



## Appeal Decision

Site visit made on 24 October 2019

**by Daniel Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 29<sup>th</sup> October 2019**

**Appeal Ref: APP/L2630/W/19/3234632**

**Land to the east of School Lane, Spooner Row, Norwich, Norfolk**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Grimmer against the decision of South Norfolk District Council.
- The application Ref 2019/0483, dated 22 February 2019, was refused by notice dated 1 May 2019.
- The development proposed is the erection of 5 self-build dwellings including a new vehicular access.

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is submitted in outline with all detailed matters reserved apart from access. An illustrative layout accompanies the application and I have taken this into account in so far as assessing the acceptability of the proposal in land-use principle terms.
3. I have taken the appeal site address from the Council's refusal notice and the appellant's appeal form as this is more precise than the address on the outline planning application form.

### Main Issues

4. The main issues are (i) whether the local planning authority can demonstrate a deliverable five year supply of housing sites; (ii) whether the proposal would be acceptable in locational terms taking into account the development plan strategy for the area; (iii) the effect of the proposal on the character and appearance of the area; (iv) whether the proposal would comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding; (v) the effect of the proposal on protected species including reptiles and (vi) the effect of the development on highway safety.

### Reasons

#### *Housing land supply*

5. As part of the appeal, the Council has provided an update to its housing land supply and delivery position. The Council's published Annual Monitoring Report 2017-18 sets out that a deliverable 6.54 years supply of housing sites can be demonstrated across the joint Greater Norwich Authorities area: this is based

on the standard methodology for the calculation of Local Housing Need given that the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014 (CS) is now more than five years old. Furthermore, the Council has confirmed that its Housing Delivery Test requirement has been met, i.e. 133% of the number of homes required between 2015/16 and 2017/18.

6. I do acknowledge that maintaining a five-year supply of deliverable housing sites is a minimum requirement and that the proposed five additional dwellings would seek to boost the supply of homes in the area. This is a positive matter to which I weigh in the overall planning balance later on in this decision. However, the appellant has not provided me with any credible evidence to refute the Council's aforementioned housing land supply/deliverability position. I therefore have no reason to disagree with the Council's expressed position in terms of housing land supply and deliverability and the appellant has not indicated why he considers that there is "*uncertainty over delivery*".
7. I conclude that the evidence before me does indicate that more than a five-year supply of deliverable housing sites for the area can be demonstrated. Consequently, paragraph 11d of the National Planning Policy Framework 2019 (the Framework) is not engaged.

#### *Location and local housing strategy*

8. Policy DM1.3 of the adopted South Norfolk Local Plan Development Management Policies Document 2015 (LP) draws on the spatial strategy for the location and scale of new housing and employment growth in the area as outlined in the CS. It states that for development in the Countryside outside of the defined boundaries of settlements (as is the case for the appeal proposal) permission will only be granted where specific development management policies allow for development outside of development boundaries or where it '*2(d) otherwise demonstrates overriding benefits in terms of economic, social and environmental dimensions as addressed in Policy 1.1*'. There are no specific development management policies in the development plan for the area which would support the release of the site for market housing in this Countryside location.
9. In respect of 2(d) of policy DM1.3 of the LP, the provision of five dwellings on the site would boost the supply of housing in the area. However, the contribution from five dwellings would only be a modest boost to the supply of housing and, furthermore, this would be in the context that I am persuaded by the Council's evidence that the local planning authority can currently demonstrate a deliverable five year supply of housing sites and that it has not fallen short in terms of meeting its housing delivery target.
10. The appeal site is close to the settlement of Spooner Row which has a range of facilities including a village hall, public house, café, primary school, pre-school, church and a recreation ground, all of which would be in convenient walking distance of the site. I acknowledge that School Lane does not include footpath along its entire length, but I do not consider that this in itself would be an impediment to walking taking into account the relatively slow traffic speeds that I witnessed as part of my site visit within what is a 30-mph zone.
11. I also note that there is a train station close to the site which I am told includes services to and from main settlements further afield and where there is a greater choice of facilities/amenities and job opportunities. Indeed, the main

parties do not dispute the point that the appeal site is positioned in an accessible location: this is therefore a positive environmental consideration to weigh in the overall planning balance.

12. I do not doubt that the proposal would also seek to at least maintain the vitality of the existing rural community and that the occupiers of the dwellings would support local services. In this regard, the proposal would accord with the rural housing aims of paragraph 78 of the Framework. In addition, the appeal proposal has been submitted on the basis that the plots would be offered on a self-build dwelling basis, thereby offering greater housing. However, this benefit is tempered by the undisputed evidence from the Council that the proposal is not fully required to meet the Council's self-build targets. Nonetheless, the above are positive social and economic benefits to weigh in the overall planning balance.
13. In considering the character and appearance main issue below, I have found that some very limited harm would be caused to the character and appearance of this Countryside location. This is therefore an environmental matter which to a limited degree weighs against allowing the appeal. However, in reaching this view it is of note that the proposal would not lead to the development of isolated homes in the countryside taking into account paragraph 79 of the Framework. Indeed, the appeal site is closely related to existing residential development and indeed to the settlement boundary for the village where there are a number of existing buildings and facilities.
14. In conclusion, the proposal would deliver some social and economic benefits. However, and as per my conclusions below, there are a number of environmental considerations that weigh against allowing the development including concerns relating to flood risk and to matters of highway safety. Furthermore, some limited harm would be caused to the character and appearance of this Countryside location. In this case, the evidence before me also indicates that the local planning authority can demonstrate a deliverable supply of more than five years housing sites and that the Housing Delivery Test requirement has been met.
15. In the context of the above, the proposal would not accord with the strategic housing requirements of Policy DM1.3 of the LP, or put another way there are no identified overriding benefits in terms of economic, social and environmental dimensions.

#### *Character and appearance*

16. In the main, the existing pattern of development in the area relates to large detached buildings set within spacious plots and arranged in a linear form alongside main roads which include School Lane, Station Road to the south and Chapel Road which is further to the east and beyond the railway. There are, however, some exceptions to this pattern of development in the wider area including development at Chapel Loke to the east and the appellant has also drawn my attention to planning permission 2016/0255 for housing development set back from the Road at 1 Cantley Villas, Station Road.
17. I acknowledge that the appeal site is currently undeveloped and that it does afford some undeveloped and green views for the occupiers of some of the existing surrounding residential properties on School Lane and Station Road. That said, many of the trees on the appeal site boundary with the dwellings off

School Lane are tall and mainly evergreen and so at this point the site is not conspicuous from the rear of most of these residential properties. In any event, the courts have held that a right to a view is not a material planning consideration and there is no dispute between the main parties that it would be possible to erect five dwellings on the site without any significant harm being caused to the living conditions of the occupiers of surrounding residential properties. I do not disagree with such a view taking into account existing boundary treatments and the potential to achieve acceptable separation distances between existing and proposed properties.

18. In addition to the above, the illustrative layout shows that it would be possible to erect five dwellings on the site in a characteristic linear form and set within spacious plots. Such development would suitably reflect the existing pattern of development on School Lane and Station Road. Furthermore, the width of the residential plots could be similar to those that surround the site. Whilst the rear garden areas might not be capable of being as long as those on School Lane, I do not consider that this in itself would result in any significant harm to the character and appearance of the area. The plots would still be capable of being spacious and residential development on the site would essentially be visually self-contained given the existing boundary planting and the potential for additional boundary planting where gaps (e.g. to the rear of some of the dwellings off Station Road) currently exist.
19. Furthermore, dwellings on the site would not be very visible from public vantage points other than perhaps glimpses from those travelling on a train to the east. Indeed, I was able to see on my site visit that there are some established trees on the boundary of the appeal site facing towards the railway line. In addition, and whilst landscaping would be reserved for future consideration, the illustrative plan also shows that it would be possible to erect five dwellings on the site whilst also ensuring that there would be land to accommodate very significant boundary/buffer planting and alongside the likely internal access road.
20. I acknowledge that the proposal would introduce development to the rear of existing properties and into an area of designated Countryside. The development of the site, which is currently undeveloped and verdant, would undoubtedly lead to some localised visual change. To this extent, there would be some harm caused to this area of Countryside. However, any such harm would be capable of being relatively limited in impact particularly if the dwellings were much lower in height than surrounding properties. This is a matter that would need to be carefully considered at reserved matters stage.
21. In reaching the above views, I am cognisant of the fact that the wider area does include a limited number of other 'backland' development, albeit that this is not a prevalent characteristic in the locality when considered as a whole. In this case, the appeal site is not very conspicuous in the public realm. The proposal would essentially represent a form of infill development between rows of houses on Station Road and School Lane and the railway line. Furthermore, there is some existing boundary landscaping that would help to screen/soften the development. Given this, coupled with opportunities to introduce some additional high-grade buffer landscaping on the site, I find that in principle the proposal would lead to only limited harm to the character and appearance of the area and to the landscape and scenic beauty of this part of the Countryside.

22. For the above reasons, I conclude that in principle the proposal would lead to only very limited conflict with the requirements of Policy 2 of the adopted CS; Policies DM1.4 and DM 3.8 of the LP and paragraph 170 of the Framework, which collectively seek to promote well designed places and to recognise the intrinsic character and beauty of the countryside.

*Flooding – Sequential and Exception Tests*

23. According to the Environment Agency (EA) maps the site is shown as being within Flood Zones 3a, 2 and 1. Flood zone 3a is defined by the '*Planning Practice Guidance: Flood Risk and Coastal Change*' as having a high probability of flooding. The proposal would be for new build residential development and is therefore classified as a '*more vulnerable*' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site-specific Flood Risk Assessment (FRA).
24. The appellant contends that the railway embankment forms a barrier to flood risk and as such questions why it is suggested that parts of the site would be at high risk of flooding. I have not been provided with any detailed survey information or calculations which would lead me to depart from the information provided in terms of the EA flood maps. Therefore, and given that part of the site would be at high risk of flooding and '*more vulnerable*' development is proposed, it is necessary that the appellant submits a robust and sound sequential test. In considering this matter, it is of note that the majority of the site falls within flood Zone 1 and hence has a low probability of flooding. Nevertheless, part of the site is at high risk of flooding and as this is an outline planning application (with access), it is not certain how the site would be finally laid out.
25. The Council contends that there are sequentially preferable sites located elsewhere in the wider area and that it can demonstrate in excess of a five-years supply of deliverable housing sites. However, I do not know if these housing sites are for sale, if they meet the specific requirements of the appellant, or if any or all of them fall within areas that are not the subject of the same risk of flooding. In making these points, it was perhaps incumbent on the Council to have been more specific about which of the sites it felt were sequentially preferable in flood risk terms.
26. I note that the appellant has submitted a list of sites that are being marketed as part of appendix 2 of the appeal statement. However, the appellant has not provided detailed reasons as to why these sites are not suitable from either a flood risk point of view and/or a development requirement point of view. Furthermore, it is possible that there are some additional sites which have the benefit of planning permission and/or are available for housing development which are in areas which are not at the same risk of flooding. There is clearly some uncertainty in terms of the latter issue.
27. I note that the Environment Agency raises no objection to the proposal in respect of the position of the dwellings as shown on the illustrative plan which would all be sited in flood zone 1. The Environmental Agency also raise no technical objection to the illustrative proposal commenting that the site ground level of 42.25m AOD is above the 1% (1 in 100) annual probability flood level including 35% climate change of 42.20m AOD and therefore both the site and

unknown finished ground floor levels would be dry of flooding by at least 0.05m depth in this event. Nonetheless, and for the reasons outlined above, the sequential test is not passed. In view of this, it has not been necessary for me to consider whether the Exception test would be passed.

28. For the above reasons, I conclude that the sequential test has not been passed. Therefore, the proposal would conflict with the Policy 1 of the CS and paragraph 158 of the Framework which aims to steer new development to areas with the lowest risk of flooding.

#### *Biodiversity*

29. At planning application stage, the applicant submitted a Preliminary Ecological Survey prepared by Gray Ecology. This survey indicated that whilst there was no evidence of any reptiles on the site, the likelihood of common reptiles being present within the site was '*high*'. This formed the basis of the Council's reason for refusal in so far that without further survey work it was not possible to determine with any certainty whether the proposal would cause harm to reptiles.
30. As part of the appeal, the appellant has submitted an Ecological Impact Assessment (EIA) prepared by Gray Ecology and dated August 2019. The EIA concludes that the additional July and August 2019 surveys did not reveal any reptiles on the site. It states that the likelihood of common reptiles being occasionally present within the site is '*moderate*'.
31. Subject to the precautionary measures as outlined in the EIA being implemented, as well as a series of nature conservation enhancements including the provision of bat boxes, bird boxes, retention of trees and the planting of native hedgerows/trees, I conclude that the proposal would not cause harm to any protected species/biodiversity. Furthermore, there would be some biodiversity enhancements. To this extent, the proposal would accord with Policy 1 of the CS and paragraph 174 of the Framework which seek to protect and enhance biodiversity. The Council does not disagree with this conclusion and has therefore withdrawn its reason for refusal in terms of this matter.

#### *Highway safety*

32. The access into the site is on a part of School Lane which is restricted to no more than 30 mph. On this basis, it is necessary that sightlines of 2.4 metres x 43 metres can be achieved taking into account highway standards in Manual for Streets. Whilst I do acknowledge that the proposal includes a widening of the existing site access, so that vehicles could pass before the narrower part of the access, this improvement does not obviate the need to achieve safe and acceptable visibility splays in accordance with Manual for Streets. In respect of the latter proposal, I note the comments made by the occupiers of Orchard House who claim that they do not consider that the Anglian Water own all of the land needed to widen the access road as shown on the submitted plans. However, this is not a determinative matter that needs to be clarified as the appeal is being dismissed for a number of other reasons.
33. Whilst drawing No 1646-01b does purport to show visibility splays of 2.4 metres x 43 metres, this has not been based on a detailed topographical survey. As part of my site visit, I was able to see that at either side of the site



entrance there were high hedges. It is not clear from the evidence before me if parts of these hedges overhang or are part of the highway, or if they are entirely in private ownership. Clearly, this can only be established by means of the completion and submission of a topographical survey, land ownership plans and then a detailed and appropriately scaled site access/visibility splay drawing.

34. Given the above, I cannot be certain that it would be possible to achieve the required sightlines without utilising land in private ownership. I am cognisant of the comments made by the occupiers of Orchard House, who claim that part of the land required for access widening is in their ownership, as well as the Council's assessment of current sightlines at the site access which they claim are 2.4 m x 20 m to the south-west and 2.4 m x 5.0 m to the north-east. This adds to the overall uncertain position. Without further clarity about the ownership/control of hedges/land at the site entrance, I cannot therefore conclude that it would be possible to permanently provide an acceptable, safe and unobstructed access.
35. Given the above, there is potential for the proposal to lead unacceptable highway safety consequences including accidents between drivers leaving the site and on-coming vehicles travelling along School Lane. Consequently, I am unable to conclude that the proposal would accord with the highway safety requirements of policy DM3.11 of the LP and paragraph 109 of the Framework.

### **Other Matters**

36. I note that the appellant has referred to other appeal decisions<sup>1</sup> where Inspectors have concluded that the local planning authority has not been able to demonstrate a deliverable five-year supply of housing sites. I have determined this appeal on the basis of the evidence that has been submitted as part of this appeal and based on the published Annual Monitoring Report. Therefore, the other appeal decisions do not alter my findings in terms of the housing land supply main issue.
37. None of the other matters raised alter or outweigh my overall conclusion on the main issues.

### **Planning Balance and Conclusion**

38. The proposal would fail to accord with the housing strategy for this Countryside area as outlined in policy DM1.3 of the LP and I am unable to conclude that the proposal would not result in unacceptable highway safety impacts. In addition, I have found that some limited harm would be caused to the character and appearance of this Countryside location and that in flooding terms the sequential test has not been passed. Collectively, these are adverse environmental matters to which I afford significant weight as part of the determination of this appeal.

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<sup>1</sup> Appeal Ref Nos APP/L2630/W/18/3209464 & APP/L260/W/18/3217160



39. I have found that the proposal would not cause significant harm to biodiversity, although this is essentially a matter of neutral consequence in the overall planning balance. Whilst the proposal would deliver some benefits, as identified in this decision, these are not of sufficient magnitude to outweigh the very significant collective harm that I have identified above. On balance, and taking into account all other matters raised, I therefore conclude that the appeal should be dismissed.

*Daniel Hartley*

INSPECTOR



## Appeal Decision

Site visit made on 11 June 2018

**by Graham Chamberlain BA (Hons) MSc MRTPI**

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

**Decision date: 20<sup>th</sup> June 2018**

**Appeal Ref: APP/L2630/W/18/3195703**

**2 Norwich Common, Wymondham, Norfolk NR18 0SP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Andrew Broom against the decision of South Norfolk District Council.
- The application Ref 2017/1794, dated 25 July 2017, was refused by notice dated 21 November 2017.
- The development proposed is sub-division of site to form new residential building plot.

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration. Nevertheless, a layout plan has been submitted and I have treated this as a reasonably firm proposal as an alternative siting is unlikely to be appropriate in the street scene. I have otherwise treated the drawings as being an illustration of how the proposal could be configured.
3. Both the appellant and the Council were afforded an opportunity to provide further representations on whether or not the sequential test pursuant to Paragraphs 100 – 102 of the National Planning Policy Framework (the Framework) is relevant to my assessment of the appeal scheme.

### Main Issues

4. The main issues in this appeal are whether the proposed development would be in a suitable location when applying policies concerned with: 1) the development of land at risk of flooding; and 2) the location of housing.

### Reasons

#### *Policies concerned with the development of land at risk of flooding*

5. Policy DM 1.3 of the DMP states that new development should be located so that it positively contributes to sustainable development. This includes siting development with regard to national policy on flooding. A point supported by Policy DM 4.2 of the DMP. The Framework sets strict tests to protect people

and property from flooding and where these tests are not met, national policy is clear that new development should not be allowed<sup>1</sup>.

6. The PPG<sup>2</sup> explains the sequential risk based approach to flooding and the steps to follow when considering matters of flood risk. These are to assess flood risk, avoid flood risk and then manage and mitigate flood risk. Development should be designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. 'Flood risk' for this purpose is defined as the combination of the probability and the potential consequences of flooding from all sources<sup>3</sup>, including surface water<sup>4</sup>.
7. For fluvial (river) and sea flooding, land at the highest risk includes sites within Flood Zones 2 and 3 as defined by the Environment Agency (EA). The appeal site is identified as being within Flood Zone 1 and is therefore at a low flood risk from rivers and the sea. However, for the purposes of applying the policies and guidance in the Framework and PPG, areas at risk of flooding can also include a site within Flood Zone 1 at risk from surface water flooding.
8. In this instance, the EA 'Flood Risk from Surface Water Map' identifies the appeal site as being at a low, medium and high risk from surface water flooding because it has a clay sub soil, is positioned lower than the adjoining road and is close to a drainage ditch. The part of the site at high risk is where the dwelling is most likely to be sited and therefore the residents of the appeal scheme would be at a high risk from surface water flooding. The presence of the dwelling would also displace surface water, thereby increasing the risk of flooding elsewhere. The 'high risk' categorisation is supported by local evidence supplied by the Council's Water Management Officer, which includes a past flooding event of No 2.
9. It is unclear whether the evidence outlined in the preceding paragraph has been translated into the Council's Strategic Flood Risk Assessment. However, the EA's 'Flood Risk from Surface Water Map' is recent evidence and it is right to consider this when establishing the flood risk of the site. Moreover, the appellant's flood risk assessment has indicated that in the worst case low risk event the depth of water across the proposed dwelling would be between 0.3 and 0.9 metres. Thus, the flood hazard to people would be *Dangerous to Most* when applying a hazard equation. National policy and guidance is clear that flood risk should be avoided before the risk is managed and mitigated.
10. Paragraph 100 of the Framework seeks to direct development away from areas at the highest risk of flooding by applying the sequential test (ST) as part of a sequential approach to flood risk. The aim of the ST is to steer development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the development in areas at a lower probability of flooding. Consequently, it is necessary for the appellant to demonstrate that the sequential test has been correctly applied within a robustly defined Sequential Test Area (STA) before

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<sup>1</sup> See Paragraphs 100 – 104 therein

<sup>2</sup> Paragraph: 001 Reference ID: 7-001-20140306

<sup>3</sup> Including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources

<sup>4</sup> It states that within each flood zone, surface water and other sources of flooding need to be taken into account in applying the sequential approach to the location of development and that other forms of flooding should be treated consistently with river flooding in applying the sequential approach across all flood zones.

moving on to consider mitigation and whether the development can be made safe for its lifetime.

11. The appellant has not submitted the findings of a ST. As such he has not demonstrated that sites of lower probability of flooding, which could accommodate the proposed development, are not available. Thus, the appeal scheme would depart from local and national policy. It may be possible to employ mitigation in the form of a Water Exclusion Strategy, a Water Entry Strategy, raising the property and lowering the rear garden but this does not alter the need to apply a sequential approach first.
12. Notwithstanding the above, lowering the levels of the garden would not be suitable as it could result in the private amenity area proposed to serve the occupants of the property being water logged in wet weather. Depths in the rear garden could reach 1.2 metres in a worst case scenario. Thus, I share the Council's view that if the mitigation is pursued the living conditions for future occupants would be poor.
13. I therefore conclude that future occupants of the proposed development would be at an unacceptable risk of flooding and would therefore endure inadequate living conditions. Consequently, the proposal would be contrary to, and harmfully undermine, Policies DM 1.3, DM 3.13 and DM 4.2 and Paragraphs 100 and 101 of the Framework.

*Policies concerned with the location of housing*

14. Policy DM 1.3 of the DMP<sup>5</sup> sets out a planned strategy for development in the district. It flows from the policies of the Joint Core Strategy and seeks to guide new development to sites within defined settlement boundaries so as to protect the countryside and promote sustainable patterns of development.
15. The proposed dwelling would be located within the existing curtilage of 2 Norwich Road (No 2). This property has a frontage onto the B1172 and is located on the periphery of Wymondham. There is residential development to either side and a large housing estate to the south west is currently under construction. There is also modern estate housing on the northern side of the road opposite the appeal site and some earlier ribbon development along the B1172. Although there is considerable development in the vicinity of the appeal site, it is nevertheless positioned in the countryside being outside the settlement boundary of Wymondham and within a defined strategic gap.
16. Policy DM 1.3 of the DMP states that development outside defined settlement boundaries will only be granted where specific development management policies allow for it or there are overriding benefits in terms of the economic, social and environmental dimensions of the proposal. In this context, I have seen nothing of substance to suggest the proposal would adhere to a specific development management policy that would otherwise permit housing in the countryside. As such, the proposal fails the first limb of Policy DM 1.3.
17. Turning to the second limb of Policy DM 1.3. The appeal scheme would deliver a number of benefits. It would be a windfall development that would support the local economy through construction jobs and the circulation of funds. The proposal would also boost housing supply when there is currently a modest deficit. However, as only a single dwelling is proposed these benefits would be

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<sup>5</sup> South Norfolk Local Plan Development Management Policies Document 2015

of a limited scale. The proposal could also support the vitality of the local community but this is a matter of limited weight in the absence of evidence outlining the practical local effect of this.

18. The appeal scheme could be a self-build project and the Framework requires local authorities to positively plan to support this type of development. However, I have seen no evidence that the local need for self-build plots could not be met through development consistent with existing development plan policies and, in any event, there is no mechanism before me to secure the proposal as a self-build opportunity. This is a point of limited weight.
19. Thus, the appeal scheme would have limited economic and social benefits and would result in environmental harm given the risk from flooding and the poor living conditions that would arise from this. Thus, the proposal would not have overriding economic, social and environmental benefits. As such, the appeal scheme would be contrary to the first and second limbs of Policy DM 1.3 of the DMP and thus harmfully undermine the planned strategy for housing therein.

### **Other Matters**

20. The Council is currently unable to demonstrate an adequate housing land supply as required to by the Framework. Thus, Paragraph 14 of the Framework is engaged as an important material consideration. In this case the policies in the Framework relating to flooding indicate that development should be restricted. This is a material consideration of considerable force weighing against the proposal. It also means that it is unnecessary for the Council to demonstrate that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
21. Reference has been made to other residential approvals near to the appeal site. The localised risk from surface water flooding appears to alter from one site to another and I have not been presented with substantive evidence explaining the flood risk of the sites referred to. Therefore, from the evidence before me I am satisfied my decision would not be inconsistent with those already made by the Council.
22. The Water Management Officer withdrew a holding objection but also advanced reasons for refusal. Their position on the case is unclear and therefore not determinative. The current application was a resubmission but the preceding scheme was not determined and is thus of very limited weight.

### **Conclusion**

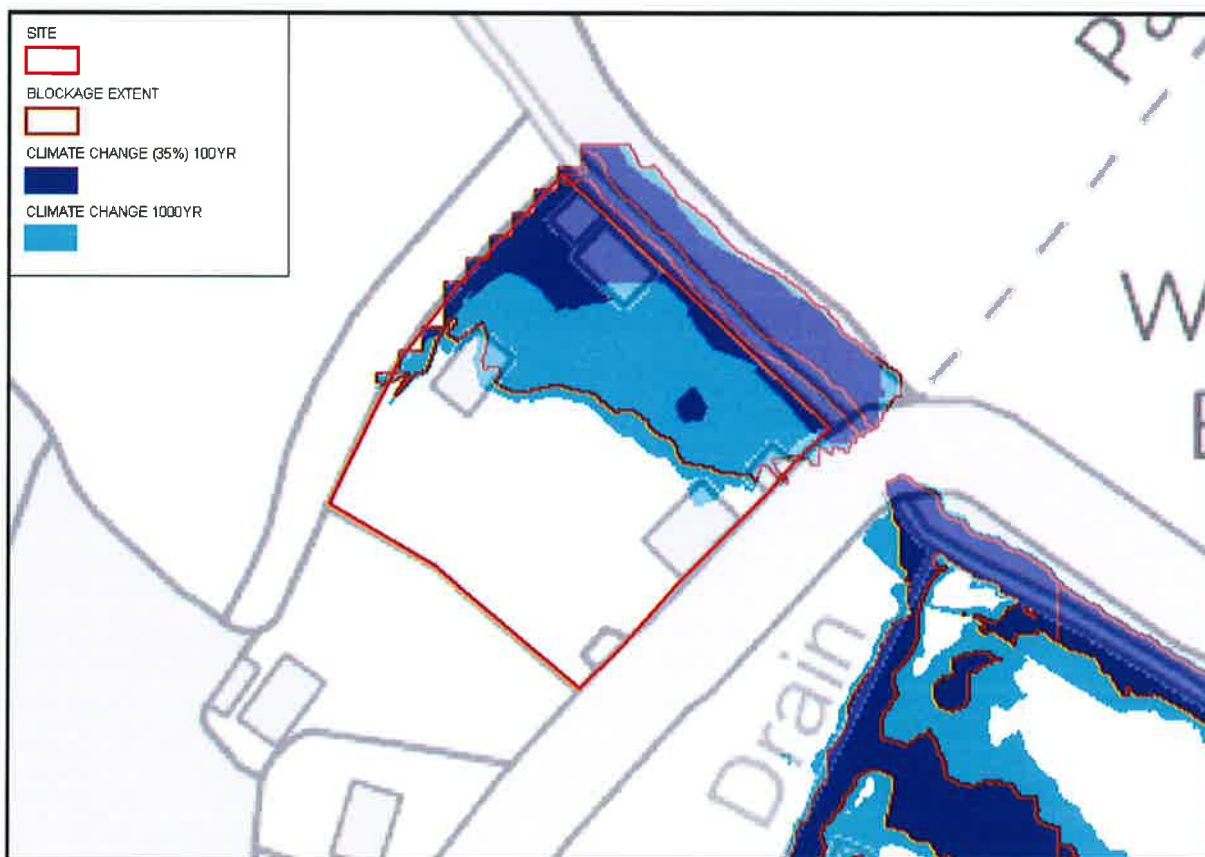
23. The appeal scheme would be contrary to the development plan and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, I conclude the appeal should be dismissed.

*Graham Chamberlain*

INSPECTOR

**Table 18: Results comparison for 50% blockage of culvert opening during climate change 1 in 100 year event**

Blockage 50%			Original Results			
Node	Max Stage (m AD)	Max Velocity (m/s)	Node	Max Stage (m AD)	Max Velocity (m/s)	Stage Difference (m)
section 10b	16.392	1.244	section 10b	16.391	1.243	0.001
section 11b	16.341	1.475	section 11b	16.341	1.474	0
section 12b	16.365	0.684	section 12b	16.365	0.684	0
section 13b	16.329	1.052	section 13b	16.329	1.053	0
section 14b	16.314	0.615	section 14b	16.314	0.615	0
section 15b	16.289	1.016	section 15b	16.289	1.016	0
section 16b	16.243	0.936	section 16b	16.242	0.936	0.001
section 17b	16.127	1.415	section 17b	16.126	1.414	0.001
section 18b	16.077	0.969	section 18b	16.076	0.969	0.001
section 19b	16.022	0.978	section 19b	16.022	0.978	0
section 1b	17.533	0.372	section 1b	17.257	0.547	0.276
section 2b	17.531	0.321	section 2b	17.251	0.568	0.28
section 3b	17.527	0.334	section 3b	17.237	0.593	0.29
section 4b	17.525	0.278	section 4b	17.234	0.483	0.291
section 5b	17.524	0.32	section 5b	17.23	0.575	0.294
section 6b	17.523	0.286	section 6b	17.228	0.521	0.295
section 7b	17.521	0.26	section 7b	17.223	0.505	0.298
section 8b	17.515	0.381	section 8b	17.2	0.711	0.315

**Figure 30: Blockage flood extent in relation to 100yrCC and 1000yrCC event**

## **8. CONCLUSIONS**

- An InfoWorks RS model has been developed to determine the fluvial flood risk to the site from the adjacent watercourse.
- The results show that the site is located within the Flood Zones 3b, 3a, 2 and 1.
- The results show that the site would be affected during all climate change flood events.
- A sensitivity analysis has been carried out in which the model was tested for a change in channel roughness, change in downstream slope and partial blockage of the downstream culvert. The results indicate that the model is not significantly sensitive to a change in roughness and downstream slope.
- However, when considering the blockage scenario, there is a large increase in flood extent during the climate change 1 in 100 year event.

A Squared Architects, May 2020

***Application 2020/0051/F – Erection of a self-build dwelling to replace an existing tennis court on land to the rear of 37 Watton Road, Colney***

**SUPPORTING STATEMENT FOR CONSIDERATION BY COMMITTEE MEMBERS**

This statement is presented for consideration by committee members following the recommendation for refusal of planning application 2020/0051/F.

The application is supported by a planning statement which provides a detailed assessment of policy considerations, this statement addresses the reasons for refusal as set out in the officer's report, which are as follows:

*Reasons for refusal*

1 *The site is approximately 550m from the nearest part of the development boundary that has been defined for Colney to the east. The nearest bus stop is approximately 220m to the west. This bus stop is accessed via trod path on the opposite side of Watton Road and offers a frequent bus service to and from Norwich. Although there is a path, its unbound nature is such that it may not be attractive to use or suitable for use for those with mobility or sensory difficulties or those with pushchairs. The location of the site is such that in reality, in order to access key services such as convenience shopping, community facilities and the GP surgery, residents will likely rely on their private motor vehicles. The application is therefore contrary to Policies 1 and 6 of the Joint Core Strategy and Policy DM3.10 of the South Norfolk Local Plan Development Management Policies Document 2015.*

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 harm identified. 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.*

**ASSESSMENT OF REASONS FOR REFUSAL**

1

With respect to item 1, the reason for refusal concerns the nature of the existing footpath and how practical it would be for members of the public to use the footpath to access public services.

The trod footpath is currently well used by residents of Colney and the wider public, having been installed by Norfolk County Council it is entirely safe and fit for purpose.

In their consultation response NCC Highways considered the footpath and concluded that the nature of the footpath would not be sufficient to refuse the application on its own. Furthermore, there are no objections on highway safety grounds.

The footpath provides access to a regular bus service with the nearest bus stop being 220m away, well within acceptable distances which determine whether a site can be considered sustainable.

The footpath links to cycle ways and footpaths accessing Colney, Cringleford and the centre of Norwich as well as providing safe access to a regular bus service.

The application therefore meets the relevant policies of the Joint Core Strategy and the Local Plan.



## 2

With respect to item 2, the reason for refusal concludes that the application does not represent overriding benefits when having regard to the identified harm.

The potential harm is in relation to development in the countryside, however, the specific characteristics of the application site mean that the development would lead to no material harm to the surroundings.

The site is not visible from the public realm and leads to no harm with respect to the character of the area, it is adjacent to an existing cluster of dwellings served by an existing access. The proposal has been carefully designed to reflect the characteristics of the site and locality.

The application conforms to planning policy with regards to the character and appearance of the area. There is therefore no identified harm with respect to impact on the landscape setting.

The application provides material benefits, particularly with respect to environmental and social considerations. The key benefits arising out of the proposal, both for the village of Colney and the wider area are as follows:

### **Environmental**

- The application would lead to a net ecological gain, incorporating permanent bird and bat boxes integrated into the fabric of the building and habitat features supporting and encouraging wildlife.
- Care has been taken to ensure that the impact upon the surrounding area is minimised and acceptable through careful design and siting.
- The design has taken particular care to minimise any impacts on the established woodland and trees within the site and seeks to fit around the existing features.
- The proposal includes high-quality low energy design and materials appropriate to reflect the existing character of Colney.
- The new dwelling's proposed location within the site involves the redevelopment of an existing hard landscaped area within an established clearing in order to maintain the existing ecological setting. The proposed new access drive and any hardstanding would be of a no-dig and permeable specification.

### **Social**

- The applicants have been active members of the Colney community for many years. They have contributed and continue to contribute substantially to the well-being of the community. Their continued presence within Colney village and contributions to the well-being of the community will lend support to the sustainability of the village in the future.
- The proposal will help the Council towards delivery of the self-build requirement as required by the Self-build and Custom Housebuilding Act 2015.
- Over previous generations Colney has established a strong community feel with an active parish council and village hall but is a village which in order to maintain and sustain this community feel will need small scale development, appropriately located within the existing grouped setting such as in this proposal.

- The social role within the NPPF also refers to meeting the needs of present and future generations and Paragraph 50 of the NPPF sets out in principle the support for the provision of self-build housing, which includes the requirement to 'deliver a wide choice of high-quality homes, widen opportunities for home ownership and create inclusive and mixed communities.

#### **Economic**

- Where possible the applicant is keen to use locally sourced materials which will provide a short term boost to local construction and building material suppliers within the area.
- The proposal will permit the applicant to work from home.

The application therefore proposes benefits which are not outweighed by identified harm.

#### **CONCLUSION**

It is proposed that the site is sustainably located and allows pedestrians and cyclists to access public services.

The proposal demonstrates, as required by Policy DM1.3, overriding benefits in terms of the economic, social and environmental dimensions of sustainable development and responds appropriately to the relevant local and national planning policies.

The proposed development would not introduce any adverse impacts or cause harm to the countryside which would significantly and demonstrably outweigh the benefits.

Having regard to the specifics of the application site, its connectivity, the lack of identified harm and the benefits outlined above, it is put forward that the planning permission be granted subject to conditions.

**Application 2020/0051/F – Erection of a self-build dwelling to replace an existing tennis court on land to the rear of 37 Watton Road, Colney**

**PERSONAL STATEMENT IN SUPPORT OF APPLICATION BY APPLICANTS: Adam Korn, Applicant**

This application is for a house for my family to live in, to be close to my parents, our children's grandparents.

I am a barrister practising from chambers in London (7 Bedford Row). My wife, Dr Melissa Korn, is a General Practitioner specialising in palliative care, based at the St Stephens Gate Medical practice in the city. She works at the surgery Mon-Fri, undertakes home visits and provides Out of Hours cover.

We were both brought up in Norfolk. I in Colney, my wife in North Norfolk. We met at Wymondham College. Before that, I went to primary school in Cringleford. We both went away to university but when Rosie, our eldest child, was born, we moved back to Norwich to be closer to both sets of grandparents.

In her former career, Melissa was an NHS manager and, before she studied medicine as a second degree at the University of East Anglia, was a Director of the N&N Hospital, and was responsible for planning the move of the hospital from St Stephen's Road to Colney.

We have known for some time that we want to live in Colney, to be close to my parents, and that we want to build our own house.

In 2002, we first applied for permission to do this on the disused tennis court in my parents' garden. When that was refused, we bought a house in Norwich, within walking distance of Norwich High School, where both of our daughters went to school. They are now at university in London, and we have decided to try again to build a house close to my parents, in their garden.

We are a close family. My brother and I grew up in Colney. My parents have lived there for 45 years. For most of the past 45 years, my mother has served, in one capacity or another, as a member of the Committee of Colney Parish, including 10 years as Clerk. My parents have combined countless hours of voluntary service to the Parish with exceedingly busy lives, because they love Colney and have a strong sense of civic duty. We would like to contribute to that community too, and our lives are at a point where that would be possible.

My job has changed a great deal over the last 10 years, and I am working more from home, as Courts become more familiar with conducting hearings by telephone or video conference call. That does not mean (as the Planning Officer queried at one point) that I see clients at home. As a barrister I am not allowed to do that, as it is a referral profession. I can only see clients in the presence of a solicitor, at solicitor's offices or my chambers. 'Working from home' means, for me, sitting at my computer conducting legal research, writing legal opinions, or conducting hearings with judges on the telephone or via video call.

My understanding is that since 2002, much has changed in planning law. And in 2009 the Colney Parish Plan identified a strong desire within the parish for families to live in Colney, so that a residential community with deep roots may continue to thrive.

I should like to be on hand to help my parents look after their home and the woodland that surrounds it, which the family is returning to native woodland for the first time since it was sold by the Barclay family to make way for a commercial plantation. This would mean a great deal to me, my wife, our children, and my parents.

We are disappointed that the Planning Officer is not supporting our application, and have read his report carefully. We respectfully suggest that our application seems to meet the aims of planning law and the Parish Plan, and are not sure what 'harm' has been identified. If my family thought that by this application they risked harming Colney in any way, we would never have submitted it.

Before submitting this application, we canvassed opinion within Colney to try and ascertain whether any family currently living in Colney would consider that they would be adversely affected by it. No objection, or even adverse comment, was made. Had it been, we would have thought again.

We understand that in 2009, Colney published its Parish Plan in accordance with the Government's 2000 White Paper setting out its intention for the countryside. The Plan had a 91% response rate and, because Colney has such a small population, each person's view has a proportionally greater impact on the overall position than is the case in larger parishes. We note that all of the respondents had, *'The earnest hope ... that when discussions are held about Colney and decisions taken on matters which affect it, the wishes and aspirations of its residents, as expressed in the Parish Plan, will be fully taken into account.'*

In response to Question B28: *'Would you like to see any more houses built in Colney?'* The majority of respondents wanted, *'limited new build for residential use....to enhance and continue residential community in Colney especially needed for the church and parish rooms. All building should be ecological and carbon neutral.'*

We suggest that our application satisfies DM1.3(d) in that it meets an expressed social requirement of the parish, and that our proposal would constitute *'limited new build for residential use'*. The proposal is for a new home that we have tried to ensure is well-sited, in a cluster of dwellings that form an integral part of the parish. We have specifically worked with an architect experienced in carbon neutral new build homes, to make the house as low-impact as possible, and to sit as comfortably and naturally in its setting as possible.

Having grown up in Colney, I have seen a good deal of commercial development in the parish – the NNUH, the Spire Hospital, the woodland burial ground, the Research Park, the Global Clinic at Colney Hall – but in that time hardly any residential homes have been built. We consider our application falls into the category of the limited, ecologically-sensitive, residential development for which parishioners expressed a strong wish in the Parish Plan.

It is very important to us that we have the support of the parish in our application, and have tried to work with the committee to produce a proposal that, we believe, will enhance and contribute to Colney as a residential parish, rather than detract from it.

We would be so grateful for the opportunity to build our own, ecologically sensitive, home, on the site where I grew up, so that three generations of the family can continue to enjoy and contribute to the life of the parish.

**Application No: 2020/0051/F Parish: COLNEY**

**Applicant's Name: Mr Adam & Mrs Melissa Korn**

**Site Address Land to the rear of 37 Watton Road Colney Norfolk**

**Proposal Erection of new self-build dwelling to replace an existing tennis court**

### **Views of Colney Parish Meeting**

Colney Parish Meeting disagrees with the recommendation of the Planning Officer, Glen Beaumont, that this application should be refused planning permission.

Colney Parish Meeting supports this application and trusts that the Development Management Committee (DMC) will recommend its approval.

The Meeting is mindful of the general wish by South Norfolk Council to support sustainable development in laid out in its opening declaration in Policy 1.1 of its Local Plan.

*The Council will work proactively where possible with applicants to find solutions so that development proposals can be approved wherever possible, and to secure development that jointly and simultaneously improves the economic, social and environmental conditions in the area.*

We take this to mean that if there is a fine balance of seemingly conflicting issues then the DMC will judge on the side of good sustainable development.

Mr Beaumont claims he is guided by Policy 1.3 of the Local Plan.

*For the purposes of the Development Management policies, the area outside of the defined development boundaries of the settlements is referred to as Countryside...Only in exceptional cases consistent with specific Development Management Policies or site allocations will development proposals in the countryside be supported by the Council.*

We note the reference to “exceptional cases consistent with...site allocations...” and believe that the site allocations in this case meet and indeed enhance the conditions of sustainable development at this location.

In our original submission to the DMC, as summarised by Mr Beaumont, we said:

*It meets the broad provisions of sustainable development in that the applicants are proposing a building which is highly energy efficient and water use conserving, constructed with materials which are sustainable in energy terms and appropriate to the cluster of existing buildings in the vicinity, and will be owned by residents of the village with a long term social and economic commitment to the*

*wellbeing of the village. In addition the applicants propose to enhance the biodiversity of the location.*

We note that Mr Beaumont accepts that the application conforms to the relevant local planning policies pertaining to

- Impact on the character and appearance of the area
- Highway safety
- Trees and ecology

The two reasons offered for refusal by Mr Beaumont are that the site location does not meet the sustainable transport requirements as laid out in Policies 1 and 6 of the Joint Core Strategy and Policy 3.10 of the South Norfolk Local Plan, and that the balance of benefits to sustainable development do not outweigh the consideration of offering permission outside the Village Development Boundary, as laid down in Policy DM 1.3.2(d).

We see a single dwelling with up to two additional cars which from time to time (bearing in mind the likely continuation of working from home wherever possible) enter an already busy road. The improvements to the Watton Road have successfully sought to meet the sustainable transport requirements as suggested in Policy 6 of the JCS, and support the sustainable transport policies of the Norwich Research Park. We also see a self-build house which meets the relevant requirements of the first 9 bullet points laid down in Policy 1 of the JCS.

We note that these points in the above paragraph show that the application conforms to the requirements of Policy 3.10 (1) of the South Norfolk Local Plan. It supports sustainable transport and development objectives, it utilises all opportunities to integrate with local sustainable transport networks, and it is designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to the location.

Colney Parish Meeting would further like to draw to the attention of the DMC that the footpath to the south of the Watton Road was hard won by the Parish with the tremendous support of its local Members, and especially acknowledges the generosity of the grant for construction obtained by Councillor Bills. This is a perfectly useable footpath which adds to the case for sustainable transport in this particular location.

Colney Parish Meeting therefore believes the balance of judgement between whether exceptionally to permit development outside the Village Development Boundary and the genuine commitments by the applicants to meeting the overall benefits to sustainable development in this location, meets the spirit of supportive accommodation offered by South Norfolk Council in conforming to its obligations under Policy 1.1 of its Local Plan.

Colney Parish Committee urges the DMC to approve this application.

Local Member Comments – Application 2020/0051/F (Land to the rear of 37 Watton Road, Colney, Norfolk)

Dear Chairman and Members,

Daniel Elmer and I requested that this application be considered by the full Development Management Committee because it is a finely balanced application. As your Officer report sets out there are many positive aspects to it but balanced against them is the simple fact that this is an application outside the development boundary; thus the starting point for your deliberations is that it should be refused unless you can identify benefits to override the harm that would occur from approving an application outside the development boundary.

We believe there are a number of benefits that may override this, including:

- Environmental Protection – Application is Passivhaus standard, and effectively on brownfield land.
- Traffic Congestion – Application is designed and intended to facilitate homeworking, and is situated on a main bus route.
- Economic Development – Application is self-build with attendant economic benefits for the district.

These are set out in more detail below.

### **Summary**

South Norfolk **Policy 1.3 (2) (d)** sets out:

*Permission for development in the Countryside outside of the defined development boundaries of Settlements will only be granted if (the application) ... d) Otherwise demonstrates overriding benefits in terms of economic, social and environment dimensions as addressed in Policy 1.1.*

**Policy 1.1** says that “the Council will take a positive approach that reflects the presumption in favour of sustainable development, together with a responsibility to meet...other unforeseen development needs and opportunities”. It also says that “the Council will work proactively where possible with applicants to find solutions so that development proposals can be approved wherever possible, and to secure developments that jointly and simultaneously improves the economic, social and environmental conditions in the area.”

Clearly the Council should not be looking for reasons to refuse applications but should be being positive and proactive. For example, the report in questions looks into particular negatives around a footpath which we have addressed further down.

### **Environmental Protection**

This application is effectively for a brownfield site (an old tennis court) located within a cluster of houses and adjacent to two employment sites rather than in the open ‘countryside.’ As your report notes, there are no objections from neighbours or statutory consultees and is supported by the parish meeting.



The application is well-designed to a 'passivhaus' standard<sup>1</sup> dwelling with net ecological gains. It is also set back from the road and shielded from view, posing no visual intrusion.

### **Sustainable Transport (DM3.10)**

As previously mentioned, it has been also suggested that this application does not accord to South Norfolk **Policy DM3.10** (the promotion of sustainable transport). At **paragraph 4.3** the statutory consultee notes that a pedestrian footpath is available and public transport is also available at an acceptable distance. **Policy 3.10 (d)** sets out:

*"All development should support sustainable transport and development objectives, utilise all opportunities to integrate with local sustainable transport networks, be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to the location."*

Given the site is located next to a bus route and with pedestrian access to it is unclear on what basis this application does not accord to policy DM3.10. It is suggested in your officers report at para 5.6 that the issue is with the nature of the footpath. However a number of applications in South Norfolk and Broadland have been approved subject to footpaths without lighting being installed – for example the Food Hub at Easton/Honingham and as the Highways Officer noted in his email to the Case Officer on this matter, at Wymondham College. Whilst there may be a 'planning judgement' to exercise – it must be exercised consistently and logically. Footpaths are a cost effective and more sustainable way of improving the connectivity of our communities whilst preserving the character of these places. We note also that when considering the infrastructure requirements for the appraisal of sites put forward for the village cluster sites as part of the next local plan allocation process this Council did not specify that footpaths had to be lit or flat, smooth etc.

Further it is noted that this reason for refusal would not be sufficient to refuse this application in its own right.

It is intended to be used by the applicants to work from home (in the future once we have a choice about where we can work from) and as such accords with South Norfolk's **Policy DM 2.3** and we note that that policy encourages home working as it "reduces(s) traffic congestion and pollution" (**para 2.15**).

### **Economic Development**

This application is also for a self-build development so is deliverable with the attendant short and medium term economic benefits for the district, including for local builders and suppliers, which we as a Council must particularly be mindful of in the current climate. Indeed **para 81 (d) of the NPPF** sets out:

*"Planning policies should: d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances."*

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<sup>1</sup> Passivhaus is a building standard for the most efficient use of energy for the purposes of heating and cooling.

The application is also adjacent to major employment zones, including the UEA, N&N Hospital and Norwich Research Park.

## **Conclusion**

The question for the committee is that on the one hand there is the harm from permitting this application outside the identified development boundary contrary to the local plan outweighed by the benefits of this application. South Norfolk policy DM1.1 in paragraph (a) talks of *overriding benefits in terms of economic, social and environment dimensions* and para (b) talks of *improves economic, social and environmental conditions in the area*. In para 1.10 of our development management policies there is a helpful diagram that sets out how we judge the impact in each of these economic, social and environmental dimensions.

This application has a positive impact from an environmental dimension as it is a passivhaus standard construction and brings positive ecological gains. It is also designed to allow the applicants to work from home which our own policy encourages to reduce pollution and congestion. It is a single dwelling to be self-built so will bring short and medium term economic benefits to the district – whether it is for builders, merchants or self-employed tradespeople involved in construction.

In respect of the social benefits – our policy 1.1 sets out that the planning system should be about “*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*”. This application does meet the requirement of present and future generations – it is a ‘passivhaus’ designed to allow for homeworking – designed sensitively to enhance the environment. It is also near local services which it is accepted by our officers are accessible.

We would therefore contend that this application does have positive social benefits alongside the aforementioned economic and environmental ones and in the absence of any identified harm would urge you to approve this application.

Yours sincerely,

William Kemp & Daniel Elmer

## 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**                 :     **2019/2566/F**  
        **Parish**                 :     **BROOKE**

Applicant's Name : Mr Rix, Tobin and Plume  
 Site Address : Storage Land Welbeck Brooke Norfolk  
 Proposal : Erection of 3 dwellings for self-build purposes

Decision : Members voted unanimously for **Refusal**

Refused

- 1 No overriding benefit
- 2 Loss of employment site
- 3 Unsustainable location
- 4 Failure to pass the sequential and exception tests

Verbal update

It was noted that a letter from Mr M Tobin (applicant) had been omitted in error from the Update Sheet circulated prior to the meeting.

Members of the Committee confirmed that, separate to the Update Sheet, they had been in receipt of copies of all representations received (including that from Mr Tobin). Mr Tobin's letter is appended to these minutes at Appendix A (Di).

2.     **Appl. No**                 :   **2020/0051/F**  
       **Parish**                 :   **COLNEY**

Applicant's Name   :   Mr Adam & Mrs Melissa Korn  
Site Address        :   Land to the rear of 37 Watton Road Colney Norfolk  
Proposal            :   Erection of new self-build dwelling to replace an existing tennis court

Decision            :   Members voted unanimously for **Refusal**

Refused

- 1   The site is approximately 550m from the nearest part of the development boundary that has been defined for Colney to the east. The nearest bus stop is approximately 220m to the west. This bus stop is accessed via trod path on the opposite side of Watton Road and offers a frequent bus service to and from Norwich. Although there is a path, its unbound nature is such that it may not be attractive to use or suitable for use for those with mobility or sensory difficulties or those with pushchairs. The location of the site is such that in reality, in order to access key services such as convenience shopping, community facilities and the GP surgery, residents will likely rely on their private motor vehicles. The application is therefore contrary to Policies 1 and 6 of the Joint Core Strategy and Policy DM3.10 of the South Norfolk Local Plan Development Management Policies Document 2015.
- 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 harm identified. 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.

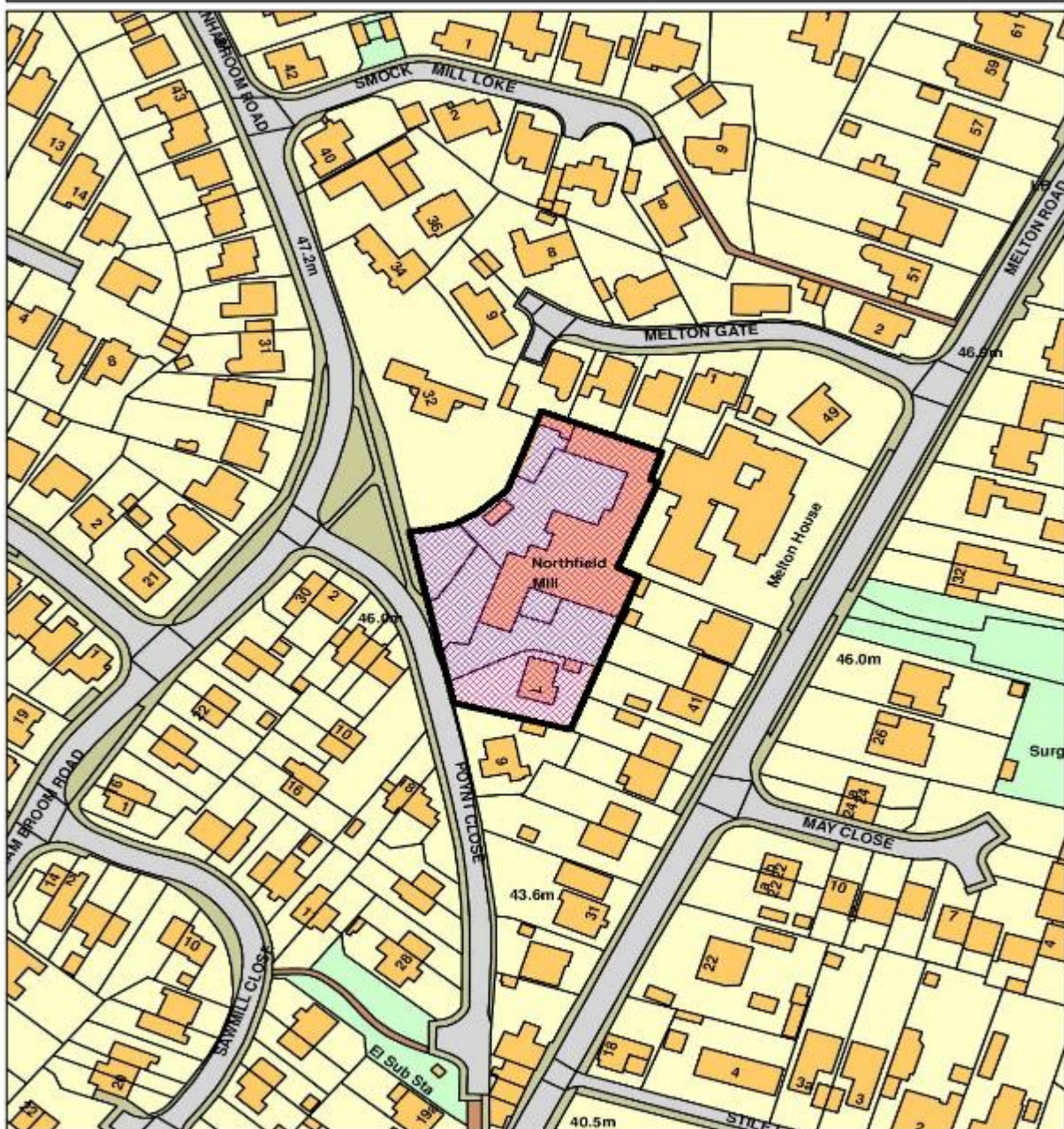
PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

**Report of Director of Place**

**Other Applications**

**Application 1**

2019/2531



**Scale 1:1,250**

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

1.     **Application 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

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 site is in Northfield Mill which is accessible from Poynt Close in Wymondham. The application proposes the demolition of the existing Northfield Mill and associated buildings which are currently in an employment use, and the adjacent bungalow 7 Poynt Close and the erection of 8 dwellings. During the course of the application the number of dwellings proposed on the site has reduced from 10 to 8.
- 1.2     The application site is surrounded by existing residential dwellings with a care home located to the north-east of the site. Northfield Mill is a prominent building located close to the junction of Poynt Close with Barnham Broom Road. The site borders residential development at Melton Gate to the north and Melton Road to the east.

2.     Relevant planning history

- 2.1     None

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 10 : Locations for major new or expanded communities in the Norwich Policy Area
- 3.3     South Norfolk Local Plan Development Management Policies  
DM1.3 : The sustainable location of new development  
DM2.2 : Protection of employment sites  
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  
DM3.14 : Pollution, health and safety  
DM4.2 : Sustainable drainage and water management  
DM4.8 : Protection of Trees and Hedgerows

- 3.4 Site Specific Allocations and Policies  
Wymondham Area Action Plan  
WYM 8 : General Green Infrastructure requirements for new Developments within Wymondham AAP Area

4. Consultations

4.1 Wymondham Town Council

Recommend approval

4.2 District Councillors Hurn and Savage

No comments received

4.3 Anglian Water Services Ltd

Wastewater treatment – Development falls within catchment of Wymondham Water Recycling Centre which will have capacity for these flows

Used Water Network – The sewerage system has capacity for these flows. The developer will be required to notify Anglian Water under S106 of the Water Industry Act if they wish to connect.

Surface Water Drainage – The proposal would not be seeking to connect to the Anglian Water network so no comments.

4.4 Senior Heritage & Design Officer

Plots 1-3 appear quite tight in the north east corner. Not ideal for plots to be facing side gable of plot 4. Turning area not ideal for car parking. Cars are likely to park in front of houses making turning more difficult.

The more contemporary design of the units is interesting and acceptable in principal.

Considering the constraints of the site including the trees, it would appear over development of the site?

Comments on amended plans for 9 units

The reduction in units and change in orientation is welcomed however Still consider the space will appear overly cramped. Of particular concern is plot 1 which will front towards its garage with limited space in-between. The design with the hipped roof is also unusual.

The parking and turning for the development is also quite tight at the northern end of the development. Plot 4's garage and parking is not ideally situated in terms of distance from the front door, and residents are likely to park to the front of the house. Presumably the parking shown for plot 8 is actually for plot 7? This is not ideal being in front of plot 8 and there would be potential for neighbour conflict.

#### Comments on amended plans for 8 units

The revised layout with the reduction in units overcomes previous concerns regarding the units proposed at the top end of the development and I have no further objections. Suggest conditions with regard to details such as external joinery, eaves and verges, dormer windows and materials.

#### 4.5 NCC Ecologist

The preliminary ecological appraisal is fit for purpose. If you are minded to approve the application, the mitigation and enhancement measures within the PEA should be conditioned.

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

Do not wish to object to this planning application. However, we would recommend that any approval of this application include the following conditions and advisory notes:

- Contaminated land investigation
- Implementation of remediation scheme
- Contaminated land during construction
- Air source/ground source heat pumps
- Construction management plan

#### 4.7 SNC Environmental Waste Strategy

No comments received

#### 4.8 SNC Housing Enabling & Strategy Manager

The site is a major application as defined under paragraph 63 of the NPPF. As such it should provide affordable housing. Policy 4 of the JCS is of relevance and would require 3 affordable units.

#### Comments on amended plans

The scheme has been reduced to 8 units, as such it is no longer a major development and would not need to provide affordable housing.

#### 4.9 NCC Highways

The proposal currently serves 10 dwellings from a single point of access, If the layout remains as shown the access road will need to be laid out and constructed to NCC adoptable standard. To avoid this, 9 dwellings can be served from a private drive with one dwelling served by a separate access from Poynt Close.

#### Comments on amended plans:

Note that the number of dwellings has been reduced. The scheme as submitted is now acceptable. Should you be minded to approve conditions in relation to: visibility splays, parking and turning, and onsite parking for construction workers.

#### 4.10 NCC Public Health

No comments received

#### 4.11 NHSCCG

No comments received



4.12 NHS England

No comments received

4.13 NHS STP Estates

No comments received

4.14 Police Architectural Liaison Officer

Application falls below our threshold to response

4.15 NCC Lead Local Flood Authority

Application needs to be supported by a flood risk assessment and drainage strategy.

Comments on amended plans

The applicant has provided a Flood Risk Assessment (FRA) / a Drainage Strategy to account for the local flood risk issues and surface water drainage at this location.

We have no objection subject to conditions being attached to any consent if this application is approved and the Applicant is in agreement with pre-commencement conditions.

4.16 Wymondham Heritage Society

The site is one of the last vestiges of industrial Wymondham and has served the town well over the years with varied workshops.

It is regretted that the proposal will demolish the existing bungalow and hedge. The laurel hedge must provide a good habitat for nesting birds etc. - is it essential that the bungalow has to be demolished

Consider that 10 houses on the site will appear too cramped. Other concerns include the height of the proposed building and the impact on the holm oak.

4.17 Landscape Architect

I have concerns about this proposal, which has implications for trees within third party ownership(s).

The submitted information demonstrates that the proposed scheme will necessitate construction within the root protection areas (RPAs), but the detail of this is not provided so we cannot be sure that it will be acceptable.

The default position for BS5837 is that construction within RPAs is to be avoided unless there is an overriding justification. I note that the tree constraints were surveyed after the initial proposed layout was designed, and I note that the latest version does not avoid the sensitive areas either.

Whilst 'no-dig' solutions can sometimes be appropriate, I have reservations about the practicality for this scheme. No-dig drives by their very nature will raise the finished surface level, and this can have implications for the structures that relate to them. Therefore, in this case, there will need to be consideration of how a raised finished level for the drive will relate to the other structures associated with it. For example, the garages for plots 1 and 2 will need to be adjusted (raised) in order to connect satisfactorily.

There is also no detail of proposed services that may need to pass through the RPAs too.

The scheme conflicts with DM4.8; it is not demonstrated that the scheme can be delivered without detriment to the trees within the neighbouring properties.

Comments on amended plans

To be provided via the update sheet

#### 4.18 Other Representations

Twenty-Two representations have been received on the application. Ten representations were received on the original application objecting to the application and setting out the following concerns:

- Too many houses are proposed on too small an area of land
- Overlooking and overshadowing of properties and gardens on Melton Gate and Melton Road. Existing dwellings in the area are approximately 8 metres tall, however, this application will result in dwellings of 9.6metres in height in close proximity to existing dwellings. This is considered to be an overbearing impact, it is also considered to result in loss of light from habitable rooms in dwellings on Melton Gate.
- Disturbance during the construction works.
- Increase in traffic from the site at the entrance to Poynt Close
- Increase in noise from the site
- Concern regarding removal of the boundary wall with properties on Melton Gate
- Design of dwellings is not in keeping with surrounding properties.
- Policy DM2.2 seeks to safeguard sites and buildings for employment use. The units are in use and it is considered viable to be retained in employment use.
- The proposed properties have insufficient amenity space contrary to the requirements of DM3.8.
- Impact upon adjacent trees.

Eleven comments have been received on the amended layout for 9 dwellings, objecting to the proposal on the following grounds:

- Existing comments remain relevant
- Proposed dwellings remain too close to those on Melton Gate and will be overbearing.
- Existing gardens will be overlooked and overshadowed on both Melton Road and Melton Gate.
- Replacing a bungalow at 7 Poynt Close with a detached 4 bedroom house is out of character. This plot should be a bungalow. A detached dwelling will result in loss of light to homes on Melton Road.
- The shadow survey should be updated to include the revised layout and properties on Melton Road.
- The number of dwellings is considered to be excessive
- The proposed terrace of houses will impact privacy of adjacent dwellings.
- The proposal will have a detrimental impact upon the local wildlife.
- Plots 1 and 2 are very tight and too close to properties on Melton Gate. The garages are too small to be counted as parking spaces.
- The existing 2.8m high wall on the northern boundary of the site should be retained and not replaced with a 1.8m fence.
- Concerned in relation to the impact of the development on the trees within the adjacent garden Mill Cottage, with the private drive going over the root protection area.

A further three objections were received on the further amendments to reduce the application to 8 dwellings:

- Original objections are still of relevance
- Whilst measures have been taken to move plot 1 further from Melton Gate and reduce windows overlooking neighbouring properties, this still has an overbearing impact. It will also still create overshadowing of properties on Melton Gate due to the south facing position of the gardens conflicting with the requirements of DM3.13.
- New dwellings will also cause shadowing of gardens at Melton Road.
- Increase in noise and disturbance from 8 new dwellings
- Number 7 Poynt Close is currently occupied, so query why a habitable property is not be demolished.
- Lack of amenity space for occupants of the new dwellings both inside the new dwellings and external space.
- Increase in traffic on Poynt Close and Barnham Broom Road.
- Site is not allocated for residential through the Wymondham Area Action Plan.
- Consider the proposal should be revised and include bungalows on larger plots.
- The existing buildings on the site which are adjacent to our southern boundary / back wall are single storey flat roof buildings and are only approx. 2.8m high, the two storey buildings that exist are at least 30m from this boundary and 36.8m from the rear of my house. On the latest amended proposal, although Plot 1 Property has been redesigned and positioned there will now be even further considerable loss of daylight and overshadowing to us.
- Impact upon the Holm Oak with cars driving on root protection area
- Impact of increased noise and light from the development on wildlife.

## 5 Assessment

### **Key considerations**

- 5.1
- Principle
  - Design and Layout
  - Highways
  - Impact upon Amenity
  - Impact upon Trees

### **Principle**

- 5.2 The majority of the application site is currently in an employment use for a range of B class uses, however part of the site includes an existing residential dwelling. Due to the employment use on the site Policy DM2.2 Protection of Employment Sites is relevant to the determination of the application. This sets out that the Council will safeguard land and buildings currently in or last used for an employment use. Proposals leading to the loss of sites and buildings will only be considered where

a) it is no longer economically viable or practical to retain for an employment use; or  
b) there would be an overriding economic, environmental or community benefit from redevelopment or change to another use which outweighs the benefit of the current lawful use continuing.

- 5.3 The applicants have confirmed that whilst Northfield Mill and the buildings associated were last used for an employment use, they are currently vacant. The applicants have sought to argue that the existing buildings are no longer economically viable and that it is not practical to retain them within an employment use in accordance with the requirements of criteria a of Policy DM2.2. On this basis a report from Brown and Co has been submitted considering the condition of the existing buildings, the cost of works required to the buildings to bring them up to a lettable standard and also

consideration of their lettable value. This has set out that the existing buildings are in a poor state of repair with a number of concerns raised including the need for repairs and re-roofing of the building, changes to the drainage, repairs to the walls where there are a number of cracks, rewiring and new insulation to bring it up to a lettable standard.

- 5.4 From the information submitted, the cost of repairs required to bring the buildings up to a lettable standard is considered to exceed the lettable value of the buildings. It is therefore not considered to be a viable prospect to retain the employment use on the site.
- 5.5 Consideration should also be given to the impact that the loss of the site would have on employment land supply within South Norfolk. An Employment, Town Centre and Retail Study (GVA 2017) has been undertaken to support the development of the Greater Norwich Local Plan. This sets out that there is sufficient employment land within the Greater Norwich Area without the need for additional employment allocations. The loss of an unallocated site in this regard is therefore not considered to harm the supply of employment land.
- 5.6 In the context of Policy DM2.2 it is considered that criterion 2a is met and the principle of redevelopment of the site from an employment use is acceptable.
- 5.7 It is necessary to also consider the principle of the change of use of the site to residential. The application site is located within the Wymondham development boundary, where the principle of new residential development is considered to be acceptable in accordance with criteria 1a of Policy DM1.3. Furthermore, the scale of the development proposed, 8 dwellings, is considered to be acceptable in accordance with the role and function of the settlement as set out at criteria 1b of DM1.3.

#### Design and Layout

- 5.8 The NPPF at chapter 12 sets out that good design is a key aspect of sustainable development. This is reiterated through Policy 2 of the JCS and DM Policy 3.8.
- 5.9 There have been a number of amendments to the layout of the proposal during the course of the application, which has seen a reduction in the number of units from 10 to 8. There were concerns in relation to the original layout in relation to density, proximity to adjacent dwellings, heights of dwellings and outlook. These concerns have been made through the public representations, and comments have been received setting out that this is still relevant despite the reduction in the number of units. The reduction in the number of units on the site has resulted in the removal of dwellings along the northern boundary of the site, where the proposal originally included 2.5 storey properties in close proximity to dwellings on Melton Gate.
- 5.10 The concerns raised through the public representations are fully understood. The revised layout is considered to be acceptable allowing for sufficient space between properties. In addition, it is now considered that the layout allowed sufficient separation to the neighbouring existing residential properties. The impact upon amenity of the surrounding residential properties is assessed later within this report. The layout also includes an area of open space to the west of the site which creates a more open character to the development.
- 5.11 The design of the dwellings has also been subject to amendment during the submission of the application. The design is considered to be acceptable and include a range of materials including render, cladding and brick. A condition in relation to materials is proposed.
- 5.12 The size and scale of the dwellings is also considered to be appropriate and include both 2 and 3 bed properties, which are detached, semi-detached and terraced. The

houses within the surrounding area include a mix of property types including bungalows and two storey properties. It is noted that the proposal will include a bungalow at the front of the site, which reflects those on Poynt Close.

- 5.13 Following the amendments which have been made to the proposal, the design, scale and layout of the development is considered to be acceptable and accord with the requirements of DM3.8 and JCS Policy 2.

#### Affordable Housing

- 5.14 Due to the size of the original application (10 units) the proposal was defined as a major application in accordance with the requirements of paragraph 63 of the NPPF. The application would therefore have been subject to the requirement to provide affordable housing on the basis of Policy 4 of the JCS. The reduction in the size of the application to 8 dwellings, has meant that it no longer can be considered to be a major application and in accordance with paragraph 63 of the NPPF affordable housing cannot now be sought.

#### Protection of Amenity

- 5.15 Policy DM 3.13 Amenity, noise and quality of life requires development to ensure there is a reasonable standard of amenity reflecting the character of the local area. A number of the public representations have raised concerns in relation to the impact upon amenity including through both its overbearing impact and overshadowing. Particular concern has been raised due to the proximity of the properties from those on Melton Gate to the north. These concerns are fully understood. As part of the amendments to the layout, the reduction in the number of dwellings on the site has allowed for greater separation between the new dwellings and those on Melton Gate. Plot 1 is the nearest property which is a detached dwelling, the two storey element of the property is located approximately 8 metres from the boundary, furthermore there are no windows proposed within the northern elevation. Having regard to the existing buildings within the site, the proposal is now considered to result in sufficient separation between plot 1 and Melton Gate. Furthermore, the layout amendments has also allowed a greater separation from the properties on Melton Road, which are separated by the gardens. Particular concern has been raised in relation to plot 7 which is to be a two storey dwelling. Whilst the proposal will introduce a two storey element in closer proximity to existing dwellings, there is considered to be a sufficient separation between properties.
- 5.16 A number of public representations have also raised concern in relation to disturbance, both during the construction period and also from the residential dwellings once occupied. In relation to disturbance during the construction period, a condition is proposed requiring a construction management plan to be agreed. This will include the need to consider hours of working on the site. In relation to noise from the properties once occupied, as the proposal is for residential properties within the defined development boundary from a planning perspective this is considered to be acceptable.
- 5.17 The proposal is considered to have a neutral impact upon amenity and is considered to be acceptable in relation to Policy DM3.13. In addition, the application will also remove the industrial use from a residential area, which may also have resulted in impacts upon amenity.

#### Highways

- 5.18 Policy DM 3.11 states that planning permission will not be granted for development which would endanger the highway safety or the satisfactory functioning of the highway network. In addition to this Policy DM 3.12 requires development to provide sufficient parking provision.

- 5.19 The application proposes a private drive which NCC as the Highways Authority have confirmed is acceptable as the proposal is only to serve 8 dwellings. Revisions have also been made to the size of the proposed garages where they are intended to form part of the parking provision for the site, to ensure that they meet the parking standards.
- 5.20 The Highways Authority have confirmed that the scheme is acceptable subject to the inclusion of conditions in relation to visibility, parking and turning and on-site parking for construction workers.
- 5.21 The application is considered to meet the requirements of DM3.11 and DM3.12.

#### Impact upon Trees

- 5.22 Policy DM4.8 sets out that the Council will safeguard and promote the appropriate management of protected and other significant trees and hedgerows, unless the need for, and benefits of, a development clearly outweigh the loss. An arboricultural assessment has been provided in support of the proposal. Whilst there are no trees within the site, adjacent to the site to the west is a Holm Oak which has been assessed as a category B tree. Part of the revision to the layout has sought to remove the conflict with the root protection area, which within the initial layout included parking provision under the tree.
- 5.23 The private driveway goes over the root protection area of this tree. The applicant has proposed a no-dig construction for this area. Furthermore, they have shown that the services would also be routed outside of the driveway to remove this conflict. Subject to conditions in relation to the no-dig surface and service runs it is envisaged that the proposal will comply with the requirements of DM4.8 however this is subject to receipt of the comments from the Council's Landscape Architect who will confirm this. These will be provided in the update sheet.

#### Drainage

- 5.24 Policy DM4.2 relates to drainage. The policy requires drainage measures to be fully integrated into the design of the development. A flood risk assessment and surface water drainage strategy have been submitted in support of this application. The site is within flood zone 1 and is shown as at very low risk of flooding from surface water and low risk of flooding from groundwater.
- 5.25 The information has been reviewed by the Lead Local Flood Authority who have confirmed that they have no objections to the proposal subject to the inclusion of a condition in relation to a detailed surface water drainage scheme. On this basis, the proposal is considered to accord with the requirements of DM4.2.

#### Landscaping

- 5.26 Policy DM4.9 requires development proposals to demonstrate a high quality of landscape design, implementation and management as an integral part of new development. The application includes an area of open space to the west of the site and details have not been provided as part of the application in relation to either the proposed landscaping or management of this area. Furthermore, concern has been raised through the public representations in relation to the removal of the boundary wall between the site and those properties on Melton Gate and its replacement with a fence. Queries have been raised in relation to the ownership of the boundary wall. It is therefore proposed to include a condition in relation to both the soft and hard landscaping within the site, which will need to address these issues.
- 5.27 Subject to the inclusion of the condition, the proposal is considered to accord with the requirements of DM4.9.

### Ecology

- 5.28 A preliminary ecology appraisal has been submitted in support of the application, which has been reviewed by NCC's ecology team. The reports are considered to be fit for purpose, and mitigation and enhancement measures are included within them. Subject to a condition in relation to this, NCC Ecology have confirmed that they have no objections.

### Contaminated Land

- 5.29 Policy DM3.14 Pollution, Health and Safety is relevant to this application. This sets out that planning permission will only be granted on or near contaminated land if it is subject to remediation which will make it safe for the proposed use.
- 5.30 A phase 1 contamination report has been submitted with this application. This has set out the need for further site investigation prior to the redevelopment of the site. It is therefore considered necessary to include conditions in relation to a phase 2 study and remediation if this is required by the phase 2 study. Subject to the inclusion of conditions the proposal is considered to accord with the requirements of DM3.14.

### **Other Issues**

- 5.31 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. The Council has taken a proactive approach to this through the allocation of a range of small and medium sized sites and through defining Development Boundaries for over 80 settlements to facilitate suitable windfall development. Point (c) of NPPF para 68 states that local planning authorities should '*support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes*'. Although this is a material consideration in the determination of the application, it can only be afforded limited weight, given the previous supply of housing on small sites within the district.
- 5.32 The application can be considered to be previously developed land (brownfield land). In line with the NPPF, I have considered the benefits of the efficient use of land, but consider that in this case, this does not outweigh the other material considerations.
- 5.33 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.
- 5.34 The need to support the economy as part of the recovery from the COVID-19 pandemic is a material consideration. This application will provide employment during the construction phase of the project and future occupiers will also contribute to the local economy e.g. when maintaining and servicing their properties and spending in the local area. This weighs in favour of the proposal. It is also recognised that the protection of the site for employment is not a viable prospect given the extent of works required to enable the buildings to be brought back into use and due consideration has therefore been had by officers to the prospect of the site to support economic recovery in this respect.
- 5.35 This application is liable for Community Infrastructure Levy (CIL)

## Conclusion

- 5.36 The redevelopment of the site from an employment use is considered to be justified having regard to the submitted information, in accordance with the requirements of DM2.2. The units are currently vacant and the cost of bringing the site up to a lettable standard has been shown to exceed their lettable value. Furthermore, the use of the site for residential is also considered to be acceptable having regard to the sites location within the development boundary, and surrounding residential land uses.
- 5.37 Following amendments to the proposal, the scheme is considered to result in an acceptable design and layout having regard to the requirements of Policy DM3.8 and JCS Policy 2. The amendments to the layout are also considered to result in a scheme which accords with the requirements of DM3.13.
- 5.38 Subject to the inclusion of conditions the proposal is considered to accord with DM3.11, DM3.12, DM4.2, DM 4.4, DM4.8 and DM4.9. The proposal is therefore recommended for approval.

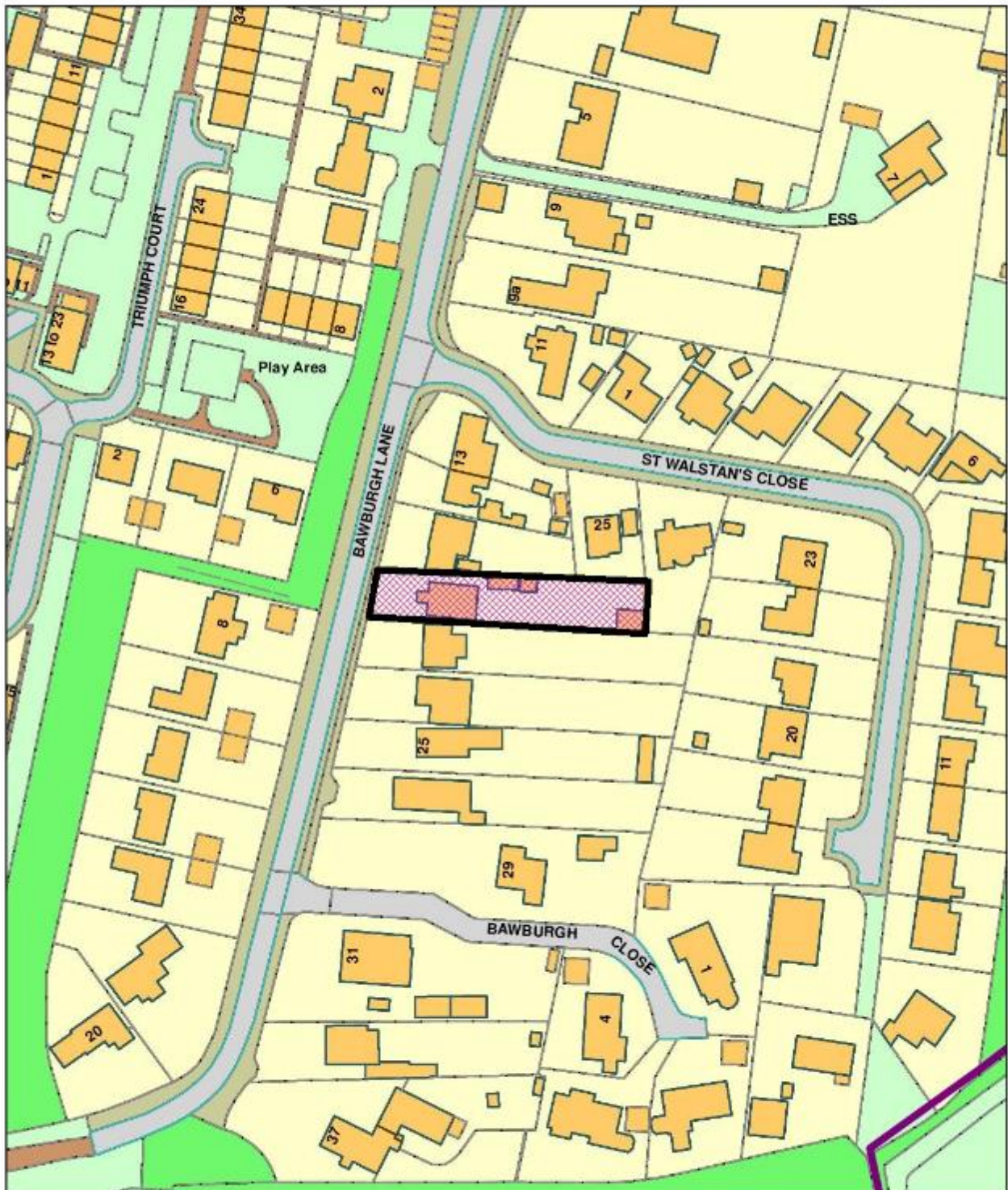
Recommendation :      Approval with Conditions

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

Contact Officer, Telephone Number      Sarah Everard 01508 533674  
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2020/0042



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

**2. Application 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)

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 4.2.

Recommendation summary:

Approval with Conditions

**1. Proposal and site context**

- 1.1 This application seeks planning permission to change the use of a dwelling into a facility providing short-term supported residential care.
- 1.2 The existing property is a four-bed detached house, predominantly in red brick with a catslide dormer window in the front elevation and a true two-storey extension at the rear. A brick weave parking area is provided to the front that is enclosed by close boarded wooden fencing to the sides and a brick wall to the front. It is proposed that the existing access will be widened to allow easier access and egress of vehicles to and from the site.
- 1.3 Dwellings along Bawburgh Lane vary in appearance but those on either side are a buff brick house and an extended 1½ storey dwelling. Opposite/west is a relatively recent housing estate and to the east are the gardens of the 1½ storey dwellings along St. Walston's Close.
- 1.4 In support of the application, the applicant has set out that there will be a maximum number of four residents at the property and that the intention is to provide support and intervention to individuals who have gone into mental health crisis or are struggling to manage their emotions due to life events. Such life events could include loss of employment, financial difficulties, breakdown of a relationship, bereavement, post-partum depression or a dip in mental health due to loneliness and isolation. It is intended that residents will stay no longer than five days before returning to their everyday life. The support to be provided will depend on the individual's needs but could include housing advice, benefit and debt advice, supporting someone to attend appointments, access the local community and attending groups. There is no intention to transport non-residents to and from the site for them to benefit from any support that might be available or provided to residents.
- 1.5 It has also been set out that anybody referred to Holly Tree House will have had a full assessment carried out by the local mental health team. This would include any risk that they pose to themselves, staff or the community. If this assessment determines that they require a more clinical medical model, they will be admitted to a mental health hospital or forensic mental health ward as an in-patient where they will receive appropriate medical support.

- 1.6 In terms of staffing, there will be 1 x service manager, 2 x Recovery Workers working from 08:00 to 16:00, 2 x Recovery Workers working from 15:30 to 23:00 and 2 x Recovery Workers working from 22:30 to 08:30 (with half-hour handovers between shifts) and one Peer Support Worker who will be available to support individuals accessing the community. There will always be at least two staff on site.

2. Relevant planning history

- |     |           |  |          |
|-----|-----------|--|----------|
| 2.1 | 2011/1117 | Retrospective application for retention of garden shed | Approved |
| 2.2 | 2007/0720 | Proposed 2nd storey extension to existing dwelling     | Approved |

3. Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
NPPF 02 : Achieving sustainable development  
NPPF 04 : Decision-making  
NPPF 08 : Promoting healthy and safe communities  
NPPF 09: Promoting sustainable transport  
NPPF 11 : Making effective use of land
- 3.2 Joint Core Strategy (JCS)  
Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting good design  
Policy 6 : Access and Transportation  
Policy 7 : Supporting Communities  
Policy 12 : The remainder of the Norwich Urban area, including the fringe parishes  
Policy 13 : Main Towns  
Policy 14 : Key Service Centres
- 3.3 South Norfolk Local Plan (SNLP) Development Management Policies Document  
DM1.3 : The sustainable location of new development  
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

4. Consultations

4.1 Costessey Town Council

The front garden has previously been paved over to provide 4 parking spaces. Concern was expressed that no extra parking spaces were to be provided given the need for extra staff to be present during the day and the changeover / handover times, which could mean that two shifts require parking to be available at the same time - in which case vehicles might end up parking on the street where there is already a considerable on-street parking problem, especially at the junction with Lord Nelson Drive. Concern was expressed that workmen were present on site already. The neighbours' concerns were noted.

Approve subject to conditions being imposed that on-street parking in the area is not exacerbated and that no extensions are allowed in future to expand the capacity of the home (i.e. limit the scope of the building to what is proposed at present).

4.2 District Councillor:  
Cllr T Laidlaw

I request that this application be referred to Development Management Committee. I have been following the progress of this application with close attention.

I was able to attend the open house session provided by staff of MIND at the proposed location and had the opportunity of discussing their plans and thoughts for the proposed operational aspects that would result from the change of use application.

I have also been directly lobbied by a number of residents of adjacent houses in the immediate vicinity.

Whilst I continue to have a completely open mind on the subject, I do feel that the application should be referred to Committee for the following reasons:

- 1) There is significant local neighbourhood opposition to the proposal to justify allowing their views to be expressed in a DMC session. At the time of writing, letters of objection have been posted from 16 residents in the neighbourhood as opposed to one letter of support from a non-local supporter. I note that the appropriate NHS CCG is the commissioning body and, naturally, has written in support of the application. However, I also note that they cite that “there has been really positive feedback by many who live nearby” and yet they provide no evidence that that is in fact the case. A referral to DMC would give an opportunity for any level of support, together with arguments in favour, to also be heard.
- 2) Having visited the open session referred to above, and had feedback on conversations between a neighbouring resident and the CCG, I have not, as yet, been convinced that sufficient protocols and procedures are in place to give neighbours a definitive assurance that the internal activities of the proposed location do not have a chance of “spilling over” to the wider neighbourhood. This could be to the detriment of neighbours’ continued reasonable expectation to enjoy the benefits of an existing peaceful and safe residential environment. Indeed, there appears to be some elements of an experimental nature surrounding the proposal. A referral to DMC would allow the applicants to present such assurances.
- 3) I note that NCC Highways has not raised an objection on traffic grounds to the proposal but expressed some concern about access to the specific property in question. They have made some recommendations for change to width of gateway access. Since the proposed facility is not in the ownership of MIND but proposed to be leased, I think we should give the DMC the opportunity to understand whether these access issues are resolvable, or not, with the appropriate input from the house owner. We should keep in mind the specifics of Bawburgh Lane and the fact that it is a dead end — what traffic enters must turn around to come back.
- 4) Should the application be approved, and subsequent unacceptable disruption to the neighbourhood be experienced as a consequence, what redress would be available to the residents of the neighbouring properties? For example, can conditions for the approval of change of use be applied in such a way that future non-compliance could lead to the rescinding of the change of use approval?

4.3 NCC Highways

Originally submitted comments:

Based on the information that has been submitted for this application and a site inspection, it is not considered that the proposal will have any undue safety effect on

the public highway. There is therefore no highway objection to the granting of permission.

However, it was noted that the existing entrance onto Bawburgh Lane is quite narrow. Whilst acceptable for domestic use it is recommended that the entrance be widened to 4 metres in order to encourage drivers to park within the premises rather than leaving the vehicle on Bawburgh Lane.

#### Amended comments:

Comments followed confirmation from the applicant that access into the site can be widened to 4 metres and details of staffing levels and shift patterns.

Planning conditions requested to secure the widening of the access to at least 4 metres and to ensure the provision and retention of the parking forecourt.

#### 4.4 NHS Clinical Commissioning Groups for Norfolk & Waveney

Support.

Following significant investment from NHS England and NHS Improvement, we have commissioned Norfolk & Waveney Mind to provide this much needed support for the local population. The provision of this service supports a key priority of the Norfolk and Waveney Health and Care Partnership strategic plan for mental health.

The proposed support house is based on national best practice and Mind has been working alongside people with lived experience to develop the service. Mind has also made extensive efforts to meet local people to explain and reassure them that we anticipate the change of use will not result in any significant impact on the local community. In fact, there has been really positive feedback by many who live nearby.

People who may need to use this support house just need temporary respite in a welcoming and peaceful environment so they can return to their everyday life. It gives them space for five days to focus on their wellbeing, supported by caring professions. We expect the house to be a quiet and relaxing place for both residents and neighbours.

The development provides us with an exciting opportunity to improve mental health support for our local population and reduce the stigma of mental health in the community.

#### 4.5 Other Representations

Support received from a resident of Mulbarton.

Objections received from 17 residents of Costessey raising the following items:-

- The nature of residents' needs is unclear;
- Concerned at the type of residents who will reside at the property;
- What is the nature of the waste to be held?
- Concerned about the prospective impact on the safety of families, young children and the elderly from residents who may be going through a mental health crisis;
- What happens if uninformed and unwanted guests turn up?
- The application will result in anxiety to residents;
- What security arrangements will be in place?
- What controls will be put in place to ensure that drugs and alcohol are not abused and how will anti-social behaviour be prevented?
- Why is there such a heavy resource requirement?

- The overall safety of residents will be affected, if not by the actuality of the threat but by perceived threats;
- The site is in a purely residential area. The type of accommodation neither suits nor fits the neighbourhood. A more isolated location would be better;
- The application will cause disruption from residents and from comings and goings of staff using their vehicles;
- Bawburgh Lane is not suitable for the high turnover of vehicles associated with the application;
- Staff who have late shifts finishing at 23:00 hours will not be able to use public transport;
- There will be overlooking of neighbouring properties from the site;
- Are there plans to extend the property?
- Concerned that the space to the front is inadequate and that cars will park on Bawburgh Lane will block it;
- There will be an adverse impact on property values.

## 5 Assessment

### **Key considerations**

- 5.1
- Principle of development
  - Impact on the character of the area
  - Impact on residential amenity
  - Parking provision and impact on highway safety

### **Principle of development**

- 5.2 The site is within the development boundary that has been defined for Costessey. In general terms, under Policy DM1.3 of the SNLP, this means that the site is in a generally sustainable location and that the principle of development is acceptable subject to consideration being given to other planning matters. Those that are relevant to this application are considered below.

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

- 5.3 Security cameras are proposed to be fixed to the front and rear of the building. While the precise type of camera is not known, in most cases, they do not materially affect the appearance of residential properties and so do not require planning permission. In view of the relatively modest width of the building, I am inclined to take the same view for this application. No other alterations are proposed to the outside of the building and in that regard, there will not be an impact on the character and appearance of the area. The proposed widening of the access will have a neutral impact.
- 5.4 Concerns have been expressed that since Bawburgh Lane is a largely residential area, the proposed use and the activities associated with it will be out of character with the character of the area. The likelihood is that at any one time, the number of people present at Holly Tree House for the proposed use will exceed the number of people who would reside there if it was occupied as a dwelling and while recognising the generally sustainable location of the site, the number of vehicular movements will also likely be greater than a residential use. However, this does not necessarily equate to harm. The site is not being used as a medium or high secure care facility with the measures that come with those facilities (such as security fencing) and when having regard to shift patterns and the number of staff, I do not consider that the frequency and concentration of vehicular movements will be of such a level that would be disruptive to the residential character of the area. Taking account of those factors, the application complies with Policy 2 of the JCS and Policy DM3.8 of the SNLP.

### **Impact on residential amenity**

- 5.5 There is some anxiety within the local community about the impact on their living conditions and these concerns are set out within the 'Other Representations' section at paragraph 4.5 of this report.
- 5.6 In support of the application, the applicant has set out that anybody referred to Holly Tree House will have had a full assessment carried out by the local mental health team. This would include assessing any risk that they pose to themselves, staff or the community. The applicant has a Management of Aggression and Violence Policy that staff must adhere to and those working at the site must be suitable qualified, trained or experienced in recovery based support and will have completed de-escalation and behaviour management training. Staff and residents will be provided with a welcome pack, which will include details of conduct and behaviour expectations.
- 5.7 The applicant has also explained that residents will have access to the garden at all hours in the same way that residents of a residential dwelling would. It does not anticipate the noise levels will be any more than might be expected with a dwelling.
- 5.8 To a large degree, how the service is managed is not a planning consideration. The applicant's policies and procedures may change and it would go beyond the Council's powers to control these for planning purposes. However, despite the concerns raised by local residents, in view of the size of the building, number of residents and that the application seems to provide a supported-residential environment, I am not persuaded that the use of the site for the intended purpose application will result in a level of harm that would be so harmful to the living conditions of neighbouring residents.
- 5.9 Concerns have been raised about overlooking. The application will not change the existing situation and I do not consider that the application can be refused on these grounds.
- 5.10 As well as considering the impact on the character of the area, I must also consider the impact of vehicular movements on residential amenity. The information provided by the application indicates that most vehicular movements will be around shift changeovers and during the day by visitors to the site or from residents accessing local services and facilities (if required to use a vehicle). In view of the relatively modest number of residents requiring support and the position of the parking areas in relation to neighbouring properties – the parking areas are to the front of Holly Tree House and next to the garage at 15 Bawburgh Lane – once the service has bedded down, I do not consider that the number or concentration of vehicular movements arising from the use will be detrimental to the living conditions or neighbouring properties.
- 5.11 In having regard to the paragraphs above, I consider that the application complies with Policy DM3.13 of the SNLP.

### **Parking provision and impact on highway safety**

- 5.12 A brick weave parking forecourt is provided to the front of the property. It measures approximately 10m in width by 11.5m in depth from the front wall to the front porch. A gate on the left hand side of the dwelling also provides access to a garage to the rear of the dwellings. Assuming a standard car parking space of 2.5m by 4.8m and a minimum 4m wide access, I estimate that at least six vehicles could realistically be parked in front of and next to Holly Tree House.
- 5.13 Based on the information provided by the applicant, if all staff were to drive to the site, between two and three members of staff would be on shift at any one time, which could increase during the day depending on the number of visits by other professionals.



- 5.14 There may also be family visits and the applicant has explained that residents may have the opportunity to use their own vehicles but that this will depend on the available space and is a matter that would be discussed with each individual when a placement is offered. With people entering and exiting the site – perhaps during shift changeovers – it may well be that some vehicles will need to move in and out so that other vehicles can leave.
- 5.15 In the worst case, there may be insufficient parking available on-site during the working day but by and large, I consider that the number of residents who will be supported means that the number of visitors for example will be largely self-regulating as opposed to a larger institution where a range of needs may need to be catered for that may require more staff. It may well be that staff and visitors will choose to park on Bawburgh Lane but having discussed this with the Highway Authority, it advised that there are no highway restrictions and in its view, Bawburgh Lane is of sufficient width to allow larger vehicles to pass cars that may be parked on the road. As previously mentioned, the site is also within walking distance of bus stops on Dereham Road and thus provides the realistic opportunity for those using or visiting the building to access the site via non-car modes of transport during the day.
- 5.16 On the basis of the above and being of the view that in the main, most vehicles are likely to park on the forecourt, I am satisfied that the application complies with Policies DM3.11 and DM3.12 of the SNLP.

#### **Other Issues**

- 5.17 Potential impacts on property values are for the property market to determine and not the planning system.
- 5.18 Under Section 143 of the Localism Act, the Council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.19 The need to support the economy as part of the recovery from the COVID-19 pandemic is a material consideration. This application will provide employment and in addition future occupiers will also contribute to the local economy e.g. spending in the local area, albeit this is of likely no greater significance than the use as a residential property. This weighs in favour of the proposal.
- 5.20 This application is not liable for the Community Infrastructure Levy as there is no increase in floor space and the dwelling was in use for 6 of the last 36 months.

#### **Conclusion**

- 5.21 In having regard to those matters raised by this application, including the concerns raised by a number of local residents, I consider that the proposed development will not have a discernible impact on the character of the area, that suitable living conditions for neighbouring dwellings will be maintained and that the highway impacts will be acceptable. The application therefore complies with Policy 2 of the JCS and Policies DM1.3, DM3.8, DM3.11, DM3.12 and DM3.13 of the SNLP and is recommended for approval.

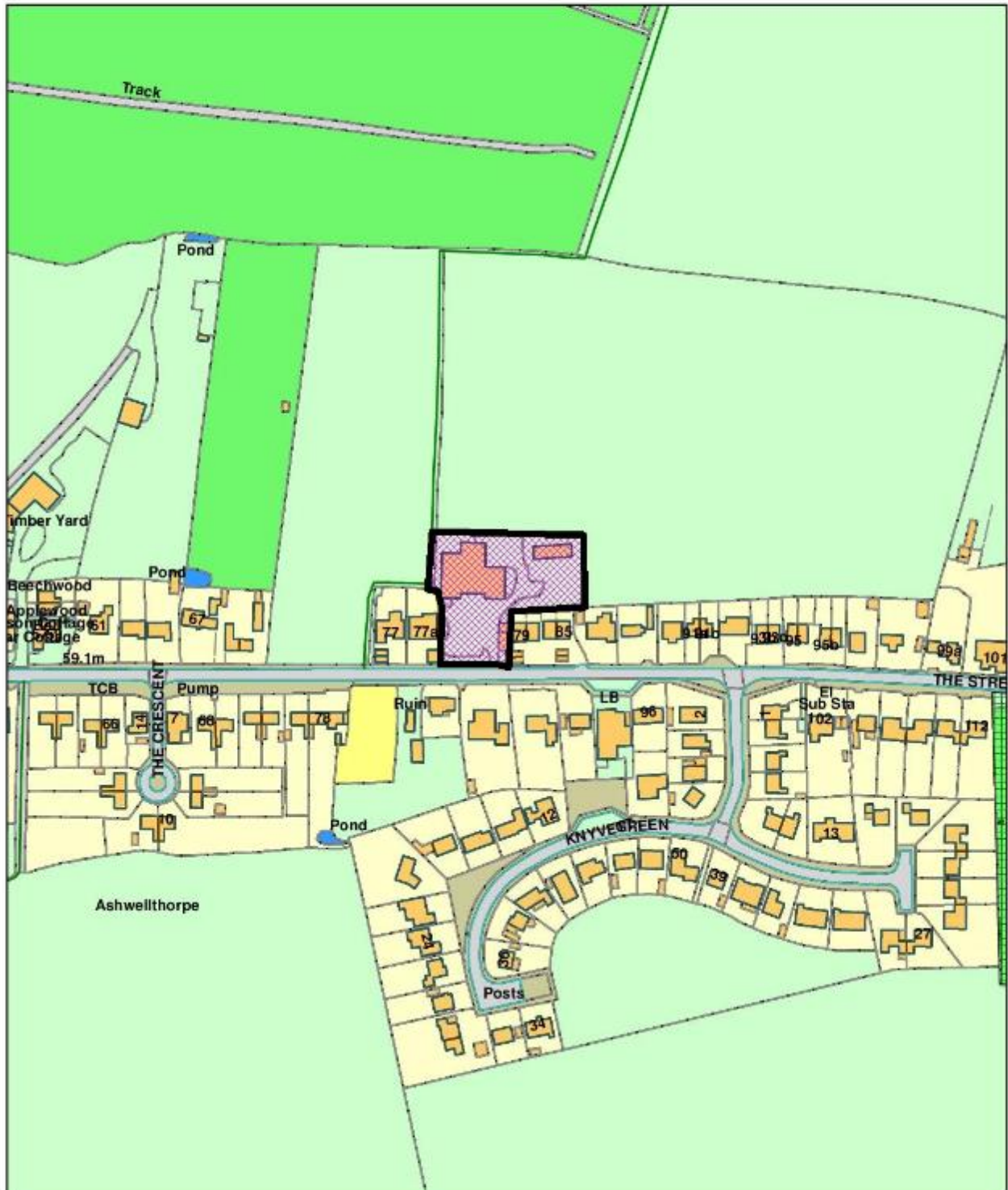


Recommendation: Approval with conditions

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

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2020/0390



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**3. Application No : 2020/0390/O**  
**Parish : ASHWELLTHORPE AND FUNDENHALL**

Applicant's Name: Mrs Ollett  
Site Address Outbuilding at Rose Farm The Street Ashwellthorpe Norfolk  
Proposal Erection of 9 barn style dwellings and garages

Reason for reporting to committee

The Local Members have 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 9 dwellings at Rose Farm on The Street in Ashwellthorpe. The site currently comprises a group of sheet cladded agricultural buildings towards the rear of the site and a compacted earth yard area to the front. A modest whitewashed storage barn with a more traditional appearance is positioned in the southeast corner adjacent to the existing access. Neighbouring properties include detached and semi-detached houses to the east and west fronting The Street, detached houses and bungalows on the opposite side of The Street and agricultural land to the rear. There is no significant change in levels.
- 1.2 Access is proposed to be provided at the western end of the front boundary. An indicative layout has been submitted and shows the access road as running alongside the boundary with 77 The Street and serving 6 dwellings at the rear of the site. Indicative elevations have also been submitted showing the type of dwellings that could be built. They show dwellings in an agricultural vernacular. However, I would emphasise that these drawings are indicative only and if the application was approved, it would be open to the applicant or other developer to advance a different layout and dwellings with a different appearance.
- 1.3 In its wider context, the site is located roughly centrally within Ashwellthorpe on the northern side of The Street. Ashwellthorpe is predominantly a linear settlement that is largely spread across a horizontal axis from east to west. The development boundary that has been defined for the village bisects the site: the yard area to the front is inside and follows the line of the rear boundaries of the residential properties to the east; the agricultural buildings to the rear of the site are outside.

**2. Relevant planning history**

- |     |           |   |                             |
|-----|-----------|---|-----------------------------|
| 2.1 | 2014/2311 | Demolition of existing derelict farm building and erection of new dwelling and garage | Withdrawn                   |
| 2.2 | 2018/0172 | General purpose agricultural building.  | Prior approval not required |

**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 15 : Service Villages
- 3.3 South Norfolk Local Plan (SNLP) Development Management Policies Document  
 DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
 DM1.3 : The sustainable location of new development  
 DM1.4 : Environmental Quality and local distinctiveness  
 DM3.11 : Road safety and the free flow of traffic  
 DM3.12 : Provision of vehicle parking  
 DM3.13 : Amenity, noise, quality of life  
 DM3.14 : Pollution, health and safety  
 DM4.2 : Sustainable drainage and water management  
 DM4.5 : Landscape Character Areas and River Valleys  
 DM4.10 : Heritage Assets
4. Consultations
- 4.1 Parish Council
- No comments to make.
- 4.2 District Councillors
- Cllr G Francis:  
 I feel this is quite a large development of buildings and needs to be dealt with by Committee.
- Cllr N Legg:  
 I consider that the application should be determined by committee.  
 It is a major development which is of a locally contentious nature. There are a number of issues relating to development in the main street of Ashwellthorpe which need to be determined.
- 4.3 NCC Highways
- Hedge across front of 77a The Street will need to be removed. Understand that this is within the control of the applicant. If the development is sold, land for the splay will need to be sold with it to ensure the maintenance of the splay.
- No objection to a small number of dwellings being served from the existing farm entrance and conditions recommended in relation to the construction of the access, the position of any gates or other obstructions, the provision of visibility splays, the provision of parking and turning areas for residents and details of on-site parking for construction workers.
- 4.4 SNC Water Management Officer
- Standard condition requested in relation to surface water drainage.

#### 4.5 Historic Environment Service

The Street, Ashwellthorpe is a linear settlement, formerly along either side of a narrow linear green. The proposed development site is on the northern edge of the linear green, which on the tithe award map (c.1840) contains a house and farm buildings. 16th to 17th century pottery has been found to the east and a 17th-18th century listed building stands to the west. Common-edge settlement is characteristic of this part of Norfolk and may date from as early as the Late Anglo-Saxon period. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework para. 199. We suggest that a conditions relating to the submission of an archaeological written scheme of investigation is submitted.

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

No comments received

#### 4.7 Other Representations

Support received from one neighbour:

- Site seems like a natural area for redevelopment;
- The farmyard itself is very dusty during the summer causing dust storms to blow onto neighbouring gardens and trails of mud to deposited on the road in winter;
- During busy times, farm machinery works in the early hours of the morning adjacent to residential properties;
- The design of the dwellings are in keeping with the area and they will not overlook or overshadow the rear gardens of neighbouring properties;
- The development will not be out of place: to the west is the Woodyard, which has a number of houses set back away from the road; to the east there are houses set back as far as the church;
- The development will benefit the surrounding area and its people.

Objections received from five neighbours:

- Proposed development is not in character with the existing ribbon pattern of development along this site of The Street;
- Way in excess in terms of size with surrounding neighbourhood;
- Will completely overshadow the rear of my property;
- Completely out of character with other properties in the area;
- The dwellings will overlook and eliminate privacy;
- Proximity and appearance of buildings will appear imposing;
- Any development will lead to ongoing disturbance;
- Suggest that bats use the buildings;
- Would cause mass disturbance during the building process;
- Ashwellthorpe is a quiet, reasonably unspoilt and not overly populated village. I sincerely hope that the continues for the foreseeable future;
- Given the building of properties elsewhere in the village and that a number are for sale, the village is not in need of any more houses;
- Concerns regarding the number of vehicles associated with this many dwellings. Could lead to disturbance to neighbouring properties and vehicles parking unsafely on the pathway or on The Street.

## 5 Assessment

### **Key considerations**

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

### **Principle of development**

- 5.2 As referred to in the introductory section of this report, the site is partly inside and partly outside of the development boundary that has been defined for Ashwellthorpe. Under Policy DM1.3 of the SNLP, the principle of development within the development boundary is generally acceptable and for that part of the site outside of the development boundary, development is permitted 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, I do not consider that there is a specific development plan policy that would apply to permit development outside of the development boundary so in assessing the application I will have regard to criterion (d).
- 5.3 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's policies relating to the supply of housing, which includes Policy DM1.3.

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

- 5.4 As referred to above, 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.
- 5.5 Given the position of the access and the constraints presented by existing dwellings, I consider that the indicative layout shown or a variation of it is the most likely layout that would come forward for 9 dwellings. I accept that removing the existing agricultural buildings from the site and replacing them with suitably designed dwellings may be more visually pleasing (I will discuss other matters associated with replacing the existing use with dwellings below). However, the likely layout to accommodate 9 dwellings 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 JCS and Policies DM1.4 and DM3.8 of the SNLP.
- 5.6 Officers have explored with the applicant a reduced scale scheme that seeks to respond to these issues as consider a scheme that straddled the development boundary could be acceptable given the sustainability of the location. However the applicant wishes for the application to be determined as submitted. Accordingly as submitted for the reasons set out the application is unacceptable.

### **Impact on the residential amenity of neighbouring properties**

- 5.7 Concerns have been expressed by occupants of neighbouring properties about the dwellings being overbearing and overlooking their properties. The existing dwellings at numbers 79, 81, 83 and 85 have modest gardens and so a developer will need to be

sensitive about the scale and appearance of the dwellings in the eastern side of the site. The indicative drawings show a bungalow at Plot 5 (immediately behind numbers 83 and 85 The Street) and a distance of approximately 24m between the front elevations of Plots 6 and 7 and the rear elevations of numbers 79 and 81 The Street. Clearly there will be a degree of intervisibility between the site and existing dwellings but if the parameters identified on the indicative drawings were carried forward, I would recognise that there would be an impact on those existing properties but they would not be so significantly detrimental to warrant a refusal.

- 5.8 In terms of the relationship between the proposed dwellings, based on the indicative layout and elevations, I am satisfied that it would be possible for a form of development to come forward where dwellings would not overlook or be overbearing to each other.
- 5.9 It has been suggested by the agent that this application presents the opportunity to enhance the site by replacing a potential nuisance in terms of pollution such as noise and dust disturbance. He has explained that the applicant has received mainly verbal complaints from adjacent neighbouring properties and the potential remains for conflict between the use of the site and neighbouring residences. I am not aware of any formal action being taken by the Council in respect of nuisance and in 2017, a letter was sent by the Planning Enforcement team in relation to untidy land. There does not appear to be a consistent pattern of noise or nuisance and while recognising that there may be occasional tension between farming and residential activities, it is not particularly unusual for farming activities to take place in and around villages and to be a part of rural life. Taking account of these factors, I am not convinced that the benefits of removing farming activity from the site and replacing it with dwellings will be so significant so as to be overriding.

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

- 5.10 In its capacity as Highway Authority, Norfolk County Council has not objected to the application on the grounds of highway safety. It has recommended the use of planning conditions that include the provision of adequate visibility splays, the construction of the proposed access and on-site parking for construction workers. Such conditions would ensure compliance with Policy DM3.11 of the SNLP.
- 5.11 The indicative plan suggests that appropriate parking provision can be made available for dwellings of varying size. I am content therefore that it would be possible for a subsequent full or reserved matters application to comply with Policy DM3.12 of the SNLP.

#### **Other matters**

- 5.12 It has been suggested that bats may use the buildings at the site. In view of the construction of the buildings and/or the likely level of disturbance that arises from activities at the farm, I am of the view that while there may well be bat activity in the area, the prospect of bats using the buildings is limited.
- 5.13 The Historic Environment Service has submitted that there is potential that heritage assets with archaeological interest will be present at the site. It has recommended the use of a planning condition to require further assessment. To ensure compliance with Policy DM4.10, I recognise that such a condition is necessary.
- 5.14 The site comprises buildings with concrete floors, areas of hardstanding and areas of compacted soil or other softer ground. The applicant has set out that diesel, agricultural chemicals and chemical waste containers are stored within the bunded tanks or storage areas. There is no history of leakages. The site to the east (now numbers 79 to 85 The Street) was previously a petrol filling station. Despite the information provided by the applicant, in view of the historic use of the site and the

neighbouring site, there is a risk of contamination. In light of that and in the event of permission being granted, it would be prudent to impose a planning condition that requires further investigations on this to ensure compliance with Policy DM3.14 of the SNLP.

- 5.15 A Public Right of Way runs alongside the western boundary of the rear section of the site. It does not fall within the site and is not proposed for diversion.
- 5.16 The need to support the economy as part of the recovery from the COVID-19 pandemic is a material consideration. This application will provide employment during the construction phase of the project and future occupiers will also contribute to the local economy e.g. when maintaining and servicing their properties and spending in the local area. This weighs in favour of the proposal.
- 5.17 Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. This is a material planning consideration but not of such significance that either by itself or with other items would outweigh the identified harm.
- 5.18 Under Section 143 of the Localism Act, the Council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.19 This application is liable for the Community Infrastructure Levy. The amount would be calculated when the floor space of the development is known at reserved matters stage.

### **Conclusion**

- 5.20 In having regard to those matters raised, the site is partly within and partly outside of the development boundary and the Council is meeting its housing supply commitments thus allowing full weight to be given to its housing supply policies. While the application will have acceptable impacts on highway safety and me being satisfied that in the event of a reserved matters or full application being submitted, it would be possible for a form of development to come forward that would have acceptable impacts on residential amenity, these are neutral factors that weigh in the balance. The application will make a positive contribution to the economy and will have a social benefit by virtue of it adding to the housing supply and being a site that could well be built out reasonably quickly. However, the intensity of development and likely layout is incompatible with the prevailing linear pattern of development in the area and this will cause harm to the character and appearance of the area. I do not consider that the relatively modest benefits arising outweigh this harm and in the context of Policy DM1.3, amount to overriding benefits in the social, economic and environmental dimensions of sustainable development to warrant permitting development outside of the development boundary and contrary to the development plan. The application is therefore recommended for refusal as it does not comply with Policy 2 of the JCS and Policies DM1.3, DM1.4(d) and DM3.8 of the SNLP.

Recommendation : Refusal

- 1 Harm to character of area
- 2 No overriding benefits



## Reasons 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

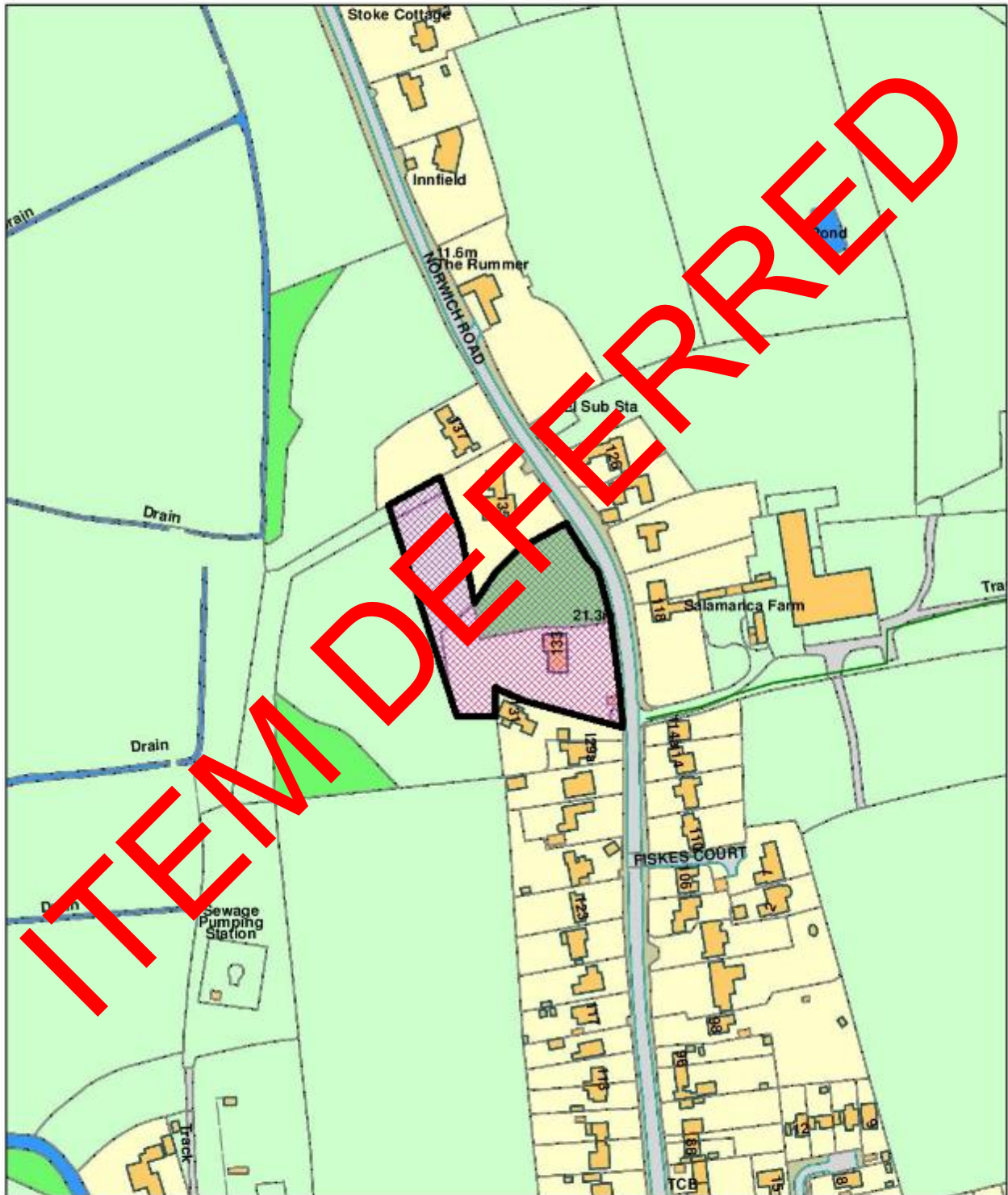
southern side of The Street but on the northern side - on which this site is located - the overriding characteristic is one of ribbon development with no clear examples of plots wrapping around behind neighbouring properties, which would be the case in this instance.

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 planned 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.

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2020/0469



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

**4. Application No : 2020/0469/F**  
**Parish : STOKE HOLY CROSS**

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.

Reason for reporting to committee

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

Recommendation summary :

Approval with Conditions

**1 Proposal and site context**

- 1.1 The application relates to an existing detached dwelling in Stoke Holy Cross. It is outside of the development boundary for the settlement, although it falls within a loose pattern of development along Norwich Road to the north of the settlement. The site that is the subject of this application includes the dwelling and its curtilage and land to the west of the site which is under the same ownership and descends into the Tas valley.
- 1.2 The application comprises of two parts. Firstly, the application is to replace the existing dwelling with a new contemporarily designed dwelling. The second element of the proposal is to extend the private garden space into part of the land to the west.
- 1.3 As can be in section 2 below, there have been previous applications relating to the land to the west. There have been two applications for a Certificate of Lawful Use (ref:2015/2445 and 2017/2630) to establish lawful use of the entire section of land as garden space. In neither case was this successfully done, with 2015/2445 withdrawn and 2017/2630 refused. There was a subsequent planning application (2018/1779) was for change of use of all of this land, with some part having permitted development rights removed and some parts not. This application was also withdrawn. It should be noted that the current application does not seek the change of use of all of the land as the previous application had sought, with the majority of the land to remain as meadow.

**2. Relevant planning history**

- |     |           |   |           |
|-----|-----------|---|-----------|
| 2.1 | 2015/0620 | New 2 storey side extension, New 2 storey rear extension, New Garage  | Approved  |
| 2.2 | 2015/2445 | Application for a lawful development certificate for existing use of land as part of the residential curtilage and garden of a dwelling house | Withdrawn |
| 2.3 | 2017/2630 | Residential use, as described at paragraphs 7.1 and 7.2 of the Legal Justification accompanying the application                               | Refused   |
| 2.4 | 2018/1779 | Change of Use of 1.4 hectares of meadow/grass land to residential garden land to rear of property   | Withdrawn |

### 3 Planning Policies

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

NPPF 02: Achieving sustainable development

NPPF 04: Decision-making

NPPF 11: Making effective use of land

NPPF 12: Achieving well-designed places

NPPF 14: Meeting the challenge of climate change, flooding and coastal change

NPPF 15: Conserving and enhancing the natural environment

#### 3.2 Joint Core Strategy (JCS)

Policy 1: Addressing climate change and protecting environmental assets

Policy 2: Promoting good design

Policy 3: Energy and water

Policy 4: Housing delivery

Policy 15: Service Villages

Policy 17: Small rural communities and the countryside

#### 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

DM1.4 : Environmental Quality and local distinctiveness

DM2.8 : Equestrian & other changes of use of agricultural land

DM3.8 : Design Principles applying to all development

DM3.11 : Road safety and the free flow of traffic

DM3.12 : Provision of vehicle parking

DM3.13 : Amenity, noise, quality of life

DM4.2 : Sustainable drainage and water management

DM4.5 : Landscape Character Areas and River Valleys

DM4.8 : Protection of Trees and Hedgerows

DM4.9 : Incorporating landscape into design

#### 3.4 Supplementary Planning Documents (SPD)

South Norfolk Plan Making Guide 2012

### 4. Consultation

#### 4.1 Stoke Holy Cross Parish Council

Refuse

- The site is completely outside the development boundary for Stoke Holy Cross and is also in the designated River Tas valley landscape area. Stoke Holy Cross is extremely proud of and protective of its setting, particularly within this part of the river valley and has been concerned about previous development proposals which might detract from this
- Concerned about planting proposals in the area outside of the existing curtilage which appear unneighbourly
- Not against the replacement of the existing dwelling and appreciate the considerable amount of time and effort that has been put into the project. However the replacement dwelling is far larger than the existing and will be visible from across the river valley from Stoke Lane. This needs to be scrutinised to ensure it does not have a detrimental effect on the river valley
- Some support for a small increase in the residential site but this should not encroach across the western boundaries of numbers 131 and 135 Norwich Road

#### 4.2 District Councillors

District Councillor Legg

To Committee

- There are considerable local concerns regarding building outside the development boundary and the visual impact on the Tas Valley. On a personal note I am concerned about the proposal for 2 metre entrance gates and any proposal for external lighting. This gives the impression of potential isolation from the locality.

District Councillor Clifford- Jackson

To Committee

- prime consideration is the preservation of the river valley, water meadows and agricultural amenity
- proposed development is outside of the village development boundary
- long history of previous applications which have been either withdrawn or refused
- there is no support in the village, in fact the community are united against it

#### 4.3 SNC Water Management Officer

Conditional Support

#### 4.4 NCC Ecologist

Further bat surveys required

#### 4.5 Other Representations

13 letters of support

- have lived in this area for over 40 years and this is the finest design I have seen during that time
- would be a pleasure to have such a modern property in our village
- innovative and ground breaking architecture
- environmentally friendly building
- No126 Norwich Road which is highly visible in the street scene has a similar modern design
- there are an array of building designs in Stoke Holy Cross
- cannot be seen from the road
- will be well screened unlike some other development on surrounding sites
- will not overlook neighbours
- existing house is not beautiful
- does not infringe on the beauty of the Tas valley in any way
- neighbour has overextended their property, the extension to the garden will allow the applicant to regain some privacy
- land is agriculturally useless
- construction would stimulate the local economy

30 letters of objection

- site is in sensitive river valley landscape
- policy DM4.5 requires that particular regard should be given to protecting the distinctive characteristics and special qualities of the identified rural river valleys
- object to use of the field for residential use
- previous applications for change of use of land have been resisted
- amount of land to be changed to garden is nearer to 0.7 acres and by any standards not small
- does not meet the criteria stated in DM2.8

- we must protect the Tas Valley
- valley has not changed in all the years we've been here
- valley is agricultural in its nature
- allowing gradual encroachment is not appropriate
- dangerous precedent
- bear in mind historic nature with Roman site at Caistor St Edmund nearby
- the application wrongly claims that other properties have already extended their garden which is not true as it is only the old school which had a small playing area
- their existing garden is adequate
- resulting threat to wildlife and loss of natural habitat
- high potential for bat roosts in the dwelling, further surveys must be submitted prior to determination of the application
- disturbance to neighbouring properties from extended garden
- applicant has systemically set out to destroy the open nature of the field with excessive inappropriate planting both within the field and on the boundaries
- documents ignore the potential sheer volume of development that could occur under permitted development rights
- building outside the natural village building line
- monstrous design
- completely out of style
- three times larger than the existing property
- loss of traditional red brick property
- more appropriate for a commercial setting, surrounded by other concrete edifices
- size of main building is far larger than is appropriate in this location
- domineering nature of it would result issues regarding overlooking neighbouring properties
- proposed building materials do not appear to be in keeping with the property
- increased light pollution
- impact of construction given the plant that would be needed to construct such a dwelling
- access is on the brow of a hill and on a bend and therefore any additional traffic entering or leaving would cause a hazard
- building in a flood zone

## 5 Assessment

### **Key considerations**

- 5.1 The main issues for consideration are the principle of the development, its visual impact, the suitability of the design of the dwelling, any impact on neighbouring properties, access, impact on trees and ecology.

### **Principle**

- 5.2 Policy DM3.6 states that replacement dwellings in the countryside (i.e. outside development boundaries) will be permitted where the design and scale of the resultant development is compatible to the area's character and appearance, and the landscape setting; and the original dwelling has a lawful permanent residential use is capable of residential occupation without major or complete reconstruction. In addition, the proposals must comply with Policies DM3.4 and DM2.8.
- 5.3 The dwelling clearly has a lawful residential use as it is in current occupation. Consideration of its compatibility with the area's character and appearance and its landscape setting and other considerations in policy DM3.4 which also relate to the physical appearance of the development, as well as access and amenity issues, are considered in the assessment below.



- 5.4 Policy DM2.8 relates to the change of use of agricultural land. It allows for the change of use of agricultural land to land ancillary to residential dwellings where it has no significant adverse impact on the character and visual appearance of the countryside or availability of productive agricultural land and has no significant adverse impact on public rights of way or the areas of urban / rural transition that provides the settlements of the countryside. It also requires that appropriate boundary treatment that is in keeping with the rural character of the locality.
- 5.5 The visual impact is considered below, but in regard to the loss of productive agricultural land, the land is Grade 3 agricultural land and therefore not land of high agricultural value. It is also clear the land has not been used for agricultural production for some time.

### **Visual Impact**

- 5.6 One of the main concerns is the visual impact of extending the domestic garden space into the land to the west of the dwelling, which is identified in the Local Plan as a river valley and therefore an area in which policy DM4.5 notes that particular regard should be given to protecting the distinctive characteristics and special qualities of the identified rural river valleys. It is recognised that this is a sensitive landscape and that it would not be acceptable to intrude into open landscape beyond the extent of which the curtilages of other dwellings to do. Whilst there is a clear uniform rear line to the curtilage of properties to the south of the site, the curtilage of the dwelling to the north of the land in the applicant's ownership (No137, as the applicant's land also includes that to the rear of the immediate neighbour to the north of the applicant's dwelling) does extend further into the valley than the applicant's existing curtilage.
- 5.7 The applicant has therefore designed the extension of their curtilage to extend no further into the valley than that dwelling to the north, whilst drawing the new rear line of the garden space to recede inwards towards that of the properties to the south. As such, it is not considered that it will intrude further into the valley landscape than any other existing dwelling and will also reduce its impact when viewed from the south by reducing the extent it protrudes from the existing rear garden line from north to the south. On plan form this does result in a rather irregular garden space, however this would not necessarily be apparent when viewed from outside of the site at ground level. In terms of the scale of land that is being applied for it is also accepted that this is a large dwelling and whilst the existing curtilage would appear to be more than sufficient for the dwelling, the majority of this has limited use as it is wooded. Given that the Council would not wish to see the loss of this woodland which has notable amenity value an extension to the garden space to create what in total is a large garden space is acceptable to allow a reasonable area of useable garden space proportionate to the dwelling.
- 5.8 In terms of the impact in public views of the extension to the curtilage, these would be very limited if it is visible at all. There are no public rights of way adjoining the land, with the only possible public views being from Stoke Lane from the opposite side of the valley. Existing groups of trees within the valley limit views of the site considerably and whilst views of the house are feasible, it is unlikely that the change of use of the portion of the land would be particularly apparent. Nonetheless it is considered important to ensure that use as garden space is controlled to ensure that development does not occur that could be detrimental to the valley. As originally submitted the applicant proposed levelling of some of the land to create an area for sports. This has been withdrawn as the Council would not wish to see a change in the land form. It will also be important to prevent the erection of structures that could be visible across the valley. Whilst a garden room and tractor shed are proposed within an area of land in which there is existing planting, permitted development rights should be removed to prevent the erection of structures on the land to ensure larger or more prominently located structures are resisted. It is also recommended that appropriate boundary treatment is

agreed and permitted development rights for boundary treatment are removed to prevent inappropriate boundary treatment such as close boarded fencing being erected in the future.

- 5.9 It is therefore considered that with the removal of permitted development rights the proposal accords with policy DM2.8. of the Local Plan.

### **Design of the Dwelling**

- 5.10 The design of the dwelling consists of a two storey dwelling, plus a basement level, partly with a flat roof and partly with very shallow pitched roofs which will allow for solar panels to be mounted discreetly on the south facing element of the roof. The shape of the building is designed to make the most of the views and aspect to the west of the dwelling with an overhang to provide shade and also to provide balcony space. In addition the front (east) elevation is partly angled to draw visitors to entrance a main entrance hall. The materials will be sandstone, red western timber cladding and textured dark grey slate.
- 5.11 The dwelling is notably larger than the existing dwelling but this is acceptable in an area of the village where there is a range of size of properties. It is also a very well contained plot given that much of it is wooded and therefore views of the dwelling would be very limited if possible at all from Norwich Road. Very limited and brief glimpses of the dwelling may also be possible across the valley from Stoke Lane but these would be from some distance and therefore the building would not be prominent.
- 5.12 Many comments have been received both against and in favour of the proposed design of the dwelling. Clearly design is subjective and the contemporary nature of the design will not be to the taste of everyone. However, it is considered that this is an imaginative design that makes good use of the nature of the site and its aspect on the Tas valley. Notwithstanding that views of the dwelling in the street scene will be extremely limited it is considered that the range of dwelling types in this area of the village, including other modern designs, allow for consideration of a variety building types and therefore the proposal is considered to accord with the requirements of policy DM3.8 to create a high quality design and to encourage innovation.

### **Impact on Neighbouring Properties**

- 5.13 The new dwelling is well contained as noted above. There is an area of woodland within the curtilage of the dwelling between the proposed dwelling and the property to the north, whilst the boundary to the dwelling to the south is also well vegetated. There is also a reasonable distance from the proposed dwelling to any neighbouring dwelling. As such, the proposed replacement dwelling is considered to accord with policy DM3.13.
- 5.14 Concern has been raised about the impact on neighbouring properties of the extension to the garden space, particularly onto No135 Norwich Road which is the neighbour immediately to the north of No133. This is because in order to restrict its intrusion into the landscape no further than the garden of No137 to the north the effect has been to wrap the garden space around the rear of No133 creating the irregular garden form referenced earlier. However No135 also enjoys a reasonably large garden and as such the extended garden would not be close to their dwelling, whilst there is also good boundary screening already in place. It is clearly not uncommon for a rear boundary of a property to bound another garden and therefore there is not considered to be any particular concern from this proposal that it will result in an unacceptable impact on this property.
- 5.15 Therefore whilst noting the concerns of some neighbouring properties overall the proposal is considered to accord with policy DM3.13.



## **Access**

- 5.16 The access to the dwelling remains the same as the existing dwelling. As the development is for a replacement dwelling there will be no intensification of the use of the access, whilst there is plenty of room in the site for parking.
- 5.17 Concerns have been raised over the gates proposed for the site, however these are recessed nearly five metres into the site in the context of much taller vegetation. In any event, because of how far they are recessed into the site the gates may not in themselves require planning consent as they do not exceed two metres in height.
- 5.18 It is therefore considered that the proposal accords with policies DM3.11 and DM3.12.

## **Impact on Trees**

- 5.19 As noted above, a large portion of the existing site is well wooded. The dwelling has been designed at an appropriate distance from the trees with the main aspect of the dwelling looking out on to the valley away from the trees. An arboricultural report has been submitted and it will be necessary to include conditions to ensure that all works are carried out with appropriate tree protection works. It is also considered appropriate to attach a condition stating that no trees are removed from the site other than those scheduled to as part of this scheme and to remove permitted development rights for extensions.

## **Ecology**

- 5.20 As the proposal involves the demolition of a building consideration needs to be given to the potential impact on bat habitat. Norfolk County Council's Ecologist has commented that given the size of the structure and surrounding habitat the building has at least moderate potential for bat roosting. As such they require that at least two activity surveys are undertaken. These have been commissioned, however they have not been undertaken at the time of writing the report. It is hoped that the results of at least one of the surveys will be available prior to the meeting, however in any event the decision will not formally be issued prior to their receipt and agreement with Norfolk County Council's Ecologist that they are acceptable.

## **Other Issues**

- 5.21 Some concerns have been raised about flood risk. However the site is in Flood Risk 1 on a map with no identified surface water flood risk. Surface water arising from the proposed dwelling is proposed to discharge to a sustainable drainage system detailed in the design and access statement, whilst foul drainage will discharge to the main sewer. The Council's Water Management Officer has no objection to the proposal providing it is conditioned that drainage will be in accordance with the submitted details.
- 5.22 Concerns have also been raised about lighting. As initially submitted, the proposal did contain a number of external lights. Whilst these were not greatly in excess of what might be expected for a dwelling of this nature, they have been reduced to take into concerns about light pollution in the river valley.
- 5.23 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.
- 5.24 The need to support the economy as part of the recovery from the COVID-19 pandemic is a material consideration. This application will provide employment during the construction phase of the project. This weighs in favour of the proposal.

5.25 This application is liable for Community Infrastructure Levy (CIL).

### **Conclusion**

5.26 The proposed replacement dwelling is acceptable as the original dwelling has a lawful permanent residential use, whilst the design and scale of the resultant development is considered compatible to the area's character and appearance, and the site's landscape setting. In addition, it is not considered that the change of use of land to the west of the curtilage to create additional garden space will have a significant adverse impact on the character and visual appearance of the countryside or availability of productive agricultural land, with little or no impact on public views or the areas of urban / rural transition that provide the setting of settlements in the countryside.

Recommendation : Approval with Conditions

- 1 Full Planning permission time limit
- 2 In accordance with submitted drawings
- 3 No PD rights for new outbuildings
- 4 Boundary treatment to be agreed
- 5 No PD for boundary treatment
- 6 Tree protection
- 7 Drainage
- 8 Water efficiency
- 9 No trees to be removed
- 10 No PD for extensions

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## Planning Appeals

Appeals received from 24 April 2020 to 22 May 2020

Ref	Parish / Site	Appellant	Proposal	Decision Maker	Final Decision
2019/2031	East Carleton Land south of Wymondham Road East Carleton Norfolk	Re-Focus Associates Pension Scheme	Proposed detached dwelling	Delegated	Refusal
2019/1677	Loddon The Lodge Stubbs Green Loddon Norfolk NR14 6EA	Mr Keith Rickman	Replacement windows	Delegated	Refusal
2019/1690	Alburgh Land east of Tunbeck Road Alburgh Norfolk	Mr & Mrs Soanes	Outline planning for erection of 4 dwellings with garages, access and associated development	Delegated	Refusal

## Planning Appeals

Appeals decisions from 24 April 2020 to 22 May 2020

Ref	Parish / Site	Appellant	Proposal	Decision Maker	Final Decision	Appeal Decision
2018/2577	Starston Brick Kiln Farm Cross Road Starston Norfolk IP20 9NH	Mr Samuel Carter	Erection of two storey dwelling	Development Management Committee	Refusal	Appeal Dismissed
2018/8277	Roydon Woodcrest Barn Darrow Lane Roydon Norfolk IP22 5SA	Mr Nigel Rogers	Appeal against the erection of building (consisting of two mobile homes and a linking building) occupied independently from the main dwelling	Delegated	Notice Issued	Appeal Dismissed and Notice varied to extend compliance period from 6 to 9 Months
2019/0911	Wortwell Land adj to Meadow Cottage High Road Wortwell IP20 0EN	Mr A Ruler	Erection of 4 dwellings	Delegated	Refusal	Appeal Dismissed