

# Development Management Committee

## Agenda

### Members of the Development Management Committee:

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

### Date & Time:

Wednesday 10 March 2021  
10.00am

### 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)

### PUBLIC ATTENDANCE:

**This meeting will be live streamed for public viewing via the following link:**

<https://www.youtube.com/channel/UCZciRgwo84-iPyRImsTCIng>

If a member of the public would like to attend to speak on an agenda item, please email your request to [democracy@s-norfolk.gov.uk](mailto:democracy@s-norfolk.gov.uk), no later than 5.00pm on Friday 5 March 2021.

### Large print version can be made available

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

### **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.

# AGENDA

1. To report apologies for absence and to identify substitute members;
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 guidance from and flow chart attached – page 6)
4. Minutes of the Meeting of the Development Management Committee held on Thursday, 28 January 2021;  
(attached – page 8)
5. Planning Applications and Other Development Control Matters;  
(attached – page 17)

To consider the items as listed below:

Item No.	Planning Ref No.	Parish	Site Address	Page No.
1	2020/1439/D	WYMONDHAM	Old Sale Yard Cemetery Lane Wymondham Norfolk	17
2	2020/1157/F	COSTESSEY	Land South of Kestrel Avenue Costessey Norfolk	30
3	2020/2236/CUQ	ASHWELLTHORPE AND FUNDENHALL	Barn at The Grange Whipps Lane Fundenhall Norfolk	42
4	2020/2335/F	YELVERTON	Land East Of The Bungalow Loddon Road Yelverton Norfolk	55

## 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 71)

## 8. Date of next scheduled meeting- Thursday 25 March 2021

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

The following guidelines are to assist Members to assess whether a Site Panel visit is required.

Site visits may be appropriate where:

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

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

## 2. PUBLIC SPEAKING: PLANNING APPLICATIONS

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

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

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

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

## PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

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

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

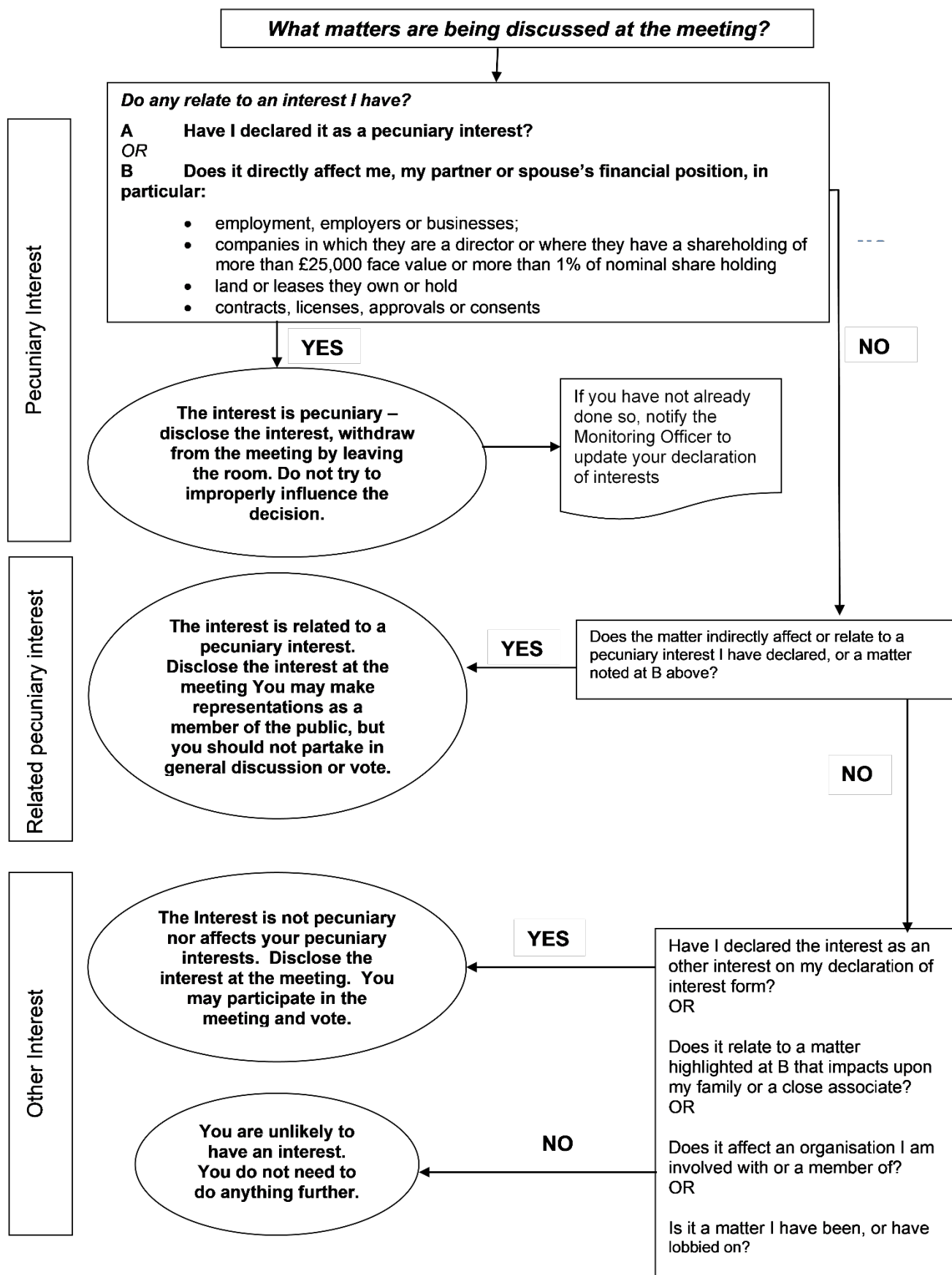
When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda 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.

<p>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.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> <li>1. affect yours, or your spouse / partner's financial position?</li> <li>2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?</li> <li>3. Relate to a contract you, or your spouse / partner have with the Council</li> <li>4. Affect land you or your spouse / partner own</li> <li>5. Affect a company that you or your partner own, or have a shareholding in</li> </ol> <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>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.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>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.</p>
<p>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.</p>
<p>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.</p>

**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**



## Agenda Item: 4

# DEVELOPMENT MANAGEMENT COMMITTEE

**Minutes of a meeting of the Development Management Committee of South Norfolk District Council held remotely on Thursday, 28 January 2021 at 10.00 am.**

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

**Officers in Attendance:** The Development Manager (T Lincoln), the Principal Planning Officer (C Curtis) and the Senior Planning Officer (B Skipper).

## 544 DECLARATIONS OF INTEREST

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

Application	Parish	Councillor	Declaration
2020/1416/F (Item 1)	COLNEY	All	Local Planning Code of Practice Lobbied by the Parish Council
		D Bills and L Neal	Local Planning Code of Practice Lobbied by the Parish Council
		T Laidlaw	Other Interest A Member of Costessey Town Council who own a burial ground of a similar type
2020/1925/F (Item 2)	PORINGLAND	All	Local Planning Code of Practice Lobbied by Objectors
		L Neal	Other Interest Related to Cllr John Overton
		L Neal	Other Interest Member of Poringland Parish Council but did not take part in any Parish planning discussions.



## 545 MINUTES

The minutes of the Development Management Committee meeting dated 13 January 2021 were confirmed as a correct record and signed by the Chairman.

## 546. PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

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

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

APPLICATION	PARISH	SPEAKERS
<b>2020/1416/F</b> <b>(Item 1)</b>	<b>COLNEY</b>	B Korn – Parish Council J Elbro – Objector E Cass – Agent for the Applicant Cllr W Kemp – Local Member
<b>2020/1925/F</b> <b>(Item 2)</b>	<b>PORINGLAND</b>	R Blackham – Applicant Cllr J Overton – Local Member
<b>2020/2042</b> <b>(Item 3)</b>	<b>CHEDGRAVE</b>	R Seel – Parish Council R Warminger – Objector D Fradgley – Agent for the Applicant Cllr K Mason-Billig – Local Member

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

## 547. PLANNING APPEALS

The Committee noted the planning appeals.

(The meeting concluded at 12.50 pm)

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Chairman

## Appendix A

### Updates for DEVELOPMENT MANAGEMENT COMMITTEE – 28 January 2021

Item	Updates	Page No
Item 1 2020/1416	<p>3 photos submitted by Colney Parish Meeting have been circulated to Members.</p> <p>Additional comments have been received from the Environment Agency;</p> <ul style="list-style-type: none"><li>• A number of gauging stations reached their historic maximum levels during recent flooding events but there is no evidence to indicate that the risk level has changed and therefore their response remains unchanged.</li></ul>	11
Item 2 2020/1925	<p>3 additional letters of objection</p> <p>Raising the same issues as set out in the agenda with the addition of the following:</p> <ul style="list-style-type: none"><li>• As a development for over 20 dwellings, and being a major development, should this application be automatically refused?</li><li>• The Neighbourhood Plan sought the views to suggest that there should not be a major development to the south of the existing village settlement</li><li>• It is curious that the Parish Council objected so strongly to the previous application, but appear to be content with the current application where many of their previous concerns remain and are considered to be well founded reasons for objection</li><li>• The community infrastructure levy does not appear to be paid on these dwellings, what are the benefits to the residents of Poringland</li><li>• St. Lawrence are deeply concerned with regard to the mixing of individuals of care with private residential</li><li>• It is considered that SNDC are under pressure to meet their targets for Care based Accommodation. This could make this proposal appealing</li><li>• A number of mature trees are planned in close proximity to the St. Lawrence builds. These will cause overshadowing, which will increase over time. The siting of these</li></ul>	20

	<p>trees in such proximity could cause structural issues to the planned houses &amp; drainage</p> <ul style="list-style-type: none"> <li>• Loss of ability to enjoy the land</li> <li>• Loss of key views from St. Lawrence and local PROWs</li> <li>• Create a precedent for further development in the village</li> <li>• All the comments made by the Planning Inspector under the appeal for the 3 dwellings at St Lawrence are considered pertinent to this application.</li> <li>• In terms of the residential amenity of the properties of St Lawrence, the proposal would, as amended, be overwhelmingly dominant and overbearing. The properties would feel dwarfed due to the overbearing nature of the proposed development through its sheer presence, scale, form and massing with multiple rooms overlooking</li> <li>• It is noted that rooms within the proposed care home are indicated as being obscure glazed where they face towards St Lawrence presenting an oppressive and poor standard of living conditions for the proposed occupiers</li> <li>• The change in the ridge levels between the dwellings on the two sites will be more than 2.5m with further roof mounted features to 3.9m, it is considered, result in a detrimental impact, the proposal therefore does not relate well to the existing development and will be seen to dwarf the St. Lawrence site</li> <li>• The nearest bus stop to the application site is greater than 400 metres from the application site with the main facilities of shops, doctors, pharmacy and others over a kilometre away. Too far for those, even where more active, living in a care village to walk to</li> <li>• The numbers of employees stated on the application form appears to be slight/low for the range of facilities that are to be offered on site</li> <li>• It is suggested that the Council need to acquire a greater understanding of how each and all of the facilities will be staffed, including self-employed/contractors and service operators</li> </ul>	
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	<ul style="list-style-type: none"> <li>• The Design Crime Officer expresses concerns regarding the lack of adequate boundaries that are essential for the security of the development. This does not appear to have been addressed as part of the application submission</li> <li>• The harm to the character and appearance of the area including the countryside, due to the sheer magnitude, scale and mass of the proposal does cause significant and demonstrable harm that is not outweighed by any other considerations contrary to NPPF</li> </ul> <p>In addition to the above a request for a formal comment from NHS STP prior to determination by committee. (if not the NHS STP formal comment from Burgate Lane should be a material consideration be a matter for material planning consideration, where little capacity is evidenced)</p> <p>The NHS STP have been consulted twice on this application and no comments received, however under the previous application they commented as follows: There is sufficient capacity in the local GP practice to accommodate this development and therefore we have no comments or mitigation requests (April 2019).</p> <p>Notwithstanding the above, NHS STP have been advised by South Norfolk Council that Healthcare is not currently contained on our CIL123 list, consequently, it is confirmed mitigation cannot be obtained for primary healthcare. Officers consider that the responsibility for health provision remains with the health providers, primarily with NHS England who provide funding for doctors based on the population / number of patients in an area. The residents in new development will contribute to this national funding through taxes in the same way as existing residents. Consequently, in general terms the impact of a new development on existing medical facilities is managed by health providers and it is not considered that obligations can reasonably through S106.</p> <p><b>Caistor St Edmund and Bixley Parish Council</b> fully supports this application taking into account the amendments that have been made since the refusal of the first application. The Parish Council</p>	
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	feels that there is an unmet need within the area for places which care for the elderly.	
Item 3 2020/2042	3 additional letters of objection 5 additional letters of support  Raising the same issues as set out in the agenda  <b>Chedgrave Parish Council</b> – Parish Council voted to approve this application	<b>44</b>

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** : **2020/1416/F**  
**Parish** : **COLNEY**  
**Applicant's Name** : Mr Roger Vail  
**Site Address** : Land adjacent to Colney Woodland Burial Park Watton Road  
Colney NR4 7TY  
**Proposal** : Change of use of land for extension of existing burial ground to  
provide up to 3,600 additional burial plots, extension to existing  
access road and construction of comfort building.  
**Decision** : Members voted 4-1 for **Approval**

Approved with conditions

- 1 Time Limit - Full Permission
- 2 In accordance with submitted drawings
- 3 Landscape and woodland management plan
- 4 Implementation of L&W management plan
- 5 Plot markers
- 6 Hours of opening to public
- 7 External lighting
- 8 Groundwater monitoring
- 9 Foul water
- 10 Surface water
- 11 Emergency flood and evacuation plan
- 12 Access road - details
- 13 Provision of parking – revised scheme
- 14 Ecology

2. **Appl. No** : **2020/1925/F**  
**Parish** : **PORINGLAND**  
**Applicant's Name** : Mr Robert Blackham  
**Site Address** : Land South West of Bungay Road Poringland, Norfolk  
**Proposal** : Demolition of existing buildings and construction of a 41 bed care home (with 10 extra care apartments on ground floor, Use Class C2) and 44 extra care lodges (All Use Class C2), together with vehicular access, landscaping and communal facilities including, restaurant, cafe, bar, gym, therapy rooms, hair salon, shop and bowls green.
- Decision** : Members voted unanimously to authorise the Director of Place to **Approve** subject to a Section 106 agreement relating to the extra care provision.

Approved with Conditions

- 1 Time Limit - Full Permission
- 2 In accordance with submitted drawings
- 3 Boundary treatments to be agreed
- 4 Materials to be agreed
- 5 Written scheme of archaeological investigation
- 6 Provision of fire hydrants
- 7 Water efficiency
- 8 Renewable energy
- 9 Detailed design of surface water drainage to be agreed
- 10 Foul Water to main sewer
- 11 Landscaping scheme
- 12 Long term landscape management plan
- 13 Tree protection (implementation only)
- 14 Details of no/minimal dig construction to be submitted
- 15 Retention of tree and hedgerows
- 16 No additional external lighting without details
- 17 Noise management plan for refuse bins to be agreed
- 18 Construction Management Plan
- 19 Noise and mitigation plan
- 20 Cooking fume extraction system to be agreed
- 21 No generators/air plant without consent
- 22 Contaminated land - Investigation
- 23 Implementation of remediation scheme
- 24 Contaminated land during construction
- 25 Ecology Mitigation
- 26 Biodiversity Enhancement Plan
- 27 Lighting design for light-sensitive biodiversity
- 28 Construction Traffic (Parking) management plan
- 29 Existing Access, Widen or Improve
- 30 Visibility splay, approved plan
- 31 Access Gates - Restriction
- 32 Access - Gradient
- 33 Traffic Regulation Orders
- 34 Provision of parking, service
- 35 Highway Improvements Offsite
- 36 Highway Improvements Offsite implementation
- 37 Air Source heat pumps
- 38 No PD for Classes ABCD&E
- 39 No PD for fences, walls etc
- 40 Restricted use of the restaurant/café
- 41 Details of the access road/drive surfacing

3.     **Appl. No**                 :     **2020/2042**  
       **Parish**                 :     **CHEDGRAVE**  
       Applicant's Name       :     Telefonica UK Limited and CTIL  
       Site Address           :     Telephone Exchange, Langley Road, Chedgrave, NR14 6HD  
       Proposal                :     Electronic communications base station comprising a 17.5m high  
                                      monopole mast, shrouded antennas, two 0.6m diameter  
                                      transmission dishes, two equipment cabinets, an electric meter  
                                      supply cabinet, and ancillary electronic communications  
                                      apparatus.
- Decision                :     Members agreed unanimously that **Prior Approval is not  
                                      required**

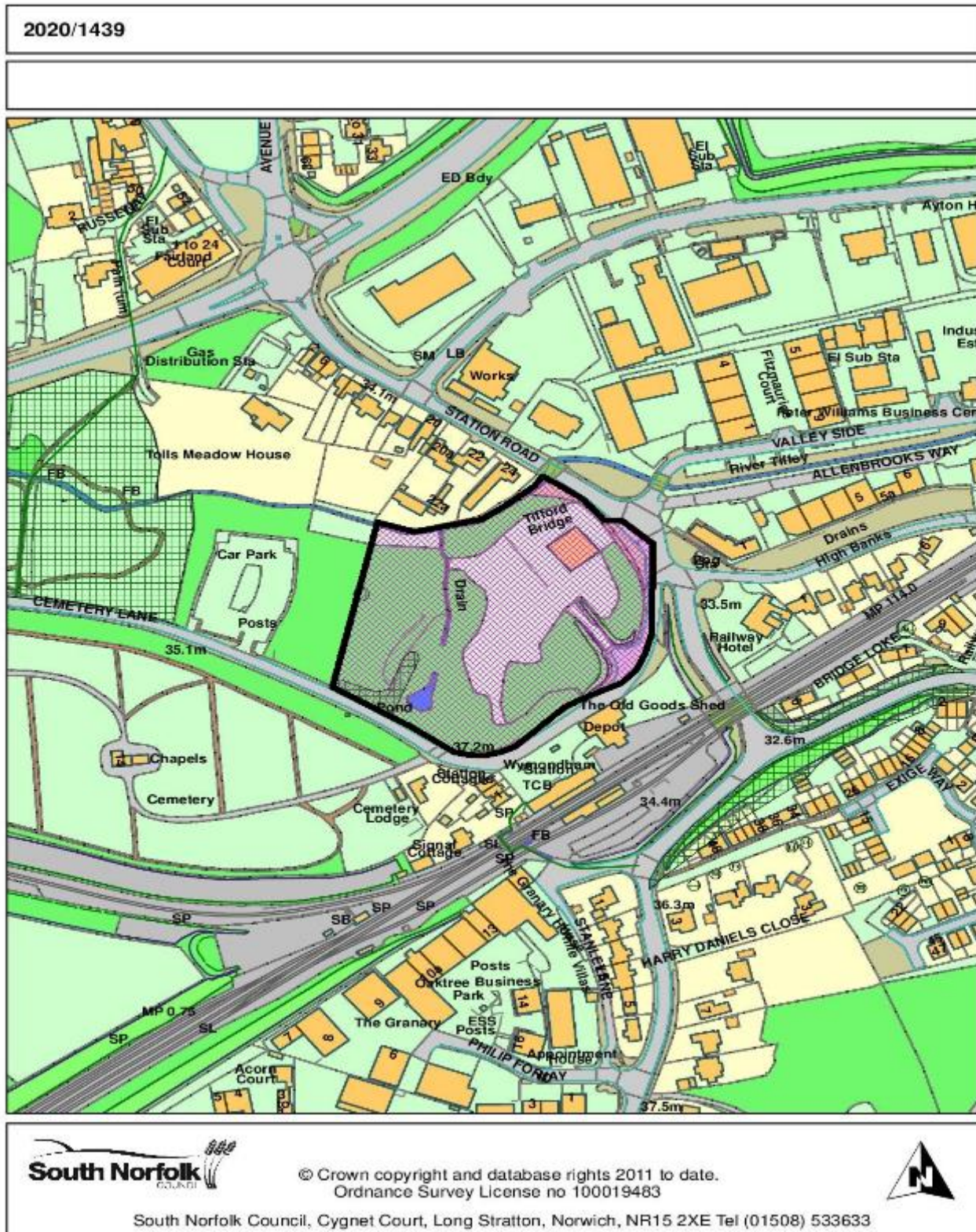


PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

**Report of Director of Place**

**Major Applications**

Application 1



**1. Application No : 2020/1439/D**  
**Parish : WYMONDHAM**

Applicant's Name Elmbury Limited  
 Site Address Old Sale Yard Cemetery Lane Wymondham Norfolk  
 Proposal Reserved matters for appearance, landscaping, layout and scale following outline planning permission for 58 no. Dwellings from 2016/2668

Reason for reporting to committee

To update Members on the revised affordable housing position following work carried out to assess the financial viability of the scheme and critical analysis of the costs.

Recommendation summary:

Authorise the Assistant Director of Place to approve subject to conditions and a Deed of Variation to the original Section 106 to update the affordable housing provision.

**1 Proposal and site context**

- 1.1 The application seeks approval of reserved matters following planning permission for residential development with associated access, parking and public open space. The principle of development has been established and the reserved matters relate to appearance, landscaping, layout and scale for 58 dwellings.
- 1.2 The site forms part of a site which is allocated for residential and commercial development in the adopted Wymondham Area Action Plan (policy WYM2).
- 1.3 The area allocated for development is 1.88 hectares. The application site forms the majority of the allocation with an area of 1.69 Ha. The remainder of the allocation is located immediately to the west of the site and is currently undeveloped land that is in a separate private ownership, which has full planning permission for 5 dwellings ref 2020/0792.
- 1.4 The application site is located on land to the west of Station Road and to the north of Cemetery Lane, Wymondham and is currently occupied by a derelict warehouse towards the Station Road frontage, and areas of hard standing and vegetation.
- 1.5 The northern boundary of the site is formed by the River Tiffey, beyond which is a row of houses fronting Station Road. The site's southern boundary is formed by Cemetery Lane. On the south side of Cemetery Lane is Wymondham Railway Station, which is a Grade II Listed building along with the nearby Listed Station Cottages and Station Depot.

**2. Relevant planning history**

- |     |           |  |                     |
|-----|-----------|--|---------------------|
| 2.1 | 2020/1614 | Discharge of conditions 12, 13, 15 of planning permission 2016/2668 - landscaping, tree protection, biodiversity   | Under consideration |
| 2.2 | 2016/2668 | Outline planning permission for residential development only with associated access, parking and public open space on 1.69ha of land. All matters other than means of access are reserved for consideration at a later date. | Approved            |

2.3	2012/1948	Extension of time for implementation of outline planning permission 2003/1713 - redevelopment of site for mixed development comprising residential and commercial office use and landscape riverside walkway	Approved
2.4	2009/0835	Proposed mixed use development comprising 64no. dwelling units and 750 sq mtrs of commercial floor space, with associated access, parking, open space, new station car park and coach parking facilities, and related highway works.	Refused
2.5	2003/1713	Resubmission of NW07/02/1143/O for redevelopment of site for mixed development comprising residential & commercial (office) use, landscape riverside walkway	Approved
2.6	2002/1143	Redevelopment of site (64 dwellings) with residential flats and buildings for commercial use plus open space and car/coach park.	Refused

#### Appeal History

2.7	2009/0835	Proposed mixed use development comprising 64no. dwelling units and 750sq mtrs of commercial floor space, with associated access, parking, open space, new station car park and coach parking facilities, and related highway works.	Appeal allowed
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### 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 08 : Promoting healthy and safe communities  
 NPPF 09: Promoting sustainable transport  
 NPPF 11 : Making effective use of land  
 NPPF 12 : Achieving well-designed places  
 NPPF 14 : Meeting the challenge of climate change, flooding and coastal change  
 NPPF 15 : Conserving and enhancing the natural environment  
 NPPF 16 : Conserving and enhancing the historic environment
- 3.2 Joint Core Strategy (JCS)  
 Policy 1 : Addressing climate change and protecting environmental assets  
 Policy 2 : Promoting good design  
 Policy 3: Energy and water  
 Policy 4 : Housing delivery  
 Policy 5 : The Economy  
 Policy 6 : Access and Transportation  
 Policy 7 : Supporting Communities  
 Policy 9 : Strategy for growth in the Norwich Policy Area

Policy 10 : Locations for major new or expanded communities in the Norwich Policy Area  
 Policy 13 : Main Towns

- 3.3 South Norfolk Local Plan (SNLP)  
 Development Management Policies  
 DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
 DM1.2 Requirement for Infrastructure through Planning  
 DM1.3 : The sustainable location of new development  
 DM1.4 : Environmental Quality and local distinctiveness  
 DM3.1 : Meeting housing requirements and needs  
 DM3.8 : Design Principles applying to all development  
 DM3.10 : Promotion of sustainable transport  
 DM3.11 : Road safety and the free flow of traffic  
 DM3.12 : Provision of vehicle parking  
 DM3.13 : Amenity, noise, quality of life  
 DM3.15 : Outdoor play facilities/recreational space  
 DM4.2 : Sustainable drainage and water management  
 DM4.3 : Facilities for collection of recycling and waste  
 DM4.8 : Protection of Trees and Hedgerows  
 DM4.9 : Incorporating landscape into design  
 DM4.10 : Heritage Assets
- 3.4 Site Specific Allocations and Policies  
 Wymondham Area Action plan 2015  
 Policy WYM2 : Land amounting to 1.88 hectares is allocated for mixed use development to incorporate approximately 64 dwellings and an element of commercial use.
- 3.5 Supplementary Planning Document (SPD)  
 South Norfolk Place Making Guide 2012

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

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

S72 Listed Buildings Act 1990 provides: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

#### **4. Consultations**

##### **4.1 Wymondham Town Council**

- Approved

##### **4.2 District Member**

- No Comments received

#### 4.3 Anglia Water Services Ltd

- Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.
- The impacts on the public foul sewerage network are acceptable to Anglian Water at this stage.
- We request that we are consulted on any forthcoming application to discharge Conditions 3 and 10 of outline planning application 2016/2668, to which this Reserved Matters application relates.

#### 4.4 SNC Senior Heritage & Design Officer

Comments on amended scheme:

- Parking arrangement for 52-57 improved so that it is not so much parking dominated. However, parking spaces are not that well connected to front door – spaces for 53 in particular being in front of the front door of 52. It may be better arranged in two groups of four spaces, with the central access shrubs either side, and larger green front gardens to east and west.
- Orientation of 57/58 improved – will allow a more useable garden for 58, and also more accessible parking for 51 as well as cycleway improvements.
- Parking bays enlarged for 18/26 enlarged with splay. I do however think that this arrangement will be problematic though to stop other vehicles parking here – especially in the dark – it will end up with large signs/road marking to make sure these are used as allocated private spaces.
- Parking for 22/23 improved and made more accessible, an improvement to get rid of the set of three tandem parking spaces together.
- Accept that plot 10 has to be positioned where it is because of the sewer easement, which is unfortunate. Planting will help to screen car parking spaces.
- The design of plot 51 will provide more visual interest on the corner and approach to the development along walkway/cyclepath.

Original comments:

- Overall, the general layout (with the exception of the 'island site' and points noted above) works well; the contemporary house designs, materials and design detailing is refreshingly contemporary but also complement the area and existing buildings, including heritage assets.
- Strong points are the link through to the site and the frontage provided to the station forecourt, which compliments the listed station buildings and this space quite well. Ideally a mixed use scheme might be considered ideal for this frontage – but considering these current times and the already difficult situation of retail, this may not be a realistic expectation of coming forward. If retail units were to be included (and they would have their own requirements in terms of loading etc to take into account) they may remain empty. I think therefore this aspect of the scheme is acceptable.
- There are significant issues with regards to parking. I don't think with this site there has to necessarily be quite such a spread of different unit types and diverse mix of house types. Being quite an urban location and near the station, terraces and repetitive semis are fine. In that respect, perhaps some of the larger four bed units could be omitted? Namely 20, 24 and 54- the latter two also only have two parking spaces rather than 3. These could be replaced with smaller units – they cause fewer issues and won't require the extra car parking space. Having more three bed units may assist in accommodating parking spaces closer to units.

#### 4.5 SNC Environmental Protection Team

- No Comments received



## 4.6 SNC Landscape Architect

- No Comments received

## 4.7 SNC Housing Enabling Officer

- I note that the applicants have undertaken a financial appraisal demonstrating that, if no affordable housing is provided on-site, the development generates a forecast surplus of £156,000. Because of the many uncertainties about costs associated with the site, and the future of the property market, I would be content if there was to be an obligation for £156,000 to be paid as a commuted sum, to be used by the Council to meet South Norfolk's affordable housing needs.
- I note that 83% of the homes are proposed as 2 and 3 bedroom houses. I welcome the high proportion of these smaller properties, which can provide homes at the smaller end of the size range in a very sustainable location (whether within Wymondham, or commuting by bus or train). I feel they are likely to be particularly attractive for first-time buyers through the Government's revised Help to Buy (equity loan) scheme.
- On this basis, I have no objection to the application

## 4.8 NHS England

- No Comments received

## 4.9 NCC Ecologist

- I note that the original application (2016/2668) was accompanied by Ecological Assessment (ACR Environmental, December 2016).
- This survey was updated in June 2020 as part of the Biodiversity Management Plan (ACD, 2020).
- The site remains much as it was in 2016. The report is fit for purpose and the condition can be discharged although we would strongly encourage hedgehog gaps in the gravel boards and beneath fences (minimum of two per dwelling) (hedgehogs are a priority species).

## 4.10 NCC Lead Local Flood Authority

- We have no objection to this Reserved Matter Application subject to our being consulted on any further application if this application is approved.
- We note that the drainage strategy has changed from that proposed at outline stage, with the exclusion of infiltration crates, and changed locations for the cellular storage crates.
- We require sufficient information being provided to establish that the applicant has an acceptable Drainage Strategy.
- Therefore, with regards to the discharge of conditions 3 & 9, we object in the absence of sufficient information as mentioned above.

## 4.11 NCC Highways

Comments on amended scheme:

- No objection, subject to a condition requiring that no works commence on plots 51 to 58 until such time as a Stopping Up Order to remove all highway rights subsisting in the highway land has been granted and all highway rights over the land have been successfully removed.

## Original comments:

- Amendments requested regarding detailed layout, car parking, turning areas and site access.

## 4.12 Police Architectural Liaison Officer

- There is a good degree of passive surveillance provided over the street scene and communal/play spaces. The scheme also incorporates a mix of dwellings, which will enable a greater potential for homes to be occupied throughout the day, this should assist with natural surveillance, community interaction and environmental control.
- Detailed comments regarding public open spaces, fences, car parking spaces, dwelling boundaries and landscaping.

## 4.13 Norfolk Rivers IDB

## Comments on amended scheme:

- The site is partly within the Internal Drainage District (IDD) of the Norfolk Rivers Internal Drainage Board (IDB) and therefore the Board's Byelaws apply.

## Original comments:

- I note the presence of a Board Adopted watercourse within the site boundary, and that the applicant intends to do works within 9 metres of this watercourse. Therefore, consent is required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure).
- Whilst not currently proposed, should the applicant's proposals change to include works to alter the Board Adopted watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).
- I note the presence of a watercourse which has not been adopted by the Board (a riparian watercourse) within the site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

## 4.14 Norfolk Fire Service

- Require minimum 2 hydrants to be delivered by the developer by Condition.

## 4.15 Other Representations

8 letters received objecting to the proposals, summarised as follows;

- 58 houses will cause a significant increase in road traffic along cemetery lane
- Further consideration needs to be given to improving the surrounding roads, footpaths and street lighting around the proposed development.
- In particular the incomplete footpath between the railway station and the south west of the town centre, which is to the west of the proposed development.
- The lack of a footpath and street lighting combined with extra traffic will make cemetery lane more dangerous for pedestrians.
- The development will affect road safety on Cemetery Lane from additional traffic. Will be used as a rat run.
- Danger to cyclists and pedestrians as there is no footpath after No.12 until reaching the cemetery.  
The development will affect road safety on Station Road from additional traffic.
- Danger to pedestrians from extra vehicles.

- Need details of the proposed footpath along the river, lighting, fencing
- The development will affect road safety on station road from additional traffic.
- Danger to pedestrians from extra vehicles.
- In its present configuration this junction cannot cope with the extra traffic this development will bring.
- Unacceptable impact on adjacent properties from overlooking/loss of privacy and visually overbearing impact.
- Impact on users of the cemetery, negative impact on the tranquil atmosphere.
- Increase noise, pollution and disturbance in the area in the Conservation Area.
- Out of Character, number of houses not in keeping with dispersed layout along Cemetery Lane. Cramming and intrusive in landscape.
- Style of building not in keeping with nearby properties.
- Road Safety, Cemetery Lane cannot accommodate this level of traffic, will be congestion and increase in danger. Will limit visibility accessing the Lane. Repositioned junction could be more hazardous.
- Disturbance, increase in light, noise, traffic pollution.
- Doesn't comply with WYM2 in WAAP or the NPPF Chp 7 on design.
- Aesthetic concerns about a new housing development located in a historic, attractive Conservation Area of Wymondham
- Road safety, disturbance and traffic safety. Cemetery Lane narrow for this increase. Concern about the junction.
- Flooding concerns because of amount of hard-standing
- Effect on wildlife and the natural environment in this ecological heart of the town, particularly along the river – a buffer is needed. Wildlife rich area and there will be longer term impacts.
- Traffic congestion from this increase in vehicles. Need details of the proposed path along the river, it will bring problems – litter etc and effect wildlife.
- Pollution from extra vehicles.
- Danger to pedestrians where the path narrows.
- Additional traffic will put more strain on the poor road infrastructure, repairs needed
- Pollution from vehicles
- Lack of school places, dentist, doctors
- Trees will be felled, destroying habitats
- Noise pollution of building
- Possible overlooking

## 5 Assessment

### **Key considerations**

- 5.1 Having regard to the fact that the principle of residential development has been established by the outline approval and that the land is allocated for development, the following assessment focuses on the site specific planning issues and how the scheme complies with the requirements of the outline consent. The main issues for consideration of this application are:

- Affordable housing;
- highways issues;
- layout and appearance;
- landscaping and open space;
- ecology;
- drainage; and
- residential amenity.



**Affordable housing**

- 5.2 The outline planning permission secured 33% affordable housing or as stated in the S106 'such other percentage as the Council may agree in its absolute discretion'. Policy 4 of the JCS allows for the proportion of affordable housing sought and the balance of tenures to be amended where it can be demonstrated that site characteristics, including infrastructure provision, together with the requirement for affordable housing would render the site unviable.
- 5.3 Following the approval of the outline planning permission, information has been submitted in the form of an Affordable Housing Financial Viability Report which seeks to demonstrate that a policy compliant development in terms of delivering any affordable housing on this site renders the scheme unviable. This is due to a number of additional abnormal costs associated with the proposals as set out in the planning application, which include significant costs for the remediation of contaminated land, piling of foundations, as well as uncertainties about costs associated with the site.
- 5.4 Norfolk Property Services (NPS) has considered this information on behalf of the Local Planning Authority, and agrees that due to the increased costs associated with the site, that an all market scheme would be close to marginal and therefore a scheme with affordable housing would not be viable. Having reviewed and challenged this figure through further independent analysis and adjustment of the development costs, it is noted that a surplus of £156,000 could be achieved when having regard to the developers profit in accordance with the NPPF.
- 5.5 In light of this, it is considered that a sum of money in lieu of affordable housing to be spent on the provision of affordable housing elsewhere within the District secured through the S106 would be appropriate, subject to a Deed of Variation and clawback obligation in the S106 to allow the review of the affordable housing contribution on completion of the scheme or at an agreed stage of the development.
- 5.6 So, whilst not resulting in a policy complaint scheme, the approved outline consent and JCS allows provision for this and it is considered that given the nature of the development and the fact that the modest sum could realistically only secure one affordable dwelling on this site, that the principle of a commuted sum in lieu of on-site affordable housing is supported.
- 5.7 The Council's Housing Enabling and Strategy Officer has assessed this information and the conclusions of the viability report and has confirmed that this approach is acceptable. He has also welcomed the high proportion of smaller properties proposed on this site, which can provide homes at the smaller end of the size range in a very sustainable location, which could be particularly attractive for first-time buyers through the Government's revised Help to Buy (equity loan) scheme.
- 5.8 As such, it is considered that subject to the completion of a Deed of Variation to the S106, that a commuted sum of £156,000 for off-site delivery and a clawback obligation, is both reasonable and proportionate having regard to the evidence provided and provisions of the outline consent.

The market housing mix consists of the following:

24 x 2 bedroom houses  
24 x 3 bedroom houses  
10 x 4 bedroom houses

**Highways issues**

- 5.9 The principle of the development being served off Cemetery Lane and number of dwellings was considered acceptable at the outline stage subject to a number of off-site highway improvements to increase visibility levels and the safety of pedestrians and cyclists along Cemetery Lane at its junction with Station Road. Subject to the development being carried out in accordance with these details and the conditions of the outline planning permission the access arrangements continue to be considered acceptable.
- 5.10 With regards to the detailed road layout of the site, the Highway Authority have made a number of comments with regards to the technical specifications of the scheme to comply with highway standards. Following revisions, the Highway Authority have raised no objections to the application.
- 5.11 In respect of parking provision, policy compliant levels of parking have been provided across the site and comply with the Parking Standards for Norfolk Guide (2007).
- 5.12 In terms of pedestrian and cycle connectivity, the site layout has been designed to connect into the surrounding area by providing direct, safe and convenient walking and cycle routes, including new footpaths on both sides of the Cemetery Lane and routes through the site to the proposed footpath along the River Tiffey that connect with Station Road to the northeast of the site.
- 5.13 The proposal is therefore considered to comply with the requirements of policies DM3.12 and DM3.13 of the South Norfolk Local Plan.

**Layout and appearance**

- 5.14 Policy 2 of the JCS and section 12 of the NPPF requires all development to achieve good design.
- 5.15 The general layout of the site, which has been informed by the outline planning permission and amended following discussions with the Council's Senior Heritage and Design Officer, is considered acceptable. The amended proposals include contemporary house designs, materials and design detailing which complement the area and existing buildings, including nearby heritage assets. Strong points include the link through to the site and the frontage provided to the station forecourt, which compliments the listed station buildings.
- 5.16 Having regard to Policy DM4.10 and S66(1) and S72 of the Listed Buildings Act 1990, the design and layout of the development, including the detailed design of buildings and materials and how they relate the Conservation Area and nearby listed buildings is considered acceptable.
- 5.17 Whilst it is considered that ideally a mixed-use scheme might be better for this frontage, it is accepted that this may not be a realistic expectation. It is also noted that the outline consent established a 100% residential scheme. As such the proposals are acceptable in this regard.
- 5.18 Some concerns have been raised with regards to the parking layout and the spread of different house types. Following discussions with the applicant and Council's Senior Heritage and Design Officer the amended parking arrangements and layout are on balance considered acceptable in design terms.
- 5.19 Overall, it is noted that the Council's Senior Heritage and Design Officer considers that the scheme is acceptable, resulting in a development with its own distinctive character that relates positively to its surroundings. The proposal therefore meets the

requirements of Policy 2 of the JCS, section 12 of the NPPF and policy DM3.8, DM4.3 and 4.10 of the South Norfolk Local Plan and South Norfolk Place-Making Guide SPD.

### **Landscaping and open space**

- 5.20 The applicant is accompanied by a Landscaping Scheme, which provides details of the provision of plants and landscaping, including tree protection. The outline consent requires that full details of both hard and soft landscape works, including a landscape management plan be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Subject to the approval of conditions 12 and 13 of planning permission 2016/2668 (which has been submitted for discharge at the time of writing) the proposals are considered acceptable with regards to Policies DM4.8 and DM4.9 of the South Norfolk Local Plan.
- 5.21 In terms of open space, the proposals include a children's playspace and areas of recreational open space in accordance with the outline planning permission and S106. Subject to the approval of condition 12 and a contribution towards off-site older children/adult open space as set out in the S106, the play space and onsite open space are considered acceptable and in accordance with Policy DM3.15.

### **Ecology**

- 5.22 An Ecological Assessment and Biodiversity Management Plan has been submitted with the application as required by Condition 15 of the Outline approval. The County Ecologist has carried out an assessment of the proposals, concluding that the proposals do not conflict with the original ecological conditions. Therefore, subject to the approval of condition 15 and submission of a compliance report confirming that all mitigation and compensation measures have been completed, it is considered that the impacts on ecology are acceptable and accords with the NPPF, conserving and enhancing the natural environment and JCS Policy 1, addressing climate change and protecting environmental assets.
- 5.23 The recommendations as made by the County Ecologist regarding bird and bat boxes and hedgehog highways in fences should be submitted as part of Condition 15.

### **Surface and foul water**

- 5.24 Condition 9 of the outline permission requires that prior to commencement of development, detailed designs of a surface water drainage scheme are submitted to and agreed in writing by the local planning authority.
- 5.25 The application is supported by a Flood Risk Assessment providing details of the drainage proposed. It is noted that the drainage strategy has changed from that proposed at outline stage, with the exclusion of infiltration crates, and changed locations for the cellular storage crates. The Lead Local Flood Authority has carried out an assessment of the amended proposals and has raised no objection to this reserved matters application subject to being consulted on any further application if this application is approved. Information has also been provided in support of Condition 9.
- 5.26 As it has been sometime between the outline application and this proposal, the LLFA have recommended that the wording of the condition is updated to take into account current best practice. Therefore subject to a new suitably worded condition requiring further updated details of the surface water drainage scheme, the proposals are considered acceptable with regards to surface water.
- 5.27 With regards to foul water capacity, this was considered at the outline stage and is proposed to be via the main sewer by Anglian Water who have confirmed that there is

capacity within the network. As such the proposals are considered acceptable in this regard.

### **Residential amenity**

- 5.28 Policy DM3.13 requires development to have regard to the impacts on residential amenity.
- 5.29 Potential impacts on residential amenity largely relate to those properties proposed along the west boundaries of the site that back on to the recently consented development for 5 dwellings on land adjacent to the car park on Cemetery Lane ref 2020/0792. Whilst it is accepted that there will be a degree of overlooking from the proposed properties, it is considered that the relative position of the dwellings and intervening boundary treatments, will not result in an adverse impact in terms of loss of light, outlook or privacy. Furthermore, the relationships between the proposed and consented dwellings are sufficient that future owners will each have adequate levels of amenity in terms of outlook, privacy and light and have suitable sized private amenity spaces.
- 5.30 In order to safeguard the future residents of both the proposed and consented development, a suitably worded condition is suggested requiring that a planning application is submitted to and approved by the local planning authority should any enlargements, improvement or alteration be proposed to the dwellings on plots 33 to 36. It is noted that some of the plots along the eastern boundary of the adjacent site have also had some of their permitted development rights removed in the interests of protecting residential amenity and to ensure that a useable private amenity space is retained.
- 5.31 All other impacts with regards to residential amenity of both the existing and proposed dwellings are acceptable. Therefore, subject to conditions, the proposals are considered to comply with the requirements of Policy DM3.13 of the South Norfolk Local Plan that requires development to have regard to the impacts on residential amenity.

### **Other Issues**

- 5.32 The Fire Service requests a minimum of 2 fire hydrants to be provided, this can be secured by Condition.
- 5.33 The need to support the economy as part of the recovery from the COVID-19 pandemic is also a material consideration. This application will provide employment during the construction phase of the project, through the development itself 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.
- 5.34 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.35 This application is liable for Community Infrastructure Levy (CIL)

### **Conclusion**

- 5.36 The principle of development on the site is acceptable as established through Local Plan allocation WYM2 of the Wymondham Area Action Plan and outline planning consent. The submitted scheme, makes provision for the key

components of the outline planning permission and provides a good design in terms of layout and house types which has appropriate regard for the Wymondham Conservation Area and nearby Listed Buildings. The scheme satisfactorily safeguards neighbour amenity.

5.37 On this basis, I recommended that the application be approved.

Recommendation: Authorise the Assistant Director of Place to approve subject to conditions and a Deed of Variation to the original Section 106 to update the affordable housing provision.

1. Conditions of outline must be met
2. In accordance with the submitted drawings
3. Highway rights
4. Surface Water Drainage Strategy
5. Removal of Permitted Development Rights
6. Fire hydrants

Contact Officer, Telephone Number: Chris Watts 01508 533765  
and E-mail: [cwatts@s-norfolk.gov.uk](mailto:cwatts@s-norfolk.gov.uk)



## Other Applications

## Application 2

2020/1157



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

**2. Application No: 2020/1157/F**  
**Parish: COSTESSEY**

Applicant's Name: Mr Nnewima Nwaforizu  
 Site Address Land South of Kestrel Avenue Costessey Norfolk  
 Proposal Erection of 2 bungalows with Associated Parking

Reason for reporting to committee

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

Recommendation summary: Refusal

**1 Proposal and site context**

- 1.1 The application site is located within the Queens Hills estate within the settlement limits of Costessey. The site is to the south of Kestrel Avenue and is currently laid to grass. The site is bounded by three-storey town houses immediately adjacent on its southern and eastern sides with town houses separated by grass on the west. It is bounded to the south by a footpath and Kestrel Avenue. The town houses all front onto the site and form a 'U' shape around its southern, eastern and western boundaries. In the wider street scene, Queens Hills School is directly opposite the site to the north of Kestrel Avenue. The site is roughly central to the Queens Hills Development as a whole.
- 1.2 The existing use of the land has been raised in the consultation. This has been discussed in the application assessment with regard to the planning history in section 2.
- 1.3 The proposal is for two semi-detached chalet bungalows to face Kestrel Avenue with associated access and parking. The bungalows have been proposed as lifetime homes with an offer to secure this by S106.

The scheme has been amended from the original submission which also included a commercial element to it.

**2. Relevant planning history**

- |     |           |  |          |
|-----|-----------|--|----------|
| 2.1 | 2007/2575 | Proposed neighbourhood centre with 50 residential units, public house, car parking and associated works                            | Approved |
| 2.2 | 2007/0014 | Structural landscaping, linear park and open space details, playing fields and country park details and loop road planting details | Approved |
| 2.3 | 2006/0016 | Proposed residential development for 110 no dwellings, garages public open space & associated roadworks                            | Approved |

**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 08: Promoting healthy and safe communities  
 NPPF 09: Promoting sustainable transport  
 NPPF 11: Making effective use of land

NPPF 12: Achieving well-designed places

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

3.2 Joint Core Strategy (JCS)

Policy 1: Addressing climate change and protecting environmental assets

Policy 2: Promoting good design

Policy 3: Energy and water

Policy 4: Housing delivery

Policy 6: Access and Transportation

Policy 7: Supporting Communities

Policy 12: The remainder of the Norwich Urban area, including the fringe parishes

3.3 South Norfolk Local Plan Development Management Policies

DM1.3: The sustainable location of new development

DM1.4: Environmental Quality and local distinctiveness

DM3.1: Meeting Housing requirements and needs

DM3.8: Design Principles applying to all development

DM3.10: 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

DM3.15: Outdoor play facilities/recreational space

DM3.16: Improving level of community facilities

DM4.2: Sustainable drainage and water management

4. Consultations

4.1 Costessey Town Council

Consultation 1:

Recommend refusal due to:

- Loss of Amenity Land
- Overdevelopment of site
- Design
- Incorrect Site Plans
- Impact on Street Scene
- Highway Safety and access
- Flood Risk

Consultation 2:

Recommend Refusal due to:

- Loss of Amenity Land
- Overdevelopment of the site
- Poor Design
- Incorrect information on the site plan
- Detrimental impact on the street scene
- Highway safety and access
- Flood risk
- Misleading documentation

4.2 District Councillors

Consultation 1:

Cllr. Libby Glover

The application should be refused due to:



- Loss of amenity land
- Overdevelopment of the site
- Lack of parking for retail unit
- Highway Safety (school/bus route)
- Loss of light and overshadowing for properties

Cllr. Terry Laidlaw

No comments received

Cllr. Sharon Blundell

As this planning application is directly outside my property and as I am a member of South Norfolk Council, this application should be decided by committee on the grounds of openness and transparency.

The application should be refused on the following grounds:

- Loss of amenity land
- Overdevelopment of the site
- Out of character with street
- Highway Safety
- Commercial located in a residential area
- Detrimental to bus route
- Detrimental to school access
- It will encourage on-street parking
- Detrimental Impact on neighbours

This would also mean the loss of an open space which residents have used for over 10 years for play and socialisation. This is amenity land and was not earmarked for any development in the local plan or the planning applications for the original housing estate.

Consultation 2

Cllr. Libby Glover

No comments received

Cllr. Terry Laidlaw

No comments received

Cllr. Sharon Blundell

As this is amended application my points I raised previously still apply. As this application is directly outside my house and as I am a South Norfolk Council member this application should be decided by committee on the grounds of openness and transparency.

Summarised previous reasons for refusal (see above)

Also I could not find any boundary fencing mentioned on the plans as houses are behind and to the side of this development There is no need for these bungalows to be built on Queen's Hills we currently have 1873 dwellings with the last few houses and flats going up at present by the shop and units that will be built shortly.

#### 4.3 NCC Highways

##### Consultation 1:

The site plan shows the site to be served from a vehicular access at the eastern end adjacent to number 15. The plans do not represent the actual on-site situation.

The on-site arrangement consists of a parking layby and there is no vehicular access to the land at that point. Accessing from the end of the layby would result in a very awkward arrangement for vehicles accessing in and out. In addition to reducing the space available within the layby itself. I also note that the access route shown crosses land that is outside of the red line of the application site.

If a development is to be considered for approval, then it is recommended that an alternative access and parking provision be proposed. Although the road layout with a double bend, does not lend itself easy to the provision of an access.

##### Consultation 2:

As we are aware there is no current means of access to this site, and the access arrangement identified is poor. The proposal shows two car parking spaces for each of the bungalows and four separate spaces. There is clearly no need for the separate spaces, and they can be removed. If a consent for this development is likely it is suggested that a separate entrance is provided on the straight section of Kestrel Avenue, that is central to the bungalows with two spaces being provided for each property parallel to the road with a central turning space. That arrangement should mean that the vehicles can park and turn to re-enter the highway in forward gear.

##### Consultation 3:

The drawing that you have uploaded is the one that I commented on direct to the Agent. Repeated comments below. The access is now satisfactory. The layout less so, but I do not see that there are grounds for a highway refusal.

*Firstly the highway area to the east side of your application site and where you had originally proposed access, is a vehicular parking layby. There is no vehicular access to the land at that point.*

*A vehicular access that is central to the two bungalows would be sensible.*

*The drawing shows 4 parking spaces on the west side of the proposed properties. As discussed, that would not be a highway requirement and could be removed.*

*The parking that is shown for the two properties at 2 spaces for each unit is acceptable. My suggestion was that the spaces be provided parallel to the proposed building which, providing that there is a 6m gap in the centre where you have shown the cycle parking, would allow vehicles to turn and re-enter the road in a forward gear. Although as you have shown would suffice.*

#### 4.4 Queens Hills Primary School

##### Consultation 1:

The area that has been designated for building on is opposite the school's main entrance. This area is already difficult to navigate as it is on a main bus route, with a bus stop. When school buses are needed to transport children to weekly swimming and regular trips, they park along Kestrel Avenue, opposite the current layby. We have already had a number of complaints from parents about the parking and traffic movement along Kestrel Avenue with some reported "near misses." The proposed buildings would exacerbate this problem, which is already going to be made worse by the construction of shops and residential dwellings alongside Fieldfare Way.

The plans involve dropping an existing kerb and allowing cars to drive across a pedestrian walkway, which we consider unsafe given the volume of pedestrians

including children accessing the school using this route. The plans also indicate many of these vehicles would be reversing.

The plans show vehicles exiting the plot directly opposite the school main entrance, negatively impacting deliveries and student transport.

Consultation 2:

Further to the email sent on 31 July raising some concerns, we note that they have unfortunately not been addressed in the most recent planning application. Although the planning application has been changed, it doesn't address the concerns we raised previously and so our concerns still stand.

#### 4.5 SNC Water Management Officer

Consultation 1:

Whilst the FRA starts off by referring to the site subject to this application, much of the content of the FRA does not refer to this application.

Advice and assessment provided regarding surface water, especially with regard to the use of a sewer. Recommends condition if approved.

Consultation 2:

Again, the revised FRA is inaccurate and misleading. The Flood Map for Planning identifies the site as being in fluvial and tidal flood zone 1 at low risk of flooding from rivers and the sea and in an area of very low risk of flooding from surface water. The 1% annual probability of flooding from rivers relates to fluvial flood zone 3.

We wish to maintain our previous comments in my memo dated 21 July 2020 relating to surface water drainage. If the local surface water drainage system is compromised giving rise to localised flooding, then we would not wish to see any addition flows entering the surface water sewer.

#### 4.6 Other Representations

Consultation 1: 46 Comments

45 Objections:

- The proposal is located on amenity space where children play
- The amenity space has been there for over 10 years and has been used consistently
- The amenity space is far more appealing; we should be encouraging green space not taking it away
- The proposal would reduce the amount of green space for children to play on the estate
- The proposal would be an eyesore
- This is a very small patch of land
- Cars crossing the pavement would be dangerous
- The development would lead to on-street parking which is already a problem (including for buses)
- This is a busy area due to the school; this proposal would increase the traffic
- Additional traffic would be dangerous for children going to school or playing nearby
- Parking outside residential dwellings would be detrimental to their amenity
- There is no dropped kerb by the entrance, it is a pedestrian crossing
- Retail units are not necessary as others are being built close by
- These are proposed right in front of people's houses and would be overdevelopment
- There is not enough space for the development
- The proposal is out of character with the surrounding development (3 storey town houses)
- It would be detrimental to the look and feel of Kestrel Avenue

- The proposal would be completely overlooked from all angles resulting in a lack of privacy for future residents
- The proposal would overlook and overshadow existing residents
- The proposal would have a detrimental impact on views from existing residents
- The proposal would have a detrimental impact on the standard of living of existing residents
- The proposal includes an upper floor when it is advertised as bungalows
- The bin stores are close to existing dwellings
- The drainage is very poor
- Additional Dwellings are not needed

#### 1 Support:

- This will be a fantastic addition to the community as the temporary arrangements have demonstrated the need for a shop/takeaway in the area
- The grass is badly kept compared to the rest of the estate so getting rid of the eyesore would benefit the whole estate

#### Consultation 2: (following design and description change) 14 Comments:

##### 13 Objections:

- Views remain similar to first consultation
- This is recreation/amenity land and should not be built on
- Any loss of green space should be compensated for
- The land is amenity space used by children to play on
- Traffic, parking and access problems remain (plus impact on bus route)
- The access is proposed in the layby
- The proposal is opposite a school and will be dangerous
- This should remain as a communal area
- The bungalows will be overlooked
- It will create an alleyway outside people's houses instead of open space
- The proposal will overlook existing properties
- Existing properties will experience loss of light
- The proposal is overdevelopment and will contribute to poor road infrastructure and overcrowding
- There is not a shortage of housing on the estate
- The additional parking will create pollution for people's houses
- This will be detrimental to the street scene and have a negative impact on the character and appearance of the area
- The design is not "homes for life" standard; doors not full width, no turning spaces for wheelchairs and bedrooms on the first floor
- The application is misleading as there were no food vans on this land
- Suggest additional parking for residents instead of new housing

#### 1 Support

- It will remove a muddy eyesore piece of land
- The traffic impact won't be as much as the nearby co-op

## 5 Assessment

### **Key considerations**

- 5.1 The key considerations are the principle of development, land use, design, amenity, highway safety/parking and water management.

**Principle**

- 5.2 Policy DM1.3 of the Local Plan directs development to areas with defined settlement limits. This proposal is located within the settlement limits of Costessey and therefore accords with the aims of this policy subject to assessment of other development management criteria. The site is also in an accessible location with access to cycling, walking and public transport as well as local services.
- 5.3 Concern has been raised in the consultation with regard to the use of the land and specifically with regard to whether the proposal represents the loss of designated amenity land (initiating consideration of Policies DM3.15 and DM3.16 of the Local Plan). I have reviewed the planning history of the site and provide the following summary.
- 5.4 The proposal sites within the area covered by the overall Queens Hills Masterplan approved under outline permission (reference: 2001/1435). However, it sits outside of the land covered by the reserved matters application for the adjacent housing (2006/0116) and the structural landscaping/open space (application reference 2007/0014). It was however part of the neighbourhood centre plans approved under reserved matters application reference 2007/2575 where this particular area was to be parking spaces and landscaping. It is noted that the adjacent housing was originally designed to front this parking area (I note the close dates of application submission).
- 5.5 The neighbourhood development was never commenced and has since expired. It can never now come forward in its previous form due to the expansion of the school.
- 5.6 In conclusion, the land has not been formerly designated as amenity land or open space, but nor has it been allocated for development other than parking/landscaping in the masterplan. I therefore consider the issue of land use to be a neutral factor in the assessment of the application.

**Design**

- 5.7 Policy DM3.8 of the Local Plan considers the design and appearance of proposals, which Policy DM3.14 requires all development proposals to have regard to their local environmental and distinctive character. Significant concerns regarding the impact of the proposal has been raised in the consultation.
- 5.8 The application site is located on Kestrel Avenue which is one of the main spine roads of the Queens Hills Development. Reflective of this, along its length, Kestrel Avenue tends to be the location of some of the densest development on the estate in the form of 3 storey town houses and apartments, along with the various estate services such as the school and (under construction) commercial area. The application site itself is bounded on three sides by three-storey town houses with front entrances within a couple of metres of the site boundary and entrance paths adjacent to it. Kestrel Avenue also contains the linear park which provides a degree of openness and separation between the highway and the denser development to either side. While the application site is not formally part of the park, it is adjacent to it (physically connected on its northeast corner) and reads in character terms as part of the open buffer between the taller buildings and the highway.
- 5.9 The proposed development is for a pair of semi-detached chalet bungalows which in its basic form contrasts with all of the surrounding three storey development. The very presence of these structures within the open buffer between dense development and spine road is also incongruous with the character and appearance of Kestrel Avenue as a whole, with particular impact on its immediate vicinity. The proposal will result in a squat structure dwarfed by the surrounding residences which will appear to bear down on them from three sides. Overall in relation to settlement design and the appearance

of the street scene, the proposal appears to lack any consideration to its surroundings and would result in a significant detrimental impact to the character and appearance of the wider area contrary to the aims of both DM3.8 and DM1.4 of the Local Plan.

- 5.10 With regard to matters within the site, the bungalows are proposed to face the street, with the rear elevation facing adjoining residences at close proximity. The close interaction with adjacent residences is in the form of a narrow open area of land. The interaction between the proposal and existing dwellings is considered to be very poor and will result in the proposed dwellings appearing both completely detached from their surroundings and at the same time creating a cramped form of development though their close proximity. The design detail, form and massing of the dwellings bears no relation to any surrounding properties and contrasts the design theme of this part of the estate. In terms of dwelling design and site layout the proposal therefore is also contrary to policy DM3.8 and DM1.4 of the Local Plan.
- 5.11 In summary, in consider the proposal to lack regard to its surroundings, appear incongruous in its position and design in the street scene, result in a cramped and awkward form of development and contrary to Policies DM3.8 and 1.4 of the Local Plan, Policy 2 of the Joint Core Strategy and Part 12 of the NPPF thereby providing significant reason to refuse the application.

### **Amenity**

- 5.12 Policy DM3.13 considers the impact of proposals on the amenity of neighbouring residents and the amenities of future occupants of the site. Significant concern has been raised in this regard in the consultation.
- 5.13 Firstly, with regard to neighbours, the proposed development is located adjacent to a 'U' shaped arc of townhouses and located in very close proximity to existing dwellings on the southern and eastern site boundaries. As highlighted above, these dwellings were designed to front landscaping and parking. The result of the proposed buildings location, design, form and massing would result in a cramped overbearing feel when exiting the front of the existing dwellings and when utilising any rooms with front facing windows. The proposal is to the north or west of most existing dwellings which will mitigate overshadowing to an extent, however, the close proximity results in overshadowing, particularly on dwellings to the east that is still considered to be significant. Furthermore, despite the proposed widespread use of obscured glazing, the proposal would cause overlooking from opened windows (a fixed window condition would not be reasonable and would not likely pass fire regulations when used on such a significant proportion of a new dwelling). The cramped form of development proposed would also cause detriment to the general living conditions of existing dwellings as a result of bins, enclosed spaces and a poor relationship between buildings. I consider the impact on the amenities of existing residents to be significant, contrary to the aims of policy DM3.13 and reason to refuse the application.
- 5.14 Furthermore, the location of the chalet bungalows results in a significant to severe level of overlooking due to the proximity to and relationship with an arc of three-storey townhouses. This results in direct sightlines from 16 separate three-storey dwellings onto the side and rear elevations of the proposed dwellings at close range. The proposal attempts to counter this through the use of obscure glazing to the rear elevation and through omitting any allocated private amenity space. This results in approximately 50% of the proposed windows to be obscured, including the main rear living room windows. I consider this to result in wholly inadequate and compromised living conditions within the proposed dwellings which would be overshadowed, suffer from a sense of overbearing from neighbouring dwellings and be severely overlooked. This would be contrary to the aims of DM3.13 and provides significant reason for refusal.

**Highway Safety**

- 5.15 Policies DM3.11 and DM3.12 consider highway safety and parking/turning provision respectively. Concern has been raised with regard to the proposed access, parking provision and traffic generation of the proposal.
- 5.16 With regard to the specific design details, there were originally significant issues with the access arrangements, however over the course of the application this has been reduced in consultation with the Highway Authority to a point where they have been able to remove her objection following the latest revision. Therefore, on balance, I do not consider the impact of the proposal on highway safety to be significant enough to include as a reason for refusal. Furthermore, parking provision is in excess of what is required for the dwelling types, so the proposal is policy compliant in this regard.
- 5.17 With the removal of the commercial element, the proposal is limited to two dwellings. The traffic generated from two dwellings in relation to the existing traffic on the street would not represent a significant enough increase to be considered a severe highway impact which is the level at which the NPPF requires in order for impact on highways to form a reason for refusal. On balance, I do not consider that threshold to be met in this instance and therefore the impact on highways does not warrant reason to refuse the application in this instance.

**Water Management**

- 5.18 Policy DM4.2 of the Local Plan considered water management and drainage for new development. Concern has been raised with regard to the current drainage situation on the site and the impact the proposal may have. There are significant inconsistencies in the flood risk assessment, but the Water Management Officer response highlights that the area is regarded as low risk from both fluvial and surface water flooding. It is not uncommon for this aspect of development to be resolved by condition, so the lack of drainage details is not necessarily a concern at this stage. The Water Management Officer recommended a suitable condition in the event of an approval and, on balance, I therefore do not consider there to be sufficient reason to refuse the application on the grounds of policy DM4.2 in this instance.

**Other Issues**

- 5.19 With regard to the applicants offer for these to be Lifetime Homes, under section 149 of the Equality Act 2010 the Council has had due regard to the impacts of this proposal, in respect of layout, design and connectivity, on those groups with protected characteristics. While the principle of increased delivery of accessible dwellings accords with the aims of the act and the council's responsibility; and a commitment from the applicant to agree this through S106 is noted; it is considered that this proposed development does not provide suitable accessible living space by virtue of the poor design and location, the impact on amenity of existing residents and poor amenity provision for future occupiers, overall leading to substandard living accommodation. As a result, the overall proposal is considered to be at odds with the aims of this act. I consider that the council's responsibility in this regard is to expect the same high standards of design and amenity provision that is required through Local and National policy to be applied to all dwellings and for all residents of the district and that this proposal does not achieve this.
- 5.20 I have considered the impact on ecology, however the land is maintained, regularly used and enclosed by development. I therefore do not consider there to be significant risk of ecological impacts in this instance.

- 5.21 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*'. This is a material planning consideration. However, this site is not considered suitable for the reasons already set out and therefore is considered contrary to paragraph 68, which is not overriding in this instance. The Council is already delivering a number of windfall sites/small sites to align with paragraph 68 and therefore the need for additional small sites is not considered overriding in terms of determining this application and would not outweigh the harm previously identified.
- 5.22 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.
- 5.23 This application is liable for Community Infrastructure Levy (CIL) – if the application were to be approved unless an exemption is submitted at a later date.
- 5.24 I have considered the impact of covid in the assessment of this application however, while the construction phase and increase in residents would create economic benefit, other issues are of greater significance in this instance.

### **Conclusion**

- 5.25 The proposed development is for a pair of semi-detached accessible chalet-bungalows located within the settlement limits of Costessey. The location accords with Policy DM1.3, however the assessment has highlighted significant concerns relating to design, impact upon the character of the street scene, development layout, residential amenity and the overall living conditions associated with the proposed scheme contrary to Policies DM3.8, DM1.4 and DM3.13 of the Local Plan. While the proposal is acceptable with regard to highways and parking and is designed to provide accessible lifetime homes, this is not enough to overcome the significant harms identified. As a result, the recommendation is for refusal for the following reasons;

Recommendation: Refusal

- 1 Design and Layout
- 2 Impact on Amenity

### **Reasons for Refusal**

- 1 By virtue of the location, design and layout of the proposal it is considered to result in a cramped and incongruous form of development that relates extremely poorly to its surroundings and therefore causes a significant negative impact on the character and appearance of the street scene and settlement layout, contrary to the aims of policy DM3.8 of the Local Plan and Policy 2 of the Joint Core Strategy with regard to design and with regard to DM1.4 in terms of taking into account environmental quality and local distinctiveness.

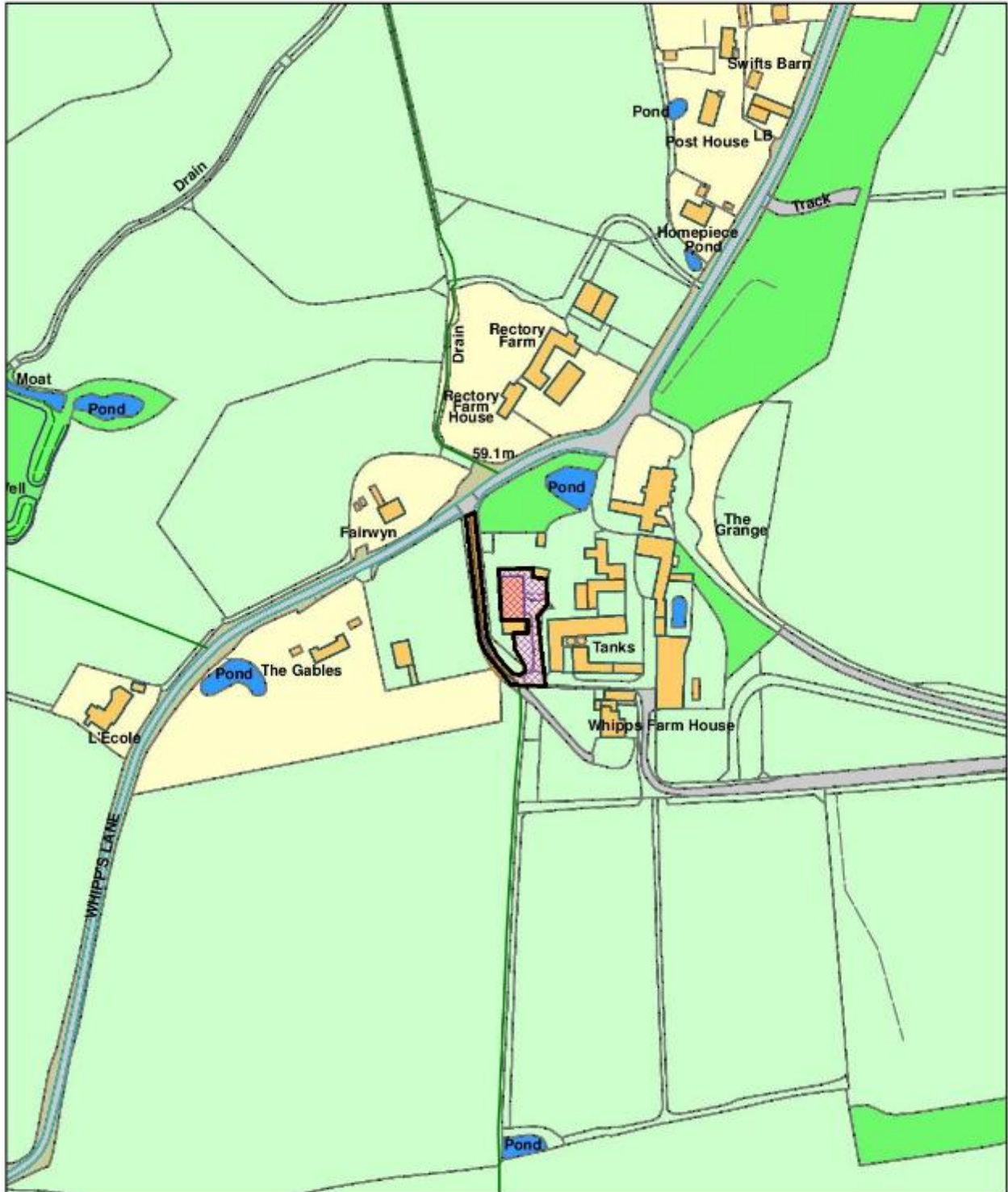


- 2 By virtue of the development's design and location it will result in a significant negative impact on the amenity of both existing neighbouring residents and future occupiers of the development as a result of significant levels of overlooking, cramped positioning, overshadowing and a generally poor relationship between new and existing dwellings contrary to the aims of Policy DM3.13 of the Local Plan.

Contact Officer, Telephone Number    Peter Kerrison 01508 533793  
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Application 3

2020/2236



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

**3. Application No : 2020/2236/CUQ**  
**Parish : ASHWELLTHORPE AND FUNDENHALL**

Applicant's Name: Mr H Mason  
 Site Address Barn at The Grange Whipps Lane Fundenhall Norfolk  
 Proposal Notification for Prior Approval for a proposed change of use and associated building works of an agricultural building to a dwellinghouse (QA and QB)

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: NR: Prior Approval Not Required

**1 Proposal and site context**

- 1.1 The application site is located within an agricultural unit at The Grange, Whipps Lane, Fundenhall. It currently consists of a 20th Century functional agricultural barn with concrete portal frame, metal sheet cladding and corrugated fibre roofing. The barn is open inside with compacted earth flooring with a full height opening in its eastern elevation. The immediate area surrounding the barn is laid to grass to the east, north and south with vegetation, hedgerow and a ditch to the west. The site is located within an agricultural unit that includes two further residential dwellings (one that is listed), curtilage listed brick agricultural barns, associated hard standing a pond and a group of trees. To the west is a hedge, followed by access track, a field then another residential dwelling. The redline is limited to the proposed barn and parking area.
- 1.2 The application is for the conversion of an existing agricultural building to a dwelling under Class Q part 3 of the General Permitted Development Order 2015 (as amended). The site is proposed to be accessed via an existing track leading to Whipps Lane.

**2. Relevant planning history**

- |     |           |  |          |
|-----|-----------|--|----------|
| 2.1 | 2014/0892 | Change of use of land to Community Use. Installation of Outside Eco-Toilet in Cabin 2m X 2.4m.   | Approved |
| 2.2 | 2010/1940 | Application for new planning permission to replace extant listed building permission 2008/2294/LB - conversion of existing barns to 4no dwellings with garages, together with demolition of metal clad agricultural barn | Approved |
| 2.3 | 2010/1938 | Application for new planning permission to replace extant permission 2008/2273/F - conversion of existing barns to 4no dwellings with garages, together with demolition of metal clad agricultural barn                  | Approved |
| 2.4 | 2009/0367 | Change of use of buildings and land to kennels and training of greyhounds plus standing of mobile home for registered trainer  | Refused  |

- |     |           |   |           |
|-----|-----------|---|-----------|
| 2.5 | 2008/2294 | Proposed conversion of existing barns to 4no dwellings with garages, together with demolition of metal clad agricultural barn | Approved  |
| 2.6 | 2008/2273 | Proposed conversion of existing barns to 4no dwellings with garages, together with demolition of metal clad agricultural barn | Approved  |
| 2.7 | 2008/1769 | Proposed conversion of existing barns to 4no dwellings with garages, together with demolition of metal clad agricultural barn |           |
| 2.8 | 2020/1793 | Proposed conversion of existing Atcost barn to residential use.   | Withdrawn |

### 3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
 NPPF 05: Delivering a sufficient supply of homes  
 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

#### **Statutory duties relating to Listed Buildings and the setting of Listed Buildings:**

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

### 4. Consultations

#### 4.1 Ashwellthorpe & Fundenhall Parish Council

##### Consultation 1:

Objects to the application:

- The proposed curtilage is too large
- Only part of the building is proposed to be converted - the rest remains agricultural which would not be compatible
- The structural report indicates that further structural work is required which wouldn't be allowed under part Q
- The existing highway access is limited and dangerous for pedestrians
- The proposal will generate additional traffic
- The proposal indicates the potential removal of a hedge which would result in it becoming more visible which would be detrimental to character
- The removal of the hedge would result in loss of habitat; no survey has been conducted in relation to newts

##### Consultation 2:

As per the previous response - Objection - the application should be refused

##### Consultation 3:

- Stands by original objection - the application should be refused
- Concern regarding windows - it appears an internal structure is being proposed which would not be allowed under part Q

- The structure should be capable of functioning as a dwelling and strong enough to bear the load of development works (also clarified by the Hibbitt case)
- There is too much work to be classed as a conversion
- Cutting sections for windows seems impractical
- The roofing is asbestos and will require removal, but this is not mentioned
- There are concerns around the removal of asbestos from the site

#### 4.2 District Councillors

##### Consultation 1:

Cllr. Vivienne Clifford-Jackson

My intention is to say that I hope this application should be refused, if it is to be approved, I would hope the committee would have oversight. So to be clear if you are minded to refuse it can be delegated otherwise the committee should make the decision.

Cllr. Nigel Legg

This application should be considered by DMC. There is widespread local concern about its suitability covering a number of reasons.

In particular it's close proximity to the adjacent listed farm buildings and the narrow highways approach.

Cllr. Gerald Francis

No comments received

##### Consultation 2

Cllr. Vivienne Clifford-Jackson

There is nothing about this 'conversion' that commends itself to me. It seems out of keeping, too congested on the site and inappropriate for the location. If you are minded to approve, I would like this referred to the committee for their judgement.

Cllr. Nigel Legg

No comments received

Cllr. Gerald Francis

No comments received

#### 4.3 NCC Highways

In considering the traffic implications of this proposal, it is noted that the agricultural building is quite large and could involve a number of daily movements if used as a storage unit.

It would therefore be difficult to object to the building being converted to a single dwelling, which would be different to a completely new build development, where there are currently no traffic movements. These comments do relate to the use as a single dwelling only. The current application proposal uses about two-thirds of the floor space of the agricultural unit to form a 4-bed dwelling. The use for the remaining section of the building was not specified. Any proposal for the remaining section of the building will need to be considered in relation to the standard of the highway network and the means of access that serves the site. I understand from our discussion today that the end section of the building is now proposed to be demolished.

Recommends a condition if approved

## 4.4 The Ramblers

- No comments received

## 4.5 SNC Community Services - Environmental Quality Team

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

- Condition: Contaminated Land During Construction
- Condition: Air Source Heat Pumps
- Note: Disclaimer Re: contamination
- Note: Construction Impacts

## 4.6 The Ramblers

- No comments received

## 4.7 Public Rights of Way

Consultation 1:

We have no objection in principle to the application. However, we would highlight that access to the site will be via the Public Right of Way known as Ashwellthorpe footpath 14 which does not offer any means of public vehicular access and it is not maintainable at the public expense to a vehicular standard. The applicant will need to ensure that they have an established private right of access to the land suitable for residential purposes. It would be expected that any damage caused to the footpath by the exercise of the private rights remains with the rights holders to repair. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

Consultation 2:

We have no objection in principle to the application. Reiterates previous comment.

## 4.8 SNC Senior Conservation and Design Officer

The conversion seems fairly sympathetic in consideration of retaining the simple form and more modern functional agricultural appearance of the existing building.

With regard to the setting of farmhouses, including this farmhouse, modern agricultural buildings are frequently built to allow the farm to function in more modern times and are considered part of the evolution of the farmhouse/farmyard use. Even if these modern structures do not have the same charm and antiquity as traditional agricultural building, they still form part of the character of the modern-day rural economy. In this instance, these building and existing outbuildings do not appear to be use – however it is the case that although modern and utilitarian the modern agricultural building does not appear incongruous in this setting.

The existing farmhouse, which is the principal listed building, is some distance to the east. The existing building to be converted is some distance to rear, with historic outbuildings in between also affecting intervisibility. These existing more historic farm buildings appear C19 in date, and although of some heritage value as farmyard cluster are quite functional and simple farm buildings of their time. The outbuildings were previously recorded as part of an application:

<http://www.heritage.norfolk.gov.uk/recorddetails?MNF57871>

Impact on setting is with regard to how the setting contributes to the significance of the listed building and how the listed building is 'experienced' within its surroundings in terms of being able to appreciate its significance, and the reason for its listing. Regarding the main listed building the degree of detachment and the fact that the building is there and being converted – and it will not have the same 'domestic appearance' as a house, then the degree of impact is fairly minimal and not harmful.

Regarding the outbuildings, which are listed by virtue of being considered within the curtilage of the LB. It would not be uncommon to see modern agricultural sheds within the context of existing more historic farm buildings – which is the case here. Again, although being converted the building retains its simple functional more contemporary form of a more modern farm outbuilding rather than say a proposal for a traditional house.

Therefore, to what degree of harm would result to the setting from the conversion? I would suggest that it is in this case negligible in terms of how it will change how the existing principal listed is viewed within the setting – or for the outbuildings which are in any case of lesser significance. The setting of the listed building and the curtilage buildings will be largely preserved.

#### 4.9 Other Representations (summary of comments)

##### Consultation 1: 4 Objections

- Plan is only for 2/3rds of the building - no plans for the rest
- There is an internal door from the proposed dwelling into the remainder of the barn
- Potential under class Q to complete other conversions on the site
- Ask that the use of the remaining part of the barn is clarified
- The land is within the curtilage of a 17th Century grade II listed building
- The alteration will negatively impact the listed building and that this conversion would be undesirable, objectionable and harmful in this regard
- A previous application (since withdrawn) proposed to replace elements of the barn but this one doesn't. Does this mean amendments will be submitted in the future?
- The barn requires more work than allowed under class Q (as clarified by PPG guidance and Hibbitt case) to convert
- The proposal is a re-build rather than a conversion
- The barn was originally a pole barn and not strong enough; the structural report suggests further strengthening is necessary
- cross bracing was proposed in the previous application but not this one - why is it no longer necessary?
- The building was erected in 1968 and is nearing the end of its life, it will have experience corrosion and weakening
- The trial holes to measure foundations were not as deep as the report suggests so how can they be accurate?
- The building is close to a pond and the water table is high, so details are needed
- The barn is likely to contain asbestos in the roof which will therefore require removal
- Asbestos is also likely to be within the concrete - Building Control are unlikely to look favourably on this
- The access and Whipps Lane in general are unsuitable for the vehicular traffic from this development
- Concern over safety of pedestrians on the right of way (also used for the access)
- Applications elsewhere on Whipps lane have had concerns raised by highways
- Visibility splays are not sufficient
- The conversion will have an impact on ecology
- This conversion would compromise the potential to convert the remaining historic barns, reducing the potential number of dwellings available

- The landowner of the access has not given permission for this to be used for the proposal

#### Consultation 2: 4 Objections

- Previous comments should be taken into account
- The proposal is within the curtilage of a listed building and therefore undesirable
- The appearance is not attractive, and the conversion would not make this more acceptable
- This would detract from any attempt to sympathetically convert the other historic barns
- A new boundary will be created within the listed curtilage; this should be agreed upfront, or a listed building application submitted
- The reduction in size cuts the structure midway between portal frames which could not be done without structural work.
- There is still no clarification on why cross bracing is no longer needed; cross bracing would result in a rebuild rather than conversion (not suitable for class Q)
- The foundations are not as deep as stated so will require strengthening - this is not allowed under part Q
- There are gaps at the base of the cladding which will require substantial works to seal which would be structural
- The structure should be capable to function as a dwelling – there is vegetation growing through the walls
- The landowner does not want the access to be used
- The construction of a new gable wall requires new structural elements and would be a re-build not a conversion
- A deep ditch is located close to the western elevation and there is no provision for boundary fencing
- Farm vehicles do not use the proposed access
- Whipps Lane is not suitable for new residential traffic
- The cladding does not have the structural integrity to hold windows in place
- There is lots of misleading and incorrect information in the application

#### Consultation 3:

##### 2 Objections

- Many previous comments remain valid and should also be considered alongside these updates
- The original supporting statement had errors; the application still contains errors
- The errors make it difficult for neighbours to assess the proposals
- The proposal includes new blockwork walls which will require foundations and are not allowed by the GPDO
- The blockwork walls should be considered external because they will form the inside of a cavity wall (reference building regulations).
- The proposal includes structural steel framing attached to the inside of the cladding to hold windows; without this windows could not be installed
- the two drawings submitted on Feb 18th – “Indicative Openings Formation” and “Wall Panel Diagram” make it clear that the weight of the new external components – (doors and windows) will be carried via new structural frameworks of RHS to the new foundation.
- No information has been provided to show how the doors are to be installed – these will need to be fixed to foundations as they are not load bearing
- New structural elements will be added to all four external walls
- Additional information has only been provided after the planning officer raised concerns
- The structural report says that the frame can take lightweight materials – triple width windows and large doors are not lightweight



- This case is not clear so the Hibbitt case suggests it is not a conversion and should be refused
- There are discrepancies with the description of the roof and end gable and this means it likely will not be retained as stated
- Asbestos is contained in the structure – this is not stated in the application; this will deteriorate over time and pollute the surroundings
- The land owner has indicated that access will not be permitted as proposed
- There are serious ecological concerns which will need to be complied with

## 5 Assessment

- 5.1 The application is for the conversion of an existing agricultural building to a dwelling under Class Q part 3 of the General Permitted Development Order 2015 (as amended). The site forms part of a collection of agricultural buildings.
- 5.2 The application is for Class Q (a) and (b) and drawings have been provided.
- 5.3 In considering the scheme against (a) and (b) it is appropriate to consider whether the scheme can be considered to represent a “conversion” and reaching a decision on this it is necessary to have regard to The judgement in Hibbitt and Another v SoS for Communities and Local Government and Radcliff Borough Council and the updated guidance in the NPPG makes it clear that the building will only meet the class Q (b) criteria if the proposed building is a conversion.
- 5.4 The building consists of a metal clad concrete frame with corrugated fibre roofing. The proposal includes the retention of the frame, cladding, roofing and existing foundations for the part of the barn to be converted. This consists of 4 of the sections of portal frame. The remaining two are proposed to be demolished. The existing opening and resulting gable opening are proposed to be infilled with cladding to match the existing barn. The works also consist of the construction of a wall inside the cladding to hold the internal walls and first floor. Following a request for clarification, it has been confirmed that the windows are to be attached to the exterior cladding with bracing, also attached to the cladding on the inside. This detail now forms part of the application documents and are proposed to be listed in the approved plans condition. The internal blockwork wall will sit inside the barn and support the new first floor. A new ground floor surface will also be provided internally.
- 5.5 The consultation responses contest that the works proposed go beyond that of a conversion and that the proposal should be considered as a re-building and not eligible for Class Q conversion. Specifically, this relates to concerns that the foundations will need to be strengthened, the works around the windows are in excess of what is allowed, and that too much work will be required to retain and make good the existing cladding. Concern has also been raised as to the level of internal work and demolition.
- 5.6 For the purposes of this assessment it is important to note specifically section Q.1(i) which reads as follows:
- “the development under Class Q(b) would consist of building operations other than—
- (ii) the installation or replacement of—
- (aa) windows, doors, roofs, or exterior walls, or
- (bb) water, drainage, electricity, gas or other services,
- to the extent reasonably necessary for the building to function as a dwellinghouse; and
- (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i)”

- 5.7 In addition to this, government guidance provided in 105 Reference ID: 13-105-20180615 of the PPG (amended following the Hibbitt case) reads as follows:

“...The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations....”

“...Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q...”

- 5.8 The proposal is to retain the frame, cladding and roofing with works limited to repairs and making good and watertight, along with the infill of the existing vehicle entrance. The consultation has raised concerns in relation to the potential presence of asbestos in the roofing and potentially portal frame. Techniques are available that make these elements safe so its presence alone does not necessarily prevent the retention of these elements. In relation to the exterior features mentioned, it is considered that the proposed work is reasonably necessary and in accordance with the GPDO and PPG guidance.
- 5.9 The proposal asks to demolish the end of the building. Without this, the dwelling would be joined to a part of a building with agricultural use resulting in an undesirable relationship. The result of the demolition requires the end gable to be made good within the existing portal frame but leaves the remainder of the barn unaffected. This demolition is also considered reasonably necessary given the justification and limited impact on the remainder of the structure. For the avoidance of doubt there is nothing that prevents demolition under Class Q.
- 5.10 Sections of cladding are being removed to facilitate windows in accordance with the guidance. Initially the windows were proposed to sit on a new internal structural element that also holds the first floor (covered in more detail below) however, the guidance quoted above specifically listed windows as an external element and therefore one that should be supported by the existing structure, not by new structural elements. Amendment and clarification have since been provided to state that the windows will be attached to the exterior cladding using bracing (attached to the inside of the cladding) to make up for the rigidity lost when cutting the holes. The insertion of windows is reasonably necessary for the conversion and very few structures would take this without work other than to cut holes (for example, even brick structures require lintels to retain rigidity). It is therefore accepted that a level of work will be required to do this. The proposal retains and utilises the existing structural elements and exterior cladding and it is therefore considered these works are not structural in themselves and are allowed as reasonably necessary for the conversion.
- 5.11 The foundations are not proposed to be changed for the existing portal frame or the exterior loads that it takes. While their ability to do this is challenged by neighbour responses; based on the information provided and the site visit I have taken the proposal at face value given the structure is existing and additional load is limited to windows. Re-enforcement of foundations to support exterior structural loads would be outside of the scope of works proposed in this application and works to do so would not be in accordance with the permission.

- 5.12 With the above clarification regarding the difference in consideration of external and internal works; the provision of a floor, internal structure to hold the first floor and internal walls, electrics and water is not regarded as development so is not prevented by Class Q criteria.
- 5.13 It is therefore considered by officers that, on balance, the proposal is a “conversion” in terms of class Q and the proposed physical works are in accordance with Class Q.
- 5.14 Class Q(a) is for change of use of a building and any land within its curtilage, curtilage being defined in paragraph X as
- “curtilage” means for the purposes of Class Q, R, and S only-
- (a) The piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or
- (b) An area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building
- Whichever is lesser.
- 5.15 The proposal has a curtilage which is the same size as the existing building footprint and therefore the proposal complies with the criteria.
- 5.16 With regard to use, officers are satisfied that the last use of the building is one of agriculture.
- 5.17 The proposed development Class Q of the GPDO 2015 only allows the local planning authority to consider the development in relation to the NPPF for the following criteria. The conditions can also be applied in relation to these areas:
- Transport and highway impact of the development
  - Noise impact of the development
  - Contamination risk on site
  - Flood risks on the site
  - Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change use falling within Class C3 (dwellinghouse) of the schedule to the use classes order
  - The design and external appearance of the dwelling
  - The provision of Natural Light in all habitable rooms of the dwellinghouse

### **Transport and highway impact of the development**

- 5.18 The application proposes to use an existing access onto Whipps Lane. Concern has been raised in the consultation process regarding the suitability of this access, Whipps Lane itself and the land ownership in relation to whether it can be used.
- 5.19 In relation to Highway Safety, the Local Highway Authority have assessed the proposal and have no objection in relation to the use of the proposed access due to its current availability for use by the arm holding, including this building. Its availability is a matter of fact and not impacted by the current owner’s choice not to use it at present.
- 5.20 A planning permission, or as in this case, prior notification decision would not supersede the rights of a landowner to deny access across their land. This is a civil matter and not a material consideration in this assessment. If the necessary civil permissions are not granted, the proposal will not be able to come forward in its proposed form.
- 5.21 The access also forms part of a right of way which, as emphasised by the County Council Rights of Way Team, must remain open at all times. Their response also

highlights the specific need for civil access permissions from the landowner for a vehicles access as the right of way covers pedestrians only.

- 5.22 The proposal provides sufficient parking to service the dwelling with turning space to join the highway in a forward gear.

#### **Noise impact from the development**

- 5.23 Use of the building for residential use is unlikely to have an adverse impact on neighbouring uses by virtue of the orientation of the building and separation from the nearest dwellings. The issue of potential impacts on future residents from any adjoining use is considered in the section of whether the conversion would be impractical or undesirable.

#### **Contamination risk on the site**

- 5.24 Environmental services been consulted and have concluded, based on the evidence provided that contamination risk is low enough to apply only the unexpected contamination condition which requires any finds to be reported to the council with remediation agreed of necessary. This condition has therefore been added in accordance with the NPPF.
- 5.25 I note the concern regarding the potential for asbestos to be present. If this is the case, its removal and handling is strictly controlled by legislation outside of planning and any discovery would also need to be reported to the council under the proposed condition with suitable remediation agreed.

#### **Flood risks on the site**

- 5.26 The Water Management Officer has commented on the application and highlighted that the building sits in flood zone 1 in relation to fluvial flooding and is not affected by any surface water flow paths according to Environment Agency surface water maps. Advisory notes have been included to offer guidance on foul and surface water, but no conditions are necessary in this instance.

#### **Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change use**

- 5.27 Under this section the assessment has considered the location of the building in relation to heritage assets and active farming activities. I note concern has been raised in relation to heritage in the consultation in relation to the barn itself and potential associated residential paraphernalia, including boundary treatments if occupied as a dwelling.
- 5.28 In relation to heritage, while local plan policies are not applicable, consideration has been given to part 16 of the NPPF S16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is within the setting, and likely the historic curtilage of a listed farmhouse; however, its construction is post 1948 and physically detached from other listed structures so it has no heritage designations of its own. The proposal has been assessed by the Senior Conservation and Design Officer who has no objection on the basis that the barn is already present and of a character and appearance that, while not historic, is not unusual to find within active farming units. It is not considered that a change to residential would cause harm to the setting of the listed buildings of any greater magnitude than the existing structure.
- 5.29 The curtilage afforded to the barn is limited under a Class Q application. The level of boundary treatment possible would not be altered by this permission as Class A of Part 2 of Schedule 2 of the GPDO is not specific to residential gardens and is not excluded

by Part Q conversions. Permitted development rights for outbuildings and hard standing are not applicable for Class Q conversions as dwellings permitted this way are excluded from most Part 1 Schedule 2 Permitted development rights. Any application to propose boundary treatments outside of the scope of existing permitted development, outbuildings or extension of garden area would require full planning permission where the heritage implications can be considered on the merits of that submission.

- 5.30 With regard to the existing farming activities, while previous permission was granted for conversion to residential dwellings adjacent to this application, that permission has since expired. As such, the proposal has been considered with regard to its proximity to the buildings in their agricultural use. The barn is located separate from the other structures although in relatively close proximity. The main farmyard area is separated from the barn by other buildings. The proposed curtilage of the proposal would prevent agricultural vehicles from passing in close proximity to the dwelling while the dwelling is no closer than two other properties. No objection has been received from the environmental services team with regard to noise and other amenity impacts.
- 5.31 Overall, the position of the building is not considered to be undesirable or impractical for its proposed use.

### **Design and appearance**

- 5.32 The proposal reduces the size of the barn; however, it retains the cladding and roofing with any new materials designed to match the existing. The most significant change is therefore the addition of windows which are appropriate and do not cause reason for significant concern. In light of the Class Q process allowing the conversion of such structures, and the proposed retention of the appearance and materials; the design and appearance are therefore considered acceptable within the context of the proposal.

### **The provision of Natural Light in all habitable rooms of the dwellinghouse**

- 5.33 The proposed floor plan indicates that all habitable rooms have external windows thereby demonstrating compliance with this requirement.

### **Other Issues**

- 5.34 Protected species such as bats and great crested newts are protected under UK and European Law. Prior approval applications do not override the need to comply with other legislation, however ecology does not form part of the considerations of the prior approval process. Some proposed works or activities may therefore still require specific licences administered outside of the planning process.
- 5.35 I have considered the impact of Covid in this assessment; however, the Class Q process offers no weight to economic impact and no weight can be given to this within the decision.
- 5.36 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 outlined above are of greater importance.
- 5.37 Under section 149 of the Equality Act 2010, the Council has had due regard to the impacts of this proposal, in respect of layout and design on those groups with protected characteristics within the limitations of the Class Q assessment criteria.
- 5.38 This application is not liable for Community Infrastructure Levy (CIL) as the building has been in lawful use for six of the last 36 months.

**Conclusion**

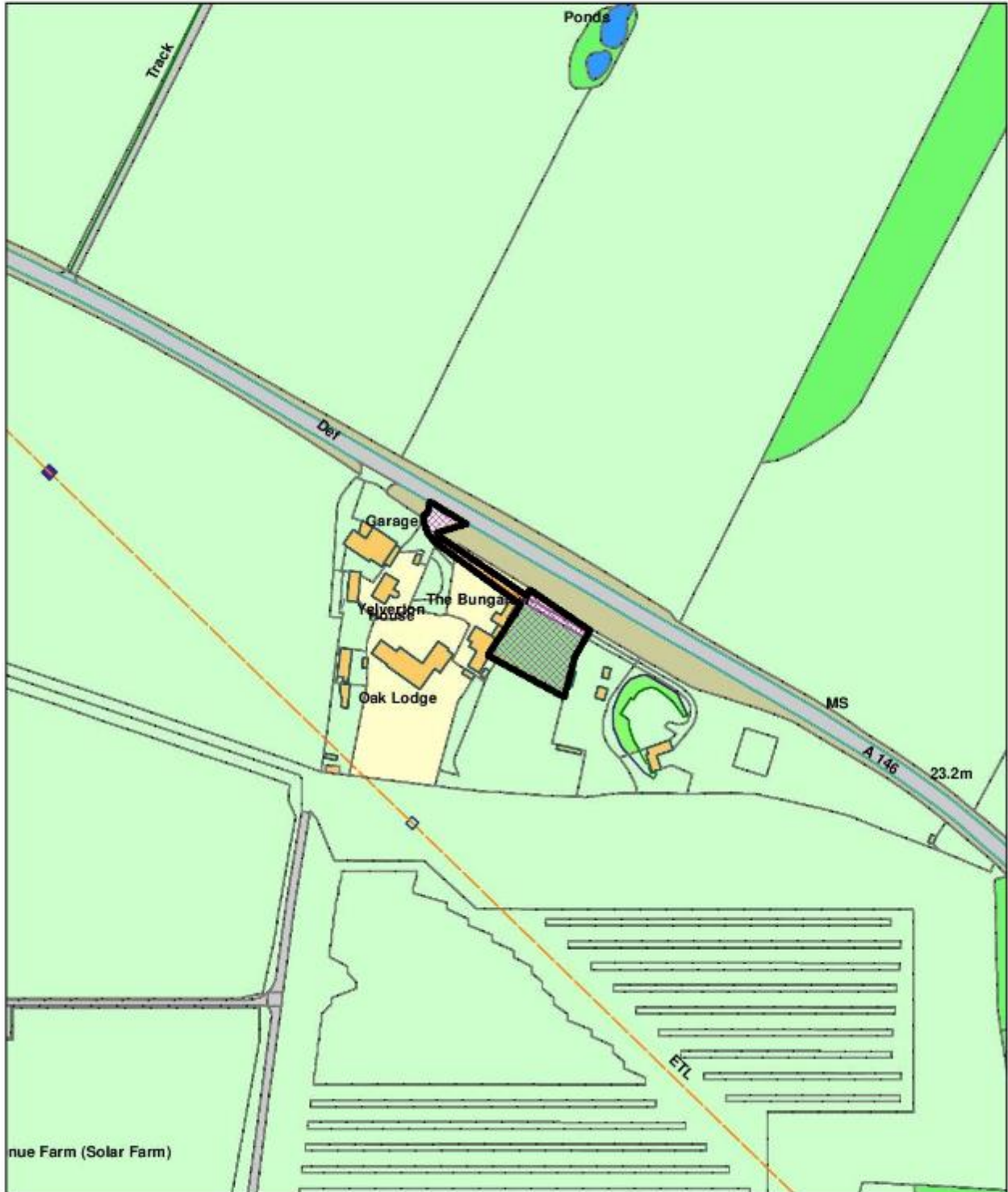
- 5.39 In conclusion, the building complies with the prior approval criteria and having consideration to the criteria that the prior approval can be considered under does not have any significant impacts which would warrant the refusal of the details.

Recommendation: NR: Prior Notification not Required

- 1 In accordance with submitted drawings
- 2 Contaminated land during construction
- 3 Provision of parking, service

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2020/2335



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

**4. Application No : 2020/2335/F**  
**Parish : YELVERTON**

Applicant's Name: Mr Alex Mcallister  
 Site Address: Land East Of The Bungalow Loddon Road Yelverton Norfolk  
 Proposal: Change of use of amenity land to residential Romany Gypsy site.  
 Erection of dayroom, store/workshop building and hard standing for mobile home and touring caravan

Reason for reporting to committee

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

Recommendation summary : Refusal

1 Proposal and site context

- 1.1 This application seeks consent for a Romany Gypsy residential site for 1 pitch, containing a residential mobile home, a dayroom, a store/workshop building and hard standing for touring caravan.
- 1.2 The application site is located to the south side of the A146 Norwich to Lowestoft road at Yelverton. The site is elevated above the A146 and is screened from the road by existing vegetation, however, will be visible when viewed from the northwest. The access is via the access track/drive shared with adjacent properties from the A146. The site has been cleared of the existing vegetation and has fencing on all sides. To the west are existing residential properties, Yelverton garage and Yelverton Vans.

2. Relevant planning history

No recent planning history

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
 NPPF 02 : Achieving sustainable development  
 NPPF 04 : Decision-making  
 NPPF 05 : Delivering a sufficient supply of homes  
 NPPF 09: Promoting sustainable transport  
 NPPF 12 : Achieving well-designed places  
 NPPF 14 : Meeting the challenge of climate change, flooding and coastal change  
 NPPF 15 : Conserving and enhancing the natural environment  
 NPPF 16 : Conserving and enhancing the historic environment
- 3.2 Joint Core Strategy (JCS)  
 Policy 1 : Addressing climate change and protecting environmental assets  
 Policy 2 : Promoting good design  
 Policy 3: Energy and water  
 Policy 4 : Housing delivery  
 Policy 6 : Access and Transportation  
 Policy 15 : Service Village
- 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

DM3.3 : Gypsy and Travellers sites

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

DM4.4 : Natural Environmental assets - designated and locally important open space

DM4.5 : Landscape Character Areas and River Valleys

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

3.5 Planning Policy for Traveller Sites (PPTS) 2015

3.6 Chief Planner's Letter 31 August 2015: Green Belt Protection and Intentional  
Unauthorised Development

#### 4. Consultations

##### 4.1 Parish Council's

Alpington with Yelverton Parish Council

Refuse:

- The site will create additional traffic onto the A146, which is 60mph (National speed limit) at the point of entry onto the carriageway. This is a busy and fast-moving road and has had a number of fatalities historically.
- The site is not allocated for the proposed use in the Local Plan and therefore would need to meet the tests of the NPPF.
- There are no facilities within walking distance and indeed there are no footpaths from this location, therefore vehicular travel is essential from this location for all shopping and services.
- The natural amenity and habitat has already been damaged by the pre-emptive site clearance and development of any kind should be avoided in such a rural location. The clearance of said trees along with the proposed hardstanding areas could increase the risk of flooding to neighbouring properties.
- This planning application has generated concerns with the adjacent residents who are intending to object on a variety of planning grounds. As the Parish Council we have a duty of care to our parishioners and to support their legitimate concerns.
- Whilst the application site is bounded by a high fence, we do not know the height of any vehicles being used for living in, that might be brought onto site and this could trigger an issue of overlooking into the adjacent dwellings. The property also looks close to the boundary fence which could negatively impact the residents on the adjoining land.
- Subject to further investigation and possibly a planning matter, we understand that the right of access over the private land to the application site is legally 2.7m (9 feet) wide, whereas the guidelines for a site of this proposed usage require a minimum 3m width.
- For this reason, together with the other comments above, the site should not be suitable for the proposed use.

Holverston Parish Council

Holverston is amongst the smallest civil parishes in England. It is entirely arable with only 10 households and a population of approximately 30. However apart from The Garage and The Bungalow and Oak Lodge the nearest properties to the site are 4 of

the 10 households in Holverston. It is estimated that they are only 200 metres or so from the site.

Refuse:

- The land is amenity land which has over a number of years been subject to several planning refusals for caravans, mobile homes and living accommodation. There was also an enforcement notice issued to uphold planning refusals. The site is not in the local plan.
- It is understood that the application is for a single family. However, the uploaded portal documents from the Housing Association states that the site "will effectively become a caravan site" for Romany Gypsies. Such a site would have a massive impact on a very small community in that it has the capacity to outnumber the local residents and would be completely out of character with the neighbourhood. There is no local infrastructure, no public land whatsoever, no footpaths at the side of the roads, no street lighting or shops and pubs. Any resident would have to leave by vehicle or risk walking on the unlit A146 with no footpaths to enable walking at the side of the road.
- The access to the site is off the unlit A146 where the speed limit is 60mph. At that area there is often deep standing water which crosses the entire road and causes traffic problems sudden tailbacks and danger. There have been a number of fatalities over the years. The access to the proposed site is restricted and crosses The Garage site where there are often vehicles parked and being moved about. It is quite possible that congestion on the site could easily lead to tailbacks onto the A146 with additional consequent danger. As local residents we have seen and attended a number of road accidents and fatalities.
- We are of the understanding that the allocation for traveller sites for South Norfolk has been met and therefore question whether such a site is needed at all.
- If the application is approved, it would set a dangerous precedent for losing amenity land to development.

Bramerton Parish Council

- No comments to make

#### 4.2 District Councillor

Cllr John Fuller

This application should be determined by Committee:

- This is an application outside the development boundary and with highways and access considerations that need to be balanced with the need to provide adequate suitable pitches for traveller families
- There has been considerable local interest in the proposals and the Committee is the best place to resolve these policy tensions

#### 4.3 NCC Highways

Object

- No highway safety objections are raised
- Given the site's location and lack of easy access to public transport or local services it is likely that residents will mainly be reliant on the use of motorised vehicles, contrary to the aims as suggested in the NPPF and also the Local Transport Plan for Norfolk, to make the fullest possible use of public transport, walking and cycling, in order to provide a sustainable development

#### 4.4 Health and Safety Executive

No objections

- HSE does not advise, on safety grounds, against the granting of planning permission in this case.

#### 4.5 Fisher German

- No comments to make as no apparatus situated within the vicinity of the proposed works

#### 4.6 National Grid

- No comments received

#### 4.7 SNC Water Management Officer

- No objections subject to conditions

#### 4.8 Gypsy Liaison Officer

- No comments received

#### 4.9 The Gypsy Council

- No comments received

#### 4.10 National Travellers Action Group

- No comments received

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

##### Original submission

- I request further information on the proposed use of the workshop building, as I have concerns that it has the potential to cause noise to nearby residential properties. Following confirmation that the store/workshop would be for domestic use, No objections subject to conditions.

#### 4.12 Housing Standards

- The proposed site if permission is granted will effectively become a caravan site. Therefore, to ensure safety and amenity standards the site will need a licence with attached conditions and detailed in the Caravans Sites (Control of Development) Act 1960

#### 4.13 Other Representations

##### 7 letters of objection:

- Detrimental impact on Ecology
- The whole area has been cleared of trees and hedges prior to this application resulting in loss of habitat for local wildlife and eco system
- The loss of foliage, hedges and trees is not only is this having a detrimental impact visually on a rural area, this goes directly against any Local Authority and National Government aims to lower the carbon footprint
- Completely out of character with the surrounding community of family homes and daytime business
- This type of development is totally out of character within the local area. The caravan park would be clearly visible making these types of dwelling completely out of character with anything else in the surrounding area

- This land was registered with MAFF (now Defra) as an agricultural holding and as such has a registered agricultural holding number
- The land to the west of this has been the subject of several failed planning applications and appeals for the siting of mobile homes, caravans and living accommodation over the years. The latest resulting in an enforcement
- The loss of visual amenity by the removal the removal of foliage and trees
- Overshadowing and loss of natural light
- The proposal new sleeping accommodation and buildings are proposed 3 meters from the site boundary and less than 5m from adjacent properties windows this would create overlooking, overshadowing, loss of light and loss of privacy
- Noise and disturbance from general activities
- There is no mention of equestrian use on this application which, should this happen, would raise concerns with overlooking and produce smell and noise issues
- Noise generated from proposed workshop buildings.
- Light pollution generated from the requirement of adequately lit roads as defined in "Model Standards 2008 for Caravan Sites in England Caravan Sites and Control of Development Act 1960"
- Heating via wood burner- detrimental effect they have on the environment
- It is thought to be the most worrying form of pollution for human health and 40% of outdoor particle pollution is caused by wood burners
- With the introduction of a large wood burner on this site, alight all day, possibly 24 hours, this gives major concerns for the health of all residents especially the elderly and young children and babies that live in surrounding properties
- Impact on ability to hang washing out and open windows
- Overdevelopment of the existing green field land
- The plot is accessed by an entrance off the busy A146, over three properties onto a single track. With this configuration of the entrance it will be extremely difficult to negotiate with a towed caravan
- Any congestion at the entrance would result in tailbacks on this dangerous road.
- The A146 is a very busy road and has been the subject of a number of accidents, notably on several occasions when vehicles have been turning into the garage forecourt
- Turning on or off the main road has always been a huge risk with the current traffic flow
- Personally, a member of our family has been hit by another vehicle when turning in to access our property
- Any increase in traffic would clearly increase the risk of further accidents.
- The housing standards for caravans (uploaded to the portal by the Housing Association) requires the following: New roads shall be constructed and laid of suitable bitumen macadem or concrete with a suitable compacted base. - access is via a shingle driveway; Vehicular access and all gateways to the site must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres. - access is via a 9ft driveway (2.74m); All roads shall have adequate surface water/storm drainage. - no drainage on access routes
- This site is isolated from amenities. Shops and doctor's surgery are five miles away and school three miles away with no connecting footpaths or bus routes.
- The plans make reference to foul water treatment plant's, but no details are provided for these
- The application also makes reference to surface water drainage discharging into a ditch but there is no ditch. We have concerns this may affect existing drainage systems in the area
- 3.3(1) a) Based on the information above the site would ultimately dominate the surrounding settled community.

- 3.3(1) d) The work undertaken on the site such clearing trees etc has already started to have a detrimental impact on the character and appearance of the landscape.
- 3.3(1) f) The site is totally isolated from local amenities such as schools, shops and other facilities to meet occupants' daily needs. The only access to such facilities will be by car via the A146. There is no footpath or cycleway access whatsoever.
- 3.3(1) h) As noted above the only route of access is directly off the unlit A146. This access is totally unsuitable for regular turning of caravan units given the speed of traffic and limited visibility at the site. At peak periods this would also add to the considerable congestion on that road.

1 letter of support

- This land is adjacent to my storage yard and as the application is for one small family it should have a low traffic impact. Regarding light pollution the security lights at the Yelverton Van Sales are on every night as a measure of background lighting
- The barrier at the entrance to Yelverton Van Sales is approximately 5 meters wide and been that way for 20 years minimum and is essential to the continued use and access to our storage yard.

## 5 Assessment

### **Key considerations**

- 5.1 The main issues to be considered are: the principle of development, location of the site, the need for traveller sites, the gypsy/traveller status of the applicant, accessibility of the site, highway safety, impact on the character and appearance of the area of the area, residential amenity, ecology and flood risk/drainage

### **Principle**

#### ***Need for and supply of Gypsy and Traveller sites locally***

- 5.2 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Policy for Traveller Sites document August 2015, Policy DM1.3 and paragraph 79 of the NPPF strictly control development within the open countryside unless there are exceptional circumstances.
- 5.3 The application has been assessed against Policy DM 3.3, which sets out criteria for the consideration of gypsy/traveller development both inside and outside of development boundaries. Also, consideration of the NPPF and the Planning Practice Guidance. Of particular relevance are paragraphs 60 and 61 of the NPPF. Paragraph 60 explains that to determine the number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. Paragraph 61 explains that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, with travellers being explicitly referenced.
- 5.4 Footnote 25 to NPPF paragraph 61 references the Government's Planning Policy for Traveller Sites (PPTS), which sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 in that document. Policy A of the PPTS outlines that in assembling an evidence base necessary to support their

- approach, local planning authorities should co-operate with relevant representative bodies and interest groups to prepare and maintain an up to date understanding of the likely accommodation needs of their areas (working collaboratively with neighbouring authorities) and use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.
- 5.5 Amongst other things and of relevance to this application, Policy B of the PPTS explains that local planning authorities should set pitch targets for gypsies and travellers who meet the definition in Annex 1 of that document and identify and update annually a supply of specific deliverable sites sufficient to supply five years' worth of sites against locally set targets and also identify a supply of specific, developable sites or broad locations for growth for years 6-10 and where possible years 11-15.
- 5.6 Elsewhere, the PPTS states that it is the Government's aim to ensure fair and equal treatment for travellers in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community (paragraph 12). It states that traveller sites should be sustainable economically, socially and environmentally (paragraph 13). It also states that local planning authorities should ensure that traveller sites in rural areas respect the scale of and do not dominate the nearest settled community and avoid placing an undue pressure on the local infrastructure.
- 5.7 In terms of planning policy at a local level, Policy 4 of the JCS identifies the requirements to provide permanent residential traveller pitches across the plan area and in South Norfolk the target for provision was set at 28 permanent pitches between 2006 and 2011 and 38 permanent pitches between 2012 and 2026. These figures were taken from the 2008 Single Issue Review which was undertaken as part of the now revoked East of England Plan. Policy 4 and the supporting text to it recognised that this Plan was about to be revoked and set out that new targets for permanent residential and transit pitches for the period after 2011 will be set based on local evidence.
- 5.8 Local level research has been undertaken since the adoption of the JCS and the most up to date evidence was published in October 2017 in the Norfolk Caravans and Houseboats Accommodation Needs Assessment (ANA) including for Gypsies, Travellers and Travelling Show People. This was jointly commissioned by the Broads Authority and the Councils of South Norfolk, Norwich, Broadland, Great Yarmouth and North Norfolk. This document was prepared as an evidence base for policy development in housing and planning and will be used as part of the evidence base for the forthcoming Greater Norwich Local Plan. The document has been considered, accepted and signed by the directors/leaders of each authority. A key element of the ANA was the stakeholder consultation that was undertaken with the gypsy and traveller community within Norfolk to understand their accommodation needs currently and, in the future, together with modelling of need based on current best practice issued by the Department for Communities and Local Government (now the Ministry of Housing, Communities and Local Government). In terms of the gypsy and traveller part of the assessment, it has taken account of the requirements set out in the PPTS in respect of the provision of a supply of adequate sites. The ANA advocates two different options for identifying suitable provision for the period 2017-2036; option 1 is for a supply 'based on households who have not ceased to travel permanently' and option 2 which is a supply 'based on those who only travel for work purposes'. The Councils have now determined that Option 1 is the more appropriate. This is confirmed in the recent Regulation 19 Pre-submission Publication version of the Greater Norwich Local Plan published on 1 February 2021.
- 5.9 There is a requirement to demonstrate a five-year supply of pitches for Gypsies and Travellers. Based upon the calculation of the five-year supply of deliverable sites for travellers it is concluded that the Greater Norwich authorities can demonstrate a 5-year supply of sites.

- 5.10 In respect of the weight that can be given to the ANA, in determining an appeal for a single traveller pitch in Weston Longville in the Broadland district (appeal ref. APP/K2610/W/17/3189064) in August 2018, the Planning Inspector acknowledged that the ANA has not been subject to independent scrutiny and will not be formally tested comprehensively other than as a background paper to the emerging GNLP, which will
- be examined in due course. With that in mind, he gave limited weight to the ANA at that time. However, despite his reservations, the Inspector also stated that it appeared to him that this is the best available published evidence on the five year need for gypsy and traveller sites. Equally, the ANA has been consulted on as part of GNLP evidence base, this is part of the testing process albeit not as conclusive as an examination
- 5.11 Although the current supply of pitches exceeds the identified need across the Greater Norwich Area, this does not preclude the ability of the Council to approve applications for new pitches in appropriate circumstances to ensure future need is met and the supply of pitches can be maintained. Policy DM1.3(2) of the SNLP permits development in the countryside outside of defined development boundaries for settlements where: (c) specific development management policies allow.
- 5.12 Policy DM3.3 of the SNLP refers to proposals for Gypsy and Traveller sites inside and outside of development boundaries and sets out the key considerations and requirements that proposals should be assessed against. These are listed below: -

#### Key considerations

- a) The scale of the site should not dominate the nearest settled community;
- b) The development should be well planned to provide open space and facilities for the needs of occupiers and to meet national design guidance and site management experience. The site should include the provision of satisfactory foul and surface drainage, water supply and utilities, and avoid boundary structures that give a deliberately isolating appearance to the site;
- c) Sites for mixed residential and business uses must be suitably designed with regard to the amenity of the occupants, the neighbouring community and protection of the local environment;
- d) The development should not have a significant adverse impact on heritage assets and their setting or the character and appearance of the landscape and should be sited and designed to integrate into the local landscape, with good screening by vegetation and / or landform;
- e) The site should not be allocated in the Local Plan for a non-residential purpose, and there is a preference for sites located on previously developed land or previously occupied agricultural yards and hard-standings;
- f) The site should not be so isolated from settlements that the occupiers cannot gain convenient access to schools and facilities to meet their daily needs;
- g) Consideration should be given as to where there is adequate capacity available in local infrastructure and services and potential measures to remedy any lack of capacity; and
- h) The proposed site should have suitable route(s) of access for the occupiers.

#### Requirements

In addition to the above key considerations, proposals will not be approved in circumstances where the proposed development is:

- i) Located in an area of Flood Zone 3 or on a site in Flood Zone 2 where an exception test concludes that development is not appropriate or
- j) On or nearby a site designated as an International, National or County-wide environmental asset, where those areas will be unacceptably harmed (see Policy DM 4.4 and DM 4.5) or
- k) On a site unsafe for continuous occupation because of:
- site contamination or
  - localised pollution levels or
  - unsafe site access or
  - other reasons of health and safety (see Policy DM 3.14); or
- l) Individually or cumulatively with other nearby approved or allocated Gypsy and Traveller site(s) is disproportionate with the size and density of the surrounding population or
- m) Will have serious adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the Policy DM 1.1 and the Local Plan as a whole.
- 5.13 For clarification, criteria c, e and k of this policy are of limited relevance to this proposal as a mixed use development is not being proposed, the site has not been allocated for non-residential purposes and there are no known contamination or pollution issues at the site.
- 5.14 Also, whilst the concerns raised are fully appreciated, it is considered that the provision of 1 traveller pitch will not dominate the settled community and would not be disproportionate with the size and density of the surrounding population. The application therefore does comply with this element of paragraph 25 of the PPTS and Policy DM3.3(a) and (l) of the SNLP.

***The Traveller status of the applicant and personal circumstances***

- 5.15 Annex 1 to the PPTS defines gypsies and travellers as:
- Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 5.16 The PPTS explains further that in determining whether persons are gypsies and travellers for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:
- a) whether they previously led a nomadic habit of life
  - b) the reasons for ceasing their nomadic habit of life
  - c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.
- 5.17 Information submitted in support of the application set out that the applicant is employed in the building industry undertaking construction related work. Some of the earlier dates are taken from a previous application in Keswick. It must be noted also that during 2020 due to Covid 19 restrictions imposed the applicant has not travelled far and any work was more locally based.



5.18 Work commitments are split between the local area and sites where there is a need to travel, which is summarised below:-

- February to March 2016 - working in County Mayo, Republic of Ireland.
- May, August and November 2017 - working in Leith, Edinburgh.
- June and July 2018 - roofing work in Bishop Auckland and Newcastle.
- 2019 - January, February and March - Work for Mr M Lawrence in County Mayo Ireland.
- 2019 - April and May - Work for Mr McCalbro in Leith Edinburgh.
- 2019 - July - Client in Cambridge.
- 2019 - July and August - Work in Essex for T A McDodd.
- 2019 - November and December - Clients in Kent including Canterbury

5.19 A supporting statement has been submitted on behalf of the applicant which provides the following statements:

- *This application is for a small family residential Romany Gypsy site, to provide a home for Mr McAllister and his four children. Having lived in the local area since the age of 5, Mr McAllister has strong community here, and plays a full part in community life. He runs the local boxing club and plays for local football teams.*
- *Mr McAllister previously lived with his family at a Traveller Site at Harford Park but following the breakdown of his marriage some years ago, he became homeless. He now lives with his eldest son on a permanent basis, and his eldest daughter from time to time; moving from place to place and relying on visits to friends and family for access to basic amenities such as washing and laundry facilities and mail.*
- *Mr McAllister maintains a very active role in the upbringing of his younger children, and close family ties with his mother and sister nearby, both of whom require his help to attend doctors and other medical appointments, and to shop for groceries and household necessities. His youngest daughter, aged 7, has significant health issues, which require frequent hospital visits and extra parental support, and his youngest son, aged 12, is home schooled.*
- *Mr McAllister is unable to provide the facilities and living conditions that his two younger children require without a secure and fully serviced site. As such, they are unable to spend quality time or stay overnight with their father, and his ability to participate fully in their upbringing is severely compromised by his homeless status. This has put significant pressure on the applicant's home and family life.*

5.20 At present, the applicant is of no fixed abode. He previously lived with his family at the Harford Park traveller site but following a change in personal circumstances, he no longer lives there.

5.21 Regard should also be given to the best interests of the children in the determination of the application. Due regard has been given to the applicant's children being able to spend quality time; stay overnight; and that he may help with their education and maintain an active role in their upbringing. The applicant's children are a primary consideration but since they already reside on a permanent site with their mother, their education; social development; access to medical and health services etc. may not be affected to a significant degree by the outcome of the application. However, these factors add weight in favour of the proposal, but do not outweigh the significant detrimental impact caused by the proposal as set out in this report.

- 5.22 In having regard to the information submitted on behalf of the applicant, officers consider that the applicant has demonstrated an intention to lead a nomadic habit of life and meets the definition of a traveller set out in Annex 1 of the PPTS.

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

- 5.23 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of and do not dominate the nearest settled community and avoid placing an undue pressure on the local infrastructure.
- 5.24 Whilst Yelverton (including part in Alington) has been defined as a Service Village by the JCS, this part of the village is detached from the main settlement, well outside development boundaries, is remote from the local services and is not considered a sustainable location.
- 5.25 The nearest location with local facilities including High School or Medical facilities being in Poringland. The Primary school at Alington being a distance of 3.km from this location with the Primary school at Rocklands being just over 3km. The site is therefore not within an achievable walking or cycling distance of the main services and facilities available within the nearby by villages. In that sense, it can be described as not being in an accessible location that does not comply with Policies 1 and 6 of the JCS and Policies DM3.3(f) and DM3.10 of the SNLP.

### **Highways**

- 5.26 Policy DM3.11 of the South Norfolk Local Plan states that planning permission will not be granted for development which would endanger highway safety or the satisfactory functioning of the highway network.
- 5.27 The site is situated to the south of the A146 Norwich to Lowestoft road. In terms of vehicular movement, the means of access to this site is across the frontage of and via the entrances to Yelverton Garage. In terms of traffic generation, the proposal in itself will involve some increased movements onto and from the A146 at a location well outside development boundaries and in a 60 limit. However, in terms of the overall increased use of the entrances and relative to the existing site traffic from the Yelverton Garage, workshops and dwellings, it will probably be quite small. On this basis NCC Highways do not raise an objection on highway safety grounds.
- 5.28 Whilst the concerns of the Parish councils and local residents regarding the existing highway issues; highway safety; and the nature of the existing road network, etc. as set above, I do not consider the application should be refused on the grounds raised, particularly in the absence of an objection from NCC Highways, and in having due regard to paragraph 109 of the NPPF which states development should only be prevented or refused on highway grounds if there would be an unacceptable impact or the residual cumulative impacts on the road network would be severe.
- 5.29 In view of the above, the proposal in terms of highways safety, therefore, accords with Policy DM3.11 and DM3.12 of the Development Management Policies document.

### **Sustainability of location**

- 5.30 The Highway officer has however, recommended refusal of the application on accessibility grounds. Advice in the National Planning Policy Framework (NPPF) supports the need for safe and sustainable access for all people. It also encourages the

importance of being able to make everyday journeys without reliance on a motor car. It is reasonable to assume that the residents of the proposed mobile home will need access to services such as shops, facilities and employment on a daily basis. Owing to the lack of immediate access to local services or the public transport infrastructure, it is considered that the site performs poorly in terms of transport sustainability.

- 5.31 Although on a bus route along the A146, there is no stop at this location. The nearest formal stop being at Hellington Corner. Although there is a network of Public Rights of way in this vicinity, there are no formal footways for pedestrian benefit within the vicinity of the site. Given the site's location and lack of easy access to public transport or local services it is likely that residents will mainly be reliant on the use of motorised vehicles. Contrary to the aims as suggested in the NPPF and also the Local Transport Plan for Norfolk, to make the fullest possible use of public transport, walking and cycling. in order to provide a sustainable development. Equally, as set out above, in 'Accessibility of the Site', the site is not in an accessible location and does not comply with DM3.3 (f) of the SNLP.

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

- 5.32 Policy DM4.5 requires all development to respect, conserve and where possible, enhance the landscape character surrounding the development.
- 5.33 The site falls mostly within the B5 - Chet Tributary Farmland (with the northern most part adjacent to the A143 within B3 - Rockland Tributary Farmland) described in the South Norfolk Place Making Guide as being dispersed settlement across the character area but where it does occur is generally quite compact, often clustered around greens of 12<sup>th</sup> to 13<sup>th</sup> century origin; and flat to gentle undulating landscape. The published landscape character appraisal (LCA) notes that the key characteristics of the landscape include: *A peaceful and rural landscape;* and *Presence of the A146 - Otherwise a network of winding rural roads and lanes dissect this very rural area.* The most pertinent of the published Development Considerations is: *conserve the essentially rural, peaceful character with settlements primarily relating to the tributary valleys; and conserve and enhance the rural setting of the A146 and avoid linear development associated with the road corridor that would impinge on the rural setting.*
- 5.34 Whilst the site is located to the east of an existing grouping of dwellings and commercial garages, it is considered that the introduction of the proposed development of a mobile home, a day room, a store/workshop together with vehicles and domestic items, will consolidate the development and further erode the open landscape character of the area which has very few buildings and structures within it.
- 5.35 In view of the above, the proposal would be out of keeping with the open nature of the surrounding area and would be significantly harmful to its immediate setting, form and character of the area and would also be demonstrably harmful to the defining characteristics of this part of South Norfolk. The proposal therefore does not satisfy Policy 2 of the JCS, DM3.3 and DM4.5 of the SNLP.

### **Ecology**

- 5.36 Policy 1 of the JCS requires the development to both have regard to and protect the biodiversity and ecological interests of the site and contribute to providing a multi-functional green infrastructure network. Policy DM4.4 looks for new development sites to safeguard the ecological interests of the site and to contribute to ecological and Biodiversity enhancements.
- 5.37 No ecological surveys have been submitted in support of the proposed development however, given that the site has already been cleared; and its location adjacent to A146, it is considered unreasonable to request that surveys are now carried out. However, if the application was considered acceptable, an appropriate condition would

be imposed for the provision of ecological and biodiversity enhancements. As such the proposal accords with DM4.4 of the Development Management Policies document and Section 15 of the NPPF.

### **Impact on Residential Amenity**

- 5.38 Policy DM3.13 directs that development should not be approved if it would have a significant adverse impact on nearby residents' amenities or the amenities of new occupiers.
- 5.39 In respect of the impact on the residential amenities, the site is located to the east of an existing residential property and the Yelverton Vans. Concerns have been set out above regarding the loss of light/overshadowing of this residential property. It is considered however, that due to the orientation, the fence boundary and the distance of the mobile home, that whilst there may be overshadowing in the morning from the mobile home together with the fencing, that this would not be a such a significant level as to warrant refusal on the grounds raised
- 5.40 Whilst the concerns raised by local residents as set out above, in respect of the impact of the proposal in respect of noise and disturbance, overlooking, loss of light, loss of privacy, light pollution, odour/smoke and overbearing impact for example are fully appreciated, given that the proposed development is single storey, their siting, together with the existing boundary treatments, it is not considered that the proposal would give rise to a loss of privacy to the existing dwellings nor does it create an overbearing impact. It is also considered that the overall layout, density and siting of the development is acceptable, in amenity terms.
- 5.41 The application documents advise that the store/workshop will be used to provide a secure store for the applicants van together with tools and equipment used in connection with its work, however the CIL form indicates that it is non-residential. The Environmental Health officer has asked for clarification of the use. The agent has confirmed that the store is purely for domestic use, and therefore it is not considered that the proposal would give rise to a situation detrimental to the amenities of the nearby residential properties and its use can be controlled by a condition.
- 5.42 Whilst it is accepted that it is inevitably the case that there will be a change to the situation presently enjoyed by the existing dwellings, as set out above and with the imposition of the conditions, it was not considered that the proposed development would result in any significant harm to residential amenities and therefore accorded with DM3.13 of the Development Management Policies document.

### **Drainage**

- 5.43 Policy 1 of JCS and Policy DM4.2 require development to minimise the possibilities of flooding and pollution.
- 5.44 The site is in flood zone 1 with a low risk of flooding from rivers and the sea and is not identified as being at risk from surface water flooding.

### **Foul Drainage**

- 5.45 It is noted from the Anglian Water asset maps that currently there is no foul sewer available near this location. The method of non-mains disposal should be the most appropriate to minimise the risk to the water environment. The application form advises that foul drainage will discharge to a package sewage treatment plant. No objections are raised to this approach subject to the imposition of an appropriate condition.

- 5.46 The application form advises that surface water arising from the proposed development will discharge to soakaways / a watercourse. Consideration should be given to soakaways as the first option, with attenuated discharge to a watercourse only

considered if it is demonstrated that infiltration drainage is not viable. This can however be dealt with via an appropriate condition, should consent be granted to the proposal.

- 5.47 In view of the above with suitable compliance conditions being to any planning consent, it is considered that the development accords with Policy 1 of the JCS and Policy DM4.2 of the SNLP.

**Other matters**

- 5.48 The Chief Planner's letter of 31 August 2015 set out the Government's concern about the harm that is caused where the development of land has been undertaken in advance of planning permission being obtained and that in such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. This is termed as intentional unauthorised development and the Chief Planner's letter introduces this as a material consideration. In this case, the applicant whilst erecting fencing on the site (which does not require planning permission), has not occupied the site. Therefore, whilst I appreciate the concerns raised by local residents, the above is not a consideration in the determination of this application.

- 5.49 There have been a number of objections to the proposal which raise a number of issues as well as those which form the reason for refusal of the application. The other issues raised, whilst fully appreciated, would not represent planning reasons to refuse the application.

- 5.50 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.

- 5.51 The buildings are liable for the Community Infrastructure Levy.

- 5.52 Due regard has been had in the assessment of this application to the Public Sector Equality Duty under section 149 of the Equality Act 2010, which requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Officers have also considered the best interests of the applicant's children as a primary consideration.

- 5.53 Regard has also been given to the protected rights under the Human Rights Act including Article 1, Protocol 1, which gives every person the right to peaceful enjoyment of their property; and Article 8, which provides a right to respect for family and private life. However, these rights are qualified rights and need to be balanced with other factors in the public interest. In this case, as set out above, it is considered that for members of the settled community, those rights will not be interfered with if this development is permitted. For the applicant, equally as he has not occupied the site, the refusal of the application would not result in the loss of his or his children's home and therefore their rights will not be interfered.

COVID as a material planning consideration

- 5.54 The need to support the economy as part of the recovery from the COVID-19 pandemic is a material consideration. This application will likely provide employment during the

construction phase of the project. This weighs in favour of the proposal but does not outweigh the harms identified.

## Conclusion

- 5.55 In conclusion the site is outside the development boundary in a rural location and the Greater Norwich Area can demonstrate a 5-year supply of traveller site. The proposal will result in harm to the character and appearance and has poor connectivity to services and facilities. There are no material considerations of sufficient enough weight to warrant granting planning permission for the traveller pitch in an unsustainable location and the application is therefore refused as it is contrary to Policy 1, 2, 6 of the JCS; Policies DM3.3, DM3.8, DM3.10 and DM4.5 of the SNLP; National Planning policy Framework and Planning Policy for Traveller Sites.
- 5.56 Even if the Council was unable to demonstrate a supply of traveller, the perceived benefits are not considered to be overriding in terms of the economic, social and environment dimensions and do not overcome the harm identified.

Recommendation : Refusal

- 1 Unsustainable Location
- 2 Detrimental to the character of the area

### Reasons for Refusal

- 1 The proposal is located in the open countryside, outside a defined development boundary and is remote from local services, as such the location is not sustainable, in conflict with the aims of sustainable development; the need to minimise travel; the ability to encourage walking, cycling, use of public transport and reduce the reliance on the private car. The development therefore is contrary to Policy 1 and Policy 6 of the Joint Core Strategy, policies DM3.3 (f), DM3.10 of the South Norfolk Local Plan, Policy 5 of Norfolk's 3rd Local Transport Plan, entitled Connecting Norfolk; and the Planning Policy for Traveller Sites 2015.
- 2 It is considered that the introduction of the proposed development of a mobile home, a dayroom, a store/workshop together with vehicles and domestic items, will consolidate the existing development and further erode the open landscape character of the area, which has very few buildings and structures within it. In view of the above, the proposal would be out of keeping with the open nature of the surrounding area and would be significantly harmful to its immediate setting, form and character of the area and would also be demonstrably harmful to the defining characteristics of this part of South Norfolk. The proposal therefore does not satisfy Policy 2 of the JCS, DM3.3 and DM4.5 of the SNLP, together with Section 12 of the NPPF and the design principle 3.4.1 of the South Norfolk Place-Making Guide.

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**Planning Appeals****Item: 7****Appeals received from 2 February 2021 to 26 February 2021**

<b>Ref</b>	<b>Parish / Site</b>	<b>Appellant</b>	<b>Proposal</b>	<b>Decision Maker</b>	<b>Final Decision</b>
2019/0184	Wymondham Land North of Carpenters Barn Norwich Common Wymondham Norfolk	United Business and Leisure (Properties) Ltd	Outline application for the erection of up to 150 residential dwellings including Affordable Housing, with the provision of new vehicular, pedestrian and cycle access from Norwich Common, incorporating open spaces, sustainable urban drainage systems, associated landscaping, infrastructure and earthworks	Development Management Committee	Refusal
2019/2566	Brooke Storage Land Welbeck Brooke Norfolk	Mr Rix Tobin and Plume	Erection of 3 dwellings for self-build purposes	Development Management Committee	Refusal
2020/1675	Wacton 31 Church Road Wacton NR15 2UG	Mr Chris Hemstock	Two storey extension over existing garage (making 3 storeys in total) connecting to rear of existing house and change of use from dwelling to mixed use (dwelling and martial arts studio)	Delegated	Refusal

## Planning Appeals

Appeals decisions from 2 February 2021 to 26 February 2021

Ref	Parish / Site	Appellant	Proposal	Decision Maker	Final Decision	Appeal Decision
2019/1708	Hethersett 18 Great Melton Road Hethersett Norfolk NR9 3AB	Mrs Patricia Hawkins	Pine tree - fell	Delegated	Refusal	Appeal dismissed
2020/0137	Hethersett Land South East of Norwich Road Hethersett Norfolk	Mr Ivan Brown	Erection of self-build dwelling	Delegated	Refusal	Appeal dismissed
2020/0556	Needham Holly Barn High Road Needham Norfolk IP20 9LG	Mrs Ann Marriott	Erection of first floor shower room	Delegated	Refusal	Appeal Allowed
2019/2522	Wicklewood Land West of Milestone Lane Wicklewood Norfolk	Mr D Coldham	Erection of two single storey self-build dwellings and associated access	Development Management Committee	Refusal	Appeal dismissed
2020/0889	Colney Land West of The Old Hall Watton Road Colney Norfolk	Mr Nigel Willgrass	Erection of dwelling	Development Management Committee	Refusal	Appeal dismissed



## Planning Appeals

### Appeals decisions from 2 February 2021 to 26 February 2021

2020/0445	Carleton Rode Venture Farm Folly Lane Carleton Rode NR16 1NJ	Mr P Gilchrist	Proposed change of use of former stable/workshop building to holiday let unit.	Delegated	Refusal	Appeal Allowed
2020/0677	Long Stratton February Cottage Norwich Road Long Stratton Norfolk NR15 2PG	Mr Benjamin Phillips	Variation of condition 2 of planning permission 2016/1823 - Alter design of the rear windows and doors.	Delegated	Refusal	Appeal Allowed
2019/2542	Poringland Land to the East of Rectory Lane Poringland Norfolk	Mr H R Garden	Proposed dwelling and garage with access	Delegated	Refusal	Appeal dismissed
2020/0919	Cringleford Land South of Meadow Farm Drive Cringleford Norfolk	Mr Ben Kemp	Erection of 1no. dwelling with access and layout. All other matters reserved.	Development Management Committee	Refusal	Appeal dismissed
2020/0734	Rushall Land West of Rushall Lodge Harleston Road Rushall Norfolk	Mr Jackson	Erection of 1 no. dwelling	Delegated	Refusal	Appeal dismissed

**Planning Appeals****Appeals decisions from 2 February 2021 to 26 February 2021**

2020/1652	Sisland Outbuildings adj to the Cottage St Johns Lane Sisland Norfolk	Mr & Mrs A Bond	Proposed replacement dwelling and detached garage	Delegated	Refusal	Appeal dismissed
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